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MINUTES OF THE ORDINARY COUNCIL MEETING

Held on Monday 27 May 2024

Released to the public on 30 May 2024

**LIVE STREAMING OF THE COUNCIL MEETING WAS MADE AVAILABLE ON
COUNCIL'S INTERNET SITE.**



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

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and emerging.

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

These are the Minutes for the Council Meeting. For assistance with any of the items in the minutes, please telephone 8470 8888.

Arabic

هذه هي محاضر اجتماع المجلس. للحصول على المساعدة في أي من البنود في المحاضر، يرجى الاتصال بالهاتف 8470 8888.

Chinese

这些是市议会会议纪要。如需协助了解任何纪要项目，请致电8470 8888。

Greek

Αυτά είναι τα Πρακτικά της συνεδρίασης του Δημοτικού Συμβουλίου. Για βοήθεια με οποιαδήποτε θέματα στα πρακτικά, παρακαλείστε να καλέσετε το 8470 8888.

Hindi

ये काउंसिल की बैठक का सारांश है। सारांश के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

Italian

Questo è il verbale della riunione del Comune. Per assistenza con qualsiasi punto del verbale, si prega di chiamare il numero 8470 8888.

Macedonian

Ова е Записникот од состанокот на Општинскиот одбор. За помош во врска со која и да било точка од записникот, ве молиме телефонирајте на 8470 8888.

Nepali

यी परिषद्को बैठकका माइन्युटहरू हुन्। माइन्युटका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

Punjabi

ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਹੈ। ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਵਿਚਲੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

Somali

Kuwaani waa qodobadii lagaga wada hadlay Fadhiga Golaha. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriiir 8470 8888.

Spanish

Estas son las Actas de la Reunión del Concejo. Para recibir ayuda acerca de algún tema de las actas, llame al teléfono 8470 8888.

Urdu

یہ کاؤنسل کی میٹنگ کی روداد کے نقاط ہیں۔ روداد کے کسی بھی حصے کے بارے میں مدد کے لیے براہ مہربانی 8470 8888 پر فون کریں۔

Vietnamese

Đây là những Biên bản Họp Hội đồng Thành phố. Muốn có người trợ giúp mình về bất kỳ mục nào trong biên bản họp, xin quý vị gọi điện thoại số 8470 8888.

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MINUTES OF THE ORDINARY MEETING DAREBIN CITY COUNCIL ON MONDAY 27 MAY 2024

THE MEETING OPENED AT 6.04PM

The Chairperson, Mayor Newton advised that the meeting was being streamed live and that audio and video would be made available on Council's website.

1. OPENING OF MEETING AND MEMBERSHIP

Councillors

Cr. Susanne Newton (Mayor) (Chairperson)
Cr. Tim Laurence (Deputy Mayor)
Cr. Emily Dimitriadis
Cr. Gaetano Greco
Cr. Tom Hannan
Cr. Trent McCarthy
Cr. Susan Rennie
Cr. Julie Williams

Council Officers

Peter Smith - Chief Executive Officer
Kylie Bennetts - General Manager Community
Rachel Ollivier - General Manager Operations and Capital
Vanessa Petrie - General Manager City Sustainability and Strategy
Enna Giampiccolo - Acting General Manager Customer and Corporate
Anthony Smith – Governance Advisor
Srinu Krishnan – Chief Financial Officer
Jo Smale - Manager Families, Youth & Children
Chad Griffiths - Manager City Futures & Development
Jody Brodribb - Coordinator Governance Services

2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Chairperson, Mayor Newton, opened the meeting with the following statement:

I would like to start by acknowledging the Wurundjeri Woi-wurrung people, the Traditional Owners of this land and pay my respects to Elders past and present, and recognise their continuing connection to land, water and culture.

3. APOLOGIES

Cr. Lina Messina was an apology for this meeting.

4. DISCLOSURES OF CONFLICTS OF INTEREST

Vanessa Petrie, General Manager City Strategy and Sustainability (GMCS&S) disclosed a general conflict of interest which has previously been disclosed to the Chief Executive Officer in relation to public questions about 2 Wingrove St, Alphington, Item 9.4 - Thornbury High School Kindergarten on School Site – Opportunity to Lease and Item 11.1 – Future Decisions Regarding 2 Wingrove St, Alphington.

Cr. McCarthy disclosed a material conflict of interest in relation to public questions about 2 Wingrove St, Alphington, and Item 11.1 – Future Decisions Regarding 2 Wingrove St, Alphington due to his employment with Melbourne Polytechnic, which is currently engaged with applicants of the EOI process for Wingrove Street.

5. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Council Resolution

MINUTE NO. 24-083

MOVED: Cr. J Williams
SECONDED: Cr. G Greco

That the Minutes of the Ordinary Meeting of Council held on 29 April 2024 be confirmed as a correct record of business transacted.

CARRIED

6. COUNCIL'S OCCUPATIONAL HEALTH AND SAFETY RESPONSIBILITIES

The Mayor made the following statement:

Council has an occupational health and safety responsibility to ensure anyone attending tonight's meeting, feels safe both physical and emotionally.

It's great to see everyone here this evening. I would like to remind everyone in attendance to be respectful of each other, and as outlined in our Governance Rules, please note the following:

- *A Councillor or any other person who addresses a Meeting must do so in a courteous and respectful manner and must take direction from the Chairperson whenever called on to do so.*
- *Any member of the public physically attending a Meeting must not utter any offensive, indecent, insulting, or objectionable item or words, including words that are racist, sexist or homophobic, or interject or gesticulate offensively in the Council Chamber.*
- *Silence must be preserved by the gallery at all times during a Meeting (other than by a person in the gallery who is invited to address the Meeting).*
- *If any member of the public engages in conduct that is improper or disorderly, the Chairperson may direct that person to cease their conduct and the person must comply with that direction.*

7. QUESTION AND SUBMISSION TIME

6.08pm – Vanessa Petrie, GMSC&S left the meeting.

6.09pm – Cr. McCarthy disclosed a material conflict of interest in relation to public questions about 2 Wingrove St, Alphington due to his employment with Melbourne Polytechnic, which is currently engaged with applicants of the EOI process for Wingrove Street, and left the meeting.

The following public questions were submitted and addressed.

- **Gemma Tovey of Fairfield**

With respect to the site at 2 Wingrove Street, Alphington:

1. What are the key outputs that Council is expecting from the feasibility study? (that is, what information is Council seeking that it does not have with respect to the site?)
2. Stage 1 of the Masterplan (provided for in Draft Operating Budget for FY24-25) also provides for “running a first stage Expressions of Interest process to identify potential partner organisations”. What is the primary purpose behind seeking partners and what is the scope of such a partnership?
3. ‘Stage 1’ of Master planning implies there are a number of stages to follow. What does Council anticipate to be the stages that follow, and over what timeline will these stages be delivered?

Response from General Manager Infrastructure, Operations & Finance

1. For others attending, the feasibility study you are referring to is proposed for the 2024-25 financial year and subject to Council’s final budget decision in June.

The key reason for the feasibility study is so that when we call for proposals from potential partner organisations, we can give them accurate information about the constraints and costs associated with the site so they can factor these into their proposals. This site is a former landfill and has many buildings at end of life and some with asbestos in them. We want potential partners to have sight of any hidden costs before putting in a proposal.

The two main elements would be a geotechnical study to identify which locations on the site are sufficiently stable and suitable for buildings. The second would assess the buildings on the site and assess the costs of works to fix these and/or demolish these.

2. The purpose of this process is to help identify and engage with potential partners interested in leasing or managing the site in the future. This site is a public use zone and we’d be seeking proposals for community uses generally consistent with the zone. This stage would seek high level proposals through a fair, open and transparent process. This kind of process is needed for Council to be able to progress discussions with partner organisations – it’s needed so that we can meet our obligations for good governance and fairness.

The detailed scope of the EOI has not been developed, but we generally intend it be an open process to allow potential partners to propose their best, creative ideas. We would share the feasibility study with community and potential partners ahead of the EOI process so that any potential partners can factor this information into their proposals

3. Indicatively we expect community consultation in 2025-26 followed by a second stage 'request for proposals' stage where a detailed proposal would be sought from one or several partner organisations selected from the stage 1 EOI process. Formal statutory consultation would be required before Council could formally authorise a lease and then a lease would be established, possibly in 2027. This timing is subject to future decisions and to change.

- **Miranda Sharp of Alphington**

The following questions relate to 2 Wingrove Street, Alphington

1. The site has had numerous soil contamination tests, structural assessments, Geotechnical reports prepared, hazardous material audits. Are these reports available to Councillors or the public? If so, what are the findings (even if preliminary)?
2. Stage 1 of the Masterplan (included in the Draft Operating Budget for FY24-25) provides for "completing a development feasibility study". Will this feasibility study be public and be presented to Council?

Response from General Manager Infrastructure, Operations & Finance

1. While there have been some reports, they don't provide a whole picture and are often very old, meaning that they need to be updated before they can be relied on. For example, we have reports on asbestos management at the site, but we don't have an assessment of costs to bring buildings up to fit for purpose standards. Generally these reports haven't been published.

Past reports will be reviewed as part of completing the feasibility study and the study will provide up to date and wholistic information. We expect to be able to share the feasibility study about halfway through the 2024-25 financial year.

Yes, we will share this with community and potential partners and yes it will be reported to Council.

2. It is possible that some supporting data would be required to be handled confidentially and this assessment would be made at the time. If this were the case, the feasibility study would still be able to be made public to enable potential partners and community to understand what's possible on site.

- **Emily Castle of Alphington**

Throughout the various policies of the Council there is continued reference to 'discretionary powers'. Why hasn't that been applied to 2 Wingrove St and that's the question.

Response from General Manager Infrastructure Operations & Finance

Thank you for your question, Emily. We can find the word, 'discretion' in the section headed 'Licence Agreement' and clause 3.2 of the Standard Conditions. Neither clauses refer to the planning process. I will have an officer contact you during the week to seek further clarification and to respond.

- **Marion Gray of Alphington**

1. When will the CEO respond in writing to each of the three requests in the EV Hub Petition given that, at the April Council meeting, I was promised a response in writing so that it can be accurately conveyed verbatim to the 1300-plus signatories?
2. Given the climate emergency, the support of over 1,300 people, and Council's emphasis on sustainability, cutting CO2 emissions, promoting EVs and supporting local business, why has Council not tried to actively facilitate Craig Bishop's vision of an EV hub?

Response from General Manager Infrastructure Operations & Finance

1. The CEO has delegated this to me as the Executive team lead and responsible GM to respond on Council's behalf. A formal response has been sent today. I'm sorry this has taken longer than I hoped. Meeting with you on 17 April 2024 was also part of providing Council's response and we discussed the main points that are in the formal response.
2. The EV hub proposal is related to use of a particular property that council owns and there is a current Expression of Interest process in progress which is the mechanism Council has used to actively facilitate proposals.

When dealing with proposals to use any site, we are required to have an open to the market process which is unbiased and fair. These processes need to be conducted carefully so that the same processes are applied fairly to all applicants and that decision making is free from outside influence. For that reason I am not able to discuss this matter in detail

- **Kay Wennagel of Hawthorn**

Why, in January 2023 did Council and the CEO recommend to Councillors that the CEO be delegated authority over short and mid-term uses of the sites?

Response from General Manager Infrastructure Operations & Finance

Thank you for your question, Kay.

It is normal and good practice for matters of this nature to be delegated to CEO. Many matters are delegated and that's necessary for effectively service a large community such as Darebin. Council generally sets policy which provides important direction that the CEO and delegates then need to follow when making specific decision.

6.31pm – Cr McCarthy and Vanessa Petrie returned to the meeting.

- **Don Holloway of Thornbury**

1. Has council performed any feasibility study to indicate how much of the estimated 92,930 additional dwellings of zoned housing capacity in Darebin are viable to be built?
2. Has council undertaken a study to understand the imposed costs of heritage on feasibility of developing heritage listed sites?

Response from General Manager City Sustainability & Strategy

1. Thank you for your question Don, relating to increasing housing supply of Darebin.

Council has been undertaking research to inform its housing strategy. The study has identified potential capacity for an additional 92,930 dwellings, considered planning settings and some other factors affecting likelihood of development.

Other things can influence the viability of new housing that are beyond Council's control. These include interest rates, and escalation of construction costs and financial and tax incentives coupled with state-wide planning reform to encourage lot consolidation.

2. It has long been held by Planning Panels across Victoria that financial matters are not relevant considerations to determine whether to apply a heritage overlay. The primary consideration in determining whether to proceed with Amendment C222dare is whether the individual places have heritage significance.

The Heritage Overlay does not prohibit development of a site, but rather seeks to ensure that new development conserves and enhances heritage places and conserves those elements of the place that contribute to its heritage significance.

- **Angela Denton of Northcote**

On 15 May 2024 I called to query what seemed like a long timeframe to process payment for an invoice submitted on 5 May 2024. On 23 May 2024 I received two remittance notices sent to my email address. One was mine, however the other which included name, and bank account details belonged to another person.

1. Why was the remittance notice of another party with full details including name and bank account details sent to my email and what processes does City of Darebin finance department have in place to avert data and privacy breaches?
2. Will the monitor report on service deliver performance as part of his/her appointment and what are the terms of reference for the appointment of the monitor?
3. In what circumstances would an administrator be appointed at City of Darebin or any other local government body?

Response from General Manager Infrastructure Operations & Finance

1. Thank you Angela, I'm really sorry that this occurred and I appreciate you alerting us to it. Given the nature of it we've looked carefully at what happened so we can try and prevent it recurring. We found that the issue was caused by a data entry error of the email address, it was essentially copied into 2 places when it should've been copied into 1. So we'll take steps to address that issue and we'll look at how we can strengthen the process to minimise the risks of data entry. I also want to take the opportunity to apologise for the delay in the processing of payments which is usually on a fortnightly basis and I think we've resolved that at this point.

Response from General Manager Customer & Corporate

2. In response to your second and third questions, the Minister for Local Government is responsible for the Monitors' terms of reference. They include monitoring governance and practices of Council across a range of items including, the implementation of the previous Monitor's report, and meeting procedures and decision-making processes. A full list of the Terms of Reference can be found on the Local Government Victoria website. Terms-of-Reference-Darebin-City-monitors.pdf (localgovernment.vic.gov.au)
3. With regard to your third question, the circumstances in which an administrator would be appointed to the City of Darebin is a matter for the Minister for Local Government.

- **Matt Davidson of Preston**

1. Why are you flying a Palestinian flag on the town hall?
2. Should you not be flying both the flags of Israel and Palestine?

Response from General Manager Community

Thank you for your questions Matt. Council resolved to fly the Palestinian flag at Preston Town Hall on 18 December 2023. The flying of flags from other nations and social justice flags is a matter for the elected Council.

EXTENSION OF PUBLIC QUESTION TIME – 6.37PM

Council Resolution

MOVED: Cr. S Rennie
SECONDED: Cr. T McCarthy

That Public Question Time be extended by 30 minutes.

CARRIED UNANIMOUSLY

- **Connie Boglis of Reservoir**

1. The latest available data council has on the wellbeing of Darebin is from 2021, showing high levels of psychological distress in adolescents (14.4%) and adults (20.4%). As a counsellor, I find the lack of updated statistics and specific focus on mental health concerning, given that isolation and a sedentary lifestyle are top priorities for our municipality. I was informed by your staff that new data would be available in December and that community consultation will start in August. What actions has the council taken since 2021 to support mental health, and how will it incorporate lived experience in the new wellbeing plan? Can you please also update the website to reflect data from 2021 until today?
2. Given the current research, we know loneliness contributes to a person's mental health decline, particularly affecting those aged 18-49. This equates to 50% of Darebin residents and the data provided on your website is only available up until 2021. Given the 2023 report, this shows 31% of Victorians are impacted. What is Darebin Council doing to address this issue?

Response from General Manager Community

1 & 2 Thank you for your questions and interest in this important topic Connie.

In 2024/25 officers will be working with Council on a new Health & Wellbeing Plan as part of the development of the new Council Plan. Part of this process will be updating data available, mapping services provided by Council and other parts of the service system, identifying where there may be gaps and identifying who is best placed to address these. Officers are currently in the process of developing the community engagement approach for this work and one of the elements we are looking at is how to ensure there are opportunities for people with lived experience in a range of areas to contribute to the development of these plans.

Currently Council provides grants, delivers and facilitates programs, events and services that address loneliness, through supporting social connectedness and positive mental health. Direct services include connection with seniors through social groups, food services, youth outreach, get active programs and maternal child health services. Council also delivers free events at Council facilities including the Intercultural Centre, Libraries and East Preston Community Centre.

Council also funds other organisations who have the expertise to deliver direct support including Neighbourhood Houses, MOSS, Your Community Health and DIVRS to run programs, provide outreach, social support and emergency food to vulnerable residents.

In 23/24 there were 116 community grants awarded, 102 or 87% focused on activities supporting events that address loneliness through supporting social connectedness and positive mental health. These programs and projects continue to be delivered throughout the year.

- **Nikolaos Koukouvitakis of Kew**

I'm the Secretary of the Greek community of Mel established in 1897. As owners of the St George church and adjoining hall on St Davids Street Thornbury we are concerned with the lack of consultation and limited notification regarding councils application for a heritage overlay. We request an adjournment until we are able to consider the facts.

Response from General Manager City Sustainability & Strategy

This evening, Council will consider starting an amendment process, which includes a public exhibition process. The decision before Council is whether to request authorisation from the Minister for Planning to begin the planning scheme amendment process. If the Minister gives authorisation, there will be a 4-week consultation period where owners and the broader community are invited to make submissions on the proposal, and express their concern or support. As a part of this consultation, officers will meet with each community using the places of worship to explain and discuss the proposed amendment. Council is required to consider all submissions in deciding on next steps. If the amendment then proceeds to a planning panel, there is the opportunity for community to participate in the panel process.

At the conclusion of proceedings, the panel makes recommendations to Council about the amendment.

- **Jim Crosthwait of Fairfield**

1. Given the delegation of responsibility re 2 Wingrove St, how does council explain the failure to provide written answers to multiple letters about an affordable EV hub and treatment of the proponent.
2. Under what forms of help and coordination are available from council's climate and sustainability and/or economic development areas to further advance development of the initiative for an affordable EV hub within Darebin.
3. Under what circumstances can Council grant licenses to proprietary companies limited by shares on public land zoned as PUZ6.

Response from General Manager Infrastructure Operations & Finance

Thank you for the question, Jim.

1. Correspondence relating to this matter has been referred to me as responsible General Manager. I met with you last Friday to respond to your various correspondence. I am happy to confirm the main elements also in writing.

The CEO has delegated this to me because it relates to an EOI process which is on foot and we must ensure that applications are considered fairly and through the process, rather than being influenced by factors outside the process. One of my obligations is to ensure that the process is run consistently for all applicants so that it is fair. I note that generally we must discuss matters relating to an individual with that individual.

Response from General Manager City Sustainability & Strategy

2. Thank you for the question, Jim.

I understand that the EV hub proposal is related to use of a particular property of Council's. When dealing with proposals to use any site, we are required to have an open to the market process which is unbiased and fair. For that reason I am not able to discuss this matter in detail. I will arrange for an officer in an independent team to contact you to advise what help may be available from Council or other partners.

I understand your interest in this topic arises from the EOI process which is in progress. I can provide a general answer today, but I advise that this response is not specific to the process in progress.

Council has two different responsibilities in relation to land zoned Public Use Zone – Schedule 6: responsibilities as the landowner and/or public land manager, and regulatory duties as Responsibility Authority under the Planning and Environment Act.

3. Under the PUZ6 zone, land uses that are carried out by or on behalf of the public land manager do not require a planning permit. That is, Council as the land manager, can use the land for these purposes, if it is satisfied they comply. Most other uses require a planning permit and are subject to assessment, which includes assessment as to whether the uses are aligned with the purposes of the zone. Council makes decisions relating to its two duties separately to ensure it is meeting its obligations for good governance.

- **Ruth Jelley of Northcote**

1. What is the total cost of the 2 appointed monitors this year, compared to the cost of the previous monitor in 2022?
2. Under the proposed new hard waste trial starting in 2025, will renters in apartment blocks be eligible to book a hard waste collection?
3. It seems that Your Street Your Say Group C community engagement will not be completed as planned in this term of council. What are the reasons behind the delay to the overall timeline for this program?

Response from General Manager Customer & Corporate

1. Thank you for the question. The cost of municipal monitors is determined by the Minister for Local Government. We have allocated \$150,000 in Council's draft budget for 24-25. This compares with the total cost of around \$113,000 for the previous Monitor.

Response from General Manager Infrastructure Operations & Finance

2. For renters in apartment blocks which receive Council waste services, then yes. Some apartment blocks use private waste collection services and these wouldn't be eligible for a Council hard waste collection. Renters can tell if they have a Council service by looking at their bins and seeing if there is a Council logo on them.

Response from General Manager City Sustainability & Strategy

3. Thank you for your question, Ruth. The rolling cycle of engaging one third of the community each year will see Group C areas of the Your Street, Your Say project engaged in 2024/25. This will be completed in the fourth and final year of the Council Plan. Group B investigation was completed over 2 years 2022/23 and 2023/24. This was due to additional, unexpected work the team needed to undertake over this period.

- **Camille Bergerson of Northcote**

Is the council aware of the years of complaints made against the abandoned and long term parked vehicles on Dennis St? Will the council please consider removing these vehicles and instating an 8hr (or other) time enforced parking with permit exemption to prevent these vehicles from remaining unmoved for months or years?

Response from General Manager City Sustainability & Strategy

Thank you for your question, Camille. The council is aware of the abandoned vehicles on Dennis Street, and this is an ongoing investigation. Officers from the Local Laws Team have visited the area and initiated the abandoned vehicle process. We are committed to resolving this issue as swiftly as possible.

Regarding your question about changing the parking signs, a transport officer will call you this week to outline the application process.

- **Karl Charikar of Northcote**

1. In relation to Your Street Your Say area B, specifically the proposal to reduce vehicle traffic along South Crescent, Northcote, why did the briefing for Councillors ahead of the meeting in December and subsequent relevant meetings in early 2024 not provide the traffic count figures gathered in 2021?
2. Regarding pedestrian safety on Station Street, Fairfield and a potential pedestrian crossing on the south side of the level crossing, can you please provide the dates in the last 5 years when Council has raised this with the Member for Northcote, VicRoads or DTI (or equivalent Government departments), or with the relevant Minister?

Response from General Manager City Sustainability & Strategy

Thank you for your question, Karl.

1. Traffic, including bike rider volumes, are some of the details used to assess potential projects. Officers will share further details about recommended projects when officers present the next report to Council.
2. A formal letter to the Member of Northcote was sent in February 2021. These improvements have also been often discussed and advocated for at officer level before and after this date.

- **John Nugent of Epping**

1. Mayor could you please advise how much Council has spent on consultants from 1/7/22 to the 30/6/23 and from the 1/7/23 to the 31/12/23.
2. Mayor, I was advised that the unsealed pavement at Donath west reserve will not be in the Capital works budget in the 24/25 year. On information given by Council, one would think the unsealed pavement would be around the same width size of the sealed pavement. The glossy brochure Council mail out shows the unsealed pavement is completed and uniform in size. Mayor let me tell you that the unsealed pavement is nothing more than a well-worn track. Some parts of this track is no more than 4 inches wide and grass grown over the pavement. Mayor will Council complete this track into a uniform unsealed pavement as stated by your officers and shown on your brochures.

Response from General Manager Customer & Corporate

1. Thanks for your question John. A full list of Council's expenditure in relation to consultants is published each year in the Darebin City Council's annual report.

Response from General Manager Infrastructure Operations & Finance

2. Hi John, I can confirm that a number of the paths in this area are unsealed and there aren't plans to seal them. However what you're describing sounds like maintenance matters which don't need a special consideration in the budget process. One of our officers will inspect the site and if maintenance is needed to make sure these unsealed paths are in appropriate condition we'll arrange for that work to be done.

- **Hunter Cullen of Preston**

1. The questions I seek to ask tonight are critical of the Council's intentions to provide transparent and accessible information necessary for informed electorate and to execute the will of the people. My first question tonight concerns accessing councillors voting records currently this requires manually sifting through Council meeting minutes which is highly inefficient to find how Councillors voted on specific issues or to view their overall records you have to search through years of minutes or know the exact dates of votes. This process is laborious and lacks transparency with an election only 4 months away. Voters deserve easy access to Councillor's voting records to make informed decisions. Can a database be created to provide this information in time for this election or in the future?
2. My next question is in regards to the recent draft budget documents. As an average voter I found them very difficult to interpret and understand. Such confusing documents make it difficult for the public to be properly engaged and critical of councils intentions. I'd like to know if the budget documents can be improved or a more accessible version for voters to view and understand in future years.
3. Lastly after looking over the budget documents it's my understanding no money has been allocated to public acquisition of Preston Market. This is despite Preston Market likely being the issue of the most popular support in the community. If the council truly reflected the will of the people then public acquisition of Preston Market would be the next budget's top priority to reflect that, why is it not the case? The recent council budget has come out and as layman voter I found it very difficult to understand which made it difficult as a voter to determine my thoughts on the budget. My question is in regards to making budget documents easier to read for average voter in future or at least a more accessible version?

Response from General Manager Customer & Corporate

1. Thank you Mayor through you thanks for the question Hunter. The minutes of the Council meeting are an official record of the actions and decisions that were made at the council meeting. If a vote on an item before council is not unanimous the meeting minutes record Councillors who voted for and against the item. There are currently no plans to create an additional standalone database to monitor the voting records of Councillors.
2. Secondly thank you for your feedback on the budget documents we'll certainly take this feedback on board and see how we can make things more accessible for all members of the community.

Response from CEO

3. Through you Mayor we might just answer the 3rd question which was about public acquisition of Preston market just so we've answered all. Yes, you're correct Hunter there is nothing in the budget to publicly acquire that. It is Council's decision, the budget night's coming up on the last meeting in June and it's for community members to make submissions, which I think have now closed, on what else they'd like council to consider in the budget so you're correct there's nothing else in the budget for that acquisition.

8. PETITIONS

8.1 TABLING OF PETITION

Council Resolution

MINUTE NO. 24-084

MOVED: Cr. T Hannan
SECONDED: Cr. S Rennie

That the petition:

We [the residents] rely on South Crescent in Northcote for our daily commutes. We cycle to school or work, walk to the Westgarth shops, and use this route to get around the inner north of Melbourne. Darebin Council is currently considering projects and plans on South Crescent. But they have failed to do anything to make South Crescent a safer cycling or better walking space. All they are currently planning is to remove 4 parking spots near Westgarth Station. This is serious missed opportunity.

South Crescent is popular with cyclists and walkers alike. It connects cyclists to the city, Northcote High and Westgarth Primary, as well as to Fairfield and Alphington. Lots of people walk their dogs or meet friends for a walk too. It could be a really pleasant and safe place in the heart of our community.

Cycling is not only a sustainable mode of transport but also a healthy lifestyle choice. Yet without proper infrastructure and safety measures in place, it can become a risk rather than a benefit. In Australia alone, there were 38 cyclist fatalities in 2020 (source: Bureau of Infrastructure Transport and Regional Economics).

South Crescent is no exception. There is little reason for cars to use South Crescent from one end to the other, but lots of people tell me they've have had near misses riding along it.

Council should be trying to eliminate this unnecessary danger to us all - children going to school, adults commuting to work or anyone simply enjoying a leisurely ride.

We propose that Darebin Council takes immediate action to prioritise cycling and walking along South Crescent. These actions could include:

Installing a vehicle barrier to prevent cars using the whole length of South Crescent.

The barrier could be at Mason Street (near the café) so that cars turn north towards Clarke Street.

- *The barrier could allow bikes to pass on the sides, but still block cars and trucks.*

Working with the State Government to get a bike path built along the nature strip by the train line.

- *There's lots of space for an off-road bike path by the train line, and yet Council hasn't approached the Government for a partnership.*

Counting the bike and walkers along South Crescent.

- *Every time I walk or ride there, I see far more cyclists and walkers than cars and trucks. Darebin has investigated the use of the parking spaces near Dennis and Westgarth Stations but hasn't counted the bikes and pedestrians along South Crescent as far as I know.*

Full version of petition is here <https://www.change.org/southcrescent>

160 Signatures as of 27 May 2024

Darebin should listen to the views of the people that sign this petition and consult with the local community on these proposed actions.

Darebin should find the money for any changes that need to be made in next year's Budget.

By making these changes we can ensure that everyone who uses South Crescent - from my family to yours - can do so safely while promoting healthier lifestyles and sustainability within our community.

be tabled and referred to the CEO for consideration and response.

CARRIED UNANIMOUSLY

8.2 TABLING OF PETITION

Council Resolution

MINUTE NO. 24-085

MOVED: Cr. T McCarthy

SECONDED: Cr. S Rennie

That the petition:

We, the undersigned, request the City of Darebin to undertake all necessary actions and use all powers available to the Council as the Responsible Authority to fully and completely enforce the permit conditions assigned to St Mark's Coptic Orthodox Church (40-24 Gilbert Road, Preston) without delay and to uphold the rights of residents to live peacefully in our homes.

be tabled and to be referred to the CEO for consideration and response, with an update on this matter to be provided in a governance report.

CARRIED UNANIMOUSLY

Jonathan Baird, as the petitioner made a 2 minute submission to Item 8.2.

9. CONSIDERATION OF REPORTS

9.1 GOVERNANCE REPORT - MAY 2024

EXECUTIVE SUMMARY

- Summary of attendance at Advisory Committees Meetings, Councillor Briefings, and other informal meetings of Councillors (**Appendix A**).
- Reports by Mayor and Councillors.
- Responses to public question taken on notice at the previous Council Meeting, 29 April 2024.
- Freedom of Information (FOI) statistics to date for the current financial year 2023-24.
- Councillor expenses 1 January to 31 March 2024 (**Appendix B**).
- Bi-annual confidential resolutions review and Confidential Information to be made public (**Appendices C, D, E, F and G**).
- General Planning Information - Applications determined by VCAT, May 2024 (**Appendix H**).

Council Resolution

MINUTE NO. 24-086

MOVED: Cr. S Rennie
SECONDED: Cr. T McCarthy

That Council:

- (1) Notes the Governance Report – May 2024.
- (2) Notes the Summary of attendance at Advisory Committees Meetings, Councillor Briefings, and other informal meetings of Councillors at **Appendix A** to this report, for incorporation in the minutes of this meeting.
- (3) Notes that reports by Mayors and Councillors submitted prior to the meeting and circulated to Councillors, will be incorporated in the minutes of this meeting.
- (4) Notes the responses to the public questions taken on notice at the Council Meeting on 29 April 2024.
- (5) Notes the Freedom of Information (FOI) statistics to date for the current financial year 2023-24 (**Table 1**).
- (6) Notes the Councillor Expenses Report for the period of 1 January to 31 March 2024 (**Appendix B**) to this report.
- (7) Resolves to make the following confidential matters publicly available on Council's website following publication of the Minutes of this Council Meeting:
 - (a) Item 11.1 Contract Award Bill Lawry Oval Pavilion Report - Special Council Meeting Minutes 25 January 2023 (**Appendix C**).
 - (b) Item 5.1 Action arising from the VCAT decision on Northcote Plaza (**Appendix D**) Council Meeting 6 June 2022.
 - (c) All decisions during the current Council Term relating to Alphington Rail Spur (**Appendix E**).

- (d) All decisions during the current Council Term regarding the Melbourne Innovation Centre at 2 Wingrove Street Alphington (**Appendix F**).
- (e) Item 13.1 Response to Proposed Development of an MRNA Facility at Latrobe University (44 Crissane Road, Bundoora), 25 March 2024 Council Meeting Report (**Appendix G**).
- (8) Notes the Confidential Items considered by Council this financial year listed in **Table 2**, that have been reviewed and are required to remain confidential.
- (9) Notes the General Planning Information – Applications determined by VCAT, May 2024 (**Appendix H**).

CARRIED UNANIMOUSLY

NOTE: Refer to the end of these minutes for the Confidential Appendices that have now been made public.

REPORTS BY MAYOR AND COUNCILLORS – 27 MAY 2024

REPORT OF CR. SUSANNE NEWTON, MAYOR

Cr. Newton reported on her attendance at the following functions/activities

- Cultural Diversity Oration with George Megalogenis - welcome speech
- IDAHOBIT Day: "No one Left Behind: Equality, Freedom and Justice for All" Raising of the Progress Pride flag, speech and morning tea
- National Reconciliation Week Oration 2024 – Ngarra Murray and Rueben Berg
- 2024 Africa Day Australia Gala Dinner, Melbourne Town Hall
- Conducted a Citizenship Ceremony
- National Sorry Day Commemoration - laid wreath and made speech on behalf of Darebin
- Meeting with Yarra Mayor, Edward Crossland
- Remembering the battle of Leyte Gulf and unveiling of commemorative plaque, Shrine of Remembrance, invited by the Consulate General of the Republic of the Philippines
- Visit and tour of Afri-Aus Care in Springvale with Selba Gondoza Luka
- Welcome speech at Darebin 'Welcome Baby to Country' event with Aunty Di Kerr at the Aboriginal Advancement League
- Interview with Lauren Richardson from 'Newline' on Channel 31 about increased crime rates in Darebin
- Roundtable meeting held by Mayor Naim Kurt and Hume City Council about the new 'activity centres'
- First Nations Students Careers Day, 'The Hub', Northland
- Meeting with Meredith Martin, Pathways to Politics for Women program
- Meeting with Tennille Khoury, President of JS Grey Kindergarten
- CEO Employment Matters Committee meeting
- Meeting with Evan Mulholland, MP for the Northern Metropolitan region
- Meeting with Nathan Lambert, MP for Preston
- Roundtable with Mayors and CEOs at La Trobe University with Chancellor John Brumby and Vice Chancellor Theo Farrell
- Friends of Baucau AGM

- Mayoral Taskforce Supporting People Seeking Asylum meeting
- Meeting with residents about proposed development for Cunningham Street, Northcote
- Meeting with David Toscano
- Meeting with Kalows Abdalla, African Youth Alliance
- Speech and handing prizes to winners of Darebin Chess Club tournament
- Meeting with Professor Panos Piperopoulos from La Trobe University about project for refugee and migrant entrepreneurs
- Visit with committee members of Springthorpe Owners Corporation
- Meeting with Ged Kearney, member for Cooper
- Attended Regional Jobs Fair, Preston City Hall
- Coaching session
- Meeting with William Peters from Lime
- Visit and tour of DIVRS - Darebin Information, Volunteer and Resource Service
- Weekly meetings with CEO
- Weekly meetings with governance team
- Weekly meeting with communications team
- Weekly meetings with Executive Assistant
- Weekly meetings with Cr Hannan
- Weekly Councillor briefings
- Weekly Councillor-only time
- Pre-Council meeting briefing

REPORT OF CR. LINA MESSINA

Cr. Messina did not submit a report

REPORT OF CR. GAETANO GRECO

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

- Weekly Councillor meeting
- Councillor Briefings
- Budget Briefing
- Intercultural Centre Oration
- National Sorry Day Event at Council
- Meeting with President of Reservoir Trader's Association
- Invited to speak at meeting with Save the Preston Market Action Group.
- Meeting with residents regarding traffic management

REPORT OF CR. TIM LAURENCE

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

- Council meeting Preston
- Planning Meeting
- Councillor briefings online and Preston
- Consultation with Residents re issues with building and flooding issues Kingsbury
- Consultation with Residents re traffic and planning issues Macleod
- Consultation with Residents re traffic and parking issues Reservoir
- Consultation with Residents re maintenance issues Bundoora
- Consultation with Residents re infrastructure issues Reservoir

REPORT OF CR. JULIE WILLIAMS

Cr. Williams did not submit a report

REPORT OF CR. SUSAN RENNIE

Cr. Rennie reported on her attendance at the following functions/activities:

- Council meeting
- Weekly Councillor meeting
- Councillor Briefings
- Budget Briefing
- Intercultural Centre Oration
- INCF forum
- Transition Darebin Repair Café 6th birthday session
- MAV State Council
- Research interview regarding hotel detention at the Mantra

REPORT OF CR. TRENT MCCARTHY

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

- NAGA Advocacy Working Group
- Councillor Briefings
- Merri Merri Wayi Reference Group
- Victorian Chamber and Melbourne Press Club State Budget event
- NAGA Executive Committee
- Darebin Education Committee
- Weekly Councillor Meetings
- Global Football Week events
- Various resident and trader issues

REPORT OF CR. EMILY DIMITRIADIS

Cr. Dimitriadis reported on her attendance at the following functions/activities:

- Attended Council briefings.
- Attended Councillor-only meetings.
- Attended Official Council meeting.
- Attended Fronditha Aged Care in Thornbury
- Attended the Northcote Park Football and Netball Club luncheon at Bill Lawry Oval
- Attended Greek Orthodox Easter celebrations at St David's Church hall in Thornbury
- Attended the Aunty Leslie North Inaugural First Nations Round at Narrandjeri Stadium

REPORT OF CR. TOM HANNAN

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

- Contact (phone / online) with residents and businesses about their concerns, e.g., EV charging, graffiti, hard waste collection, leases and vision for 2 Wingrove St, McDonnell Park, South Crescent, Israel-Gaza conflict, impacts of racism, street and laneway maintenance, litter, parking, street trees, traffic and safety.
- Cultural Diversity Oration
- Councillor briefings
- CEO Employment Matters Committee
- Meeting with Monitors
- Councillor only meetings
- Meetings with Mayor
- Ordinary Council meeting

9.2 2023-24 Q3 PERFORMANCE REPORT (FINANCIAL AND NON-FINANCIAL) ENDING 31 MARCH 2024

EXECUTIVE SUMMARY

Council is required by the *Local Government Act 2020* (the Act) to prepare a Council Plan containing the strategic objectives of Council, strategies for achieving those objectives, and indicators to monitor the achievement of those objectives.

The 2023-24 Quarter Three (Q3) ending 31 March 2024 Performance Report includes progress of the Council Plan Action Plan (CPAP), Capital Works Program, Council Resolutions, Procurement (**Appendix A**), and Financial Performance (**Appendix B**). The 2023-24 Council Plan Action Plan report provides an overview of Council's performance in delivering the year three actions that will contribute to the completion of the four-year strategic actions in the (revised) Council Plan 2021-25.

Overall, the Q3 results indicate that delivery of the 2023-24 Council Plan Action Plan is progressing well, with 72.5% (58 actions) On Track, 8.8% (7 actions) Delayed, 7.5% (6 actions) Off Track, 8.8% (7 actions) Completed, 1.3% (1) actions Not Started, and 1.3% (1 action) Deferred, as detailed in **Appendix A**.

This report outlines both Financial performance year to date and the forecast of how Council's full year performance is expected to finish at end of June 2024. The forecast performance is a better indication of the expected current year performance than year to date performance. This is largely because of the timing of revenue and expenditure.

The forecast for the full year, as at the 3rd Quarter budget review indicate a \$3.49M net unfavourable operating performance result compared to adopted budget and \$2.98M more than Council's adopted capital works program.

The 2023-24 Quarter Three Financial Report in **Appendix B** provides an update of the financial results year to date ending 31 March 2024. For the nine months ended 31 March 2024, Council has recorded an operating surplus of \$47.0 million, which is \$6.99 million ahead of the year-to-date budget. After eliminating capital and other items, the adjusted underlying surplus is \$45.82 million, which is \$5.81 million favourable to the year-to-date budget. Council has expended \$15.03 million on the capital works program, which is \$6.79 million behind of the year-to-date budget. The financial position as at 31 March 2024 shows a cash (\$39.40M) and investment balance (\$27.27M) of \$66.67 million, which is \$12.48 million ahead of budget.

Council Resolution

MINUTE NO. 24-087

MOVED: Cr. T Hannan
SECONDED: Cr. S Rennie

That Council:

- (1) Endorses the quarter three Performance Report 2023-24 including Council Plan Action Plan Progress at **Appendix A**.
- (2) Notes the quarter three update of the Capital Works program at **Appendix A**.
- (3) Notes the quarter three update on Council Resolutions contained within this report for the current financial year 2023-24.

- (4) Notes the Financial Report for the nine months ended 31 March 2024 at **Appendix B**.
- (5) Notes the quarter three Procurement update contained within this report.

CARRIED UNANIMOUSLY

**9.3 FAMILIES, YOUTH & CHILDREN STRATEGY AND STAGE 2
COMMUNITY ENGAGEMENT**

EXECUTIVE SUMMARY

This report provides Council with the results of the first stage of community engagement for the new Families, Youth and Children Strategy and recommends that Council endorses the draft Families, Youth and Children Strategy – A Framework for Collective Action to go to Stage 2 Community Engagement.

The draft Families, Youth and Children Strategy – A Framework for Collective Action has been developed with input from more than 800 community members and stakeholders through an extensive community engagement process. The draft Strategy is intended to present a high-level framework for action by Council and partners on a set of strategic focus areas across seven themes that have been identified through the community engagement process.

The draft Strategy does not contain actions or specific commitments. A Collective Action Plan for Council and partners, which will operationalise the Strategy, will be developed after the Strategy has been finalised and adopted, outlining, and clarifying the roles and actions that Council and partners will take and shared measures of progress. Throughout the process of developing this Strategy, the Strategy has been framed as a partnership document, not solely a Council Strategy. This approach is strongly supported by the stakeholders.

Council Resolution

MINUTE NO. 24-088

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

That Council:

- (1) Endorses community engagement on the draft Families, Youth and Children Strategy – A Framework for Action at **Appendix A**.
- (2) Approves release of the Stage 1 Community Engagement Summary at **Appendix B**.
- (3) Thanks the community and stakeholders for providing valuable feedback during Stage 1 community engagement.
- (4) Notes the Young Citizens Jury’s “Our Vision” at Appendix C and thanks the Young Citizens Jury for preparing this report.

CARRIED UNANIMOUSLY

9.4 THORBURY HIGH SCHOOL KINDERGARTEN ON SCHOOL SITE - OPPORTUNITY TO LEASE

7.38pm – Vanessa Petrie, GMSC&S, left the meeting.

EXECUTIVE SUMMARY

The Department of Education (DE) is building a new kindergarten on the site of Thornbury High School as part of the Kindergartens on School Sites (KOSS) program. The new facility will be a three-room, 99-place kindergarten, which is scheduled to commence operating in January 2025. As per DE's standard approach, Council has been offered first refusal on a lease of this facility. DE have requested that Council decide whether it wishes to lease this facility by 28 May 2024. If Council chooses not to lease the facility, DE will run an expression of interest process to directly lease the facility to a not-for-profit early years service provider.

The proposed lease would be for 20 years with the option of 2 further terms of 10 years. The rent would be \$1.00 per annum if and when demanded. Council would be required to ensure the property is used to deliver three and four-year-old kindergarten programs for the duration of the tenancy. The lease would make Council 100% responsible for all rates and taxes, all outgoings, and all internal and external repairs and maintenance (including repairs of a capital and structural nature). A Life Cycle Operational cost report procured by Council estimates the maintenance/replacement costs for which Council would be liable over the 20 years of the lease at \$1.25M in today's value. These costs, and any other costs associated with the facility, are not currently factored into Council's budget, capital works program or long-term financial plan.

As Council is not a kindergarten service provider, if Council takes on the lease it would need to sublease the kindergarten to a kindergarten provider. Council would be able to pass on some of the costs associated with the management of the property to the sub-tenant in line with Council's Lease and Licensing Policy (once adopted), but many of the costs would remain with Council. If Council does not take on the lease, a provider could just lease directly from DE.

Unlike the previous KOSS project in Darebin (Reservoir East Family Centre), this new facility will not include any additional community facilities (e.g. consulting rooms or a group room) for use by Council. However, DE have made provision within the site plan for the later addition of two maternal and child health rooms, if Council chooses to fund and deliver these additional facilities. This would require an estimated future capital investment of approximately \$1M (2023 price), which is not currently within Council's budget, capital works program or long-term financial plan.

Officers recommend that unless Council are able to negotiate a change to the standard lease terms where Council is able to achieve a cost neutral position and is not required to take on maintenance costs over the life of the agreement and initial establishment costs including fit out and leasing costs that Council decline the opportunity to lease this facility.

The reason for this is the current terms on offer from DE would commit Council to significant liabilities over the 20-year term of the lease (including estimated maintenance/replacement costs of \$1.25M in today's value over the 20 years), without delivering significant, clear added value to the Darebin community than what could be achieved if DE undertook an Expression of Interest process and entered into an agreement directly with an early years management service.

At this stage officers are also not recommending that Council take up the opportunity to construct two maternal and child health (MCH) rooms as Additional Community Facilities to the site given this is not factored into Council's budget, four-year capital works program or long-term financial plan and the significant competing community needs and priorities for Council's available capital works program. While subject to change, at this stage based on available information, officers understand that saying no now, would not preclude Council reconsidering this option in the future following Council's consideration of its Community Infrastructure Plan, and availability of future capital funding. This could alter at some point in the future.

Officer Recommendation

That Council:

- (1) Notes that, as per the Department of Educations (DE) standard approach, Council has been offered first refusal on a lease of the new kindergarten to be built on the site of Thornbury High School. The lease would make Council 100% responsible for all rates and taxes, all outgoings, and all internal and external repairs and maintenance (including repairs of a capital and structural nature).
- (2) Notes that the Life Cycle Operational Cost report procured by Council estimates the maintenance/replacement costs for which Council would be liable over the 20 years of the lease at \$1.25M in today's value. These costs, and any other costs associated with the facility, are not currently factored into Council's budget, capital works program or long-term financial plan.
- (3) Notes that there may be additional Kindergartens on School Sites established in Darebin and that the lease terms agreed to for the Thornbury High School kindergarten could set a precedent for any future site.
- (4) Notes that if Council chooses not to lease the facility, DE will run an expression of interest process to directly lease the facility to a not-for-profit early years service provider.
- (5) Requests the CEO advise DE that unless Council are able to negotiate a change to the standard lease terms where Council is able to achieve a cost neutral position and is not required to take on maintenance costs over the life of the agreement and initial establishment costs including fit out and leasing costs, Council is not in a position to take on the lease of the new kindergarten to be built on the site of Thornbury High School due to:
 - a. the financial liability associated with the standard lease terms; and
 - b. there being limited added value to the Darebin community than what could be achieved if DE undertook an Expression of Interest process and entered into an agreement directly with an early years management service.
- (6) Requests a further report be brought back to Council providing the outcome of the discussion with DE for Council to resolve its final position.

Motion

MOVED: Cr. S Rennie
SECONDED: Cr. T McCarthy

That Council:

- (1) Notes that, as per the Department of Educations (DE) standard approach, Council has been offered first refusal on a lease of the new kindergarten to be built on the site of Thornbury High School. The lease would make Council 100% responsible for all rates and taxes, all outgoings, and all internal and external repairs and maintenance (including repairs of a capital and structural nature).
- (2) Notes that the Life Cycle Operational Cost report procured by Council estimates the maintenance/replacement costs for which Council would be liable over the 20 years of the lease at \$1.25M in today's value. These costs, and any other costs associated with the facility, are not currently factored into Council's budget, capital works program or long-term financial plan.
- (3) Notes that there may be additional Kindergartens on School Sites established in Darebin and that the lease terms agreed to for the Thornbury High School kindergarten could set a precedent for any future site.
- (4) Notes that if Council chooses not to lease the facility, DE will run an expression of interest process to directly lease the facility to a not-for-profit early years service provider.
- (5) Requests the CEO advise DE that unless Council are able to negotiate a change to the standard lease terms where Council is able to achieve a cost neutral position and is not required to take on maintenance costs over the life of the agreement and initial establishment costs including fit out and leasing costs, Council is not in a position to take on the lease of the new kindergarten to be built on the site of Thornbury High School due to:
 - a. the financial liability associated with the standard lease terms; and
 - b. there being limited added value to the Darebin community than what could be achieved if DE undertook an Expression of Interest process and entered into an agreement directly with an early years management service.
- (6) Requests a further report be brought back to Council providing the outcome of the discussion with DE for Council to resolve its final position.

Cr Greco proposed the following amendments, which were not accepted to the mover and seconder:

That Council:

- (1) **Notes the Council Plan and Early Years Infrastructure Framework provides for Council to maintain a role as an active partner of DE in delivering the kindergarten reform agenda (three-year-old kindergarten and four-year-old Pre Prep).**
- (2) **Notes that being seen by DE as an active and supportive partner may influence future decisions by DE on matters such a future KOSS locations, infrastructure grants and other investment which is particularly relevant given DE has flagged that they are looking at a couple of additional sites in Darebin for the 2027 KOSS program, but no further projects beyond 2025 have been confirmed at this stage.**

- (3) Notes that KOSS projects are generally a cost-effective way of Council to meet unmet demand for community-managed/ not for profit kindergarten services, as the construction costs of the new kindergarten places are covered by DE.
- (4) Notes it could play an active role in supporting the creation of a new community facility that will provide 99 additional licensed kindergarten places in an area of need and be recognized by the community as playing an active role in improving access to community-managed/not for profit kindergartens.
- (5) Notes it can maintain an active role in support of community-managed/not or profit kindergarten services, sharing the burden of establishing a new service. Be recognized by the sector as being committed to supporting community-managed/not for profit kindergartens.
- (6) Notes the ability Council can have in the oversight of the kindergarten program delivered from the new facility through a service agreement with the subtenant, providing greater leverage to influence practice and standards in areas such as quality, inclusion, cultural safety and sustainability.
- (4) (7) Notes that, as per DE's standard approach, Council has been offered first refusal on a lease of the new kindergarten to be built on the site of Thornbury High School. The **current lease proposed by DE which is still subject to negotiations** would make Council 100% responsible for all rates and taxes, all outgoings, and all internal and external repairs and maintenance (including repairs of a capital and structural nature) **covered in the report.**
- ~~(2) Notes that the Life Cycle Operational Cost report procured by Council estimates the maintenance/replacement costs for which Council would be liable over the 20 years of the lease at \$1.25M in today's value. These costs, and any other costs associated with the facility, are not currently factored into Council's budget, capital works program or long-term financial plan.~~
- ~~(3) (8) Notes that there may be additional Kindergartens on School Sites established in Darebin and that the lease terms agreed to for the Thornbury High School kindergarten could set a precedent for any future site.~~
- ~~(4) Notes that if Council chooses not to lease the facility, DE will run an expression of interest process to directly lease the facility to a not-for-profit early years service provider.~~
- (9) **Notes DE have recently indicated that there was an opening to negotiate.**
- ~~(5)(10) Requests the CEO advise DE that unless Council is amenable are able to negotiate a change to the standard lease terms where Council is able to achieve a **better outcome** cost neutral position and is not required to take on maintenance costs over the life of the agreement and including initial establishment costs including fit out and leasing costs, Council is not in a position to take on the lease of the new kindergarten to be built on the site of Thornbury High School due to:~~
- ~~a. the financial liability associated with the standard lease terms; and~~
- ~~b. there being limited added value to the Darebin community than what could be achieved if DE undertook an Expression of Interest process and entered into an agreement directly with an early years management service.~~
- (6)(11) Requests a further report be brought back to Council providing the outcome of the discussion with DE for Council to resolve its final position.

7.49pm – The meeting was adjourned.

7.56pm – The meeting resumed.

7.57pm – The meeting was adjourned due to a technical issue with the livestreaming.

8.17pm – The meeting resumed.

Amendment

MOVED: Cr. G Greco
SECONDED: Cr. E Dimitriadis

That Council:

- (1) Notes the Council Plan and Early Years Infrastructure Framework provides for Council to maintain a role as an active partner of DE in delivering the kindergarten reform agenda (three-year-old kindergarten and four-year-old Pre Prep).
- (2) Notes that being seen by DE as an active and supportive partner may influence future decisions by DE on matters such a future KOSS locations, infrastructure grants and other investment which is particularly relevant given DE has flagged that they are looking at a couple of additional sites in Darebin for the 2027 KOSS program, but no further projects beyond 2025 have been confirmed at this stage.
- (3) Notes that KOSS projects are generally a cost-effective way of Council to meet unmet demand for community-managed/ not for profit kindergarten services, as the construction costs of the new kindergarten places are covered by DE.
- (4) Notes it could play an active role in supporting the creation of a new community facility that will provide 99 additional licensed kindergarten places in an area of need and be recognized by the community as playing an active role in improving access to community-managed/not for profit kindergartens.
- (5) Notes it can maintain an active role in support of community-managed/not or profit kindergarten services, sharing the burden of establishing a new service. Be recognized by the sector as being committed to supporting community-managed/not for profit kindergartens.
- (6) Notes the ability Council can have in the oversight of the kindergarten program delivered from the new facility through a service agreement with the subtenant, providing greater leverage to influence practice and standards in areas such as quality, inclusion, cultural safety and sustainability.
- (7) Notes that, as per DE's standard approach, Council has been offered first refusal on a lease of the new kindergarten to be built on the site of Thornbury High School. The current lease proposed by DE which is still subject to negotiations would make Council 100% responsible for all rates and taxes, all outgoings, and all internal and external repairs and maintenance (including repairs of a capital and structural nature) covered in the report.
- (8) Notes that there may be additional Kindergartens on School Sites established in Darebin and that the lease terms agreed to for the Thornbury High School kindergarten could set a precedent for any future site.
- (9) Notes DE have recently indicated that there was an opening to negotiate.
- (10) Requests the CEO advise DE that Council is amenable to negotiating a change to the standard lease terms where Council is able to achieve a better outcome over the life of the agreement and including initial establishment costs including fit out and leasing costs.
- (11) Requests a further report be brought back to Council providing the outcome of the discussion with DE for Council to resolve its final position.

LOST

For: Crs Greco and Dimitriadis (2)

Against: Crs Hannan, Rennie, Williams, McCarthy, and Newton (5)

Abstained: Cr Laurence (1)

Cr Greco proposed an amendment to point 5 of the substantive motion as follows, which was not accepted to the mover and seconder:

- (5) Requests the CEO advise DE that unless Council are able to negotiate a change to the standard lease terms where Council is able to achieve a **better outcome which is as close as possible to a** cost neutral position and is not required to take on maintenance costs over the life of the agreement and initial establishment costs including fit out and leasing costs, Council is not in a position to take on the lease of the new kindergarten to be built on the site of Thornbury High School due to:

Amendment

MOVED: Cr. G Greco
SECONDED: Cr. E Dimitriadis

That Council:

- (1) Notes that, as per the Department of Educations (DE) standard approach, Council has been offered first refusal on a lease of the new kindergarten to be built on the site of Thornbury High School. The lease would make Council 100% responsible for all rates and taxes, all outgoings, and all internal and external repairs and maintenance (including repairs of a capital and structural nature).
- (2) Notes that the Life Cycle Operational Cost report procured by Council estimates the maintenance/replacement costs for which Council would be liable over the 20 years of the lease at \$1.25M in today's value. These costs, and any other costs associated with the facility, are not currently factored into Council's budget, capital works program or long-term financial plan.
- (3) Notes that there may be additional Kindergartens on School Sites established in Darebin and that the lease terms agreed to for the Thornbury High School kindergarten could set a precedent for any future site.
- (4) Notes that if Council chooses not to lease the facility, DE will run an expression of interest process to directly lease the facility to a not-for-profit early years service provider.
- (5) Requests the CEO advise DE that unless Council are able to negotiate a change to the standard lease terms where Council is able to achieve a better outcome which is as close as possible to a cost neutral position and is not required to take on maintenance costs over the life of the agreement and initial establishment costs including fit out and leasing costs, Council is not in a position to take on the lease of the new kindergarten to be built on the site of Thornbury High School due to:
 - a. the financial liability associated with the standard lease terms; and
 - b. there being limited added value to the Darebin community than what could be achieved if DE undertook an Expression of Interest process and entered into an agreement directly with an early years management service.
- (6) Requests a further report be brought back to Council providing the outcome of the discussion with DE for Council to resolve its final position.

LOST

For: Crs Greco and Dimitriadis (2)

Against: Crs Hannan, Rennie, Williams, McCarthy, Laurence and Newton (6)

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

Council Resolution

MINUTE NO. 24-089

MOVED: Cr. S Rennie
SECONDED: Cr. T McCarthy

That Council:

- (1) Notes that, as per the Department of Educations (DE) standard approach, Council has been offered first refusal on a lease of the new kindergarten to be built on the site of Thornbury High School. The lease would make Council 100% responsible for all rates and taxes, all outgoings, and all internal and external repairs and maintenance (including repairs of a capital and structural nature).
- (2) Notes that the Life Cycle Operational Cost report procured by Council estimates the maintenance/replacement costs for which Council would be liable over the 20 years of the lease at \$1.25M in today's value. These costs, and any other costs associated with the facility, are not currently factored into Council's budget, capital works program or long-term financial plan.
- (3) Notes that there may be additional Kindergartens on School Sites established in Darebin and that the lease terms agreed to for the Thornbury High School kindergarten could set a precedent for any future site.
- (4) Notes that if Council chooses not to lease the facility, DE will run an expression of interest process to directly lease the facility to a not-for-profit early years service provider.
- (5) Requests the CEO advise DE that unless Council are able to negotiate a change to the standard lease terms where Council is able to achieve a cost neutral position and is not required to take on maintenance costs over the life of the agreement and initial establishment costs including fit out and leasing costs, Council is not in a position to take on the lease of the new kindergarten to be built on the site of Thornbury High School due to:
 - a. the financial liability associated with the standard lease terms; and
 - b. there being limited added value to the Darebin community than what could be achieved if DE undertook an Expression of Interest process and entered into an agreement directly with an early years management service.
- (6) Requests a further report be brought back to Council providing the outcome of the discussion with DE for Council to resolve its final position.

CARRIED

For: Crs Hannan, Rennie, Williams, McCarthy, Laurence and Newton (6)
Abstained: Crs Greco and Dimitriadis (2)

8.48pm - Vanessa Petrie, GMSC&S returned to the meeting.

9.5 AMENDMENT C222DARE - PLACES OF WORSHIP PERMANENT HERITAGE CONTROLS

EXECUTIVE SUMMARY

In response to a request to Council under s29A of the *Building Act 1993* for consent to demolish the former Croxton Methodist Church at 326-332 St Georges Road, Thornbury, on 18 April 2024 Council resolved to request the Minister for Planning prepare and approve Amendment C220dare to the Darebin Planning Scheme to apply an interim heritage overlay.

The interim heritage overlay will protect this locally significant place while permanent heritage provisions are prepared, exhibited, and affected parties have the opportunity to make submissions, and have these reviewed by an independent panel of experts.

In order for the interim heritage overlay to be supported by the Department of Transport and Planning and the Minister for Planning, Council must pursue permanent heritage controls in a timely manner.

In investigating the heritage significance of the Croxton Methodist Church, a further six (6) places of worship have been identified as significant places that reflect the municipality's social, cultural and built form heritage. The expanded heritage analysis confirms these properties are also of local heritage significance and should be protected by a heritage overlay.

Accordingly, it is recommended that Council seek authorisation from the Minister for Planning to commence Amendment C222dare (Appendices A - C) which proposes a permanent Heritage Overlay for the former Croxton Methodist Church, as well as six (6) other places of worships, which are:

- HO328 - Thornbury Church of Christ, 390-398 St Georges Road, Thornbury
- HO329 - Former Preston Church of Christ, 220 High Street, Preston
- HO330 - Omar Bin El Khattam Mosque, 88-92 Cramer Street, Preston
- HO331 - Former Northcote Congregational Church Complex, 16-18 Martin Street, Thornbury
- HO332 - Holy Church of St George Greek Orthodox Complex (formerly the Prince of Wales Park Methodist Church, 66 St David Street, Thornbury.
- HO333 - Reservoir Albanian Mosque, 111 Blake Street, Reservoir

Amended Officer Recommendation

That Council:

- (1) Requests 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 C222dare (Appendices A-C) to the Darebin Planning Scheme;
- (2) When authorised by the Minister for Planning, exhibit Amendment C222dare for a period of one month and/or in accordance with notice requirements under section 19 of the *Planning and Environment Act 1987*;

- (3) Seeks community and stakeholder feedback (including affected landowners) as part of the exhibition period on the proposed changes to the planning scheme;
- (4) Authorises the Manager City Futures to make **minor** alterations, corrections, and additions, as necessary, to Amendment C222 material as attached at Appendices A-C prior to lodgement of the authorisation request with the Minister for Planning and/or exhibition period.
- (5) In response to any further demolition applications under Section 29a of the *Building Act 1993* for properties included in Amendment C222dare, authorise the General Manager City Sustainability & Strategy to request the Minister for Planning prepare and approve an amendment under Section 20(4) of the *Planning and Environment Act 1987* to apply an interim Heritage Overlay, while permanent heritage controls via Amendment C222dare are considered.

**Extension of Time –
8.58pm**

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

That the Council meeting continue after 9.00pm for 30 minutes.

CARRIED UNANIMOUSLY

Motion

MOVED: Cr. G Greco
SECONDED: Cr. E Dimitriadis

That Council:

- (1) Defers consideration of a request to the Minister for Planning to authorise Darebin City Council to prepare Amendment C222dare (Appendices A-C) to the Darebin Planning Scheme until such time as officers have met with each property owner subject to Amendment C222dare.
- (2) Requests that as part of the report back to Council on Amendment C222dare, that a summary and response to the feedback of the affected property owners be provided, to inform Council's consideration of whether to seek authorisation from the Minister for Planning.
- ~~(1) Requests 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 C222dare (Appendices A-C) to the Darebin Planning Scheme;~~
- ~~(2) When authorised by the Minister for Planning, exhibit Amendment C222dare for a period of one month and/or in accordance with notice requirements under section 19 of the *Planning and Environment Act 1987*;~~
- ~~(3) Seek community and stakeholder feedback (including affected landowners) as part of the exhibition period on the proposed changes to the planning scheme;~~
- ~~(4) Authorise the Manager City Futures to make **minor** alterations, corrections, and additions, as necessary, to Amendment C222 material as attached at Appendices A-C prior to lodgement of the authorisation request with the Minister for Planning and/or exhibition period.~~

- (3) In response to any further demolition applications under Section 29a of the *Building Act 1993* for properties included in Amendment C222dare, authorises the General Manager City Sustainability & Strategy to request the Minister for Planning prepare and approve an amendment under Section 20(4) of the *Planning and Environment Act 1987* to apply an interim Heritage Overlay, while permanent heritage controls via Amendment C222dare are considered.

LOST

For: Crs Greco and Dimitriadis (2)

Against: Crs Hannan, Rennie, Williams, McCarthy, Laurence and Newton (6)

Motion

MOVED: Cr. S Rennie
SECONDED: Cr. T McCarthy

That Council:

- (1) Requests 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 C222dare (Appendices A-C) to the Darebin Planning Scheme;
- (2) When authorised by the Minister for Planning, exhibit Amendment C222dare for a period of ~~one month~~ **6-8 weeks (the latter being preferred if Council caretaker period permits)** and/or in accordance with notice requirements under section 19 of the *Planning and Environment Act 1987*;
- (3) Seeks community and stakeholder feedback (including affected landowners) as part of the exhibition period on the proposed changes to the planning scheme;
- (4) Authorises the Manager City Futures to make **minor** alterations, corrections, and additions, as necessary, to Amendment C222 material as attached at Appendices A-C prior to lodgement of the authorisation request with the Minister for Planning and/or exhibition period.
- (5) In response to any further demolition applications under Section 29a of the *Building Act 1993* for properties included in Amendment C222dare, authorise the General Manager City Sustainability & Strategy to request the Minister for Planning prepare and approve an amendment under Section 20(4) of the *Planning and Environment Act 1987* to apply an interim Heritage Overlay, while permanent heritage controls via Amendment C222dare are considered.

Cr Greco proposed that point (6) be added to the motion as follows, which was accepted to the mover and seconder:

- (6) Informs and brings this heritage overlay amendment to application to the attention of the Darebin Interfaith Advisory Committee.

Extension of Time – 9.29pm

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

That the Council meeting continue after 9.30pm for 30 minutes.

CARRIED UNANIMOUSLY

THE AMENDED MOTION THEN READ AS FOLLOWS:

Amended Motion

MOVED: Cr. S Rennie
SECONDED: Cr. T McCarthy

That Council:

- (1) Requests 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 C222dare (Appendices A-C) to the Darebin Planning Scheme;
- (2) When authorised by the Minister for Planning, exhibit Amendment C222dare for a period of **6-8 weeks (the latter being preferred if Council caretaker period permits)** and/or in accordance with notice requirements under section 19 of the *Planning and Environment Act 1987*;
- (3) Seeks community and stakeholder feedback (including affected landowners) as part of the exhibition period on the proposed changes to the planning scheme;
- (4) Authorises the Manager City Futures to make **minor** alterations, corrections, and additions, as necessary, to Amendment C222 material as attached at Appendices A-C prior to lodgement of the authorisation request with the Minister for Planning and/or exhibition period.
- (5) In response to any further demolition applications under Section 29a of the *Building Act 1993* for properties included in Amendment C222dare, authorise the General Manager City Sustainability & Strategy to request the Minister for Planning prepare and approve an amendment under Section 20(4) of the *Planning and Environment Act 1987* to apply an interim Heritage Overlay, while permanent heritage controls via Amendment C222dare are considered.
- (6) Informs and brings this heritage overlay amendment to application to the attention of the Darebin Interfaith Advisory Committee.

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

Council Resolution

MINUTE NO. 24-090

MOVED: Cr. S Rennie
SECONDED: Cr. T McCarthy

That Council:

- (1) Requests 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

- C222dare (Appendices A-C) to the Darebin Planning Scheme;
- (2) When authorised by the Minister for Planning, exhibit Amendment C222dare for a period of **6-8 weeks (the latter being preferred if Council caretaker period permits)** and/or in accordance with notice requirements under section 19 of the *Planning and Environment Act 1987*;
 - (3) Seeks community and stakeholder feedback (including affected landowners) as part of the exhibition period on the proposed changes to the planning scheme;
 - (4) Authorises the Manager City Futures to make **minor** alterations, corrections, and additions, as necessary, to Amendment C222 material as attached at Appendices A-C prior to lodgement of the authorisation request with the Minister for Planning and/or exhibition period.
 - (5) In response to any further demolition applications under Section 29a of the *Building Act 1993* for properties included in Amendment C222dare, authorise the General Manager City Sustainability & Strategy to request the Minister for Planning prepare and approve an amendment under Section 20(4) of the *Planning and Environment Act 1987* to apply an interim Heritage Overlay, while permanent heritage controls via Amendment C222dare are considered.
 - (6) Informs and brings this heritage overlay amendment to application to the attention of the Darebin Interfaith Advisory Committee.

CARRIED

For: Crs Hannan, Rennie, Greco, Williams, McCarthy, Laurence and Newton (7)
Abstained: Cr Dimitriadis (1)

10. ITEMS TO BE TABLED

Nil.

11. NOTICES OF MOTION

11.1 FUTURE DECISIONS REGARDING 2 WINGROVE STREET ALPHINGTON

9.33pm – Vanessa Petrie, GMSC&S left the meeting due to a conflict of interest previously disclosed to the CEO.

9.33pm – Cr. McCarthy disclosed a material conflict of interest in relation public questions about this item due to his employment with Melbourne Polytechnic, which is currently engaged with applicants of the EOI process for Wingrove Street, and left the meeting.

Take notice that at the Council Meeting to be held on 27 May 2024, it is my intention to move:

That Council:

- (1) Notes that under the Local Government Act 2020 (Vic) transparency of Council decisions, actions and information must be ensured.
- (2) Confirms Council's ongoing commitment to Darebin's Public Transparency Policy 2020 requires that the work of the Council is:
 - (a) Conducted openly;
 - (b) Accompanied by information made freely and proactively available to the community and stakeholders; and
 - (c) Supportive of participation in decision making.
- (3) Notes that there has been public interest in the future of the site at 2 Wingrove Street Alphington and that the public has raised concerns about the confidential decisions and asked questions about transparency regarding this site.
- (4) Notes that Council has made some decisions confidentially about the 2 Wingrove Street site and that this has been for reasons necessary to meet Council's obligations and in line with the Local Government Act.
- (5) Notes that at its meeting on 12 February 2024 Council decided to make publicly available all decisions regarding the Melbourne Innovation Centre at 2 Wingrove Street Alphington, from any Council meeting this term, while withholding any details which are required to remain confidential.
- (6) Notes that at its meeting of 25 January 2023, Council delegated authority to the CEO to determine the best short to mid-term use of 2 Wingrove St Alphington.
- (7) Directs that future decisions related to short, mid and long term use of at 2 Wingrove Street Alphington be reported to Council meetings for decision rather than being made under delegation as follows:
 - (a) Decisions relating to the future use of the site including establishment or conclusion of leases or licences.
 - (b) Decisions at key stages of the work towards master planning including approval of the project plan (and scope), approval of the community engagement plan, receiving the feasibility study and decisions about outcome of any future EOI process.
 - (c) For avoidance of doubt, other currently delegated functions relating to this site are unchanged.

Rationale:

Many community members have raised concerns about the confidential decisions that have been made and a lack of transparency that has been occurring about decisions regarding 2 Wingrove Street Alphington. Given public concerns and to avoid reputational damage, this motion ensures that future decisions are made publicly by Council and not under delegation.

Notice Received: 12 May 2024

Notice Given to Councillors: 12 May 2024

Date of Meeting: 27 May 2024

Motion

MOVED: Cr. E Dimitriadis

SECONDED: Cr. G Greco

That Council:

- (1) Notes that under the *Local Government Act 2020 (Vic)* transparency of Council decisions, actions and information must be ensured.
- (2) Confirms Council's ongoing commitment to Darebin's Public Transparency Policy 2020 requires that the work of the Council is:
 - (a) Conducted openly;
 - (b) Accompanied by information made freely and proactively available to the community and stakeholders; and
 - (c) Supportive of participation in decision making.
- (3) Notes that there has been public interest in the future of the site at 2 Wingrove Street Alphington and that the public has raised concerns about the confidential decisions and asked questions about transparency regarding this site.
- (4) Notes that Council has made some decisions confidentially about the 2 Wingrove Street site and that this has been for reasons necessary to meet Council's obligations and in line with the Local Government Act.
- (5) Notes that at its meeting on 12 February 2024 Council decided to make publicly available all decisions regarding the Melbourne Innovation Centre at 2 Wingrove Street Alphington, from any Council meeting this term, while withholding any details which are required to remain confidential.
- (6) Notes that at its meeting of 25 January 2023, Council delegated authority to the CEO to determine the best short to mid-term use of 2 Wingrove St Alphington.
- (7) Directs that future decisions related to short, mid and long term use of at 2 Wingrove Street Alphington be reported to Council meetings for decision rather than being made under delegation as follows:
 - (a) Decisions relating to the future use of the site including establishment or conclusion of leases or licences.
 - (b) Decisions at key stages of the work towards master planning including approval of the project plan (and scope), approval of the community engagement plan, receiving the feasibility study and decisions about outcome of any future EOI process.

- (c) For avoidance of doubt, other currently delegated functions relating to this site are unchanged.

Amendment

MOVED: Cr. T Hannan

SECONDED: Cr. S Rennie

That Council:

- (1) Notes that under the *Local Government Act 2020 (Vic)* transparency of Council decisions, actions and information must be ensured.
- (2) Confirms Council's ongoing commitment to Darebin's Public Transparency Policy 2020 requires that the work of the Council is:
 - (a) Conducted openly;
 - (b) Accompanied by information made freely and proactively available to the community and stakeholders; and
 - (c) Supportive of participation in decision making.
- (3) Notes that there has been public interest in the future of the site at 2 Wingrove Street Alphington and that the public has raised concerns about the confidential decisions and asked questions about transparency regarding this site.
- (4) Notes that Council has made some decisions confidentially about the 2 Wingrove Street site and that this has been for reasons necessary to meet Council's obligations and in line with the Local Government Act.
- (5) Notes that at its meeting on 12 February 2024 Council decided to make publicly available all decisions regarding the Melbourne Innovation Centre at 2 Wingrove Street Alphington, from any Council meeting this term, while withholding any details which are required to remain confidential.
- (6) Notes that at its meeting of 25 January 2023, Council delegated authority to the CEO to determine the best short to mid-term use of 2 Wingrove St Alphington.
- (7) Directs that future decisions related to short, mid and long term use of at 2 Wingrove Street Alphington be reported to Council meetings for decision ~~rather than being made under delegation~~ as follows:
 - (a) Decisions relating to the future use of the site including establishment ~~or conclusion~~ of leases or licences.
 - (b) Decisions at key stages of the work towards master planning including approval of the project plan (and scope), approval of the community engagement plan, receiving the feasibility study and decisions about outcome of any future EOI process.
 - (c) For avoidance of doubt, other currently delegated functions relating to this site are unchanged.

CARRIED

For: Crs Hannan, Rennie, Williams, Laurence and Newton (5)

Against: Crs Greco and Dimitriadis (2)

THE AMENDMENT WAS PUT AND CARRIED AND BECAME THE SUBSTANTIVE MOTION AS FOLLOWS:

Substantive Motion**MOVED: Cr. E Dimitriadis****SECONDED: Cr. G Greco****That Council:**

- (1) Notes that under the *Local Government Act 2020 (Vic)* transparency of Council decisions, actions and information must be ensured.
- (2) Confirms Council's ongoing commitment to Darebin's Public Transparency Policy 2020 requires that the work of the Council is:
 - (a) Conducted openly;
 - (b) Accompanied by information made freely and proactively available to the community and stakeholders; and
 - (c) Supportive of participation in decision making.
- (3) Notes that there has been public interest in the future of the site at 2 Wingrove Street Alphington and that the public has raised concerns about the confidential decisions and asked questions about transparency regarding this site.
- (4) Notes that Council has made some decisions confidentially about the 2 Wingrove Street site and that this has been for reasons necessary to meet Council's obligations and in line with the Local Government Act.
- (5) Notes that at its meeting on 12 February 2024 Council decided to make publicly available all decisions regarding the Melbourne Innovation Centre at 2 Wingrove Street Alphington, from any Council meeting this term, while withholding any details which are required to remain confidential.
- (6) Notes that at its meeting of 25 January 2023, Council delegated authority to the CEO to determine the best short to mid-term use of 2 Wingrove St Alphington.
- (7) Directs that future decisions related to short, mid and long term use of at 2 Wingrove Street Alphington be reported to Council meetings for decision as follows:
 - (a) Decisions relating to the future use of the site including establishment of leases or licences.
 - (b) Decisions at key stages of the work towards master planning including approval of the project plan (and scope), approval of the community engagement plan, receiving the feasibility study and decisions about outcome of any future EOI process.
 - (c) For avoidance of doubt, other currently delegated functions relating to this site are unchanged.

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

Council Resolution**MINUTE NO. 24-091****MOVED: Cr. E Dimitriadis****SECONDED: Cr. G Greco****That Council:**

- (1) Notes that under the *Local Government Act 2020 (Vic)* transparency of Council decisions, actions and information must be ensured.

- (2) Confirms Council's ongoing commitment to Darebin's Public Transparency Policy 2020 requires that the work of the Council is:
 - (a) Conducted openly;
 - (b) Accompanied by information made freely and proactively available to the community and stakeholders; and
 - (c) Supportive of participation in decision making.
- (3) Notes that there has been public interest in the future of the site at 2 Wingrove Street Alphington and that the public has raised concerns about the confidential decisions and asked questions about transparency regarding this site.
- (4) Notes that Council has made some decisions confidentially about the 2 Wingrove Street site and that this has been for reasons necessary to meet Council's obligations and in line with the Local Government Act.
- (5) Notes that at its meeting on 12 February 2024 Council decided to make publicly available all decisions regarding the Melbourne Innovation Centre at 2 Wingrove Street Alphington, from any Council meeting this term, while withholding any details which are required to remain confidential.
- (6) Notes that at its meeting of 25 January 2023, Council delegated authority to the CEO to determine the best short to mid-term use of 2 Wingrove St Alphington.
- (7) Directs that future decisions related to short, mid and long term use of at 2 Wingrove Street Alphington be reported to Council meetings for decision as follows:
 - (a) Decisions relating to the future use of the site including establishment of leases or licences.
 - (b) Decisions at key stages of the work towards master planning including approval of the project plan (and scope), approval of the community engagement plan, receiving the feasibility study and decisions about outcome of any future EOI process.
 - (c) For avoidance of doubt, other currently delegated functions relating to this site are unchanged.

CARRIED

For: Crs Hannan, Rennie, Williams, Laurence and Newton (5)

Against: Crs Greco and Dimitriadis (2)

9.52pm – Cr McCarthy and Vanessa Petrie returned to the meeting.

11.2 CULTURAL DIVERSITY EMPLOYMENT PROFILE DATA

Take notice that at the Council Meeting to be held on 27 May 2024, it is my intention to move:

That Council

- 1) *Notes the Welcoming Cities Reference Group meeting on Tuesday 27 February, again requested diversity data relating to the make-up of Darebin City Council's workforce, particularly workforce data on cultural diversity.*
- 2) *Notes workforce cultural diversity information has been sought by the committee on numerous occasions since it was first established over four years ago.*
- 3) *Notes workforce cultural diversity data is still not currently collected and analysed by Council on a periodic basis.*
- 4) *Notes the specific information committee members are seeking is consistent with achieving the Welcoming Cities Charter standard of employing a workforce that is inclusive, diverse and reflects the cultural diversity of the community it serves.*
- 5) *Receives a report at the August Council meeting on how periodic workforce cultural diversity information can be obtain and used by the Council to:*
 - a. *Identify and address barriers and unconscious bias, which may limit cultural diversity and inclusion in employment practices.*
 - b. *Highlight the value of a culturally diverse workforce and encouraging applicants from diverse backgrounds to apply.*
 - c. *Explore innovative ways of promoting job opportunities to reach a broad and culturally diverse range of potential applicants.*
 - d. *Publicly reports on Council's progress in relation to workplace cultural equality.*
 - e. *Redress disadvantage, address stigma, stereotyping, prejudice and accommodate people of different cultural background by way of structural change.*

Notice Received: 13 May 2024

Notice Given to Councillors 13 May 2024

Date of Meeting: 27 May 2024

With leave of the Chairperson, Mayor Newton, Cr Greco amended his Notice of Motion as follows:

Motion

MOVED: Cr. G Greco
SECONDED: Cr. E Dimitriadis

That Council

- (1) Notes the Welcoming Cities Reference Group meeting on Tuesday 27 February, ~~again~~ requested diversity data relating to the make-up of Darebin City Council's workforce **data**, particularly workforce data on cultural **and linguistic** diversity.
- (2) Notes workforce cultural diversity information has been sought by the committee on

numerous occasions since it was first established over four years ago.

- (3) Notes workforce cultural diversity data is ~~still~~ not currently collected and analysed by Council on a periodic basis.
- (4) Notes the specific information committee members are seeking is consistent with achieving the Welcoming Cities Charter standard of employing a workforce that is inclusive, diverse and reflects the cultural diversity of the community it serves **including vulnerable cohorts from the community.**
- (5) Receives a report at the August Council meeting on how periodic workforce cultural and linguistic diversity information can be obtained, **including as part of the Enterprise Resource Planning (ERP) design**, and used by the Council to:
 - a. Identify and address barriers and unconscious bias, which may limit cultural diversity and inclusion in employment practices.
 - b. Highlight the value of a culturally diverse workforce and encouraging applicants from diverse backgrounds to apply.
 - c. Explore innovative ways of promoting job opportunities to reach a broad and culturally diverse range of potential applicants.
 - d. Publicly reports on Council's progress in relation to workplace cultural equality.
 - e. Redress disadvantage, address stigma, stereotyping, prejudice and accommodate people of different cultural background by way of structural change.

Cr Hannan proposed that point (5) be added to the motion as follows, which was not accepted by the mover and seconder:

- (5) ~~Receives a report at the August Council meeting~~ **Refers to consideration through Darebin Council's Cultural Diversity Action Plan, as part of the 2023-2024 Council Action Plan** on how periodic workforce cultural and linguistic diversity information can be obtained, including as part of the Enterprise Resource Planning (ERP) design, and used by the Council to:

Extension of Time

MOVED: Cr. S Rennie
SECONDED: Cr. T McCarthy

That the Council meeting continue after 10pm for 15 minutes.

CARRIED UNANIMOUSLY

Amendment

MOVED: Cr. T Hannan
SECONDED: Cr. T McCarthy

That Council

- (1) Notes the Welcoming Cities Reference Group meeting on Tuesday 27 February, requested diversity data relating to the make-up of Darebin City Council's workforce data, particularly workforce data on cultural and linguistic diversity.
- (2) Notes workforce cultural diversity information has been sought by the committee on

numerous occasions since it was first established over four years ago.

- (3) Notes workforce cultural diversity data is still not currently collected and analysed by Council on a periodic basis.
- (4) Notes the specific information committee members are seeking is consistent with achieving the Welcoming Cities Charter standard of employing a workforce that is inclusive, diverse and reflects the cultural diversity of the community it serves including vulnerable cohorts from the community.
- (5) Refers to consideration through Darebin Council's Cultural Diversity Action Plan, as part of the 2023-2024 Council Action Plan on how periodic workforce cultural and linguistic diversity information can be obtained, including as part of the Enterprise Resource Planning (ERP) design, and used by the Council to:
 - a. Identify and address barriers and unconscious bias, which may limit cultural diversity and inclusion in employment practices.
 - b. Highlight the value of a culturally diverse workforce and encouraging applicants from diverse backgrounds to apply.
 - c. Explore innovative ways of promoting job opportunities to reach a broad and culturally diverse range of potential applicants.
 - d. Publicly reports on Council's progress in relation to workplace cultural equality.
 - e. Redress disadvantage, address stigma, stereotyping, prejudice and accommodate people of different cultural background by way of structural change.

CARRIED

For: Crs Hannan, Rennie, Williams, McCarthy, Laurence and Newton (6)

Against: Crs Greco and Dimitriadis (2)

THE AMENDMENT WAS PUT AND CARRIED AND BECAME THE SUBSTANTIVE MOTION AS FOLLOWS:

Substantive Motion

MOVED: Cr. G Greco
SECONDED: Cr. E Dimitriadis

That Council

- (1) Notes the Welcoming Cities Reference Group meeting on Tuesday 27 February, requested diversity data relating to the make-up of Darebin City Council's workforce data, particularly workforce data on cultural and linguistic diversity.
- (2) Notes workforce cultural diversity information has been sought by the committee on numerous occasions since it was first established over four years ago.
- (3) Notes workforce cultural diversity data is still not currently collected and analysed by Council on a periodic basis.
- (4) Notes the specific information committee members are seeking is consistent with achieving the Welcoming Cities Charter standard of employing a workforce that is inclusive, diverse and reflects the cultural diversity of the community it serves including vulnerable cohorts from the community.
- (5) Refers to consideration through Darebin Council's Cultural Diversity Action Plan, as part of the 2023-2024 Council Action Plan on how periodic workforce cultural and linguistic diversity information can be obtained, including as part of the Enterprise Resource Planning (ERP) design, and used by the Council to:

- a. Identify and address barriers and unconscious bias, which may limit cultural diversity and inclusion in employment practices.
- b. Highlight the value of a culturally diverse workforce and encouraging applicants from diverse backgrounds to apply.
- c. Explore innovative ways of promoting job opportunities to reach a broad and culturally diverse range of potential applicants.
- d. Publicly reports on Council's progress in relation to workplace cultural equality.
- e. Redress disadvantage, address stigma, stereotyping, prejudice and accommodate people of different cultural background by way of structural change.

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

Council Resolution

MINUTE NO. 24-092

MOVED: Cr. G Greco
SECONDED: Cr. E Dimitriadis

That Council

- (1) Notes the Welcoming Cities Reference Group meeting on Tuesday 27 February, requested diversity data relating to the make-up of Darebin City Council's workforce data, particularly workforce data on cultural and linguistic diversity.
- (2) Notes workforce cultural diversity information has been sought by the committee on numerous occasions since it was first established over four years ago.
- (3) Notes workforce cultural diversity data is still not currently collected and analysed by Council on a periodic basis.
- (4) Notes the specific information committee members are seeking is consistent with achieving the Welcoming Cities Charter standard of employing a workforce that is inclusive, diverse and reflects the cultural diversity of the community it serves including vulnerable cohorts from the community.
- (5) Refers to consideration through Darebin Council's Cultural Diversity Action Plan, as part of the 2023-2024 Council Action Plan on how periodic workforce cultural and linguistic diversity information can be obtained, including as part of the Enterprise Resource Planning (ERP) design, and used by the Council to:
 - a. Identify and address barriers and unconscious bias, which may limit cultural diversity and inclusion in employment practices.
 - b. Highlight the value of a culturally diverse workforce and encouraging applicants from diverse backgrounds to apply.
 - c. Explore innovative ways of promoting job opportunities to reach a broad and culturally diverse range of potential applicants.
 - d. Publicly reports on Council's progress in relation to workplace cultural equality.
 - e. Redress disadvantage, address stigma, stereotyping, prejudice and accommodate people of different cultural background by way of structural change.

CARRIED UNANIMOUSLY

12. URGENT BUSINESS

Nil.

13. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil.

14. CLOSE OF MEETING

The meeting closed at 10.10pm.

Item 9.1 - Appendix C

Confidential document released to the public pursuant to the Council Resolution made relating to Item 9.1 - Governance Report on 27 May 2024.



**MINUTES OF THE
SPECIAL CONFIDENTIAL
COUNCIL MEETING**

Held virtually on Wednesday 25 January 2023

THE LIVE STREAMING OF THIS PART OF THE COUNCIL MEETING WAS NOT MADE AVAILABLE ON COUNCIL'S INTERNET SITE DUE TO THE MEETING BEING CLOSED TO THE PUBLIC.

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RE-OPENING OF MEETING	6

CONFIDENTIAL

**CONFIDENTIAL MINUTES OF THE SPECIAL MEETING OF THE
DAREBIN CITY COUNCIL HELD VIRTUALLY ON WEDNESDAY 25
JAN 2023**

The Council meeting was closed to members of the public at 6.14PM

PRESENT

Councillors

Cr. Julie Williams (Mayor) (Chairperson)
Cr. Susanne Newton (Deputy Mayor)
Cr. Emily Dimitriadis – left the meeting at 6.56pm
Cr. Gaetano Greco
Cr. Lina Messina
Cr. Tim Laurence – 7.31pm
Cr. Tom Hannan
Cr. Trent McCarthy
Cr. Susan Rennie

Council Officers

Peter Smith - Chief Executive Officer
Jodie Watson - General Manager Governance and Engagement
Sam Hewett - General Manager Operations and Capital
Kylie Bennetts - General Manager Community
Rachel Ollivier - General Manager City Sustainability and Strategy
Casey Ward – Manager Capital and Major Projects
Melanie McCarten - Acting Manager Recreation and Libraries
Jacinta Stevens - Manager Corporate Governance
Georgina Steele - Senior Governance Services Officer
Michelle Martin – Governance Services Officer
David Lee – IT Support Officer

John Watson – Municipal Monitor – 7.31pm

This item is confidential because it is private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets and private commercial information, and being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage, pursuant to Section 3(1) (g(i)) and (g(ii)) of the Act.

5. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL CONFIDENTIAL

5.1 CT202221 - CONSTRUCTION OF BILL LAWRY OVAL PAVILION

EXECUTIVE SUMMARY

As part of the 2020/2021 capital works program, Council embarked upon a project to completely redevelop the community and sporting facilities at Bill Lawry Oval pavilion to replace the current facilities which are at end of life and no longer fit for purpose. The project was expected to continue through 2022/2023 and into 2023/2024.

Council recently tendered for construction contractors and found that the cost will be significantly higher [REDACTED] than was expected when the project budget was set. This report sets out five options and seeks Council direction including in regard to whether to proceed with this contract.

The underlying reason for the price rise is a significantly changed operating context including the COVID19 pandemic, Ukraine war, energy supply shortages and related price increases which are flowing through manufacturing and distribution sectors. The aforementioned reasons have caused general inflation to rise by 7.80% and construction cost by 30% approximately. Market commentary indicates the price rise to be long term.

To support Council decision making on the Bill Lawry Oval pavilion project, officers have brought forward development of information on the broader economic climate and associated impacts on Council's previously established long-term financial plan. Some of the key drivers of change to the established plan include: -

- High levels of inflation (>7%), at more than double the rate cap for 2023/2024
- Rising costs of materials and services (>8%)
- Rising costs of utilities (>20%)
- Higher interest rates (>4%)
- Construction sector cost increases of 30%
- Correspondence from the Treasury Corporation of Victoria of a borrowing limit of [REDACTED]

Proceeding with construction of the Bill Lawry Oval pavilion would require an additional [REDACTED], bringing the total project budget from [REDACTED] million to [REDACTED] million, which is outlined in this report as option 1 of 5 options available to Council. At a high level, the five options are below (noting all cost estimates are total projects costs which include [REDACTED] of sunk costs already incurred):

1. Build the current design now [REDACTED]
-

2. Re-tender the contract later in the year [REDACTED] low chance of achieving a better price, may be worse)
3. Abandon this design and start again (target [REDACTED]; but risk that savings couldn't be achieved and so the spend could be up to [REDACTED])
4. Remediate the buildings and deliver a new pavilion in 10 years ([REDACTED] in near term; a further [REDACTED] in ten years (note that prices would have increased by then))
5. Do nothing [REDACTED]; building not usable in 2-3 years and facility would need to close)

The design for the project has been completed by Brand Architects and in July 2022 officers tendered a construction contract to build the new facility. Despite the pre-tender estimate indicating that the project was under budget before going to market, the [REDACTED] tenders received for the construction were all in excess of [REDACTED], which is over 20 per cent higher than the construction budget of [REDACTED]. Officers undertook value management with [REDACTED] shortlisted contractors to reduce the project cost. Following this exercise, the lowest tender offer was [REDACTED], which with appropriate contract contingency brings the total project cost to [REDACTED], which is [REDACTED] more than the expected budget.

Should Council wish to proceed to construct the project, an additional [REDACTED] will be required, bringing the total project budget from [REDACTED] to [REDACTED] (of which [REDACTED] is sunk costs).

Should Council resolve to construct the Bill Lawry Oval pavilion redevelopment now at an increased cost, it is recommended that contract CT202221 be awarded to [REDACTED]

Officer Recommendation

That Council:

- (1) Notes that a recent tender process for construction of the Bill Lawry Oval pavilion has found that Council's estimated budget for construction of this pavilion is no longer sufficient, and construction would cost an additional [REDACTED] compared to Council's adopted capital works program. This change in prices is consistent with price inflation in the wider construction sector.
- (2) Notes that work has been undertaken through the tender process for construction of Bill Lawry Oval pavilion to minimise costs (manage value), and that this has been undertaken to the extent possible within the current scope of the tendered works.
- (3) Delegates to the CEO to lift confidentiality on the resolution of this matter at an appropriate time to enable communication to occur with sporting club users and the community more broadly.
- (4) Notes that the CEO or delegate will arrange for Council's resolution on this matter to be communicated with sporting club users of the Bill Lawry Oval and with other stakeholders.
- (5) Directs the CEO or delegate to undertake works to the Westgarth Street bluestone retaining wall to rectify a public safety issue.

Either:

- (6) Proceed with the construction of the Bill Lawry Oval pavilion redevelopment based on the current tender results (option 1) and that Council:
 - a) Awards contract CT202221 for the construction of Bill Lawry Oval pavilion to

- _____ for the contract sum of _____.
- b) Approves a contract contingency of _____ of the contract sum for unforeseen costs that may arise in relation to the contract.
 - c) Authorises the Chief Executive Officer to approve expenditure of the contingency.
 - d) Authorises the Chief Executive Officer to finalise and execute the contract documentation on behalf of Council.

Or:

- (7) Abandon the current tender process for redevelopment of the Bill Lawry Oval pavilion redevelopment and instead proceed with one of the following options:
 - a) Retender the project later in 2023 following further consideration of Council's financial position and the broader capital works program (option 2).
OR
 - b) Restart the project with a reduced scope and budget in future years in the effort to achieve cost savings (option 3).
OR
 - c) Undertake structural works to remediate the grandstand structure, make good the existing facilities and provide for female friendly change facilities in the 2023/24 financial year and plan for a full redevelopment of the pavilion in 10 years' time (option 4).
OR
 - d) Do nothing to the existing facilities and let the buildings deteriorate to end of life at which point the buildings and services running from them would close. (option 5).

Motion

MOVED: Cr. G Greco
SECONDED: Cr. L Messina

That Council:

- (1) Notes the significant financial pressures that it currently faces which are largely due to rising CPI and construction costs, interest rate rises, and the continuing impact of rates capping.
- (2) Declines to accept any tender offers received for construction of Bill Lawry Oval Pavilion (CT202221) because the prices were significantly over budget and requests the CEO to close the tender process.
- (3) Consider the redevelopment of the Bill Lawry Oval pavilion redevelopment as part of the 2023/2024 budget deliberations.
- (4) Authorises the CEO or delegate to:
 - a) Commence works within the next few months to ensure the bluestone retaining wall on the Westgarth Street is made safe, **and allocates \$500,000 for this purpose.**
 - b) Contact the SRV regarding retaining or repurposing the \$500,000 Council grant for female friendly facilities.

- c) Lifts confidentiality on clauses 1, 2 , and 3 of this resolution.
- d) Communicate Council's decision in clause 1, 2, and 3 of this resolution to with tenant clubs, contractors, other relevant stakeholders of Council, and the public.

Council Resolution**MINUTE NO. 23-004**

MOVED: Cr. S Newton
SECONDED: Cr. G Greco

That Council adjourn the meeting at 6.56pm to provide for the commencement of the Special Council Meeting scheduled for 7.15pm.

CARRIED UNANIMOUSLY

6.56pm – The meeting was adjourned. Cr. Dimitriadis left the meeting and did not return.

7.31pm – The meeting resumed and was re-opened to the public.

7.31pm – Cr. Laurence was in attendance at the commencement of the adjourned meeting.

7.33pm – The meeting was closed to the members of the public and the confidential meeting resumed.

Council Resolution**MINUTE NO. 23-005**

MOVED: Cr. G Greco
SECONDED: Cr. L Messina

That Council:

- (1) Notes the significant financial pressures that it currently faces which are largely due to rising CPI and construction costs, interest rate rises, and the continuing impact of rates capping.
- (2) Declines to accept any tender offers received for construction of Bill Lawry Oval Pavilion (CT202221) because the prices were significantly over budget and requests the CEO to close the tender process.
- (3) Consider the redevelopment of the Bill Lawry Oval pavilion redevelopment as part of the 2023/2024 budget deliberations.
- (4) Authorises the CEO or delegate to:
 - a) Commence works within the next few months to ensure the bluestone retaining wall on the Westgarth Street is made safe, and allocates \$500,000 for this purpose.
 - b) Contact the SRV regarding retaining or repurposing the \$500,000 Council grant for female friendly facilities.
 - c) Lifts confidentiality on clauses 1, 2 , and 3 of this resolution.
 - d) Communicate Council's decision in clause 1, 2, and 3 of this resolution to with tenant clubs, contractors, other relevant stakeholders of Council, and the public.

The motion was carried on the casting vote of the Mayor.

For: Cr's. Laurence, Williams, Messina, Greco (4)

Against: Cr's Hannan, Rennie, Newton, and McCarthy (4)

CARRIED

RE-OPENING OF MEETING

Council Resolution

MINUTE NO. 23-006

MOVED: Cr. L Messina

SECONDED: Cr. S Rennie

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

CARRIED UNANIMOUSLY

The meeting was re-opened to the public 7.53pm.

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**CITY OF
DAREBIN**

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**Confidential document released to the public
pursuant to the Council Resolution made relating
to Item 9.1 - Governance Report on 27 May 2024.**

CONFIDENTIAL

**5.1 ACTION ARISING FROM THE VCAT DECISION ON
NORTHCOTE PLAZA**

Author: Manager City Development

Reviewed By: Acting General Manager City Sustainability and Strategy

EXECUTIVE SUMMARY

This report outlines the options available to Council in response to the recent decision by the Victorian Civil and Administrative Tribunal (VCAT) to approve the redevelopment of the Northcote Plaza. It recommends that an appeal to the Supreme Court not be pursued because no error of law has been identified in the decision. It recommends that Council continue its advocacy work to achieve better built form, sustainability, community and social and affordable housing outcomes in these kinds of developments.

Officer Recommendation

That Council:

- (1) Not pursue an appeal of the VCAT decision to approve the redevelopment of the Northcote Plaza to the Supreme Court, on the basis that no error of law has been identified in the decision.
 - (2) Continue its advocacy work to achieve better built form, sustainability, community and social and affordable housing outcomes in these kinds of developments, through legislative changes and other mechanisms, in accordance with the Darebin Advocacy Strategy and the Council Plan.
-

BACKGROUND / KEY INFORMATION

Council determined at its Planning Committee Meeting on 10 May 2021 to issue a Notice of Refusal to Grant a Planning Permit for a maximum 28-storey redevelopment proposal of Northcote Plaza.

The applicant formally substituted development plans on 16 September 2021. The amended plans principally reduced the overall height of the tallest tower from 28 storeys to 18 storeys, amended vehicle and loading access arrangements to and from Separation Street, modified the character, layout, form and massing of the buildings; included an additional basement level and removed the library and public plaza from the proposal.

In recognising that the scale of the development presented a unique opportunity to achieve a significant community benefit, Council Officers had confidential discussions with the applicant.

[REDACTED]

The report to Planning Committee set out the benefits and disbenefits and risks of this offer for Council's consideration. Officers assessed that the offer would not achieve a net community benefit in the context of the environmental, economic, social and built form positives and negatives of the overall proposal. [REDACTED]

[REDACTED]

Council's decision to refuse a Permit was appealed by the developer to VCAT. Council's position at the hearing was that the proposal should be refused on a number of grounds. A key ground was the insufficient provision of affordable and social housing as part of an overall lack of community benefit.

During the VCAT process, the developer amended their proposal [REDACTED]

Following a 10 day hearing, VCAT determined to issue a planning permit for the development, with conditions. The permitted development includes requirement to pay the normal Open Space Contribution, it does not include provision of a library.

Previous Council Resolution

Council determined at its Planning Committee Meeting on 10 May 2021 to issue a Notice of Refusal to Grant a Permit for the redevelopment of the Northcote Plaza.

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 2: Prosperous, Liveable and Flourishing

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 2: Prosperous, Liveable and Flourishing

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

2.3 We will facilitate more affordable, social and public housing in Darebin, to meet our community's needs

DISCUSSION

Lodging an appeal to the Supreme Court

To lodge an appeal at the Supreme Court there must be an error of law, pursuant to s148 of *VCAT Act*. There is no opportunity to appeal a VCAT decision based on merits.

The legal team who appeared for Council at the VCAT hearing (Daniel Aghion, Senior Counsel, who has extensive experience in the Supreme Court on planning and other matters, and Jason Kane, Barrister) have closely reviewed VCAT's decision.

They have not identified any error of law that could be pursued as a grounds of appeal at the Supreme Court. This means that there is no way to move forward with an appeal.

By way of background, an error of law is a high bar to pass. It is not about how facts or merits have been interpreted in a case, but whether the legal principles were interpreted correctly. As an example, while Council could argue that VCAT did not correctly balance the benefits and disbenefits of the development in finding that the proposal would have a net community benefit, of most importance is that VCAT did consider whether there would be a net community benefit.

Any appeal to the Supreme Court is governed by the *Civil Procedure Act 2010* which binds all parties. One of the overarching obligations is that a person must not make a claim without a proper basis. The Court has power to impose sanctions where there is a breach of an overarching obligation. The proper grounds obligation prevents Council, as a litigant, from making a claim in a proceeding which lacks a proper basis.

If there were an error of law, it would be acceptable for Council to use the lodgement of an appeal as the basis for further negotiation with the developer. However, if there is no question of law, it would be an abuse of process to lodge an appeal and ethical obligations would not be met.

It is therefore recommended that Council not pursue an appeal of the VCAT decision to the Supreme Court on the basis that no error of law has been identified in the decision.

Relevant matters if a Supreme Court appeal were lodged

In light of the above recommendation, the following information is included for completeness.

Time in which appeal must be lodged

Any appeal to the Supreme Court must be lodged within 28 days of the VCAT decision. This is by close of business Tuesday 7 June 2022. While an extension can be sought, it would require the Court to consider whether there are arguable grounds for appeal. Apart from the extension of time component, it would replicate the existing process of only permitting appeals from VCAT on an error of law and by grant of leave.

Likelihood of success in an appeal

Council's likelihood of success in any appeal would be based on the strength of the grounds, as advised by legal experts. As no potential grounds have been identified it is not possible to analyse this further.

Cost of lodging an appeal

The cost of lodging an appealing to the supreme court would be around \$300k (n.b. this is a rough figure) to cover Council's legal costs.

Importantly, at the Supreme Court, costs are typically awarded against the losing party. This means that there is a significant risk of the other parties' (including the developer and residents or other parties who choose to join) costs having to be paid by Council, which could treble the above amount.

[REDACTED]

[REDACTED]

[REDACTED]

Costs of all parties, even before the full hearing, are likely to be substantial.

Likelihood of success in a future VCAT hearing

If Council were successful in an appeal to the Supreme Court, the VCAT decision would be sent back to the same constituted Tribunal (i.e. the same members).

Council's legal team have advised that they do not consider the chance of success would be good, unless there were significant changes to the planning scheme in the interim.

Significant changes to the planning scheme, such as a review of the relevant activity centre policy and built form controls, would be a substantial piece of work that would take several years and require significant resources from the strategic planning unit. There would not be time to do the work required (both the underlying strategic work and then the 12-month planning scheme amendment process) before a fresh VCAT hearing.

Could a planning permit be acted on while an appeal is afoot?

If an appeal to the Supreme Court were lodged, it is typical to seek an agreement between parties that the Tribunal's order (i.e. the planning permit) not be acted on while the appeal is afoot. Alternatively, if no agreement can be reached, one party (in this case Council) would need to seek a 'stay' order from the Court.

When would a decision be made?

Based on current waiting times in the Supreme Court, it would take 6-12 months for a hearing to be held and decision to be made.

Other options available to Council: Continue advocacy

An alternative avenue open to Council is to continue its advocacy work to achieve better community and social and affordable housing outcomes in these kinds of developments, through legislative changes and other mechanisms, in accordance with the Darebin Advocacy Strategy.

This approach could include arranging an informal meeting between the developer at this site and a Council representative to establish a good working relationship and to seek a better outcome as part of that.

As councillors are aware, in relation to social and affordable housing, there is a legislative gap that must be tackled to enable Council to require social housing and prevent future decisions like this at VCAT on social housing in particular.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES**Financial Management**

Pursuing an appeal in the Supreme Court is estimated to cost at least \$300k in legal expenses to run Council's case.

There is also a significant risk of Council having to cover the costs of other parties in the event that Council is unsuccessful in the appeal or wishes to withdraw the appeal, which could treble the above figure.

This is in addition to requiring a Band 7 officer from the Statutory Planning Unit to support the legal team engaged, at a capacity of on average of 0.2 FTE for the duration of the proceedings over 6 to 12 months. This may result in the need to use consultants to cover some other VCAT or major projects related statutory planning work.

If Council were to pursue further strategic planning work, this would likely cost at least \$500k in consultants work and administrative costs and require at 0.5-2 FTE from the Strategic Planning Unit over a period of several years, delaying some other strategic planning work.

Community Engagement

If an appeal were lodged, community members who were party to the VCAT hearing would be notified and given an opportunity to participate.

As part of its advocacy program, Council may choose to notify the wider community of issues arising from this decision and the need to achieve better social and affordable housing outcomes in these kinds of developments through legislative changes.

Other Principles for consideration**Overarching Governance Principles and Supporting Principles**

- (a) Council decisions are to be made and actions taken in accordance with the relevant law;
- (c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;

Public Transparency Principles

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;

COUNCIL POLICY CONSIDERATIONS**Environmental Sustainability Considerations (including Climate Emergency)**

Environmental sustainability considerations were explicitly considered as part of the assessment of the redevelopment by both Council and the VCAT.

Equity, Inclusion, Wellbeing and Human Rights Considerations

Council's commitment to increasing social and affordable housing options in the City is founded in equity, inclusion, wellbeing and human rights considerations.

Economic Development and Cultural Considerations

Economic and wider community impacts were considered as part of the assessment of the redevelopment by both Council and the VCAT.

Operational Impacts

The recommended advocacy work is provided for within the draft 22-23 operating budget.

Legal and Risk Implications

There are significant legal and risk implications to Council in pursuing an appeal to the Supreme Court where there are no identified grounds (i.e. error/s of law).

The legal team have indicated that they would decline to lodge an appeal on Council's behalf since there is no proper basis.

It would be extremely likely that Council would be required to pay costs of other parties (this would be a risk even where there were identified grounds, due to the Supreme Court's awarding of costs in line with outcomes).

There is significant reputational risk to the organisation and its officers.

The Court has power to impose sanctions where there is a breach of an overarching obligation (which includes there being a proper basis for commencing a proceeding). Section 41 of the *Civil Procedure Act 2010* requires a party to "personally certify" that they have read and understood "the overarching obligations" and "the paramount duty".

If Council were to commence a proceeding, then it must give the certification. The certification is by a party (ie the Council) but is made personally (ie by a properly authorised Councillor or Council officer). This may place additional risk on the authorised Council officer (likely the CEO).

For these key legal and risk implications, it is recommended that an appeal not be pursued.

IMPLEMENTATION ACTIONS

Continue advocacy actions in accordance with Council's adopted Advocacy Strategy.

Arrange an informal meeting between the developer and a Council representative to establish a good working relationship and to seek a better social and affordable housing outcome as part of that.

RELATED DOCUMENTS

VCAT decision for Northcote Plaza redevelopment dated 11 May 2022

ATTACHMENTS

Nil

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of 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.

Item 9.1 - Appendix E

Confidential document released to the public pursuant to the Council Resolution made relating to Item 9.1 - Governance Report on 27 May 2024.

11. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

CONFIDENTIAL

11.1 STRATEGIC PROPERTY MATTER

Author: Senior Strategic Planner

Reviewed By: General Manager City Sustainability and Strategy

EXECUTIVE SUMMARY

Land known as the former Fairfield Rail Spur is offered for sale as part of the State Government's surplus public land policy. Council is being offered the First Right of Refusal to purchase the land. This report is confidential to prevent compromising any future negotiations with the State Government.

This report recommends that Council does not purchase all of the site but that Council expresses interest in exploring the best use of the site, prior to considering potentially purchasing part of the site.

[REDACTED], it is suggested that there is benefit in Council submitting an expression of interest to explore purchasing part of the site. Submitting the Expression of Interest will enable more formal discussions with VicTrack to explore its options, but also to understand more about the State Government's plans on elements that are of key importance to Council including status, ownership and [REDACTED]

Council officers will also continue to advocate for how the land might be repurposed to deliver positive community outcomes, including social housing and appropriate built form outcomes that respond to the local neighbourhood context.

The site has been declared surplus to transport needs by VicTrack. Council has the opportunity to express an interest in purchasing the site under the Victorian Government's First Right of Refusal process.

Council has 60 days from 28 September (closing 26 November) to express an interest in acquiring the surplus land for public or community purposes. If Council were to express an interest, then negotiations between Council and VicTrack would commence. If the terms of sale are not agreed, then VicTrack may dispose of the land via sale on the open market.

On the basis of a review against Council policies, particularly *'Implementing Breathing Space: Enhancing Open Space'* it is recommended that Council not purchase the entire site for the following reasons:

- There is no significant short-fall of open space in the area.
- [REDACTED]
- Purchase of the entire site would prejudice Council's ability to undertake other major projects or other significant open space purchases.
- [REDACTED]
- There is an opportunity to acquire some of the site for a new local park through the open space levy associated with the future development of the site.
- [REDACTED]

Officer Recommendation

That Council:

- (1) Resolve not to purchase the whole of the former Fairfield Rail Spur site.
- (2) Submits an expression of interest to explore establishing a new local park, which may require the purchase of a small part (<5%) of the site, and authorises officers to explore options and begin formal discussions with VicTrack.
- (3) Receive a subsequent report regarding negotiations with VicTrack prior to determining whether to purchase any additional land.
- (4) Continues to advocate for the State Government to establish and maintain a linear shared path.

BACKGROUND / KEY INFORMATION

The 'Fairfield Rail Spur' is a historical rail site (1.44ha) that runs north-south between Heidelberg Road and Railway Place. The land is owned by the Victorian Government and managed by VicTrack. The site is also sometimes referred to as the 'Alphington Rail Spur'. Attachment 1 contains a brief description and aerial view of site.

The site has been a long-term advocacy target for Council with the intent of securing it for ongoing community use, as it has been used as an informal pathway and open space for many years. This view was most recently articulated in the resolution of Council on 29 April 2019 (see below).



Figure 1: Fairfield Rail Spur site and context, including surrounding land uses, existing (and emerging) development, and connections.

First Right of Refusal (FRoR) process

The Fairfield Rail Spur land was posted on the GovMap website, and the First Right of Refusal (FRoR) process commenced, on 28 September 2021. The conclusion date is 26 November 2021. [REDACTED]

Under the FRoR process “...surplus land must first be offered for possible sale/transfer to other Victorian government agencies, local governments and Commonwealth government agencies before it is offered for sale/transfer outside government”.

Parties indicate their interest by submitting an Expression of Interest through the GovMap website. “If an expression of interest is received within 60 days, the parties negotiate. If terms of sale are not agreed, the disposing agency may dispose of the land. If terms are agreed, transfer occurs”.

If terms of sale are not agreed the land will be sold by public process, in the private market, and in accordance with the ‘Victorian Land Transactions Policy and Guidelines 2016’ (Attachment 2).

Process leading to development

The FRoR process is the first of several land disposal and rezoning processes that will need to be undertaken to enable VicTrack to dispose of (sell) the site. In broad terms:

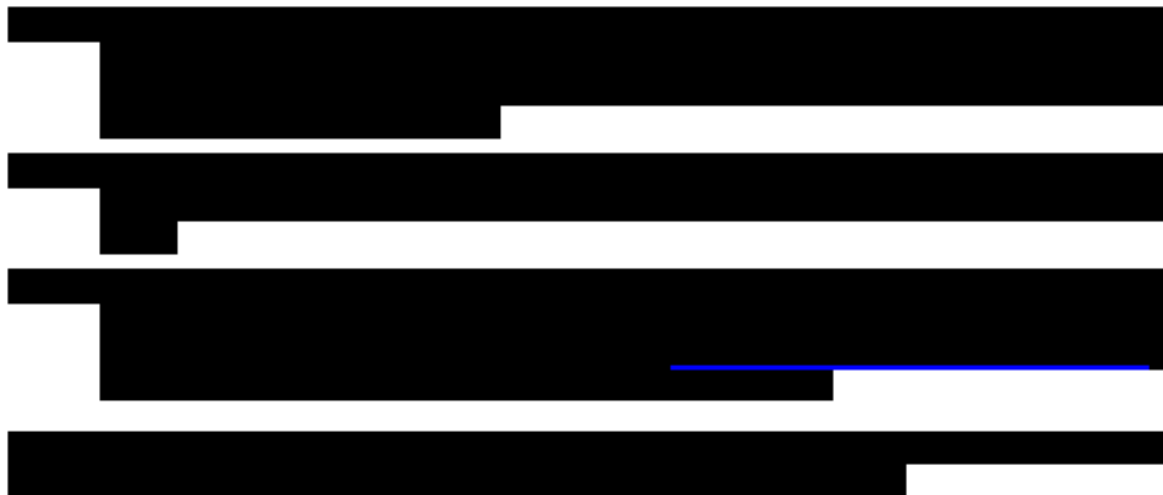
- The FRoR process closes.
- VicTrack negotiate with any government agencies/parties that have expressed an interest in purchasing all or parts of the site.
- VicTrack prepares a masterplan for the site [REDACTED]
- VicTrack requests DELWP to initiate a planning scheme amendment to rezone the site from Public Use Zone (4) to a combination of zone/overlays that would enable development [REDACTED] It is likely that this amendment would be considered by the Government Land Standing Advisory Committee (<https://engage.vic.gov.au/qlsac>) Council and the community will have an opportunity to make a submission on the rezoning, and appear before the Committee.

- [REDACTED]
- [REDACTED]

Verbal advice from VicTrack

[REDACTED]

[REDACTED]



Previous Council Resolution

Council received a briefing paper on this matter on 15 November 2021.

At its meeting held on 29 April 2019, Council resolved:

'That Council

- 1) *Notes that the State Government's current use of the Fairfield Rail Spur site for Level Crossing Removal Project purposes is temporary and the site is likely to become available for other uses.*
- 2) *Notes that the Fairfield Rail Spur site has been used and maintained by the local community for over a century and that it has always been understood that the site will return to community use following completion of the Grange Road level crossing removal project.*
- 3) *Advocates to the State Government to ensure that the Fairfield Rail Spur:*
 - a) *Has a direct shared user path and linear park through the length of the site,*
 - b) *Provides open space to serve the local community, such as skate facilities and basketball/netball half court; and*
 - c) *Provides that any residential use should be exclusively for public or social housing at accessible locations on the site.*
- 4) *Advocates to the State Government to retain the Fairfield Rail Spur site as public land.*
- 5) *Advocates to the State Government to consult with Council and the community about any future uses or development of the Fairfield Rail Spur site, to inform any decision about its future use.*

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 2: Prosperous, Liveable and Flourishing

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 2: Prosperous, Liveable and Flourishing

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

4.1 We will ensure balanced and responsible financial decision making that meets the needs of our community now and into the future

DISCUSSION

The primary decision that Council needs to make at this stage is whether to submit an Expression of Interest to purchase all or part of the site. Council can also elect not purchase any of the site and not submit an expression of interest.

The key factors influencing this decision are:

- Is there a strategic long term need for a significant open space asset of this size in this area?
- What are the financial implications of purchasing the entire site?
- Are there alternative approaches to influencing the development of the site to achieve Council's strategic objectives?
- [REDACTED]

Submitting an expression of interest does not commit Council to purchasing any land, but would trigger more formal negotiations with VicTrack, and would allow council to understand the conditions of any sale in more detail as well as whether other public open space would be provided at the site via the future development – which may meet the need sufficiently. The caveat to this course of action is that Council should negotiate in good faith with VicTrack; and negotiations should have a clear objective linked to Council's strategic objectives for the site.

Assessment of recreational and open space need

Does this align with Breathing Space and Enhancing Open Space?

The purchase of strategic open space by Council is guided by the assessment framework and strategic priorities within Darebin's overarching Breathing Space Strategy and its draft acquisition strategy - *Enhancing Open Space*.

It is not recommended that that Council purchase the entire site. This is based on an assessment against the decision-making framework in *Enhancing Open Space*. The reasons for this recommendation are below (full assessment in Attachment 3).

- *Breathing Space: the Darebin Open Space Strategy, Implementing Breathing Space and Enhancing Open Space* show that the Alphington/Fairfield precinct has a medium rate of population growth, has good existing open space provision and is not a priority for new open space delivery.
- There is no significant need for increased open space in the area as it is well serviced by the environs along the Yarra River, Fairfield Park, Yarra Bend Park, and Darebin Parklands which provide biodiversity and a habitat corridor.
- It is not located in an area prioritised for more open space as it is not identified as having a high existing or future anticipated shortfall of open space per person.
- It is not located in an area of high social disadvantage.
- [REDACTED] and does not provide potential to make or strengthen a habitat connection corridor.
- The narrow, elongated shape of the land means it cannot accommodate larger scale regional parks or sporting facilities.

However, the area has proximity gaps for some houses nearby that do not have access to open space within 500m of their house and is a 'secondary investigation area' in *Enhancing Open Space*. It's not a priority area because this proximity gap is smaller than other gaps in the municipality (number of houses affected), has no or low shortfalls and other open space is

accessible just beyond precinct boundaries. The contribution of a local park through open space contributions and development will meet this proximity need.

Financial implications

[REDACTED] Ongoing maintenance of the land would also be an additional, substantial cost.

The cost of purchase would detrimentally impact Council's ability to deliver open space in higher priority areas [REDACTED] and may compromise the broader implementation of Breathing Space and the delivery of an improved public open space network.

Other opportunities to deliver new open space on site would be more cost effective.

Achieving Council's objectives

From the previous resolution of Council on 29 April 2021 the key outcomes Council would like to see on the site are:

- *Direct shared user path and linear park.*
- *New open space to serve the local community (such as skate facilities and basketball/netball half court)*
- *Public or social housing.*
- *Retaining public ownership.*
- *Consultation with the community.*

Retaining in public ownership

The commencement of the First Right of Refusal process indicates the State Government's intention to dispose of the land, and that it is surplus to transport needs. [REDACTED]

[REDACTED], nor can a need for such as large area of open space be justified.

[REDACTED]

[REDACTED]

In addition, any developer will be required to make an Open Space Contribution, which can be in the form of land and could become a local park. Council has the option of acquiring – through open space contributions and potential purchase [REDACTED] – an additional area of land for public ownership and use.

Social housing

[REDACTED]

Council can and should continue to ask that the future private developer voluntarily provide affordable housing as part of the development of the site.

Linear Open Space

The site provides an informal, direct pedestrian connection between Fairfield Activity Centre /Fairfield Railway Station and the Alphington Paper Mill precinct. This could be significantly enhanced and also provide a formal cycling connection. This will encourage future residents of the Paper Mill site to walk and cycle to local shops and public transport, reducing the pressure on local roads and providing an economic boost to Fairfield Village.

[REDACTED]

The pathway should be continuous and easily accessible from existing communities on either side of the site and be complemented by further cross-path connections across the site which can 'stitch together' a range of pedestrian and cycling movement patterns in the neighbourhood.

The pathway stands to provide a locally-significant link between several important regional and strategic cycle routes in the locality, including the Yarra and Darebin Creek trails, Chandler Highway and Wingrove Street routes.

Recreation need

Officer investigations into nearby facilities have identified the land is not needed to meet a recreation gap. There are sufficient sports facilities through use of playgrounds and courts at the nearby Fairfield Primary School and future with a Joint User Agreement. There will also be 2 new courts in the Alphington Paper Mill site that is being redeveloped diagonally opposite the spur.

Council's resolved position seeks to "provide open space to serve the local community, such as skate facilities and basketball/netball half court". Depending on its location and configuration, 700m² may not be sufficient to provide these types of facilities. To ensure that Council has the ability to create a quality local open space, it may be necessary to purchase a small amount of additional land to create a local park of sufficient size.

The play space strategy recommends a 'urban play space in Fairfield Station Reserve. An 'Urban Playspace is an informal play setting provided through furniture, art and landscape elements in an urban context without using standard play equipment.

New local open space

Any proposed redevelopment of the site must comply with the Darebin Planning Scheme and make an open space levy contribution in land or cash based on the valuation of the land.

Currently the open space levy rate is 5 per cent for the intended development. Amendment C186dare proposes to increase the open space levy rate to a flat rate of 10 per cent for all subdivisions. It is likely that the subdivision permit will be approved prior to the proposed increased levy being approved.

Therefore, a minimum open space levy of 5% would be expected from any future development proposal; roughly estimated to be 700m² [REDACTED]. This would provide a small local park to service some local needs.

To this end it is recommended that Council submit an expression of interest in purchasing part of the site, and that it direct officers to negotiate with VicTrack and consider purchasing additional land of between 200m² to 700m².

Council officers will prepare some preliminary design concepts to explore the ideal configuration, size and location of the local park and recreational facilities. Council will receive another briefing regarding this concept plan and negotiations with VicTrack prior to determining whether to purchase any additional land.

In summary, there is potential that through a combination of [REDACTED], open space contribution and the purchase of a small amount of additional space, that more than 10% of the site may be set aside for community open space purposes.

Consultation with the community

[REDACTED]

The defined process for amendments undertaken via the GLSAC includes public exhibition of between 4 to 6 weeks, allowing residents and Council to make a submission, and for their concerns to be considered by the Advisory Committee.

Effectively this would be first opportunity that the local community has to provide feedback on the proposal. Depending on the final form of the planning provisions applied, there may be a second opportunity as part of a future application for a planning permit, although this can't be guaranteed at this stage.

Conclusions

On the basis of an internal review against Council policies, particularly '*Implementing Breathing Space: Enhancing Open Space*' it is recommended that Council not purchase the entire site for the following reasons:

- There is no significant short-fall or need for more open space in the area.
- [REDACTED] Purchase of the entire site would prejudice Council's ability to undertake other major projects or significant open space purchases.
- [REDACTED]
- There is an opportunity to acquire some of the site for a new local park through the open space and development contributions associated with the future development of the site.
- [REDACTED]

Instead it is recommended that Council submit an Expression of Interest to purchase part of the site, should it be determined that an area greater than 700m² is required to create a quality local park.

Council will consider a confidential report at its November 2021 meeting recommending that it submit an Expression of Interest to explore purchasing part of the site, and to authorise Council officers to negotiate with VicTrack to that end. As part of these negotiations [REDACTED]

Council will receive a future report on the outcomes of those negotiations prior to making a final decision regarding any purchase.

Council should also continue to pursue its advocacy positions regarding affordable and public housing, and appropriate built form outcomes through the future planning scheme amendment process and negotiations with VicTrack and a potential future owner.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

- Advocacy and negotiations regarding the future of this site can be absorbed within the existing resources of City Futures, Property and Business Improvement and Parks and Open Space.

Community Engagement

- Vic Track has not consulted the community, nor has Council. We understand the state government intend to consult before rezoning and development of the site.
- Members of the local community are highly engaged through groups such as 'The friends of the Fairfield Spur' to save the land from irresponsible development. Campaigning to keep public use of open space including a shared park and path the length of the site and some social housing.

Overarching Governance Principles and Supporting Principles

- (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- (g) the ongoing financial viability of the Council is to be ensured;

Public Transparency Principles

- (b) Council information must be publicly available unless (i) the information is confidential by virtue of this Act or any other Act; or (ii) public availability of the information would be contrary to the public interest;

Strategic Planning Principles

- (b) strategic planning must address the Community Vision;
- (c) Strategic planning must take into account the resources needed for effective implementation;
- (d) strategic planning must identify and address the risks to effective implementation;

Service Performance Principles

- (a) services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;
- (c) quality and costs standards for services set by the Council should provide good value to the municipal community;
- (e) service delivery must include a fair and effective process for considering and responding to complaints about service provision.

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

Breathing Space: Darebin Open Space Strategy and Implementing Breathing Space: Enhancing Open Space is founded on benefits and opportunities of open space particularly in responding to the climate emergency and increasing appreciation for biodiversity. This informs the strategic land use assessment and recommendation.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

Breathing Space: The Darebin Open Space Strategy and Implementing Breathing Space: Enhancing Open Space is grounded by key directions of meeting community needs and making the distribution of open space equitable. This informs the strategic land use assessment and recommendation.

Economic Development and Cultural Considerations

A more diverse and larger population including more affordable housing stock that is well connected to public transport and the Heidelberg Road Corridor would likely attract other businesses and services.

Operational Impacts

Advocacy with Vic Track/State Government can be absorbed in existing and future work programs.

Legal and Risk Implications

Legal and risk implications would need to be fully investigated if Council decided to express interest in purchase.

Taking and advocacy position mitigates risk.

IMPLEMENTATION ACTIONS

Collaboration and negotiation with State Government throughout the sale and development process to achieve Council advocacy goals and outcomes.

Future briefing and report to Council prior to making any decision regarding purchase of land, and on the other outcomes from negotiation.

RELATED DOCUMENTS

- Fairfield Rail Spur Site and Surrounds (Appendix A)
- Excerpt Planning and Environment Act 1987, Section 96A
- Victorian Government Landholding Policy and Guidelines (Appendix B)
- Victorian Government Land Transactions Policy and Guidelines 2016
- Fairfield Rail Spur Assessment against decision making framework (Appendix C)
- Fairfield Railway Spur Example Concept Plan
- Breathing Space: The Darebin Open Space Strategy
- Implementing Breathing Space: Enhancing Open Space

Attachments

- Appendix A - Fairfield Rail Spur Site and Surrounds (**Appendix A**) Confidential - enclosed under separate cover
- Appendix B - Victorian Government Landholding Policy and Guidelines (**Appendix B**) Confidential - enclosed under separate cover
- Appendix C - Assessment against open space framework (**Appendix C**) Confidential - enclosed under separate cover

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of 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.

Attachment 1

FAIRFIELD RAIL SPUR - SITE AND SURROUNDS

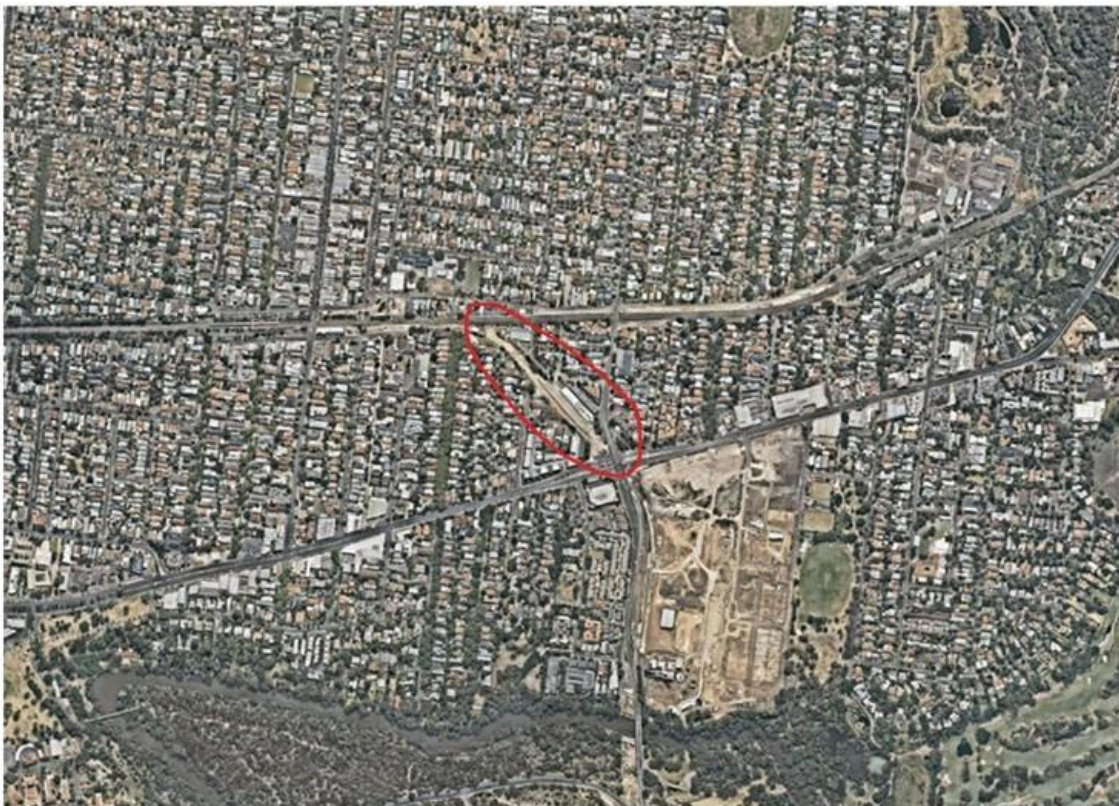
The Fairfield Rail Spur site is currently owned by VicTrack and zoned for Public Use. The land is strategically situated opposite the Alphington Paper Mill. It provides a pedestrian link from Heidelberg Road to Fairfield Railway Station and acts as de-facto open space for the local community. The site is long and narrow, 1.44ha in total area, running diagonally north to south.

The rail line was constructed in the late 1880's and shortly after fell into disuse. For much of the twentieth century the land serviced the old papermill as a freight sliding service, however, the rails were removed in the 1990's.

More recently the site was used as a holding area for construction equipment associated with the Grange Road Level Crossing project but is now considered surplus from a transport perspective.

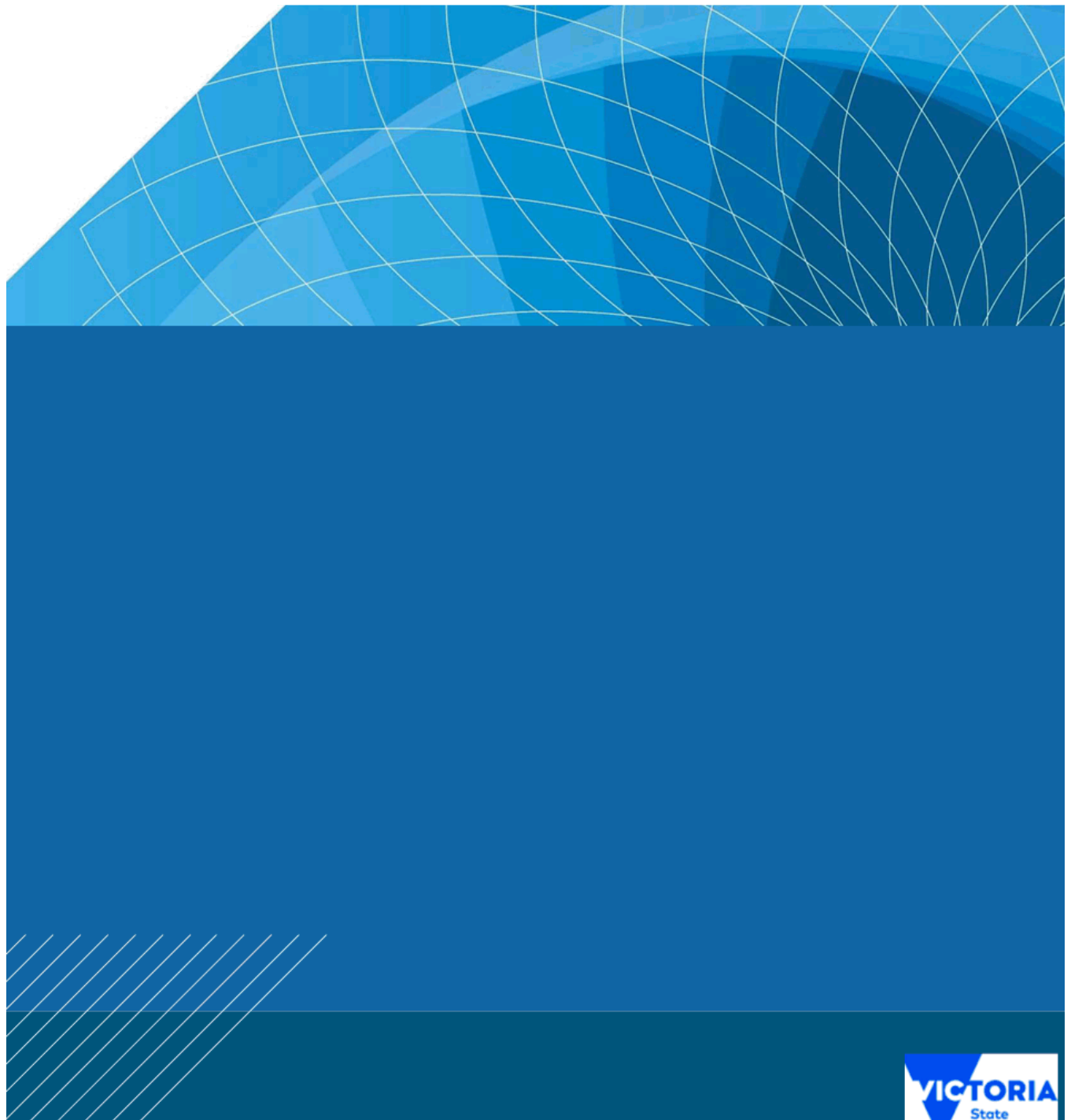
The locality is generally well connected to an abundance of open space opportunity including the Yarra River environs, Fairfield park, Yarra Bend Park, and Darebin Parklands.

The land is broadly situated amongst a range of major infrastructure projects, transport and the Heidelberg Road Corridor employment precincts. It adjoins existing residential use including a mix of Interwar, Victorian, and Edwardian era dwellings. The Housing Change Framework is incremental/minimal and includes a mix of 2-3 storey townhouse development.



Aerial Image: Fairfield Rail Spur Site

Victorian Government Landholding Policy and Guidelines



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Victorian Government Landholding Policy

1. Purpose

The purpose of the Victorian Government Landholding Policy is to:

- (a) ensure that land is only purchased or retained by Victorian Government agencies where State ownership of land:
 - (i) contributes directly to current or future service delivery outcomes expected by Government;
 - (ii) is central to the core business of agencies as explained in agency corporate plans;
 - (iii) is financially beneficial to the State when compared to alternative investment of State funds; or
 - (iv) in the case of Crown land, is appropriate on the basis that the protection of public land values make the land unsuitable for divestment;
- (b) promote the highest and best use of land by providing the opportunity for the private and community sectors and other government agencies to further unlock the value inherent in the State's land estate; and
- (c) require active management of land portfolios across Victorian Government agencies which is essential to the good management of the State's balance sheet.

2. Policy

- (a) Victorian Government agencies must only hold land or an interest in land where State ownership of that land:
 - (i) contributes directly to current or future service delivery outcomes expected of agencies as explained in agency corporate plans and does this by the most cost effective means possible;
 - (ii) with the approval of the acquiring or landholding Minister:
 - A. provides for new infrastructure, enables the optimal use of existing infrastructure or contributes other economic benefits to the State that justify its retention or purchase;
 - B. after considering a Strategic Crown Land Assessment in accordance with the Victorian Government Strategic Crown Land Assessment Policy, is appropriate on the basis that the protection of public land values make the land unsuitable for divestment;

- C. has been considered for community uses and is necessary to provide for occupation by other government or community organisations where:
- land is sold or transferred for a public or community purpose and the terms of sale include a restriction on title that reflects the public or community purpose so that any future change in the use of the land requires the State's consent;
 - the State receives market value rent; or
 - where the State receives less than market value rent, the social, environmental or community benefits of occupation are considered to justify the costs to the State;
- D. is financially beneficial to the State when compared to alternative investment of State funds;
- (iii) is considered by the acquiring or landholding Minister to contribute to other Government objectives as may be set from time to time.
- (b) For the avoidance of doubt, Victorian Government agencies must not purchase or retain land where State ownership of that land:
- (i) is not justified with reference to paragraph 2(a)(i) of this Policy; or
 - (ii) has not been approved pursuant to either of paragraphs 2(a)(ii) or (iii) of this Policy.
- (c) Upon declaring land surplus to agency requirements, Victorian Government agencies must:
- (i) provide notice of 60 days of the agency's intention to dispose of land during which period other State, Commonwealth or local government agencies may express interest in acquiring the land;
 - (ii) if another government agency expresses interest in acquiring the land, negotiate in good faith to attempt to agree on the terms of sale within 30 days after the close of the notice period; and
 - (iii) if the terms of sale are agreed, transact the sale of the land at a price equal to the current market value of the land as determined by the Valuer-General Victoria.
- (d) Victorian Government agencies must:
- (i) at all times maintain an accurate dataset of all land that is controlled by the agency; and
 - (ii) annually review agency landholdings to:
 - A. justify, with reference to paragraph 2(a) of this Policy, the basis upon which each parcel of land owned or otherwise controlled by the agency is held; and
 - B. identify land that is fully utilised, partly utilised, underutilised or surplus to agency requirements,
- and submit a report on that review to the Department of Treasury and Finance to inform Budget planning and forward estimates.

3. Application

This Policy applies to all Victorian Government agencies (exclusions to this Policy may apply as detailed in the Victorian Government Landholding Guidelines).

4. Supporting and related documents

- (a) This Policy is supported by the Victorian Government Landholding Guidelines.
- (b) Other policies which are relevant to this Policy include the Victorian Government Land Transactions Policy and Victorian Government Strategic Crown Land Assessment Policy.
- (c) This Policy deals with the purchase and retention of land. The Victorian Government Strategic Crown Land Assessment Policy and the Victorian Government Land Transactions Policy relate to the disposal of Government land, including Crown land. These policies ensure that the State's obligations in relation to the disposal of Crown land are met in accordance with the *Native Title Act 1993 (Cth)* and the *Traditional Owner Settlement Act 2010*.

5. Responsibilities

- (a) This Policy is administered by the Department of Treasury and Finance.
- (b) The Minister for Finance is responsible for approving the Victorian Government Landholding Guidelines.

Victorian Government Landholding Guidelines

1. Introduction

The Victorian Government Landholding Policy (the Policy) establishes strict requirements for Victorian Government agencies to adhere to if retaining or when purchasing land.

Through the annual reporting requirements detailed in section 2(d) of the Policy, Victorian Government agencies are required to justify the basis upon which each parcel of land that is owned or otherwise controlled by the agency is held.

The purpose of the Victorian Government Landholding Guidelines is to provide information and guidance to assist Victorian Government agencies to comply with the requirements of the Policy.

The Policy establishes requirements on Victorian Government agencies in three key areas:

- the purchase and retention of land;
- the first right of refusal process; and
- annual reporting requirements.

The requirements of the Policy in each of the three areas listed above are dealt with in Sections 2 through 4. Section 5 details exemptions to the Policy.

2. Purchase and Retention of Land

The Policy sets out six conditions that may be used by an agency to justify its landholdings. Information and guidance on each of these conditions is set out below.

Service delivery outcomes

State ownership of land contributes directly to current or future service delivery outcomes expected of agencies as explained in agency corporate plans and does this by the most cost effective means possible

The primary basis on which an agency may justify its landholdings is to identify how the land contributes directly to service delivery outcomes.

Under this condition, current or future service delivery outcomes must refer to outcomes that are endorsed by the Victorian Government as demonstrated by inclusion in agency corporate plans.

In making the case to purchase or retain land, consideration must be given to cost effectiveness which requires agencies to make reasonable investigations into potential alternative sites, arrangements and/or tenure options for service delivery.

If the case to purchase or retain land is established, consideration must also be given to utilisation which requires agencies to make reasonable endeavours to lease any land and buildings (or parts thereof) that are not currently utilised.

Infrastructure and economic benefits

With the approval of the acquiring or landholding Minister, State ownership of land provides for new infrastructure, enables the optimal use of existing infrastructure, or contributes other economic benefits to the State that justify its retention or purchase

Agencies may seek to purchase or retain land where a formal linkage between strategic land use and infrastructure planning can be demonstrated.

The land must be demonstrated to facilitate the efficient and effective planning and delivery of infrastructure with corresponding economic and social benefits.

Landholding requirements must consider both current and future needs including the likelihood of future projects proceeding and the cost of holding land.

The explicit approval of the acquiring or landholding Minister is required if the land is to be purchased or retained for this reason.

Public land value

With the approval of the acquiring or landholding Minister and after considering a Strategic Crown Land Assessment in accordance with the Victorian Government Strategic Crown Land Assessment Policy, State ownership of land is appropriate on the basis that the protection of public land values make the land unsuitable for divestment

Under the Strategic Crown Land Assessment Policy, if a parcel of Crown land is determined to be unsuitable for divestment from the Crown estate due to its public land values, the land is to be referred to the Minister for Environment, Climate Change and Water for retention.

Accordingly, retaining land for the protection of public land values is only relevant to the Minister for Environment, Climate Change and Water and will be supported by a Ministerial decision in respect of a Strategic Crown Land Assessment.

Community Use

With the approval of the acquiring or landholding Minister, State ownership of land or an interest in land, is necessary to provide for use by other government or community organisations where:

- land is sold or transferred for a public or community purpose and the terms of sale include a restriction on title that reflects the public or community purpose so that any future change in the use of the land requires the State's consent;
- the State receives market value rent; or
- where the State receives less than market value rent, the social, environmental or community benefits of use are considered to justify the costs to the State.

Where it is considered desirable for other government or community organisations to occupy land that is held by the State but it is unfeasible for that other organisation to acquire the land, the landholding Minister may approve the retention of the land for the purpose of enabling occupation.

The agency must justify that the other government or community occupation of the land is the most efficient and sustainable manner that enhances economic and social outcomes.

Occupation should only be granted where the State receives market value rent or the landholding Minister is satisfied that the social, environmental or community benefits of occupation justify the costs incurred by the State of providing such accommodation.

When considering the retention of land on the basis of environmental benefits, reference should be made to the Strategic Crown Land Assessment, which will provide evidence of the presence of public land values associated with the environmental benefit.

The explicit approval of the landholding Minister is required if land is to be retained for this reason.

Financially beneficial

With the approval of the acquiring or landholding Minister, State ownership of land is financially beneficial to the State when compared to alternative investment of State funds

Agencies should not generally purchase or hold land for investment purposes. However, there may be some unique circumstances where it is considered acceptable for the land to be purchased or held for an investment purpose.

Agencies must demonstrate that the financial performance of purchasing or retaining land meets or exceeds industry measures such as long-term yield on property investment compared with the benchmark rate.

The benchmark rate used should be developed (and subject to annual review) in consultation with the Department of Treasury and Finance and be based on:

- cost of funds (Treasury Corporation of Victoria's long term borrowing rate); and
- a premium to allow for risk.

Other government objectives

State ownership of land is considered by the acquiring or landholding Minister to contribute to other Government objectives as may be set from time to time

Ministers may approve the purchase or retention of land for reasons other than those set out in the Policy on the basis that State ownership of land contributes to an objective of the Victorian Government.

The approval of the acquiring or landholding Minister is required if land is to be purchased or retained for this reason, including reference to the objective that is sought to be achieved.

3. First right of refusal process

Upon declaring land surplus to agency requirements, Victorian Government agencies are to give notice of the surplus land to the Department of Treasury and Finance in a form and in such detail as may be reasonably required by it.

Notification requests are to be submitted by email to FROR@dtf.vic.gov.au. Upon receiving notification, the Department of Treasury and Finance will give notice to Victorian Government agencies, local government and the Commonwealth Government of the surplus land.

All other Victorian Government agencies, local government and the Commonwealth Government will have a period of 60 days from the date of notification by the Department of Treasury and Finance in which to submit an expression of interest to acquire the surplus land for a public or community purpose. Local government should use this notification to consider whether there is a suitable community use for the surplus government land.

If an expression of interest is not received within 60 days, the disposing agency may proceed to dispose of the surplus land by public process in accordance with the Victorian Government Land Transactions Policy.

If an expression of interest is received within 60 days, the parties are required to negotiate in good faith to attempt to agree on the terms of sale within 30 days after the close of the expression of interest period (or such other period as may be agreed between the parties).

If the terms of sale are not agreed between the parties, the disposing agency may proceed to dispose of the surplus land by public process in accordance with the Victorian Government Land Transactions Policy.

If the terms of sale are agreed between the parties, transfer of the surplus land may proceed according to the agreed terms, at a price equal to the current market value of the land as determined by the Valuer-General Victoria.

The landholding Minister may approve the sale of land for a community purpose at a price less than the current market value of the land as determined by the Valuer-General Victoria.

If more than one expression of interest is received in respect of surplus land, expressions of interest by Victorian Government agencies will take precedence over other expressions of interest.

If multiple expressions are received by Victorian Government agencies and the competing interests cannot be resolved between the parties, the matter is to be submitted for decision by the relevant Ministers.

4. Land information, review and reporting

Annual Reporting Requirements

Agencies must review their landholdings annually and report to the Department of Treasury and Finance each February the utilisation status of their land assets.

The report must include:

- evidence that justifies the retention of each parcel of land that is held by the agency pursuant to the Policy;
- where the agency justifies the retention of a parcel of land under paragraph 2(a)(ii) or (iii) of the Policy, a copy of the relevant Ministerial approval;
- the property utilisation status of each parcel of land; and
- a schedule of land that is or will become surplus in the next 12 months.

Minimum property datasets

The land data held by agencies must be complete, reliable and current to enable good decision making.

Agencies are required to establish and maintain a minimum property dataset for their land assets, including informing Land Victoria as ownership status changes.

Minimum property datasets must include the details set out in Table 1 below.

Table 1: Minimum property dataset requirements

Context
<ul style="list-style-type: none"> • Detail Required
Location Information (required to enable geospatial mapping)
<ul style="list-style-type: none"> • Land title/s Volume/Folio and SPI (freehold land) • SPI (Crown land) • Land Description (lot/plan or allotment/section/township/parish) • Melway Reference or Latitude/Longitude • Parcel_PFI • Aerial photography or map • Address • Local Government Area
Site Attributes
<ul style="list-style-type: none"> • Site area (square metres hectares) and dimensions • Contamination status (if known, including under-ground storage tanks etc) • Current Zoning (and underlying zoning) • Other relevant details including HAZMAT reports etc • Description (site and infrastructure) • Overall condition of infrastructure • Age of building • Gross floor area if applicable

Context
<ul style="list-style-type: none"> • Detail Required
Ownership and current Use
<ul style="list-style-type: none"> • Current Owner/Registered Proprietor (freehold or Land Administrator (Crown land)) • Occupier • Current use(s) of site • Property Utilisation Status – see Table 2
Value
<ul style="list-style-type: none"> • Estimated value of site (current market value) and date of valuation • Improvements (current market value and modern equivalent replacement cost) and date of valuation <p>Note the most recent asset valuation is acceptable.</p>
Purchase Details
<ul style="list-style-type: none"> • Purchase Date • Purchase Price • Purchase Reason
Management / Administration
<ul style="list-style-type: none"> • Identification number (business ID) • File or records management reference • Compliance with relevant legislative / regulatory requirements and safety standards • Insurance
Assessment/Performance
<ul style="list-style-type: none"> • Suitability of location for current function • Overall suitability of infrastructure for current function • Useful life and forecast renewal date for existing infrastructure. • Other relevant details

The minimum property dataset includes a property utilisation status that should be determined using the criteria in Table 2 below.

Table 2: Property Utilisation Status

RATING	DEFINITION
5	Fully occupied (no portion available for other agency or compatible uses)
4	Partly occupied (full utilisation included in agency future planning)
3	Available for shared occupation (significant portion available for compatible use)
2	Vacant with agency utilisation planned (included in agency future planning)
1	Vacant (and/or used for a community group or for another non-core business purpose) with no agency utilisation planned (no longer required for agency business)
S	Declared Surplus

Agencies are required to ensure the minimum property dataset can be exported to excel or CSV formats.

Land Victoria reconciliation

Agencies must ensure their records are reconciled with data maintained by Land Victoria, in particular:

- Land title/s Volume/Folio and SPI (freehold land)
- SPI (Crown land)
- Land Description (lot/plan or allotment/section/township/parish)
- Melway Reference or Latitude/Longitude
- Parcel_PFI
- Address

5. Exemptions

This policy is a requirement for the entire Victorian Public Sector. It is to be applied consistently with the requirements of all relevant legislation and Victorian Government policies.

Victorian Public Entities are to substitute reference to the acquiring or landholding Minister with the Board of Directors or Chief Executive Office as appropriate where Ministerial approval for the retention or purchase of land is required under the Policy.

An exemption to paragraph 2(d)(ii) of the Policy is granted to Victorian Public Entities, other than Victoria Police, in relation to submitting an annual report to the Department of Treasury and Finance, unless provision of a report is specifically requested by the Minister for Finance. In all other respects, Victorian Public Entities must comply with the Policy.

An exemption to paragraph 2(d)(i) and (ii) of the Policy is granted to the Department of Environment, Land, Water and Planning (DELWP) in relation to:

- Crown land managed under the *National Parks Act 1975* (national, wilderness, state and other parks and reserves), *Forests Act 1958* (State forest), *Wildlife Act 1975* (wildlife and nature reserves), *Heritage Rivers Act 1992* (heritage rivers and natural catchment areas), and *Reference Areas Act 1978* (reference areas).
- other Crown land managed as State forest, coastal reserves, nature conservation reserves and natural features reserves, including that with a LCC, ECC, or VEAC recommendation approved by government to be managed for environmental, conservation, cultural heritage, and other high public land values.
- Crown land managed under the *Crown Land (Reserves) Act 1978* and within DELWP's portfolio including that managed by a committee of management appointed under S. 14 of the act.
- Parks Victoria-managed regional and metropolitan parks.
- Unreserved Crown land that is:
 - bed and banks of waterways, river frontage, reservoirs, and sea bed; and
 - managed by another agency and not in DELWP's portfolio (this should be included in the relevant agency's portfolio).

An exemption to paragraph 2(c) of the Policy is granted to the Director of Housing in relation to residential properties owned or otherwise controlled by the Director of Housing that:

- are valued at less than \$2 million as assessed by the Valuer-General Victoria; and
- comprise an area of less than 2,000 m².

Glossary

Crown Land

‘Crown land’ means land that has not been alienated from the Crown (i.e. made ‘freehold land’) and comprises:

- unreserved Crown land;
- reserved land or land set aside permanently in accordance with legislation including the Crown Land (Reserves) Act 1978, Forests Act 1958, and National Parks Act 1975; and
- Crown leasehold land (land subject to a lease granted under the Land Act 1958).

Agencies seeking to reserve or dispose of Crown land will need to obtain prior approval through the Department of Environment, Land, Water and Planning (DELWP). All sales of Crown land are the responsibility of the Minister for Finance.

Land

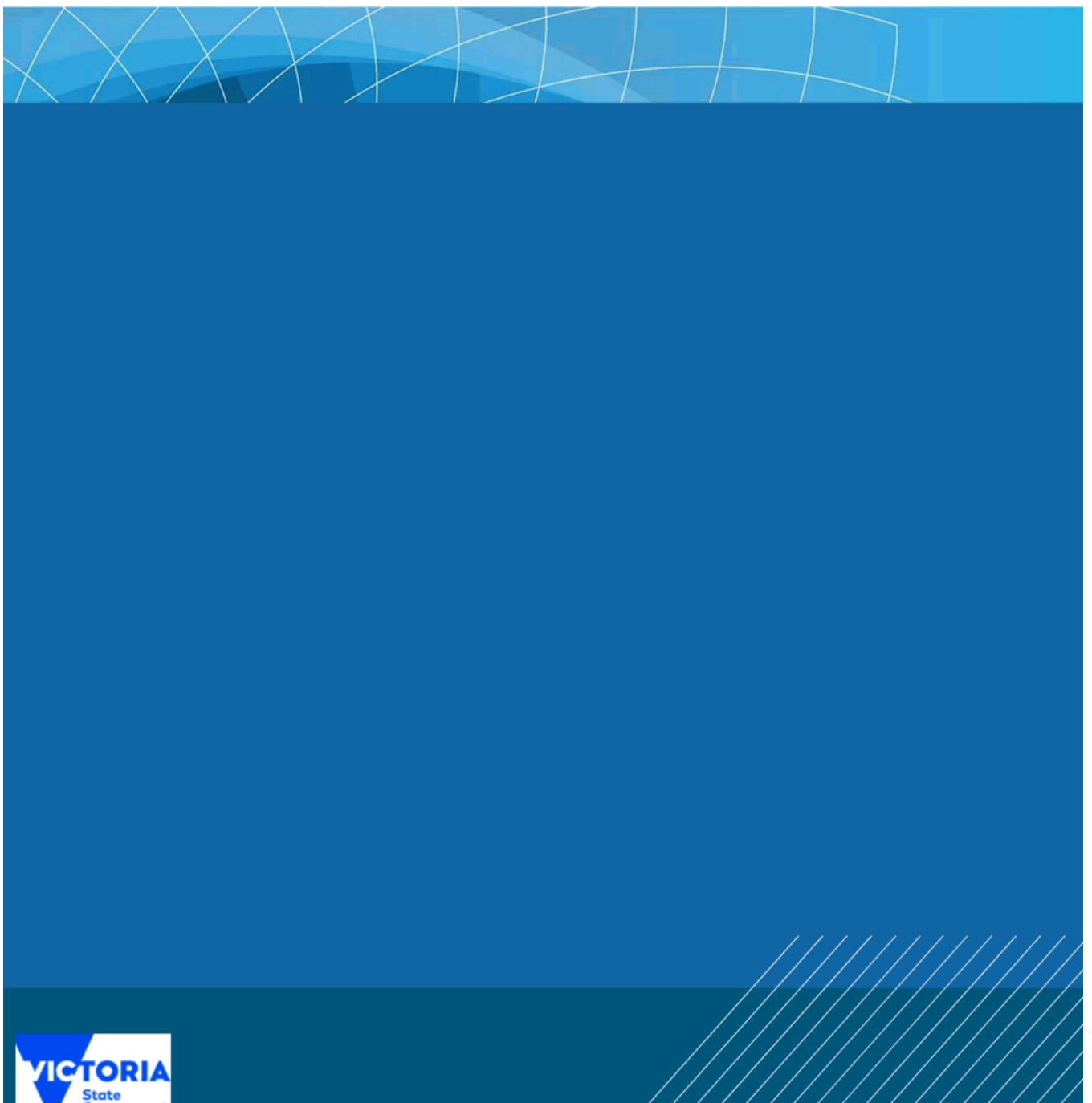
Is the physical land and fixtures attached to the land, including all things that are a natural part of the land such as trees and minerals and all things that are attached to land such as buildings and improvements on the land.

Public or community purpose

In the context of the first right of refusal process and where doubt exists as to whether a proposed purpose is a public purpose, the proposed purpose will be determined to be a public purpose or not at the discretion of the landholding Minister.

Victorian Government agencies

All Victorian Government departments, public statutory authorities and any legal entity which is established under State legislation for a purpose of the State (including those independent of government control) along with companies in which the State has an interest and any organisation, other than a council, which requires statutory authorisation and/or ministerial approval, especially where public funds are involved in a land transaction.



Attachment 3

Fairfield Rail Spur - Assessment against decision making framework in *Enhancing Open Space*

Decision Making Framework Process

Step 1 - Identification of Relevant Stream of Decision-Making Process and establish parameters of acquisition (cost)

Step 2 – Answer threshold questions

Step 3 – Assess against relevant criteria, both fixed criteria and flexible criteria

Step 4 – Test and confirm – confirm cost of acquisition, should it be recommended and then refer to PAC

Step 1

Identify relevant stream

Stream B2 – Opportunity based land Purchase ‘purchase of parcels of land offered to Council through the Public Land Sale Program’

Establish Parameters of Acquisition – ‘costs’

Criteria	Comment	Option 1 - Purchase whole site for open space	Option 2 - Purchase <5% additional for expanded open space
Ascertain a ‘provisional’ cost to Council for the land purchase	[REDACTED]	[REDACTED]	[REDACTED] This cost would need to be confirmed/negotiated
Any remediation works required to the site	[REDACTED]	[REDACTED]	[REDACTED]

Attachment 3

	<p>[REDACTED]</p> <p>[REDACTED]</p>		
<p>Likely service standard/open space definition for the parcel and the likely cost of transforming the land to meet relevant standards</p>	<p>[REDACTED]</p> <p>[REDACTED].</p> <p>Advocacy required to ensure links are sufficient and meet best practice standard.</p> <p>No specific sporting facilities needed on site, as sufficient access to sporting facilities nearby.</p> <p>Officers recommend local park be delivered with small playspace, water fountain, seating and shade canopy</p>	<p>Likely open space category to be delivered if entire site is delivered as public open space:</p> <p>Not recommended. <i>Further detail to be provided</i></p>	<p>Cost of delivering open space on 700m² of land</p> <p>A linear park and a local community park or residential pocket park could be delivered.</p> <p>Linear park – <i>further details regarding cost to be provided</i></p> <p>Long and mostly narrow parks that link green spaces, provide opportunities for walking and cycling.</p> <p>Residential Pocket park – <i>further details regarding cost to be provided. Provides general beautification through the provision of grass, shrubs and trees, with low levels of development for use (except for people walking through). Usually these parks cannot be used for recreation because of their size, location and/or topography and their main value is visual appearance.</i></p>
<p>Maintenance and renewal costs for likely service standard</p>	<p>Yearly. Parks currently maintain part of the land</p>	<p>Cost of on-going maintenance: <i>details to be provided (yearly basis)</i></p>	<p>Cost of on-going maintenance for 700m²: <i>details to be provided (yearly basis)</i></p>

Attachment 3

Step 2 – Assessment against threshold questions

Question	Comment	Option 1 - Purchase whole site for open space	Option 2 - Purchase <5% additional for expanded open space
<p>Will the cost of acquisition have a significantly detrimental impact on Council’s ability to deliver open space in areas of higher priority?</p>	<p>There is not enough [REDACTED] [REDACTED] to purchase the full site.</p>	<p>Yes. [REDACTED] [REDACTED] [REDACTED] meet purchase costs.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] This contradicts <i>Breathing Space, Implementing Breathing Space and Enhancing Open Space plans.</i></p>	<p>No, [REDACTED] [REDACTED] [REDACTED]</p> <p>Purchasing part of the site would still impact on council’s ability to deliver open space in areas of higher priority.</p>
<p>Is there another, comparable opportunity to deliver new open space which would be more cost effective to Council?</p>	<p>Open space contribution should be delivered as land regardless as part of development process – at least 5% [REDACTED] [REDACTED]. Can advocate for higher through development process.</p> <p>There are likely to be other sites in Darebin to purchase that would be more cost effective and meet an identified need. Some initial thinking on this work has been undertaken in <i>Enhancing Open Space</i> to inform costings.</p>	<p>No. There is not another comparable opportunity to deliver this quantity of public open space in this location. However, there are other opportunities to deliver a smaller amount of public open space which would be sufficient and more cost effective to Council.</p> <p>For example: Delivery of land for public open space via the open space levy contribution.</p> <p>Delivery of additional land (in addition to the open space levy) for public open space on site as part of any developer contributions.</p>	<p>Yes.</p> <p>For example: Delivery of land for public open space via the open space levy contribution.</p> <p>Delivery of additional land (in addition to the open space levy) for public open space on site as part of any developer contributions.</p> <p>Delivery of a shared path as part of any development.</p> <p>A shared user agreement with Fairfield Primary school could be considered.</p>

Attachment 3

		<p>Delivery of a shared path as part of any development.</p> <p>A shared user agreement with Fairfield Primary school could be considered.</p>	
Does Council have the resources available to perform the acquisition	<p>Resources:</p> <p>Strategic planning</p> <p>Property</p> <p>Legal (external)</p> <p>Parks and open space</p> <p>finance</p>	Yes	Yes
Is there money in the reserve to purchase the site?		<p>████████████████████</p> <p>████████████████████</p> <p>████</p>	<p>██</p>
Does Council have the resources available to manage any open space delivered on the land?	Maintenance costs	No	No
Does the property's context or condition create barriers to use or maintenance of the lot?	<p>████████████████████</p> <p>████████</p>	<p>████████████████████</p> <p>████████ ██████████</p>	<p>████████████████████</p> <p>████████</p>

Recommendation based on threshold questions

If a site fails to respond appropriately to the threshold questions, purchase of the parcel should be approached with a level of caution as it may compromise the broader implementation of Breathing Space and the delivery of an improved public open space network.

Assessment against threshold questions to purchase the entire site

Pursuing the purchase is not recommended.

Assessment against threshold questions for purchasing part of the site

Attachment 3

Pursuing a part purchase of the site is not recommended, but there may be merit in considering this option considered. Further information is required to clarify maintenance costs [REDACTED], [REDACTED]. If these are not reasonable, the recommendation to abandon purchase is strengthened.

Step 3 – Assess against Criteria

	Stream B – Breathing Space criteria	Weighting for yes response	Score
1	Is it in a Precinct identified as having a high existing or future shortfall open space	3	0
2	Is it an identified Priority Investigation Area	3	0
3	Will the open space be delivered in or close to an area with a high concentration of social disadvantage?	3	0
4	Will the open space be delivered in or close to an area with high concentrations of young or old residents?	2	2
5	Is it in or near an area of natural or environmental significance, have the potential to protect remnant vegetation or biodiversity values, contribute to the protection of protected species or to make or strengthen a connection in habitat?	3	0
6	Does it have potential to protect areas of cultural value, in particular areas of cultural significance for Traditional Owners or to communicate cultural values to the broader community and visitors?	3	0
7	Is it an area identified as having a high level of Urban Heat vulnerability?	2	0
8	Does it support the use, amenity or development of Darebin's active transport linkages?	1	1
9	Does it have the potential to improve movement within residential areas, particularly to improve access to existing open spaces or transport corridors?	1	1
10	Does it have the potential to contribute to activity centre activation or revitalisation	3	0
Benchmark: High =9 or more, medium = 6-9, Low = below 6			4
			Low score against BS criteria

Attachment 3

	Implementation Criteria	Yes/no	Comment
1	Is cost to purchase land or acquire the land reasonable?	■	████████████████████ ████████████████████
2	Is the cost in delivering open space and / or ongoing maintenance on this land achievable within current budgets or funding streams?	no	Not in current budget.
3	Does the acquisition of this land increase the certainty of use of existing land used for the purposes of public open space?	no	There are other options as discussed under the 'threshold question section' Could advocate to state gov to retain entire site as open space. Could require a contribution of land for OSL to ensure open space is provided on site
4	Does the acquisition of this land deliver other Council objectives (beyond Breathing Space)?	not necessarily	Provision of transport links will deliver other transport objectives. Transport links may be provided regardless of whether Council purchases the land.
5	Does the acquisition of land improve or assist in delivery of internal council process or responsibilities?	no	
6	Has the area been identified previously for acquisition by adopted Council documents or resolutions?	no	Resolution from Council on 29.4.2019 to advocate to the State Government to ensure that the Fairfield Rail Spur: a) Has a direct shared user path and linear park through the length of the site, b) Provides open space to serve the local community, such as skate facilities and basketball/netball half court; and c) Provides that any residential use should be exclusively for public or social housing at accessible locations on the site.

Attachment 3

			<p>4)Advocates to the State Government to retain the Fairfield Rail Spur site as public land.</p> <p>5)Advocates to the State Government to consult with Council and the community about any future uses or development of the Fairfield Rail Spur site, to inform any decision about its future use.</p>
7	Has there been a previous commitment to the community related to the use of the land for the purpose of open space?	yes	As above
8	Would use of the land for purposes other than open space be inconsistent with Council objectives?	no	Public housing and transport link would also align with Council objectives
9	Would use of the land for purposes other than open space compromise environmental values?	yes	
10	Is the acquisition of adjoining parcels of land or the implementation of a shared use agreement likely, if the land remains in private ownership?	yes	However, not necessary if receive land as OSL contribution
Benchmark: a higher number of YES responses indicates a higher level of implementation alignment and corresponding priority		total	2 or 3/10 Very low number of yes responses

Recommendation based on steps 1 -3

Assessment against decision making framework recommends to abandon purchase of the land for public open space.

Cost to purchase entire parcel

The threshold questions interrogate the cost of land, delivery of public open space, [REDACTED] and on going maintenance. The assessment relies on whether the valuation of the land is negotiable, or can be split into smaller parcels for purchase.

[REDACTED]. Nor are there sufficient funds to deliver public open space on the site to a relevant standard on top of the land price. Ongoing maintenance of the land would also be an additional, substantial cost.

Attachment 3

Cost to purchase portion to expand open space offering

[REDACTED]
[REDACTED] centre. As part of [REDACTED] redevelopment, at least 5% public open space must be provided through the planning system. This equates to roughly 700m².

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Part purchase

Council may have sufficient funds available [REDACTED] to purchase and deliver part of the site for public open space. However, an assessment against the Breathing Space and Implementation criteria also recommends abandoning purchase. These considerations are discussed below.

Need for open space

Breathing Space: the Darebin Open Space Strategy, Implementing Breathing Space and Enhancing Open Space show that the Alphington/Fairfield precinct has a medium rate of population growth. The area has good open space provision and is not a priority for new open space delivery. There is also accessible open space just beyond the south of the precinct in the City of Yarra.

The City of Yarra Open Space Strategy also shows that the Fairfield -Alphington precinct is well provided with open space and significantly contributes to the landscape character of these areas. Local open space will be provided on the Alphington Paper Mill site as part of the Development Plan. The Alphington Paper Mill site is located diagonally opposite the Fairfield Rail spur.

Implementing Breathing Space and Enhancing Open Space recommends the delivery of new public open space in priority investigation areas (PIAs). These are areas where the proactive delivery of new open spaces should be prioritised. PIAs have current gaps in resident's access to open space, high levels of growth as well as existing and future deficiencies in open space provision per person. Priority Investigation Areas include:

Area A – Tyler Street/Summerhill (Reservoir South)

Attachment 3

Area B – Preston West/ Thornbury West

Area C – Murray and Plenty Rd, Preston (Preston Industrial, Preston Northland, Preston Central)

Area D – Preston Junction

Area E – Reservoir Activity Centre/ Reservoir West Industrial

Area F- Darebin Road/ High Street (Thornbury East)

Fairfield/Alphington is considered a secondary investigation area - areas where there are current proximity gaps but which are subject to lesser per capita shortfalls. There are a pocket of dwellings that do not have access to open space within 500m walking distance in the Fairfield/Alphington Area (shown below in the yellow bubble). The blue arrow shows the approximate location of the Fairfield rail spur. The creation of public open space at the Fairfield rail spur could fill this current gap in access.



However, using the open space reserve to deliver more open space for Fairfield/Alphington would have a detrimental impact on Council’s ability to deliver more open space in areas of higher priority.

Attachment 3

Other opportunities to deliver open space that do not require the purchase of the land

The opportunity to deliver open space on the site could be realised without Council purchasing all or part of the site as is discussed in more detail below.

Should the land be purchased privately and housing delivered on site, a public open space contribution would be required under clause 53.01 of the Darebin Planning Scheme. Currently the open space levy would deliver 5% in land or cash. Should Amendment C186 be gazetted in the planning scheme prior to any subdivision of the land, a 10% open space levy would be required. [REDACTED]

Alternative options to deliver public open space which would be more cost effective to Council

Source	Amount of public open space land	Comment
5% POS	720m2	Minimum to be provided to Council as open space levy (OSL) contribution
10% POS	1440m2	If Amendment C186 and increased 10% OSL gets approved prior to subdivision
[REDACTED]	[REDACTED]	[REDACTED]

A 5% open space levy contribution plus [REDACTED] would potentially deliver enough land for new public open space to meet the needs of the community. *Delivery of public open space and on going maintenance costs still require confirmation.*

There is also an opportunity to advocate for a higher open space contribution including the requirement for a shared path through the site at no cost to Council.

**Confidential document released to the public
pursuant to the Council Resolution made relating to
Item 9.1 - Governance Report on 27 May 2024.**

Council Resolution

MINUTE NO. 23-043

MOVED: Cr. S Rennie
SECONDED: Cr. T Laurence

That Council:

- (1) Notes that the Darebin Enterprise Centre Ltd (trading as Melbourne Innovation Centre) has held a lease for 2 Wingrove Street Alphington since its establishment in 1998 to fulfil Council's objectives relating to an incubation site for start-up business, offering short term use for 3 years to start up enterprises and incubation support.
- (2) Notes that an Expression of Interest for 2 Wingrove Street, Alphington was advertised on 8 February 2023 and closed on 22 February 2023, based on the following principles:
 - a. Use aligned to zoning of the land, being *Public Use Zone 6 – Local Government*;
 - b. Use of buildings and/or land that are fit for purpose for short to mid-term use, with consideration to any site remediation by Council, will be considered for interest;
 - c. Use that delivers community outcomes directly by supporting start up enterprises within the Darebin community or toward Council strategies;
 - d. Use that delivers community outcomes aligned to the Council Plan Strategic priorities;
 - e. Use that generates indirect community outcomes to fund future planning or improvements on the property;
 - f. Use that is consistent with the environmental history of the site, as a former tip, and enables appropriate monitoring to be undertaken.
- (3) Notes the CEO was delegated to determine the best short to mid-term use of 2 Wingrove St Alphington by Council on 25 January 2023.
- (4) Notes the outcome of the evaluation of Expressions of Interest by the Evaluation Panel and recommendations provided to the CEO for approval under delegation.
- (5) Notes that there is no Statutory requirement for licences arising from the EOI to proceed to community engagement.
- (6) Notes the reputational risk associated with the decision by DECL to provide 90 days' notice to its licensees and delegates to the Mayor media responses.

CARRIED

For: Cr's
Abstained: Cr. Dimitriadis

Item 9.1 - Appendix G

Confidential document released to the public pursuant to the Council Resolution made relating to Item 9.1 - Governance Report on 27 May 2024.

13. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL CONFIDENTIAL

This item is confidential because it is land use planning information, being information that if prematurely released is likely to encourage speculation in land values and private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage, pursuant to Section 3(1) (c) and (g(ii)) of the Act.

13.1 **RESPONSE TO PROPOSED DEVELOPMENT OF AN MRNA FACILITY AT LATROBE UNIVERSITY (44 CRISSANE ROAD, BUNDOORA)**

Author: Manager City Futures
Acting Manager City Development

Reviewed By: General Manager City Sustainability and Strategy

EXECUTIVE SUMMARY

Council has been notified under Section 52(1)(b) of the *Planning and Environment Act* 1987 by the Victorian Government of a planning permit application (DTP Ref: PA2302688 / Council Ref: MP/1/2024). The application is for the use and development of land for a research and development centre, reduction in the car parking requirements and removal of native vegetation at 44 Crissane Road, Bundoora as part of Latrobe University.

The application is one of the first for Darebin that is being assessed via the new 'Significant economic development' (Clause 53.22) provisions introduced as part of the Victorian Housing Statement. Accordingly, Council is not the decision making (responsible) authority and is instead being asked to provide feedback to the Victorian Government, with the Minister for Planning making the final decision.

This proposal will see the establishment of an mRNA research and manufacturing facility which is a joint initiative between La Trobe University and the global biotechnology company BioNTech, which is a health research firm. This proposal will see BioNTech deliver next-generation mRNA therapeutics and vaccines for research and clinical trials, including infectious diseases and cancer medicines. This will be complemented by a new Victorian Centre for AI in Medical Innovation (CAMI) at La Trobe, which has also been recently announced.

Given that Council is not the responsible authority for this proposal – and is not receiving any statutory fees for assessment - Council officers have undertaken a "light" and high-level review of the project to identify any key issues that the Department of Transport and Planning should address.

The proposed development of a mRNA facility at La Trobe University is strongly aligned with Council's strategic direction and is recommended to be supported based on the medium- and long-term economic, employment and educational benefits that will accrue to the surrounding La Trobe NEIC and local neighbourhoods.

While the proposed research and manufacturing facility is fundamentally supported, there are elements of the detailed design that could be improved to ensure a range of policy outcomes are achieved including native vegetation removal, access arrangements and stormwater management.

To this end, it is recommended that Council endorse the attached draft (Attachment A) letter to the Department of Transport and Planning providing feedback on the proposal.

Officer Recommendation

That Council endorses the response to the Department of Transport and Planning to application MP/1/2024 for 44 Crissane Road, Bundoora as contained within **Appendix D**.

BACKGROUND / KEY INFORMATION

As part of its reform of the planning system, the Victorian Government has progressively removed a range of major development categories from the decision-making powers of councils. Most recently, this trend was accelerated through the series of reforms associated with the Victorian Housing Statement, when two state-wide amendments to planning schemes shifted decision-making powers from councils to the Minister for Planning.

Accordingly, the Victorian Government has expanded its Development Facilitation Program (DFP). From their website this program:

“...is an accelerated assessment pathway for priority projects in identified sectors. The sectors target projects that will inject investment into the Victorian economy, keep people in jobs and create homes for people.”

Under this program, the Minister for Planning is the responsible authority for all applicable applications. Engagement with councils and other relevant stakeholders is informal in the first instance, and potentially placed on public consultation if it progresses to phase two.

On 5 February 2024, Council was notified under Section 52(1)(b) of the *Planning and Environment Act* 1987 by the Victorian Government of planning permit application (DTP Ref: PA2302688 / Council Ref: MP/1/2024).

The application is for use and development of the land for a Research and Development Centre, reduction in the car parking requirements and removal of native vegetation at 44 Crissane Road, Bundoora as part of Latrobe University.

The applicant has applied to the Victorian Government under a new planning scheme provision, Clause 53.22 (Significant economic development). This provision does not provide any formal referral mechanism for Council to be involved in this project and there is no mechanism for either Council or the community to appeal a decision on this application to VCAT.

Council has not received any revenue in respect of the review of this application, either in terms of a planning permit application fee or pre-application fee. Accordingly, in line with current interim processes, Council officers have undertaken a “light” and high-level review of the project.

The Subject Site is located in a Public Use Zone - Education (PUZ2) and is affected by the Development Contributions Plan Overlay - Schedule 1 (DCPO1) pursuant to the Darebin Planning Scheme.



Figure 1: Site location plan. Source: Applicant documentation - Urban Context Report, page 9

The applicant identifies that the proposal will see BioNTech deliver next-generation mRNA therapeutics and vaccines for research and clinical trials, including infectious diseases, and cancer medicines. It can be summarised as follows (detailed architectural plans are provided at **Appendix A**):

- A 3 storey building with a gross floor area of approximately 8,080m².
- Provision of 89 car parking spaces and 16 bicycle parking spaces, resulting in a reduction of 149 car parking spaces less than that required under the planning scheme.
- Removal of native vegetation – 3 trees and associated habitat, in addition to 1 non-indigenous tree.
- Hours and staffing (85 employees) are proposed as follows:

Research grade production & business enabling functions	Up to 55 employees	Hours: 8:00am - 5:00pm
Manufacturing Staff Shift 1	Up to 30 employees	Hours: 6:00am - 3:00pm
Manufacturing Staff Shift 2 (2-3 days per week)	~15 employees	Hours: 2:00pm - 11:00pm

Figure 2: Overview of hours of operation and staffing levels.

Further detailed background information for the proposal is available at **Appendix B (Town Planning Report)** and **Appendix C (Urban Context Report)**.

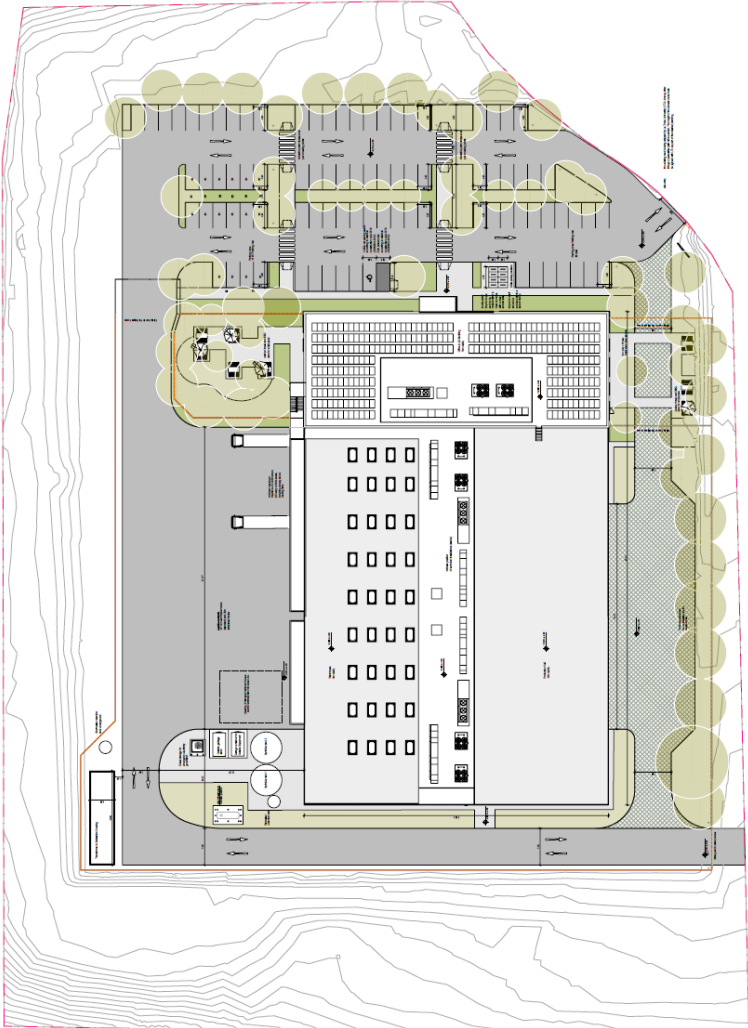


Figure 3: Site Plan Source: Applicant documentation - Architectural Plans



Figure 4: Design 3D perspective Source: Applicant documentation - Architectural Plans

Latrobe NEIC

Latrobe University is part of the identified Latrobe National Employment and Innovation Cluster (NEIC), one of seven nationally recognised economic precincts across metropolitan Melbourne:

Seven national employment and innovation clusters have been identified across metropolitan Melbourne. Each is anchored by a specialised activity (such as a university, research facility, medical facility or manufacturing enterprise) that has seeded its growth. These clusters are Monash, Parkville, Fishermans Bend, Dandenong, La Trobe, Sunshine and Werribee.

The national employment and innovation clusters are focused on knowledge based businesses that locate close to each other for knowledge and resource sharing. The clusters are distributed throughout Melbourne and along high-capacity transport networks to provide greater access to high-productivity jobs.

Plan Melbourne seeks to “Create a city structure that strengthens Melbourne’s competitiveness for jobs and investment (Direction 1.1)”, in part through “... the development of national employment and innovation clusters (Policy 1.1.3)”.

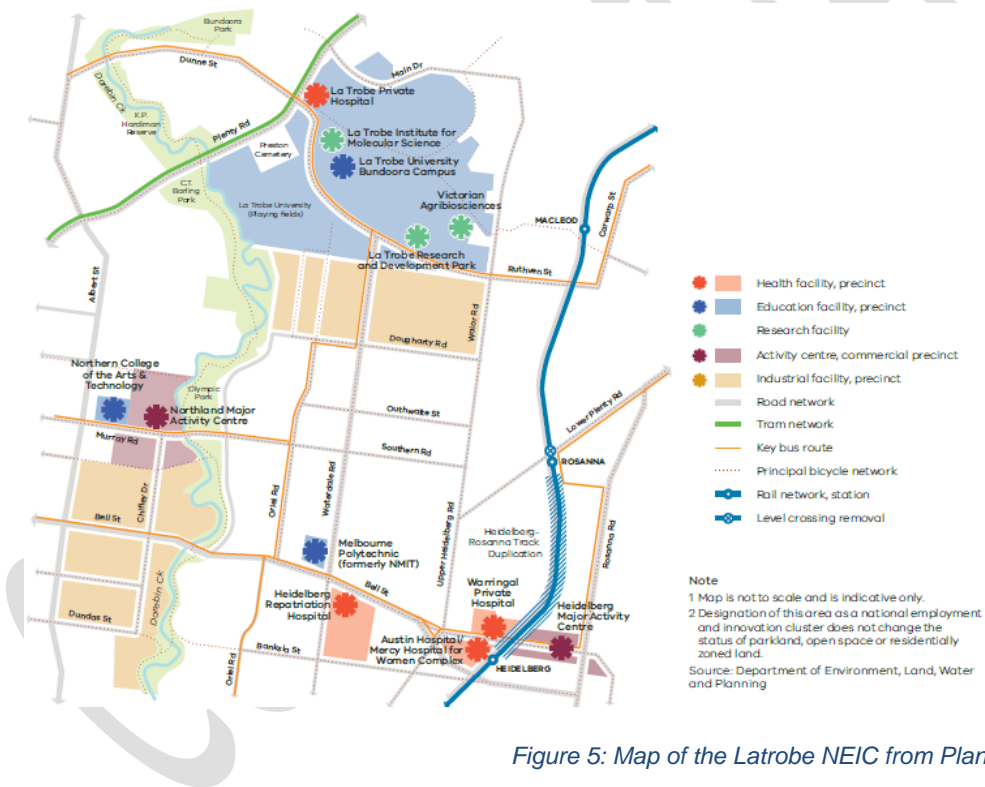


Figure 5: Map of the Latrobe NEIC from Plan Melbourne.

In conjunction with Banyule City Council, Darebin is currently leading a coordinated effort with nine (9) key industry partners including La Trobe University and Northlink to champion a renewed focus on the Latrobe NEIC by the Victorian and Federal governments. This includes the preparation of an opportunities paper as a first step toward attracting significant investment in the precinct which is of strategic importance to both municipalities.

La Trobe University is a key component of building the competitive value of the NEIC.

Previous Council Resolution

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

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 3: Climate, Green and Sustainable

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

4.4 We will ensure major changes in our city achieve significant improvements in our City

DISCUSSION

Although Council is not the decision making (responsible) authority for this decision (the Minister for Planning is) Council has been notified, and DTP is seeking Council views and input.

The proposed development of a mRNA facility at La Trobe University is strongly aligned with Council's strategic direction and is recommended to be supported based on the medium- and long-term economic, employment and educational benefits that will accrue to the surrounding La Trobe NEIC and local neighbourhoods.

While the proposed research and manufacturing facility is supported, there are elements of the detailed design that could be improved to ensure a range of policy outcomes are achieved; specifically:

- An improved response to the Victorian Government *Guidelines for the removal, destruction or lopping of native vegetation*.
- Reconsideration of vehicle entry points, and consultation with the Banyule City Council.
- Greater detail and consideration of stormwater management.

These points are explored in more detail below.

Building the competitive value of the La Trobe NEIC

The mRNA facility is a joint initiative between La Trobe University and the global biotechnology company BioNTech, which is a health research firm "...focused on utilising the potential of the immune system by developing investigational immunotherapeutic treatment methods including mRNA-based vaccine candidates, to fight cancer and other diseases". (Source: <https://www.latrobe.edu.au/news/articles/2023/release/biontech-to-establish-mrna-facility-at-la-trobe>)

The announcement of this mRNA research and manufacturing facility was accompanied by a new Victorian Centre for AI in Medical Innovation (CAMI) at La Trobe, also announced by the Victorian Government. CAMI "...will develop and apply innovative AI solutions and provide pathway opportunities for researchers and students in this rapidly evolving field. The Centre will sit alongside the planned BioNTech facility". (Source: as above). From the press release, La Trobe Chancellor the Hon John Brumby AO described the investment as 'truly groundbreaking' and a huge step forward for La Trobe and Victoria' and noted that:

"La Trobe is the perfect location for these facilities, with our world-leading capability in infection and immunology as well as in AI and digital innovation. We are establishing La Trobe as a thriving innovation precinct, well placed to support biotechnology research and innovation activities in Melbourne," Mr Brumby said.

“Establishing the planned mRNA facility and Victorian Centre for AI in Medical Innovation within La Trobe’s University City of the Future in Melbourne’s north locates them in an area surrounded by high tech industry, manufacturing, and healthcare.”

As noted by the Chancellor, these announced investments are key components contributing to the competitive advantage of the NEIC. The benefits of these facilities will extend beyond the confines of the University, positively influencing investment and development in surrounding neighbourhoods, particularly the nearby industrial precincts of East Preston and Heidelberg.

This investment is strongly aligned with Council’s strategic directions of advocating for greater employment and educational opportunities, and its advocacy in relation to the development of the La Trobe NEIC.

For these reasons, it is recommended that Council support the establishment of both the mRNA facility and the new Victorian Centre for AI in Medical Innovation (CAMI) at La Trobe.

Native Vegetation Removal

The proposed landscape concept plan for the redevelopment of the site is generally acceptable.

Notwithstanding this, the design response does not apply the three-step approach of the Victorian Government Guidelines for the removal, destruction or lopping of native vegetation (December 2017), step 1 being avoid, step 2 being minimise and step 3 being offset. The application proposes the removal, and subsequent offset, of native vegetation in the form of at least 3 trees and associated integrated habitat. While the proposed plans for the development suggest retention of some High Retention Value Trees on the site, this is subject to further detailed site analysis being undertaken, which may result in their removal.

The design response should be amended to avoid the removal, destruction or lopping of native vegetation. Noting the majority of vegetation is on the periphery of the site, avoidance of removal in this instance is an achievable outcome and is encouraged by Council.

Vehicle entry points

The application proposes a new vehicle entry point near the south-eastern boundary of the site, at the intersection of Crissane Road and Korong Road, for which Banyule City Council is the relevant road authority. Banyule City Council should be notified and integrated into the assessment process for this application.

Additionally, it is noted that the land title submitted with the application does not show Crissane Road on the title plan nor does it show access to that road, raising questions as to the legality of the proposed access arrangements.

Transport and Car Parking

Transport and car parking impacts from the application are adequately managed. The proposed facility generates a statutory car parking requirement of 223 spaces. The applicant is proposing 89 car parking spaces (a reduction of 134 spaces) on the site as part of the development. The submitted transport assessment details a maximum demand for car parking spaces from the facility of 85 spaces at any time. Together with the provision of sufficient bicycle parking and the availability of 4 bus routes within 400 metres of the site, the car parking provision is supported by Council’s Sustainable Transport team.

Stormwater management

The application does not include any stormwater management information and therefore does not demonstrate that the design and layout of the development has been designed to:

- Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

Additionally, the specific engineering design may require collaborative design solutions between the applicant and both Darebin City and Council and Banyule City Council as it is unclear which stormwater legal point of discharge would be the most appropriate to access. The assessment and decision making does not suitably protect the Darebin Creek and surrounding habitat areas and does not represent the orderly and integrated planning of the area.

Land Contamination

The application notified to Council includes several detailed expert reports relating to geotechnical and land contamination assessments. In progressing with the development, the applicant and the Department of Transport and Planning should ensure the application adequately addresses and responds to any on-site contamination, should it be present.

Next steps

On the basis of the above, it is recommended that Council support the use and development of the land for a Research and Development Centre for the mRNA facility, but as part of that approval request further consideration be given to avoiding native vegetation removal, access arrangements and stormwater management.

To this end, it is recommended that Council endorse the attached draft (Appendix D) letter to the Department of Transport and Planning providing feedback on the proposal.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

This item concerns a planning matter that Council has been notified of by the Victorian Government. Council has not received any statutory fees for the assessment of the proposal, which would have been substantial given the (assumed) value of the development.

Accordingly, Council officers have undertaken a 'light' high level evaluation of the proposal to minimise the resources dedicated to assessing the proposal.

Community Engagement

This item concerns a planning matter that Council has been notified of by the Victorian Government. Council is not the assessing authority and is thus not responsible for determining or giving notice of application.

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

As highlighted within this report, some feedback will be provided to the Department of Transport and Planning seeking improvements in relation to native vegetation removal and stormwater management associated with the proposal.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

This item concerns a planning matter that Council has been notified of by the Victorian Government. No Equity impact assessment (EIA) / Gender impact assessment (GIA) has been completed for this project by council staff. As the agent-of-change, the obligation to undertake such assessments rests with the State Government.

Economic Development and Cultural Considerations

The proposed developments are key components contributing the competitive advantage of the La Trobe NEIC. The benefits of these facilities will extend beyond the confines of the University, positively influencing investment and development in surrounding neighbourhoods, particularly the nearby industrial precincts of East Preston and Heidelberg. The proposed development is thus anticipated to have significant economic, employment and education benefits.

Construction of the facility will generate short-term employment and economic benefits. On the information submitted, some 100 high-skilled jobs are likely to be generated.

Operational Impacts

The proposal has been referred to internal Council units, but no significant issues have been identified (other than drainage, potential native vegetation removal, and management of any contamination that may be identified on the site. These matters are addressed above).

Legal and Risk Implications

As this item concerns a planning decision to be made by the Victorian Government, no legal risks have been identified.




IMPLEMENTATION ACTIONS

Should Council support the recommendation within this report, then the attached letter will be sent to the Department of Transport and Planning providing feedback on the proposal. There may be additional discussion between DTP and Council staff, but it is anticipated that the Minister for Planning will approve the application for a planning permit within a short period.

RELATED DOCUMENTS

None.

Attachments

- Appendix A - Architectural Plans (**Appendix A**) Confidential - enclosed under separate cover [↓](#) 
- Appendix B - Planning Report (**Appendix B**) Confidential - enclosed under separate cover [↓](#) 
- Appendix C - Urban Context Report (**Appendix C**) Confidential - enclosed under separate cover [↓](#) 

- Appendix D - Draft letter to DTP (**Appendix D**) Confidential - enclosed under separate cover  [↓](#)

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of 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.


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