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AGENDA

Council Meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Monday, 15 May 2017
at 6.00 pm.

Public question time will
commence shortly after 6.00 pm.



ACKNOWLEDGEMENT OF DAREBIN'S ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY

**(Council adopted this Acknowledgment on 1 July 2013 in order
to confirm the commitment of Council to the process of
Reconciliation)**

Darebin City Council acknowledges the Wurundjeri people and the Kulin Nations as the traditional landowners and the historical and contemporary custodians of the land on which the City of Darebin and surrounding municipalities are located.

Council recognises, and pays tribute to, the diversity of Darebin's Aboriginal and Torres Strait Islander community, valuing the unique and important role Aboriginal and Torres Strait Islander community members play in progressing reconciliation, respect and the building of mutual understanding across the City, amongst its people, and in the achievement of shared aspirations. Council recognises and pays tribute to, and celebrates, Darebin's long standing Aboriginal and Torres Strait Islander culture and heritage.



Italian

Questo è l'ordine del giorno della riunione del Consiglio Comunale di Darebin per la data che compare sulla prima pagina di questo documento. Se desiderate informazioni in lingua italiana sugli argomenti dell'ordine del giorno, siete pregati di chiamare la Linea Telefonica Multilingue del Comune al 8470 8888.

Greek

Αυτή είναι η ημερήσια διάταξη για τη συνεδρίαση του Δημοτικού Συμβουλίου Darebin, για την ημερομηνία που φαίνεται στο εξώφυλλο αυτού του εγγράφου. Αν θα θέλατε πληροφορίες στα Ελληνικά σχετικά με τα θέματα σ' αυτή την ημερήσια διάταξη, παρακαλούμε καλέστε την Πολυγλωσσική Τηλεφωνική Γραμμή του Δήμου στον αριθμό 8470 8888.

Chinese

這是一份戴瑞濱市議會議程表，其開會日期顯示於此文件之封面。如果您欲索取有關此議程表的中文資料，敬請致電 8470 8888 聯絡市議會的多語種電話專線。

Arabic

هذا هو جدول أعمال اجتماع مجلس بلدية داربيبن والذي سيحدد في التاريخ الوارد في الصفحة الأولى من هذه الوثيقة. إذا أردت الحصول على مزيد من المعلومات في اللغة العربية حول المواضيع المذكورة في جدول الأعمال، فيرجى الاتصال برقم هاتف البلدية المتعدد اللغات 8470 8888

Macedonian

Ова е дневниот ред за состанокот на Општината на Градот Даребин, која ќе биде на датумот покажан на предната корица од овој документ. Ако Вие сакате некои информации на Македонски јазик, за предметите на овој дневен ред, Ве молиме повикајте ја Општинската Повеќејазична Телефонска Линија на 8470 8888.

Vietnamese

Đây là nghị trình cho cuộc họp của Hội đồng Thành phố Darebin; ngày họp có ghi ở trang bìa tài liệu này. Muốn biết thêm về chương trình nghị sự bằng Việt ngữ, xin gọi cho Đường dây Điện thoại Đa Ngôn ngữ của Hội đồng Thành phố qua số 8470 8888.

Bosnian

Ovo je dnevni red za sastanak Gradske općine Darebin čiji je datum održavanja naznačen na prvoj strani ovog dokumenta. Ako želite više informacija o tačkama ovog dnevnog reda na bosanskom jeziku, molimo nazovite općinsku višjezičnu telefonsku službu na 8470 8888.

Croatian

Ovo je dnevni red sastanka u Darebin City Council za dan koji je naveden na prednjem ovitku ovog dokumenta. Ako želite informacije o tačkama ovog dnevnog reda na hrvatskom jeziku, molimo da nazovete Council Multilingual Telephone Line (Višjezičnu telefonsku liniju) na 8470 8888.

Portuguese

Esta é a pauta para a reunião da Câmara Municipal de Darebin a ser realizada na data que consta na capa deste documento. Se você deseja informação em Português sobre os itens desta pauta, por favor ligue para a Linha Telefônica Multilíngue da Câmara no 8470 8888.

Serbian

Ово је дневни ред за састанак Darebin City Council-а (Градско веће Darebin) који ће се одржати на дан који је наведен на насловној страни овог документа. Ако желите информације на српском о тачкама дневног реда, молимо вас да назовете Council Multilingual Telephone Line (Вишејезичку телефонску линију Већа), на 8470 8888.

Somali

Kuwani waa qodobada shirka lagaga wada hadli doono ee Degmada Degaanka Darebin ee taariikhda lagu xusey boga ugu sareeya ee qoraalkan. Haddii aad doonysid wararka ku saabsan qodobadan oo ku qoran Af-Somali, fadlan ka wac Khadka Taleefanka Afafka ee Golaha oo ah 8470 8888.

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Agenda

1. MEMBERSHIP

Cr. Kim Le Cerf (Mayor) (Chairperson)
Cr. Steph Amir
Cr. Gaetano Greco (Deputy Mayor)
Cr. Tim Laurence
Cr. Trent McCarthy
Cr. Lina Messina
Cr. Susanne Newton
Cr. Susan Rennie
Cr. Julie Williams

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Recommendation

That the Minutes of the Ordinary Meeting of Council held on 1 May 2017 and the Special Meeting of Council held on 8 May 2017 be confirmed as a correct record of business transacted.

5. QUESTION AND SUBMISSION TIME

Members of the public can participate in ordinary Council meetings in two ways: they can lodge questions for Council to answer during Question Time or they can make a Comment or Submission prior to a specific item listed on the Agenda.

HOW TO LODGE YOUR QUESTION OR REGISTER TO MAKE A COMMENT OR SUBMISSION

Council encourages the early lodgement of Questions, to enable preparation of a considered response, and early registration if you wish to make a Comment or Submission. These may be done in the following ways:

1. Electronic Lodgement

- By sending an email to Q&S@darebin.vic.gov.au; or
- By logging onto Council's website at www.darebin.vic.gov.au/questionsandsubmissions

2. In Person Lodgement:

- At the Preston Customer Service Centre by 3pm on the day of the Council meeting;
- By printing completed Questions and Submissions Form and delivering it to 274 Gower Street Preston, 3072 by 3pm on the day of the meeting; or
- With a Council Officer between 5.45pm and 6pm on the day of the meeting at Council Chambers.

The lodgement of a question or registration to make a comment or submission should include the name, address and contact telephone number of the individual and, in the case of a submission, the agenda item to which he or she wishes to speak to. This will allow Council officers to follow up your Question, if required, and to inform the Chairperson of any registered person wishing to make a Comment or Submission in relation to specific agenda items.

Residents do not need to attend the meeting for a question to be answered. Council meetings can be viewed at the [Watch Council and Planning Committee meetings page](#).

The Agenda for each meeting is available for viewing on Council's website at the [Meeting Agendas and Minutes page](#) by 5pm, up to 6 days prior to the date of the meeting. Copies are also available at Customer Service centres and libraries.

Further information about Question and Submission Time can be found at www.darebin.vic.gov.au/questionsandsubmissions.

6. CONSIDERATION OF REPORTS

6.1 PLANNING SCHEME AMENDMENT C157: 217-239 SEPARATION STREET NORTHCOTE - REQUEST FOR AUTHORISATION

Author: Manager City Design and Strategic Planning

Reviewed By: Director City Futures and Assets

Report Background

The purpose of this report is to seek a Council resolution to request authorisation and exhibit Amendment C157 to the Darebin Planning Scheme. Amendment C157 seeks to rezone the subject sites from the Industrial 3 Zone to the Residential Growth Zone 1, supporting the sites' transition from former industrial use to residential. This transition will be achieved through the rezoning of the sites and introduction of the proposed Development Plan Overlay and the Environmental Audit Overlay.

Previous Council Resolution

At its meeting on 1 May 2017, Council resolved:

'That Council defer the matter for officers to provide further advice regarding increasing the developer's contribution to community infrastructure, as listed in the report and further information on the facilitation of social housing.'

At its meeting on 20 March 2017, Council resolved:

'That Council:

- (1) Defers consideration of this matter until May 2017 to allow Council time to consider the residential zone provision amendments recently announced by the State Government.*
- (2) Notes the amended residential zone provisions, scheduled to be gazetted in March/April 2017, are required to be incorporated into all Victorian planning schemes.*
- (3) Receives a briefing on this matter as soon as practicable.'*

Previous Briefing(s)

- 18 April 2017
- 20 February 2017
- 28 November 2016

Council Plan Goal/Endorsed Strategy

- Goal 1 - Vibrant City and Innovative Economy
- Goal 2 – Healthy and connected community

Endorsed Strategies:

- Darebin Housing Strategy 2013-2032
 - Darebin Economic and Land Use Strategy 2014
 - Darebin Open Space Strategy 2007-2017
-

Summary

What the amendment does:

Urbis, on behalf of adjoining land owners CES - Northcote (VIC) Pty Ltd and Minotaur Constructions Pty Ltd at 217, 221-223 and 235-239 Separation Street, Northcote (the land) has made a request to Council to prepare a planning scheme amendment. The request for planning scheme amendment includes the following:

- To rezone the land from Industrial 3 Zone (INZ3) to the Residential Growth 1 Zone (RGZ1). The RGZ1 provides flexibility to accommodate a diversity of housing types and styles which will allow for increased housing density.
- To apply the Development Plan Overlay (DPO) to the land. The DPO has been drafted to achieve specific design guidelines, including creating a high amenity residential neighbourhood through a coordinated and staged redevelopment of the land, respecting the residential interface, improving accessibility to McDonnell Park, encouraging provision of affordable housing, providing a contribution to upgrading infrastructure and constructing public realm works, and providing a mix of high quality medium and high density housing typologies. It is noted that the proponent has requested a maximum built form of 7 storeys. This is discussed in greater detail in the main body of this report.
- To apply the Environmental Audit Overlay (EAO) to the land. Given that there is limited detailed information available regarding the current condition of the sub surface soil considering the sites' former industrial use, the EAO is proposed to be introduced to the entire site, to ensure that prior to commencement of a new sensitive use (accommodation) that either a Certificate or Statement of Environmental Audit is issued confirming that the land is suitable for sensitive use.

Recommendation

That Council:

- (1) Requests under section 8A of the *Planning and Environment Act 1987* that the Minister for Planning authorise Darebin City Council to prepare Amendment C157 to the Darebin Planning Scheme;
- (2) When authorised by the Minister for Planning, exhibits Amendment C157 to the Darebin Planning Scheme in accordance with notice requirements under section 19 of the *Planning and Environment Act 1987*;
- (3) Authorises the Manager City Design and Strategic Planning to make minor alterations and corrections, where necessary, to Amendment C157 material as attached, prior to the lodgement of authorisation request with the Minister for Planning and/or the exhibition period.

Introduction

The site

The subject site (**Figure 1**) has a combined area of 2.5ha and currently accommodates large industrial buildings. The existing building located toward the western side of the site is a double storey (approximately 9m in height) brick veneer and corrugated iron building. The building at the eastern side of the site incorporates both single and double storey built form, and is also constructed of brick veneer. Existing built form is shown in **Figures 2 -5** below.

Figure 1: Location Plan (217-223 and 235-239 Separation Street, Northcote)



Figure 2: View of site from Separation Street



Figure 4: View from Separation Street (East)



Figure 3: View on site



Figure 5: View from McDonnell Reserve



Surrounding area

Located predominantly in a residential area, the sites abut McDonnell Park to the north and sit across Separation Street from Rubie Thompson Reserve to the south. These sites form the majority of the southern interface of McDonnell Park a regional open space reserve which accommodates the Northcote Aquatic and Recreation Centre (NARC). The site is also located approximately 800m north of the Fairfield train station and village, and is adjacent to a bus stop on Separation Street for the 508 bus route which runs between Alphington and Mooney Ponds, via local amenities such as the Northcote Plaza.

Whilst the surrounding land uses are predominantly residential in nature, the site context analysis provided in Figure 1 reveals the following detail:

- Northcote Activity Centre is approximately 1km west of the site.
- Westgarth Primary School is approximately 1.2km south of the site.
- Fairfield station and Village are approximately 800m south of the site.

The surrounding residential area is predominantly one and two storey older detached dwellings however, there has been more recent consolidation and renewal of sites in the immediate and wider surrounding area. To the east, residential built form comprises a mix of single and double storey dwellings fronting Rathmines Street. To the west of the site, residential built form accommodates primarily single storey post-war brick dwellings.

Details of proposed Amendment C157 to the Darebin Planning Scheme

Amendment C157 proposes the following changes to the Darebin Planning Scheme:

- Rezone the site from Industrial 3 Zone (IN3Z) to Residential Growth Zone 1 (RGZ1)
- Apply the Development Plan Overlay - Schedule 13 (DPO13)
- Apply the Environmental Audit Overlay (EAO)

The proponents have requested Amendment C157 and to rezone the land from industrial use to residential as the site's size and location makes it no longer viable or economically feasible to retain as an industrial landholding. In particular, restrictions on hours of operation and on accessibility to the site has diminished the opportunities for competitive industry and warehousing on the site.

The rezoning of the land currently affected by the INZ3 is required in order to enable the future development of the site for residential and associated purposes, which is currently prohibited by the existing zone. The proposed RGZ1 allows land to be used and developed for the purpose of 'accommodation', enabling residential uses to establish on the site. In doing so, the rezoning will provide an opportunity for a redundant industrial site to be redeveloped in a manner that complements the predominant surrounding residential land use at a scale which complements the existing built form.

Height

The proposed Development Plan Overlay Schedule 13 (DPO13) (**Appendix A**) contains built form and height requirements, in addition to design principles and objectives for the site's redevelopment. Due to the context of the site, combined with its location being outside an activity centre, the DPO specifies a built form with a maximum height of 4 storeys. Two additional stories are considered to be acceptable in exchange for additional community benefit including affordable housing and contributions to community infrastructure improvements.

It must be acknowledged that the proponents have submitted documentation to Council that proposes a height of 5 to 7 storeys. However, no analysis has been undertaken and no justification has been provided for the additional height proposed.

Although council officers support the request for re-zoning request, officers only support a maximum height of 6 storeys, as provided in the proposed DPO schedule.

Notification/ exhibition of the proposed amendment:

As part of the planning scheme amendment process, formal public notification process (exhibition) will be required to be undertaken, incorporating a minimum one month exhibition period where the proponent will lead public information sessions. Council officers will be in attendance at the information sessions to answer questions on council related matters. Notice of the proposed amendment will be provided to owners and occupiers of land that may be materially affected by the amendment, and notices will also be published in the local newspaper and the Victorian Government Gazette.

Through the exhibition period, affected parties will be invited to make submissions on the proposed amendment. Following receipt of submissions, Council officers will undertake a review of all submissions and undertake further analysis and negotiations in which some or all of the submissions may form the basis for changes to the draft exhibited documents.

In principle, Amendment C157 is supported by Council's adopted Darebin Economic and Land Use Strategy (2014), Darebin Housing Strategy (2013-2032) and the Darebin Open Space Strategy (2007-2017) through a commitment to redeveloping underutilised or vacant industrial sites, ensuring strong urban design outcomes, achieving housing affordability and diversity, and delivering additional community benefit through improvements to the public realm and parkland, and safe pedestrian connectivity through to McDonnell Park.

The key matters to be considered in rezoning the land are:

1. The rationale for proposed changes to the Darebin Planning Scheme via Amendment C157
2. Strategic justification for the amendment
3. Site History
4. Council's affordable housing initiatives and community benefit; and
5. The views of the Department Environment, Land, Water and Planning (DELWP).

1. The Rationale for proposed changes to the Darebin Planning Scheme

Rezoning of Industrial land and impact on industrial activity in Darebin

The site is currently located within the Industrial 3 Zone (INZ3), which is consistent with its historical use of manufacturing. Of the two sites, 221-223 Separation Street has recently ceased operation and is currently vacant. The lease for 235-239 Separation Street is due to cease in 2018.

The proponent submits that the INZ3 is no longer the appropriate zoning control as the site is no longer viable for industrial use. The current industrial zone encourages use of land for industry, while prohibiting the establishment of viable alternative uses, including residential and complementary commercial uses. As a result the proponent has requested the rezoning to allow for the redevelopment of the site for a wider range of uses than is currently allowed for under the INZ3.

The implications of rezoning the land must be considered in the context of State and Local policy relating to industrial land.

Industrial policy within the State Planning Policy Framework (SPPF) seeks to ensure that sufficient land is available for commercial and industrial development and to also protect industrial activity from unplanned commercial and other development that could potentially undermine industry viability.

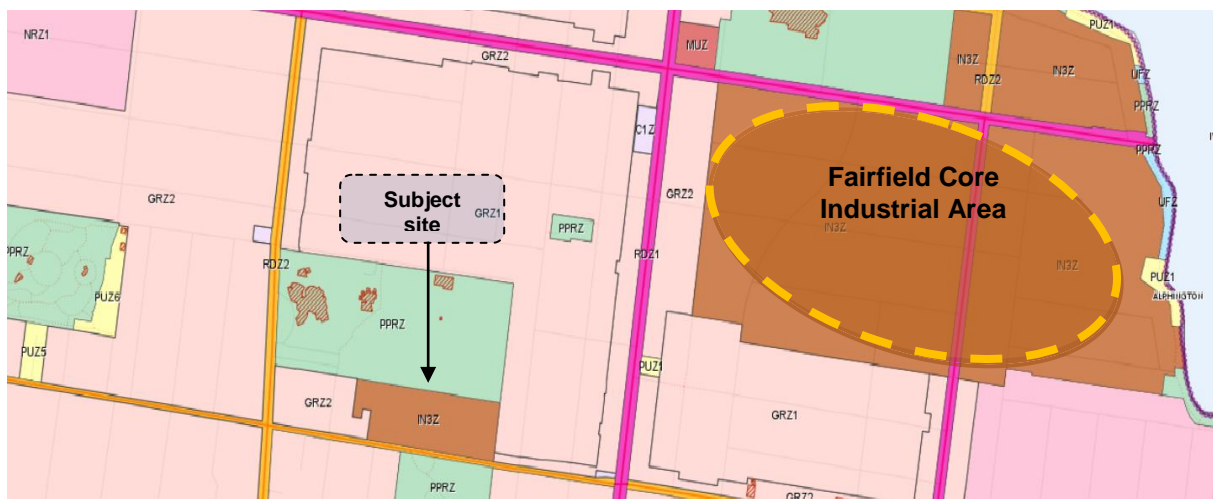
The Local Planning Policy Framework (LPPF) reinforces the state policy provision through statements in the Darebin Municipal Strategic Statement (MSS) and Local Planning policies which encourage the retention of viable industrial land, in particularly that in the Municipality's core industrial areas.

As illustrated by **Figure 6** below, the site is a stand-alone industrial zoned site, and is isolated from the other consolidated Industrial zoned areas.

Amendment C157 is consistent with the Municipal Strategic Statement (MSS) – specifically Clause 21.04 (Economic Development), which seeks to proactively manage the transition of redundant industrial land to accommodate new uses, through rezoning non-viable single use industrial sites or small clusters to enable residential use.

As discussed in greater detail below, C157 is also supported by the adopted Darebin Economic Land Use Strategy, 2014 (DELUS) which identifies the site as a candidate for redevelopment from industrial land to residential use. The DELUS identifies that this site can be rezoned to residential use without unduly impacting on Darebin's employment or economic growth opportunities.

Figure 6: site context



Darebin Economic Land Use Strategy (DELUS)

Darebin's major industrial precincts represent some of the more significant areas of industrial land within inner Melbourne. The DELUS seeks to preserve and protect industrial land in order to fulfil the needs of protecting the viable industrial precincts throughout the Municipality.

Despite this, the DELUS also identifies industrial land that no longer serves a strictly industrial purpose and is unlikely to prove to be a viable proposition in the future and to identify a more optimal use for such land.

The DELUS also identifies the changes and challenges confronting Darebin, including the gradual but consistent changes in the socio-economic make up driving residential demand and increasing land values across the Municipality, and changes in the industrial sector, including the nature of industry which is evolving away from traditional manufacturing enterprises given the rising cost of land and labour, and the reducing cost effectiveness.

Specifically, the DELUS recognises the site's residential neighbourhood context and adjacent urban renewal activity as key justification for rezoning the site to residential use.

Furthermore, the DELUS identifies the existing public infrastructure within the area, including the large areas of public open space, as accentuating the site's residential potential:

"Given the surrounding residential neighbourhood and adjacent urban renewal activity, the site offers a very significant future residential redevelopment opportunity. The potential of the site is accentuated by its location adjacent to large areas of public open space. Any rezoning of the site to provide for future residential development will not affect the existing use. For these reasons, it is recommended that the site's potential for higher density residential development be encouraged through any rezoning of the site should the landowner lead."

Darebin Housing Strategy

The Darebin Housing Strategy (DHS) aims to meet the current and future housing needs of Darebin's increasing population and ever changing demographics.

This planning scheme amendment addresses the following goals of the housing strategy: planning for population growth, addressing changing demographics and diverse housing needs, addressing housing affordability, acknowledging a changing economy, responding to environmental constraints and climate change and encouraging quality design and amenity outcomes.

The DHS identifies Brownfield redevelopment (previous industrial land) as an opportunity for increasing the supply of land for new housing development.

These sites which are typically larger in size and provide an opportunity to reuse unviable industrial land to more appropriate residential uses.

The Darebin Housing Strategy identifies the site within an incremental change area (see figure 7). The surrounding residential area is in the General Residential Zone, schedule 2. Due to the attributes of the site, the proposed residential growth zone provides flexibility and can accommodate a diversity of housing types and styles which will allow for increased housing density on this large stand-alone site.

Darebin Open Space Strategy

The amendment is consistent with Darebin's Open Space Strategy. The vision of the Open Space Strategy is for *a well-connected network of accessible open spaces that meets the diverse needs of the community and provides a range of social and environmental benefits.* Opportunities to enhance the open space system with particular attention to improvement of linkages and connections should be pursued.

Key recommendations emerging from the Open Space Strategy and Works Program include:

- Acquisition of private land in strategic locations to improve access to and provision of open space.
- Upgrades to traffic treatments that improve safe crossings and access to open space within neighbourhoods.

Currently Separation Street, Northcote is a hostile pedestrian environment. This amendment will improve the amenity for pedestrians along Separation Street by widening the footpath and the provision of a signalised pedestrian crossing. The proposed development will provide improved amenity and accessibility to McDonnell Park and improve the link between McDonnell Park and Rubie Thomson Reserve via a public pedestrian link through the site.

Other improvements to the surrounding area may be achieved in exchange for a height bonus (see Community Benefit Section later in this report) including new pedestrian paths, public lighting, tree planting and sports fencing in McDonnell Park, and playground equipment, new public lighting and improvements and extensions to shared pedestrian/cycle lanes in Rubie Thomson Reserve.

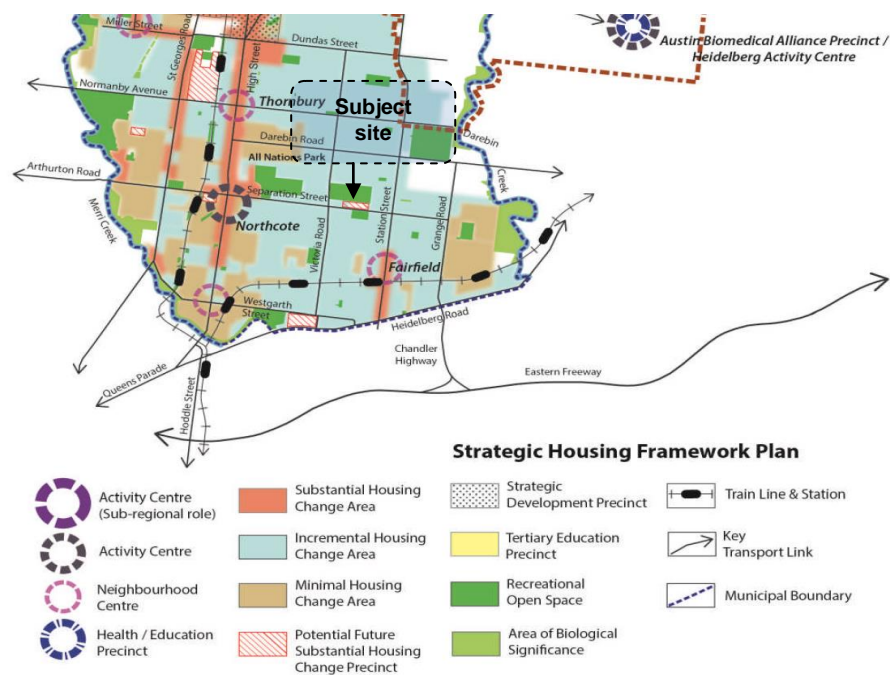
Proposed Residential Growth Zone1 (RGZ1)

Amendment C157 has been requested in order to facilitate future residential development of the land. Given the site’s context, the most appropriate zone for this is the Residential Growth Zone 1 (RGZ1). The RGZ1 seeks to provide housing at increased densities and to encourage a diversity of housing types.

Council officers support the rezoning of the land to residential land use, based on the strategic direction provided within the Darebin Planning Scheme. In particular, the RGZ1 supports:

- A mix of housing types and styles at an increased density that are responsive to the surrounding neighbourhood context;
- The zoning control supports strong demand for housing choice within the area;
- Residential zoning is consistent with Darebin’s aspirations for the site, as defined in the DELUS and Strategic Housing Framework plan contained within Clause 21.03-1 of the Darebin Planning Scheme. As shown in Figure 7 below, Clause 21.03-1 identifies the site as a ‘Potential Future Substantial Housing Change Precinct’.

Figure 7: Strategic Housing Framework (Clause 21.03-1 of the Darebin Planning Scheme)



It is acknowledged that the site is large and can accommodate more intense development than its residential interface. A development of four (4) storeys (with a possible six storeys as a height bonus) is considered to be an appropriate response to site’s location and context.

The Residential Growth Zone, in combination with the supporting DPO will facilitate the site’s transition to residential land use. The proposed DPO is read in conjunction with the RGZ and is the planning tool used to provide clarity to Council, the proponent and the community about certain design aspirations and built form requirements including height.

Given the surrounding residential land use, the proposed rezoning is considered to be compatible and supported by nearby services. Despite this, it is considered that amenity improvements regarding accessibility and pedestrian safety are to be required to accommodate the proposed increase in the residential population. These are requirements of the DPO.

Proposed Development Plan Overlay (DPO)

Application of the DPO has been sought by the proponent and supported by officers for the following reasons:

- It provides a coordinated approach to the future use and development of a large site.
- A detailed plan in accordance with the requirements of the DPO must be prepared before a permit under the zone can be granted.
- It provides greater certainty about the nature of the proposed use or development.
- Requires any future planning permits granted to be in general conformity with the plan.
- Seeks particular permit conditions to help to implement the plan from an early stage.

The DPO can not only be used to coordinate the orderly development of the sites over time but can also be tailored to make improvements to the surrounding infrastructure for the net benefit of the community such as greater connectivity to significant public open space, and enhancements to the public realm, including wider footpaths and signalised crossings.

Environmental Audit Overlay

Ministerial Direction No. 1 'Potentially Contaminated Land' requires that, in preparing an amendment that will have the effect of allowing potentially contaminated land to be developed for a sensitive use, a planning authority must satisfy itself that the environmental conditions of the land are or will be suitable for that use.

The application of the EAO to the land is consistent with Ministerial Direction No. 1. The overlay will require that the environmental conditions of the land are suitable before any sensitive use or development commences.

2. Strategic Justification for the Amendment

The implications of rezoning the land must be considered in the context of state and local policy relating to industrial land.

Industrial policy within the State Planning Policy Framework (SPPF) seeks to ensure that sufficient land is available for commercial and industrial development and to also protect industrial activity from unplanned commercial and other development that could potentially undermine industry viability.

The Local Planning Policy Framework (LPPF) reinforces the state policy provision through statements in the Darebin Municipal Strategic Statement (MSS) and local policies which encourage the retention of viable industrial land, in particular, that in the Municipality's core industrial areas.

As follows, the proposed amendment is consistent with the relevant aspects of the State Planning Policy Framework and the Local Planning Policy Framework:

- Given that the proposed rezoning relates to an underutilised industrial site that is identified as a poor location for industrial activity, primarily due to its residential surrounds and its separation from the core industrial precincts, the amendment will not result in the loss of viable industrial land nor undermine the function of identified industrial precincts in the Municipality.
- The proposed amendment will provide opportunities for residential land use and development in an established urban area with convenient access to existing services and infrastructure.
- The proximity of the site to existing services and infrastructure (including public transport, local convenience shops and public open space) will encourage sustainable travel behaviour and reduce greenhouse gas emissions.
- The proposed Development Plan Overlay will ensure that new development minimises adverse impact on existing adjacent residential land uses, achieving high standards of urban design and environmental sustainability, and providing a mechanism for future developers to contribute as appropriate to upgrading local infrastructure and safe and efficient connectivity through the site for the broader community.
- The proposed Environmental Audit Overlay will ensure that the environmental condition of the site is suitable for future use and development.

3. Site History

In order to justify the application of the Environmental Audit Overlay, and the possibility of site remediation requirements, a site history should be understood to identify the previous uses of the site. Site histories have been prepared through the Environmental Site Assessments undertaken for both sites.

221-223 Separation Street

As identified in the Tonkin & Taylor Pty Ltd assessment (2016) prepared for 221-223 Separation Street, this site was historically operated by Nilsens Porcelain who manufactured porcelain electric hot water jugs from the 1930s. Originally, the Nilsen operation encompassed both sites and residential dwellings were still present on the site. Sinter work operations may have also been undertaken by Nilsens at the site.

The site ceased operations in February 2017.

235-239 Separation Street

An environmental site assessment (2016) was prepared by Connolly Environmental for the site at 235-239 Separation Street. The report identifies a site history as early as 1904 at which time part of the site was occupied by a residence known as Ingleside. The site appeared to have been primarily open paddocks until the mid-1950s; with the 1945 and 1954 aerial photographs showing a residence in the south western corner and the rest of the site comprising of paddock. It is understood that Atshul Printers commenced operations at the site in the 1980s.

By the 1962, a large building housing a ceramics factory had been constructed in the east of the site. By 1974 this building had been extended and the residence had been demolished. By 1984 the site appeared to be consistent with the current site layout (at the time of reporting).

As identified in the report, since 2008 the site has been leased to four tenants who have carried out the following operations at the site:

- Digital printing products involving no flammable or toxic materials. Note that all printing works appeared to be carried out above ground with no underground infrastructure present.
 - Storage, warehousing of marquees (no manufacturing activities).
 - Storage and assembly of aluminium and shop fitting products (no manufacturing activities).
- 4. Council's affordable housing initiatives/ Community Benefit and infrastructure contribution**

Affordable Housing

Affordable housing is typically defined as when households that earn less than 80% of the median income, pay less than 30% of their weekly income on rent and/or mortgage repayments. Housing stress is defined when individuals and households who earn less than 80% of the median income pay more than 30% of weekly household income on housing. By examining the changes in household income and household prices, from the 2011 Census data, we can infer that approximately 12.4% of all rented households and 8.2% of mortgaged households in Darebin are under housing stress or at risk of housing stress, paying approximately 30% or more of their income on rent or mortgage (Darebin Housing Strategy).

Social housing includes both public housing and community housing. Social housing is provided, owned and managed by the Victorian Government's Department of Health and Human Services (DHHS). Whereas community housing is provided, owned and/or managed by community housing organisations. The term *affordable housing* incorporates a range of different types of housing including social housing.

Council's endorsed strategy on homelessness, affordability and housing stress; *"Responding to Housing Stress – A local Action Plan 2013 – 2017"* identifies a number of strategies aimed at increasing the level of affordable and social housing in Darebin. The following are applicable to planning scheme amendments and development applications:

- Provide a range of incentives to assist developers to include social housing in their development. These may include consideration of parking, height and other variable elements of the planning scheme.
- Maximise the use of section 173 agreements to achieve an increase in social and affordable housing.

Affordable housing is Goal 3 of Council's Darebin Housing Strategy and seeks to address housing affordability and social housing needs of the community. The following relevant actions have been identified within the strategy to achieve this goal including:

- Encourage the provision of affordable housing development in identified Substantial Housing Change Areas (ongoing priority).
- Investigate options for specifying affordable housing as a component of larger developments (medium priority).
- Investigate adopting regulatory incentives and flexible planning provisions for planning permit applications with a commitment to deliver affordable housing stock (high priority).

- Maintain dialogue and advocacy efforts with the relevant State Government authorities to encourage the introduction of Inclusionary Zoning through the Victorian Planning Provisions (VPP) (ongoing priority).
- Develop a Council-wide process in collaboration with Council departments to better facilitate planning permit applications lodged by community housing providers and associations and the promotion of mixed tenure development (medium priority).

235-239 Separation Street

The proposed amendment is seeking to facilitate an affordable housing component for the site at 235-239 Separation Street, in the event that height in excess of four storeys is proposed. It is understood that the proponent of this site is committed to the delivery of affordable housing, having entered into a Memorandum of Understanding (MoU) with a registered affordable housing provider.

Having this initial commitment is key to strengthening the long term delivery and feasibility of providing affordable housing on the site given that the housing provider is required to joint venture into the development process. The planning mechanism proposed to require the affordable housing will be through a section 173 Agreement specified in the Development Plan Overlay 13 (DPO13).

The requirements for the affordable housing component proposed by the site's proponent are specified within Section 2.0 of the DPO13 (**Appendix A**) and is summarised below:

“Prior to the commencement of any development, the owner(s) of the land must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987, which must provide, to the satisfaction of the responsible authority, that the owner(s) will sell not less than 10 per cent of all dwellings in the whole development to a registered housing association or registered housing provider as defined by the Housing Act 1983 (as amended or corrected from time to time).

The cost of preparing and lodging the agreement, including any Lands Titles Office registration fees, must be paid in full by the owner(s).”

217, 221-223 Separation Street

Although the proponents of 217-223 Separation Street do not intend to accommodate affordable housing, they will be required to provide other community benefit if they are to exceed a height of four storeys as identified and specified by Council. Council has completed an Infrastructure Plan (**Appendix B**), identifying all of the infrastructure and facilities required to accommodate the new community and to benefit the broader existing residential community.

Through the preparation of an Infrastructure Plan (**Appendix B**), the infrastructure contributions identified by council officers as broader public benefit are specified in the DPO13 (**Appendix A**) and are summarised below:

A permit for development on the land at 217, 221-223 Separation Street which exceeds a height of 4 storeys (at any part of the development) must also contain the following condition:

- Prior to the commencement of any development, the owner(s) of the land must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987*, which must provide, to the satisfaction of the responsible authority, that, prior to the issue of a statement of compliance in respect of the subdivision of the land or such other time as the responsible authority may agree to in writing, the owner(s) will pay the full costs of the following works to be undertaken by Council:
 - *The construction of a 200m long, 3 metre wide, shared pedestrian and cycle path in McDonnell Park that connects Clifton Street with the development to the satisfaction of the responsible authority.*
 - *The planting and establishment maintenance of trees in McDonnell Park.*

The cost of preparing and lodging the agreement, including any Lands Titles Office registration fees, must be paid in full by the owner(s).

A permit for development on the land at 217, 221-223 Separation Street which exceeds a height of 4 storeys (at any part of the development) must also contain the following condition:

- Prior to the commencement of any development, the owner(s) of the land must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987*, which must provide, to the satisfaction of the responsible authority, that, prior to the issue of a statement of compliance in respect of the subdivision of the land or such other time as the responsible authority may agree to in writing, the owner(s) will pay 50 per cent of the full costs of the following:
 - *The construction of a signalized pedestrian and cycle crossing across Separation Street to the satisfaction of the responsible authority. The crossing is to be located to align with the public pedestrian and cycle link through the site and the pedestrian and cycle link through Rubie Thomson Reserve.*
 - *The installation of public lighting in McDonnell Park to the satisfaction of the responsible authority.*
 - *An upgrade to the playground equipment at Rubie Thomson Reserve to the satisfaction of the Responsible Authority.*
 - *The planting and establishment maintenance of trees in Rubie Thomson Reserve*
 - *The construction of new sports fencing around the western oval in McDonnell Park*
 - *The replacement of sports fencing around the eastern oval in McDonnell Park*
 - *Landscaping and draining works to the McDonnell Park pavilion.*

The cost of preparing and lodging the agreement, including any Lands Titles Office registration fees, must be paid in full by the owner(s).

Regardless of the height proposed, the following items will be required to be delivered to provide community benefit for the future occupants of the development as well as the broader community:

- A public shared path through the site linking Separation Street to McDonnell Park.
- Widening of the footpath along Separation Street for the length of the site's boundary, to a minimum of 3 metres.

The requirements for the shared path are specified within Section 2.0 of the DP013 (**Appendix A**) and is summarised below:

Except for a permit granted before a development plan has been approved in accordance with clause 1.0 of the schedule, a permit for any development on the land at 217, 221-223 Separation Street must contain the following condition:

- Prior to the commencement of any development, the owner(s) of the land must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987*, which must provide to the satisfaction of the responsible authority, that the owner(s) will construct at its cost a public pedestrian and cycle link between Separation Street and McDonnell Park. The agreement must require:
 - *The location, design and construction of the public pedestrian and cycle link to be to the satisfaction of the responsible authority.*
 - *The public pedestrian and cycle link to be landscaped to the satisfaction of the responsible authority.*
 - *The public pedestrian and cycle link be constructed prior to the occupation of any dwelling. The ownership of the public pedestrian and cycle link is to be transferred to Council at the subdivision stage at no cost to Council.*
 - *The public pedestrian and cycle link is to:*
 - *be named;*
 - *have identifiably public entrances;*
 - *be located to align with pedestrian crossings at Separation Street and pedestrian/cycle paths at McDonnell Park;*
 - *be accessible and located at ground level;*
 - *incorporate CPTED (Crime Prevention through Environmental Design) principles in its design;*
 - *respond to the surrounding built form and provide for the following:*
 - *a minimum width of 11 metres consisting of : 3 metres for a shared path, 2 metres either side for landscaping and an additional 2 metres setback either side to any built form;*
 - *a pedestrian scale that relates to the height of adjoining buildings;*
 - *visual permeability through the site;*
 - *landscaping with a continuous planting theme that includes canopy trees;*
 - *street furniture;*
 - *shade; and*
 - *opportunities for passive recreation.*

The cost of preparing and lodging the agreement, including any Lands Titles Office registration fees, must be paid in full by the owner(s).

Community Benefit

It is a broadly accepted planning principle and community expectation, that when developers gain a value uplift from their land via a planning scheme amendment rezoning, they should contribute or 'give back' to the community. Further, when land is developed for housing, the resulting increase in population and pressure on existing services results in a need for new or upgraded infrastructure.

A recent (October 2016) Panel Report for the City of Melbourne's Planning Scheme Amendment C270 Central City Built Form Review have provided some insight and advice to Council officers on the best mechanisms for requiring contributions towards public benefit. Amendment C270 sought to introduce built form and height controls to specific areas in the City of Melbourne. In order to exceed the proposed height control, a contribution to a public benefit (known as the Floor Area Uplift (FAU) scheme) would be required. The panel raised some concerns about the mechanism used to require the public benefit items.

The panel did not support the FAU scheme for the following reasons:

- *It fails to clearly apply the principles of equality, consistency, accountability and transparency to the securing of benefits.*
- *Its implementation, including the Guidelines, is vague and may be open to misinterpretation.*
- *The strategic justification for the scope of public benefits is absent.*
- *There are too many opportunities for inconsistent outcomes in the "negotiation" of agreements for public benefits.*

While the panel was supportive of the requirement for developers to contribute to public benefit, it disagreed with the scheme proposed and argued that more work needed to be done to strategically justify the contributions. The panel advised that community benefit must be systematically identified and costed.

In regards to the mechanism used to acquire development contributions, the Planning and Environment Act 1987 provides three mechanisms by which development contributions can be sought and collected through the planning system. These are: Development Contributions Plans (DCPs), conditions on planning permits, and voluntary agreements (Section 173 Agreements). The Development Contributions Guidelines (DEWLP) recommends that voluntary agreements be used in planning scheme amendments to obtain developer contributions for infrastructure provisions.

The proposed City of Darebin Amendment C157 differs from the City of Melbourne Amendment C270 in that it rezones a specific site, and will impact the immediate community, rather than a wider Council area. Therefore, the needs of the immediate community are known and contributions can be more readily strategically justified by Council. Council officers have ensured that the community infrastructure needs are justified, costed and transparent. Based on the population projections and the impact this will have on services in the immediate area, particularly on public open space and connectivity, it is clear that the public infrastructure items will be of benefit to the future occupants of the development as well as the local community as the below discussion attests:

Value Uplift

Council's Valuations unit's records show that both sites were sold in 2015. And while, it is difficult to predict what the value of land sales would be following a rezoning to the residential growth zone, the records show that the sale prices are well above the current industrial land value and reflect more closely the residential land value rate. Despite this, information provided by the proponent indicates that approximately 515 dwellings would be built across the two sites resulting in a significant gain in profit overall.

Population Projections and trends

Based on the population and household trends, it is anticipated that the site will accommodate approximately 1,200 people, based on approximately 500 households. This is an increase of approximately 40% of Northcote's projected population to 2026.

As such, it is considered that this new population will place a significant strain on the current open space and public realm, which highlights the need for a development contribution towards community infrastructure in the immediate area.

In terms of age, in 2011, the dominant age structure for persons in Northcote was ages 30 to 34. The largest increase in persons between 2011 and 2026 is forecast to be in ages 55 to 59. The largest 5 year age group in 2026 is 30 to 34 years, with a total of 2,942 persons. In comparison to the City of Darebin, the suburb of Northcote is forecast to have the largest increase in persons between 2011 to 2026 to be in ages 55 to 59 and 65 to 69.

Household information and census data suggests that infrastructure to support families and children as well as the elderly will be increasingly needed in this area. This highlights the need for infrastructure to improve the public realm and accessibility to Separation Street and the surrounding parkland.

Council is requiring a development contribution to the community infrastructure items that is proportionate to the impact the development will have on community infrastructure and the public realm. The needs of the future residents of the development and the local community have also been considered. Some items are required regardless of whether a height bonus is sought or not, other items that will be directly utilised by the future residents of the development are required to be fully funded by the developer, and those items that will equally be utilised by residents of the future development and the broader community are required to be equally funded by the developer and Council.

Regardless of whether a height bonus is sought, the controls require the developer to provide a public link through the development to connect Separation Street and McDonnell Park and to also widen the footpath along Separation Street to 3 metres. These public realm improvements will greatly improve pedestrian safety for the occupants of the development as well as the Northcote community.

Requiring the developer (should a height bonus be sought) to contribute the full cost towards the construction of a shared path in McDonnell Park that connects Clifton Street with the development and the planting of trees in McDonnell Park is considered reasonable as it will directly benefit the occupants of the development as the park adjoins the site. Whilst this infrastructure will also benefit the broader community, the increased population projected will ultimately require this footpath to be widened, particular for use by residents with prams or people using motorised scooters.

An agreement requiring the developer to contribute 50% of the cost towards a signalised pedestrian crossing across Separation Street is considered appropriate as the signalised pedestrian crossing will be of great benefit for the wider community and improve safety for those who currently do not have a safe or easy north/south connection through to the Northcote Aquatic and Recreation Centre or McDonnell Park.

A 50% contribution to public lighting in McDonnell Park, playground equipment and tree planting in Ruby Thomson Reserve, new sports fencing in McDonnell Park and landscaping works to the McDonnell Park pavilion is also considered to be fair and reasonable as these improvements to the public realm will benefit the wider community.

5. The views of the DELWP

As part of council officer's ongoing engagement with DELWP, Amendment C157 has been discussed with DELWP planning officers, in which 'in-principle' support for this Amendment has been given.

Financial and Resource Implications

Although the exhibition process will be led by the proponent of the Amendment, Council officers will still be present at drop-in/information sessions throughout the exhibition period. Such costs will be accommodated within the existing strategic planning budget.

Council will incur costs at an independent panel hearing, should one be required. These costs will be shared with the proponent.

Risk Management

There are no identified risks associated with preparing this planning scheme amendment.

Policy Implications

Economic Development

The proposed rezoning of the existing redundant industrial facility on the site will not result in a negative economic impact in Darebin. The site is an isolated industrial block which is largely disconnected from the core industrial areas located elsewhere around the municipality.

Environmental Sustainability

There are no immediate implications; however, it will be necessary for the owners of the land to have the sites remediated to enable its redevelopment in the future. Furthermore, the proposed amendment will require best practice environmentally sustainable design and facilitate a variety of new housing stock in the area with convenient access to public transport.

Human Rights, Equity and Inclusion

- The proposed rezoning is expected to have positive social inclusion and diversity benefits for residents of Darebin City Council and the general community through:
- Removing conflicting industrial land use from a primarily residential precinct, including removal of industrial emissions such as noise and use of trucks on Separation Street.
- Facilitating residential use which is compatible with surrounding uses and development on adjoining and nearby land without adversely impacting on amenity.
- Enhancing the public realm and activation along this section of Separation Street.
- Encouraging affordable, accessible and sustainable housing in accordance with the Darebin Housing Strategy 2013-2032.
- Providing a pedestrian link to the adjoining park to the north (McDonnell Park) and the parkland located to the south (Rubie Thomas Reserve).

The consultation plan provides for the opportunity of community information and participation. Engaged community members are given the opportunity to familiarise themselves with the material, directly ask questions of the proponent or Council officers and translation services are also made available by Council.

Other

There are no other factors which impact on this report.

Future Actions

- Once authorised, Council will prepare and formally exhibit the Amendment as per Council resolution.
- Council will assess submissions and either adopt the Amendment (with or without changes if no submissions are received), request an independent panel (where there are submissions that Council cannot wholly address or resolve), or abandon the amendment (where there are significant outstanding issues that cannot be addressed or resolved).
- Once adopted and lodged by Council, the Minister for Planning will consider the Amendment, either approving (with or without changes) or potentially refusing the Amendment.

Consultation and Advocacy

Exhibition process

As part of the planning scheme amendment process, formal public notification process (exhibition) will be required to be undertaken, incorporating a minimum one month exhibition period where the proponent will lead public information sessions. Council officers will be in attendance at the information sessions to answer questions on council related matters. Notice of the proposed amendment will be provided to owners and occupiers of land that may be materially affected by the amendment, and notices will also be published in the local newspaper and the Victorian Government Gazette.

Through the exhibition period, affected parties will be invited to make submissions on the proposed amendment. Following receipt of submissions, Council officers will undertake a review of all submissions and undertake further analysis and negotiations in which some or all of the submissions may form the basis for changes to the draft exhibited documents.

Internal consultation

The following internal Council officers have been briefed (as necessary) on this project:

- Coordinator Statutory Planning and Principal Statutory Planner
- Coordinator Public Realm
- Acting Manager Transport and Public Places
- Team Leader Transport Strategy
- Coordinator Leisure Services
- Manager Strategic Asset Management
- City Valuer
- Executive Manager City Plan and Transformation

The following external departments have been briefed (as necessary) on this project:

- Department of Environment, Land, Water and Planning (DELWP)

Related Documents

- City of Darebin Responding to Housing Stress: A local action plan 2013-2017
- Darebin Planning Scheme
- Development Contributions Guidelines

- Ministerial Direction 1 – Potentially Contaminated Land
- Ministerial Direction 9 – Metropolitan Strategy.
- Ministerial Direction 11 – Strategic Assessment of Amendments
- Ministerial Direction 15 – The Planning Scheme Amendment Process
- Ministerial Direction 16 – Residential Zones
- Panel Report for the City of Melbourne’s Planning Scheme Amendment C270 Central City Built form Review
- Plan Melbourne
- *Planning and Environment Act 1987*
- Potentially Contaminated Land, General Practice Note
- Strategic Assessment Guidelines for Planning Scheme Amendments
- Council Minutes – 20 March 2017 and 1 May 2017

Attachments

- Development Plan Overlay Schedule 13 (DPO13) (**Appendix A**) [↓](#)
- Infrastructure Plan (**Appendix B**) [↓](#)

Disclosure of Interest

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.

XX/XX/XXXX
CXXX

SCHEDULE 13 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO13**

217-239 Separation Street, Northcote

This schedule applies to:

- 217, 221-223 & 235-239 Separation Street.

1.0

XX/XX/XXXX
CXXX

Requirement before a permit is granted

A permit may be granted before a development plan has been approved for the following:

- To use an existing building where the use does not prejudice the future residential development of the land.
- Minor buildings and works to existing buildings provided the buildings or works do not prejudice the preparation and approval of the Development Plan and the long term vision for the overlay area.
- Subdivision of land, provided that the subdivision is the result of a consolidation of all or parts of the site or the re-subdivision of the land and the number of lots is not increased.
- Removal or creation of easements or restrictions which do not prevent residential development.
- Buildings or works associated with the remediation of the land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the Environment Protection Act 1970.

Before any planning permit is granted for any use or development of land to which the overlay applies, the responsible authority must consider the requirements for a development plan as outlined in subclause 3.0 of this schedule.

2.0

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Conditions and requirements for permits

An application for use, subdivision or to construct or carry out minor works (before a development plan has been approved) must be accompanied by a report demonstrating that the proposal will not prejudice the long-term future use and development of the land in accordance with the development plan requirements specified in this schedule.

A permit for development on the land at 235-239 Separation Street which exceeds a height of 4 storeys (at any part of the development) must contain the following condition:

- Prior to the commencement of any development, the owner(s) of the land must enter into an agreement with the responsible authority under Section 173 of the Planning Environment Act 1987, which must provide, to the satisfaction of the responsible authority, that the owner(s) will sell not less than 10 per cent of all dwellings in the whole development to a registered housing association or

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registered housing provider as defined by the Housing Act 1983 (as amended or corrected from time to time).

- The cost of preparing and lodging the agreement, including any Lands Titles Office registration fees, must be paid in full by the owner(s).

Except for a permit granted before a development plan has been approved in accordance with clause 1.0 of the schedule, a permit for any development on the land at 217, 221-223 Separation Street must contain the following condition:

- Prior to the commencement of any development, the owner(s) of the land must enter into an agreement with the responsible authority under Section 173 of the Planning Environment Act 1987, which must provide to the satisfaction of the responsible authority, that the owner(s) will construct at its cost a public pedestrian and cycle link between Separation Street and McDonnell Park. The agreement must require:
 - The location, design and construction of the public pedestrian and cycle link to be to the satisfaction of the responsible authority.
 - The public pedestrian and cycle link to be landscaped to the satisfaction of the responsible authority.
 - The public pedestrian and cycle link be constructed prior to the occupation of any dwelling. The ownership of the public pedestrian and cycle link is to be transferred to Council at the subdivision stage at no cost to Council.
 - The public pedestrian and cycle link is to:
 - be named;
 - have identifiably public entrances;
 - be located to align with pedestrian crossings at Separation Street and pedestrian/cycle paths at McDonnell Park;
 - be accessible and located at ground level;
 - incorporate CPTED (Crime Prevention through Environmental Design) principles in its design;
 - respond to the surrounding built form and provide for the following:
 - a minimum width of 11 metres consisting of : 3 metres for a shared path, 2 metres either side for landscaping and an additional 2 metres setback either side to any built form;
 - a pedestrian scale that relates to the height of adjoining buildings;
 - visual permeability through the site;
 - landscaping with a continuous planting theme that includes canopy trees;
 - street furniture;
 - shade; and
 - opportunities for passive recreation.

The cost of preparing and lodging the agreement, including any Lands Titles Office registration fees, must be paid in full by the owner(s).

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A permit for development on the land at 217, 221-223 Separation Street which exceeds a height of 4 storeys (at any part of the development) must also contain the following condition:

- Prior to the commencement of any development, the owner(s) of the land must enter into an agreement with the responsible authority under Section 173 of the Planning Environment Act 1987, which must provide, to the satisfaction of the responsible authority, that, prior to the issue of a statement of compliance in respect of the subdivision of the land or such other time as the responsible authority may agree to in writing, the owner(s) will pay the full costs of the following works to be undertaken by Council:
 - The construction of a 200m long, 3 metre wide, shared pedestrian and cycle path in McDonnell Park that connects Clifton Street with the development to the satisfaction of the responsible authority.
 - The planting and establishment maintenance of trees in McDonnell Park.

The cost of preparing and lodging the agreement, including any Lands Titles Office registration fees, must be paid in full by the owner(s).

A permit for development on the land at 217, 221-223 Separation Street which exceeds a height of 4 storeys (at any part of the development) must also contain the following condition:

- Prior to the commencement of any development, the owner(s) of the land must enter into an agreement with the responsible authority under Section 173 of the Planning Environment Act 1987, which must provide, to the satisfaction of the responsible authority, that, prior to the issue of a statement of compliance in respect of the subdivision of the land or such other time as the responsible authority may agree to in writing, the owner(s) will pay 50 per cent of the full costs of the following:
 - The construction of a signalized pedestrian and cycle crossing across Separation Street to the satisfaction of the responsible authority. The crossing is to be located to align with the public pedestrian and cycle link through the site and the pedestrian and cycle link through Ruby Thomson Reserve.
 - The installation of public lighting in McDonnell Park to the satisfaction of the responsible authority.
 - An upgrade to the playground equipment at Ruby Thomson Reserve to the satisfaction of the responsible authority.
 - The planting and establishment maintenance of trees in Ruby Thomson Reserve
 - The construction of new sports fencing around the western oval in McDonnell Park
 - The replacement of sports fencing around the eastern oval in McDonnell Park
 - Landscaping and draining works to the McDonnell Park pavilion.

The cost of preparing and lodging the agreement, including any Lands Titles Office registration fees, must be paid in full by the owner(s).

3.0

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Requirements for development plan

A development plan must address objectives and must address principles set out in this subclause 3.0.

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The responsible authority may consider separate development plans within the overlay area. Where a separate development plan is prepared, the plan should show how the plan relates to the other land within the overlay.

Before approving a development plan, the Responsible Authority may notify Public Transport Victoria (PTV) and Melbourne Water of the proposed development plan. The Responsible Authority must consider any comments received within 21 days prior to approving a development plan.

Objectives

The development plan must seek to achieve the objectives set out below:

- To create a high amenity residential neighbourhood through a co-ordinated and staged redevelopment of former industrial sites
- To provide a mix of high quality medium and high density housing typologies
- To encourage the provision of affordable housing at 235-239 Separation Street through reliable delivery mechanisms
- To improve the public accessibility of McDonnell Park at 217, 221-223 Separation Street through the provision of a landscaped pedestrian and cycle link.
- To integrate landscape design into new developments
- To ensure development is site responsive.
- To manage impacts on safety and efficiency of the surrounding road network

Built Form and Interface Design Principles

The development plan must show or make provision for:

- Building heights (to Australian Height Datum (AHD)), setbacks and building envelopes generally in accordance with the principles in this schedule:
- Transitions in building height, and appropriate setbacks to adjoining residential interfaces to avoid unreasonable amenity impacts (including but not limited to unreasonable overshadowing and visual bulk), save as otherwise provided by this Schedule, built form must not exceed four storeys.
- Design measures to maximise passive surveillance and activation of streetscapes and the public realm. For example, building frontages that include habitable rooms and avoid garage doors fronting the public realm.
- The location of car parking spaces, garages and access points which do not dominate Separation Street and internal street frontages.

Height in excess of 4 storeys

A development plan may be approved for buildings with a maximum height of six storeys if all of the following requirements are met for each site:

- 235-239 Separation Street: the owner(s) agrees to provide at least 10 per cent of the total number of dwellings in the development for affordable housing by a registered housing association or registered housing provider. The development plan must include a draft of the s 173 agreement that the owner proposes to enter into in accordance with the requirements of clause 2.0.
- 217, 221-223 Separation Street: the owner(s) agrees to pay the full costs of the following:
 - The construction of a 200m long, 3 metre wide, shared pedestrian and cycle path in McDonnell Park that connects Clifton Street with the development to the satisfaction of the responsible authority.

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- The planting and establishment maintenance of trees in McDonnell Park.
- 217, 221-223 Separation Street: the owner(s) agrees to pay 50 per cent of the full costs of the following:
 - The construction of a signalized pedestrian and cycle crossing across Separation Street to the satisfaction of the responsible authority. The crossing is to be located to align with the public pedestrian and cycle link through the site and the pedestrian and cycle link through Ruby Thomson Reserve.
 - The installation of public lighting in McDonnell Park to the satisfaction of the responsible authority.
 - An upgrade to the playground equipment at Ruby Thomson Reserve to the satisfaction of the responsible authority.
 - The planting and establishment maintenance of trees in Ruby Thomson Reserve
 - The construction of new sports fencing around the western oval in McDonnell Park
 - The replacement of sports fencing around the eastern oval in McDonnell Park
 - Landscaping and draining works to the McDonnell Park pavilion.

The development plan must include a draft of the s 173 agreement that the owner proposes to enter into in accordance with the requirements of clause 2.0.

Any additional height proposed above 4 storeys must be supported by the provision of a massing study/visual analysis and urban context report demonstrating how the proposed building envelopes respond to the surrounding context and how the proposed building heights provide an appropriate transition to adjoining residential interfaces.

Separation Street Interface

The Development plan must show or make provision for:

Development fronting Separation Street which:

- Provides for building siting and form that achieves a suitable pedestrian scale at the street interface and includes a minimum setback to Separation street of 4 metres.
- Canopy trees at height widths and planting densities commensurate with the scale of buildings, where possible.
- Provides for car parking to be adequately concealed from public view.
- Avoids high front fences and blank walls.
- Maximises passive surveillance opportunities to the street.
- Minimises vehicle crossovers.

McDonnell Park Interface

The Development plan must show or make provision for:

Development fronting McDonnell Park which provides:

- Appropriate siting, design, and facade treatments to ensure future development complements and enhances the McDonnell Park interface.

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- Canopy trees at height widths and planting densities commensurate with the scale of buildings, where possible.
- Passive surveillance of the park.
- Building finishes that use materials and muted colours suited to the landscaped setting of the active park environment.
- Active frontages and avoids car parking fronting the park.

Internal Interface

The development plan must show or make provision for setbacks that allow equitable development of the two sites.

If separate development plans are submitted for the two sites, setbacks should be provided as follows: zero setbacks at a height of four storeys and an additional 1.5 metres setback for each level above four storeys.

Residential Interface

The development plan must show or make provision for building setbacks to residential interfaces that provide an appropriate transition in scale and design.

Permeability and Access

The development plan must show or make provision for:

- The northern side of the Separation Street footpath widened to provide a minimum width of 3 metres to achieve enhanced pedestrian amenity and safety to allow for a wider pedestrian footpath and the planting of street trees.
- A network of pedestrian connections through the precinct, between new buildings and adjoining streets including, but not limited to, one north-south public pedestrian and cycle link between McDonnell Park and Separation Street.
- A public, shared pedestrian/cycle path between Separation Street and McDonnell Park at 217, 221-223 Separation Street which is to:
 - be named
 - have identifiably public entrances;
 - be located to align with pedestrian crossings and pedestrian/cycle paths at McDonnell Park;
 - be accessible and located at ground level;
 - incorporate CPTED (Crime Prevention through Environmental Design) principles in its design;
 - respond to the surrounding built form and provide for the following:
 - a minimum width of 11 metres consisting of : 3 metres for a shared path, 2 metres either side for landscaping and an additional 2 metres setback either side to any built form;
 - a pedestrian scale that relates to the height of adjoining buildings;
 - visual permeability through the site;
 - landscaping with a continuous planting theme that includes canopy trees
 - street furniture;

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- shade; and
- opportunities for passive recreation.

4.0 Required documents, plans and reports

XX/XX/XXXX
CXXX

A **Development Plan** which shows:

- A concept plan which sets out how the proposal responds to the Objectives and Built Form Design and Interface Principles of this Schedule.
- Building envelopes shadow diagrams of proposed building envelope conditions at 9.00am, 12.00pm and 3.00pm at 22 September.
- Any other document, plan or report referred to in this Schedule

The following documents must form part of the Development Plan.

Draft s 173 agreement(s)

A development plan that includes any development of the land at 217, 221-223 Separation Street must include a draft of the s 173 agreement that the owner proposes to enter into in accordance with the requirements of clause 2.0.

If a height in excess of 4 storeys is sought on the land at 217-223 Separation Street or 235-239 Separation Street, the development plan must include a draft of the s 173 agreement that the owner proposes to enter into in accordance with the requirements of clause 2.0.

Site and Context Information

- An existing condition plan showing natural features, topography, orientation, views, existing uses and buildings (including existing heights and setbacks), open space, existing vehicle and pedestrian/cycle connection, vegetation and landscaping in the nearby area.
- The relationship of the uses and the proposed built form to the existing or proposed uses and built form on adjoining land and within the overlay
- Details of how the design and siting of the proposal will maximise passive surveillance of public and communal areas.
- The location of car parking spaces

Affordable Housing Report

If a height in excess of 4 storeys is sought on the basis of provision of affordable housing by a Registered housing association or Registered housing provider, a housing report is required explaining the mix of housing proposed for the affordable housing component of the development (a minimum of 10 per cent of the development at No. 235-239 Separation Street) including:

- Criteria for determining affordable housing stock.
- A proportion of the overall housing stock that may be used as affordable housing;
- Targets for a mix of dwelling sizes.

Integrated Transport and Traffic Management Plan

The development plan must include an Integrated Transport and Traffic Management Plan that provides for, but is not limited to the following:

- An existing condition assessment.
- Internal road layout.
- The location and details of all existing and proposed public roads, right of ways, and other publicly accessible spaces on the site.

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- The location of public transport stops and the impact the development will have on these stops.
- Details of how the publicly accessible spaces on site are to be created and managed.
- Expected traffic generation and management.
- Bicycle and pedestrian movement and their connections to the external movement network including public transport to meet any relevant road standards.
- Works necessary to existing and proposed intersections to accommodate traffic increases and safe pedestrian movement.
- Proposed traffic management and control works on site and on adjoining roads.
- The level, allocation and location of car parking on the site.
- Provision for secure, undercover and easily accessible bicycle storage for residents and visitors.

Landscape Plan

The development plan must include a schematic landscape plan for the site that is consistent with all requirements. This plan is to indicate:

- All existing trees on the site and adjoining sites that will be impacted by the development. Associated tree protection zones (TPZs) must be shown.
- A cohesive, consistent design that can be incorporated into all each stages of any development
- Provision for sufficient deep root planting on site, where possible
- The inclusion of an attractive interface treatment to McDonnell Park that includes planting and furniture including seating and picnic tables.
- The identification of sensitive interfaces, such as those to existing residential land and the park, and the proposed landscape treatments.
- The treatment of street interfaces and internal spaces associated with vehicular and pedestrian access, bicycle parking and recreation.
- The treatment of footpaths and any new publicly accessible space reserves.

Ecologically Sustainable Development Strategy

An Ecologically Sustainable Development Strategy (ESD Strategy) must be prepared which considers and responds to the major components of the proposed development and construction processes and:

- Demonstrates a commitment to achieve best practice in environmentally sustainable development
- Demonstrates how compliance with all relevant statutory obligations in environmental sustainability will be achieved.
- Assess options by which the agreed level of sustainable performance standards will be achieved.

Services and Infrastructure Report

A Services and Infrastructure Report must be provided to identify all existing and proposed infrastructure requirements and easements (water, sewerage, gas, electricity, telecommunications, drainage, stormwater overland flow points and water sensitive urban design) to service the proposed development.

The report must address:

- The relocation of any underground and above ground services.

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- The potential to install underground above ground services.
- The potential to manage drainage including precinct wide systems to elevation inundation from overland flows in areas covered by the Special Building Overlay.

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EXPLANATORY REPORT

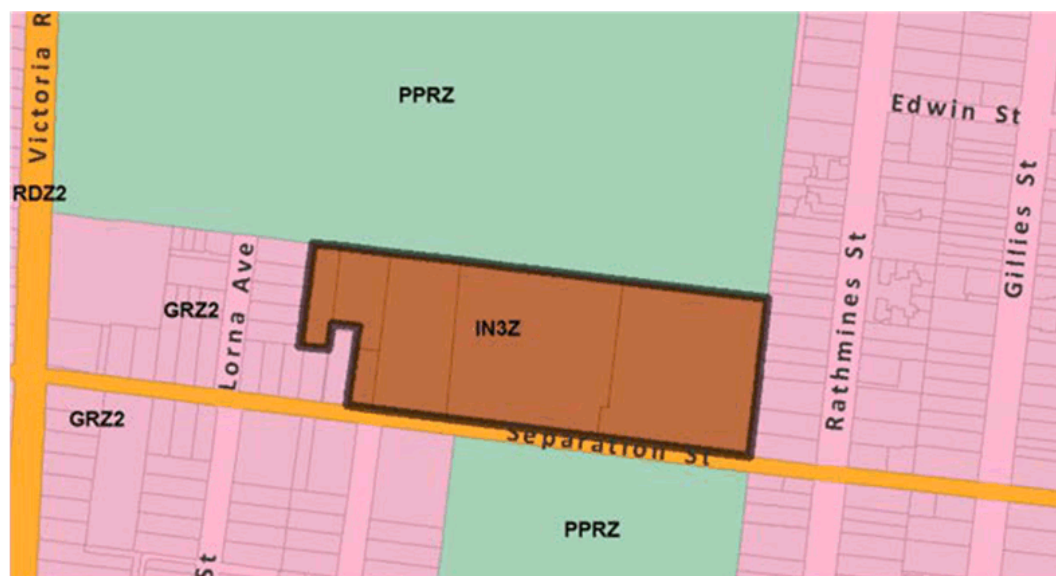
Who is the planning authority?

The Amendment has been made at the request of Urbis Pty Ltd on behalf of CES – Victoria Pty Ltd and Minotaur Constructions Pty Ltd.

Land affected by the Amendment

The Amendment applies to:

- 217 Separation Street Northcote, being Lot 1, TP237724V,
- 221-223 Separation Street Northcote, being Lot 1, TP371541D & Lot 1, TP318573Q & Lots 2, TP888187M
- 235-239 Separation Street Northcote, being Lot 1 TP110621Q



The land affected by the amendment

What the amendment does

The Amendment proposes to facilitate the transition of redundant industrial land to a residential use by:

- Rezoning the land from Industrial 3 to the Residential Growth Zone, Schedule 1.
- Applying the Environmental Audit Overlay to the land.
- Applying the Development Plan Overlay 13 to the land.
- Including a new Schedule 13 (217-239 Separation Street, Northcote) to the Development Plan Overlay into the planning scheme.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment proposes to facilitate the transition of two underutilised industrial sites to residential use, allow a range of residential and other uses that are now prohibited under the current zone and provide for redevelopment of the area for residential purposes.

The rezoning of the land from industrial to residential zoning:

- Provides for the transition of isolated, underutilised industrial land that is identified as a poor location, primarily due to its residential surrounds.
- Facilitates residential opportunities in an area that is more suited for residential purposes than industrial purposes.
- The proximity of the site to existing services and infrastructure will encourage sustainable travel behaviour and reduce greenhouse gas emissions.
- Meets Council and community goals for greater provision of housing choice affordability and opportunities that have good access and connectivity, outlined in the *Darebin Housing Strategy (2013-2032)*
- Provides for higher environmental protection of the land and area and results in the higher amenity use and development of land.

The application of the Environmental Audit Overlay and Development Plan Overlay (and schedule) to the land:

- Provides for the sustainable redevelopment of the area for residential purposes.
- Ensures that the land, which is potentially contaminated land from its former industrial use, is suitable for residential use prior to the commencement of this sensitive use which could be significantly adversely affected by contamination.

The amendment is strategically justified and implements the following strategic land use planning documents:

- *Darebin Housing Strategy 2013-2032*
- *Darebin Economic Land Use Strategy 2014*
- *Darebin Open Space Strategy 2007-2017*
- Darebin Planning Scheme (as outlined in this explanatory report).

How does the Amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria as outlined in Section 4 of the *Planning and Environment Act 1987* through:

- Providing for the fair, orderly, economic and sustainable use and development of land
- Providing for the protection of natural and man-made resources
- Securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- Protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community
- Balance the present and future interests of all Victorians
- Ensuring sound, strategic planning and co-ordinated action at State, regional and municipal levels
- Enabling land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels

- Facilitating development that achieves the objectives of planning in Victoria and planning objectives set up in planning schemes.
- Ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.

The amendment will facilitate for Victoria's rapidly growing community, contributing towards the orderly, economic, equitable and sustainable use and development of land and assisting in providing integrated land uses and services responsive to Melbourne's metropolitan community. Darebin City Council has identified the land through its *Darebin Economic Land Use Strategy 2014* and the *Darebin Housing Strategy 2013-2032* to assist in supporting the municipality's rapidly growing population.

The rezoning of the land is considered to better utilise presently under-utilised industrial land, which is currently zoned more in recognition of its historical use rather than an identification of an ongoing industrial node. Future industrial activities on the land are limited due to sensitive interfaces (including McDonnell Park and residences), resulting in minimal opportunity for industry employment. The rezoning of the site will facilitate housing and services required to support the diverse Darebin community and make significant improvements to the public realm and adjoining public open space and recreational facilities adjoining the site.

How does the Amendment address any environmental, social and economic effects?

Environmental effects:

The amendment will have no significant effect on the environment or the environment on the use or development envisaged in the amendment. The amendment will have positive effects on the environment through:

- Removing an underutilised industrial use.
- Assessing, maintaining and protecting the natural and built environment of the site and area.
- Enhancing the public realm through additional landscaping.
- Ensuring that the land, which is potentially contaminated land from its former industrial use, is suitable for residential use prior to development.

Social and economic effects:

Overall, the amendment is expected to have positive social and economic benefits for landowners, Darebin City Council and the general community. Positive social and economic effects will accrue from the amendment through:

- Removing the conflicting industrial uses from a predominantly residential area.
- Providing for the sustainable redevelopment of the area for residential purposes.
- Providing additional housing opportunities for a diverse community.
- Providing an opportunity to accommodate affordable housing on the site at 235-239 Separation Street, Northcote.
- Facilitating new residential use which is more compatible with uses and developments on adjoining and nearby land and minimises potential amenity impacts in the vicinity.
- Public realm improvements and increased accessibility to the site including a widened footpath.
- Improving the connectivity of existing park land by providing a public shared path through the site.

From an economic perspective, while the rezoning will remove opportunities for onsite employment which come with industrial land use, it is considered that the net benefit of residentially zoned land will outweigh any negative economic impact. The businesses currently operating on the site are not intensive and do not require high staff numbers. Therefore, in comparison to the size of the land, employment opportunities are low given the nature of industrial business and the requirement for large amounts of space for activities such as storage and warehousing which have very low employment densities. Further to this, it is expected that the rezoning will create many jobs when it comes time to build and the increased housing density in this area will help to further support local businesses.

Does the Amendment address relevant bushfire risk?

Bushfire risk factors are not applicable for this amendment.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment complies with all Ministers Directions under Section 12 of the *Planning and Environment Act 1987*.

The amendment complies with:

- Minister's Direction No 1, *Potentially Contaminated Land*.
- Minister's Direction No 9, *Metropolitan Strategy*.
- Minister's Direction No 11, *Strategic Assessment of Amendments* and DPCD Practice Note 46, *Strategic Assessment Guidelines*, January 2011. All requirements to be met under the direction have been considered and met in the preparation of the amendment.
- Minister's Direction No 15, *The Planning Scheme Amendment Process*. All requirements to be met under the direction have been considered and will be met in the preparation of the amendment.
- Minister's Direction No 16, *Residential Zones*

The amendment is not affected by any other Minister's Direction.

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment complies with and implements the State Planning Policy Framework of the Darebin Planning Scheme. The amendment will provide for the growth and supply of residential land in an appropriate location that can be fully supplied with a range of urban services. The land subject to the amendment is a strategic redevelopment site that is no longer required for industrial purposes where redevelopment will assist in the protection and enhancement of nearby residential amenity.

In particular, the amendment implements:

Clause 11, Settlement:

- Objectives for Clause 11, Settlement, include:

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to recognise the need for, and as far as practicable contribute towards:

- *Health and safety.*
- *Diversity of choice.*

- *Adaptation in response to changing technology.*
- *Economic viability.*
- *A high standard of urban design and amenity.*
- *Energy efficiency*
- *Prevention of pollution to land, water and air.*
- *Protection of environmentally sensitive areas and natural resources.*
- *Accessibility.*
- *Land use and transport integration.*

Planning is to prevent environmental problems created by siting incompatible land uses close together.

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

- **Clause 11.02-1, Supply of urban land (under Clause 11.02, Urban growth):**

Objective:

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Strategies include:

Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.

Ensure that sufficient land is available to meet forecast demand.

Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

- **Clause 11.02-3, Planning for growth areas (under Clause 11.02, Urban growth):**

Objective:

To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production, major sources of raw materials and valued environmental areas.

Strategies include:

Meet housing needs by providing a diversity of housing type and distribution.

Clause 11.06 Metropolitan Melbourne

- **Clause 11.06-2, Housing choice (under clause 11.06 Metropolitan Melbourne)**

Objective:

To provide housing choice close to jobs and services.

Strategies include:

Manage the supply of new housing in locations that will meet population growth and create a sustainable city.

Facilitate increased housing in the established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.

Support housing growth and diversity in defined housing change areas and redevelopment sites.

Direct new housing to areas with appropriate infrastructure

Provide certainty about the scale of growth in the suburbs by prescribing appropriate height and site coverage provisions for different areas.

Deliver more housing closer to jobs and public transport.

Direct new housing and mixed-use development to urban renewal precincts and sites

Support new housing in activity centres and other places that offer good access to jobs, services and public transport.

Facilitate development that increases the supply of affordable and social housing in suburbs across Melbourne.

Facilitate the remediation of contaminated land, particularly on sites in developed areas of Melbourne with potential for residential development.

Facilitate diverse housing that offers choice and meets changing household needs through:

- *provision of a greater mix of housing types*
 - *adaptable internal dwelling design*
 - *universal design*
- Clause 11.06-5, Neighbourhoods

Objective:

To create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs.

Strategies include:

Create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip of their home.

Create neighbourhoods that support safe communities and healthy lifestyles.

Create neighbourhoods that enable and promote walking and cycling as a part of daily life.

- Clause 11.06-6, Sustainability and Resilience

Objective:

To create a more sustainable and resilient city that manages its land, biodiversity, water, energy and waste resources in a more integrated way.

Strategies include:

Improve energy, water and waste performance of buildings through environmentally sustainable development and energy efficiency upgrades.

Clause 13, Environmental Risks

- Objective:

Planning should adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Planning

should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.

- Clause 13.03-1, Use of contaminated and potentially contaminated land (Under Clause 13.03 Soil Degradation)

- Objective:

To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

Strategies:

Require applicants to provide adequate information on the potential for contamination to have adverse effects on the future land use, where the subject land is known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel.

Clause 15, Built Environment and Heritage

- Objectives for Clause 15, include:

Creating quality built environments supports the social, cultural, economic and environmental wellbeing of our communities, cities and towns.

Land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design.

Planning should achieve high quality urban design and architecture that:

Contributes positively to local urban character and sense of place.

Reflects the particular characteristics, aspirations and cultural identity of the community. Enhances liveability, diversity, amenity and safety of the public realm.

Minimises detrimental impact on neighbouring properties.

- Clause 15.01-1, Urban Design (Under Clause 15.01 urban environment)

Objective:

To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

Strategies include:

Promote good urban design to make the environment more liveable and attractive.

Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.

Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.

Require development to include a site analysis and descriptive statement explaining how the proposed development responds to the site and its context.

- Clause 15.01-4 Design for safety

Objective:

To improve community safety and encourage neighbourhood design that makes people feel safe.

Strategies include:

Ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.

Support initiatives that provide safer walking and cycling routes and improved safety for people using public transport.

- Clause 15.02-1 Energy efficiency and resource efficiency (under Clause 15.02 sustainable development)

Objective:

To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

Strategies Ensure that buildings and subdivision design improves efficiency in energy use. Promote consolidation of urban development and integration of land use and transport. Improve efficiency in energy use through greater use of renewable energy. Support low energy forms of transport such as walking and cycling

Clause 16, Housing:

- Objectives for Clause 16, Housing, include:

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.

Planning for housing should include providing land for affordable housing.

- Clause 16.01-1, Integrated housing (under Clause 16.01, Residential development):

Objective:

To promote a housing market that meets community needs.

Strategies include:

Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.

Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities, supported accommodation for people with disability, rooming houses, student accommodation and social housing.

Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.

Encourage housing that is both water efficient and energy efficient.

Facilitate the delivery of high quality social housing to meet the needs of Victorians.

- Clause 16.01-2, Location of residential development (under Clause 16.01, Residential development):

Objective:

To locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport.

Strategies include:

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

Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.

Identify opportunities for increased residential densities to help consolidate urban areas.

- Clause 16.01-3 Housing opportunity areas

Objective:

To identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.

Strategies include:

Identify housing development opportunities that are:

- *In and around the Central City.*
 - *Urban-renewal precincts.*
 - *Areas for residential growth.*
 - *Areas for greyfield renewal.*
 - *Areas designated as National Employment and Innovation Clusters.*
 - *Metropolitan activity centres and major activity centres.*
 - *Neighbourhood activity centres - especially those with good public transport connections.*
 - *Areas near existing and proposed railway stations that can support transit-oriented development.*
- Clause 16.01-4, Housing diversity (under Clause 16.01, Residential development):
- Objective:
- To provide for a range of housing types to meet increasingly diverse needs.*
- Strategies include:
- *Encourage the development of well-designed medium-density housing which:*
 - *Respects the neighbourhood character.*
 - *Improves housing choice.*
 - *Makes better use of existing infrastructure.*
 - *Improves energy efficiency of housing.*

Support opportunities for a wide range of income groups to choose housing in well serviced locations.

Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.

- Clause 16.01-5 Housing affordability

Objective:

To deliver more affordable housing closer to jobs, transport and services.

Strategies include:

Improve housing affordability by:

Ensuring land supply continues to be sufficient to meet demand.

Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes, and to support diverse communities.

Promoting good housing and urban design to minimise negative environmental impacts and keep down costs for residents and the wider community.

Encouraging a significant proportion of new development, including development at activity centres and strategic redevelopment sites, to be affordable for households on low to moderate incomes.

Increase the supply of well-located affordable housing by:

Facilitating a mix of private, affordable and social housing in activity centres, and strategic redevelopment sites.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

- Clause 21.01 (Environment) of the Local Planning Policy Framework (LPPF) includes strategies to ensure that development in Darebin exhibits good urban design and provides distinctive, attractive and engaging places in which to reside, visit or work. The rezoning and implementation of the Development Plan Overlay schedule will facilitate opportunities for good urban design outcomes which are responsive to the surrounding residential and parkland interfaces.

Clause 21.01 also aims to ensure appropriate development in areas prone to environmental risk. The Environmental Audit Overlay will be applied to this site given the uncertainties with contamination due to the industrial history of the land. The Environmental Audit Overlay will ensure that an appropriate environmental audit will be undertaken before development of a sensitive use commences.

- Clause 21.03 (Housing) of the LPPF aims to facilitate housing development that has an appropriate scale and intensity. The General Residential Zone is an Incremental Housing Change Area as defined in the Darebin Planning Scheme. This zone allows for moderate housing growth and diversification and any future development will need to meet the objectives of the zone.

Clause 21.03 also aims to achieve higher density housing outcomes in identified locations to accommodate Darebin's projected population growth. Given the size and location of the site, higher density housing will be achievable. The site is large enough that increased densities will not place an unreasonable amenity impact on surrounding residential properties and is appropriately located within an area that can accommodate the increased population.

Further to this, Clause 21.03 also aims to ensure that housing diversity is increased to better meet the needs of the local community. The rezoning will allow for and encourage a diversity of household types and sizes, including both apartment and townhouse development. This will contribute to the housing requirements of Darebin's changing demographic profile, providing a range of housing options for smaller household sizes in area dominated by single detached dwellings.

- Clause 21.04 (Economic Development) aims to proactively manage the transition of redundant industrial land to accommodate new uses. The site has been identified within the DELUS as unsustainable industrial land which should be rezoned to residential. This amendment fulfils this recommendation and will encourage the revitalisation of the site.

Does the Amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions. The rezoning of the of Industrial 3 land to Residential Growth Zone, Schedule 1 reflects the future use of the land. The proposed Residential Growth Zone, Schedule 1 is the most appropriate zone to facilitate the transition of the area from industrial to residential purposes, providing for a variety of residential development at a range of densities.

The proposed application of the Environmental Audit Overlay and Development Plan Overlay (and schedule) to the land are the appropriate mechanisms to guide the development of potentially contaminated land and the future development and use of the land.

How does the Amendment address the views of any relevant agency?

The amendment has been prepared with a view to meeting the views and guidelines of relevant government departments and service agencies. Preliminary consultation and agreement has been undertaken with the Department of Land, Water and Planning (DELWP) regarding the intent of the proposed amendment.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

Is the amendment likely to have a significant impact on the transport system, as defined by section 3 of the Transport Integration Act 2010?

The amendment is not considered to have a significant impact on the transport system.

Are there any applicable statements of policy principles prepared under section 22 of the Transport Integration Act 2010?

There are no statements of policy principles applicable under section 22 of the *Transport Integration Act 2010*.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

There will be no adverse impact on the resource and administrative costs of the responsible authority. Future proposals for use and development will be considered on their merits through a planning permit process, which has associated prescribed fees based on the proposal.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Darebin City Council,
274 Gower Street
PRESTON

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

[The following sections of the Explanatory Report are only applicable to exhibited amendments and should be removed at the adoption stage]

Submissions

Any person who may be affected by the Amendment [and/or planning permit] may make a submission to the planning authority. Submissions about the Amendment [and/or planning permit] must be received by **[insert submissions due date]**.

A submission must be sent to: **[insert Council's address]**

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: [insert directions hearing date]
- panel hearing: [insert panel hearing date]

ATTACHMENT A - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Darebin Planning Scheme	217-223, 235-239 Separation Street, Northcote	Darebin C157 001znMap14 Exhibition
Darebin Planning Scheme	217-223, 235-239 Separation Street, Northcote	Darebin C157 002dpoMap14 Exhibition
Darebin Planning Scheme	217-223, 235-239 Separation Street, Northcote	Darebin C157 003eaoMap14 Exhibition

*Planning and Environment Act 1987***DAREBIN PLANNING SCHEME****AMENDMENT C157****INSTRUCTION SHEET**

The planning authority for this amendment is the Darebin City Council.

The Darebin Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of three (3) attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No. 14 in the manner shown on the one attached map marked "Darebin Planning Scheme, Amendment C157".

Overlay

2. Insert new Planning Scheme Map Nos. 14DPO and 14EAO in the manner shown on the two attached maps marked "Darebin Planning Scheme, Amendment C157".

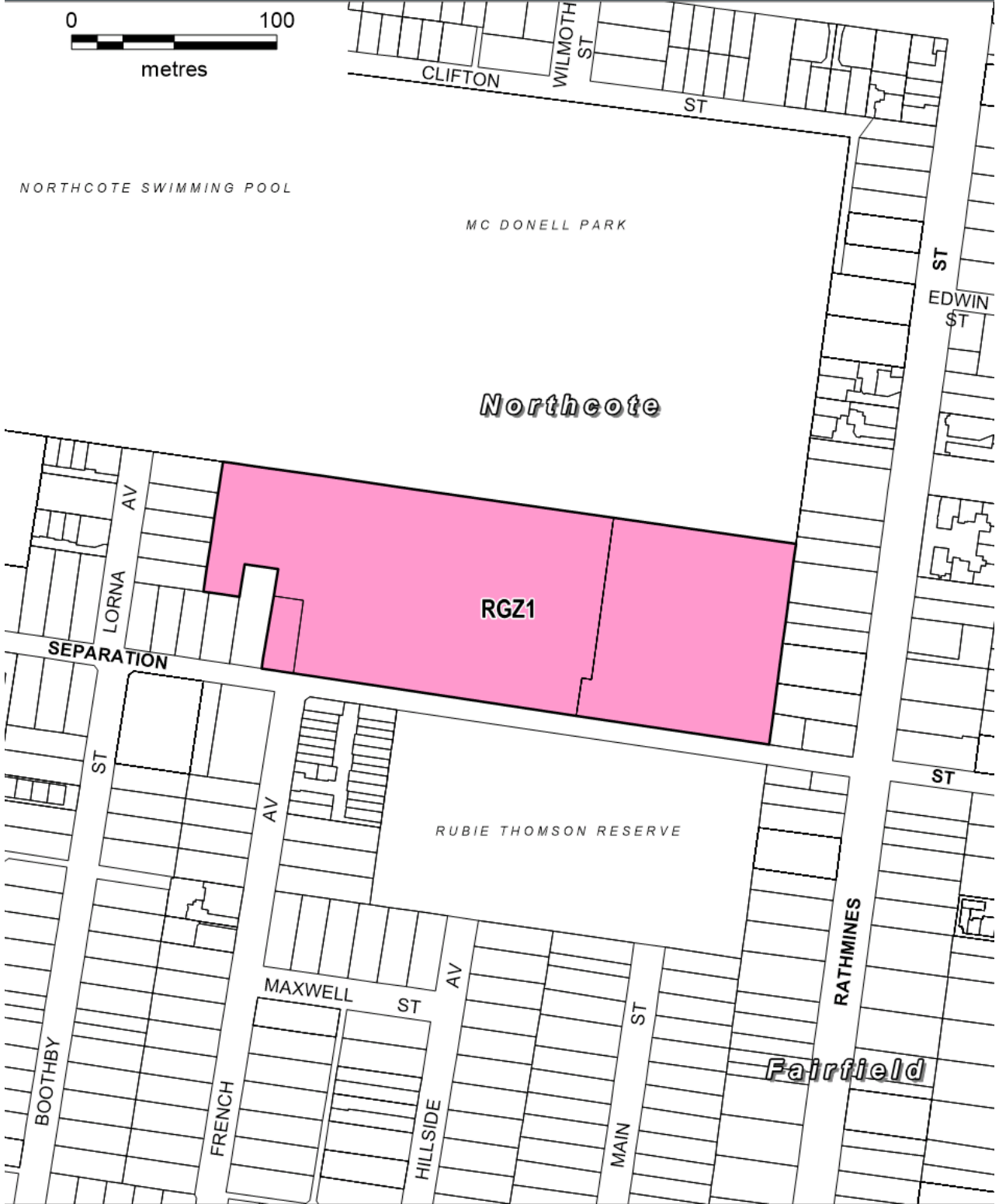
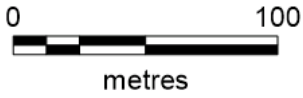
Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In Overlays – Clause 43.04, insert a new Schedule 13 in the form of the attached document.

End of document

DAREBIN PLANNING SCHEME

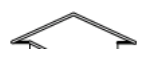


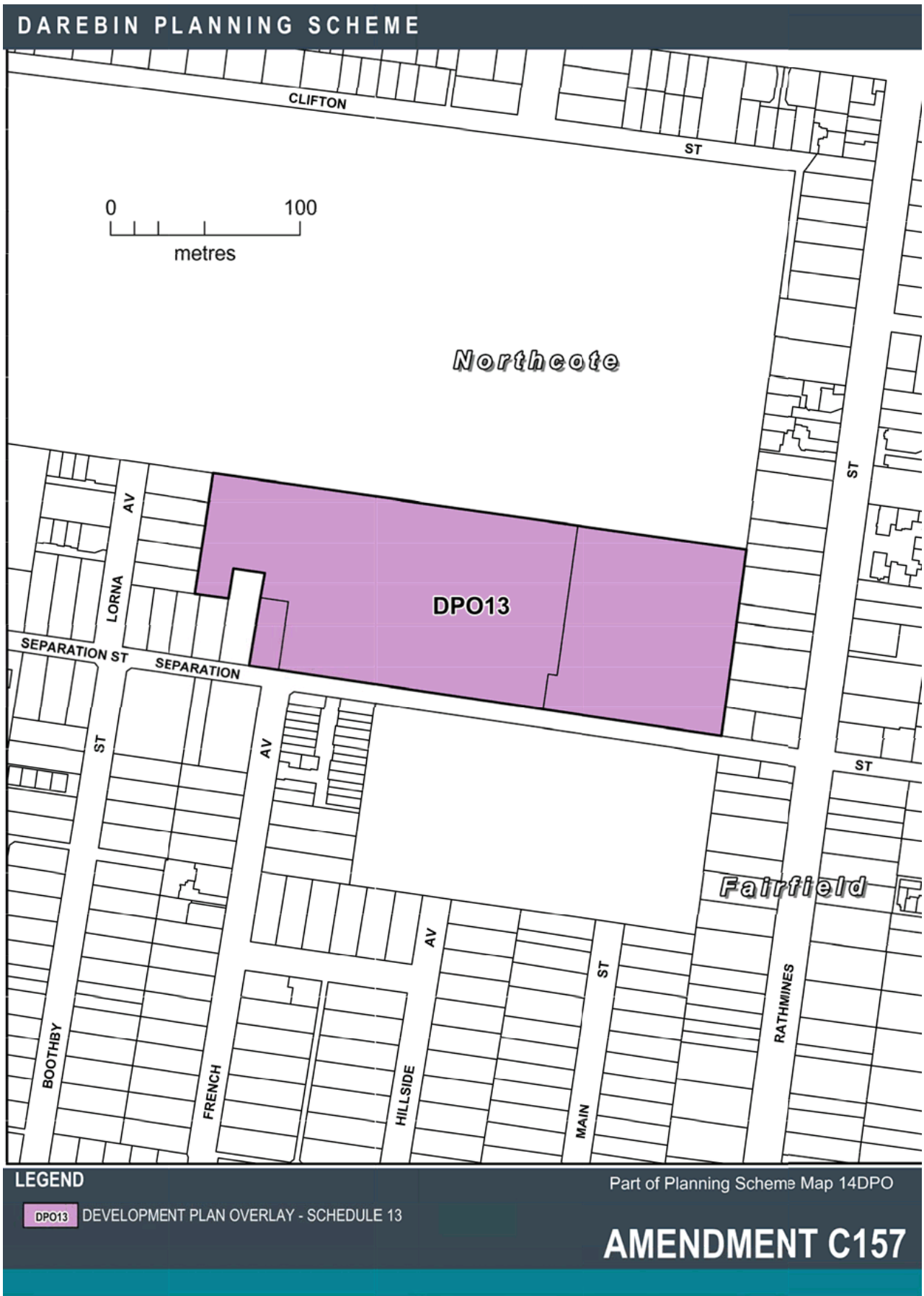
LEGEND

RGZ1 Residential Growth Zone - Schedule 1

Part of Planning Scheme Map 14

AMENDMENT C157







Appendix B Infrastructure Plan

Infrastructure Costs and Developer Contributions for 217, 221-223 Separation Street, Northcote

Location	Item	Estimated cost	% Developer Contribution	\$ Developer contribution
Separation Street signalised pedestrian crossing	1	Located to connect new access path through site to access path through Rubie Thomson Reserve. Should also provide access to bus stop.		
			\$150,000.00	50% \$75,000.00
McDonnell Reserve	1	3m wide shared concrete path (connect Clifton Street with development - 200m)	\$55,000.00	100% \$55,000.00
	2	Path lighting	\$75,000.00	50% \$37,500.00
	3	Tree planting & establishment maintenance	\$30,000.00	100% \$30,000.00
	4	Sports fencing- new (west oval)	\$30,000.00	50% \$15,000.00
	5	Sports fencing -replace existing (east oval)	\$30,000.00	50% \$15,000.00
	6	Pavilion landscaping / drainage	\$25,000.00	50% \$12,500.00
Rubie Thomson Reserve	1	Playspace upgrade	\$200,000.00	50% \$100,000.00
	2	Tree planting & establishment maintenance	\$15,000.00	50% \$7,500.00
Total			\$610,000.00	\$347,500.00
Base items requirements (not costed as not associated with height bonus)				
New public shared path through site	3m shared path, 2m offset to vegetation on either side, 2m offset from vegetation to buildings on either side. Total width: 11m Should include trees, seating and lighting.			
Widen Separation Street footpath	2m clear footpath, plus 1m for trees and infrastructure. Total width: 3m			

6.2 DEVELOPMENT CONTRIBUTIONS – OPTIONS FOR CONSIDERATION**Author:** Manager City Design and Strategic Planning**Reviewed By:** Director City Futures and Assets

Report Background

This report provides an outline of the benefits of introducing a mechanism to levy new development for contributions to fund planned upgrades to infrastructure and public open space. This report will also highlight the short and long term options available to Council to collect development contributions and to increase the current open space levy.

Previous Council Resolution

This matter is not the subject of a previous Council resolution.

Previous Briefing(s)

Councillor Briefing – 18 April 2017

Council Plan Goal/Endorsed Strategy

Goal 1 - Vibrant City and Innovative Economy

Summary

A Development Contributions Plan (DCP) or an Infrastructure Contributions Plan (ICP) provides a mechanism to levy new development for the contribution towards planned upgrades and expansions of infrastructure throughout the Municipality to meet the additional demand created by the development. The levy would be attached to all development types, including residential, industrial and commercial uses. Currently, State legislation and supporting guidelines provide a complex system and onerous accounting standards to administer a municipal-wide DCP.

The residential and non-residential infill development in Darebin will increase demand for infrastructure and associated services and Council, in response to this, will either upgrade existing infrastructure to increase its capacity, or where this is not possible, provide new infrastructure to support the demand.

The use of levies on new developments is a mechanism whereby Council could recover a proportion of the costs of providing new infrastructure. Through a development contribution, Council could implement up-front developer charges for infrastructure provision.

Given that public open space is highly valued and that it is increasing scarcity, Council should also investigate the options to increase the current Public Open Space levy contained within Clause 52.01 of the Darebin Planning Scheme.

Recommendation

That Council:

- (1) Supports the introduction of a levy on new development to be provided as a contribution to either fund the upgrade of existing infrastructure or provide new infrastructure to accommodate a growing population.
 - (2) Sets up a working group to formulate principles around preparing and implementing levies necessary to ensure infrastructure and facilities can accommodate a growing population.
 - (3) Requests officers to commence work on an 'Infrastructure Plan and Development Contributions Policy' for identified precincts and activity centres, to be used as an interim measure to charge development contributions prior to the mechanisms being implemented into the Darebin Planning Scheme.
 - (4) Requests officers to commence work on reviewing the current Public Open Space Contribution contained within Clause 52.01 of the Darebin Planning Scheme with a view to increase the open space levies through strong justification of need.
 - (5) Requests officers to report back through briefing sessions as appropriate, to provide an implementation plan for applying development contributions and increasing open space levies into the Darebin Planning Scheme.
-

Introduction

A development contributions levy is a payment or in-kind works, facilities or services provided by developers towards the supply of infrastructure required to meet the future needs of the community. A development contributions levy, once implemented into the Darebin Planning Scheme, provides a formal, lawful and equitable way to collect development contributions to provide essential infrastructure required by a growing community.

The inability to charge developers with a development contribution is a current and significant gap in the Darebin Planning Scheme. Without a Development Contributions Plan or similar, Council has limited mechanisms to formally require payments by developers to fund the infrastructure upgrades required to accommodate our growing community.

It is important to note that a development contributions levy is a contribution only and the remainder (majority of the cost) of funds is provided from rates.

Council would benefit by way of contributions towards the provision of upgrading infrastructure and open space throughout the Municipality. Benefits of implementing a development contribution levy or similar are:

- Provision of upfront knowledge of charges that will be required for a developer in order to develop land, reducing the likelihood of argument or disagreement with Council.
- Provision of knowledge that the funds a developer provides will be accounted for separately and spent on identified projects that will benefit the approved development.
- Provision of a clear program of work to deliver on open space acquisition and improvement programs for existing open space areas based on evidence-based adopted policies and strategies.

Issues and Discussion

A municipal-wide Development Contributions Plan (DCP) is a common but challenging mechanism to implement a development contributions levy. A municipal wide DCP is difficult to implement, is complex, and requires a great level of detail. The infrastructure needs of the community are varied across the Municipality and should be acknowledged as such.

What is a Development Contributions Plan?

A DCP is a mechanism used to obtain contributions to fund planned infrastructure that will be needed in the future. A DCP is implemented through a Planning Scheme Amendment process. Residential, commercial, and industrial development over a certain development value would trigger a DCP contribution. The contributions are calculated with reference to the 'user pays' principle, a more equitable and formal mechanism of contributing collections where a proportion of the charge for a project is spread across the identified benefiting catchment. The purpose of the DCP is to ensure that the cost of providing new infrastructure is shared between developers and the wider community on a fair and reasonable basis.

The cost apportionment methodology adopted in the DCP relies on the nexus principle. A use or development is deemed to have a nexus (connection) with an infrastructure item if the occupants of, or visitors to, are likely to make use of the infrastructure in question.

Currently, Victorian Government legislation and supporting guidelines provide onerous accounting requirements that require transparent identification of infrastructure items to establish what projects are likely to be completed over a 10-year timeframe. As such, an indicative 10 year capital works program must be developed. The aim of a 10-year capital works program is to identify the need for, and scope of projects to support existing and future communities and businesses in the area. Capital works projects include:

- Roads, including footpath repairs and reconstructions.
- Drainage works.
- Building construction or upgrades, including pavilion upgrades, aquatic and leisure improvements, libraries, community centres and public toilet installations.

Importantly, this option only suits projects that are 100% certain to be delivered.

What is an Infrastructure Contributions Plan?

Another mechanism to collect funds is through an Infrastructure Contributions Plan (ICP). Whilst the Victorian Government has released the ICP for growth areas of Metropolitan Melbourne, Council is waiting on the release of guidelines for the use of an ICP in established/urban renewal areas. It is understood that the Victorian Government is intending to introduce new guidelines in the later part of 2017 for the ICPs. ICPs are substantial fixed levies (per household and commercial/industrial floor space) for identified strategic urban renewal areas such as Preston Central, Reservoir, and the Junction.

The ICP applied to defined development settings can only fund specified infrastructure, known as allowable items. The infrastructure levy may be made up of a standard levy, a supplementary levy or both. A standard levy is a pre-set monetary rate that may be used to fund basic and essential local infrastructure. The standard levy is designed to fund the:

- Construction of community and recreation facilities.
- Construction of transport infrastructure, including roads.
- Acquisition of public land for community and recreation facilities and transport infrastructure.

A supplementary levy (which is difficult to justify) is an optional levy that may be applied to fund infrastructure that cannot be adequately funded through a standard levy. The ICP is based on standard levies that are pre-set for particular development settings and land uses, in order to fund the provision of essential infrastructure that will support new or growing communities. The ICP is designed to ensure:

- A more consistent and transparent approach to the application of infrastructure levies through access to new standard levy rates.
- Planning authorities, infrastructure providers and the development industry have more certainty about the levies payable and the type of infrastructure they will fund.
- A reduced risk of escalating infrastructure charges by specifying the rates of indexation for the levies.
- A simpler and faster process for preparing and approving infrastructure contribution plans to impose a levy.

Urban renewal opportunities

Precincts identified for urban renewal typically provide a unique opportunity to accommodate new mixed-use neighbourhoods, often in areas where there is little access to community, green or social infrastructure. New neighbourhoods therefore require infrastructure and public transport to be planned for prior to development. By taking a precinct approach and assessing the need of a particular area, Council can identify the infrastructure required and implement specific mechanisms to collect funds attributed to the need. This may include providing justification to increase the public open space levy (such as for land within the Northland Urban Renewal Precinct which currently provides limited or underutilised open space), providing a maintenance levy for newly created open space areas, or leveraging value capture opportunities for larger infrastructure.

Public Open Space Contribution

Public open space contributions can be collected through the Subdivisions Act and currently, Council collects a contribution from developers based on a sliding scale of between 2%-5% of the value of the land at the time a subdivision permit is approved. The current use of a sliding scale rate to levy open space contribution does not allow Council to appropriately plan for the upgrade or acquisition of required open space as a result of the anticipated demand caused by new development proposals.

Options for Consideration

Short-term (6-12 months):

1. Delivery of an 'Open Space Levy Policy' which justifies an increase in the public open space levy across the Municipality.
2. Commence work on an 'Infrastructure Plan and Development Contributions Policy' for each of the precincts and activity centres earmarked for growth. These policies will provide a short-term, open and transparent mechanism to start collecting funds for new development. The policy is required to include the following information:
 - strategically justify precincts which will undergo growth or change
 - indicative population forecast
 - the need for new or upgraded infrastructure within the precinct
 - the cost of the infrastructure, fairly and equitably distributed.

Whilst an adopted policy of Council does not hold the full weight of a planning policy implemented within the planning scheme, the strategic justification will provide Council with an opportunity to justify their position before the Tribunal, if challenged by a development proponent or applicant. A policy that provides clear direction for development proponents and Council officers will also encourage transparent and accountable governance.

Longer-term (12-24 months):

1. Submit a planning scheme amendment to the Minister for Planning for approval, to increase the public open space contribution.
2. Submit a planning scheme amendment to the Minister for Planning for approval to apply a Development Contributions Plan Overlay, or an Incorporated Plan Overlay in the Darebin Planning Scheme.

Financial and Resource Implications

The preparation of a DCP or ICP will require significant resources within Council to manage and inform the process over the 2017/2018 and 2018/2019 financial years. In particular, this project will require a collaborative cross-council approach to ensure its timely and effective success. Preparation of a DCP, including external consultants over the two financial years is estimated to be approximately \$350,000 in total, being \$200,000 in year 2017/2018 and \$150,000 in 2018/2019. Ongoing implementation and monitoring of the DCP/ICP will also require significant internal resources.

Risk Management

Challenges in preparing and maintaining a 10 year DCP

The challenge in preparing a DCP and a 10 year capital works program is that there can be no uncertainty in the projects identified and the attributed cost. There are strict guidelines placed on Council to ensure that the money raised is spent on the projects identified and attributed. Whilst a Planning Scheme Amendment can be done to change or amend the project list during the life of the DCP, these processes are lengthy and costly (both in terms of staff and financial resources).

The DCP provides limited flexibility within a constantly changing environment and therefore requires significant resources to implement and monitor the program. All projects identified in the DCP must be delivered within the 10 year window to ensure compliance with the *Planning and Environment Act 1987*. Legislation and guidance around the requirements of the DCP require a certain level of commitment to the capital works program identified, and limited flexibility in changing or updating the program. Procedures need to be in place to ensure regular monitoring of:

- DCP project delivery;
- Capital works priorities;
- DCP income; and
- DCP expenditure.

Ideally, this would need to be formalised into work programs and through a steering group comprising of relevant staff and managers. A governance structure should be implemented to ensure successful DCP implementation and the need to ensure Council can deliver on this before a DCP process is implemented.

Risks associated with 'do nothing'

The risk associated with not pursuing a DCP is that Council will not be able to share the cost of new and upgrading infrastructure, particularly within a rate capping environment and a growing population.

Council is still waiting on State Government to formally release ICP guidelines for established areas. Release of the guidelines could potentially streamline Council's processes, in particular, reducing timeframes associated with a planning scheme amendment process.

Whilst it is acknowledged that Darebin is experiencing high permit activity, there is currently no mechanism to charge development contributions. A planning scheme amendment which is the mechanism required to formally implement a DCP or ICP could take a number of years from commencement to completion, depending on its complexity.

Policy Implications

Economic Development

Darebin's prior experience with the Development Contributions Plan has revealed that the levy on development for the purposes of local infrastructure needs to not adversely impact development. Darebin has been experiencing significant and sustained growth in permit activity and development over the past 10 years, notwithstanding the application of the DCP during this time.

Environmental Sustainability

The preparation of a DCP/ICP is not considered to have any environmental effects, however it will enable Council to have more funds available for water sensitive urban design, tree planting and other environmental enhancement works.

Human Rights, Equity and Inclusion

Preparation of a development contributions plan is expected to have positive, social and economic benefits for Darebin City Council and the general community. Positive social and economic effects will accrue from the planning scheme amendment through:

- Ensuring that increased development is met with a concomitant source of revenue that will be used to contribute towards necessary infrastructure provisions and upgrades across Darebin for the benefit of all Darebin residents.
- It will facilitate the provision of infrastructure to improve the amenity, appearance and safety of the City for current and future residents.
- Support the viability and success of Darebin's commercial centres and businesses through support for streetscape upgrades and public realm improvements.

Other

There are no other factors which impact on this report.

Future Actions

- Commence work on a 'Infrastructure Plan and Development Contributions Policy' to be adopted by Council and used as an interim means of collecting funds prior to the implementation of a planning scheme amendment, which could take some years to complete and be approved by the Planning Minister.
- Commence work on understanding the most efficient and effective mechanism(s) to implement a development contribution in the planning scheme.

Consultation and Advocacy

Internal consultation:

- Director City Futures and Assets
- Manager Planning and Building
- Manager Strategic Asset Management
- Executive Manager City Plan and Transformation
- Acting Manager Transport and Public Places

External consultation/ advocacy:

- Through a planning scheme amendment process, any future ICP or DCP will go through a thorough consultation process with the community.
- Should Council decide to pursue an ICP, advocacy to State Government may be required to ensure that the release of the ICP guidelines for established areas fits with Council's timeframes.

Related Documents

- Nil

Attachments

Nil

Disclosure of Interest

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.

6.3 PRINCIPLES FOR PARKING ON NARROW STREETS**Author:** Acting Manager Transport and Public Places**Reviewed By:** Director City Futures and Assets

Report Background

- This Council Report is in response to a Notice of Motion from the Council meeting held on 20 June 2016 which sought a report on options to minimise traffic accidents as reported by residents on George Street, Preston (a narrow street). The report was to consider options such as introducing indented parking or allowing residents to park partially on the nature strip.
- This issue is not limited to George Street, with Council receiving many similar concerns, and therefore a holistic approach that could be applied across Council was considered appropriate.
- Two briefings have been provided to Council on the 12 September 2016 and 18 April 2017.
- This policy aims to provide alternatives for residents to comply with Victorian Road Rule 197 regarding parking on nature strips, to ensure access into these streets for service and emergency vehicles and minimise damage to vehicles caused by through traffic.
- This approach primarily applies to Category B narrow streets which have some capacity to accommodate parking

Previous Council Resolution

At its meeting held on 20 June 2016, Council resolved in relation to George Street, Preston:

'That Council

- 1) *Note the Petition tabled at the Council meeting on 6 June 2016 and circulated to Councillors at that meeting.*
- 2) *Note the Petition as being brought back to Council for consideration in accordance with the Governance Local Law 2013.*
- 3) *Receives a report on options to minimise traffic accidents as reported by residents. The report may cover options such as introducing indented parking or allowing residents to park partially on the nature strip.*

Whilst the initial petition related to George Street, Preston, the issues and concerns raised are experienced in many streets across the Municipality and a more general approach that can be applied to a range of streets was considered appropriate.

Previous Briefing(s)

- Councillor Briefing – 18 April 2017
- Councillor Briefing – 12 September 2016

Council Plan Goal/Endorsed Strategy

- Goal 2 - Healthy and Connected Community
- Goal 3 - Sustainable and Resilient Neighbourhoods
- Darebin Transport Strategy

Summary

- A narrow street is considered to be any street less than 7 meters wide as streets less than this cannot accommodate cars parked opposite each other while maintaining clearance for vehicles to pass.
- Across the municipality there are many streets that were designed as narrow streets (less than 7m) anticipating minimal on-street parking demand. Indeed approximately ten per cent of Darebin's 512 km local road networks are considered narrow streets.
- Reduced use of off-street parking, changing demographics (increased car ownership per household) and increased housing density has resulted in growing demand for on-street parking in some areas.
- Increased parking demand on narrow streets has led to challenges for residents in adhering to road rules:
 1. Victorian Road Rules (2009) No 197 no parking on nature strips in urban areas, and
 2. Victorian Road Rules (2009) No 208 Parallel parking on a road - Section 7 requirement to leave a clear 3 meters trafficable carriageway between parked vehicles.
- A parking on narrow streets approach is considered necessary to outline how Council intends to manage a variety of street configurations to ensure that residents and visitors can continue to park safely and adhere to the Victorian Road Rules

Recommendation

That Council:

- (1) Notes this report and endorses the proposed approach to manage parking on narrow streets
 - (2) Continues to enforce the Victorian Road Rules
-

Introduction

There are a number of narrow streets in Darebin that experience difficulties to cater for parking both sides of the street whilst allowing for traffic, including emergency and service vehicles to travel safely through the street without damaging parked cars. To avoid this situation, some residents on narrow streets have opted to park on the nature strips and footpaths in contravention of the Victorian Road Rules.

A narrow street is considered to be any street less than 7 meters wide. More generally in Darebin streets can be classified into three broad categories: Category A, street width of less than 5 meters; Category B, streets width between 5 and 7 meters wide; and Category C, streets wider than 7 meters.

This report describes the set of principles to be used by Council to manage parking on narrow streets but focuses primarily on category B and some category C streets. Category A streets are simply too narrow to accommodate on-street parking and need to be addressed on a case by case basis.

The report also describes the process to implement parking changes and the range of engineering solutions available to manage parking on narrow streets while ensuring vehicles can access and serve those streets.

Issues and Discussion

The problem

- There is a number of streets that can be considered narrow in Darebin.
- Reduced use of off-street parking, changing demographics, increased car ownership per household and increased development has resulted in growing demand for on-street parking.
- There have been a growing number of complaints from residents regarding damage to parked vehicles and larger vehicle operators (garbage trucks, emergency vehicles, buses) unable to navigate through our local streets.
- Current industry practice defines a narrow street as those having a carriageway width of less than 7m. These can be further divided into the categories described in Table 1.

Table 1 Type of Narrow Streets

Category	Road width	Key Features
A	Less than 5m	Roads that are narrower than 5 metres cannot accommodate any on-street parking. There can only be one lane of traffic and generally operate as one-way street. When a street operates as a two-way street, cars may travel in both directions giving way to each other but with very limited room for manouver.
B	From 5m to 7m	In most cases, roads that are between 5 and 7 metres can accommodate parking on one side of the road only and one lane of traffic with cars travelling in both directions, giving way to each other. This parking could be in the form of informal staggered parking or may be restricted to one side only.
C	More than 7 meters	In most cases, roads wider than 7 metres can accommodate parking on both sides of the road and one lane of traffic with cars travelling in both directions, giving way to each other

- The current Victorian Road Rules are clear in terms of restriction to parking on nature strips and the minimum distance required in the carriageway for vehicles to pass.
 - Victorian Road Rule 197 states: *“A driver must not stop on a bicycle path, footpath, shared path or dividing strip, or a nature strip adjacent to a length of road in a built up area.”*
 - Additionally, Victorian Road Rule 208 – Section (7) states: *“The driver must position the vehicle so there is at least 3 metres of the road alongside the vehicle that is clear for other vehicles to pass.”*
- Vehicles parked on the nature strip or footpath have the potential to cause damage to public infrastructure both above and below the ground, leading to increased maintenance costs for Council and other service providers in the long term.
- Parking on footpaths restricts pedestrian access and discourages people from walking, particularly those with a disability, those walking with prams, and older adults.

Options for Consideration

- There are a range of treatments that could be implemented to manage parking on narrow streets. These treatments can be classified in minor or major engineering solutions depending on the level of intervention required.
- Category A and some Category B streets are too narrow to accommodate on-street parking; however parking on the nature strips and footpaths is still illegal. The solution for residents in these streets is to use their own garage or driveway where possible as the only alternative is to remove or change the nature strips in these streets to officially become on-street parking spaces.
- For streets in Category B and some streets in Category C, the aim is to implement minor changes to the street if needed to ensure residents can park on the road safely without the need to park on the footpath or nature strip. The proposed treatments have a low financial implication for Council.
- Major intervention works to retrofit on-street parking within narrow streets (i.e. widening of the road or providing indented parking) are expensive (approximately \$1m per km) and as they only benefit a small number of residents, Council typically seeks to employ a special charge scheme to offset the costs. Historically, there has been a strong reluctance from the community to contribute financially to the implementation of major street works.
- These major road alterations also do not assist in achieving the objectives of a number of Council goals and strategies such as the GreenStreets strategy which aims for no net loss of vegetation in the Municipality.
- Council may potentially allow people to park on nature strips. This option would require Council to install parking signs throughout the street or Estate advising it is exempt from the Victorian Road Rules. However, it necessary to highlight that Council cannot make a local law that contravenes a State law.
- In precincts where entire neighbourhoods don't have access to on street parking other solutions may need to be considered. These treatments would be assessed on a case by case basis and may require land owners to pay for their implementation.
- Given the above, creative solutions may need to be considered and piloted. One possible example of such a solution is shown in Figure 1. This solution considers the possibility of an individual resident creating an additional 'indented' parking bay across their driveway by providing a small concrete pad. This could be done entirely at that residents cost with a bollard installed to essentially offer them a reserved on-street parking space.

Application of proposed approach

- Council officers have applied the following practises when managing parking in narrow streets (**Category A**)
 1. Parking is not allowed in Category A streets. No stopping/No parking signs are put in place.
 2. One way conditions considered.
 3. Parking enforcement is carried out as required.

Figure 1 Minor engineering intervention – concept plan driveways + indentation



- Council officers have been applying the following practises when managing parking in narrow streets (**category B and C**):
 1. If complaints are received or safety issues observed Council will send out an educational letter reminding people of their obligations to park in accordance with the Victorian Road Rules.
 2. If complaints continue to be received or issues continue to be observed, Council will restrict parking in the street via the following process:
 - a. Identify what restrictions would remove the safety concerns and will have least impact on residents (generally try to maximise retention of parking).
 - b. Issue a letter advising residents that we will be implementing restrictions within the street with a proposed solution.
 - c. Provide a period of time for residents to seek confirmation/put up alternate suggestions if they have concerns in relation to the measures being suggested.
 - d. Send out a final letter advising residents of the solution that will be implemented.
 - e. Council implement parking restrictions and enforce.

Financial and Resource Implications

- Minor or major engineering solutions have different financial implications depending on the level of intervention required.
- For streets in Category B and some streets in Category C, the proposed treatments have a low financial implication for Council. The aim is to implement minor changes to the street if needed to ensure residents can park on the road safely without the need to park on the footpath or nature strip.
- Major intervention works such as widening of the road or providing indented parking, are expensive (approximately \$1m per km), and require cross-council and multi-agency coordination. Council typically seeks to employ a special charge scheme to offset the construction costs. Historically, there has been a strong reluctance from the community to contribute financially to the implementation of major street works.

- It has been established that nearly 50 km of Darebin's 510 km road network can be considered narrow streets. Treating all narrow streets with major interventions would have significant financial implications for Council.
- Street widening would have higher maintenance cost implications for Council over the long term.

Risk Management

- Construction risk: major intervention can potentially require the relocation of utility networks and drainage increasing the cost of construction.
- Community risk: indented parking bays can be perceived to be property of one of the residents potentially creating conflict between neighbours.
- In spite of implementing the proposed minor interventions vehicles continue to be damaged and residents continue to park on the nature strips. In this event, Council will consult with residents on the possibility of a contribution scheme to widen the road.

Policy Implications

Economic Development

There are no factors in this report which impact upon economic development.

Environmental Sustainability

Any major engineering interventions to provide more space to store vehicles would come at the expense of other elements of the streetscape such as nature strips, trees and footpaths. These alterations also do not assist in achieving the objectives of Council strategies such as the GreenStreets strategy which aims for no net loss of vegetation in the Municipality.

Human Rights, Equity and Inclusion

It is expected that no impact on human rights, equity and inclusion. However, in case neighbours on a street support a street widening option this would require the implementation of a contribution scheme to fund the widen the road. This may impact low income residents.

Other

Street widening to accommodate additional on-street parking may result in high traffic speeds and reduce the safety of the broader community.

Future Actions

- Use the approach to manage parking on narrow streets to implement consistent changes to parking where required across the Municipality.
- Where concerns are raised, present residents on narrow streets with the options to manage parking as per proposed categories.
- Implement changes to parking restrictions and cost effective infrastructure changes.
- Educate affected community on the new parking conditions.
- Enforce the Victorian Road Rules regarding parking on nature strips.

Consultation and Advocacy

- Transport Planning and Engineering.

Related Documents

- Victorian Road Safety Road Rules No 197 and 208 Section 7
- Council Minutes – 20 June 2016

Attachments

Nil

Disclosure of Interest

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.

6.4 PROPOSED ROAD DISCONTINUANCE ADJOINING 3 TO 13 TRACEY STREET AND 54 TO 56 ELLIOT STREET, RESERVOIR**Author:** Property Manager**Reviewed By:** Manager Strategic Assets Management

Report Background

This report provides Council with information relating to the outcome of preliminary investigations into the proposed discontinuance and sale of part of the right-of-way adjoining 3 to 13 Tracey Street and 54 and 56 Elliot Street, Reservoir.

Previous Council Resolution

This matter is not the subject of a previous Council resolution.

Previous Briefing(s)

Councillor Briefing - 27 March 2017

Council Plan Goal/Endorsed Strategy

Goal: Excellent Service

Strategy: 5.4 Long term responsible financial planning
Property Asset Management Strategy – May 2015

Goal: Vibrant City and Innovative Economy

Strategy: 1.4 Strategic Land Use and Sustainable Transport Planning Policies

Summary

This report provides the history and background relating to the right-of-way adjoining 3 to 13 Tracey Street and 54 and 56 Elliot Street, Reservoir (Road), shown hatched on the site plan **Appendix A**, as well as the outcome of the preliminary investigations into its proposed discontinuance.

In 2015 Council received an enquiry from The Mayflower Group Reservoir, the owners of 56 Elliot Street, Reservoir, requesting the discontinuance and sale of the Road to facilitate a proposed redevelopment of the existing 38 bed nursing home and independent living units on the site. Initial investigations identified that Road is not constructed nor used for access and a majority of the Road appears to have been enclosed within the applicant's property for many years. The Road is not listed on Council's Register of Public Roads; however it remains a road on title.

Additionally, a small part of the Road which is currently open and unused, directly adjoining 54 Elliot Street, is also proposed to be discontinued as part of this proposal and sold to the owners of that property.

Recommendation

That Council:

- (1) Commences the statutory procedures under section 206 and clause 3 of Schedule 10 to the *Local Government Act 1989* (“the Act”) to discontinue the road adjoining 3 to 13 Tracey Street and 54 and 56 Elliot Street, Reservoir shown hatched on **Appendix C**.
 - (2) Gives public notice under sections 207A and 82A and 223 of the Act of the proposed discontinuance in the appropriate newspapers and on Council’s website and such notice state that if discontinued, Council proposes to sell the land from the Road to the adjoining property owners at 54 and 56 Elliot Street, Reservoir, by private treaty and transfer to itself any land from the road not sold to the adjoining property owners..
-

Introduction

In 2015 Council received an enquiry from The Mayflower Group Reservoir, the owner of 56 Elliot Street, Reservoir, requesting the discontinuance and sale of the right-of-way/road, shown hatched on the plan in **Appendix A** and coloured yellow on the aerial photo in **Appendix B** (Road).

The Road is not listed on Council’s Register of Public Roads, is not constructed nor used for access. A majority of the Road adjoining 56 Elliot Street appears to have been enclosed within the owners property for many years, whilst a small part of the Road adjoining 54 Elliot Street, is open and unused.

Once initial investigations confirmed the feasibility of the proposed discontinuance, Macquarie Lawyers were commissioned to undertake further consultation with a view to Council commencing the statutory procedures to facilitate the possible discontinuance and sale of the of the 3.05m wide section of Road.

Issues and Discussion**Consultation with owners / purchase price / land allocation**

All the immediate adjoining owners have been consulted regarding the proposal and no objections have been received. The dimensions and proposed allocation/division of the land from the Road are shown in the Title Plan provided in **Appendix D**.

The owners of 56 and 54 Elliot Street, Reservoir, have confirmed their interest in acquiring the land shown as lot 1 and lot 2 in the Title Plan provided in **Appendix D** respectively, at current market value as well as meeting their share of all of the reasonable costs associated with Council discontinuing the Road.

Service Authorities and Council Departments

Internal departments and the Service Authorities were consulted regarding the proposal and whilst no objections were received, both Yarra Valley Water and Council engineers have advised that easements will need to be saved over the land, if discontinued. Yarra Valley Water has existing underground assets within part of the Road and Council would require an easement to cater for any future installation of a drain by Council.

In addition, Ausnet Electricity Services Pty Ltd has advised that it has overhead electricity cables traversing the site, including the Road, and will require an easement to be saved over the land shown E1 on Title Plan TP958337G in **Appendix D**.

Implementation

The statutory procedures require Council to give public notice of its intention to discontinue and sell the Road and invite submissions from affected parties. Submitters may request to be heard by Council prior to a decision being made to proceed or otherwise with the proposal. In addition, all abutting property owners would be advised of the proposal in writing and informed of their right to make a submission. Following which, a report would be presented to Council for a decision whether to discontinue the Road, part of the Road or not to discontinue the Road.

Options for Consideration

Option 1 – Abandon the Proposal or Do Nothing

Council could resolve to abandon the proposal, take no action or may make no resolution on the matter. This option would mean that the Road would continue to vest in Council and the status quo would remain with the adjoining property owners continuing to occupy the Road or use it for parking.

The Mayflower Group would not be able to proceed with their current design of the proposed redevelopment of the aged care facility without purchasing land from this right-of-way should it be discontinued. Redesign of the facility and resubmission of any planning/building application/s.

Council may, at some time in the future, resolve to commence the discontinuance process.

Option 2 – Commence the Statutory Procedures (Recommended)

Council could resolve to commence the statutory procedures to potentially discontinue the Road. This would extend the consultation to the wider community and enable all affected property owners a formal opportunity to make a submission. This option would assist Council in obtaining further insight into the overall consensus of surrounding property owners and the community in relation to the Road. It would also enable Council to make an informed assessment on the future of the Road, to potentially open part or all of the Road, discontinue part or all of the Road and sell the land from the Road (if discontinued) to the adjoining property owners and take title to the balance of the land not sold.

Benefits of commencing the statutory procedures depend on Council's decision on the future of the Road, and the ongoing protection of a public asset, the asset being open to the public and used for its prescribed purpose, and potential revenue from the sale of part or all of the land from the Road.

Financial and Resource Implications

There are no financial or resource implications as a result of commencing the statutory procedures as contained in this report.

Costs associated with undertaking the statutory process would be recoverable from the purchaser, should Council decide in future to discontinue the road and sell the land. Should Council decide not to proceed with either the discontinuance or the sale, then the costs associated with conducting the statutory process would be funded from existing allocations.

Risk Management

Risks associated with each option are covered under the analysis of each option.

Policy Implications

Economic Development

There are no factors in this report which impact upon economic development.

Environmental Sustainability

There are no factors in this report which impact upon environmental sustainability.

Human Rights, Equity and Inclusion

There are no factors in this report which impact on human rights, equity and inclusion.

Other

This report has been prepared having regard to Council's Sale of Minor Council Property Assets Policy.

Future Actions

Arrange for the statutory procedures for the discontinuance and sale of the section of Road to be undertaken pursuant to the provisions of section 206 and clause 3 of Schedule 10 and section 223 of the *Local Government Act 1989*.

Consultation and Advocacy

- Council Departments
- Macquarie Local Government Lawyers
- Owners of adjoining properties
- Statutory Authorities

Related Documents

- *Local Government Act 1989*
- *Road Management Act 2004*
- Sale of Minor Council Property Assets Policy, Darebin City Council, 2015

Attachments

- Site Plan (**Appendix A**) [↓](#)
- Aerial Photo (**Appendix B**) [↓](#)
- Discontinuance Plan (**Appendix C**) [↓](#)
- Title Plan (**Appendix D**) [↓](#)

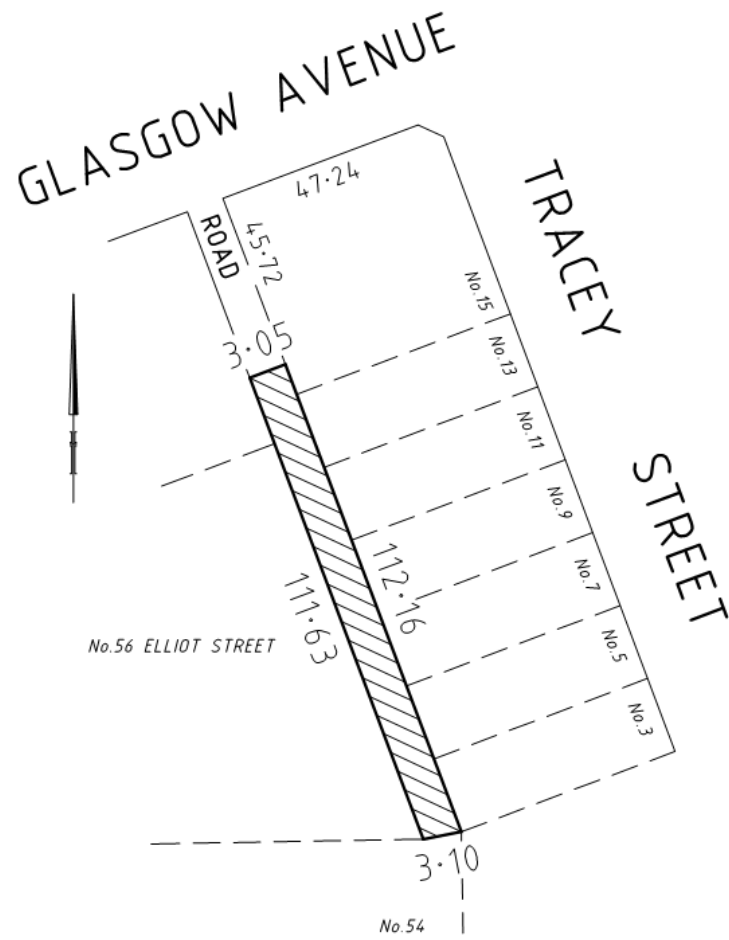
Disclosure of Interest

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.

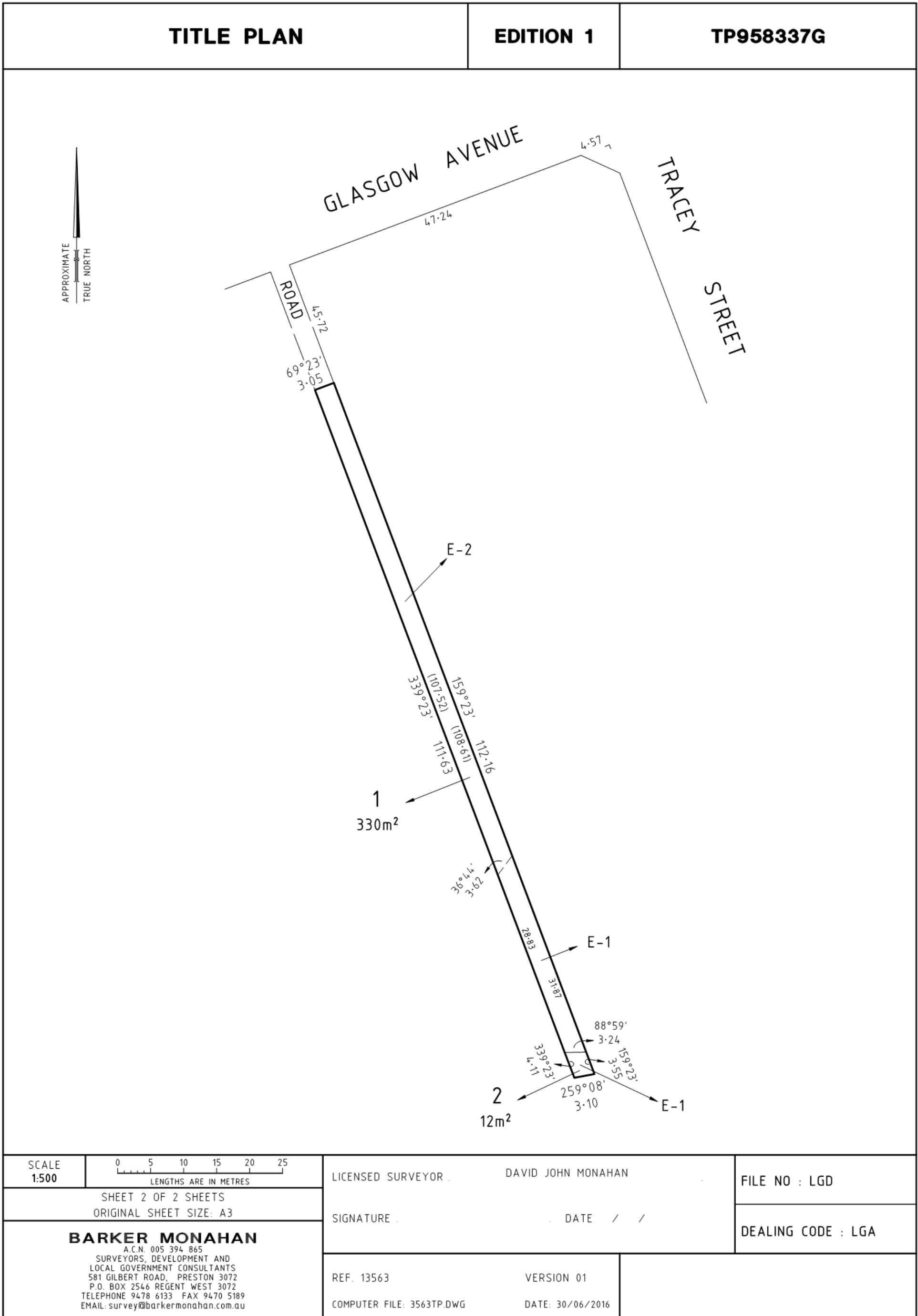
The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.







TITLE PLAN		EDITION 1		TP958337G	
LOCATION OF LAND PARISH KEELBUNDORA TOWNSHIP - SECTION - CROWN ALLOTMENT - CROWN PORTION 13 (PART) LAST PLAN REFERENCE LP8469 DEPTH LIMITATION DOES NOT APPLY TITLE REFERENCE VOL.4984 FOL.715 MGA CO-ORDINATES E 323 310 ZONE 55 (APPROX. CENTRE OF LAND IN PLAN) N 5 825 060				WARNING THIS PLAN REPRESENTS AN EXPECTED DIVISION OF LAND. ANY ONE LOT MAY NOT HAVE BEEN CREATED. CHECK THE LOT/PLAN INDEX FOR CURRENT INFORMATION.	
				NOTATIONS	
				THIS PLAN IS NOT BASED ON SURVEY.	
EASEMENT INFORMATION					
LEGEND E- ENCUMBERING EASEMENT OR CONDITION IN CROWN GRANT IN THE NATURE OF AN EASEMENT OR OTHER ENCUMBERANCE A- APPURTENANT EASEMENT R- ENCUMBERING EASEMENT (ROAD)					
EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED/IN FAVOUR OF	
E-1	AS PROVIDED FOR IN SEC.207C LGA 1989	SEE DIAGRAM	SEC.207C LGA 1989	AUSNET ELECTRICITY SERVICES PTY LTD	
E-1 & E-2	AS PROVIDED FOR IN SEC.207C LGA 1989	SEE DIAGRAM	SEC.207C LGA 1989	YARRA VALLEY WATER CORPORATION	
SEE SHEET 2 FOR DIAGRAM					
SHEET 1 OF 2 SHEETS ORIGINAL SHEET SIZE: A3		LICENSED SURVEYOR . DAVID JOHN MONAHAN		FILE NO : LGD	
BARKER MONAHAN A.C.N. 005 394 865 SURVEYORS, DEVELOPMENT AND LOCAL GOVERNMENT CONSULTANTS 581 GILBERT ROAD, PRESTON 3072 P.O. BOX 2546 REGENT WEST 3072 TELEPHONE 9478 6133 FAX 9470 5189 EMAIL: survey@barkermonahan.com.au		SIGNATURE . DATE / /		DEALING CODE : LGA	
		REF. 13563 VERSION 01 COMPUTER FILE: 3563TP.DWG DATE: 30/06/2016			



**6.5 DAREBIN CHILD FRIENDLY CITY FRAMEWORK
PROGRESS REPORT****Author:** Manager Families, Diversity and Community**Reviewed By:** Director Community Development

Report Background

In December 2013 Council endorsed the establishment of the Darebin Child Friendly City Advisory Committee. The committee met regularly and was informed by the work of other Councils adopting a Child Friendly City approach, both in Victoria and internationally, as the Darebin Child Friendly City Framework was developed. The Darebin Child Friendly City Framework was endorsed by Council on 4 July 2016 (**Appendix A**).

Previous Council Resolution

At its meeting held on 4 July, Council resolved:

That:

- (1) *Council endorse the Child Friendly City Framework (Appendix A).*
- (2) *A report on the progress of the Action Plan and work achieved be provided at the start of the next Council term.'*

Previous Briefing(s)

This matter has not previously been to a Councillor Briefing.

Council Plan Goal/Endorsed Strategy

Goal 2 - Healthy and Connected Community

Darebin Early Years Strategy

Summary

The Darebin Child Friendly City Framework was endorsed by Council on 4 July 2016. The Framework acknowledges Darebin City Council as a child friendly city that will continue to support children's rights into the future. The four priority areas in the Darebin Child Friendly City Framework Action Plan 2016 – 2017 have all been actioned.

The work of 'Darebin: A Child Friendly City' is being further established within the City of Darebin and is being embedded across Council. In some sectors, child friendly cities is a very new concept, while in other areas the increased visibility of child friendly cities provides staff with opportunities to reflect on current practice and fine tune aspects of work. Further sessions for staff have been organised until June 2017.

Recommendation

That Council:

- (1) Notes the progress to date in support of Darebin as a child friendly city through the implementation of the Darebin Child Friendly City Framework Action Plan 2016 – 2017.
 - (2) Continues to develop and strengthen the work of Darebin as a child friendly city through the development of the Darebin Child Friendly City Framework Action Plan 2017 – 2018.
-

Introduction

The Darebin Child Friendly City Framework Action Plan 2016 – 2017 has directed the work undertaken since the Framework was endorsed in July 2016. Most of the work has focussed on internal education and process change.

Issues and Discussion

Darebin Child Friendly City Reference Committee met in August 2016 and April 2017. Membership of the Committee is comprised of representatives from across Council:

- Manager Families, Diversity and Community
- Manager Creative Culture and Events
- Acting Manager Leisure and Community Facilities
- Coordinator Community Engagement Programs
- Coordinator Community Wellbeing
- Coordinator Collections and Community Programs
- Human Rights Officer
- Team Leader Transport Strategy
- Team Leader City Futures and Assets
- Arts Participation Programmer

The four priority areas are being addressed in the Darebin Child Friendly City Framework Action Plan 2016-2017 (**Appendix B**) and progress to date is outlined below:

1. The City of Darebin has endorsed the Child Friendly Cities and Communities Charter (**Appendix C**).
2. The Communication Plan for the promotion of Darebin as a Child Friendly City internally has been finalised and actioned. Regular communication through Staff to Staff about Child Friendly Cities with opportunities to learn more about 'Darebin: A Child Friendly City' have included:
 - a. 'Inspirational Stories Series' – an opportunity to hear from others about some of the work that they have undertaken and/or how they have become Child Friendly Cities.
 - b. Presentations from a University expert who has unpacked the child friendly city concepts and explored how they intersect with the broad range of work that is undertaken by council officers.
 - c. Roadshow of information available for unit or team meetings.

To date the following sessions have been held:

- 7 February 2017: 'City of Greater Dandenong – Our Child Friendly City Journey'.
 - Dr Kylie Smith, Melbourne University 23 March 2017: 'What is a Child Friendly City and why is it important?'
 - 21 April 2017: 'Children and young people are active citizens'. Presentation to staff by council officers from the Cities of Darebin and Moreland.
3. Advocating for the reduction of inequity for children and young people in areas of disadvantage has commenced.
- Meetings with relevant departments to consider opportunities to embed this work within the Council Plan and the Health and Wellbeing Plan.
 - Meetings held to advocate that the Equity and Inclusion Planning and Audit Tool (EIPAT) is strengthened to include the needs of children and young people.
 - Discussions considering the inclusion of the Child Friendly Cities concept in strengthening the Community Grants program.
 - Strengthening the work of Officers in the East Preston and East Reservoir precincts to support place based work and the establishment of Reservoir Hub and the East Preston Community Centre.
 - Joint Community Infrastructure Plan utilised Dr Julie Rudner and La Trobe University students to engage with local children in planning and development of the Darebin Creek Corridor Infrastructure Plan adopted on 20 March 2017. The Working Group will continue to meet on a quarterly basis to assist in coordinating activities with all the key stakeholders. There are several short term actions that provide an opportunity for greater engagement and participation from children in shaping future outcomes along the Darebin Creek.
 - Survey conducted with early years services in Darebin to raise awareness of 'Early Start Kindergarten'. 'Early Start Kindergarten' offers kindergarten places to 3 year olds known to child protection or who identify as Aboriginal /Torres Strait Islander. Council officers were able to work closely with services to ensure greater awareness of the benefits and challenges of the program.
 - Project Partnership stream within the Arts Partnership Initiative (Creative Culture) supports artists and organisations engaging in creative projects with Children and Young people across the municipality.
 - Submissions from schools to run BikeEd for their students, the criteria of equity needed to be addressed. Kingsbury Primary School was the successful school in 2017 and has resulted in the school having a fleet of bikes to enable them to run the program.
4. Respectful engagement with children and young people
- Meetings held with the Community Engagement and Demographics unit to ensure the inclusion of respectful engagement with children and young people when the Community Engagement Framework is being reviewed in the second half of this year.
 - 16 schools held Walk to School Month in October 2016, with preparations underway for this year's program with the intention to involve children in the program planning.

- Conversations with the community about the next Health and Wellbeing Plan at the Kite Festival, 2017 involved a collaboration between Creative Culture and Families, Diversity and Community Departments linking up local Artists with the Health Promotion Officer to consult with children in creative activities that promoted healthy living and wellbeing. These artists were [Westside Circus](#) and [Dan Goronszy: Gutzy & The Launching Board](#).
- Further planned consultation regarding the next Health and Wellbeing Plan at schools and early years sites.

Options for Consideration

Council continue to develop and strengthen the work of 'Darebin: A Child Friendly City'

Financial and Resource Implications

Financing and resourcing the work is from within the established budgets of the Families, Diversity and Community Department and other departments. Actions from future plans may be referred to annual budget processes if additional resources are required.

Risk Management

Risks associated with dissemination of information are low.

Policy Implications

Economic Development

There are no factors in this report which impact upon economic development.

Environmental Sustainability

There are no factors in this report which impact upon environmental sustainability.

Human Rights, Equity and Inclusion

This initiative aligns with the United Nations Convention on the Rights of the Child which proclaims that the all children are entitled to special care and assistance and should be afforded the necessary protection and assistance to fully participate in community life and enjoy health, freedom and wellbeing from early years onwards. The work upholds the Victorian Charters' goals of freedom, respect, equality and dignity and recognises the special attributes and responsibility community has, including local government, to effectively engaging children in decision making that is accessible, equitable and empowering to younger voices that are too often marginalised and without effective platform for expression and participation.

Other

Nil

Future Actions

- Promotion of Darebin: A Child Friendly City will continue internally: including:
 - Presentation to staff by Dr Kylie Smith, 30 May 2017 'What is my role in creating and supporting a Child Friendly City?'
 - Inspirational Stories Series, June 2017
- 2017/2018 Child Friendly City Action Plan will be formulated from the Darebin Child Friendly City Framework, with input from the Child Friendly City Reference Committee.
- Communication and Marketing Plan to promote Darebin as a Child Friendly City to the community to be developed.
- Advocating for the inclusion of respectful engagement with children and young people as part of the review and formulation of the next Community Engagement Framework.
- Explore how the rights and needs of children can be met, and identify opportunities for consultation with children and young people in emerging council projects including the Preston and Reservoir Grade Separations and improvements, and the Joint Community Infrastructure Plan for Darebin Creek Corridor.

Consultation and Advocacy

- The Child Friendly City Reference Group

Related Documents

- Council Minutes - 4 July 2016

Attachments

- Darebin Child Friendly City Framework (**Appendix A**) [↓](#)
- Darebin Child Friendly City Framework Action Plan Progress (**Appendix B**) [↓](#)
- Victorian Child Friendly Cities and Communities Charter (**Appendix C**) [↓](#)

Disclosure of Interest

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.

Darebin Child Friendly City Framework

Adopted by Darebin City Council on 4 July 2016.



Darebin: a 'Child Friendly City'

Darebin City Council embraces its ability to impact the lives of children in our community and works to continue to ensure children's rights are upheld with civic pride. Darebin fosters community recognition of children and young people as equal citizens with rights, voice and a valuable contribution.

The United Nations Children's Fund (UNICEF) defines a Child Friendly City as the embodiment of the Convention on the Rights of the Child at the local level, where children's rights are reflected in policies, laws, programs and budgets across the municipality.

Being a Child Friendly City is a whole of Council responsibility. Darebin City Council's Vision is: *Darebin, the Place to Live*. Our Mission is: *Working with our diverse community to build a sustainable and liveable city*. A sustainable and liveable city is very much one in which the rights of children are fulfilled.

Achievements and Opportunities

Darebin has strong foundation of work across all Council Departments that fulfil children's rights, including:

Social Life and Celebrations

- Children and young people have the opportunity to participate in social life through Sporting Clubs, Arts Programs, Youth Music Programs and, local, neighbourhood events.
- Ongoing Arts programming for families that will be expanded across school holidays in the arts centres across the City of Darebin.
- Children and young people have opportunities to participate in cultural and social events including The Darebin Community Kite Festival, Music Feast, Museum of Me, Children's Day, Life Long Learning for Wellbeing, Carols in All Nations Park.
- Council works to protect children and young people from violence and abuse by being a family support service provider.

Influence Decisions

- Young citizens express opinions and influence decisions about Darebin through programs such as the Youth Summit.
- Children and young people are consulted when strategies, council plans are developed or reviewed.

Health and Well Being

- Council's 2015-2017 Health and Wellbeing Plan recognises early childhood as a key social determinant for health and wellbeing.
- Children and young people have access to a range of Community Services which support their health, and education.
- Parks, Playgrounds and green spaces are provided to be actively utilised for citizens of all abilities and all ages to promote health and wellbeing.
- Leisure services promote the benefits of playing sport and belonging to sporting clubs.
- Walking and cycle paths are built to encourage children and young people to be active and safe in our streets. Streets and paths are designed, built and maintained, so children and young people can, and want to travel by active transport, with greater opportunity for children's independent mobility.
- Children and young people can live and play in a safe, respectful community free from violence and discrimination.
- The Darebin Education Enquiry supports the equitable access to quality and diverse education across our community.
- Arts and Culture's program of events provides opportunities which enhance wellbeing.

Sustainable Environment

- Relevant City of Darebin units to work together to improve access to local waterways and provide educational opportunities to make children more aware of water pollution and the local natural environment.
- Walking paths are built encouraging children to walk in unpolluted environments.
- City services work to provide access to drinking taps and access to appropriately located public toilets.
- Active participation and ongoing education about sustainability is promoted through the work and involvement in the Community Gardens.
- Principle Pedestrian Network and Walking Strategy.





Civic Pride

- Opportunities are provided for children and young people to gain knowledge regarding government roles and responsibilities (program delivered through Communications Department).
- Council supports and advocates for young people to have a greater voice and advocate with strength through avenues such as, the Youth Summit and Darebin Youth Issues Advisory Committee.
- The City of Darebin has an active engagement strategy with local schools to provide opportunities that foster civic pride.
- Ongoing work with schools to provide a program in the Darebin Parklands so that students can take part in the Spiritual Healing Trail to reconnect with the land.

Technology

- The City of Darebin provides free Wi-Fi to the public.
- Darebin Libraries provide up to date technology that children and young people can utilise and digital collections that respond to their reading, information and learning and entertainment needs.
- The appropriate use of ICT and social media is utilised to inform young people of Council business.

Commitment for the future

1. Endorse the Child Friendly Cities Charter.
2. Promote Darebin as a Child Friendly City and raise awareness both within council and in the community, particularly to business and community organisations which provide services to children and young people.
3. Lead respectful community engagement with children and young people and ensure children and young people have freedom to express themselves.
4. Acknowledge that children and young people are individual and their needs will vary depending on the cultural context.
5. Promote and uphold the City of Darebin as a Child Safe Organisation.
6. Utilise the Equity and Inclusion Planning and Audit Tool checklist to ensure diverse needs of children are recognised (EIPAT tool currently being updated).
7. Support and/or develop programs that support inclusion and wellbeing for LBTQI children and young people.
8. Continue to recognise early childhood as a key social determinant for lifelong health and wellbeing.

9. Continue to support the creation of a safe, respectful community for children, free from violence and discrimination.
10. Continue to advance Darebin Council's commitment to prevent family violence.
11. Advocate for child friendly infrastructure and open space, and ensure children's needs are incorporated and addressed through all stages from proposal, design to implementation.
12. Advocate for communal spaces to be inclusive, safe, engaging and child friendly.
13. Utilise the Transport Strategy to advocate on behalf of community through the safe travel strategy and safe crossings.
14. Provide access to safe spaces in school holidays through Arts Program, Youth and Library to ensure support for children and youth in the absence of school routines.
15. Ensure and assist existing youth, music, libraries and arts programs expand to cater for children with additional needs and disabilities.
16. Advocate for increased opportunities for physical activity for young female participants and the promotion of active lifestyles for all.
17. Advocate for children with additional needs/ disabilities and provide assistance as their families navigate the National Disability Insurance Scheme (NDIS).
18. Utilise the Early Years Infrastructure plan to ensure adequate and appropriate planning is undertaken so that there is provision of early years spaces for children in City of Darebin. Quality and breadth of early childhood experience
19. Provide community education opportunities for residents to have an increased understanding and awareness of Child Friendly Cities, with a view to influencing behaviour in a positive way.
20. Ensure there is access to cultural activities for children and young people in Darebin to support their wellbeing.
21. Continue to provide access to literacy and lifelong learning opportunities from birth.
22. Provide opportunities for all family groups with children and young people, (including carers and grandparents) to access free, accessible and appropriate play/leisure experiences in the community.



Review Date: At the start of the next Council term.

A3709613




Darebin Child Friendly City Framework Action Plan 2016 – 2017
Progress to date


Priority Area	Action	Progress	Outcome and completion Date
Child Friendly Cities Charter	<ul style="list-style-type: none"> • City of Darebin endorsement of the Charter 	<ul style="list-style-type: none"> • Letter sent to VLGA • Certificate yet to be presented 	June 2017
Communication Plan to promote Darebin as a Child Friendly City internally and in the community	<ul style="list-style-type: none"> • Complete Communications and Marketing Plan <ul style="list-style-type: none"> ○ Finalise the key messages ○ Confirm methods and mediums for communicating the Child Friendly City message internally Utilise information collated for mapping ○ Confirm format, content and timing to provide Child Friendly City information and messages to all Council departments on a regular basis including awareness raising via Managers meetings and department/team meetings • Establish an internal library of Child Friendly City resources accessible to all Council departments (physical and virtual) • Arrange quarterly presentations for Council staff and community members to build awareness about Child Friendly Cities (e.g Child Friendly City Officer from City of Dandenong, Karen Malone, Julie Rudner) • Complete Communications and Marketing Plan <ul style="list-style-type: none"> ○ Finalise the key messages ○ Confirm methods and mediums for communicating the Child Friendly City message to the community (printed collateral, web based) 	<p>The Communication Plan for the promotion of Darebin as a Child Friendly City internally has been finalised and actioned. Information has been sent out regularly through Staff to Staff regarding opportunities to hear more about 'Darebin: A Child Friendly City' including:</p> <ul style="list-style-type: none"> a. 'Inspirational Stories Series' – an opportunity to hear from others about some of the work that they have undertaken and/or how they have become Child Friendly Cities. b. Presentations from a University expert who has unpacked the child friendly city concepts and explored how they intersect with the broad range of work that is undertaken by council officers. c. Roadshow of information available for unit or team meetings. <p>To date the following sessions have been held:</p> <ul style="list-style-type: none"> • 7 February 2017: 'City of Greater Dandenong – Our Child Friendly City Journey'. • Dr Kylie Smith, Melbourne University 23 March 2017: 'What is a Child Friendly City and why is it important?' • 21 April 2017: 'Children and young people are active citizens'. Presentation to staff by council officers from the City of Darebin and City of 	June 2017



		<p>Moreland.</p> <p><u>Community</u></p> <ul style="list-style-type: none"> The Communication Plan for the promotion of Darebin as a Child Friendly City to the community is in process 	
<p>Reduce the inequity for children and young people in areas of disadvantage as well as place based</p>	<ul style="list-style-type: none"> Meet with Equity and Inclusion Coordinator to advocate that the EIPAT is strengthened to include the needs of children and young people <ul style="list-style-type: none"> Ensure research and data sources provide the information required to monitor the reduction of inequity so that relevant services and programs can be tailored toward reducing inequity in the different target groups Ensure children's and young people needs are considered in the development of the 2018-2022 Council Plan and the 2018-2022 Health and Wellbeing Plan <ul style="list-style-type: none"> documents to reflect Darebin as a Child Friendly City Linked to the strategic indicators for Health and Wellbeing Advocate for inclusion of ways of reducing inequity for children and young people within the Community Grants program 	<ul style="list-style-type: none"> Met with relevant Council officers to consider opportunities to embed this work within the Council Plan and the Health and Wellbeing Plan. Meetings have been held to advocate that the EIPAT is strengthened to include the needs of children and young people. Discussions have taken place with the Community Grants Officer to consider strengthen wording within the Community Grants program. Continue to strengthen the work of Council Officers at East Preston and East Reservoir precincts to support place based work and the establishment of Reservoir Hub and the East Preston Community House. Joint Community Infrastructure Plan utilised Dr Julie Rudner and La Trobe University students to engage with local children in planning and development of the Darebin Creek Corridor Infrastructure Plan, and the Joint Community Infrastructure Plan was adopted 20 March 2017 by Darebin Council. The Working Group will continue to meet on a quarterly basis to assist in coordinating activities with all the key stakeholders. There are several short term actions that provide an opportunity for greater engagement and participation from children in shaping future outcomes along the Darebin Creek. 	<p>June 2017</p>

		<ul style="list-style-type: none"> Survey conducted with early years services in Darebin to raise awareness of 'Early Start Kindergarten'. This program offers kindergarten places to 3 year olds if know to child protection or who identify as Aboriginal /Torres Strait Islander. Council officers were able to work closely with services to ensure greater awareness of the benefits and challenges of the program The Project Partnership stream within the Arts Partnership Initiative (Creative Culture) supports artists and organisations engaging in creative projects with Children and Young people across the municipality. In the submissions from schools to run BikeEd for their students, the criteria of equity needed to be addressed. Kingsbury Primary School was the successful school in 2017 and has resulted in the school having a fleet of biked to enable them to run the program. 	
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<p>Respectful engagement with children and young people</p>	<ul style="list-style-type: none"> Set up protocols for consulting with children <ul style="list-style-type: none"> Utilise publication: 'Engaging Children in Decision Making' List avenues for accessing children and young people in engagement (including Education Committee, Coordinator Children and Community Development, Community Development Officer, Youth Services) List opportunities at Council events where children and young people can be consulted eg Kite Festival 	<ul style="list-style-type: none"> Meetings have been held with Coordinator Community Engagement and Demographics to ensure the inclusion of respectful engagement with children and young people when the Community Engagement Framework reviewed in the second half of the year. 16 schools held Walk to School Month last October, and preparations are underway for this year's program with the intention to involve children in the program planning. Development of the Health and Wellbeing Plan at the Kite Festival, 2017 involved a collaboration between Creative Culture and 	<p>June 2017</p>
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	<ul style="list-style-type: none"> • Develop communication to disseminate to all Council departments • Review current Community Engagement Framework to include children • Undertake relevant project and consult with children 	<p>Families, Diversity and Community Departments linking up local Artists with the Health Promotion Officer to consult with children in creative activities that promoted healthy living and wellbeing. These artists were Westside Circus and Dan Goronszy: Gutzy & The Launching Board</p>	
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Victorian Child Friendly Cities and Communities Charter

This Victorian Charter for Child Friendly Cities and Communities has been developed specifically for local governments, organisations and individuals to take action. The Charter is a statement of the principles and actions that underpin the right to be considered *child friendly*.

The Charter is consistent with state, national and international protocols and embraces rights that are embedded in the Convention of the Rights of the Child (1990), the Chiba Declaration for a Child Friendly Asia Pacific (2009), UNICEF's Building Blocks for Developing a Child Friendly City (2004) and the Victorian Human Rights and Responsibilities Charter 2006.

Recognising the need for increased participation by children in decision-making forums and creating child friendly environments, we support the following principles:

- **Freedom for children to experience environments that consider their needs**
- **Respect and dignity for children to express their individual opinions, participate in and contribute to decisions about their communities and their wellbeing**
- **Equitable access to supportive environments and services for children regardless of gender, ethnicity, religion or ability**



6.6 MEMORANDUM OF UNDERSTANDING MERRI CREEK MANAGEMENT COMMITTEE AND DAREBIN CITY COUNCIL**Author:** Coordinator Bushland Management**Reviewed By:** Director Operations and Environment

Report Background

One of the actions of the Darebin Open Space Strategy is for Council to continue to participate in and contribute financially each year to the Merri Creek Management Committee. The funding is used by MCMC to manage and maintain 9 sites along the Merri Creek, provide water quality analysis and strategically provide education, planning advice and community engagement activities.

The existing MOU has been active since November 2013 and has directed funding and how MCMC reports to Council complying with Councils procurement policies. This agreement has expired and requires renewal to continue to meet procurement requirements.

The renewed MOU has been developed in consultation with MCMC and copy of the MOU is provided with this report as **Appendix A**.

Previous Council Resolution

At its meeting held on 6 November 2013, Council resolved:

'That Council authorise the Chief Executive (or his delegate) to finalise negotiations and execute Memorandum of Understandings for Darebin Creek Management Committee and Merri Creek Management Committee.'

Previous Briefing(s)

- Councillor Briefing – 18 April 2017

Council Plan Goal/Endorsed Strategy

- Goal 3 - Sustainable and Resilient Neighbourhoods
- Darebin Open Space Strategy
- Natural Heritage Strategy 2015-2025
- Watershed: Towards a Water Sensitive Darebin Whole of Water Cycle Management Strategy 2015-2025

Summary

A new Memorandum of Understanding is required to be put in place between Council and Merri Creek Management Committee to direct how Council's funds are spent and set reporting requirements for MCMC. In return for funding, Merri Creek Management Committee provides valuable education programs to the Darebin Community, undertake water quality activities, provide planning advice and maintain 9 sites along the Merri Creek Corridor.

Recommendation

That Council:

- (1) Adopts the Memorandum of Understanding between Merri Creek Management Committee and Darebin City Council agreeing to an additional 3 years of financial support for Merri Creek Management Committee.
 - (2) Authorises the Chief Executive Officer to execute the memorandum of Understanding for the period from the 1 July 2017 for three years to 30 June 2020.
 - (3) Authorises the remaining funding from 1 April 2017 to 30 June 2017 from the previous MOU
 - (4) Receives a report annually on Council's financial contribution and project spending under the Memorandum of Understanding by the Merri Creek Management Committee (MCMC).
-

Introduction

Merri Creek Management Committee is an environmental coordination and management agency formed in 1989 to ensure the preservation of natural and cultural heritage of the creek and its environs. Members of this committee include all municipalities in the catchment: Darebin, Hume, Moreland, Whittlesea, Yarra and Mitchell and also includes the Friends of the Merri Creek and Friends of Wallan Creek who assist in guidance the activities that MCMC undertakes.

Member Councils including Darebin provide funding to MCMC to assist in the development and delivery of activities along the Merri Creek in relation to the above activities. This is guided by the Merri Creek and Environs Strategy and a Memorandum of Understanding built around this framework and these key and other emerging issues the catchment faces.

In 2014/2015 Merri Creek Management Committee was successful in leveraging Darebin Council funding supplied through the MOU and current tender to gain \$120,168 in grant funding, creating an increase of around 53% of funding spent in the Darebin catchment. Importantly the entire catchment impacts Darebin and in the financial year 2015 a total of \$949,330 and 2016 \$800,199 in grant funding across all municipalities.

In 2016 MCMC's Planning and Coordination team commented on 18 planning permit applications, two planning scheme amendments, appeared in three panel hearings for precinct structure plans, involved in discussions for sewerage treatment upgrades, publicised 86 community events. Parkland Management planted 18177 plants and facilitated 22 community events varying from planting, weeding and fauna surveys with 539 volunteers attending. The catchment program largely funded by Darebin, Whittlesea, Moreland and Yarra was almost doubled in terms of grant funding. These programs and results substantiate MCMC position in ecological restoration, monitoring, advocacy and community education and engagement in the community.

The MCMC provide a valuable service to the local and broader community through its activities.

Issues and Discussion

Support for MCMC

In financial year 2016/2017 Council will have provided MCMC with \$172,416 in operational and strategic funding to support the activities and works outlined in the previous MOU inclusive of day-to-day management and strategic objectives along the Merri Creek. \$14,937 will have been provided to support for Waterwatch activities.

Historically, this funding has been increased each year by 2.5%. This MOU shall increase in line with Councils rate capping increases.

The MOU is required to formalise the exchange of services between Darebin Council and MCMC and to maintain clear and transparent reporting as to how funding is to be spent and what benefit Council receives.

Objective of the MOU

Darebin City Council and Merri Creek Management Committee are jointly committed to managing, protecting, promoting and ensuring the long term viability of Merri Creek Catchment. The MOU will formalise the relationship between MCMC and Council and provide a framework to ensure key performance indicators (KPIs) are met.

Terms of agreement

This agreement will apply from the date of council endorsement to 30 June 2020 to align with Council's budget and financial years after which time the scope, objectives, terms of agreement and level of compensation will be reviewed. Funding for MCMC will increase each financial in line with Council's rate cap for the duration of this agreement.

Roles and Responsibilities

Council and MCMC will work actively to support the partnership to ensure the long term viability of the Merri Creek Catchment increasing biodiversity, providing education and advocacy for the catchment and its natural environs, further creating habitat for native fauna and managing flora and threats to its diversity.

Merri Creek Management Committee will continue to seek external grants to consolidate funding for the creek and its environs. As well MCMC will assist in applications for capital funding through Council's capital works program. Capital project applications are to be completed in conjunction with the Coordinator Bushland Management. These projects need to be highlighted and scoped and provided to council in October each year.

The Merri Creek Management Committee will:

- Manage and maintain specified revegetation/regeneration sites within the Merri Creek Catchment
- Conduct water quality monitoring within the Merri Creek Catchment
- Participate in the strategic and statutory planning process
- Conduct community engagement and education
- Provide accurate, regular reports on KPIs as part of the Merri Creek Management Committee meeting cycle
- Prepare submissions to seek external grants to extend the objectives listed above

- Provide a clear and detailed report showing how Council and grant funds are spent.
- Play an active role in the development and implementation of the Darebin Nature Trust

Darebin Council will:

- Provide a representative to advocate for Merri Creek Management Committee and the Merri Creek Catchment.
- In collaboration with representatives from Yarra, Moreland, Whittlesea, Hume and Mitchell Council, Friends of the Merri Creek and Friends of Wallan Creek and the Chair of Merri Creek Management Committee, provide support and oversight of Merri Creek Management Committee.
- Hold two positions on Merri Creek Management Committee and attend all meetings.
- In financial year 2017/2018, provide \$175,864 in operational funding to support the deliverables. This funding will increase each financial year with an annual increase in line with Council's rate cap for 3 financial years of the agreement.
- Actively support grant funding applications made by Merri Creek Management Committee to further consolidate funding increasing works undertaken within Darebin City Council.
- A representative from Darebin City Council Staff will maintain membership on a subcommittee whose goal is to oversee, manage and support MCMC staff.

Key Performance Indicators

Key performance indicators for the management of Merri Creek Management Committee fall into four main categories: Operational Works, Strategic Management, Reporting and Waterwatch.

Operational Works

Physical and Community Engagement Works

- Carry out conservation and restoration programs works along the Merri Creek and its tributaries including but not limited to weed control, litter removal, revegetation, planting and monitoring.
- Develop and maintain skills and expertise in ecological restoration of waterway corridors, and share these with member organisations, community groups and other stakeholders within the Merri Catchment.
- Provide community education and support in the areas of conservation, revegetation and preservation of the Merri Creek Catchment.

Strategic Management

Communication and Advocacy Planning

- Seek and advocate for the consolidation and expansion of public open space along the Creek corridor.
- Provide written comment on vegetation impacts and visual character of associated statutory planning referrals within the Merri Creek Catchment.
- Provide feedback on the development of master plans and strategic documents as they relate to the Merri Creek Catchment.
- Consult, coordinate, inform, advise and provide a forum for member organisations and other stakeholders to discuss and learn about conservation, protection and preservation of the Merri Creek Catchment.

- Inform, educate and involve the community in projects involving the Merri Creek Catchment.

Reporting

Reporting is an important piece of this MOU as it allows Council to understand how funding is spent. Reporting will take place at regular meetings of the Merri Creek Management Committee or more frequently as the need arises.

Annually MCMC will provide Council a report detailing the key achievements of Parkland Management Works, Planning and Coordination, Community Engagement and Waterwatch outcomes. This will include grant income received.

Options for Consideration

Option 1:

Adopt the Memorandum of Understanding between Merri Creek Management Committee and Darebin City Council. **(Recommended)**

This agreement guarantees funding in exchange for assistance with maintenance and management of the Merri Creek with reference to Operational works, Communication Advocacy Planning, Education programs and Waterwatch activities for the Darebin community surrounding conservation and the Merri Creek ecosystem.

Option 2:

Cease funding Merri Creek Management Committee.

This option will mean that Council's Bushland Management Team would need expansion or a suitably qualified contractor will need to maintain areas of the creek corridor, seek alternate internal / external resources to for fill the planning advocacy, education and Waterwatch activities currently undertaken by MCMC. This would place strain on the existing Council resources available.

Financial and Resource Implications

Entering into this agreement guarantees that Council will provide the remaining funding for 2016/2017 and provide MCMC \$175,864 in operational funding 2017/2018 to undertake the activities outlined in the MOU including an annual increase in line with Council's rate cap for 3 financial years of the agreement.

Risk Management

Not entering into a Memorandum of Understanding agreement with Merri Creek Management Committee poses several risks in that Council would have to assume maintenance of various creek sites (outside of existing site management) and seek alternate internal/ external resources to for fill the planning advocacy, education and Waterwatch activities currently undertaken by MCMC . This would place strain on the existing Council resources.

Importantly Merri Creek Management Committee have recently undertaken a Business Review identifying changes within their internal / external operating environment identifying the increased skill sets within Council's and a need to ensure they stay relevant and viable in a changing business environment.

Policy Implications

Economic Development

The Merri Creek Corridor provides passive recreation, an educational resource and importantly forms part of the green travel network for commuters. The corridor is an asset and may assist in prospective resident's choice to move into Darebin.

Environmental Sustainability

Merri Creek Management Committee preserves, protects, enhances and advocates for the long term health and sustainability of the Merri Creek. The relationship forged between Darebin City Council and MCMC is positive and mutually beneficial.

In addition to providing for and supporting native flora and fauna, MCMC delivers education and water quality programs provides input into planning decisions relating to development within the Environmental Significance Overlay.

MCMC provide an invaluable resource for community participation, education and recreation. Management of the creek and MCMC helps to free up Council resources for maintenance works elsewhere in the City.

Human Rights, Equity and Inclusion

The Merri Creek Catchment is a public open space that invites users from all backgrounds. The Merri Creek and Environs Strategy Section 1 is dedicated with specific focus on Aboriginal Heritage. MCMC have built and maintain close relationships with Wurundjeri and the partnership assists in the delivery of education and on the ground works paying respect to the traditional landowners and their cultural practices.

Other

Development of an MOU will ensure compliance with Council's Procurement Policy.

Future Actions

- Negotiate the final MOU with MCMC
- Provide the remaining funding for 2016/2017
- Provide MCMC funding for the period 2017-2020

Consultation and Advocacy

- Coordinator Bushland Management
- Coordinator Public Places
- Coordinator Water and Waste
- Merri Creek Management Committee

Related Documents

- Darebin Open Space Strategy
- Natural Heritage Strategy 2015-2025
- Watershed: Towards a Water Sensitive Darebin Whole of Water Cycle Management Strategy 2015-2025
- Council Minutes - 6 November 2016

Attachments

- MOU – Merri Creek Management Committee and Darebin City Council (**Appendix A**)

**Disclosure of Interest**

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.

Memorandum of Understanding

This document represents an agreement between

Merri Creek Management Committee

and

Darebin City Council

1 July 2017 – 30 June 2020

Scope

This Memorandum of Understanding (MOU) outlines the key principles and agreements between Darebin City Council and Merri Creek Management Committee for management of various creek side remnant/ revegetation sites, Strategic and Statutory Planning input and community engagement for the Merri Creek Catchment and Waterwatch including water quality monitoring and related events, education and activities for the Merri Creek and the Darebin Creek Catchments. Darebin City Council commits to this partnership in order for MCMC to deliver activities and events on behalf of and for Darebin City Council, in line with Council's *Watershed – Towards a Water Sensitive Darebin Strategy and Implementation Plan 2015-2025* and *Darebin's Natural Heritage Strategy 2015 – 2025*.

Objectives

The partner agencies will ensure deliverables outlined in this document are met. Darebin City Council and Merri Creek Management Committee are jointly committed to managing, protecting, promoting and ensuring the long term viability of the Merri Creek and its Environs. This Agreement seeks to provide a formalised framework to achieve these aims.

Terms of agreement

This agreement will apply for a term of three years from 1 July 2017 to 30 June 2020 contingent on both parties signing this agreement.

If Merri Creek Management Committee fails to meet the deliverables as detailed in this document or related documents, this agreement may be terminated by Council with thirty days written notice. In the event of this occurring, any unspent funds from this Agreement, must be returned to Council. This applies to both this Agreement and Schedule 1 – Waterwatch Agreement.

Before any payment or work commences under this MOU, Merri Creek Management Committee must provide Council with copies of:

- Certificates of currency for all insurances for Professional Indemnity and Public Liability.
- All Safe Work Method Statements/ Work Instructions (which shall be updated by Merri Creek Management Committee annually).

Council must be provided with current versions of the above documents for the term of this MOU. Merri Creek Management Committee must continue to provide Council with new copies of the above documents as they expire and are renewed or updated.

If Merri Creek Management Committee is wound up or cancelled, any unspent funds from this Agreement must be returned to Council, prior to any surplus assets being distributed to another, organisation, association or other body.

Resource contribution

The organisations involved will work actively to support the partnership and share resources and/or facilities to ensure the long term viability of the Merri Creek as a natural and educational area providing space for recreation, habitat for native flora and fauna, community engagement and protection of the Merri Creek. Roles and responsibilities for each organisation are outlined below; and in Schedule 1 – Waterwatch Agreement. Schedule 1 will be updated annually throughout the term of this MOU.

Merri Creek Management Committee will

- Manage and maintain specified Conservation Bushland and Conservation Parkland sites within the Merri Creek Catchment.
- Conduct Waterwatch water quality monitoring and related events, activities and education within the Merri Creek and Darebin Creek Catchments as per Schedule 1 – Waterwatch Agreement.
- Participate in the strategic and statutory Planning process.
- Provide accurate, regular reports on KPIs as part of the Merri Creek Management Committee meeting cycle.
- Prepare submissions to seek external grants to extend the objectives listed above.
- Provide clear and detailed reports showing how Council's contribution and grant funds are spent.

Darebin City Council will:

- Provide a representative to advocate for Merri Creek Management Committee and Merri Creek Catchment.
- Hold two seats on Merri Creek Management Committee Board of Directors and attend all meetings
- In Financial Year 2017/2018, provide \$175,864 in operational funding to support the day-to-day operations of the Merri Creek Management Committee. This funding will increase each year in line with Council's rate capping percentage until the expiration of this MOU.
- In financial year provide \$14937 to undertake the Waterwatch activities as detailed in Schedule 1 – Waterwatch Agreement, which is to be allocated across both the Merri Creek catchment and the Darebin Creek catchment, as directed and approved by Council. This funding will increase each year in line with Council's rate capping percentage until the expiration of this MOU.
- Ensure that Waterwatch funding is spent across both the Merri Creek and Darebin Creek catchments. In line with previous agreements and arrangements for Waterwatch activities across both creeks, some of the above funding may be required to be transferred to other organisations/bodies. This may occur by request from either party and with final approval for funding allocation from Darebin City Council.
- Ensure that MCMC is consulted on all Statutory and Strategic Planning matters within the Merri Creek Environmental Significance Overlay.
- Provide opportunities for Merri Creek Management Committee to quote on conservation and revegetation works along the Merri Creek Corridor.

- Provide a staff member, the Bushland Coordinator or their delegate, as the responsible authority to oversee and manage maintenance and enhancement works in creek land conservation areas.
- Provide a staff member, the Water and Waste Officer or their delegate for Waterwatch activity approval and liaison.
- Actively seek ongoing grant funding to further support Merri Creek Management Committee and the Merri Creek Catchment.

Schedule of Funding

Once the MOU is signed by both parties, and at the commencement of the financial year for the remainder of the agreement, Merri Creek Management Committee will invoice Darebin City Council for half of the operational and half of the Waterwatch funding specified below on 1 July. The remainder is to be invoiced on 1 January, which will be paid, subject to satisfactory completion of the works detailed in this document and Schedule 1 – Waterwatch Agreement.

- In the financial year 2017/2018 \$175,864 will be provided in operational funding to support the day to day operations of the Merri Creek Management Committee and their provision of the activities detailed in this document.

This funding will increase each year in line with Council's rate capping percentage until the expiration of this MOU.

- In the financial year 2017/2018 \$14,937 funding will be provided for Waterwatch activities as detailed in Schedule 1 – Waterwatch Agreement, to be allocated across both the Merri Creek catchment and the Darebin Creek catchment, as directed and approved by Council.

To ensure Waterwatch funding is spent across both the Merri Creek and Darebin Creek catchments, in line with previous agreements and arrangements for Waterwatch activities across both creeks, some of the above funding may be required to be transferred to other organisations/bodies. This may occur by request from either party and with final approval for funding allocation from Darebin City Council.

This funding will increase each year in line with Council's rate capping percentage until the expiration of this MOU.

Deliverables

Key performance indicators for the Merri Creek Management Committee fall into three main categories: Operational Works, Strategic Management and Waterwatch. These areas need to be reported on as part of the MOU.

Operational Works

Physical and Community Engagement Works

- Carry out conservation and restoration programs works along the Merri Creek and its tributaries including but not limited to weed control, litter removal, revegetation, planting and monitoring.
- Develop and maintain skills and expertise in ecological restoration of waterway corridors, and share these with member organisations, community groups and other stakeholders within the Merri Catchment.
- Provide community education and support in the areas of conservation, revegetation and preservation of the Merri Creek Catchment.

Strategic Management

Communication and Advocacy Planning

- Seek and advocate for the consolidation and expansion of public open space along the Merri Creek corridor.
- Provide written comment on vegetation impacts and visual character of associated statutory planning referrals within the Merri Creek Catchment.
- Provide feedback on the development of master plans and strategic documents as they relate to the Merri Creek Catchment.
- Consult, coordinate, inform, advise and provide a forum for member organisations and other stakeholders to discuss and learn about conservation, protection and preservation of the Merri Creek Catchment.
- Inform, educate and involve the community in projects involving the Merri Creek Catchment.

Waterwatch

Water Quality Monitoring, Events and Related Activities

See Schedule 1 – Waterwatch Agreement for details on related Waterwatch water quality monitoring, events and related activities, especially Point 1, Table 8.

Reporting

Reporting against this MOU is a required part of this Agreement. Reporting is an important component of this MOU as it allows Council to understand how funding is being spent and how MCMC is meeting the requirements of this Agreement.

Reporting for Operational Works and Strategic Management Works

Reporting for Operational Works and Strategic Management Works will take place at regular meetings of the Merri Creek Management Committee and as detailed below.

Daily & Weekly Reporting

- When physical works are to take place on Council land, a representative from Merri Creek Management Committee will phone or email Darebin's Bushland Coordinator or their delegate providing details about the nature of tasks to be undertaken. This should include the number of staff, anticipated number of hours and where multiple sites are stated, a breakdown of these per site.
- When physical works involve chemical weeding, the location and extent of spraying shall be reported as above (email on the morning of) and each fortnight in the form of a spray records including what chemical was used, how much of each chemical was used, the chemical mix rate, method of application, weather conditions, target species, and what (if any) follow-up is required.
- At the end of each fortnight where physical works have occurred, Merri Creek Management Committee will provide Darebin's Bushland Coordinator or their delegate with a detailed list of the locations where work occurred, dates when works have occurred, tasks undertaken and staff hours worked at each site. This report shall be provided to Darebin's Bushland Coordinator or their delegate by the Monday of the week following.
- All site meetings between Darebin's Bushland Coordinator or their delegate and Merri Creek Management Committee shall be minuted by the Merri Creek Management Committee. These minutes shall be forwarded on to all meeting attendees within 48 hours of the meeting.

Quarterly Reporting

- At the close of each quarter, the Merri Creek Management Committee will provide a quarterly report on Operational Works and Strategic Management Works which will include:
- a list of all applications for grants and external funding undertaken in the quarter. This list will include information on the source of the funding, criteria of the grant, amount requested and whether the application was successful and any feedback received if unsuccessful.
- activities from any successful grants must be reported on at regular meetings of the Merri Creek Management Committee and/or in the quarterly report at the close of each quarter.
- a detailed list of any Planning referrals for which the Merri Creek Management Committee were asked to provide comment. The details should include the location of the referral and the nature of the comment provided.
- a copy of all Site Meeting Minutes of meetings with Darebin's Bushland Coordinator or their delegate shall be included in the quarterly report.
- a quarterly works summary detailing site, task and task hours, total staff hours per site.
- a summary of all Strategic Management Works undertaken on Communication and Advocacy Activities as described above.
- Update any renewals of Safe Work Method Statements/Work Instructions
- Confirmation of the provision to Council of new Certificates of Currency for Public Liability and Professional Indemnity in the quarter they expire.

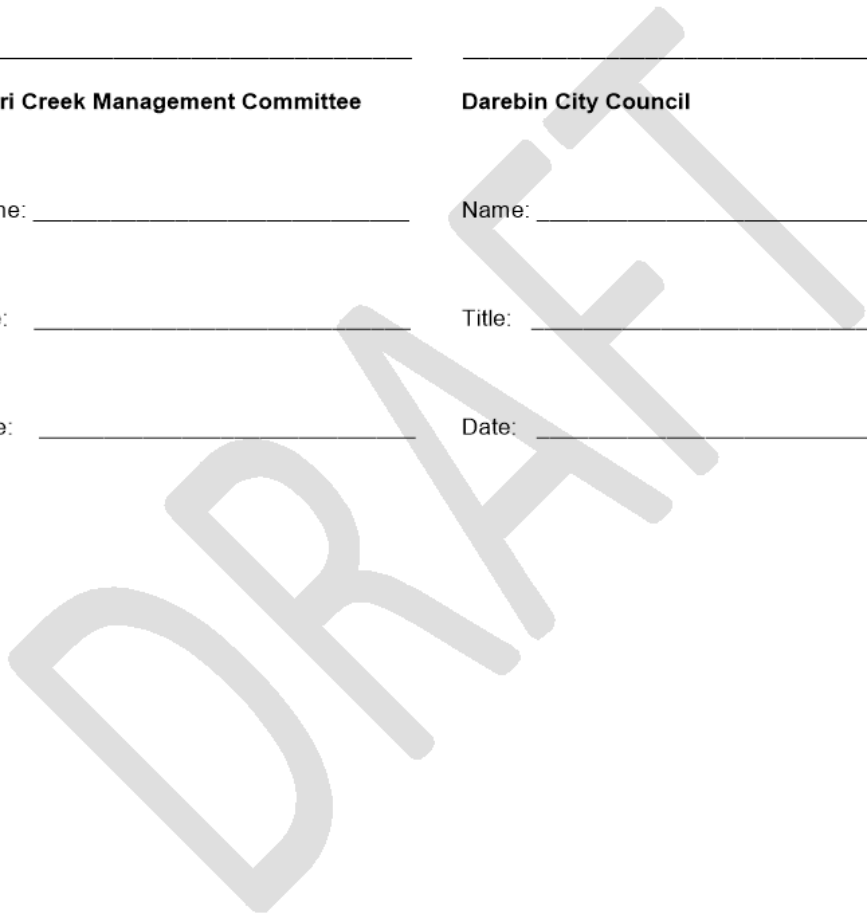
Reporting for Waterwatch

Reporting for Waterwatch water quality monitoring, activities and related events will take place as detailed in Schedule 1 – Waterwatch Agreement, especially as detailed in Point 8, Table 1.

Commitment

Darebin City Council and Merri Creek Management Committee agree to work collaboratively to jointly manage, protect, promote and ensure the long term viability of the Merri Creek. This Memorandum of Understanding will be in effect and operate according to the principles outlined in this agreement and its Schedule for three years, effective from 1 July 2017 until 30 June 2020.

_____	_____
Merri Creek Management Committee	Darebin City Council
Name: _____	Name: _____
Title: _____	Title: _____
Date: _____	Date: _____



7. CONSIDERATION OF RESPONSES TO PETITIONS, NOTICES OF MOTION AND GENERAL BUSINESS

Nil

8. NOTICES OF MOTION

Nil

9. URGENT BUSINESS

10. GENERAL BUSINESS

Nil

11. PETITIONS

12. REPORTS OF STANDING COMMITTEES

Nil

13. RECORDS OF ASSEMBLIES OF COUNCILLORS

13.1 ASSEMBLIES OF COUNCILLORS HELD

An Assembly of Councillors is defined in section 3 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 Disability Advisory Committee – 3 April 2017
- Councillor Budget Briefing – 20 April 2017

Recommendation

That the record of the Assembly of Councillors held on 3 and 20 April 2017 and attached as **Appendix A** to this report, be noted and incorporated in the minutes of this meeting.

Related Documents

- *Local Government Act 1989*

Attachments

- Assembly of Councillors - 1 May 2017 (**Appendix A**) [↓](#)



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Darebin Disability Advisory Committee
	Date:	Monday 3 April 2017
	Location:	Function Room, Darebin Civic Centre
PRESENT:	Councillors:	Cr. Julie Williams and Cr. Susanne Newton
	Council Staff:	Shadi Hanna, Gillian Damonze, Christine Mulholland
	Other:	Community representatives
APOLOGIES:		

The Assembly commenced at 11am

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Present and apologies	No disclosures were made.
2	Matters arising from previous minutes / drop off zone	No disclosures were made.
3	Round table check in	No disclosures were made.
4	Edwardes Lake Master PPlan	No disclosures were made.
5	Changing Places	No disclosures were made. Cr. Williams left the room at 12:20pm
6	General Business	No disclosures were made. Cr. Williams re-entered the room at 12:35pm
7	Meeting feedback	No disclosures were made.

The Assembly concluded at 1.00pm

RECORD COMPLETED BY:	Officer Name:	Christine Mulholland
	Officer Title:	MetroAccess Officer



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Councillor Briefing Session Budget 2017/2018
	Date:	Thursday 20 April 2017
	Location:	Conference Room, Darebin Civic Centre
PRESENT:	Councillors:	Cr. Kim Le Cerf (Mayor), Cr. Gaetano Greco (Deputy Mayor), Cr. Susan Rennie, Cr. Steph Amir, Cr. Trent McCarthy, Cr. Susanne Newton, Cr. Lina Messina
	Council Staff:	Philip Shanahan, Andrew McLeod, Steve Hamilton, Jacinta Stevens, Oliver Vido, Allan Cochrane, Clinton Fullgrabe
	Other:	Nil
APOLOGIES:		Cr. Julie Williams, Cr. Tim Laurence

The Assembly commenced at 8.50pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Proposed 2017/2018 Budget	No disclosures were made.

The Assembly concluded at 10.35pm

RECORD COMPLETED BY:	Officer Name:	Allan Cochrane
	Officer Title:	Chief Financial Officer

14. REPORTS BY MAYOR AND COUNCILLORS

Recommendation

That Council note the Reports by Mayor and Councillors.

15. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

The Chief Executive Officer, pursuant to section 77(2)(c) of the *Local Government Act 1989* (the Act), has designated the following items to be confidential:

15.1 Adoption of the Municipal Emergency Management Plan 2017

This item is designated confidential because it is a matter affecting the security of Council property pursuant to section 89(2)(g) of the Act.

15.2 Delivered Meals Service Contract

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

CLOSE OF MEETING

Recommendation

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 items designated confidential by the Chief Executive Officer.

RE-OPENING OF MEETING

Recommendation

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

16. CLOSE OF MEETING

