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## AGENDA

Council Meeting to be held  
at Darebin Civic Centre,  
350 High Street Preston  
on Monday, 20 March 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، يرجى 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 višjejezičnu 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 (Višjejezičnu 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

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## 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

<b>Recommendation</b>
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**That** the Minutes of the Ordinary Meeting of Council held on 27 February 2017 be confirmed as a correct record of business transacted.

## 5. PUBLIC QUESTION TIME

Commencing 18 July 2016, the following guidelines apply to the conduct of Public Question Time at Council meetings.

Questions from the public must be submitted prior to the commencement of Council meetings.

- Questions can be submitted online up to 4.00 pm on the day of the meeting:
  - At [darebin.vic.gov.au/publicquestiontime](http://darebin.vic.gov.au/publicquestiontime); or
  - By email to [PQT@darebin.vic.gov.au](mailto:PQT@darebin.vic.gov.au)
- Question can also be submitted in person:
  - At the counter of the Preston Customer Service, 274 Gower Street, Preston until 4.00 pm on the day of the meeting
  - At the Council Chamber from 5.45 pm to 6.00 pm on the day of the meeting (including from residents who seek to directly ask their question from the gallery)

Questions that:

- Relate to items that are listed on the Agenda; or
- Are of an operational nature; or
- Relate to personnel matters, contractual matters or legal advice; or
- Are aimed at embarrassing a councillor or a member of council staff or is political in nature

will not be responded to.

Further, in accordance with section 54(5) of the Darebin Governance Local Law, a member of the gallery cannot ask more than two (2) questions.

The Mayor, in the first instance, will read questions and provide a response to those submitted online before taking questions from members in the gallery. If a question cannot be answered at the meeting, a written response will be prepared and forwarded to the person raising the question. Any question responded to verbally at the meeting, will not be responded to in writing.

Residents do not need to attend the meeting for a question to be answered.

A period of up to 30 minutes will be set aside to enable the Chairperson to read out the questions submitted by the public in accordance with the above guidelines and to provide responses.

## 6. CONSIDERATION OF REPORTS

### 6.1 APPLICATION FOR PLANNING PERMIT D/11/2016 552-556 Plenty Road, Preston VIC 3072

**Author:** Manager Planning and Building

**Reviewed By:** Director City Futures and Assets

Applicant	Owner	Consultant
Ikonomidis Reid	Qing Chen	West Urban Group Keystone Alliance TTM consulting LID Impact Development Consulting

#### Summary

- Development of a three (3) storey development comprising 10 dwellings with four (4) x three (3) bedroom dwellings and six (6) x two (2) bedroom dwelling. There are 16 car spaces (exceeding the planning scheme requirement of 14 car spaces) and each dwelling has a courtyard or a balcony.
- The site is zoned General Residential Zone (Schedule 3).
- A Development Contributions Plan Overlay applies.
- There is no restrictive covenant on the title for the subject land. An easement for carriage-way is along the southern boundary.
- Six (6) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

#### Consultation

- Public notice was given via 2 signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the capital works unit, planning arborist, transport management and planning unit and the ESD officer.
- This application was referred externally to VicRoads.

#### Recommendation

**THAT** Planning Permit Application D/11/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TP02, TP03, TP04 and TP05, Revision B dated May 2016, job no. 010460 and colour schedule received 19 May 2016 prepared by Ikonomidis Reid) but modified to show:

Landscaping

- a) A minimum of two (2) semi mature canopy trees in the rear setback, one (1) within each of the secluded private open space areas of Dwellings 3 and 4 and two (2) semi mature canopy trees in the front setback of the property. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).

Internal amenity

- b) The first floor balconies of Dwelling 5, 6 7 and 8 setback 5.5 metres from the east boundary with the balconies to measure a minimum 8 square metres and a minimum 1.6 metre dimensions with no reduction in wall or balcony setbacks from any boundary.

ESD

- c) Sun shading devices on the north façade located 200 mm above window heads.
- d) Skylights / daylight tubes to the Dwelling 9 and 10 second floor ensuites.
- e) External operable shading devices to west facing habitable room windows / balconies.
- f) Details of window opening type shown with awning windows to habitable room windows minimised.
- g) Details of double glazing on west facing windows to limit heat loss / gain and address noise issues associated with Plenty Road.
- h) All ground and first floor sanitary flushing to operate using 12,000L rainwater tank.
- i) Individual metre boxes.
- j) Any modifications in accordance with the approved Sustainable Management Plan SMP (Refer to Condition 4 of this Permit).

Overlooking

- k) Material OG notated as fixed obscure glazing.
- l) The first floor east facing balconies and windows (where no behind balconies) of Dwelling 5, 6 7 and 8 provided with either:
  - i) a sill with a minimum height of 1.7 metres above finished floor level;
  - ii) a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level; or
  - iii) fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.

Visual amenity

- m) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- n) Height of clothes drying racks shown with heights to minimise visibility from the surrounding properties / public realm.
- o) Internal east elevation.

- p) A comprehensive schedule of construction materials, external finishes and colours (including colour samples) with the extent of render / painted materials at first and second floors reduced. Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level.

Internal amenity

- q) Any modifications and / or notations in accordance with the Acoustic Report (Refer to Condition No. 17 of this Permit).

Landscaping

- r) A Landscape Plan in accordance with Condition No. 5 of this Permit.
- s) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius of 2 metres from the outside edge of the trunk for the two street trees in the frontage in accordance with the requirements of Condition 8 of this Permit.

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

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

As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:

- Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- (4) Before the development starts, a revised Sustainable Management Plan (SMP) generally in accordance the document identified as *ESD Management Plan dated May 2016 prepared by Westurban* detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be revised to include a full copy of the BESS Assessment.

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

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

- (5) Before buildings and works start, a revised Landscape Plan generally in accordance the document identified as Sheet A1 Rev B dated May 2016 prepared by Keystone Alliance must be submitted to, and approved in writing by the Responsible Authority. The document is to be revised to show:
- a) The proposed building accurately.

- b) A minimum of two (2) semi mature canopy trees in the rear open space of dwelling 2 and 3. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
  - c) Replacement of toppings with grass or other soft landscaping.
  - d) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
  - e) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius of 2 metres from the outside edge of the trunk for the two street trees in the frontage in accordance with the requirements of Condition 8 of this Permit.
- (6) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- (7) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (8) Before buildings and works (including demolition) start, a tree protection fence must be erected within in the road reserve grassed verge only) around the two tree in the road reserve at a radius of the 2 (measured from the outside edge of the trunk) to define a 'tree protection zone'.
- This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.
- The tree protection fence must remain in place until construction is completed.
- No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone.
- No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.
- The ground surface of the tree protection zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.
- (9) All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (10) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
- (11) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (12) The land must be drained to the satisfaction of the Responsible Authority.

- (13) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (14) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (15) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (16) Before the development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that the design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum 45 dB(A) (living areas) and 40 dB(A) (bedrooms) in accordance with relevant Australian Standards for acoustic control (including AS3671 – Road Traffic and AS2107 – Recommended Design Sound Levels).
- (17) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced with an all-weather sealcoat;
  - d) Line marked; and
  - e) Drained.

to the satisfaction of the Responsible Authority.

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

VicRoads

- (18) All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation and/or Responsible Authority prior to the occupation of the buildings hereby approved.
- (19) The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.

## COUNCIL NOTATIONS

**(These notes are provided for information only and do not constitute part of this permit or conditions of this permit)**

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.

N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed.

It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

### **VicRoads**

N5 The proposed development requires the removal and construction of crossovers. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

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## **Introduction and Background**

On 21 September 2015 Amendment C137 – Plenty Road Corridor was adopted by Council and submitted to the Minister for approval. The proposed development does not meet the requirements of Amendment C137 as adopted in relation to the adopted 30 degree building envelope.

## **Issues and Discussion**

### **Subject site and surrounding area**

- The site is comprised of two (2) allotments. It is irregular in shape, with an angled frontage of 20.02 metres combined, a maximum depth of 48.06 metres (to the south boundary) and an area of 1,103 square metres.
- The site is located on the east side of Plenty Road, adjacent to the intersection of Youngman Street and Plenty Road.
- The site is located within the General Residential Zone GRZ2 and the Development Contributions Plan Overlay applies. Plenty Road is a Road Zone – Category 1.
- Each of the allotments on the subject site contains a single storey weatherboard dwelling, with pitched tiled roofs.
- The site has two crossovers, one to the south of each lot providing vehicle access.
- The site slopes up 1.1 metres from the northwest corner (front) to the south east corner (rear).
- There is no significant vegetation on the subject site or adjoining sites.
- To the north of the site is a single storey detached dwelling.
- To the south of the site is a single storey detached dwelling.

- On the opposite side of Plenty Road are a number of multi dwelling developments and detached dwellings.
- To the east are the rear yards of single storey dwellings fronting Kithchener Grove.
- There are a number of medium density developments in the area and a varied building form of single and double storey heights.
- The Route 86 Tram runs directly in front of the site, Route 555 Bus runs along Wood Street and Route 527 and 903 run along Murray Road. The site is approximately 1.1km to the north east of the Preston Railway Station and approximately 600-800 metres from the Preston Principal (Multi-Use) Activity Centre. The Plenty Rd/Beauchamp St Local Convenience Centre is located approximately 200 metres to the south and the Plenty Rd/Wood St Local Convenience Centre is located approximately 150 metres to the north.
- The west side of Plenty Road has clearway controls from 4pm to 7pm Monday to Friday and 1 hour parking 9am to 4pm Monday to Friday and 8am to 12:30pm Saturday. The east side of Plenty Road has clearway controls from 6:30am to 9:30am Monday to Friday.

**Proposal**

- Construction of a three (3) storey residential development comprising 10 dwellings with four (4) x three (3) bedroom dwellings (dwellings and six (6) x two (2) bedroom dwelling. There are 16 car spaces (exceeding the planning scheme requirement of 14 car spaces) and each dwelling has courtyard or a balcony.
- unloading of vehicle requirements and a reduction in the car parking requirement.
- The maximum overall height of the proposed development is 10.88 metres.
- Each of the dwellings is provided with private open space in the form of a courtyard or balcony that range from 8 to 50 square metres in area.
- A total of 16 car parking spaces are provided including 1 car space per 2 bedroom dwelling, 2 car spaces per three bedroom dwelling and 2 visitor car spaces.

**Objections**

- Six (6) objections have been received against the application.

**Objections summarised**

- Over supply of 1 and 2 bedroom dwellings / under supply of family accommodation / dwelling diversity
- Insufficient front setback
- Contrary to Clause 55
- Insufficient Private Open Space / reverse living arrangement
- Poor internal amenity of dwellings due to proximity of driveway
- Insufficient area of living spaces
- Removal of significant trees and insufficient landscaping areas.
- Impact on street trees
- Contrary to Clause 22.06
- Inappropriate materials
- Lack of equitable development opportunities

- Overlooking
- Overshadowing
- Character – form, scale, materials and contemporary design not appropriate
- Not sustainable
- Traffic impacts / safety
- Overdevelopment
- Height
- Visual bulk
- Inappropriate Setbacks
- Walls On Boundaries
- Noise
- Excessive site coverage
- Insufficient permeability
- Insufficient storage
- Reduction of car parking inappropriate
- Warrants consideration by the Darebin Planning Committee
- The proposal does not add net value to the community
- The number of objections indicates a negative social effect
- Does not meet the standards in the Planning Scheme
- Will not guarantee affordable accommodation
- Application advertised as 11 dwellings not 10 as proposed
- Impact on Views / plant and equipment / clotheslines / storage

#### **Officer comment on summarised objections**

#### Over supply of 1 and 2 bedroom dwellings / under supply of family accommodation / dwelling diversity

Council's Municipal Strategic Statement (MSS) sets out the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives. Relevantly, Clause 21.02-2 sets out the following key influence with respect to population growth and change:

*“Ageing families and declining household sizes are placing pressure on housing supply as fewer people occupy more housing.”*

The MSS continues with the following future housing issue at 21.01-4:

*“Facilitation of well-designed housing to meet anticipated housing needs, both in terms of number and diversity.”*

The policy guidance with respect to housing is contained in Clause 21.03. While there is strong policy support for appropriate medium density in-fill in well serviced locations, it is Clause 21.03-3 (Housing Diversity and Equity) that is of particular relevant to the objectors' concerns.

The overview sets out (extracted as relevant):

*“Housing affordability is a particular housing issue in Darebin. Lack of affordable housing and high rental prices can aggravate housing stress and homelessness. Housing affordability, income levels and demand for social and public housing are highly correlated. An increase in the supply of affordable housing could ease housing stress of low income earners and can decrease the demand for social housing.”*

This informs the following objectives (extracted as relevant):

*“To ensure that housing diversity is increased to better meet the needs of the local community and reflect demographic changes and trends.”*

*“To increase the supply of affordable and social housing”*

An oversupply of one (1) and two (2) bedroom dwellings is unsubstantiated by any statistical data and is contrary to the demographic issues and housing objectives contained in Council’s MSS. The development comprises a reasonable mix of dwelling types and configurations and adds to the mix of housing types in the immediate area, which includes detached dwellings and medium density developments.

Insufficient front setback

See assessment below.

Contrary to Clause 22.06 and Clause 55

See assessment below.

Insufficient Private Open Space / reverse living arrangement

See assessment below.

Poor internal amenity of dwellings due to proximity of driveway

See assessment below.

Insufficient area of living spaces

See assessment below.

Removal of significant trees and insufficient landscaping areas

See assessment below.

Impact on street trees

Council’s arborist has reviewed the location of crossovers and is satisfied that a setback of 2 metres will allow for the retention of street trees. Tree protection measures during construction are also recommended.

Inappropriate materials

The proposal is consistent with the strategic intent of the area. The proposed design is not mock historic which is preferred and the design is not overstated or visually obtrusive and will bring a richness of urban form to the street. See assessment below.

Lack of equitable development opportunities

See assessment below.

Overlooking

See assessment below.

Overshadowing

See assessment below.

Character – form, scale, materials and contemporary design not appropriate.

See assessment below.

Not sustainable.

The proposal has provided an appropriate Sustainable Management Plan. Urban consolidation is more environmentally friendly than urban sprawl and this is reflected in State and Local planning policy.

Traffic impacts / safety

Transport Management and Planning Unit have no objection to the proposal subject to conditions. These conditions will be placed on any approval.

The applicant has submitted a traffic and parking assessment which concludes that the development would not create adverse traffic impact to the surrounding road network. This assessment has been reviewed and supported by Council's Transport Management and Planning Unit.

The proposal will not significantly exacerbate any traffic or parking problems.

Overdevelopment

See assessment below.

Height

See assessment below.

Visual bulk

See assessment below.

Inappropriate Setbacks

See assessment below.

Walls on Boundaries

See assessment below.

Noise

The residential use is likely to have noise impacts consistent with those normal to a residential zone. Speech, laughter and music are noises associated with people living their lives and are all part of life in an urban area.

A condition will require equipment and plant to be located to minimise noise impacts.

Excessive site coverage

The site has a 70% site coverage which whilst high is consistent with the strategic intent of the site.

Insufficient permeability

The site has a 30% site permeability which is consistent with the strategic intent of the site.

Insufficient storage

6 cubic metres of storage is provided per dwelling complaint with Clause 55 requirements.

Reduction of car parking inappropriate

The proposal provides car parking in excess of the planning scheme requirements. See assessment below.

Warrants consideration by the Darebin Planning Committee

The matter is being considered by Planning Committee.

The proposal does not add net value to the community

This ground is unsubstantiated. The proposal provides a residential development in a residential zone resulting in community benefit. There have been no demonstrated disbenefits associated with these uses.

In *Backman and Company Pty Ltd v Boroondara City Council* the following was noted:

*“As I have highlighted, parties seeking to rely on Sections 60(1B) and 84(2)(jb) of the Planning and Environment Act face a significant task in order to substantiate a significant social effect in relation to a housing proposal on residentially zoned land. That significant task extends much further than just garnering a significant level of opposition to a proposed development.*

*Firstly, parties alleging a significant social effect have to ascertain what the actual significant social effect is, in the framework of a zoning regime where one does not need a permit to use residentially zoned land for residential purposes. The mere identification of significant community opposition to a proposal is not a significant social effect of itself. Secondly, the significant social effect will need to be sufficiently documented with evidentiary material to demonstrate the likelihood, probability and severity of the social effect.*

*The identification of a social effect is not sufficient, as it also needs to be demonstrated that the social effect will be significant. Thirdly, as identified in the Rutherford decision, it will need to be demonstrated that any significant social effect outweighs any social benefits that might result from a balanced assessment of a development proposal”*

The number of objections indicates a negative social effect

Section 60(1)(f) of the Act, deals with significant social effects. This section states:

- (1) *Before deciding on an application, the responsible authority must consider-*
  - (f) *any significant social effects and economic effects which the responsible authority considers the use or development may have.*

In *Hoskin v Greater Bendigo City Council [2015] VSCA 350 (16 December 2015)* The Supreme Court of Appeal made the following observations about section 60(1)(f):

- (1) *Section 60(1) describes matters which the responsible authority and, in turn, the Tribunal must consider. It does not stipulate that a particular matter should necessarily be determinative of the decision as to whether a permit be granted or refused.*
- (2) *It is for the responsible authority and, in turn, for the Tribunal on review to determine whether something constitutes a significant social effect and what weight it should be given in reaching a decision whether to grant or refuse a permit.*

It is considered that 6 objections, in itself, is not a determining factor as to whether there are negative social effects or if a permit should be granted or refused in this instance.

A development of 10 dwellings is not considered to be likely to cause significant social effects for residents or visitors to the area.

This ground is unsubstantiated. There are no demonstrated dis-benefits associated with the development. The proposal provides additional dwellings on the site consistent with the strategic intent of the area, resulting in community benefit.

Does not meet the standards in the Planning Scheme

The proposal has been assessed against relevant standards contained within the Scheme with particular focus on proposed planning scheme Amendment C137, and Clauses 22.02, 52.06 and 55. As can be seen in the assessment below, the proposal has a high level of compliance with these provisions.

Will not provide affordable accommodation

The proposal will provide ten dwellings on a site where there is only two (2) dwelling at present and thus provides a level of affordability and diversity, in compliance with relevant State and Local policies.

Application advertised as 11 dwellings not 10 dwellings as proposed.

This is correct. Notwithstanding the error in the notice the application does not require readvertising.

Impact on Views / plant and equipment / clotheslines / storage

The Tribunal has consistently held that there is no legal entitlement to a view, similarly no Design and Development Overlay applies which might require the protection of, or sharing of view lines. Despite this, the development as a whole must be considered upon whether the impact as a result of the proposed development imposes an excessive intrusion in the skyline beyond the 'reasonable' expectation of neighbours.

The proposed building height is consistent with the strategic intent of the area and Amendment C137.

Permit Conditions are recommended to minimise the visual impact of equipment and plant.

## Planning Assessment

### Municipal Strategic Statement Clause 21.03 - Housing

The subject site is located within a Substantial Housing Change Area. The proposal assists in the provision of a range of housing styles and densities in the locality and is an appropriate development of land.

### Status of Amendment C137

On 21 September 2015 Council adopted Amendment C137 which proposes to introduce an array of rezoning and apply a Design and Development Overlay DDO17 prescribing a range of built form outcomes along the Plenty Road corridor.

The documentation has evolved over the course of this planning scheme amendments being processed including the following (as exhibited and supported by Panel) for the subject site:

- 45 degree setback envelope exhibited and supported by the panel, 30 degree setback envelope supported by Council (the proposal generally sits within the 30 degree envelope).
- Building height of up to 4 storeys.

Amendment C137 has been prepared, exhibited and referred to an independent panel. The report provided by the panel set out a series of recommendations and the proposal is consistent with these. The proposal is also consistent with the more conservative Council adopted position.

The Design and Development Overlay is a seriously entertained planning document and provides guidance for the application. The provisions of Amendment C137 are taken over those within Clauses 22.02, 22.06 and 55.

### Building Height

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 22.02 - Neighbourhood Character – Precinct E4
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings

The proposed DDO17 specifies that:

*Any new building must not exceed the maximum height shown on the maps to this schedule...[t]he maximum heights shown on the precinct maps to this schedule cannot be varied with a permit.*

The Council adopted sub-precinct specifies a four storey height limit for the subject site. The proposed three storey building height complies with the maximum height as adopted by Council. The 10.88 metre building height is an appropriate planning outcome.

The site is located within a main road corridor where higher densities and a higher built form are encouraged and are a clear part of the existing streetscape character.

Indeed the future character of such areas is envisaged to be higher scale, to accommodate a larger proportion of residential development.

The height and scale of the development follows the preferred strategic direction for this section of the Plenty Road corridor.

The elevations are provided with ample articulation through setbacks, materials and openings. Sunlight access to public spaces and secluded private open spaces to the south will not be unreasonably affected.

**Building Setbacks**

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 22.02 - Neighbourhood Character – Precinct E4
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings

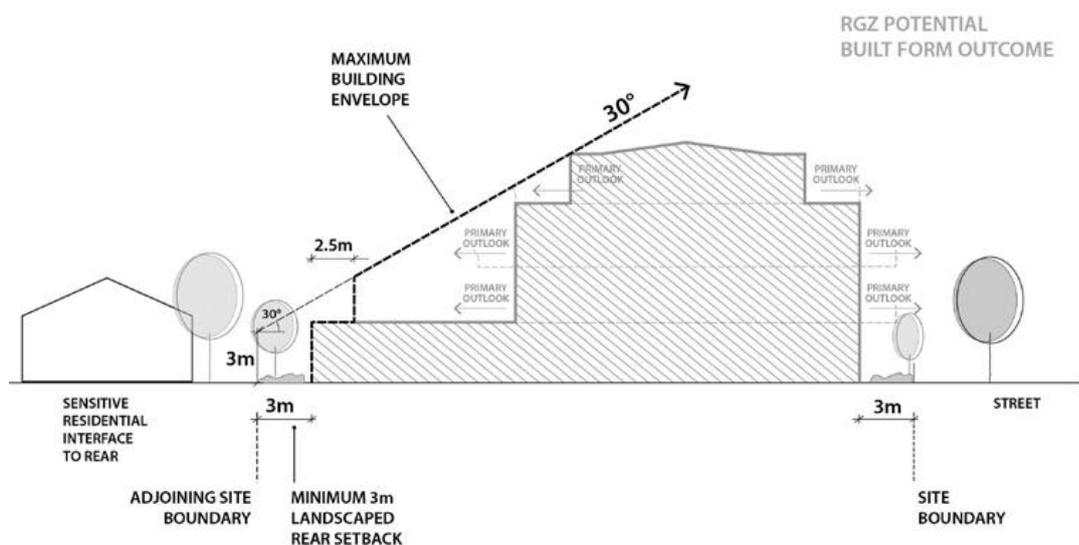
The building design requirements under the DDO17 specific to the site seek:

*Multi-storey residential with mixed use at ground level. High quality front of building design consisting of a podium between 1 – 4 storeys with taller built form set back from Plenty Road towards the middle of the site and set back from sensitive interfaces to the south;*

*Taller built forms should be positioned closer to Plenty Road with a distinctive podium to give proportion and scale to the lower levels that reinforce a pedestrian scale and active frontage to the street frontage;*

*Within 10m of the rear boundaries with adjoining the sensitive residential interfaces, the built form should be no higher than two storeys above the height of the existing adjoining dwellings to address potential off-site amenity impacts;*

The proposed DDO also includes the following envelope:



The dwelling 5, 6, 7 and 8 first floor balconies need to be setback 5.5 metres from the rear boundary. Subject to this change the proposed setbacks from the rear boundary comply with the exhibited 45 degree and adopted 30 degree DDO envelopes and provisions.

A front setback of 3.5 metres is proposed where the DDO contemplates a 3m front setback. The front setback is appropriate.

Not including walls on boundaries setbacks at ground floor from are generally 1.8 metres to 2 metres the north boundary and 3 metres from the south boundary. Setbacks from the north and south boundary are 3 metres at first floor. Setbacks from the north and south boundary are approximately 7.3 metre at second floor. These setbacks all comply comfortably with Standard B17 of Clause 55 and as a design response represent a generous setback from secluded private open spaces to the south and north having regard to the proposed zoning of the land under amendment C137.

### **Site coverage, permeability and walls on boundaries requirements**

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 22.02 - Neighbourhood Character – Precinct E4
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings

The proposed DDO controls allow 80 per cent site coverage, a minimum 10 per cent site permeability and a maximum 80 per cent walls on side boundaries. The proposal sits comfortably within these parameters with 70% site coverage, 20% site permeability and 8 per cent of walls the north boundary length.

### **Building design requirements**

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 15.01 - Urban Environment
- Clause 22.02 - Neighbourhood Character – Precinct E4
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

The proposed building has been assessed against the proposed and existing building design requirements as follows:

- The building adequately addresses Plenty Road with dwellings orientated to the street.
- The proposal provides natural light and ventilation to habitable rooms.
- Whilst it consolidates two lots the development retains the prevailing grain size and streetscape rhythm by virtue of massing of the design to Plenty Road.
- The building provides passive surveillance of the public realm through habitable ground floor windows and balconies and living areas to Plenty Road on the first floor above.
- Landscaping opportunities are provided through the site. No landscaping elements are proposed to Plenty Road such as green walls or roofs to soften the built form. Given the detached three storey scale, a storey less than allowed by the DDO which contemplates boundary to boundary development, and the 3.5 metre front setback which is 0.5 metres greater than allowed by the DDO this is an acceptable outcome.
- All site services have been located internal to the building and are not visible to the public realm.

- The ground floor provides an appropriate activation of the public realm.
- Dwellings front the street and the common residential entry is clearly delineated.
- The development is generally be sited, designed and treated to mitigate impacts from noise sources from the common vehicle access way and Plenty Road. An acoustic assessment should be provided to ensure the design provides suitable acoustic attenuation.
- Materials include concrete block, timber, render coloured which is an acceptable materials pallet.
- The elevations show a well-articulated façade and an appropriate level of design detail.
- Conditions of any approval will require further details of plant and equipment.
- The plans generally detail a flat roof form with the exception of two pitched roof elements at the front. This is an acceptable design solution and serves to minimise impact of building bulk.
- The car parking area does not dominate the street frontage as it is located to the rear. The roller door at ground floor is recessed and is a minor façade element.
- The development is considered to represent an appropriate design response in terms of detail and finishing, with appropriate articulation with setbacks and fenestration to the facades.
- The building is not an excessive height and scale.

### **Context**

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 15.01 - Urban Environment
- Clause 22.02 - Neighbourhood Character – Precinct E4
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

The proposal provides an appropriate quality design on the site, furthering urban consolidation objectives. The proposal has had sufficient regard to the context of the location, in that it takes into account the strategic direction for the land and area.

The applicant has undertaken a site analysis as part of the design process, which has informed the height, scale and massing of the development. The height of the development provides an appropriate transition to the lower-scale residential area to the south by way of sufficient setbacks and compliance with the 30 degree envelope.

As noted above under Building Setbacks and Site coverage, permeability and walls on boundaries requirements, the transition in scale to the north and south is appropriate.

The balconies of townhouses have an appropriate depth, which allows passage of daylight. The townhouses enjoy outlook even with screening to prevent overlooking to the west however screening should be fixed to 1.7m above the finished floor level.

The development allows adequate aspect and sunlight to open spaces.

Due to setbacks and articulation, the upper floors do not contribute unreasonably to visual bulk.

**The public realm**

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 15.01 - Urban Environment
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

The public realm will be enhanced with appropriate pedestrian entries. The design provides an appropriate entry and passive surveillance from the bedrooms and the upper floor dwelling balconies. A condition of any approval will require lighting to the pedestrian and garage entries.

**Safety**

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 15.01 - Urban Environment
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

The pedestrian entries are visible and provide an appropriate sense of address, which is secure, with passive surveillance. There are no apparent recesses which could allow concealment. However, further details of lighting must be provided as discussed above.

**Overlooking, Landmarks, Views and Vistas**

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 15.01 - Urban Environment
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

Views are not protected under local policy. The proposal provides appropriate articulation to the facades through materials, design and varied setbacks. It is considered to provide a suitable outlook to surrounding properties, consistent with the strategic intent of the area.

Windows and balconies are provided to the façade to promote passive surveillance. The dwelling 5, 6, 7 and 8 balconies / east facing habitable room windows need to be screened to limit overlooking impacts to the east.

Material OG should be notated as fixed obscure glazing.

The orientation of balconies will allow distant views and amenity to the occupants.

**Pedestrian Spaces / Access**

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17

- Clause 15.01 - Urban Environment
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

Dwelling 1, 4 and 10 have direct access from the street with the remainder of pedestrian access to the site is via the street frontage along the north boundary. The development provides an acceptable entry area and appropriate access to the site.

The design is considered appropriate, with passive interaction and surveillance and an appropriate scale. Vehicle access is via the existing crossover which is to be widened.

The entrance provides visibility and light into the front area.

The stairs provide acceptable access to the dwellings.

### **Overshadowing / Light and Shade**

This matter is a relevant consideration under:

- Clause 15.01 - Urban Environment
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

Having regard to the site context and the orientation of the land, there is no unreasonable loss of sunlight/daylight to the public realm.

### **Sustainability**

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 15.01 - Urban Environment
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

There are no dwellings with solely southern orientation.

The living areas are provided with views, with natural light and ventilation to all dwelling and habitable areas. Conditions of any approval will require further window operation to be shown and additional windows to bathrooms and to corner living rooms to increase cross ventilation. Whilst some are provided operable shading devices on west facing habitable room windows should also be required.

The proposal provides a residential development in an appropriate area to take advantage of existing services. An Sustainable Management Plan (SMP) has been submitted. Details of the BESS assessment are required and the implementation of the ESD measures within will be secured via a condition of any approval. Conditions of any approval will set out further ESD requirements in accordance with comments received from Council's ESD officer, specifically:

- Sun shading devices on the north façade located 200 mm above window heads.
- Skylights / daylight tubes to the Dwelling 9 and 10 second floor ensuites.
- External operable shading devices to west facing habitable room windows / balconies.

- Details of window opening type shown with awning windows to habitable room windows minimised.
- Details of double glazing on west facing windows to limit heat loss / gain and address noise issues associated with Plenty Road.
- All ground and first floor sanitary flushing to operate using 12,000L rainwater tank.
- Individual metre boxes.

### **Landscaping**

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 15.01 - Urban Environment
- Clause 22.02 - Neighbourhood Character – Precinct E4
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

The proposed DDO seeks to provide landscaping opportunities to the front and rear setbacks. The design allows landscaping to the sides. Having regard to the building heights, site coverage, front setback and extent of walls on boundaries allowed under the proposed DDO the proposal provides appropriate landscaping opportunities commensurate with the strategic intent of the area and to interface appropriately with its neighbours to the side and rear. A landscape plan has been submitted with the proposal and, subject to some changes to increase canopy trees to the rear and other minor matters is acceptable.

### **Building Entries**

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

The entrance to the building are clearly identifiable from the façade.

The entrances to the car parking areas are to west from the side street and do not detract from the façade.

### **Site Services**

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

Space for the storage of garbage is provided within the garage area. Adequate frontage is available for Council waste collection services.

Mailboxes for the dwellings are sited adjacent to the main entry point.

The compliance of the development with relevant fire fighting requirements, including water supply and access, is assessed at the Building Approval stage.

A condition requiring site services to be minimally visible from the public realm and adjacent properties is recommended.

Storage areas for the dwellings are provided.

### **Dwelling Diversity**

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

The development provides 10 dwellings with four (4) x three (3) bedroom dwellings and six (6) x two (2) bedroom dwelling which is sufficiently diverse.

### **Private and Communal Open Space**

This matter is a relevant consideration under:

- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

All dwellings are provided with private open space in the form of balconies, appropriately located adjacent to living areas and with adequate dimensions and access to sunlight. Open spaces areas are acceptable. Private open space are provided in the form of a courtyard or balcony that range from 8 square metres to 50 square metres in area.

Private open space is not accessible to the general public.

Communal open space has been provided at first floor level with a communal al fresco area as part of this development and this open space improves the amenity of the development.

### **Infrastructure**

This matter is a relevant consideration under:

- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

The site has access to services.

### **Access and Car Parking**

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 52.06 - Car Parking
- Clause 52.29 - Land Adjacent to a Road Zone Category 1
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

The car parking areas are secure.

The car park will be convenient to use and will provide adequate resident parking.

The proposal complies with the access and parking requirements.

The required provision of car parking is set out in Table 1 of *Clause 52.06-5* of the Planning Scheme.

Use	No./area	Parking Rate	Parking requirement	Parking Provision
Dwellings	6 dwellings	1 space to each one or two bedroom dwelling	6 spaces	6 spaces
	4 dwellings	2 spaces to each three or greater bedroom dwelling	8 spaces	8 spaces
Visitors	10 dwellings	1 space to every 5 dwellings for developments of 5 or more dwellings	2 spaces	2 spaces
<b>Total</b>			<b>16 spaces</b>	<b>16 spaces</b>

A reduction of no car spaces is required for the proposal.

#### Design Standards for Car parking

In terms of parking design and layout (under Clause 52.06-8), the following is relevant:

- The entry has a minimum width of 5 metres.
- The dimensions of the car spaces and access ways are adequate, with car spaces having a minimum width of 2.6 metres (2.9 metres where constrained by a wall), a length of 4.9 metres and an aisle width of 6.4 metres.
- Vehicles are able to enter and exit the site in a forward direction.
- Adequate headroom appears to be provided.
- Ramp gradients are acceptable.
- The parking area is internal to the development and will not visually dominate the streetscape.
- The number of access points is not excessive and there are no unreasonable paved surfaces to the front setback.
- The accessway is visible.
- VicRoads have reviewed the proposal and support it subject to conditions.

#### **Referral Summary**

Department/Authority	Response
Capital Works	No objection, subject to condition included in recommendation
Transport Management and Planning	No objection, subject to condition included in recommendation
ESD Officer	No objection, subject to condition included in recommendation.
VicRoads	No objection, subject to condition included in recommendation.

## Planning Scheme Summary

### Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08-4 (General Residential Zone GRZ3), a permit is required to construct a building or construct or carry out works.
- Clause 52.29 (Land Adjacent to a Road Zone, Category 1), a permit is required to create or alter access to a road in a Road Zone Category 1.

### Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.05-1, 21.05-2, 21.05-3, 22.02, 22.06
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 52.29, 55
General provisions	65.01
Neighbourhood Character Precinct	E4

## Policy Implications

### Environmental Sustainability

All new dwellings are required to achieve a minimum six (6) star energy rating under the relevant building controls. See assessment above.

### Social Inclusion and Diversity

Nil

### Other

Nil

### Financial and Resource Implications

There are no financial or resource implications as a result of the determination of this application.

### Future Actions

Nil

### Related Documents

- Darebin Planning Scheme and the *Planning and Environment Act 1987* as amended.

**Attachments**

- Aerial Map (**Appendix A**) 
- Plans (**Appendix B**) 

**Disclosure of Interests**

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

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

**6.2 AMENDMENT C157 - 217-239 SEPARATION STREET,  
NORTHCOTE: DAREBIN PLANNING SCHEME AMENDMENT****Author:** Acting Manager City Design and Strategic Planning**Reviewed By:** Director City Futures and Assets

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**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 General Residential 2 Zone, 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**

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

**Previous Briefing(s)**

- 28 November 2016
- 20 February 2017

**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 General Residential 2 Zone (GRZ2). The GRZ2 provides flexibility to accommodate a diversity of housing types and styles which will respect and respond to the neighbourhood character and 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, 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.

- 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) Request 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 exhibit Amendment C157 to the Darebin Planning Scheme in accordance with notice requirements under section 19 of the *Planning and Environment Act 1987*;
- (3) Authorise 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 General Residential Zone 2 (GRZ2)
- 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 GRZ2 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 reflects the existing built form.

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.

### **Issues and Discussion**

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 is to cease operation in March 2017. The lease arrangements 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. It is noted that the site at 217-223 (being the larger of the two sites) ceased operations in February 2017 and is currently vacant.

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.

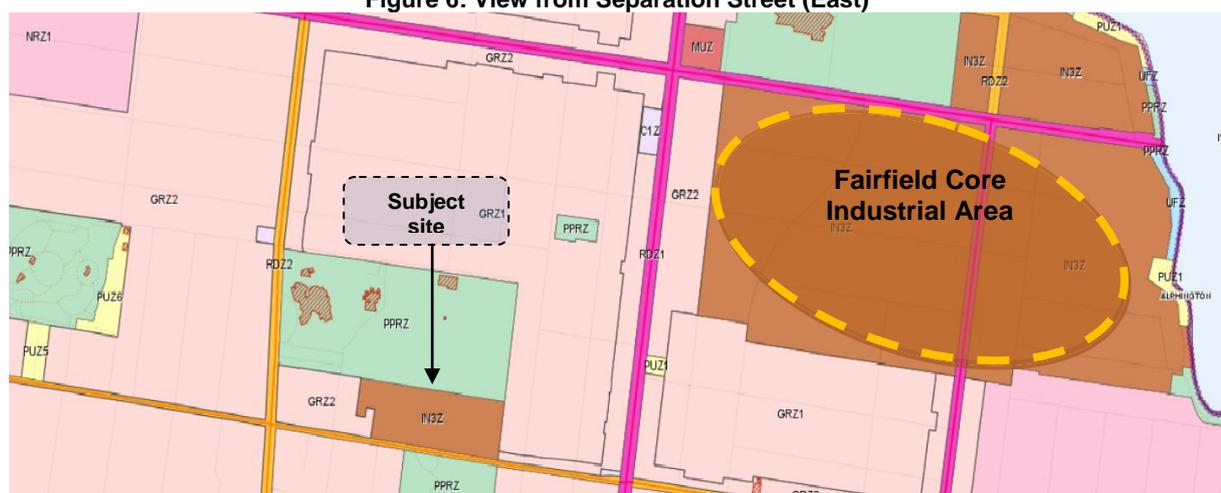
The Local Planning Policy Framework (LPPF) reinforces the state policy provision through statements in the Darebin Municipal Strategic Statement (MSS) and Local Policies which encourage the retention of viable industrial land, in particularly that in the municipality's core industrial areas.

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: View from Separation Street (East)**



*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. The general residential zone provides flexibility and can accommodate a diversity of housing types and styles which will respect and respond to the surrounding neighbourhood character and allow for increased housing density.

#### 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, barbecue facilities and playground equipment for McDonnell Park, new public lighting and improvements and extensions to shared pedestrian/cycle lanes in Rubie Thomson Reserve.

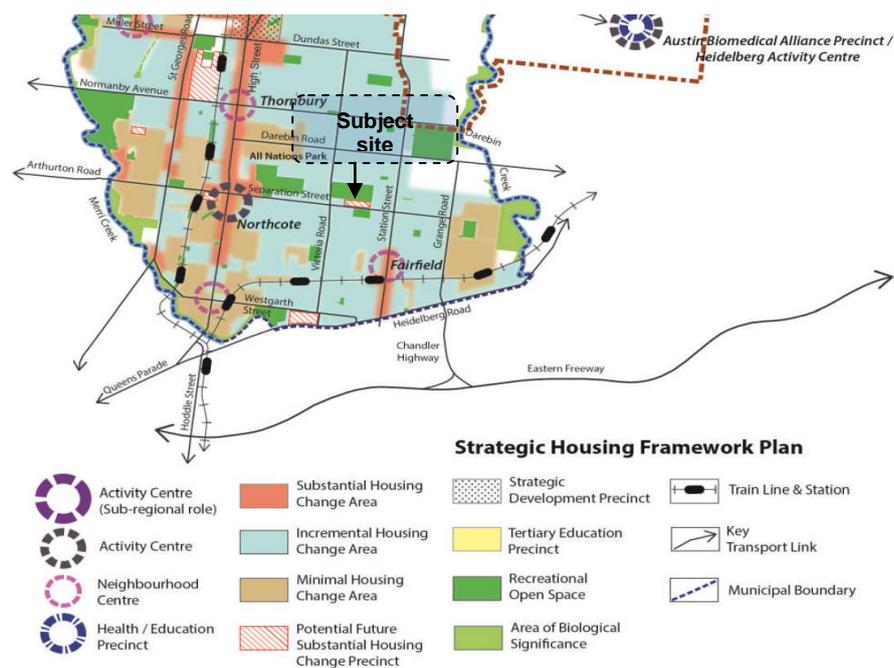
Proposed General Residential Zone 2 (GRZ2)

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 General Residential Zone 2 (GRZ2). The GRZ2 seeks to respect and preserve neighbourhood character whilst allowing modest housing growth and diversity.

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 GRZ2 supports:

- A mix of housing types and styles 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 therefore accommodate more intense development than its residential interface. A development of four (4) storeys (with a possible six storeys as a height bonus) is being proposed and considered an appropriate response to site context. The general residential zone will provide a good outcome for the sensitive interfaces adjoining the site.

The rezoning to allow residential land use is compatible with surrounding residential area and can be supported by nearby services. It is considered however, that some amenity improvements regarding accessibility and pedestrian safety to be required to accommodate the increase in residential population.

The development Plan Overlay will ensure that all future development will achieve the built form and design aspirations for the site.

#### 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 relation 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) for 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).

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 B**) 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 A**), 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 A**), the infrastructure contributions identified by council officers as broader public benefit are specified in the DPO13 (**Appendix B**) 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 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 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 B**) 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:*
  - o *be named;*
  - o *have identifiably public entrances;*
  - o *be located to align with pedestrian crossings at Separation Street and pedestrian/cycle paths at McDonnell Park;*
  - o *be accessible and located at ground level;*
  - o *incorporate CPTED (Crime Prevention through Environmental Design) principles in its design;*
  - o *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**

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.

The contributions should be based on community need and strategically justified by Council. For these reasons, 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.

#### **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.

#### **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 refuse 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
- 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

### Attachments

- Infrastructure Plan (**Appendix A**) 
- Planning Scheme Amendment Documents (**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.

**6.3 NORTHLAND URBAN RENEWAL PRECINCT (NURP)  
STEERING COMMITTEE UPDATE AN LONG TERM  
PLANNING****Author:** Acting Manager City Design and Strategic Planning**Reviewed By:** Director City Futures and Assets

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**Report Background**

This report is to provide the Council with an update on the NURP Steering Committee December meeting outcomes and recommendations.

**Previous Council Resolution**

Council last received a report and recommendations from the Steering Committee at the meeting dated 20 June 2016. The relevant minutes from that meeting are in **Appendix A**

**Previous Briefing(s)**

- 9 December 2013
- 10 June 2014
- 10 March 2015
- 7 March 2016
- 20 February 2017

**Council Plan Goal/Endorsed Strategy**

The project delivers on several goals, including:

- Goal 1 – Vibrant City and Innovative Economy;
- Goal 3 - Sustainable and Resilient Neighbourhoods; and
- Goal 4 – Thriving and Creative Culture.

**Summary**

The Northland Urban Renewal Precinct is a program that consists of a number of projects. Progress on these projects is reported to the Steering Committee approximately 3 times per year. This paper is a summary of the December meeting.

<b>Recommendation</b>
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**That Council:**

- (1) Endorse Jeff Percy and Dee Wild as community representatives on the Northland Urban Renewal Precinct Steering Committee.
  - (2) Notes the recommendations included in **Appendix B** from the December meeting of the Northland Urban Renewal Precinct Steering Committee.
  - (3) Support officers use of the findings from the various completed reports to progress the completion of the Urban Renewal Strategy and Structure Plan.
  - (4) Endorse the findings of and adopt the draft final Joint Community Infrastructure Plan report.
- 

**Introduction*****Steering Committee Membership***

The Terms of Reference were revised in July 2015 and adjusted as a result of a Council resolution 20 July 2016 to include the Darebin Mayor on the Committee as Chair. The amended Terms of Reference are included in **Appendix C**.

Role of the Steering Committee has slightly changed to assist in the consideration of the scope and range of issues being addressed through this program. Meetings have been set for March, July and November in 2017. Apart from Councillor Julie Williams, there are several new members to the Committee as a result of recent Council elections and filling vacant positions. The new City of Darebin Councillor and Manager representatives include:

- Mayor Cr Kim Le Cerf;
- Cr. Lina Messina;
- Cr Steph Amir; and
- Executive Manager City Plan and Transformation, Eddy Boscarol

There are two new community representative members:

- Dee Wild from Wild about Melbourne as the Darebin community representative.
- Jeff Percy from Olympic Adult Education as the Banyule community representative.

**Issues and Discussion*****2016/2017 Work Program Status***

The 2016/2017 work program (**Appendix D**) is progressing well with some adjustments being made to respond to resource changes and external factors. Several Foundation Phase projects have been completed and are now being integrated into the Urban Renewal Strategy<sup>1</sup>.

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<sup>1</sup> Urban Renewal Strategy is the overarching document that will guide the redevelopment of the NURP

The following completed projects were presented to the Steering Committee for consideration:

- Urban Design and Environmental Performance Modelling project (UDEPM) (**Appendix E**). Further work is necessary before the Committee recommendation, to use the findings as a tool in assessing development applications;
- Light Rail/Tram Pre-Feasibility Study (**Appendix F**); and
- Joint Community Infrastructure Plan for the La Trobe National Employment and Innovation Cluster (**Appendix G**).

All of the specialist issue reports will assist in finalising the Concept Plan and feed into the Urban Renewal Strategy and Structure Plan.

### ***Pending Project Work***

The following projects have commenced and project progress will be reported to the Steering Committee at the March meeting. A Project Scope summary for each project is included in

### ***Appendix H***

- Car Parking Discussion Paper
- Economic Development and Employment Strategy
- Public Realm Strategy

It is anticipated that recommendations from this meeting will assist in completing the Urban Renewal Strategy which will be presented in full to the July meeting cycle.

### ***Advocacy Change Projects***

There is the opportunity to commence several place-making activities in the short term that will in effect change how the Precinct is perceived. The following four projects have been identified through the alignment of a number of opportunities and interest from external stakeholders and with the potential to deliver through a partnership approach and attract external funding. A summary of these projects is included in **Appendix D**.

### ***Development Facilitation***

There are a number of key strategic sites that are likely to begin redevelopment planning prior to the completion of the Renewal Strategy and Structure Plan. Discussions with a number of land owners are ongoing. A summary of discussions on each site to date is included in **Appendix D**.

### ***Community Engagement - NURP Web page***

The regular visit profile, which is increasing weekly and registrations demonstrate there is a desire in the community to learn more about the Northland Urban Renewal Precinct project. It is anticipated that interest will grow with information about key projects such as the TW Blake Skate Park and local sustainability initiatives are uploaded to the webpage. This material will be uploaded in stages and will identify opportunities for the community to provide feedback or ask questions.

Further engagement and consultation activities are being planned to seek feedback on several reports have recently been completed. All feedback received will be reported to the Steering Committee and Council.

### ***La Trobe National Employment and Innovation Cluster***

Meetings with the Victorian Planning Authority occur on an as needs basis. The preparation of a Framework for the Cluster is ongoing. It is expected that consultation on the Framework Plan will commence in late March.

### **Conclusion**

The delivery of the NURP work program contributes to achieving multiple Council goals. By strengthening Council's supporting evidence-base the implementation of the NURP Vision will attract investment and employment. The NURP program of projects seeks to maintain and enhance the long term environmental sustainability of the Precinct via a number of strategies including embedding One Planet Principles and ESD controls in the planning scheme. This has been a highly productive period for the NURP program with several Foundation Phase projects being completed.

### **Options for Consideration**

The Council may adopt, reject or amend the recommendations suggested by the Steering Committee.

### **Financial and Resource Implications**

#### **NURP Funding Approach**

Where possible NURP projects have been structured to utilise partnerships and share the funding of projects. The JCIP project is an example of multiple project partners each contributing to a common outcome that has a greater value than its component parts.

New Initiative funding will be requested for the development of the Structure Plan, Planning Scheme Amendments and various Concept, Infrastructure and Development Plans.

There is potential to generate enough income to offset the bulk of the upfront infrastructure provision costs through detailed planning in advance of any land use rezonings. Several Foundation Phase projects and proposed 2017/2018 projects have been planned to be delivered at a sufficient detail to inform the preparation of an Infrastructure Plan and Contribution Levy.

### **Risk Management**

During this Foundation Phase of the work program there a relatively few risks and the intent of this extended planning phase is to ensure the implementation of the concept plan has been well considered and is delivered smoothly. The greatest risk at this phase is the loss of momentum if projects are not fully resourced or if priorities change mid-project.

There is some short term development pressure which could see different sites redeveloped for low employment density uses with long leases. This will inhibit change and could dilute the implementation Council's vision.

## **Policy Implications**

### **Economic Development**

The delivery of the NURP work program 2016 – 2018 contributes to achieving multiple Council goals. It will attract investment and employment generation land uses through changing planning scheme controls to allow for a greater mix of uses at increased job and residential densities.

### **Environmental Sustainability**

The NURP program of projects seeks to maintain and enhance the long term environmental sustainability of the Precinct via a number of strategies including embedding One Planet Principles and ESD controls in the planning scheme. This will ensure private development adopts best practice design and construction approaches.

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

The City of Darebin aspires to develop a physical, social and economic environment that supports and enhances the health and wellbeing of Darebin residents and will strive for a just and inclusive community that feels connected and a sense of place that is valued.

### **Other**

### **Future Actions**

- The progress of the various projects and officer activity will be reported to the next Steering Committee meeting scheduled for 30 March 2017.

### **Consultation and Advocacy**

The following list identifies the scope of internal and external organisations consulted as part of the work program delivery designed to provide direction to the Renewal Strategy and Structure Plan:

- Department of Health and Human Services (DHHS)
- Victorian Planning Authority (MPA)
- Department of Environment, Land, Water and Planning (DELWP)
- Banyule City Council
- La Trobe University
- Darebin Community Health Centre
- Banyule Community Health Centre
- Preston North-East Resident Action Group
- Yarra Trams

#### Council units

- Project Management Office
- Sustainable Transport Strategy
- Business Economic Development
- Environment and Natural Resources
- Creative Culture

- Leisure and Public Realm
- Assets and Properties
- Statutory Planning
- Major Projects and Infrastructure
- Communication and Marketing

Once the draft Structure Plan has been endorsed by Council, the Plan will be exhibited and community given the opportunity to review and comment. A detailed Communication Plan will be developed and distributed to Councillors for consideration. Both the NURP precinct and the surrounding residents outside the precinct will have an opportunity to comment on draft Structure Plan through a number of channels.

### Related Documents

- Council Minutes – 20 June 2016

### Attachments

- Council minutes - 20 June 2016 (**Appendix A**) 
- Committee Recommendations (**Appendix B**) 
- Amended Terms of Reference June 2016 (**Appendix C**) 
- Work Program and report (**Appendix D**) 
- UDEPM summary (**Appendix E**) 
- Light Rail -Tram Draft Final Report Summary (**Appendix F**) 
- Joint Community Infrastructure Plan Final Report. (**Appendix G**) 
- Pending Project Work (**Appendix H**) 

### 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 LANDFILL REGIONAL WASTE CONTRACT - STATE GOVERNMENT LANDFILL LEVY****Author:** Manager Environment and Community Outcomes**Reviewed By:** Director Operations and Environment

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**Report Background**

This report is in response to Council Resolution from the Council meeting held on 5 December 2016.

**Previous Council Resolution**

At its meeting held on 5 December 2016, Council resolved:

*'That Council receives a report by March 2017 on the total amount collected for the State Government landfill levy from Darebin Council, residents and traders since the introduction of the levy, compared with the amount received by Darebin in grants (after deducting funding for environmental agencies such as EPA, Sustainability Victoria and Metropolitan Waste and Resource Recovery Group). The report should also outline the various options available to Council to advocate for its fair share of the State Government landfill levy, including the unspent amount of approximately \$3.6 million.'*

**Previous Briefing(s)**

Councillor Briefing – Landfill Regional Waste Contract, on 28 November 2016

**Council Plan Goal/Endorsed Strategy**

This report relates to the 2013-2017 Council Plan Goal 3 – Sustainable and Resilient Neighbourhood's and Darebin Council's Waste and Litter Strategy 2015-2025

**Summary**

- The intent of the Victorian landfill levy is to reduce waste to landfill and increase recycling and resource recovery.
- The State Government introduced the landfill levy in 1992/1993 at \$2 per tonne of municipal waste. It now sits at \$62.03 per tonne.
- This money is distributed to State Government agencies for their own operations and to fund waste and other sustainability programs, infrastructure and initiatives.
- Much of the unspent money from the landfill levy sits in the Sustainability Fund. As of 30/6/16 this fund held \$466,252 million in unspent landfill levy funds and \$136 million of this was earmarked for expenditure in the 2016/2017 State Budget.

Since 1998/1999, it is estimated that Council on behalf of itself, residents and traders has:

- paid over \$9,782,700 in fees into the landfill levy with almost \$8 million of this in the past six years and
- received an estimated \$1,811,586 of the levy by way of grants and project funding equating to 19% of the levy paid.

A 2016 Ministerial Advisory Committee independent investigation found that the landfill levy was failing to meet its environmental regulatory objectives. It recommended the landfill levy be redesigned to address this.

The recommendations focus on working with other councils, peak bodies and organisations to progress transparency and appropriate allocation of the landfill levy to target waste reduction and improved recycling and illegal dumping outcomes; as well as writing to the Premier, relevant Ministers and MPs.

### Recommendation

#### That Council:

- (1) Note this report and work with other Councils, peak bodies and organisations to progress transparency and appropriate allocation of the landfill levy to target waste reduction and improved recycling and illegal dumping outcomes.
  - (2) Write and send a copy of this report to the Premier, relevant ministers and local MPs requesting better transparency regarding the spending and allocation of the landfill levy including increased funding to councils to support waste reduction and programs to improved recycling and reduce illegal dumping.
  - (3) Propose a motion to the Municipal Association of Victoria (MAV) at the May State Council and the Metropolitan Waste and Resource Recovery Group's (MWRRG) Local Government Waste Forum, requesting improved transparency regarding the spending and allocation of the landfill levy including increased funding to councils to support waste reduction and programs to improve recycling and reduce illegal dumping.
- 

### Introduction

The Victorian Landfill Levy is set under the Environment Protection Act 1970 and is the State's main economic instrument used for environment protection. It is designed to create a financial incentive to reduce waste disposal to landfill - aiming to increase recycling and resource recovery by imposing a fee on all waste disposed to landfill – including municipal and industrial waste from Councils, residents, traders and others.

The landfill levy was introduced in 1992 at \$2 per tonne of municipal waste for the 1992/1993 financial year, slowly increasing to \$9 per tonne by 2007/2008.

In 2010 the landfill levy was significantly increased, rising by 233% in one year, up from \$9 per tonne to \$30 per tonne of municipal waste. The levy has continued to increase annually, currently sitting at \$62.03 per tonne of municipal waste for 2016/2017.

### Issues and Discussion

Currently, the money from the landfill levy is allocated by the Minister for Energy, Environment and Climate Change to key government environment agencies - Environment Protection Authority Victoria (EPA), Sustainability Victoria (SV) and the regional waste and resource recovery groups and potentially some public bodies/entities. The remainder is held in the Sustainability Fund, which must be used for waste, sustainability and climate change outcomes.

In 2015/2016, \$41.3 million was spent from the fund, the largest ever single expenditure of the fund to date. Despite this, the unspent portion of the Sustainability Fund as of 30 June 2016 sat at \$466.252 million.

The 2016/2017 State Budget identified that over the next four years, \$136 million of this Fund will be used for initiatives on climate change, energy, waste management, recycling and biodiversity.

The Minister for Energy, Environment and Climate Change has advised the Municipal Association of Victoria (MAV) that: *“to advance waste and resource recovery infrastructure and technology in Victoria, the Andrews Government is prioritising investment where the landfill levy can leverage private investment”*.

Government agencies were unable to advise Council Officers of any further allocations to be made from the Sustainability Fund at this time.

### Landfill levy impact on Darebin

Very little information was readily available prior to 1998/1999 on Darebin’s payments to and grants from the landfill levy, so Council Officers have based this report on available data since 1998/1999.

It is estimated that Darebin Council, on behalf of itself, residents, businesses and traders has paid over \$9,782,700 to the landfill levy from 1998/1999 until the start of the 2016/2017 financial year. Most of this - \$7,922,230 - has been paid in the past six years, since the significant levy increase in 2010/2011.

During this time, Council has received grants and funding that have been derived from landfill levy funds. These cover a range of waste, sustainability and other activities and programs, with the total estimated received as \$1,811,586, or 19% of levy payments.

<b>Darebin Payments and Returns from Victorian Landfill Levy</b>	
Minimum Payment to Landfill Levy 1998/1999 to 2015/2016*	\$9,782,728.76
Minimum Grants Received from Landfill Levy 1998/1999 to 2015/2016*	\$1,811,586.41
Total Difference Between Payment and Receipt	\$7,971,142.35

\*Payments made to and grants received from the landfill levy are approximations based on the information available from State Authorities and Darebin City Council.

In addition to this, funding was granted to other parties, which Darebin may benefit from – such as the \$3.3 million investment in the green waste processing facility that Council uses. Figures such as these have not been included in this report.

### Is the Landfill Levy working?

A number of metropolitan and state strategies and plans exist which include implementation plans for waste and resource recovery, organics, education and market development. These have a number of priorities including the development of infrastructure, increasing resource recovery and reducing waste to landfill. The priorities of these plans and their relevance are important considerations for the allocation of the landfill levy.

Notwithstanding this, when considering the landfill levy, the 2016 Ministerial Advisory Committee’s independent investigation into the EPA found that:

*“Broadly-based levies on waste can be a legitimate alternative to general tax revenue as a source of funding. But we observed that these levies are failing in their primary regulatory objective of reducing disposal to landfill.*

*The widespread incidence of illegal dumping of wastes, to avoid landfill costs, is undermining both the regulatory and the revenue objectives of landfill levies.”*

The Ministerial Advisory Committee’s recommendation on the landfill levy was to:

*“Redesign the Municipal and Landfill Levy so that it better meets its regulatory objectives and to reduce incentives for illegal dumping, while maintaining a sustainable source of funding for environment protection activities.”*

### **Options for Consideration**

Since the significant increase in 2010, the Victorian landfill levy has been an issue of concern for local government. This concern has centred on the levy cost, how the levy is spent - or not spent - and the effectiveness of the levy. Many Melbourne metropolitan Councils anecdotally report increased rubbish dumping since the introduction of the higher levy in 2010. As a result of this concern, much advocacy has already occurred around the landfill levy and is likely to continue.

A number of motions have been passed at the Metropolitan Waste and Resource Recovery Group’s (MWRRG) Local Government Forum and the MAV’s State Council, to date having very little success. In spite of this, these remain the key avenues for Victorian and metropolitan Melbourne Councils to unite to address issues with the landfill levy and its allocation.

The last MAV State Council Motion on the landfill levy was in October 2015 and the last discussion regarding the landfill levy at the MWRRG Local Government Forum was in June 2016, acknowledging the State Budget allocation of levy funds over the coming four years.

There are two key suggestions for Council regarding advocacy on this issue:

1. That Darebin Council work with others.

This issue affects all Victorian Councils. Advocacy with other metropolitan Melbourne - and more broadly - Victorian Councils is suggested. Working with other bodies and organisations such as environmental non-government organisations is also suggested.

2. That advocacy on the landfill levy also includes the ineffectiveness of the levy to date.

As highlighted in the Ministerial Advisory Committee investigation the levy is failing to reduce waste to landfill. Redesign of the levy is needed to address this and ensure that the levy meets its regulatory objectives.

Accordingly the recommendations focus on working with other councils, peak bodies (including MAV and MWRRG) and organisations to progress transparency and appropriate allocation of the landfill levy to target waste reduction and improved recycling and illegal dumping outcomes; as well as writing to the Premier, relevant Ministers and MPs.

### **Financial and Resource Implications**

It is estimated that Council will pay over \$1.6 million in landfill levies in the current financial year and this is included in the annual operational budget. It is anticipated that the levy will increase annually in line with the consumer price index.

**Risk Management**

There are no risks arising as a result of this report.

**Policy Implications****Economic Development**

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

**Environmental Sustainability**

If the levy was rectified so it was meeting its primary objective, reduced waste to landfill, increased recycling and potentially decreased dumping may result. If the unspent landfill levy was allocated as this report recommends, increased sustainability grants may result.

**Human Rights, Equity and Inclusion**

If the landfill levy's Sustainability Fund delivers on its legislated purpose in 2016/2017, projects and outcomes from the fund's investment will assist Victorians to adapt to the impact of climate change – particularly those most vulnerable and least able to do so.

**Other**

There are no other factors which impact on this report.

**Future Actions**

Council to consider the recommendations made by this report

**Consultation and Advocacy**

- A number of internal staff and state agencies were contacted in the writing of this report.
- Manager City Works
- Manager Communications and Advocacy
- Manager Environment and Community Outcomes
- Coordinator Civic Compliance
- Financial Accountant
- Senior Media Advisor
- Team Leader Local Laws
- Department of Environment, Land, Water and Planning – Sustainability Fund
- Environment Protection Authority Victoria
- Sustainability Victoria
- Metropolitan Waste Resource Recovery Group
- Municipal Association of Victoria

**Related Documents**

- *Environment Protection Act 1970*
- 2016 Sustainability Fund Priority Statement
- Sustainability Fund Guidelines
- Department of Environment, Land, Water and Planning 2015/2016 Annual Report
- Darebin Waste and Litter Strategy 2015-2025
- MAV State Council Resolutions on the landfill levy
- Letter from the Minister for Energy, Environment and Climate Change 25 August 2016 to the MAV in response to the State Council October 2015 resolution on the Sustainability Fund and the landfill levy
- Council Minutes – 5 December 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.

**6.5 CLIMATE CHANGE STRATEGY CONSULTATION AND REVIEW****Author:** Manager Environment and Community Outcomes**Reviewed By:** Director Operations and Environment

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**Report Background**

In 2007 and 2009 Council adopted the Climate Change Action Plans for Council operations and for the community respectively. Council committed to zero greenhouse emissions by 2020 for both Council and community emissions. Council also adopted the Climate Change and Peak Oil Adaptation Plan in 2009. These strategies were reviewed over 2016 and consultation has taken place to inform a draft Darebin Climate Change Action Plan incorporating Council and community climate mitigation and adaptation action for Council consideration.

**Previous Council Resolution**

At its meeting held on 5 December 2016, Council resolved:

*'That Council recognises that we are in a state of climate emergency that requires urgent action by all levels of government, including by local councils.'*

**Previous Briefing(s)**

Councillor Briefing - Climate Change Strategy Consultation and Review - 20 February 2017

**Council Plan Goal/Endorsed Strategy**

- Goal 3 - Sustainable and Resilient Neighbourhoods
- Darebin Climate Change Action Plan
- Darebin Community Climate Change Action Plan
- Darebin Climate Change and Peak Oil Adaptation Plan

**Summary**

In 2007 and 2009 Council adopted the Climate Change Action Plans for Council operations and for the community respectively. Council committed to zero greenhouse emissions by 2020 for both Council and community emissions. Council also adopted the Climate Change and Peak Oil Adaptation Plan in 2009. These strategies were reviewed over 2016 and consultation has taken place to inform a draft Climate Change Plan for Council consideration.

The attached draft plan (**Appendix B**) has been prepared for consultation. It includes the adoption of a carbon budget approach aimed to keep our average global temperature warming to below 2°C (to avoid the most catastrophic effects of climate change). By implementing this plan Council aims to reduce community emissions by 16.1% or 186 kt in 2022 to stay under the 'carbon budget' and move towards a zero carbon community. Following community consultation Council will receive a further report to adopt a final plan.

<b>Recommendation</b>
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**That** Council:

- (1) Endorse the draft Towards Zero Carbon Climate Change Action Plan in **Appendix B** for consultation.
  - (2) Receive a further report following consultation.
- 

## Introduction

The last few decades have seen an unprecedented rate of warming. The last 16 years are among the 17 warmest years on record. 2016 was the hottest year on record and the third year in a row to beat this record. Global sea levels rose over 20cm since the end of the 19th century. If greenhouse gases continue to rise at this rate by 2100 the global average air temperature will be 4°C above mid-19th century temperatures, leading to catastrophic effects on our environment.

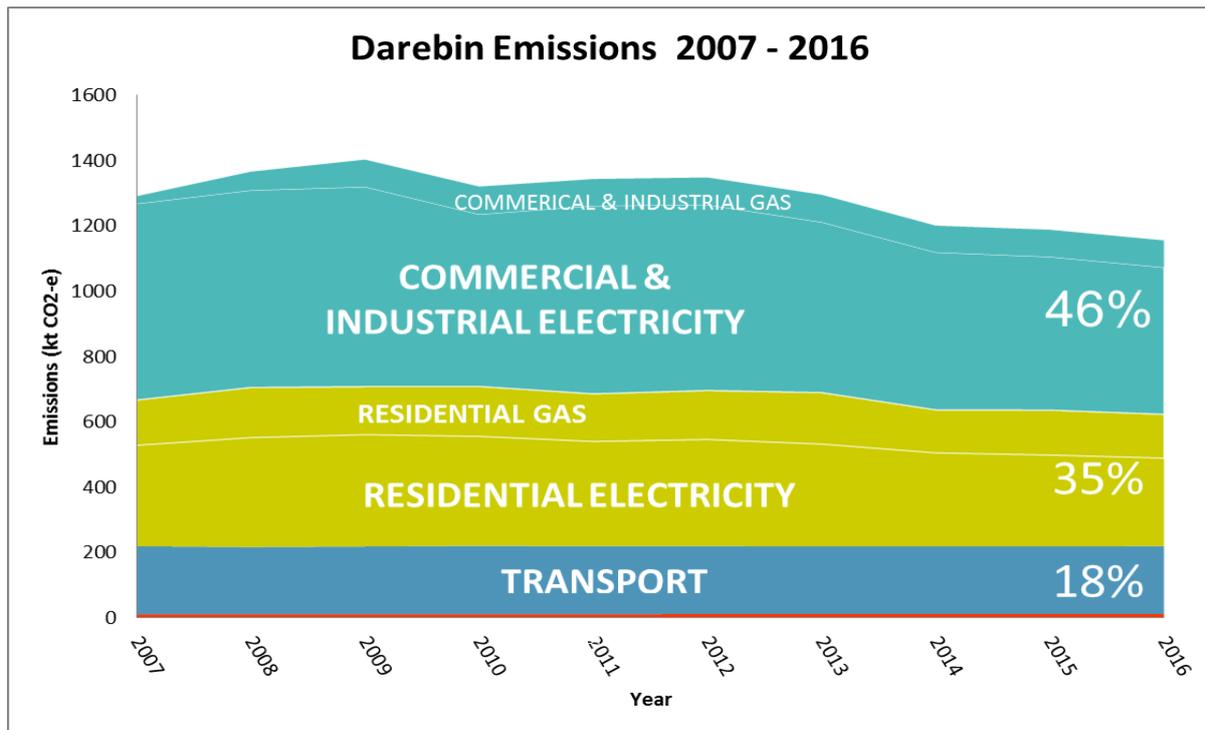
To avoid the worst effects of climate change Australia together with over 190 nations have signed the Paris UN agreement to keep average global temperatures to well below 2°C pre-industrial temperatures and aim to limit the increase to 1.5°C.

In 2007 and 2009 Council adopted the Climate Change Action Plans for Council operations and for the community respectively. Council committed to zero greenhouse emissions by 2020 for both Council and community emissions. Council also adopted the Climate Change and Peak Oil Adaptation Plan in 2009. These strategies were reviewed over 2016 and consultation has taken place to inform a draft Climate Change Action Plan (incorporating Council and community mitigation and adaptation strategies) for Council consideration.

The attached summary in **Appendix A** shows key climate action milestones achieved by Council to 2016.

Council has been able to reduce operational emissions by 48% from 2007 through investment in energy efficiency and solar as well as purchase of GreenPower, which currently offsets electricity use in Council buildings. Council's corporate greenhouse emissions were 8.54 kt CO<sub>2</sub>-e in 2015-16.

Community emissions have been harder to effect change. Whilst population has been growing and will continue to grow this has been countered to date with energy efficiency and the installation of solar PV. There has also been a significant reduction in electricity emissions intensity. This will reduce further in line with Victorian Government Renewable Energy Target commitments. As shown on the chart below whilst there have been reductions in community emissions, (an estimated 18% reduction since 2009) the community emissions are 1,155kt and significant action is required to reduce these emissions further.



**Issues and Discussion**

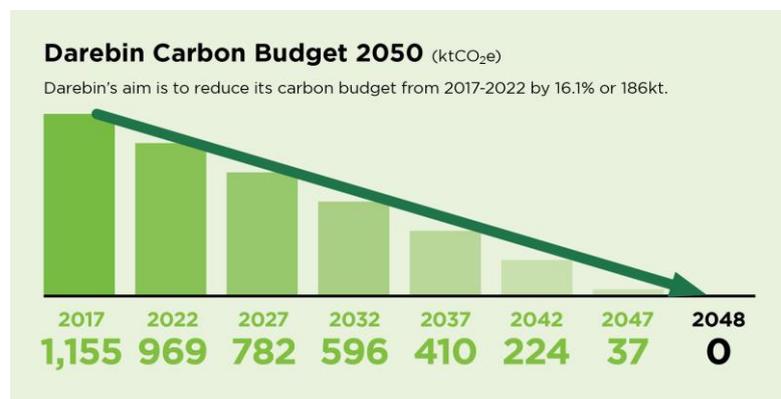
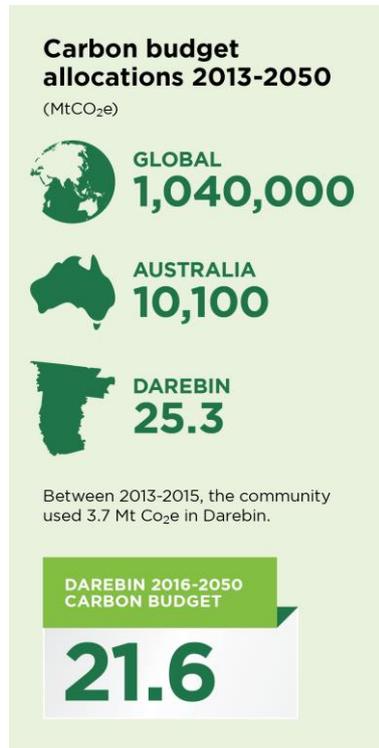
Council has recognised that we are in a state of climate emergency that requires urgent action by all levels of government, including by local councils. As a Council we will take actions within our control to both mitigate climate emissions and bring about the necessary adaptation measures to enable our community and future generations to live healthy lives. We will adopt and review targets grounded in science. We will develop programs that are able to be scaled up to benefit other communities. We recognise that together with our communities and like-minded partners we must take action to influence other levels of government, industries and organisations that have the greatest powers to take urgent and appropriate action to respond to the climate emergency. The draft plan has been developed to reflect this commitment.

Council do not have direct control over residential and commercial carbon emissions. Council remains committed to getting to zero emissions but needs residents, business community, State and Federal Government to partner in that goal. Without this partnership, the only way for Council to enable the community to become carbon neutral by 2020, is to purchase carbon offsets for the whole community. This would not be financially sustainable and would not affect the government policies and legislation and behaviour change needed to reduce emissions to zero within the time span required to avert serious climate change effects.

To provide leadership, reflect the climate change emergency and provide a foundation to Council’s climate advocacy campaigns it is proposed that emissions from council operations be offset so that Council can join other leading organisations that have become carbon neutral. Offsets will be researched to ensure they reflect council and community values. This would replace Council’s current GreenPower purchase for council buildings.

Whilst Council still aspires to be carbon neutral as early as possible, the concept of a carbon budget illustrates a rationale for an absolute deadline for when we need to be carbon neutral, and why. To keep our average global temperature warming to below 2°C (to avoid the most catastrophic effects of climate change) there are a finite amount of greenhouse gas emissions (measured in carbon dioxide equivalent – CO2-e) that can be released into the atmosphere over the next few decades. This amount is what is known as a carbon budget.

If the world continues on its current rate of decarbonisation we are on track to blow the budget by 2036. In order to keep to our budget, major changes need to be made. Although challenging, it is technologically and economically feasible. The diagrams below show how the budget is derived from global emissions and the proposed transition for Darebin to zero emissions within the target emissions.



The draft plan outlines seven key directions with identified actions to reduce emissions in the community and Council operations. By implementing these actions Council aims to reduce community emissions by 16.1% or 186 kt in 2022 to stay under the 'carbon budget' and move towards a zero carbon community. The key direction areas are:

1. Energy efficiency
2. Renewable energy
3. Low emissions transport
4. Waste minimisation
5. Adaptation and resilience
6. Engaging the community
7. Council Leadership

Highlights of the draft plan include:

- The creation of the Darebin Energy Foundation to accelerate sustained and meaningful action with the community (residents, businesses, education and other organisations) to reduce Darebin's greenhouse emissions and embed community resilience to climate change.
- Doubling the amount of solar PV in Darebin from 19,000kW to 38,000kW through an expanded Solar \$aver program, school, business and community energy programs. These ambitious programs will involve an initial investment of \$20 million by Council, the majority of which will be paid back through special rates schemes. Battery storage options will be explored as their cost effectiveness is expected to improve significantly over the next 5 years.

- Supporting households and businesses to be more energy efficient and more resilient to heat waves, and energy cost increases including measures to minimise the urban heat island effect.
- A continued emphasis on supporting our most vulnerable and socio-economically disadvantaged communities.
- Improved engagement and communication with our community including culturally and linguistically diverse (CALD) communities.
- Council Leadership with continued reduction of operational emissions, installation of an additional 440kw solar on Council buildings, reduced fleet emissions including low emission and electric vehicles and purchase of offsets to lead the way with a zero carbon Council.

Advocacy is a key part of the plan as State and Federal Government policy and legislation will have the biggest impact on community emission reductions and are the most significant component in reaching zero emissions. These include: Renewable Energy Targets, emissions trading schemes, planning policy changes and minimum energy standards for homes, commercial buildings and vehicles. Collaborative campaigns including partners such as other councils, education institutions, industry groups, community organisations and our community will be important to effect real change.

### Options for Consideration

A key consideration in the development of this plan was the commitment to reach zero emissions by 2020 for the community. This is possible but would require purchase of offsets estimated at a cost of over \$11 million annually. This is not sustainable and is not supported by the community who would prefer emission reduction programs in our community rather than offsets.

Purchase of offsets for community emissions would not bring about the sustained government policy and legislative changes required to transition our community and economy to zero carbon. Spending this money on programs like the Darebin Solar Saver program instead will bring about reduced emissions and improved community resilience.

### Financial and Resource Implications

The current budget allocation for climate change plan implementation is \$427,000 including \$127,000 direct programs and \$300,000 for purchase of GreenPower (paid across the organisation as part of electricity purchase.)

The plan recommends that this funding is maintained but reapportioned in line with recommended strategic directions. The proposed breakdown of costs is included in the following table and is proposed to be reviewed in the 2018 – 2019 budget considerations following further definition of the Darebin Energy Foundation (DEF) activities and budget.

Project	Comments	Operational cost
Solar Saver preparation and promotion	Includes 1 year position (to be reviewed after final DEF model adopted) and \$30,000 program funds.	\$112,000
Extension of business program including school and community energy programs	Includes 1 year position (to be reviewed after final DEF model adopted) and \$40,000 program funds.	\$140,000
NAGA and ICLEI memberships	Annual membership fees	\$26,000

Project	Comments	Operational cost
Carbon offsets for council emissions to be carbon neutral	Price may vary dependent on choice of offsets. Offsetting emissions shows a council leadership role.	\$136,000
Promotions and education information	General advertisements, promotions, graphic design.	\$10,000
		\$427,000

These allocations relate to the key pillars of the program. Additional budget considerations for future years include:

- \$20 million for the expansion of the Solar Saver program, with this divided into two \$10 million programs proposed for consideration in the 2018 – 2019 and 2020 – 2021 budgets. Recruitment and special scheme administration would be undertaken in the preceding year. The majority of these funds would be recouped from the special rates scheme but costs of borrowing and forgone interest will be a direct cost to Council and have a negative impact on the operating result of between \$600,000 and \$1,000,000 per annum depending on the funding option used.
- Capital funding to be considered in annual budget considerations including:
  - Council building energy efficiency fund - \$1 million is proposed over the 5 year plan period. These works would have a minimum 10 year payback in reduced energy costs.
  - The 440kw solar proposed for council buildings is estimated to cost \$660,000 over the 5 year plan period. These installations would average a 7 year payback in reduced energy costs.
  - Streetlight upgrades of cost shared lights with VicRoads are estimated to cost \$780,000 with a 10 year payback in reduced energy costs and are dependent on VicRoads cofunding the upgrades.

Additional programs including purchase of electric vehicles will be costed and considered for future budgets.

## Risk Management

Declaring a climate emergency recognises the severity of the risk in not keeping temperatures well below 2°C. If action is not taken to reduce emissions the average annual number of days above 35°C experienced in Melbourne is likely to increase from 9 days currently to up to 26 days by 2070. The resulting local impacts of climate change will likely include:

- Increased cost of food, utilities, fuel and insurance.
- More deaths from heat and other severe weather events.
- Damage to homes, roads, power and water supplies from severe weather events.
- Increased health impacts due to poorer air quality.
- Increased use of, and therefore strain on, emergency and community support services.
- More frequent water restrictions, impacting on household-level water supplies, agricultural supplies and parks and wildlife.

## Policy Implications

### Economic Development

Most countries have recognised the financial benefits of moving to a low carbon economy and the higher risks of not acting on climate change. Many global companies and financial institutions are driving change as they see the future as a low or zero carbon economy with many emerging market opportunities.

Actions and programs within the draft plan seek to work with local businesses to reduce emissions and improve resilience.

### Environmental Sustainability

Implementation of the Action Plan will assist the Darebin community to reduce energy use and greenhouse gas emissions and to adapt to the impacts of climate change

### Human Rights, Equity and Inclusion

The draft plan intends to specifically focus on disadvantaged and vulnerable members of the community. The impacts of climate change are disproportionately felt by these community members. The Plan also aims to ensure that Darebin's diverse community is given the opportunity to fully engage in actions via ongoing practices.

### Other

This is consistent with the Council plan

### Future Actions

Subject to Council resolution

- Undertake proposed consultation to May 2017
- Report back to Council following consultation with a final plan for consideration

### Consultation and Advocacy

Consultation during the review has included two phases:

- Phase one focused on engaging specific groups and was undertaken August to September 2016. The specific groups targeted included: local environment groups; representatives of the business community; private rental tenants; Culturally and Linguistically Diverse (CALD) community members; older people; young people; people with a disability and Council officers.
- Phase two was designed to engage the broader community and was undertaken over four weeks from 14 November and 11 December 2016. Four engagement objectives and a series of questions were designed to underpin the consultation process. An online website and survey was launched. Surveys and ideas were collected at "pop up" posts held at Northcote Aquatic and Recreation Centre, Reservoir railway station, Reservoir Leisure Centre, Preston Market and Bunnings, Preston

A summary of consultation results is included in **Appendix C**

- The Darebin Environment Reference Group (DERG) has provided feedback on the draft plan components.

Proposed consultation for the draft plan includes:

- Further consultation with the groups already consulted in phase one and individuals who registered interest through the earlier phases.
- Continued consultation with DERG
- Darebin Kite Festival 26 March
- Council webpage consultation including Your Say
- 2 public meetings
- Advertisements and media releases in publications including newspaper and newsletters
- Posters and leaflets at key Council sites

### Related Documents

- Climate Change Action Plan
- Community Climate Change Action Plan
- Climate Change and Peak Oil Adaptation Plan
- Council Minutes – 5 December 2016

### Attachments

- Darebin Climate Change Action milestones (**Appendix A**) 
- Draft Climate Change Action Plan (**Appendix B**) 
- Climate Change consultation summary (**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.

**6.6 KINDERGARTEN WAITING LIST REVIEW****Author:** Manager Families, Diversity and Community**Reviewed By:** Director Community Development

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**Report Background**

This report is in response to a community survey undertaken in June 2016 on proposed changes to the Darebin Kindergarten and Pre-kindergarten Centralised Waiting List application process as part of a review of the service, and compliance with the Department of Education and Training (DET) guidelines.

**Previous Council Resolution**

At its meeting held on 20 September 2010, Council resolved:

*'That Council adopt the Darebin Kindergarten Centralised Waiting List Policy and Procedures (January 2011).'*

**Previous Briefing(s)**

Councillor Briefing – 20 February 2017

**Council Plan Goal/Endorsed Strategy**

- Goal 2 - Healthy and Connected Community
- Early Years Strategy 2011-2021
- Health and Wellbeing Plan 2013-2017

**Summary**

Council conducted a survey of families with children aged 0 to 3 years, who are yet to attend kindergarten.

The purpose of the survey was to seek support for the proposed changes which involved the removal of three criteria from the waiting list process.

The majority of respondents indicated that they supported the proposed changes however given the notable proportion of respondents who did not support the proposed changes, the current priority criteria will remain.

This report also recommends a general update of the *Darebin Kindergarten Centralised Waiting List Policy and Procedures (January 2011)* to meet the changing requirements of the Department of Education and Training and provide flexibility to manage administrative changes as the need arises.

<b>Recommendation</b>
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**That Council:**

- (1) Maintain the current priority of access criteria for the Darebin Kindergarten Centralised Waiting List system.
  - (2) Work with early years services in Darebin to identify areas of practice improvement and localised strategies to improve kindergarten participation.
  - (3) Endorse the revised *Darebin Kindergarten Centralised Waiting List Policy and Procedures* attached as **Appendix A** to this report.
- 

**Introduction**

In 2010 the Kindergarten Centralised Waiting List was reviewed in consultation with the Darebin community, leading to the development of additional priority of access weightings. These weightings were endorsed in the *Darebin Kindergarten Centralised Waiting List Policy and Procedures (January 2011)*. At this time the demand for places exceeded supply in many areas of the municipality.

The allocation of kindergarten places over the past few years has seen a shift in enrolment patterns, family preferences and demand, along with the increase in new centres and places offered. It is therefore timely to review the current policy and procedures and provides an opportunity to improve the service experience for families.

Of particular need is the removal of challenges experienced by vulnerable families in the application process. The evidence required of families to meet the priority weightings when completing an application form has become a barrier to participation and an onerous administrative task for both the family and Council.

Alongside this, access and participation in kindergarten is governed by the Department of Education and Training through the *Kindergarten Funding Guide*. The guide releases multiple updates each year in line with changing government priorities and funding. The *Darebin Kindergarten Centralised Waiting List Policy and Procedures (January 2011)* is not responsive to these changes and no longer reflects the administrative procedures necessary to meet these changes.

**Issues and Discussion**

Council undertook an internal review of the current policy and procedures acknowledging its effectiveness, equity and fairness. Changes were proposed with the intention to improve access to services, family participation, streamline processes and reduce administrative burden on families.

Council conducted a survey of families with children (aged 0-3 years) obtained from the Maternal and Child Health database, to seek support from these families for the proposed changes, which if supported, would be implemented with a simplified online application process through a 'Parent Portal'.

Currently registration via a Parent Portal is difficult, especially for vulnerable families given the amount of evidence required to support the priority weightings and system limitations.

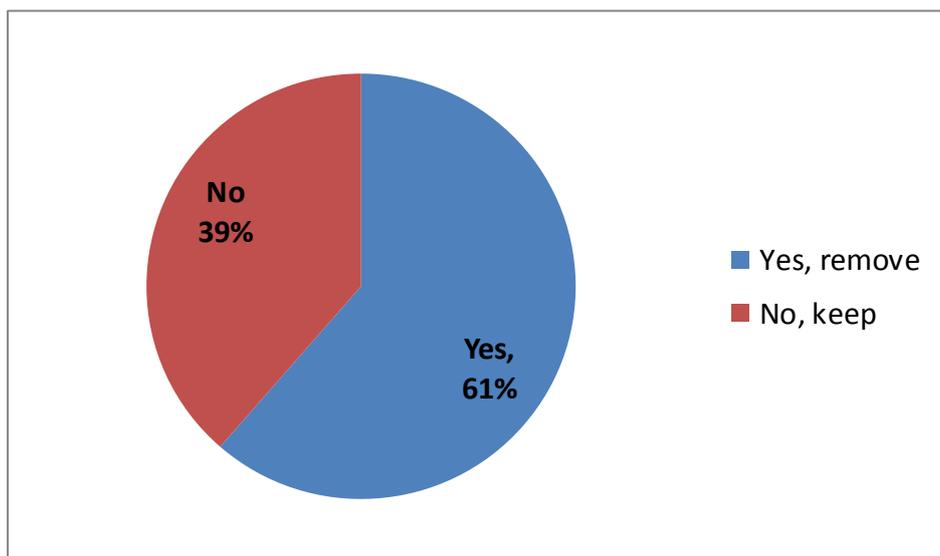
The survey proposed the removal of three criteria from the *Darebin Kindergarten Centralised Waiting List Policy and Procedure (January 2011)*:

- (1) Families who are Darebin residents or whose child attends unregistered, verified care in Darebin. Unregistered care is provided by family members, nannies or other carers who are not registered with the state authorities to provide registered care. This must be verified with a Statutory Declaration and proof of residency of the carer.
- (2) A child or sibling participated in the preferred kindergarten within the last two years of the application being completed
- (3) Where a kindergarten is the closest to a child's home

A total of 272 responses were received of which 271 were completed and one was partially completed. Overall the majority of respondents indicated that they supported the removal of all criterions

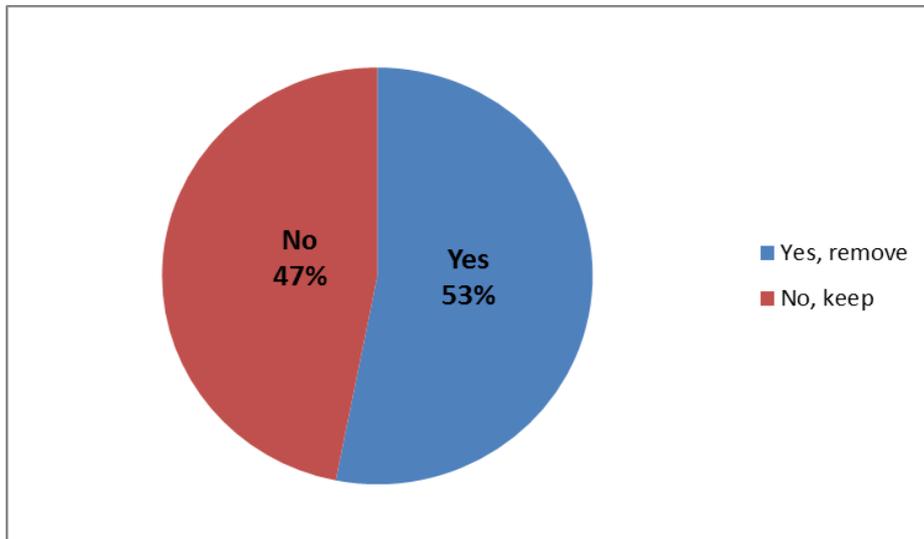
**Criteria 1: Families who are Darebin residents or whose child attends unregistered, verified care in Darebin (400 points).**

The majority of the 272 respondents (61.4%) indicated that they supported the removal of Criterion 1.



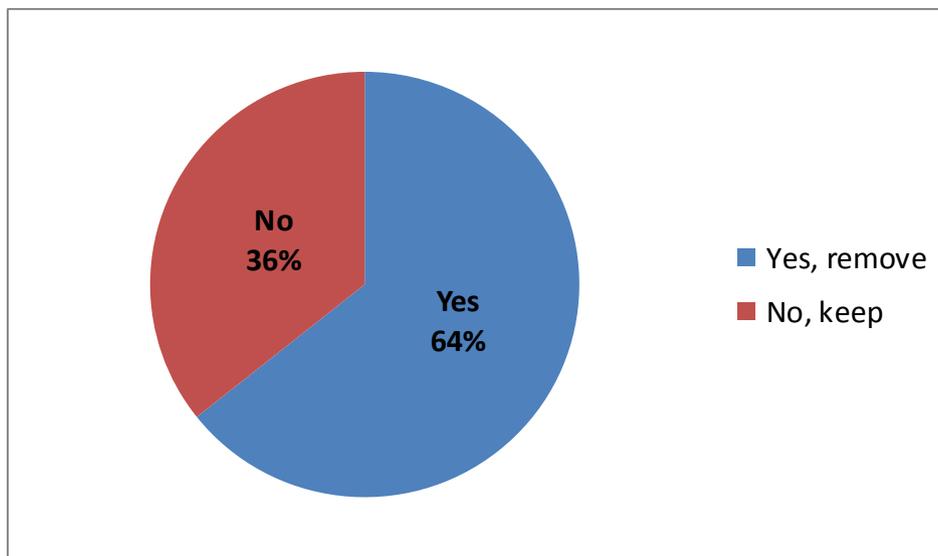
**Criteria 2: A child or sibling participated in the preferred kindergarten within the last two years of the application being completed.**

Just over half of the 271 respondents (53.1%) indicated that they supported the removal of Criterion 2.



**Criterion 3: Where a kindergarten is the closest to a child's home.**

The majority of the 272 respondents (64.3%) indicated that they supported the removal of Criterion 3.



**Options for Consideration**

While overall the majority of respondents indicated that they supported the removal of all criteria it is important to note that there were a notable proportion of respondents who did not support the proposed changes.

Further analysis of the data indicated a localised bias and not a citywide distribution of support. For this reason it is not recommended that the three criteria are removed at this stage however Council officers will;

- Examine and share the extensive survey feedback with early years services to identify areas of practice improvement
- Work with particular services and areas of the municipality to improve community understanding of the Kindergarten Centralised Waiting List and
- Identify localised strategies to improve kindergarten participation and reduce the administrative burden for families experiencing vulnerability

It is also recommended that the *Darebin Kindergarten Centralised Waiting List Policy and Procedures (January 2011)* be updated, separating the policy statement and Darebin's principles for operating the Kindergarten Centralised Waiting List from the administrative and operational procedures. A new format will allow the operational procedures to be updated as necessary to reflect the current State Government Kindergarten Funding Guidelines and policy updates as required.

### **Financial and Resource Implications**

There are no financial implications of this report. Whilst an online application process will reduce administration for the program staff, checking of applications, customer service and support to families will still be required

### **Risk Management**

There are no risks associated with the recommendations in this report.

### **Policy Implications**

#### **Economic Development**

There are no Economic Development impacts related to this report.

#### **Environmental Sustainability**

There are no Environmental Sustainability impacts related to this report

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

All children benefit from a kindergarten program in the year prior to school attendance, with children of vulnerable families benefitting most. The review of the *Darebin Kindergarten Centralised Waiting List Policy and Procedures 2011* was on the basis of effectiveness, equity and fairness for families and their young children.

#### **Other**

There are no other impacts related to this report.

### **Future Actions**

- Examine and share the extensive survey feedback with early years services to identify areas of practice improvement;
- Work with particular services and areas of the municipality to improve community understanding of the Kindergarten Centralised Waiting List; and

- Identify localised strategies to improve kindergarten participation and reduce the administrative burden for families experiencing vulnerability.

### **Consultation and Advocacy**

- Council's Equity and Diversity Team and Corporate Governance and Performance Team were consulted in the review of the *Darebin Kindergarten Centralised Waiting List Policy and Procedure (January 2011)*.

### **Related Documents**

- Darebin Early Years Strategy 2011-2021
- Darebin Kindergarten Centralised Waiting List Policy and Procedure (January 2011).
- Council Minutes – 20 September 2010

### **Attachments**

- Kindergarten Centralised Waiting List Policy and Procedures 2017 (**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.

**6.7 FUTURE SUSTAINABILITY OF THE BUNDOORA HOMESTEAD ART CENTRE****Author:** Manager Creative Culture and Events**Reviewed By:** Director Community Development

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**Report Background**

This report originates from a resolution of the Bundoora Homestead Board of Management (a Section 86 Board under the *Local Government Act* of Darebin Council) at their meeting on 22 November 2016.

The resolution states:

*“That the Board confirm the Future Options report with agreed changes to be made and the Gallery Manager prepares a briefing paper for the Future Options Report to be presented to Council.”*

**Previous Council Resolution**

At the meeting on 16 May 2016, Council resolved to:

- (1) *Adopt the revised Bundoora Homestead Board of Management Charter attached (Appendix B) with a change to point 2(1) to increase the number of community members from eight to eleven.*
- (2) *Appoint Giacomina Pradolin, Valentina Maxwell-Tansley, Alice Park, Lyndal Wischer, Michael Brennan, Kirsten Mathews, Kade McDonald, Christina Lew, Janette Lewis, JD Mittman and Angela Bailey as community representatives to the Bundoora Homestead Board of Management for a 24 month period in alignment with the Charter.*

Further at the meeting held on 14 November 2016, Council resolved that:

- (1) *Council, pursuant to section 86 of the Local Government Act 1989 establish the following Special Committees for the 2016/2017 Council year:*
  - *Planning Committee*
  - *Hearing of Submissions Committee*
  - *Bundoora Homestead Board of Management with the purpose, membership, scope of activity and delegated authority as detailed in the respective Committee Charters included in this report.*

**Previous Briefing(s)**

Councillor Briefing – Monday 6 March 2017

**Council Plan Goal/Endorsed Strategy**

- Goal 4 - Thriving and Creative Culture
- Darebin Arts Strategy 2014-2020

## Summary

The Bundoora Homestead Board of Management is a Section 86 Special Committee under the *Local Government Act 1989* and has delegated authority from Council in relation to Bundoora Homestead Art Centre (BHAC). The Board has been concerned that BHAC cannot continue to operate at current service levels within the current operating model and resource allocation. Accordingly the Board has reviewed various options for BHAC for consideration by Council.

Four (4) options were finally developed (that are detailed in this paper), presenting various operating models along with associated funding requirements. The Board recommends that Council adopts *Option Two: Renewal* (increased investment of \$130,000 per annum) with an agreement to move to *Option Three: Expansion* (\$250,000 per annum) over the next 3 years.

The basis for supporting *Option Two* is that it represents increased efficiency and greater value for Council, with the subsidy per visitor per annum in 2019-2020 estimated to reduce by 48% and the number of Darebin residents engaged in the service increased by 120%. Additional outcomes include an increase in social value, increase in health outcomes through engagement with the arts and increased use and activation of the amenity.

The Bundoora Homestead Board of Management Annual Report 2015/2016 that requires the endorsement of Council is attached as **Appendix A** to this report.

<b>Recommendation</b>
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### That Council:

- (1) Note and endorse the Bundoora Homestead Board of Management Annual Report 2015/2016 attached as **Appendix A** to this report.
- (2) Note the Bundoora Homestead Board of Management Future Sustainability Report February 2017 attached as **Appendix B** to this report.
- (3) Adopt in principle, *Option Two: Renewal* (increased investment of \$135,000) with an agreement to move to *Option Three: Expansion* (\$250,000 per annum) over the next three years in line with the Board of Management recommendation.
- (4) Refers \$135,000 additional expenditure to the 2017/2018 budget process.

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## Introduction

Visual arts, craft and heritage facilities, programs and services are a subsidised service that Darebin Council provides to the community. Bundoora Homestead Art Centre (BHAC) is a key component of this service delivery.

The Homestead is a unique arts facility. It draws a diverse audience due to the range of activities and information on offer, including a gallery, heritage house and gardens, café and the Darebin Art Collection. The combination of art, heritage, food and gardens encourages visitation and each of these components is vital to the success of the whole.

The current Board that has been in place since mid-2016 has been concerned that BHAC cannot continue to operate at current service levels within the current operating model and resource allocation. Accordingly the Board has reviewed a number of alternative operating models with associated funding requirements for Council's consideration.

## Issues and Discussion

Future options for Bundoora Homestead have been developed over time by the Board for Council consideration. The process is outlined below:

September 2014 - November 2015:

- Bundoora Homestead Board of Management reviews research, conducts facilitated workshops, reviews community consultation and develops draft business plan for BHAC.

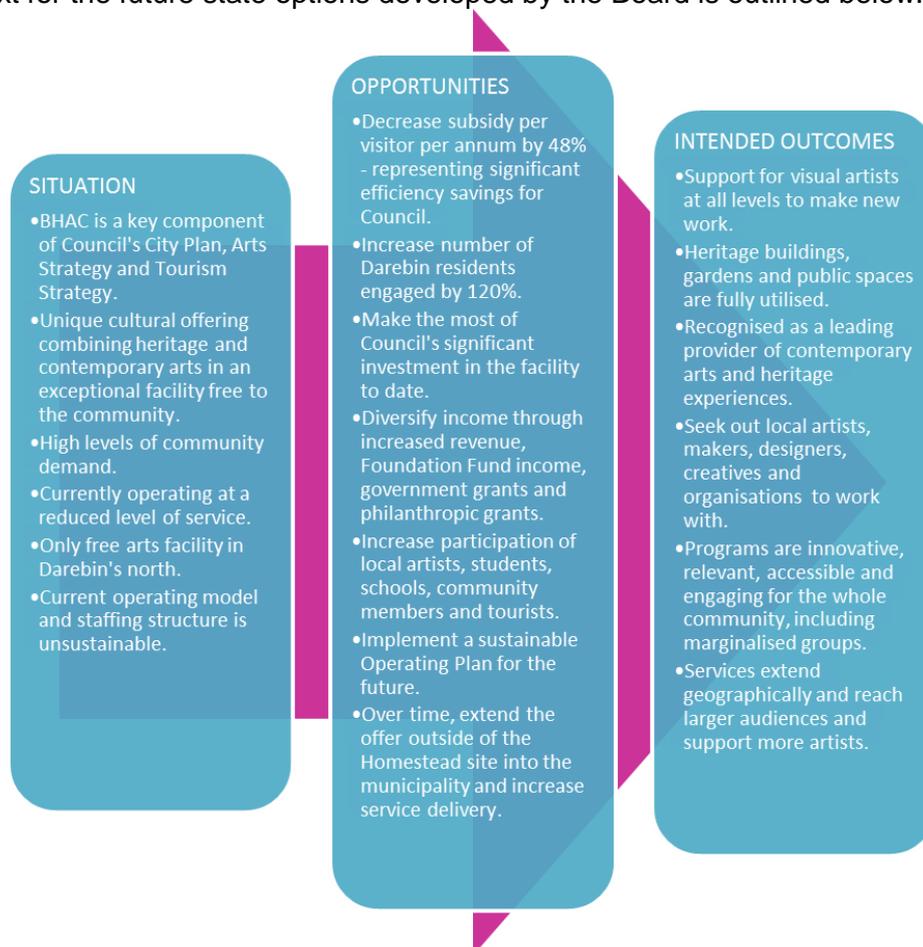
May - November 2016

- Strategic workshops conducted with Board members.
- The Board develops and adopts four future state options for Council to consider.

March 2017

- Report presented to Councillor Briefing on 6 March 2017

The context for the future state options developed by the Board is outlined below:



## Options for Consideration

Following this extensive, Board led process four options have been prepared for Council's consideration:

1. Reduction: a fit-for-purpose facility with reduced levels of service
2. Renewal: A fit-for-purpose facility, capacity for innovation, diversification of income and audiences

3. Expansion: A whole of city approach to visual arts, craft and heritage with activation across multiple sites
4. Amplification: A celebrated visual arts and heritage city with multiple high profile fit-for-purpose facilities

The Board’s Report on the Future Sustainability of the Bundoora Homestead Art Centre is attached at **(Appendix B)**.

**OPTION 1 - REDUCTION**

FUTURE STATE	MODEL / IDENTITY	Estimated Cost Impact	IMPLICATIONS	COMMUNITY BENEFITS	VISITORS	ARTISTS	ACTIVITY OUTPUTS	EFT
<p>A fit-for-purpose facility with reduced levels of service.</p> <p>Reduced levels of service.</p> <p>Long-term viability could be compromised.</p>	House, gardens and art galleries with limited café service plus management of the Darebin Art Collection (indoor).	– No change.	<p>Reduced opening hours</p> <p>Limited café menu</p> <p>Reduced income</p> <p>Limited marketing</p> <p>Reduced exhibitions</p> <p>Reduced capacity to be innovative</p> <p>Reductions in service to offset increasing expenses and reduced income.</p>	<p>Free, accessible, fit for purpose visual arts and heritage amenity.</p> <p>Opportunities for artists and community members to participate.</p>	↓	↓	↓	–

**OPTION 2 – RENEWAL (RECOMMENDED – SHORT TERM)**

FUTURE STATE	MODEL / IDENTITY	Estimated Cost Impact	IMPLICATIONS	COMMUNITY BENEFITS	VISITORS	ARTISTS	ACTIVITY OUTPUTS	EFT
<p>A fit-for-purpose facility, capacity for innovation, diversification of income and audiences.</p> <p>Current operating model.</p> <p>Stable business with long-term viability.</p>	<p>OPTION 1 PLUS:</p> <p>Precinct activation of house, gardens and art galleries with full café service.</p> <p>Diversification of audiences and program through increased partnerships and innovation.</p>	↑ \$135,000	<p>Decrease subsidy per visitor per annum by 48% - significant efficiency savings for Council.</p> <p>Increase no. of residents engaged by 120%.</p> <p>Minimum level of service to meet community expectations and demand.</p> <p>Maximise use of facility.</p> <p>Increased and diversified revenue.</p> <p>Full service café.</p> <p>Marketing program.</p> <p>Increased brand profile and value.</p> <p>New \$ dedicated to staffing and marketing</p>	<p>OPTION 1 Community Benefits PLUS:</p> <p>Multiple platforms for engagement.</p> <p>Welcoming, vibrant and creative community hub.</p> <p>Precinct activation with surprising, diverse artistic experiences.</p> <p>More opportunities to engage with artists.</p> <p>Artists are supported and profiled to a wide audience</p>	↑	↑	↑	↑

**OPTION 3 – EXPANSION (RECOMMENDED – LONG TERM)**

FUTURE STATE	MODEL / IDENTITY	Estimated Cost	IMPLICATIONS	COMMUNITY BENEFITS	VISITORS	ARTISTS	ACTIVITY OUTPUTS	EFT
<p>A whole of city approach to visual arts and heritage with activation across multiple sites.</p> <p>Expansion of cultural offer within the homestead precinct and out into the community.</p> <p>Integrated asset management of indoor and outdoor collections in a centralised model.</p> <p>Support to more artists working in a more diverse range of practices.</p>	<p>OPTION 2 PLUS:</p> <p>Development of a municipal-wide visual arts and heritage service with a home base at Bundoora Homestead Art Centre.</p> <p>Indoor and outdoor art collections managed within one management structure.</p>	<p>↑</p> <p>\$250,000*</p> <p>Investment in EFT, activity and marketing</p> <p>*plus Public Art monies from capital works program as approved</p>	<p>OPTION 2 PLUS:</p> <ul style="list-style-type: none"> <li>• Pop ups and outreach programs into the Darebin community</li> <li>• Expansion of heritage public programs to other sites</li> <li>• Centralised and dedicated collections management program</li> <li>• Increased partnerships and collaboration internally and externally</li> </ul>	<p>OPTION 2 PLUS:</p> <ul style="list-style-type: none"> <li>• Visual art and heritage activation of other precincts and sites in Darebin</li> <li>• Connections to new communities</li> <li>• Enrichment and deeper engagement with Darebin’s heritage, artists and communities</li> <li>• Creates a tourism destination with associated economic benefits</li> <li>• Large increase in community members &amp; artists engaged</li> </ul>	↑↑	↑↑	↑↑	No change on Option 2 Staffing levels

**OPTION 4 - AMPLIFICATION**

FUTURE STATE	MODEL / IDENTITY	Estimated Cost	IMPLICATIONS	COMMUNITY BENEFITS	VISITORS	ARTISTS	ACTIVITY	EFT
<p>A celebrated Visual Arts and Heritage city with multiple fit-for-purpose facilities</p> <p>Dedicated artist in residence and studios site at Bundoora Homestead</p> <p>PLUS</p> <p>Dedicated contemporary art gallery within a retail precinct with a permanent gallery for Darebin’s extensive collection of contemporary Aboriginal art.</p>	<p>OPTION 3 PLUS:</p> <p>Establish short-term residencies and studios with a focus on arts practice and participation of community.</p> <p>A new gallery is developed in a high traffic retail zone within Darebin.</p> <p>Major growth in visual arts services and support across the municipality.</p>	<p>↑</p> <p>\$3,000,000 capital works</p> <p>\$700,000+ operational per annum</p>	<p>OPTION 3 PLUS:</p> <ul style="list-style-type: none"> <li>• Long-term capital investment and development plan</li> <li>• Feasibility study required</li> <li>• Responds to gaps in terms of infrastructure and studio spaces</li> <li>• Creates creative clusters in Darebin</li> </ul>	<p>OPTION 3 PLUS:</p> <ul style="list-style-type: none"> <li>• Artists are supported to make and present in Darebin</li> <li>• Posits Darebin as a destination for visual arts</li> <li>• Compliments Council’s current cultural offer of festivals, performing arts and live music</li> <li>• Extensive and ongoing opportunities for public engagement</li> <li>• Visual artists are recognised and valued as significant cultural contributors in Darebin</li> </ul>	↑↑↑	↑↑↑	↑↑↑	↑

**Financial and Resource Implications**

**Option 1: Reduction**

- No increased cost to Council in the 2017/2018 budget

**Option 2: Renewal**

- Increased operational budget of \$135,000 in 2017/2018 (ongoing)

**Option 3: Expansion**

- As per Option 2: Renewal plus
- Additional increased operational budget by \$120,000 (total increase = \$250,000) per annum over the next 3 years

**Option 4: Amplification**

- As per Option 3: Expansion plus:
- Investment in feasibility study
- Significant capital works investment in 2020/2021 approximately \$3,000,000
- Increased operational costs by approximately \$700,000 per annum

**Risk Management****Risk of closure**

The Board are concerned that *Option 1: Reduction*, presents risks regarding long term viability and the future of the cultural offer to community in the north of the municipality. The board forecasts that Option 1 will lead to a steady and slow decrease in visitation and income and would ultimately lead to closure of the facility. There is a high risk of community and media backlash.

**Staffing**

The current staffing model at BHAC is not sustainable into the future, requiring adjustments either in terms of the operating model or additional resourcing.

**Artistic vitality in the community**

Funding for arts and culture is being reduced at Federal and State level. More artists and arts organisations are unable to produce new work and organisations are being forced to close. This will result in a reduction in artistic output in Darebin and a reduction in the proven benefits of strong arts and culture services and activity across the municipality.

**Policy Implications****Economic Development**

In May 2016 Geografia was commissioned to conduct an impact study of the economic value and social benefit of the arts and creative sector in Darebin:

*The Arts and Creative sector contributes to economic, social and community development; and this is in addition to the purely aesthetic value. It is, quite simply, a nation building activity. Moreover, local government has a recognised role, and relatively straight forward reason, for supporting arts and creative activity in the community.*

The report shows that arts venues are heavily clustered in the southern end of the municipality and that there are few or no galleries, museums, theatres or music venues in the northern half of the municipality.

**Environmental Sustainability**

BHAC is a high energy and water use facility. In Options 2, 3 and 4 provision has been made for staffing resources to pursue and secure external funding for energy efficiency projects including solar and water.

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

Human Rights that relate to this paper include:

- Your right to freedom of thought, conscience, religion and belief
- Your right to freedom of expression
- Your right to taking part in public life
- Cultural rights

These rights are supported when community members and artists have the facilities, resources, time and tools to engage with issues and promote different viewpoints. BHAC offers artists and community members a platform for this expression.

### **Other**

There are no other policy impacts related to this report.

### **Future Actions**

- March-April 2017
- Aligned to Council decision, Council's preferred future state option for the Homestead will be fully scoped and a Five Year Operations Plan developed.

### **Consultation and Advocacy**

The Board assessed community expectations and comments through three key channels:

- Survey's conducted on site and online in the last several years
- Recent feedback comments left by visitors
- Online comments and reviews.

Overwhelmingly community consultation shows that our predominantly local audience want:

- A fully functioning café serving a range of fresh food, good coffee and specialty items like Devonshire Teas
- More events, activities, contemporary exhibitions, school holiday programs, workshops and classes
- More activation of the garden with Fetes, Markets, outdoor classes, garden parties and play equipment
- Live music on the verandas
- Heritage information and heritage tours
- The facility to be free, open and active
- More marketing and promotion of the facility and its services

### **Related Documents**

- Bundoora Homestead Board Charter - Adopted May 2016
- Council Minutes – 16 May 2016 and 14 November 2016

**Attachments**

- Bundoora Homestead Board Annual Report 2015-2016 (**Appendix A**) 
- Board Report - Future Sustainability of the Bundoora Homestead Art Centre (**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.

**6.8 SIX MONTH PROGRESS REPORT FOR COMMUNITY ADVISORY COMMITTEES WITH COUNCILLOR REPRESENTATION****Author:** Coordinator Council Plan and Performance**Reviewed By:** Director Civic Governance and Compliance

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**Report Background**

At the Special Meeting of Council of 9 November 2015, Councillors were appointed to Community Advisory Committees. This report provides a six month progress update on Committee activities from June 2016 to November 2016.

**Previous Council Resolution**

At its meeting held on 20 October 2014, Council resolved:

*'That Council...*

*(4) That officers report on all Committees to Council every six months.'*

**Previous Briefing(s)**

This matter has not previously been to a Councillor Briefing.

**Council Plan Goal/Endorsed Strategy**

Open and Accountable Democracy (Goal 6)

**Summary**

This report provides a six month progress report for the 19 Community Advisory Committees with Councillor representation for the period June 2016 to November 2016.

The attached Committee reports provide the following information for each Community Advisory Committee:

- Committee Summary
- Progress of key issues/challenges
- Progress of activities/outcomes
- Future plans for the next six months

<b>Recommendation</b>
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**That** Council note the six month progress reports of the 19 Community Advisory Committees for the period June 2016 to November 2016 as attached in **Appendix A** to this report.

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## Introduction

Council has established a number of Community Advisory Committees to facilitate community participation and input into policy and service development, or to assist with facility, project and event management.

Community Advisory Committees typically comprise one or more Councillors, Council officers and a number of community representatives. The community representatives may be local residents or stakeholders appointed in their own right or representatives of service authorities, support agencies or community organisations.

The progress, advice and recommendations of Community Advisory Committees are reported to Council through formal officer reports (supplemented from time to time by verbal reports by Councillors).

This is the six month progress report for the following Committees:

- Active and Healthy Ageing Community Board
- Darebin Aboriginal Advisory Committee
- Darebin Arts Ambassadors Reference Group
- Darebin Australia Day Committee
- Darebin Bicycle Advisory Committee
- Darebin Disability Advisory Committee
- Darebin Domestic Animal Management Reference Group
- Darebin Education Committee
- Darebin Environmental Reference Group
- Darebin Housing Committee
- Darebin Interfaith Council
- Darebin Women's Advisory Committee
- Darebin Youth Advisory Group
- Edwardes Lake Park Reference Group
- Municipal Emergency Management Planning Committee
- Northland Urban Renewal Precinct Steering Committee
- Preston Business Advisory Committee
- Reservoir Structure Plan Community Reference Group
- Sexuality, Sex and Gender Diversity Advisory Committee

## Issues and Discussion

Based on a review for Community Advisory Committees conducted in October 2014, these are the 19 Community Advisory Committees that are to be reported to Council.

Every Committee has its own particular outcomes and challenges. Please see each individual report for details.

## **Options for Consideration**

See each individual report for details.

## **Financial and Resource Implications**

There are no financial implications from this report. All activities and actions are conducted within current budgets.

## **Risk Management**

There are no risks identified in Council's risk management framework that are associated with Advisory Committees.

## **Policy Implications**

### **Economic Development**

Beyond the advisory committees/groups that support economic development, policies, strategies and actions, this report has no economic development implications.

### **Environmental Sustainability**

Over the course of their discussion and deliberation, every advisory committee considers environmental implications as part of its recommendations. Committees with specific environmental terms of reference include the Darebin Environmental Reference Group (DERG) and the Darebin Bicycle Advisory Committee.

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

Community Advisory Committees are one of a number of community engagement tools that ensure our community voice, in all its diversity, is reflected in Council's services, programs and activities. They are a successful model for citizen engagement and democratic participation, advancing Council's commitment toward access, equity and inclusion for our community.

### **Other**

There are no other factors that impact on this report.

## **Future Actions**

It is proposed that the next six month progress report for Community Advisory Committees will occur in August 2017.

## **Consultation and Advocacy**

- Please see each individual report for the staff consulted. Each report was compiled by the relevant responsible officer, department manager and director.

## **Related Documents**

- Council Minutes – 20 October 2014

**Attachments**

- Six month progress report on 19 Community Advisory Committees (**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.

**6.9 SCHEDULE OF COUNCIL AND COMMITTEE MEETINGS****Author:** Coordinator Council Business**Reviewed By:** Director Civic Governance and Compliance

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**Report Background**

Council demonstrates its commitment to governance through Councillor participation in, and attendance at, a range of events and activities.

At its Special Council meeting on 14 November 2016, Council resolved dates for Council and Special Committee Meetings and Councillor Briefing Sessions for the 2016/2017 Council year.

**Previous Council Resolution**

At its Special Council meeting held on 14 November 2016, Council resolved:

*That:*

- (1) *Ordinary meetings of the Council for the period ending 30 May 2017 be held in the Council Chamber at Darebin Civic Centre (or other venue as determined) at 6.00 pm on 5 December, 12 December 2016, 13 February, 27 February, 20 March, 3 April, 26 April and 8 May and 29 May 2017*
- (2) *A special (statutory) meeting of the Council be held at the Preston City Hall at 6.30 pm on Monday 13 November 2017.*
- (3) *Meetings of the Planning Committee for the period ending 30 May 2017 be held in the Council Chamber at Darebin Civic Centre at 6.00 pm on 21 November, 19 December 2016, 6 February, 14 March, 18 April and 22 May 2017.*
- (4) *Meetings of the Hearing of Submissions Committee be scheduled as required and that public notice of those meetings be given in accordance with section 89 of the Local Government Act 1989.*
- (5) *Meetings of the Bundoora Homestead Board of Management to be held at the Bundoora Homestead on dates and times to be determined in due course.*
- (6) *Council note Councillor Briefings will be held from 4.00 pm on 28 November 2016, 20 February, 27 March and 1 May 2017.'*

**Previous Briefing(s)**

This matter was discussed at the Councillor Workshop on 24 February 2016.

**Council Plan Goal/Endorsed Strategy**

Goal 6 - Open and Accountable Democracy

**Summary**

This report recommends establishing a new schedule of dates for Council and Special Committee Meetings and Councillor Briefing Sessions.

<b>Recommendation</b>
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**That:**

- (1) Ordinary meetings of the Council for the 2017 year be held in the Council Chamber at Darebin Civic Centre (or other venue as determined) at 6.00 pm on 3 April, 18 April, 1 May, 15 May, 5 June, 19 June, 3 July, 17 July, 7 August, 21 August, 4 September, 18 September, 2 October and 16 October 2017.
  - (2) A special (statutory) meeting of the Council be held at the Preston City Hall at 6.30 pm on Monday 13 November 2017.
  - (3) Meetings of the Planning Committee meetings for the 2017 year be held in the Council Chamber at Darebin Civic Centre at 6.00 pm on 10 April, 8 May, 13 June, 10 July, 14 August, 11 September, 9 October and 6 November 2017.
  - (4) Meetings of the Hearing of Submissions Committee be scheduled as required and the public notice of those meetings be given in accordance with section 89 of the *Local Government Act 1989*.
  - (5) Meetings of the Bundoora Homestead Board of Management to be held at the Bundoora Homestead on dates and times to be determined in due course.
  - (6) Councillor Briefing Sessions will be held at 5.00 pm on 27 March, 13 April, 26 April, 11 May, 22 May, 15 June, 26 June, 13 July, 24 July, 10 August, 28 August, 14 September, 25 September 12 October, 23 October and 9 November 2017.
- 

**Introduction**

The current schedule for the Council and Special Committee Meetings and Councillor Briefing Sessions has been in place since 14 November 2016. Discussions around revising and establishing a new schedule of dates is required.

**Issues and Discussion**

Section 89 of the *Local Government Act 1989* requires Council to provide public notice of meetings of the Council and Special Committees comprised solely of Councillors.

In order to facilitate this public notice, a program of meetings for the year is required.

A schedule of revised meetings of the Council and Planning Committee has been prepared for consideration by the Council. Meetings of the Hearing of Submissions Committee will be scheduled as required and public notice will be given in accordance with the provision of the *Local Government Act 1989*.

**Options for Consideration**

Council to endorse or reject the recommendation to establish a new schedule of dates for Council and Special Committee Meetings.

**Financial and Resource Implications**

There will be a small cost associated with readvertising the new schedule of dates.

**Risk Management**

Nil

**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**

There are no other factors which impact on this report.

**Future Actions**

Implement new meeting schedule.

**Consultation and Advocacy**

- Councillors
- Chief Executive Officer
- Director Corporate Services
- Director City Futures and Assets
- Director Operations and Environment
- Director Community Development
- Director Civic Governance and Compliance

**Related Documents**

- *Local Government Act 1989*
- Council Minutes – 14 November 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.

**6.10 CEO EMPLOYMENT MATTERS COMMITTEE****Author:** Director Civic Governance and Compliance**Reviewed By:** Acting Chief Executive Officer

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**Report Background**

This report seeks endorsement to establish a Chief Executive Officer Employment Matters Committee (Committee), and identifies the arrangements proposed for the recruitment of a Chief Executive Officer.

**Previous Council Resolution**

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

**Previous Briefing(s)**

This matter has not previously been to a Councillor Briefing.

**Council Plan Goal/Endorsed Strategy**

Goal 6 - Open and Accountable Democracy

**Summary**

This report seeks endorsement to establish a Chief Executive Officer Employment Matters Committee (Committee), and identifies the arrangements proposed for the recruitment of a Chief Executive Officer.

<b>Recommendation</b>
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**That Council:**

- (1) Resolves to establish an Advisory Committee called the Chief Executive Officer Employment Matters Committee consisting of an Independent Chairperson, the Mayor and two nominated Councillors.
  - (2) Notes Councillor nominations to the Chief Executive Officer Employment Matters Committee should consider their availability to attend meetings between 9am – 5pm Monday to Friday.
  - (3) Nominates Cr \_\_\_\_\_ and Cr \_\_\_\_\_ to be members of the Chief Executive Employment Matters Committee.
  - (4) Notes the Chief Executive Officer Employment Matters Committee in consultation with an externally appointed Recruitment consultant will undertake the recruitment process seeking a preferred candidate to fill the role of Chief Executive Officer.
  - (5) Notes the final decision on the appointment, and Contract of Employment for the preferred Chief Executive Officer will be made by all Councillors.
  - (6) Adopts the Chief Executive Employment Matters Committee Charter attached as **Appendix A** to this report.
  - (7) Notes the appointment of an independent chairperson to the Chief Executive Employment Matters Committee will be the subject of a future Council report.
  - (8) Notes the Acting Chief Executive Officer will, under delegation and on advice from the CEO Employment Matters Committee members, formalise the engagement of the Recruitment Consultant.
- 

**Introduction**

In 2014, a Bill was introduced into the Victorian Parliament titles '*Local Government Amendment (Governance and Conduct) Bill 2014*'. Although the bill wasn't passed it proposed several key improvements to the governance of Councils, including the establishment of a Chief Executive Employment Matters committee (Committee).

The Bill proposed the Committee to be responsible for making recommendations to Council on contractual matters relating to the appointment, remuneration, and renewal of CEO's and also for conducting CEO performance reviews.

**Issues and Discussion**

The establishment of the Committee will take on the concept proposed through the 2014 Bill, being greater transparency and improved governance. The first responsibility of the Committee will be to ensure the recruitment of the Chief Executive Officer is done in accordance with the *Local Government Act 1989*.

Another fundamental element during the recruitment process will be to understand what skills, competencies and outcomes the Council and Community seeks in its Chief Executive Officer. During the early stages of the recruitment process, the recruitment consultant will facilitate a range of consultations with Councillors, management, staff, stakeholders and citizens.

The CEO Employment Matters Committee's role and responsibilities are as follows:

### **Recruitment and Contract commencement**

- (a) The Committee should undertake the recruitment process\* adopted for the CEO and any person to act as the CEO. The Committee must make recommendations to Council on contractual matters of the:
- CEO
  - Person to act as CEO

This includes making recommendations on:

- Appointment
- Remuneration and other conditions of employment

*\*It is open to Council to contract a recruiter. If so, the Committee should oversee the appointment of that person or organisation and subsequent steps in the recruitment process.*

### **Annual Review**

- a) The Committee must conduct a performance review of the CEO and make recommendations to Council on matters including whether:
- The CEO meets the performance criteria in the contract
  - Implement incremental remuneration increases
  - Vary performance criteria, remuneration, or other terms of conditions of the contract

Note: A performance criteria for a person acting as the CEO is optional. If included in a contract, this should be reviewed by the Committee.

### **Contract Expiry**

- a) As part of a performance review of the CEO\* the Committee must make recommendations on whether:
- To reappoint the CEO (6 months leading up to termination of the CEO's contract of employment)
  - Exercise an option to renew the contract
  - Early termination of the contract where warranted
  - To terminate in accordance with the contract

*\*The Committee should also make recommendations on termination of an acting CEO following a performance review.*

### **Responsibilities**

The following responsibilities in the recruitment process are proposed:-

Jacinta Stevens, the Council's Director Civic Governance and Compliance will:-

- Coordinate the CEO Employment Matter Committee meetings, including the agendas and minutes
- Manage the Expression of Interest process for the recruitment of the CEO Employment Matters Committee's independent chairperson

- Ensure that on those occasions when Council will need to exercise decision making powers in the recruitment process, properly convened Special Meetings or suitably agended items at Ordinary Council Meetings are arranged
- Ensure normal confidentiality arrangements under the Local Government Act accompany the recruitment processes

Katina Angelofsky, the Council's People and Development Manager will:-

- Coordinate the Expression of Interest process for the recruitment of the Recruitment consultant
- Periodically provide a copy of all applications received to all Councillors

The Recruitment Consultant will:-

- Facilitate the consultation with Councillors, management, staff, stakeholders and citizens to gain a greater understanding of what competencies are required of the new CEO
- Handle job enquiries and questions but make the Mayor's contact details available to interested people
- Interview all applicants whose experience suggests they are likely to have had reasonable exposure to the key competencies the Council is seeking
- Prepare an interview report on each applicant that is interviewed and distribute those interview reports to the CEO Employment Matters Committee and Councillors
- Recommend a "short list" of applicants for further interviewing by the CEO Employment Matters Committee and assist Council with final Interviews
- Undertake referee and other due diligence checks on any "preferred" applicant or applicants
- Undertake contract negotiations with the preferred candidate or candidates and provide advice to the CEO Employment Matters Committee about suitable forms of Contract
- Provide regular reports to the Mayor about progress to enable the Mayor to provide media releases and staff updates.

In addition to the role and responsibilities of the CEO Employment Matters Committee, the Committee will:-

- Workshop a consultation strategy to develop a better picture of the competencies Council is seeking in a new CEO
- Workshop and develop the Key Selection Criteria and Position Description
- Adopt an agreed advertising and marketing program
- Resolve the roles and responsibilities between the Committee and Recruitment consultant
- Select a preferred applicant or applicants for further interviewing by the whole Council and, if necessary, other selection processes

Council will:-

- Conduct final interviews with the preferred applicant or applicants
- Select a preferred applicant or applicants for referee checking and contract negotiations

- Approve the contract of employment
- Appoint a preferred candidate.

#### Indicative Time Frames:

Week 1	<ul style="list-style-type: none"> <li>• Seek Expression of Interest for an independent chairperson</li> </ul>
Week 2	<ul style="list-style-type: none"> <li>• Workshop a consultation strategy to develop a better picture of the competencies Council is seeking in a new CEO. The consultation strategy will include a facilitated process with:             <ul style="list-style-type: none"> <li>○ Councillors</li> <li>○ Management</li> <li>○ Staff</li> <li>○ Stakeholders</li> <li>○ Citizens</li> </ul> </li> <li>• Resolution of roles and responsibilities between Council and Consultant</li> <li>• Adoption of the agreed advertising and marketing program</li> </ul>
Week 3	<ul style="list-style-type: none"> <li>• Facilitate consultation process</li> </ul>
Week 4	<ul style="list-style-type: none"> <li>• Workshops and development of Key Selection Criteria and Position Description</li> <li>• Resolution of fundamental Contract issues</li> </ul>
Weeks 5 & 6	<ul style="list-style-type: none"> <li>• Advertising and marketing begins</li> <li>• Enquiries, clarifications</li> <li>• Applications are received</li> </ul>
Weeks 7	<ul style="list-style-type: none"> <li>• Preliminary interviews</li> </ul>
Week 8	<ul style="list-style-type: none"> <li>• Advertising concludes</li> <li>• Preliminary interviews continue</li> <li>• Reports and Recommendations are provided</li> </ul>
Week 9	<ul style="list-style-type: none"> <li>• Final interviews, other testing if necessary</li> <li>• Selection Committee reaches consensus</li> </ul>
Week 10	<ul style="list-style-type: none"> <li>• Referee and background checks</li> <li>• Preferred applicant status is reached</li> </ul>
Week 11	<ul style="list-style-type: none"> <li>• Contract negotiations</li> <li>• Council appointment of Chief Executive Officer</li> <li>• Leadership transition</li> </ul>

#### Options for Consideration

Option 1 – Endorse the establishment the CEO Employment Matters Committee.

Option 2 – Do not endorse the establishment of the CEO Employment Matters Committee.

#### Financial and Resource Implications

There will be an additional initial unbudgeted cost of approximately \$10,000 associated with the recruitment and retention of an independent chairperson in the first year. Subsequent years will cost approximately \$5,000.

### **Risk Management**

There are no factors in this report which impact upon Risk Management.

### **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**

There are no other factors which impact on this report

### **Future Actions**

- Recruit an independent chairperson
- Finalise the recruitment of a Recruitment Consultant

### **Consultation and Advocacy**

- Manager People & Development
- Acting Chief Executive Officer

### **Related Documents**

- *Local Government Act 1989*
- Local Government Amendment (Governance and Conduct) Bill 2014

### **Attachments**

- CEO Employment Matters Charter (**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.

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

### 7.1 CLEAN COUNCIL - PUBLIC PARTICIPATION AND DEMOCRACY

**Author:** Manager Governance and Corporate Information

**Reviewed By:** Director Civic Governance and Compliance

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#### Report Background

This report seeks to address each of the reforms outlined in Council's resolution dated 5 December 2016 and, to seek Council's endorsement for a range of Council's requested process reforms. In addition, this report also outlines the status of some reforms that require further consideration and community consultation prior to being implemented.

#### Previous Council Resolution

At its meeting on 5 December 2016, Council resolved:

*'That Council officers provide a report in early 2017 to facilitate the implementation of the following 'Clean Council' reforms to improve public participation and democracy:*

- (1) Improve the role of Question Time by reinstating the capacity to ask questions without notice in Council meetings and to trial a question time model that allows for questions, comments and submissions to be asked and answered prior to the hearing of specific Council agenda items;*
- (2) Reinstatement of ward meetings, with the locations rotated to different neighbourhoods in each ward;*
- (3) Introduce a 'community planning forum' to be held on a monthly or bi-monthly basis, enabling all Darebin residents and ratepayers to be able to contribute to Council's policies, plans and priorities;*
- (4) Improve the use of social media, website and other communication tools to enable more regular and direct dialogue between Councillors and the community;*
- (5) Make more effective use of the Hearing of Submissions Committee process to enable regular contributions from community members to Council's policies, plans and priorities; and*
- (6) Use deliberative democracy (eg. citizens' juries) and participatory budgeting to ensure a broader range of perspectives are considered in Council decisions, from future community planning and CEO appointments through to capital works expenditure and rate rises.*
- (7) Provides free training workshops and online resources to assist community members to make submission to Council and other bodies (eg. Royal Commissions, regulatory reviews)*
- (8) Better facilitate recommendations coming from Advisory Committees.'*

#### Previous Briefing(s)

- Councillor Briefings - 19 December 2016, 5 and 25 February 2017.

## Council Plan Goal/Endorsed Strategy

- Goal 6 - Open and Accountable Democracy

### Summary

To encourage greater public participation and democracy during this Council term, Council has proposed a range of reforms that allows for the community to be heard. Further, this report provides options available to Council to achieve this.

<b>Recommendation</b>
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#### That Council:

- (1) Resolves to amend 'Public Question Time' effective 3 April 2017, with a new inclusive process called 'Question and Submission Time'.
  - (2) Notes the changes to the Public Question Time will be updated formally as part of the Governance Local Law review.
  - (3) Note the Hearing of Submissions and Advisory Committee processes will be undertaken as part of the Governance Local Law review.
  - (4) Resolve to schedule individual Ward meetings from 7.00pm to 8.30pm on the following dates:
    - LaTrobe Ward: 20 April 2017 - Reservoir Community and Learning Centre  
20 July 2017 - Bundoora Homestead Arts Centre
    - Cazaly Ward: 18 May 2017 - Preston Shire Hall  
17 August 2017 - Preston Library
    - Rucker Ward: 22 June 2017 - Northcote Library  
21 September 2017 - Northcote Town Hall
  - (5) Adopt the Ward meeting communication plan attached as **Appendix A** to this report.
  - (6) Endorse officers to undertake a community consultation process to establish the most appropriate and informative model for the conduct of bi-monthly community planning forums.
  - (7) Note officers will report back to Council at a briefing and provide options and the resources required to hold community planning forums.
  - (8) Resolve to defer the use of deliberative democracy and participatory budgeting processes to the 2018/2019 budget process for consideration.
  - (9) Note the proposals outlined in this report to assist Councillors make better use of Council's digital channels to communicate directly with the community.
  - (10) Receive a report in May 2017 on the options available for the community to attend public workshops on community submissions and advance writing skills.
- 

## Introduction

This report seeks to outline Council's commitment to ensuring that the community has an ongoing voice to inform Councillors on decision making that affect them. It explores options available to Council to implement processes to ensure transparency and accountability as well as encouraging greater community involvement.

In addition, this report identifies reforms that require further considerations before being implemented.

## **Issues and Discussion**

### ***Question and Submission Time***

To encourage greater participation from the community in Council's decision making a reform is being proposed. Question time will remain unchanged. The biggest change to the process is providing members of the community an opportunity to make a comment or 2 minute submission prior to any item listed on the agenda.

To reflect this change and to ensure questions, comments and submission are at the forefront of community participation it is proposed to rename "*Public Question Time*" to "*Question and Submission Time*". This renewed process is a key component of Council's commitment to:

- (a) provide tools to facilitate the good government of Council through its formal meeting procedure to ensure effective and efficient Council decisions are made; and
- (b) promote and encourage community participation in the system of local government by providing improved mechanisms for Council to ascertain the community's views and expectations.

### ***Hearing of Submissions and Advisory Committees***

Currently the Hearing of Submissions Committee, comprising of all 9 Councillors, has delegated authority to hear any person who has requested to be heard in support of a written submission under section 223 of the *Local Government Act 1989*. A separate report on each specific matter is heard by the Committee following by a formal determination by the Council at a subsequent Council meeting.

Advisory Committees guide and support decision making across specific areas of Council.

A review of the Hearing of Submissions and Advisory Committee processes exploring options for a more effective process will be considered as part of the Governance Local Law 2013 review.

### ***Ward Meetings***

Ward Meetings can provide an informal setting for residents to discuss issues and ask questions of Councillors from their local Wards and for Councillors to make presentations on specific items relevant to those Wards.

Reintroducing Ward Meetings could provide a new opportunity for councillors to engage with the community in a more personal, informal setting. The meetings will be advertised in the Preston and Northcote Leader newspapers, on Councils website and in a range of LOTE community newspapers to ensure the community is informed of the details. Additionally, upcoming meetings could be mentioned in such publications as the Darebin Community News and Mayoral Column.

### ***Community Planning Forum***

The Creative Culture and Events department are energised to delivery on a Community Planning Forum program that enables Council to secure information, generate ideas and create interaction between the Council and interest groups.

Through direct and regular engagement with community, Council will develop a better appreciation of public opinion, and may choose at times to seize the occasion to challenge it, to inform and shape people's preferences.

It is proposed that the format involves a co-design approach with collaborating content specialist work areas/departments. Participating work areas will be responsible for collecting, analysing and synthesising the feedback, and swiftly making the information and outcomes available to Council and public in a timely manner.

Marketing and communications plans will accompany the forum series and a dedicated landing page will be required on the Darebin Website including the use of the community engagement portal. The Communications Team will manage the online spaces, communications plan and support further communications matters relating to the event series on an ongoing basis.

For it to work best there is a need for ongoing cumulative process, enabling relationships and trust to build and strengthen over time. Individual engagement events should be planned and designed with this in mind and aim to contribute to the overall aims of the engagement process, including community expectations towards a more collaborative and involved Council.

### ***Deliberative Democracy and Participatory Budgeting***

Council regularly consults with the community regarding how projects should be delivered, having previously engaged in deliberative democracy and participatory budgeting practices to engage the community.

Evidence suggests that deliberative practices have a demonstrable benefit to participants and to Councils. However, they are just one of a suite of approaches that a council might seek to employ in a robust program of community engagement.

For the development of the 2017/2018 budget in terms of participatory budgeting Council is undertaking the following:

- Online budget simulator running from 3 February to 15 March 2017.
- Surveys that reflect the budget simulator to be undertaken in person at community places during from 20 February to 10 March 2017.
- Budget consultation meetings to be held in each ward between 2 March and 28 March 2017.
- Round table interactive session with randomly selected and key stakeholders – not scheduled.

Using a Citizens' Jury as part of the budget development process has been deferred to allocate the budget to enable facilitation. The scope and context for Citizens' Jury is also yet to be determined.

Officers are proposing to defer the use of deliberative democracy and participatory budgeting processes to enable officers to undertake further consultation to determine the scope and context and to assess the budget required to enable facilitation.

### ***Social media, website and other communication tools***

Council's Communication department is continually building Council's digital communication capacity and output to meet community demand. Darebin's current social media strategy has

driven enormous growth in social media engagement with residents and continues to trend upwards.

The following initiatives are proposed to help councillors make better use of Darebin's digital channels to communicate directly with the community:

- Produce regular Mayoral videos for use online and in social media (this project is already under way).
- Create opportunities for all councillors to feature in video communication for significant Council projects, such as budget or council plan consultation/launches. This could include the opportunity for councillors to present information in different languages to increase social inclusion for multilingual residents.
- Create a Mayoral avatar in Council's corporate social media channels to enable a 'Council' (as opposed to corporate) voice to provide comment or clarification on relevant, high level issues. This would enable the Mayor to clearly state Council's position directly to residents and to address hot topics outside of the mainstream media cycle.
- Develop a 'tell your council/tell your Mayor' feedback tool on the Darebin website to enable residents to make comments and present ideas directly to Council (this would be in addition to formal online consultation opportunities and the current customer contact form).
- Provide summarised, engaging pre and post communication about what's coming up/what happened at Council meetings online and in social media. This would help keep residents abreast of Council business and encourage them to attend or watch meetings, or read Council minutes when they identify issues of interest to them. These summaries should be written in Plain English and avoid Council jargon.
- Tweet decisions from the Chamber to provide timely information to the community on significant decisions.
- Encourage councillors to provide photographs and footage from external events they attend for use in corporate social media so that residents have a better sense of councillor activity in the wider community. This is a more efficient use of resource than sending communication personnel to every event attended by councillors to capture imagery. An example would be councillor attendance at Midsumma Festival.
- Providing social media training for councillors to help them to use their own social media profiles effectively to communicate with residents.

### ***Community Submissions Training/Workshops***

Council's People and Development department is active in building capability across Council by facilitating business writing workshops to review strong writing processes and writing to decision makers. Content includes writing with clarity and impact in plain English, writing with energy and reviewing for quality.

The department has also sourced specific grant seeker and technical writing workshops to provide the processes, tools and skills to implement or grow effective grant-seeking, representations and professional submissions for community members. Advanced webinars are also available exploring in-depth topics such as Grant Writing and Evaluation.

A further report will be presented to Council outlining a scope to facilitate free training and provide options for community members to express an interest in attending a public workshop on community submissions and advance writing skills paid by Council.

**Options for Consideration**

To endorse the officer's recommendations on range of Council's requested process reforms.

**Financial and Resource Implications*****Ward Meetings***

Catering costs are not expected to exceed \$100 per meeting based on providing tea and coffee and biscuits, and any associated equipment and crockery hire.

Advertising costs range from approximately \$200 to \$350 per advertisement.

Venue costs, the costs for a Council officer attending and venue staff will be covered under operating budget lines.

**Risk Management**

Nil

**Policy Implications****Economic Development**

Nil

**Environmental Sustainability**

Nil

**Human Rights, Equity and Inclusion**

Advertising Ward Meetings in LOTE newspapers would ensure a broader range of residents within the municipality would be reached.

**Other**

Nil

**Future Actions**

- People and Development to scope to facilitate free training or public workshops on community submissions and advance writing skills, including sourcing possible dates.
- Creative Culture and Events to undertake the communication and consultation necessary to establish bi-monthly Community Planning Forums and report back to Council on the model and resources required.
- Communicate and promote the change to Question and Submission time.

**Consultation and Advocacy**

- Advocacy and Communication team
- Creative Culture and Events team
- Finance and Corporate Risk team

**Related Documents**

- Governance Local Law 2013
- *Local Government Act 1989*
- Social Media Strategy
- Council Minutes – 5 December 2016

**Attachments**

- Communications Plan - Ward Meetings (**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.

**7.2 CLEAN COUNCIL - TRANSPARENCY AND ACCOUNTABILITY****Author:** Council Business and Governance Officer**Reviewed By:** Director Civic Governance and Compliance

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**Report Background**

This report is to seek Council's endorsement to undertake training in relation to chairing Council and Planning Committee meetings and, to undertake online governance training specifically developed for Councillors. In addition, the report seeks to inform Council on the disclosure of gifts and hospitality either accepted or rejected.

**Previous Council Resolution**

At its meeting held on 5 December 2016, Council resolved:

*'That Council receives a report in early 2017 to facilitate the implementation of the following 'Clean Council' reforms to improve transparency and accountability:*

1. *Require all incoming Councillors to undertake facilitation training in preparation for the role of chairing Council and Committee meetings;*
2. *Introduce real time disclosure of donations, gifts and hospitality to the value of \$20 or more by Councillors and CEO and receive a report on current disclosure requirements for other Council officers, as nominated by the CEO under the Local Government Act 1989;*
3. *Require all Councillors to undertake annual governance training and competency testing; and*
4. *Encourage constructive consensus-building around Council decisions, while always allowing for open and respectful debate and disagreement in line with the Local Government Act 1989.'*

**Previous Briefing(s)**

This matter has not previously been to a Councillor Briefing.

**Council Plan Goal/Endorsed Strategy**

Goal 6 - Open and Accountable Democracy

**Summary**

Darebin City Council is committed to being accountable and transparent in its operations to minimise the risk of being placed in a compromising position that may have an adverse effect on its public endeavours and the promotion of trust within the community.

<b>Recommendation</b>
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**That Council:**

- (1) Note training for Councillors in relation to chairing Council and Committee meetings has been scheduled for Thursday, 11 May 2017 commencing at 7pm.
  - (2) Note the *Gifts and Hospitality Policy 2014* requires Councillors and Council officers to declare the receipt, or offer, of gifts, benefits or hospitality, regardless of the value, within 48 hours of receipt or offer.
  - (3) Resolves to commit to undertaking a self-paced online governance compliance training program commencing 1 May 2017 and completing it within two months.
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**Introduction**

Darebin Council is committed to providing Councillors with the relevant training to assist them in the performance of their roles as an elected representative. Darebin is also committed to an ongoing Councillor induction program for all Councillors.

The *Gifts and Hospitality Policy 2014* provides the guidelines and procedures for the appropriate handling of offers of gifts, benefits and hospitality (whether accepted or declined) and applies to Councillors and Council officers.

**Issues and Discussion**Chairing Council and Committee Meetings

One of the roles of a Councillor is to chair a number of different meetings, such as Council and Planning Committee and a range of Advisory Committees. The role primarily sits with the Mayor of the day however there are times when the Mayor or Deputy Mayor are unable to chair meetings for a number of reasons. All Councillors should be given the opportunity to develop their skills in this area.

To assist Councillors to effectively chair meetings during their term as a Mayor, Deputy Mayor or Councillor, a training session has been scheduled for 11 May 2017 and will be conducted by Macquarie's Lawyers.

Gifts and Hospitality Policy

Darebin City Council recognises that Councillors and Council officers will on occasion be offered gifts, benefits and hospitality however it should always be remembered that Councillors and Council Officers perform their roles to ensure the peace, order and good governance of the municipal district, and not to derive undue personal benefit.

The organisation provides support through initiatives such as the Gifts and Hospitality Policy and applicable Codes of Conduct, however it is an obligation, and at the discretion of each Councillor and Council officer to take personal responsibility for their own compliance.

All gifts, benefits or hospitality received by Councillors or Council officers must be declared by completing the relevant *Darebin Gifts Registration Form* and submitted to the Director Civic Governance and Compliance within 48 hours of receipt, or offer, of a gift, benefit or hospitality for inclusion in the *Gifts and Hospitality Register*. The *Gifts and Hospitality Register* is periodically reported to the Audit Committee and is also subject to internal audits.

### Councillor Compliance Training

In 2013, Darebin Council engaged Safetrac to implement an online Councillor and Senior Officer Compliance Training program. Darebin was the first Council across Victoria to implement the online training program.

Safetrac's compliance courses are authored by Minter Ellison Lawyers, endorsed by the MAV, and are designed to ensure that each newly elected or established councillor and senior officers understands all relevant compliance requirements and obligations associated with their roles.

The online program enables organisations to meet their duty of care as responsible employers. The course content is maintained and updated to reflect any changes to legislation that may affect compliance obligations.

The course is delivered in six modules, with regular updates and refreshers to ensure not only rapid learning, but also re-enforcement and ongoing learning:

- Module 1: Course overview and councillor conduct
- Module 2: Conflicts of Interest made easy
- Module 3: Good Governance
- Module 4: When things go wrong
- Module 5: Equal Opportunity and bullying
- Module 6: Other important statutory considerations

The online training can be accessed from any computer that has internet access and is self-paced. Each module takes between 30-60 mins to complete, with the system set up to allow Councillors 2 months to complete all modules.

There is a mandatory test at the end of each module – a pass of 80% (8/10) is required before commencing the next module. The system allows for multiple attempts at the test however, the test questions change in order.

### **Options for Consideration**

Not applicable.

### **Financial and Resource Implications**

The cost of both the training to be conducted by Macquarie's and the online Governance training is provided for in the Mayor and Councillors training budget.

### **Risk Management**

Not applicable.

**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**

There are no other factors which impact on this report.

**Future Actions**

- Training for Councillors on chairing meetings to be conducted on 11 May 2017.
- Online Governance training for Councillors to be undertaken.

**Consultation and Advocacy**

- Macquarie's Lawyers

**Related Documents**

- Gifts and Hospitality Policy 2014
- Councillor Code of Conduct 2017
- Excellence in Governance - Employee Code of Conduct (November 2014)
- Council Minutes – 5 December 2016
- *Local Government Act 1989*

**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.

**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

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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 Bicycle Advisory committee – 7 February 2017
- Meeting with Preston Market Owners – 8 February 2017
- Councillor Briefing Session Budget 2017/18 – 16 February 2017
- Councillors Briefing Session – 20 February 2017
- Sexuality, Sex and Gender Diversity Advisory Committee – 21 February 2017
- Darebin Bicycle Advisory Committee – 21 February 2017
- Councillors Briefing Session – 6 March 2017

<b>Recommendation</b>
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**That** the record of the Assembly of Councillors held on 7, 8, 16, 20 and 21 February 2017 and 6 March 2017 attached as **Appendix A** to this report, be noted and incorporated in the minutes of this meeting.

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#### Related Documents

- *Local Government Act 1989*

#### Attachments

- Assembly of Councillors (**Appendix A**) 

## 14. REPORTS BY MAYOR AND COUNCILLORS

<b>Recommendation</b>
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**That** Council note the Reports by Mayor and Councillors.

**15. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL****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 following items which relate to contractual and personnel matters:

- 15.1 Construction of Netball Courts Contract Award
- 15.2 Tender Evaluation Report for Animal Welfare Services at the Epping Animal Welfare Facility.
- 15.3 Feasibility of the Former Rivoli Theatre
- 15.4 Personnel Matter

**RE-OPENING OF MEETING****Recommendation**

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

**15.1 CONSTRUCTION OF NETBALL COURTS CONTRACT AWARD****Author:** Manager Strategic Assets Management**Reviewed By:** Director City Futures and Assets

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**Report Background**

This report deals with the award of a construction tender.

**Previous Council Resolution**

At its meeting held on 15 August 2016, Council resolved:

*“That Council:*

- (1) Notes the report detailing the State Government program to increase the provision of netball courts in Darebin.*
- (2) Endorses the sites nominated in the report and notes the contribution additional courts will make in supporting Council’s goal of increasing participation of girls and women in sporting activity.*
- (3) Receives a report on how to improve the identified non-compliant courts with a view of making them compliant, including identifying possible funding sources and opportunities.*
- (4) Write to all local members of State and Federal Parliament requesting that they advocate to the Victorian Minister for Sport, John Eren, to expedite State Government approval of the Multi-Sports Stadium at John Cain Memorial Park.”*

**Previous Briefing(s)**

Councillor Briefing - 25 July 2016

**Council Plan Goal/Endorsed Strategy**

Goal 2 - Healthy and Connected Community

Darebin Leisure Strategy and Leisure Services Action plan 2015 - 2020

**Summary**

This report summarises the tender process including the tender responses; tender evaluation and assessment process; recommends the award of a contract to a suitably experienced civil construction contractor, and details the available budget to undertake this project to deliver the following courts:

- Northcote High School - 2 Netball Courts
- J.C. Donath Reserve - 3 Netball Courts
- J.E. Moore Park - 2 Netball Courts.

As part of the design process consultation with schools, clubs and local residents has been completed. The design documentation phase for the project was completed in November 2016 and following this a tender process was undertaken to seek the services of a suitably experienced civil contractor to construct the project.

<b>Recommendation</b>
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**That** the Council report and resolution remain confidential with the exception of the successful tenderers name and contract period.

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**15.2 TENDER EVALUATION REPORT FOR ANIMAL WELFARE SERVICES AT THE EPPING ANIMAL WELFARE FACILITY.****Author:** Manager Health and Compliance**Reviewed By:** Director Civic Governance and Compliance

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**Report Background**

This report seeks approval to award the successful tenderer for animal welfare services at the Epping Animal Welfare Facility.

**Previous Council Resolution**

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

**Previous Briefing(s)**

Councillor Briefing – 20 February 2017

**Council Plan Goal/Endorsed Strategy**

Goal 2 - Healthy and Connected Community

**Summary**

This report summarises the evaluation of tenders received for the provision of animal welfare services at the new Epping Animal Welfare Facility (EAWF) under contract number Whittlesea Council 2016-70. .

The tender evaluation panel, consisting of Whittlesea, Darebin and Moreland Officers, determined the best value tender.

<b>Recommendation</b>
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**That** the Council report and resolution remain confidential.

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**15.3 FEASIBILITY OF THE FORMER RIVOLI THEATRE****Author:** Manager Creative Culture and Events**Reviewed By:** Director Community Development

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**Report Background**

This report is in response to Notice of Motion No. 319 from the Council meeting held on 12 December 2016 where Council resolved to explore the feasibility of purchasing the former Rivoli Theatre site located at 71 -75 Gilbert Road Preston within the broader context of Darebin's arts facilities and infrastructure.

**Previous Council Resolution**

At its meeting held on 12 December 2016, Council resolved:

*'That Officers prepare a report, in the broader context of art facilities in the City of Darebin, exploring the feasibility of purchasing the former Rivoli Theatre site at 71-75 Gilbert Road Preston for the community, with options including the creation of a:*

- *Multicultural Arts Centre*
- *Community arts hub for local artists*
- *Performance, teaching and gathering space for nearby primary schools, and/or*
- *Intercultural Centre.'*

**Previous Briefing(s)**

This matter has not previously been to a Councillor Briefing.

**Council Plan Goal/Endorsed Strategy**

Goal 2 - Healthy and Connected Community

Arts Strategy 2014-2020

**Summary**

The former Rivoli Theatre site located at 71 – 75 Gilbert Road is a privately owned property that has been for sale since mid-2015. The Rivoli Theatre was built in 1936 with a 900 seat theatre and two shops. It operated as a theatre until 1961, and since then, has been used as a factory, offices and warehouse. Currently the 1,054sq m property retains original features including stained glass windows, floorboards and period details. There is no heritage overlay that protects the site.

A Cultural Infrastructure Framework Plan (CIP) to be developed in 2017 will provide strategic direction on the delivery of cultural infrastructure and investment within Darebin. The CIP is intended to assist Council in its coordination and decision making on what is essential to effectively deliver new and support existing cultural infrastructure throughout the municipality.

**Recommendation**

**That** the Council report and resolution remain confidential.

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**15.4 PERSONNEL MATTER****Author:** Director Civic Governance and Compliance**Reviewed By:** Acting Chief Executive

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**Report Background**

This report has been circulated to Councillors separately.

**Previous Council Resolution**

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

**Previous Briefing(s)**

Councillor Briefing 27 February 2017.

**Council Plan Goal/Endorsed Strategy**

Not applicable

**Summary**

This report has been circulated to Councillors separately.

<b>Recommendation</b>
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**That** the Council report and resolution remain confidential.

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**16. CLOSE OF MEETING**