



Ordinary Meeting of Council

Tuesday, 20 December 2016 at 7.00pm

Agenda

Ordinary Meeting of Council

Tuesday, 20 December 2016 at 7.00pm
to be held at the Moonee Valley Civic Centre

TO :

Members: Cr Andrea Surace Mayor

Cr Cam Nation

Cr Samantha Byrne

Cr Jim Cusack

Cr Rebecca Gauci Maurici

Cr Richard Lawrence

Cr Nicole Marshall

Cr Narelle Sharpe

Cr John Sipek

Officers: Mr Bryan Lancaster Chief Executive Officer

Mr Anthony Smith Director Corporate & Community Services

Ms Gail Conman Director City Services

Ms Kendrea Pope Director Organisational Performance

Ms Natalie Reiter Director Planning & Development

Mr Petrus Barry Manager Statutory Planning

Ms Yvonne Hansen Manager Legislative Services & Support

Business:

1. Opening

2. Apologies

3. Confirmation of Minutes

Ordinary Meeting of Council held on Tuesday, 22 November 2016.

4. Declarations of Conflict of Interest

5. Presentations

6. Petitions and Joint Letters

7. Public Question Time

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BRYAN LANCASTER
Chief Executive Officer

REPORTS BY MAYOR AND COUNCILLORS

Recommendation

That reports by the Mayor and Councillors be received.

8.1 Report by Mayor, Councillor Surace

3 November 2016	Attended Council for Declaration of Polls
7 November 2016	Attended Councillor Induction Session
8 November 2016	Attended Councillor Induction Session in relation to Roles, Responsibilities and Conduct
9 November 2016	Meeting with resident and Chief Executive Officer Attended Councillor Workshop Briefing in relation to roles of Portfolios, Meeting Schedule and Committee Membership
10 November 2016	Attended Statutory Meeting
11 November 2016	Officiated at Remembrance Day Commemoration at Queens Park and Civic Area
15 November 2016	Meeting with Deputy Mayor Chaired Councillor Workshop
17 November 2016	Hosted Principal's Breakfast in Council Chambers Attended Avondale Heights Primary School for inspection of school Attended annual Essendon Fields Business update at Essendon Fields
18 November 2016	Meeting with Owner of The Tiny Chef, Essendon Catch up with new Councillors
21 November 2016	Attended Bendigo Bank, Avondale Heights, 15 th birthday celebration
22 November 2016	Chaired Dinner and Ordinary Meeting
24 November 2016	Attended Regional Forum at Municipal Association of Victoria Attended Western Melbourne Council's Bi-Annual Forum (hosted by Brimbank Council)
25 November 2016	Meeting with Danny Pearson, MP, Member for Essendon; Bryan Lancaster, CEO City of Moonee Valley; Laura Docherty, North Essendon Traders; Keiran Barnes-Jenkins, representative of Minister Donnellans's Office; and VicRoads

	Officiated at White Ribbon and 2016/2017 New Mayors Morning tea.
26 November 2016	Attended Buckley Street Boom Gates Removal Community Information Session
29 November 2016	Meeting with Italian Club Members at Council Offices Briefing with Officers in relation to Christmas Carols briefing

8.2 Report by Councillor Nation

3 November 2016	Attended Council for Declaration of Polls
7 November 2016	Attended Councillor Induction Session in relation to the Local Government Act, Legislation and Budget
8 November 2016	Attended Councillor Induction Session in relation to Roles, Responsibilities and Conduct
9 November 2016	Attended Councillor Workshop Briefing in relation to roles of Portfolios, Meeting Schedule and Committee Membership
10 November 2016	Attended Statutory Meeting
11 November 2016	Attended Remembrance Day Commemoration Ceremony at the Cenotaph, Queens Park
15 November 2016	Attended Meeting with Mayor Attended Councillor Workshop
17 November 2016	Briefing with Director Planning & Development and Manager City Planning in relation to Economic Development matters Meeting with external party and Director Planning & Development and Manager City Planning in relation to Economic Development matters Attended Victorian Local Government Association (VLGA) Rainbow Working Group Meeting at VLGA Office in Carlton
20 November 2016	Attended planning site visit in Union Road, Ascot Vale Attended planning site visit in Farnham Street, Flemington Attended planning site visit in Pascoe Vale Road, Strathmore Attended planning site visit in Hayes Road, Strathmore
22 November 2016	Attended Ordinary Meeting of Council

24 November 2016	Assisted Mayor with St Vincent's Primary School Grade Three visit to Council Chambers Attended Meeting with Mayor Attended Western Melbourne Councils Bi-Annual Forum at Brimbank City Council, Sunshine
25 November 2016	Attended White Ribbon and Mayor and Deputy Mayor 'Meet and Greet' Morning Tea
27 November 2016	Attended Flemington Pop Up Picnic at Pin Oak Crescent, Flemington

8.3 Report by Councillor Byrne

3 November 2016	Attended Council for Declaration of Polls
7 November 2016	Attended Councillor Induction Session
8 November 2016	Attended Councillor Induction Session in relation to Roles, Responsibilities and Conduct
9 November 2016	Attended Councillor Workshop Briefing in relation to roles of Portfolios, Meeting Schedule and Committee Membership
10 November 2016	Attended Statutory Meeting
11 November 2016	Attended Remembrance Day Ceremony at Cenotaph in Neil Heinz Reserve, Essendon West
14 November 2016	Attended Understanding the Organisation Workshop and Strategic/Statutory Planning
15 November 2016	Attended Councillor Workshop
17 November 2016	Attended Principal's Breakfast in Council Chambers
18 November 2016	Attended catch up with new Councillors, Mayor and Chief Executive Officer
21 November 2016	Attended Financial Management, Human Rights Charter & Diversity Training
22 November 2016	Attended Ordinary Meeting of Council
26 November 2016	Attended AJ Davis Reserve, Airport West, Consultation Attended Strategic Workshop Attended Buckley Street Boom Gates Removal Community Information Session at St Columba's College
27 November 2016	Attended Overland Reserve, East Keilor

8.4 Report by Councillor Cusack

3 November 2016	Attended Council for Declaration of Polls
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4 November 2016	Attended launch of the Union Road Local Stories Street Exhibition
7 November 2016	Attended Councillor Induction Session
9 November 2016	Attended Councillor Workshop Briefing in relation to roles of Portfolios, Meeting Schedule and Committee Membership
10 November 2016	Attended Statutory Meeting
14 November 2016	Attended Understanding the Organisation Workshop and Strategic/Statutory Planning
15 November 2016	Attended Councillor Workshop
17 November 2016	Attended Principal's Breakfast Attended Annual Essendon Fields Business Update
21 November 2016	Attended Financial Management, Human Rights Charter & Diversity Training
22 November 2016	Attended Ordinary Meeting of Council
26 November 2016	Attended Strategic Workshop Attended Buckley Street Boom Gates Removal Community Information Session at St Columba's College
27 November 2016	Attended Flemington Pop Up Picnic at Pin Oak Crescent, Flemington
29 November 2016	Meeting with Manager Community Planning in relation to East Timor Partnership issues Meeting with Council Officers in relation to Maribyrnong Park Bowls Club issues Meeting with Director Planning and Development in relation to 320 Ascot Vale Road issues

8.5 Report by Councillor Lawrence

3 November 2016	Attended Council for Declaration of Polls
7 November 2016	Attended Councillor Induction Session
8 November 2016	Attended Councillor Induction Session in relation to Roles, Responsibilities and Conduct
10 November 2016	Attended Statutory Meeting
11 November 2016	Attended Remembrance Day Commemoration Ceremony
14 November 2016	Attended Understanding the Organisation Workshop and Strategic/Statutory Planning
15 November 2016	Attended Councillor Workshop

18 November 2016	Attended catch up with new Councillors, Mayor and Chief Executive Officer
21 November 2016	Attended Financial Management, Human Rights Charter & Diversity Training
22 November 2016	Attended Ordinary Meeting of Council
24 November 2016	Attended Municipal Association of Victoria Induction Day at Darebin Arts & Entertainment Centre Attended Western Melbourne Councils Bi-Annual Form hosted by Brimbank City Council
25 November 2016	Attended the Courthouse Recovery Committee Meeting
26 November 2016	Attended Strategic Workshop Attended Buckley Street Boom Gates Removal Community Information Session at St Columba's College

8.6 Report by Councillor Marshall

3 November 2016	Attended Council for Declaration of Polls
4 November 2016	Attended launch of the Union Road Local Stories Street Exhibition
8 November 2016	Attended Councillor Induction Session in relation to Roles, Responsibilities and Conduct
9 November 2016	Attended Councillor Workshop Briefing in relation to roles of Portfolios, Meeting Schedule and Committee Membership
10 November 2016	Attended Statutory Meeting
14 November 2016	Attended Understanding the Organisation Workshop and Strategic/Statutory Planning
15 November 2016	Attended Councillor Workshop
18 November 2016	Attended Newmarket Phoenix Presentation
21 November 2016	Attended Financial Management, Human Rights Charter & Diversity Training
22 November 2016	Attended Ordinary Meeting of Council
27 November 2016	Attended Flemington Pop Up Picnic at Pin Oak Crescent, Flemington
28 November 2016	Meeting with resident in relation to Dutton Lane Attended update regarding Occasional Care and Kindergarten Waitlists
29 November 2016	Meeting with Manager Community Planning in relation to East Timor Partnership issues

Meeting with Council Officers in relation to Maribyrnong Park Bowls Club issues

Meeting with Director Planning and Development in relation to 320 Ascot Vale Road issues

8.7 Report by Councillor Gauci Maurici

3 November 2016	Attended Council for Declaration of Polls
7 November 2016	Attended Councillor Induction Session
8 November 2016	Attended Councillor Induction Session in relation to Roles, Responsibilities and Conduct
9 November 2016	Attended Councillor Workshop Briefing in relation to roles of Portfolios, Meeting Schedule and Committee Membership
10 November 2016	Attended Statutory Meeting
11 November 2016	Attended Remembrance Day Ceremony at Cenotaph in Neil Heinz Reserve, Essendon West
14 November 2016	Attended Understanding the Organisation Workshop and Strategic/Statutory Planning
15 November 2016	Attended Councillor Workshop
16 November 2016	Attended Rotary Meeting
17 November 2016	Attended Principal's Breakfast in Council Chambers
18 November 2016	Attended Victorian Local Government Association's "Getting it Right" Surviving your first 3 months as a new Councillor information session Participated in telephone buddy system with Citizens Service Officer Attended catch up with new Councillors, Mayor and Chief Executive Officer
19 November 2016	Attended St Vincents Fete Attended Shining Futures Foundation Fundraiser
21 November 2016	Attended Financial Management, Human Rights Charter & Diversity Training
22 November 2016	Attended Ordinary Meeting of Council
26 November 2016	Attended Strategic Workshop Attended Buckley Street Boom Gates Removal Community Information Session at St Columba's College
28 November 2016	Meeting with representative of Aberfeldie Park Cricket Club

8.8 Report by Councillor Sharpe

3 November 2016	Attended Council for Declaration of Polls
7 November 2016	Attended Councillor Induction Session
9 November 2016	Attended Councillor Workshop Briefing in relation to roles of Portfolios, Meeting Schedule and Committee Membership
10 November 2016	Attended Statutory Meeting
14 November 2016	Attended Understanding the Organisation Workshop and Strategic/Statutory Planning
15 November 2016	Attended Councillor Workshop
17 November 2016	Attended Annual Essendon Fields Business Update
22 November 2016	Attended Ordinary Meeting of Council
23 November 2016	Attended meeting with Resident, Manager Technical Services and Council Officers regarding Special Charge Scheme 132-116 Tennyson Street Right Of Way Construction
	Attended Local Area Traffic Management Meeting for the North East Local Area

8.9 Report by Councillor Sipek

3 November 2016	Attended Council for Declaration of Polls
9 November 2016	Attended Councillor Workshop Briefing in relation to roles of Portfolios, Meeting Schedule and Committee Membership
10 November 2016	Attended Statutory Meeting
11 November 2016	Attended Remembrance Day Ceremony at Cenotaph in Neil Heinz Reserve, Essendon West
14 November –	Leave from Council
29 November 2016	

REPORTS

**9.1 72 Nimmo Street, Essendon (Lot 213 on LP 2735) -
Construction of Five Dwellings**

File No: FOL/16/130
Author: Lachlan Orr
Senior Statutory Planner
Directorate: Planning & Development
Ward: Buckley

Planning File No.	MV/364/2016
Proposal	Three three-bedroom and two two-bedroom dwellings. All double storey.
Applicant	DSP Architects
Owner	Genesis Development Pty Ltd
Planning Scheme Controls	General Residential Zone (GRZ1)
Planning Permit Requirement	Clause 32.08-4 – Two or more dwellings
Car Parking Requirements	Required: 9 spaces Provided: 9 spaces
Restrictive Covenants	None
Easements	None
Site Area	1,012 square metres
Number Of Objections	13
Consultation Meeting	14 September 2016

Executive Summary

- This application seeks approval for the construction of five dwellings.
- The site of approximately 1,012 square metres is located on the eastern side of Nimmo Street. The land is bounded by a Right of Way to the east, with Buckley Park Secondary College located on the opposite side.
- The application was advertised with 13 objections received. Concerns were raised in relation to the neighbourhood character and visual bulk, overdevelopment, lack of landscaping, off-site amenity impacts, car parking and traffic impacts, structural impacts on neighbouring walls, social impacts and waste collection.
- The proposal demonstrates compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme. It proposes an appropriate intensification of housing in a location that has seen consistent infill development. The design theme of the development is consistent with the established character of the area.
- The proposal achieves a high level of compliance with the quantifiable standards of ResCode, with five technical areas of non-compliance. Variations associated with the siting of Dwelling 5 as it presents to the rear laneway, and a minor variation the front setback to Nimmo Street, are considered appropriate. Other areas of non-compliance relate to landscaping and overlooking, which will be addressed by condition of permit.
- This report recommends that Council issues a Notice of Decision to Grant a Permit, subject to conditions.

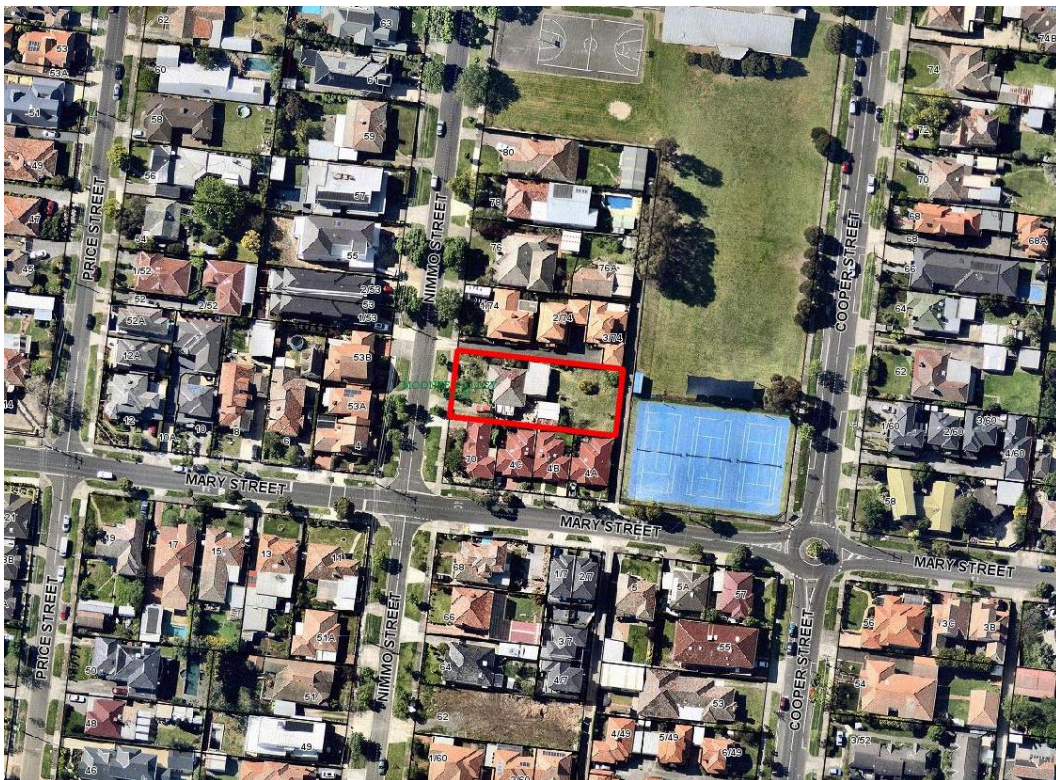


Figure 1: Aerial photograph of subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/364/2016 for the construction of five dwellings at 72 Nimmo Street, Essendon (Lot 213 on LP 2735), subject to the following conditions:

1. Before the development starts, amended plans must be submitted to and approved to the satisfaction of the Responsible Authority. The amended plans must be drawn to scale and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) Fencing provided along the southern boundary to comply with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
 - b) The doors of the storage area to Dwelling 3 designed so that they do not encroach onto the minimum internal garage dimensions required by Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
 - c) The over-bonnet storage areas of Dwellings 2, 4 and 5 to have a minimum clearance height of 1.5 metres;
 - d) Each crossover to be located alongside the northern and southern boundaries with a maximum width of 3 metres along the street frontage, with subsequent modifications to landscaping;
 - e) Each crossover to be constructed as a double crossover with the neighbouring properties;
 - f) A distance of at least 12.2 metres to be provided between each crossover at the kerb;
 - g) The visitor parking space to be clearly line-marked and provided with signage, as well as directional signage provided near the entrance to the accessway;
 - h) The deletion of the pedestrian door to the Right of Way, replaced with appropriate fencing; and
 - i) Any changes as a result of Conditions 3, 4 and 7.

Once approved these plans become the endorsed plans of this permit.

2. Except with the prior written consent of the Responsible Authority, the layout of the land and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified.
3. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM assessments must obtain a minimum of 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.

4. A minimum 30 days prior to any building or works commencing, all WSUD Design Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
5. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation;
 - i) Management of onsite stormwater and prevention of contamination which must be in the form of a detailed statement or report which outlines all measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;
 - j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
 - k) Arrangements for chemical storage;
 - l) Noise and vibration control;
 - m) Risk assessment;
 - n) Works timetable; and
 - o) Number of workers expected to work on the site at any one time.

When approved, the CSMP will be endorsed and will form part of this permit.

The development must be carried out in accordance with the endorsed CSMP and the provisions, requirements and recommendations of the endorsed CSMP must be implemented and complied with to the satisfaction of the Responsible Authority.

6. A maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) Inspection frequency;

- b) Cleanout procedures;
- c) As installed design details/diagrams including a sketch of how the system operates; and
- d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

The WSUD Maintenance Program may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder's User Guide or a Building Maintenance Guide.

7. Before the development commences, an amended Sustainable Design Assessment (SDA) that outlines proposed design initiatives must be submitted to and approved by the Responsible Authority. The amended SDA shall refer to the endorsed plans. Upon approval the SDA will be endorsed as part of this planning permit and the development must incorporate the sustainable design initiatives outlined in the endorsed SDA to the satisfaction of the Responsible Authority. The SDA must be generally in accordance with the SDA submitted with the application, but modified to include:
 - a) Any changes as a result of Conditions 1 and 3.

The development must incorporate the sustainable design initiatives outlined in the endorsed Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority.

8. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
10. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
11. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

All privacy screens and other measures to prevent overlooking as shown on the endorsed plans must at all times be maintained to the satisfaction of the Responsible Authority.

12. Before the buildings approved by this permit are occupied, the concrete vehicular crossing must be constructed to suit the proposed driveway in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossings must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the prior written consent of the responsible authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.

13. The central street tree must not be removed or damaged as a result of the permitted development to the satisfaction of the Responsible Authority.
14. The street trees in proximity to the north-western and south-western corners of the site must not be relocated or replaced without the prior written consent of the Responsible Authority. Any replacement trees planted must be to the satisfaction of the Responsible Authority. All costs associated with the removal and replacement/replanting of the street trees must be borne by the permit applicant and must be completed to the satisfaction of the Responsible Authority before the buildings approved by this permit are occupied.
15. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
16. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturer's specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
17. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
18. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.

19. Before the development starts, or any trees or vegetation removed, a landscape plan (an electronic copy) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
- a) Any changes as a result of Condition 1;
 - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
 - c) The use of drought tolerant species;
 - d) The provision of at least two canopy trees within the front setback capable of achieving a minimum mature height of 4 metres;
 - e) Canopy tree planting within the ground floor open space areas of each dwelling;
 - f) Planting alongside vehicle access points to comply with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme; and
 - g) Features such as paths, paving and accessways.

Once approved these plans become the endorsed plans of this permit. Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.

20. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
21. This permit will expire if:
- a) The development does not start within two (2) years of the date of issue of this permit, or
 - b) The development is not completed within four (4) years of the date of issue of this permit.

Before the permit expires or within six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse date.

Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.

- Before commencement of the development occurs, the applicant should contact Moonee Valley City Council regarding legal point of discharge, new crossings, building over easements, etc.
- No on-street parking permits will be provided to occupiers of the subject site.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.

1. Introduction

1.1 Subject Site and Surrounds

The subject property is located on the eastern side of Nimmo Street, approximately 20 metres north of the intersection with Mary Street. The site is rectangular in shape with a frontage of 20.12 metres and a depth of 50.29 metres, yielding a site area of approximately 1,012 square metres. The site is generally flat. The rear of the site is bounded by a 3.5 metre wide Right of Way accessed to the south-east from Mary Street. There are no easements, covenants or other restrictions identified on title.

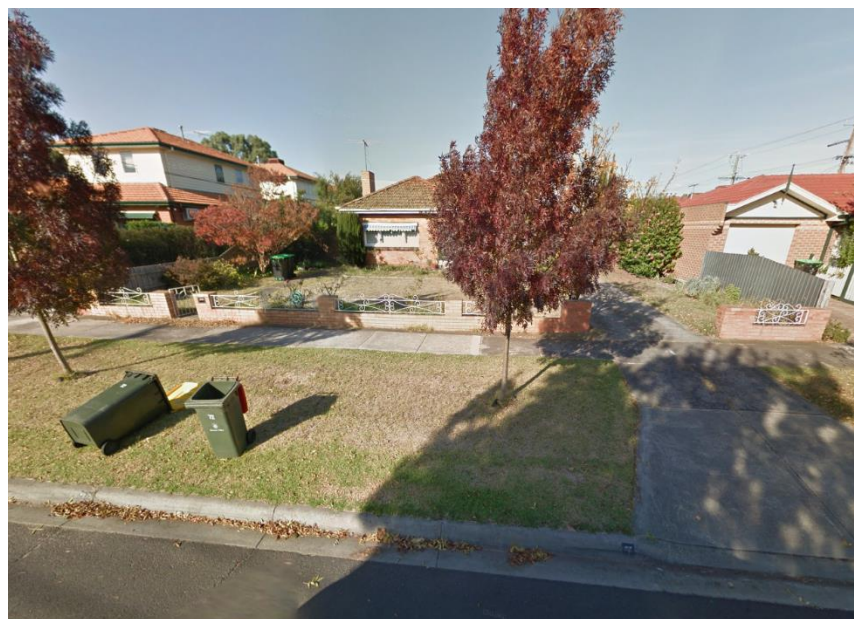


Figure 2 – Subject site (72 Nimmo Street, Essendon)

The subject site currently accommodates a single storey brick dwelling with a hipped tiled roof, set back approximately 10.6 metres from the street. A single-width crossover is located near the south-western corner of the site which leads to a garage located alongside the dwelling. A large secluded open space area is located to the rear accommodating trees and a weatherboard outbuilding. An open front yard presents to the street, enclosed by a low brick front fence.

The surrounding land is within a General Residential Zone. Residential development in proximity of the subject site is varied, with a mixture of single dwellings on large allotments as well as numerous examples of multi-unit developments, such as immediately to the north and south of the land.

Nimmo Street is generally composed of residentially zoned land, as are the surrounding streets. The immediate and wider area has been gradually developed with multi-unit developments occurring on similar sized lots to the subject land. The newer multi-dwelling developments sit alongside both older and newly constructed single homes, with dwellings being either single or double storey in scale. The character of built form in the area is varied architecturally, reflecting the different periods in which development has taken place. The land is located in proximity to numerous public reserves and schools, and a small neighbourhood centre at the intersection of Buckley Street and Fawkner Street approximately 650 metres to the south. The Keilor Road Activity Centre is located approximately 950 metres to the north.

1.2 Proposal

It is proposed to construct five double storey dwellings on the land, summarised as follows:

Table 1

No of dwellings	5
No of car spaces	9
Max building height	7.8 metres
Site coverage	53.5%
Permeability	23.4%

Refer **Appendix C** Plans (separately circulated).

2. Background

2.1 Relevant Planning History

There are no historical planning applications relevant to the subject land.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16	Housing

Local Planning Policy Framework

Clause 21.01	Municipal Profile
Clause 21.03	Vision
Clause 21.04	Sustainable Environment
Clause 21.05	Housing
Clause 21.06	Built Environment
Clause 22.03	Stormwater Management

Zoning

Clause 32.08	General Residential Zone
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Particular and General Provisions

Clause 52.06	Car Parking
Clause 55	Two or More Dwellings on a Lot
Clause 65	Decision Guidelines

2.3 Referrals

External

N/A

Internal

- Arborist
No objection subject to standard conditions.
- Engineering Services Unit
No objection subject to standard conditions.
- Environmentally Sustainable Design (ESD) Officer
No objection subject to the submission of an amended Sustainable Design Assessment (SDA) and STORM assessment.
- Traffic and Transportation Unit
No objection subject to the following conditions:
 - The storage doors within Dwelling 3 garage are not to open into the parking area, applicant to explore the use of sliding doors.

- The height of the proposed overhead storage areas proposed within the Dwelling 2, 4 and 5 garages needs to be confirmed and it needs to be ensured the overhead storage areas are a minimum of 1.5m – 1.8m high so they do not impact vehicles parking within the garage areas.
- The two crossovers proposed for the development to the north and south sides of the property need to be pushed to the property boundaries and it needs to be ensured the access ways to the property remain 3m wide, starting from the property boundaries.
- It needs to be ensured 12.2m for parking is provided between the two proposed vehicle crossovers (including the splays) along the frontage of 72 Nimmo Street, Essendon.
- It appears a service is present within the proposed crossover to the north of the site, however the service has not been shown on the plans submitted to Council. Applicant needs to seek advice from the relevant authority for advice to either provide a heavy duty trafficable pit lid or relocating the service. Plans to be updated accordingly.
- The two proposed vehicle crossings are to become double crossover with the neighbouring vehicle crossovers in accordance with Council's Vehicle Crossing Policy.
- It needs to be ensured the visitor car parking space is signed and line marked as a visitor car parking space.
- It appears a door is proposed to the rear of the development providing pedestrian access to the ROW. The ROW does not provide any pedestrian access and is an unmade ROW not appropriate for pedestrians. Therefore, it is recommended the door to the rear of the property for access to the ROW be removed.
- It appears trees along the frontage of the property may be impacted by the proposed vehicle crossovers and it is recommended the application is referred to the Parks Department for comment in relation to the trees.

2.4 Public Notification of the Application

Pursuant to Section 52 of the *Planning and Environment Act 1987* the application was advertised by mail to adjoining and surrounding properties, with notices displayed on site for 14 consecutive days.

As a result, thirteen (13) objections were received from the properties contained within **Appendix A** of this report. The objections are discussed at Section 3.6.

2.5 Consultation Meeting

A Consultation Meeting was held on 14 September 2016 which was attended by Councillors Chantry, Giuliano and Sharpe, the applicant, objectors and Council's Planning Officer. No resolution was achieved at this meeting.

3. Discussion

3.1 State Planning Policy Framework

State Planning objectives seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. The proposal will provide an appropriate degree of housing intensification in this location given the level of change which is expected by policy. The proposal contributes to the objective of housing diversity by providing a mix of dwelling sizes and configurations, which will cater for the increasingly diverse needs of future residents.

The subject site is reasonably located proximate to commercial amenities, public reserves, education centres and public transport options. Buckley Park Secondary College is located immediately to the east. Buckley Park reserve 350 metres to the north provides a recreational space with a football pitch, tennis courts, bowls club and other community facilities. The Keilor Road Activity Centre is located approximately 950 metres to the north of the site, with the Route 59 tram running along Keilor Road and affording convenient access to the Principal Public Transport Network (PPTN).

3.2 Local Planning Policy Framework

The proposal generally complies with the requirements of Clause 21.04-3 (Ecologically Sustainable Development) through the use of ecological sustainable design principles. Subject to a condition requiring the submission of an amended Sustainable Design Assessment (SDA), the development will suitably incorporate these design principles (Condition 7).

The proposal complies with Clause 21.05 (Housing) by increasing housing opportunities to meet growing population needs, providing a diversity of housing choice in a well-established area with access to public transport options and community services.

The proposed development responds to the objectives and strategies of 21.06 (Built Environment). The key concepts of this clause are assessed against the relevant Neighbourhood Character Guidelines in Section 3.3.

The proposal generally complies with Clause 22.03 (Stormwater Management – Water Sensitive Urban Design) by providing adequate on-site stormwater treatment, subject to the submission of an amended STORM assessment achieving a minimum 100% rating. This will be required as a condition of any permit issued, alongside the standard design and site management conditions as set out under Section 2.3 (Conditions 3 to 6).

3.3 Neighbourhood Character Guidelines

The subject site is located within the Garden Suburban 6 Precinct. The precinct profile sets out the following preferred character statement:

‘New developments will contribute to the character of this area with established gardens, simple design details and consistent siting to ensure they do not dominate the streetscape.

Buildings will be articulated with recesses, porch areas, large windows and setbacks to complement the pattern of the traditional dwellings. The use of light finishes will maintain the existing palette of materials. Buildings will be located from the front boundary at a distance similar to those on adjoining properties, while consistent side setbacks will provide space for landscaping and planting. Low or permeable front fences will allow views of the vegetation in gardens from the street.’

The development is considered a suitable response to the immediate context and the preferred character statement of the precinct as follows:

- The architectural theme of the development incorporates design elements which reference both older dwellings and contemporary infill development in the immediate surrounds.
- The siting and massing of the development is consistent with the pattern of development which has occurred in the immediate and wider area.
- The presentation and setback of the development to the street is compatible with the spatial pattern of built form established within the street.
- The development is highly articulated through the use of varied setbacks and recesses, porch treatments and a variety of materials and finishes which will present a contemporary and visually interesting built form.
- The hipped roof form is consistent with the prevailing roof forms seen nearby.
- The height of the development at two storeys is consistent with the emerging character of the area. The first floors of each dwellings are contained centrally to reduce their dominance as viewed from the street as well as from visually sensitive interfaces (particularly to the south).
- The palette of materials and finishes includes a combination of grey, black and white tones which are consistent with the finishes employed throughout other infill developments nearby, such as immediately opposite the site.
- Sufficient areas within the front and side setbacks are provided for a landscaping response, including canopy tree planting, to contribute to the garden character of the area. Given the laneway interface, the lack of planting along the rear boundary is considered acceptable as

it follows the pattern of built form seen immediately to the north and south.

- Appropriate front fencing and terracing is provided in front of Dwellings 1 and 2, which will maintain views of the landscaped front setbacks within the streetscape.
- The reverse living arrangement for two of the five dwellings is considered an appropriate response, considering the opportunities and constraints of the site. The use of balconies will enable a higher level of internal amenity to the dwellings, compared to a ground floor courtyard which would otherwise experience overshadowing from the abutting double storey dwelling. The balconies would not be visible from the public realm, and would have limited visibility from the neighbouring property to the north given the interface with existing built form and a driveway. Further, the provision of balconies does not result in a lack of overall landscaping throughout the development, with reasonably dimensioned service yards provided to these dwellings which can accommodate canopy planting.
- Car parking is generally concealed within the site, with the garage of Dwelling 1 the only one having a direct interface to the street. The remainder are provided along the internal accessway and would only have limited oblique views from the street.

3.4 Clause 52.06 (Car Parking)

The proposal provides car parking as set out in the table below

Table 2

	Requires	Provides
Three three-bedroom dwellings	6	6
Two two-bedroom dwellings	2	2
Residential visitors	1	1
Total	9	9

The proposal provides the required amount of on-site car parking. The design of car parking and access facilities generally accords with the requirements of Clause 52.06-8 of the Moonee Valley Planning Scheme, subject to the conditions required by Council's Traffic and Transportation Unit at Section 2.3.

3.5 Clause 55 (ResCode)

The proposal is considered to generally comply with the provisions of Clause 55 as set out in the assessment table (refer to **Appendix B**). Areas of exception are assessed in the following table:

Table 3

ResCode Standard	Response
<p>Clause 55.03-1 (Standard B6) Street Setback</p>	<p>The neighbouring dwelling to the south is set back 6.11 metres from the street, while the dwelling to the north is set back 9.08 metres. The minimum required setback is therefore 7.595 metres.</p> <p>The development has a minimum setback of 7.095 metres to Dwelling 2, and the boundary wall of the garage to Dwelling 1.</p> <p>The shortfall of 500mm is acceptable in this case, and is consistent with the established pattern of setbacks throughout Nimmo Street. The development has staggered setbacks and porch areas which add depth and visual interest to the façade. The ground floor wall and garage entrance of Dwelling 1 are setback to meet or exceed the minimum requirement, which achieves a suitable transition in form near the larger setback of the dwelling to the north. The upper floors of Dwellings 1 and 2 are provided with setbacks that exceed the standard, and the front yard will accommodate a high level of planting which will soften the introduction of built form to the street.</p>
<p>Clause 55.03-8 (Standard B13) Landscaping</p>	<p>There are adequate soft soil areas allowing for landscaping throughout the development, as discussed under Section 3.3.</p> <p>A condition of permit will require the submission of a fully detailed landscape plan.</p>
<p>Clause 55.04-1 (Standard B17) Side and Rear Setbacks</p>	<p>The development provides compliant setbacks to the northern and southern boundaries as follows:</p> <p>North wall height – 5.9 metres North B17 – 1.69 metres North setback – 1.91 metres South wall height – 5.9 metres South B17 – 1.69 metres South setback – 3.75 metres</p> <p>A variation for the setback of the upper floor of Dwelling 5 from the eastern boundary:</p> <p>East wall height – 6.9 metres East B17 – 1.54 metres East setback – 1.24 metres</p>

ResCode Standard	Response
	This is considered acceptable given the non-residential interface of the Right of Way. The decision guidelines of this clause make provision to vary the standard in cases where a wall abuts a laneway, as the visual and amenity impact would be minimal.
Clause 55.04-2 (Standard B18) Walls on Boundaries	<p>The garage of Dwelling 1 is built along the northern boundary for 8.1 metres, within the maximum of 20.1 metres allowed by the standard. The height of this wall is 3.1 metres, also within the maximum under the standard.</p> <p>Dwelling 5 is built along the eastern boundary for a length of 13.9 metres, exceeding the maximum of 12.53 metres under the standard. The height of this wall is 3.5 metres which exceeds the maximum allowed average height of 3.2 metres, but falls within the maximum allowable height of 3.6 metres. Again, this is considered acceptable given the non-residential interface of the Right of Way.</p>
Clause 55.04-6 (Standard B22) Overlooking	<p>Along the southern boundary, existing fencing is indicated at a height of 1.8 metres in height. A submission received stated that the height of fencing was in fact 1.6 metres. To avoid any potential overlooking to the south, a condition of permit will ensure that fencing along this boundary is noted in accordance with this clause.</p> <p>Otherwise, boundary fencing will prevent overlooking at ground floor level, given the low finished floor levels and lack of slope within the site.</p> <p>At upper floor level, all windows are provided with fixed obscure glazing or raised sill heights to 1.7 metres from finished floor level.</p> <p>The balcony to Dwelling 4 is provided with angled louvre screening which will prevent overlooking to the neighbouring habitable room windows to the north.</p> <p>No screening is required to the balcony of Dwelling 5 as its outlook is to the non-residential interface to the east.</p>

3.6 Objections (Discussion)

The following table provides a discussion of the concerns raised within the objections to the application:

Table 4

Issue	Officer Response
Neighbourhood character Visual bulk and scale	As discussed within Sections 3.2 and 3.3, the development is considered to represent an appropriate outcome in terms of its design, siting and massing.
Overdevelopment	The development is not considered to represent an overdevelopment of the site, given its level of compliance with the relevant provisions of the planning scheme as discussed above.
Lack of landscaping	Opportunities for planting throughout the site are considered to be acceptable, subject to the submission of a fully detailed landscape plan.
Off-site amenity impacts	As discussed under Section 3.5, the proposal achieves an acceptable level of compliance with the relevant objectives of ResCode relating to noise, overshadowing, overlooking (conditionally) and other amenity impacts.
Traffic and parking impacts	<p>The proposal provides on-site car parking in accordance with the requirements of the Scheme. The design of car parking and access facilities satisfies the relevant design standards of the scheme, and as such it is not considered that there would be any unreasonable safety impacts as a result of the development.</p> <p>Council's Traffic and Transportation Unit had no objection to the proposal, subject to conditions which will ensure the requirements of Clause 52.06-8 are met.</p>
Impact of proposed raingarden on nearby walls	As stated in Section 3.2, an amended STORM assessment will be required as a condition of permit. In doing so, the nominated WSUD measures will be assessed to ensure there is no unreasonable risk to the structural integrity of neighbouring buildings.
Social impacts	The proposal is for a medium density residential development and it is not considered that it would contribute to any social issues within this residential context.
Waste collection	The provision for the storage of waste on-site complies with ResCode, and the capacity for waste to be collected from the kerb is also acceptable.

4. Human Rights

The application process and decision making is in line with the *Victorian Charter of Human Rights and Responsibilities 2006* (Section 18 – Taking part in public life).

5. Conclusion

The application has been assessed against the relevant provisions of the State Planning Policy Framework, Local Planning Policy Framework, zoning controls, the relevant Particular and General Provisions, and the decision guidelines at Clause 65 of the Moonee Valley Planning Scheme.

Additionally, consideration has been given to the requirements of Section 60(1B) of the *Planning and Environment Act 1987* with respect to the number of objections received, and it is determined that the proposal would not have a significant social effect.

It is considered that the proposal demonstrates general compliance with the requirements of these provisions and policies. The application is supported as detailed above in the recommendation section.

Appendices

Appendix A: Location of Objectors

Appendix B: ResCode Assessment

Appendix C: Plans (separately circulated).

Location of Objectors

3/74 Nimmo Street, ESSENDON VIC 3040
56 Nimmo Street, ESSENDON VIC 3040
51 Nimmo Street, ESSENDON VIC 3040 (x4)
38 Price Street, ESSENDON VIC 3040
48 Nimmo Street, ESSENDON VIC 3040
45 Nimmo Street, ESSENDON VIC 3040
50 Nimmo Street, ESSENDON VIC 3040
78 Price Street, ESSENDON VIC 3040
70 Nimmo Street, ESSENDON VIC 3040
76 Nimmo Street, ESSENDON VIC 3040

Clause 55 of the Moonee Valley Planning Scheme

Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule to the General Residential Zone).

Where there is non-compliance, see Section 3.5 in report.

Title and Objective	Compliance with Standard	Compliance with Objective
<i>B1 - Neighbourhood Character Objectives</i>	✓	✓
<i>B2 - Residential Policy Objectives</i>	✓	✓
<i>B3 - Dwelling Diversity Objective</i>	N/A	N/A
<i>B4 - Infrastructure Objectives</i>	✓	✓
<i>B5 - Integration with the Street Objective</i>	✓	✓
<i>B6 - Street Setback Objective</i>	X	✓
<i>B7 - Building Height Objective</i>	✓	✓
<i>B8 - Site Coverage Objective</i>	✓	✓
<i>B9 - Permeability Objectives</i>	✓	✓
<i>B10 - Energy Efficiency Objectives</i>	✓	✓
<i>B11 - Open Space Objective</i>	N/A	N/A
<i>B12 - Safety Objective</i>	✓	✓
<i>B13 - Landscaping Objectives</i>	✓ (Condition)	✓
<i>B14 - Access Objectives</i>	✓	✓
<i>B15 - Parking Location Objectives</i>	✓	✓
<i>B16 - Parking Provision Objectives</i>	Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 3.5 of the report.	
<i>B17 - Side and Rear Setbacks Objective</i>	X	✓
<i>B18 - Walls on Boundaries Objective</i>	X	✓
<i>B19 - Daylight to Existing Windows Objective</i>	✓	✓
<i>B20 - North-facing Windows Objective</i>	✓	✓
<i>B21 - Overshadowing Open Space Objective</i>	✓	✓
<i>B22 - Overlooking Objective</i>	✓ (Condition)	✓
<i>B23 - Internal Views Objective</i>	✓	✓

Title and Objective	Compliance with Standard	Compliance with Objective
<i>B24 - Noise Impacts Objectives</i>	✓	✓
<i>B25 - Accessibility Objective</i>	✓	✓
<i>B26 - Dwelling Entry Objective</i>	✓	✓
<i>B27 - Daylight to New Windows Objective</i>	✓	✓
<i>B28 - Private Open Space Objective</i>	✓	✓
<i>B29 - Solar Access to Open Space Objective</i>	✓	✓
<i>B30 - Storage Objective</i>	✓	✓
<i>B31 - Design Detail Objective</i>	✓	✓
<i>B32 - Front Fences Objective</i>	✓	✓
<i>B33 - Common Property Objectives</i>	✓	✓
<i>B34 - Site Services Objectives</i>	✓	✓

✓ – Complies

x – Non-compliance

N/A – Not applicable

9.2 Essendon Junction Grade Separation Options - Council Submission

File No: FOL/16/130
Author: Colin Harris
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Developments
Directorate: Planning & Development
Ward: Buckley

Purpose

To present Council's submission to the level Crossing Removal Authority's (LXRA) Preferred Options at Buckley Street Essendon (**Appendix A** – separately circulated).

Executive Summary

- The LXRA has released options to remove the level crossing at Buckley Street Essendon, and invited submissions from the community and stakeholders. The LXRA announced their preferred option of a road-under solution.
- Four options for rail-under outcomes were also presented; each of these options requires significant private property acquisition which is not supported by Council. The LXRA did not present all rail-under options which would allow for a solution that does not require acquisition of properties. Council considers all options should be fully assessed.
- An analysis of the road-under option, outlined in the attached submission indicates the following:
 - There will be a 385m trench along Buckley Street with traffic lanes reduced from four to three;
 - Local traffic movements, including bus movements will be significantly restricted; and
 - The road-under option is generally inconsistent with the LXRA's urban design framework.
- The LXRA have not outlined, or addressed, the impacts from the forthcoming increases in train frequency as proposed by PTV which will see service frequency double in peak times, leaving Park Street and Puckle Street boom gates down for even greater periods than the present 78 minutes in the two hour morning peak. As yet, the LXRA has not provided details regarding public transport and public realm improvements which are proposed to form part of the level crossing removal project.
- No information has been presented that demonstrates that a road-under outcome will provide a superior value over the long-term. The current proposal is to invest a significant amount of State funds to remove a single crossing at Buckley Street. In the event that a rail-under option is deemed unviable, it is considered appropriate the Buckley Street level Crossing project be deferred

until such time as a full cost benefit analysis of a corridor solution that includes Park Street and Puckle Street level crossings, to leverage the maximum outcome of funds and minimise the impact on the local community and metropolitan commuters through the duplication of projects, be undertaken.

Recommendation

That Council:

1. Endorse the attached submission to the Level Crossing Removal Authority's Preferred Option proposal (**Appendix A** – separately circulated).
2. Write to the Chief Executive, Level Crossing Removal Authority seeking:
 - a) The LXRA further investigate Council's preferred option of rail-under that does not require land acquisition, including a joint meeting with the Executive Director, Heritage Victoria to discuss options, and the potential development of Integrated Development Opportunity (IDO) sites.
 - b) Details of the LXRA project boundary and the public realm, heritage and public transport improvements to be included as part of any road-under option, including the level of funding available to deliver these necessary components.
 - c) Details of information used to support the LXRA's decision to announce a preferred a road-under option, in particular, the traffic congestion work to inform their position on expected future traffic in the local street network.
 - d) Clarification as to how the road-under option is consistent with the LXRA's published Urban Design Framework.
 - e) To confirm that in the event a rail-under option is deemed unviable, the Buckley Street level Crossing project be deferred until such time as a full cost benefit analysis of a corridor solution inclusive of Park Street and Puckle Street be undertaken.
3. Write to the Minister for Planning seeking:
 - a) Details of when the Government's Standing Advisory committee will be engaged, to consider the IDO site(s).
 - b) Clarification as the status of Amendment C159, and timing for progression.
4. Authorise Officers to seek to explore with the LXRA the best outcomes for the precinct, even if LXRA proceed with a road under option.

Background

Moonee Valley City Council has long recognised the negative impacts of the existing level crossing at Buckley Street, Essendon. These impacts include:

- delays to traffic movements and general lack ability for traffic to move easily within the area;
- lack of DDA compliance in the area, and in and around Essendon Station;

- the safety implication for the more than four thousand students and commuters using the area every day; and
- lack of safe cycle routes.

Since 2012 the Council has been seeking a precinct wide solution, one that recognises the challenges facing Essendon Junction.

In recognising the importance, constraints, and opportunities of Essendon Junction, Council has progressed a Structure Plan to guide decision making for development of the area. The Essendon Junction Structure Plan was endorsed by Council in November 2015. Amendment C159 which sought to implement the key elements of the Structure Plan into the Moonee Valley Planning Scheme was submitted to the Minister for Planning in August 2016. In August 2016, the Minister for Planning wrote to Council advising: the “*application requires further review to allow the Department to consider the views of other State Agencies to and to consider the proposed Design and Development Overlay Design and Development Overlay Schedules.*” As such, it is considered Amendment C159 has effectively been put on hold until the Buckley Street level crossing and the associated IDO site on VicTrack land is definitively resolved.

Since the announcement in mid-2016 that Buckley Street would be delivered in the first tranche of crossings to be removed, Council staff have been working closely with LXRA staff on matters such as data collection and analysis, traffic and transport issues, local issues and potential development outcomes pertaining to Buckley Street, Essendon and the surrounding area.

Discussion

Process

Despite working closely with the LXRA to date, officers were surprised when LXRA Executives announced the Community Engagement process would entail the announcement of a preferred road under option, as this has been done in advance of key information being fully available and considered, such as:

- Urban Design Guidelines for the crossing – these are still in preparation.
- Key traffic and transport data being collected and analysed – data has only been delivered since the announcement of a preferred option, and has yet to be fully considered and integrated with changes to bus operations.
- The views of the Office of the Victorian Government Architect (OVGA) being known.
- The views of the key stakeholders including Public transport Victoria, VicRoads and local bus operators being fully resolved.
- Details of when the Government’s Standing Advisory committee will be engaged to consider the IDO sites.
- Details as to how the LXRA has met the obligations under the *Transport Integration Act, 2010*, which requires all decisions affecting the transport system be made within the same integrated decision-making framework.

Community Engagement

Council and the community were encouraged by, and supportive of, the announcement to remove the level crossing, and the accompanying statements indicating how the community would be engaged in assisting the determination of outcomes.

In late November 2016 the LXRA held a number of Community Information sessions for the Buckley Street crossing removal. A range of concerns were raised following these sessions regarding the consultation process itself and the material presented. In particular, the fact that a 'Preferred Option' was announced in advance of consultation with the community, and prior to the full range of data collection being completed and analysed, particularly in relation traffic and parking impacts.

The events also included the presentation of four options for rail under outcomes, however each of these required significant private property acquisition while Council's preferred outcome of rail under down the centre of the rail corridor, and avoiding acquisition, was not explored.

At the consultation events Council, and the community, raised concerns with the following:

- The consultation presented material that could be seen as being intentionally misleading regarding the impacts of the crossing on the immediate neighbourhood, particularly the local road network, with the removal of 17 road movements currently available within the 385m extent of the cutting, and the over-generous public realm outcomes.
- The consultation has revolved around hand drawn sketches which were in part misleading.
- The purpose of holding "consultation" events when an outcome appears to have been pre-determined.

Rail-Under Options Shown

The four proposed rail-under options shown all require private land acquisition, including one option that proposed to remove the majority of the Rose Street shopping precinct. These options are not supported by Council due to their:

- unacceptable impacts on the surrounding area through private land acquisitions; and
- failure to ensure the most Integrated Development Opportunity outcomes, and public transport connectivity improvements.

The inclusion of only rail-under options which showed extensive property acquisition with no exploration of a rail-under option down the centre of the rail corridor seemed designed to make those consulted feel there was no other choice than road under.

Alternative Rail-Under Option Not Shown

The option Council has advocated for maintains, adapts and relocates the station buildings to allow a rail under outcome to be built. It is considered this option would not require land acquisition yet was not presented to the community for consideration.

The response from the LXRA to date in relation to this matter has been that the status of Essendon Station on the Victorian Heritage Register, and advice from Heritage Victoria has ruled its consideration in terms of development outcomes. Council considers that viable options to sensitively relocate the station buildings can be found and should be explored further. It is noted that Heritage Victoria is not prohibited from considering all options, and authorising relocation where this is the sole means of ensuring the survival of the building. Further, the Executive Director of Heritage Victoria must take into consideration in determining an application the extent to which a refusal would *unreasonably detrimentally affect the ability of the public authority to carry out a statutory duty*; in this instance, the issue of import is delivery of a Disability Discrimination Act (DDA) compliant train station. Retention of the existing Station infrastructure will leave a non-DDA compliant transport interchange in place post investment of some \$100million by the State in the precinct, which is clearly a sub-optimal outcome.

Council engaged consultants to understand the potential value in terms of connection, sustainability, public realm and redevelopment outcomes that could be yielded from each of the grade separation solutions that are available to the LXRA. The initial analysis of options to remove the level crossing considered the relative performance of two design options, namely a rail-under road option, and the road-under rail (the base case) and found the following:

- Based on conceptual level costs and revenue targets, a multi-level mixed-use development at the Essendon Junction Activity Centre could be expected to yield a net positive result of \$40-\$45m which could be used to contribute to funding a rail under solution; the net positive result would be maximised by a rail-under option as rail-under would facilitate the amalgamation of the two VicTrack sites either side of the railway line.
- A road under rail option does not appear to support the same degree of development opportunities at the Essendon Station precinct and, given the additional cost of building over the existing at-grade railway, would appear to prevent major development from taking place given that the VicTrack sites either side of the railway line remain separate.
- Taken together with amenity disbenefits (such as pedestrian severance) associated with lowering Buckley Street, the road under rail option is expected to result in far lower precinct wide benefit than the alternative, making it worthy of closer inspection and modelling.
- The potential for additional development and other offsite benefits possible depending on the design option for the Buckley Street level crossing is another reason to explore both scenarios more fully.
- Further analysis of the costs and benefits of development and wider socioeconomic impacts at all associated sites is warranted.

Corridor solution (Park Street and Puckle Street) level crossings

There are two other level crossings within 1.2 kilometres of Buckley Street (Park Street and Puckle Street). The LXRA has advised publically that up to 40 percent of the costs associated with a removal project can be linked to provision of commuter service on the train lines, through the provision of bus services and the like. It is clear in the future there will be:

- A doubling of train services in peak times, leaving Park Street and Puckle Street boom gates down for even greater periods than the present 78 minutes in the two hour morning peak.
- A need to remove the crossings at Park Street and Puckle Street.

Since, the current road-under proposal only investigates the removal of a single crossing at Buckley Street, in the event a rail-under option is not deemed viable, it is considered the Buckley Street level Crossing project should be deferred until such time as a full cost benefit analysis of a corridor solution that includes Park Street and Puckle Street level crossings has been undertaken. The objective would be to:

- leverage the funds spent by the Government to deliver a more optimal outcome; and
- minimise the impact on the local community and metropolitan commuters through the replication of projects.

Road-Under - LXRA's Preferred Option

A detailed review of the Road-Under proposal is included at Attachment 1. This presents a review of the Preferred Option against the LXRA's published Urban Design Framework (UDF) which was developed in consultation with the Office of the Victorian Government Architect (OVGA).

The Road-Under Preferred Option does not meet the objectives set within the LXRA's UDF. Council has also identified the elements which must be included to facilitate an improved outcome in the event that the State Government proceeds with a Road-Under solution.

In summary, the design:

- Introduces a further barrier to connectivity in the form of a 385m trench into the heart of Essendon, which will significantly impact the cohesiveness of the precinct surrounding the train station and retail areas.
- Does not optimise wider precinct connectivity above existing conditions, particularly around Mount Alexander Road and the Junction where more than four thousand students attend nearby schools.
- Significantly reduces the permeability of the street network surrounding the grade separation.
- Fails to remedy the dangerous transport movements for pedestrians, trams, and cars at Essendon Junction by separating out movement.
- Does not offer a solution to tram/train inter-modality or provide for a DDA compliant tram and bus stops, and does not improve the access issues associated with the current platform levels on Essendon Station.

As part of the assessment, Council has outlined the critical elements to be included to ensure maximum public benefit is delivered while mitigating the impacts of the new 385m trench.

Traffic, Parking and Movement

Council has commissioned a detailed review by expert traffic consultants of the Road Under proposal. The review demonstrates the local road network will be severely impacted by a road under solution, with the removal of 17 road movements currently available within the 385m extent of the cutting.

The LXRA's consultation has failed to show the impacts on the local road network, and any questioning regarding where the traffic associated with the 5,000 students within an 800m radius of the station, as well as local traffic has not received an informed response.

Issues the review has highlighted are as follows:

Traffic

- Increased traffic volumes anticipated on local street network (Rose Street, Violet Street, Shamrock Street and Lorraine Street)
- Significant demand for U-turn movements on Buckley Street at Lorraine Street/Violet Street
- Increased traffic movements at the Mt Alexander Road/Russell Street roundabout, particularly exit movements from Russell Street
- Reduction of through lanes on Buckley Street from four lanes to three lanes, with no capacity to increase in the future.

Public Transport

- The detailed review of the Road Under indicates that key bus movements have yet to be determined
- 903 Smart Bus (peak frequency every 10 minutes) is proposed to relocate from Russell Street to Rose Street. The 475 is proposed to terminate at Essendon
- Southbound bus routes will be delayed as a result of having to negotiate Mt Alexander Road / Russell Street roundabout twice
- PTV Network Development Plan commits to increasing frequency of train services from Essendon to the City from 20 services to 36 services (+15yrs away) in the 2-hour AM peak period. This will impact capacity on Park Street and Puckle Street.

Parking

- Loss of on-street parking on Buckley Street, Russell Street and Rose Street.

Walking

- The Mt Alexander Road/Russell Street roundabout presents a significant safety risk to pedestrians with three pedestrian crashes recorded at this location in the past 5 year period
- In some instances, pedestrian counts undertaken by Council differ significantly from those undertaken by the LXRA
- Plans indicate footpaths are to be narrowed, despite high proportion of school children and pedestrians in the area.

Cycling

- No cycling infrastructure has been proposed to date despite strategic importance of Buckley Street.

Consultation

The nature of this report does not require any consultation. Council will undertake future consultation with key stakeholders including Essendon Traders and adjacent schools in early 2017.

Implications

1. Legislative

There are no legislative or human rights implications associated with this report.

2. Council Plan / Policy

The recommendations contained within this report accord with Strategic Objective 5, *A Well Planned and Managed City* of the 2009-2013 Council Plan.

3. Financial

Funding for the further consultancy work can be generally accommodated for in the Planning and Development Directorate Budget.

4. Environmental

The recommendations contained within this report will not result in any adverse environmental impacts.

Conclusion

The Level Crossing Removal Authority's (LXRA) preferred road-under option at Buckley Street Essendon, is inconsistent with Council's position, which is to seek a rail-under outcome, and is generally inconsistent with their own UDF.

There are many unresolved issues associated with the road-under option. If the LXRA's preferred road-under option is ultimately delivered these matters must be addressed, and guaranteed State Government funding allocated to ensure implementation.

It is considered preferable that the Buckley Street, Essendon project is deferred until such time as all matters are addressed including resolution of Park Street and Puckle Street crossings if the road-under outcome is to be pursued.

Appendices

Appendix A: Submission to the Level Crossing Removal Authority's Preferred Option proposal (separately circulated).

9.3 Planning Scheme Amendment C163 - New Heritage Policy to Introduce Updated Heritage Guidelines

File No: FOL/16/130
Author: David Kilroe
Strategic Planner
Directorate: Planning & Development
Ward: Municipal

Purpose

The purpose of this report is to advise Council of the outcomes of the public exhibition of Moonee Valley Planning Scheme Amendment C163.

The report also recommends Council adopt Amendment C163 and the City of Moonee Valley Heritage Guidelines (CMVHG) and submit the amendment to the Minister for Planning for approval.

Executive Summary

- At its meeting held on 26 July 2016, Council resolved to endorse the draft CMVHG for the purpose of consultation. A copy of the CMVHG can be found at **Appendix A** (separately circulated) to this report.
- At the same meeting Council also resolved to seek Ministerial Authorisation to prepare and publicly exhibit Moonee Valley Planning Scheme Amendment C163 and to refer all unresolved submissions received during the exhibition to an independent Planning Panel.
- Amendment C163 proposed the following changes to the planning scheme;
 - Amend the Municipal Strategic Statement (MSS) to include the City of Moonee Valley Heritage Guidelines (CMVHG) as a reference document.
 - Introduce a new local heritage policy at Clause 22.01 to guide decision making for permit applications for heritage places and give effect to the CMVHG. A copy of the new local heritage policy can be found at **Appendix B** (separately circulated).
 - Make consequential changes to Clause 21.03-2 *Built Environment* and Clause 21.06-2 *Heritage* to ensure it provides a clear strategic framework and avoid repetition by removing redundant provisions now proposed to be included in the new Clause 22.01 or the CMVHG.
- Amendment C163 (**Appendix B** – separately circulated) was formally exhibited from 27 October 2016 to 24 November 2016 with no submissions received.
- As there were no submissions to Amendment C163, a Panel process was not required.
- This report recommends that Council adopt the final CMVHG and seek ministerial approval for Amendment C163.

Recommendation

That Council:

1. Adopt the City of Moonee Valley Heritage Guidelines (CMVHG) at **Appendix A** (separately circulated).
2. Having complied with Part 3, Division 1 and 2 of the Planning and Environment Act 1987, and in accordance with Section 29(1), adopt Moonee Valley Planning Scheme Amendment C163 in accordance with the amendment documentation at **Appendix B** (separately circulated).
3. Submit Moonee Valley Planning Scheme Amendment C163 to the Minister for Planning for approval pursuant to Section 31(1) of the Planning and Environmental Act 1987.

Background

The Moonee Valley Planning Scheme Review, implemented via Amendment C134 and gazetted in March 2015, recommended development of updated Heritage Design Guidelines to replace the Urban Design & Development Guidelines for Heritage Areas, 2006 now considered to be very much outdated. Accordingly, the draft CMVHG was prepared by Council in 2016 (**Appendix A** – separately circulated).

Updated and expanded guidelines will assist property owners, architects, planners and building designers on methods to conserve, restore, and adapt existing buildings protected by Moonee Valley's Heritage Overlay (HO), as well as provide guidance for infill buildings.

New Local Heritage Policy

In order to give statutory effect to the CMVHG a new local heritage policy has been prepared. The introduction of Clause 22.01 (Heritage) into the Moonee Valley Planning Scheme will guide decision making for permit applications for properties within or in close proximity to the Heritage Overlay. The local policy will explain what is to be achieved in terms of policy outcomes and the issues that Council will take into account when deciding an application. The CMVHG will complement the policy by explaining how the policy can be achieved by providing examples of appropriate approaches to conservation, alteration and demolition.

Discussion

Amendment C163

Amendment C163 proposes to introduce the CMVHG as a reference document into the Moonee Valley Planning Scheme as well as a new local heritage policy at Clause 22.01 (Heritage).

In order to avoid repetition, revisions to the MSS are required. Consequential changes include amendments to Clause 21.03 (Vision) and Clause 21.06 (Built Environment).

The Explanatory Report contained with **Appendix B** (separately circulated) to this report describes all changes to the Moonee Valley Planning Scheme as well as a strategic assessment of the proposed amendment. Revised clauses to the Moonee Valley Planning Scheme as well as new Clause 22.01 (Heritage) are also contained at **Appendix B** (separately circulated).

Exhibition

Formal exhibition of Amendment C163 took place from 27 October 2016 until 24 November 2016. Aspects of the consultation included:

- An exhibition period of four weeks;
- Letters to Heritage Victoria and Essendon Historical Society;
- Notices in the local papers;
- Information displayed at Council's Civic Centre;
- Information on the Council and the Department of Environment, Land, Water and Planning website.

No submissions were received as a result of this formal process and therefore no independent Planning Panel review was required in this instance.

Consultation

Notice of the amendment was given in accordance with Section 19 of the *Planning and Environment Act 1987*.

As no submissions were received, referral to a Planning Panel in accordance with Section 23 of the *Planning and Environment Act 1987* was not required.

Implications

1. Legislative

Planning Scheme Amendment C163 is consistent with Ministerial Direction relating to the form and content of Planning Schemes under Section 7(5) of the Planning and Environment Act 1987. The preparation of the amendment is also in accordance with Section 4 of the *Planning and Environment Act 1987*.

There are no human rights implications as a result of this report.

2. Council Plan / Policy

In presenting this report to Council, it is achieving its Strategic Objective to Ensure there is clear direction for growth and proactive management of development in the city in accordance with Council Plan 2013-2017 Theme 1: Sustainable living - Clear direction for growth and development of the city.

3. Financial

The preparation of the City of Moonee Valley Heritage Guidelines (CMVHG) was funded in the 2015/16 financial year, with costs accommodated within the Strategic Planning operational budget.

The cost associated with the amendment will be borne by Council through the 2016/17 Strategic Planning budget.

4. Environmental

The amendment will have a positive environmental impact through providing guidance for the protection of places of historical significance. It capitalises on opportunities for the retention of important buildings whilst ensuring that new infill development respects and is sympathetic to existing heritage places and precincts.

Conclusion

Amendment C163 seeks to introduce the CMVHG as a reference document into the Moonee Valley Planning Scheme. It also introduces a new local heritage policy at Clause 22.01 (Heritage).

Amendment C163 will assist Council in preserving places of heritage significance in Moonee Valley by providing clearer guidance and decision making for properties within or in close proximity to the Heritage Overlay.

The introduction of new local heritage policy within the planning scheme will define policy objectives, outcomes, and the issues Council will take into account when deciding an application. The new heritage guidelines will complement the heritage policy by explaining how the policy can be achieved by providing examples of appropriate approaches to conservation, alteration, demolition etc.

The amendment was exhibited from 27 October 2016 until 24 November 2016 with no submissions received. It is therefore recommended that Council adopt Amendment C163 and the CMVHG and submit the amendment to the Minister for Planning for approval.

Appendices

Appendix A: Draft City of Moonee Valley Heritage Guidelines (separately circulated)

Appendix B: Amendment documentation including new and revised local heritage policy (separately circulated)

Appendix C: Heritage Policy Review 2016 (separately circulated)

Appendix D: Urban Design & Development Guidelines for Heritage Areas 2006 (separately circulated).

9.4 Response to NoM 2016/23 - Permanent Heritage Overlay Controls for 3 Dagonet Street, Strathmore - 'The Castle' Film site

File No: FOL/16/130
Author: David Kilroe
Strategic Planner
Directorate: Planning & Development
Ward: Buckley

Purpose

This report responds to Notice of Motion No. 216/23 which requested a report on the significance of the property at 3 Dagonet Street, Strathmore which featured in the 1997 Australian film 'The Castle' and an investigation into the potential of including the property in the Heritage Overlay of the Moonee Valley Planning Scheme on the basis of;

'Strong or special association with a particular community or cultural group for social and cultural reasons'.

This report recommends Council seek authorisation from the Minister for Planning to prepare and exhibit Amendment C174, which proposes to apply the Heritage Overlay to the dwelling at 3 Dagonet Street, Strathmore.

Executive Summary

- At its Ordinary Meeting on 23 August 2016, Council resolved to support a Notice of Motion that requested the preparation of a report on the significance of the property at 3 Dagonet Street, Strathmore which featured in the 1997 Australian film 'The Castle', and an investigation into the potential for including the property in the Heritage Overlay of the Moonee Valley Planning Scheme.
- Council commissioned external heritage consultants Context PTY LTD ("Context") to investigate the site for potential heritage significance. Findings of this investigation demonstrated that the dwelling has heritage significance in the form of local social significance and State historical significance.
- On 26 May 2016, Council received an application for a planning permit to construct two dwellings (MV/367/2016) at 3 Dagonet Street, Strathmore. If approved, the planning application would necessitate the demolition of the existing dwelling on site which featured in the movie 'The Castle'.
- The dwelling is considered to represent 'important sociocultural themes in association with popular Australian films' i.e. the house is a 'place where popular culture was created and a cultural reference point for Victorians'. A copy of the full Heritage Assessment is provided in **Appendix A** (separately circulated).

- For the reasons as outlined above, Council wrote to the Minister for Planning on 4 November 2016, requesting interim controls be applied to the property through Amendment C173 until such time as permanent heritage controls may be considered.
- The Minister for Planning has advised he requires Council to resolve to seek authorisation for permanent controls in order for Amendment C173 (interim controls) to be considered.
- Amendment C174 which seeks to apply heritage controls on a permanent basis has been prepared. A copy of the draft amendment documentation is provided in **Appendix B**.
- A draft citation (assessment providing the history, description and reason a place is an important part of our heritage) has also been prepared for 3 Dagonet Street and describes the social and cultural significance of the dwelling. A copy of the draft citation is included in **Appendix C**.
- As a result of the heritage investigations, it is recommended Council seek to progress Amendment C174 to apply permanent heritage controls to the property.

Recommendation

That Council:

1. In accordance with Section 8A(3) of the Planning and Environment Act 1987, seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C174 – Permanent Heritage Overlay controls for 3 Dagonet Street, Strathmore (**Appendix B**).
2. Subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C174 in accordance with Section 19 of the Planning and Environment Act 1987.
3. Refer submissions which request changes to the amendment, and are not resolved, to an independent Planning Panel in accordance with Section 23(1)(b) of the Planning and Environment Act 1987.

Background

At its Ordinary Meeting on 23 August 2016, Council resolved to support a Notice of Motion (Motion No. 2016/23) that requested the preparation of a report on the significance of the property at 3 Dagonet Street, Strathmore which featured in the 1997 Australian film 'The Castle' and investigate the potential for including the property in the Heritage Overlay of the Moonee Valley Planning Scheme on the basis of "Strong or special association with a particular community or cultural group for social and cultural reasons".

Council subsequently commissioned external heritage consultants, Context, to carry out an investigation into the heritage significance of the site.

The residence at 3 Dagonet Street ('the house'), used as a primary location in the film, is not currently subject to the Heritage Overlay under the Moonee Valley Planning Scheme. Council has now received a planning application (MV/367/2016) to construct two new dwellings on the land. Approval of the proposal would result in complete demolition of an existing dwelling ('the house') on the property which has been identified as having heritage significance.

At Council's request, Context submitted a letter of preliminary advice on 13 September 2016 advising that based on desktop research about the house, there was sufficient evidence to warrant a full heritage assessment of the property to determine its suitability for inclusion in the local Heritage Overlay. Council subsequently commissioned Context to conduct a full heritage assessment (refer to **Appendix A** – separately circulated) of the residence which documents the social and cultural heritage values of the house.

A draft citation (assessment providing the history, description and reason a place is an important part of our heritage) for 3 Dagonet Street has also been completed (refer to **Appendix C**).

Discussion

Study Findings

The dwelling is considered to represent 'important sociocultural themes in association with popular Australian films' i.e. the house is a 'place where popular culture was created and a cultural reference point for Victorians'.

The residence at 3 Dagonet Street is of historic and social significance as a place where popular culture in the form of the 1997 Australian film, *The Castle*, was created and is celebrated. The residence contributes to understandings of Victoria's diverse cultural life, by embodying cultural nuances portrayed in the film about the land rights movement of the 1980s' and 1990s', the Australian battler figure through its protagonist Darryl Kerrigan, as well as about suburban family life in Victoria at the time.

The residence is of social significance as the primary location used in filming of *The Castle*, which continues to be remembered and celebrated by local and visitor communities. The house continues to function as an important cultural reference point recognised today in association with the film, having been regularly visited by members of the public on an ongoing basis since the film was released in 1997.

Amendment C174

As a result of these findings, Council wrote to the Minister for Planning on 4 November 2016, requesting interim heritage controls be applied to the property through Amendment C173 until such time as permanent controls may be considered.

The Minister for Planning has advised he requires Council to resolve to seek authorisation for permanent controls before Amendment C173 (interim controls) can be considered.

Council in response has prepared Amendment C174 which seeks to apply the Heritage Overlay to the property on a permanent basis.

The explanatory report for Amendment C174 and other amendment documentation can be found at **Appendix B**.

Consultation

Council will directly notify the owner and occupier of the property affected by the proposed amendment.

Other aspects of the consultation will include:

- Exhibition of Amendment C174 for a period of at least 4 weeks;
- Letters to Heritage Victoria and Essendon Historical Society;
- Notices in the local papers;
- Information displayed at Council's Civic Centre;
- Information on the Council and the Department of Environment, Land, Water and Planning website.

Should there be any issues raised with the proposed amendment that are unable to be resolved, we will refer submissions to an independent Planning Panel for review.

Implications

1. Legislative

Planning Scheme Amendment C174 is consistent with Ministerial Direction relating to the form and content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*. The preparation of the amendment is also in accordance with Section 4 of the *Planning and Environment Act 1987*.

There are no human rights implications as a result of this report.

2. Council Plan / Policy

In presenting this report to Council, it is achieving its Strategic Objective to Ensure there is clear direction for growth and proactive management of development in the city in accordance with Council Plan 2013-2017 Theme 1: Sustainable living - Clear direction for growth and development of the city.

3. Financial

There are no relevant financial considerations to this report. The cost of the preparation of the amendment will be borne by Council through the Strategic Planning budget.

4. Environmental

The amendment will have a positive environmental impact through protecting a place of historical significance.

Conclusion

Notice of Motion No. 2016/23 requested a report on the significance of the property at 3 Dagonet Street, Strathmore which featured in the popular 1997 Australian film 'The Castle'.

The subsequent heritage study demonstrates that the property is of heritage significance due to its association with the film and shows local social significance and State historical significance.

As the Minister for Planning requires that Council resolve to request permanent heritage controls before interim controls can be considered, Council has now prepared draft Amendment C174.

Amendment C174 will be formally exhibited allowing the property owner and any other interested parties to make a submission to the amendment. Unresolved submissions will be referred to an independent Planning Panel. Any submitters would then have the opportunity to present their submission to the Planning Panel.

It is recommended Council seek to progress Amendment C174 to apply permanent heritage controls so 'The Castle' site is preserved for present and future generations.

Appendices

Appendix A: Heritage Assessment (separately circulated)

Appendix B: Amendment Documentation

Appendix C: Heritage Citation

Appendix D: Notice of Motion 216/23.

Planning and Environment Act 1987

MOONEE VALLEY CITY COUNCIL PLANNING SCHEME

AMENDMENT C174

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Moonee Valley City Council, which is the planning authority for this amendment.

The Amendment has been made at the request of Moonee Valley City Council.

Land affected by the Amendment

The Amendment applies to land at 3 Dagonet Street, Strathmore.

What the amendment does

The amendment will apply the Heritage Overlay to part of the subject site on a permanent basis.

Specifically, the amendment proposes to:

- Update the Schedule to the Heritage Overlay (Clause 43.01) of the Moonee Valley Planning Scheme by including the subject site.
- Amend Planning Scheme Map 4HO to include the subject land in the Heritage Overlay.

Strategic assessment of the Amendment

Why is the Amendment required?

Number 3 Dagonet Street, Strathmore includes two dwellings, one of which has been identified as having heritage significance - local social significance to the City of Moonee Valley and State historical significance to Victoria. A planning application has been received which proposes to replace the building of heritage significance with two new dwellings. A Heritage Overlay is needed in order for Council to legitimately consider the heritage significance of the place when considering a planning application.

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

The amendment will implement the following objectives of planning in Victoria, under Section 4 of the *Planning and Environment Act 1987*:

- 4(1)(a) to provide for the fair, orderly, economic and sustainable use, and development of land.
- 4(1)(d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- 4(1)(f) to facilitate development in accordance with the objectives set out in paragraph (d);
- 4(1)(g) to balance present and future interests of all Victorians.

These objectives are implemented by this amendment through identification of and protection of places in Moonee Valley that have local historical significance.

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

Environmental effects

The amendment will conserve and enhance a place identified as being of social and historic significance.

The amendment will also make a significant positive contribution to the built environment of the municipality by assisting in the conservation of a heritage place.

Social effects

The amendment is expected to have positive social impacts by providing protection for a place that represents important sociocultural themes associated with popular Australian films. The heritage place is a location where popular culture was created and represents a cultural reference point for current and future Victorians.

The amendment also provides protection to a heritage place which contributes to the cultural identity of Moonee Valley.

Economic effects

The amendment is not expected to have any adverse or significant economic repercussions for the community. However some additional costs are likely to be imposed on the owners or developers of the affected residential property, since the amendment will necessitate a planning permit for most buildings and works. The amendment also has potential to affect the redevelopment opportunities of the affected site.

It is considered that economic effects will be offset by the contribution that the heritage place offers to the broader community.

Does the Amendment address relevant bushfire risk?

There is no bushfire risk arising from this amendment.

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

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the *Planning and Environment Act 1987*.

The amendment is consistent with *Ministerial Direction No. 9 – Metropolitan Strategy* (Plan Melbourne) in terms of the identification and protection of places of heritage significance. The relevant components of *Plan Melbourne* are:

- Direction 4.7 – Respect our heritage as we build for our future

This direction seeks to ensure that heritage is valued when managing growth and change. It acknowledges that Melbourne is recognised for its well-preserved heritage buildings and that there is a need to manage future growth and change so Melbourne's distinctive characteristics and heritage are maintained.

- Initiative 4.7.1- Value heritage when managing growth and change

This initiative aims to protect the city's heritage, and improve heritage management processes within the Victoria planning system.

The amendment is consistent with these directions and initiatives in that it identifies and provides protection of a property of local cultural heritage value.

The amendment is consistent with the *Ministerial Direction No. 11 – Strategic Assessments of Amendments*.

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

This amendment is consistent with the State Planning Policy Framework (SPPF), in particular Clause 15.03 (Built Environment and Heritage) and implements the policy by including places which have been identified and assessed as having local cultural heritage significance in the Schedule to Clause 43.01 to the Heritage Overlay.

This amendment will directly implement the first strategy under Clause 15.03-1 to 'identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.'

In addition, the SPPF requires Council as the responsible authority for planning to balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. The amendment seeks to achieve this net community benefit by ensuring a place with heritage value is conserved, through inclusion in the Heritage Overlay, for present and future generations.

The amendment is therefore consistent with and supports the State Planning Policy Framework in relation to heritage.

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

The amendment will assist in the implementation of Clause 21.06-2 (Heritage) within the Local Planning Policy Framework by 'conserving the historic fabric and quality of places of cultural heritage significance including buildings, streetscapes, gardens and archaeological sites'.

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

The application of the Heritage Overlay is the most appropriate mechanism for recognising and protecting the cultural heritage significance of the identified place.

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

This amendment is not expected to significantly impact any relevant agency. However relevant agencies are to be notified during the public exhibition process.

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

The amendment is not expected to impact on the transport system.

Resource and administrative costs

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

The amendment is not expected to have a substantial impact on the resource and administrative costs of the responsible authority.

Where you may inspect this Amendment

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

Moonee Valley City Council
Civic Centre
9 Kellaway Avenue
Moonee Ponds

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

Planning and Environment Act 1987

MOONEE VALLEY PLANNING SCHEME

AMENDMENT C174

INSTRUCTION SHEET

The planning authority for this amendment is the Moonee Valley City Council.

The Moonee Valley Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 1 attached map sheet.

Overlay Maps

1. Amend Planning Scheme Map No 4HO in the manner shown on the 1 attached map marked "Moonee Valley Planning Scheme, Amendment C174".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

2. In Overlays – Clause 43.01 replace Schedule to the Heritage Overlay with a new Schedule in the form of the attached document.

End of document

MOONEE VALLEY PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are Not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO381 Interim control. Expiry date 31/03/2016	47-49 Rose Street and 51 Rose Street, Essendon	No	No	Yes	No	No	No	None	No
HO382 Interim control Expiry date 31/03/2017	41, 43 and 45 Regent Street, Ascot Vale	No	No	No	No	No	No	None	No
<u>HO447</u>	<u>3 Dagonet Street, Strathmore</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>

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HERITAGE CITATION REPORT

Name	'The Castle' house	Significance level	State
Address	3 Dagonet Street, Strathmore		
Place type	House		
Citation date	2016		
Assessment by	Context Pty Ltd		

Images



History and Historical context

Thematic context

The extract below was taken from a recent handbook prepared by Film Victoria, which provides a thematic context for the history of filmmaking in the State, and *The Castle's* place within that narrative:

Perhaps more than any other state or territory in Australia, Victorians enjoy seeing Victoria on screen and locally produced content receives consistently high ratings. Stories told on screen help create a shared sense of identity and mutual understanding within the community.

*Film and television productions showcases our vibrant cultures and communities and allow us to reflect on our history and identity as Australians, as seen in iconic films such as *The Man from Snowy River*, *The Castle*, and *Malcolm* or contemporary television dramas and comedies such as *House Husbands*, *Upper Middle Bogan*, *The Doctor Blake Mysteries*, *Miss Fisher's Murder Mysteries* and the many other film and television series created in Victoria.*

Until the 1960s there was a low representation of Australian stories on our screens. Australian television content regulations now ensure a wide range of drama is produced by Australian companies. In addition, federal and state funding is provided to support the production of Australian feature films. These mechanisms ensure Australian originated stories can be seen in our cinemas, on our televisions and online in amongst content from the US, UK and other countries.

Local productions ensure our stories are heard, in our own voice, in our cinemas and our homes.

*Local productions can also create a sense of pride and excitement within local communities, delivering a feeling of shared ownership and fond memories which are still a talking point many years later, such as *SeaChange for Barwon Heads* and *All the Rivers Run for Echuca* (Film Victoria 2014:5).*

The following section was extracted from the *City of Moonee Valley Thematic Environmental History* to illustrate the context of the house with the development of the adjacent Essendon Airport.

Essendon Airport, which opened in 1921, was established by the newly-formed Civil Aviation Branch of the Defence Department, as Melbourne's first government-owned civil aerodrome. It followed the

establishment of the Royal Australian Air Force (RAAF) flying school at Point Cook in 1914 and four privately-run civil airports established between 1919 and 1921 at Port Melbourne, Glenbuntly, Glenroy and Fisbermen's Bend. The aerodrome consisted of one runway and one hangar on sixty acres of land when it opened, but by the mid-1930s, when commercial aviation was expanding, with private companies such as Holymans and Ansett being formed, the airport area was expanded and several new buildings erected. More land was acquired to expand the airport in 1939.

Although commercial aviation virtually ceased from the airport during wartime, the airport was in use for defence purposes. The Victorian Flying School had been based at the airport from 1934. During the Second World War, an Elementary Flying School for RAAF trainee pilots was based at the airport, with trainees' quarters located on Bulla Road. Australian National Airlines built an instrument factory at the airport during the war and there were workshops erected to maintain and repair Beaufort bombers – Australian made aircraft – for the RAAF. In 1942, it was predicted that there would soon be 5,000 workers employed at the airport. In 1937 there were 190 people regularly employed there.

In 1943 the Commonwealth Government compulsorily acquired a further 200 acres for airport expansion and, by, 1946, had built another runway. In preparation for increased air travel after the war, the civil aviation authority planned a total of eight runways in all (though this did not eventuate). A control tower, administrative offices and passenger amenities building were also planned, though some of these planned visions did not become reality or were not actually achieved until the mid-1950s.

In 1950, six years before Melbourne hosted the Olympic Games, the airport was upgraded to an international airport. Now photos of international celebrities arriving or departing from Melbourne at Essendon Airport became regular features in Melbourne newspapers. In 1954, crowds camped at Essendon Airport to catch a glimpse of Her Majesty, Queen Elizabeth II, as she arrived in Victoria during the first Australian tour by a reigning British monarch (the Queen's first stop in Melbourne was at Essendon Town Hall). In 1964 teenage girls besieged the airport for the arrival of the Beatles in Melbourne. When Tullamarine Airport opened in 1971, Essendon continued to operate as an airport for smaller aircraft. Many local residents opposed the continued use of the airport so close to residential areas and their fears seemed realised in 1978 when a light plane crashed into a home in Matthews Avenue, Airport West, killing seven people, including the pilot. Nevertheless, Essendon Airport continues to function as a general aviation and corporate jet airport in 2012. Sections of the old airport, however, have developed in recent years as retail precincts. (Living Histories 2012:64-66).

Place history

The post-war house at 3 Dagonet Street is located on the west side of Dagonet Street in Strathmore, at the end of a cul de sac, and shares a boundary with Essendon Fields on its south and west sides. The land at 3 Dagonet Street was once part of Crown Allotment 15 (CA15) in the Parish of Doutta Galla, in total comprising 34 acres stretching from Lincoln Road in the west to Pascoe Vale Road in the east. In 1924 CA15 was purchased by the Peck family; Louisa Ellen Peck, Harry Huntington Peck and Richard Oren Peck, and subdivided the following year as the Lebanon Estate (CT: V5038 F452). The land comprising both the present 3 and 5 Dagonet Street was sold to one Stella Moore that same year as part of the subdivision, then changed hands several times before being developed in the late-1950s (CT: V5072 F208).

The lot was purchased by Arnold Mikkor, a builder, and his wife Asta Mikkor in May of 1959, whom then took out a mortgage on the property in June of 1959, presumably for the construction of a house (CT: V8163 V029). It is believed that the land remained vacant until this time. Given Mikkor's profession as a builder and the fact that the couple sold the home on within a year, it is likely that he constructed it himself and sold it quickly for financial return. The next owners were Stefan Koo, a bricklayer, and wife Berta Koo, a seamstress, who lived at 3 Dagonet Street from 1960 until 1984 (ER). In 1984 the property was purchased by Alison and Ronald Darker, whom then sold it to the current owner in 1993 (CT: V8163 V029).

Sales advertisements for houses in Dagonet Street have been marketed at various times as 'family homes', demonstrating the family-orientated residential character of the Street (*Age* 17 November 1979:71; *Age* 21 November 1987:100; *Age* 7 July 1990:63). This character, together with its location adjacent to Essendon Fields, contributed to the house at 3 Dagonet Street's selection as the primary location used in the iconic 1997 Australian film, *The Castle*. Filmed intensively over the course of two weeks in 1997, both the interior and exterior of the house

were used as the location of the Kerrigan's family home, known in the film as the fictional address of 3 Highview Crescent, Coolaroo. This included the backyard, views from the street and notably, the sun room, which featured as Darryl Kerrigan's 'pool room'. Since 1997, the original kitchen has been renovated and the property subdivided for the construction of a townhouse at its rear (Landy 30 June 2016). The house remains substantially intact since the film was made, supporting its ability to be instantly recognisable.

Sources

Age, as cited.

Electoral Rolls (ER), as cited.

Landy, S, 'Strathmore house where "The Castle" was filmed offered for rent, possibly for the last time', *Herald Sun*, 30 June 2016.

Living Histories 2012, 'City of Moonee Valley Thematic Environmental History', prepared for the City of Moonee Valley.

Land Victoria, Certificates of Title (CT), as cited.

Description

Physical description

This simple weatherboard house is typical of many built in the middle ring suburbs of Melbourne in the 1950s. In the post-war years, the demand for simple, practical and affordable housing was driven by an increase in prosperity, a boom in immigration and more generally by a desire for a simple suburban life. The typical suburban house was plain and simple in all respects. As materials and labour were in short supply, houses of this era were modest in scale and simple and unadorned in appearance.

The residence at 3 Dagonet Street is a typical 1950s' suburban weatherboard house. It is set on a large open block with a single established tree in the front garden and no fence at the street boundary. The house is rectangular in form, with a wing projecting on one side at the front. A low pitched, hipped roof is clad in terracotta tiles. A cream brick chimney is located centrally on the northern wall. Walls are clad in weatherboard all around.

The entry door is centred across the front elevation. A simple entry porch is enclosed by the roof projection, with wrought iron balustrade. A vertical wrought iron support with minimal decorative character is probably a manufactured element. Identical windows are centred on faces either side of the entry porch. The timber framed windows have three large panes with awning openings to each end and fixed highlight panes over.

Typically for a house of this style and era, detailing and ornamentation is almost non-existent. The overall character of the house is defined by simple lines and geometry and a simple but practical palette of materials.

Comparative analysis

On the basis of comparative analysis, the thresholds for the residence at 3 Dagonet Street is defined as Local for social significance and State level for historical significance. 'Like' places for comparison were identified on the basis of their being used as locations in other popular Australian films and television series that continue to be visited for this association, and that currently have heritage protection. While there are a number of properties around Melbourne and Victoria that are significant due to their associations with popular Australian television series and films, those that currently have heritage protection at either a local or state level are limited.

Of the examples identified, the residence at 3 Dagonet Street is most comparable to the residence at 18 Berry Street, Richmond. The residence at 18 Berry Street was used as the primary location in the 1986 Australian film, *Dogs in Space*, and is on the Victorian Heritage Register and included in the Heritage Overlay of the City of Yarra Planning Scheme (H0710; HO226). The place citation cites social significance of the residence for this association, as a place where the sex, drugs and rock 'n' roll subculture of the late 1970s' was portrayed with

mainstream success in *Dogs in Space*, and also as an important cultural reference point for young people in the 1980s that continues to be readily recognised and visited for its role in the film.

Unlike the residence at 18 Berry Street, the house at 3 Dagonet Street does not also hold historical significance for its built fabric. Its connections with the film, *The Castle*, are the foremost aspect of its significance, reflecting both social and historical value. The residence at 18 Berry Street does not cite historical significance for the place in association with *Dogs in Space*, instead describing its association with the film under social value only at state level, but for the same reasons as for the house at 3 Dagonet Street: its importance as a place where popular culture was created and as a cultural reference point for Victorians. The citation for 18 Berry Street was prepared in 1999, before the creation of the 2010 *Victoria's Framework of Historical Themes*, which may account for the difference in the way the criteria have been applied in comparison to 3 Dagonet Street. From comparative analysis, the thresholds for the residence at 3 Dagonet Street is defined as Local for social significance and State level for historical significance.

Statement of significance

What is significant

The residence at 3 Dagonet Street, Strathmore, constructed in 1959 and used as the primary location in the popular 1997 Australian film, *The Castle*.

How is it significant

3 Dagonet Street is of social significance to the City of Moonee Valley and of historic significance to the State of Victoria.

Why is it significant

The residence at 3 Dagonet Street is of historic and social significance as a place where popular culture in the form of the 1997 Australian film, *The Castle*, was created and is celebrated. The residence contributes to understandings of Victoria's diverse cultural life, by embodying cultural nuances portrayed in the film about the land rights movement of the 1980s' and 1990s', the Australian battler figure through its protagonist Darryl Kerrigan, as well as about suburban family life in Victoria at the time. (Criteria A & G)

The residence at 3 Dagonet Street is of historic significance for its artistic distinction as a place where the critically acclaimed Australian film, *The Castle*, was made, and remains substantially intact since its creation. As a setting for the film, the residence reflects Victoria's artistic achievement in the screen industry, having been created by an Australian production company, Working Dog, within Victoria and for an Australian audience. The film was created during a period when local productions had been made to tell local stories on Australian screens for only a few short decades since the 1960s, creating a shared sense of understanding in the community of their history and identity. The film has been designated as one of the most successful Australian films ever made in Victoria to-date, and among others, starred accomplished Australian actor Michael Caton. (Criterion A)

The residence at 3 Dagonet Street is of social significance as the primary location used in filming of *The Castle*, which continues to be remembered and celebrated by local and visitor communities. The house continues to function as an important cultural reference point recognised today in association with the film, having been regularly visited by members of the public on an ongoing basis since the film was released in 1997. Members of the local community have developed an attachment to the residence over the years since *The Castle* was made, with a shared sense of ownership over the house being created through continual storytelling about its role in the film. This connection with the physical place is supported by the house remaining substantially intact since the film was created, making it instantly recognisable. (Criterion G)

Recommendations 2016

External Paint Controls

-

Internal Alteration Controls

-

Tree Controls	-
Fences & Outbuildings	-
Prohibited Uses May Be Permitted	-
Incorporate Plan	-
Aboriginal Heritage Place	-

Other recommendations

Add this place to the Heritage Overlay with no specific HO controls, as shown in the above table. Extent of the HO apply to the front facing dwelling only, as shown on the associated property map.

**10.3 Notice Of Motion 216/23 - Heritage Overlay on dwelling
used for the Castle movie at 3 Dagonet Street,
Strathmore**

File No: FOL/16/130
From: Councillor Narelle Sharpe
Ward: Buckley
Minute No. 2016/138

Council Resolution

Moved by Cr Sharpe, seconded by Cr Marshall that Council request the Chief Executive Officer to prepare a report on the significance of the property at 3 Dagonet Street, Strathmore which featured in the 1997 Australian Film 'The Castle' and investigate the potential for including the property in the Heritage Overlay of the Moonee Valley Planning Scheme on the basis of "Strong or special association with a particular community or cultural group for social and cultural reasons" being the reason the move 'The Castle'.

CARRIED UNANIMOUSLY

**10.2 Notice Of Motion No. 2016/22 - Relating to
correspondence sent to Ministers and Members of
Parliament - State and Federal**

File No: FOL/16/130
From: Councillor Cam Nation
Ward: Municipal
Minute No. 2016/139

Council Resolution

Moved by Cr Nation, seconded by Cr Marshall that Council:

1. Receive quarterly reports, appending copies of:
 - a) All correspondence (emanating from a Notice of Motion resolution) which have been addressed to members and departments of Federal and State Parliament.
 - b) All responses to matters outlined in a) above and subsequent follow-up correspondence.
2. Receive a report within the current calendar year, appending copies of:
 - a) All correspondence (emanating from a Notice of Motion resolution) which have been addressed to members and departments of Federal & State Parliament during the current Council term.
 - b) All responses to matters outlined in a) above and subsequent follow-up correspondence.

9.5 Amendment C132 Moonee Ponds Activity Centre Car Parking Plan - Post Panel

File No: FOL/16/130
Author: Brian Labadie
Senior Strategic Planner
Directorate: Planning & Development
Ward: Myrnong

Purpose

The purpose of this report is to advise Council of the recommendations of the Independent Planning Panel appointed by the Minister for Planning to consider submissions with regard to Moonee Valley Planning Scheme Amendment C132 – Moonee Ponds Activity Centre Car Parking Plan.

This report also seeks Council adoption of Amendment C132 (in accordance with the changes outlined in the report), the Moonee Ponds Activity Car Parking Plan and Strategic Justification for Cash-in-Lieu of On-Site Parking Provision.

Executive Summary

- At its November 2015 Ordinary Meeting, Council resolved to endorse the draft Moonee Ponds Activity Centre Car Parking Plan (**Appendix A** – separately circulated) and Strategic Justification for Cash-in-Lieu of On-Site Parking Provision (**Appendix B** – separately circulated).
- At the same meeting, Council also resolved to seek authorisation from the Minister for Planning to prepare and exhibit the associated Amendment C132, and to refer any unresolved submissions to an Independent Planning Panel.
- Amendment C132 proposes the following changes to the Moonee Valley Planning Scheme:
 - Introduce Clause 45.09 – Parking Overlay.
 - Introduces Schedule 1 to the Parking Overlay.
 - Applies Schedule 1 to the Parking Overlay to land located within the Moonee Ponds Activity Centre.
- The Amendment has the following purposes:
 - To appropriately manage the provision of car parking within the Moonee Ponds Activity Centre.
 - To improve both public car parking provision and sustainable transport infrastructure within the centre.
 - To provide for the collection of financial contributions in lieu of on-site commercial car parking to contribute to the construction of publicly-accessible off-street parking facilities within the centre.

- To provide for the collection of financial contributions in lieu of on-site residential car parking to contribute to the construction of sustainable transport improvements within the centre.
- The proposed Schedule 1 to the Parking Overlay includes lower minimum parking rates (reduced from Column A to Column B rates in Clause 52.06), as well as a financial contribution scheme for parking reductions below the new rates.
- Amendment C132 (**Appendix C** – separately circulated) and the draft Moonee Ponds Activity Centre Car Parking Plan were exhibited from 4 February to 17 March 2016.
- A total of nineteen submissions to the Amendment were received (one of which was withdrawn) – a summary of submissions is circulated separately as **Appendix D**.
- Council subsequently referred all submissions to an Independent Planning Panel, which was held on 24 and 26 May 2016.
- Council received the C132 Panel Report on 8 July 2016 (**Appendix E** – separately circulated).
- In their report, the Panel expresses concern with several aspects of Council's proposed Amendment, and recommended it be adopted in part, only recommending the lowering of the minimum parking rate from the current Column A in Clause 52.06 to instead apply 'Column B rates' as identified in the Amendment to the Moonee Ponds Activity Centre (MPAC).
- Council Officers consider that if the Amendment does not include a financial contribution scheme, then it should be abandoned, as it does not reflect the intent of the Amendment.
- Discussions have since been held with Council's representatives at the Department of Environment, Land, Water and Planning (DELWP) as well as Maddocks (the law firm who provided legal advice to inform the development of the Car Parking Plan and Amendment). Both parties advised Council need not necessarily abandon the Amendment, but rather provide further strategic justification for the proposed financial contribution scheme and submit to the Minister for Planning for approval.
- Maddocks have prepared a Review of the Strategic Basis with specific reference to the proposed financial contribution scheme (**Appendix F** – separately circulated) which will assist in demonstrating to the Minister for Planning that the Panel's concerns have been addressed, and that the proposed Amendment should be approved in full.

Recommendation

That Council:

1. Adopt the Moonee Ponds Activity Centre Car Parking Plan and Strategic Justification for Cash-in-Lieu of On-Site Parking Provision.
2. Endorse Maddocks Review of the strategic basis for the introduction of a parking overlay at the Moonee Ponds Activity Centre, incorporating a car parking contributions scheme.
3. Having complied with Part 3, Division 1 and 2 of the Planning and Environment Act 1987, and in accordance with Section 29(1), adopt Moonee Valley Planning Scheme Amendment C132 with the changes outlined in this report.
4. Pursuant to Section 31(1) of the Planning and Environment Act 1987, submit Moonee Valley Planning Scheme Amendment C132 to the Minister for Planning for approval accompanied by the Maddocks Review, specifying that Council would only support the Amendment being approved with the financial contributions scheme in its entirety.
5. In coordination with other interested municipalities and the Municipal Association of Victoria, write to the Minister for Planning to request that Practice Note 22 – Using the Car Parking Provisions and Practice Note 57 – The Parking Overlay be reviewed to ensure clarity for councils seeking to apply the Parking Overlay within their municipality. In particular, the review should consider establishment of a standard methodology for determining appropriate ‘cash-in-lieu’ rates to be paid in place of providing car parking spaces.
6. Should Amendment C132 be approved by the Minister for Planning, review the operation of the financial contribution scheme including the value of contributions within 12 months of the gazettal date.

Background

Car Parking Plan

At the Ordinary Council Meeting of 20 December 2011, Council adopted the Municipal Parking Strategy. The Strategy includes several actions to better manage parking and transport within the municipality, including the preparation of Car Parking Plans for each of its activity centres, commencing with Moonee Ponds.

In mid-2012, Council began investigating the preparation of the Moonee Ponds Car Parking Plan, including options for a financial contribution scheme (which establishes the ability for Council to collect funds from developers in place of car parking reductions). Following a State Government review of the Parking Provisions, this work was put on hold to await the findings of this review.

In September 2013, the consultancy AECOM was engaged to assist with the development of the Moonee Ponds Activity Centre Car Parking Plan, and stakeholder surveys were undertaken in late 2013. It was later identified that additional expertise was required to strategically justify the proposed financial contribution scheme, and SGS Economics and Planning (SGS) was engaged in July 2015 to prepare this work.

Amendment C132

At its November 2015 Ordinary Meeting, Council resolved to endorse the draft Moonee Ponds Activity Centre Car Parking Plan, Strategic Justification for Cash-in-Lieu of On-Site Parking Provision as well as seek authorisation from the Minister for Planning to prepare and exhibit associated Planning Scheme Amendment C132.

Amendment C132 seeks to introduce the Moonee Ponds Car Parking Plan into the Moonee Valley Planning Scheme in order to provide improved statutory guidance for parking and transport within and around the activity centre.

The proposed Schedule 1 to the Parking Overlay includes lowering the minimum parking rates from the current Column A in Clause 52.06 to Column B rates, as well as a financial contribution scheme for reductions of parking provision below these new rates.

The financial contribution scheme proposes to use funds collected in lieu of parking not provided on site associated with an accommodation use for the delivery of improvements to the sustainable transport network, whilst funds collected in lieu of parking not provided on site not associated with an accommodation use would be used to deliver publicly-accessible off-street parking facilities.

Exhibition

Authorisation to prepare and exhibit Amendment C132 was received from the Minister for Planning on 4 January 2016.

Amendment C132 was exhibited from 4 February to 17 March 2016, and a total of 19 submissions were received (one of which was withdrawn).

The submissions are categorised as follows:

Table 1: Summary of Submissions

Submission Type	Number of Submissions
Support the Amendment in full	2
Support the Amendment with minor changes (including the Moonee Ponds Chamber of Commerce)	7
Do not support the Amendment	7
Not relevant or withdrawn	3

A more detailed summary of submissions is circulated separately as **Appendix D**.

Council subsequently referred all submissions to an Independent Planning Panel, which was held in late May 2016.

Discussion

Panel Hearing

The Panel consisted of two members, Con Tsotsoros (Chair) and Michael Malouf (Member), and was held over the course of two days. Council was represented by Barrister Louise Hicks, and called on expert witness, Andrew Spencer of SGS Economics and Planning.

During the Panel Hearing, the following two submitters were heard:

- Moonee Valley Racing Club, represented by Ms Emily Porter of Norton Rose Fullbright and called on expert witness Chris Coath of GTA Consultants; and
- Ms Kristen Bell (resident).

The concerns of the above two submitters with the proposed Amendment related to the proposed parking rates (Column B), justification for the proposed financial contribution scheme and the inclusion of the Moonee Valley Racecourse within the proposed Parking Overlay boundary.

During the hearing, a number of revisions to the exhibited Schedule 1 to the Parking Overlay were discussed to address the following clarifications requested by the Panel:

- The term 'waiver' should not be used and should be replaced with 'reduction';
- Confirmation that permits cannot be granted to reduce below Column B rates;
- Confirmation that financial contributions are proposed to apply to all reductions below Column B rates;
- Revisions to the list of sustainable transport infrastructure types to ensure nexus;
- Allowing other financial or in kind contributions received by developers for the purpose of either public parking or sustainable transport infrastructure to be used as parking 'credits'; and
- Minor drafting changes.

The revisions outlined above have resulted in a revised Schedule 1 to the Parking Overlay, which is included in the Amendment C132 documentation (**Appendix C** – separately circulated).

Panel Report

Council received the Panel Report on 8 July 2016, the recommendations of which can be summarised as follows:

- Application of Column B rates within the activity centre is supported;
- The Moonee Valley Racing Club land should remain within the Parking Overlay boundary with the ability for a permit to reduce the number of car parking spaces that is supported by an empirical assessment;
- Insufficient strategic justification for:
 - The mechanism for a financial contributions scheme
 - The two financial contribution rates, being \$7,500 for accommodation-related reductions and \$15,000 for non-accommodation-related reductions; and
- Insufficient strategic basis to remove the ability for a permit to reduce the number of parking spaces under the proposed Schedule to the Parking Overlay.

The Panel Report also stated (on page 1) that: *“The Parking Plan and Maddock’s legal advice (obtained by Council in mid-2015) provided relevant and practical advice for implementing the car parking provisions. The Panel considers that following this advice may have resulted in a better prepared and better justified amendment. Council did not follow their advice.”*

The Panel’s recommendation is as follows:

The Panel recommends that Amendment C132 to the Moonee Valley Planning Scheme be adopted as exhibited subject to amending Parking Overlay Schedule 1, as showing in Appendix B (of the Panel Report), to:

- a) *Replace the provisions under Clause 2.0 (number of car parking spaces to be provided) with:*

For all uses listed in Table 1 of Clause 52.06-5, the number of car parking spaces required for a use is calculated using the Rate in Column B of that Table.

- b) *Delete Clause 3.0 (Financial contributions requirement)*

- c) *Replace all objectives in Clause 1.0 (Car parking objectives to be met) with:*

To identify appropriate car parking rates for land uses in the Moonee Ponds Activity Centre.

Post Panel Report

Upon review by Council’s Statutory Planning unit, a number of critical issues and questions were identified regarding the Panel Report (**Appendix G** – separately circulated).

These issues were a lack of clarity on the concerns raised within the Panel Report, providing minimal direction for how Council could address these concerns. In reviewing relevant legislation as well as other panel reports and approved schedules to Parking Overlays throughout Victoria, it is concluded the proposed Amendment C132 has sufficient strategic justification, but recognise this may not have been adequately articulated within the amendment documentation and panel submission.

It is considered that if the Amendment does not include a financial contribution scheme (including for both accommodation and non-accommodation-related parking reductions) as recommended in the Panel Report, then the Amendment should be abandoned.

Council officers discussed these issues with Council’s representatives at DELWP in August 2016, who provided guidance regarding progressing the Amendment, including advice that they would consider an additional statement by Council to strategically justify the Amendment as part of a request for approval.

In early September 2016, Council Officers met with Maddocks, who prepared the initial legal advice for Council in mid-2015. They respectfully disagree with the Panel’s statement that Council has not followed their previous legal advice, and advised that Council should not necessarily abandon the Amendment. Maddocks recommended Council prepare a paper which provides robust strategic justification for the Amendment (in particular the financial contribution scheme). They advised this paper should accompany Council’s submission of the Amendment to the Minister for Planning for approval.

Maddocks has prepared the required strategic justification (**Appendix F**- separately circulated) which details:

- The removal of discretion in relation to further reductions beyond the Column B rates;
- The adoption of \$15,000 as the rate for the spaces required but not provided for non-accommodation uses;
- The adoption of \$7,500 as the rate for the spaces required but not provided for accommodation uses; and
- The relationship between the sustainable transport infrastructure and reductions in the number of car parking spaces provided for accommodation uses.

The Strategic Planning Unit considers the additional strategic justification will provide the necessary demonstration to the Minister for Planning that the Panel's concerns have been addressed, and the proposed Amendment should be approved in full.

It is noted that the municipalities of Frankston, Port Phillip, Cardinia and Hume as well as staff from the Municipal Association of Victoria (MAV) have expressed an interest in the outcome of Amendment C132, as they believe it would help guide the development of similar controls across the State.

These municipalities have expressed concern that Practice Note 22 – Using the Car Parking Provisions and Practice Note 57 – The Parking Overlay, needs to be reviewed to ensure clarity for councils seeking to apply the Parking Overlay.

To this end, it is considered appropriate that Council:

- Adopt Amendment C132 with the changes outlined in this report;
- Submit Amendment C132 to the Minister for Planning for approval in full; and
- Write to the Minister for Planning to request a review of Practice Notes 22 – Using the Car Parking Provisions and 57 – The Parking Overlay, to ensure clarity for Councils seeking to apply the Parking Overlay within their municipality.

Consultation

Exhibition of the draft Moonee Ponds Activity Centre Car Parking Plan and associated Amendment C132 took place from 4 February to 17 March 2016, and included:

- Approximately 2,200 letters sent to residents, business owners and other landowners in and around the Moonee Ponds Activity Centre;
- Notices in local papers and materials distributed to local businesses;
- Information provided on Council's website; and
- Presentation from Council officers at Moonee Ponds Chamber of Commerce meeting.

Nineteen (19) submissions were received during the exhibition period, including:

- Two which supported the Amendment;

- Seven which supported the Amendment, with minor changes recommended (including the Moonee Ponds Chamber of Commerce);
- Seven which did not support the amendment (including the Moonee Valley Racing Club); and
- Three which were either not relevant or withdrawn.

As there were issues raised in opposing submissions that could not be resolved, these were referred to an Independent Planning Panel. All submitters were given the opportunity to be heard at the Panel Hearing, with two submitters requesting to be heard.

Implications

1. Legislative

The proposed amendment is in accordance with Section 4.1 of the Planning and Environment Act 1987 and State Planning Policy, including Plan Melbourne.

There are no Human Rights Charter implications as a result of this Planning Scheme Amendment.

2. Council Plan / Policy

In presenting this report to council, Council is achieving its Strategic Objective to Facilitate the provision of a broad range of safe, accessible and sustainable transport modes across the municipality in accordance with Council Plan 2013-2017 Theme 1: Sustainable living - Clear direction for growth and development of the city.

3. Financial

Council will use existing resources with the Strategic Planning operational budget to pay the remaining costs associated with this Amendment.

Should the Amendment be approved, the funds collected in lieu of each parking space associated with an accommodation use would be placed in a dedicated account only to be used for sustainable transport projects within and around the Moonee Ponds Activity Centre (as defined in the proposed Schedule 1 to the Parking Overlay).

Should the Amendment be approved, the funds collected in lieu of each parking space associated with a use other than accommodation would be placed in a dedicated account to only be used for the development of publicly-accessible off-street parking facilities within the Moonee Ponds Activity Centre.

4. Environmental

The Moonee Ponds Activity Centre Car Parking Plan and Amendment C132 seek to facilitate an improved sustainable transport network, in addition to reducing traffic congestion within the centre.

Conclusion

It is recommended that Council submit Amendment C132 to the Minister for Planning for approval. Should the Amendment be approved, it would improve Council's processes for assessing the car parking provision of new development within the Moonee Ponds Activity Centre.

Appendices

- Appendix A: MPAC Car Parking Plan (separately circulated)
- Appendix B: Strategic Justification for Cash-In-Lieu of On-Site Car Parking Provision (separately circulated)
- Appendix C: Amendment C132 Documentation
- Appendix D: Summary of Submissions
- Appendix E: Moonee Valley C132 Panel Report (separately circulated)
- Appendix F: Maddocks Strategic Justification (separately circulated)
- Appendix G: Panel Report Points of Clarification.

Planning and Environment Act 1987

MOONEE VALLEY PLANNING SCHEME

AMENDMENT C132

INSTRUCTION SHEET

The planning authority for this amendment is Moonee Valley City Council.

The Moonee Valley Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 1 attached map sheets.

Overlay Maps

1. Amend Planning Scheme Map No. 12 PO in the manner shown on the attached maps marked "Moonee Valley Planning Scheme, Amendment C132".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In Overlays – Clause 45.09, insert a new Schedule 1 in the form of the attached document.

End of document

[6587918: 15872919_1]

Planning and Environment Act 1987

MOONEE VALLEY PLANNING SCHEME

AMENDMENT C132

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the City of Moonee Valley, and the City of Moonee Valley is the planning authority for this amendment.

The Amendment has been made at the request of the City of Moonee Valley.

Land affected by the Amendment

The Amendment applies to land located within the Moonee Ponds Activity Centre (defined as the land currently subject to Schedule 1 to the Activity Centre Zone).

What the amendment does

The Amendment:

- Introduces Clause 45.09 – Parking Overlay.
- Introduces Schedule 1 to the Parking Overlay.
- Applies Schedule 1 to the Parking Overlay to land located within the Moonee Ponds Activity Centre.

Strategic assessment of the Amendment

Why is the Amendment required?

The Moonee Ponds Activity Centre is currently experiencing a high level of development, and this is projected to continue considering its desirable location and status as an activity centre. Additional strategies and controls are needed to manage the impacts of this new development, including parking and transport implications.

This amendment seeks to implement the Moonee Ponds Car Parking Plan into the Moonee Valley Planning Scheme in order to provide improved statutory guidance for parking and transport within and around the activity centre.

The proposed Schedule 1 to the Parking Overlay includes lower minimum parking rates (in accordance with Column B in Clause 52.06), as well as financial contribution scheme in lieu of parking waivers for provision below the new rates.

The financial contribution scheme proposes to use funds collected from parking waivers associated with an accommodation use for the delivery of improvements to the sustainable transport network, whilst funds collected from parking waivers not associated with an accommodation use would be used to deliver publicly-accessible off-street parking facilities.

These proposed controls would help Council better manage the parking assessment process for new developments, as well as improve the parking and transport infrastructure in and around the centre.

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

The Amendment implements the objectives of planning in Victoria pursuant to Section 4 of the *Planning and Environment Act 1987* by providing for the fair, orderly and sustainable development of land where environmental, social and economic effects are recognised.

The Amendment will give clear direction and framework to making decisions in relation to car parking. It also has an emphasis on decreasing the reliance on the motor vehicle and promoting sustainable modes of transport.

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

The Amendment will generate positive social and economic benefits through significant improvements to the access and management of traffic and transport throughout the Moonee Ponds activity centre.

The amendment creates clarity, certainty and guidance for planning proposals within the activity centre and provides sustainable transport initiatives and outcomes in conjunction with future car parking provision.

Does the Amendment address relevant bushfire risk?

This issue is not considered relevant to this amendment.

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

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Planning and Environment Act 1987.

The Amendment is also consistent with Ministerial Direction 9 – Metropolitan Strategy and Ministerial Direction 11 – Strategic Assessment of Amendments.

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

The Amendment directly supports the following Clauses of the SPPF:

- Clause 11 (Settlement) by providing a framework to focus and control development in the Moonee Ponds Principal Activity Centre.
- Clause 15 (Built Environment and Heritage) by encouraging improvements to the centre and high quality urban design for the streetscapes incorporating an efficient and attractive environment for users of the activity centre.
- Clause 17 (Economic Development) by ensuring that the centre has opportunities for commercial and residential growth, and providing a framework for the location and management of that growth within the activity centre in relation to managing car parking demand.
- Clause 18 (Transport) by encouraging and facilitating development and growth within the activity centre which is integrated with easy access to the existing sustainable transport system and ensures an adequate supply of car parking that is appropriately designed and located.

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

The amendment supports and implements the Local Planning Policy Framework by addressing the traffic and parking issues of the activity centre.

Clause 21.07 of the Municipal Strategic Statement (Activity Centres) specifies the vision to develop the area into one of the region's most vibrant, pedestrian-centric, culturally diverse and historic areas. A policy guideline to achieve this vision is to improve traffic management, car parking facilities and pedestrian networks within and surrounding the centre.

Clause 21.09 (Transport) includes an objective to reduce private vehicle use throughout the municipality. A strategy to achieve this objective is to encourage residents and visitors to use alternative transport. Another objective within this Clause is to ensure an equitable distribution of car parking throughout the municipality. Strategies to achieve this include the ensuring that any reduced provision of off-street car parking is offset by contributions towards sustainable transport improvements. The proposed Amendment aligns with these strategies as it proposes to lower the required car parking rates within the activity centre to encourage more sustainable modes of transport, whilst ensuring a suitable level of car parking is provided and appropriate financial contributions are provided by developers in lieu of car parking reductions.

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

The Parking Overlay in Clause 45.09 is the most appropriate tool to manage car parking within activity centres.

The amendment complies with and implements the VPP Practice Notes, PN22 Using the Parking Provisions April 2013, AN25 New Car Parking Provisions June 2012 and PN57 The Parking Overlay April 2013.

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

The amendment will be referred to all relevant agencies and stakeholders as part of the formal exhibition process.

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

The amendment complies with the relevant requirements of the Transport Integration Act, specifically Part 2, Division 2, 11 – Integration of transport and land use.

The application of the Parking Overlay would allow for car parking rates that are more appropriate for activity centres. The financial contributions requirement for any parking reduction or waiver will assist Council to strategically plan for future parking provision and improve access and circulation around the activity centre by using the financial contributions on projects specified in the Moonee Ponds Activity Centre Structure Plan.

Resource and administrative costs

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

The Amendment has a positive impact on Council as the financial contributions made to offset the waiver and reduction of on-site car parking can be used to fund transport projects within the Moonee Ponds Activity Centre that will improve amenity to users of the centre, by improving access and circulation around the centre for pedestrians, cyclists and vehicles.

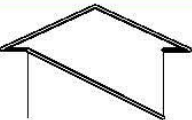
Where you may inspect this Amendment

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

Moonee Valley City Council
9 Kellaway Avenue
Moonee Ponds VIC 3039

Moonee Valley City Council's website www.mvcc.vic.gov.au

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



45.09 PARKING OVERLAY

19/04/2013
VC95

Shown on the planning scheme map as **PO** with a number.

Purpose

To implement the State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To facilitate an appropriate provision of car parking spaces in an area.

To identify areas and uses where local car parking rates apply.

To identify areas where financial contributions are to be made for the provision of shared car parking.

45.09-1 Operation

19/04/2013
VC95

This overlay operates in conjunction with Clause 52.06.

A schedule to this overlay may:

- Vary the requirements of Clause 52.06 as allowed by this overlay.
- Specify additional requirements to the requirements of Clause 52.06 as allowed by this overlay.
- Specify requirements for the provision of a financial contribution as a way of meeting the car parking requirements of Clause 52.06 or this overlay.

45.09-2 Parking objectives

19/04/2013
VC95

A schedule to this overlay must specify the parking objectives to be achieved for the area affected by the schedule.

45.09-3 Permit requirement

19/04/2013
VC95

A schedule to this overlay may specify that:

- The exemption from the requirement for a permit in Clause 52.06-3A does not apply. If the exemption does not apply, a permit is required for any of the matters set out in Clause 52.06-3.
- A permit must not be granted to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or this overlay.
- A permit must not be granted to provide some or all of the car parking spaces required under Clause 52.06-5 or this overlay on another site.
- A permit must not be granted to provide more than the maximum parking provision specified in a schedule to this overlay.
- A permit is not required under Clause 52.06-3.

45.09-4 Number of car parking spaces required

19/04/2013
VC95

A schedule to this overlay may:

- Vary the car parking rate and measure for any use listed in Table 1 of Clause 52.06-5.
- Specify the car parking requirements for any use of land not listed in Table 1 of Clause 52.06-5.

- Specify maximum and minimum car parking requirements for any use of land.
- For any use listed in Table 1 of Clause 52.06-5, apply Column B in the Table to that use.

45.09-5 Application requirements and decision guidelines for permit applications

19/04/2013
VC95

Before deciding on an application under Clause 52.06-3, in addition to the relevant decision guidelines in Clause 52.06-6, the responsible authority must consider, as appropriate:

- The parking objectives of the relevant schedule to this overlay.
- Any application requirements and decision guidelines specified in a schedule to this overlay.

45.09-6 Financial contribution requirement

19/04/2013
VC95

A schedule to this overlay may allow a responsible authority to collect a financial contribution in accordance with the schedule as a way of meeting the car parking requirements that apply under this overlay or Clause 52.06.

A schedule must specify:

- The area to which the provisions allowing the collection of financial contributions applies.
- The amount of the contribution that may be collected in lieu of each car parking space that is not provided, including any indexation of that amount.
- When any contribution must be paid.
- The purposes for which the responsible authority must use the funds collected under the schedule. Such purposes must be consistent with the objectives in section 4 of the Act.

45.09-7 Requirements for a car parking plan

19/04/2013
VC95

A schedule to this overlay may specify additional matters that must be shown on plans prepared under Clause 52.06-7.

45.09-8 Design standards for car parking

19/04/2013
VC95

A schedule to this overlay may specify:

- Additional design standards.
- Other requirements for the design and management of car parking.

Plans prepared in accordance with Clause 52.06-7 must meet any design standards and requirements specified in a schedule to this overlay.

45.09-9 Decision guidelines for car parking plans

19/04/2013
VC95

Before deciding whether a plan prepared under Clause 52.06-7 is satisfactory, in addition to the decision guidelines in Clause 52.06-9, the responsible authority must consider, as appropriate, any other matter specified in a schedule to this overlay.

MOONEE VALLEY PLANNING SCHEME

--/20--
C--

SCHEDULE 1 TO THE PARKING OVERLAY

Shown on the planning scheme map as **PO1**.

Moonee Ponds Activity Centre

1.0 Car parking objectives to be achieved

--/20--
C--

To appropriately manage the provision of car parking within the Moonee Ponds Activity Centre.

To improve both public car parking provision and sustainable transport infrastructure within the centre.

To provide for the collection of financial contributions in lieu of commercial car parking ~~waivers~~ **spaces** to contribute to the construction of publicly-accessible off-street parking facilities within the centre.

To provide for the collection of financial contributions in lieu of residential car parking ~~spaces~~ **waivers** to contribute to the construction of sustainable transport improvements within the centre.

2.0 Number of car parking spaces to be provided

--/20--
C--

The lower standard car parking rates found in Column B of Table 1 in Clause 52.06

are required, unless the following apply:

- The number of car parking spaces required in this schedule for a new use of land is less than or equal to the number of car parking spaces required under this schedule for the existing use of the land; and
- The number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.

~~apply.~~

3.0 Number of car parking spaces to be provided

--/20--
C--

A permit must not be granted to reduce (including reduce to zero) the number of car parking spaces required under this overlay.

43.0 Financial contributions requirement

--/20--
C--

The responsible authority may accept ~~Aa~~ a financial contribution of \$7,500 (ex GST) ~~is required~~ in lieu of ~~one or more car parking spaces being provided on-site~~ ~~each car parking space~~ associated with an accommodation use (as required under Column B of Table 1 in Clause 52.06) ~~being provided on-site~~.

The responsible authority may accept ~~aA~~ a financial contribution of \$15,000 (ex GST) ~~is required~~ in lieu of ~~one or more car parking spaces being provided on-site~~ ~~each car parking space~~ associated with a use other than accommodation (as required under Column B of Table 1 in Clause 52.06) ~~being provided on-site~~.

The amount of financial contributions specified above is to be adjusted annually from 1 July 2015 using the CPI (all groups) as the index.

MOONEE VALLEY PLANNING SCHEME

The financial contributions specified above must be made before the use or development commences unless a ~~permit condition~~ [Section 173 agreement](#) allows payments by instalments under the ~~Section 173 agreement~~ provisions of the *Planning and Environment Act 1987*. This agreement may provide for the payment of the contribution in instalments plus an interest component equivalent to the interest payable on unpaid rates and charges under the Local Government Act 1989 and it must provide that all instalments and accrued interest are paid within 5 years of the first instalment.

All financial contributions collected in lieu of car parking spaces associated with an accommodation use can only be spent on the following projects within and around the activity centre:

- Streetscape improvements (e.g. widening footpaths, street furniture and improved pedestrian amenity).
- Laneway improvements (e.g. improved pedestrian amenity/connectivity).
- Public transport stop upgrades (e.g. seating, rubbish bins and other amenities not already provided).
- Dean Street underpass project (~~a specific project included~~ [Action 1.6](#) with-in Council's Walking and Cycling Strategy which formalises access to the Moonee Ponds Creek shared path).
- ~~Maintenance of the Moonee Ponds Creek Path.~~
- Shared paths (e.g. along Dean and Wilson Streets).
- Wayfinding signage.
- On-road bicycle lanes (e.g. along Mt Alexander Road and potentially Ascot Vale Road).
- Intersection/roundabout improvements [which relate to pedestrian/cyclist connectivity](#) (this includes the Junction intersection).

All financial contributions collected in lieu of car parking spaces associated with a use other than accommodation can only be spent on the development of publicly-accessible off-street parking facilities within the activity centre.

[Other financial or in kind contributions may at the discretion of the responsible authority be offset against the financial requirements if they are to the satisfaction of the responsible authority.](#)

59.0

Reference document

- Moonee Ponds Activity Centre Car Parking Plan, 2015
- Strategic Justification for Cash-in-Lieu of On-Site Parking Provision, 2015

Amendment C132 - Summary of Submissions

Submission Number	Name	Issue	Response
1	Julie Vulin	Believes there are already parking issues, so does not support the reduction in parking requirements or allowance of waivers.	<p>The VPPs allow for parking waivers, and provides Council with the discretion to revise the required parking rates as well as implement a cash-in-lieu scheme. Council is unable to remove the ability for an applicant to apply for a waiver, nor revise the parking rates without adequate justification.</p> <p>Due to the strategic location of the Moonee Ponds Activity Centre with excellent access to public transport and services, the appropriate car parking rates have been determined by independent transport consultants to be slightly lower than the existing rates.</p> <p>Council will continue to rigorously assess the strategic justification of each application to waive car parking, and the cash-in-lieu scheme provides a formal process to ensure that, where waivers are granted, the broader community is not disadvantaged.</p>
2	Francine Nicholson	Submission withdrawn	Originally had concern with the proposed cash-in-lieu scheme being unaffordable for the planned expansion of their medical centre. When informed that the revised car parking rates correspond to floor area rather than number of practitioners, they withdrew their submission.
3	Ian Wallis	Support the objectives of the plan and the cash-in-lieu component. Prefers the focus of expenditure should be to buy car parking spaces close to Coats Street.	<p>Noted.</p> <p>Council's independent transport consultant has prepared an initial list of potential sites for a future off-street consolidated car parking facility, which includes the land located at 62-68 Pascoe Vale Road (in close proximity to Coats Street). However further work would need to be undertaken to investigate the location and timing of the development of a car park if the overlay is implemented. This investigation would include further consultation with the community.</p>
4	Fiona McIntyre	Doesn't support the amendment as believes it is not affordable for commercial or residential purposes.	<p>The proposed cash-in-lieu amounts are significantly less expensive than the estimated cost of providing a multi-level car park (per space) on a site within the Moonee Ponds Activity Centre.</p> <p>In addition, the proposed Schedule 1 to the Parking Overlay allows for payment of any required financial contributions to be made in instalments over an agreed-to time period (up to 5 years) in order to make it affordable for smaller businesses.</p>
5	John Ho	Believes there are already parking issues so doesn't support the amendment, and that people prefer to drive instead of take public transport.	<p>The VPPs allow for parking waivers, and provides Council with the discretion to revise the required parking rates as well as implement a cash-in-lieu scheme. Council is unable to remove the ability for an applicant to apply for a waiver, nor revise the parking rates without adequate justification.</p> <p>Due to the strategic location of the Moonee Ponds Activity Centre with excellent access to public transport and services, the appropriate car parking rates have been determined by independent transport consultants to be slightly lower than the existing rates.</p> <p>Council will continue to rigorously assess the strategic justification of each application to waive car parking, and the cash-in-lieu scheme provides a formal process to ensure that, where waivers are granted, the broader community is not disadvantaged.</p>
6	Francesco Nesi	Would only support if the car parking facilities were provided in advance, one to the east and one to the west of the activity centre.	<p>The Panel Report for Wyndham Planning Scheme Amendment C151 – Werribee Parking Overlay discusses this concern in detail, including the following (on page 7):</p> <p>The submitter's concerns highlight one of the drawbacks of cash in lieu schemes, i.e. that it takes some time to collect sufficient funds to construct car parking. This often results in car parking shortfalls for a period, until Council can fund and build a project.</p> <p>Deferring development until a suitable car park has been built, however, would likely place additional financial burden on the Council as it would be required to borrow money to bring the project forward. The Panel believes that such an approach may be counter-productive as the flow of income from cash-in-lieu payments would be interrupted, and the economic benefits of new development lost or deferred.</p> <p>The Panel concludes that the request of the submitter that 'no further development of cash in lieu payments should be approved until a multi-storey car park is built' is not practical.</p> <p>Council agrees with the Panel's above position regarding this issue.</p>
7	Peter O'Meara	The cash-in-lieu amounts are too low, and should be raised to \$30,000 per parking space.	As detailed in paragraphs 43-46 of Council's submission, Council's proposed cash-in-lieu amounts were developed through the use of a robust methodology and generally align with the average of approved cash-in-lieu schemes for other Metropolitan Municipalities.
8	Anonymous	Fully supports the amendment.	Noted.
9	Bianca DeSensi	Concerns with current lack of parking in the area, loading bays and permits for staff.	<p>The proposed amendment seeks to provide more off-street consolidated public car parking within the activity centre.</p> <p>The Moonee Ponds Car Parking Plan does not propose any changes to loading bays or permit restrictions within the centre. Council's Local Area Traffic Management Plans seek to address those issues in accordance with the objectives of the Municipal Parking Strategy.</p>
10	Charles Sowerwine	Believes the cash-in-lieu amounts should be increased and that developers are getting off cheaply. Supports the use of the funds for sustainable transport improvements.	<p>As detailed in paragraphs 43-46 of Council's submission, Council's proposed cash-in-lieu amounts were developed through the use of a robust methodology and generally align with the average of approved cash-in-lieu schemes for other Metropolitan Municipalities.</p> <p>Noted.</p>

11	Helen Cooney	<p>Highlights their objection to the development proposed at 8-14 Shuter Street due to impacts on parking.</p> <p>Would like to ensure that the proposed amendment meets the needs of vulnerable pedestrians and those travelling with infants.</p>	<p>The proposed amendment will ensure that, for future planning permit applications, developers that seek parking waivers will contribute towards the transport network as an appropriate offset.</p> <p>The proposed amendment seeks to achieve both the following objectives:</p> <ul style="list-style-type: none"> - Consolidate public car parking within the centre on locations which are easily accessible for visitors. This will reduce the amount of vehicle traffic moving through the centre in search of car parking spaces, fostering a safer pedestrian environment. - Improve sustainable transport infrastructure within and around the centre, ensuring as much separation of vehicles from pedestrians as possible.
12	SALT 3	<p>Believe that the Column B rates (especially for residential uses) are too high for the Moonee Ponds Activity Centre, and that lower rates are more appropriate.</p> <p>Also request that shared parking arrangements are taken into account when assessing waivers.</p>	<p>As outlined in paragraphs 51-54, Council is proposing to apply the State's standard Column B parking rates for activity centres as they are considered appropriate for MPAC.</p> <p>AECOM's analysis of existing conditions within the centre, future development projections and strategic policy relating to the centre confirmed that unique parking rates are not necessary, and that the Column B rates provide an adequate reduction to the existing Column A rates whilst also providing an appropriate baseline under which future planning permit applications can be assessed.</p> <p>It is noted that developers would still be able to apply to reduce the proposed Column B rates on a case by case basis, but that this would be subject to strategic justification through a car parking demand assessment.</p> <p>The 2011 Car Parking Advisory Committee Report states the following regarding the establishment of car parking rates:</p> <p>...the Advisory Committee acknowledges that the assignment of parking rates is not an exact science, and also notes that the proposed Clause 52.06 provides the opportunity for developers to present an argument for reducing these rates on a case by case basis.</p> <p>Furthermore Council's proposed parking rates are not expected to exactly align with the future parking needs of each development within the centre, but rather are considered baseline development standards for future planning permit assessments.</p> <p>Both Submission Nos 12 and 13 state that the background analysis undertaken by AECOM establishes that car parking the MPAC are lower than the Column B rates. The submissions then recommend that lower rates be used which reflect the existing empirical generation of car parking within MPAC or lower rates reflecting a targeted reduction in car reliance.</p> <p>The decision guidelines within Clause 52.06-6 used for assessing car parking waivers include the following:</p> <ul style="list-style-type: none"> • The availability of alternative car parking in the locality of the land, including: <ul style="list-style-type: none"> o Efficiencies gained from the consolidation of shared car parking spaces. <p>Council will continue to consider this decision guideline in the assessment of planning permit applications for car parking waivers.</p>
		<p>Request that the Moonee Valley Racecourse is removed from the Parking Overlay boundary, due to the following:</p> <ul style="list-style-type: none"> - The racecourse development will accommodate high density residential uses which the proposed retail uses will serve, resulting in lower parking demands than other areas of MPAC. - Schedule 1 to the Activity Centre Zone requires the MVRC to prepare an Integrated Transport Plan for the site, which will likely result in parking demands for accommodation uses which are significantly lower than in other areas of MPAC. 	<p>The Moonee Valley Racing Club land is not unique in being an intended location for high-density mixed-use development within MPAC, as highlighted by recent approvals at 40 Hall Street, 33-35 Hall Street and 331-333 Ascot Vale Road. The Moonee Ponds Activity Centre Boundary (with which the proposed parking overlay boundary aligns) has already been approved through the application of Schedule 1 to the Activity Centre Zone, and designates all land contained within as being appropriate location for a mix of uses and more intensive development.</p> <p>It is therefore considered that the racecourse land is not unlike the remainder of MPAC in its strategic context, and that applying the parking overlay to all properties within the approved Activity Centre Zone will ensure a consistent approach towards managing car parking within the Moonee Ponds Activity Centre. Any further reductions to the proposed Column B rates would be assessed in accordance with the decision guidelines of Clause 52.06-6.</p> <p>The Integrated Transport Plan, which is required to be prepared under Schedule 1 to the Activity Centre Zone before any planning permit is lodged on the Moonee Valley Racecourse land, does not give implicit approval for car parking provision on the site, nor does it allow for any waivers under Clause 52.06. It is being prepared before individual planning permit applications can be lodged.</p> <p>A primary aim of the Integrated Transport Plan is to address the transport impacts of rezoning the racecourse to allow for high-density, mixed-use development, and recommend mitigation measures. This is separate from assessing the eventual car parking requirements of each planning permit application. It is noted that the Moonee Valley Racecourse Redevelopment Advisory Committee Report states the following (on page 100):</p> <p>The Committee believes Council's proposed Parking Overlay would provide a sound basis for initially setting and ongoing review of parking provisions for the redevelopment proposals.</p> <p>However, there may be contributions provided to Council under the recommendations of the</p>

13	Norton Rose Fulbright c/o Moonee Valley Racing Club	The collection of cash-in-lieu payments for will collect funds in lieu of car parking demands that do not exist.	<p>As outlined in paragraphs 51-54, Council is proposing to apply the State's standard Column B parking rates for activity centres as they are considered appropriate for MPAC.</p> <p>AECOM's analysis of existing conditions within the centre, future development projections and strategic policy relating to the centre confirmed that unique parking rates are not necessary, and that the Column B rates provide an adequate reduction to the existing Column A rates whilst also providing an appropriate baseline under which future planning permit applications can be assessed.</p> <p>It is noted that developers would still be able to apply to reduce the proposed Column B rates on a case by case basis, but that this would be subject to strategic justification through a car parking demand assessment.</p> <p>The 2011 Car Parking Advisory Committee Report states the following regarding the establishment of car parking rates:</p> <p>...the Advisory Committee acknowledges that the assignment of parking rates is not an exact science, and also notes that the proposed Clause 52.06 provides the opportunity for developers to present an argument for reducing these rates on a case by case basis.</p> <p>Furthermore Council's proposed parking rates are not expected to exactly align with the future parking needs of each development within the centre, but rather are considered baseline development standards for future planning permit assessments.</p> <p>Both Submission Nos 12 and 13 state that the background analysis undertaken by AECOM establishes that car parking the MPAC are lower than the Column B rates. The submissions then recommend that lower rates be used which reflect the existing empirical generation of car parking within MPAC or lower rates reflecting a targeted reduction in car reliance.</p>
		The cash-in-lieu scheme does not define the projects.	<p>Council has prepared the proposed Amendment in accordance with Practice Note 57 – Parking Overlay, and includes the following information as required in the practice note:</p> <ul style="list-style-type: none"> • The area in which a financial contribution may be collected in place of providing car parking spaces. • The amount required in dollars per car parking space. • The method of indexing the amount. • Financial arrangements associated with holding and spending funds paid, including the purposes for which the funds must be used. <p>In 2011, Council requested further information from Greg Woodford (DELWP) who developed the new State Car Parking Provisions, regarding how specific the list of projects to be funded under a cash-in-lieu scheme needs to be, and received the following advice (which was further confirmed by DELWP in March 2015):</p> <p>The more specific the project, the less risk there is that a court would find the scheme was for general revenue raising. Having said that, I don't think the scheme has to go as far as a precise identification of the project, precisely where it will be built, precisely how many space, etc. To answer your question (it should include):</p> <ul style="list-style-type: none"> • A specific project in a general area would be okay, but the area needs to be more precise than, say, the municipality of Moonee Valley. The MV activity centre would be okay. • The scheme should identify the type of infrastructure that can be provided (e.g. new bike paths, pedestrian priority crossings) and the area in which they can be provided (eg the Moonee Valley activity centre) <p>Council has developed Schedule 1 to the Parking Overlay to align with DELWP's level of specificity, by outlining the locations and infrastructure categories of the projects the funds will go towards. This approach ensures that the funds are used for a proper planning purpose within the activity centre, but allows flexibility for Council considering Council's evolving planning process for Capital Works as well as the unpredictability of growth within the centre and number</p>
14	Rosanna Stepoway	Believes there are already parking issues, so does not support the reduction in parking requirements or allowance of waivers.	<p>The Victorian Planning Scheme allows for parking waivers, and provides Council with the discretion to revise the required parking rates as well as implement a cash-in-lieu scheme. Council is unable to remove the ability for an applicant to apply for a waiver, nor revise the parking rates without adequate justification.</p> <p>Due to the strategic location of the Moonee Ponds Activity Centre with excellent access to public transport and services, the appropriate car parking rates have been determined by independent transport consultants to be slightly lower than the existing rates.</p> <p>Council will still rigorously assess the strategic justification of each application to waive car parking, and the cash-in-lieu scheme provides a formal process to ensure that, where waivers are granted, the broader community is not disadvantaged.</p>
		Supports the use of Column B rates.	Noted.
		In principle support for the cash-in-lieu scheme.	Noted.
		Amount for waivers is too low at \$7,500, and should be increased to \$17,000.	As detailed in paragraphs 43-46 of Council's submission, Council's proposed cash-in-lieu amounts were developed through the use of a robust methodology and generally align with the average of approved cash-in-lieu schemes for other Metropolitan Municipalities.

TUESDAY, 20 DECEMBER 2016
AGENDA – ORDINARY COUNCIL MEETING
ITEM 9.5 - APPENDIX D

15	Kirsten Bell	Believes that only a subset of the uses nested under accommodation in Clause 75.01 are listed in Clause 52.06, and therefore Schedule 1 to the Parking Overlay should either specify rates for the other uses or be more specific to align with 52.06.	Council currently assesses parking waivers under Clause 52.06, and decides on appropriate rates for uses not in Table 1 in accordance with Clause 52.06-5A. It is considered suitable to continue with this approach under the proposed Schedule 1 to the Parking Overlay.
		Schedule 1 to the Parking Overlay uses CPI for indexation, but the Car Parking Plan recommends Construction Industry Output Price Indexes be used.	Council will change Schedule 1 to the Parking Overlay to reference Construction Industry Output Price Indexes rather than CPI.
		Does not support the cash-in-lieu scheme for non-accommodation uses, and recommends that it either be removed or revised to only fund sustainable transport projects.	<p>It should be noted that Council has recently prepared and adopted two Local Area Traffic Management Plans (LATMs) (included as Appendix G) which overlap the Moonee Ponds Activity Centre. The LATMs for Dean and Holmes Street were adopted by Council at its Ordinary Meeting in July 2015.</p> <p>These plans implement the Parking Demand Management Framework in each local area, but are operational measures to address on-street parking issues resulting from current demand.</p> <p>As detailed in paragraphs 51-65, Council's proposed car parking rates are informed by analysis of existing conditions within the centre, future development projections and strategic policy relating to MPAC. These rates are determined to be appropriate for the future operation of the activity centre, assuming the same level of public infrastructure exists. The construction of additional public car parking facilities (and sustainable transport infrastructure) is required once waivers are issued below the proposed rates.</p> <p>It is therefore considered that the future issuance of waivers is what directly creates the need for additional public car parking.</p>
16	Moonee Ponds Chamber of Commerce	In principle support for the amendment.	Noted.
		Request that a minimum of 20% of contributions for residential waivers go towards the development of car parking facilities.	<p>It is considered that financial contributions resulting from residential waivers should not be used for the constructing of short-term public car parking facilities within the activity centre. This is due to the lack of a clear nexus as outlined in paragraph 44 – the new public car parking facilities would not provide long-term parking for residents and Council would not support locating car parking facilities associated with dwellings on separate sites.</p> <p>A majority (if not all) residential waivers issued by Council within MPAC are based on the developer's assertions that the residents without the required number of car parking spaces will not own the corresponding number of cars, but rather use alternative modes of transport. The proposed residential cash-in-lieu scheme seeks to formalise this arrangement, by ensuring that the developer contributes towards sustainable transport infrastructure. This will ensure that there is a gradual retrofit of the activity centre to make it a viable location to live without a car.</p>
		Request that the proposed locations for car parking developments are disclosed, and that an external working group be established to decide on sites for car parking facilities, which includes representation from the MP Chamber of Commerce.	<p>Council has prepared the proposed Amendment in accordance with Practice Note 57 – Parking Overlay, and includes the following information as required in the practice note:</p> <ul style="list-style-type: none"> • The area in which a financial contribution may be collected in place of providing car parking spaces. • The amount required in dollars per car parking space. • The method of indexing the amount. • Financial arrangements associated with holding and spending funds paid, including the purposes for which the funds must be used. <p>In 2011, Council requested further information from Greg Woodford (DELWP) who developed the new State Car Parking Provisions, regarding how specific the list of projects to be funded under a cash-in-lieu scheme needs to be, and received the following advice (which was further confirmed by DELWP in March 2015):</p> <p>The more specific the project, the less risk there is that a court would find the scheme was for general revenue raising. Having said that, I don't think the scheme has to go as far as a precise identification of the project, precisely where it will be built, precisely how many space, etc. To answer your question (it should include):</p> <ul style="list-style-type: none"> • A specific project in a general area would be okay, but the area needs to be more precise than, say, the municipality of Moonee Valley. The MV activity centre would be okay. • The scheme should identify the type of infrastructure that can be provided (e.g. new bike paths, pedestrian priority crossings) and the area in which they can be provided (eg the Moonee Valley activity centre) <p>Council has developed Schedule 1 to the Parking Overlay to align with DELWP's level of specificity, by outlining the locations and infrastructure categories of the projects the funds will go towards. This approach ensures that the funds are used for a proper planning purpose within the activity centre, but allows flexibility for Council considering Council's evolving planning process for Capital Works as well as the unpredictability of growth within the centre and number</p>

		<p>Request a better understanding of what has informed the list of sustainable transport improvements, and would like to provide further feedback.</p>	<p>The list of sustainable transport projects was derived from both Council's adopted Moonee Ponds Activity Centre Structure Plan and adopted Moonee Valley Walking and Cycling Strategy. Rather than extract specific projects from each plan, Council officers held an internal workshop to determine a list of infrastructure categories, based on the following criteria:</p> <ul style="list-style-type: none"> - Must be a type of project included in either the Moonee Ponds Activity Centre Structure Plan or Moonee Valley Walking and Cycling Strategy. - Must relate to the local sustainable transport network within and around the Moonee Ponds Activity Centre. - Must be a type of project that Council can fund and deliver in the life of the plan (10 years). - Must directly assist in improving sustainable transport access for future residents of Moonee Ponds. - Must be a capital works improvement (other types of projects such as car share spaces and travel behaviour programs were deemed too difficult to administer). <p>A list of infrastructure categories was then developed which aligned with all of the relevant projects within both the Moonee Ponds Activity Centre Structure Plan and Moonee Valley Walking and Cycling Strategy, but was not restricted to the content of those plans should they be revised and/or another relevant strategy be created.</p> <p>Council would undertake further consultation with the community and other stakeholders regarding the location and design detail of any projects funded through the proposed cash-in-lieu scheme, ensuring that the improvements to the activity centre are undertaken in a consultative manner.</p>
		Request acknowledgement of the special rate levies imposed on Puckle Street	The proposed Amendment does not impact on the existing Deed between Council and the Moonee Ponds Chamber of Commerce.
17	Heidi Fry	<p>Would prefer no reductions in car parking requirements, but support the cash-in-lieu scheme.</p> <p>The centre requires an adequate level of public car parking.</p>	<p>Noted.</p> <p>The proposed Amendment seeks to establish a financial mechanism to ensure that developers offset car parking waivers with contributions towards public infrastructure, including additional public car parking facilities.</p>
18	Housing Industry Association Limited	Doesn't support the cash-in-lieu scheme as believe it will have a negative impact on housing affordability.	<p>As outlined in paragraphs 43-46 of Council's Submission, Council has used a robust methodology to determine the proposed cash-in-lieu amounts and they are closely aligned with the Metropolitan average for cash-in-lieu schemes within approved Parking Overlays.</p> <p>It is considered that the amounts are a less costly alternative to providing multi-level or underground parking on a site within the activity centre, and the amendment also proposes to offer different payment options (such as instalments) to ensure it is affordable for smaller businesses.</p>
19	Giovanni Gattini	<p>Doesn't support the cash-in-lieu scheme as believes it will drive businesses to other areas.</p> <p>Believes the cash-in-lieu amounts are contrary to State Policy.</p>	<p>As outlined in paragraphs 43-46 of Council's Submission, Council has used a robust methodology to determine the proposed cash-in-lieu amounts and they are closely aligned with the Metropolitan average for cash-in-lieu schemes within approved Parking Overlays.</p> <p>It is considered that the amounts are a less costly alternative to providing multi-level or underground parking on a site within the activity centre, and the amendment also proposes to offer different payment options (such as instalments) to ensure it is affordable for smaller businesses.</p> <p>As outlined in paragraphs 23-41 of Council's Submission, the proposed Amendment aligns with the relevant legislation, including the <i>Planning and Environment Act 1987</i> and Victorian Planning Provisions.</p>

Amendment C132 Panel Report - Points of Clarification

Number	Grouping	Panel Conclusion	Future Action	Points of Clarification
1	Support	pg 23 <i>The lower standard car parking rates in Column B of Table in Clause 52.06 are appropriate and justified for the Activity Centre - an applicant can still apply to reduce the number of required car parking spaces through a permit.</i>	Council can apply a Parking Overlay to MPAC requiring Column B rates with the ability to reduce the rates, in addition to a financial contribution scheme should the scheme be justified.	Acknowledged
2	Support	pg 31 <i>The principle of two differing financial contribution rates for accommodation and non-accommodation uses is acceptable but presents some practical issues.</i>	Council can apply two differing financial contribution rates for accommodation and non-accommodation uses.	Acknowledged
3	Support	pg 31 <i>It is appropriate to spend funds collected from accommodation developments on specifically identified sustainable transport initiatives.</i>	Council can use an accommodation financial contribution scheme to fund sustainable transport initiatives.	It is unclear which core principles in Planning Practice Note 57 have been addressed in order to determine that this is appropriate, and how they have been addressed. Council requires this detail in order to understand which core principles it does not require further strategic work to address.
4	Support	pg 32 <i>It is appropriate to spend funds collected from non-accommodation developments on specifically identified publically accessible off-street parking in the Activity Centre.</i>	Council can use a non-accommodation financial contribution scheme to fund publically-accessible off-street car parking facilities within the Activity Centre.	It is unclear which core principles in Planning Practice Note 57 have been addressed in order to determine that this is appropriate, and how they have been addressed. Council requires this detail in order to understand which core principles it does not require further strategic work to address.
5	Support	pg 33-34 <i>The Panel has earlier recommended that PO1 provide the ability for a permit to reduce the number of car parking spaces calculated when applying Column B rates. The Panel considers that this resolves issues raised by the Racing Club by:</i> <i>- Implementing more realistic car parking spaces that align with an empirical assessment.</i> <i>- Recognising its contribution (financial or otherwise) through Activity Centre Zone Schedule 1.</i> <i>- When taking the above into account, avoid contributions being duplicated between two different mechanisms.</i> <i>The Panel concludes that the Racecourse Land should remain in PO1 with the ability for a permit to reduce the number of car parking spaces that is supported by an empirical assessment.</i>	A financial contribution scheme can be applied within MPAC (including the MVRCLand) so long as the Parking Overlay allows the ability to reduce the number of car parking spaces. It is considered that the ability to reduce the number of car parking spaces avoids the 'double dipping' issue. There is no additional wording required to address this issue other than that within the exhibited PO1.	Acknowledged
6	Support	pg 35-36 <i>The Panel concludes that car parking is managed through a separate process beyond the Planning and Environment Act 1987 and outside the Amendment process.</i>	Council's management of its public car parking assets is not a relevant consideration in the justification for a car parking overlay.	Acknowledged
7	Further Work Required	pg 23 <i>Any car parking spaces and financial contributions that exceed future demand are therefore likely to be spent on addressing existing issues. The Panel considers it unfair and insufficiently justified to require future developments to provide more parking than the demand they would generate.</i> <i>There is insufficient strategic basis to remove the ability for a permit to reduce the number of required car parking spaces that are calculated using Column B rates.</i> <i>More rigorous strategic justification is needed to demonstrate the exceptional circumstances for not allowing a permit to reduce the required number of car parking spaces.</i>	Prepare strategic justification to remove the ability to apply for a permit to reduce the required number of car parking spaces.	Council would appreciate an understanding of what strategic justification is required in order to remove the ability for a permit to reduce the number of required car parking spaces, as other Municipalities have done with implemented Parking Overlays (Springvale, Glen Waverley and Oakleigh).
8	Further Work Required	pg 31 <i>There is insufficient strategic basis to justify the \$7,500 accommodation financial contribution rate based on the methodology provided, its uniqueness and its comparatively very low amount.</i>	Prepare strategic justification to justify an appropriate accommodation financial contribution rate.	Council would appreciate further detail as to what the issues are with the methodology provided by SGS, and recommendations on how to move forward. It is also unclear as to why the resulting amount of \$7,500 is too low, as the Oakleigh Major Activity Centre Parking Overlay specifies a rate of \$6,000 per space.
9	Further Work Required	pg 31 <i>There is insufficient specificity provided in PO1 or any associated document to align the sustainable transport initiatives with the core principles in Planning Practice Note 57.</i>	Council needs to determine and include the following within any future Schedule to a Parking Overlay: - Details of the exact projects to be constructed. - The exact locations of the sustainable transport projects. - The timeframe for when these will be constructed. - How other Council funds have been dedicated to the construction of the works.	Council had previously sought advice from DELWP and Maddocks to confirm the level of specificity required within the Schedule to the Parking Overlay, and both advised that this level of detail (similar to that for a DCP) is not required. Council would appreciate confirmation from DELWP that this level of information is required to accompany a financial contribution scheme.

10	Further Work Required	<p>pg 29-32</p> <p><i>The Parking Plan methodology for providing a non-accommodation financial contribution rate provides some basis for discounting the financial contribution rate. It provides a reasonable approach to discount the amount by allowing for an overflow of existing parking demand.</i></p> <p><i>While the Panel is not entirely comfortable with the percentages arrived at by the Parking Plan to discount the financial contribution rate, the end result is an amount of \$15,000 that is considered reasonable in the context of other similar schemes in Metropolitan Melbourne where the average amount is \$13,087.</i></p> <p><i>The \$15,000 non-accommodation financial contribution rate, while comparative to other similar schemes, is not justified.</i></p>	<p>Prepare strategic justification to determine an appropriate non-accommodation financial contribution rate.</p>	<p>Council would appreciate further detail as to what the issues are with the methodology provided by AECOM, and recommendations on how to move forward.</p>
11	Further Work Required	<p>pg 32</p> <p><i>There is insufficient specificity provided in PO1 or any associated document to align the off-street parking project with the core principles in Planning Practice Note 57.</i></p>	<p>Council needs to determine and include the following within any future Schedule to a Parking Overlay:</p> <ul style="list-style-type: none">- The exact location(s) of the car parking facilities.- The number of spaces that these facilities will contain.- The timeframe for when these will be constructed.- How other Council funds have been dedicated to the construction of the facilities.	<p>Council had previously sought advice from DELWP and Maddocks to confirm the level of specificity required within the Schedule to the Parking Overlay, and both advised that this level of detail (similar to that for a DCP) is not required.</p> <p>Council would appreciate confirmation from DELWP that this level of information is required to accompany a financial contribution scheme.</p>
12	Further Work Required	<p>pg 38</p> <p><i>The Panel concludes:</i></p> <ul style="list-style-type: none">- PO1 has serious drafting issues that resulted in misinterpretation and would have affected its operation.- Any future amendment that changes PO1 should apply drafting principles such as those contained in Planning Practice Note 10 (writing schedules) to address interpretation issues.	<p>The PO1 needs to be redrafted to make the intent clear and ensure the new system would operate effectively.</p>	<p>Council would appreciate further detail as to the concerns with the original drafting of PO1, as the only concerns mentioned appear to be with the Version D drafting.</p>

9.6 Planning for Flemington Estate Precinct

File No: FOL/16/130
Author: Natalie Reiter
Director Planning & Development
Directorate: Planning & Development
Ward: Myrnong

Purpose

The purpose of this report is to present Council with the opportunity to request the Minister of Planning to be the Responsible Authority for the Flemington Estate precinct in order to:

- a) expedite the planning process to deliver outcomes for the residents of the immediate precinct and surrounds; and
- b) allow the precinct to be planned in an holistic manner without regard for ownership boundaries between State and Local Government owned land.

Executive Summary

- In partnership with the Victoria Government, Moonee Valley City Council is working to facilitate the redevelopment of the Flemington Estate precinct as quickly as possible. A Master Plan will be prepared in conjunction with the community after which construction can commence to bring the shared community vision for the precinct, identified through the Master Plan, to reality.
- Council owns just over 60 per cent of the land which makes up the Flemington Estate. This land is almost entirely in the Public Parks and Recreation Zone (PPRZ) and carries a number of buildings including the Flemington Community Centre and Debneys Park Pavilion as well as other infrastructure including a car park, playground and tennis courts.
- There is now an opportunity to consider a 'whole of site' Master Plan response to the precinct to optimise use of the open space by providing significant passive surveillance, reintroducing the grid pattern for residential streets within the precinct, and ensuring strong integration of the Estate with the neighbouring area.
- The Planning certainty associated with having the Minister for Planning as the Responsible Authority would mean the Department of Health and Human Services (DHHS) could confidently enter a partnership with the City of Moonee Valley to expedite the process and deliver outcomes for the community on the ground in 2017/18.

Recommendation

That in response to the Department of Health and Human Services (DHHS) aspiration to provide an accelerated Planning approvals process to enable rapid delivery of the redevelopment of the Flemington Estate Precinct, that Council:

1. Requests the Minister for Planning to:
 - a) prepare an Amendment to the Moonee Valley Planning Scheme to facilitate the redevelopment of the Flemington Estate Precinct in collaboration with the DHHS which considers:
 - A development plan for the Flemington Estate precinct;
 - Interface character concerns and considerations for the redevelopment of the land; and
 - A range of planning controls and mechanisms including a Development Plan Overlay (DPO) to best achieve the optimal outcomes for the site;
 - b) establish an Advisory Committee in accordance with Section 151 of the Planning and Environment Act 1987 to consider the Amendment;
 - c) be the Responsible Authority for approving the development of the site for considering and determining applications in accordance with Divisions 1, 1A, 2 and 4 of Part 4 of the Planning and Environment 1987;
 - d) exercise his powers set out in Section 171 and under Division 2 Part 9 of the Planning and Environment Act 1987 and for approving matters required by the planning scheme or a condition of a permit to be done to the satisfaction of the Responsible Authority in relation to the use, subdivision and development of land; and
 - e) maintain Responsible Authority status for four years from the date of gazettal of the Amendment or until completion of the development, whichever is the earlier.
2. Confirm with the DHHS, Council will be the lead stakeholder responsible for community engagement on this project for the duration of the project through to service provision on the ground post project delivery to ensure people centred outcomes are achieved.
3. Work with the DHHS to consult with the inter-agency work group, incorporating Public Transport Victoria (PTV), Vic Roads and other authorities and a Community Working Group convened by Council to ensure local community aspirations are considered in the Master Planning exercise.
4. Enter into a Memorandum of Understanding (MOU) with Council and DHHS agreeing the parties will work to:
 - a) achieve the successful implementation and completion of the Project and ensure a value for money outcome for the State;
 - b) identify and maximise the economic, social, urban design and public realm improvements arising from the Project; and

- c) ensure best practice community and stakeholder engagement is undertaken through the process to allow collective input and delivery of innovative and outcome focussed solutions.

Background

On 6 September, 2016, the Minister for Housing, Disability and Ageing announced \$30 million to “kick-start” the Flemington public housing estate’s redevelopment and a regeneration of Flemington’s 22 walk up buildings. The Minister committed to the Department of Health and Human Services (DHHS) undertaking consultations with the community, tenants, Moonee Valley City Council and the Victorian Public Tenants Association (VPTA) to begin the process of establishing what the Flemington redevelopment should look like; in essence, to commence the Master Planning process.

Through discussions with DHHS, it has become clear the best outcome for the broader Flemington precinct will be for a whole of site Master Plan to be delivered which is not constrained by property ownership boundaries between DHHS and the City of Moonee Valley.

Council does not have significant local policy to guide Master Planning in this precinct. The last adopted policy for this area was the *Moonee Valley Housing Strategy (2010)* which incorporated the following vision statement:

‘The City of Moonee Valley will continue to be an inclusive, sustainable and liveable community where all residents will enjoy a good quality of life.

The City of Moonee Valley will foster the provision of diverse housing that anticipates the needs of existing and future residents, that is built in appropriate locations and which supports and improves community well-being. New development will be balanced with retaining existing areas of unique character or cultural significance.’

The goals of the adopted strategy are for housing provision to be as follows:

- **Location Appropriate** – To direct new housing development to strategic locations which provide access to and which will support, community services, facilities, public transport and economic opportunities.
- **Meeting Diverse Needs** – To provide accommodation to suit the diverse needs of the community through a range of housing types.
- **Affordability** – To provide housing which is affordable to a range of household income types. Housing should be well located to take advantage of savings afforded by living in locations with easy access to a range of lifestyle opportunities.
- **Socially Responsive** – To work in partnership with social and community housing providers and other key stakeholders to deliver high quality housing and social inclusion in the community.
- **Sustainable Design** – To provide housing which has been designed to minimise the impacts on the natural environment through appropriate site location, construction and design.

- **Urban Character** – To protect and enhance valued urban character of neighbourhoods ensuring new housing responds appropriately to local conditions.

The area specific adopted policy relates to Council's resolution to apply the Residential Growth Zone to the Flemington Public Housing Estate and Racecourse Road for the Residential Growth Zone.

It is also important to note the outcomes of a recent review of Council's Affordable Housing Action Plan 2013-14. The review identified that while many of the actions have been completed, more work can be done to continue to engage and partner with service providers, housing providers and associations as well as our community. Based on the policy updates and the review of the previous Action Plan, the following outcomes were proposed:

- **Planning:** continue work to determine clear mechanisms to implement affordable housing in the municipality.
- **Informing/engaging:** Continue to build awareness and understanding of affordable housing issues amongst the community.
- **Partnering:** Further partnerships with housing associations and providers.
- **Advocacy:** Due to the shortfall in funding for affordable housing at the State and Federal level and limited directions in the provision of affordable housing, Council's advocacy role will continue to be important.

The proposal to partner with DHHS on the Flemington project is wholly consistent with the above.

Context

Flemington Estate Precinct

The current zoning of the Flemington Estate does not necessarily reflect the use of the land. In order to appropriately plan for a cohesive development, Master Planning must be undertaken which is blind to government property ownership boundaries; optimises outcomes for the land; and ultimately applies the appropriate zones to the land uses.

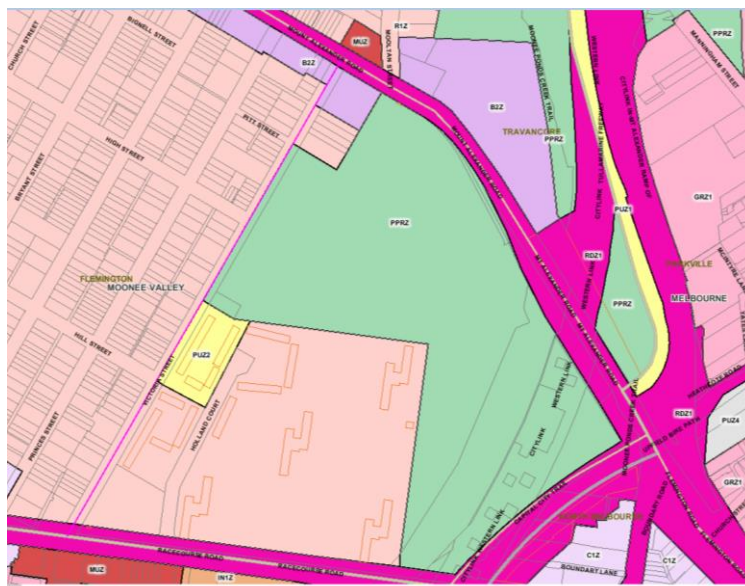
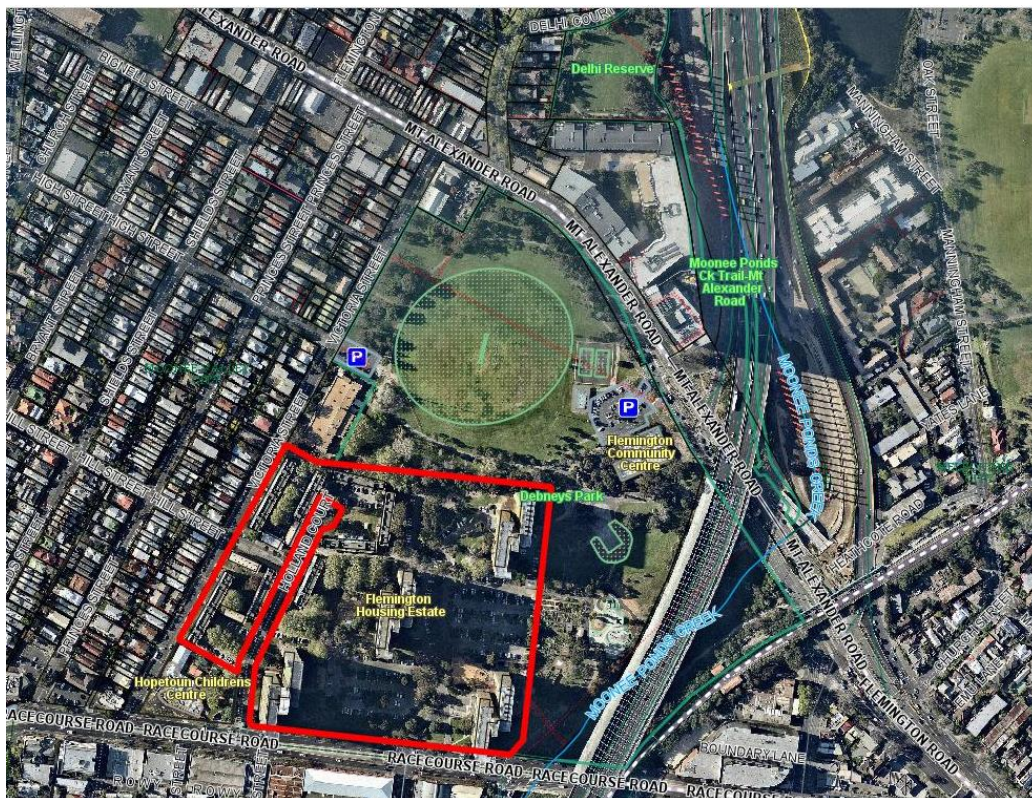


Figure 1: Planning Zones for Flemington Estate

The aerial image at Figures 2 shows the infrastructure housed within the Public Park and Recreation Zone (PPRZ).



**Figure 2: Aerial for Flemington Estate – red line indicates MVCC Council property ownership
Area: 10.3 ha (1,585m²) excl. Hopetoun Childrens Centre**



**Figure 3: Aerial for Flemington Estate – red line indicates DHHS property ownership
Area: 6.4ha (1,400m²) excl. Holland Court Road Reserve**

Figure 4, below, shows the overlays applicable to the site which include:

- DDO3 – Design and Development Overlay Schedule 3 – Mt Alexander Road corridor (height limits and setback requirements)
- CLPO – Citylink Project Overlay
- IPO 5 – Incorporated Plan Schedule 5 – Moonee Ponds Creek Plan
- LSIO – Land Subject to Inundation Overlay
- ESO2 – Environmental Significance Overlay 2 – Significant Trees
- PUZ2 – Public Use Zone - Education

The extent of the area covered by the range of overlays identified adds complexity to the planning for the site.

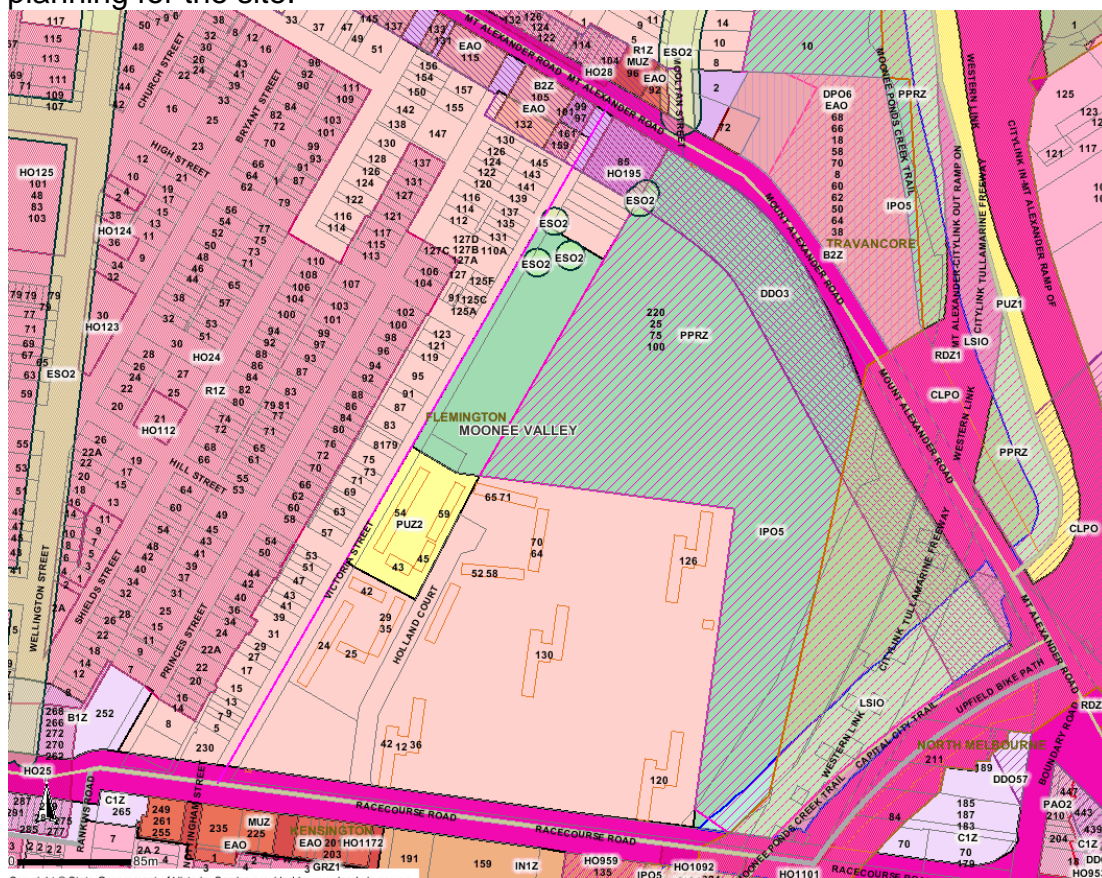


Figure 4: Zoning Map for Flemington Estate showing overlays

Discussion

Preparation of a Master Plan to guide development of the Flemington Estate is now underway. To deliver a holistic planning solution for the precinct and enable development in alignment with this Master Plan, the current land use planning controls for the precinct need to be replaced with new controls allowing for the efficient and effective redevelopment of the land. It is recommended Council request the Minister for Planning to authorise, prepare and approve an Amendment to the Moonee Valley Planning Scheme (C175) to enable redevelopment of the Flemington Estate Precinct in alignment with a future Master Plan. This Master Plan will be prepared in collaboration with DHHS and will consider as a significant opportunity, the interface character concerns and considerations for the redevelopment of the land.

The interface with Victoria Street has created challenges for neighbours to the Flemington Estate for many years. In considering opportunities for addressing these challenges, early ideas are to reinstate the original grid pattern between the then Victoria and Horney Streets as depicted in the Flemington Estate Plan of Subdivision 1872 (refer Figure 5).

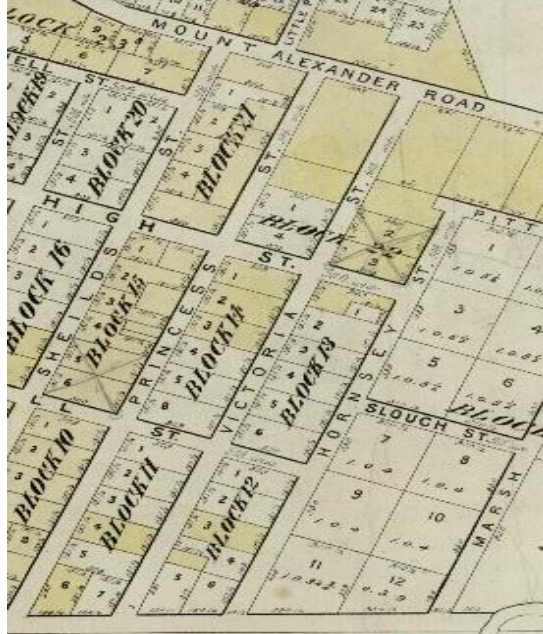


Figure 5: Flemington Estate Plan of Sub-Division 1872

Naturally significant consultation needs to be undertaken with the residents of the Estate as well as the surrounding community to hear from all stakeholders as to what they would like the redevelopment of this precinct to deliver for the community.

A range of planning controls and mechanisms including a Development Plan Overlay (DPO) will be prepared to best achieve the optimal outcomes for the site. Urban Design Principles are expected to include the following:

- Reinststate a sense of the residential grid to the site responding to the desire lines of pedestrians and cyclists to break down the barriers between the Estate and broader area
- Intensify the core area around a pedestrian spine using infill buildings sited to minimise shadow and wind impacts upon public spaces
- Create a new open space as a connecting piece with the existing suburb to the west whilst responding to the grid
- Provide adequate community and supporting services for residents and the wider community
- Expand facilities in a fit-for-purpose way that is open and accessible to all residents of Moonee Valley
- Embed sustainability into the design of buildings and the public realm
- Explore commercial needs to support the broader community in appropriate locations on the Estate to activate and support the community hub
- Ensure the scale and legibility of recreation opportunities fosters a sense of ownership and pride. Eg roof top gardens and play spaces

- Locate car parking in smaller dispersed locations where casual surveillance can assist with safety and reduction in crime; Ensure these spaces are well vegetated
- Ensure the presentation and materiality of the architecture is sustainable, generous and built for the long term. Modelling of the built form is needed to demonstrate the articulation strategy to ensure the streetscape interface is appealing and responds to its context
- Potentially create a cornerstone building on Mt Alexander Road to complement the Alt development at 8 Mt Alexander Road, and 120 and 126 Racecourse Road.

The split of property ownership means both DHHS and Council Officers consider it is necessary to have the Minister for Planning:

- establish an Advisory Committee in accordance with S151 of the *Planning and Environment Act 1987* to consider the Amendment;
- be the Responsible Authority for approving the development of the site for considering and determining applications in accordance with Divisions 1, 1A, 2 and 4 of Part 4 of the *Planning and Environment Act 1987*;
- exercise his powers set out in Section 171 and under Division 2 Part 9 of the *Planning and Environment Act 1987* and for approving matters required by the planning scheme or a condition of a permit to be done to the satisfaction of the Responsible Authority in relation to the use, subdivision and development of land; and
- maintain Responsible Authority status for four years from the date of gazettal of the Amendment or until completion of the development, whichever is the earlier

in order to meet the DHHS's timeline to have the Advisory Committee's report to the Minister for Planning by the beginning of September 2017. This timeline could mean construction of new housing within two years. It is expected new housing will be delivered before demolition of the walk-ups commences so as not to displace residents from the Estate during the redevelopment process.

Council has an important role to play in leading the stakeholder engagement on the site. It is proposed Council continue in the community engagement capacity for the duration of the project through to service provision on the ground post project delivery to ensure people centred outcomes are achieved. This month Council's CEO and some management staff visited residents of the estate to learn first-hand the opportunities for working with community leaders in Flemington to maximise the benefits of genuine consultation; these learnings will inform people centred consultation and a people centred planning solution.

Council Officers will also work with the DHHS to consult with the inter-agency working group, incorporating PTV, Vic Roads and other authorities and a Community Working Group convened by Council to ensure local community aspirations are considered in the Master Planning exercise. A MOU between Council and DHHS has been drafted which agrees the parties will work to:

- a) achieve the successful implementation and completion of the Project and ensure a value for money outcome for the State;

- b) identify and maximise the economic, social, urban design and public realm improvements arising from the Project; and
- c) ensure best practice community and stakeholder engagement is undertaken through the process to allow collective input and delivery of innovative and outcome focussed solutions.

Council does not seek to pass its planning powers over to the Minister without a strong rationale; in this case, since the Minister for Planning will have the appropriate authority to direct the required actions by key stakeholders to deliver major infrastructure outcomes for one of our most disadvantaged communities expeditiously, this delegation of powers is considered to offer the best outcome. Further, it is considered planning certainty is expected to enable increased investment in the precinct.

Consultation

Significant work will be undertaken with the broader Flemington community to inform the preparation of a Master Plan for the Flemington Estate site. Council will lead these engagement efforts.

Implications

1. Legislative

The report considers and references the *Planning and Environment Act 1987*.

Consultation will have due regard for the Human Rights Charter, in particular, the need to maintain Respect, Equality and Dignity throughout the process.

2. Council Plan / Policy

In presenting this report to council, council is achieving its Strategic Objective to *Ensure there is clear direction for growth and proactive management of development in the city* in accordance with Council Plan 2013-2017 Theme 1: Sustainable living - Clear direction for growth and development of the city.

3. Financial

Council will contribute financially to the development of the Master Plan. These funds are within Council's Strategic Planning budget.

4. Environmental

The Master Plan will have regard for maximising environmental opportunities from the site including appropriate orientation of housing, Water Sensitive Urban Design, waste management, green infrastructure provision and retention of the significant vegetation on the site.

Conclusion

Providing Planning certainty to this project will deliver efficient and effective solutions for this community.

Appendices

Nil.

9.7 Holmes Local Area Traffic Management Study – Update

File No: FOL/16/130
Author: Jessica Van Elst
Traffic & Transport Engineer
Directorate: Planning & Development
Ward: Myrnong

Purpose

This report provides the results of the community consultations for the proposals that fall within the Holmes Local Area Traffic Management (LATM) study area, including: the proposed parking changes in Clarinda Road, Scott Street and Robb Street following a petition raised; the proposed speed humps in Lorraine Street and the laneway between Riverview Road and Levien Street following a Council Resolution in Urgent Business at the September 2016 Ordinary Council meeting to halt these proposals subject to further consultation and proposed parking changes in Holmes Road; and recommends adoption of the revised proposals.

Executive Summary

- The Holmes Local Area Traffic Management study, which includes the area bounded by Mt Alexander Road, Buckley Street, Waverley Street and Maribyrnong Road, was completed in the 2014/15 financial year.
- Following the completion of this study, several traffic and parking issues have arisen.
- A petition was tabled at the August Council meeting, requesting for 2P to be installed on the east side of Robb Street, Essendon
- Council undertook community consultation for a revised 2P proposal (**Appendix A**) for Clarinda Road, Robb Street and Scott Street based on the proposal and feedback from the Holmes LATM proposal.
- These proposals received support from the local community, and as such it is recommended to proceed with the proposed 2P in Clarinda Road, Robb Street and Scott Street.
- As part of this consultation, it was also noted that Council will be installing a 'No Stopping' area within Court Street to ensure all road users are aware that parking is not allowed within Court Street.
- The Essendon School Precinct Localised Traffic Study includes the area bounded by Buckley Street, Levien Street, Park Street and Sherbourne Street, and is an outcome of the Holmes LATM.
- The Traffic Management Plan was adopted by Council at the Ordinary Meeting on 23 February 2016, with the following inclusions:
 - a) To proceed with the proposal to install three (3) road humps in Lorraine Street.

- b) To proceed with the proposal to realign the entrance of the laneway between Riverview Road and Leven Street, at Leven Street.
- c) To proceed with the proposal to install two (2) additional road humps within the laneway between Riverview Road and Leven Street.
- At the meeting of Monday 19 September 2016 Council resolved to *halt work on the project to install speed humps in Lorraine Street and laneway between Riverview Road and Leven Street, Essendon while further consultation is undertaken to assess the need and acceptability of this proposal to the residents in the affected area.*
- This consultation has been completed in October 2016, which showed low community support for the road humps in Lorraine Street and the laneway between Riverview Road and Leven Street.
- It is recommended not to proceed with these two road hump proposals.
- In September 2016 concerns were received regarding parking on the south side of Holmes Road due to the No Stopping installed on the north side, from the Holmes LATM and Narrow Streets projects.
- Council consulted on a parking proposal (**Appendix B**), which received community support. Following the consultation results, Council officers have amended this proposal (**Appendix C**) to create a balance of short term and unrestricted parking.
- It is recommended to proceed with the revised proposal in **Appendix C**.
- Council has received concerns regarding pedestrian access on Park Street. These concerns have been investigated and it's proposed to consult on the proposals to install a zebra crossing on Park Street, just east of Margaret Street, a pedestrian refuge at Mount Alexander Road and pedestrian refuges at Clarinda Road.
- Council has received concerns regarding the new location of the School Crossing on Holmes Road. A Road Safety Audit was completed by an independent consultant to review this site.
- Parking, signage and linemarking changes recommended in this audit have been implemented to improve safety at this site. A proposed kerb outstand on Holmes Road is currently being designed and will be installed this financial year. A proposed raised threshold on Sussex Street have been referred to the 2017/18 Capital Works program for funding consideration.

Recommendation

That Council:

1. Proceed with the proposed 2P parking changes on Clarinda Road, Robb Street and Scott Street, as shown in **Appendix A**.
2. Proceed with the proposed 'No Stopping' area signs on Court Street, as shown in **Appendix A**.
3. Undertake further consultation on parking changes, including 2P parking, in Levien Street, due to concerns raised by local residents during the consultation process.
4. Abandon the proposal to install three (3) road humps in Lorraine Street, as shown in **Appendix D**.
5. Abandon the proposal to install two road humps within the laneway between Riverview Road and Levien Street, as shown in **Appendix E** and leave the existing road humps as is.
6. Proceed with the proposal to install 2P on the south side of Holmes Road, and the modified proposal to remove the Permit Zone on the south side of Holmes Road and install a balance of 2P and Unrestricted parking, as shown in **Appendix C**.
7. Undertake community consultation on the proposals for Park Street, including the proposal to install a zebra crossing east of Margaret Street, pedestrian refuges at Clarinda Road and pedestrian refuge at Mount Alexander Road, as shown in **Appendix F** and **Appendix G**.
8. Refer the proposed raised threshold on Sussex Street to future capital works budgets for funding consideration.

Introduction

Since the Holmes Local Area Traffic Management study results were presented to Council in July 2015, several traffic and parking issues have needed further investigation and consultation following concerns raised from the community. These items include;

- Proposed 2P parking in Clarinda Road, Robb Street and Scott Street, Essendon
- Proposed No Stopping in Court Street, Essendon
- Proposed speed humps in Lorraine Street and the laneway between Riverview Road and Levien Street, Essendon
- Proposed 2P and Unrestricted parking in Holmes Road, Moonee Ponds.

Background

The Holmes Local Area Traffic Management study includes the area bounded by Mt Alexander Road, Buckley Street, Waverley Street and Maribyrnong Road was completed in the 2014/15 financial year.

Clarinda Road, Robb Street and Scott Street - parking

As part of the Holmes LATM, 2 hour parking restrictions were proposed on Clarinda Road, Scott Street and Robb Street, however due to insufficient community support, these proposed changes were abandoned. The table in **Appendix H** shows the community support from this previous consultation.

On 17 August 2016 a petition was raised requesting for 2 hour parking on the east side of Robb Street. This petition was tabled at the August 2016 Ordinary Council meeting.

In September 2016 this initial proposal was revised based on the feedback received from the Holmes LATM study, to longer include timed parking restrictions on Saturdays. The results from this consultation are provided in the discussion section of this report.

Court Street - parking

Council has received concerns from residents following the Holmes LATM completion regarding parking in Court Street. Court Street is a unique street with no properties directly fronting onto Court Street and two 4m lanes separated by an 8m central median. This means there is no space to legally park a vehicle within Court Street due to the following Road Rules:

- Vehicles cannot park on a footpath
- Vehicles cannot park on a nature strip
- Drivers must leave 3m between the edge of their parked vehicle and the opposite edge of the road.

It is proposed to install 'No Stopping' area signs at the entrances to Court Street and 'No Stopping' area end signs at the exits of Court Street, to ensure all visitors to the area are aware they also cannot park within Court Street and to remind residents they cannot legally park within Court Street. We have undertaken community consultation for this proposal and received concerns from residents regarding access to garages that face Court Street. Residents have raised concerns that they currently use Court Street to wash their cars and clean out their garages. Residents will still be able to access garages, however they cannot legally stop on Court Street. These 'No Stopping' signs are not changing the existing parking conditions in Court Street and are reinforcing the existing Road Rules that apply within this street. Council is unable to install 'No Stopping, residents excepted' as per suggestions from residents, as this is not allowed in accordance with the Victorian Road Rule and any vehicle that parks within Court Street is creating a safety issue.

Therefore, it is proposed to proceed with the installation of these signs, to improve safety and ensure all road users are aware of the existing No Stopping conditions within Court Street.

Lorraine Street and laneway between Riverview Road and Levien Street – road humps

An action of the Holmes LATM study was for Council to undertake a localised traffic study for the Essendon School area which is bounded by Buckley Street, Levien Street, Park Street and Sherbourne Street. This study was undertaken in 2015-16 and the results presented to the February 2016 Council meeting.

The table in **Appendix I** shows the previous consultation results from this study, for the two proposals relating to this report.

The Traffic Management Plan for this study was endorsed by Council at the Ordinary meeting on Tuesday 23 February 2016, with the following inclusions:

- a) To proceed with the proposal to install three (3) road humps in Lorraine Street.
- b) To proceed with the proposal to realign the entrance of the laneway between Riverview Road and Leven Street, at Leven Street.
- c) To proceed with the proposal to install two (2) additional road humps within the laneway between Riverview Road and Leven Street.

Following this, several residents raised concerns with these speed hump proposals and at the Council meeting of Monday 19 September 2016 Council resolved:

Council request Council officers halt work on the project to install speed humps in Lorraine Street and laneway between Riverview Road and Leven Street, Essendon while further consultation is undertaken to assess the need and acceptability of this proposal to the residents in the affected area.

Following this resolution, further consultation was undertaken for these two proposals in October 2016. It should also be noted that during the detailed design stage for the realignment of the laneway entrance at Leven Street, it was identified that it was not possible to realign this entrance and maintain property access. Therefore, this proposal was abandoned and improvements will be made to the tram crossing at this location to improve pedestrian access. This was communicated to all residents with no objections received.

Holmes Road - parking

In September 2016 Council received concerns from local residents in Holmes Road regarding parking pressures on the south side due to the 'No Stopping' that was installed on the north side following the Holmes LATM and Narrow Streets programs.

Parking occupancy surveys were undertaken in September 2016, which identified a high parking demand within the unrestricted parking areas and a low parking demand within the existing 'Permit Zone' areas. A proposal was developed to address these concerns, refer **Appendix B**.

Park Street – pedestrian access

In July 2016 Council received a request from local residents for a pedestrian or school crossing to be installed on Park Street, between the level crossing and Mount Alexander Road. A pedestrian and vehicle count was undertaken at this location which identified that a school crossing was not warranted, however a pedestrian crossing was warranted.

Approval has been received from VicRoads to install a pedestrian crossing without flashing lights, to the east of the Margaret Street intersection. Refer **Appendix G** for plan with exact location. A pedestrian refuge is also proposed to be installed at the intersection of Mount Alexander Road and Park Street to improve safety and pedestrian access, due to a high number of recorded pedestrians crossing at this location.

Council also received a request for a roundabout on Park Street at the intersection of Clarinda Road to replace the existing raised intersection platform. An analysis of the site has identified that a roundabout is also not a suitable traffic management device for this location. Recent pedestrian and vehicle count data has identified that a school crossing is also not warranted at this location. However, due to the width of Park Street, we are proposing to install two pedestrian refuges to improve safety for pedestrians when crossing Park Street.

Both of these proposals are subject to community support. It is anticipated that community consultation will be undertaken in early 2017.

Holmes Road – School Crossing

A recommendation from the Holmes LATM study was to relocate the existing school crossing on Holmes Road to the east of Sussex Street to improve safety. This change was installed in June 2016. We have since received concerns from the local community regarding the new location.

A Road Safety Audit was undertaken of the site by an independent consultant to review the new location of the school crossing. Council officers reviewed the findings of this audit and recommended the following changes:

- Further extend the existing 'No Stopping 8-9am, 3-4pm School Days' by one extra space
- Construct a kerb outstand on the south side of Holmes Road
- Improvements to the signage on the approach to the crossing
- Installation of Zig Zag line marking on both approaches to the crossing
- Consider a raised threshold on Sussex Street at the intersection of Holmes Road

The above signage, parking and linemarking changes have been installed. The proposed kerb outstand on Holmes Road is currently being designed and will be installed this financial year. The proposed raised threshold on Sussex Street has been referred to the 2017/18 Capital Works program for funding consideration.

Discussion

Community consultation was undertaken in October 2016 for each of the following proposals.

1. Consultation results

a) Clarinda Road, Robb Street and Scott Street – Proposed 2P parking changes

Approximately 298 questionnaires were distributed to property owners and occupiers with a response rate of 29% to directly impacted residents as well as some surrounding streets including Buckley Street and Levien Street properties.

The following table shows the support rate for each of the proposals from the whole surveyed area:

Street	Support	Do Not Support
Clarinda Road	65% (49 responses)	35% (26 responses)
Robb Street	68% (50 responses)	32% (24 responses)
Scott Street	67% (52 responses)	33% (26 responses)

The following table shows a breakdown of the above responses for properties within each street:

Street	Support	Do Not Support
Clarinda Road	76%	24%
Robb Street	81%	5%
Scott Street	71%	29%

N.B. The Robb Street percentages do not add up to 100% as some responses did not tick a preferred option and provided comments that they would support the proposal if it were proposed on both sides of the road.

Council does not support timed parking restrictions on both sides of the above streets. The current proposals create a balance in short term and unrestricted parking that give residents whom are entitled to parking permits a higher priority to kerbside parking and still allows those who aren't entitled to permits or visitors to the area, access to on-street parking.

Therefore, it is recommended to proceed with the proposed parking changes in **Appendix A**.

Many Levien Street responses highlighted concerns that the proposal would push parking into Levien Street. Therefore, it's recommended this 2P proposal be extended to include one side of Levien Street, subject to consultation.

b) Lorraine Street and Laneway between Riverview Road and Levien Street – Proposed speed humps

Approximately 461 questionnaires were distributed to property owners and occupiers within the Essendon School Localised Traffic Study area with a response rate of 17%.

The following table shows the support rate for the proposed speed humps in Lorraine Street from the whole surveyed area:

Support	Do Not Support
45% (34 responses)	55% (41 responses)

The following table shows the support rate for each of the proposals for the laneway between Riverview Road and Levien Street from the whole surveyed area:

Laneway proposal	Support
1. Install 2 additional speed humps at laneway entrances	33% (26 responses)
2. Relocate the 2 end speed humps to the laneway entrances	14% (11 responses)
3. No changes, keep as is	51% (40 responses)

The following table shows responses for the proposed speed humps in Lorraine Street from Lorraine Street properties only:

Support	Do Not Support
40% (6 responses)	60% (9 responses)

The following table shows responses from properties whom property boundaries directly abut the laneway only:

Laneway proposal	Support
1. Install 2 additional speed humps at laneway entrances	25% (1 response)
2. Relocate the 2 end speed humps to the laneway entrances	50% (2 responses)
3. No changes, keep as is	25% (1 response)

Based on the above consultation results it is recommended to abandon both road humps proposals.

c) Holmes Road – Proposed 2P and Unrestricted parking

Approximately 169 questionnaires were distributed to property owners and occupiers along Holmes Road with a response rate of 20%.

The following table shows the responses from this consultation:

Proposal	Support	Do Not Support
1. To install 2P on the south side of Holmes Road	70% (21 responses)	30% (9 responses)
2. To remove the 'Permit Zone' and install Unrestricted parking	61% (19 responses)	39% (12 responses)

Most respondents objecting to the proposal to remove the 'Permit Zones' were concerned with the proposal for 'Unrestricted' parking. Therefore, it is proposed to amend the parking proposal to create a balance in short term parking and 'Unrestricted' parking. Refer to **Appendix C** for the revised parking proposal.

Implications

1. Legislative

There are no legislative implications as a result of this report.

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to Facilitate the provision of a broad range of safe, accessible and sustainable transport modes across the municipality in accordance with Council Plan 2013-2017 Theme 1.

3. Financial

The parking proposals from this report can be installed as part of the current operating budget. The proposed raised threshold treatment, pedestrian refuges and zebra crossing will be referred to future capital works budgets for funding consideration.

4. Environmental

There are no environmental implications as a consequence of this report.

Conclusion

It is recommended Council adopt the following proposals for implementation:

- Proposed 2P parking changes in Clarinda Road, Robb Street and Scott show, as shown in **Appendix A**.
- Proposed No Stopping area in Court Street, as shown in **Appendix A**.
- Proposed 2P and Unrestricted parking changes in Holmes Road, as shown in **Appendix C**.

It is recommended Council adopt the following proposals for consultation:

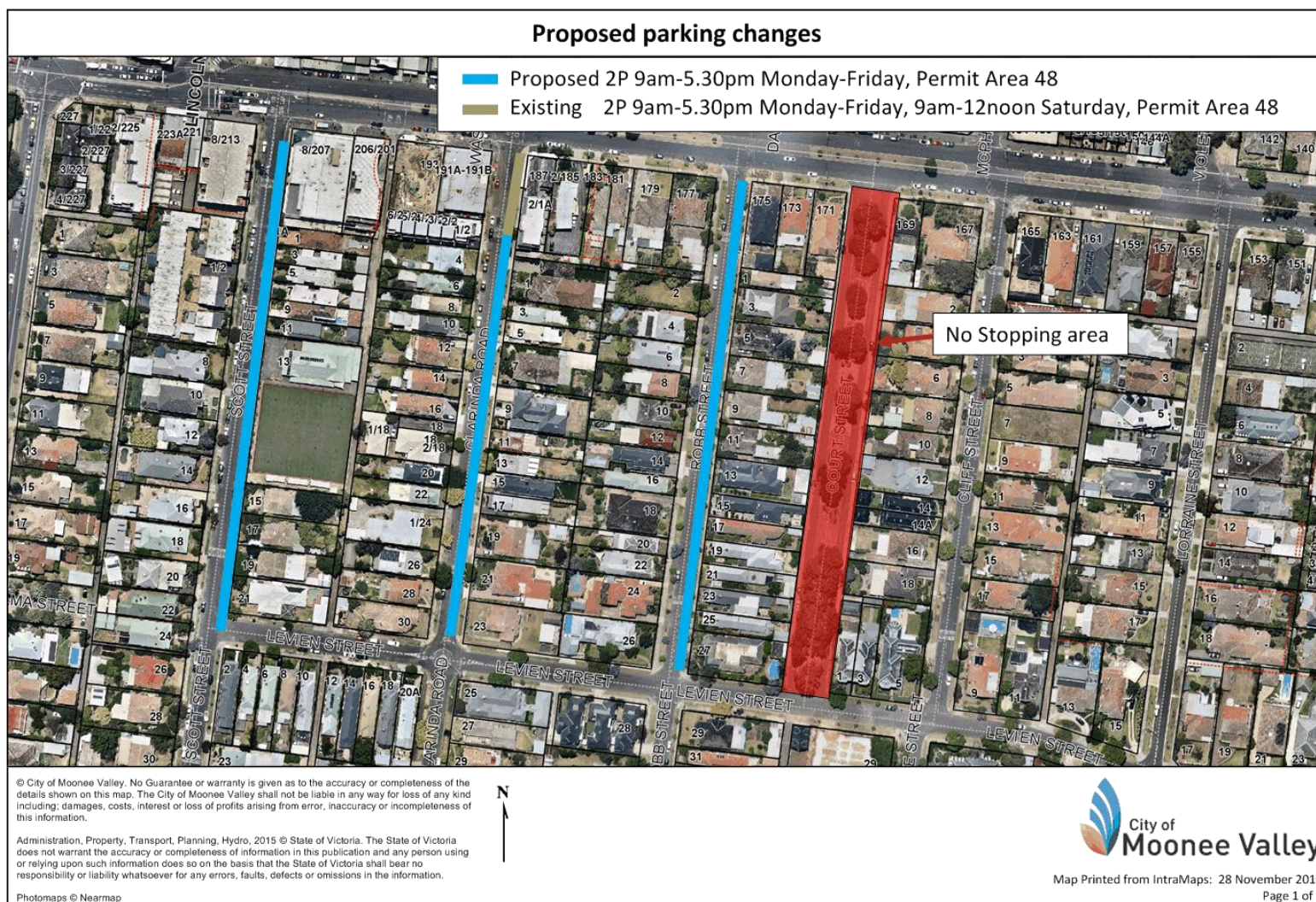
- Proposed zebra crossing in Park Street, as shown in **Appendix G**.
- Proposed pedestrian refuges in Park Street at Mount Alexander Road and Clarinda Road.
- Proposed parking changes in Levien Street to be investigated.

It is recommended Council abandon the following proposals that were a previous Council Resolution:

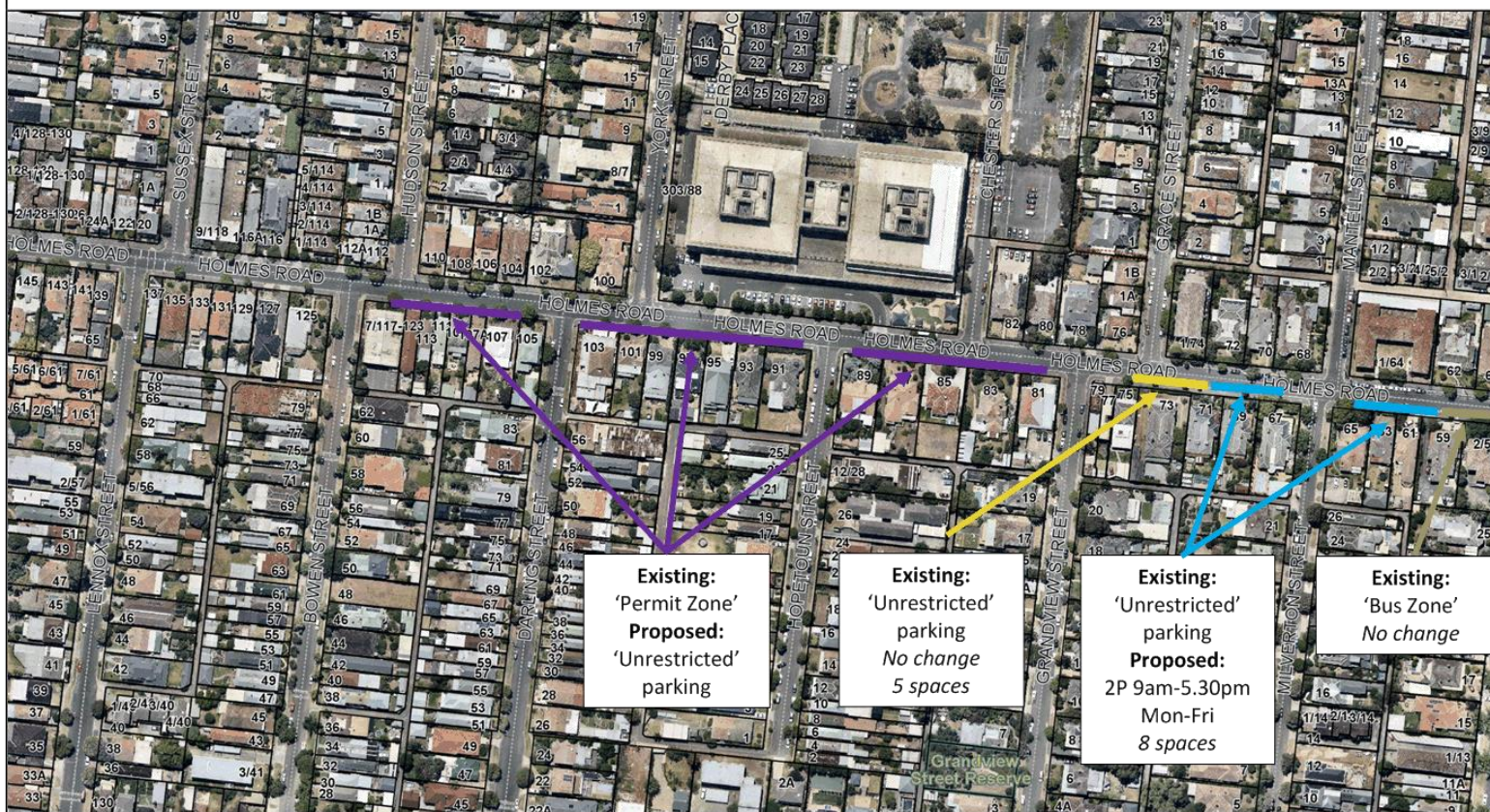
- To install three (3) road humps in Lorraine Street.
- To install two (2) additional road humps in the laneway between Riverview Road and Levien Street.

Appendices

- Appendix A: Clarinda Road, Robb Street, Scott Street and Court Street Proposed Parking Changes
- Appendix B: Holmes Road, Moonee Ponds Proposed Parking Changes
- Appendix C: Holmes Road, Moonee Ponds Proposed Parking Changes (Revised)
- Appendix D: Lorraine Street, Essendon Proposed Speed Humps
- Appendix E: Laneway between Riverview Road & Levien Street, Essendon Proposed Speed Humps
- Appendix F: Park Street and Clarinda Road Proposed Pedestrian Refuges
- Appendix G: Park Street, Moonee Ponds Proposed Pedestrian Crossing
- Appendix H: Previous Consultation results - Proposed 2P Clarinda Road, Robb Street and Scott Street
- Appendix I: Previous Consultation results - Proposed Speed Humps in Lorraine Street and laneway.



Holmes Road, Moonee Ponds – Proposed Parking Changes – Consultation Plan



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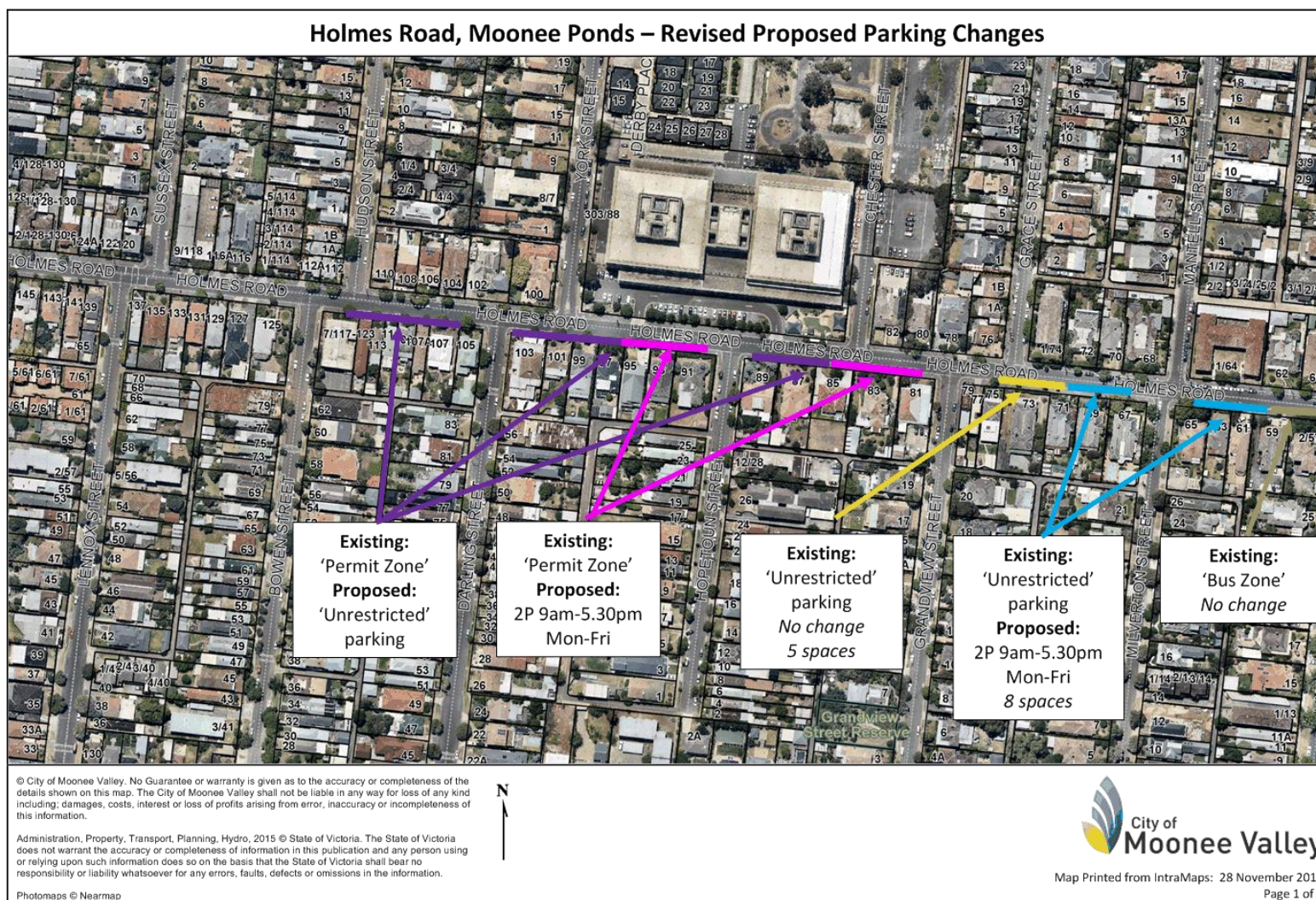
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Park Street, Moonee Ponds – Pedestrian Crossing Without Flashing Lights



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Consultation results – Holmes LATM

Street	Proposal	Total Responses Received	Support	Community Comments
Clarinda Road	2P 9am-5:30pm Mon-Fri, 9am-12noon Sat	14	50%	<ul style="list-style-type: none"> • Staff would need parking permits. • Essential that residents get parking permits. • Parking restrictions should be on both sides.
Robb Street	2P 9am-5:30pm Mon-Fri, 9am-12noon Sat	14	57%	<ul style="list-style-type: none"> • Oppose changes as it would force parking into Court Street which is where children play. • Should be on both sides. • Do not need restrictions on Saturday.
Scott Street	2P 9am-5:30pm Mon-Fri, 9am-12noon Sat	17	41%	<ul style="list-style-type: none"> • Staff parking is essential. • Restrictions should be on both sides. • There are no issues currently. • Should be permit parking only.

Consultation results – Essendon School Localised Traffic Study

Location	Overall Support	Adjacent properties	Specific Community Comments	Comments / Recommendation
Lorraine Street - To install three (3) road humps	54% (39 responses)	For: 5 (38%) Against: 8	Speed humps aren't required as this is only a short street. There is only an issue with speeding traffic around school times – this issue can be better resolved with education, rather than speed humps.	This proposal was not supported by the wider community or directly impacted residents. Many perceived there was no speed issue within Lorraine Street. Recommendation: Abandon proposal.
Laneway, between Riverview Road and Leven Street - Install two (2) additional speed humps at the entrances	59% (40 responses)	For: 4 (45%) Against: 5	Many directly affected residents felt this treatment is not required as there is enough speed humps within the laneway.	To abandon this proposal due to lack of support, and laneway has three existing road humps Recommendation: Abandon proposal

9.8 Flemington Hill Traffic and Parking Study - Update

File No: FOL/16/130

Author: Senior Traffic & Transport Engineer

Directorate: Planning & Development

Ward: Myrnong

Purpose

This report is in response to the Council Resolution on 28 July 2015, and provides an update on the results of the Origin Destination Survey to consider the appropriateness of the proposed trial partial road closures of six local streets within the Flemington Hill Traffic and Parking Study area.

Executive Summary

- Council resolved at the 28 July 2015 Ordinary Meeting to receive a further report at the completion of the Origin Destination Survey to detail the results and consider the appropriateness of the commencement of the six partial road closures in light of the changing circumstances and time elapsed since the Council Resolution of 28 May 2013 (where Council resolved to undertake the six partial road closures).
- An origin-destination survey in the Flemington Hill area was undertaken in March 2016 to determine vehicle movements.
- Based on the assessment of the survey data, it is recommended not to proceed with the six trial partial road closures.
- However, alternative actions are recommended to manage the ‘through’ traffic in the local area.

Recommendation

That Council:

1. Not proceed with the six trial partial road closures.
2. Consult on the installation of a road narrowing and raised pavement in Princes Street near Racecourse Road as shown in **Appendix D**.
3. Request VicRoads assess the traffic signal phasing on Racecourse Road at Pin Oak Crescent, Wellington Street and Boundary Road, to facilitate main and collector road traffic movements.
4. Advise residents and traders within the Flemington Hill Study area of the outcome of this report.

Background

2011 to 2013 – Flemington Hill Traffic and Parking Study

Council undertook the Flemington Hill Traffic and Parking Study from 2011 to early 2013. The study aimed to develop practical solutions to community concerns in relation to traffic and parking conditions within the area.

It involved three rounds of resident and trader consultation, comprehensive traffic and parking analysis and the formation of two working groups in order to develop the Flemington Hill Traffic Management Plan and Parking Management Plan.

May 2013 – Council Report

Council endorsed the implementation of permanent traffic and parking treatments on 28 May 2013, and also included a three-month trial of partial road closures at the following locations:

West of Wellington Street:

- Brixton Street at Kent Street (northbound movement only)
- Marwick Street at Kent Street (southbound movement only)
- Farnham Street at Marwick Street (westbound movement only).

East of Wellington Street:

- Princes Street at High Street (southbound movement only)
- Hill Street at Wellington Street (eastbound movement only)
- Princes Street at McDonalds northern boundary (northbound movement only).

November 2013 – East West Link Comprehensive Impact Statement

Council considered that the traffic impacts the East West Link project would have on roads within Moonee Valley, during both construction and operation, could be significant. It was identified that the East West Link could potentially impact the area around Flemington, Ascot Vale, Travancore and Moonee Ponds due to the proximity of the proposed link alignment.

As part of Council's submission to the East West Link Assessment Committee, Council identified that local traffic volumes would be significantly impacted by the additional traffic accessing the East West Link and made a request for funding to undertake Local Area Traffic Management studies in the local areas of Newmarket, in which Flemington Hill sits, plus Dean and Travancore.

Council considered these studies would help assess, and put in place measures to counteract, any adverse impact caused by the East West Link due to potential 'rat running' on local streets. Council was also awaiting more detail from the State Government about the proposed widening of the CityLink Tullamarine Freeway which could also impact Flemington Hill.

In December 2013, Council officers received a report from VicRoads, which stated they did not object to the proposed trial partial road closures system.

May 2014 – Council Report

In light of all above issues, Council considered it would not be practical to proceed with the three-month trial of partial road closures at six locations within the Flemington Hill area until the full impacts of the East West Link on roads within Moonee Valley could be assessed and the need for closures could be reinvestigated more accurately. As such, a report was presented to Council at its meeting on 27 May 2014 providing an update on the proposed trial partial road closures within Flemington Hill. At this meeting, Council resolved to “Cease the proposed trial partial road closures until the full impacts of the East West Link on roads within Moonee Valley Council can be assessed, which would include the undertaking of further traffic management studies in Flemington, when the need for closures can be reinvestigated more accurately”.

July 2015 – Council Report

Since the completion of the Flemington Hill Traffic and Parking Study, new issues have emerged affecting Ascot Vale and Flemington. To determine a course of action, the following matters needed to be considered:

- The State Government’s cancellation of the East West Link project.
- The construction of the CityLink Tullamarine Freeway Widening project and the associated traffic and transport impacts this project may have on roads within and around the Flemington Hill local area, during both construction and operation.
- VicRoads’ review for the Victorian Over Dimensional Route Network for permitted loads, and the proposed future removal of Kent Street from the Network.
- The forthcoming commencement of the Newmarket Local Area Traffic Management Study (LATM), as adopted by Council in February 2015.
- The need to undertake an Origin Destination Survey prior to the commencement of the Newmarket LATM, to ensure effective proposals are developed in calming traffic, deterring inappropriate ‘cut through’ traffic and improving road safety and local amenity.

To determine and address the issues, the Council report of 28 July 2015 recommended the Kent Street Traffic Management Study be undertaken to identify the necessary measures to address traffic and safety issues on Kent Street. The study has since been completed, including advocacy to State Government and VicRoads for funding of traffic signal installation on Mt Alexander Road incorporating Kent Street, Wellington Street, Mangalore Street and Flemington Street.

In addition, Council resolved to undertake an Origin Destination Survey to determine the appropriateness of the commencement of the six partial road closures in light of the changing circumstances and time elapsed since the Council Resolution of 28 May 2013 (where Council resolved to undertake the six partial road closures).

Discussion

As Council endorsed the trial partial road closures in May 2013, further investigations were undertaken to determine whether the treatment would still be appropriate in 2016. Since May 2013, traffic calming treatments have been implemented as per the recommendations of the Flemington Hill Traffic & Parking Study, including:

- Six (6) road humps in Victoria Street;
- Relocation of the partial road closure on Victoria Street from Hill Street to Racecourse Road; and
- Raised intersection at Bryant Street and High Street.

Hence, a more comprehensive study was required to reassess the traffic in the area.

Flemington Hill Origin-Destination (OD) Survey

In March 2016, Matrix Traffic Data undertook an OD survey of Flemington Hill as part of a broader Newmarket survey to determine the number of vehicles going in, out and through the area bounded by Mt Alexander Road, Racecourse Road, Pin Oak Crescent and Kent Street (**Appendix A**).

The survey used video capture techniques at 11 stations to record vehicle number plates on:

- Wednesday 16 March from 2pm to 7pm; and
- Thursday 17 March from 6am to 10am.

The survey was undertaken during peak times because the highest volumes experienced on a road in a day is during peak hour. In general, travel demand during the PM peak period is more spread out than the AM peak period; therefore, a 5-hour period was surveyed in the PM peak. Comparison of video OD and tube survey data is shown in **Appendix B**, indicating consistency between the data sets.

The following tables provide a summary of the matched AM peak hour (8am-9am) and PM peak hour (5pm-6pm) traffic volumes.

For the purposes of the analysis, the findings have been grouped into three distinct areas (see Figure 1):

- North (Block A), comprising of vehicles entering and exiting off Kent Street (also includes Wellington Street);
- North East (Block B), comprising of vehicles entering and exiting Mt Alexander Road (not including Wellington Street); and
- South (Block C), comprising of vehicles entering and exiting Racecourse Road.

The match time used is 7 minutes. This is the time limit for vehicles to travel through the study area. It is assumed that any vehicle that takes longer is making a local destination trip such as a school or restaurant.

Figure 1: Analysis Areas

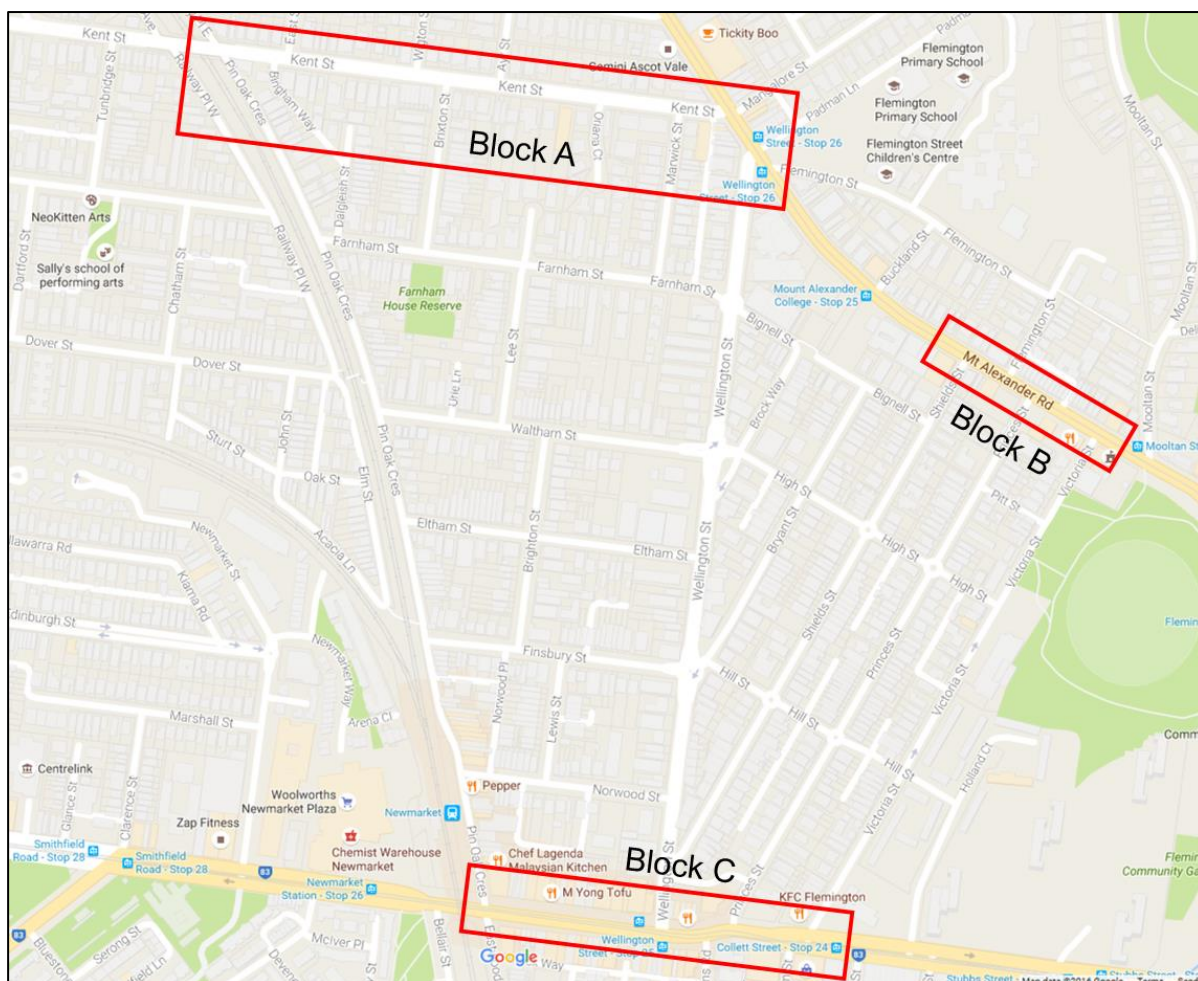


Table 1: Vehicle Number Plates Matched Through Flemington Hill (AM Peak)

AM Peak (8am-9am)	To		
	Block A	Block B	Block C
Block A	48	12	152
Block B	0	2	25
Block C	39	9	29

Table 2: Vehicle Number Plates Matched Through Flemington Hill (PM Peak)

PM Peak (5pm-6pm)	To		
From	Block A	Block B	Block C
Block A	17	1	40
Block B	8	7	44
Block C	132	54	33

Overall Assessment

Detailed results are shown in **Appendix C**. The data shows that in the morning peak, there was a total of 888 vehicles recorded entering the Flemington Hill area with 1,043 vehicles exiting during the same period. Of the 585 vehicles that entered from Kent Street (including Wellington Street), 164 were matched within 7 minutes exiting at Mt Alexander Road or Racecourse Road.

In the evening peak, there was a total of 845 vehicles recorded entering the Flemington Hill area with 878 vehicles exiting during the same period. Of the 531 vehicles that entered from Racecourse Road, 186 were matched within 7 minutes exiting at Mt Alexander Road or Kent Street (including Wellington Street).

AM Peak (8am-9am)

The results show that the greatest amount of through traffic is recorded entering from the north (Block A) and exiting onto Racecourse Road (Block C) at 152 vehicles. This is expected as vehicles are travelling towards the city from either Mt Alexander Road and Ascot Vale Road or from local streets north of Kent Street, however it must be noted that more than half of this traffic exited at Pin Oak Crescent (90), whilst 17 vehicles from Block A exited Princes Street and 36 vehicles from Block A exited Wellington Street.

The number of vehicles entering Block A and then exiting Block A (48) and entering Block C and then exiting Block C (29) can be attributed to motorists making quick local stops before resuming their journeys, such as school and station drop-offs.

Block B to Block C figures (25) are likely to be residents of the apartments opposite Debney's Park on Mt Alexander Road, entering the area (left-turn) to possibly enter CityLink (southbound). This is likely because there is a right-turn ban into Victoria Street, Princes Street and Shields Street from Mt Alexander Road in the morning peak.

PM Peak (5pm-6pm)

The results show that the greatest amount of through traffic is recorded entering from the south (Block C) and exiting onto Kent Street (including Wellington Street) (Block A) at 132 vehicles. This is expected for the afternoon peak as it is essentially the reverse of the AM peak.

The number of motorists making quick local stops before resuming their journeys, i.e. the school and station pick-ups, are still present with vehicles entering Block A and then exiting Block A at 17 and entering Block C and then exiting Block C at 33.

With regards to Princes Street, the evening peak showed 103 vehicles entering from Racecourse Road were considered 'through' traffic.

Having regard to the OD survey results, it is recommended not to proceed with the trial partial road closures for the following reasons:

- In the context of an inner suburb bounded by main roads and in close proximity to CityLink, the through traffic volumes are not considered significant, especially given the general spread across the area.
- The Flemington Hill area already has significant physical traffic management devices and is a 40km/h area to maximise safety outcomes.
- Within and on the boundary of the Flemington Hill area, there are significant land uses requiring the need provide a reasonable level of accessibility, which the partial road closures would reduce.
- The daily traffic volumes on streets within Flemington Hill generally do not exceed acceptable maximum volumes outlined in Clause 56 of the Moonee Valley Planning Scheme i.e.
 - Access Street (Level 1) – up to 2,000 vehicles per day.
 - Collector Street (Level 1) – up to 3,000 vehicles per day.
- The southern ends of Pin Oak Crescent and Wellington Street exceed 3,000 vehicles per day which can be partly attributed to access/egress via traffic signals, Newmarket Station and Racecourse Road shopping precinct.
- The southern end of Princes Street exceeds 2,000 vehicles per day which can be partly attributed to the location of fast food outlets on the corner with Racecourse Road.

Instead, it is recommended to consult on the installation of a road narrowing and raised pavement in Princes Street near Racecourse Road as shown in **Appendix D**, and to request VicRoads assess the traffic signal phasing on Racecourse Road at Pin Oak Crescent, Wellington Street and Boundary Road, to facilitate main and collector road traffic movements.

Consultation

Since 2011, Council has undertaken extensive community consultation on a number of occasions in relation to various traffic and parking proposals including the trial partial road closures. Several updates have also been sent to the community, the most recent being in August 2015.

Implications

1. Legislative

There are no legislative implications as a result of this report.

2. Council Plan / Policy

The undertaking of Local Area Traffic Management studies are in line with the 2013-2017 Council Plan and will contribute to Theme 3 (Sustainable Living) and Strategic Outcome 3.2 (Facilitate the provision of a broad range of safe, accessible and sustainable transport modes across the municipality).

3. Financial

Princes Street works, if supported, would need to be referred to the capital works program for funding consideration.

4. Environmental

There are no environmental implications as a consequence of this report.

Conclusion

It is recommended Council does not proceed with the trial partial road closures, given that the data obtained via the Flemington Hill OD Survey and tube counts show daily traffic volumes on streets within Flemington Hill generally do not exceed acceptable maximum volumes. In addition, implementing any closures would only negatively impact residents and the local community through greater inconvenience and also potentially displacing traffic into other local streets.

However, other methods are recommended to mitigate 'through' traffic in Flemington Hill including requesting VicRoads to assess the traffic signal phasing on Racecourse Road at Pin Oak Crescent, Wellington Street and Boundary Road.

A road narrowing and raised pavement could also be introduced in Princes Street near Racecourse Road to further discourage 'through' traffic.

Appendices

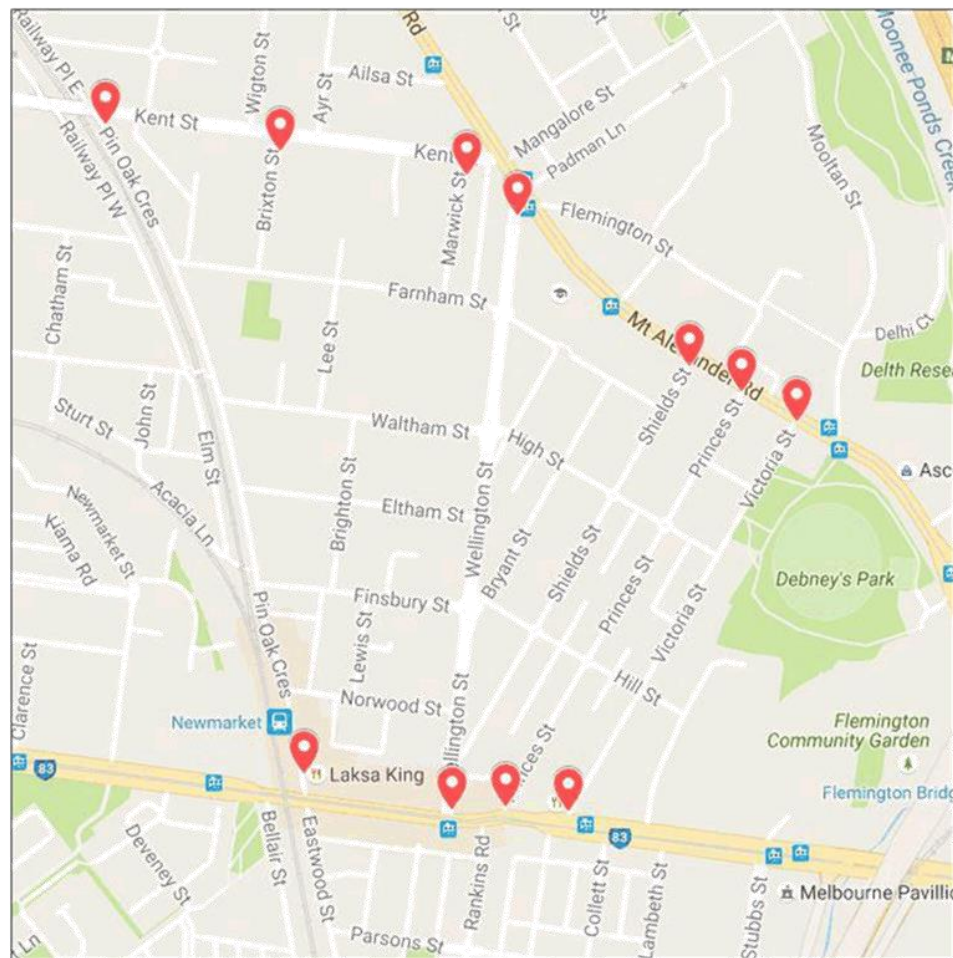
Appendix A: Survey Area and Station Location

Appendix B: Video Data and Tube Data Comparison

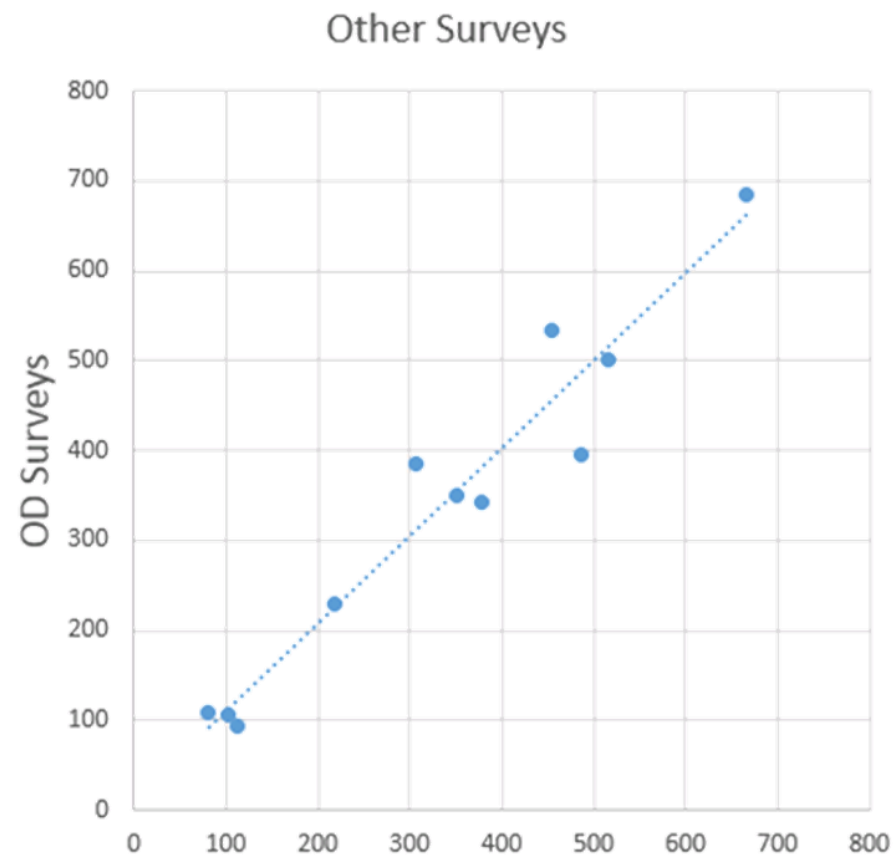
Appendix C: Detailed Results

Appendix D: Proposed Road Narrowings.

Flemington Hill OD Survey Area and Station Location



Video OD data vs Tube Data



Flemington Hill Origin Destination Surveys

Thursday, 17 March 2016

AM Peak Hour: 8am-9am

			DESTINATION (OUT)												Total	
			Block	A				B			C					
Street				Pin Oak Crescent	Brixton Street	Marwick Street	Wellington Street	Shields Street	Princes Street	Victoria Street	Pin Oak Crescent	Wellington Street	Princes Street	Victoria Street		
ORIGIN (IN)	Block		Vol	56	20	32	175	20	35	47	311	192	107	48	1,043	
	A	Pin Oak Crescent	85	0	0	0	0	0	0	0	40	2	0	0	42	
		Brixton Street	317	3	1	0	14	1	0	5	47	12	13	4	100	
		Marwick Street	151	3	0	2	20	0	3	3	1	20	3	4	59	
		Wellington Street	32	1	1	0	3	0	0	0	2	2	1	1	11	
	B	Shields Street	17	0	0	0	0	0	0	0	1	2	1	1	5	
		Princes Street	42	0	0	0	0	0	1	1	0	1	12	3	18	
		Victoria Street	15	0	0	0	0	0	0	0	0	0	2	2	4	
	C	Pin Oak Crescent	100	4	3	0	15	1	0	0	8	9	1	0	41	
		Wellington Street	65	0	0	3	13	1	2	0	1	4	0	0	24	
		Princes Street	61	0	0	1	0	0	5	0	0	0	5	1	12	
		Victoria Street	3	0	0	0	0	0	0	0	0	0	0	0	0	
	Total			888	11	5	6	65	3	11	9	100	52	38	16	316

Flemington Hill Origin Destination Surveys

Thursday, 17 March 2016

PM Peak Hour: 5pm-6pm

			DESTINATION (OUT)												
			Block	A				B			C				Total
		Street		Pin Oak Crescent	Brixton Street	Marwick Street	Wellington Street	Shields Street	Princes Street	Victoria Street	Pin Oak Crescent	Wellington Street	Princes Street	Victoria Street	
ORIGIN (IN)	Block		Vol	203	57	59	122	16	76	35	92	128	72	18	878
	A	Pin Oak Crescent	34	0	1	1	0	0	0	0	13	2	0	0	17
		Brixton Street	61	2	2	0	2	0	0	0	10	2	0	0	18
		Marwick Street	65	0	0	0	7	0	0	1	0	3	4	0	15
		Wellington Street	23	0	0	0	2	0	0	0	3	3	0	0	8
	B	Shields Street	50	3	0	1	2	3	0	0	2	9	1	0	21
		Princes Street	66	1	0	0	1	0	2	1	5	1	21	3	35
		Victoria Street	15	0	0	0	0	0	0	1	1	0	1	0	3
	C	Pin Oak Crescent	164	36	5	0	9	0	2	0	9	2	0	0	63
		Wellington Street	109	6	2	3	15	1	1	0	3	7	0	0	38
		Princes Street	246	27	11	14	4	0	46	1	1	3	7	0	114
		Victoria Street	12	0	0	0	0	0	0	3	0	1	0	0	4
	Total		845	75	21	19	42	4	51	7	47	33	34	3	336





9.9 **Alf Pearce Dog Park**
File No: FOL/16/130
Author: Venta Slizys
 Coordinator Open Space & Urban Design
Directorate: Planning & Development
Ward: Buckley

Purpose

To update Council on the estimated construction costs associated with the design of the fenced dog park considered by Council on 19 September 2016, including options to reduce costs without compromising the design intent.

Executive Summary

- A final design was consideration by Council at the Ordinary meeting on 19 September and it was resolved to “Undertake further consultation to confirm the final design of the fenced dog park in Alf Pearce Reserve for construction.”
- The design was done in conjunction specialist consultant, Paws4Play and incorporated community input through extensive consultation.
- Preliminary consultation was undertaken on the design during the consultation on the trial which was undertaken from 22 April to 13 May 2016. This provided guidance on the requirements for the park, from a community perspective. Seating, followed by waste management, shade, vegetation and water fountains where the highest number of suggestions on the survey.
- A draft design was created and feedback was received between 11 July to 5 August 2016. The design was revised following this feedback which is found in **Appendix A** (separately circulated)
- The final design to be presented to the community, as per the Council resolution of 19 September, has been costed for construction purposes. This process factored in both construction cost and ongoing maintenance to ensure longevity and best value for money.
- The options vary between \$210,600.00 to \$284,000.00, depending on considerations such as type of surface treatment, furniture type and number, density of planting and adjustments to dog runabout area.

Recommendation

That Council:

1. Note the design has been through considerable consultation including preliminary consultation and consultation on the draft design. Additional consultation to consist of signage on site.
2. Note the implications of the various options in terms of initial capital layout, ongoing maintenance and user experience.
3. Note the expenditure for this project depending on the design for construction option selected:
 - a) Option 1: Dog park as per community consultation, estimated to cost \$284,000.00 **Appendix A** (separately circulated).
 - b) Option 2: Dog park with gravel surface, reduced area and furniture, estimated to cost \$234,000.00 **Appendix B** (separately circulated).
 - c) Option 3: Dog park with grass run about surface, reduced area and furniture estimated to cost \$210,600.00 **Appendix C** (separately circulated).
4. Revise the Capital Works expenditure to reflect the preferred Option 2, achieving a balance between community expectation, capital investment and ongoing maintenance costs.

Background

Fenced dog areas are becoming more sought after within the community, as they provide social connection and physical benefits to the community. Dogs Parks are often contested spaces given they are a designated area assigned for one particular use within public open space. Hence, thorough community consultation was required to ensure the best possible outcome.

At the time of the Alf Pearce Reserve Dog Park planning, Moonee Valley City Council did not have an adopted position or policy in regard to fenced dog parks, there were however a number of off-leash areas within Moonee Valley reserves, including:

- Aberfeldie Park, The Boulevard, Aberfeldie
- JH Allan Reserve, Park Drive, Keilor East
- Boeing Reserve (northern end only), Boeing Road, Strathmore Heights
- Cross Keys Reserve (Eastern end only), Bridge Street, Essendon
- AJ Davis Reserve, Fullarton Road, Airport West
- Fairbairn Park, Woods Street, Ascot Vale
- Spring Gully Reserve, Keilor Road, Keilor East
- Thompson Street Reserve, Thompson Street, Avondale Heights
- Travancore Park, Mooltan Street, Flemington.

The Domestic Animal Management Plan endorsed in July 2014 included the action to 'investigate the possible introduction of a dog only park'. Council's Local Laws unit undertook a Feasibility Study which identified four parks which may be suitable for a fenced dog park. Community consultation was undertaken, through which Alf Pearce Reserve was identified as the preferred site within the municipality.

A six month trial for the fenced dog park was undertaken from December 2015 to May 2016. Community consultation on the trial was undertaken from the 22 April to the 13 May 2016, which established the community's position to retain the fenced dog park.

Further consultation with the surrounding community was undertaken on the draft design to determine the final design of the fenced dog park.

Discussion

A fenced dog park provides a secure area for the community and their pets. The design of the dog park can provide stimulation for the dog through exploration of natural elements, such as planting, logs and rock and through interaction with other dogs.

It can also provide a social setting for interaction between dog owners and decrease dog behaviour problems by preventing boredom and subsequent destructive behaviours, such as digging and barking.

Given the potential benefits, the design for the proposed park was created in consultation with specialist consultant, Paws4Play and includes the following elements to provide a sensory experience and complement the existing landscape setting:

- **Run About Area.** This area will comprise of a low maintenance gravel surface to withstand high use and will include drainage to prevent ponding and muddy patches. It includes various seating opportunities for dog owners, drinking fountain, bins, dog waste bags and garden beds with shade trees.
- **Time Out Area.** There will be a separate area for older and smaller dogs to recuperate from the larger fenced area. This will include seating, double access entry, bins, dog waste bags, internal access gate, drinking fountain, garden beds and shade trees.
- **Agility Area.** The agility area will include training equipment, seating and screen planting to provide a quieter space for owners to train their dogs.
- **Dry Creek Bed.** This landscape feature is designed to direct flow of movement, provide elements for dogs to explore and provide informal seating and shade.
- **Bushland Planting.** The area to the north of the site will buffer noise, provide shade to the seating area and provide a different surface type for dogs to explore.
- **Rocky Mound.** The use of rocks and landform is designed to provide an informal seating area and to provide grade variation for dogs to increase agility and confidence in uneven height conditions.

- She Oak Planting. The area to the north of the site will buffer noise from the freeway through dense planting and will improve amenity to the northern pathway.

The design will complement the existing landscape setting of Alf Pearce Reserve with the use of natural materials, garden beds, fencing and buffer planting. The design has been revised to reduce cost. Elements which have been modified include; reduced area, reduction of furniture items and less planting.

In accordance with Victorian legislation, the Domestic Animals Act 1994, Council requires all dogs to be under effective control by their owners in all public spaces, including fenced dog parks. All dogs need to be trained to respond to their owner when called and owners will be required to dispose of dog waste thoughtfully.

Upon a more refined costing, based on current rates for construction, the following options can be considered:

- Option 1: Dog park with gravel surface, estimated to cost \$284,000.00 to construct **Appendix A** (separately circulated). The major difference is a space totalling 5000sqm and five seats.
- Option 2: Dog park with gravel surface, estimated to cost \$234,000.00 to construct **Appendix B** (separately circulated). This includes a total area of 4000sqm and four seats.
- Option 3: Dog park with grass surface run about, estimated to cost \$210,600.00 to construct **Appendix C** (separately circulated). This includes a total area of 4000sqm, with grass surface for the main runabout area and four seats.

The three options have varying benefits. Option 1 provides the community aspirations of shade, vegetation, seating and resilient surface treatment. Options 2 and 3 are relatively smaller, with reduced seating, reduced vegetation and alternative surface treatments. The gravel surface would be less maintenance but more expensive to install in the short term. A grass surface would be cheaper to install but more expensive to maintain in the long term. An even coverage of grass can't be guaranteed, as the area won't be irrigated. Areas such as the time out and agility area can't be grassed due to access and ability to maintain these areas effectively.

Consultation

The decision to retain the dog park at Alf Pearce Reserve was made at the Ordinary Meeting on the 24 May.

The draft design was distributed to the community, within a 500m radius of the Reserve, for comment in July 2016 and feedback was invited from 11 July until the 5 August 2016. The local community was invited to a public session held at Alf Pearce Reserve on Saturday 23 July 2016.

Feedback received resulted in some changes to the design, including a new location for the agility and time out area. Location of entrances, maintenance access and pathways were also reconsidered for the final design.

The feedback received on the draft design fell broadly into the following categories:

- Increased running area for dogs
- Increased kick-about area outside the dog park

- Additional seating
- Provision of public toilet.

Parking concerns of surrounding residents have been identified throughout the consultation and management of parking in the streets surrounding Alf Pearce Reserve. The parking can be addressed by installing signage and line marking to reinforce legal parking areas. The exact signage and line marking changes would be the subject to the endorsement of the design.

The design of the dog park has been prepared taking into consideration the community feedback received, together with internal stakeholder feedback, specialist advice and relevant Council policy and directions.

The consultation required by Council as its meeting on the 19 September is intended to confirm the final design through signage on site.

Implications

1. Legislative

Any built works undertaken as part of the fenced dog park will be subject to relevant Australian Standards and Local Laws.

2. Council Plan / Policy

In presenting this report to Council, it is achieving its Strategic Objective to:

- Facilitate and encourage access to diverse, affordable and enjoyable leisure and learning opportunities in accordance with Council Plan 2013-2017 Theme 1: Vibrant and diverse - Opportunities for all.

3. Financial

The construction of the Alf Pearce Reserve dog park has the allocation of \$70,000.00 within the 2016/17 Capital Works budget. This was allocated to cover fencing only. The following cost implications apply to complete the building:

- Option 1 (Dog park with gravel surface) is estimated to cost \$284,000.00 to construct. An additional amount of \$214,000.00 will need to be referred to the Capital Works Program (**Appendix A** – separately circulated).
- Option 2 (Reduced dog park with gravel surface) is estimated to cost \$234,000.00 to construct. An additional amount of \$164,000.00 will need to be referred to the Capital Works Program (**Appendix B** – separately circulated).
- Option 3 (Reduced dog park with grass run about surface) is estimated to cost \$210,600.00 to construct. An additional amount of \$140,600.00 will need to be referred to the Capital Works Program (**Appendix C** – separately circulated).

4. Environmental

The Alf Pearce Reserve dog park provides a designated area for dog owners to engage in a social, active leisure activity. By containing the park with a fence, it's expected the impacts of dog waste would be managed and the dogs less likely to access surrounding reserves. A dedicated dog park with many visitors also provides social pressure to encourage dog walkers to collect and dispose of dog waste appropriately. Furthermore provision of tree planting and vegetation will provide a cool environment for the whole community to enjoy.

Conclusion

The dog park has been designed with review from specialist consultants and in consultation with the community.

A final design was considered by Council at the Ordinary meeting on the 19 September and it was resolved to “Undertake further consultation to confirm the final design of the fenced dog park in Alf Pearce for construction.”

The selected final design will be presented to the community through signage on site.

The design options vary between \$210,600.00 to \$284,000.00, depending on considerations such as type of surface treatment, furniture type and number, density of planting and adjustments to the size of the dog runabout area.

These options have factored in both construction costs and ongoing maintenance to ensure longevity and best value for money.

The Alf Pearce dog park will include natural materials and agility equipment, which is designed to decrease dog behaviour problems by preventing boredom. The park will provide the community and their dogs a secure environment and social setting for positive interaction, whilst providing an integrated landscaped setting to the existing open space.

Appendices

- Appendix A: Alf Pearce Dog Park Option 1
- Appendix B: Alf Pearce Dog Park Option 2
- Appendix C: Alf Pearce Dog Park Option 3.







9.10 **Cross Keys Reserve Master Plan**
File No: FOL/16/130
Author: Venta Slizys
 Coordinator Open Space & Urban Design
Directorate: Planning & Development
Ward: Buckley

Purpose

To seek Council approval to adopt the Cross Keys Reserve Master Plan.

Executive Summary

- Council has developed a Master Plan for the Cross Keys Reserve to guide the future planning, design and management of the Reserve. A copy of the plan is provided as **Appendix A** (separately circulated).
- The Master Plan provides better amenities for the community including picnic areas, a playspace, outdoor fitness equipment, pathways, plantings, car parking and sports field improvements. The Master Plan includes the replacement of the existing pavilion which is currently the lowest rated pavilion in Moonee Valley City Council in terms of condition and function.
- The Cross Keys Reserve Master Plan has been developed in consultation with key stakeholders and the community. The consultation summary of the Draft Master Plan phase is provided as **Appendix B**.
- The Cross Keys Reserve Master Plan aligns with the objectives of a number of key Council strategies and plans, such as the Council Plan 2013-17, Open Space Strategy 2011, Leisure Strategy 2013 and City Sustainability Policy 2013.

Recommendation

That Council:

1. Adopt the Cross Keys Reserve Master Plan 2016; and
2. Note that delivery of the Master Plan is subject to Council's annual budget process.

Background

Cross Keys Reserve has a Master Plan which was adopted by Council on 21 October 2008. The Master Plan was developed for the purpose of relocating Essendon Cricket Club from Windy Hill to Cross Keys Reserve. As the relocation didn't eventuate, a new Master Plan is required to guide the design, development and management of the Reserve into the future.

Moonee Valley City Council's *Open Space Strategy* determines that Cross Keys Reserve is classified as a Regional open space with a primary character of sporting and a secondary character of informal, waterway and nature conservation. The eastern section of the park is a designated dog off-leash area.

Cross Keys Reserve contains an old pavilion, carpark, seating, and a dog off-leash zone. The Reserve is currently used by:

- Essendon Royals Soccer Club (intended to be their permanent home ground once relocated from Ormond Park);
- Essendon Cricket Club (secondary ground, Windy Hill functions as their home ground);
- Strathmore Cricket Club;
- Aberfeldie Cricket Club; and
- Essendon Gem and Lapidary Club.

The Walking and Cycling Strategy 2012-20 and Playspace Plan 2013-23 both include recommendations for Cross Keys Reserve, with initiatives such as improved linkages for cycling and introduction of a playspace. The Master Plan has incorporated these recommendations.

Funding was provided by Sport and Recreation Victoria (SRV) in the 2015/16 financial year to install new sports field lighting. The location of the lighting is to be determined by the adopted Master Plan.

The existing pavilion is not meeting current or future requirements of the clubs and portables are being leased for change rooms for the various sports clubs. The Master Plan proposes a new multi-use pavilion. Funding is available in 2016/17 budget for the design of the new pavilion.

Discussion

Cross Keys Reserve is an important piece of open space in Essendon. It provides space for the community to exercise, walk their dogs, play sport and interact with nature. The Reserve currently contains very limited amenities for the community outside of organised sport.

The Master Plan has been developed to cater to the many needs of the community. The Reserve is currently used for soccer and cricket and this is expected to continue into the future, with the Essendon Royals Soccer Club using it for their permanent home ground.

The popular shared pathway along the Moonee Ponds Creek runs alongside the Reserve. This forms the boundary between the Cross Keys Reserve Master Plan area and the Moonee Ponds Creek Master Plan area (currently underway).

Key features of the Master Plan include:

- Multi-use pavilion;
- Car parking areas and redefined entrances and exits;
- Sports fields and associated safety fencing;
- Playspace;
- Picnic areas;

- Exercise stations;
- Circuit pathway;
- More defined area for dog off leash;
- Basketball and netball half court for social use;
- Small wetland for stormwater treatment and flood mitigation;
- Increased vegetation including tree plantings;
- Improvements to the amenity of the Reserve including provision of seating, drinking fountains and bins; and
- Improvements to the Woodland Street Grassland Area.

Consultation

Preliminary Consultation

During August and September 2015, Council undertook initial information gathering to determine community needs for Cross Keys Reserve and to assist in the development of the draft Master Plan. This information gathering included a community session in the Reserve on Saturday 12 September. In addition to the information session conducted at the Reserve, flyers were sent out to residents within 500 metres of the Reserve. Feedback was collected in person, via email and a reply paid enveloped from 24 August until 25 September 2015. The feedback gathered during this process was used to inform the Cross Keys Reserve Draft Master Plan which was approved for consultation at the Ordinary Meeting of Council on 8 December 2015. There were 39 written submissions received.

Draft Master Plan Consultation

The draft Master Plan was distributed to the community for comment during the month of February 2016. The local community were again invited to a public session held at Cross Keys Reserve on Saturday 12 February 2016. Local residents were encouraged to comment on the draft Master Plan so that the final Master Plan could be updated to reflect community needs. As part of the invitation to the public session, feedback forms and reply paid envelopes were provided to all local residents within 500 metres of the Reserve. Residents could send or call with their feedback from 1 February until 29 February 2016. Council received 47 written responses.

Community response to the draft Master Plan was positive, with most supporting upgrades to car parking and improvement to the provision of amenities for the community.

Additional consultation was undertaken with the sporting clubs that use the Reserve. Essendon Cricket Club were concerned about the distance of the proposed pavilion to the main cricket field for scorers, time keepers and players, including safety issues for sporting equipment and players' personal items left in the pavilion during playing times. This has been resolved by realigning the sports fields to ensure the main cricket field is located closer to the pavilion. The realignment has meant the two main soccer fields require safety fencing along Woodland Street to prevent soccer balls straying onto the road. An independent assessment was undertaken by Hedley Rail Consulting Pty Ltd to determine the risk of this arrangement and height and type of

fencing that will be required. This report can be found in **Appendix C** (separately circulated).

The Independent Risk Report outlined a number of scenarios and recommends the installation of a 15m high fence. The scenarios are as follows:

- **Scenario 1.** No High Barrier Fence
Result (Event Frequency – Daily; Accident Frequency - every second month)
- **Scenario 2.** 10m High Barrier Fence
Result (Event Frequency – once every 6 Months; Accident Frequency – once every five years)
- **Scenario 3.** 12m High Barrier Fence
Result (Event Frequency – once every 2 Years; Accident Frequency – once every 10 Years)
- **Scenario 4.** 15m High Barrier Fence
Result (Event Frequency – once every 4 Years; Accident Frequency – once every 20 Years)
- **Scenario 5.** 20m High Barrier Fence
Result (Risk Events – Eliminated; Accident Frequency - Never)

The recommended height of 15 metres indicates an event frequency once every 4 years and an accident frequency of once every 20 years. Although the report recommends a 15 metre high fence, it would be reasonable for Council to adopt a reduced height (12 metres) for the fence proposed at Cross Keys Reserve. According to the risk report, this would be expected to result in an event frequency once every 2 years and an accident frequency of once every 10 years. Council has placed fencing in a similar scenario at the football oval in Maribyrnong Park, at a height of 6.5m along Orford Street, an arterial road. There has been no recorded incident since it was installed in 2011.

Draft Master Plan Consultation

The proposed high safety fencing along the northern side of Cross keys Reserve would have high visual impact, and because of this, another round of community consultation was undertaken showing a proposed 12m high fence. The sporting clubs also wanted to see the removal of the proposed internal pathway, to prevent people walking whilst games were being played.

The results of this consultation are included in **Appendix B**. There were 12 objections to the proposed fencing and objections to the removal of the internal pathway.

Further discussions were undertaken with Essendon Royals Club about the possibility of using temporary safety netting instead of permanent safety fencing. The club would not accept the responsibility of managing the temporary fencing and so this option was not deemed viable. The internal pathway was again included to provide a dry area for spectators to stand during matches, increase amenity of the park for the local community and to delineate the dog off leash area. The concern of people walking adjacent to the field during play would be managed through signage.

Following the concerns from the residents about the visual impact of the safety fence, the Master Plan has been updated with additional planting to screen the fence from Woodlands Street. This additional planting will also increase local biodiversity and provide more shade and localised cooling through increased tree canopy cover.

Following concerns from residents that the safety fence would restrict access to the Reserve, an additional path from Woodland Street has been included in the Master Plan.

Implications

1. Legislative

Prior to any construction works an assessment will be required to determine the need for a Cultural Heritage Management Plan (CHMP). Any built works undertaken as a result of this Master Plan will need to comply with the relevant Australian standards and requirements of a Cultural Heritage Management Plan, if required under the *Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2007*.

2. Council Plan / Policy

Planning for improvements to Cross Keys Reserve through the development of a Master Plan will contribute to achieving its Strategic Objective to Protect and enhance the quality and scale of open space for conservation and community enjoyment in accordance with Council Plan 2013-2017 Theme 1: Green, clean and beautiful – A sustainable environment for future generations.

Improvements within Cross Keys Reserve also contribute to meeting the objectives of Council's Leisure Strategy (2013), Walking and Cycling Strategy (2012), and the City Sustainability Policy (2013).

3. Financial

The Master Plan will provide a long term framework for prioritising improvement works at Cross Keys Reserve. All of the Master Plan proposals will be subject to Council's annual budgetary process.

The reconfigured layout does create additional risk which is mitigated through the installation of safety fencing. Council insurers have been advised accordingly. Any additional funding implications as a result of this will be dealt with under Council operational budget.

The draft Master Plan will require additional expenditure of \$75,000 for two extra sports field lights and approximately \$440,000 for the fencing and additional planting introduced along Woodland Street.

4. Environmental

The Cross Keys Reserve Master Plan will help Council meet the targets identified within the City Sustainability Policy, particularly with regard to biodiversity, waterway management, remnant vegetation management and sustainable transport.

Conclusion

Council's *Open Space Strategy* determined that Cross Keys Reserve is a Regional open space in Essendon. The Reserve is an important piece of open space for the local community, for both sporting and non-sporting uses.

The draft Master Plan was prepared following stakeholder and community engagement. Meeting the needs of the community and the sporting clubs has required a balanced approach and has established a long term vision for the Reserve.

Appendices

Appendix A: Cross Keys Reserve Master Plan (separately circulated)

Appendix B: Cross Keys Reserve Master Plan Consultation Report Round 3

Appendix C: Cross Keys Reserve Soccer Field Fencing Report (separately circulated).

Cross Keys Reserve Draft Master Plan – Consultation Summary Round 3

ROUND 3 (Draft Master Plan)

- 1 August 2016 – 19 August 2016 (13 emails and 9 fliers returned)
- No Community Session in Park

	Issue	No. of Responses	Master Plan Response
6	High Safety Fencing		
6.1	<p>Objection to the 12 meter high fence for the following reasons:</p> <ul style="list-style-type: none"> • Sporting clubs needs being prioritised over residents • Local amenity and outlook from Woodland Street properties affected • Will create a barrier for the locals to use the reserve. • Reduce the value of homes on Woodland Street 	12	<p>The preferred orientation of the playing fields has meant that a fence is required to prevent balls from entering Woodland Street.</p> <p>The fence will be set back from the street and dense planting is proposed to screen the fence from the street.</p>
1	Bridge Street Car Park		
1.1	Remove entrance and exit to this car park and connect this car park to the car park on Woodland Street to avoid traffic congestion in Bridge Street and Cameron Road which are narrow residential streets.	1	The Bridge Street car park has spaces for approximately 27 car spaces and this quantity will not cause congestion issues.
2	BBQ and Play Area		
2.1	Locate the BBQ and Play area closer to carpark and oval. This will allow parents who are at the BBQ to watch over their children at the playground and on the oval. It will also make it easier for people for transporting food and equipment from their vehicles (in the carpark) to the BBQ.	1	<p>Parental supervision is required at all times in playspaces. The half-court and playground are to be located in close proximity to each other to provide play opportunities for a variety of ages.</p> <p>The location of the BBQ area is to provide a stopping location for Moonee Ponds Creek shared path users, so the close proximity to the shared path is important. The picnic setting is designed to make the most of the natural environment, away from the active sports area and pavilion. The distance from the car park to the BBQ area is approximately 50m which is walkable.</p>

	Issue	No. of Responses	Master Plan Response
3	Communications Area		
3.1	The plan states that the communications tower infrastructure will be accessed from Cameron Road but a vehicle access ramp and track is not clear on the plan	1	Access to the communications tower infrastructure will be from Cameron Road. The Master Plan has been updated to show this.
4	Woodlands Street Car Park		
4.1	There should be more than one entrance to the Woodland street car park to prevent congestion on Woodland Street. The car park should link through to Cameron Road.		A keep clear zone will be proposed at the car park entrance on Woodlands Street for cars turning into or out of the driveway. Connecting the car park from Woodland Street to Bridge Street is not supported by the MVCC Traffic Department as it provides a short-cut to avoid the signals and increased traffic in Bridge Street. It also increases the likelihood of speed and volume in the car park – which is not conducive to a shared space, which should be low speed and volume so it is safe for pedestrians and cyclists.
5	Playspace		
5.1	Cameron Rd residents seem to benefit from the Master Plan proposals more so than the Woodland Street residents	1	Noted
5	Toilets		
5.1	Provide public accessible toilets for users of the reserve and Moonee Ponds Creek Shared Path	1	Publicly accessible toilets will be included in the new pavilion
5	Cricket nets		
5.1	The practice cricket nets should face east due to avoid sun-glare	1	Master Plan has been updated to show this
5	Internal pathways		
5.1	Please do not remove the internal circuit path at Cross Keys Reserve. It provides a flat and safe means of crossing for less able bodied people.	1	The circuit pathway will be sealed to provide access across and around the reserve. Signage will be provided to prevent conflict during sports events.

	Issue	No. of Responses	Master Plan Response
5	Drainage		
5.1	Drainage from the Reserve causes damage to the Moonee Ponds Creek Shared Path	1	The Master Plan includes a water sensitive urban design element (note 13) at the Eastern end of the reserve that will store excess stormwater and prevent water damage to the shared path

9.11 Response to NoM 2016/17 - Neighbourhood Safety

File No: FOL/16/130
Author: Peter Crowley
Community Safety Officer
Directorate: Planning & Development
Ward: Municipal

Purpose

This report supplies an officer response to a Notice of Motion 2016/17 regarding *Aggravated Burglary and Home Invasions* from the Council Meeting held 26 August, 2016.

Executive Summary

- Neighbourhood safety and building local resilience are key objectives of Council's Community Safety Program approach.
- Within the last four months a number initiatives have supported a local 'getting to know your neighbour program' in Moonee Valley, to address community concern about aggravated burglary and home invasions across Melbourne. Some of these initiatives were already in place, and some instigated as a result of the August 2016 Notice of Motion.

Recommendation

That Council receive this report and note a program of promoting community safety will continue beyond the lodging of this report and into 2017. As with most elements of Council's Community Safety Program, this work will be undertaken in partnership with Victoria Police, Neighbourhood Watch and other community safety partners.

Background

Certain crime types have escalated in Melbourne in 2016 and community perceptions of safety have suffered in response. Confronting and worrying offences such as home invasion, car-jacking and aggravated burglary, along with media reporting about gang-related crime have drawn considerable media attention creating a perception that these are also more prevalent than indicated within crime statistics.

Council's Community Safety Program maintains a strong partnership with Victoria Police (Police) and regularly works with them in responding to crime and safety issues. Crime rates in Moonee Valley are comparatively low for our region and even accurate crime data can be misleading without analysis and context. In light of this, local Police can provide useful context on crime statistics relating to our area.

Community perceptions of safety, (a critical element of community safety and vitality more broadly), are drawn from media and word of mouth rather than data. Increased media reporting about home invasions, car-jacking and aggravated burglary has led to heightened safety concerns. It is important Council's Community Safety Program provides information and supportive programs that recognise and respond to community concerns and support positive perceptions of safety. Contextualised data regarding these offences in Moonee Valley should give community some comfort and this is also an important message to promote. There is an inferred connection between certain crime types and certain age, cultural and socio-economic cohorts within community. These groups are present within the Moonee Valley population. So, while recognising and responding supportively to community concerns, we should also work to dilute and reduce these inferred connections in the interests of community harmony, equity and inclusion.

Discussion

Within the last four months the following key initiatives have supported a local 'getting to know your neighbour program' in Moonee Valley which respond to the Notice of Motion 2016/17 – Aggravated Burglaries and Home Invasions (July 26, 2016):

- Distribution and promotion of the updated Moonee Valley Household Safety Plan, now including new templates to encourage community members to exchange contact details with neighbours in case of emergency, commenced in August.
- A standalone Apartment Safety Plan developed specifically for residents living in apartments.
- A new [home & neighbourhood safety page](#) promoting "Getting to know your Neighbours" posted to Council's website with the link distributed to over 20 local Neighbourhood Watch groups, RSL's and Rotary Clubs for network promotion and inclusion in local newsletters. This "Getting to know your Neighbours" content is being developed into an article for inclusion in Valley View early in 2017.
- Distribution of these resources to support resident's to get to know their neighbours has been directed through Council's Aged and Disability Services, Victoria Police and the Community Safety Stakeholder Group, Partner agencies and networks.
- Victims of Crime helpline and website details included on this new web page.
- Promotional collateral from Victims of Crime Helpline (posters and guidebooks) made available to the community in Community Centres and Council Facilities.

Council officers are also working in partnership with the Moonee Valley Police Crime Prevention Officer to have the December issue of local Police Community Newsletter "Blue News" focus upon improving local safety through getting to know neighbours and building neighbourly connections. This newsletter is distributed to schools, Neighbourhood Watch groups and other safety partners and agencies.

Consultation

To support and inform the actions undertaken in response to this Notice of Motion Council's Community safety Officer has consulted with the Crime Statistics Agency, Victims of Crime and in particular Moonee Valley Police.

The Victorian Crime Statistics Agency provides regularly updated raw crime data. However, Moonee Valley Police have daily-updated year-to-date crime data and can interpret and contextualise that through operational knowledge.

Connections with Neighbourhood Watch groups in Moonee Valley have been strengthened to broaden channels of distribution and the availability of information and resources developed to support this motion.

Implications

1. Legislative

There are no legislative implications associated with this report.

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to Build a community where people feel safe in both public and private spaces in accordance with Council Plan 2013-2017 Theme 1: Friendly and safe - A community where people feel connected and safe.

3. Financial

Any financial implications of activity undertaken in response to this Notice of Motion will fall within and be covered by the budget of the Community Safety Program.

4. Environmental

The environmental impacts and opportunities related to this activity are:

- Energy usage and greenhouse gas generation – significant use of electronic media and communication reduces energy use and greenhouse gas generation. Resources such as the Household Safety Plan have been created to be easier to use as electronic documents rather than paper versions;
- Water impacts (conservation, consumption and pollution) – None of note;
- Waste generation, disposal, recycling and littering – Minimal; and
- Biodiversity impact (direct and indirect impact to flora a fauna) – None.

Conclusion

Council's Community Safety Officer has drawn upon existing safety partnerships and strengthened others to support a response to this Notice of Motion and the issue of neighbourhood safety. Existing Moonee Valley community safety resources, plus others specifically developed for this response, have been promoted and distributed through a range of channels to ensure that the initiative has relevance and reach. This work will continue and will build upon this base to promote neighbourhood connection as a foundation for greater community safety.

Appendices

Nil.

9.12 St Leonards Road Chicane - Petition For Retention

File No: FOL/16/130
Author: Deryck Chan
Senior Traffic & Transport Engineer
Directorate: Planning & Development
Ward: Myrnong

Purpose

This report is in response to the petition received in August 2016 from residents opposing the proposed removal of the chicane in St Leonards Road, Ascot Vale.

Executive Summary

- Council is proposing to remove the chicane and kerb outstands in St Leonards Road, Ascot Vale, between Union Road and Ferguson Street.
- Consultation has been completed, with a high support rate.
- A petition was received from residents to retain the chicane.
- It is considered the petition concerns have been addressed and the chicane removal proceed.

Recommendation

That Council:

1. Proceed with the removal of the chicane and kerb outstands.
2. Proceed with installation of road humps and replacement of planting.
3. Advise the signatories of the petition of the outcome of this report and offer them a meeting with Council staff regarding tree planting.

Background

In recent years, many residents of St Leonards Road have requested a review of the existing chicane between Union Road and Ferguson Street to determine if it is still needed.

Investigations have found that as a speed reduction treatment, the chicane is not very effective as vehicles often drive directly through the centre of the chicane. In addition, there is a high residential parking demand in St Leonards Road (from surveys and feedback from the Union Road Activity Centre Parking Study) and many homes do not have access to any off-street parking facilities.

Discussion

The chicane is located between No. 83 and No. 95 St Leonards Road, occupying approximately 90m on both sides of the road. Kerb outstands in front of No. 69 are also in place. The chicane was installed in the mid-1980s as a speed treatment when volumes were considerably lower than current figures (around 1,400 vehicles per day in 2013).

In recent years, there has been an increase in car ownership and volumes in the street, leading to residents requesting for the removal of the chicane to provide more on-street parking. Concerns have also been raised that the chicane is no longer effective as a speed reduction treatment as vehicles often drive directly through the centre.

Consultation

In May 2016, a questionnaire was sent to properties along St Leonards Road between Union Road and Ferguson Street proposing the following:

- remove the chicane (both sides) and reinstate parallel parking;
- remove the kerb outstands in front of property No.52 and No.69;
- install three (3) road humps; and
- plant additional street trees to offset any loss and landscape amenity.

The removal of the chicane and kerb outstands will result in an increase of 20 on-street parking spaces, while the road humps are being proposed as a replacement treatment to address speeding and road safety issues in St Leonards Road. The plan can be viewed in **Appendix A**.

Consultation Results

Approximately 120 questionnaires were sent, with a response rate of 29%. Of the responses, 28 supported the proposal (80%) and 7 opposed (20%). Most of the objectors were residents within the chicane, with the main reasons for objecting being the loss of planting and loss of what they perceived as 'reserved' parking – many of the residents were illegally parking on the chicane nature strip and crossover, treating them as reserved parking.

Given the strong support for the proposal, residents were notified in June 2016 of the intention to proceed with the proposal. Due to the concerns raised by objectors, clarification regarding planting and parking were addressed in the final notification.

Objections

In July 2016, the resident at No. 89 St Leonards Road contacted Council to express his objections to the chicane removal and requesting it be retained based on the concerns above. In August 2016, written objections were received from the residents at No. 89 and No. 89A, again requesting the chicane be retained. A petition was also submitted and tabled at the Council Meeting in September 2016.

Table 1 below shows the address of the signatory, their response to the questionnaire and notes regarding the signatory.

Table 1: Petition Signatories

Signatory Address	Questionnaire Response	Comments
89	Oppose	Petition organiser
74	Oppose	Concern - Loss of driveway parking
70	Oppose	Concern - Loss of driveway parking
89A	Oppose	Sent email 2 August opposing removal
85	Oppose	Concern - Loss of driveway parking
134	Did not respond	Not within survey area
9 / 93	Did not respond	Owner / occupier
68	Support	Tenant responded 'Yes' in questionnaire but signed the petition
72	Oppose	Concern - Loss of driveway parking

Summary:

- 120 questionnaires sent, 28 support (80%) 7 Oppose (20%)
- 6 objectors were within the chicane, of which 4 had the concern of the loss of the 'parking spot' on their crossover
- 7 supporters were within the chicane
- The 6 objectors within the chicane have signed the petition
- The petition has 18 signatories from 9 properties
- Concerns from objectors was loss of kerb outstand would devalue property, loss of trees and loss of driveway parking
- The signatory who responded 'yes' in the questionnaire is a tenant (No. 68)
- All signatories are within the chicane except the signatory from No. 134, who is outside the consultation area.

Given the strong support from residents in St Leonards Road (including within the chicane), it is recommended the chicane removal proceed. The objections to the removal are based on concerns which have been addressed – loss of planting will be replaced and there will be no loss of parking.

Consultation

Consultation was undertaken in May 2016 with properties (owners and occupiers) fronting St Leonards Road in Ascot Vale between Union Road and Ferguson Street.

A high response and support rate was received. Residents were advised of the outcome in June 2016.

Implications

1. Legislative

There are no legislative implications as a result of this report.

2. Council Plan / Policy

The undertaking of this project is in line with the 2013-2017 Council Plan and will contribute to Theme 1 (Friendly and Safe).

3. Financial

\$320,000 has been allocated to the removal of the chicane and associated works in the 2016-17 financial year.

4. Environmental

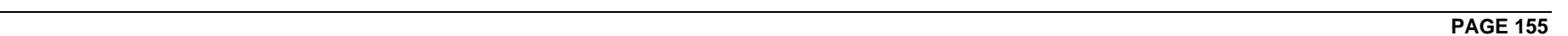
There are no environmental implications as a consequence of this report.

Conclusion

It is recommended that the chicane removal proceed and signatories of the petition be notified.

Appendices

Appendix A: Plan.



9.13 Strategic Directions for a Climate Adapted, Low Carbon, Water Sensitive City

File No: FOL/16/130

Author: Kelly Heffer
Coordinator Sustainability & Climate Change

Directorate: Planning & Development

Ward: Municipal

Purpose

To inform Council:

- Of the strategic directions and priority action areas to create a climate adapted, low carbon and water sensitive city; and
- That these strategic directions and relevant targets will be integrated into 'MV2040' – the long-term strategic plan for the city, rather than be presented as individual strategies for adoption.

Executive Summary

- At the Ordinary Council meeting in October 2014, Council resolved 'to commence planning for a Moonee Valley climate change adaptation policy framework'.
- Work to prepare a draft climate change adaptation policy framework, and updates to the water and greenhouse strategies, were presented at a Councillor Workshop in June 2016 for discussion. It was intended that at this December meeting, draft documents be presented to Council for endorsement to be released for public consultation.
- Since June, Council has committed to develop 'MV2040' - a long-term strategic plan for the city. In October 2016, direction was provided by the Executive Team to integrate the strategic work on climate, water low carbon reductions into MV2040, rather than have detailed individual strategies.
- This integration presents an opportunity for Council to highlight the commitments to sustainability – to create a climate adapted, water sensitive and low carbon city – as key priorities for Council that guide the way we design and build our city and support our community over the long term.
- It is proposed that further long-term target setting work be carried out in 2016 and 2017 as part of the MV2040 process. Such targets would galvanise action and drive the level of investment needed over the next 23 years to create a sustainable city. Examples include setting targets for increasing tree canopy cover, to drive greater harvesting and reuse of water and increasing the amount of renewable energy generated locally.

- Budget is required to implement actions to adapt to climate change, reduce carbon emissions and create a water sensitive city; funds will be allocated through Council's annual operational and capital works budgeting processes to undertake this work.

Recommendation

That Council:

1. Note that the strategic commitments to create a Climate Adapted, Low Carbon and Water Sensitive City, as set out in this Report, will be incorporated into 'MV2040' – the long-term strategic plan for the City being developed throughout 2017.
2. Note the long-term targets to 2040 will be set to drive action to create a Climate Adapted, Water Sensitive and Low Carbon City.
3. Note that budget to fund actions is to be allocated through Council's annual operational and capital works budgeting processes.

Background

Council commitments

Council has long been committed to creating a more sustainable city – one that is energy efficient, water sensitive and with a community that values our natural environment and is engaged in living sustainably.

This is reflected in the Council Plan Strategic Objectives 4 and 5, to 'reduce the impact of Council operations and 'partner with the community to reduce its environmental impact', respectively.

Council has demonstrated its commitment to becoming a sustainable city through adopting and implementing the Water Strategy (2011) and Greenhouse Strategy (2010).

Across the globe there is a pressing need to reduce greenhouse gas (or carbon) emissions to avoid the worst impacts of climate change. Despite some efforts to reduce emission, the climate is already changing, with hotter average conditions and more variable rainfall and extreme weather events. Further change appears unavoidable.

In recognition of this, at the Ordinary Council meeting in October 2014, Council resolved 'to commence planning for a Moonee Valley climate change adaptation policy framework'.

Progress towards creating a low carbon, climate adapted, water sensitive city

Strong progress has been made to reduce Council's greenhouse gas emissions to help prevent the worst effects of climate change, and to sustainably manage our water sources. In the Greenhouse Strategy (2010) Council adopted targets of achieving zero net greenhouse gas emissions for both our own operations and for the community. Council is currently on track to meet the target of achieving zero net emissions in our operations by 2020, having reduced emissions by 48% since 2007. The infographic at **Appendix A** depicts Council's recent sustainability achievements.

Emissions from the community have reduced (by 10% since 2001) despite a growing population, however achieving the ambitious target of zero net emissions by 2020, is to some extent outside of Council's direct control. It requires a shared effort across our residential, business communities, State and Federal Government and other organisations.

Council's Water Strategy (2011) sets targets for both the Council and community to save water and improve water quality, and guides Council's action towards meeting these targets. Two water quality targets have been met and Council has reduced water use by 35% since 2001. The strategy has been successfully implemented over the last five years, with the majority of actions completed or underway including sector leading stormwater harvesting schemes such as the Afton Street Wetland and the Napier Park Revitalisation Project.

Council has put in place measures to manage climate related risks to our assets and services, including a Heatwave Strategic Response Plan and Adverse Weather Procedure to support residents and staff vulnerable to heat stress; reviewing the Flood Management Plan and identifying actions to mitigate flood risk; and requirements on new developments for Water Sensitive Urban Design through the planning scheme.

The need for further action due to a changing climate

Climate change refers to a significant and lasting change in weather patterns. There is overwhelming scientific evidence that human activity is causing climate change, mainly due to the burning of fossil fuels which releases greenhouse gases into the Earth's atmosphere and through land-clearing, since plants absorb carbon dioxide, the most common greenhouse gas.

The climate is already changing. Since 1950, the average annual temperature of the Greater Melbourne region has increased by 1.2 – 1.4°C and average annual rainfall has declined by between 100 and 200 mm.

By 2030, average annual temperatures are expected to be up to 1.3°C warmer and there is likely to be 12 days per year over 35°C (there are currently 8 days per year). Average rainfall is projected to decrease by between 2 to 12%, however when it does rain more severe heavy downpours and storms are anticipated.

Projecting forward to 2070, it's expected to be up to 3.1°C warmer on average and for annual rainfall to decrease by between 5 to 23% on average.

These conditions will place our built and natural environments under greater stress and will impact the health and wellbeing of the community. People will be under increased physical and mental stress due to heat and flood risk, the spread of disease vectors and increased energy, food and insurance costs. Indeed, the World Health Organisation has stated that climate change is the greatest threat to global health in the 21st century.

Discussion

Setting strategic directions for a low carbon, climate adapted water sensitive city as part of MV2040

Progress towards developing a climate change adaptation policy framework, and updates to the water and greenhouse strategies, were presented at the Councillor Workshop in June 2016 for discussion.

At that time, the intention was to return to Council in December this year with a draft climate change adaptation policy framework and draft water and greenhouse strategies for endorsement to be released for public consultation.

In October 2016, confirmation was provided by the Executive Team for an approach to integrate this strategic work into 'MV2040', being the long-term strategic plan for the city, rather than adopting detailed individual strategies.

This presents an opportunity for Council to ensure that our commitments to sustainability - to create a climate adapted, water sensitive and low carbon city – are key priorities for Council and guide the way we design and build our city and deliver our community services over the long term.

It is proposed further target setting work be carried out in 2016 and 2017 as part of the MV2040 strategy development, to drive action and the level of investment needed to create a sustainable city. Examples include setting targets for increasing tree canopy cover, to drive greater harvesting and reuse of water and the amount of renewable energy generated locally.

1. *Strategic directions and priority action areas for a climate adapted city*

Climate change adaptation is about being better prepared for and more equipped to cope with the impacts of climate change. Adaptation planning involves improving the ability of Council's services, natural and built assets and our community to be resilient to the impacts of climate change.

The following strategic commitments for climate change adaptation are proposed be integrated into the development of the MV2040 strategy:

- Apply the principles of inter-generational equity and the precautionary principle when considering climate change action.
- Identify, analyse and appropriately resource the management of climate related risks across Council's natural and built assets and services.
- Embed consideration of climate risks into Council's existing risk management framework.
- Promote a learning culture to build our organisation's capacity to adapt to climate change.
- Assist the community to adapt to and be more resilient to the stresses of climate change.
- Adopt flexible and dynamic solutions with due regard to the inherent uncertainty in climate change projections.
- Review and adapt Council's approaches in line with developments in scientific understanding and new approaches to dealing with climate change risks and opportunities a changing climate poses to Council's assets and services.
- Demonstrate leadership in climate action and also recognise the need for regional scale responses to effectively manage climate risks through collaborating with others including federal, state and local government authorities, regional partners including other councils, business, stakeholders and the community.
- Continuing to implement actions to mitigate climate impacts through reducing carbon emissions.

The following priority action areas are proposed to adapt to a climate change:

Planning and building a climate resilient city

Example: Consider the latest information on climate related impacts when reviewing planning controls (e.g. the need for updated flood modelling for future overlays). Monitor climate related impacts on Council's assets and infrastructure and identify where there is an increased need for maintenance or preventative asset upgrades.

Enabling climate resilient green infrastructure

Example: During Master Planning processes, consider opportunities for climate adaptation measures (e.g. stormwater fed wetlands and flood mitigation).

Preparing for extreme weather

Example: When reviewing the Municipal Emergency Management Plan (MEMP), consider the adequacy of the Plan (and related documents) to cope with increased severe weather events.

Supporting community resilience and well-being

Example: Further community engagement to raise awareness about the impacts of climate change and to build resilience, especially for more vulnerable residents.

2. Strategic directions and priority action areas for a low carbon city

Create a low carbon city and transition to low carbon lifestyles and economy, through:

- Supporting local, renewable energy;
- Low emissions transport (public and active);
- Moving to a low carbon economy;
- Creating a sustainable built environment;
- Engaging the community in sustainable and healthy living; and
- Creating carbon sinks.

Supporting local, renewable energy

Examples: Install solar systems on Council buildings, consider procuring renewable energy through investment in new large scale renewable energy projects, and supporting the community to invest in solar systems.

Low emissions transport (public and active)

Examples: Improve infrastructure to encourage walking and cycling, supported by enhanced information and behaviour change programs. Upgrade to fuel efficient vehicles and enhance uptake of alternatively fuelled vehicles.

Moving to a low carbon economy

Examples: Accelerate local business' uptake of solar and efficient lighting technologies.

Creating a sustainable built environment

Examples: Upgrade and retrofit existing buildings and require Environmentally Sustainable Design features in new buildings and developments.

Engaging the community in sustainable and healthy living

Examples: Home retrofit programs and engagement through behaviour change workshops.

Creating carbon sinks

Example: Invest in carbon offsets for emissions that Council cannot avoid.

3. Strategic directions and priority action areas for a water sensitive city

The following strategic commitments to create a water sensitive city are proposed to be integrated into the MV2040 strategy:

- Greater investment in green infrastructure, such as more trees, higher quality and expanded open spaces, parks and reserves
- Improve equity of access to cool, green spaces across our city
- Prioritise projects that deliver multiple benefits, such as cooling our city, mitigating flood, improving the health of our waterways and enhancing urban ecology
- Use water more efficiently in our built environment
- Engage our community in the water cycle

Examples:

- Large scale stormwater harvesting and reuse schemes to irrigate parks and reserves.
- New approaches to streetscape design to passively irrigate street trees and increase soil moisture retention.
- Innovative approaches through Moonee Ponds Creeks Master Planning to restore natural systems within the creek, improving ecological health and create a cooler, more accessible, healthier open space for the community.

Consultation

Within Council, the following departments have been consulted in the development of this strategic work: Council's internal Water Sensitive Urban Design (WSUD) Working Group, City Planning, Operations, Community Planning, Technical Services, Aged and Disability Services, Building, Health and Property Services and Infrastructure Services.

External consultation has been through:

- The Municipal Emergency Management Planning (MEMP) Committee, including Victoria Police, SES, Council representatives and other organisations with a role in emergency management;
- The Integrated Waterways Advisory Committee (IWAC), which is made up of land and waterway managers, community members and Council representatives; and
- A variety of external consultation activities to engage the community around reducing carbon emissions. These include several Community Environment Forums, a detailed community survey and focus groups.

Implications

1. Legislative

In late November, the Victorian Government introduce an amendment bill to the Climate Change Act 2010 to embed a long-term greenhouse gas emissions reduction target of net zero by 2050. If passed into law, the Act provides for Councils to make voluntary pledges to reduce greenhouse gas emissions that would contribute towards meeting the target.

Council is on track to achieve zero net emissions by 2020, and in recognition of our strong progress, Council made a voluntary commitment to join the Victorian Government's PLEDGE2 initiative at the Council meeting in August 2016.

The amended bill also includes a requirement for State Government to develop Adaptation Action Plans and to set out the roles and responsibilities of other relevant levels of government in climate adaptation. The details are not yet known, but this is likely to affect local councils.

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective 2.3 – Lift the functionality and sustainability of the municipality's infrastructure in accordance with Council Plan 2013-2017 Theme 1: Green, clean and beautiful – A sustainable for future generations.

3. Financial

Budget is required to implement actions to adapt to climate change, reduce carbon emissions and create a water sensitive city. It is proposed that funds be allocated through Council's annual operational and capital works budgeting processes.

4. Environmental

Incorporating the creation of a climate adapted, water sensitive and low carbon city as key priorities into MV2040 will guide a sustainable city and community over the long term.

Conclusion

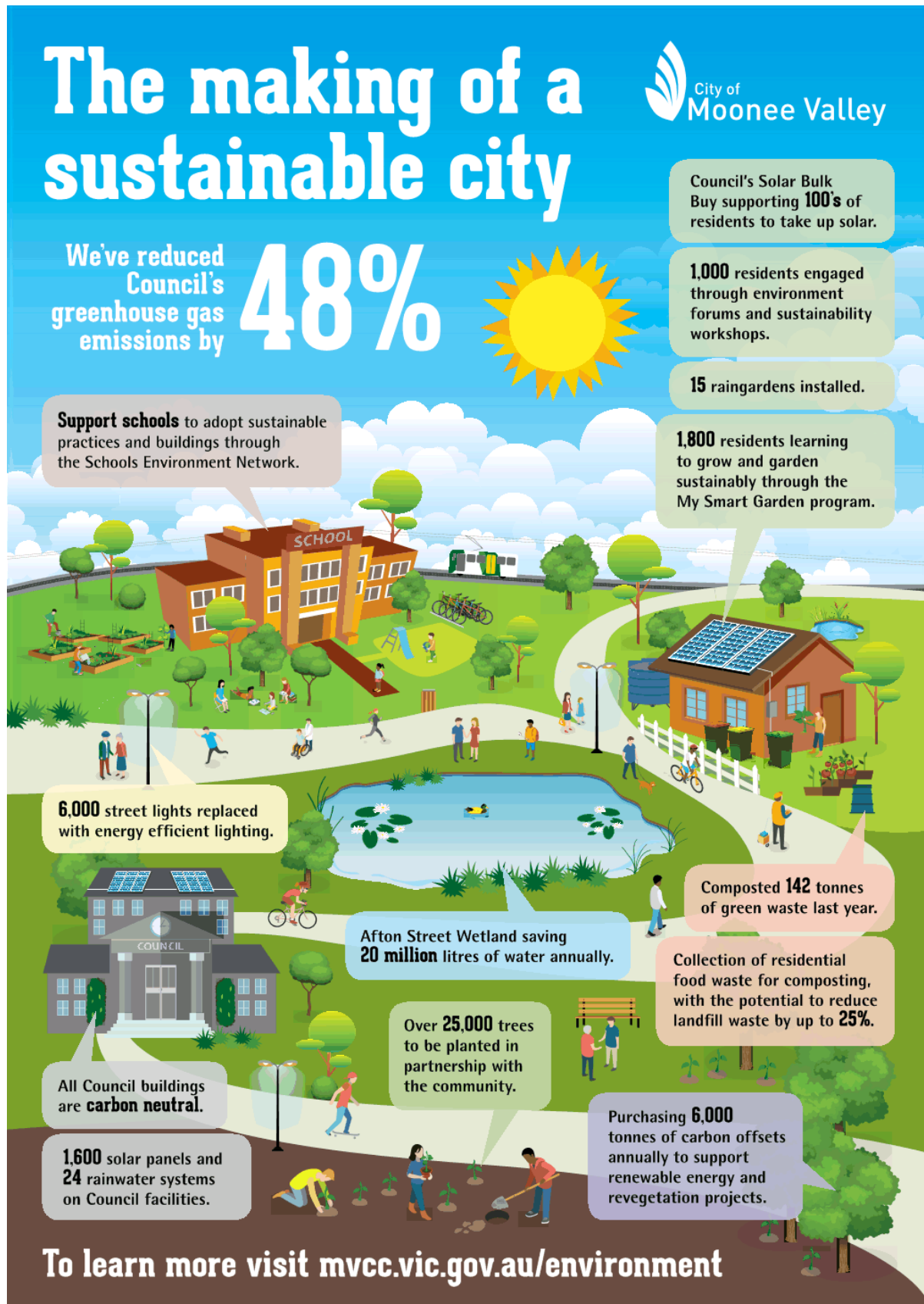
The strategic commitments (set out in this report) to create a climate adapted, low carbon and water sensitive city will be incorporated into 'MV2040' - the long-term strategic plan for the city being developed throughout 2017.

Long-term targets to 2040 will be set to drive action to create a climate adapted, water sensitive and low carbon city.

Budget to fund actions are to be allocated through Council's annual operational and capital works budgeting processes.

Appendices

Appendix A: Environment infographic - September 2016.



9.14 Response to NoM 2016/11 - Plastic Bags and Related Waste at Events on Council Managed Land

File No: FOL/16/130
Author: Stephanie Mitten
Snr Sustainability Officer
Directorate: Planning & Development
Ward: Municipal

Purpose

For Council to note the proposed staged approach presented in this report to reduce the use of single use plastics at events held on Council owned or managed land.

Executive Summary

At the Ordinary Council meeting on 24 May 2016, Council resolved to investigate a policy on the reduction or elimination of plastic bags and other single use plastic items at events on Council owned or managed land.

The environmental effects of single use plastics are well documented and include long lasting impacts on the environment and waterways.

In September 2016, Council responded to a letter from Plastic Bag Free Inner West acknowledging the impacts of single use plastics and advising that Council is putting measures in place to reduce single use plastics at community events, starting with the Moonee Valley Festival 2017.

Council does not have legislative power to introduce a local law to ban plastic bags. It is also unlikely plastic bags will be recyclable through Moonee Valley's recycling service in the foreseeable future.

In summary, this report proposes that Council:

- adopt a phased approach to work towards reducing the use of single use plastics at community events held on Council owned and managed land, starting with the Moonee Valley Festival in February 2017;
- work with the community, in particular event organisers, to raise awareness and understanding of the impacts of and alternatives to single use plastics at events;
- include guidance in the *Policy and Procedure for Community Managed Events on Council Managed Land* to assist event holders to avoid using single use plastic;
- advocate to the State Government to legislate a ban on single use lightweight bags across Victoria; and
- work with stakeholders, such as Plastic Bag Free Inner West and Plastic Bag Free Victoria, to promote the reduction of single use plastics.

Recommendation

That Council:

1. Support the staged approach proposed in this report to reduce single use plastics at events held on Council owned or managed land.
2. Support a proposed education campaign to change community attitudes and behaviours around plastic bag use and their impacts, including working through local schools.
3. Advocate to the State Government to legislate a ban on single use lightweight bags across Victoria, by the Mayor writing to the Minister for Environment, the Member for Essendon and Member for Niddrie.
4. Note that Council officers will report back to Council at the end of 2017 with an update on initiatives to reduce plastics usage and on the advocacy work undertaken.

Background

Notice of Motion

At the Ordinary Council meeting on 24 May 2016, Council resolved to request the Chief Executive to:

1. Prepare a policy on reducing or eliminating the use of single use plastic bags at events on Council owned or managed land; and
2. Prepare a report for Council in relation to the potential reduction or elimination of all other single use plastic items at events on Council owned or managed land, such report to detail the advantages and disadvantages of such a proposal.

Current context around plastic waste

In May 2016, Plastic Bag Free Victoria wrote to Councillors in Victoria asking Councils to implement a policy to ban the distribution of single use plastic items at events on Council land. Plastic Bag Free Victoria state that they want to see litter and its impact on marine life reduced, citing a recent federal government senate inquiry recommending the Australian Government support states and territories to ban single use, lightweight plastic bags.

The environmental impact of plastic is well documented, and include:

- Plastic does not decompose but breaks into smaller pieces eventually becoming microscopic and remaining in the environment indefinitely;
- The CSIRO National Coastal Debris Survey found that approximately three quarters of the rubbish along the Australian coast is plastic;
- Marine life can ingest plastic bags and almost half of all seabirds around the world are likely to ingest plastic debris with potentially fatal consequences;
- Australians use 3.9 billion lightweight plastic shopping bags every year;

- Plastic bags are made from non-renewable products (oil); and
- A survey by the latest Victorian Litter Action Alliance found that plastic bags and plastic bottles are in the top five most littered items across Victoria. This litter can block drains and pollute local waterways.

Plastic bags and plastic litter are not specifically identified as priorities in Council's Waste and Resource Recovery Plan and have not been identified as a major litter issue in Moonee Valley.

Options available to reduce plastic waste

Residents can take their plastic bags to most Moonee Valley supermarkets for recycling and the vast majority of hard plastics can be placed in kerbside recycling bins. It is unlikely plastic bags will be recyclable as part of our kerbside recycling service in the municipality in the foreseeable future as it is not a financially viable option for service providers.

Discussion

Current approach to managing events on Council land

Council issues permits for events on Council land in accordance with the Policy and Procedure for Community Managed Events on Council Managed Land and the associated event permit application form. The policy and procedure apply to events hosting 100 people or more. Council provides an Event Planning Guide and Sustainable Events Toolkit to assist event organisers to plan and run their events.

Hundreds of community events are booked annually and supported by multiple departments across Council. These events are held across our Council's parks and gardens as well as throughout many of our 48 Council buildings. Events range from large events such as community festivals held in open spaces, to smaller private celebrations.

Legislative powers and approaches elsewhere

Local government does not have legislative power to introduce a local law to ban plastic bags. To date, all bans on the free distribution or levies placed on plastic bags in Australia have been driven by legislative change by State Governments. A number of other townships have committed to restrictions on plastic bags at events on Council managed owned land, including Surf Coast Shire and Moreland. In Victoria, a number of towns have voluntarily committed to being Plastic Bag Free including Anglesea, Olinda, Elwood Shopping Village, Hurstbridge and Queenscliff.

Proposed approach to reduce plastic waste at events on Council land

Due to the scale and range of events held on Council land, it is considered appropriate to adopt a phased approach to reducing the use of single use plastic bags at such events, starting with larger events led by Council. The proposed approach aims to educate and encourage the community and event coordinators to consider the environmental impacts of single use plastics and potential alternatives. This approach would also prepare our community for any future state wide ban, should it be enacted.

- Moonee Valley Festival 2017 – Community engagement around reducing plastic waste will commence with the Moonee Valley festival in February. Council's event organisers and Council's sustainability and waste officers will

encourage vendors and event participants to use alternative options to plastic bags. The festival will showcase interactive exhibits to educate the community about the impacts of and alternatives to single use plastic.

- Community events held on Council land including events funded through Council's Community Grants – It is proposed that when the *Policy and Procedure for Community Managed Events on Council Managed Land* is reviewed in 2017, it include a statement to encourage event holders to avoid using single use plastic and update guides and materials as required. Work has commenced updating these materials. Suggested wording for inclusion in Council's events policy is as follows:

Council acknowledges the lasting impacts single-use plastic has on our environment and in particular our waterways. Council is committed to reducing the use of single use plastics across the municipality and strongly discourages the use of plastic bags at events on Council land.

Coordinators of events being held on Council owned or managed land are encouraged to:

- *Avoid distributing single use plastic bags*
 - *Avoid using single use plastic for packaging and promotional purposes*
 - *Avoid selling or distributing plastic straws, bottles, cutlery or balloons*
 - *Consider alternatives highlighted in the Council's Sustainable Event Toolkit.*
- While it is beyond the scope of the Notice of Motion, the guidance on plastic alternatives and encouragement to reduce plastic waste could be extended to community events not held on Council land, such as local farmers markets or craft markets.
- In addition to the approach above, in 2017 Council officers will develop an education campaign to change community attitudes and behaviours around plastic bag use and their impacts, including working through local schools. This campaign will build on the work already underway including educational information on plastics in Council's publications and a highly successful community forum featuring a local resident who lives a plastic-free, low-waste life held in October.

Consultation

Staff across multiple departments working on community events have been engaged and will be working with the sustainability and waste officers to update relevant guidelines and documents related to community events on Council land.

Teams already engaged include Climate Change and Sustainability, Waste Management, Arts and Culture, Sport and Recreation, Aged and Disability Services and Community Development.

The Climate Change and Sustainability Team are currently working closely with the Moonee Valley Festival 2017 Team.

Implications

1. Legislative

This Council report does not advocate for a change in local laws as Local Government does not have the legislative power to ban plastic bag use. Any regulated ban would need to be enacted at a state or federal government level.

2. Council Plan / Policy

In presenting this report to Council, we are achieving our Strategic Objective to Protect and enhance the quality and health of local waterways for conservation and community enjoyment in accordance with Council Plan 2013-2017 Theme 1: Green, clean and beautiful - A sustainable environment for future generations.

3. Financial

There are no relevant budget considerations to this report. Any future budget implications associated with implementation actions will be accounted for in the operational budget of the relevant departments.

4. Environmental

This Council report puts forward measures that will contribute to the improved health of our land and waterways including the Maribyrnong River, Moonee Ponds Creek and our other waterways.

Conclusion

This report proposes a staged approach to reduce the use of single use plastics at events held on Council owned or managed land, focussing initially on promotion and education at the Moonee Valley Festival 2017, as well as a broader community education campaign that also engages with schools.

The report highlights the need to continue to work closely with key internal and external stakeholders to reduce single use plastics across the municipality, as well as advocate for a State Government ban on plastic bags.

Appendices

Nil.

9.15 Draft Road Management Plan (2017-2021)

File No: FOL/16/130
Author: Peter Gaffney
Manager Infrastructure Services
Directorate: City Services
Ward: Municipal

Purpose

The purpose of this report is to inform Council on the review of the Road Management Plan, which details maintenance management standards for roads infrastructure and to seek Council's endorsement to advertise the Draft 2017-2021 Road Management Plan for consultation purposes.

Executive Summary

- The Road Management Act 2004 ("the Act") was introduced to establish a statutory framework for the management of the road network. In its management of local roads and paths within the municipality, Council is a road authority within the meaning of this Act.
- Under the Act a road authority may voluntarily prepare a road management plan. As Council adopted a Road Management Plan (RMP) in November 2004 to achieve the objectives of the Act, Council is obligated to conduct a review of the plan in accordance Road Management (General) Regulations 2006 No.11. This, the fourth review of the plan, must be completed by 30 June 2017.
- The RMP commits Council to an inspection and maintenance program of road infrastructure, which is supported by a budget to meet the service levels defined in the RMP. The 2016-17 budget includes approximately \$8 M for roads and path works. The draft 2017-21 RMP proposes this level of expenditure to be maintained.
- The Draft Moonee Valley Road Management Plan 2017-2021 (Draft RMP 2017-2021) shown as **Appendix A** is presented for Council's endorsement for the purpose of advertisement in accordance with Section 54 of the Road Management Act 2004.
- The proposed revisions to the current plan are shown in **Appendix B**.

Recommendation

That Council:

1. Endorse for the purpose of community consultation, the Draft Moonee Valley Road Management Plan 2017-2021 shown as **Appendix A** for the purpose of consultation in accordance with Section 54 of the Road Management Act 2004.
2. Consider a further report advising Council of submissions received with the intention to adopt the Road Management Plan 2017-2021 with or without amendment by 30 June 2017.

Background

The Road Management Act 2004 (“the Act”) was introduced to establish a statutory framework for the management of the road network, which facilitates the coordination of the various uses of road reserves for roadways, pathways, infrastructure and similar purposes. The Act provides for the role, functions and powers of a road authority. In its management of the local road and footpath network, Council is a road authority.

Under the Act a road authority may voluntarily prepare a road management plan. As Council adopted a Road Management Plan (“RMP”) in November 2004 to achieve the objectives of the Act, Council must conduct a review of the plan in accordance Road Management (General) Regulations 2016 No.11. This review, the fourth revision, must be completed by 30 June 2017.

Discussion

The Act provides scope for a road authority to determine standards and budgets to manage the local road and footpath network. As this is the fourth revision of the RMP, the document has been developed over time to meet reasonable community and audit expectations.

The progressive improvements to the RMP has been greatly enhanced with the use of a corporate asset management system. This provides:

- An accountable workflow control of inspections, work orders and signing off works;
- The capacity to measure the work generated from the inspection program;
- The capacity to measure the time to complete work orders;
- A system which achieves risk management objectives; and
- A system to analyse the actual cost of maintenance so that future budgets and resources can be reasonably predicted.

The Draft RMP 2017-2021 includes three key components, which form the basis of Council’s policy in the case of liability claims resulting from an incident on the road network:

- Inspection frequency – there is an undertaking to inspect each section of road and footpath at a given interval, depending on its classification in the hierarchy;
- Intervention levels (or service levels/standards) – this describes the size, shape or nature of an asset deficiency or hazard. When a hazard is found to have reached the size, shape or nature specified in the intervention levels, it would be scheduled for repair; and
- Response times – this is the timeframe in which Council undertakes to repair the defect. That is, the maximum allowable time between identifying a hazard (when it is inspected) and completion of the repair. This varies according to the nature of the defect and the relative risk.

Each revision of the RMP has included an assessment of resources used to optimally reduce the risk to Council and the community. Priorities are based upon community expectation, which is mostly measured through customer requests. Hence, priorities are best managed through amending intervention levels and response times to what are still considered to be reasonable and within budget.

The proposed amendments of the current RMP to the Draft RMP 2017-2021 are shown in **Appendix B**. This review has also included consideration of:

- Council's road and footpath related insurance claims;
- Advice from Council's insurers; and
- Comparison of other road management plans.

Consultation

Before Council amends the RMP, Council must follow the procedure outlined in Section 54 of the Road Management Act 2004. This procedure includes inviting submissions from the community.

The Draft RMP 2017-2021 will be available for community comment. Consultation will be conveyed through:

- Media;
- Advertising (including Language line, on hold messaging);
- Publications; and
- Website.

Implications

1. Legislative

The Draft RMP 2017-2021 is based on S205 of the Local Government Act 1989 and the Road Management Act 2004.

2. Council Plan / Policy

The Draft RMP 2017-2021 is most closely aligned to Theme 3 "Sustainable Living – Clear direction for growth and development of the city". Strategic Objective 4 of Theme 3 states "Enhance the look and feel of the city through good design."

The Council Plan also includes a four year Strategic Resource Plan ("SRP") which identifies the financial and non-financial resources required to achieve the objectives stated in the Council Plan. Key elements of the SRP are:

- Long Term Financial Plan;
- Standard Financial Tables;
- Human Resources; and
- Asset Management.

The implementation of the RMP is dependent on the Long Term Financial Plan and Asset Management components of the SRP.

By 30 June 2017, Council is also required to prepare a new Council Plan. The alignment of the RMP with a new Council Plan will be undertaken during the consultation process.

3. Financial

The implementation of the standards proposed in the Draft RMP 2017-2021 is undertaken through the operational and capital works budget. The 2016/17 budget provides:

- **Operational Budget**
\$1.185 M for road maintenance,
\$1.381 M for footpath maintenance.
- **Capital Works Budget**
\$0.700 M for footpath works,
\$4.300 M for local road renewal
\$0.405 M renewing and upgrading of shared paths.

The revised RMP requires this level of financial commitment to be maintained.

4. Environmental

The implementation of the plan takes into consideration Council's objectives in relation to environmental initiatives where this can be achieved.

Conclusion

The Draft RMP 2017-2021 provides:

- A reasonable and practical approach to maintaining the road and path network; and
- Clarity to the community regarding the level of service Council provides in the maintenance and management of the roads and paths.

The next phase of this process is for Council to advertise the Draft RMP 2017-2021 in the Government Gazette and appropriate newspapers, inviting submissions. After the required period of consultation and having considered any submissions, Council should then adopt the plan with or without amendment by 30 June 2017.

Appendices

Appendix A: Draft Road Management Plan 2017-21

Appendix B: Proposed Amendments to RMP for Draft 2017-21.

Draft Road Management Plan 2017-2021

Prepared by the
Moonee Valley City Council



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1 Executive Summary

Moonee Valley City Council ("Council") places a high priority on ensuring that the community is provided with a safe and efficient road network for use by all members of the public. Council is committed to improving its asset management practices and demonstrating to all stakeholders that it is delivering optimal outcomes for the available resources in a structured, coordinated, cost effective and sustainable manner.

The Road Management Plan ("RMP") was prepared by the Moonee Valley City Council in response to the legislative requirements of the Road Management Act 2004 ("Act"). It details the management system and processes that Council will implement in the discharge of its duty to inspect, maintain and repair municipal public roads.

2 Terms and Definitions

All terms used in this RMP and Related Documents have the same meaning given in the Act, unless stated otherwise.

'Act' means the Road Management Act 2004;

'Council' means Moonee Valley City Council;

'Municipality' means Council's municipal district;

'RMP' means this Road Management Plan; and

'Road assets' means all assets associated with public roads, car parks and pathways to which this RMP applies.

'Intervention action' includes any action to conduct repairs, erect warning signs or reduce or remove a risk.

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3 Introduction

3.1 Background

Council was formed on 15 December 1994 through the amalgamation of the City of Essendon and parts of the former City of Keilor. The suburbs of Kensington and North Melbourne were transferred from Council to Melbourne City Council after a municipal boundary review on 1 July 2008.

Under the Act, a road authority may voluntarily prepare a road management plan. Council adopted a RMP in November 2004 to meet the requirements of the Act and has since reviewed the RMP in accordance with the Road Management (General) Regulations 2005. The Road Management Plan 2017-2021 is the fourth revision.

3.2 Purpose

The RMP details the management system that Council will implement in the discharge of its duty to inspect, maintain and repair public roads in respect of which Council is the co-ordinating and responsible road authority.

Council's statutory duty to inspect, maintain and repair public roads applies to any part of a public road which is –

- (a) a roadway;
- (b) a pathway;
- (c) a shoulder; or
- (d) road infrastructure.

In accordance with section 50 of the Act, the purpose of this RMP is to:

- (a) establish a management system for the road management functions of Council which is based on policy and operational objectives and available resources; and
- (b) set the relevant standard in relation to the discharge of duties in the performance of those road management functions.

3.3 Key Stakeholders

Key stakeholders are users of the road network who are affected by its existence or contribute to its management.

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4 Legislation

This RMP has been prepared with reference to the following Acts, Regulations, Codes of Practice and Guidelines.

- [Road Management Act, 2004 \(Vic\)](#)
- [Local Government Act, 1989 \(Vic\)](#)
- [Wrongs Act 1958 \(Vic\)](#)
- [Road Safety Act 1986 \(Vic\)](#)
- [Road Management \(General\) Regulations 2016 \(Vic\)](#)
- [Road Management \(Works and Infrastructure\) Regulations 2015 \(Vic\)](#)
- [Austroads Guidelines](#)
- [Code of Practice for Operational Responsibility for Public Roads, 17 December 2004](#)
- [Code of Practice for Road Management Plans, 16 September 2004](#)
- [Code of Practice for Management of Infrastructure in Road Reserves, 28 April 2016](#)

5 Responsibility

5.1 Council

Council has a statutory duty under Division 3 of Part 4 of the Act to inspect, maintain and repair certain public roads. In accordance with section 36 of the Act, Council is the coordinating road authority for municipal roads within the municipality. (See Related Document 8.1 - Council's Register of Public Roads.) Council is also the responsible road authority for certain roads in the municipality in accordance with section 37 of the Act, further illustrated in 5.3.1.

5.1.1 *Exceptional Circumstances*

Council will make every effort to meet its commitments under the RMP. However, there may be exceptional situations or circumstances that affect Council's business continuity to the extent that it cannot deliver on the service levels of the RMP due to a need to commit or redeploy Council staff and/or equipment elsewhere. Pursuant to section 83 of the Wrongs Act 1958, under these exceptional circumstances, functions of the RMP may be suspended by Council.

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5.2 Obligation of road users

The Road Safety Act 1986 provides that road users have the following obligations:

1. A person who drives a motor vehicle on a highway must drive in a safe manner having regard to all the relevant factors, including (without limiting the generality) the—
 - (a) physical characteristics of the road;
 - (b) prevailing weather conditions;
 - (c) level of visibility;
 - (d) condition of the motor vehicle;
 - (e) prevailing traffic conditions;
 - (f) relevant road laws and advisory signs;
 - (g) physical and mental condition of the driver.
2. A road user other than a person driving a motor vehicle must use a highway in a safe manner having regard to all the relevant factors.

(See section 17A of the Road Safety Act 1986 for further details.)

Council reasonably assumes the same obligation for users of municipal high use pathways outside the road reserve. (Refer to 6.1.4.)

5.3 Other Road Infrastructure

Certain infrastructure located within the road reserve is not Council's responsibility.

Many developers and utilities undertake works in the municipality connecting to, installing or upgrading assets which often requires them to excavate or damage Council assets. In completing the works, the supervising infrastructure manager or works manager must reinstate at its own cost the roadway, pathway or infrastructure to the same standard as before the works were commenced.

(Refer to Schedule 7 of the Act for further details.)

5.3.1 Arterial Roads and freeways

VicRoads is the coordinating road authority for all arterial roads within the municipality. A list of these arterial roads can be found on the VicRoads website (see-<https://www.vicroads.vic.gov.au/about-vicroads/acts-and%20regulations/register-of-public-roads>). The coordinating road authority for freeways within the municipality is either VicRoads or Melbourne Citylink-Transurban. Section 37 of the Act outlines the responsible road authority for roads and road related infrastructure within the boundaries of arterial roads and freeways.

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The diagram in Figure 1 distinguishes areas of responsibility on arterial roads. The areas shown in this diagram may not apply to all instances and should only be used as a guide.

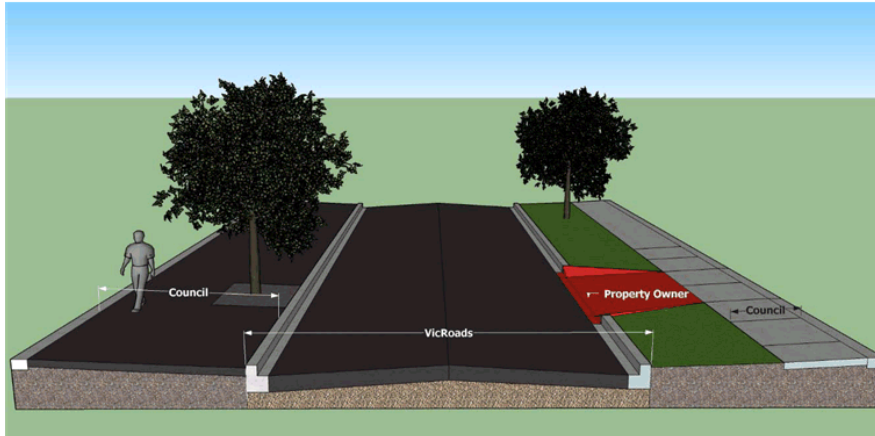


Figure 1 - Arterial Road demarcation

5.3.2 Private

a) Vehicle Crossings

Vehicle crossings are the access ways used by owners/occupiers to gain access to a property. The area highlighted in red in Figure 1 and Figure 2 is the property owner's responsibility to maintain as specified in the [Moonee Valley City Council Vehicle Crossing Policy](#). Where a driveway intersects with Council's pathway assets, Council has the responsibility to maintain the pathway to the required standard.

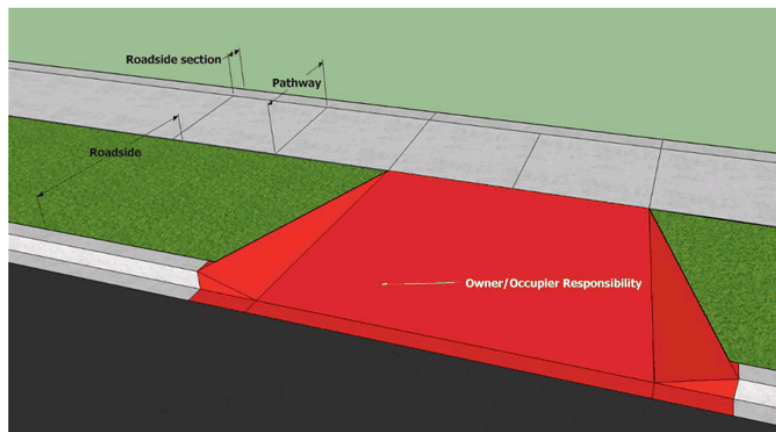


Figure 2 - Vehicle crossing responsibility

The areas shown in this diagram may not apply to all instances; the diagram should be used as a guide.

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b) Stormwater pipes

All property stormwater drains, including their maintenance, are the responsibility of the property owner. This means the section of drainage from the point of pick up to legal point of discharge, including connections. E.g. Kerb outlet, barrel drain.

c) Unconstructed Right of Ways

Council maintains constructed Right of Ways ("ROW's") within the municipality. Council is not responsible for the maintenance of unconstructed ROW's and other private roads, with any maintenance of such areas generally being undertaken by abutting property owners who gain access from the ROW.

For more information regarding roads responsibility, refer to the [Code of Practice for Operational Responsibility for Public Roads](#)

6 Road Management Plan

The RMP documents the management system for road assets and relevant standards to which Council will inspect and maintain its road assets under the Act. This ensures the provision of a safe and efficient road network for use by road users and the community within the extent of Council's resources.

6.1 Asset Hierarchy

A classification system has been developed to ensure that appropriate management and engineering standards and planning practices are applied to a road asset based on its function. Asset hierarchy for specific road sections can be seen in Related Documents 8.1 - Council's Register of Public Roads and 8.3 - Hierarchy Maps.

6.1.1 Road Hierarchy

Each road asset is given a specific classification according to a number of factors including function, ownership, structure, importance, risk and the proper allocation of public resources. Refer to Related Document 8.1 – Council's Register of Public Roads – Part A:

Hierarchy	Description of Characteristics
Arterial roads & Freeways (VicRoads+ Citylink).	Predominantly carry through traffic from one region to another, forming principal avenues of travel for traffic movements
Major roads	Distribute traffic between primary and secondary state arterials and provide access to the local road system.
Collector road	Distribute traffic between arterial/major roads and provides access to abutting properties.
Local road	Primarily used for access to abutting properties.
Right of Way (ROW)	Generally provided for access to abutting properties. <i>Council only maintains Council constructed ROW.</i>

Figure 3 - Road Hierarchy

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6.1.2 Pathway Hierarchy

Similar to roads, pathways are classified according to a hierarchy dependent upon usage, potential risk and community importance. Refer to 8.1 Register of Public Roads – Part B:

Hierarchy	Description of Characteristics
Shopping Precinct Paths	Pathways within shopping precincts that have high pedestrian volumes.
High Use Paths	a) Pathways within areas identified as potential high risk due to the nature and volume of pedestrian traffic. b) Constructed pathways inside municipal open spaces/reserves
Other Paths	Pathways in residential areas not classified as Shopping precinct or High Use.

Figure 4 - Pathway Hierarchy

6.1.3 Car Parks

Council may from time to time perform works on defects within car parks. Car parks fall outside Council's responsibility under the Act and are only inspected by customer request. Refer to Related Document 8.4 for Register of Car Parks.

6.1.4 High Use Pathways outside the Road Reserve

High use pathways outside the road reserve fall outside Council's responsibility under the Act. For the benefit of the community, Council inspects these pathways at frequencies detailed in the [Inspection and Response table](#). Council reasonably assumes that the same obligations set out in 5.2 will be observed by users of municipal high use pathways outside the road reserve. Refer to Related Document 8.2 for Register of high use paths outside the road reserve.

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6.2 Asset Registers

Council maintains a register of road assets within the municipality for which Council is responsible. These registers are amended from time to time as required if new assets are constructed, identified/discovered, transferred or disposed of. These registers can be found on Council's [website](#) and are available for inspection at Council offices.

6.2.1 Council's Register of Public Roads

Under section 19 of the Act, Council:

"...must keep a register of public roads specifying the roads in respect of which it is the coordinating authority".

Council's register of public roads contains:

- a) Part A – Roads - [Link](#)
- b) Part B - Pathways - [Link](#)
- c) Part C - Rights of Way - [Link](#)

(See also Related Document 8.1 – Council's Register of Public Roads.)

6.2.2 Council's Register of Car Parks

In addition to its Register of Public Roads, Council keeps a Register of Car Parks which are used by the public and maintained by Council – [Link](#)

(See Related Document 8.4 – Council's Register of Car Parks.)

6.2.3 Council's Register of High Use Pathways outside the Road Reserve

Council also keeps a Register of High Use Pathways outside Road Reserves, which lists all pathways that are not otherwise included in the Register of Public Roads which are used by the public and maintained by Council - [Link](#)

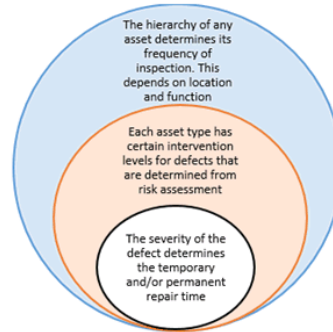
(See Related Document 8.2 – Council's Register of High Use Paths outside the Road Reserve.)

6.3 Asset Repair Standards

The asset repair standards adopted by Council dictate the manner in, and frequency with, which Council maintains its road assets. Council has set standards on the basis of the following:

- the hierarchy of the road asset;
- an intervention level based on the minimum size, shape or nature of a defect; and
- a maximum response time for permanent repair, calculated in calendar days from the time of inspection.

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6.4 Asset Inspection

Council inspects its assets to ensure defects are identified and scheduled for maintenance. A council officer inspects the road asset and assesses it in terms of the potential risk that the defect poses to the public and the allocation of public resources. Inspection frequencies, response times and intervention levels are shown in the [Inspection and Response table](#).

Council will undertake an *intervention action* on a defect that exceeds intervention levels no later than 10 days after inspection.

There are two key types of inspections undertaken by Council:

6.4.1 Proactive Asset Inspection

In accordance with the [Inspection and Response table](#), Council proactively inspects road assets, for which it is responsible, on a cyclic basis to identify potential safety hazards and defects that exceed intervention level.

Asset type	Hierarchy	Proactive inspection frequency
Road	Major	6 months
	Collector	6 months
	Local	1 year
Pathway	Shopping Precinct	6 months
	High Use	1 year
	Other Path	3 years

Table A-Proactive inspection frequencies

6.4.2 Reactive Asset Inspection

The community can report defects on Council road assets at any time. These reports are recorded in Council's customer request system and, upon notification, an officer from Council will examine the defect and instigate remediation works if the defect(s) exceeds intervention levels. All reactive inspections will be undertaken no later than 10 working days after notification.

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6.5 Inspection and Response Standards

The inspection and response standards for the public roads that are the responsibility of Council are detailed in the [Inspection and Response table](#). These inspection and response standards detail the types of defect associated with Council's road assets, the relevant intervention level for each defect type and the response time to repair or remedy those defects above intervention level.

6.5.1 Classifying Defects

Defects on road assets are classified according to their hierarchy, type and possible risk. Council categorises defects into two categories; **Priority 1** or **Priority 2**.

Corresponding intervention levels and response times can be found in the [Inspection and Response table](#).

6.5.2 Improvement works

Council, at its absolute discretion, may from time to time undertake rehabilitation and/or asset improvement works outside the scope of the [Inspection and Response table](#).

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6.5.3 Inspection and Response Table

Asset Type	Defect Type	Hierarchy	Priority 1		Priority 2	
			Reactive Inspection Time (working days)	Proactive Inspection Frequency based on Hierarchy	Intervention Levels	Response Time (days after inspection)
Road	Pot Hole	Major	10	6 months	• >75mm deep and > 500mm diameter	30
		Collector	10	6 months		30
		Local	10	1 year		60
	Pavement Failure	Major	10	6 months	• >100mm deep over 1m length • Exposed aggregate >500mm diameter	30
		Collector	10	6 months		30
		Local	10	1 year		60
Pathway	Concrete Pathway hazard	Major	10	6 months	• Step >25mm • Crack > 20mm wide • Spalling concrete >150mm dia with depth > 25mm	30
		Collector	10	1 year		90
		Local	10	3 years		120
	Asphalt Pathway hazard	Major	10	6 months	• Steep slope > 50mm rise over 100mm length • Crack > 20mm width; • Pothole > 25mm deep & > 200mm diameter • Step > 25mm.	30
		Collector	10	1 year		90
		Local	10	3 years		120
Kerb and Channel	Bluestone Pavement and K&C	Major	10	Request only	• step/drop off > 100mm and/or missing blue stones • gaps > 100mm wide	60
		Collector	10	Request only		60
		Local	10	Request only		120
	Concrete Kerb Defect	Major	10	Request only	• lip > 100mm; And/ Or protruding reinforcement, close to pedestrian path of travel.	60
		Collector	10	Request only		60
		Local	10	Request only		120

Inspection and Response Table

Asset Type	Defect Type	Hierarchy	Reactive Inspection Time (working days)	Proactive Inspection Frequency based on Hierarchy	Priority 1	Response Time (days after inspection)	Priority 2	Response Time (days after inspection)
					Intervention Levels		Intervention Levels	
Car parks	Car park hazard	Car parks	10	Request only	<ul style="list-style-type: none"> • >100mm deep over 1m length in each location for asphalt • >100mm step/drop off and/or missing blue stones • gaps >100mm; 	180	<ul style="list-style-type: none"> • 50-100mm deep over 1m length in each location • 75-100mm step/drop or missing blue stones • gaps 50-100mm with 75mm depth 	240
Right of Way	ROW hazard	ROW	10	Request only	<ul style="list-style-type: none"> • >100mm deep over 1m length in each location for asphalt • >100mm step/drop off and/or missing blue stones • gaps >100mm; 	180	<ul style="list-style-type: none"> • 50-100mm deep over 1m length in each location • 75-100mm step/drop or missing blue stones • gaps 50-100mm with 75mm depth 	240
Drainage Pits	Pit lid hazard	Shopping Precinct	10	Request only	Obvious hazard to road user - pit lid removed	30	Hazard to pedestrian or cyclist is assessed as less severe	60
		High Use	10	Request only		90		180
		Other Paths	10	Request only		120		240
Signage	Signage hazard	All	N/A	Request only	All signage hazards	28	All signage hazards	28

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6.6 Compliance with timeframes

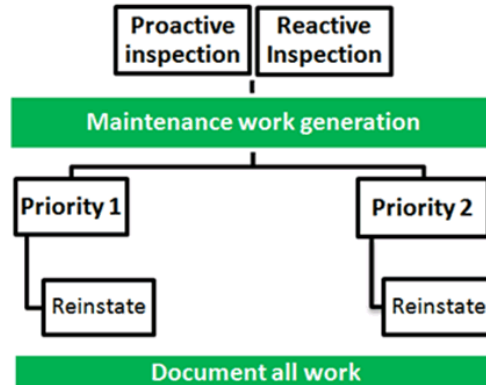
While Council will endeavour to comply with the timeframes identified in the [Inspection and Response table](#) and 6.4.1, it recognises that, from time to time, matters beyond its control will affect those timeframes. The timeframes may, therefore, vary by a margin not exceeding 10% on occasion. Council has assessed this margin as being reasonable and not posing a risk to the safety of the public or its road asset

6.7 Decision process

Council discharges its responsibility to inspect, maintain or repair its road assets by taking each of the following steps:

1. Inspection- Either by proactive inspection or reactive customer request inspections.
2. Assessment of defect - if above intervention levels, as per [Inspection and Response table](#), a job is raised.
3. Job issued - instigates repair or remedy of the defect.
4. Job completion - all jobs will be completed within allocated response time.

This diagram shows how Council processes information relating to inspections and defects. Council incorporates a total traceability policy to document all its actions.



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7 Audit and Review of the Road Management Plan

7.1 Alteration of Road Management Plan

Council will analyse its RMP in relation to contractor performance, resource supply and compliance with road maintenance schedules in accordance with Council's reporting requirements.

The RMP will not be amended during its four-year life unless there is a significant change in the budget, legislation or other circumstances such that amendment is required to properly reflect Council's obligations. Any changes to this version of the RMP would need to go through the same statutory process (i.e. publication of the draft document, inviting public submissions etc.) as were applied for the preparation and adoption of this version.

7.2 Review of Road Management Plan

A formal review of the RMP will be conducted in the 6 months following a Council election or by 30th June the following year, whichever is later, in accordance with regulation 8(3) of the Road Management (General) Regulations 2016.

8 Related Documents

8.1 Moonee Valley City Council Register of Public Roads

- a) *Part A – Roads* - [Link](#)
- b) *Part B - Pathways* - [Link](#)
- c) *Part C - Right of Ways* - [Link](#)

8.2 Moonee Valley City Council Register of High Use Paths outside the road reserve - [Link](#)

8.3 Road and Pathway Hierarchy Maps - [Link](#)

8.4 Moonee Valley Council Register of Car Parks - [Link](#)

8.5 Moonee Valley City Council Road and Pathway Inspection Manual - [Link](#)

Group CITY SERVICES	Responsible Manager INFRASTRUCTURE SERVICES	Document No.	Approval Date	Review Date APRIL 2017
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Appendix B

Proposed Amendments of the current Road Management Plan to the Draft 2017-2021 Road Management Plan

The objective of the Draft Road Management Plan 2017-21 was to consolidate the current Road Management Plan ("RMP") document by simplifying its content to better address Council's duties under the legislative requirements of the Road Management Act 2004.

1. Executive Summary

Amended to read with more community focus rather than on operational processes and legislative requirements.

2. Terms and Definitions

Definitions in the current RMP differ from those within the legislative documents that the RMP refers to, mostly the Road Management Act. This could cause complications in the instance of a claim against Council. Instead of listing terms and definitions already defined in the legislative and guidance documents, Council has opted to remove the majority of the glossary. Advice from our Maddocks lawyers was to keep basic definitions as shown with reference otherwise to the Act.

3. Introduction

Combined existing background, purpose and scope into 'Introduction' with direct reference to Road Management Act requirements.

3.3 Key Stakeholders

Removal of dot point list of key stakeholders.

Council have opted to use a broad sentence to define its RMP stakeholders - "users of the road network who are affected by its existence or contribute to its management". This eliminates a circumstance where a listed individual/group/party gets overlooked.

4. Legislation

Amended to include all referenced legislation related to the RMP.
Current RMP only references two legislative documents.

5. Responsibility

Amended to clarify and improve areas of responsibility.

Council vs Road users vs Private vs Other Authority.

Council receive a number of requests regarding assets that are not the responsibility of Council. This section will help define these.

Proposed Amendments of the current Road Management Plan to the Draft 2017-2021 Road Management Plan

5.1.1 Exceptional Circumstances

Paragraph has been modified to remove operational processes which are in house processed that don't need to be stated under the requirements of the Road Management Act or the Wrongs Act.

"Council will make every effort to meet its commitments under its Road Management Plan. However, there may be situations or circumstances that affects Council's business activities to the extent that it cannot deliver on the service levels of the RMP. These include but are not limited to: natural disasters, such as fires, floods, or storms, or a prolonged labour or resource shortage, due to a need to commit or redeploy Council staff and/or equipment elsewhere. Pursuant to section 83 of the Wrongs Act 1958, functions of the RMP may be suspended."

6. Road Management Plan

This section has been amended to include direct references to Council duties under the Road Management Act and proposed actions to deliver these duties. Currently the 'Road and Footpath Inspection Manual' is an appendix to the RMP. The content of the current inspection manual is the most relevant to the requirements of the RMP under the Act, Council believe that this content should be within the body of the draft RMP document rather than as an appendix.

Proposed Amendments of the current Road Management Plan to the Draft 2017-2021 Road Management Plan

6.1.1 Road Hierarchy

Changes to characteristic definitions and 'Local access road' now 'Local Road'.

CURRENT:

Hierarchy	Description of Characteristics
Arterial / major roads	The more important municipal roads which distribute traffic between primary and secondary state arterials and provide access to local road System. These are managed by VicRoads.
Collector road	Those other municipal roads whose function is to distribute traffic between arterial roads and the local system and to provide access to abutting properties.
Local access street	All remaining municipal roads not being state arterial , major or collector roads, whose function is to provide access to properties fronting those streets.
Right of Way (ROW)	Generally provided for access to local residences. <i>Council</i> only maintains <i>Council constructed</i> ROW.

DRAFT 17-21:

Hierarchy	Description of Characteristics
Arterial roads & Freeways	Predominantly carry through traffic from one region to another, forming principal avenues of travel for traffic movements (VicRoads+ Citylink).
Major roads	Distribute traffic between primary and secondary state arterials and provide access to the local road system.
Collector road	Distribute traffic between arterial/major roads and provides access to abutting properties.
Local road	Primarily used for access to abutting properties.
Right of Way (ROW)	Exclusively for access to abutting properties. <i>Council</i> only maintains <i>Council constructed</i> ROW.

Proposed Amendments of the current Road Management Plan to the Draft 2017-2021 Road Management Plan

6.1.1 Pathway Hierarchy

Changes to characteristic definitions.

CURRENT:

Hierarchy	Description of Characteristics
Shopping precinct paths	Paths within shopping precincts generally have the highest pedestrian volumes and therefore community expectations are higher than for other paths. This high use also correlates to increased risk and therefore these paths have the highest inspection frequency.
High Use Paths	Areas identified as potential high risk due to the nature and volume of pedestrian traffic. a) Includes paths around schools, railway stations, medical precincts, major parks and elderly person facilities. b) Also includes constructed paths outside the road reserve. A register for these paths can be found in Appendix D. These characteristics were considered by <i>Council</i> when classifying the high use paths attached to the Public Road Register in <u>Appendix B</u> .
Other Paths	a) <i>Constructed</i> paths in residential areas. b) Parts of paths that do not fit the rule of a high use or shopping precinct path.

DRAFT 17-21:

Hierarchy	Description of Characteristics
Shopping Precinct Paths	Pathways within shopping precincts that have high pedestrian volumes.
High Use Paths	a) Pathways within areas identified as potential high risk due to the nature and volume of pedestrian traffic. b) Constructed pathways inside municipal open spaces/reserves.
Other Paths	Pathways in residential areas not classified as Shopping precinct or High Use.

Proposed Amendments of the current Road Management Plan to the Draft 2017-2021 Road Management Plan

6.2 Asset Registers

During the course of the current RMP, asset registers have changed as new assets are found, transferred or disposed of. Therefore Council has opted to only provide links to the registers rather than include them in the RMP as appendices. This enables us to update the registers as necessary without having to edit the RMP document itself. The registers are also large documents and add unnecessary bulk to the RMP.

6.2 Council's Register of Public Roads

The current RMP consists of:

1. Appendix B- Council's public road register
2. Appendix C- Council's Right of way register

It is a requirement of the Road Management Act to keep a register of public roads, this includes pathways and right of ways. Currently these are separate to our 'Road register'

Therefore for this draft, Council have created 6.2.1 – Register of Public Roads which contains:

Part A – Roads

Part B – Pathways

Part C – Right of Ways

This way all assets are registered under Council's Register of Public Roads as subsections.

6.4 Asset Inspection

One of the biggest changes in the draft RMP is the consolidated 'Inspection and Response table'. This table is a summary of the inspection times and response standards stipulated in the current 'Road and Pathway Inspection Manual'. The current inspection manual is 30 pages long on its own and is an appendix of the RMP. We have consolidated those 30 pages into a two page table and included it in the main body of the RMP. This is due to the importance of these standards in response to our requirements under the Act.

6.4.1 Proactive inspections

Major change to proactive road inspection for Major and Collector roads.

Current:	Major – 12 Months	Draft 17-21:	Major – 6 Months
	Collector – 12 Months		Collector – 6 Months
	Local – 12 months		Local – 12 months

Infrastructure Maintenance has highlighted a need for risk based inspections within the hierarchy of roads. Currently all road hierarchies are inspected at the same frequency of once per year. Risk assessment and available resources have shown it feasible to inspect Major and Collector roads at 6 month frequencies

Proposed Amendments of the current Road Management Plan to the Draft 2017-2021 Road Management Plan

6.5 Inspection and Response Standards

As mentioned briefly, the 'Inspection and Response Table' is a largely consolidated version on the current 'Road and Pathway Inspection Manual'. This enables quite a lengthy document to only be included within the RMP as a link in section 8. The table summaries all defect types, inspections times, response times and priority 1 and 2 intervention levels.

Amendments to the content of the 'Response and Inspection Table' from the current RMP include:

- 6 monthly Proactive Inspections for Major and Collector Roads (as mentioned)
- Discretionary timeframes in current RMP amended to 240 days
- All reactive inspection timeframes changes to 10 days (some changed from 5 days as these were unrealistic with weekends/public holidays etc)
- Pavement Failure intervention added for 'Exposed Aggregate'.
- Pathway defect 'Pathway edge drop' removed as it is a Parks and Gardens defect that is not road-related infrastructure and therefore not warranted under the Act.

The Road and Pathway inspection Manual can still be viewed via the link in section 8 – the manual provides photos for each defect if necessary.

6.5.2 Improvement works

This clause has been added to highlight that we undertake works outside of those that are a direct response to defects that are within the scope of our inspection and response table. Maddocks lawyers recommended to state the term 'absolute discretion'. In some cases maintenance undertake works for the benefit of the community that may be below intervention levels or that don't fall under the structured categories of defects we have listed.

6.6 Compliance with timeframes

Council wanted to allow a margin on timeframes specified in the RMP. This is an allowance on our scheduled inspection and response times. This caters for instances where we may be late or early with our inspections and responses due to officer leave, public holidays, weekends, inclement weather etc.

Our current RMP states "Council's objective is to maintain an 85% completion rate regarding the responsibility outlined in the RMP".

Maddocks noted this would not hold up in court and suggested the following wording:

"While Council will endeavour to comply with the timeframes identified in the [Inspection and Response table](#) and 6.4.1, it recognises that, from time to time, matters beyond its control will affect those timeframes. The timeframes may, therefore, vary by a margin not exceeding 5% on occasion. Council has

Proposed Amendments of the current Road Management Plan to the Draft 2017-2021 Road Management Plan

assessed this margin as being reasonable and not posing a risk to the safety of the public or its road asset”

Council believe it is reasonable to adopt 10% margin which is in line with VicRoads RMP and is realistically achievable with current Council resources.

8. Related Documents

The draft RMP has removed all appendices from the current RMP and replaced with 'related document' links. This enables any changes to be made to the related documents without having to amend the body of the RMP or its content. This consolidates the RMP document and enables clarity of the significant and legislative content within the RMP.

**9.16 Proposed New Lease with Optus Mobile Pty Ltd -
Telecommunications Facility at Walter Street Reserve Ascot
Vale**

File No: FOL/16/130

Author: Gary Mills
Coordinator Property Management

Directorate: City Services

Ward: Myrnong

Purpose

To consider entering into a new ground lease with Optus Mobile Pty Ltd ('Optus') regarding the mobile telecommunications facility at Walter Street Reserve, Ascot Vale.

Executive Summary

- Council has an existing lease with Optus for occupancy and use of part of the mobile telecommunications facility compound at Walter Street Reserve, Ascot Vale. Refer Site Location Photo at **Appendix A**.
- Optus and Vodafone Pty Ltd ('Vodafone') mobile equipment are co-located on the communications tower situated at the north-west corner of Walter Street Reserve.
- Telstra Corporation Ltd ('Telstra') has exclusive use of the other mobile tower situated on the south-west corner of Walter Street Reserve. This lease is for a term of nine years and six months and expires on 5 November 2023.
- The existing Optus lease was for a term of five years with three five year options and expired on 22 August 2016. The lease is now in over holding.
- Optus has agreed to a new lease term of nine years and six months at a commencing annual rental of \$16,000 plus GST with 3% annual fixed increments.

Recommendation

That Council:

1. Enter into a new ground lease with Optus Mobile Pty Ltd for continued occupancy and use of the lease premises situated within the mobile telecommunications compound on the north-west corner of Walter Street Reserve, Ascot Vale contained on Certificate of Title volume 9522 folio 693 for a term of nine years and six months commencing 23 August 2016 at an annual rental of \$16,000 plus GST with 3% annual fixed increments.
2. Authorise the Chief Executive Officer to execute the lease on behalf of Council.

Background

The original ground lease with Optus at Walter Street Reserve, Ascot Vale commenced on 22 August 1996 for an initial term of five years with three further five year options.

The lease premises is situated within the mobile telecommunications compound situated on the north-west corner of Walter Street Reserve and contained on Certificate of Title volume 9522 folio 693. Refer subject lease premises in Photo 1 below.

The lease expired on 22 August 2016 and has since been in over holding. Council officers had attempted to negotiate a new lease prior to the lease expiry date, but Optus advised that as it was reviewing its lease asset portfolio, it was not in a position to renew the lease at that time.

The mobile communications tower owner is Axicom Pty Ltd ('Axicom') which manages Vodafone's mobile assets. Council has a separate lease with Axicom for a term of nine years and six months which expires on 31 December 2017.



Photo 1: Subject Lease Premises

Discussion

In October 2016, Optus contacted Council seeking to enter a new 20 year lease at a commencing annual rent of \$14,000 plus GST. In line with other Council mobile telecommunications leases, Council officers counter offered a new ground lease with Optus for a term of nine years and six months at a commencing annual rental of \$16,000 plus GST with annual fixed increments of 3%.

Optus has agreed to the above terms and will prepare a ground lease on behalf of Council for Council consideration.

Consultation

The nature of this report does not require any external consultation.

Implications

1. Legislative

Section 190 (3) of the *Local Government Act* 1989 ('the Act') is not triggered as part of this proposal as the proposed lease term is under 10 years and the annual lease rental is below \$50,000.

Subsequently, Council is not required to give public notice of its intention to enter this lease pursuant to sections 190 and 223 of the Act.

Pursuant to Schedule 3 of the *Telecommunications Act* 1997 (Commonwealth), telecommunications carriers have rights to install low impact facilities on most land including public land. Accordingly, carriers are legally entitled to access and use sites with or without a formal lease in place.

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to Support economic growth and development in the municipality in accordance with Council Plan 2013-2017 Theme 1: Vibrant and diverse - Opportunities for all.

3. Financial

A rental valuation was obtained from Council's Valuer, who is of the opinion that the current market rental for the 35m² lease area is \$16,000 (plus GST) per annum. This rental valuation is \$2,000 (plus GST) more than the \$14,000 rental offered by Optus. Optus has accepted the rental valuation as fair and reasonable.

4. Environmental

This mobile telecommunications facility is a low impact facility and there are no significant environmental implications for the community.

Conclusion

It is considered desirable that Council enter into a new lease with Optus on the terms and conditions outlined in the report.

Appendices

Appendix A: Site Location Photo .



9.17 Review of the Pavilion Redevelopment Plan

File No: FOL/16/130
Author: Peter Gaffney
Manager Infrastructure Services
Directorate: City Services
Ward: Municipal

Purpose

The 2016/17 capital works budget includes \$11.2 Million for nine pavilion projects, which either involve construction works or undertaking designs for future works. The purpose of this report is to advise Council on the status of these projects and due to this commitment, present to Council a revised Pavilion Redevelopment Plan (“PRP”).

Executive Summary

- Sports Development Plan (“SDP”) 2014-23 is Council’s reference to deliver strategic solutions, through a coordinated approach, for the provision of sport and recreation in Moonee Valley.
- The SDP refers to the Pavilion Redevelopment Plan (“PRP”). The PRP identifies the need for sports pavilions to become more flexible, multi-use facilities given the growing demand for casual recreational opportunities, unstructured and non-competitive social activities.
- The 2016/17 capital works budget includes \$11.2 Million for new or upgrade works to five sports pavilions, the completion of additional change rooms at one pavilion, and the design for improvements to three sports pavilions.
- This report advises Council on the status of the nine projects in the 2016/17 capital works budget and in light of this commitment also presents to Council a revised Pavilion Redevelopment Plan (“PRP”).

Recommendation

That Council:

1. Endorse the revised of the Pavilion Redevelopment Plan (PRP), shown as **Appendix A**.
2. Note that the design for the pavilion projects in the 2016/17 capital works budget at Cross Keys Reserve, Essendon; Overland Reserve, Keilor East; Maribyrnong Park, Moonee Ponds and Boeing Reserve, Strathmore Heights are based on the construction of new buildings at each location.
3. Approve the current budget shortfall, currently estimated at \$1.1 Million for the construction of a new pavilion at Overland Reserve Pavilion by including the current budget shortfall in the 2017/18 budget.
4. Consider the cost of construction of the three pavilion projects in the 2016/17 budget, which have been designated for design only at Maribyrnong Park, Cross Keys Reserve and Boeing Reserve (cricket/football/hall) as the most immediate priorities for future budget approvals.

5. Consider the remaining projects in the revised Pavilion Redevelopment Plan through Council's annual budget process.
6. Provide Council with a review of the Pavilion Redevelopment Plan by December 2017.

Background

The Sports Development Plan ("SDP") 2014-23 is Council's reference to deliver strategic solutions, through a coordinated approach, for the provision of sport and recreation in Moonee Valley.

The following is an extract from Section 1 of the SDP:

"Council has an extensive building portfolio, providing pavilions, community halls and sports fields to more than 90 clubs. Providing sports infrastructure is one of the most significant ways that Council aids the development of sport within the community.

Pavilions

In 2012, Council developed its Pavilion Redevelopment Plan (PRP) to provide a deliberate and practical approach to the improvement of seasonal sports pavilions to ensure they are well-designed and meet the future needs of our sporting community. The PRP identified the need for sports pavilions to become more flexible, multi-use facilities given the growing demand for casual recreational opportunities, unstructured and non-competitive social activities. It outlined that pavilions could no longer be single use facilities, but needed to become community hubs, provide a range of recreation, social and sports opportunities to the whole community.

The PRP identifies the essential functional components of sports pavilions taking recommendations from peak sporting bodies into consideration, then setting out an agreed Moonee Valley standard for future pavilion works.

The PRP also provides criteria for assessing building condition and function. Future planning will be undertaken within this context and referred to as a three-tiered capital works program, namely

1. New pavilion – Demolition and rebuild –based on condition audits and functionality.
2. Upgrade pavilion – Major refurbishment and functionality improvements to an existing building –based on condition audits and use.
3. Pavilion improvements – Renewal and upgrade based on condition audits."

Council has 27 sports pavilions, which are all located within public reserves.

Since 2011, Council has completed, on average one major pavilion project per year, spending approximately \$8.3 Million on pavilion projects over this period.

Major projects completed since 2011 are:

- Buckley Park, Essendon West New Pavilion. March 2009 (\$0.9 Million)
- Hansen/Etzel Street Reserve Main Pavilion, Airport West. June 2011 (\$1.3 M)
- Maribyrnong Park Pavilion, Moonee Ponds 2009-2014 (\$0.70 M)
- Strathnaver Reserve Pavilion, Strathmore. March 2014 (\$2.1 M)
- Ladies Cricket Pavilion, Aberfeldie. March 2016 (\$2.0 M)
- Lebanon Reserve Pavilion, Strathmore. November 2016 (\$1.3 M)

In addition to the above, works have commenced on the construction of a new pavilion at Fairbairn Park Ascot Vale (\$4.4 Million). The scheduled completion date is November 2017.

The pavilion building and function assessments, recent inspections of all pavilions and the increasing needs from sporting groups across the municipality all highlight the need to assign more resources to the current rate at which the PRP is being implemented. This has been reflected in the 2016/17 capital works budget, which provides for:

- Improvement works to be undertaken to five sports pavilions. Construction works has commenced on one project.
- The completion of additional change rooms at one pavilion, which has been completed.
- The design for future works to three other sports pavilions.

Discussion

Timing the Delivery of Projects

Recent projects have been based on a conventional design, invitation to tender and construction (build) process. In most cases, each project is a two to three year exercise. The timing of each project is important as the expenditure normally occurs over more than one year whereas Council has traditionally adopted the total budget for a specific project within one financial year. It is proposed to review how Council can financially commit to projects, which may span over more than one year recognising that Council must adopt a budget on an annual basis.

Pavilion projects have five main stages:

- Stage 1, Sketch/Detail Design

A principal architect is engaged for a prescribed fee for the design and project management. This occurs through a selective or public tender process. At this early stage, the project brief provides sufficient information to obtain an indicative budget cost per square metre for the project. After an architect is appointed, all stakeholders are involved in developing and signing off a design, which is also suitable for Council to lodge as part of a planning permit application if it is required. This stage takes about six months.

- Stage 2, Planning Permit

Projects which exceed \$ 1 Million in value require a planning permit. This involves the preparation of additional information (e.g. traffic impacts, arborist advice, cultural heritage, service authority approvals etc.). This stage may take between three to six months. This assumes that the proposal is consistent with an adopted master plan for the reserve.

- **Stage 3, Contract Documentation**

This involves the preparation of architectural dimensioned plans, sections, elevations and sub consultant specialist design drawings to adequately describe the design for the purpose of obtaining a building permit approval to construct. A more refined cost plan of the project is also obtained. This stage may take between three to four months.

- **Stage 4, Procurement/Invitation to Tender**

Once the documentation is complete, tenders are invited for the construction of the project. Depending on the value of works, the tender document will be advertised via a Select, Public or the Construction Supply Register (“CSR”) register process. This usually takes one month. When tenders close, Council officers will evaluate tenders and prepare a report on the award of the contract to a preferred contractor. This usually takes one month.

- **Stage 5, Award of Contract/Construction**

The final stage involves awarding a lump sum contract to the successful building contractor, obtain a building permit, confirmation of a site commencement date followed by the administration of the project until completion. The cost of the project is confirmed. This stage takes between twelve and eighteen months, depending on the scope of the project.

It is proposed to undertake the construction of the Cross Keys Reserves Pavilion through an alternative method, offering the project as a design and construct contract. This will allow Council to consider modular designs on an unobstructed site. This method in some way combines stages 1, 3, 4 and 5. A planning permit will still be required for this project.

This project will allow Council to assess the longer term financial and non-financial benefits of a design and construct approach. There is sufficient information and examples to demonstrate potentially a better outcome in cost and timing of projects. If this is the case, this method may also be suitable to other future projects.

Cost of Projects

The total cost of each project depends on the scope of the project and other factors such as professional fees, the site conditions, capacity requirements for water, sewer, power etc. A budget estimate per square metre can be obtained at Stage 1 of the project. However, the total cost of the project will continue to be refined through stages 2, 3, 4 and 5. The cost of projects in recent years has ranged from \$1.3 Million to \$4.4 Million.

Pavilion Redevelopment Plan (PRP)

Appendix A provides a summary of the status of all pavilion projects identified in the 2016/17 budget and the proposed stages (1 to 5) of the implementation within the PRP.

The revised plan proposes (2016/17 to 2022/23):

- 11 new pavilions.
- 6 pavilion upgrades.
- 1 pavilion improvement.
- 9 pavilions where there are no works planned.

The following provides additional information to **Appendix A**:

Reference 5: Canning Reserve Pavilion

This pavilion is located within Canning Reserve where there is one sports field for football and cricket.

The Avondale Heights Sports Club has submitted a request for Council to approve a budget for modifications to the pavilion, which includes structural wall works, refurbishment of the kitchen and canteen, provision of a verandah and canopy and a major switchboard expense.

The current estimated cost of the proposal is \$575,000. The club's submission claims that the club has previously invested in the providing improved facilities and is requesting Council to incur this cost.

Council allocated \$100,000 in 2007/08 and \$200,000 in 2010/11 for improvements to amenities. In 2015/16, Council also constructed a new electronic scoreboard (\$65,000) at Canning Reserve.

The future capacity for increasing use of the facility is limited by the oval it supports. Improvements identified by the club are related to the internal function and social areas, not actually related to participation on field.

The current facility is considered adequate for existing user groups and is in many instances of far greater quality than other sporting facilities across the municipality. The assessment of this pavilion does not identify this as a high priority, which is reflected in the revised PRP.

Reference 8: Debney Park Pavilion

Although this pavilion is in good condition, it is deficient in a number of basic functional spaces including change rooms (currently only one set servicing two playing fields), social room, match officials room and medical room.

There is a desire to improve this pavilion, which should be undertaken within the context of the Council's long term community facility planning, improvements to the Flemington Community Centre and other changes to the site which are currently being planned. There is considerable more planning work that needs to be undertaken.

The reserve itself is also lacking public toilets which should be considered within the overall planning of this site.

Reference 9: Doyle Street Reserve Pavilion

Similar to Debney Park Pavilion, Doyle Street Reserve Pavilion is in good condition. The facility provides four change rooms, but is lacking match officials room, public toilets and any social space.

Adjacent to the pavilion is Nancye Kirchner Neighbourhood Centre which is predominantly used by older adults and people with disabilities for recreational and educational activities. Clubs using the reserve have limited access to the centre due to regular bookings. These arrangements are being reviewed in anticipation that there will be greater access for the sporting community.

Reference 18: JH Allen Reserve Change Rooms

Two change rooms are located within the rear of Burley Griffin Neighbourhood Centre. In 2012, Council upgraded these facilities and constructed an umpire's room, first aid and a store room. Clubs allocated here have limited access to the centre due to regular bookings. These arrangements are being reviewed in anticipation that there will be greater access for the sporting community.

Reference 20: Maribyrnong Park Football/ Cricket Pavilion

The 2016/17 budget provides for the design only of improvements to the Maribyrnong Park Pavilion supports two full sized football and cricket ovals. One oval has quality sports field lighting and it is proposed to replace the existing lights to the other oval in 2017/18. Works were undertaken between 2009 to 2014 modify the social area and to improve the change room facilities, however the works were seen as short term measures.

There are severe site constraints to add one further change room and the overall functionality of the building is no longer suitable for future needs. The design for improvements should be based on a new pavilion with four change rooms.

Reference 25: Overland Football/ Cricket Pavilion

Overland Reserve Pavilion supports two full sized football and cricket ovals. The existing pavilion has two change rooms

Plans to provide two additional change rooms and undertake improvements to the existing change rooms were completed and approved by the tenant club in 2014. Council approved \$1.9 Million in the 2016/17 Budget to undertake these improvements.

A recent review of the approved plans and the existing structure has identified a number of important issues, which compromise the benefits of proceeding with adding two change rooms to the existing pavilion.

- The proposed works will leave one section of the building (the social area) unaltered. This section is built on the original concrete slab with outer brick walls. The floor level of this part of the building would remain about 150 mm above the proposed improvements.
- Plans of the original construction show that the concrete slab and beams supporting the structure would not meet current standards for the site conditions.
- The location of the existing change rooms, including the proposed additional change rooms are not ideally orientated to the two ovals.
- Part of the building is over an existing sewerage easement, which has created ongoing maintenance issues.
- The floor level of the building is low compared to the outside.

Due to these issues, it is considered that the entire building should be replaced with a new facility that will meet long term needs. A revised cost plan has been prepared, estimating the cost of a new pavilion at \$3 Million, which includes professional fees. As Council committed a budget for the project to proceed, it is proposed to provide the additional \$1.1 Million to complete the project in the 2017/18 budget.

Standard of Care of Pavilions

Clubs are offered an appropriate allocation and tenure based on tenure history, the requirements of the sport and Council's overall plans for the facilities.

The terms and conditions for use of sports facilities under an allocation are clearly outlined in each agreement. Agreements state the responsibilities for building and facility maintenance and management.

Council expects clubs who are allocated a pavilion to preserve all community assets, excepting fair wear and tear, abiding by the following requirements:

- **Maintenance and repairs**

Clubs must maintain, repair and clean the facility from the commencement date of their allocation.

- **Notify Council of defects**

Clubs must promptly notify Council of any structural defects or damage and not make any structural alternations without prior written consent of Council. Council does not reimburse clubs/external contractors for works that are a Council responsibility.

- **Facility/pavilion improvements**

All improvements made to a Council facility/pavilion on Council land become a Council asset irrespective of who paid for or undertook the works.

- **Alterations/Additions to facilities/pavilions**

Clubs require written Council permission for any alterations, additions or works to the premises outside of the responsibilities of the club.

- **Handover of a facility between ingoing and outgoing tenants**

The pavilion/facility must be handed over to the incoming tenant in a clean and tidy condition with all club equipment appropriately stored in the allocated storage space (if provided in the pavilion) or off site. This includes club signage and memorabilia.

Consultation

Each project involves specific consultation with all stakeholders. As sports pavilions are located in public reserves, the footprint of these facilities are also included in the development of master plans, where extensive consultation occurs.

Implications

1. Legislative

The contents of this report are not governed by legislative requirements.

2. Council Plan

Pavilion improvements are most closely aligned to Theme 4 “Vibrant and diverse – Opportunities for all”. Strategic Objective 2 of Theme 4 states “Facilitate and encourage access to diverse, affordable and enjoyable leisure and learning opportunities.”

3. Council Policy

Council’s Sports Development Plan 2014-23 refers to the Pavilion Redevelopment Plan (“PRP”). The PRP identifies the need for sports pavilions to become more flexible, multi-use facilities given the growing demand for casual recreational opportunities, unstructured and non-competitive social activities.

The PRP identifies the essential functional components of sports pavilions taking recommendations from peak sporting bodies into consideration, then setting out an agreed Moonee Valley standard for future pavilion works.

The PRP also provides criteria for assessing building condition and function and future needs.

4. Financial

The 2016/17 budget provides \$11.2 Million for pavilion projects. This report provides Council with a status on the nine projects. In summary:

- One pavilion project has been completed
- One pavilion project has commenced and scheduled for completion November 2017
- Three pavilion projects are at the planning application stage, expect commencement in 2016/17 and completion in 2017/18
- One pavilion project (Overland Reserve Pavilion) requires Council approval for the current budget shortfall of \$1.1 Million to proceed with the design and construction of a new building.
- Three pavilion projects for designs only have commenced.

It is currently forecast to acquit approximately \$4 Million of the \$11.2 Million in 2016/17. The remainder will be required in 2017/18.

5. Environmental

Materials specified in the development of sports pavilions incorporate Ecologically Sustainable Development (ESD) principles.

Conclusion

There are currently nine pavilion projects, which Council has identified as priorities to either prepare designs or build. The Pavilion Redevelopment Plan (“PRP”) has been revised to reflect these commitments. It is proposed to provide Council with a further review by December 2017.

Appendices

Appendix A: Revised Pavilion Redevelopment Plan Appendix for Council Report
December 2016.

Revised Pavilion Redevelopment Plan, December 2016

Appendix A

Ref	Comments	Proposed Project Tier	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022	2022/ 2023
1	AJ Davis Reserve, Airport West	New				1,2,3,4	5 start build	5 finish build > \$2 M	
2	Boeing Reserve Cricket, Football & Community Hall, Strathmore Heights	New	1	2,3,4	5 start build	5 finish build > \$2.5 M	The 2016/17 budget provides for the design only of this project.		
3	Buckley Park, Essendon West	n/a	New pavilion was completed in March 2011.						
4	Buckley Park (Doutta), Essendon West	Upgrade	1,3,4, 5 start & finish build abt. \$1 M	The 2016/17 budget provides \$0.6 M to build additional change rooms. Stage 1 of the project has been completed. The estimated cost of the project is \$1 M, therefore a planning permit is required.					
5	Canning Reserve, Avondale Heights	Upgrade						1,3	4,5 start & finish build < \$1 M
6	Clifton Park, Aberfeldie	Upgrade			1,2,3,4	5 start build	5 finish build > \$1.5 M		
7	Cross Keys Reserve, Essendon	New	1	2,3,4, 5 start build	5 finish build > \$4 M	The 2016/17 budget provides for the design only of a new pavilion. This preoject is at stage 1, sketch/detail design.			
8	Debney Park, Flemington	New				1,2,3, 4	5 start build	5 finish build > \$2 M	

Revised Pavilion Redevelopment Plan, December 2016

Appendix A

Ref	Comments	Proposed Project Tier	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023
9	Doyle Street Reserve, Avondale Heights	Upgrade			1,2,3,4	5 start build	5 finish build > \$1M		
10	EMP (Ladies) Cricket Aberfeldie	n/a	New pavilion was completed in March 2016.						
11	Essendon Baseball Club, Strathmore Heights	New	1,2,3,4, 5 start build	5 finish build > \$2 M	The 2016/17 budget provides \$2 M for the build of a new pavilion. The project is currently at Stage 2, planning application.				
12	Fairbairn Park (centre), Ascot Vale	New	3,4, 5 start build	5 finish build > \$4 M	The 2016/17 budget provides \$3.85 M for the build of a new pavilion and the demolition of the centre and northern pavilion. This project is at stage 5, build.				
13	Fairbairn Park (northern), Ascot Vale	n/a			This pavilion will be demolished following the completion of the new centre pavilion (item 12).				
14	Fairbairn Park (southern), Ascot Vale	New			1,2,3,4	5 start build	5 finish build > \$4 M		
15	Hansen/Etzel Reserve (main), Airport West	n/a	Major improvements were completed in June 2011.						
16	Hansen/Etzel Reserve (training), Airport West	n/a	The PRP proposed to demolish this building after the completion of works to the main pavilion (ref 15). The building is currently used by the tenant clubs as a gymnasium. No further action is proposed on demolishing this pavilion without Council approval.						

Revised Pavilion Redevelopment Plan, December 2016

Appendix A

Ref	Comments	Proposed Project Tier	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023
17	JA Fullarton Aberfeldie	New	The Aberfeldie Park Master Plan shows this pavilion will be replaced by a new building in a new location further to the south. The future of the Obedience Dog Club Pavilion should also be considered as part of this project (reference 22).		1,2,3,4	5 start build	5 finish build > \$2 M		
18	JH Allan Reserve, Keilor East	n/a	Access to the neighbourhood centre on days when sport is played at JH Allen Reserve is being reviewed						
19	Lebanon Reserve, Strathmore	Upgrade	5 finish build	A major extension to the pavilion, which included additional change rooms was completed in November 2016.					
20	Maribyrnong Park, Moonee Ponds	New	1	2,3,4	5 start build	5 finish build > \$2.5 M	The 2016/17 budget provides for the design only of this project.		
21	Moonee Valley Athletics Centre Moonee Ponds	Upgrade	The pavilion is in good condition. Alterations would improve the functionality and amenities.					1,2,3	4,5 < \$1.5 M finish build
22	Northern Obedience Dog Club, Aberfeldie	n/a	The future of this pavilion will be considered with the JA Fullarton Pavilion project (ref: 17)						
23	Ormond Park (football/cricket), Moonee Ponds	Upgrade	1,2,3,4,5 start build	5 finish build > \$2 M	The 2016/17 budget provides \$2 M for a major extension to the existing pavilion. The project is currently at Stage 2, planning application.				
24	Ormond Park (soccer), Moonee Ponds	n/a				It is proposed to demolish this pavilion to provide additional sports field area after the completion of the Cross Keys Reserve Pavilion.			

Revised Pavilion Redevelopment Plan, December 2016

Appendix A

Ref	Comments	Proposed Project Tier	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023
25	Overland Reserve, Keilor East	New	1,2,3,4	5 start & finish build abt. \$3 M	The 2016/17 budget provides \$1.9 M for the additional change rooms. It is propsoed to replace this pavilion with a new pavilion at an estimated cost of \$3 M.				
26	Strathnaver Reserve, Strathmore	n/a	This pavilion was completed as a new building in March 2014.						
27	Walter Street Reserve, Ascot Vale	New					1,2,3	4,5 start build	5 finish build > \$2 M

SUMMARY

Summary, Project Tier 1. New Pavilion	11		3	1	2	2	2	1
Summary, Project Tier 2. Upgrade Pavilion	6	2	1			2		2
Summary, Project Tier 3. Improvement to Pavilion	1		1					
TOTAL (PROPOSED) PROJECTS FINISHED	18	2	5	1	2	4	2	3
Summary, No works proposed within 2016/17-2022/23	9							
TOTAL	27							

9.18 Spirit of Moonee Valley Community Awards

File No: FOL/16/130
Author: Patricia Keenan
Acting Manager Arts & Culture
Directorate: City Services
Ward: Municipal

Purpose

To report to Council on the Spirit of Moonee Valley Community Awards 2016.

Executive Summary

- The 2016 Spirit of Moonee Valley Community Awards ceremony was a sit-down dinner, held in the Pascoe Room at the Clocktower Centre on Saturday 13 August 2016.
- The cost of the function was lower than the estimated forecast and lower than costs associated with the previous event format.

Recommendation

That Council:

1. Note the format and costs associated with 2016 Spirit of Moonee Valley Community Awards and confirms continuation of the 2016 format.
2. Note the proposed date of Saturday 7 October for the 2017 Spirit of Moonee Valley Community Awards.

Background

The Spirit of Moonee Valley Community Awards were first held in 1999 and were established to celebrate the achievements and contributions made by the citizens of Moonee Valley.

Prior to 2016, the format comprised of a ceremony held in the Clocktower Theatre followed by a stand-up cocktail function in the Pascoe Room that allowed for up to 300 guests.

The event has historically been held on a Friday evening in October. However, to avoid conflict with caretaker period in the lead up to the 2016 Council elections, the event this year was held on Saturday 13 August.

At the request of Council, the following reports were presented in the lead up to the 2016 event:

- Councillor workshop, 15 March 2016: Discussion of options to revise the ceremony format to a sit-down dinner function, indicative budget and attendee capacity.

- Ordinary meeting of Council, 26 April 2016: Outline of format for a sit-down dinner event for up to 200 guests and estimated savings.

The Spirit of Moonee Valley Community Awards are coordinated by the Arts, Culture and Libraries Department, liaising with the Mayor on the format, entertainment, catering and the invitation list.

Council resolved to support a sit-down dinner and requested that a review of the revised format be reported back to Council.

Discussion

The 2016 Spirit of Moonee Valley Community Awards was a sit-down dinner with the award presentations and entertainment taking place throughout the dinner.

Feedback from guests indicated a preference for the event to take place on a Saturday evening and that the event format provided a greater level of comfort and enjoyment.

Nominations

Each year a call for nominations from the community is encouraged and promoted through advertisements in the local paper, Council newsletters, Council website, Valley View, newspaper editorial, Council committees and through direct discussions with members of the community. Council staff have also previously submitted nominations. Nominations for the past three years are provided in the table below.

Year	Total Nominations
2016	19
2015	25
2014	40

Capacity

The 2016 format of a sit-down dinner had strict limitations on numbers of invited guests and had an impact of reducing the number invited from previous years. A maximum of 200 guests could be accommodated including the base invitation list of the following and their guests:

- Councillors
- Judges
- Nominees
- Nominator
- Executive Team
- Sponsors
- Previous Citizens of the Year
- Local Members of Parliament

Budget

Council was advised that the revised Spirit of Moonee Valley format would provide an approximate saving of \$7,000. The table below provides comparative costs associated with the proposed and actual costs for the 2016 event.

Spirit of Moonee Valley Budget

2015 Actual	2016 Operational Budget	2016 Estimate	2016 Actual
\$69,856	\$68,200	\$62,757	\$58,121

The actual costs associated with the 2016 Spirit of Moonee Community Awards in comparison to the 2015 actuals, provided to Council a saving of \$11,735. This saving was supported by cash sponsorship of \$3,000 and a contra advertising deal to the value of \$6,480. Pre-existing gift stock was used for award winners and judges, with stock requiring replenishment for 2017. Financial and in-kind sponsorship for this event is not guaranteed from one year to the next and external services such as catering, incrementally increase over time.

2017 Spirit of Moonee Valley

The proposed date for the 2017 Sprit of Moonee Valley Community Awards is Saturday 7 October 2017. Planning for this event will commence in early 2017 in liaison with the Mayor's office.

Consultation

The Spirit of Moonee Valley Community Awards were planned in consultation with the Mayor and Councillors.

Nominations for awards were assessed by a panel comprising of the Mayor, the previous Citizen of the Year and three community members, as nominated by the Mayor.

Planning for the event included internal consultation.

Implications

1. Legislative

The date for the 2016 ceremony complied with Caretaker Period requirements.

2. Council Plan / Policy

In presenting this report to council, council is achieving its Strategic Objective to Increase opportunities for social connection by designing services and programs that facilitate participation in accordance with Council Plan 2013-2017 Theme 1: Friendly and safe - A community where people feel connected and safe.

3. Financial

The 2016/17 operational budget for the Spirit of Moonee Valley Community Awards was \$68,200.

The proposed 2017/18 operational budget for the Spirit of Moonee Valley Community Awards is \$68,200.

4. Environmental

The awards highlight contribution by members of the community to the environment.

Conclusion

The 2016 Spirit of Moonee Valley Community Awards was held on Saturday 13 August. The event was a sit-down dinner that could cater for up to 200 people.

The revised format of the event received positive feedback and a reduced cost to Council.

The 2017 Sprit of Moonee Valley Community Awards is scheduled for Saturday 7 October 2017.

Appendices

Nil .

9.19 Council Plan 2017-21 Integrating the Health Plan

File No: FOL/16/130

Author: Julie Tipene-O'Toole, Corporate Planning Officer; and
Lauren Treby, Health Planner

Directorate: Organisational Performance

Ward: Municipal

Purpose

To seek endorsement of the integration of the Council Plan and Health Plan and supporting documents.

Executive Summary

- The Council Plan and the Municipal Public Health and Wellbeing Plan are being integrated into a single document, the Council Plan 2017-21.
- The Council Plan will be informed by engagement with staff, councillors, health and community stakeholders and the Moonee Valley community. The engagement program is outlined in (**Appendix D**).
- Preparation of the integrated Council Plan will be undertaken to comply with all relevant legislative requirements.

Recommendation

1. That Council endorse:
 - The integration of the Council Plan 2017-21 and Municipal Health and Wellbeing (Health Plan);
 - The Public Health and Wellbeing Background Paper (**Appendix A**);
 - The Municipal Profile (**Appendix B**);
 - The Health Plan Evaluation Report 2013-17 (**Appendix C**); and
 - The approach to community and stakeholder engagement as outlined in the Engagement Plan (**Appendix D**).
2. That Council note these documents will be released publicly once endorsed by Council.

Background

The Council Plan 2017-21 will integrate the Health Plan and be developed in collaboration with staff and in partnership with health and community stakeholders and the Moonee Valley community. This will ensure health, wellbeing and equity are prioritised across all areas of Council to maximise and promote the conditions for healthy communities.

Council Plan

The Local Government Act 1989 (s125) requires Councils to prepare and adopt a four-year Council Plan within six months following a general Council election, or by 30 June whichever is later. The Council Plan must include:

- The strategic objectives of Council (describes the future outcomes Council seeks);
- Key strategies to achieve the objectives;
- Strategic indicators for monitoring the achievement of the objectives;
- A Strategic Resource Plan containing the matters specified in (s126); and
- Any other matters which are prescribed by the regulations.

It is proposed that the Council Plan for 2017-21 will link to the themes set out in MV2035. These are:

- Friendly and safe;
- Clean, green and beautiful;
- Sustainable living;
- Vibrant and diverse; and
- Governance and partnerships.

Once MV2040 is completed in May 2018, the Council Plan 2017-21 will be aligned to MV2040. The Local Government Act 1989 provides Councils' with an opportunity to review and refresh their Council Plans annually and this provides the platform to perform the realignment work.

Municipal Public Health and Wellbeing Plan

The Public Health and Wellbeing Act 2008 requires Councils to develop a Municipal Public Health and Wellbeing Plan (Health Plan) within 12 months of a general Council election.

Municipal Public Health and Wellbeing Plans outline action to prevent or minimise public health dangers, as well as to enable people living in the municipality to achieve maximum health and wellbeing.

The Act requires that in addition to addressing local needs and context the Health Plan needs to:

- Have regard to the State plan (Victorian Public Health and Wellbeing Plan 2015-19);
- Draw on evidence; involve the community; and include evaluation to improve planning and coordination;
- Promote a collaborative approach including how Council will work in partnership with the Department of Health and Human Services and other agencies undertaking public health initiatives, projects and programs; and
- Be consistent with the Council Plan and the Municipal Strategic Statement.

Discussion

The Council Plan and the Municipal Public Health and Wellbeing Plan are being integrated into a single document and will ensure health and wellbeing matters are prioritised across all areas of Council. This approach will enable equity to underpin Council's decision making in the planning and delivery of services, programs, infrastructure, facilities and events to community.

The Public Health and Wellbeing Background Paper (**Appendix A**) outlines the current strategic context and Council's role in reducing health inequalities and influencing positive health and wellbeing outcomes. Ways Council can play a role include:

- Leadership, partnerships and collaboration – coordinate and facilitate research, policy, planning and demonstrating, modelling healthy and sustainable organisational practices, service coordination and partnerships with other organisations and levels of government;
- Deliver universal and targeted services and programs - immunisation programs, waste management and encouraging participation in sport and recreation; and
- Create healthy environments and improving liveability through place-based approaches, strategic and infrastructure planning and provision of community facilities.

The Municipal Profile (**Appendix B**) provides a comprehensive understanding of our current and future community, our health and wellbeing status and the determinants that are having a significant impact on the local community and priority populations.

Emerging issues and opportunities for action identified in the background documents include:

- Proactively planning for a growing population and ensuring diverse housing stock, accessibility and connectedness across the municipality;
- Work with partners to reduce gender inequality and rates of family violence;
- Reducing health inequalities by embedding equity in decision making across Council;
- Reducing rates of obesity and chronic disease by promoting healthy eating, physical and activity active transport;
- Outlining actions that support the community to respond to and mitigate the impacts of climate change; and
- Identifying health and social outcome indicators to monitor over the life of the plan including: population level data, shared indicators to monitor collective impact from partners, program level and client level measures.

Consultation

The Engagement Plan (**Appendix D**) outlines the target groups, activities and dates for consultation and engagement to inform the Council Plan. A summary of consultation outcomes will be included in the Council Plan and reported to Council in April, 2017.

Implications

1. Legislative

The planning, governance, timelines and consultation processes associated with preparing the Council Plan comply with the *Local Government Act 1989* and the *Public Health and Wellbeing Act 2008*.

The Council Plan sets out our medium term priorities that are measured against each deliverable through the Annual Report, in accordance with the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014.

The Engagement Plan includes critical dates to meet legislative requirements. Engagement with health and wellbeing stakeholders and priority populations is in accordance with the *Charter of Human Rights and Responsibilities Act 2006* as it creates opportunities for the community to participate in public life.

2. Council Plan / Policy

In presenting this report to council, council is achieving its Strategic Objective to Create a high performance organisation in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

3. Financial

Staffing, research, consultation and publication costs associated with the development of the Council Plan will be met within the 2016/17 budget.

4. Environmental

There are no impacts related to energy usage, water, waste or biodiversity.

Conclusion

The Council Plan 2017-21 integrating the Health Plan will set the strategic direction for Council's four year term and be finalised by 30 June 2017.

Appendices

Appendix A: Public Health and Wellbeing Background Paper (separately circulated)

Appendix B: Municipal Profile 2016 (separately circulated)

Appendix C: The Health Plan 2013-17 Evaluation (separately circulated)

Appendix D: Council Plan Engagement Plan .

Appendix D Engagement Plan

The Engagement Plan has been developed considering:

- Public Health and Wellbeing Act 2008 requirements to engage with priority populations and work in partnership to develop and implement its Health Plan
- The recent State Government announcement that the revised Local Government Act will require increased community consultation to inform the development of Council priorities, services and budgets.
- Alignment with the MV2040 engagement process.

Activity	Target audience	Dates
Councillor briefing, workshops and ordinary meetings	Council	November 14 and December 6 & March –April 2017
Internal staff workshops and meetings	Moonee Valley City Council staff	November – December 2016 & February 2017
Targeted priority population engagement	<ul style="list-style-type: none"> • Children and families • Young people • Older people • Culturally and Linguistically Diverse people • Aboriginal and Torres Strait Islander peoples LGBTIQ community • People with disability • Women 	January – February 2017
Community	Joint community engagement in parallel with M2040 and other Key Strategies. Engagement activities will include on line survey, printed survey, article in MV News, webpage	February- March 2017
Targeted stakeholder engagement	<ul style="list-style-type: none"> • Business • Government • Council Advisory Committees 	February 2017 & April/May 2017
Review of previous research and consultation	All previously consulted residents, community members and stakeholders	February 2017
Community Consultation Summary (reporting back)	Summary of what the community has told Council – priorities, actions and strategies	February 2017 & May 2017
Draft Plan- submissions	Community- submissions, online, media releases, MV news, Webpage	18-April- 16 May 2017
Draft Plan- ensuring it meets statutory requirements as an Integrated Plan	Secretary, Department of Health and Human Services	April-May 2017

Stakeholders, community organisation's and community representatives	Health and Wellbeing Advisory Committee Health and Wellbeing	December 2016 – June 2017
Final Plan	Minister for Local Government	June 30 2017

9.20 Financial Performance Report September 2016

File No: FOL/16/130
Author: Damian Hogan
Acting Manager Finance
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

To receive a report on Council's financial performance for the financial year to date, ending 30 September 2016.

Executive Summary

- This Report explains Council's financial performance for the three months to September 2016 in the 2016-17 financial year – refer **Appendix A** (separately circulated).
- Includes a copy of the Grants Register Status Report as at September 2016 – refer **Appendix B**.

Recommendation

That Council:

1. Receive and note the Financial Performance Report for the period 1 July 2016 to 30 September 2016.
2. Receive and note the Grants Status Report for September 2016.

Background

Council has a commitment to provide accountable and responsible government. The provision of regular reports to Council on its financial performance ensures that Council's financial management and associated processes are accountable, transparent and responsible.

The attached financial report for the 2016-17 financial year for the period 1 July 2016 to 30 September 2016 (**Appendix A** – separately circulated) provides the following Financial Statements:

- Operating Statement;
- Balance Sheet;
- Cash Flow Statement; and
- Capital Expenditure by Program.

Discussion

Summary of Financial Position

1. Operating Statement

- The operating surplus for the three months is a favourable \$1.8M against forecast.
- Revenue from operating activities for the three months was \$114.7M.
- Expenditure from operating activities for the three months was \$32.3M.

Forecast Position

The overall movement in the annual forecast position is favorable \$2.1M (before reserve transfers). The forecast movement is a result of the following adjustments:

1. Revenue

- Rates and Charges
Favourable variance relates to higher than expected revenue from the budgeted amount.
- Open Space Contributions
Favourable variance relates to higher than expected revenue from the budgeted amount.

2. Expenses

- Employee Benefits
Favourable variance is due to the under spend on salary costs from the budgeted amount.

3. Capital Works

The annual forecast of \$30.2M includes the finalised carry forwards of \$4.9M from the 2015-16 financial year, as well as project adjustments due to income variances. The year to date actual spend is \$1.9M compared to a forecast amount of \$1.7M.

4. Grants Register Status Report

The Grant Register Status Report provides updates as to the progress of grant applications across Council. This report is an appendix to the Quarterly Financial Performance Report (refer **Appendix B**).

Consultation

Consultation with the Management Team has been undertaken in the preparation of this report.

Implications

1. Legislative

Section 138 – Quarterly statements of the Local Government Act 1989, states “At least every 3 months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year with actual revenue and expenditure to date is presented to Council”.

2. Council Plan / Policy

Council has set out its strategic direction and priorities through the Council Plan 2013-17 and the Budget 2016-17. Performance against the Council Plan and Budget are recorded at the end of the financial year in the Annual Report, with ongoing progress presented in Council progress reports.

3. Financial

The September 2016 surplus variance of \$1.8M does not reflect a true financial position of Council as the result can be attributed to significant timing differences in employee benefits and materials and services that are anticipated to be incurred in future months.

4. Environmental

There are no environmental implications as a result of this report.

Conclusion

Council’s overall financial position, as at 30 September 2016 is forecast to have a favourable surplus variance of \$2.1M for the financial year.

Appendices

Appendix A: Financial Report September 2016 (separately circulated)
Appendix B: Grant Register 2016-17

GRANT REGISTER
Advocacy tracking - 2016/17

Ref #	Applicant Lead		Submission Detail				Cost			Timeframe		
	Dept.	Staff contact	Grant Source (Fed, State, Other)	Govt Department (if applicable)	Grant Program	Application Summary (20 words) + TRIM ref	Grant Value	Council contribution	Total Project cost	Date Submitted	Anticipated announcement (month)	Status (Pending, Successful, unsuccessful)
1	A&D	Carmel Boyce	State	MAV	Age Friendly Innovation Project	Design aged friendly activity centres	40,000	40,000	\$80,000	Jan-15	Feb-15	Pending
2	A&D	Jamie Virgiotis	Federal	DSS	Workforce and Quality programme	Improve workforce sustainability in the transition to Consumer Directed Care	13,700	0	\$13,700	Aug-15		Pending
3	F&CS	Jennifer McCurry/Kerryn Lock	State	HHS	Community Shade Grants Program	Airport West Kindergarten Priority shade sail replacement	2,404	0	\$2,404	Dec-15	Feb-16	Pending
4	City Planning	Penny Ball	State	Melbourne Water	Living Rivers	Development of a Water Sensitive City Strategy	21,000	15,000	\$36,000	Oct-15	Nov-15	Successful
5	City Planning	Penny Ball	State	Melbourne Water	Living Rivers	Buildings for Waterways - sustainability education project	7,000	10,000	\$17,000	Mar-16	May-16	Successful
6	City Planning	Penny Ball	State	Melbourne Water	Living Rivers	Woodlands Park and Salmon Reserve Stormwater Harvesting Detailed Design	60,000	50,000	\$110,000	Mar-16	May-16	Successful
				VicHealth	Bright Futures Challenge	To subcontract the Local Learning and Employment Network to run a young-people-friendly business certification program	50,000	0	\$50,000	Aug-16	Sep-16	Pending

Total financial year	\$194,104	\$115,000	\$309,104
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Pending	4
Rollover/Ongoing	0
Successful	0
Unsuccessful	0

9.21 **Receipt of Oaths of Office**
File No: FOL/16/130
Author: Troy Delia
 Coordinator Legislative Services
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

To formally receive the amended Oaths of Office made by the newly elected Councillors, before the Chief Executive Officer on 13 December 2016.

Executive Summary

- All Councillors had originally taken the Oath of Office at the Declaration of Poll on 3 November 2016.
- The Oath used was prepared in accordance with the information contained in the guidelines provided in the Local Government Victoria Circular 38/2016.
- A subsequent Local Government Victoria Circular (44/2016) provided further direction stating that the Oath of Office must be made in the appropriate form as set out in Part 1 of the Third Schedule of the Evidence (Miscellaneous Provisions) Act 1958 or in similar form.
- Councillors have retaken the Oath of Office in the form as described by Local Government Victoria before the Chief Executive Officer on 13 December 2016.

Recommendation

That Council:

1. Receive the Oaths of Office made by each Councillor, before the Chief Executive Officer on 13 December 2016.
2. Re-confirm the Minutes of the Statutory Meeting held on 10 November 2016.

Background

All Councillors had originally taken the Oath of Office at the Declaration of Poll on 3 November 2016. The Oath used was prepared in accordance the Local Government Act 1989 and in conjunction with the guidelines provided in the Local Government Victoria Circular 38/2016, which stated:

“To take the oath of office, a person elected to be a Councillor must make an oath or affirmation using the following specific words. No substitute wording is permitted.

I will undertake the duties of the office of Councillor in the municipal district of [insert municipality] and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgment.

The oath must be taken in accordance with the ordinary requirements for making an oath or affirmation under the Evidence (Miscellaneous Provisions) Act 1958.”

In a subsequent Local Government Victoria Circular (44/2016), it was stated that some Councils were not aware that the Oath of Office must be made in the appropriate form as set out in Part 1 of the Third Schedule of the *Evidence (Miscellaneous Provisions) Act 1958* or in similar form. The forms contained in the Schedule are “*I swear by Almighty God that...*” or “*I solemnly and sincerely declare and affirm that...*”.

Discussion

In preparing the original Oaths of Office for Councillors, Officers relied on the guidelines contained in the Local Government Victoria Circular 38/2016 and referred to the Evidence (Miscellaneous Provisions) Act 1958, in particular Sections 101(1) which states “*A person may take an oath, or make an affirmation in the accordance with the appropriate form set out in Part 1 of the Third Schedule or in similar form*” and Section 103 which states “*It is not necessary that a religious text be used in taking an oath*”.

Therefore whilst it can be argued that Councillors have complied with the intent of the legislation, it has been recommended by Councils legal advisor that as a precautionary measure, Councillors re-take the Oath of Office and re-confirm the minutes of the Statutory Meeting held on 10 November 2016. It should be noted that this course of action has been recommended to a number of other Councils throughout the state. As such, Councillors made an appropriate Oath of Office in the form as prescribed by Local Government Victoria at a Councillor Briefing held 13 December 2016.

By taking this action, Councillors can be satisfied that they have fully complied with the expectations of Local Government Victoria, and cannot be called into question should an audit be undertaken by the Local Government Investigations and Compliance Inspectorate.

Consultation

As this is a procedural report, it has not been necessary to undertake any specific consultation.

Implications

1. Legislative

This report has been prepared in accordance with Section 63 of the Local Government Act 1989.

There are no implications in relation to the Human Rights Charter.

2. Council Plan / Policy

In presenting this report to council, council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance dynamic, effective and accountable.

3. Financial

There are no financial implications as a result of this report being presented to Council.

4. Environmental

There are no environmental implications that arise, as a result of this report being presented to Council.

Conclusion

It is considered appropriate that Council should formally receive the Oaths of Office from all the recently elected Councillors.

Appendices

Nil.

9.22 Review of Council's Meeting Structure and Meeting Dates for 2017

File No: FOL/16/130

Author: Yvonne Hansen
Manager Legislative Services & Support

Directorate: Corporate & Community Services

Ward: Municipal

Purpose

The purpose of this report is to allow Council to formally consider and determine its meeting structure and the meeting schedule for the 2017 year.

Executive Summary

- The adoption of a meeting schedule provides greater certainty and advance notice for the citizens of Moonee Valley of its Council meeting cycle.
- It is considered timely that Council review and assess its operating model as it relates to its meetings structure.

Recommendation

That Council adopt the following meeting schedule for the 2017 calendar year and that these meetings be held at the Moonee Valley Civic Centre:

1. Ordinary Council meetings commencing at 6.30pm on 14 February, 28 February, 14 March, 28 March, 11 April, 26 April, 9 May, 23 May, 13 June, 27 June, 11 July, 25 July, 8 August, 22 August, 12 September, 26 September, 10 October, 24 October, 14 November, 28 November, and 12 December.
2. Statutory Meeting of Council at 6.30pm on 9 November 2017.
3. Hold Community Public Forums at the Moonee Valley Civic Centre, commencing at 6pm on 21 February, 21 March, 18 April, 16 May, 20 June, 18 July, 15 August, 19 September, 17 October and 21 November.
4. Discontinue to hold Tenders Committee Meetings, and therefore hereby revoke the Instrument of Delegation dated 6 July 2009.
5. Call a Special Meeting of Council to be held at 6.30pm on 21 February 2017, solely for the purpose of reviewing the Councillor Code of Conduct.
6. Authorise the Chief Executive Officer to amend the 2017 Meeting Schedule as required, to cover for workload or other special circumstances.
7. Request the Chief Executive Officer to ensure that the Schedule of Council Meetings and any meeting date changes are appropriately advertised in the local newspapers and on Council's website.

Background

The primary objective of a Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions. In achieving this objective, Council's must ensure that transparency and accountability is at the heart of its decision making.

Given the recent General Election of the new Council, it is timely that a review be undertaken of Council's current meeting cycle, and that the new Council has the ability to shape Council's Strategic Direction, which is crucial to addressing future challenges.

Discussion

It is important that a meeting structure is in place that enables Council:

- to gather information to support good decision making;
- to put sound governance principles at the heart of all council decisions;
- to make decisions that are innovative, collaborative and efficient; and
- most importantly, to foster community cohesion and encourages active participation in civic life for its community.

A recent review of Council's meeting structure identified that although the previous model has served Council well, there has been delays in Council's decision making ability given there was just one Council meeting per month.

As such it is considered appropriate that Council adopt to have two Council meetings per month (to be held on the 2nd and 4th Tuesday of the month) and retain the use of Public Forums to ensure active community participation in Council's decision making process.

Given this, it is proposed that all meetings will be held at the Moonee Valley Civic Centre, with:

- a) Council meetings being held on the second and fourth Tuesday of the month commencing at 6.30pm excluding:
 - i) January – no meetings will be scheduled due to the holiday period;
 - ii) April – Wednesday, 26th scheduled given the 25th is Anzac Day;
 - iii) December – only one meeting to be scheduled for the second Tuesday (12 December) given the impending Christmas period.
- b) Public Forums being held on the third Tuesday of the month, excluding January and December, as no meetings will be scheduled due to the holiday period.

By adopting this approach, the meeting dates for the 2017 year, would be as follows:

Ordinary Council meetings:

14 February, 28 February, 14 March, 28 March, 11 April, 26 April, 9 May, 23 May, 13 June, 27 June, 11 July, 25 July, 8 August, 22 August, 12 September, 26 September, 10 October, 24 October, 14 November, 28 November and 12 December.

Statutory Meeting of Council:

This meeting must be held after the fourth Saturday in October and before 30 November 2017. It is considered that Thursday, 9 November 2017 will serve Council well in this regard.

Public Forums:

21 February, 21 March, 18 April, 16 May, 20 June, 18 July, 15 August, 19 September, 17 October, 21 November.

In terms of Council's Special Committee established under Section 86(1) of the Local Government Act 1989 ("the Act"), it is considered that Council's Tenders Committee will no longer be necessary should Council resolve to schedule two Ordinary Meetings per month. At this point, it should be noted that a review of Council's other Special Committees, the Chief Executive Performance Review Special Committee and the Appointment of Chief Executive Special Committee, is currently being undertaken and will be the subject of a further report to Council.

Finally, as part of Council's responsibilities, in line with Section 76C of the Act, a Council must, within the period of 4 months after a general election, call a Special Meeting solely for the purpose of reviewing the Councillor Code of Conduct. Therefore it is recommended that Council resolve to adopt a Special Meeting to be held in February as part of this report.

It is similarly recommended that flexibility should be provided, to allow the Chief Executive Officer to amend or cancel a meeting, where workload factors or other special factors exist which makes a change necessary.

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

This report has been prepared in accordance with the requirements of the Local Government Act 1989.

2. Council Plan / Policy

In presenting this report to council, council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance dynamic, effective and accountable.

3. Financial

There are no financial implications that arise as a result of this report.

4. Environmental

There are no environmental implications, associated with this report.

Conclusion

Following a review of Council's meeting structure, it is considered appropriate and timely for the recently elected Council to determine a meeting cycle which it feels will support and shape Council's Strategic Direction and how it will align with this Council's overall objectives.

Appendices

Nil.

9.23 Review of Council's Special Committees: Chief Executive Performance Review Special Committee and Appointment of the Chief Executive Officer Special Committee

File No: FOL/16/130
Author: Yvonne Hansen
Manager Legislative Services & Support
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

The purpose of this report is to provide a review of the operation of the Chief Executive Performance Review Special Committee established in March 2011 and the Appointment of the Chief Executive Officer Special Committee, established in April 2015, which were established under Section 86 of the Local Government Act 1989.

Executive Summary

- A review of Council's meeting structure has been undertaken to ensure arrangements are in place that suit and align with the new Council's overall objectives.
- Given the synergies between the two existing Special Committees, it is considered appropriate to establish a new Special Committee which amalgamates the two current Committees.

Recommendation

That Council:

1. Disband the Chief Executive Performance Review Special Committee and revoke the standing Instrument of Delegation (dated 11 March 2011).
2. Disband the Appointment of the Chief Executive Officer Special Committee and revoke the standing Instrument of Delegation (dated 30 April 2015).
3. Establish the Chief Executive Officer Special Committee, as a Special Committee under Section 86 of the Local Government Act 1989, with delegated authority, as set out in Instrument of Delegation, provided as **Appendix A**.

Background

In March 2011, Council established the 'Chief Executive Performance Review Special Committee' for the purpose of reviewing the performance of the Chief Executive Officer.

Similarly, in April 2015, Council established the 'Appointment of the Chief Executive Officer Special Committee' for the purpose of executing Council's duties and functions under Section 94 of the Local Government Act 1989 and to undertake all necessary steps relating to the appointing or reappointing a Chief Executive Officer.

Discussion

Given the recent General Election of the Council, a review of Council's meeting structure has been undertaken to ensure arrangements are in place that suit and align with the new Council's overall objectives. Included as part of the review, was the two Chief Executive Officer related Special Committees.

It is important that any new Council has the opportunity and ability to determine the functions of any Special Committee, established to exercise the powers, duties or functions of the Council.

Provided below is an overview of the delegated powers, duties and functions of each of the current Special Committees. It should be noted that both these Committees have been established as Committees of the Whole Council and (as expressed) principally manage matters relating to the Chief Executive Officer as follows:

1. Chief Executive Performance Review Special Committee

To exercise the Council's powers and functions to perform Council's duties to review the performance of the Chief Executive and for the purpose of:

1. *Determining any variation in the Chief Executive's total remuneration package;*
2. *Reaching agreement with the Chief Executive on any variation to the Key Performance Indicators and Performance Criteria set out in the Contract of Employment; and*
3. *Determining the final rating for each component and the overall performance rating of the Chief Executive for the reporting period,*

in accordance with the provisions contained within the Contract of Employment between the Council and the Chief Executive.

2. Appointment of the Chief Executive Officer Special Committee

To exercise Council's powers and perform Council's duties and functions under Section 94 of the Local Government Act 1989 and undertake all necessary steps relating to the appointing or reappointing of a Chief Executive Officer.

Given the synergies between the two Committees, it is considered that the establishment of a new Special Committee, if supported, could amalgamate the standing Instruments of Delegations of the two current Committees.

Therefore, in lieu of two Special Committees, the establishment of a 'Chief Executive Officer Special Committee' as outlined in the Instrument of Delegation (provided as **Appendix A**) is presented for consideration and as a mechanism to enable the effective review of the Chief Executive Officer's on-going performance whilst incorporating Council's responsibilities as required under Section 94 of the Local Government Act 1989.

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

This report has been prepared in accordance with the requirements of the Local Government Act 1989.

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

3. Financial

There are no financial implications that arise as a result of this report.

4. Environmental

There are no environmental implications, associated with this report.

Conclusion

The Chief Executive Performance Review Special Committee and the Appointment of the Chief Executive Officer Special Committee has served Council well since their establishment in March 2011 and April 2015, respectively.

Following a review of the effectiveness of the Committees since their introduction, it is considered appropriate for Council to amalgamate the two Committees into one comprehensive Chief Executive Officer Committee to create efficiency in terms of the roles and responsibility of the Council.

Appendices

Appendix A: Delegation - Chief Executive Officer Special Committee.

MOONEE VALLEY CITY COUNCIL

INSTRUMENT OF DELEGATION

Appointment of the Chief Executive Officer Special Committee

Moonee Valley City Council delegates to the Special Committee established by resolution passed on 20 December 2016 and known as the “Chief Executive Officer Special Committee” (“the Special Committee”), the powers, duties and functions set out in the Schedule and declares that:

The Delegation:

1. comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
2. is subject to any conditions and limitations set out in the schedule;
3. must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
4. remains in force until Council resolves to vary or evoke it.

The **COMMON SEAL** of the **MOONEE VALLEY CITY COUNCIL** was hereto affixed in the presence of -

Councillor

Chief Executive Officer

Date: _____

SCHEDULE

Duties

1. To exercise the Council's powers and functions to perform Council's duties to review the performance of the Chief Executive Officer and for the purpose of:
 - a) Determining any variation in the Chief Executive Officer's total remuneration package;
 - b) Reaching agreement with the Chief Executive Officer on any variation to the Key Performance Indicators and Performance Criteria set out in the Contract of Employment; and
 - c) Determining the final rating for each component and the overall performance rating of the Chief Executive Officer for the reporting period,in accordance with the provisions contained within the Contract of Employment between the Council and the Chief Executive Officer.
2. To exercise Council's powers and perform Council's duties and functions under Section 94 of the *Local Government Act 1989* and undertake all necessary steps relating to the appointing or reappointing of a Chief Executive Officer.

Quorum

The quorum for the Chief Executive Officer Special Committee, which is established as a Committee of the Whole Council, is set at five (5) members.

Meeting Dates / Frequency

Meetings of the Special Committee are to be held as specified in the Contract of Employment between Council and the Chief Executive Officer and/or as required under Section 94 of the Local Government Act 1989.

Reporting Requirements

Nil.

**9.24 Councillor Appointments to Advisory & Other Committees
2016/17**

File No: FOL/16/130

Author: Troy Delia
Coordinator Legislative Services

Directorate: Corporate & Community Services

Ward: Municipal

Purpose

The purpose of this report is to allow Council to elect representatives to advisory and other committees for the 2017 year.

Executive Summary

- The appointment of Councillors as representatives on advisory committees and other committees plays an integral part in Councillors exercising their representation and advocacy responsibilities on behalf of the Moonee Valley community.

Recommendation

That Council appoint representatives to the advisory and other committees for the period December 2016 to October 2017, in line with the schedule provided as **Appendix A** and inform the relevant organisations accordingly.

Background

Community Advisory Committees operate for Councillors to engage and communicate with a select group of community representatives on issues requiring further discussion and community involvement.

Appointments to advisory committees, as well as external bodies and other working groups, are made annually. Council is required to make appointments in accordance with constitutional rules and terms of reference.

It is considered that the highest priority representation roles are those which have a citywide basis and will add most value to Council's community governance and resource allocation activities.

Discussion

Generally, for committees of a more technical or operational nature, it is suggested that members of Council staff can best assist in sharing the overall representation workload with appropriate reporting mechanisms to Council and/or briefing of Councillors according to representation or special interest areas.

In determining the respective appointees to the various external bodies and advisory committees, consideration should be given in terms of:

- The need for committees which are established or supported by Council to fit into an efficient “hierarchy” of overall advisory, consultative and networking processes, particularly having regard to the best use of resources from both within and outside the organisation.
- The need to balance Councillors’ energies and time between policy development, strategic partnership and liaison.
- In some cases, a “contact” function may be most appropriate rather than actual representation, particularly when the relevant committee is not directly relating to a municipal function.
- Effective use of officer resources bearing in mind the significant direct and indirect costs of servicing or representation on committees.

A list of advisory committees, external bodies and working groups are provided in **Appendix A**.

It should be noted that Portfolio Groups will be developed in line with the Council Plan 2017-21. As such, the following Advisory Committees will be aligned with the relevant Portfolio Groups and therefore the Councillor appointments to these committees will be considered as part of the engagement process of the Council Plan early in the New Year:

- a) Arts and Culture Community Advisory Committee.
- b) Disability Reference Group.
- c) Integrated Transport Committee.
- d) Moonee Valley Early Years Reference Group.
- e) Moonee Valley Integrated Waterways Advisory Committee.
- f) Moonee Valley Young People’s Coalition.
- g) Public Health and Wellbeing Community Committee.
- h) Strategic Planning Advisory Committee.
- i) Moonee Valley Community Safety Stakeholder Group.
- j) Moonee Valley Interfaith Network.

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

There are no legislative implications associated with this report.

2. Council Plan / Policy

In presenting this report to council, council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance dynamic, effective and accountable.

3. Financial

There are no financial implications associated with this report.

4. Environmental

There are direct environmental implications associated with this report.

Conclusion

It is considered that in the interest of the whole community, that the appointment of Councillors to advisory committees will ensure a coordinated focus on high level strategic projects, decision making and proposed initiatives.

Appendices

Appendix A: List of Advisory and Other Committees



List of Advisory and Other Committees 2017

External Body / Advisory Committee	Meeting Frequency	Council Appointee Dec 2016- Oct 2017
a) <u>Council Local Advisory Committees</u>		
ANZAC Centenary Community Co-ordinating Committee	As required	Councillor Councillor Councillor Councillor (Sub)
Audit Committee	Quarterly	Councillor Councillor Councillor Councillor (Sub)
Biannual Community Grants Advisory Panel	Bi-annual	Councillor Councillor Councillor
Liquica District Partnership Working Group	As required	Councillor
Moonee Ponds Rate Levy Association	Bi-monthly	Councillor Ward Councillors
Municipal Emergency Management Planning Committee	Quarterly	Councillor
Place Naming Committee	As required	Mayor Deputy Mayor
Responsive Grants Advisory Committee	Monthly	Councillor Councillor Councillor
b) <u>Other Local Bodies / Committees – Non-Council Facilities /</u>		
Community Aviation Consultation Group for Essendon Airport	Quarterly	Councillor
Essendon Airport/Essendon Fields/Council Working Group	Bi-annual	Ward Councillors

External Body / Advisory Committee	Meeting Frequency	Council Appointee Dec 2016- Oct 2017
Essendon Citizens Advice Bureau	Monthly	Councillor
Farnham Street Neighbourhood Learning Centre Committee of Management	As required	Councillor Councillor
Moonee Valley Foundation	As required	Councillor
Moonee Valley U3A Committee	As required	Councillor
Public Transport Providers	Quarterly	Councillor Councillor
Shareholder Rep for Regional Kitchen P/L	As required	Councillor
Wingate Avenue Community Centre - Committee of Management	Monthly	Councillor Councillor
c) <u>Trader Associations & Chambers of Commerce</u>		
Flemington	As required	Ward Councillors
Moonee Ponds	As required	Ward Councillors
Niddrie	As required	Ward Councillors
North Essendon	As required	Ward Councillors
Union Road	As required	Ward Councillors

9.25 Ministerial Correspondence Resulting from Notices of Motion

File No: FOL/16/130

Author: Lee McSweeney
Team Leader Council Business

Directorate: Corporate & Community Services

Ward: Municipal

Purpose

This report has been prepared in response to Notice of Motion No 2016/22, where Council resolved to receive report on all correspondence resulting from Notices of Motion, which have been addressed to Members of Parliament and departments of Federal and State Government agencies, during the past term of Council.

Executive Summary

- At its meeting on 23 August 2016, Council adopted Notice of Motion No 2016/22 to receive a report appending copies of all correspondence resulting from a Notice of Motion resolution which have been addressed to members and departments of Federal and State Parliament during the current Council term and all responses to matters outlined;
- Copies of correspondence sent and received during the past term of Council are provided as **Appendix A, B, C, D & E** (separately circulated);
- A quarterly report on Ministerial Correspondence resulting from a Notice of Motion for the current Council will commence from March 2017.

Recommendation

That Council:

1. Receive and note the report on Ministerial Correspondence resulting from Notices of Motion for the past term of Council.
2. Note that the quarterly report on Ministerial Correspondence resulting from Notices of Motion for the current term of Council will be provided in April 2017.

Background

At the Ordinary meeting of Council held on 23 August 2016, Council adopted Notice of Motion No: 2016/22 which requested:

Moved by Cr Nation, seconded by Cr Marshall that Council:

1. *Receive quarterly reports, appending copies of:*
 - a) *All correspondence (emanating from a Notice of Motion resolution) which have been addressed to members and departments of Federal and State Parliament.*

- b) All responses to matters outlined in a) above and subsequent follow-up correspondence.*
 - 2. Receive a report within the current calendar year, appending copies of:*
 - a) All correspondence (emanating from a Notice of Motion resolution) which have been addressed to members and departments of Federal & State Parliament during the current Council term.*
 - b) All responses to matters outlined in a) above and subsequent follow-up correspondence.*
 - 3. Make available through its website a copy of such correspondence.*

This report provides copies of all correspondence for point 2 of the above recommendation.

Discussion

During the normal course of Council's day-to-day operations, much correspondence is sent to or received from State and Federal Government Ministers and Members of Parliament.

A Councillor can request that a letter be sent to a Member of Parliament or Government agency on any matter of interest to the community, by lodging a 'Notice of Motion' with the Chief Executive Officer for a forthcoming Ordinary meeting of the Council.

During the past term of Council (2012–2016), a total of 140 letters were sent to Members of Parliament as a result of Notices of Motion.

The following table provides a summary of each Notice of Motion which requested that Council write to a Member of Parliament or Government agency. The associated Appendix provides a copy of the correspondence sent and received for the Notice of Motion topic.

Notice of Motion	Reference for applicable documents
Notice of Motion No. 2016/19 – Increasing Affordable Housing in the City of Moonee Valley	Appendix A - Page 1
Notice of Motion No. 2016/18 – Treaty with Indigenous People Australia and Victoria.	Appendix A - Page 6
Notice of Motion No. 2016/08 – Sky Rail	Appendix A - Page 14
Notice of Motion 2016/07 – Defence Site	Appendix A - Page 21
Notice of Motion 2016/04 – Canning Street Bridge	Appendix A - Page 42
Notice of Motion 2016/03 – Safe Schools Coalition program	Appendix A - Page 54
Notice of Motion No. 2016/01 – Management of Essendon Airport	Appendix A - Page 68
Notice of Motion 2015/25 – Children in Care	Appendix B – Page 1
Notice of Motion 2015/21 – Kindergarten in Moonee Ponds	Appendix B - Page 12
Notice of Motion No. 2015/12 – 'Universal Access to Early Childhood Education' National Partnership Agreement	Appendix B - Page 16
Notice of Motion No. 2015/11 – WA Aboriginal communities under threat of closure	Appendix B – Page 19
Notice of Motion No. 2015/10 – Residential Zones	Appendix B - Page 43

Notice of Motion No. 2015/09 – Buckley Street Level Crossings	Appendix B - Page 55
Notice of Motion No. 2015/07 – Railway Stations at Keilor East and Airport West	Appendix B - Page 62
Notice of Motion No. 2014/23 – Tullamarine Freeway Widening	Appendix C – Page 1
Notice of Motion No. 2014/22 – Residential Zones	Appendix C – Page 9
Notice of Motion No. 2014/21 – Buckley Street Level Crossing & Essendon Junction Grade Separation	Appendix C – Page 19
Notice of Motion No. 2014/19 – Interim Heritage Protection for 80-82 Richardson Street, Essendon	Appendix C- Page 26
Notice of Motion No. 2014/18 – Strathmore Secondary College Rezoning	Appendix C – Page 107
Notice of Motion No. 2014/16 – Review of the Planning Scheme Provisions and Decision Guidelines relating to the Overshadowing of Solar Panels	Appendix C – Page 111
Notice of Motion No. 2014/15 – Residential Zone Standing Advisory Committee Submission	Appendix C – Page 112
Notice of Motion No. 2014/14 – Flemington Racecourse Planning Authority	Appendix C – Page 113
Notice of Motion No. 2014/12 – Local Learning and Employment Networks Funding Cuts	Appendix C – Page 118
Notice of Motion No. 2014/11 – Disability Discrimination Commissioner	Appendix C – Page 124
Notice of Motion No. 2014/10 – Public Transport Improvements in Avondale Heights and Keilor East	Appendix C – Page 133
Notice of Motion No. 2014/08 – Kindergarten Funding	Appendix C – Page 135
Notice of Motion No. 2014/07 – Newmarket Railway Station	Appendix C – Page 145
Notice of Motion No. 2014/06 – Review of the Maribyrnong River Valley Design Guidelines, April 2010	Appendix C – Page 200
Notice of Motion 2014/01 – Master Planning Flemington Racecourse and Showgrounds Precinct	Appendix C – Page 204
Notice Of Motion No. 2013/10 – Local Planning Decisions	Appendix D – Page 1
Notice Of Motion No. 2013/09 – Proposed Redevelopment Flemington Racecourse	Appendix D – Page 2
Notice Of Motion No. 2013/07 – Meeting to Discuss East West Link	Appendix D – Page 6
Notice of Motion No. 2013/06 – East West Tunnel	Appendix D- Page 9
Notice of Motion No. 2013/05 – National Disability Insurance Scheme	Appendix D–Page 11
Notice of Motion No. 2013/03 – East West Tunnel Link	Appendix D – Page 16
Notice of Motion No. 2013/02 – Request to Defer Consideration of Amendments C118 and C119	Appendix D – Page 18
Notice of Motion No. 2012/20 - Smart Bus Route 903	Appendix E – Page 1

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

There are no legislative implications from the presentation of this report.

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

3. Financial

There are no financial implications resulting from the presentation of this report.

4. Environmental

There are no environmental implications resulting from this report.

Conclusion

The establishment of this process allows for a more efficient and effective way of identifying correspondence sent to Members of Parliament and Government agencies as a result of a Notice of Motion.

This process also assists Moonee Valley City Council and Councillors in meeting its obligations in advocating on behalf of the community to Federal and State levels of government, statutory authorities and other sectors.

Appendices

Appendix A: Ministerial Correspondence 2016 (separately circulated)

Appendix B: Ministerial Correspondence 2015 (separately circulated)

Appendix C: Ministerial Correspondence 2014 (separately circulated)

Appendix D: Ministerial Correspondence 2013 (separately circulated)

Appendix E: Ministerial Correspondence 2012 (separately circulated).

9.26 Report on Assemblies of Council

File No: FOL/16/130

Author: Team Leader Council Business

Directorate: Corporate & Community Services

Ward: Municipal

Purpose

The purpose of this report is to present to Council, the written records of Assembly of Councillors held in accordance with the provisions of Section 80A(2)(a) and (b) of the *Local Government Act 1989* (“the Act”).

Executive Summary

It is a requirement that the Chief Executive Officer ensures that the written record of an Assembly of Councillors is, as soon as practicable, reported at an Ordinary Meeting of the Council, and incorporated in the minutes of that Council meeting.

Recommendation

That Council receive and note the written records of Assembly of Councillors, provided as **Appendix A**, received since the last report to Council in September 2016.

Background

In accordance with Section 80A (1) & (2) of the Act, the Chief Executive Officer is to ensure that a written record of an Assembly of Councillors is, as soon as practicable, reported at an Ordinary Meeting of the Council; and incorporated in the minutes of that Council meeting.

Furthermore, the written record of an Assembly of Councillors is both kept for a period of four years after the date of the Assembly; and made available for public inspection at the offices of the Council, for a period of 12 months after the date of the Assembly.

Discussion

Section 76AA of the Act defines an Assembly of Councillors as a meeting of an Advisory Committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:

- a) the subject of a decision of the Council; or
- b) subject to the exercise of a function, duty or power of the Council, that has been delegated to a person or committee but does not include a meeting of the Council, a Special Committee of the Council, an Audit Committee established under section 139, a club, association, peak body, political party or other organisation.

Section 80A (1) and (2) of the Act provides that:

1. At an Assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of —
 - a) the names of all Councillors and members of Council staff attending;
 - b) the matters considered;
 - c) any conflict of interest disclosures made by a Councillor attending under subsection (3); and
 - d) whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.
2. The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable —
 - a) reported at an Ordinary Meeting of the Council; and
 - b) incorporated in the minutes of that Council meeting.

Records of Assemblies of Councillors, held since the last report to Council in September 2016, are provided as **Appendix A**.

Consultation

All Council staff have been informed of Council's obligations under the Act.

Implications

1. Legislative

This report is presented to Council in accordance with Section 80A of the Act. As this is a mandatory reporting requirement, there are no Charter of Human Rights implications for Council.

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

3. Financial

There are no financial implications resulting from the presentation of this report.

4. Environmental

There are no environmental implications resulting from the presentation of this report.

Conclusion

Council has an obligation under Section 80A(2)(a) & (b) of the Act, to present all records of Assemblies of Councillors to an Ordinary Meeting of Council. By receiving and noting this report, Council is ensuring compliance with this provision.

Appendices

Appendix A: Record of Assemblies of Council

RECORD OF ASSEMBLY OF COUNCILLORS

Wednesday 9 November 2016 at 6.35 pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Andrea Surace, Samantha Byrne, John Sipek, Richard Lawrence, Rebecca Gauci Maurici, Narelle Sharpe, Cam Nation, Jim Cusack, Nicole Marshall.

Officers:

Bryan Lancaster	Chief Executive
Anthony Smith	Director Corporate and Community Services
Gail Conman	Director City Services
Natalie Reiter	Director Planning and Development
Kendrea Pope	Director Organisational Performance
Yvonne Hansen	Manager Legislative Services and Support
Troy Delia	Coordinator Legislative Services

CONFLICT OF INTEREST DISCLOSURES

Nil.

MATTERS CONSIDERED

1. Councillor Portfolios
2. Committees
3. Meeting Cycle

RECORD COMPLETED BY

Anthony Smith Director Corporate and Community Services

RECORD OF ASSEMBLY OF COUNCILLORS

Monday 14 November 2016 at 6.34pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Andrea Surace, Samantha Byrne, Richard Lawrence, Rebecca Gauci Maurici, Jim Cusack, Nicole Marshall.

Officers:

Bryan Lancaster	Chief Executive
Anthony Smith	Director Corporate and Community Services
Gail Conman	Director City Services
Natalie Reiter	Director Planning and Development
Kendrea Pope	Director Organisational Performance
Lauren Treby	Health and Community Planning Officer

CONFLICT OF INTEREST DISCLOSURES

Nil.

MATTERS CONSIDERED

1. Council Induction Program
2. Council's Strategic Direction, MV2040, Council Plan and Public Health and Wellbeing Plan
3. Statutory and Strategic Planning
4. Essendon Junction Precinct

RECORD COMPLETED BY

Anthony Smith Director Corporate and Community Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 15 November 2016 at 6.26pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Andrea Surace, Samantha Byrne, Richard Lawrence, Rebecca Gauci Maurici, Narelle Sharpe, Cam Nation, Jim Cusack, Nicole Marshall.

Officers:

Bryan Lancaster	Chief Executive
Anthony Smith	Director Corporate and Community Services
Gail Conman	Director City Services
Natalie Reiter	Director Planning and Development
Kendrea Pope	Director Organisational Performance

CONFLICT OF INTEREST DISCLOSURES

Cr Sharpe declared an indirect conflict of interest in Item 8, Biannual Grants 2016/17

MATTERS CONSIDERED

1. 90 Farnham Street, Flemington
2. 15 Hayes Road, Strathmore
3. 29-35 St Kinnord Street, Aberfeldie
4. 376 Pascoe Vale Road, Strathmore
5. 213 Union Road, Ascot Vale
6. Amendment C132 Moonee Ponds Activity Centre Car Parking Plan
7. Afton Street Stormwater Harvesting Scheme and Aberfeldie Main Drain Project
8. Biannual Grants 2016/17
9. 2017 Moonee Valley Festival
10. Library and Learning Strategy 2012-16
11. Niddrie Library
12. Councillor Appointments to National, State and Regional Bodies
13. Documents for Sealing - November 2016
14. Items of a general nature raised by Councillors and Officers

RECORD COMPLETED BY

Anthony Smith

Director Corporate and Community Services

RECORD OF ASSEMBLY OF COUNCILLORS

Monday 21 November 2016 at 6.17pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Samantha Byrne, Rebecca Gauci Maurici, Jim Cusack, Richard Lawrence, Nicole Marshall.

Officers:

Bryan Lancaster	Chief Executive
Anthony Smith	Director Corporate and Community Services
Natalie Reiter	Director Planning and Development
Kendrea Pope	Director Organisational Performance
Damian Hogan	Acting Manager Finance
Kate McCaughey	Manager Community Planning
Sarah Edwards	Coordinator Social Planning & Wellbeing

CONFLICT OF INTEREST DISCLOSURES

Nil.

MATTERS CONSIDERED

1. Council Induction Program
 - a. Financial Management
 - b. Human Rights and Diversity

RECORD COMPLETED BY

Anthony Smith Director Corporate and Community Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 22 November 2016 at 6.20pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Andrea Surace, Samantha Byrne, Richard Lawrence, Rebecca Gauci Maurici, Narelle Sharpe, Cam Nation, Jim Cusack, Nicole Marshall.

Officers:

Bryan Lancaster	Chief Executive
Anthony Smith	Director Corporate and Community Services
Gail Conman	Director City Services
Natalie Reiter	Director Planning and Development
Kendrea Pope	Director Organisational Performance
Vera Mitrovic-Misic	Acting Manager City Planning
Emily Chiles	Council Business Officer

CONFLICT OF INTEREST DISCLOSURES

Cr Sharpe declared a conflict of interest in the matter, 29 - 35 Kinnord Street, Aberfeldie.

Cr Gauci Maurici declared a conflict of interest in the matter, Amendment C132 Moonee Ponds Activity Centre Car Plan.

MATTERS CONSIDERED

1. 90 Farnham Street, Flemington
2. Amendment C132 Moonee Ponds Activity Centre Car Parking Plan
3. 2017 Moonee Valley Festival
4. Niddrie Library - Proposed Lease Renewal
5. Councillor Appointments to National, State and Regional Bodies
6. Biannual Grants 2016/17

RECORD COMPLETED BY

Anthony Smith Director Corporate and Community Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 6 December 2016 at 6.30pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Andrea Surace, Cam Nation, Samantha Byrne, Jim Cusack, Rebecca Gauci Maurici, Richard Lawrence, Nicole Marshall, John Sipek

Officers:

Bryan Lancaster	Chief Executive
Gail Conman	Director City Services
Natalie Reiter	Director Planning and Development
Kendrea Pope	Director Organisational Performance
Yvonne Hansen	Acting Director Corporate and Community Services
Henry Bezuidenhout	Manager City Planning
Peter Hiransi	Manager Business Improvement
Lauren Treby	Health and Community Planning Officer
Anne Donovan	Consultant
Nina Stanwell	Community Grants Officer
Sarah Edwards	Coordinator Social Planning & Wellbeing
Colin Harris	Senior Strategic Planner
Christina Collia	Strategic Policy Officer

CONFLICT OF INTEREST DISCLOSURES

Cr Gauci Maurici declared an indirect conflict of interest in Item 3 due to a close association.

Cr Surace declared a conflict of interest in Item 4.

Cr Nation declared a conflict of interest in Item 4.

Mr Lancaster declared an indirect conflict of interest in Item 5 due to residential amenity.

MATTERS CONSIDERED

1. Council Plan Priorities
2. Biannual Grants 2016-17
3. Essendon Junction / Flemington Update
4. MVRC Update
5. Amendment C132 – Moonee Ponds Activity Centre Car Parking Plan
6. Items of a general nature raised by Councillors and Officers

RECORD COMPLETED BY

Yvonne Hansen Acting Director Corporate and Community Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 13 December 2016 at 6.40pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Andrea Surace, Cam Nation, Samantha Byrne, Rebecca Gauci Maurici, Jim Cusack, Richard Lawrence, Nicole Marshall, Narelle Sharpe, John Sipek

Officers:

Bryan Lancaster	Chief Executive
Natalie Reiter	Director Planning and Development
Kendrea Pope	Director Organisational Performance
Yvonne Hansen	Acting Director Corporate and Community Services
Carey Patterson	Acting Director City Services
Henry Bezuidenhout	Manager City Planning
Petrus Barry	Manager Statutory Planning
Henry Bezuidenhout	Manager City Planning
Craig Medcalf	Manager Operations
Gil Richardson	Manager Technical Services
Amanda Allen	Coordinator Sport & Recreation Infrastructure Services
Colin Harris	Senior Strategic Planner
Lauren Treby	Health and Community Planning Officer
David Kilroe	Strategic Planner Strategic

CONFLICT OF INTEREST DISCLOSURES

Cr Lawrence declared an interest in Item 1.

Cr Gauci Maurici declared an indirect conflict of interest in Item 8 due to a close association

Cr Sharpe declared an indirect conflict of interest in Item 22.

MATTERS CONSIDERED

1. 72 Nimmo Street, Essendon
2. Review of the Pavilion Redevelopment Plan
3. Councillor Appointments to Advisory & Other Committees 2016/17
4. Council Plan 2017-21 Integrating the Health Plan
5. Tender Evaluation Report – Provision of Garden Maintenance Services 2017 – 2020
6. Permanent Heritage Overlay controls for 3 Dagonet Street, Strathmore
7. Planning Scheme Amendment C163 - New Heritage Policy to Introduce Updated Heritage Guidelines
8. Amendment C132 Moonee Ponds Activity Centre Car Parking Plan

9. Holmes Local Area Traffic Management study
10. Flemington Hill Traffic and Parking Study
11. St Leonards Road Chicane
12. Cross Keys Reserve Master Plan
13. Queens Park Memorial
14. Neighbourhood Safety
15. Alf Pearce Dog Park
16. Draft Dog Park Policy
17. Strategic Directions for a Climate Adapted, Low Carbon, Water Sensitive City
18. Plastic Bags and Related Waste at Events on Council Managed Land
19. Draft Road Management Plan (2017-2021)
20. Proposed New Lease with Optus Mobile Pty Ltd
21. Spirit of Moonee Valley Community Awards
22. Biannual Grants 2016/17
23. Financial Performance Report September 2016
24. Ministerial Correspondence Resulting from Notices of Motion
25. Review of Council's Special Committees
26. Review of Council's Meeting Structure and Meeting Dates for 2017
27. Receipt of Oaths of Office
28. Drainage Improvement Works - Kelvin Close and Albert Street, Niddrie
29. Riverside Park Update
30. Flemington Estate Update
31. Essendon Junction Grade Separation Options – Council Submission.
32. Items of a general nature raised by Councillors and Officers

RECORD COMPLETED BY

Yvonne Hansen Acting Director Corporate and Community Services

NOTICES OF MOTION

10.1 Notice Of Motion No. 2016/28 - 40 Hall Street, Moonee Ponds - Construction activities

File No: FOL/16/130
From: Councillor Cam Nation
Ward: Myrnong

Take notice that at the Ordinary Meeting of Council to be held on 20 December 2016 it is my intention to move that the Chief Executive Officer write to the Project Manager of Caydon Property Group Pty Ltd for 40 Hall Street, Moonee Ponds with regards to:

1. Their obligations to ensure the responsible builder, L.U. Simon complies with the endorsed Construction Management Plan (CMP);
2. The routine sweeping of spill from excavation trucks, particularly along the northbound lanes of Mt Alexander Road (inclusive of the bike lanes);
3. The washing down of trucks prior to exiting the site;
4. The monitoring of trucks to ensure they exit the site safely and without conflict of passing motorists / pedestrians;
5. The speed of trucks in the surrounding streets (particularly Homer Street);
6. Ensuring safe barriers are in place on all parts of the site's perimeter where excavation extends up to the footpath/road - to ensure the safety of motorists / pedestrians; and
7. The use of horns in residential areas.

Officer Comments

Since commencing in early July 2016, the site at 40 Hall Street Moonee Ponds has excavated and carted 155,000 cubic metres or 165,000 tonnes of earth from the site, equating to 7,750 trucks. On average, up to 12 trucks per hour enter and exit the site whilst excavating. Factors, including the higher than average rainfall, days of rain, gusty winds, the various boundaries of the area, business interfaces, train station, three (3) shopping centres, several pedestrians strips, traffic lights and a high number of motorist and pedestrians, have proven to be difficult during the excavation stages of the works and at times caused increased complaints.

One of the major issues to date has been the management of spoil and with all contributing factors as outlined has been difficult to control and is constantly monitored and managed. Measures have been taken to manage the spoil including, in line with best practices, the installation of a 13 metre wash down bay costing up to \$50,000, internal ballast rock truck routes, a series of rumble grids on entry/exit points, hardstand concrete areas, internal street sweeper and external street sweepers. The street sweepers alone have attracted a substantial bill to the Responsible Builder of \$150,000.

Three (3) Planning Infringement Notices have been issued for a breach of the CMP in relation to spoil management under the *Planning and Environment Act 1987* s126.

The site is monitored daily by both the Technical Permits Team and Planning Intervention and Enforcement Officer and complaints are dealt with promptly.

During the past several months, and whilst trucks have been in full operation for excavation activities, the site has had several service upgrades and connections occur, including sewer and underground power, which have occurred mostly on the external parameters of the site and required additional traffic management and road disruptions.

Also there has been a series of other works not related to the site occur in the immediate area creating further traffic disruptions and complaints. To note, service providers are required to gain consent from Council prior to undertaking road openings or any works within Council roads, footpaths and reserves, however, rarely inform the site or Council when works are scheduled to occur, causing additional pressures on the site and the area.

In response to ongoing misinformed service works and traffic disruptions, Council's Technical Permits Team have been monitoring this closely and have requested consent be gained prior to any works occurring and all Traffic Management Plans (TMPs) and notifications to be submitted and approved. In 2017 we can expect more upgrades and connections, including a mains power upgrade.

Staff amenities have been installed on Homer Street and include a three (3) x three (3) specifically engineered shipping container structure fitout with offices, lunchrooms and bathrooms. The amenities occupy Council's footpath and the appropriate permits have been obtained for the next 12 months with a fee of \$50,246.

The CMP for Stage 1C has been submitted and is being reviewed by the Development Engineering Team, Technical Permits Team and Planning Enforcement.

Stage 1C of the works comprises of the Margaret Street building, Hall Street building and retail outlets, residential entry foyers, recreation centre with indoor/outdoor pool, communal area including outdoor dining, lounge and cinema. Stage 1 will also include a common five (5) level basement carpark covering the entire project and begin preliminary structural base and core works for Stage 2 Homer Street and Everage Street buildings.

Stage 1C of the CMP generally consists of:

- Footings and in ground services;
- Basement slab, slab on ground;
- Horizontal/vertical structure;
- Building envelope;
- Internal fit-out;
- Façade glazing/cladding/external works;
- Civil works;
- Landscaping; and
- Handover

Five (5) electric powered tower cranes will be located over the site and it is proposed that loading bays are established on Homer, Hall and Aspen Street (west).

Currently there are up to 30 workers on the site and this figure will start to increase in January 2017 and at maximum will reach up to 300 at times over 2017/18/19. To manage the parking requirements, Council has required the Responsible Builder to seek parking arrangements accommodating the expected increase in the construction workforce.

The Stage 1C CMP will not be endorsed until parking arrangements are confirmed. Council is informed the Responsible Builder is in negotiations with the Moonee Valley Racing Club (MVRC) regarding parking arrangements. Following the completion of the basement levels in late 2017 to early 2018, parking will be available to workers within the site.

During 2017, several other CMP sites are due to commence in the area including, 33 to 35 Hall Street, 33 Taylor Street, 4 Homer Street, which includes 687 Mt Alexander Rd (this may be delayed), 21 to 23 Moore Street, 3 to 9 Shuter Street, 28 to 30 Young Street and 350 Ascot Vale Road.

Council's Development Engineering Team, Technical Permits Team and Enforcement Team will be working together to facilitate the construction with as minimal disruptions as possible, however, this is not always possible due to the nature and location of works and some disruptions can be expected and will be managed as best as possible. Furthermore, there have been other service authority works in the area for general maintenance and upgrades adding to the traffic congestion.

Statutory Planning Department will prepare a letter reminding the developer, Caydon, of their obligations to ensure the Responsible Builder, L.U. Simon, comply with the Construction Management Plan.

10.2 Notice Of Motion No. 2016/29 - Special Charge Scheme in Tennyson Street

File No: FOL/16/130

From: Councillor Narelle Sharpe

Ward: Buckley

Take notice that at the Ordinary Meeting of Council to be held on 20 December 2016 it is my intention to move that a report to Council be prepared regarding the Tennyson Street Right of Way (ROW) Construction Special Charge Scheme considering:

1. The outcome of the Scheme consultation and questionnaire responses;
2. Providing a contribution towards the drainage component of the scheme, taking into account the connection point of the new drain to Council's existing underground drainage system;
3. Alternative scheme apportionment reflecting potential Council contribution; and
4. A revised apportionment model to potentially provide a more even contribution from each property, as there is currently a significant variation in amounts to be levied.

Officer Comments

The above action was agreed at a meeting between Cr Sharpe, Council Officers and residents at a meeting on Wednesday 23 November 2016.

10.3 Notice Of Motion No. 2016/30 - Feasibility Study - High Ball Stadium in Moonee Valley

File No: FOL/16/130
From: Councillor Nicole Marshall
Ward: Myrnong

Take notice that at the Ordinary Meeting of Council to be held on 20 December 2016 it is my intention to move:

That the Chief Executive Officer prepare a report to Council:

1. Providing an update in relation to the Feasibility Study regarding a High Ball Stadium in Moonee Valley; and
2. As part of that report, consider whether there is an opportunity to incorporate a gymnastics facility as part of any Stadium or what other opportunities there are to provide fit for purpose gymnastics facilities in Moonee Valley

Officer Comments

1. Results of the Highball Stadium Feasibility (stage 1) were presented to Council Workshop on 19 July 2016, identifying that there is substantial evidence that there is unmet need. Stage 2 of the project is around site identification whereby officers:
 - a. Prepare criteria to evaluate potential sites in an equitable manner
 - b. Undertake thorough research into possible sites for a highball stadium
 - c. Apply assessment criteria to each site to determine preferred location(s)

At the conclusion of stage 2, Council will need to provide directions on:

- a. Whether to proceed to stage 3
- b. What is the preferred (or maximum of 2 options to undertake further analysis)
- c. Preferred management option to be assumed

It is anticipated that officers will have completed stage 2 in early 2017 and an update will be provided at this time.

2. The Project Brief for this project lists the most common sporting activities accommodated in a highball stadium as indoor basketball, netball, soccer, futsal, cricket, volleyball and rebound volleyball. Gymnastics was not one of the sports included in this stage therefore this will need to be investigated further as part of the proposed report.

10.4 Notice Of Motion No. 2016/31 - Kindergarten Enrolment Process and Programming

File No: FOL/16/130

From: Councillor Nicole Marshall

Ward: Myrnong

Take notice that at the Ordinary Meeting of Council to be held on 20 December 2016 it is my intention to move:

That the Chief Executive Officer prepare a report to Council considering the following issues relating to its current kindergarten enrolment process and programming:

1. Specifying the criteria for determining how kindergarten session times are allocated to children;
2. Considering whether these criteria are appropriate and equitable, including in light of the lack of kindergarten in Moonee Ponds, and what alternative criteria could be developed to ensure this allocation is done on an equitable basis;
3. The development of a waiting list to enable parents to clearly determine whether their child is likely to receive a position at their preferred kindergarten and/or for their preferred session times;
4. Whether the current combination of long and short session times is meeting the needs of Moonee Valley families, including providing a summary by kindergarten of family numbers requesting particular session times.

Officer Comments

Council currently has Kindergarten Priority of Access criteria to determine how kindergarten places are offered, including the allocation of session times. Points 2-4 of this Notice of Motion will be need to be investigated further as part of the proposed report.

CONFIDENTIAL REPORTS

Closure of meeting to public

Recommendation

That Council resolve to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to discuss the following matters:

12.1 Biannual Grants 2016/17 Round 1 Recommendations

Item 12.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (h) other matter.

12.2 Riverside Park Upgrade

Item 12.2 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (d) contractual matters.

12.3 Drainage Improvement Works - Kelvin Close and Albert Street, Niddrie (Stage 1 & 2)

Item 12.3 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (d) contractual matters.

12.4 Tender Evaluation Report – Provision of Garden Maintenance Services 2017 – 2020

Item 12.4 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (d) contractual matters.