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AGENDA OF THE COUNCIL MEETING

Held on Monday 23 July 2018

Public question time will
commence shortly after 6.00pm.




ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN

Darebin City Council acknowledges the Wurundjeri people as the traditional owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and future.

Council pays respect to all other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises, and pays tribute to, the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait Islander communities and the right to self-determination in the spirit of mutual understanding and respect.



English - Agenda

This is the Agenda for the Council meeting. For assistance with any of the agenda items, please telephone 8470 8888.

Arabic

هذا هو جدول أعمال اجتماع المجلس. للحصول على المساعدة في أي من بنود جدول الأعمال، يرجى الاتصال بالرقم 8470 8888.

Chinese

这是市议会会议议程。如需协助了解其中的任何议项，请致电8470 8888。

Greek

Αυτή είναι η Ημερήσια Διάταξη (Agenda) της συνεδρίασης του Δημοτικού Συμβουλίου. Για βοήθεια σε οποιοδήποτε θέμα της ημερήσιας διάταξης, παρακαλούμε τηλεφωνήστε στο 8470 8888.

Hindi

यह काउंसिल की बैठक के लिए एजेंडा है। एजेंडा के किसी भी आइटम के साथ सहायता के लिए कृपया 8470 8888 पर टेलीफोन करें।

Italian

Questo è l'ordine del giorno per la riunione municipale. Per assistenza su uno dei punti dell'agenda chiamate il numero 8470 8888

Macedonian

Ова е дневен ред за состанокот на Советот на Општината. За помош за било која точка од дневниот ред, ве молиме телефонирајте на 8470 8888.

Somali

Kani waa ajandaha kulanka Golaha Degmada. Wixii caawima ah oo ku saabsan qodob kasta oo ka mid ah ajandaha fadlan la xiriir tel: 8470 8888.

Vietnamese

Đây là chương trình buổi họp của Hội đồng Thành Phố. Muốn biết thêm các thông tin về chương trình buổi họp, xin hãy gọi số 8470 8888.

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Agenda

1. MEMBERSHIP

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Lina Messina (Deputy Mayor)

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

2. APOLOGIES

Cr Laurence and Cr McCarthy are on approved leave of absence.

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Recommendation

That the Minutes of the Ordinary Meeting of Council held on 2 July 2018 be confirmed as a correct record of business transacted.

5. QUESTION AND SUBMISSION TIME

Members of the public can lodge questions for Council to answer or make a Comment or Submission prior to a specific item listed on the Agenda of an Ordinary Council meeting.

QUESTIONS

Members of the public can ask up to two (2) questions at an Ordinary Council meeting.

Questions submitted online will be responded to in the first instance. If you are not present at the meeting, the Chairperson will read the question and provide a response. The Chairperson may then take questions from members in the gallery.

Any question not answered at the meeting will be taken on notice and a written response will be provided to the person asking the question.

In accordance with the Darebin Governance Local Law, the Chairperson may disallow a question if it:

- is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance; or
- deals with a subject matter already answered; or
- is aimed at embarrassing a Councillor or an officer.

If you are unable to submit your question prior to the Ordinary Council meeting, the Chairperson may take questions from the floor.

SUBMISSIONS OR COMMENTS

Members of the public may make a comment or 2 minute submission on a matter listed on the Agenda prior to the item being debated.

A person who is unable to stay at the meeting until the Agenda item is heard, may make their comment or submission during Question Time.

HOW TO SUBMIT YOUR QUESTION OR MAKE A COMMENT OR SUBMISSION

Members of the public who wish to ask a question, or make a comment or submission to an agenda item, at an Ordinary Council meeting are encouraged to do so in one of the following ways:

- (a) online at darebin.vic.gov.au/questionsandsubmissions by 3pm on the day of the meeting; or
- (b) by email to Q&S@darebin.vic.gov.au; by 3pm on the day of the meeting; or
- (c) in person at the Preston Customer Service Centre, 274 Gower Street, Preston; or
- (d) by mail to PO Box 91, Preston 3072; or
- (e) with a Council officer prior to a Council meeting.

Council meetings can be viewed at the Watch Council and Planning Committee meetings page.

Agenda's will be available for viewing on Council's website at the 'Meeting Agendas and Minutes' page by 5pm, up to 6 days prior to the date of the meeting. Copies are also available at Customer Service centres and libraries.

6. PETITIONS

A petition has recently been received by Council in relation to drainage in Andrew Street Northcote. Please note this item is to be addressed at 'Item 9.1 – Petition Response to Drainage in Andrew Street Northcote' of this Agenda.

7. URGENT BUSINESS

8. CONSIDERATION OF REPORTS

8.1 SOLAR SAVER SPECIAL CHARGE SCHEME DECLARATION

Author: Coordinator Energy and Adaptation

Reviewed By: General Manager City Sustainability and Strategy

PURPOSE

To consider the declaration of a Special Charge in relation to the Solar Saver program.

EXECUTIVE SUMMARY

The Solar Saver program is a key action of the Council Plan and Council's Climate Emergency Plan. Key aspects of the program include:

- The program is open to all residential rate payers for solar systems up to 5kW
- Council undertakes procurement of good value solar systems and installation with 10 year warranties
- Council declares a Special Charge and pays the upfront cost of the solar system and installation for participants when the solar systems are installed
- Solar Saver participants pay the Special Charge over a 10 year period to reimburse council's upfront payment – which is more than offset by savings on their energy bills.

The proposed Special Charge Scheme includes 477 properties and would add 2,040kW of solar capacity to Darebin, doubling the total of Council's previous similar programs. The program was open to all residents. Low income residents, pensioners and social housing tenants have been prioritised.

This report recommends that Council declare a Special Charge Scheme under section 163 of the *Local Government Act 1989* for the purposes of defraying expenses relating to the provision of solar energy systems on residential properties participating in the Solar Saver scheme.

No objections were received in response to the public notification process.

Recommendation

That Council:

- (1) Having complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989* ("Act"), and otherwise according to law, declare a Special Charge ("Special Charge") under section 163 of the Act as follows:
 - a) A Special Charge is declared for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the tenth anniversary of that day.

- b) The Special Charge is declared for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar Saver scheme, which project:
 - i. Council considers is or will be a special benefit to those persons required to pay the Special Charge (and who are described in succeeding parts of this resolution); and
 - ii. Arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
 - c) The total:
 - i. Cost of performing the function described in paragraph 1(b) of this resolution be recorded as \$2,492,700.37; and
 - ii. Amount for the Special Charge to be levied be recorded as \$2,492,700.37, or such other amount as is lawfully levied as a consequence of this resolution.
 - d) The Special Charge is declared in relation to all rateable land described in the table included as **Appendix A** to this report, in the amount specified in the table as applying to each piece of rateable land.
 - e) The following list is specified as the criteria that form the basis of the Special Charge so declared:

Ownership of any land described in paragraph 1(d) of this resolution.
 - f) The following is specified as the manner in which the Special Charge so declared will be assessed and levied:
 - i. A Special Charge calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar Saver scheme, in respect of which a Householder Agreement has been executed, totalling \$2,492,700.37, being the total cost of the scheme to Council
 - ii. To be levied each year for a period of 10 years.
 - g) Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, let it be recorded that the owners of the land described in paragraph 1(d) of this resolution will pay the Special Charge in the amount set out in paragraph 1(f) of this resolution in the following manner:
 - i. Payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or
 - ii. Payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.
- (2) Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the proposed Special Charge, as a result of the expenditure proposed by the Special Charge, in that the properties will have the benefit of a solar energy system being installed.

- (3) Council, for the purposes of having determined the total amount of the Special Charge to be levied:
- a) Considers and formally records that only those rateable properties included in the Solar Saver scheme as proposed will derive a special benefit from the imposition of the Special Charge, and there are no community benefits to be paid by Council; and
 - b) Formally determines for the purposes of section 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Special Charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the Special Charge is 100%.
- (4) Council directs that notice be given to all owners and occupiers of properties included in the Scheme in writing of the decision of Council to declare and levy the Special Charge, and the reasons for the decision. For the purposes of this paragraph, the reasons for the decision of Council to declare the Special Charge are that:
- a) There is no objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Charge from all property owners and occupiers
 - b) Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the Act, particularly in relation to its functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district
 - c) All persons who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit of a solar energy system being installed at the property.
- (5) Where a Householder wishes to withdraw from the Scheme, Council agrees to such withdrawal where the Householder has given written notice of their desire to withdraw from the Scheme before Council has incurred any expenditure in relation to the Householder's solar system.
-

BACKGROUND / KEY INFORMATION

The Council Plan 2017-2021 and the Climate Emergency Plan commit Council to working with the community to expand the amount of solar PV in Darebin from 18,000 kW to 36,000 kW. To achieve this Council has included an allocation of \$5.4 million in the 2018/19 budget for the third round of the Solar Saver program.

Key aspects of the program include the following:

- The Solar Saver program is currently open to all residential rate payers for solar systems up to 5kW.
- Council undertakes procurement of good value solar systems and installation with 10 year warranties.
- Solar saver participants register interest, receive quotes and the property owner signs a householder agreement (**Appendix A**).
- Council declares a Special Charge and pays the upfront cost of the solar system and installation for participants when the solar systems are installed.

- Solar saver participants pay the Special Charge over a 10 year period to reimburse Council's upfront payment – which is more than offset by savings on their energy bills.
- As detailed below Council has resolved that interest will not be charged to residential participants and that the program will be funded through Council's existing cash reserves.

Nearly 500 low income householders have participated in previous Solar Saver programs. The Solar Saver program has been broadened to all residential ratepayers and low income homes remain a priority.

EnviroGroup, a local business, have been engaged by Council through a Municipal Association of Victoria (MAV) contract to provide and install solar for this round of the Solar Saver program and have provided the quotations for the systems to residents. 477 householders have accepted these quotations and are included in the proposed Special Charge scheme.

On 30 April 2018 Council resolved to give notice of its intention to declare a Special Charge for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar Saver scheme.

Public notice was posted in the 8 May 2018 edition of the Preston Leader and the 9 May 2018 edition of the Northcote Leader. The public notice advised of the proposed declaration and invited submissions under section 223 of the Act by 5pm on 7 June 2018.

No submissions or objections were received by the Manager of Environment and Sustainable Transport. However, since public advertising of the scheme, four households have requested to withdraw from the scheme due to changed circumstances.

Previous Council Resolution

At its meeting held on 30 April 2018, Council resolved:

That:

- (1) Council gives notice of its intention to declare a Special Charge in accordance with section 163 of the *Local Government Act 1989 (Act)* as follows:
 - a. A Special Charge is declared for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the tenth anniversary of that day.
 - b. The Special Charge be declared for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar Saver scheme, which project:
 - i. Council considers is or will be a special benefit to those persons required to pay the Special Charge (and who are described in succeeding parts of this resolution); and
 - ii. Arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
 - c. The total:
 - i. Cost of performing the function described in paragraph 1(b) of this resolution be recorded as \$2,510,483.37; and

- ii. Amount for the Special Charge to be levied be recorded as \$2,510,483.37, or such other amount as is lawfully levied as a consequence of this resolution.
 - d. The Special Charge be declared in relation to all rateable land described in the table included as Appendix B to this report, in the amount specified in the table as applying to each piece of rateable land.
 - e. The following be specified as the criteria which form the basis of the Special Charge so declared:
 - i. Ownership of any land described in paragraph 1(d) of this resolution.
 - f. The following be specified as the manner in which the Special Charge so declared will be assessed and levied:
 - i. A Special Charge calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar Saver scheme, in respect of which a Householder Agreement has been executed, totalling \$2,510,483.37, being the total cost of the scheme to Council;
 - ii. To be levied each year for a period of 10 years.
 - g. Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it be recorded that the owners of the land described in paragraph 1(d) of this resolution will, subject to a further resolution of Council, pay the Special Charge in the amount set out in paragraph 1(f) of this resolution in the following manner:
 - i. Payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or
 - ii. Payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.
- (2) Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the proposed Special Charge, as a result of the expenditure proposed by the Special Charge, in that the properties will have the benefit of a solar energy system being installed.
- (3) Council, for the purposes of having determined the total amount of the Special Charge to be levied:
- a. Considers and formally records that only those rateable properties included in the Solar Saver scheme as proposed will derive a special benefit from the imposition of the Special Charge, and there are no community benefits to be paid by Council; and
 - b. Formally determines for the purposes of section 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Special Charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the Special Charge is 100%.
- (4) Public notice be given in "The Northcote Leader" and "The Preston Leader" newspapers of Council's intention to declare, at its ordinary meeting to be held on 23 July 2018, the Special Charge in the form set out above.

- (5) Separate letters, enclosing a copy of this resolution, **Appendix B** to this report and the public notice referred to in paragraph 4 of this resolution, are to be sent to the owners of the properties included in the scheme, advising of Council's intention to levy the Special Charge, the amount for which the property owner will be liable, the basis of calculation of the Special Charge, and notification that submissions and/or objections in relation to the proposal will be considered by Council in accordance with sections 163A, 163B and 223 of the Act.
- (6) The Council's Hearing of Submissions Committee be convened, at a date and time to be fixed, to hear persons who, in their written submissions made under section 223 of the Act, advise that they wish to appear in person, or to be represented by a person specified in the submission, at a meeting in support of their submission.
- (7) Council's Manager Environment and Sustainable Transport be authorised to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under sections 163A, 163(1A), (1B) and (1C), 163B and 223 of the Act.

COMMUNICATIONS AND ENGAGEMENT

Consultation

- Approximately 1,500 homes expressed interest in the program, with over 900 agreeing to provide details to EnviroGroup to receive a quote.
- Approximately 20% of people who registered interest had roof, shading or other issues which meant that solar was not a good option for them.
- 601 homes received home visits from EnviroGroup and written quotations for the Solar Saver program. Participating households have all signed agreements to participate in the program based on quoted prices.
- Consultation has occurred with the Darebin Environmental Reference Group, Aged and Disability - Community Development Officer and Marketing and Community Engagement Officer, Equity & Diversity – Community Planner, Interfaith Development Officer and Aboriginal Policy Officer.
- Officers have also consulted with Northcote Rental Housing Co-operative, which have a number of homes included in the proposed scheme.
- The Chief Financial Officer and Executive Management Team have been consulted.
- Public notice was posted in the 8 May 2018 edition of the Preston Leader and the 9 May 2018 edition of the Northcote Leader. The public notice advised of the proposed declaration and invited submissions under section 223 of the Act by 5pm on 7 June 2018. No submissions or objections were received.
- Four households have withdrawn from the program due to changed circumstances. These households have been removed from the scheme and this change does not require further public notice and does not affect Council's declaration of the Special Charge Scheme.

Communications

- The program was advertised on the Council website and social media, in the local paper, through Darebin Community News, information sessions at Darebin Libraries and other Council events, newsletters and through networks.
- Similar communication channels will be used for the next scheme including promotions at events and targeted mail outs if required.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 1 - A sustainable city

Climate Emergency Plan 2017

Environmental Sustainability Considerations

This project is a key action in the Darebin Climate Emergency Plan 2017. The current round of Darebin Solar Saver is expected to install 2,040kW across 477 installations, with an estimated equivalent annual greenhouse gas saving of 5,110 tCO₂-e.

Equity, Inclusion and Wellbeing Considerations

This project was specifically aimed at low income households, who are more vulnerable to increasing energy costs. Data from the first round of Solar Saver, indicate households with solar PV are more likely to use air-conditioning (because it is more affordable with solar PV) and are therefore less vulnerable to heat wave stress.

Cultural Considerations

Many participants are from culturally and linguistically diverse (CALD) communities. It is estimated that over 25% of homes receiving quotes were from CALD communities.

Economic Development Considerations

It is estimated that participating households will save over \$100 per year after the special scheme payment (based on what their energy bills would have been before solar). After 10 years average participating households are expected to save well over \$400 per year. This represents potential funds that can be spent within the Darebin community rather than on utility bills.

Financial and Resource Implications

Council has included a total of \$5.4 million in the 2018-2019 Council budget for the delivery of the Solar Saver program. \$220,000 is allocated to administrative and promotions cost with \$5.2 million to be paid in solar installations with funds returned through special rates scheme. There will be at least one more special rates scheme conducted over the 2018-2019 year.

Should the proposed Special Charge scheme proceed, Council will pay \$2,492,700.37, for the supply and installation of the solar PV systems on the properties listed in **Appendix A**. In accordance with their respective Householder Agreements, property owners will pay for the cost of the solar energy system by equal instalments apportioned over a 10-year period, commencing from February 2019. Council is expected to receive \$249,270.03 in Special Charge repayments annually for this scheme over the 10 year period. Some households will pay the total amount in the first year. It should be noted that the Special Charge scheme is effectively an interest free loan to the households.

Payments to Council by property owners for works via Special Charge schemes are GST exempt.

Should a property be sold during the 10 year period in which the Special Charge scheme applies, the amount outstanding on the Special Charge scheme at the time of sale will be paid in full.

Legal and Risk Implications

A risk analysis has been undertaken for the program. This round was limited to 500 installations to ensure that the contractor could manage installation works over a 22 week period. Solar installations are electrical works and are required by law to be signed off by an authorised electrician through a certificate of electrical safety. Random independent audits of the work will also be undertaken by Council to ensure installations comply with Council specifications. Occupational Health and Safety processes have been assessed and will be audited on site. Ten year warranties are required on panels, inverters and installation.

DISCUSSION

Progress of Solar Saver Scheme

EnviroGroup provided written quotes to 601 homes since January 2018 and 481 signed agreements. This is an excellent outcome with 80% of quotes resulting in agreements to install solar.

The previous program had been limited to 2kW systems. Larger systems now have a much better payback with the current Victorian Solar Feed-in-Tariff of 9.9 cents per kilowatt hour. Most residents are installing 5KW systems. As a result we estimate that this Special Charge scheme will result in over 2,040 kW of solar being installed (double the total of previous programs).

As of February 2018 total solar installs in Darebin had reached 23.4 MW. So with the Solar Saver installations and current market activity we expect Darebin will have achieved one third of Council's solar target by December 2018.

Priority has been given to low income homes and 208 participants were classed as high priority including:

- Low income households
- Pensioners
- Social housing tenants
- Culturally and linguistically diverse (CALD) residents.

Proposed Special Charge declaration

Under section 163 of the *Local Government Act 1989* (Act), Council is empowered to declare a Special Charge for the purposes of defraying any expenses in relation to the performance of a function or the exercise of a power of Council, if Council considers that the performance of the function or the exercise of the power is, or will be, of special benefit to the persons required to pay the special rate or Special Charge.

In this case, the installation of solar energy systems on properties as part of the Solar Saver scheme arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district and promotes the social, economic and environmental viability and sustainability of the municipal district. Each participating property has signed a Householder Agreement with Council to participate in the scheme, which includes the overall cost and repayments which would be paid by the property should the scheme be approved (see **Appendix A**).

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

The guideline requires that Council identify the following:

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

A. Purpose of the Works

The purpose of the works is to supply and install solar energy systems on properties to reduce energy costs and encourage and increase the use of renewable energy in Darebin.

B. Ensure Coherence

The proposed works have a natural coherence with the proposed beneficiaries, as the properties proposed to be included in the scheme are receiving solar energy systems to the value of their participation.

C. Calculate the Total Cost

The proposed solar system installation includes the following items:

- Assessment and administration costs
- Supply and installation of solar energy systems

For the purposes of section 163(1) of the Act, the total cost of the works is calculated at \$2,492,700.37 based on signed quotations.

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

D. Identify the Special Beneficiaries

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

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

Property owners participating in the Solar Saver scheme are considered to receive special benefit from the proposed supply and installation of solar PV systems by means of:

- Reduced energy costs over the life of the solar PV system
- Ownership of the solar PV system after the special rate repayments are paid in full
- Increased property value

The proposed properties taking part in the scheme, the owners of which have signed a Householder Agreement with Council to participate in the scheme, are listed in **Appendix A**.

E. Determine Properties to Include

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

It is accepted that only those properties at which the solar energy systems are installed will receive a special benefit from the scheme. Accordingly, it is proposed to include only those residential properties whose owners have signed Householder Agreements in the scheme. Council will not, then, be required to pay a share of costs related to special benefits for any property that is not included in the scheme.

F. Estimate Total Special Benefits

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

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

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

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

- **TSB_(in)** – The estimated total special benefit is based on the quoted cost of the solar PV system to be installed (which has been included in the Householder Agreement signed by the property owner). It is expected that the benefit in reduced energy costs will exceed this special benefit.
- **TSB_(out)** – This is not applicable as all participating properties are included.

G. Estimate Community Benefits

Whilst the reduction of energy use, greenhouse emissions and increase of renewable energy is considered a community benefit there are no direct quantifiable costs.

- **TCB** – Total Community Benefit is assessed to be 0 benefit units

H. Calculate the Benefit Ratio

The benefit ratio is calculated as:

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

Where:

$$\text{TSB}_{(\text{in})} = \$2,492,700.37;$$

$$\text{TSB}_{(\text{out})} = 0$$

$$\text{TCB} = 0$$

$$R = 1$$

I. Calculate the Maximum Total Levy

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

$$S = R \times C$$

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

$$\text{Therefore } S = 1 * \$2,492,700.37 = \$2,492,700.37$$

Note there is no community benefit amount payable by Council.

Apportionment of Costs

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

As the properties have all received individual quotations based on the solar system and work required, it is proposed to apportion the costs based on these quotes. It is noted that the householders have been notified and signed agreements on the basis of these costs for the purpose of declaring this scheme.

It is proposed to distribute the costs as shown in **Appendix A**.

Statutory Process

The Act requires Council to give public notice of its proposed declaration of the Special Charge and write to all people who will be liable to contribute. The proposed declaration of the Special Charge has been prepared in accordance with the Act.

Owners (or occupiers who would pay the charge as a condition of their lease) may object to the proposal within 28 days. If objections are received from more than fifty per cent of persons liable, Council will be prevented from making the declaration and the scheme cannot proceed.

OPTIONS FOR CONSIDERATION

If Council were not to proceed with the Declaration of the Special Charge, 477 households would miss out on the opportunity to:

- Reduce their electricity costs and the risks of further electricity price escalation;
- Reduce greenhouse gas emissions – equivalent to annual greenhouse gas savings of 10.7 tCO₂-e per household (average);
- Reduce risks associated with heat wave stress– households with solar PV are more able to afford operating their air-conditioning; and

- Contribute to a more resilient electricity grid through the removal of some peak electricity demand during daylight hours on hot summer days.

IMPLEMENTATION STRATEGY

Details

Council has developed a Solar Saver Management Framework 2018-2021 to facilitate the smooth implementation of the expanded program. This management framework provides the business case to adequately manage and monitor the Darebin Solar Saver Program, along with identifying the key resources and control points. It will be used by the proposed governance structures as a reference document to determine the status and progress of the program.

Council's installation contractor EnviroGroup has developed an Implementation Plan for this particular round of the Solar Saver program. The Implementation Plan seeks to:

- Establish how EnviroGroup will manage procurement activities, suppliers, and subcontractors during the installation phase of the Darebin Solar Saver Program.
- Understand potential risks and associated mitigation measures and monitoring approaches associated with installing solar PV systems under the program.
- Outline the requirements and expectations regarding the installations.

Communication

EnviroGroup will communicate with the proposed 477 Solar Saver households regarding scheduling and confirmation of installation dates.

In addition, Council will continue to promote the availability of the program to all households in Darebin, especially, those who are low income households. If the program expands to include businesses, Council will actively communicate and engage with small to large businesses and organisations within Darebin.

Timeline

Installation of this round of Solar Saver will commence immediately following Council's declaration of the Special Charge and conclude by the end of December 2018.

RELATED DOCUMENTS

- Council minutes April 30, 2018, July 18, May 16, 2016 and 23 November 2015
- *Local Government Act 1989*
- Climate Emergency Plan 2017
- The Macquarie Special Rates and Charges Manual 2012
- 2018 - 2019 Budget
- Notice of Intention to Declare a Special Levy for Solar Saver Scheme (**Appendix B**)

Attachments

- Solar Saver property addresses and Special Charge (**Appendix A**)
- Solar Saver intention to declare a Special Charge - Public Notice (**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.

8.2 PLANNING SCHEME AMENDMENT C161 FAIRFIELD VILLAGE CONSIDERATION OF SUBMISSIONS

Author: Principal Strategic Planner

Reviewed By: General Manager City Sustainability and Strategy

PURPOSE

To consider the submissions received regarding Amendment C161 to the Darebin Planning Scheme which seeks to introduce built form and heritage controls in Fairfield Village.

EXECUTIVE SUMMARY

Amendment C161 primarily seeks to implement the adopted *Fairfield Village Heritage Assessment 2017* and *Fairfield Village Built Form Guidelines* into the Darebin Planning Scheme by introducing a Heritage Overlay and Design and Development Overlay controls to protect places of local heritage significance and set clear requirements for appropriate higher density development in the Centre.

Amendment C161 was publicly exhibited from 15 May 2018 to 18 June 2018 and submissions invited during this period. A total of 10 submissions have been received, including 4 in support of the Amendment. Key issues raised by the submissions include the merits of the proposed individual and precinct heritage overlays, inclusion of non-significant/non-contributory properties in the heritage precinct, identification of valued street facades, rationale for maximum height requirements and impacts of the proposed design controls on development viability.

Recommendation

That Council:

Having prepared and exhibited Amendment C161 to the Darebin Planning Scheme under Section 19 of the *Planning and Environment Act 1987*:

- (1) Notes all submissions received in response to Amendment C161 to the Darebin Planning Scheme.
- (2) Endorses the response to submissions outlined in this report and attached at **Appendix A** to this report, to form the basis of Council's submission to an independent Planning Panel.
- (3) Endorses Amendment C161 as exhibited with policy-neutral modifications to Design and Development Overlay (Schedule 21) to meet conditions of authorisation from the Department of Environment, Land Water and Planning, as attached at **Appendix B** to this report.
- (4) Endorses further post-exhibition changes to the Design and Development Overlay (Schedule 21) and Clause 21.02 Built Environment to correct minor errors, as attached at **Appendix B** to this report.
- (5) Requests that the Minister for Planning appoint an independent Panel under Part 8 of the *Planning and Environment Act 1987* to consider submissions to Amendment C161 to the Darebin Planning Scheme.

-
- (6) Authorises the Manager City Futures to make any further changes to Amendment C161 that may be required as part of Council's submission to the Panel.
 - (7) Advise all submitters of Council's resolution.
-

BACKGROUND / KEY INFORMATION

On 19 March 2018, Council resolved to seek authorisation to prepare and exhibit Amendment C161 to the Darebin Planning Scheme.

Amendment C161 seeks to implement the adopted *Fairfield Village Built Form Guidelines, 2017* and the *Fairfield Village Heritage Assessment, 2017* through application of a new Design and Development Overlay (Schedule 21) to all land in the Commercial 1 Zone in Fairfield Village, and the Heritage Overlay to an identified heritage precinct (HO313) and one individual site (HO314). The Amendment also corrects minor zoning anomalies in the centre and makes minor policy reference updates to the Local Planning Policy Framework.

Amendment C161 is intended to deliver built form outcomes in Fairfield Village which strike a balance between protection of its valued history and character with the need to accommodate growth over time, at a scale and intensity appropriate for a neighbourhood centre. The Amendment gives enforceable statutory effect to the adopted Council policies that were prepared through significant research, analysis and community engagement and provides certainty on future development in Fairfield Village.

Authorisation

On 22 March 2018, Council officers requested the Minister for Planning to authorise preparation and exhibition of Amendment C161. Authorisation was granted on 30 April 2018, subject to modifications to the proposed Design and Development Overlay (DDO21) suggested by the Department of Environment, Land Water and Planning (DELWP), to:

- Remove duplication of matters adequately covered by other controls (such as the heritage overlay); and
- Achieve technical compliance with planning scheme form and content requirements (generally layout reformat and minor language changes).

Council officers made policy neutral modifications to DDO21 in consultation with DELWP to address their requirements. The modified version of DDO21 as accepted by DELWP for exhibition preserves all key requirements and outcomes sought by Council, including retention of historic facades and mandatory building height and street wall height limits. A copy of the modified DDO21 as exhibited is attached at **Appendix B**.

Exhibition

Amendment C161 was publicly exhibited from 15 May 2018 to 18 June 2018 and submissions invited during this period. In accordance with section 19 of the *Planning and Environment Act 1987*, notice of Amendment C161 was given as follows:

- 1,307 addressed letters mailed to affected owners and occupiers. The letters were accompanied by a statutory notice and a fact sheet to assist recipients to understand the proposals in plain English. The back of the letter also contained a translation of key points in the 5 main non-English languages of the area (Chinese, Greek, Hindi, Italian and Vietnamese).
- Direct notices sent to all prescribed Ministers, local members of parliament, adjoining municipalities (Banyule and Yarra Council's), Fairfield Traders Association and all relevant infrastructure and service authorities.

- Advertisement published in the Northcote Leader on 16 May 2018.
- Public notices published in the Northcote Leader, Victorian Government Gazette and on the Darebin Council website on 17 May 2018.
- Posts across Council's social media channels at the commencement of exhibition and again on 6 June prior to close of submissions.
- Announcements on the Darebin Council website.
- Email to the Our Fairfield Village project subscribers on the 'Your Say Darebin' engagement website at the commencement of exhibition.

Copies of all amendment documents, fact sheets and other background information were made available for inspection online at the 'Your Say Darebin' engagement website as well as on the DELWP planning scheme amendments exhibition website.

Hard copies of all exhibition documents were placed at Fairfield Library and at the Planning counter at Council's Preston offices.

Two informal 'drop-in' information sessions were held between 5.30-7.30pm at Mamma Says Café, 120 Station street Fairfield on 23 May and 30 May 2018 to provide the community with the opportunity to talk directly to Council officers about the amendment and clarify any questions about the proposal and the process.

Previous Council Resolution

At its meeting held on 19 March 2018, Council resolved:

'That Council

- (1) *Request under Section 8A (2) and (3) of the Planning and Environment Act 1987 that the Minister for Planning authorise Darebin City Council to prepare Amendment C161 to the Darebin Planning Scheme;*
- (2) *When authorised by the Minister for Planning, exhibit Amendment C161 to the Darebin Planning Scheme for a period of one month and/or in accordance with notice requirements under Section 19 of the Planning and Environment Act 1987;*
- (3) *Authorise the Manager City Futures to make minor alterations and corrections, where necessary, to Amendment C161 material as attached at **Appendices A-G** prior to the lodgement of the authorisation request with the Minister for Planning and/or the exhibition period.'*

COMMUNICATIONS AND ENGAGEMENT

Consultation

Amendment C161 has been subject to a full public consultation process as outlined in the Background section of this report.

Communications

A communications plan was developed for public exhibition period. Communication techniques and key messages are outlined in the Discussion section of this report.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 3 - A liveable city

Environmental Sustainability Considerations

Amendment C161 will facilitate new housing in an activity centre location with walkable access to wide range of facilities and sustainable transport options. The proposed new planning scheme controls will encourage the construction of environmentally sustainable buildings, including the adaptable reuse of existing heritage buildings, and are consistent with existing Council policies and strategies for Environmentally Sustainable Development.

Equity, Inclusion and Wellbeing Considerations

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

Cultural Considerations

There are no factors in this report which impact on cultural considerations.

Economic Development Considerations

Amendment C161 will support the establishment of new housing and commercial opportunities in Fairfield Village to strengthen the economic viability of the Centre. The heritage and built form controls will ensure that change is managed in a positive way and does not come at the expense of the character and 'village' atmosphere of the Centre for which it is distinguished.

The proposed Heritage Overlay provisions will increase planning permit requirements in the Centre for business owners, however the Incorporated Plan under Clause 43.01-2 will ensure minor works, repairs and maintenance are exempt from permit requirements. The proposed Heritage Overlay will not prohibit development and the Design and Development Overlay will provide clear guidance on how heritage places in Fairfield Village can be sensitively developed at higher densities.

Financial and Resource Implications

Provision has been made within the current operating budget for costs and resource requirements associated with the planning scheme amendment process.

The proposed application of the Heritage Overlay on properties in Fairfield Village will result in an increase in planning applications, however this not expected to have a significant impact on Statutory Planning resource and administrative costs. The existing Incorporated Plan under Clause 43.01-2 provides planning permit exemptions for changes to non-significant buildings and for routine repairs and maintenance under the Heritage Overlay. The Incorporated Plan has been revised through this amendment to extend further permit exemptions specific to Fairfield Village.

Overall, Amendment C161 is expected to have a positive impact on Council resources and administration as it will provide clear policy guidance – this is expected to deliver a more efficient planning permit application and decision process.

Legal and Risk Implications

If Amendment C161 is not progressed, there will continue to be no enforceable planning scheme controls for heritage or built form in Fairfield Village. This will create uncertainty around development in Fairfield Village and increased costs of referring matters to the Tribunal. Council would have to rely on general strategic policy and the Built Form Guidelines and Heritage Assessment reference documents. Reference documents on their own will only hold limited statutory weight in decision making on future planning permit applications.

DISCUSSION

Consideration of Submissions

The statutory public exhibition and submission process for Amendment C161 is complete and submissions are now presented to Council for consideration. Under the requirements of section 22 of the *Planning and Environment Act*, Council must consider every submission.

A total of 10 submissions were received (including one late submission which has been accepted due to the submitter being overseas during the exhibition period).

A summary of all submissions and Council officer response is attached at **Appendix A**.

It should be noted that 4 submissions expressed support for the Amendment, including a submission from Transport for Victoria which supports the proposed inclusion of the Fairfield Railway Station and surrounding reserve in the heritage overlay.

Key issues raised in submissions, and Council officer response and recommendation, are summarised below:

- **Merits of heritage overlay for church at 85-87 Gillies Street Fairfield (HO314)**

The Council of St Andrews Uniting Church Fairfield have lodged a submission (No. 6) objecting to the application of an individual Heritage Overlay to the property. The submission disagrees with the assessment of heritage significance as documented in the *Fairfield Village Heritage Assessment 2017*, contending that the church building is not significant compared to other church buildings in Melbourne, nor is it an outstanding example compared to other buildings of the same era. The submission also states that the honour rolls as mentioned in the citation are not integral to the building and that the interior of the building has been successively modified.

The submission contends that heritage controls would restrict the potential for future congregations to modify or alter the building, including the exterior, to provide for needs and would overall be detrimental to ability of the church to continue to carry out its mission within the Fairfield community.

Council officer response

The church site was assessed and determined to be of historic significance by an independent heritage expert. In recognition of the ongoing functioning of the church, a large number internal alterations have been exempted from planning permit requirements. There are further exemptions for demolition and maintenance of buildings and features on the rest of the site that are not considered historically significant.

The objection to application of the heritage overlay on the site from the Church as land owner and operator is noted and it is unfortunate that issues were not raised when informal consultation on the recommendations of the draft *Fairfield Village Heritage Assessment* was undertaken in September 2017. Although the views of the land owner are important, when considering whether to impose a heritage overlay on the property, Council must also have regard to the broader community benefit of applying the overlay to protect historic buildings in the city.

At this point, it would be most appropriate for the merits of including the site in the heritage overlay to be considered by an independent Panel.

Recommendation: no change to amendment, refer submission to a Panel.

- **Merits of the Fairfield Village heritage precinct (HO313) and inclusions**

4 submissions (Nos. 3, 4, 7 and 10) have objected to the application of the heritage overlay across a precinct. The submissions contend a 'blanket' control across a precinct is not justified given the number of non-significant/non-contributory buildings and the 'substantially adulterated' streetscape due to modern and heavily altered buildings. Submission No.4 questions the basis for how properties have been included or not included in the precinct (i.e. definition of boundaries) and why the 'Nightingale' and former Fairfield RSL development sites were left out.

These submissions are not opposing of the use of heritage controls in Fairfield Village but disagree with the precinct-based approach. Submissions 3, 4 and 10 have suggested that rather than a precinct, the heritage overlay should be applied only to individual buildings worthy of retention. Alternatively, Submission 7 suggests that the heritage overlay be applied only to historic street facades of buildings rather than the entire property.

Two submitters (1 and 4) specifically requested that their non-significant/non-contributory properties be removed from the proposed heritage precinct and overlay area.

Council officer response

The Fairfield Village heritage precinct, and the extent of its boundaries was identified by an independent heritage expert. The methodology for research of the centre against historic themes, assessment of properties in the initial study area and refinement into the resulting precinct boundaries is documented in the *Fairfield Village Heritage Assessment, 2017* reference document.

While the precinct contains a number of non-significant/non-contributory buildings, it has a sufficient level of integrity overall to warrant application of the Heritage Overlay as proposed. Non-significant/non-contributory sites which have been included in the precinct are flanked by significant or contributory elements, including the significant railway reserve area.

Redevelopment of non-significant/non-contributory sites within the precinct should be managed by the heritage overlay given the potential for adverse impacts on the historic value and integrity of the precinct should these sites be redeveloped without adequate regard to heritage. The decision to omit the 'Nightingale' and RSL sites from the precinct is based on the fact that they accommodate brand new developments which do not contribute to the integrity of the precinct, and will not be redeveloped for the foreseeable future.

Suggestions to apply the heritage overlay to only certain individual properties in lieu of a precinct are noted, however the independent research and evaluation has identified a precinct and this recommendation has been accepted by Council. Heritage Overlays routinely apply to the entirety of a property, rather than just parts i.e. a facade – the citation for the proposed HO includes conservation policy that clarifies what is historically significant to protect and provides guidance on how to consider alterations and redevelopment of buildings.

Recommendation: no change to amendment, refer submissions to a Panel.

- **Devaluation of property in heritage overlay**

One submission (no.1) opposes the inclusion of their non-significant/non-contributory property in the precinct Heritage Overlay based on anticipated negative impact on their property resale value due to the perceived restriction placed on the land by the overlay.

Council officer response:

Impact on property value is generally not a consideration in deciding whether or not to apply a heritage overlay to a property. This is confirmed by several Planning Panel reports.

Although the site itself is not of historic value, it is located centrally within the defined precinct and exclusion of the site as requested would undermine the integrity of the heritage precinct.

As a non-significant/non-contributory site in the proposed HO, there would be numerous exemptions from planning permits for small changes. In so far as the value of the site for redevelopment is concerned, certainty and clarity of development potential will be preserved by the application of the DDO. The site can be fully redeveloped and to the same height as all sites across the DDO, with specific guidance on form to respect surrounding heritage forms.

Recommendation: no change to amendment, refer submission to a Panel (noting it is unlikely to be considered).

- **Grading of buildings in the heritage precinct / identification of valued street facades**

Three submissions (3, 7 and 10) contest the assessment of heritage significance of theirs and surrounding properties, contending that these buildings do not have historic value.

Submission 7 questions the general rationale for identifying ‘valued street facades’, particularly those which are non-historic. Submission 7 also questions why buildings are suddenly considered of heritage value, given previous heritage studies did not identify them.

Council officer response

The assessment and grading of buildings in the heritage precinct are accepted given they are the recommendations of an independent heritage expert and no evidence to the contrary has been submitted.

‘Valued street facades’ are not all of historic value – this has been made clear in the *Fairfield Village Built Form Guidelines, 2017* reference document which underpins DDO21. Valued street facades are buildings which make a contribution to local character due to their form and/or detail. They are not necessarily original historic buildings is so far as those identified as significant or contributory in the identified heritage precinct.

Past heritage studies have never formally considered Fairfield Village as a potential precinct. The scope of the last Darebin Heritage Study, completed in 2011 as quoted, did not include comprehensive survey of all areas in the municipality.

Recommendation: no change to amendment, refer submissions to a Panel.

- **Rationale for maximum height requirements**

3 submissions offered differing views on the rationale for maximum heights.

One submission (No.3) has submitted that the site area-based mandatory height controls in DDO21 are unreasonable, contending the 5 storey height allowance should not be restricted to sites over 1,000 square meters in area and that this threshold is arbitrary. The submitter's site, at 770 square meters, should not be restricted to 4 storeys as it can accommodate a 5 storey building 'without eroding the feel of the area'. Further, the submission states that the mandatory height restrictions based on land area is counterproductive as it will encourage merging of sites in order to meet 1,000 square meters threshold and further erode the feel of the area.

Submission no.4 does not support the 4 storey maximum height and wishes to see the maximum height reduced to be in line with current building heights at 2-3 stories, concerned that if neighbouring sites were redeveloped, they, would dwarf their own property.

Submission no.5 supports the maximum heights proposed, but would like to see the inclusion of *minimum* development requirements to avoid wasteful use of land (e.g. construction of a single use, detached house) in a transport-rich area.

Council officer response:

The DDO intends that 4 storeys is the maximum height that should be allowed in Fairfield Village, unless a site has an area greater than 1,000 square meters. This maximum is based on urban design and heritage principles, and is consistent with moderate growth that is earmarked for neighbourhood scale centres in Darebin. A 5th storey is allowed as an exception to the rule in recognition of the capacity of particularly large sites (including assemblies of multiple sites) to accommodate additional height in conjunction with other requirements of the DDO for front setbacks and retaining a fine grained streetscape.

The 1,000 square meters threshold for considering a 5th storey is taken from the 1,000 square meters area convention used in Victorian planning (including the Darebin Housing Strategy) to identify 'strategic opportunity sites' which are generally more feasible for higher density development.

A 3 storey height maximum as put forward by submission no.4 is considered inappropriate as there is need to balance heritage and character considerations with the need to provide more housing in well serviced activity centres. 4 storeys (or 5 if allowed) is considered to strike the right balance of planning objectives. The front setback requirements, together with the maximum heights will ensure visual bulk to the street will be managed and won't result in buildings overwhelming the street.

Imposing minimum development requirements is an option available to Council, however this is usually exercised in strategic locations such as Principal Activity Centres, where there is a stronger strategic push to achieve more drastic changes in favour of higher densities and heights. With Fairfield Village envisaged to accommodate relatively modest growth compared to other centres, imposing minimum requirements is likely to be considered overly prescriptive and unnecessary. The DDO control applies to Commercial 1 Zoned land, and there is a low risk of single storey buildings replacing existing buildings, unlike in residential zones.

Recommendation: no change to amendment, refer submissions to a Panel.

- **Economic impact of amendment on development feasibility**

Submission no.7 contends that the economic impacts of Amendment C161 have not been adequately considered. The amendment does not support the establishment of new housing given the restrictions being proposed interfere with the viability of developing land in Station Street.

The submission asserts that Council has not considered the impacts of DDO21 on development viability. The requirements of DDO21 combined with new State apartment standards appear to unduly restrict the capacity of typically long, narrow sites in Station Street to develop, which is not consistent with desired outcome of DDO21 to support establishment of new housing.

Council officer response:

The amendment seeks to balance a number of objectives, including protection of heritage values, streetscape character, and adjoining residential amenity while providing guidance on how sites in Fairfield Village may be developed at higher densities. Council has considered the economic and social effects of the amendment as they relate to these key objectives.

It should be noted that the maximum heights for redevelopment of sites in DDO21 are maximums – not default heights – very narrow sites in the street may not be feasible to develop to the full height allowance. This is the case under existing conditions, irrespective of the proposed DDO21. The DDO front and side setback requirements will impose limitations on the maximum depth of dwelling floorplans possible on upper levels. The submitter's assessment of constraints on development layout appears somewhat simplistic and contemplates only one format of development layout. Dwellings can be built in a variety of configurations to respond to narrow and long site conditions, including provision of duplex-style apartments over multiple levels.

Recommendation: no change to amendment, refer submission to a Panel.

- **Setback requirements in the DDO**

Submission no.7 nominated specific issues with setback requirements in the DDO as follows:

- a) Contradiction around the specification for consolidation of rear setbacks to avoid a 'wedding cake' profile (Figure 7 in DDO21) when DDO21 directs a tiered arrangement for the building at front and rear, which essentially is a 'wedding cake' configuration.
- b) DDO21 does not recognise precedents in the Commercial 1 Zone and does not distinguish between sites that have residential or non-residential interfaces, which should be treated differently.

Council officer response:

The front setback requirements in DDO21 are not exclusively tiered (i.e. each floor stepped back). Where consolidation of levels can work with setbacks required to protect the streetscape and reduce the amount of tiering of the building it has been done (e.g. Figure 1, Figure 4, and Figure 5 in the DDO show consolidated upper levels). Similarly, the rear setback requirements suggest (but note do not require) consolidated third and fourth level setbacks.

The DDO allows for differences in treatment of residential and non-residential interfaces. The Rear Setback requirement in DDO21 is worded to specifically apply to sites '*where adjoining a residential zoned property*'. The requirement would technically not apply to sites adjoining another zone, such as the PUZ or C1Z. Planners assessing applications have the ability to exercise discretion where site context is not residential.

Recommendation: no change to amendment, refer submission to a Panel.

Additional changes to correct minor errors identified by officers

Council officers have identified some minor errors in the DDO and MSS clauses in Amendment C161 which are proposed to be rectified as follows:

- Title of Figure 4 at page 5 of DDO21 amended from "*Figure 4: Front setbacks with retained in Area 2*" to read "*Figure 4: Front setbacks with retained valued street façade in Area 2*"
- Correction to the published year of an existing heritage document reference on page 9 of Clause 21.02-4 from "*Darebin Heritage Review Volumes 1, 2 & 3, 2002*" to "*Darebin Heritage Review Volumes 1, 2 & 3, 2000*"

Revised documentation is attached at **Appendix B**.

OPTIONS FOR CONSIDERATION

Under section 22 of the *Planning and Environment Act 1987* Council, as the planning authority, must consider all submissions made in respect to the planning scheme amendment.

Council has three options available to it under the provisions of section 23(1) of the Act, following deliberation of the submissions, as follows:

Option 1 - Change the amendment in the manner requested by the submissions; or

Option 2 - Refer the submissions to an independent panel; or

Option 3 - Abandon part or all of the amendment.

It is recommended that Council refer all submissions to Amendment C161 to an independent Panel for consideration.

IMPLEMENTATION STRATEGY

Details

Should Council adopt the recommendation of this report, officers will request the Minister for Planning to appoint an independent Planning Panel to consider the submissions to Amendment C161, and will present on Council's behalf to the Panel in support of the Amendment as exhibited.

After the hearing, the Panel will prepare a report with recommendations for Council's consideration in deciding whether to adopt the amendment.

Communication

All submitters will be notified Council's decision.

Once a Planning Panel has been appointed, all submitters will be advised in writing by Planning Panels Victoria about hearing arrangements and dates, and whether they wish to be heard.

Timeline

A Directions Hearing, if required, will be held within 2-4 weeks of the Panel being appointed (likely August 2018) and the full Hearing will take place within 4-6 weeks (likely September 2018).

The Panel will prepare and lodge its report with Council within 30 business days of conclusion of the hearing.

RELATED DOCUMENTS

- Council Minutes 19 March 2018

Attachments

- Darebin C161 Submissions summary and responses (**Appendix A**)
- Darebin C161 DDO21 and Clause 21.02 as exhibited with further changes (**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.

**8.3 PLANNING SCHEME AMENDMENT C167
SHOWERS STREET BUILT FORM CONTROL****Author:** Strategic Planner**Reviewed By:** General Manager City Sustainability and Strategy

PURPOSE

To seek support to request authorisation and exhibition of Amendment C167 to the Darebin Planning Scheme.

EXECUTIVE SUMMARY

On 4 September 2017, Council adopted the Showers Street design guidelines as an addendum to the *Urban Design Framework 2015 St Georges Road and Plenty Road Corridors* reference document in the Darebin Planning Scheme.

The adopted Showers Street design guidelines provided the basis to prepare specific design and built form requirements for new development in Showers Street, Preston as documented in the *Showers Street Design Guidelines – Background Report (June 2018)* by David Lock Associates Pty Ltd. These requirements are now proposed to be implemented in the Darebin Planning Scheme as a Design and Development Overlay control via Darebin Planning Scheme Amendment C167.

Recommendation

That Council:

- (1) Adopts the *Showers Street Design Guidelines – Background Report (June 2018)* David Lock Associates as attached at **Appendix G**;
- (2) Request under section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Darebin City Council to prepare Amendment C167 to the Darebin Planning Scheme;
- (3) When authorised by the Minister for Planning, exhibit Amendment C167 to the Darebin Planning Scheme for a period of one month and/or in accordance with notice requirements under section 19 of the *Planning and Environment Act 1987*;
- (4) Authorise the Manager City Futures to make minor alterations and corrections, where necessary to, Amendment C167 material as attached at **Appendices A-G** prior to the lodgement of the authorisation request with the Minister for Planning and/or exhibition period.

BACKGROUND / KEY INFORMATION

Amendment C167 implements the *Showers Street Design Guidelines – Background Report (June 2018) David Lock Associates* into a new planning scheme control.

The Amendment applies to the land located in Showers Street, Preston between 22-50 and 19-49 Showers Street. The subject land is east of St Georges Road and west of the railway corridor. The Amendment responds to the Council Resolution from 4 September 2017 to review and strengthen the planning controls approved by the Minister for Planning as part of Amendment C136 for Showers Street, Preston.

David Lock Associates were engaged by Council to peer review the adopted Showers Street design guidelines and test the urban design assumptions made. The resultant *Showers Street Design Guidelines – Background Report (June 2018)* sets clear requirements for the design and built form of new development in Showers Street Preston, and has informed the preparation of a new planning control.

The proposed new Design and Development Overlay will deliver built form outcomes in Showers Street, Preston which strike a balance between more intensive urban renewal and the protecting the existing streetscape qualities. In the long term the proposed planning control will provide more certainty to residents and developers and help to reduce lengthy timeframes in referring matters to the Tribunal.

The Amendment will also make logical associated changes to Schedule 11 to the Development Plan Overlay (Oakover Village, West Preston) and Schedule 16 to the Design and Development Overlay (St Georges Road Corridor).

This report outlines the details of the proposed Amendment C167 and seeks Council's endorsement to proceed with formal authorisation request to the Department of Environment, Land, Water and Planning (DELWP) to commence the planning scheme amendment process. As part of this process there will be a formal public notification and exhibition period, and the community will have an opportunity to make submissions.

Amendment C167 to the Darebin Planning Scheme has now been prepared for Council's consideration and endorsement. Amendment documents are provided at **Appendices A-G**.

Previous Council Resolution

At its meeting held on 4 September 2017, Council resolved:

'That Council adopts the draft Showers Street design guidelines as an addendum to the Urban Design Framework 2015 St Georges Road and Plenty Road Corridors to be a reference document in the Darebin Planning Scheme as shown in Appendix A to this report.'

COMMUNICATIONS AND ENGAGEMENT

Consultation – Two Workshops

The development of the Showers Street design guidelines addendum (which subsequently informed the new planning control) was informed by two workshops held with Showers Street landowners and residents.

- The first workshop was held at the Darebin Arts and Entertainment Centre (DAEC) on Tuesday 21 March 2017. Cr Messina attended on behalf of Council.
- The second workshop was held at the Shire Hall, Preston on Wednesday 14 June 2017. The Mayor, Cr Le Cerf, Cr. Messina and Cr. Amir attended.

Communications

Residents and landowners were invited to attend the two workshop sessions. A summary report from the first workshop was also prepared and circulated to residents and landowners. Residents and landowners were also invited to attend the Council meeting on 4 September 2017 to consider the draft Showers Street design guidelines as an addendum to the revised *Urban Design Framework 2015 St Georges Road and Plenty Road Corridors*.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 3 - A liveable city

Goal 3.1 of the Council Plan 2017-2021 includes a commitment to “review our planning controls and urban design guidelines to ensure development is appropriately located and of high quality.”

Environmental Sustainability Considerations

The proposed new planning scheme control, Schedule 22 to the Design and Development Overlay will enhance passive environmental sustainability through the consideration of dwelling orientation that is consistent with Clauses 22.06 (Multi-Residential and Mixed use Development) and 22.12 (Environmentally Sustainable Development). The Amendment will also enhance broader environmental sustainability through the facilitation of housing growth in appropriate locations proximate to transportation and services.

Equity, Inclusion and Wellbeing Considerations

There are no factors in this report which impact on equity, inclusion and wellbeing considerations.

Cultural Considerations

There are no factors in this briefing which raise cultural considerations.

Economic Development Considerations

The Amendment will ensure that change in Showers Street is managed in a positive way. The establishment of new housing will support the economic viability of the Oakover Village precinct, located south of Showers Street, to become a viable local neighbourhood centre.

Financial and Resource Implications

Provision has been made within the current operating budget for costs and resource requirements associated with an independent Panel to complete the planning scheme amendment process.

Overall, Amendment C167 is expected to have a positive impact on Council resources and administration as it will provide clear policy guidance and this is expected to deliver a more efficient planning permit application and decision process.

Legal and Risk Implications

Key risks include:

- If Amendment C167 is not progressed, there will continue to be a lack of readily applicable planning scheme control in Showers Street, as there is insufficient built form guidance in Schedule 16 to the Design and Development Overlay that was introduced into the Darebin Planning Scheme through Amendment C136 St Georges Road Corridor. This will maintain uncertainty around development in Showers Street and contribute to additional costs associated with referring matters to the Tribunal.
- The adopted Showers Street design guidelines as an addendum to the revised *Urban Design Framework 2015 St Georges Road and Plenty Road Corridors* currently holds limited statutory weight in the decision making process on future planning permit applications.

DISCUSSION

What the Amendment does

Amendment C167 implements the *Showers Street Design Guidelines – Background Report (June 2018)* (refer to **Appendix G**) into the Darebin Planning Scheme by introducing a new Design and Development Overlay that will provide specific requirements relating to the design and built form of new development in Showers Street, Preston. The Amendment also makes logical changes to Schedule 11 to the Development Plan Overlay and Schedule 16 to the Design and Development Overlay.

The following is a summary of the proposed changes:

New Design and Development Overlay

The Amendment introduces a new Schedule 22 to Clause 43.02 Design and Development Overlay (DDO22) that will apply to all land in the existing Schedule 1 to Clause 32.07 Residential Growth Zone (RGZ1) in Showers Street, Preston. Refer to the map of affected properties at **Appendix C** and proposed Overlay at **Appendix F**.

DDO22 includes minimum frontage width for amalgamated lots; maximum street façade height; front and rear setback requirements; specific provisions for upper level visibility to protect the streetscape and other design requirements to provide certainty to the community in regard to the emerging character of Showers Street.

The Decision Guidelines in DDO22 refer to the *Showers Street Design Guidelines – Background Report (2018)* which outlines built form expectations for future development with respect to lot amalgamation, development massing and architectural design quality.

DDO22 replaces the existing aspects of Schedule 16 to the Design and Development Overlay that currently applies to Showers Street and in doing so provide a place-specific built form guidance in a manner that Schedule 16 to the Design and Development Overlay currently does not.

DDO22 is designed to work with existing local policies in the Scheme which promote sustainable, high quality development in Darebin, in particular Clauses 22.06 (Multi-Residential and Mixed use Development) and 22.12 (Environmentally Sustainable Development).

DDO22 also complements key State-level provisions for Apartment Development at Clause 58 and Car Parking at Clause 52.06.

The new Design and Development Overlay has been carefully drafted in consultation with Statutory Planning Unit and Department of Environment, Land, Water and Planning (DELWP) officers, to ensure the new provision is unambiguous, user friendly and provides the necessary policy and decision making tools to deliver the built form outcomes sought.

Minor changes to overlays

Amendment C167 will also make logical associated changes to overlays as follows:

- Delete Schedule 16 to the Design and Development Overlay insofar as it applies to Showers Street, Preston. Refer to **Appendix D**.
- Extend the existing Schedule 11 to the Development Plan Overlay to land at 47 and 49 Showers Street, Preston to reflect recent evolutions in land ownership. Refer to **Appendix E**.
- Make consequential policy changes to Schedule 16 to the Design and Development and Schedule 11 to the Development Plan Overlay.

Refer to the revised Maps at **Appendix C** for details.

No change to the zone

There is no change proposed to the existing Schedule 1 to Clause 32.07 Residential Growth Zone which applies to the subject land under the Amendment, or to any aspect of the Darebin Local Planning Policy Framework.

Why is the Amendment needed?

Showers Street, Preston is located within a broader precinct of Preston that is earmarked to undergo significant urban renewal. The role of Showers Street to accommodate a level of urban renewal has been affirmed by the Darebin Planning Scheme Amendment C136 in the application of Schedule 1 to Clause 32.07 Residential Growth Zone and Schedule 16 to the Design and Development Overlay.

However, the subject land is a fine grained residential streetscape typically comprised of single and double-storey detached dwellings, and the physical realities of the subject land require careful management to achieve the urban renewal aspirations of the Residential Growth Zone.

The planning scheme control to be introduced by Amendment C167 will deliver greater certainty on built form outcomes in Showers Street and provide assurance to developers and residents about the future character of Showers Street.

Is the Amendment strategically justified?

The planning provisions to be introduced by Amendment C167 are underpinned by detailed and sound research and are consistent with the directions of State and Local Planning Policy Frameworks to facilitate a diversity of housing and housing density in appropriate locations that are proximate to existing and future services and amenities.

An Explanatory Report (refer to **Appendix A**) has been prepared which provides a comprehensive assessment of how the Amendment is strategically justified, and makes proper use of the Victorian Planning Provisions.

Community expectations and consultation

The residents and landowners within Showers Street, Preston are expecting the introduction of built form controls for the subject land and will have a keen interest in the success of Amendment C167.

The community will have an opportunity to review the amendment documents and make submissions on the proposed changes via the statutory planning scheme amendment process, which requires formal public notification and exhibition process to be undertaken. Amendment C167 will be on public exhibition for a month.

The public notification process for Amendment C167 will include placement of formal notices in local newspapers and in the State Government Gazette, direct letters to all affected land owners, businesses and residents, and announcements through Council's website and social media platforms.

The Amendment C167 documents and supporting information will be available online at both Council's consultation website yoursaydarebin.com.au and on the DELWP website. Hard copies of the documents will be placed at the Preston Library and Council's Preston offices. Council officers will be available to discuss the details of the Amendment via direct phone or email.

The exhibition process is anticipated to occur around September 2018, subject to timing for authorisation of the Amendment from DELWP.

OPTIONS FOR CONSIDERATION

Council has two options as follows:

Option 1 - Adopt the *Showers Street Design Guidelines – Background Report (June 2018)* and authorise officers to commence the planning scheme amendment process by formally seeking Authorisation from the Minister for Planning to prepare and exhibit Amendment C167 in accordance with the requirements of the *Planning and Environment Act 1987*, with notification and consultation as outlined above. Change the amendment in the manner requested by the submissions; or

Option 2 – Not proceed

It is recommended that pursue Option 1.

IMPLEMENTATION STRATEGY

Details

- Officers will submit Amendment C167 for authorisation to the Department of Environment, Land, Water and Planning (DELWP).

Communication

Once authorisation is granted, Amendment C167 will be formally exhibited, with notice given to the community as required by the *Planning and Environment Act 1987* and outlined in this report.

Timeline

Exhibition is anticipated to occur around August-September 2018, subject to timing for authorisation of the Amendment from DELWP. Submissions on the Amendment will be invited.

At the conclusion of the exhibition period, officers will assess submissions and report back to Council. Council will have the option to resolve to adopt the amendment (with changes or without if no submissions are received), request an independent panel if one is required (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 by Council, the Amendment will be submitted to the Minister for Planning for approval. This is expected to occur in early 2019, depending on whether a panel process is required.

Consultation

The following internal Council officers have been consulted in the preparation of Amendment C167 and this report:

- Manager City Futures
- Manager City Development
- Coordinator Strategic Planning
- Appeals Advocate / Principal Planner
- Legal Counsel – Town Planning
- Principal Statutory Planners
- Senior Urban Designer

RELATED DOCUMENTS

- Showers Street Design Guidelines – Background Report, 2018
- Ministerial Direction – Form and Content of Planning Schemes
- Ministerial Direction 9 – Metropolitan Strategy
- Ministerial Direction 11 – Strategic Assessment of Amendments
- Ministerial Direction 15 – The Planning Scheme Amendment Process
- Plan Melbourne 2017 – 2050
- Planning and Environment Act, 1987
- Strategic Assessment Guidelines for Planning Scheme Amendments

Attachments

- Amendment C167 Explanatory Report (Appendix A) (**Appendix A**)
- Amendment C167 Instruction Sheet (Appendix B) (**Appendix B**)
- Appendix C167 Map Sheets (Appendix C) (**Appendix C**)
- Amendment C167 Changes to Schedule 16 to the Design and Development Overlay (Appendix D) (**Appendix D**)

- Amendment C167 Changes to Schedule 11 to the Development Plan Overlay (Appendix E) (**Appendix E**)
- Amendment C167 New Schedule 22 to Clause 43.02 Design and Development Overlay (Appendix F) (**Appendix F**)
- Amendment C167 Supporting document - Showers Street Design Guidelines - Background Report (**Appendix G**)

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.

8.4 WH ROBINSON RESERVE REQUIREMENTS TO COMPLETE PAVILION WORKS

Author: Coordinator Facility Design/Draft

Reviewed By: General Manager Operations and Capital

PURPOSE

To inform Council of the insolvency of Donnan Consulting, the builder appointed under Contract CT201781 involving the refurbishment and extension of the WH Robinson Reserve Pavilion and to seek support to re-tender for the completion of the remaining building work.

EXECUTIVE SUMMARY

Donnan Consulting, the builder appointed by Council under Contract CT201781 for the refurbishment and extension of the WH Robinson Reserve Pavilion were placed into liquidation at the request of its creditors on the 12 June 2018.

The works at the pavilion are not complete.

Recommendation

That Council:

- (1) Notes that Donnan Consulting have been placed into liquidation and cannot complete the refurbishment and extension of the WH Robinson Pavilion;
 - (2) Authorises the General Manager Operations and Capital to re-tender for the completion of the remaining refurbishment and extension works at WH Robinson Pavilion;
 - (3) Lodge a “proof of debt” claim with the Donnan Consulting liquidators at the completion of the building works; and
 - (4) Refer to **Appendix A** (confidential report)
-

BACKGROUND / KEY INFORMATION

Council engaged Donnan Consulting under Contract CT201781 for the refurbishment and extension of the WH Robinson Reserve Pavilion in Preston (the Project). The Contract was executed on 21 November 2017 and incorporates the AS 4000-1997 general conditions of contract. It is a ‘construct only’ contract with the designs and specification having been prepared by others on behalf of Council.

During the procurement process all checks and references were carried out by the evaluation team with an independent Probity Auditor overseeing the process.

On the 12 June 2018 Donnan Consulting was placed into liquidation at the request of its creditors and a liquidator was appointed.

COMMUNICATIONS AND ENGAGEMENT

Communications

Coordinator Leisure Services, resident sporting clubs, Councillors and the Executive Management Team (EMT) have been advised of Donnan Consulting insolvency.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 2 - Opportunities to live well.

2.1 Ensure health and social services meet our community's needs across their life-course.

2.2 Expand opportunities for participation and social connection through sport, physical activity, arts, culture and other leisure activities.

Environmental Sustainability Considerations

Best practice sustainability principles have been used throughout the design process. The restart of the construction process would maintain the sustainable principles to reduce impact on the environment. This includes:

- Design to Darebin's ESD Building Policy
- Double glazed windows and doors
- Fully insulated roof and walls
- Electrical and mechanical components designed in accordance with Part "J" of the Building Regulations
- Rainwater harvesting and re-use
- Eco-friendly building materials
- Recycled materials and waste management.

Equity, Inclusion and Wellbeing Considerations

Once developed, the expanded pavilion would be utilised by sports and recreation clubs including groups under-represented in physical activity participation including groups from low socio economic backgrounds, culturally and linguistically diverse communities, girls and women. The Leisure Strategy reflects the need to prioritise participation of these demographic groups, particularly through the provision of suitable sustainable sports and recreation infrastructure.

Cultural Considerations

There are no cultural factors in this report which are impact upon.

Economic Development Considerations

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

Financial and Resource Implications

A Quantity surveyors report has been obtained to ascertain the likely cost to complete the building work. The following table details the estimated cost to complete the project.

Legal and Risk Implications

The construction site has been secured as much as possible to minimise the risk of weather, vandalism or theft. The following measures have been taken:

- Power has been disconnected from the mains in the event of copper theft causing electrocution.
- Sewer drains have been capped.
- Loose materials have been stored until construction recommences.
- Objects that could become dangerous in strong wind has been secured.
- Construction fencing has been maintained and is now on hire by Council.

DISCUSSION

Given that the company has been placed into liquidation, there is no realistic prospect that Donnan Consulting will complete the work. It is unlikely that Council, as an unsecured creditor, will see any significant recovery from the liquidation of the company once secured creditors (like banks) are paid by the liquidator. However, as per the legal advice received and as per the contract (AS 4000) Council has:

- Made safe and secured the site as much as possible.
- Issued a notice to Donnan Consulting via the appointed liquidator confirming that all of the remaining work is taken out of Donnan's hands forthwith.
- Retained the bank guarantees which Donnan provided as valuable security and should be converted to cash by Council at the appropriate time.

Due to the disconnection of power at the building site, the resident club for WH Robinson Reserve (Darebin Women's Sports Club) has been relocated to new sporting grounds until the end of season in early September 2018. The resident club for the summer (Preston Druids Cricket Club) will be able to stay at WH Robinson Reserve as electricity will be available at that time.

Now that the above is in place Council should proceed to completing the works as soon as possible, complying with applicable procurement guidelines. It will not be necessary for a new, specific set of drawings to be prepared. Tenderers can be given the original 'for construction' drawings and specifications, and then given access to the site in order to satisfy themselves as to what parts of the Works require completion.

IMPLEMENTATION STRATEGY

Details

- | | |
|--|----------------|
| • Council solicitor to lodge a "proof of debt" with Donnan's Liquidators. | Mid July 2018 |
| • Re-tender for the completion of the remaining refurbishment and extension works. | Mid Aug 2018 |
| • Award a fixed lump sum contract to a new builder. | Late Sept 2018 |

- Commence construction Mid Oct 2018
- Expected Project completion and handover May 2019

RELATED DOCUMENTS

CT201781 - Extension and Refurbishment to the WH Robinson Reserve Sports Pavilion:
(objective reference zA82955)

Attachments

- WH Robinson Reserve CT201781 - Confidential Report (**Appendix A**) Confidential - enclosed under separate cover

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.

8.5 CT2017239 PROVISION OF FIRE, MECHANICAL AND ELECTRICAL MAINTENANCE SERVICES

Author: Building Strategy Advisory

Reviewed By: General Manager Operations and Capital

PURPOSE

To seek Council's endorsement to engage the supplier/s for the supply of Fire, Mechanical and Electrical Maintenance Services under CT2017239.

EXECUTIVE SUMMARY

Darebin City Council is seeking to appoint suitably qualified, experienced and appropriately registered contractors to provide *Fire, Mechanical, and Electrical Maintenance Services* across the City of Darebin.

The scope of the Fire, Mechanical, and Electrical Maintenance services covers all on-going (cyclical) maintenance and servicing of related equipment in Council owned structures in addition to ad hoc (reactive) services requirements.

Council has identified 1,370 items of mechanical (HVAC) equipment, over 12,000 items of electrical equipment, over 3,600 emergency and exit lights and over 2,000 items of fire systems equipment across 261 structures within the municipality.

Recommendation

That Council:

- (1) Enters into a contract with _____ for the supply of fire maintenance services under service contract CT2017239A Fire Maintenance Services for - a two year fixed term with options to extend for 3 terms of one year each - the lump sum of \$_____ for Year 1 cyclic maintenance and the Schedule of Rates as per **Appendix H** - the total estimated cumulative amount of up to \$_____ (inclusive of GST) over 5 years if all options were exercised.
- (2) Enters into a contract with _____ for the supply of mechanical maintenance services under service contract CT2017239B Mechanical Maintenance Services for - a two year fixed term with options to extend for 3 terms of one year each - the lump sum of \$_____ for Year 1 cyclic maintenance and the Schedule of Rates as per **Appendix H** - for the total estimated cumulative amount of up to \$_____ (inclusive of GST) over 5 years if all options were exercised.
- (3) Enters into a contract with _____ for the supply of electrical maintenance services under service contract CT2017239C Electrical Maintenance Services for - a two year fixed term with options to extend for 3 terms of one year each - the lump sum of \$_____ cyclic maintenance and the Schedule of Rates as per **Appendix H** - for the total estimated cumulative amount of up to \$_____ (inclusive of GST) over 5 years if all options were exercised.
- (4) Notes that terms of the above contracts are to commence 1 August 2018 and end on 31 July 2023 if all options to extend are exercised.

- (5) Authorises the Chief Executive Officer to finalise and execute the contract documentation on behalf of Council.
- (6) Authorises the Chief Executive Officer to execute any contract extension options.

BACKGROUND / KEY INFORMATION

This reports details the outcome of a public Tender process to engage supplier/s to provide asset maintenance services under Contract CT2017239 'Provision of Fire, Mechanical and Electrical Maintenance Services'.

Previous Council Resolution

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

COMMUNICATIONS AND ENGAGEMENT**Consultation**

The following stakeholders have been consulted

- Coordinator Facilities Maintenance
- Darebin Site managers.

Communications

This Request for Tender was publicly advertised on 13 January 2018 in the Age newspaper.

ANALYSIS**Alignment to Council Plan / Council policy**

Goal 6 - A well governed Council

The routine maintenance of the Mechanical (HVAC), Electrical Systems and Fire Systems plant and equipment is necessary to maintain a safe workplace without risks to health, to maintain the efficient function of the plant and equipment, ensure that Essential Safety Measures (ESM) requirements are met and to effectively manage the life cycle of the assets and their associated running costs.

The direct result of deliberate cyclic maintenance under a Service Agreement is the reduction of the level of Occupational Health and Safety risk and the Asset life cycle cost risk faced by Council.

Environmental Sustainability Considerations

If the nature of the service requires, the Contractor will develop and implement an Environmental Management Plan (EMP) in accordance with the requirements of:

- AS/NZS ISO 14001:2004 Environmental Management Systems - Specification with guidance for use; and
- AS/NZS ISO 14004: 2004 Environmental Management Systems - General guidelines on principles, systems and supporting techniques

All services under this contract will be in line with Council ESD Policy.

Equity, Inclusion and Wellbeing Considerations

These considerations were a component of the evaluation of the submissions received for the CT2017239 Tender. The Tenderer's were asked to provide information on their youth employment, indigenous employment and social enterprise practices. A number of Tenderers showed in their submissions that these considerations are actively pursued.

Cultural Considerations

The objective of the Tender was to seek service providers for the purposes of asset maintenance in existing Darebin buildings. There are no apparent cultural considerations connected to this Tender for asset maintenance services.

All services under this contract will be subject to applicable Heritage considerations and where required Council's Heritage Consultant will be engaged for advice.

Economic Development Considerations

Darebin City Council recognises it has a role in the economic development of the community and is committed to assisting local industry to do business with Darebin Council. Council is committed to developing an inclusive and diverse city by buying locally and supporting the business community and encouraging its involvement in procurement processes.

The evaluation of tender submissions included an assessment of the local business contribution, youth employment, indigenous employment and social contribution through business activities. A number of Tenderers showed that these considerations are a component of their operations. Of the Tenderers only two had a Darebin address.

Financial and Resource Implications

The preferred tenderer/s quotation is within Council's budget allocation for these services and an assessment of previous costs and new costs shows future costs are similar to those experienced under previous contracts

Legal and Risk Implications

The legal and risk profile of this Tender is managed by compliance with the Darebin City Council Procurement Policy dated August 2017. An external Probity Advisor was engaged and provided oversight throughout this entire process.

DISCUSSION

A competitive public tender was conducted for the provision of Fire, Mechanical and Fire maintenance services

Based on the asset lists provided in the Tender documentation the Tenderers were asked to give a lump sum fee for cyclic maintenance and to provide a schedule of rates for reactive maintenance.

Each submission was reviewed independently by the members of the Evaluation Panel. The conclusions of the Evaluation Panel are detailed in Confidential Appendix A

Tender Process

The goal of the tender process was to seek and select a qualified and experienced contractor/s to provide Fire, Mechanical and Electrical asset maintenance services for this project on the basis of:

- Achieve value for money through a competitive tender process
- Quality and fitness for use through the engagement of an experienced contractor/s
- Compliance with local government policies by following Darebin's Procurement policies and guidelines

In accordance with Council's procurement policies and guidelines, Council publicly advertised the tender CT2017239 Provision of Fire, Mechanical and Electrical Maintenance Services on its website as well as in The Age newspaper on the 13 January 2018. Tender respondents were required to download the documentation and submit their proposals through Council's e-tender system.

The tender period closed on the **9 February 2018**.

The contractors that submitted proposals before the closing date and time are listed in the Confidential **Appendix A**.

Tender Evaluation Process

A Tender evaluation panel was formed to assess the tender responses and to recommend a preferred contractor to undertake the work. The Panel consisted of:

Vito Albicini General Manager, Operations & Capital (Chair/non-voting member)

Mark Gallon Manager, Assets and Capital Delivery

Daniel Neave Coordinator Facility Management

Peter Richiardi Building Strategy Advisor

An external Probity Advisor and a Senior Procurement Officer were present during the Evaluation Panel Meeting to provide procurement guidance and support to the panel. Tender submissions were evaluated by the panel members against the evaluation criteria in the Table below. These criteria were included in both the Procurement Plan and the Tender documentation.

Evaluation criteria

	Evaluation Criteria	Weightings
Pricing	<ul style="list-style-type: none"> • Total cost of service provision. • Proposals for year on year cost reduction in service delivery 	25%
Financial	<ul style="list-style-type: none"> • Financial stability and ability to deliver services 	20%
Service Delivery	<ul style="list-style-type: none"> • Experience in providing services, including work history with a variety of bodies and community groups including local government • Capacity to assure continuous service provision • Responsiveness in service delivery and competent customer service 	20%

	Evaluation Criteria	Weightings
Team / Management	<ul style="list-style-type: none"> • Service Provider staffing details • Sub-Contractors staffing details • Resumes of Key Personnel • Staff management and training 	15%
Health and Safety Management	<ul style="list-style-type: none"> • The tenderer should have a documented OH&S System, including Policies and Procedures. • Description of how OHS will be managed in the workplace with reference to the provision of services for Council including incident reporting 	Mandatory
Environment Management	<ul style="list-style-type: none"> • The tenderer should have a documented Environmental Management System, including Policies and Procedures. • Description of how the Environment Management System will function with reference to the provision of services for Council including incident reporting 	Mandatory
Business and Information Systems	<ul style="list-style-type: none"> • Description of the Quality Management System and how this will be applied in delivering services under this contract • Innovation in the delivery of services for the benefit of Council. 	10%
Local Business	<ul style="list-style-type: none"> • Local Business content will be assessed. 	10%
Risk Management / Insurance	<ul style="list-style-type: none"> • The tenderer will have at a minimum, Public and Product Liability Insurance of \$20M and Professional Indemnity insurance of \$10M • Description of the tenderer's risk management process 	Mandatory

OPTIONS FOR CONSIDERATION

Options are discussed in Confidential **Appendix A**.

IMPLEMENTATION STRATEGY

Details

- The successful tenderer will be notified and contract negotiations to commence services (with a start date of August 2018)
- Letters sent to the unsuccessful tenderers thanking them for their interest in our tender
- Determination made February 2020 if the first one year extension is to be executed (Or new Tender process initiated)
- Determination made February 2021 if the second one year extension is to be executed (Or new Tender process initiated)
- Determination made February 2022 if the third one year extension is to be executed (Or new Tender process initiated)
- If all extensions are executed by Council, a new Tender process to commence with a view to enter into new contracts by July 2023

Communication

Details of intended communications are included in the section above entitled 'Details'.

Timeline

Intended timelines are included in the section above entitled 'Details'.

RELATED DOCUMENTS

- Darebin City Council Plan 2017- 2021
- Building Asset Management Plan 2017
- City of Darebin Procurement Policy August 2017

Attachments

- Evaluation Tender (**Appendix A**) Confidential - enclosed under separate cover
- Electrical Raw Scores (**Appendix B**) Confidential - enclosed under separate cover
- Electrical WghtdScores (**Appendix C**) Confidential - enclosed under separate cover
- Fire Raw Scores (**Appendix D**) Confidential - enclosed under separate cover
- Fire WghtdScores (**Appendix E**) Confidential - enclosed under separate cover
- Mechanical Raw Scores (**Appendix F**) Confidential - enclosed under separate cover
- Mechanical WghtdScores (**Appendix G**) Confidential - enclosed under separate cover
- Preferred Tender Schedule of Rates (**Appendix H**) Confidential - enclosed under separate cover
- Tender Schedule of Rates (**Appendix I**) Confidential - enclosed under separate cover
- Probity Report RFT Process (**Appendix J**) Confidential - enclosed under separate cover

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.

8.6 CT2017263 - MERRILANDS COMMUNITY CENTRE - EAST BUILDING ALTERATIONS**Author:** Project Manager**Reviewed By:** General Manager Operations and Capital**PURPOSE**

To seek endorsement to award Contract No. CT2017263 – Merrilands Community Centre to facilitate accessibility improvements and internal renewal works to the building.

EXECUTIVE SUMMARY

The appointment of a suitable contractor for the Merrilands Community Centre - Contract No. CT2017263 was sought from an open public tender. A Request for Tender (RFT) was advertised on 24 March 2018.

The works for the Merrilands Community Centre Project are to include:

- Accessibility upgrades - construction of a new accessible ramp and stairs and relocation of the accessible car parking bay;
- Accessible toilet upgrades;
- Car parking, line marking and external works (new bin enclosures, replacement of pit grates with new heel guard grates, new concrete and asphalt paving); and
- Building renewal works – kitchen repairs and upgrades, lighting upgrade, new floor finishes, painting.

The RFT closed on 24 April 2018 with two (2) submissions being received.

The Tender Evaluation Panel (TEP) evaluated the tenders on Tuesday 15 May 2018.

The Tender Evaluation details and scoring for the evaluation is provided as a Confidential Report under separate cover.

The proposed contract arrangement is a lump sum contract. Works are expected to be completed by December 2018.

Recommendation

That Council:

- (1) Awards Contract No. CT 2017263 for Building Alteration works at the Merrilands Community Centre East to _____ for the contract sum of \$_____ GST inclusive for the period July 2018 – December 2018.
- (2) Approves a project contingency amount of \$_____ GST inclusive, for Contract CT2017263 (being 15% of the project cost and within Council's budget)
- (3) Authorises the Chief Executive to finalise and execute the contract documentation on behalf of Council.

BACKGROUND / KEY INFORMATION

This report deals with the award of Contract No. CT2017263 – Merrilands Community Centre to a suitable supplier.

Previous Council Resolution

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

COMMUNICATIONS AND ENGAGEMENT

Consultation

Stakeholder communication and consultation has been carried out with the following:

- User group of the Merrilands Community Centre
- Transport Management (internal department)
- Children's Families and Community Coordinator (internal department)
- Public Realm (internal department).

Communications

The Request for Tender (RFT) was advertised on 24 March 2018 in The Age newspaper with submissions closing on 24 April 2018.

A tender site meeting was conducted on Thursday 5 April 2018 for tenderers.

After the first evaluation meeting, further information was requested from the tenderers on 23 May 2018. This information was requested to clarify prices submitted and works to be carried out.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 5 - Involving our diverse community

The overall goal is to improve community outcomes by ensuring that the facilities of the Merrilands Community Centre are well maintained, accessible and enable a high level of service delivery. The specific benefits will include:

- Improved accessibility.
- Increased opportunity for community participation and service provision.
- Increased amenity for users to the Merrilands Community Centre.
- Demonstration that Council is committed to ongoing improvement to existing buildings.

Environmental Sustainability Considerations

The original design brief of the project to the architect required that the design be in line with Darebin's current ESD policy. The designs were also reviewed and approved by Council's ESD officer.

The works include ESD measures such as:

- Low VOCs for all materials
- Water efficient fixtures
- Recycled material where possible
- Low odour, solvent free adhesives
- Non PVC products; and
- Energy efficient lighting.

Equity, Inclusion and Wellbeing Considerations

The building renewal works upgrade access to the Merrilands Community Centre is in line with the current Australian Standard for Access and Mobility (AS 1428). These works include:

- The provision of an accessible path of travel from the street
- Upgrade of the front and rear entrances
- Upgrade and new line marking to the car park, including line marking of a designated pedestrian walkway within the site
- Upgrade of the accessible toilet
- Provision of an ambulant toilet.

Cultural Considerations

The preferred tenderer's submission stated that 50% of their staff are indigenous. This was checked and verified by the contractor on 26 June 2018.

Economic Development Considerations

A local business assessment was carried out for each tenderer as part of the evaluation process. A 15% weighting was allocated to this criteria.

Financial and Resource Implications

The total budget allocation for the Merrilands Community Centre Project is \$807,000.00 (excluding GST). The Funds allocated for this project are detailed in the table below:

Funding:	Amount (Excl GST)	GST	Amount (Incl GST)
Council Budget Allocation 2017/2018 – carried forward	\$290,000.00	\$29,000.00	\$319,000.00
Capital works submissions 2018/2019	\$517,000.00	\$51,700.00	\$568,700.00
Total Funding Allocated	\$807,000.00	\$80,700.00	\$887,700.00

The Project Budget to complete the works will include the Contract value, Project Management Fees (8% of the Project Cost) and Contingency (15% of the project cost).

Legal and Risk Implications

A Risk Management Assessment Plan for the selection of a suitable contractor to undertake the Merrilands Community Centre building alterations works, was prepared as part of the approved Strategic Procurement Plan. The risk controls in place identified low residual rating classifications.

DISCUSSION

Renewal works and Upgrade

Merrilands Community Centre – East Building is a neighbourhood house located in Reservoir. PRACE (Preston Reservoir Adult Community Education) is the user group operating out of a number of Council buildings on site. PRACE is committed to meeting the language, literacy and numeracy, vocational training and further education needs of the local community. PRACE has been operating since 1993.

The investigation and design components for the building alterations and renewal works was based on priorities identified by the Macutex Pty Ltd who provided the Building Condition Assessment Report in 2015, and from discussions with the Tennant / community users. Additional building renewal works at the Merrilands Community Centre for Facilities Management have also been incorporated and scheduled for the 2018/19 financial year. These works are to include painting, flooring and an upgrade of lighting throughout the building, as well as an upgrade of existing toilet facilities and minor works to the kitchen.

All accessibility and functionality issues identified in the report and through the consultation with the user group, as well as the additional works for Facilities Management will be rectified by these works.

Tender Process

Request for Tender (RFT) was advertised on 24 March 2018 with submissions closing on 24 April 2018. Details of contractors that submitted proposals before the closing date and time are provided in Confidential **Appendix A** attached under separate cover.

The RFT submissions were evaluated by the panel against the evaluation criteria detailed in the table below. The evaluation criteria was established prior to the close of RFT, and was included in both the Strategic Procurement Plan and the RFT documentation.

Evaluation criteria:
Price
Methodology
Program
Experience / Key Personnel
Quality Assurance/ OH&S
Local Business Content
Evidence of Insurance (and OHS) (Mandatory)
Evidence of Commercial Builder Licence (Mandatory)

The members of the panel, evaluation details, pricing and scoring for the evaluation is provided in Confidential **Appendix A** attached under separate cover.

OPTIONS FOR CONSIDERATION

Option 1 Award the contract (recommended)

The proposed contract relates to building renewal works and upgrades to the existing site at the Merrilands Community Centre so the building meets Australian Building Codes and complies with Australian Standards Access and Mobility (AS 1428). These renewal and upgrade works will increase the useful life of the building in order to meet the service standards identified for the community over the next 20 years, thus also reducing future maintenance costs.

Option 2 Not award the contract

There is no option for splitting the building works.

IMPLEMENTATION STRATEGY

Details

Award Contract CT2017263 – Merrilands Community Centre to a suitable contractor.

Timeline

Works will commence as soon as awarded and are expected to be completed by December 2018.

RELATED DOCUMENTS

- Confidential detailed information for Contract CT2017263.

Attachments

- CT2017263 Merrilands Community Centre (**Appendix A**) Confidential - enclosed under separate cover

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.

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

9.1 PETITION RESPONSE FOR DRAINAGE IN ANDREW STREET NORTHCOTE

Author: Manager Assets and Capital Delivery
Drainage Engineer/Project Manager

Reviewed By: General Manager Operations and Capital

PURPOSE

The purpose of this report is for Council to review a petition for the construction of Council stormwater drainage along Andrew St between Bastings St and Brooke St and to consider this report from Council officers in response to the petition.

A copy of the petition will be tabled as a confidential document - **Appendix A**.

EXECUTIVE SUMMARY

A petition representing fifteen properties in Andrews St, Northcote has been received requesting Council to consider the allocation of funds in the next budget or sooner for the construction of stormwater drainage along Andrews St between Bastings St and Brooke St.

It is standard procedure for petitions to be tabled and considered by Council.

Recommendation

That Council advise the petitioners that there are no current plans for drainage upgrade works in Andrew St, Northcote between Bastings St and Brooke St, however the provision of such drainage will be considered in due process as part of Council's ongoing road rehabilitation program.

BACKGROUND / KEY INFORMATION

This report is in response to a petition received by Cr McCarthy dated 30/5/2018 representing fifteen properties in Andrew St, Northcote requesting Council to consider allocation of funds in the next budget or sooner for the construction of stormwater drainage along Andrew St between Bastings St and Brooke St.

It is the view of the petitioners that in times of heavy rain the property outlet pipes to the kerb and channel are inadequate to cope with the flow and ground water tends to exacerbate the effects of the reactive clay in the area causing foundation movement in some residences.

The request has been investigated from a flooding perspective and the provision of underground drainage is not considered to be a necessary requirement for flood management purposes as there are no identified major overland flow or flooding issues identified at this location. Accordingly such works are not included in Council's ten year drainage upgrade program as part of the Drainage Asset Management Plan.

The provision or upgrade of underground drainage in streets other than in response to flooding issues is systematically considered in conjunction with road rehabilitation works when due as part of the Road Asset Management Plan. However based on site inspection and supported by a recent independent condition assessment the road pavement along this section of Andrew St is considered to be in excellent condition and is not included in the ten year road rehabilitation program.

The provision of upgraded drainage along Andrew St between Bastings St and Brooke St prior to systematically planned road rehabilitation works is not justified at this time given higher competing priorities for mediation of flood risks and road rehabilitation works throughout the Darebin area.

Although, it is worthy of note that given minimal grades along the street the construction of underground drainage along both sides of the street at an estimated cost of \$300K would be beneficial in reducing the depth of kerb and channel flow for regular rain events and given the flatness of the area would improve subfloor drainage capability for abutting residences.

Concerns regarding the capacity of property outfall pipes are noted however these are private drains and are the responsibility of property owners.

A layout plan of existing Council drainage is attached for information purposes (refer **Appendix B**).

Previous Council Resolution

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

COMMUNICATIONS AND ENGAGEMENT

Consultation

This request does not require community consultation as it is a matter to be routinely addressed internally with reference to Council's drainage and road asset management plans.

The matter has been investigated by Council's Drainage Engineer (Robert Keech, Assets & Capital Delivery) and Council's Coordinator Infrastructure Planning (Paul Wansbrough, Assets and Properties).

Communications

All petitioners will be advised regarding the outcome of this consideration.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 3 - A liveable city

Environmental Sustainability Considerations

There are no environmental sustainability considerations relevant to this matter.

Equity, Inclusion and Wellbeing Considerations

There are no equity, inclusion and wellbeing considerations relevant to this matter.

Cultural Considerations

There are no cultural considerations relevant to this matter

Economic Development Considerations

The provision of a drainage upgrade at this location over time and in accordance with due process does not pose a risk to Council.

Financial and Resource Implications

This matter is not justified for extraordinary inclusion in the budget process.

Legal and Risk Implications

Concerns regarding private drainage capacity causing foundation movement in residences is private matter to be addressed by property owners and does not constitute a legal risk to Council.

DISCUSSION

- A petition has been received representing fifteen properties in Andrew St, Northcote requesting Council to consider allocation of funds in the next budget or sooner for the construction of stormwater drainage along Andrew St between Bastings St and Brooke St.
- The request has been investigated from a flooding perspective and the provision of underground drainage is not considered to be a necessary requirement for flood management purposes as there are no identified major overland flow or flooding issues identified at this location.
- The extraordinary inclusion of drainage upgrade works in Andrew St between Bastings St and Brooke St in the budget process is not justified and such works should be considered in due process as part of the ongoing road rehabilitation program.
- Private drainage causing foundation movement in residences is a matter to be addressed by property owners.

OPTIONS FOR CONSIDERATION

There are no other options to be considered.

IMPLEMENTATION STRATEGY

Details

The extraordinary inclusion of drainage upgrade works in Andrew St between Bastings St and Brooke St into the budget process is not justified and such works will be considered in due process as part of the ongoing road rehabilitation program.

Communication

All petitioners will be advised in writing regarding the outcome of this consideration.

Timeline

A response to the petitioners will be provided within 14 days of this matter being resolved.

RELATED DOCUMENTS

- Drainage Asset Management Plan
- Road Asset Management Plan

Attachments

- Andrew St Northcote Drainage Peition (**Appendix A**) Confidential - enclosed under separate cover
- Council drainage layout plan between Bastings St & Brooke St (**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.

10. NOTICES OF MOTION**10.1 SCHOOL STUDENT INVOLVEMENT IN LOCAL DEMOCRATIC PROCESSES****Councillor:** Susan RENNIE**NoM No.:** 353

Take notice that at the Council Meeting to be held on 23 July 2018, it is my intention to move:

That Council:

- 1) Recognises the value in encouraging participation in local democratic processes by children and young people.
- 2) Requests that officers work with local schools to identify suitable dates in 2019 when council meetings could be held during school hours, with a view to school students being encouraged to attend.
- 3) Incorporates three dates for daytime meetings into the planned schedule of meetings for 2019 to be endorsed at the statutory council meeting in November 2018.

Notice Received: 13 July 2018**Notice Given to Councillors** 16 July 2018**Date of Meeting:** 23 July 2018

11. REPORTS OF STANDING COMMITTEES

Nil

12. RECORDS OF ASSEMBLIES OF COUNCILLORS

12.1 ASSEMBLIES OF COUNCILLORS HELD

An Assembly of Councillors is defined in section 3 of the *Local Government Act 1989* to include Advisory Committees of Council if at least one Councillor is present or, a planned or scheduled meeting attended by at least half of the Councillors and one Council Officer that considers matters intended or likely to be the subject of a Council decision.

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

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

An Assembly of Councillors record was kept for:

- Darebin Bicycle Advisory Committee – 29 May 2018
- Climate Emergency Darebin Advisory Committee – 28 June 2018
- Councillor Briefing Session – 9 July 2018

Recommendation

That the record of the Assembly of Councillors held on 29 May 2018, 28 June 2018 and 9 July 2018 and attached as **Appendix A** to this report, be noted and incorporated in the minutes of this meeting.

Related Documents

- *Local Government Act 1989*

Attachments

- Assmebly of Councillors - 23 July 2018 (**Appendix A**)

13. REPORTS BY MAYOR AND COUNCILLORS

Recommendation

That Council note the Reports by Mayor and Councillors.

14. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

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

14.1 CT201062 - Recyclables Acceptance and Sorting

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

14.2 Contract Authorisation for the Integration Platform

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

14.3 Preston Market Update

This item is designated confidential because it is a legal advice pursuant to Section 89(2) (f) of the Act.

This item is designated confidential because it is a any other matter which the Council or special committee considers would prejudice the Council or any person pursuant to Section 89(2) (h) of the Act.

CLOSE OF MEETING

Recommendation

That in accordance with section 89(2) of the *Local Government Act 1989*, Council resolves to close the meeting to members of the public to consider the items designated confidential by the Chief Executive Officer.

RE-OPENING OF MEETING

Recommendation

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

15. CLOSE OF MEETING