

To	Person Person Personplanningservices@darebin.vic.gov.au
Cc	[REDACTED]
Bcc	[REDACTED]
Subject	Amendment C210 dare

To the:

CoOrdinator of Strategic Planning

My name is [REDACTED]

I have lived in Darebin for 44 years and worked locally for 22 years.

Thankyou for giving us the opportunity to have our say on this very important matter. We want to mention at the outset that we also made a submission in 2019 when Council was attempting to get a 10% OS(Open Space) Levy C186 approved on the tail of Kingston Council, as I recall.We raised many concerns back then in regard to C186. And many of those same concerns are relevant to Amendment C210 as we say that the Breathing Space Strategy is flawed, particularly in the way that Council has assessed what projects get the funds to the detriment of other areas.

We understand that *"the Subdivision Act does not mandate the use of funds for the purpose they were collected(i.e.funds collected do not need to be spent on projects that will benefit the area that paid the contribution"*. We say this has been an undemocratic process and that it would be a much fairer process to devote more funds to the most needy and neglected parts of the municipality that will house most of the future population growth.

Because this issue of inequity has not been addressed since the adoption of the Breathing Space Strategy in 2019, our view is that it remains an unresolved issue. To accept the Amendment as is, would be accepting an inequitable and discriminatory practice that will negatively impact livability in the northern end of Darebin potentially for the next 10 to 20 years

Amendment C210

1. At the outset, we would like to make the point that we support Council's decision to raise the levy to a flat 5% and we would expect that Council will apply to increase the OS levy to double in the very near future.

2. Council ought to acknowledge that many of Darebin's open spaces have suffered historic neglect. To be hoping to raise the levy is really a case of too little, too late. For the Council to be considering this issue post the development boom, is a failure to maximise the opportunity and the potentially enormous benefits to the community.

3. It is disconcerting that in the background information chart naming a number of LGA's, that Darebin is comparing the levies with that are charged by Stonnington, Banyule, Boroondara and Monash, but no statement or comparison has been made comparing the condition, quality and amenity within the parks of other LGA's. Sadly, Darebin is starting at a low base as Darebin has fallen way behind other Councils and it makes the figure of 5% that Darebin is seeking somewhat meaningless when comparing the poor condition of many of Darebin's open spaces with other Councils..

4. Of great concern to us, is how and where (as in which Ward areas) the Open Space levy will be raised? That is, where in Darebin are the majority of subdivisions in relation to the location of future population growth? We suspect that most new higher density development will be situated in Preston and Reservoir; the northern end of Darebin.

5. In regard to the previous point, according to the priorities and criterion used in the Breathing Space Strategy, most of the levy raised will be allocated to proposed improvements to parks in the southern end of Darebin that in general are in a better condition (so more people use them) than most parks in the northern end of the municipality.

The approach taken in Breathing Space to assess which Open Spaces "deserves" funding through the levy, skews the outcome to favour parks located in the southern end of Darebin. The priorities and criterion favour the already established parks over parks in the north that have received little to no attention for generations. There has been little attempt to improve the amenity of many of those parks that would make them more attractive, more usable or that addresses the heat island effect, particularly around Central Preston.

6. On the other hand, Penders Park in Thornbury has already received a makeover and a plan to upgrade Mayer Park and rewild a section of Northcote Golf Course in Thornbury was made public 2 or 3 years ago. Plans have already been drawn up to rebuild the Bill Laury pavilion in Westgarth at an "over the top cost".

7. It is alarming that in the Enhance Breathing Space document that all parks in Darebin are classified into 3 groups- Type A, Type B and Type C. We say this method is totally unsatisfactory as there is no attempt to address this disparity in C210. The little amount of funds and attention directed to Darebin's north, will make those parks look even more deprived and unloved. Where is the love?

8. *Clause 19 – Infrastructure. “The objective at clause 19.02-6S Open space is ‘to establish, manage and improve a diverse and integrated network of public open space that meets **the needs of the community**’.*

*“The objective at clause 19.02-6R Open space – Metropolitan Melbourne is **to strengthen the integrated metropolitan open space network**’.*

9. The wording here refers to the existing community, not the future community living in high density and its difficult to see how creating a tiered system with so many C Type parks is strengthening the integrated metropolitan open space network.

10. *“The amendment supports this clause by providing for funding to improve and acquire new open spaces that meet the needs of the community.*

11. There is no clear detail on even a preferred location of any acquired land, which should be the role of the Planning Department to give advance notice

12. *“The amendment is also consistent with the objective at Clause 19.02-6L which seeks to ‘**provide a safe, accessible and high-quality open space network that is equitably distributed across the municipality**’.*

13. Again, creating a tiered class of Type A, B and C parks suggests that Darebin is not even attempting to make a high-quality open space network that is equitably distributed across the municipality.

14. Apart from Bundoora Park, in the north of Darebin, all other parks it seems, are classed as Type C parks. At the community consultation for C186 in 2019, the question was asked “Can a Type C Park ever be considered to become any better?” Curiously, the officers present at the meeting could not answer that question.

15. *Outcome 6: Melbourne is a sustainable and resilient city.*

- *Direction 6.4 – make Melbourne cooler and greener. The amendment will support a cooler Melbourne by enabling the greening of urban areas and strengthening the integrated open space network.*

- *Direction 6.5 – protect and restore natural habitats. The amendment will improve and add to Darebin’s network of green spaces, supporting biodiversity conservation and providing opportunities to connect with nature.*

16. It is a real concern that no consideration has been given to increasing the amount of Open Space in the areas that have been identified as having well below what is acceptable. Central Ward is the area with the least Open Space and most of the space is active open space for sport and playground and dog friendly parks. There is no passive Open Space that could be characterised as urban forest where one might sit to appreciate nature and solace.

17. If C210 is approved, Council claims that the amendment will apply for the next 10-20 years, which means no prospect for an increase of quality or quantity for the near future despite Preston and Reservoir shouldering the burden of the increase in population growth

18. It is our view that the approach taken in developing the Breathing Space document is essentially driven by some political motive rather than taking a balanced approach to the distribution of available funds spent equitably across the whole of Darebin that increases both quantity and quality of our open spaces.

19. As this is such an important issue to the wider community, we wonder why the amendment was first introduced at a General Council Meeting, without notice went to a Council Planning Meeting but didn't come back to a General Council Meeting.

20.

Recommendations

- a) -By all means raise the Open Space Levy to a flat 5%.
- b) - Council has chosen to sandwich two issues together as an all or nothing decision and we say that it would make more sense to separate them i.e. 1) raising the OS levy and 2) implementing C53.01.
- c) -CI 53.01 is probably best applied to Councils that have devoted more attention to their parks in the past, so Darebin really is an exception to CI 53.01.
- d) -If there are no adjustments made to Breathing Space, we recommend staying with Section 18.
- e) -Review the unfair criterion and priorities in the Breathing Space Strategy to make decision making more equitable, after all, this is about good governance.
- f) - Specify where along the spine of Darebin that land will be likely to be purchased using funds raised by the OS Levy to increase the quantity of open space.
- g) - Think bigger by increasing the quantity and quality of public open space with more tree canopy and urban forest areas that are not along the creeks/edges of the municipality.

Regards

[REDACTED]

[REDACTED]

Dear Sir/ Madam

This is in relation to your letter regarding amendment C210dare. I just want to request you that since we have lodged our application for subdivision prior to these changes, so these changes should not be effective on our application.

Regards

[Redacted Signature]

Open Space Levy - Planning Scheme Amendment C210dare

1. (untitled)

1. Please provide the details of your submission.

Thank-you for the opportunity to make a submission to this Planning Scheme Amendment.

I do not live in Darebin municipality, however the issue that I want to raise in this submission is relevant across all local Councils.

My submission is mostly about process, and whether the Planning Committee of Darebin Council has a valid Instrument of Delegation as a Delegated Committee. I have noticed that all stages of Planning Scheme Amendments are decided at Planning Committee meetings of Darebin Council, and not at ordinary Council meetings, which means that the general public is less likely to be aware that an Amendment is underway. It means also that the Planning Committee makes decisions to adopt or abandon planning scheme amendments - an example being the 12/9/22 Planning Committee decision to allow Amendment C186dare to lapse, and the 8/5/23 Planning Committee decision to endorse the translation of the planning policy framework as a Ministerial 20(4) amendment.

When I look at section 188 of the Planning and Environment Act 1987, sub-section (1) says that a planning authority can delegate any of its powers, discretions or functions by instrument to a committee of the authority, BUT sub-section (2) says that it does not apply to section 28, 29 or 191 of the PE Act 1987. Sections 28 and 29 relate to the adoption and abandonment of planning scheme amendments.

Comparing the Darebin Instrument of Delegation to that of Boroondara Council and Port Phillip Council shows that the wording of the Instrument is completely different. Boroondara and Port Phillip Council's Instruments have similar wording.

The Port Phillip Council Instrument of Delegation dated 20/10/21 has a note at the bottom of page 2 which says that "The effect of this condition is that the Planning Committee can hear submissions in relation to planning scheme matters but cannot make decisions in relation the adoption, abandonment etc of proposed planning scheme amendments".

That confirms how I read section 188 of the PE Act 1987 as a lay-person, non-expert.

Therefore I am left wondering why Darebin Council has an Instrument of Delegation to its Planning Committee that does not point out the limitations on the powers to adopt or abandon a planning scheme amendment.

And I am making this submission to C210dare so that both the Planning Authority (Darebin Council) and any Planning Panel can check this important detail, and give a response or recommendation please.

On C210dare itself, I have a neutral position, and I think that any final decision on C210dare should be made at a Council meeting, not a Planning Committee meeting.

Links to the above-mentioned Instruments of Delegation are as follows:

(a) Darebin Council Instrument of Delegation dated 11 November 2021 is here: <https://www.darebin.vic.gov.au/-/media/Council/Files/About-Council/Councillors-and-meetings/Governance-and-transparency/Public-Registers-and-information/InstrumentofDelegationPlanningCommittee-2021.ashx> and a copy is also attached.

(b) Port Phillip Council Instrument of Delegation dated 20/10/21 is here: <https://www.portphillip.vic.gov.au/media/qfrgi5em/c5-instrument-of-delegation-council-to-planning-committee-20-october-2021-signed.pdf>

(c) Boroondara Council Instrument of Delegation dated 27/7/21 is here: <https://www.boroondara.vic.gov.au/media/67881/download?inline>

Thank-you for the opportunity to make a submission.

2. If you would like to include documentation to support your submission, please upload it here.

[InstrumentofDelegationPlanningCommittee-2021.pdf](#)

3. Please provide the following details about you so we can contact you about the amendment

	Details
First Name	
Last Name	
Postal address or Email address	
Postcode	

4. What is your relationship with Darebin? (choose all that apply)

I visit Darebin

Open Space Levy - Planning Scheme Amendment C210dare

1. (untitled)

1. Please provide the details of your submission.

I would like to submit that the revenue gathered from the Open Space Levy should be spent on Open Space.

Open space needs to be clearly defined.

Darebin took money from the open space fund and paid down debt on the Northcote Pool, in some loophole argument that part of the site was open space. This was and is entirely inappropriate and should be prevented from happening in the future.

2. If you would like to include documentation to support your submission, please upload it here.

3. Please provide the following details about you so we can contact you about the amendment

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First Name	
Last Name	
Postal address or Email address	
Postcode	

4. What is your relationship with Darebin? (choose all that apply)

I live in Darebin

Open Space Levy - Planning Scheme Amendment C210dare

1. (untitled)

1. Please provide the details of your submission.

I just want to say that I think any new developments should be taxed/levied at the highest possible rate and if thats 5% then so be it. We need more green space in Darebin, we need to make the area more liveable because atm its very fragmented and dangerous. In my eyes if a 5 year old cant freely run around town like they did 30 - 40 years ago then theres a major problem that needs to be rectified and this comes under making Darebin child-friendly and all the infrastructure including green spaces as part of that. In fact if I see any development go up without a substantial amount of green space attached ill be very disappointed. I want to ideally see Darebin be a bunch of highrises in a forest in a utopian world, build up, cover the land green and child-friendly. Many others have also been pointing out apparently this levy money is going to maintenance and paying off debt of old projects. STOP! Darebin needs like vastly more green space we cant be wasting this green space levy on old stuff and not making any progress at all!

2. If you would like to include documentation to support your submission, please upload it here.

3. Please provide the following details about you so we can contact you about the amendment

	Details
First Name	
Last Name	
Postal address or Email address	
Postcode	

4. What is your relationship with Darebin? (choose all that apply)

☐ I live in Darebin
☐ I work in Darebin

Hello Brad

Thank you for your letter of 22 February 2024, which gave notice of the amendment to change the public open space contribution rates in your planning scheme.

Merri-bek supports the proposed changes and mentions the following:

1. Merri-bek is currently doing a project to review its existing public open space contribution rates in the Merri-bek Planning Scheme.
2. We understand Darebin had previously sought a higher contribution rate and is doing ongoing work to revisit this issue.

Merri-bek would welcome an opportunity to share information and updates for refreshing contribution rates. Let's organise a time to have a remote discussion?

I look forward to hearing from you.

[Redacted]

[Redacted]



Department of Energy, Environment and Climate Action

Port Phillip Region
PO Box 137
Heidelberg Victoria 3084
DX211902
Telephone: 136 186
ppr.planning@depi.vic.gov.au

Ref: 00003924

Planning Services

Darebin City Council
PO Box 91
PRESTON 3072

Dear Sir/Madam,

PLANNING SCHEME AMENDMENT: C210DARE
ADDRESS: CITY OF DAREBIN

Thank you for your correspondence received 22 February 2024 referring details of the above amendment to the Department of Energy, Environment and Climate Action (the Department; DEECA).

The amendment applies to all land within the City of Darebin, excluding sites listed in the Schedule to Clause 53.01 which have a contribution rate specified.

The amendment proposes to revert to the state standard provisions of section 18 of the *Subdivision Act 1988* for determining public open space contribution requirements for subdivisions that create fewer than five additional lots. It does this by changing the schedule to Clause 53.01 to remove the existing mandatory contribution rates for smaller subdivisions that create an additional two, three and four lots.

This allows for the determination of an appropriate discretionary public open space contribution of up to 5% for smaller subdivisions. The existing 5% mandatory contribution rate still applies for subdivisions that create five or more additional lots.

Response

The Department has no objection to the proposed amendment.

If you have any further questions in relation to this matter, I can be contacted directly at

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OFFICIAL

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

28 March 2024