



# **MINUTES OF THE COUNCIL MEETING**

**HELD ON**

**MONDAY, 2 JULY 2012**

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RELEASED TO THE PUBLIC ON FRIDAY 6 JULY 2012

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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 2 JULY 2012**

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**THE MEETING OPENED AT 6.32PM**

## **1. PRESENT**

### ***Councillors***

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

### ***Council Officers***

Rasiah Dev – Chief Executive  
Michael Ballock – Director City Works and Development  
Libby Hynes – Acting Director City Design and Environment  
Daniel Freer – Acting Director Corporate and Business Services  
Fred Warner – Group Manager People and Performance  
Katrina Knox – Group Manager Community Services  
Jacinta Stevens – Acting Manager Corporate Governance  
Tiffany White – Manager Communications and Advocacy  
Tim Brown – Governance Adviser  
Ron Downes – Council Business Coordinator  
Katia Croce – Council Business Officer

## **2. APOLOGIES**

An apology was lodged for the absence of the Deputy Mayor, Cr. Diana Asmar.

## **3. DISCLOSURES OF CONFLICTS OF INTEREST**

Nil. Cr. McCarthy made reference to his conflict of interest disclosed at Council's previous meeting on 18 June 2012 (Minute No. 291) in relation to two (2) capital works projects contained in the 2012/2013 Council Budget.

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

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

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

**THAT** the Minutes of the Ordinary Meeting of Council held on 18 June 2012 be confirmed as a correct record of business transacted.

**CARRIED**

## 5. REPORTS BY MAYOR AND COUNCILLORS

MINUTE NO. 310

### 5.1 REPORT OF CR. GAETANO GRECO

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

- Active and Healthy Ageing Board meeting as Chair.
- Darebin Ethnic Communities Council Housing Forum.
- Apprenticeships Plus Board meeting.
- Inner Northern Group Training Board meeting.
- Municipal Association of Victoria Multicultural Advisory Committee meeting as Chair.
- Refugee Forum at Darebin Intercultural Centre.
- Council Briefing Session.
- NAIDOC Flag Raising Ceremony.
- On site visits including Keon Park – rubbish dumping and Asquith Street – parking signs.
- Resident concerns including planning, overhanging trees.

### 5.2 REPORT OF CR. STANLEY CHIANG

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

- DAREBINhealth (Municipal Public Health and Wellbeing Plan) Steering Committee meeting as Chair.
- Wu Han Association Duan Wu Festival.
- Hong Kong tea making contest.
- East Timor Chinese students VCE results awards function.
- Council Briefing Session.
- Planning Committee meeting.
- Various resident issues.

### 5.3 REPORT OF CR. TIM LAURENCE

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

- Council Briefing Session.
- South Asian Community Forum chaired by the Hon Kate Lundy, Minister for Multicultural Affairs at Hobsons Bay City Council.
- Darebin Bicycle Advisory Committee meeting (first meeting).

- Consultation with residents in Summerhill Road Reservoir regarding the 830 Plenty Road Reservoir planning permit application.
- Various resident and trader queries.
- Community Grants Committee meeting 26 June 2012 (adjourned due to no quorum).

#### **5.4 REPORT OF CR. TRENT MCCARTHY**

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

- Darebin Bicycle Advisory Committee meeting (first meeting).
- Darebin Environmental Reference Group meeting.
- Public Consultation meeting regarding 231 St Georges Road Thornbury.
- Fundraiser for Asylum Seeker Resource Centre
- Interview on 774 ABC radio regarding planning matters.
- Various enquiries from residents and traders including Bundoora Park, rates, rubbish collection, planning, Merri Creek Management Committee, Darebin Creek Management Committee, cycling, Alphington North and Summerhill Road.

Cr McCarthy presented Council with an historic Northcote Preston Churches Cricket Association Premiership Shield dating back to the 1920s given to him by representatives from the Croxton Uniting Church.

#### **5.5 REPORT OF CR. BEN MORGAN**

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

- Council Briefing Session.
- Planning Committee meeting.
- Planning matters with residents including 830 Plenty Road Reservoir planning permit application.
- Parking matters.
- Usual constituent issues.

#### **5.6 REPORT OF CR. VINCE FONTANA**

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

- Northcote Cricket Club Annual General Meeting.
- President's Lunch - Northern Blues vs Geelong.
- Council Briefing Session - 25 June 2012.
- Community Grants Committee meeting 26 June 2012 (adjourned due to no quorum).
- Met with residents of McNamara Street, West Preston.
- Met with traders from Gilbert Road/Miller Street, West Preston.
- Discussions with residents in relation to Plenty Road.

**5.7 REPORT OF CR. NICK KATSIS**

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

- Attended to constituent concerns regarding planning and other matters via phone and email.

**5.8 REPORT OF THE MAYOR, CR. STEVEN TSITAS**

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

- Council Meeting.
- Council Briefing Session.
- Planning Committee meeting.
- Unlocking Darebin's Potential Future Forum.
- Youth Business Development Forum.
- Australian Local Governance Association Conference.
- Somali Independence Day.
- NAIDOC celebrations.
- Rotary Club Preston President 'change-over' Dinner.
- Strategic Projects Committee meetings.
- Pankoaki Brotherhood Dinner with Cr. Katsis.



## 6. PUBLIC QUESTION TIME

### MINUTE NO. 311

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

The following questions were submitted:

- M. Ognenis of Reservoir asked a two-part question about Report No. 8.10 on tonight's Council Agenda Paper regarding proposed construction of the right of way between Nugent and Phelan Streets Preston, and his previous question raised during 'Public Question Time' on 7 May 2012 regarding replacement of local landmarks. The two-part question was responded to by the Mayor, Cr. Tsitas and the Acting Director Corporate and Business Services, Daniel Freer.
- Georgie Kimmel of Preston asked a question about preservation of appropriate heritage houses in Preston built in the 1920s-1940s. The question was responded to by the Mayor, Cr. Tsitas.
- Jeremy Graham of Preston asked a question in relation to Report No. 8.2 on tonight's Council Agenda Paper (Application for Planning Permit D/173/2011 – 1091 Plenty Road Bundoora) and Council's position in the event of the planning permit application proceeding to VCAT. The question was responded to by the Mayor, Cr. Tsitas.
- Mark Tregonnin of Preston asked a question about payment of rates. The question was responded to by the Mayor, Cr. Tsitas.
- Linda Bradburn of Preston asked a question about Council membership with Northern Alliance for Greenhouse Action. The question was responded to by the Mayor, Cr. Tsitas.
- Sandra Neri of Bundoora asked a question about a recent VCAT practice hearing understood to have been held in relation to the planning permit application involving 1091 Plenty Road Bundoora. The question was responded to by the Director City Works and Development, Michael Ballock.
- Josh Fergeus of Fairfield asked a question about the proposed 2012/2013 Council Budget. The question was responded to by the Mayor, Cr. Tsitas.
- Ted Sanders of Bundoora asked a question about Report No. 8.2 on tonight's Council Agenda (Application for Planning Permit D/173/2011 – 1091 Plenty Road Bundoora). The question was responded to by the Mayor, Cr. Tsitas.
- Fiorinda Koch of Reservoir asked a question about the possible development of a Structure Plan for the Summerhill Village Shopping Centre, Reservoir. The question was responded to by the Mayor, Cr. Tsitas.
- Benito Tatasciore of Bundoora asked a question about the progress of several particular building developments in Prospect Hill Drive Bundoora. The question was responded to by the Mayor, Cr. Tsitas.
- Sandra Neri of Bundoora asked a question about the progress of several particular building developments in Prospect Hill Drive Bundoora. The question was responded to by the Mayor, Cr. Tsitas.

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

## 7. RECORDS OF ASSEMBLIES OF COUNCILLORS

### 7.1 ASSEMBLIES OF COUNCILLORS HELD

#### MINUTE NO. 312

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

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

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

An Assembly of Councillors record was kept for:

- Darebin Public Education Advocacy Committee meeting – 18 June 2012
- Darebin Bicycle Advisory Committee Meeting – 20 June 2012
- Councillor Briefing Session – 25 June 2012

#### RECOMMENDATION

**THAT** the record of the Assembly of Councillors held on 18, 20 and 25 June 2012 be noted and incorporated in the minutes of this meeting.

#### COUNCIL RESOLUTION

**MOVED:** Cr. T. McCarthy

**SECONDED:** Cr. N. Katsis

**THAT** the record of the Assembly of Councillors held on 25 June 2012 in relation to the Councillor Briefing Session on 25 June 2012 be amended to record Cr Asmar and Katsis as 'Apologies', and that the records of the Assembly of Councillors held on 18, 20 and 25 June 2012, as amended, be noted and incorporated in the minutes of this meeting.

**CARRIED**



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<p><b>Title:</b> Darebin Public Education Advocacy Committee (DPEAC)</p> <p><b>Date:</b> Monday 18 June 2012</p> <p><b>Location:</b> Conference Room, Darebin Civic Centre</p>
<b>PRESENT:</b>	<p><b>Councillors:</b> Cr. Gaetano Greco, Cr. Tim Laurence</p> <p><b>Council Staff:</b> Dalal Smiley, Wendy Dinning, Cheryl Hermence, Fred Warner, Shanaka Perera</p> <p><b>Other:</b> Representatives from La Trobe University, Swinburne University, High School For Coburg Group, Preston Girls Secondary College and Community Members</p>
<b>APOLOGIES:</b>	Cr. Vince Fontana

The Assembly commenced at 4pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Review of previous minutes (at the end of this Agenda)	No disclosures were made
2	New Folders	No disclosures were made
3	Letter to Premier and other ministers re: Council resolution on asking proceeds of land sale to be given to William Ruthven	No disclosures were made
4	New resolution on TAFE colleges that authorises the Public Education Advocacy Committee to develop an appropriate advocacy strategy and to implement such advocacy on behalf of Council that is in accord with the intent of this resolution. Also - letter sent to Premier and other	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
	ministers and ad in paper	
5	INLLEN The Darebin Under-16 Project	No disclosures were made
6	DPEAC work plan	No disclosures were made
7	Other Business	No disclosures were made

The Assembly concluded at 5.45pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Shanaka Perera
	<b>Officer Title:</b>	Research Officer



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b> Darebin Bicycle Advisory Committee  <b>Date:</b> Wednesday 20 June 2012  <b>Location:</b> Conference Room, Darebin Civic Centre
<b>PRESENT:</b>	<b>Councillors:</b> Cr Trent McCarthy (Chair), Cr Tim Laurence  <b>Council Staff:</b> Ben Grounds, Che Sutherland, Gael Reid  <b>Other:</b> Representatives of Plenty Cycles, Darebin Bicycle User Group, Preston Cycling Club, members of the public
<b>APOLOGIES:</b>	Police representative

The Assembly commenced at 6.30pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
<b>1</b>	Purpose, context and terms of reference of DBAC	No disclosures were made'
<b>2</b>	Draft Darebin Cycling Strategy process to date	No disclosures were made
<b>3</b>	Draft Darebin Cycling Strategy discussion and feedback from committee	No disclosures were made  Cr Laurence entered the Assembly during consideration of this matter.  Cr McCarthy left the Assembly during consideration of this matter.

The Assembly concluded at 8.35pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Che Sutherland
	<b>Officer Title:</b>	Team Leader, Transport Strategy



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>  <b>Date:</b>  <b>Location:</b>	Councillor Briefing Session  Monday 25 June 2012  Conference Room, Darebin Civic Centre
<b>PRESENT:</b>	<b>Councillors:</b>  <b>Council Staff:</b>  <b>Other:</b>	Cr Steven Tsitas (Mayor), Cr Vince Fontana, Cr. Stanley Chiang, Cr Tim Laurence, Cr Ben Morgan; Cr Gaetano Greco, Cr Trent McCarthy  Rasiah Dev, Fred Warner, Katrina Knox, Daniel Freer, Michael Ballock, Grant Thorne, Wendy Dinning, Eddy Boscarol, Chris Meulblok  John Norton, Terry Cuddy
<b>APOLOGIES:</b>		Cr Diana Asmar; Cr Nick Katsis

The Assembly commenced at 7pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Darebin Digital Strategy	No disclosures were made
2	Affordable Housing	No disclosures were made
3	Declaration of Special Charge Scheme for Right of Way at rear of Nugent Street and Phelan Street Preston	No disclosures were made
4	Merri Parade Northcote	No disclosures were made
5	VicRoads Arterial Road Review	No disclosures were made
6	Proposed 2012/2013 Council Budget	No disclosures were made
7	Darebin Economic Land Use Strategy	No disclosures were made

The Assembly concluded at

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Michael Ballock
	<b>Officer Title:</b>	Director City Works and Development



## 8. CONSIDERATION OF REPORTS

### 8.1 PARKRISE AUSTRALIA PTY LTD

MINUTE NO. 313

**AUTHOR:** Acting Manager Corporate Governance

**REVIEWED BY:** Acting Director Corporate and Business Services

#### SUMMARY:

At the Council Meeting on 18 June 2012, it was requested through 'General Business' that Council officers report back to Council with a company search on ParkRise Australia Pty Ltd (**ParkRise**).

Council resolved that a full legal company search naming the directors, trustees and partners of ParkRise be identified to ensure any potential or perceived conflicts of interest could be declared prior to consideration of the planning permit application at 1091 Plenty Road Bundoora.

#### CONSULTATION:

Acting Director Corporate and Business Services.

### COUNCIL RESOLUTION

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

**THAT** the company extract involving ParkRise Australia Pty Ltd attached as **Appendix A** to this report be received and noted.

**CARRIED**

### REPORT

#### INTRODUCTION AND BACKGROUND

ParkRise, through Darebin's Planning Department, applied for a planning permit for the construction of five (5) buildings, a combination of seven (7) and ten (10) storeys in height with 474 dwellings and 11 shops.

A full legal company search was undertaken through the Australian Securities and Investment Commission (ASIC).

## ISSUES AND DISCUSSION

The ParkRise extract (see **Appendix A**) provides details on the following:

- Directors;
- Secretary;
- Share structure;
- Members; and
- Former members.

## POLICY IMPLICATIONS

### Environmental Sustainability

Not applicable.

### Social Inclusion and Diversity

Not applicable.

### Other

Not applicable.

## FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

## CONCLUSION

That the ASIC extract undertaken for ParkRise Australia Pty Ltd be received and noted.

## FUTURE ACTIONS

Nil

## DISCLOSURE OF INTERESTS

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

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

**RELATED DOCUMENTS**

18 June 2012 Council Meeting Minutes, Minute No. 302

**8.2 APPLICATION FOR PLANNING PERMIT D173/2011 – 1091  
PLENTY ROAD BUNDOORA****MINUTE NO. 314****AUTHOR: Principal Planner – Robert Shatford****REVIEWED BY: Director City Works and Development – Michael Ballock****SUMMARY:**

- The proposal seeks approval for the development and use of the land for:
  - The construction of five (5) buildings, ranging between seven (7) and ten (10) storeys in height (plus a maximum of two (2) basement levels of car parking per building), consisting of 474 dwellings;
  - 11 food and drink premises;
  - A reduction in the car parking requirement associated with the dwellings (89 spaces);
  - A reduction in the loading and unloading requirements associated with the food and drink premises;
  - Removal of a Water Supply and Sewerage easement; and
  - Removal of native vegetation.

**CONSULTATION:**

- Notification of the original application took place in the form of 110 letters to nearby owners and occupiers and the posting of three (3) notice boards on-site.
- Additional notice consisting of 7,902 letters were posted to property owners further afield consistent with the Council's resolution of 21 May 2012.
- A total of 604 objections were received, the details of which are included in the appended report – see **Appendix A**.
- The application was referred to the following departments of Council and external authorities:
  - Planning Arborist;
  - Property Unit;
  - Works Unit;
  - Transport Management Unit;
  - Capital Works Unit;
  - VicRoads;
  - Department of Sustainability and Environment; and
  - Department of Transport.

- Council officers also sought independent advice from an urban designer and sustainable development consultant.

### RECOMMENDATION

**THAT** Planning Permit Application D/173/2011 be refused on the following grounds:

1. The design response does not achieve the objectives of Clause 12.01, Clause 21.05-7 and Clause 52.17 in that:
  - a) It does not meet the native vegetation management framework of avoid or minimise vegetation removal, specifically:
    - i. It does not protect significant vegetation from inappropriate encroachment into the canopy and root zone of the trees.
2. The design response does not satisfy Clause 15.01, Clause 21.05-3, Clause 22.03 and Clause 22.10 in that:
  - a) The design does not properly consider and respond to its urban context including the hierarchy of the Lancaster Gate activity centre. In particular:
    - i. Building siting;
    - ii. Building orientation;
    - iii. Building mass;
    - iv. Building height;
    - v. Visual permeability through site; and
    - vi. Internal amenity.
3. The design response remains unresolved in its ability to address Clause 15.02 and Clause 21.05-1 in that:
  - a) The buildings are poorly orientated to maximise solar access; and
  - b) Floor plans necessitate a heavy reliance on borrowed light to habitable rooms.
4. The design response fails to comply with Clause 22.10 which draws specifically upon Clause 55.04-5, Clause 55.04-6, Clause 55.04-7 and Clause 55.05-4, specifically in that:
  - a) Building 2 casts the secluded open space of dwelling 12, 1087 Plenty Road in shadow reducing further, an already limited 25m<sup>2</sup> of solar access to the respective secluded open space;
  - b) Building 2, dwellings 2.G.5 and 2.1.5 overlook the secluded open space and habitable room windows of dwelling 12, 1087 Plenty Road;
  - c) Overlooking occurs within the development from level 5 to the terraces on level 4 (north-west orientation to parklands); and
  - d) Inadequate private open space (less than 8 square metres) is provided for a number of dwellings.

5. The design of the car parking does not comply with the provisions of Clause 52.06 and Clause 52.20 in that:
  - a) Resident, visitor and commercial patron access to the car park is not defined or separated to provide security and safety for resident use;
  - b) The use of the 11 food and drink premises does not achieve safe and efficient access to and egress from the land to avoid disruption to traffic flow on land in a Road Zone or vehicle movements on-site; and
  - c) The design response offers insufficient 'at grade' parking for the food and drink premises.
6. The provision of bicycle parking does not comply with the objectives of Clause 52.34 in that:
  - a) Bicycle parking for residents is not provided in a bicycle locker or at a bicycle rail in a lockable compound; and
  - b) Bicycle parking is not conveniently located to building entrances or easily accessible to public road and cycle infrastructure.
7. The design response fails to comply with the provisions of Clause 22.10 and the Guidelines for Higher Density Residential Development as referenced through Clause 15.01-2 in that:
  - a) There is insufficient and inconveniently located storage lockers for the number of dwellings;
  - b) Waste storage rooms are inaccessible to remove / return bins when vehicles are located within the adjoining spaces; and
  - c) Waste storage rooms are situated a generous distance from the collection point.
8. The design response fails to address the Safer Design Guidelines for Victoria as referenced through Clause 15.01-2 in that:
  - a) The use of high screening to the private open space of ground floor dwellings deactivates the public realm (piazzas).

### COUNCIL RESOLUTION

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

**THAT** Planning Permit Application D/173/2011 be refused on the following grounds:

1. The design response does not achieve the objectives of Clause 12.01, Clause 21.05-7 and Clause 52.17 in that:
  - a) It does not meet the native vegetation management framework of avoid or minimise vegetation removal, specifically:
    - i. It does not protect significant vegetation from inappropriate encroachment into the canopy and root zone of the trees.

2. The design response does not satisfy Clause 15.01, Clause 21.05-3, Clause 22.03 and Clause 22.10 in that:
  - a) The design does not properly consider and respond to its urban context including the hierarchy of the Lancaster Gate activity centre. In particular:
    - i. Building siting;
    - ii. Building orientation;
    - iii. Building mass;
    - iv. Building height;
    - v. Visual permeability through site; and
    - vi. Internal amenity.
3. The design response remains unresolved in its ability to address Clause 15.02 and Clause 21.05-1 in that:
  - a) The buildings are poorly orientated to maximise solar access; and
  - b) Floor plans necessitate a heavy reliance on borrowed light to habitable rooms.
4. The design response fails to comply with Clause 22.10 which draws specifically upon Clause 55.04-5, Clause 55.04-6, Clause 55.04-7 and Clause 55.05-4, specifically in that:
  - a) Building 2 casts the secluded open space of dwelling 12, 1087 Plenty Road in shadow reducing further, an already limited 25m<sup>2</sup> of solar access to the respective secluded open space;
  - b) Building 2, dwellings 2.G.5 and 2.1.5 overlook the secluded open space and habitable room windows of dwelling 12, 1087 Plenty Road;
  - c) Overlooking occurs within the development from level 5 to the terraces on level 4 (north-west orientation to parklands); and
  - d) Inadequate private open space (less than 8 square metres) is provided for a number of dwellings.
5. The design of the car parking does not comply with the provisions of Clause 52.06 and Clause 52.20 in that:
  - a) Resident, visitor and commercial patron access to the car park is not defined or separated to provide security and safety for resident use;
  - b) The use of the 11 food and drink premises does not achieve safe and efficient access to and egress from the land to avoid disruption to traffic flow on land in a Road Zone or vehicle movements on-site; and
  - c) The design response offers insufficient 'at grade' parking for the food and drink premises.
6. The provision of bicycle parking does not comply with the objectives of Clause 52.34 in that:
  - a) Bicycle parking for residents is not provided in a bicycle locker or at a bicycle rail in a lockable compound; and
  - b) Bicycle parking is not conveniently located to building entrances or easily accessible to public road and cycle infrastructure.

7. The design response fails to comply with the provisions of Clause 22.10 and the Guidelines for Higher Density Residential Development as referenced through Clause 15.01-2 in that:
  - a) There is insufficient and inconveniently located storage lockers for the number of dwellings;
  - b) Waste storage rooms are inaccessible to remove / return bins when vehicles are located within the adjoining spaces; and
  - c) Waste storage rooms are situated a generous distance from the collection point.
8. The design response fails to address the Safer Design Guidelines for Victoria as referenced through Clause 15.01-2 in that:
  - a) The use of high screening to the private open space of ground floor dwellings deactivates the public realm (piazzas).

**CARRIED UNANIMOUSLY**

## REPORT

### INTRODUCTION AND BACKGROUND

A search of Council records has found no planning history for the site.

### ISSUES AND DISCUSSION

The land is zoned Residential 1 and is encumbered by a Development Contributions Plan Overlay.

The subject site is situated within a small pocket of developable land flanked by Plenty Road, Snake Gully Road and Bundoora Parklands. The site is currently occupied by a single storey restaurant (now vacant), signage at the southern end of the site, accompanying at-grade car park and a scattering of mature native vegetation within and adjoining the site. A mobile communications tower and associated compound situated to the northern extent of the site along with the two (2) existing vehicle crossovers are proposed to be retained as part of the site redevelopment.

The site is appropriately located and in many respects, serves as a strategic redevelopment site pursuant to Clause 16.01 and Clause 21.05-2 of the Darebin Planning Scheme.

The proposal introduces a foreign built element, a height and mass not characteristic of the built form of the locality or indeed the natural environment. There has been no demonstration of how this development assimilates into the landscape or pursuant to Clause 11.01, the relationship and appropriateness of the development's scale and density in proximity to an activity centre of low hierarchical standing.

The positioning of the development overlooks the significance of mature native vegetation around the site encroaching upon the identified tree protection zones and failing to address the principles of Clause 52.17 – Native Vegetation regarding the net gain principles of avoid and minimise. With a site of 1.3 hectares, a sizeable area of unconstrained land is available to provide a design response which achieves a footprint outside the tree protection zones



identified by both the permit applicant's arborist, Council's arborist and the Department of Sustainability and Environment.

The design response remains unresolved and falls short of a considered assessment of the broader context to guide an appropriate scale, form, bulk, orientation and view lines of the proposed buildings that suitably respects, albeit introducing change, to the existing urban context. The siting of the buildings cast lengthy shadow for long periods of the day over the piazzas, dwellings within the development and the secluded open space of adjoining dwellings whilst also overlooking adjoining secluded open space. In addition of the proposed floor plans, 21 (or 225 dwellings throughout the development) require the use of borrowed light for one (1) or multiple habitable rooms.

A total of 18 at-grade parking spaces are provided for 11 food and drink premises, including convenience restaurants with additional basement car parking. Due to the convenience nature of many of the proposed restaurants, traffic queuing and congestion on to Plenty Road may result as patrons wait for the closest and most accessible parking space, in lieu of using the basement car park.

The design of the bicycle parking arrangement throughout the site is ill-conceived and although the requisite parking numbers are met, there is a lack of careful thought to the security and accessibility of these spaces and the need to provide convenient access for patrons of the food and drink premises with only 12 spaces provided for the 11 commercial premises.

The design response offers a solution to storage lockers above the bonnet of car parking spaces. Both storage lockers and waste storage rooms are difficult to access when vehicles are parked within the space fronting the locker or adjoining the entrance to the waste rooms.

A detailed assessment of the application is provided in the attached town planning report (**Appendix A**)

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

Concerns relating to the development's environmental sustainability have been raised throughout this report. Should it be resolved that the application be supported, conditions should be applied relating to modifications to the design and sustainable design statement accompanying the permit application.

### **Social Inclusion and Diversity**

Nil.

### **Other**

Nil.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

As per allocated budget.

## CONCLUSION

There remain a quantity of unresolved issues with the design response which are too substantial to form a recommendation of approval conditional on design modifications. The detailed assessment of the planning application appended to this report (**Appendix A**) demonstrates that the proposal is considered deficient in fulfilling the principles and objectives of both the State and Local Planning Policy Framework including Council's Municipal Strategic Statement and local planning policies.

Whilst the design, scale and form of this development offers an outcome not suitably compatible and integrated into the surrounding urban context, it is a strategic redevelopment site and offers attributes appropriate for intensive development. Any redevelopment however must demonstrate an appropriate response to the natural and built context; the issues raised in the Recommendation; and ultimately address the objectives of the Darebin Planning Scheme and its Incorporated Documents.

## FUTURE ACTIONS

Nil

## DISCLOSURE OF INTERESTS

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

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

## RELATED DOCUMENTS

Darebin Planning Scheme

Planning and Environment Act (1987) as amended

Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004)

Safer Design Guidelines for Victoria (Department of Sustainability and Environment 2005)

**Appendix A** – Planning Officer's report

**Appendix B** – Aerial Photo

**Appendix C** – Plans

**8.3 ADOPTION OF 2012/2013 COUNCIL BUDGET AND DECLARATION OF RATES****MINUTE NO. 315****AUTHOR: Acting Director Corporate and Business Services****REVIEWED BY: Chief Executive****SUMMARY:**

The Proposed Budget for the 2012/2013 Financial Year was received at a meeting of Council on 7 May 2012. At that meeting, Council resolved to give public notice in accordance with section 129 of the Local Government Act 1989 of Council's intention to adopt the Proposed Budget.

In response to the public notice, twenty-three written submissions have been received. Four of the submitters were (by request) heard by the Hearing of Submissions Committee on 12 June 2012.

The 2012/2013 budget were presented to Council at its meeting on 18 June 2012. At this meeting it was resolved:

*That:*

- (1) *Adoption of the 2012/2013 Council Budget and Declaration of Rates be deferred until the next meeting of Council on 2 July 2012.*
- (2) *Council officers report back to the 2 July 2012 Council meeting on the cost of allowing a general exemption from the vacant land differential rate for ratepayers who can supply Council with evidence that their residential land has a single dwelling covenant attached to it.*
- (3) *A report be submitted to the 2 July 2012 Council meeting regarding proposed inclusion of a graffiti removal and prevention program to the value of \$89,000.*

It is recommended that Council adopt the attached Budget 2012/2013 and declare the rates for the 2012/2013 Financial Year and that public notice be given of the decision in accordance with the Act.

**CONSULTATION:**

Councillors  
Chief Executive Officer  
Directors  
Group Managers  
Managers and Coordinators

**RECOMMENDATION****THAT:****1. Adoption of Budget**

- 1.1 The 'Darebin City Council Budget 2012/2013' attached as **Appendix A** to this report be adopted by Council.
- 1.2 The Chief Executive Officer be authorised to give notice of this decision to adopt the Budget, in accordance with section 130(2) of the Local Government Act 1989.

**2. Amount Intended To Be Raised**

The amount which Council intends to raise by general rates is declared to be \$93,326,914 and such further amount as is lawfully levied as a consequence of this Resolution.

**3. General Rates**

- 3.1 A general rate be declared in respect of the 2012/2013 Financial Year.
- 3.2 It be further declared that the general rate be raised by the application of differential rates.
- 3.3 A differential rate be declared for rateable land having the characteristics specified below, and which form the criteria for each differential rate so declared:

**3.3.1 Business Land**

- 3.3.1.1 Business Land is any land which does not have the characteristics of Vacant Business Land, and:
  - 3.3.1.2 Is occupied for the principal purpose of carrying out the manufacture or production of, or trade in, goods or services; or
  - 3.3.1.3 Is unoccupied and is zoned other than residential under the Darebin Planning Scheme

**3.3.2 Residential Land**

- 3.3.2.1 Residential Land is any land which does not have the characteristics of Vacant Residential Land, and:
  - 3.3.2.2 Is used or designed or adapted primarily for residential purposes; or
  - 3.3.2.3 Is unoccupied and is zoned residential under the Darebin Planning Scheme.

**3.3.3 Vacant Business Land**

- 3.3.3.1 Vacant Business Land is any land which is zoned other than residential under the Darebin Planning Scheme, and:

3.3.3.2 On which no building designed or adapted for permanent occupation is constructed; or

3.3.3.3 In respect of which no building permit has been issued under the Building Act 1993.

### 3.3.4 Vacant Residential Land

3.3.4.1 Vacant Residential Land is any land which is zoned residential under the Darebin Planning Scheme; and

3.3.4.2 On which no dwelling or other building designed or adapted for permanent occupation is constructed; and

3.3.4.3 In respect of which no building permit for the construction of a new dwelling or other building designed or adapted for permanent occupation has been issued under the Building Act 1993 in the period of 18 months since demolition, with the date of demolition taken to be the date on which the building permit for demolition was obtained under the Building Act 1993;

or

3.3.4.4 On which there is no dwelling or other building designed or adapted for permanent occupation; and

3.3.4.5 In respect of which no building permit has been issued under the Building Act 1993 in the 18 months preceding 1 July 2012.

### 3.3.5 Electronic Gaming Machine Land

3.3.5.1 Electronic Gaming Machine Land is any rateable land on which electronic gaming machines (EGMs) are operated.

3.4 Each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in paragraph 3.3 of this Resolution) by the relevant percentages indicated in the following table:

Category	%
Business Land	0.403710 (or 0.403710 cents in the dollar of Capital Improved Value).
Vacant Residential Land	0.692074 (or 0.692074 cents in the dollar of Capital Improved Value).
Vacant Business Land	0.922765 (or 0.922765 cents in the dollar of Capital Improved Value).
Electronic Gaming Machine Land	0.922765 (or 0.922765 cents in the dollar of Capital Improved Value).
Other Land (Including Residential Land)	0.230691 (or 0.230691 cents in the dollar of Capital Improved Value).

- 3.5 It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:
- 3.5.1 the respective objectives of each differential rate be those specified in the Schedule to this Resolution; and
  - 3.5.2 the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Resolution; and
  - 3.5.3 the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Resolution; and
  - 3.5.4 the relevant
    - 3.5.4.1 uses of; and
    - 3.5.4.2 geographical locations of; and
    - 3.5.4.3 planning scheme zonings of; and
    - 3.5.4.4 types of buildings onthe respective types or classes of land be those identified in the Schedule to this Resolution.
- 3.6 It be confirmed that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable land within the municipal district.
- 3.7 In accordance with section 4 (4) of the Cultural and Recreational Lands Act 1963, the amount of rates payable in respect of each of the rateable land to which that Act applies be determined by multiplying the Capital Improved Value of that rateable land by 0.201855 per cent (or 0.201855 cents in the dollar of Capital Improved Value).

#### **4. Rebates**

It be recorded that Council grants a rebate in relation to rates in accordance with section 169 of the Local Government Act 1989 to assist the proper development of the municipal district. The rebate is in the amount of \$100 to each owner of rateable land who is an 'eligible recipient' within the meaning of the State Concessions Act 2004, and is being granted because Council considers that it provides a benefit to the Darebin community in that it provides some relief on rates to elderly and other eligible residents in addition to the State Government rates concession and is consistent with principles of fairness and equity.

#### **5. Incentives**

No incentives be declared as the incentives to be given by Council for the payment of general rates before the dates fixed or specified for their payment under section 168 of the Local Government Act 1989.

#### **6. Other Charges**

- 6.1 An annual service charge for the optional collection and disposal of green waste ("the green waste service charge") be declared in respect of the 2012/2013 Financial Year.
- 6.1.1 the Green Waste Service Charge is declared and will be levied on the basis of the following criteria:
- |         |                           |      |
|---------|---------------------------|------|
| 6.1.1.1 | 120 litre bin             | \$45 |
| 6.1.1.2 | 120 litre bin (pensioner) | \$26 |
| 6.1.1.3 | 240 litre bin             | \$85 |
| 6.1.1.4 | 240 litre (pensioner)     | \$57 |
- 6.1.2 the annual service charge is to be paid by four instalments in accordance with clause 7 of this recommendation. There are no incentives for early payment of the Green Waste Service Charge.
- 6.2 It be recorded that no other service rate or annual service charge be declared in respect of the 2012/2013 Financial Year.
- 6.3 It be recorded that no municipal charge be declared in respect of the 2012/2013 Financial Year.

## 7. Payment Options

The general rates must be paid by four instalments made on or before the following dates:

- |              |   |                   |
|--------------|---|-------------------|
| Instalment 1 | - | 30 September 2012 |
| Instalment 2 | - | 30 November 2012  |
| Instalment 3 | - | 29 February 2013  |
| Instalment 4 | - | 31 May 2013.      |

## 8. Consequential

- 8.1 Council confirms that it will, subject to sections 171, 171A and 172 of the Local Government Act 1989, require a person to pay interest on any general rates or service charges which:
- 8.1.1 that person is liable to pay; and
- 8.1.2 have not been paid by the date specified for payment.
- 8.2 The Director Corporate and Business Services be authorised to levy and recover the general rates and service charges charged in accordance with the Local Government Act 1989.

## 9. Submissions

- 9.1 Council advise the twenty-three submitters to the Budget:
- Vasil Metelovski, Reservoir
  - Kate Long, Northcote
  - Scott Munn and Peter Sidwill, Melbourne Heart

- Jane Morton, Darebin Climate Action Now, Northcote
- Rosa Svizzero, Reservoir
- Kevin Breen, Reservoir
- Anthony Verlaan, North Essendon
- Snezana Veljanovski, Reservoir
- Ian Filby, Northcote
- Brian and Judy Wignell, Bundoora
- Maryrose Stella, Preston
- Andrew Middleton, Northcote
- Elisa Vassallo, Edithvale
- Julie Iredale, Bundoora
- Daniela and Domenico Giannetti, Macleod
- Carme Vassallo, Reservoir
- Jim Buckell, Thornbury
- Damien Gerrans
- Darebin Environmental Reference Group
- Josh Fergeus
- Rose Ljubicic, Reservoir
- Scott Lawrence and Kuang Yiping, Thomastown
- Elma Marrari, Northcote (received late)

of Council's decision to adopt the attached 2012/2013 Budget and the reasons for the decision as follows:

- The 2012/2013 Budget is financially responsible, supports the goals and strategies included in the 2009-2013 Council Plan, and fits within a longer term framework of financial sustainability.
- The 2012/2013 Budget raises general rates by 4.6%, whilst maintaining a Council-funded rate rebate to \$100 to residential pensioner ratepayers. The level of rates raised allows Council to maintain service levels, introduce a number of new initiatives and deliver a significant capital works program.
- The capital works projects included and considered in the 2012/2013 Budget have been determined through a rigorous process of consultation, review and prioritisation.

9.2 Council also advise the twenty-three submitters in accordance with the comments specific to each submission outlined in this report.



## SCHEDULE

### BUSINESS LAND

#### Objectives:

The objective of this differential rate, having regard to principles of equity including the capacity to pay of those owning land having the relevant characteristics above, is to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including (but not limited to) the:

- Construction and maintenance of infrastructure assets;
- Development and provision of health and community services; and
- Provision of general support services.

#### Types and Classes:

Rateable land having the relevant characteristics described in the Resolution.

#### Use and Level of Differential Rate:

The money raised by the differential rate will be applied to the items of expenditure described in the Budget by Council. The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

#### Geographic Location:

The geographic location of the land within this differential rate is land wherever located within the municipal district, without reference to ward boundaries.

#### Use of Land:

The use of the land within this differential rate is, in the case of improved land, any use of land creating the relevant characteristics set out above in paragraph 3.3.1.

#### Planning Scheme Zoning:

The characteristics of planning scheme zoning are applicable to the determination of land which will be subject to the rate applicable to Business Land. The land affected by this rate is that which is zoned other than residential under the Darebin Planning Scheme.

#### Types of Buildings:

The types of buildings on the land within this differential rate are all buildings which are now constructed on the land or which are constructed prior to the expiry of the 2012/2013 Financial Year.

**RESIDENTIAL LAND****Objectives:**

The objective of this differential rate is to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including (but not limited to) the:

- Construction and maintenance of infrastructure assets;
- Development and provision of health and community services; and
- Provision of general support services.

**Types and Classes:**

Rateable land having the relevant characteristics described in the Resolution.

**Use and Level of Differential Rate:**

The money raised by the differential rate will be applied to the items of expenditure described in the Budget by Council. The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

**Geographic Location:**

The geographic location of the land within this differential rate is land wherever located within the municipal district, without reference to ward boundaries.

**Use of Land:**

The use of the land within this differential rate is, in the case of improved land, any use of land creating the relevant characteristics set out above in paragraph 3.3.2.

**Planning Scheme Zoning:**

The characteristics of planning scheme zoning are applicable to the determination of land which will be subject to the rate applicable to Residential Land. The land affected by this rate is that which is zoned residential under the Darebin Planning Scheme.

**Types of Buildings:**

The types of buildings on the land within this differential rate are all buildings which are now constructed on the land or which are constructed prior to the expiry of the 2012/2013 Financial Year.

**VACANT RESIDENTIAL LAND****Objectives:**

The objectives of this differential rate are to:

1. Promote responsible land management through appropriate maintenance and development of the land; and
2. Ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including (but not limited) to the:
  - Construction and maintenance of infrastructure assets;
  - Development and provision of health and community services; and
  - Provision of economic development and general support services.

**Types and Classes:**

Rateable land having the relevant characteristics described in the Resolution.

**Use and Level of Differential Rate:**

The money raised by the differential rate will be applied to the items of expenditure described in the Budget by Council. The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

**Geographic Location:**

The geographic location of the land within this differential rate is land wherever located within the municipal district, without reference to ward boundaries.

**Planning Scheme Zoning:**

The characteristics of planning scheme zoning are applicable to the determination of land which will be subject to the rate applicable to Vacant Residential Land. The land affected by this rate is that which is zoned residential under the Darebin Planning Scheme.

**VACANT BUSINESS LAND****Objectives:**

The objectives of this differential rate, having regard to principles of equity including the capacity to pay of those owning land having the relevant characteristics described above, are to:

1. Promote responsible land management through appropriate maintenance and development of the land so that foregone community and economic development resulting from under utilisation of land is minimised; and
2. Ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including (but not limited) to the:
  - Construction and maintenance of infrastructure assets;
  - Development and provision of health and community services; and
  - Provision of economic development and general support services.

**Types and Classes:**

Rateable land having the relevant characteristics described in the Resolution.

**Use and Level of Differential Rate:**

The money raised by the differential rate will be applied to the items of expenditure described in the Budget by Council. The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

**Geographic Location:**

The geographic location of the land within this differential rate is land wherever located within the municipal district, without reference to ward boundaries.

**Planning Scheme Zoning:**

The characteristics of planning scheme zoning are applicable to the determination of land which will be subject to the rate applicable to Vacant Business Land. The land affected by this rate is that which is zoned other than residential under the Darebin Planning Scheme.

## ELECTRONIC GAMING MACHINE LAND

### Objectives:

The objectives of this differential rate, having regard to principles of equity including the capacity to pay of those owning land having the relevant characteristics described above, are to:

- Equitably impose a differential rate on rateable land within the municipal district on which EGMs are operated and thereby to raise revenue to be used to improve the overall quality of life of people in the local community within Council's municipal district having regard to the social and economic impacts of problem gambling and achieve the best outcomes for that local community in accordance with the primary objectives of Council pursuant to section 3C(1) of the *Local Government Act 1989*; and
- Enable Council to equitably and efficiently carry out its functions including:
  - (a) Advocating and promoting proposals which are in the best interests of the local community;
  - (b) Planning for and providing services and facilities for the local community; and
  - (c) Raising revenue to enable Council to perform its functions.

### Use and Level of Differential Rate:

The money raised by the differential rate from the differential rate will be used to develop and implement strategies to reduce the impact of problem gambling. The gambling strategies will assist Council to:

- (a) Promote the responsible use of EGMs;
- (b) Better manage the issue of gambling with the community; and
- (c) Reduce the impact of problem gambling.

The following are reasons for the use of the differential rate:

The land on which EGMs are operated is to be subject to a differential rate so that revenue is raised to develop and implement strategies to reduce the impact of problem gambling within the municipal district.

Council will use the amounts derived from the differential rate to fund the following projects:

- a) Developing and organising programs through the Darebin Intercultural Centre, targeting at risk groups in the community (Cost = \$211,555); and
- b) Providing funding and projects related to gambling and community issues utilising community grants, Darebin's emergency relief networks and not-for-profit organisations. (Cost = \$60,050).

Total budget allocation: \$271,605.

The following are the reasons for the level of the EGM land differential rate:

- The EGM land differential rate will be levied at 4 times the rate for residential land.
- In the 2012/2013 Financial Year, there will be 9 properties within Council's municipal district which will be subject to the differential rate.
- The total amount raised by the differential rate in the 2012/2013 Financial Year will be \$482,855.
- \$211,250 of the amount referred to above will fund the ordinary budget expenditure as per the application of the general rate. This amount represents the money raised had the Business Land differential rate been applied to these properties.
- The remaining \$271,605 will be applied towards the projects detailed above.
- The need to provide funding for these is the reason for levying the differential rate at 4 times the rate for residential land.
- There has been no change in the valuation system, so that section 161(2)(iii) of *the Local Government Act 1989* does not arise.

**Types and Classes:**

Rateable land having the relevant characteristics described in the Resolution.

For these purposes, EGM has the same meaning as "gaming machine" in section 1.3 of the *Gambling Regulation Act 2003*, that is, any device, whether wholly or partly mechanically or electronically operated, that is so designed that:

- (a) It may be used for the purpose of playing a game of chance or a game of mixed chance and skill; and
- (b) As a result of making a bet on the device, winnings may become payable and includes any machine declared to be a gaming machine under section 3.1.3 of that Act but does not include –
- (c) A lucky envelope vending machine within the meaning of Chapter 8 of that Act; or
- (d) Interactive gaming equipment that is used or intended to be used for the purposes of interactive games and not for gaming of any other kind.

Land which may be subject to the differential rate is all land having the relevant characteristics described above, except land which is otherwise not rateable land pursuant to section 154(2) of the *Local Government Act 1989*. Land which is not rateable land includes, but is not limited to, land held in trust and used exclusively as a sub-branch of the Returned Services League of Australia in accordance with section 154(2)(f)(ii) of the Act.

**Use of Land:**

The use of the land within this differential rate is any rateable land on which EGMs are operated.

**Geographic Location:**

The geographic location of the land within this differential rate is land wherever located within the municipal district, without reference to ward boundaries.

### Planning Scheme Zoning:

The characteristics of planning scheme zoning are inapplicable to the determination of this differential rate.

## MOTION

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

**THAT** the 'Recommendation' be adopted as amended as follows in relation to Item 1.1 (Adoption of Budget):

That:

### 1. Adoption of Budget

1.1 The 'Darebin City Council Budget 2012/2013' attached as **Appendix A** to this report be adopted by Council with the following changes:

1.1.1 Removal of the early repayment of the loan undertaken in 2007 for the redevelopment of the Reservoir Leisure Centre;

1.1.2 Reduction in the rate increase from 4.6% to 3.9%; and

1.1.3 Inclusion of a graffiti removal and prevention program to the value of \$89,000.

THE MOTION WAS PUT AND THE VOTE WAS TIED

THE MAYOR, CR. TSITAS, EXERCISED HIS CASTING VOTE AGAINST THE MOTION.

THE MOTION WAS THEREFORE LOST

A Division was called:

<u>For</u>	<u>Against</u>
Cr. T. McCarthy	The Mayor, Cr. S. Tsitas
Cr. T. Laurence	Cr. N. Katsis
Cr. G. Greco	Cr. B. Morgan
Cr. V. Fontana	Cr. S. Chiang

The Mayor, Cr. Tsitas, declared the Motion to be lost.

**FURTHER MOTION**

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

**THAT** the 'Recommendation' be adopted as amended as follows in relation to Item 1.1 (Adoption of Budget):

That:

**1. Adoption of Budget**

1.1 The 'Darebin City Council Budget 2012/2013' attached as **Appendix A** to this report be adopted by Council with the following changes:

1.1.1 Removal of the early repayment of the loan undertaken in 2007 for the redevelopment of the Reservoir Leisure Centre to the value of \$776,589; and

1.1.2 Reduction in the rate increase from 4.6% to 3.8%;

Cr. Laurence proposed to the mover (Cr. McCarthy) and seconder (Cr. Greco) of the Further Motion above that the Further Motion be amended as follows. This was accepted by Cr. McCarthy and Cr. Greco.

**AMENDED FURTHER MOTION**

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

**THAT** the 'Recommendation' be adopted as amended as follows in relation to Item 1.1 (Adoption of Budget):

That:

**1. Adoption of Budget**

1.1 The 'Darebin City Council Budget 2012/2013' attached as **Appendix A** to this report be adopted by Council with the following changes:

1.1.1 Removal of the early repayment of the loan undertaken in 2007 for the redevelopment of the Reservoir Leisure Centre to the value of \$776,589;

1.1.2 Reduction in the rate increase from 4.6% to 3.9%; and

1.1.3 Council introduce a rebate from the 300% vacant land rating differential on those residential blocks where proof of a single dwelling covenant can be provided by ratepayers to Council.

THE AMENDED FURTHER MOTION WAS PUT AND THE VOTE WAS TIED



THE MAYOR, CR. TSITAS, EXERCISED HIS CASTING VOTE AGAINST THE AMENDED FURTHER MOTION.

THE AMENDED FURTHER MOTION WAS THEREFORE LOST

A Division was called:

<u>For</u>	<u>Against</u>
Cr. T. McCarthy	The Mayor, Cr. S. Tsitas
Cr. T. Laurence	Cr. N. Katsis
Cr. G. Greco	Cr. B. Morgan
Cr. V. Fontana	Cr. S. Chiang

The Mayor, Cr. Tsitas, declared the Amended Further Motion to be lost.

### FURTHER MOTION

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

**THAT** the 'Recommendation' be adopted as amended as follows in relation to Item 1.1 (Adoption of Budget):

That:

**1. Adoption of Budget**

1.1 The 'Darebin City Council Budget 2012/2013' attached as **Appendix A** to this report be adopted by Council with the following changes:

1.1.1 Removal of the early repayment of the loan undertaken in 2007 for the redevelopment of the Reservoir Leisure Centre to the value of \$776,589;

1.1.2 Allocation of \$776,589 to the Energy Efficient Street Light Replacement program.

THE FURTHER MOTION WAS PUT AND THE VOTE WAS TIED

THE MAYOR, CR. TSITAS, EXERCISED HIS CASTING VOTE AGAINST THE FURTHER MOTION.

THE FURTHER MOTION WAS THEREFORE LOST

A Division was called:

<u>For</u>	<u>Against</u>
Cr. T. McCarthy	The Mayor, Cr. S. Tsitas
Cr. T. Laurence	Cr. N. Katsis
Cr. G. Greco	Cr. B. Morgan
Cr. V. Fontana	Cr. S. Chiang

The Mayor, Cr. Tsitas, declared the Further Motion to be lost.

## FURTHER MOTION

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

**THAT** the 'Recommendation' be adopted as amended as follows in relation to Item 1.1 (Adoption of Budget):

That:

**1. Adoption of Budget**

1.1 The 'Darebin City Council Budget 2012/2013' attached as **Appendix A** to this report be adopted by Council with the following changes:

1.1.1 Removal of the early repayment of the loan undertaken in 2007 for the redevelopment of the Reservoir Leisure Centre to the value of \$776,589;

1.1.2 Allocation of \$776,589 to the Playspace budget to allow future playspace upgrade projects to be brought forward, in line with the Playspaces Strategy 2010-2020.

THE FURTHER MOTION WAS PUT AND THE VOTE WAS TIED

THE MAYOR, CR. TSITAS, EXERCISED HIS CASTING VOTE AGAINST THE FURTHER MOTION.

THE FURTHER MOTION WAS THEREFORE LOST

A Division was called:

<u>For</u>	<u>Against</u>
Cr. T. McCarthy	The Mayor, Cr. S. Tsitas
Cr. T. Laurence	Cr. N. Katsis
Cr. G. Greco	Cr. B. Morgan
Cr. V. Fontana	Cr. S. Chiang

The Mayor, Cr. Tsitas, declared the Further Motion to be lost.

**FURTHER MOTION**

**MOVED:** Cr. S. Tsitas  
**SECONDED:** Cr. B. Morgan

**THAT** the 'Recommendation' as presented be adopted.

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

**COUNCIL RESOLUTION**

**MOVED:** Cr. S. Tsitas  
**SECONDED:** Cr. B. Morgan

**THAT:**

**1. Adoption of Budget**

- 1.1 The 'Darebin City Council Budget 2012/2013' attached as **Appendix A** to this report be adopted by Council.
- 1.2 The Chief Executive Officer be authorised to give notice of this decision to adopt the Budget, in accordance with section 130(2) of the Local Government Act 1989.

**2. Amount Intended To Be Raised**

The amount which Council intends to raise by general rates is declared to be \$93,326,914 and such further amount as is lawfully levied as a consequence of this Resolution.

**3. General Rates**

- 3.1 A general rate be declared in respect of the 2012/2013 Financial Year.
- 3.2 It be further declared that the general rate be raised by the application of differential rates.
- 3.3 A differential rate be declared for rateable land having the characteristics specified below, and which form the criteria for each differential rate so declared:

**3.3.1 Business Land**

- 3.3.1.1 Business Land is any land which does not have the characteristics of Vacant Business Land, and:
- 3.3.1.2 Is occupied for the principal purpose of carrying out the manufacture or production of, or trade in, goods or services; or
- 3.3.1.3 Is unoccupied and is zoned other than residential under the Darebin Planning Scheme

**3.3.2 Residential Land**

- 3.3.2.1 Residential Land is any land which does not have the characteristics of Vacant Residential Land, and:
- 3.3.2.2 Is used or designed or adapted primarily for residential purposes; or
- 3.3.2.3 Is unoccupied and is zoned residential under the Darebin Planning Scheme.

### **3.3.3 Vacant Business Land**

- 3.3.3.1 Vacant Business Land is any land which is zoned other than residential under the Darebin Planning Scheme, and:
- 3.3.3.2 On which no building designed or adapted for permanent occupation is constructed; or
- 3.3.3.3 In respect of which no building permit has been issued under the Building Act 1993.

### **3.3.4 Vacant Residential Land**

- 3.3.4.1 Vacant Residential Land is any land which is zoned residential under the Darebin Planning Scheme; and
- 3.3.4.2 On which no dwelling or other building designed or adapted for permanent occupation is constructed; and
- 3.3.4.3 In respect of which no building permit for the construction of a new dwelling or other building designed or adapted for permanent occupation has been issued under the Building Act 1993 in the period of 18 months since demolition, with the date of demolition taken to be the date on which the building permit for demolition was obtained under the Building Act 1993;  
or
- 3.3.4.4 On which there is no dwelling or other building designed or adapted for permanent occupation; and
- 3.3.4.5 In respect of which no building permit has been issued under the Building Act 1993 in the 18 months preceding 1 July 2012.

### **3.3.5 Electronic Gaming Machine Land**

- 3.3.5.1 Electronic Gaming Machine Land is any rateable land on which electronic gaming machines (EGMs) are operated.

- 3.4 Each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in paragraph 3.3 of this Resolution) by the relevant percentages indicated in the following table:

Category	%
Business Land	0.403710 (or 0.403710 cents in the dollar of Capital Improved Value).
Vacant Residential Land	0.692074 (or 0.692074 cents in the dollar of Capital Improved Value).
Vacant Business Land	0.922765 (or 0.922765 cents in the dollar of Capital Improved Value).
Electronic Gaming Machine Land	0.922765 (or 0.922765 cents in the dollar of Capital Improved Value).
Other Land (Including Residential Land)	0.230691 (or 0.230691 cents in the dollar of Capital Improved Value).

- 3.5 It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:
- 3.5.1 the respective objectives of each differential rate be those specified in the Schedule to this Resolution; and
  - 3.5.2 the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Resolution; and
  - 3.5.3 the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Resolution; and
  - 3.5.4 the relevant
    - 3.5.4.1 uses of; and
    - 3.5.4.2 geographical locations of; and
    - 3.5.4.3 planning scheme zonings of; and
    - 3.5.4.4 types of buildings on
 the respective types or classes of land be those identified in the Schedule to this Resolution.
- 3.6 It be confirmed that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable land within the municipal district.
- 3.7 In accordance with section 4 (4) of the Cultural and Recreational Lands Act 1963, the amount of rates payable in respect of each of the rateable land to which that Act applies be determined by multiplying the Capital Improved Value of that rateable land by 0.201855 per cent (or 0.201855 cents in the dollar of Capital Improved Value).

#### 4. Rebates

It be recorded that Council grants a rebate in relation to rates in accordance with section 169 of the Local Government Act 1989 to assist the proper development of the municipal district. The rebate is in the amount of \$100 to each owner of rateable land who is an 'eligible recipient' within the meaning of the State Concessions Act 2004, and is being granted because Council considers that it provides a benefit to the Darebin community in that it provides some relief on rates to elderly and other eligible residents in addition to the State Government rates concession and is consistent with principles of fairness and equity.

#### 5. Incentives

No incentives be declared as the incentives to be given by Council for the payment of general rates before the dates fixed or specified for their payment under section 168 of the Local Government Act 1989.

#### 6. Other Charges

6.1 An annual service charge for the optional collection and disposal of green waste ("the green waste service charge") be declared in respect of the 2012/2013 Financial Year.

6.1.1 the Green Waste Service Charge is declared and will be levied on the basis of the following criteria:

6.1.1.1	120 litre bin	\$45
6.1.1.2	120 litre bin (pensioner)	\$26
6.1.1.3	240 litre bin	\$85
6.1.1.4	240 litre (pensioner)	\$57

6.1.2 the annual service charge is to be paid by four instalments in accordance with clause 7 of this recommendation. There are no incentives for early payment of the Green Waste Service Charge.

6.2 It be recorded that no other service rate or annual service charge be declared in respect of the 2012/2013 Financial Year.

6.3 It be recorded that no municipal charge be declared in respect of the 2012/2013 Financial Year.

#### 7. Payment Options

The general rates must be paid by four instalments made on or before the following dates:

Instalment 1	-	30 September 2012
Instalment 2	-	30 November 2012
Instalment 3	-	29 February 2013
Instalment 4	-	31 May 2013.

#### 8. Consequential

- 8.1 Council confirms that it will, subject to sections 171, 171A and 172 of the Local Government Act 1989, require a person to pay interest on any general rates or service charges which:
- 8.1.1 that person is liable to pay; and
  - 8.1.2 have not been paid by the date specified for payment.
- 8.2 The Director Corporate and Business Services be authorised to levy and recover the general rates and service charges charged in accordance with the Local Government Act 1989.

## 9. Submissions

9.1 Council advise the twenty-three submitters to the Budget:

- Vasil Metelovski, Reservoir
- Kate Long, Northcote
- Scott Munn and Peter Sidwill, Melbourne Heart
- Jane Morton, Darebin Climate Action Now, Northcote
- Rosa Svizzero, Reservoir
- Kevin Breen, Reservoir
- Anthony Verlaan, North Essendon
- Snezana Veljanovski, Reservoir
- Ian Filby, Northcote
- Brian and Judy Wignell, Bundoora
- Maryrose Stella, Preston
- Andrew Middleton, Northcote
- Elisa Vassallo, Edithvale
- Julie Iredale, Bundoora
- Daniela and Domenico Giannetti, Macleod
- Carme Vassallo, Reservoir
- Jim Buckell, Thornbury
- Damien Gerrans
- Darebin Environmental Reference Group
- Josh Fergeus
- Rose Ljubicic, Reservoir
- Scott Lawrence and Kuang Yiping, Thomastown
- Elma Marrari, Northcote (received late)

of Council's decision to adopt the attached 2012/2013 Budget and the reasons for the decision as follows:

- The 2012/2013 Budget is financially responsible, supports the goals and strategies included in the 2009-2013 Council Plan,

and fits within a longer term framework of financial sustainability.

- The 2012/2013 Budget raises general rates by 4.6%, whilst maintaining a Council-funded rate rebate to \$100 to residential pensioner ratepayers. The level of rates raised allows Council to maintain service levels, introduce a number of new initiatives and deliver a significant capital works program.
- The capital works projects included and considered in the 2012/2013 Budget have been determined through a rigorous process of consultation, review and prioritisation.

9.2 Council also advise the twenty-three submitters in accordance with the comments specific to each submission outlined in this report.



## SCHEDULE

### BUSINESS LAND

#### Objectives:

The objective of this differential rate, having regard to principles of equity including the capacity to pay of those owning land having the relevant characteristics above, is to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including (but not limited to) the:

- Construction and maintenance of infrastructure assets;
- Development and provision of health and community services; and
- Provision of general support services.

#### Types and Classes:

Rateable land having the relevant characteristics described in the Resolution.

#### Use and Level of Differential Rate:

The money raised by the differential rate will be applied to the items of expenditure described in the Budget by Council. The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

#### Geographic Location:

The geographic location of the land within this differential rate is land wherever located within the municipal district, without reference to ward boundaries.

#### Use of Land:

The use of the land within this differential rate is, in the case of improved land, any use of land creating the relevant characteristics set out above in paragraph 3.3.1.

#### Planning Scheme Zoning:

The characteristics of planning scheme zoning are applicable to the determination of land which will be subject to the rate applicable to Business Land. The land affected by this rate is that which is zoned other than residential under the Darebin Planning Scheme.

#### Types of Buildings:

The types of buildings on the land within this differential rate are all buildings which are now constructed on the land or which are constructed prior to the expiry of the 2012/2013 Financial Year.

**RESIDENTIAL LAND****Objectives:**

The objective of this differential rate is to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including (but not limited to) the:

- Construction and maintenance of infrastructure assets;
- Development and provision of health and community services; and
- Provision of general support services.

**Types and Classes:**

Rateable land having the relevant characteristics described in the Resolution.

**Use and Level of Differential Rate:**

The money raised by the differential rate will be applied to the items of expenditure described in the Budget by Council. The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

**Geographic Location:**

The geographic location of the land within this differential rate is land wherever located within the municipal district, without reference to ward boundaries.

**Use of Land:**

The use of the land within this differential rate is, in the case of improved land, any use of land creating the relevant characteristics set out above in paragraph 3.3.2.

**Planning Scheme Zoning:**

The characteristics of planning scheme zoning are applicable to the determination of land which will be subject to the rate applicable to Residential Land. The land affected by this rate is that which is zoned residential under the Darebin Planning Scheme.

**Types of Buildings:**

The types of buildings on the land within this differential rate are all buildings which are now constructed on the land or which are constructed prior to the expiry of the 2012/2013 Financial Year.

**VACANT RESIDENTIAL LAND****Objectives:**

The objectives of this differential rate are to:

3. Promote responsible land management through appropriate maintenance and development of the land; and
4. Ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including (but not limited) to the:
  - Construction and maintenance of infrastructure assets;
  - Development and provision of health and community services; and
  - Provision of economic development and general support services.

**Types and Classes:**

Rateable land having the relevant characteristics described in the Resolution.

**Use and Level of Differential Rate:**

The money raised by the differential rate will be applied to the items of expenditure described in the Budget by Council. The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

**Geographic Location:**

The geographic location of the land within this differential rate is land wherever located within the municipal district, without reference to ward boundaries.

**Planning Scheme Zoning:**

The characteristics of planning scheme zoning are applicable to the determination of land which will be subject to the rate applicable to Vacant Residential Land. The land affected by this rate is that which is zoned residential under the Darebin Planning Scheme.

**VACANT BUSINESS LAND****Objectives:**

The objectives of this differential rate, having regard to principles of equity including the capacity to pay of those owning land having the relevant characteristics described above, are to:

3. Promote responsible land management through appropriate maintenance and development of the land so that foregone community and economic development resulting from under utilisation of land is minimised; and
4. Ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including (but not limited) to the:
  - Construction and maintenance of infrastructure assets;
  - Development and provision of health and community services; and
  - Provision of economic development and general support services.

**Types and Classes:**

Rateable land having the relevant characteristics described in the Resolution.

**Use and Level of Differential Rate:**

The money raised by the differential rate will be applied to the items of expenditure described in the Budget by Council. The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

**Geographic Location:**

The geographic location of the land within this differential rate is land wherever located within the municipal district, without reference to ward boundaries.

**Planning Scheme Zoning:**

The characteristics of planning scheme zoning are applicable to the determination of land which will be subject to the rate applicable to Vacant Business Land. The land affected by this rate is that which is zoned other than residential under the Darebin Planning Scheme.

## ELECTRONIC GAMING MACHINE LAND

### Objectives:

The objectives of this differential rate, having regard to principles of equity including the capacity to pay of those owning land having the relevant characteristics described above, are to:

- Equitably impose a differential rate on rateable land within the municipal district on which EGMs are operated and thereby to raise revenue to be used to improve the overall quality of life of people in the local community within Council's municipal district having regard to the social and economic impacts of problem gambling and achieve the best outcomes for that local community in accordance with the primary objectives of Council pursuant to section 3C(1) of the *Local Government Act 1989*; and
- Enable Council to equitably and efficiently carry out its functions including:
  - (a) Advocating and promoting proposals which are in the best interests of the local community;
  - (b) Planning for and providing services and facilities for the local community; and
  - (c) Raising revenue to enable Council to perform its functions.

### Use and Level of Differential Rate:

The money raised by the differential rate from the differential rate will be used to develop and implement strategies to reduce the impact of problem gambling. The gambling strategies will assist Council to:

- (a) Promote the responsible use of EGMs;
- (b) Better manage the issue of gambling with the community; and
- (c) Reduce the impact of problem gambling.

The following are reasons for the use of the differential rate:

The land on which EGMs are operated is to be subject to a differential rate so that revenue is raised to develop and implement strategies to reduce the impact of problem gambling within the municipal district.

Council will use the amounts derived from the differential rate to fund the following projects:

- a) Developing and organising programs through the Darebin Intercultural Centre, targeting at risk groups in the community (Cost = \$211,555); and
- b) Providing funding and projects related to gambling and community issues utilising community grants, Darebin's emergency relief networks and not-for-profit organisations. (Cost = \$60,050).

Total budget allocation: \$271,605.

The following are the reasons for the level of the EGM land differential rate:

- The EGM land differential rate will be levied at 4 times the rate for residential land.
- In the 2012/2013 Financial Year, there will be 9 properties within Council's municipal district which will be subject to the differential rate.
- The total amount raised by the differential rate in the 2012/2013 Financial Year will be \$482,855.
- \$211,250 of the amount referred to above will fund the ordinary budget expenditure as per the application of the general rate. This amount represents the money raised had the Business Land differential rate been applied to these properties.
- The remaining \$271,605 will be applied towards the projects detailed above.
- The need to provide funding for these is the reason for levying the differential rate at 4 times the rate for residential land.
- There has been no change in the valuation system, so that section 161(2)(iii) of *the Local Government Act 1989* does not arise.

**Types and Classes:**

Rateable land having the relevant characteristics described in the Resolution.

For these purposes, EGM has the same meaning as "gaming machine" in section 1.3 of the *Gambling Regulation Act 2003*, that is, any device, whether wholly or partly mechanically or electronically operated, that is so designed that:

- (a) It may be used for the purpose of playing a game of chance or a game of mixed chance and skill; and
- (b) As a result of making a bet on the device, winnings may become payable and includes any machine declared to be a gaming machine under section 3.1.3 of that Act but does not include –
- (c) A lucky envelope vending machine within the meaning of Chapter 8 of that Act; or
- (d) Interactive gaming equipment that is used or intended to be used for the purposes of interactive games and not for gaming of any other kind.

Land which may be subject to the differential rate is all land having the relevant characteristics described above, except land which is otherwise not rateable land pursuant to section 154(2) of the *Local Government Act 1989*. Land which is not rateable land includes, but is not limited to, land held in trust and used exclusively as a sub-branch of the Returned Services League of Australia in accordance with section 154(2)(f)(ii) of the Act.

**Use of Land:**

The use of the land within this differential rate is any rateable land on which EGMs are operated.

**Geographic Location:**

The geographic location of the land within this differential rate is land wherever located within the municipal district, without reference to ward boundaries.

**Planning Scheme Zoning:**

The characteristics of planning scheme zoning are inapplicable to the determination of this differential rate.

**CARRIED**

**REPORT**

**INTRODUCTION AND BACKGROUND**

The Darebin City Council Proposed Budget for the 2012/2013 year was received at a meeting of Council on Monday, 7 May 2012.

Subsequent to that meeting, public notice of the proposed adoption of the Budget, in accordance with section 129 of the Act, was given in the 'The Age' newspaper on Wednesday 9 May 2012 and in the 'Preston Leader' and the 'Northcote Leader' on 15 and 16 May 2012. The Proposed Budget was made available for inspection at all Council's Customer Service Centres and web site and written submissions were invited. Submissions closed on Wednesday 6 June 2012.

The 2012/2013 budget was presented to Council at its meeting on 18 June 2012. At this meeting it was resolved:

*That:*

- (1) *Adoption of the 2012/2013 Council Budget and Declaration of Rates be deferred until the next meeting of Council on 2 July 2012.*
- (2) *Council officers report back to the 2 July 2012 Council meeting on the cost of allowing a general exemption from the vacant land differential rate for ratepayers who can supply Council with evidence that their residential land has a single dwelling covenant attached to it.*
- (3) *A report be submitted to the 2 July 2012 Council meeting regarding proposed inclusion of a graffiti removal and prevention program to the value of \$89,000.*

**ISSUES AND DISCUSSION**

**Vacant land differential rate**

Council, through the Local Government Act 1989, has the ability to apply what are known as 'differential rates' to different classes of property. Different rates in the dollar are applied to residential land, business land, vacant residential land, vacant business land and land that is used for electronic gaming machines.

The application of differential rates enables Council to use property rates to achieve policy outcomes. In the case of vacant land, an increased rate has been applied to encourage landowners to develop this land.

The increased rate for vacant land was introduced in 2010/2011 at one and a half times the residential rate. This was increased to three times the residential land rate for 2011/2012. The maximum allowable difference is four times the base rate.

The differential rate is not applied to land for which a building permit has been issued. Should a ratepayer obtain a building permit during the course of the financial year the extra amount will be refunded pro-rata.

Funds raised by differential rates are used to maintain Council services, expansion of other services to meet identified needs and to support Darebin's continued economic development.

The rules determining when a property would be rated as vacant land have changed.

- In 2010/2011 an Occupancy Certificate was required before the property was rated as residential/business and not vacant land
- In 2011/2012 a Building Permit was required before the property was rated as residential/business and not vacant land
- In 2012/2013 budget is it proposed to introduce an 18 month rule. Council's vacant residential land will only be applied to a property 18 months after it becomes vacant if no Building Permit has been issued.

The following table shows the reduction in vacant land properties the municipality since the introduction of the vacant land differential in 2010/2011.

Number of vacant properties:

	2010/2011	2011/2012	2012/2013 Budget
Residential	609	375	288
Business	144	114	111

The 2012/2013 budget estimates that the rate revenue to be raised from the residential vacant land rate is \$884,595.

Rate revenue that would be raised if the vacant residential land rate did not apply would be \$294,865.

Introducing a further rule that allows vacant residential land that has a single dwelling covenant to be rated as residential property and not the higher vacant residential land, could result in a loss of rate revenue of up to \$589,730.

To determine if a property has a single dwelling covenant would require a title search and/or the property owner making a declaration to Council.

Legal advice would need to be sought before the introduction of any changes to the differential rates.

### **Graffiti removal and management**

The City of Darebin *Graffiti Management Strategy 2008-2012* outlines Council's long term plan for reducing graffiti in Darebin with a view to enhancing perceptions of public safety. The strategy draws upon graffiti prevention, removal, and enforcement approaches.



Darebin currently has five different areas across Council responding to graffiti removal. The current response entails the following resources and responsibilities:

- Subsidise paint vouchers, graffiti removal kits and contractors for private property.
- Graffiti removal from Council owned buildings.
- Graffiti removal from park assets by Council staff in Darebin Parks.
- Graffiti removal from road infrastructure by Council staff in Road Infrastructure.
- Graffiti removal from Darebin owned traffic signal boxes by Transport Management and planning.

In addition, this financial year Victoria Community Corrections has removed approximately 6,000 square metres of graffiti from Council property as part of the Graffiti Removal Program, equating to a commercial value of \$90,000. Council contributes approximately \$5,000 per year in paint to this program. While this is an excellent resource, it is primarily available for graffiti removal from Council assets and is currently only operating one day a week in Darebin.

In the 2011/2012 financial year Community Wellbeing has given 180 graffiti removal subsidies to residents and business in the City of Darebin. For many cases the \$50 subsidy has minimal impact on the problem due to the volume of graffiti and the cost associated with private contractor removal. Community Wellbeing regularly receives complaints from residents regarding the amount of graffiti within the municipality and request for Council to provide further assistance to private property owners.

The 2012/2013 Budget includes \$35,300 for Graffiti Management. This budget is intended to fund the provision of kits for the removal of graffiti from private property within Darebin.

An additional budget of \$89,000 could fund a Graffiti Removal Works Officer and implement a range of graffiti prevention and education initiatives.

Council has been unsuccessful in obtaining funding from the Australian Government Attorney General's Department Proceeds of Crime Act – Graffiti Prevention and /or removal program.

### **Changes to Proposed Budget**

Following the approval of the proposed budget on the 7 May 2012, a couple of changes have been made to the budget as follows:

- The Victorian Grants Commission recently announced that 50% of the grant funding to be provided in 2012/2013 will be paid in 2011/2012. The 2011/2012 forecast has been updated to include \$2.44 million of Victorian Grants Commission funding received in advance for 2012/13 and the 2012/2013 Budget reduced to reflect this early payment.

The Victorian Grants Commission also advised higher than anticipated funding by \$0.12 million. This change increases the underlying surplus for 2012/2013 by \$0.12 million.

- The Capital Works Program updated to defer the Reservoir Laneway revitalisation – Edwardes Street, adjacent to the Reservoir Civic Centre, Reservoir - for \$0.12 million to the 2013/2014 budget. This project will be delayed because of the redevelopment of the Reservoir Library. There is no change to the underlying surplus as a result of this change.

- Introduction of the late night surcharge of \$20 per hour for room hire that extends beyond 8 pm for Northcote Town Hall. This fee is intended to address a critical safety risk by ensuring two staff is available at all times. There is no change to the underlying surplus as a result of this change.
- Amendment to some minor fees and charges which become exempt from GST from 1 July 2012 following a revision of Division 81 of A New Tax System (Goods and Services Tax) Act 1999. The fees impacted have been highlighted in the fees & charges schedule in **Appendix A**. There is no change to the underlying surplus as a result of this change.

### Rate increase

The Proposed Budget for 2012/2013 is an effective rate increase of 4.6%, one of the lowest increases in metropolitan Melbourne.

### Submissions

Twenty-Three written submissions have been received in response to the Proposed 2012/2013 Budget. Of these submissions, thirteen are seeking a reduction in the differential rates for vacant land. These submissions were received from:

- Vasil Metelovski, Reservoir
- Rosa Svizzero, Reservoir
- Kevin Breen, Reservoir
- Anthony Verlaan, North Essendon
- Snezana Veljanovski, Reservoir
- Brian and Judy Wignell, Bundoora
- Maryrose Stella, Preston
- Andrew Middleton, Northcote
- Elisa Vassallo, Edithvale
- Julie Iredale, Bundoora
- Daniela and Domenico Giannetti, Macleod
- Carme Vassallo, Reservoir
- Scott Lawrence and Kuang Yiping, Thomastown

The ten other written submissions received in response to the Proposed 2012/2013 Budget are as follows:

Submitter	Issue Raised
Kate Long, Northcote	Seeking a rate increase equivalent to the inflation rate, a review of Council's differential rating policy, fiscal management and decision to repay a \$770,000 loan early, restraint on expenditure and fee increases, an increase in the average class size minimum for the PRYME program at NARC and greater consideration in the budget for asset rich and cash poor senior residents.
Scott Munn and Peter Sidwill, Melbourne Heart Football Club	Seeking financial support for Melbourne Heart.
Jane Morton, Darebin Climate Action Now, Northcote	Seeking funding of up to \$800,000 for the replacement of street light globes with more energy efficient ones.
Ian Filby, Northcote	Seeking funding to upgrade the drainage and pavement in Slater Street, Northcote.
Jim Buckell, Thornbury	Requesting Council lobby the VLGA and other bodies for the constitutional recognition of local government. Seeking annual funding of \$1 million+ for cycling initiatives which could include better signage, planning and infrastructure for cycling, dedicated cycling lanes and lock-up hoops.
Damien Gerrans	Seeking a review of the differential rates strategy to encourage green-star or environmental sensitive developments.
Darebin Environmental Reference Group	<p>Congratulations Council on maintaining a high level of commitment to environmental programs and services.</p> <p>Requesting the NAGA membership be retained in the budget and seeking funding in future years for the upgrade of street lighting to energy efficient lighting, regardless of the federal grant outcome.</p>
Josh Fergeus	<p>Congratulations Council on pursuing vacant land differential rates.</p> <p>Requesting greater explanation as to why rates are required to increase by 4.6% and seeking the funds used to repay the loan be redirected to upgrade playgrounds or community services.</p>
Rose Ljubicic, Reservoir	Seeking funding to employ a Building Enforcement Officer and play space upgrades, childcare/kinder services and other community needs.
Elma Marrari, Northcote (received late)	Seeking funding to upgrade the drainage and pavement in Slater Street, Northcote.

Copies of the twenty-three submissions have been circulated separately to Councillors for consideration.

Vasil Metelovski, Kate Long, Sue Crow and David Kobritz (on behalf of Melbourne Heart Football Club) and Jane Morton (on behalf of Darebin Climate Action Now) appeared before a meeting of Council's Hearing of Submissions Committee on 12 June 2012 to be heard in support of their written submissions.

Vacant residential land submissions from:

- Vasil Metelovski, Reservoir
- Rosa Svizzero, Reservoir
- Kevin Breen, Reservoir
- Anthony Verlaan, North Essendon
- Snezana Veljanovski, Reservoir
- Brian and Judy Wignell, Bundoora
- Maryrose Stella, Preston
- Andrew Middleton, Northcote
- Elisa Vassallo, Edithvale
- Julie Iredale, Bundoora
- Daniela and Domenico Giannetti, Macleod
- Carme Vassallo, Reservoir
- Scott Lawrence and Kuang Yiping, Thomastown

*Synopsis of Submission:*

The submissions request Council to reconsider the differential rate for residential vacant land that is 3 times the residential land rate, which, they believe penalises families, pensioners and self-funded retirees that own vacant land.

*Comments on Submission:*

The increased rate for vacant land was introduced in 2010/2011 at one and a half times the residential rate. This was increased to three times the residential land rate for 2011/2012. The maximum allowable difference is four times the base rate.

The 2012/2013 Budget retains the vacant residential land rate at three times the residential rate. In response to community concerns raised last year, the vacant land differential rates for residents will only apply to land that has been vacant for more than 18 months and a valid building permit has not been obtained.

Should a building permit be obtained during the course of the financial year the extra amount will be refunded pro-rata.

Funds raised by differential rates are used to maintain Council services, expansion of other services to meet identified needs and to support Darebin's continued economic development.

The number of properties rated under the vacant land residential differential rate in 2011/2012 was 351. It is anticipated that this number will fall to 288 properties in 2012/2013 following the introduction of the 18 month rule and the development of vacant land.

Council wishes to thank all the submitters for their submission.

No changes are recommended to the 2012/2013 budget arising from this submission.

Kate Long, Northcote*Synopsis of Submission:*

The submission from Kate Long, Northcote seeks:

- A rate increase equivalent to the inflation rate;
- A review of Council's:

- Differential rating policy;
- Fiscal management; and
- Decision to repay a \$770,000 loan early;
- Restraint on expenditure and fee increases; and
- An increase in the average class size minimum for the PRYME program at NARC and greater consideration in the budget for asset rich and cash poor senior residents.

*Comments on Submission:*

### **Rate increases**

Employee costs represent over 50% of Darebin's total operating costs or \$67 million. An EBA increase of 4% in 2012/2013, plus additional increases in fuel, Fire Brigade Levy, insurance, land fill levy, carbon tax etc, makes CPI an inaccurate measure in determining the rate rise.

The Budget for 2012/2013 is a rate increase of 4.6%. This is one of the lowest increases in metropolitan Melbourne.

Property revaluations completed in January 2012 consider market trends since the completion of the valuations with a review completed by the Valuer General. It should be noted that property revaluations do not increase the rate revenue raised. The general revaluation process enables Council to re-apportion the rate income across the municipality in accordance with movements in property value. Properties which have increased in value by more than the average will receive a rate increase of more than the headline rate of 4.6%. Properties with an increase in value less than the average will receive a rate increase less than 4.6%.

In 2010 the median residential property was \$459,000. This has increased to \$507,000 in 2012. The increase in rates for 2012/2013 on this median property is less than 82 cents per week.

### **Differential rates**

The *Local Government Act* allows three methods of valuing land – site value, net annual value and capital improved value. Darebin use capital improved value for rating valuation purposes, along with the majority of other Victorian Councils.

Capital improved value is considered the most equitable method for distributing the burden of rates.

### **Fiscal policy**

Council is very mindful of its responsibility as custodian of ratepayers' money to ensure prudent financial management. The 2012/2013 budget process is underpinned by extensive reviews undertaken throughout the organisation. Commencing in November 2011, the 350+ programs were reviewed and savings or revenue opportunities identified. In January 2012, the budget was presented to the Executive Management Team with further savings and revenue opportunities identified. In February through to April 2012 an extensive review of the budget was completed by Councillors.

Whilst outsourcing Council activities is not a Council policy, Council does ensure that a competitive tendering process is undertaken for all purchases greater than \$150,000 and at least 3 quotations obtained for all purchases greater than \$5,000, but less than \$150,000. To

support the local community, Darebin Local Industry Procurement Policy was adopted in 2011. The policy ensures a weighting is given to local suppliers when awarding contracts.

### **Early loan repayment**

The loan of \$1.45 million taken out in 2007 will be repaid in full in 2012/2013. This will reduce future years finance costs by approximately \$0.07 million per annum.

### **Increase in fees**

The average increase in user fees and charges included in the 2012/2013 budget is 2.5%, in line with CPI.

### **Support for Older Citizens**

Aged and disability services are by far the largest group of services provided by Council with a cost to the community of \$15 million. In this 2012/2013 budget Council will maintain our high standard of aged care service – Darebin has no waiting list for this service and, as a result, is one of the largest municipal aged care providers.

In relation to the question regarding the PRYME program at NARC, this has been referred to the Leisure and Public Realm team for review.

Council wishes to thank Kate Long for her submission.

No changes are recommended to the 2012/2013 budget arising from this submission.

### **Scott Munn and Peter Sidwill, Melbourne Heart Football Club**

#### *Synopsis of Submission:*

The submission from Melbourne Heart Football Club, is requesting financial support of up to \$118,000 to continue to establish and expand their programs.

#### *Comments on Submission:*

In June 2010, a once off payment of \$120,000 was provided by Council to Melbourne Heart Football Club to assist the club start-up at La Trobe University with the understanding that the Club will partner the Council, and with local clubs, schools and organisations to provide opportunities for women in the Darebin municipality to become involved in the sport.

Council wishes to thank Melbourne Heart Football Club for their submission.

No changes are recommended to the 2012/2013 budget arising from this submission.

### **Jane Morton, Darebin Climate Action Now, Northcote**

#### *Synopsis of Submission:*

The submission from Jane Morton, Darebin Climate Action Now, seeks funding of up to \$800,000 for the replacement of street light globes with more energy efficient ones.

#### *Comments on Submission*

In the 2012/2013 Budget, Council is maintaining its focus on the environment, with new funding allocated to complete the installation of a cogeneration plant (using natural gas to produce electricity at high efficiency, close to where it is needed) at Northcote Aquatic and Recreation Centre, the introduction of an e-waste service (for computers and televisions) and projects to encourage diversion of waste from landfill.

Council has been unable to secure grant funding from the State or Federal governments to assist with the upgrade of street lighting to energy efficient lighting. The cost of installing energy efficient globes across Darebin is estimated at \$1.47 million.

Council wishes to thank Jane Morton and the Darebin Climate Action Now for their submission.

No changes are recommended to the 2012/2013 budget arising from this submission.

Ian Filby, Northcote and Elma Marrari, Northcote

*Synopsis of Submission:*

The submissions from Ian Filby, Northcote and Elma Marrari, Northcote, requests funds to upgrade the drainage and pavement in Slater Street, Northcote.

*Comments on Submission*

The 2012/2013 capital works program includes \$250,000 for an upgrade to the drainage and road in Slater Street Northcote from Mitchell Street to Bastings Street.

Council wishes to thank Ian Filby for his submission.

No changes are recommended to the 2012/2013 budget arising from this submission

Jim Buckell, Thornbury

*Synopsis of Submission:*

The submission from Jim Buckell, Thornbury encourages Council advocate via the Victorian Local Governance Association and other bodies for the constitutional recognition of local government in order to secure additional Commonwealth funding. Additional Commonwealth funding could be used to address climate change and provide funding for infrastructure, transport links and community services.

The submission congratulations Council on establishing the Bicycle Advisory Committee and seeks funding 'in the millions of dollars' for cycling initiatives including better signage, planning and infrastructure for cycling, dedicated cycling lanes and lock-up hoops.

*Comments on Submission*

In November 2011, Council made a submission to the Expert Panel on Constitutional Recognition in Local Government supporting the move to recognise the importance and significance of local government by enshrining it in our Constitution. One reason Council supported constitutional recognition was the removal of the inefficient and legally questionable arrangements that pass federal funding to local projects through 'tied funding' arrangements with the relevant state governments.

Funding of \$1.1 million has been included in the proposed 2012/2013 Capital Works Program for cycling initiatives. This includes \$338,000 for improving cycling facilities.

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Council wishes to thank Jim Buckell for his submission.

No changes are recommended to the 2012/2013 budget arising from this submission.

Damien Gerrans

*Synopsis of Submission:*

The submission from Damien Gerrans, is seeking a review of the differential rating strategy to provide encouragement to green-star or environmental sensitive developments.

*Comments on Submission*

Council thanks Damien Gerrans for his suggestion. Council's annual review of its differential rating strategy (next review to be completed prior to the 2013/2014 budget) will consider his suggestion.

No changes are recommended to the 2012/2013 budget arising from this submission

Darebin Environmental Reference Group

*Synopsis of Submission:*

The submission from Darebin Environmental Reference Group congratulates Council on maintaining a high level of commitment to environmental programs and services.

The submission also requests the budget for NAGA membership be retained and seeks funding in future years for the upgrade of street lighting to energy efficient lighting, regardless of the federal grant outcome.

*Comments on Submission*

Council thanks Darebin Environmental Reference Group for their comments and support.

The comments in relation to NAGA and street lighting upgrade are noted.

No changes are recommended to the 2012/2013 budget arising from this submission.

Josh Fergeus

*Synopsis of Submission:*

The submission from Josh Fergeus congratulates Council on pursuing vacant land differential rates. The submission also requests further explanation as to why rates are required to increase by 4.6% and requests the funds used to repay the loan be redirected to upgrade playgrounds or community services.

*Comments on Submission*

Council thanks Josh Fergeus for his support of Council's differential rates strategy on vacant land.

The rate increase of 4.6% is one of the lowest in Victoria. With employee costs representing over 50% of Darebin's total operating costs or \$67 million, an EBA increase of 4% in 2012/2013, plus additional increases in fuel, Fire Brigade Levy, insurance, land fill levy,



carbon tax etc, requires a rate increase of 4.6%. Extensive budget reviews by Council Officers and Councillors has identify savings or revenue opportunities, which have been included in the 2012/2013 budget.

The comments on the loan repayment are noted.

No changes are recommended to the 2012/2013 budget arising from this submission

### Rose Ljubicic, Reservoir

#### *Synopsis of Submission:*

The submission from Rose Ljubicic, Reservoir, is seeking funding to employ a Building Enforcement Officer and play space upgrades, childcare/kinder services and other community needs.

#### *Comments on Submission*

The City Development Department is responsible for the enforcement inspections and believe the resources included in the 2012/2013 budget are adequate to satisfy current regulatory arrangements.

The 2012/2013 budget also includes:

- \$570,000 for playspace upgrades;
- \$445,000 for an all abilities playspace at Edwardes Lake;
- \$250,000 for pocket parks renewal program; and
- \$4,800,000 for Keon Park Community Hub which will include a childcare centre.

The upgrade to Oakhill Community Centre for \$1 million will also be completed in 2012/2013.

Council wishes to thank Rose Ljubicic for her submission.

No changes are recommended to the 2012/2013 budget arising from this submission

## **POLICY IMPLICATIONS**

The 2012/2013 Budget has been prepared to give financial effect in the coming year to the objectives set out in the Council Plan 2009-2013 and the Strategic Resource Plan.

### **Environmental Sustainability**

The 2012/2013 Budget continues Council's funding of environmental operations in a range of areas including waste collection and recycling services, street cleaning, litter collection, park and sporting field maintenance and improvements in the context of drought, water-saving and energy efficiency measures.

Funding has also been included to continue Council's active work with the community to reduce greenhouse gas emissions.

### **Social Inclusion and Diversity**

The Council Plan 2009-2013 contains a number of policy directions specifically designed to reflect Council's commitment to social inclusion and diversity, and the proposed Budget has been prepared in this context. Social inclusion, fairness and equity have been key principles in Council determining how to raise income and allocate expenditure to fund the many services it delivers and infrastructure it maintains and upgrades. The \$100 rebate to Darebin's 12,000 eligible pensioner ratepayers is one example within the budget of Council's commitment to these principles.

### **Other**

The proposed budget is prepared in the context of key principles in the Strategic Resource Plan 2012-2016 that underpin Council's long term financial planning. These principles are:

- Maintenance of the scope and standard of ongoing services provided to the Darebin community and a flexibility to address changing community needs with innovative services and facilities.
- A focus on renewing community assets such as roads, footpaths, open space and buildings to ensure they are maintained at an appropriate standard to meet required service levels.
- Generation of sufficient ongoing income to fund Council services and capital works commitments over the longer term.
- Holding of sufficient cash and other assets in order to meet Council's payment obligations to suppliers and employees.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

All matters raised in this report which have a financial implication have been reflected in the 2012/2013 Budget.

### **CONCLUSION**

It is recommended that Council adopt the attached Budget 2012/2013 and declare the rates for the 2012/2013 Financial Year and that public notice be given of the decision in accordance with the Act.

No changes are recommended to the 2012/2013 budget arising from the twenty-three submissions received.

### **FUTURE ACTIONS**

Following adoption of the final 2012/2013 Budget, the following actions are required:

- Advise the submitters of Council's decision in relation to the 2012/2013 Budget and the reasons for the decision.
- Give public notice of adoption of the 2012/2013 Budget.
- Make a copy of the 2012/2013 Budget available for inspection by the public at Darebin Civic Centre, Customer Service Centres and Council's website.
- Submit a copy of the 2012/2013 Budget to the Minister for Local Government.
- Forward rate notices for 2012/2013.

## 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 7 May 2012 and 18 June 2012

Hearing of Submissions Committee Meeting Minutes – 12 June 2012

Submissions received from Vasil Metelovski, Reservoir, Kate Long, Northcote, Scott Munn and Peter Sidwill, Melbourne Heart, Jane Morton, Darebin Climate Action Now, Northcote, Rosa Svizzero, Reservoir, Kevin Breen, Reservoir, Anthony Verlaan, North Essendon, Snezana Veljanovski, Reservoir, Ian Filby, Northcote, Brian and Judy Wignell, Bundoora, Maryrose Stella, Preston, Andrew Middleton, Northcote, Elisa Vassallo, Edithvale, Julie Iredale, Bundoora, Daniela and Domenico Giannetti, Macleod, Carme Vassallo, Reservoir, Jim Buckell, Thornbury, Damien Gerrans, Darebin Environmental Reference Group, Josh Fergeus, Rose Ljubicic, Reservoir, Scott Lawrence and Kuang Yiping, Thomastown and Elma Marrari, Northcote (received late).

*The Mayor, Cr. Tsitas, temporarily left the meeting at the conclusion of the above item – 8.59 pm*

## ELECTION OF TEMPORARY CHAIRPERSON

*The Chief Executive, Rasiah Dev, called for nominations for the position of Temporary Chairperson.*

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

*Cr. Chiang assumed the Chair.*

**8.4 APPLICATION FOR PLANNING PERMIT D829/2011 – 830  
PLENTY ROAD RESERVOIR****MINUTE NO. 316****AUTHOR: Manager City Development****REVIEWED BY: Director City Works and Development****SUMMARY:**

This application seeks the approval to redevelop land for a multi-level mixed use development incorporating detached townhouses, ground floor retail, two (2) multi-use residential buildings and associated on-site basement car parking. Specifically, the development comprises of:

- 25 townhouses (13 independent of the multi-level residential building and 12 semi-engaged with the towers);
- 294 apartments over 16 levels (15 levels visible from Plenty Road);
- 273m<sup>2</sup> of ground floor retail space across three (3) tenancies; and
- 424 car parking spaces (including the 13 spaces associated with the detached southern town houses).

The Planning Committee at its meeting on 25 June 2012 considered a report on this application and resolved that the application be referred to full Council for a decision at its meeting on 2 July 2012.

**CONSULTATION:**

- Notification of the original application has taken place in the form of letters to adjoining and nearby owners and occupiers and by the posting of a notice on site.
- 24 submissions were received.
- Separate discussions have been held with the permit applicant and various objectors throughout the process. No formal consultation meeting was held.
- The application has been referred to the following departments of Council and external authorities:
  - Environmentally Sustainable Design Officer;
  - Transport Management Unit;
  - Capital Works Unit;
  - Darebin Parks Unit;
  - Strategic Planning Unit; and
  - Department of Transport.

**RECOMMENDATION**

**THAT** Planning Permit Application D/829/2011 be approved and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (*identified as Project: Plenty Road Development, Job No. 1037, Drawn by Fender Katsalidis Architects, Drawing No's TP001, dated 11/10/2011, TP100-TP104, dated 1/12/2011, TP105-TP202, dated 12/10/2011*); the Waste Management Plan (*identified as Wastech Services Waste Management Plan, 830 Plenty Road Reservoir, dated 4<sup>th</sup> October 2011*); the Traffic Management Report (*identified as Job No: CG111585, prepared by Cardno, dated 8 December 2011*); and the Sustainability Management Plan (*prepared by Sustainable Development Consultants, dated 4<sup>th</sup> May 2012*) but modified to show:

Car Parking:

- (a) The redesign of the basement car park to ensure that all car parking spaces can be reached from the lifts, without the use of stairs, and at a maximum gradient of 1:14 in accordance with AS1428.1.
- (b) Details on barriers / fences within the basement car park to avoid vehicles and pedestrians from falling between different levels.
- (c) The deletion of the six (6) southernmost parking spaces of the hotel car park, positioned on a north/south alignment and:
  - i. Replaced with three (3) spaces orientated east/west; and
  - ii. The area south and west of the three (3) spaces to be set aside as a landscape corridor connecting with the internal access road to the residential development.
- (d) Nine (9) parking spaces to the rear (south-east) corner of the site (behind hotel). The parking spaces must be positioned to avoid interference with the turning arc of delivery vehicles.
- (e) Allocation of parking spaces for each dwelling, including secondary spaces for the townhouses south of the internal access road.
- (f) The deletion of the parking space on Drawing TP102, eastern building, immediately south of the access ramp to avoid interference with the access to two (2) townhouses.
- (g) Either the deletion or reduction in the depth of the turning area at the eastern end of the internal access road. Where deleted, a communal garbage collection point will be required near the basement car park entrance to prevent garbage collection vehicles travelling east of this turning point.

- (h) Lighting to the basement car parking, internal access roads and the street plaza and communal open space.
- (i) Pavement treatment and material of the turning area at the southern end of the Street Plaza to define the “drop-off zone”.
- (j) Five (5) customer / visitor bicycle parking spaces in the street plaza.
- (k) Direct linear access from the ramp (western building) and the street plaza (eastern building) via automatic sliding doors to the bicycle parking areas.
- (l) Sign posting of bicycle parking areas (signage dimensions 0.3m wide by 0.45m high with a white bicycle on blue background). Directional signage must also be provided to visitor bicycle parking from the street plaza and this area must remain accessible at all times.

Sustainability:

- (m) A notation for the Studios on Drawing no's. TP104, TP105, TP106, TP107, TP108 & TP109 to provide 'glazed openings in the wall between the bedroom and living room'.
- (n) A notation referencing the use of double glazing with low-e coating or triple glazing on all north, east and west orientated windows and glazed doors on the respective Drawing TP200, TP201 & TP202 (refer also to condition 1(bb) & (cc)).
- (o) The location and size of the gas boiler and 92 solar panels to support the proposed gas central hot water system.
- (p) Specifically for the eastern building:
  - i. A north orientated highlight window to the 2-bedroom apartment on Drawing TP103 overlooking the Street Plaza.
  - ii. Operable window to the south-west orientation or roof window to the second bedroom and bathroom of the 2-bedroom apartments fronting Plenty Road on Drawing TP104 & TP105.
  - iii. Operable window to the north-east orientation or roof window to the second bedroom and bathroom of the 2-bedroom apartments fronting Plenty Road on Drawing TP104 & TP105.
  - iv. High performance skylights, solar tubes or roof windows to bathrooms in the following apartments:
    - a. Drawing TP109 – the two (2) southernmost 1-bedroom and 2-bedroom apartments; and,
    - b. Drawing TP111 – the most eastern 1-bedroom apartment; and the two (2) most northern 3-bedroom apartments; and, the ensuite to the 2-bedroom apartment.
  - v. High performance skylights, solar tubes or roof windows to the corridor:
    - a. Drawing TP109 - within proximity to the entrance of the two (2) southernmost 2-bedroom apartments; and,

- b. Drawing TP111 – within proximity to the entrance of the two (2) 3-bedroom apartments.
- (q) Specifically for the western building:
  - i. Operable window to the north-east orientation of the 2-bedroom apartments fronting Plenty Road on Drawing TP104 & TP105.
  - ii. High performance skylights, solar tubes or roof windows to bathrooms in the following apartments:
    - a. Drawing TP107 – most western 2-bedroom apartment;
    - b. Drawing TP108 – each of the 2-bedroom apartment and 3-bedroom apartments.
  - iii. High performance skylights, solar tubes or roof windows to the corridor between the entrances to the 2-bedroom apartments on Drawing TP108.
- (r) Specifically for the townhouses:
  - i. North facing operable window to the kitchen of the townhouses on the northern side of the internal access road on Drawing TP102.
  - ii. High performance skylights or roof windows to bathrooms in each of the 25 townhouses on Drawing TP103.
- (s) Operable windows in the corridors of the residential towers to provide ventilation.
- (t) Details of the pedestrian link between the Street Plaza and the hotel.
- (u) Water tanks referred to in 3.5 Water of the Sustainability Management Plan which provide:
  - i. 150,000 litre capacity to the residential towers; and,
  - ii. 5,000 litre capacity for the fire system.
- (v) Waste and composting recycling bins on each level of the residential towers.
- (w) Modifications to the Environmentally Sustainable Development Management Plan (refer to condition 5).

Amenity:

- (x) First floor balcony of dwellings positioned on the north side of the internal access road to be increased to a minimum depth of 1.6 metres.
- (y) Balconies of the studio and 1-bedroom apartments on levels 3 to 10 (Drawing TP106, TP107, TP108 & TP109) to be increased to 8 m<sup>2</sup>.
- (z) A communal open space area at the eastern end and north of the internal access road inclusive of a picnic shelter and park bench.
- (aa) Storage lockers within the carport of all townhouses on the south side of the access road.

- (bb) Acoustic measures designed to protect the amenity of prospective tenants to be notated on each floor and elevation plan (refer also to condition 1(n)).
- (cc) A notation referencing the use of glazing with low reflectivity levels in the residential towers (refer also to condition 1(n)).
- (dd) External materials or treatment to minimise the potential for graffiti. A notation on Drawing TP200, TP201 & TP202 will suffice.
- (ee) A landscape plan in accordance with condition no.7 of this Permit.

Waste Management Plan:

- (ff) Amendments to the waste management plan to:
  - i. Remove reference to the use of a council contractor on page 5 of the report;
  - ii. Respond to any amendment to the plans arising from condition 1 (g) and (v) above;
  - iii. Bins for commercial tenancies to be stored on-site and screened from the public realm; and,
  - iv. Bin collection for commercial tenancies proposed from Plenty Road to occur before 7am on weekdays only.

Other:

- (gg) A single communal antenna for each building (refer also to condition no. 24 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
- (hh) Staging plan where the development is to be carried out in stages.
- (ii) An integrated signage solution for the commercial tenancies which illustrates the location of future signage in respect to the overall architecture of the building.
- (jj) The placement of flues for the commercial tenancies where they may be used as eating establishments.
- (kk) Plans, elevations and cross sections showing:
  - i. Car parking spaces (1:100 scale);
  - ii. Vehicle access ways;
  - iii. Ramps; and,
  - iv. Headroom (1:25 scale).

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

- 2. The development, including staging, as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.



3. The layout of the uses as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
4. This Permit will expire if:
  - The development does not start within three (3) years from the date of this Permit; or
  - The development is not completed and the use has not started within five (5) years of the date of this Permit.

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

5. The development must incorporate the sustainable design initiatives in accordance with the Sustainability Management Plan (*identified as Sustainability Management Plan 830 Plenty Road, Reservoir, prepared by Sustainable Development Consultants dated 4 May 2012*) to the satisfaction of the Responsible Authority but subject to the following amendments:

- (a) At 3.1 *Management* section of the report:
  - i. Detail how the Building Users Guide will be applied to enable occupants to optimise the building's environmental performance.
- (b) At 3.2 *Indoor Environment Quality* section of the report:
  - i. Provide a response to the following categories:
    - Day lighting;
    - Thermal comfort;
    - Private external space; and,
    - Natural ventilation.
- (c) At 3.3 *Energy* section of the report:
  - i. Reference to the use of ceiling fans to living and common areas in lieu of air conditioners;
  - ii. Notation of the minimum use of double glazing with low-e coating on all north, east and west elevations and the provision of heavy lined drapes; and,
  - iii. Commentary on ventilation to the basement car park.

Prior to the occupation of the development, a report from the author of the Sustainability Management Plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Management Plan have been implemented in accordance with the approved Plan.

6. Before the buildings and works commence, with the exception of demolition works and other minimum works necessary to achieve compliance with this condition, a site assessment of 830 Plenty Road, Reservoir, prepared by a member of the Australian Contaminated Land Consultants Association (Victoria) Inc. or other suitably qualified environmental professional, must

be submitted to the Responsible Authority to its satisfaction. The site assessment must include:

- (a) The nature of the previous land use or activities on the site;
- (b) An opinion on the level and nature of contamination (if any), how much is present and how it is distributed;
- (c) Details of any clean up, construction, ongoing maintenance, monitoring or other measures in order to effectively manage contaminated soil (if any) that is present within the site (management measures); and
- (d) Recommendation on whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

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

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

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

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

Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

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

7. Prior to the issue of a building permit for any building or any works authorised by this permit, a development levy must be paid to Darebin City

Council. The amount of the development levy for each charge unit must be calculated in accordance with Schedule 1 to the Development Contribution Plan Overlay.

8. As part of the consultant team an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained.
9. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
  - (a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties. The genus, species, height and spread of all trees must be specified;
  - (b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity and quantities of all plants. Trees should be of appropriate specimens and positioned to provide shade in the warmer months over the street plaza and warmth in the cooler winter months. The planting palette is to be derived from the City of Darebin's Indigenous Plant List;
  - (c) Details of all surfaces including lawns, mulched garden beds and hard paving (such as asphalt, concrete, brick or gravel). An emphasis should be placed on the provision of permeable surfaces;
  - (d) Street trees within the nature strip/s adjacent to the property;
  - (e) All constructed items including retaining walls, letter boxes, garbage bin receptacles, outdoor furniture, lighting, clotheslines etc;
  - (f) Edge treatment between grass (lawn) and garden beds;
  - (g) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences. An outline of buildings on adjoining land, including the location of windows and doors which face the subject site must also be shown;
  - (h) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided;
  - (i) Clear graphics identifying trees (deciduous and evergreen), shrubs, groundcovers and climbers;
  - (j) The provision of seating areas (informal lawn or furniture), sheltered areas as well as native tree species in the Street Plaza and communal open space;
  - (k) Dissolving of the street plaza / footpath into the existing footpath along Plenty Road (through treatment materials and colours);
  - (l) Clearly defined pedestrian corridor from the residential towers to the hotel;
  - (m) Landscape treatments at the T head of the proposed internal road to screen the blank commercial wall;

- (n) The use of Water Sensitive Urban Design (WSUD) and rain gardens; and,
- (o) A scale, North Point and appropriate legend.

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

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

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

11. The landscaping as shown on the endorsed Landscape Plan, including any landscaping which extends beyond the property boundaries, must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.

12. Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:

- (a) Noise emissions associated with the operation of surrounding and nearby non-residential uses and traffic do not impact adversely on the amenity of the dwellings and on the amenity of the communal open space area.
- (b) The design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum of 35 dB(a) in accordance with relevant Australian Standards for acoustic control (including AS3671-Road Traffic).
- (c) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the hotel car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.

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

13. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- (a) Constructed;
  - (b) Properly formed to such levels that they can be used in accordance with the plans;
  - (c) Surfaced with an impervious all-weather sealcoat; and
  - (d) Drained
- to the satisfaction of the Responsible Authority.

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

14. Before the development is occupied, vehicular crossing(s) from the unnamed public road along the site's western boundary must be constructed to align with the approved internal access road to the satisfaction of the Responsible Authority. All redundant crossing(s) or crossing opening(s) must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
15. The waste storage / collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.
16. Before the development starts the applicant must develop and deliver a comprehensive Travel Plan for the site. These Travel Plans must support the requested level of parking reduction for the site to be approved by the Responsible Authority. The Travel Plans must articulate how the developer intends to promote sustainable travel behaviour by individuals travelling to and from the site.
17. Before the use commences an all-weather sustainable transport display must be provided in a visually prominent location within the street plaza and either within the foyer of the hotel or courtyard. The display must include a transport plan and must include public transport route maps and timetables and maps of walking and cycling routes to and from the site. The display must be regularly monitored and kept up to date to the satisfaction of the Responsible Authority.
18. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
19. All dwellings that share dividing walls and / or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
20. Before the development is occupied, an automatic external lighting system capable of illuminating the entry to each townhouse must be provided on the land to the satisfaction of the Responsible Authority.  
  
The external lighting must be designed, baffled and / or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
21. The land must be drained to the satisfaction of the Responsible Authority.
22. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be

- concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
23. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
  24. Only one (1) communal television antenna may be erected on each tower and one (1) on each of the 25 townhouses to the southern end of the site. Individual antennae for individual dwellings / tenancies must not be erected.
  25. Provision must be made on the land for letter boxes and receptacles for newspapers to each apartment and townhouse to the satisfaction of the Responsible Authority.
  26. All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes associated with the commercial tenancies must be kept in a storage area screened from the public realm, to the satisfaction of the Responsible Authority.
  27. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.
  28. The amenity of the area must not be adversely affected by the use or development as a result of the:
    - (a) Transport of materials, goods or commodities to or from the land; and/or
    - (b) Appearance of any building, works, stored goods or materials; and/or
    - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orand/or in any other way, to the satisfaction of the Responsible Authority.
  29. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
  30. Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility: AS1428.1-1998, AS1428-2 1992, AS1428-3 1992 and AS1428-4 1992.

## REPORT

### INTRODUCTION AND BACKGROUND

A search of Council records has found no relevant planning history for the site. The adjoining site to the east has approval for a 12 storey mixed use retail and residential development. This development has not commenced.

### ISSUES AND DISCUSSION

The land is zoned Business 1 and is encumbered by a Development Contributions Plan Overlay. The 1.7 hectare parcel is situated within the Summerhill Village complex located south of Plenty Road. Flanked by commercial and residential land uses, the site declines to the rear with uninterrupted views of the City skyline. The development involves the demolition of the supermarket and smaller tenancies, with the hotel, restaurant and a single retail premise to be retained on the site.

The proposal is well designed, informed from the opportunities and constraints of the site and taking into account internal and external amenity, building siting and orientation to maximize solar gain whilst minimizing shadow over neighbouring properties.

The proposal generally complies with the principles of Clauses 22.09, 22.10 and 55 of the Darebin Planning Scheme, subject to conditions, as discussed in the attachment to this report.

The proposal offers adequate car parking for residents, visitors and patron to the commercial premises as required by Clause 52.06. An empirical assessment by the permit applicant's traffic engineer concludes that there is adequate car parking available for the commercial uses retained on the site. A detailed assessment of the application is provided in the attached town planning report (**Appendix A**)

### POLICY IMPLICATIONS

#### Environmental Sustainability

An updated ESD report incorporating sustainability improvements to the design will be a requirement of any permit that may issue.

#### Social Inclusion and Diversity

Nil

#### Other

Nil

### FINANCIAL AND RESOURCE IMPLICATIONS

As per allocated budget.

### CONCLUSION



Subject to conditions listed in the recommendation and detailed throughout the assessment of the planning application in the attachment (**Appendix A**) to this report, the proposal is considered to be in accordance with State Planning Policy Framework, Local Planning Policy Framework including Council's Municipal Strategic Statement and local planning policies.

Whilst the design and scale of this development introduces a tall and unique element to this precinct in Plenty Road, it will be read in context with an existing approved 12 storey mixed use development on the adjoining land, maintains an active interface with Plenty Road and most importantly, offers a design solution that is respectful to the urban context and adjoining land.

## FUTURE ACTIONS

Nil.

## DISCLOSURE OF INTERESTS

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

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

## RELATED DOCUMENTS

- Darebin Planning Scheme
- Planning and Environment Act (1987) as amended
- Guidelines for Higher Density Residential Development 2004
- Safer Design Guidelines for Victoria 2005
- Planning Committee Meeting Minutes – 25 June 2012 (Item No. 5.1)
- **Appendix A** – Planning Officer's report
- **Appendix B** – Aerial Photo
- **Appendix C** – Plans

## SUSPENSION OF STANDING ORDERS

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

**THAT** Standing Orders be suspended to enable three (3) presenters to verbally address the meeting in relation to this matter – 9.00pm.

**CARRIED**



**PRESENTATIONS**

The following persons verbally addressed the meeting and were individually thanked for their presentations upon conclusion:

- Mr. Donald Sutherland (Architect from FKA), on behalf of the Applicant.
- Fiorinda Koch, objector

(The Mayor, Cr. Tsitas, returned to the meeting during her presentation and resumed and Chair – 9.05pm)

- Brian Steele (Summerhill Hotel), objector.

**RESUMPTION OF STANDING ORDERS**

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

**THAT** Standing Orders be resumed - 9.22pm

**CARRIED**

**MOTION**

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

**THAT** Planning Permit Application D/829/2011 be refused and that a Notice of Refusal be issued on the following grounds:

- (1) The development does not comply with the objectives of Clause 22.09 in that:
  - a. Townhouses are not sufficiently respectful of the existing residential neighbourhood character;
  - b. Inadequate private open space is provided to the townhouses; and
  - c. The second parking space for the townhouses to the southern side of the internal access road is not within convenient proximity to the dwellings.
- (2) The proposed building height of the residential towers is inconsistent with the established height and character of the neighbourhood.
- (3) The proposal fails to provide a mix of retail and residential uses appropriate for an activity centre
- (4) The height and location of the proposed development creates a building of excessive visual bulk.

Cr. Laurence proposed to the mover (Cr. Morgan) and seconder (Cr. McCarthy) of the Motion that the following additional ground (5) be added to the Motion. This was accepted by Cr. Morgan and Cr. McCarthy.

- “(5) The application fails to provide adequate car parking to sustain current retail activities and new residential uses given large numbers of disabled and elderly customers.

THE AMENDED MOTION THEN READ AS FOLLOWS:

**AMENDED MOTION**

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

**THAT** Planning Permit Application D/829/2011 be refused and that a Notice of Refusal be issued on the following grounds:

- (1) The development does not comply with the objectives of Clause 22.09 in that:
  - a. Townhouses are not sufficiently respectful of the existing residential neighbourhood character;
  - b. Inadequate private open space is provided to the townhouses; and,
  - c. The second parking space for the townhouses to the southern side of the internal access road is not within convenient proximity to the dwellings.
- (2) The proposed building height of the residential towers is inconsistent with the established height and character of the neighbourhood.
- (3) The proposal fails to provide a mix of retail and residential uses appropriate for an activity centre
- (4) The height and location of the proposed development creates a building of excessive visual bulk.
- (5) The application fails to provide adequate car parking to sustain current retail activities and new residential uses given large numbers of disabled and elderly customers.

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

**COUNCIL RESOLUTION**

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

**THAT** Planning Permit Application D/829/2011 be refused and that a Notice of Refusal be issued on the following grounds:

- (1) The development does not comply with the objectives of Clause 22.09 in that:
  - a. Townhouses are not sufficiently respectful of the existing residential neighbourhood character;
  - b. Inadequate private open space is provided to the townhouses; and,
  - c. The second parking space for the townhouses to the southern side of the internal access road is not within convenient proximity to the dwellings.
- (2) The proposed building height of the residential towers is inconsistent with the established height and character of the neighbourhood.
- (3) The proposal fails to provide a mix of retail and residential uses appropriate for an activity centre
- (4) The height and location of the proposed development creates a building of excessive visual bulk.
- (5) The application fails to provide adequate car parking to sustain current retail activities and new residential uses given large numbers of disabled and elderly customers.

**CARRIED UNANIMOUSLY**

**8.5 PROGRESS REPORT ON J.E. MOORE PARK PAVILION  
EXTENSION AND CRISPE PARK LIGHTING WORKS****MINUTE NO. 317****AUTHOR: Manager Leisure and Public Realm****REVIEWED BY: Acting Director City Design and Environment****SUMMARY:**

At its meeting on 18 June 2012 Council resolved as follows:

*That Council officers report back to the Council meeting on 2 July 2012 on:*

*(1) The progress of works on the change rooms at J.E. Moore Park*

*(2) The progress of the lighting project at Crispe Park*

*and that Council officers also convey this resolution to tenant clubs.*

This report responds to the above request.

**CONSULTATION:**

Project Manager, Major Projects

Project Manager, City Design and Environment

Manager Major Projects and Transport

**COUNCIL RESOLUTION****MOVED: Cr. V. Fontana****SECONDED: Cr. T. McCarthy**

**THAT** Council note this progress report regarding the J.E. Moore Park Pavilion Extension and Crispe Park Lighting Works and that officers continue to provide regular updates on progress to the affected sporting clubs until practical completion.

**CARRIED UNANIMOUSLY**

## REPORT

### INTRODUCTION AND BACKGROUND

As part of its capital works program, Council has committed funds to improve the functionality of the J.E. Moore Park north pavilion (corner of Edwardes Street and Gilbert Road Reservoir) and to improve the sports field lighting at Crispe Park (Gloucester Street Reservoir).

#### J.E. Moore Park north pavilion – West Preston Lakeside Football Club

The pavilion at J.E. Moore Park north is below current day expectations. The kitchen and social room provide a sufficient level of service however the change rooms are inadequate. At present the home team has an outdated change room in the north pavilion, however the away team must cram into what is effectively a toilet block nearby.

The pavilion will be extended to allow both the home and away change rooms to be located within the north pavilion and will be refurbished to ensure they meet the requirements of the associated use that the pavilion supports.

#### Crispe Park – Reservoir Football Club

Crispe Park currently has partial sports field lighting which allows training to take place in a limited area only. This restricts the club from developing its junior program and makes it difficult to attract senior players to the club.

Additional sports field lighting will allow training to be conducted over the entire playing field which will encourage higher participation rates, spread wear and tear to the playing surface more evenly and allow the senior teams to practise within an area that replicates match conditions.

### ISSUES AND DISCUSSION

#### J.E. Moore Park North

Tenders for the J.E. Moore Park north pavilion redevelopment closed on Thursday 14 June 2012. Six submissions were received and assessment has commenced. Following completion of the submission assessment a contract will be awarded for these works. The contracted works are within officer delegation limits and do not require a Council decision.

Once the contract has been awarded, officers will confirm the schedule of works from the contractor and meet on site with the tenants based at J.E. Moore Park. It is likely that parts of the pavilion can continue to be occupied during construction works however this will be discussed in detail with the tenants when a contractor has been appointed.

An indicative timeline has been provided below:

- Contract awarded – July 2012
- Works commence - late August 2012
- Works completed – November/December 2012

#### Crispe Park

A contract was awarded in April 2012 to install additional lighting at Crispe Park. Trenching works commenced in June 2012 and new poles are expected to be installed in July 2012. Electrical connections and cabling works will be finalised with the project to be completed by the end of August 2012, subject to favourable weather. Officers conducted a site meeting with the contractor and the Reservoir Football Club on 6 June 2012 to confirm the extent of works and timelines.

#### Communication with clubs

Tenant clubs at both Crispe Park and J.E. Moore Park north have been advised of Council's resolution at its meeting on 18 June 2012.

Officers will continue to liaise with the clubs impacted by the works taking place at Crispe Park. Upon completion, the club will be invited to meet on site with officers and the contractor to familiarise themselves with the operation of the lights.

When a contractor is appointed for the J.E. Moore Park north pavilion works, a site meeting will be arranged to confirm timelines and impact on clubs. It is envisaged that most areas of the pavilion can continue to be occupied during the construction period, however this will need to be confirmed by the successful contractor.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

Environmentally Sustainable Design has been incorporated into plans where possible.

### **Social Inclusion and Diversity**

Both J.E. Moore Park and Crispe Park service an area which has pockets of socio-economic disadvantage. The works scheduled will increase participation in physical activity and improve the health and well being of the surrounding community.

### **Other**

The procurement processes undertaken for these works have complied with Council's Procurement Policy.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

These projects were included in the 2011- 2012 Capital Budget and funds will be carried forward to complete the projects.

## **CONCLUSION**

The Crispe Park lighting works are underway and due for completion by the end of August 2012. The J.E. Moore Park north pavilion works are expected to be awarded in July 2012 with works completed before the end of 2012. Officers will continue to liaise with the affected clubs to update them on the works' progress.

## **FUTURE ACTIONS**

- The Crispe Park lighting works are underway and due for completion by the end of August 2012.
- The J.E. Moore Park north pavilion works are expected to be awarded in July 2012 with works completed before the end of 2012.
- Officers will maintain ongoing communication with clubs impacted by works.

### **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**

- Leisure Strategy 2010-2020
- Council Budget 2011-2012
- Council Minutes – 18 June 2012

**8.6 PROPOSAL TO BUILD LOW COST HOUSING ON VACANT COUNCIL LAND****MINUTE NO. 318****AUTHOR: Manager City Development****REVIEWED BY: Director City Works and Development****SUMMARY:**

Low cost housing such as relocatable dwellings offer a cheap way of resolving housing shortages quickly for the short term, however such housing does not offer an environmentally sustainable solution given the higher ongoing operating costs which would be borne by the occupants. Many of the relocatable dwellings that are pre-fabricated are suited to greenfield locations or mobile home villages that are more oriented toward an outer suburban rather than middle to inner suburban context. Alternatives such as conventional forms of medium and higher density housing offer a more efficient option for affordable housing where advantage can be taken of air rights, however these are more expensive to build but provide a solution for the medium to long term, when the total cost of living is taken into consideration

Council has an opportunity to drive investment in low cost housing by reviewing the availability of vacant or underutilised land owned by the Council for the potential to accommodate additional and much-needed affordable housing in Darebin.

The formulation of the Darebin Housing Strategy will provide a broad strategy for encouraging and facilitating low cost housing throughout the municipality. This strategy can outline the directions which will provide overarching support for any Council led initiatives in low cost housing. It is recommended that Council take a strategic approach where it first clarifies and defines what its role is in housing and then considers whether or not it wants to be an active participant in the direct provision or facilitation of social housing.

A range of Council owned sites, mostly surface car parks, offer opportunities to partner with developers or social housing providers through development of the airspace above. Further investigation of site feasibility is required.

**CONSULTATION:**

Council Property Manager

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

**THAT** Council note this report regarding affordable housing until the completion of the *Darebin Housing Strategy*.

**CARRIED UNANIMOUSLY**



## REPORT

### INTRODUCTION AND BACKGROUND

Council raised a 'General Business' item at its Council Meeting of 15 November 2010 as follows:

***THAT** Councillors receive a briefing on a new proposal to build low cost housing on vacant Council land.*

### ISSUES AND DISCUSSION

#### Vacant or Underutilised Council Land

The Darebin Planning Scheme encourages new and diverse housing in serviced locations, which includes achieving good access to public transport, community services, schools, shops, open space and employment. Larger activity centres such as Northcote, Preston, Northland, La Trobe University and along transport corridors (eg. High Street, St Georges Road, Plenty Road) provide the best location for medium and high density housing which meets the policy requirements.

Much of Council's undeveloped land comprises reserves which are used for recreational purposes and are integral to the provision of public open space and amenity for local communities. A significant barrier in pursuing development of reserves for housing is the Local Government Act 1989. Justification to reduce public open space would be required by the Council's Open Space strategy and any development would need to ensure an equivalent reinvestment occurs in the direct provision or improvement of open space.

Based on preliminary discussions with Council's assets team, the following sites have been identified as being potentially underutilised but in central locations and may offer opportunities for development of the airspace above:

**Table 1 – Council owned properties appraisal for development potential**

Property	Size (m <sup>2</sup> )	Comment
31 Pearl Street Northcote	1,500	The property forms a vegetation buffer abutting the eastern side of High Street (between Roberts and Union streets). Current use is car park in the Residential 1 Zone (R1Z) and Heritage Overlay 161 (HO161 - Northcote-Westgarth Heritage Precinct). Surrounding area includes numerous medium density developments and detached dwellings. It is a highly serviced location on the tram Route 86 in walking distance of the train.
43A James Street, Northcote	670	The parcel is a surface car park abutting Northcote Town Hall. It is in the R1Z and HO97 (precinct overlay) and Design and Development Overlay 14 (DDO14 – Northcote Major Activity Centre) which specifies development up to two storeys (or 12m) is permissible and is required to have an active interface to the former police station at 43 James Street. It is a highly serviced location at the civic heart of Northcote

Property	Size (m <sup>2</sup> )	Comment
		and on tram route 86 in walking distance of the train.
5-7 Arthurton Road, Northcote	5,370	The parcel fronts Arthurton Road and extends south to Hawthorn Road (west of High Street), with linkages to Helen Street. It is in the PUZ6 and is subject to HO162 (Northcote – Ruckers Hill heritage precinct) and DDO14 (Northcote Major Activity Centre).
1A Langwells Parade, Northcote	850	The property forms two parcels separated by McFarlane Street which are included in the R1Z. The existing car park also acts as an accessway to a rear laneway servicing Hunter Street and McFarlane Street dwellings. Positioned between the Northcote Plaza shopping centre and High Street shopping strip, it is an unusual configuration, however in a highly serviced location.
6-10 Mitchell Street, Northcote	1,670	The parcel is a surface car park zoned Public Use Zone 6 (PUZ6) and included in the HO97 (precinct overlay), DDO14 (Northcote Major Activity Centre). It is immediately east of High Street in a well serviced location.
4-8 Robinson Road, Reservoir	4,490	The parcel currently accommodates both surface car parks and buildings in the PUZ6 & R1Z. The site is within walking distance of Regent Station.
2-4 Bedford Street, Reservoir	4,100	The property is a strategic site in the Business 1 Zone) at the eastern edge of the Reservoir Activity Centre. Currently it provides off street car parking supplementing the Broadway median strip car park. It is a highly serviced location close to Reservoir Station.
10 Cleeland Street, Reservoir	540	The property is 100m from High Street and positioned at the edge of the Reservoir Activity Centre retail core. It features a surface car park and is in the R1Z with no overlays. It is a highly serviced location close to Reservoir Station.
75-81 Gillies Street, Fairfield	2,500	The property abuts the rear of Station Street Fairfield shopping strip (south of Duncan Street). It is a surface car park in the R1Z and affected by the Special Building Overlay (SBO). The property has two pedestrian access points through to Station Street and is a highly serviced location close to Fairfield Station.
1-9 Clarendon Street, Thornbury	2,100	This Council car park to the rear (east) of High Street shopping strip is partly in the Public Park and Recreation Zone (PPRZ - 1-3 Clarendon) and R1Z (5-9 Clarendon). It is also subject to the SBO.
T.W Blake Reserve, Preston	n/a	There is scope to redevelop surplus land around the edges of T.W Blake Reserve with housing which overlooks the oval. Being in close proximity to Northland Shopping Centre, the reserve has locational advantages that support housing consolidation. Significant redevelopment opportunities in the area may provide opportunities for open space offsets to any potential lost public open space. The

Property	Size (m <sup>2</sup> )	Comment
		property is in the PPRZ.

The redevelopment options that might be entertained for the above listed properties could incorporate retention of public car parking and construction above which is a model that has been successful in other municipalities. Higher levels of car ownership in the northern part of the municipality, and in locations remote from public transport, would require the retention of existing public car parking areas. Existing policies encourage sustainable transport modes however a need to retain or increase some car parking may exist where Council levies or cash in lieu payments are collected.

Height limits recognised in current planning policies and development that is sensitive to heritage significance may impose some constraints on the yield that can be achieved and potentially on the viability of a number of sites.

In the northern part of the municipality where land values are lower, research undertaken in conjunction with the housing strategy suggests that land values are too low to support any commercially viable apartment developments. In this instance Council would need to explore other options to assist in the delivery of a successful social housing development.

Multi-storey construction of this nature would be costly and require specialist expertise (eg. through joint ventures with developers) and site specific design responses. Developments would also be subject to obtaining planning permit approvals. Council is subject to the same scrutiny and compliance with policy requirements that private developers experience.

### **Types of Low Cost Housing**

Alternative low cost housing that is available includes relocatable homes. This form of low cost, compact housing exists within Darebin already on privately developed land. This format of housing can offer significantly lower development and installation costs, however if not designed to meet ESD benchmarks for heating and cooling, the ongoing operational costs borne by the occupants can be prohibitive and raise other issues of affordability. In considering these formats of housing the Council needs to be mindful of broader living costs, where factors such as transport and energy costs can counteract cheaper establishment costs.

There are examples of prefabricated transportable homes which provide lower cost housing solutions that meet the Building Code of Australia ESD standards, as compared to traditional building methods. Examples in regional Victoria which have been commissioned by the Department of Human Services include 7 star energy rated detached homes which exceed minimum requirements. Prefabricated buildings of this nature have standardised module dimensions, are constructed in factories and assembled on site within a few days. The modular building concept can be applied to multi-storey apartment buildings and the private development industry is increasingly embracing it to achieve more efficient construction methods and reduce costs.

There are no significant Council owned properties which offer large scale 'greenfield' development opportunities.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

New development and investment of low cost housing should aspire to provide optimal environmental sustainability outcomes which ensure that the affordability is retained in the long term via low ongoing operational costs.

### **Social Inclusion and Diversity**

The provision of and support for low cost housing will significantly meet social inclusion principles and ensure that a diverse population.

### **Other**

Nil

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Further detailed studies and feasibility assessments would be required to confirm suitability of Council land parcels for housing. A strategy for undertaking low cost housing development in an orderly and fiscally responsible manner will require further consideration of raising capital, such as through joint ventures. Any Joint venture will require thorough investigation and require a fully transparent process with eventual approval required of the Minister for Local Government in accordance with the provisions of Section 89 of the Local Government Act 1989.

The preparation of further studies in this regard has not been included in the forthcoming 2012-2013 budget and should be first guided by a strategic approach that clarifies Council's role in housing.

## **CONCLUSION**

A strategic approach to the issue of low cost housing is required by first considering and defining Council's role and then clarifying whether it wants to be an active participant in the direct provision or facilitation of social housing. The Darebin Housing Strategy (currently being undertaken) can provide overarching support for any Council led initiatives.

A range of Council owned sites, mostly surface car parks, offer opportunities to partner with developers or social housing providers through development of the airspace above. Further investigation of site feasibility is required.

Any future low cost housing provision should consider the total cost of living taking into account both the initial costs of construction as well as the ongoing operational costs which are strongly influenced by a building's passive design features and ESD performance.

**FUTURE ACTIONS**

Should Council wish to undertake feasibility studies of the Council owned properties the following actions are required:

- Budget allocation
- Preparation of Brief
- Tender process
- Appointment of consultant.

**CONSULTATION**

No consultation has been undertaken to date.

Further consultation will be required if Council decides to proceed with investigating low cost housing construction on vacant Council owned land.

**DISCLOSURE OF INTERESTS**

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

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

**RELATED DOCUMENTS**

Council Minutes – 15 November 2010

**8.7 VICROADS ARTERIAL ROAD REVIEW****MINUTE NO. 319****AUTHOR: Manager, Major Projects, Engineering and Transport****REVIEWED BY: Director City Works and Development****SUMMARY:**

VicRoads conducted an arterial road review and have identified Station Street, Fairfield, and Elizabeth Street, Preston, as roads whose status of 'declared arterial' should be revoked.

This means the roads will be reclassified as 'local' and come under the full management of Council. The main impact upon Darebin will be the financial liability of these assets. Management of transport issues on these roads will change little (VicRoads needs to approve most changes regardless of road ownership), with the exception that Darebin will now be expected to fully fund any changes.

Elizabeth Street (the centre line) is the border between Moreland City Council and Darebin City Council.

This report recommends to inform VicRoads that Council does not support the proposed revocation of the arterial status of Station Street, Fairfield, and Elizabeth Street, Preston.

**CONSULTATION:**

Coordinator, Asset Management  
Coordinator, Capital Works

**RECOMMENDATION**

**THAT** Council write to VicRoads to inform them that Council does not support the proposed revocation of the arterial status of Station Street, Fairfield, and Elizabeth Street, Preston.

**MOTION**

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

**THAT** Council write to VicRoads to inform them that Council does not support the proposed revocation of the arterial status of Station Street, Fairfield, and Elizabeth Street, Preston.

Cr. T. McCarthy asked the mover of the Motion (Cr. Morgan) if he would amend the Motion by removing 'Station Street, Fairfield'. Cr. Morgan declined.

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

### COUNCIL RESOLUTION

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

**THAT** Council write to VicRoads to inform them that Council does not support the proposed revocation of the arterial status of Station Street, Fairfield, and Elizabeth Street, Preston.

**CARRIED**

### REPORT

#### INTRODUCTION AND BACKGROUND

All roads are classified under the Road Management Act 2004 either “arterial” or ‘local’. This designation dictates the asset ownership of the road – that is, which level of government manages and maintains the road. An arterial road is managed by VicRoads (State Government), and a local road is managed by Local Government.

This is not to be confused with the traditionally used functional names of a road, which describe not the asset owner/manager but instead the role the road plays in the broader network. These names form the basis of road colour in street directories and are: arterial, sub-arterial, collector, and local roads.

VicRoads began the Arterial Road Review in 2007, and completed it in 2011. VicRoads met with Darebin officers a number of times throughout this time.

Darebin Council considered two reports in February 2011, following on from a resolution in August 2010, on a signalised crossing point on Station Street, Fairfield – an issue that is commonly raised by the community. Officers applied to VicRoads for the installation of traffic signals, and were not successful.

At its meeting on 19 September 2011, Darebin City Council resolved:

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



## ISSUES AND DISCUSSION

VicRoads have identified through the arterial road review two roads in Darebin that no longer (or should no longer) function as arterial roads and have therefore recommended revoking their arterial status, effectively shifting the asset management and liability to Darebin.

The two roads are:

- Station Street, Fairfield, from Darebin Road to Heidelberg Road (1.3km length, approximately 18,000 vehicles per day), and
- Elizabeth Street, Preston, from Bell Street to Murray Road (0.8km length, approximately 13,000 vehicles per day). The boundary of Moreland/Darebin runs down the centreline of Elizabeth Street.

### Asset Implications

The main impact this revocation would have is the asset management liability of 2.1 kilometres of road. These roads would have reasonably high cost maintenance requirements as they carry a high volume of traffic, and in the case of Station Street, a high volume of truck traffic. This asset liability is expected to manifest in costs of approximately \$1 million for resheeting every 12-15 years, and approximately \$5 million for reconstruction, which typically occurs when the road is 70 years old.

If Darebin were to accept (or were forced to accept) the revocation of these roads, we should communicate a requirement that the roads be brought up to sufficient pavement structural and conditional standards by VicRoads prior to Council taking on responsibility for them.

### Transport Implications

Although on first impressions a revocation seems to present greater freedom for Council in managing traffic and transport issues on those roads, in fact little additional freedom is gained. This is because regardless of the road, according to the Road Management Act (2004), VicRoads must approve any changes to 'major traffic control items,' which include items as minor as a bike lane sign, a no u-turn sign, and a no truck sign. The main difference is that Council will now bear the full cost of any of these changes, which might range from \$200 for signage to hundreds of thousands of dollars for traffic signals.

For example, as Station Street, Fairfield, is a VicRoads road, Council needs to apply to VicRoads for approval for the installation of a signalised pedestrian crossing near Fairfield Railway Station (the subject of the Council reports in August 2010 and February 2011). If approved, VicRoads would then be the agency responsible for the installation, management and maintenance of those signals. (Darebin could choose to bear the costs of the signals if approved by VicRoads).

If the revocation of arterial status of Station Street occurred, and it became a local road, Darebin would still have to apply to VicRoads for approval for the signals. However, the responsible agency for installation, management, and maintenance of the signals would be Council. VicRoads would not do this. Additionally, the onus for installation would now be solely on Darebin – the community expectation would be for Darebin to fund the project (which could cost up to \$500,000).



## Legislative Process

The Road Management Act 2004 states:

*If a municipal council or road authority is aggrieved by the decision of VicRoads after VicRoads has considered any submissions under sub-section (5), the municipal council or road authority may within 21 days of being notified of the decision of VicRoads appeal to the Minister.*

Sub-section (5) of the act states that VicRoads must:

*...allow at least 28 days after the day on which the notice is given for the making of a submission to VicRoads on the proposed declaration or revocation.*

The likelihood of the Minister to overturn his department's decision in favour of Council is unknown.

The Moreland City Council have indicated that they oppose the revocation of the arterial road status of Elizabeth Street, as it forms a key north-south link between Bell Street and Murray Road (two east-west arterial roads).

## POLICY IMPLICATIONS

### Environmental Sustainability

Nil.

### Social Inclusion and Diversity

Nil.

### Other

Nil.

## FINANCIAL AND RESOURCE IMPLICATIONS

The asset liability is expected to be \$1 million every 12-15 years and \$5 million every 70 years.

## CONCLUSION

There are small appreciable transport management benefits to Council in the revocation of the two roads in question, however there are substantial, quantifiable asset management liabilities. The liability to Darebin of the revocation of the arterial road status of the two roads in question outweighs the benefits.

## FUTURE ACTIONS

- Officers write to VicRoads stating Council's position on the issue.

**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**

Road Management Act 2004

Council Minutes – 16 August 2010, 21 February 2011 and 19 September 2011

**8.8 PROPOSED STRATEGIES FOR ENHANCING THE RESPONSIBLE PRACTICE OF GAMING VENUES INCLUDING PROCESSES FOR COMPLIANCE**

**MINUTE NO. 320**

**AUTHOR: Manager, Community Planning, Partnerships and Performance**

**REVIEWED BY: Group Manager People and Performance**

**SUMMARY:**

As part of Darebin Council's commitment to reducing the social harms of gambling in Darebin, on 21 November 2011 Council endorsed a proposal to engage with gaming venues to *establish mutually-agreed-on requirements for responsible practice by venue operators, including strategies for compliance.*

In most instances where gaming venues are engaged to establish and comply with codes of practice, they become members to a Gaming Forum, or sign a Charter of Responsible Practice and are audited regularly for compliance.

Compliance-based approaches for supporting gaming venues do not work effectively in isolation, however, they can be effective if used as part of a multi-pronged harm minimisation approach to problem gambling.

This report responds to Council's directive by recommending that Council adopts a compliance-based approach, by reinvigorating Darebin's Charter for the Responsible Practice of Gaming Venues and applying a checklist that can be used annually to ensure compliance. It is further recommended that this approach be complemented by a holistic community-based model for responding to problem gambling which is currently demonstrated in Darebin's *Electronic Gaming Machine Policy and Strategic Action Plan 2010-2014*. A community-based response promotes alternatives to gambling and encourages public education and awareness about the responsibilities of gaming venues for reducing problem gambling in Darebin, driven by a robust media campaign.

**CONSULTATION AND SECTOR ENGAGEMENT:**

To determine a process for establishing mutually-agreed-to requirements for gaming venues in Darebin including strategies for compliance, Council officers consulted with the following agencies and Local Government Areas:

- Victorian Local Governance Association
- Victorian Commission for Gaming and Liquor Regulation (VCGLR)
- Gambler's Help Northern including Darebin's Venue Operators
- North East PCP
- Moreland City Council
- Hume City Council

- Banyule City Council
- Yarra City Council
- Monash City Council
- Whittlesea City Council

## RECOMMENDATION

**THAT** Council:

- (1) Update Darebin's Charter of Responsible Practice for Gaming Venues.
- (2) Develop an Index that can be used to monitor the compliance of gaming venues with the Charter.
- (3) Continue to implement the Darebin Electronic Gaming Machine Policy and Strategic Action Plan 2010-2014.

## COUNCIL RESOLUTION

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

**THAT** Council:

- (1) Update Darebin's Charter of Responsible Practice for Gaming Venues.
- (2) Develop an Index that can be used to monitor the compliance of gaming venues with the Charter.
- (3) Continue to implement the Darebin Electronic Gaming Machine Policy and Strategic Action Plan 2010-2014.
- (4) Receive a briefing regarding the proposal to introduce 50 EGMs at the Grandview Hotel, Fairfield.

**CARRIED UNANIMOUSLY**

## REPORT

### INTRODUCTION AND BACKGROUND

#### 1. Policy context

Darebin Council maintains a strong history of leadership and advocacy in the field of problem gambling, establishing its first *Electronic Gaming Machine Strategy* in 2001 and subsequent *Charter of Responsible Poker Machine Gambling in Darebin* in 2004. The latter document was developed in partnership with the gaming industry, local gaming venues, community organisations and residents, and specified requirements for good practice at gaming venues, and signatories to the Charter to promote good practice. Implementation of the Charter resulted in 100% of gaming venues in Darebin signing and displaying the Charter at their premises.

In 2010 Darebin Council adopted the *Darebin Electronic Gaming Machine Policy and Strategic Action Plan* which provides an evidence based framework for minimising the social harms of gambling in Darebin. Key themes of the Strategy include:

- Lobbying and advocacy;
- Research and knowledge building;
- Community development and engagement;
- Community benefit;
- EGM gambling on Council owned or managed land; and
- Planning controls.

## 2. Legislative and regulatory controls on gaming venues

The Gaming Regulation Act 2003 and Darebin Planning Scheme provide the legislative context for the placement of electronic gaming machines in venues across Darebin, however, there are no land use or other controls that apply to the internal layout and operations of gaming venues, to ensure that problem gambling is not directly or indirectly encouraged.

The internal operations of gaming venues that may encourage problem gambling are prominently cited in the existing literature on gaming (Victorian Auditor General's Report, 2010: 9). They include such things as providing tea, coffee, liquor and childcare facilities at venues to support extended use of EGMs, and design considerations such as the absence of clocks and windows inside venues that distort an individual's perception of time spent gambling.

Peak bodies in the Victorian community, in particular the Victorian Commission on Gaming and Liquor Regulation (VCGLR) have responded to this apparent shortcoming in gaming legislation by publishing information about gaming venues on their website and in regular email bulletins. Information published includes monthly net EGM expenditure per gaming venue in each municipality, cross referenced with information about venue types, spatial locations, population statistics and SEIFA index data.

On the basis of this data, the Department of Justice funds Venue Support Workers to assist gaming venues in each municipality in developing policies and protocols for good practice. Venue Support Workers facilitate training for gaming venue staff to enable them to identify signs of problem gambling and respond appropriately. Venue Support Workers also undertake a range of other proactive work. There are currently two Venue Support Workers that operate across Darebin's 15 gaming venues.

In addition to the body of work undertaken by the State Government to encourage good practice by gaming venues, peak community bodies have used social media and other communications to encourage the public to be empowered to make gaming venues accountable for their practices. The popular wiki website *Pokieswatch* provides an "Inspection Checklist" for use by both gaming venue operators and community members to encourage good practice by gaming venues. The checklist encourages public monitoring of venue operations through attention to design considerations in venues, levels of access to funds in venues to support the extended play of EGMs, and levels of promotion of alternative social activities to gambling in venues.

## ISSUES AND DISCUSSION

### 1. Sector engagement

In the preparation of this report, the following agencies and Local Government Areas were approached to give advice about effective compliance-based approaches for working with local gaming venues:

- Victorian Local Governance Association
- Victorian Commission for Gaming and Liquor Regulation (VCGLR)
- Gambler's Help Northern including Darebin's Venue Operators
- North East PCP
- Moreland City Council
- Hume City Council
- Banyule City Council
- Yarra City Council
- Monash City Council
- Whittlesea City Council

Currently there are no Local Governments in Victoria with an established Charter for Gaming Venues, however, the Cities of Geelong, Ballarat, Monash and Shire of Mornington Peninsula have established Gaming Forums with Terms of Reference requiring good practice by gaming venue operators. The City of Whittlesea is currently investigating establishing a Charter for responsible gaming venues.

Agencies engaged in the preparation of this report recommended a strong community-based approach to the proposal to establish requirements for gaming venues and strategies for compliance. They suggested that a Charter and checklist could be developed, however, these tools should not be applied in isolation, but as part of a broader *responsible gaming package*. They highlighted the benefits of using local media and Council publications to promote information about revenue generated by gaming venues and to encourage public awareness about what constitutes good practice. This community-based response to addressing problem gaming would support the community to be informed about the operations of gaming venues and place pressure on venue operators to adopt good practices. A key element is prevention initiatives, though provision and promotion by Council in partnership with other local councils and agencies, of alternatives to gaming for local communities, such as the Village Games Nights within the Intercultural Centre and project based initiative such as Life is a Gamble

## **2. The Darebin Charter of Responsible Practice by Gaming Venues and annual auditing process**

This report proposes that the redevelopment of *Darebin's Charter for the Responsible Practice of Gaming Venues* is a measure that can be undertaken by Council in addition to the applied differential rate.

The Charter can be redeveloped to reflect standards based on the *Pokiewatch* guidelines and be complemented by a Responsible Gaming Venue Index (RGVI) to monitor compliance on a regular basis. The purpose of the Charter and the RGVI will be to:

- Provide a check list about the internal operations of Darebin's 15 gaming venues which will be made publically available on Darebin's website with links to the VCGLR website and *Pokieswatch* website
- Place additional pressure on gaming venues to adopt good practices

- Use information collected from checklists to generate media interest in gaming venues and problem gambling in Darebin
- Use information collected from checklists as the basis of articles for publication in Darebin News and other Council and community documents
- Encourage community advocacy and lobbying for increased government regulation of gaming venues.

A Responsible Gaming Venue Index (RGVI) can be used to measure the efforts made by venue operators to minimise the risks of problem gambling practices. The extent to which a venue adheres to the RGVI can be published on the Darebin Council website. A disclaimer can explain that indication of adherence to the RGVI does not in any way translate into Council's support for gambling as an activity or as promotion of the venue itself. Furthermore favourable adherence does not give a venue any advantage for future applications to increase the number of its poker machines.

### 3. Implementation and community capacity building

Pending the redevelopment of *Darebin's Charter for the Responsible Practice of Gaming Venues* and the endorsement of an Index, it is proposed that Council staff establish a working group to implement this initiative. The working group will be comprised of Gaming Venue Support Workers in Darebin; Gambler's Help Northern; Centre for Ethnicity and Health and North East PCP staff who will engage gaming venue operators with a view to making them signatories to the new Charter.

The Index for minimising the social harms of gaming will be based on the *pokieswatch* checklist for responsible gaming venues (refer to **Appendix A: Draft Checklist**) and will be used on an annual basis to assess venue compliance with required principles and practices. Information gained via the checklist will be made publicly available and used in the preparation of media articles to educate local communities about problem gambling.

In addition to implementing *Darebin's Charter for Responsible Gaming Venues* and Index, Council staff will develop a strong media and communications plan to enhance community awareness about gambling and encourage the public to become empowered to hold venues accountable for compliance against Victorian regulatory standards.

Staff will:

- Commit to preparing articles for publication on topics relevant to gaming venues and problem gambling twice a year in Darebin News
- Prepare media releases on issues relevant to gaming venues on a quarterly basis for publication in local media
- Host at least one event drawing on public art or theatre to encourage awareness about the responsible practice of gaming venues and achieve media coverage of the event
- Undertake an extensive media campaign to educate the community about the responsibilities of gaming venues as part of activities held in Responsible Gambling Awareness Week from 23 – 29 May
- Provide information about the responsibilities of gaming venues at proactive community events designed to create alternatives to problem gambling such as the Darebin Village Games event at the Darebin Intercultural Centre and 'Lifes a Gamble' project working with International Students
- Draw upon collected data to advocate to higher levels of government for increased regulation on the internal operations of gaming venues in municipalities.

## POLICY IMPLICATIONS

### Environmental Sustainability

Nil.

### Social Inclusion and Diversity

The Charter will include provisions around cultural awareness and incidences of problem gambling. Council recognises the diversity of groups by problem gambling and the increased risk amongst CALD, newly arrived/refugee communities, international students, youth, women, Aboriginal, elderly and isolated. The engagement with venues further seeks to minimise harms associated with problem gambling for such groups

### Other

Nil.

## FINANCIAL AND RESOURCE IMPLICATIONS

Additional resources will be required within the Community Planning Partnerships and Performance team in order to:

- Redevelop *Darebin's Charter for the Responsible Practice of Gaming Venues*
- Implement the Responsible Gaming Venue Index on an annual basis, and
- Coordinate a communications strategy that supports a community-based model.

It is proposed that a 0.5 Gaming Officer be established in the Community Planning Partnerships and Performance team to undertake this dedicated task.

## CONCLUSION

This report recommends that Council take a compliance-based response to gambling in Darebin updating the *Darebin Charter for the Responsible Practice of Gaming Venues* and by introducing an Index that can be used to monitor the compliance of gaming venues to the Charter. The report also recommends that this compliance-based model be complemented by a robust community-based response that encourages community education about problem gambling, as well as the public regulation and monitoring of gaming venues.

The redeveloped Charter and Index will generate information about the operations of gaming venues in Darebin that will place additional pressure on gaming venues to adopt good practices, as well as incite community and media interest in problem gambling in Darebin, and attitudinal change.

## FUTURE ACTIONS

Pending Council approval, Council staff will establish a working group to redevelop *Darebin's Charter for Responsible Gaming Venues* and implement the Index within a community-based model as required.



## 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

### 1. Reference

- Victoria Auditor- General's Report (2010) *Taking Action on Problem Gambling*, Victorian Government Printer: Melbourne.

### 2. Further reading

- City of Darebin, 2004. Charter of Responsible Poker Machine Gambling in Darebin
- City of Darebin, 2010. *Darebin Electronic Gaming Machine Policy and Strategic Action Plan 2010-2014*

**8.9 PUBLIC EDUCATION INQUIRY****MINUTE NO. 321****AUTHOR: Manager Community Planning Partnerships and Performance****REVIEWED BY: Group Manager People and Performance****SUMMARY:**

This report proposes that Council commits to holding an Education Inquiry in similar way to the Racism Inquiry in order to gauge community views regarding the state of public education in Darebin, in particular, the inquiry would seek information on the quality and diversity of education choices, accessibility to local schools, and whether the current educational institutions in Darebin are catering to the needs of Darebin students. Are Darebin schools at the forefront of advances in education? What are schools doing to promote inclusion, sustainability, innovation and global citizenship?

**CONSULTATION:**

Manager Darebin Libraries

Darebin Lifelong Learning Policy Author (ex-Darebin staff)

Darebin Public Education Advocacy Committee

President, Victorian Council of School Organizations (VICCSO)

Wyndham City Council Community Learning Strategy

Hobsons Bay City Council Education, Employment and Learning Strategy

Senior Research and Project Officer

**COUNCIL RESOLUTION****MOVED: Cr. T. Laurence****SECONDED: Cr. G. Greco****THAT** Council commits to conducting an Education Inquiry.**CARRIED**

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

On 4 July 2011, Council passed the following resolution under 'General Business':

*That officers report back to the next Council meeting with a recommendation on the creation of a Council advisory committee to look at structural disadvantage and the de-funding occurring across public education in Darebin. The committee's charter will be to develop a community plan and log of claims to overcome the decades of underinvestment in the Darebin catchment and to lift public education investment and outcomes to match state outcomes in our community*

On 15 August 2011, following the tabling of a report on this matter Council resolved to:

- 1. Establish a Public Education Advocacy Committee to examine structural disadvantage and public education funding in Darebin with the objective of lifting public education investment in the municipality*
- 2. Appoint Cr Greco, Cr Laurence and Cr Katsis as its representatives on the Committee*

On 12 December 2011, a meeting was held with Cr Greco, Cr Laurence and Group Manager People and Performance, Fred Warner. The decision was made to send out invitations to all primary and secondary schools principals and educational networks to seek expressions of interest. Subsequently Council received five Expressions of Interest and an invitation letter was sent to Ms Krystyn Hendrickson, Senior Representative from the Education Department who has agreed to join the Committee.

As of May 2012, the Darebin Public Education Advocacy Committee consists of the following members:

- Cr Vince Fontana (replaced Cr Nick Katsis)
- Cr Tim Laurence
- Cr Gaetano Greco
- Alperhan Babacan from RMIT University
- Catherine Hall from the High School for Coburg Community Group
- Cheryl Hermence, Manager Family and Children, Darebin City Council
- Dalal Smiley, Manager Community Planning, Partnerships and Performance, Darebin City Council
- Judi Benney, Principal at Preston Girls Secondary College
- Marion Milton from La Trobe University
- Nicholas Abbey, President of Victorian Council of School Organizations (VICCSO)
- Susan Gilheany, Victorian Department of Education
- Wendy Dinning, Business Development Coordinator, Darebin City Council
- Fred Warner, Group Manager People and Performance, Darebin City Council
- Allan Waterson, Principal, William Ruthven Primary School

- Helen Miller, Principal, Reservoir Primary School
- Sally Jones, Manager Libraries

### **Purpose and objectives of Darebin's Public Education Advocacy Committee (DPEAC)**

The establishment of DPEAC supports Darebin City Council's commitment to advocate on behalf of its community on issues that impact on their quality of life and access to resources.

#### **Objectives:**

The objectives of DPEAC are:

- To provide Council with evidence based information regarding the status of primary and secondary education in Darebin
- To consult with the community and stakeholders on the quality of education, access to local schools and impact of school closures on Darebin families
- To advocate to relevant authorities on the educational needs of Darebin children and young people and whether existing supply meets required and projected demand
- To investigate best practice in the provision of public education and seek improvements in the quality and diversity of education available to children and young people in the municipality.

There have been two meetings thus far (20 February 2012 and 19 March 2012) and several points of discussion from these meetings are detailed below.

### **ISSUES AND DISCUSSION**

During the first meeting (20 February 2012), the Darebin Public Education Advocacy Committee (DPEAC) met and requested enrolment figures and post-school destinations for public schools in Darebin and any other useful data.

At the second meeting (19 March 2012), the enrolment and post-school destinations data for Darebin public schools was presented, with further information on Catholic and Independent Schools and School comparisons (taking into account the socio-educational background of the students), being earmarked for presentation by the third meeting in May 2012. A report was provided explaining current topics such as the federally-funded Gonski Report which requested, among other things, \$5 billion in federal funding for schools. Since then, there have been numerous requests from the Darebin Public Education Advocacy Committee for further, in-depth research, study and consultation about education in Darebin.

These include:

- Examining the factors that cause students to move out of schools (eg. Quality of education, choice of subjects offered, racism, positive/negative stereotypes, class division, etc.). It was proposed by DPEAC that this component be conducted through focus groups of parents/students/teachers to get a more thorough, in-depth perspective of complex factors.
- How many students are attending schools outside of Darebin?
- Qualitative research of the schools (in Darebin and elsewhere) to discover what schools do well in terms of teaching/learning and the lessons learned (best practice review)

- Profiling schools in Darebin News to highlight their achievements/practices/teaching methods.
- Research around the theme “What does a 21<sup>st</sup> Century model of Public Education look like?”
- Examining distributed school networks/clusters, related transportation methods-of-travel to school and infrastructure, and their appropriateness for Darebin, as well as how Council could advocate and support their development
- Examining possibilities for an event for DPEAC at the end of 2012 culminating in a breakfast forum/seminar/panel of speakers to bring together all the work proposed over the year and advocate this Darebin-specific knowledge to the public
- How can Darebin support Lifelong Learning?
- Examine other Local Council Education/Lifelong Learning/Community Learning strategies and examine if a similar strategy would be feasible for Darebin (when this request was made, DPEAC was unaware of the 2004 Community Learning Policy that was adopted by Darebin Council).

### **Education Inquiry Terms of Reference**

It is proposed that Darebin City Council conduct an Education Inquiry within the City of Darebin to meet the following objectives:

- To examine the quality and diversity of education choices in Darebin
- To seek community views on the quality and accessibility of local public secondary schools
- To examine whether current educational institutions in Darebin are catering to the diverse educational and cultural needs of Darebin students
- To canvas the community through schools, parents, students and government bodies to better define Council’s role in supporting education at a local government level
- To inform the community about the state of education in Darebin
- To seek and promote effective contemporary and cutting edge approaches to education
- To advocate to Government on behalf of Darebin’s community for increased investment in quality education in the future
- To provide knowledge and information about education in Darebin for the development of the Darebin Lifelong Learning Strategy.

### **Scope of the Inquiry**

Taking into account that Public Schools cater to approximately 80% of marginalized groups (People with a Disability, Aboriginal/Torres Strait Islanders, Culturally and Linguistically Diverse People, etc.), and that the impetus for the Public Education Inquiry was the Darebin Public Education Advocacy Committee, Public secondary Schools will be the primary focus,. That said, a comprehensive review of schools and education in general will be examined to contextualise public education in Darebin in the realm of other educational pathways (Independent, Catholic, etc. Schools).

**Methods to be used**

A number of methods will be used to consult with the community. Methods include Focus Groups to ascertain in-depth perspectives from teachers, principals, students and parents about education in Darebin

A city-wide questionnaire will be developed with input from a variety of stakeholders, to canvas the Darebin community about their attitudes/behaviours in regards to their interaction and use of educational facilities/programs for themselves and any children they might have.

One-on-one interviews will be conducted with principals of schools to understand environment that they work in.

A Public Forum will be held to canvas a large group from diverse backgrounds to understand the needs of the community when it comes to education.

**Timelines**

The Education Inquiry can be developed and implemented across Darebin between July and September 2012 with findings released in February 2013.

Stages of implementation:

- Education Inquiry's aims and objectives, key questions and methods of participation will be launched and published on Darebin's Website and local newspapers in July 2012
- Submissions, interviews, surveys, forums and focus groups to be held in July and August 2012
- Data to be compiled and analysed in September 2012
- Results and recommendations to be published in early February 2013.

**Steering Committee**

The Darebin Public Education Advocacy Committee with members from diverse professional and personal backgrounds will provide appropriate oversight for this Inquiry.

**Involvement of Councillors**

There are three Councillors on the Darebin Public Education Advocacy Committee – Cr Greco, Cr Fontana and Cr Laurence.

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

Some of the requests from the Darebin Public Education Advocacy Committee, while primarily research and fact-finding, can have an impact on Environmental Sustainability if this work is translated into measurable actions.

For example, the DPEAC has requested research into distributed school networks/clusters where students have the option to attend other schools for specific courses if it is not offered in their current school. Existing networks/clusters around the world have shown

environmental savings by not duplicating services in each school but allowing a degree of specialization and therefore economies of scale which translate into reduced wastage.

As for the processes used to gain the knowledge and understanding through various research methodologies, all effort will be made to reduce wastage and adhere to Darebin Council environmental policies.

### **Social Inclusion and Diversity**

Public Schools across Australia teach a vast majority (as high as 80%) of all the CALD, ATSI and People with Disabilities in Australia. The consultation, if approved, will have special consideration for these disadvantaged groups since they are disproportionately represented in Public Schools (as opposed to Independent and Catholic Private Schools).

### **Other**

On 20 December 2004, Council adopted a 'Lifelong Learning Policy' which, according to the Council report at the time, was the first time a policy framework around lifelong learning had been developed at Darebin. The policy was not actioned but provided a Council in-principle commitment to lifelong learning.

Darebin Libraries will be developing reviewing Council's stand on Lifelong Learning with the view of developing a new Community Lifelong Learning Strategy

An Education Inquiry findings can be used to inform the new strategy.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The Darebin Public Education Advocacy Committee has requested significant research and consultation to be conducted to better inform its work.

The Research Officer can assist in administering the Committee and providing basic research within limited existing capacity. However additional resources will be required to conduct community consultation in similar fashion to the Racism Inquiry. (surveys, focus groups, etc.) The funding is broken down as:

Research and Community Engagement	\$30,000
Publication, launch	\$ 5,000
<b>Total</b>	<b>\$35,000</b>

## **CONCLUSION**

This report has brought together the various Council resolutions that led to the formation of the Darebin Public Education Advocacy Committee and then described the requests that this committee have made in order to better understand ways in which Council can support Public Education in Darebin. The next logical step to undertake would be to conduct an Education Inquiry

Should this Education Inquiry be endorsed, it would provide the intelligence about the state of education in Darebin as well as an evidence base in which to direct any Council efforts. This proposed Education Inquiry would take place from July to September 2012 and would cost approximately \$35,000.

**FUTURE ACTIONS**

- Education Inquiry's aims and objectives, key questions and methods of participation will be launched and published on Darebin's Website and local newspapers, in July 2012.
- Submissions, interviews, surveys, forums and focus groups to be held in July and August
- Data to be compiled and analysed in September
- Results and recommendations to be published in early February 2013

**DISCLOSURE OF INTERESTS**

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

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

**RELATED DOCUMENTS**

Darebin Lifelong Learning Policy (2004)

Council Minutes – 4 July 2011 and 15 August 2011



**8.10 DECLARATION OF SPECIAL CHARGE SCHEME –  
CONSTRUCTION OF RIGHT OF WAY BETWEEN NUGENT  
AND PHELAN STREETS PRESTON****MINUTE NO. 322****AUTHOR: Manager Assets and Properties****REVIEWED BY: Acting Director Corporate and Business Services****SUMMARY:**

This report recommends that Council declare a Special Charge Scheme under section 163 of the Local Government Act 1989 for the purposes of defraying expenses from the proposed construction of an unmade right-of-way at the rear of properties in Nugent Street and Phelan Street, Preston.

An initial survey of the twelve property owners was undertaken prior to the statutory consultation. Eleven responses were received to this initial survey, seven of which were in favour of the scheme and four were against. On the basis of this positive initial consultation, the statutory consultation process was initiated.

Formal submissions on the proposal were sought and three formal objections were received. Two of the formal objections have come from aged pensioners and relate to financial hardship. It is proposed to offer property owners in financial hardship an option to defer the special charge.

This report was previously presented to the Council meetings of 13 February 2012 and 7 May 2012 and was deferred on both occasions. Most recently, this report was discussed at the Councillor Briefing Session of 25 June 2012.

It is proposed that the works would be undertaken as part of the draft 2012/2013 capital works program. The total cost of the works is calculated at \$55,794.00 of which Council would contribute \$16,410.00 (30%) and property owners would contribute \$39,384.00 (70%).

**CONSULTATION:**

- Property owners at Nos 1-11 Nugent Street and Nos 2-12 Phelan Street
- Relevant Council staff

**COUNCIL RESOLUTION****MOVED: Cr. V. Fontana****SECONDED: Cr. B. Morgan**

**THAT** Council, having considered all submissions received under section 223 of the Local Government Act 1989 (the Act), resolves that:

- (1) Pursuant to section 163(1) of the Act, Council declares a Special Charge (Special Charge) for the purposes of defraying expenses relating to the provision of road construction and associated works in the right-of-way at the rear of Nos 1-11 Nugent Street and Nos 2-12 Phelan Street, Preston (Scheme). The scheme involves the construction of road pavement and

- drainage, which Council is empowered to do under section 1 of Schedule 10 of the Act.
- (2) The Special Charge be based on geographic criteria, having regard to those properties which have direct abuttal to the right-of-way at the rear of Nos 1-11 Nugent Street and Nos 2-12 Phelan Street, Preston.
  - (3) The area identified in the map at Figure 1 be the area for which the Special Charge is being declared.
  - (4) The total cost of performance of the function or exercise of the power by Council (in connection with activities that are associated with the provision of proper, safe and suitable roads in the area for which the Special Charge is to be declared) as \$55,794.00 (excluding GST).
  - (5) The total amount of the Special Charge to be levied by Council is \$39,384.00 (excluding GST).
  - (6) Council's contribution to the scheme for the purposes of community benefit to be derived from the works is \$16,410.00 (excluding GST).
  - (7) The following rateable land is specified as the land in relation to which the Special Charge is being declared: 1 Nugent Street, Preston; 3 Nugent Street, Preston; 5 Nugent Street, Preston; 7 Nugent Street, Preston; 9 Nugent Street, Preston; 11 Nugent Street, Preston; 2 Phelan Street, Preston; 4 Phelan Street, Preston; 6 Phelan Street, Preston; 8 Phelan Street, Preston; 10 Phelan Street, Preston; 12 Phelan Street, Preston.
  - (8) A Notice of Levy (Notice) be sent to each person liable to pay the Special Charge, which will require the Special Charge to be paid in the following manner:
    - a. By a single payment of the full amount to be levied by the date fixed by Council in the Notice, which be will a date not less than 30 days after the completion of works; or
    - b. By twenty quarterly instalments, to be paid by the dates which are fixed by Council in the Notice
  - (9) There will be a special benefit to the persons required to pay the Special Charge because, in the opinion of Council, there will be a benefit over and above or greater than the benefit that is available to persons who are not subject to the Special Charge, in that the properties will have the benefit of an abuttal to a constructed and fully serviced road, including improved access and amenity.
  - (10) For the purposes of having determined the total amount of the Special Charge to be levied, Council:
    - a. Considers and formally records that only those rateable properties included in the Scheme as included in this declaration will derive a special benefit from the imposition of the Special Charge and that any wider relevant special benefits are included in the community benefits to be paid by Council; and
    - b. Formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act that the estimated portion of the total benefits of the Special Charge to which the performance of the function or the exercise of the power in relation to this declaration relate (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the Special Charge is in a ratio of 12:17 or 70.5882353% (on the basis that only those

residential properties which abut the right-of-way will receive a special benefit).

- (11) All owners and occupiers of properties included in the scheme be notified in writing of the decision of Council to declare and levy the Special Charge and the reasons for the decision – being that the owners abutting the road will enjoy an abuttal to a fully constructed and serviced secondary access to their property, removal of their responsibility to maintain the unmade right-of-way and the introduction of improved drainage.
- (12) The Acting Director Corporate and Business Services give consideration to any application for deferral of the special charge on the grounds of financial hardship by any property owner who is liable to pay the special charge.

**CARRIED**

## REPORT

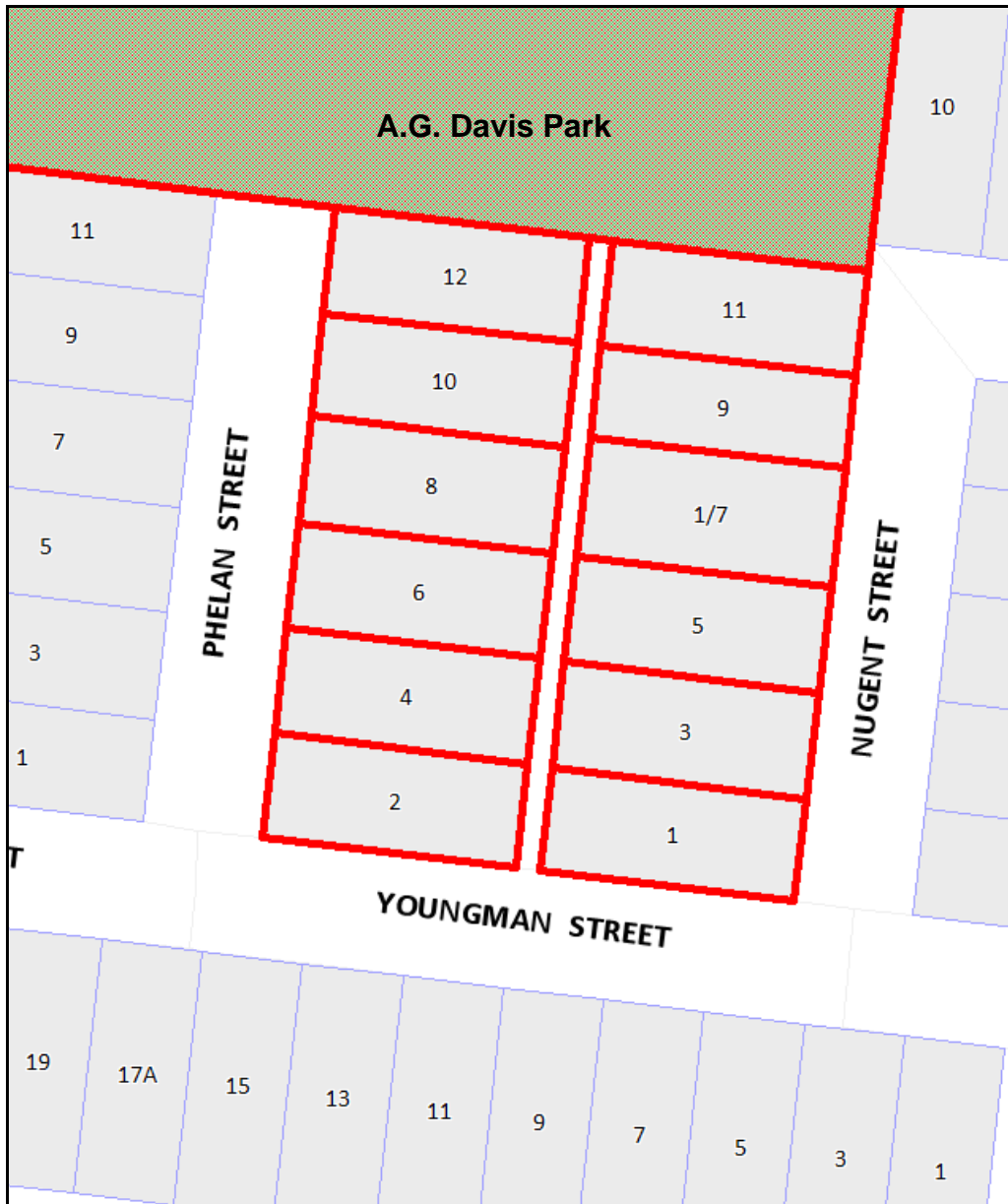
### INTRODUCTION AND BACKGROUND

In October 2011, a resident of Nugent Street, Preston contacted Council with a request to construct the unmade right-of-way at the rear of his property in order to facilitate vehicle access to a rear garage.

The right-of-way runs along a north-south alignment between Nos 1-11 Nugent Street and Nos 2-12 Phelan Street from A.G. Davis Park to Youngman Street (see Figure 1 below). The right-of-way is approximately 80m in length and 3m wide. It is currently 'unmade' with an earthen surface that is covered in grasses, weeds and some concrete slurry.

Properties along both Nugent and Phelan Streets drain to the surface of the right-of-way.

**Figure 1**



**Note: properties marked in red are subject to the Special Charge Scheme**

Under the current General Local Law, property owners adjoining an unmade right-of-way are responsible for ensuring that the right-of-way is free of litter and obstructions. The right-of-way is, in parts, overgrown with weeds. Soft muddy ground makes it impassable for vehicle traffic during wet conditions and presents concerns about its adequacy for drainage.

The Local Government Act 1989 (the Act) allows Councils to construct unmade roads via a special charge scheme whereby benefiting property owners contribute towards the cost of works. This legislation enables the fair provision of such infrastructure assets to property owners who have not previously paid for these assets – property prices in new developments include costs for the provision of infrastructure which is then handed over to Council by developers. Once an unmade road is constructed and added to Council’s roads register it is maintained and renewed by Council.

The preparation of a special charge scheme follows a process of notifications, advertising and submissions set out in the Act. In brief, Council can only proceed with the imposition of a special charge scheme where the majority of adjoining property owners do not object to the imposition of the scheme.

In December 2011, a questionnaire was sent to each of the twelve property owners who would be included in the scheme. Eleven responses were received, seven of which were in favour of the scheme and four were against. Only one property owner provided comments in their response – rejecting the assertion that his property would receive any benefit from construction of the right-of-way.

Council, at its meeting of 20 February 2012, considered a report on a proposal for a special charge scheme for the construction of the right-of-way between Nugent and Phelan Streets, Preston. Following consideration of the report, Council resolved to advise of its intention to declare a Special Charge, to publish a public notice and to request and to hear (if required) submissions under section 223 of the Act.

## **ISSUES AND DISCUSSION**

Under section 163 of the Act, Council is empowered to declare a special charge for the purposes of defraying any expenses in relation to the exercise of a power of the Council if Council considers that the exercise of the power will be of special benefit.

In this case, the proposed exercise of power would be that stated in section 1 of Schedule 10 of the Act which grants Council the power to construct a road.

In September 2004, the Minister for Local Government issued a guideline for the preparation of special charge schemes. The guideline specifically deals with the calculation of the maximum total amount that a council may levy as a special charge.

The guideline requires that Council identify the following:

- A. Purpose of the works
- B. Ensure coherence
- C. Calculate total cost
- D. Identify special beneficiaries
- E. Determine the properties to include
- F. Estimate total special benefits
- G. Estimate community benefits
- H. Calculate the benefit ratio
- I. Calculate the maximum total levy

### **A. Purpose of the Works**

The purpose of the works is to provide a constructed surface for the right-of-way to improve vehicle access and to eliminate residential maintenance requirements. Underground drainage is also required for household stormwater connections that discharge to the right-of-way.

The works have been requested by the owner of 11 Nugent Street, Preston in order to enable vehicular access to the rear of this property. This property would be included in the proposed special charge scheme.

## B. Ensure Coherence

The proposed works have a natural coherence with the proposed beneficiaries as properties proposed to be included in the scheme physically abut the right-of-way.

## C. Calculate the Total Cost

The proposed road construction includes the following items:

- Survey and design
- Earthworks and construction of road base
- 150mm thick steel reinforced concrete surface
- Underground drainage (including grated junction pits and connection to existing drainage network)
- Connection of household stormwater discharges

For the purposes of section 163(1) of the Act the total cost of works is calculated at \$55,794.00 (estimate of works is provided at **Figure 2**).

**Figure 2**

Estimate  
**Nugent Phelan ROW**

1	<b>Survey &amp; Design</b>		\$ 2,500.00
2	<b>Excavation and Disposal</b>		
	<i>volume</i>	<i>bulk</i>	<i>rate</i>
	61.0	1.5	60
			\$ 5,490.00
3	<b>Crushed Rock Supply &amp; Compaction</b>		
	<i>width</i>	<i>thicknes</i>	<i>length</i>
	3.05	s 0.1	80
			<i>cost per cubic metre</i>
			\$ 60.00
			\$ 1,464.00
4	<b>150mm Concrete Paving with F62 &amp; finish as per DS6</b>		
	<i>width</i>	<i>length</i>	<i>cost per square metre</i>
	3.05	80	\$ 85.00
			\$20,740.00
6	<b>Drainage works</b>		
	<i>Pipe</i>	<i>length</i>	<i>cost per linear metre</i>
	300mm dia concrete RRJ bed and backfill	70	\$ 150.00
			\$10,500.00
	<i>Item</i>	<i>Number</i>	<i>Cost per item</i>
	Grated junction pit	2	\$1,500.00
	House connection	12	\$ 300.00
	Pipe connection	1	\$ 500.00
			\$ 3,000.00
			\$ 3,600.00
			\$ 500.00

8 **Contingencies** \$ 2,000.00

Total (excluding GST) **\$49,794.00**

10 **Public Notice** \$ 6,000.00

Total (excluding GST) **\$55,794.00**

The expenses in the estimate of works are consistent with the allowable expenses listed in section 163(6) of the Act.

#### **D. Identify the Special Beneficiaries**

Council is required to identify those properties that would receive a special benefit from the proposed works. A special benefit is considered to be received by a property if the proposed works or services will provide a benefit that is additional to or greater than the benefit to other properties.

The Ministerial Guideline notes that a special benefit is considered to exist if it could reasonably be expected to benefit the owners or occupiers of the property. It is not necessary for the benefit to be actually used by the particular owners or occupiers of a specified property at a particular time in order for a special benefit to be attributed to the property.

Property owners adjoining the right-of-way are considered to receive special benefit from the proposed construction of the laneway by means of:

- Provision of sealed access to the rear of properties
- Improvements to drainage
- Improved pedestrian and vehicular safety
- Removal of nuisance – dust and mud
- Removal of the requirement to maintain the right-of-way free of litter and obstructions
- Improved general amenity
- Increased property value.

The properties that adjoin the right-of-way are Nos 1-11 Nugent Street and Nos 2-12 Phelan Street, as well as the A.G. Davis Park (as shown in Figure 1).

#### **E. Determine Properties to Include**

Once the properties that receive special benefit are identified, Council must decide which properties to include in the scheme. If a property will receive a special benefit but is not included in the scheme, the calculation of the benefit ratio will result in Council paying the share of costs related to the special benefits for that property.

It is proposed to limit the scheme to only include the residential properties that abut the right-of-way (Nos 1-11 Nugent Street and Nos 2-12 Phelan Street).



As Council owns A.G. Davis Park (which also directly abuts the north of the right-of-way) this property is not capable of being included in the scheme as it is not a rateable property. It is recognised that this property would be a special beneficiary to the works; however any benefits likely to be accrued by this property are enjoyed by the wider community will be taken into consideration in the determination of community benefit.

#### F. Estimate Total Special Benefits

As per the Ministerial Guideline for Special Rates and Charges, total special benefits are defined according to the formula below:

$$\text{TSB} = \text{TSB}_{(\text{in})} + \text{TSB}_{(\text{out})}$$

- **TSB** is the estimated total special benefit for all properties that have been identified to receive a special benefit
- **TSB<sub>(in)</sub>** is the estimated total special benefit for those properties that are included in the scheme
- **TSB<sub>(out)</sub>** is the estimated total special benefit for those properties with an identified special benefit that are not included in the scheme

For the purposes of the proposed scheme, total special benefits have been calculated as follows:

- **TSB<sub>(in)</sub>** – There are 12 residential properties proposed to be included in the scheme. Each residential property is allocated 1 benefit unit. It is considered that each property derives both access and amenity benefit and this is split 50/50.
- **TSB<sub>(out)</sub>** – One property has been excluded from the scheme. This is Council's reserve A.G. Davis Park at 14 Robertson Street, Preston.

#### G. Estimate Community Benefits

It is considered that the community benefit be determined as four units of benefit to account for access and amenity benefit to the greater community, particularly for users of the Council reserve.

- **TCB** – Total Community Benefit is assessed to be 4 benefit units

#### H. Calculate the Benefit Ratio

The benefit ratio is calculated as:

$$R = \frac{\text{TSB}_{(\text{in})}}{\text{TSB}_{(\text{in})} + \text{TSB}_{(\text{out})} + \text{TCB}}$$

Where:

$$\text{TSB}_{(\text{in})} = 12$$

$$\text{TSB}_{(\text{out})} = 1$$

$$\text{TCB} = 4$$

$$R = 0.705882353$$



## I. Calculate the Maximum Total Levy

In order to calculate the maximum total levy **S**, the following formula is used:

$$S = R \times C$$

Where **R** is the benefit ratio and **C** is the cost of all works

Therefore **S** = 0.705882353 x \$55,794.00 = **\$39,384.00**.

This provides for a community benefit amount (payable by Council) of **\$16,410.00**.

### Apportionment of Costs

Once the maximum levy amount has been calculated, it is necessary to establish an appropriate way to distribute these costs to all affected landowners.

As the properties abutting the right-of-way have roughly equal rearage (thus equal amenity benefit), all stand to receive equal potential benefit from improved rear access to their property and all will equally benefit from improved drainage in the right-of-way, it is proposed to apportion the costs equally amongst all benefiting properties.

It is proposed to distribute the costs as follows:

Property	Special Charge
1 Nugent Street	\$3,282.00
3 Nugent Street	\$3,282.00
5 Nugent Street	\$3,282.00
7 Nugent Street	\$3,282.00
9 Nugent Street	\$3,282.00
11 Nugent Street	\$3,282.00
2 Phelan Street	\$3,282.00
4 Phelan Street	\$3,282.00
6 Phelan Street	\$3,282.00
8 Phelan Street	\$3,282.00
10 Phelan Street	\$3,282.00
12 Phelan Street	\$3,282.00
Council	\$16,410.00
<b>TOTAL</b>	<b>\$55,794.00</b>

### Submissions

Section 163A of the Act allows a person to make a submission under section 223 of the Act in relation to Council's proposal to declare a special charge.

Section 223 requires that Council publish a public notice specifying the date by which submissions are to be made, being a date which is not less than 28 days after the date on which the public notice is published. Section 223 also entitles any person making a submission to request a hearing by Council of their submission.

Public notice was posted in the 24 February 2012 edition of The Age and the 28 February 2012 edition of the Preston Leader. The public notice advised of the proposed declaration and invited submissions under section 223 of the Act by 5pm on 30 March 2012.

Five submissions on the proposal were received. None of the submitters requested to be heard.

Copies of all submissions have been circulated separately to each of the Councillors.

A summary of the submissions is as follows:

Peter Keogh, Preston

- Objection
- Only uses the lane once every couple of years
- The scheme will impose a financial burden
- Concerned that works will increase property value and thence rates

Giuseppe Cunti, Preston

- Objection
- The scheme will impose a financial burden
- Vehicle access from the lane is not required - does not use laneway
- Mows the grass in the laneway at the rear of his property

Alfredo and Franca Molinaro, Preston

- Objection
- The scheme will impose a financial burden
- Vehicle access from the lane is not required - the property is on a corner
- Vehicle access from the lane is not required - Parents do not have a car and do not drive
- Maintains the laneway at the rear of the property, and removes dumped rubbish
- Construction of the laneway will increase traffic
- Laneway is not wide enough for cars to use without damaging fences

Trudy Guest, Preston

- No objection
- Would like to see the quotations for the works
- Would like confirmation that laneways in Preston have been constructed via special charge schemes in the past
- Concerned that works will increase property value and thence rates

Stuart Hale and Mary Parker, Preston

- Supports proposal
- Vehicle access from the lane is required
- Requests stormwater connection
- Concerned about the inclusion of advertising costs in the scheme
- Concerned that Council's role as landowner (A.G. Davis Reserve) is not included in the scheme

A late submission was received on 30 April 2012 from Thomay Michaltsis of Preston supporting the proposal.

### **Objections**

Section 163B of the Act states that Council can only levy a special rate or a special charge to recover an amount that exceeds two-thirds of the total cost of the performance of the works after seeking objections from affected property owners. If Council receives objections from a majority of the rateable properties in respect of which the special charge would be imposed then Council cannot proceed with the declaration of the scheme.

In relation to the proposed scheme, Council would be seeking to recover more than two-thirds of the total cost of the performance of the works.

Of the twelve properties which are proposed to be included in the scheme, only three properties lodged an objection during the formal objection period – less than a majority.

### **Review of submissions**

In reviewing the submissions, a number of consistent themes have been found, as well as some individual issues:

#### Infrequent or non-use of the right-of-way

Properties are considered to derive a special benefit from the construction of the right-of-way whether they currently make use of the right-of-way or not – the estimation of special benefit takes into account the potential to make use of the works as well as actual usage/capacity. The Ministerial Guideline for Special Rates and Charges allows for the consideration of future benefits when estimating special benefits. In this regard, all properties are considered to be capable of making use of the right-of-way.

#### The scheme will impose a financial burden

It is recognised that the imposition of the Special Charge may introduce financial hardship upon some residents, particularly those on an aged pension who are 'asset rich and cash poor'. The Director Corporate and Business Services has delegated authority under section 170 of the Act to consider and grant deferral of a special charge in circumstances of financial hardship. It is proposed to offer those property owners subject to this Special Charge who are also eligible for a pensioner discount on their municipal rates a deferral of the payment until such time as their financial circumstances change or the property is sold.

#### Increased rates

Whilst the construction of the right-of-way surface and the provision of formal drainage is generally believed to increase a property's value, actual evidence to support the magnitude of any increase is difficult to gather. Given this, the impact of construction of the right-of-way on the rates paid by the property owner is considered to be so minor as to be effectively negligible.

#### Traffic use

The current condition of the surface of the right-of-way is not conducive to vehicle traffic during the wetter portion of the year. It is anticipated that construction of the right-of-way's surface would increase vehicle traffic. As the right-of-way does not provide through access for vehicles, the only users are expected to be from the adjoining twelve properties. This increase in vehicle traffic is considered to be within tolerable limits.

Any increase in pedestrian traffic to and from the park is accounted for in the community benefits.

The right-of-way is not unusually narrow. It has a width of 3.05m, similar to most other rights-of-way throughout the City. With regard to the potential for damage to fencing; vehicle drivers are required to exercise caution in the operation of their vehicles, having regard to the local conditions. It is anticipated that any future development that accesses the right-of-way would have regard to vehicle turning movements.

#### Quotations for works

Should the scheme proceed, officers would abide by Council's procurement policy in relation to seeking quotations for works and assessing the successful bidder. Council's procurement policy does not facilitate community involvement in purchasing decisions. It is always Council's intention to seek best value for money when procuring goods and services.

It is proposed to provide each property owner who would be subject to the Special Charge with a breakdown of the costs associated with the project once the works are complete and all costs are finalised.

Under section 165 of the Act, if a Council receives more money than it requires from the special rate or special charge, it must make a refund which is proportionate to the contributions received from property owners.

#### Confirmation of previous special charge schemes

Records show that Council has undertaken previous right-of-way constructions via special charge scheme at other locations in Preston. The Act allows for Council to levy property owners for the purposes of defraying any expenses incurred with the construction of infrastructure in the first instance.

No records have been found that show the right-of-way between Phelan and Nugent Streets, Preston to have been previously constructed via the application of a special charge scheme or a private street scheme.

#### Stormwater connection

The proposed works include provision of stormwater drainage along the right-of-way with stormwater drainage connections to each property.

#### Inclusion of advertising costs

Section 163(6)(c) of the Act specifies that a Council may use money from a Special Charge for advertising.

The cost for advertising has included public notices in The Age and the Preston Leader plus the production and electronic transmission costs of the advertising provider. The advertising costs to date have been \$5,398.16 (excluding GST).

Under section 165 of the Act, if a Council receives more money than it requires from the special rate or special charge, it must make a refund which is proportionate to the contributions received from property owners.

#### Community benefit

The apportionment of costs allocates five benefit units to Council. This includes four benefit units for wider community use of the asset and one benefit unit for A.J. Davis Park. This apportionment does recognise Council's role as an adjacent landowner and also the community benefit to be derived from the wider community for their potential use of the newly created asset.

### **Objection to Victorian Civil and Administrative Tribunal (VCAT)**

Section 185 of the Act entitles any person subject to a Special Charge to make an application to VCAT for a review of the decision to impose the charge. Upon review of the special charge, VCAT may variously decide to vary the special charge, set aside the special charge or dismiss the application.

Section 185AA of the Act entitles a person to apply to VCAT for a declaration concerning the validity of a decision made under section 185 of the Act.

Application to VCAT under s185 must take place within 30 days of the issue of a Notice to the person of the special charge.

### **POLICY IMPLICATIONS**

#### **Environmental Sustainability**

There are no significant environmental sustainability implications arising from the matters discussed this report.

#### **Social Inclusion and Diversity**

There are no significant social inclusion or diversity implications arising from the matters discussed this report.

#### **Other**

Nil.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Should the proposed special charge scheme proceed, Council would be liable to contribute \$16,410.00 towards the works. The full amount of \$55,794.00 has been referred to the draft 2012/2013 capital works program to be fully funded by Council with costs to be recouped from property owners over time.

In accordance with past practice, property owners have two options for payment of the special charge:

1. Payment in full – \$3,282.00
2. Payment in quarterly installments over a maximum of five years (without interest) – for a contribution of \$3,282.00 the quarterly payments would be \$164.10.

It is understood that some of the property owners that would be included in the scheme are pensioners and may suffer from financial hardship from the imposition of the proposed scheme. The Director Corporate and Business Services has the delegated authority to defer payment of a special charge in demonstrated cases of financial hardship. In the case of a deferred payment, the special charge can be held as a cost against the property until the property changes hands or payment is made. In such cases the deferred payment would accrue interest at half of the rate that would be applied if it were a late payment. The rate of late payment interest currently charged by Council is 10.5% per annum (thus a deferred special charge would incur interest of 5.25% p.a.).

Payments to Council by property owners for works via special charge schemes are GST exempt.

Should the works be less than \$55,794.00 (excluding GST) the contribution from each benefitting party (including Council) would be reduced accordingly. Under the special charge scheme legislation, should the works exceed \$55,794.00 (excluding GST) the contributions by property owners would not increase and Council would be liable to pay the additional amount.

## **CONCLUSION**

Construction of the right-of-way would improve access to residential properties, improve drainage and increase local residential amenity.

Based on the responses from both consultations (initial and statutory), a total of five property owners object to the proposal (there are twelve properties proposed to be included in the scheme). On the basis of a majority of property owners having no objection to the proposal, it is recommended that Council declare a special charge scheme for the purposes of defraying expenses from the proposed construction of an unmade right-of-way at the rear of properties in Nugent Street and Phelan Street, Preston.

## **FUTURE ACTIONS**

- Provision of a levy notice to property owners
- 30 day period for an objection to be lodged with VCAT
- Should no objection be received within the objection period, it is proposed that works would be completed by the end of December 2012.

## **DISCLOSURE OF INTERESTS**

Section 80C of the Act 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**

- General Local Law 2005, Darebin City Council
- Local Government Act 1989, Victorian Government
- Special Rates and Charges – Ministerial Guideline, Local Government Victoria, September 2004
- Council Minutes – 20 February 2012 and 7 May 2012

**8.11 STATUS REPORT ON REPORTS AND 'GENERAL BUSINESS' ITEMS OUTSTANDING****MINUTE NO. 323****AUTHOR: Council Business Coordinator****REVIEWED BY: Acting Director Corporate and Business Services****SUMMARY:**

This report provides a summary of the status of reports and 'General Business' items outstanding as at June 2012.

**COUNCIL RESOLUTION****MOVED: Cr. V. Fontana**  
**SECONDED: Cr. S. Chiang**

**THAT** the status report on Reports and 'General Business' items outstanding as at June 2012, attached as **Appendix A** to this report, be received and noted.

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

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

**ISSUES AND DISCUSSION**

A schedule of the reports and actions outstanding as at June 2012 is attached as **Appendix A**.

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

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

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

Nil.

**Social Inclusion and Diversity**

Nil.

**Other**

Nil.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil.

**CONCLUSION**

It is recommended that this status report on Reports and 'General Business' items outstanding as at June 2012 be received and noted.

**FUTURE ACTIONS**

The next status report will be submitted to Council at its meeting on 6 August 2012.

**DISCLOSURE OF INTERESTS**

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

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

**RELATED DOCUMENTS**

Minutes of previous meetings of the Council.



**9. NOTICES OF MOTION****9.1 VICTORIAN LOCAL GOVERNANCE ASSOCIATION****MINUTE NO. 324****NOTICE OF MOTION NO. 43****CR. TRENT MCCARTHY**

Take notice that at the Ordinary Meeting of Council to be held on 2 July 2012, it is my intention to move:

***THAT** Council join Victorian Local Governance Association.*

**Notice Received:** 28 June 2012

**Notice Given to Councillors:** 28 June 2012

**Date of Meeting:** 2 July 2012

**MOTION**

**MOVED:** Cr. T. McCarthy

**SECONDED:** Cr. T. Laurence

**THAT** Council join Victorian Local Governance Association.

THE MOTION WAS PUT AND THE VOTE WAS TIED

THE MAYOR, CR. TSITAS, EXERCISED HIS CASTING VOTE AGAINST THE MOTION.

THE MOTION WAS THEREFORE LOST

A Division was called:

For

Cr. T. McCarthy  
Cr. T. Laurence  
Cr. G. Greco  
Cr. V. Fontana

Against

The Mayor, Cr. S. Tsitas  
Cr. N. Katsis  
Cr. B. Morgan  
Cr. S. Chiang

The Mayor, Cr. Tsitas, declared the Motion to be lost.

## 9.2

## NORTHERN ALLIANCE FOR GREENHOUSE ACTION

MINUTE NO. 325

## NOTICE OF MOTION NO. 44

CR. TRENT MCCARTHY

Take notice that at the Ordinary Meeting of Council to be held on 2 July 2012, it is my intention to move:

*THAT Council join Northern Alliance for Greenhouse Action.*

Notice Received: 28 June 2012

Notice Given to Councillors: 28 June 2012

Date of Meeting: 2 July 2012

**MOTION**

**MOVED:** Cr. T. McCarthy

**SECONDED:** Cr. V. Fontana

**THAT** Council join Northern Alliance for Greenhouse Action.

THE MOTION WAS PUT AND THE VOTE WAS TIED

THE MAYOR, CR. TSITAS, EXERCISED HIS CASTING VOTE AGAINST THE MOTION.

THE MOTION WAS THEREFORE LOST

A Division was called:

For

Cr. T. McCarthy  
Cr. T. Laurence  
Cr. G. Greco  
Cr. V. Fontana

Against

The Mayor, Cr. S. Tsitas  
Cr. N. Katsis  
Cr. B. Morgan  
Cr. S. Chiang

The Mayor, Cr. Tsitas, declared the Motion to be lost.

*The Mayor, Cr. Tsitas, temporarily left the meeting - 10.38pm.*

#### ELECTION OF TEMPORARY CHAIRPERSON

*The Chief Executive, Rasiah Dev, called for nominations for the position of Temporary Chairperson.*

*Cr. Morgan was nominated by Cr. Katsis, seconded by Cr. Chiang, and there being no further nominations, was declared Temporary Chairperson of the meeting.*

*Cr. Morgan assumed the Chair.*

### 10. URGENT BUSINESS

Nil.

### 11. GENERAL BUSINESS

#### 11.1 VACANT LAND DIFFERENTIAL RATE

MINUTE NO. 326

#### COUNCIL RESOLUTION

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

**THAT** Council officers prepare a report for the 16 July 2012 Council meeting outlining the costs, benefits and steps (including a 28 day advertising period) in relation to introduction of a rebate or concession from the 300% vacant land rating differential on those residential blocks where proof of a single dwelling covenant can be provided by ratepayers to Council.

Furthermore that officers present timeline options for consultation so that the adoption of this rating differential rebate or concession could be considered by full Council before 24 September 2012.

**CARRIED UNANIMOUSLY**

## 11.2 CLEAN ENERGY FUTURES FUNDING

MINUTE NO. 327

**COUNCIL RESOLUTION**

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

**THAT** Council receive a report regarding whether Council can directly receive federal funding that is currently allocated to Northern Alliance for Greenhouse Action and Moreland Energy Foundation, as part of the Clean Energy Futures funding package.

**CARRIED**

*(The Mayor, Cr. Tsitas, returned to the meeting at the conclusion of the above item and resumed the Chair – 10.47pm)*

## 11.3 PROPOSED STRUCTURE PLAN – ST GEORGES ROAD

MINUTE NO. 328

**COUNCIL RESOLUTION**

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

**THAT** Council receive a report regarding the potential process and timeframe to developing a structure plan or similar planning guidelines for St. Georges Road.

**CARRIED**

## 12. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

### CLOSE OF MEETING

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

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

- 12.1 Legal advice regarding further advertising for Planning Permit Application D/173/2011 - 1091 Plenty Road Bundoora.

**CARRIED**

The meeting was closed to members of the public at 10.53pm.

*The Council considered and resolved on Report Item 12.1 (Legal advice regarding further advertising for Planning Permit Application D/173/2011 – 1091 Plenty Road Bundoora) which had been circulated to Councillors on Thursday 28 June 2012 with the Council Agenda Paper.*

### RE-OPENING OF MEETING

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

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

**CARRIED**

The meeting was re-opened to members of the public at 11.00pm.

**CONFIDENTIAL****12.1 LEGAL ADVICE REGARDING FURTHER ADVERTISING FOR PLANNING APPLICATION D/173/2011 - 1091 PLENTY ROAD BUNDOORA****MINUTE NO. 329****AUTHOR: Manager City Development****REVIEWED BY: Director City Works and Development****SUMMARY:**

Following the Council decision on 21 May 2012 to provide more extensive notice to residents of the planning permit application for 1091 Plenty Road the applicant has lodged an appeal to VCAT. That appeal sought review under section 78(a) of the *Planning and Environment Act 1987* (Act) against the requirement to give notice.

This report relates to legal advice regarding advertising for Planning Permit Application D/173/2011 – 1091 Plenty Road Bundoora.

**CONSULTATION:**

Detailed in the confidential report

**RECOMMENDATION**

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

**COUNCIL RESOLUTION**

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

**THAT** the following Council Resolution:

*That Council:*

- (1) *Not contest the VCAT declarations hearing on 13 July 2012 in the matter concerning the costs for giving additional notice relating to the resolution of the Council on 21 May 2012 for 1091 Plenty Road Bundoora.*
- (2) *Not proceed with the public notice of the application in the local news papers.*

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

**CARRIED**

**13. CLOSE OF MEETING**

The meeting closed at 11.01pm.