Agenda

Ordinary Meeting of Council

Tuesday, 10 July 2018
6.30pm
Ordinary Meeting of Council

Tuesday, 10 July 2018 at 6.30pm
to be held at the Moonee Valley Civic Centre

TO:

Members:  
Cr John Sipek  Mayor
Cr Samantha Byrne
Cr Jim Cusack
Cr Rebecca Gauci Maurici
Cr Richard Lawrence
Cr Cam Nation
Cr Narelle Sharpe

Officers:  
Mr Bryan Lancaster  Chief Executive Officer
Mr Steven Lambert  Director City Services
Ms Natalie Reiter  Director Planning & Development
Mr Petrus Barry  Acting Director Organisational Performance
Mr Gil Richardson  Acting Director Asset Planning & Strategic Projects
Ms Vera Mitrovic-Misic  Acting Manager Statutory Planning
Ms Allison Watt  Manager Governance & Communications
Business:

1. Opening

2. Apologies
   Cr Marshall is on an Approved Leave of Absence for this meeting.
   Cr Andrea Surace has requested Leave of Absence from 28 June to 28 July 2018, inclusive.

3. Confirmation of Minutes
   Ordinary Meeting of Council held on Tuesday, 26 June 2018.

4. Declarations of Conflict of Interest

5. Presentations

6. Petitions and Joint Letters

7. Public Question Time

8. Reports by Mayor and Councillors
   Nil.

9. Reports
   9.1 454-470 Racecourse Road, Flemington (Land in PC354437W) - Use and development of the land as a food truck park, sale and consumption of liquor, access to a Road Zone, Category 1 road and advertising signage .................................................................5

   9.2 492-494 Pascoe Vale Road, Strathmore (Lots 1 and 2 on LP 114737) - Use and development of a multi-storey building containing dwellings and a food and drink premises, buildings and works within a Land Subject to Inundation Overlay and alteration of access to a road in a Road Zone, Category 1 ..........................27

   9.3 Reviewing Statutory Planning Protocols .................................................................59

   9.4 Events and Festivals Review ........................................................................71

   9.5 Community Funding Program Review and Policy .......................................79

   9.6 5 Alma Street, Aberfeldie - Interim and Permanent Heritage Controls.................................................................115

   9.7 East Timor Program review consultation findings and future program options report.................................................................118

   9.8 Special Charge Scheme for a Right of Way in Tennyson Street, Essendon........................................................................129
10. Notices of Motion
   Nil.

11. Urgent Business

12. Confidential Reports
   12.1 Proposed Lease.................................................................137

13. Close of Meeting

BRYAN LANCASTER
Chief Executive Officer
## REPORTS

### 9.1 454-470 Racecourse Road, Flemington (Land in PC354437W) - Use and development of the land as a food truck park, sale and consumption of liquor, access to a Road Zone, Category 1 road and advertising signage

**File No:** FOL/18/32  
**Author:** Grant Michell  
**Principal Statutory Planner**  
**Directorate:** Planning & Development

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/623/2017</th>
</tr>
</thead>
</table>
| **Proposal**      | The proposal includes:  
|                   | • The use of the land as a food truck park;  
|                   | • Six food truck locations;  
|                   | • Internal alterations to existing buildings;  
|                   | • Construction of timber pergola structures;  
|                   | • The sale and consumption of liquor;  
|                   | • 13 car spaces;  
|                   | • Access to a road in a Road Zone, Category 1 road; and  
|                   | • The display of advertising signage.  |
| **Applicant**     | On Tap Liquor |
| **Owner**         | Starstep Investments Pty Ltd |
| **Planning Scheme Controls** | Commercial 1 Zone |
| **Planning Permit Requirement** | Clause 34.01-1 – to use the land as a food truck park.  
|                   | Clause 34.01-4 – to construct a building or construct or carry out works.  
|                   | Clause 52.05-7 – to display business identification signage.  
|                   | Clause 52.27 – the sale and consumption of liquor.  
|                   | Clause 52.29 – to alter access to a road in Road Zone, Category 1.  |
| **Car Parking Requirements** | Required: To Council’s satisfaction.  
| **(Clause 52.06)** | Proposed: 13 car spaces. |
Bicycle Requirements | Required: to Council’s satisfaction. Proposed: 0 bicycle spaces.
---|---
Restrictive Covenants | Restrictive Covenants S407184E, S407185B, S407186X, S407187U and S407188R are not breached by this application.
Easements | N/A
Site Area | 1,152m²
Number Of Objections | 45 objections from 31 properties
Consultation Meeting | 7 February 2018

Executive Summary

- The application seeks approval for the use and development of the land as a food truck park with six food trucks, the sale and consumption of liquor, access to a road in a Road Zone, Category 1 road and advertising signage.
- The site is 1,152 m² in area and is located on the northern side of Racecourse Road and currently comprises an existing commercial building and hardstand area.
- The application was advertised and 45 objections from 31 properties were received. Concerns were raised in relation to the use of the land, hours of operation, service of alcohol, traffic and parking, anti-social behaviour and amenity impacts.
- The application was amended pursuant to Section 57A of the Planning and Environment Act 1987 in response to objectors and Council’s concerns. The application was re-advertised and supplementary objections were received to existing objections.
- A Consultation Meeting was held on 7 February 2018 which was attended by Councillor Marshall, objectors, the permit applicant and Council’s Planning Officer.
- The application was referred to Roads Corporation (VicRoads) and various internal departments who have not objected to the application subject to conditions on any issued planning permit.
- The proposal demonstrates an appropriate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme. It proposes an appropriate commercial use within a well-established commercial area proximate to public transport, community and public facilities.
- This assessment report finds the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.
Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/623/2017 for the use and development of the land as a food truck park, sale and consumption of liquor, access to a road in a Road Zone, Category 1 road and advertising signage at 454-470 Racecourse Road, Flemington, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:

   a) Alterations to the internal layout and redline plan in accordance with the without prejudice plans dated 21 May 2018;

   b) A notation stating that the overall number of patrons allowable on-site in accordance with Condition 5 of this permit;

   c) At least one bicycle space;

   d) The rear northern boundary fence opposite the patron seating area must be clad with timber palings to a height of 3.6 metres;

   e) The western boundary fence opposite the patron seating area between the northern boundary and existing crossover in Glance Street must be clad with timber palings to a height of 2.4 metres;

   f) All alterations as required by VicRoads in accordance with Condition 18; and
g) All car spaces must be constructed in accordance with the requirements of Clause 52.06-9 (Car Parking) of the Moonee Valley Planning Scheme. When approved, these plans will be endorsed and will form part of this permit.

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. Before the buildings approved by this permit are occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
   a) constructed;
   b) available for use in accordance with the endorsed plans;
   c) properly formed to such levels and drained so that they can be used in accordance with the endorsed plans; and
   d) finished with a permanent trafficable surface (such as concrete, asphalt or paving),

   in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

   The area set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must:
   a) be maintained and made available for such use; and
   b) not be used for any other purpose.

   to the satisfaction of the Responsible Authority.

4. The use authorised by this permit may only operate between the hours of:
   a) Monday to Thursday: 5:00pm to 9:00pm;
   b) Friday: 5:00pm to 10:00pm;
   c) Saturday: 11:00am to 10:00pm; and
   d) Sunday: 11:00am to 9:00pm.

5. No more than 100 patrons may be on-site at any one time.

6. Before the use commences, except with the prior written consent of the Responsible Authority, the owner of the land must, to the satisfaction of the Responsible Authority, display a sign at all exit points of the building requesting patrons be quiet when leaving the land after 9:00 pm.

7. To the satisfaction of the Responsible Authority all external lights must be of a limited intensity to ensure nuisance is not caused to any adjoining or nearby residents and must be provided with approved baffles, so that no direct light is emitted outside the land.

8. No live music or live entertainment, pre-recorded or amplified music may be played outside the building at any time and speakers must not be installed or located outside the building.
9. Noise levels associated with the use must at all times comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1). Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Responsible Authority to demonstrate compliance, or which outlines any measures considered necessary to achieve compliance. The costs associated with the Acoustic Report shall be borne by the permit holder. The recommendations of the Acoustic Report must be implemented to the satisfaction of the Responsible Authority. The endorsed plans must be amended to accord with the recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.

10. Noise levels associated with the use must at all times comply with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2. (SEPP N-2). Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Responsible Authority to demonstrate compliance, or which outlines any measures considered necessary to achieve compliance. The costs associated with the Acoustic Report shall be borne by the permit holder. The recommendations of the Acoustic Report must be implemented to the satisfaction of the Responsible Authority. The endorsed plans must be amended to accord with the recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.

11. 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.

12. Before the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be in accordance with the City of Moonee Valley's 'Waste Management Plans – Guidelines for Applicants'. When approved the Waste Management Plan will be endorsed and will form part of this permit.

The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

13. Before the use starts, a patron management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Patron Management Plan must be prepared by a person with suitable qualifications to the satisfaction of the Responsible Authority and must detail how the licensed venue will operate to ensure any impacts on the surrounding residential (change as necessary) area will be managed, including but not limited to:

a) Details of proposed management of the licensed venue including
emergency procedure management plan, crowd control, responsible serving of alcohol and external areas;

b) Staffing and security arrangements for the licensed venue including staffing/security to manage patron numbers and behaviour;

c) Staffing and other measures that are designed to ensure the orderly arrival and departure of patrons;

d) Signage to be used to encourage responsible off-site patron behaviour;

e) Training of staff in the management of patron behaviour;

f) Measures to manage queuing patrons;

g) Identification of all noise sources associated with the licensed venue (including, but not limited to, music noise, external areas, queuing lines, entries and exits and courtyards);

h) Identification of noise sensitive areas including residential uses and accommodation in close proximity to the land;

i) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures;

j) Procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the Responsible Authority or an officer of the liquor licensing authority;

k) Details of any measures to work with neighbours and other residents to address complaints and general operational issues; and

l) Any other measures to be undertaken to ensure minimal amenity impacts.

When approved, the patron management plan will be endorsed and will form part of this permit.

The provisions, recommendations and requirements of the endorsed patron management plan must be implemented and complied with to the satisfaction the Responsible Authority.

Except with the prior written consent of the Responsible Authority, the Patron Management Plan must not be modified.

**Start Signage Conditions**

14. The signage authorised by the permit must not be illuminated or floodlit by internal or external light.

15. Flashing, intermittent or moving light must not be displayed.

16. Bunting, streamers and festooning must not be displayed.

17. The signage authorised by this permit must only contain an advertisement which provides or supplies information relating to the business conducted on the land.

**End Signage Conditions**

**Start of VicRoads Conditions**

18. A permanently fixed fence consistent with the surrounding fence to be provided
along the front (southern) boundary to ensure that the eastern crossover to Racecourse Road is not used.

**End VicRoads Conditions**

19. This permit will expire if one of the following circumstances applies:
   a) the development is not commenced within two (2) years from the date of issue of this permit; or
   b) the development is not completed and the use is not commenced within four (4) years from 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 make a written request to the Responsible Authority to extend the expiry date.

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry 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 the development starts, the permit holder must contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- The premises must comply with the Public Health and Wellbeing Act 2008 and the Food Act 1984 (where applicable) and associated Council Local Laws. Both Council’s Environmental Health Department and Local Laws Department should be contacted regarding these requirements before the development commences.
- No assessment has been made of the proposal’s compliance with the Tobacco Act 1987 and it is recommended that the permit holder obtain independent advice in this regard.
- The installation of any mechanical exhaust ventilation systems comply with Australian Standards 1668 in order to reduce any potential detrimental impact on the level of amenity to nearby residents due to potential odour.
- The permit holder should consult with City West Water in relation to Trade Waste Agreement requirements.

1. **Introduction**

   1.1 **Subject Site and Surrounds**

   The subject property is located on the northern side of Racecourse Road. The site has street abuttals to Glance Street to the west, Clarence Street to the east and a laneway to the north. The site does not directly abut any residential property, with the closest residential property being on the opposite side of the laneway to the north of the site.
The site is rectangular in shape with a frontage of 47.24 metres and a depth of 24.38 metres. The site area is 1,152 square metres.

There are no easements noted on the certificate of title, however there are five covenants on title. The proposed development will not contravene the restrictive covenants.

The subject site is currently vacant and has previously been used as a trailer hire centre.

Figure 2 – Subject Site (454-470 Racecourse Road, Flemington – View northwest)

Figure 3 – Subject Site (454-470 Racecourse Road, Flemington – View northeast)
The surrounding land uses to the east and west are a mix of commercial and residential. To the north are primarily residential properties. A tram stop (Route 57) is directly opposite the subject site and Newmarket Train Station is 300 metres to the east.

### 1.2 Proposal

The proposal (as amended under Section 57A of the *Planning and Environment Act 1987*) seeks to use the site as a food truck park, including the sale and consumption of liquor, the construction of pergola structures, and the display of advertising signage.

The proposal can be summarised as follows:

- A maximum of 100 patrons on-site at any one time;
- Retention of the existing buildings on-site with internal alteration to create indoor seating, a bar area and amenities for patrons;
- Provision for six food trucks;
- Construction of two pergola structures for outdoor seating;
- The display of advertising signage with an area of 13.6m² located on the façade of the existing building;
- Provision of 13 car spaces;
- Alteration to access to Racecourse Road;
- Operation between the following hours:
  - Monday to Thursday 5:00pm to 9:00pm.
  - Friday 5:00pm to 10:00pm.
Saturday 11:00am to 10:00pm.
o Sunday 11:00am to 9:00pm.

Refer **Appendix B** Plans.

2. **Background**

2.1 **Relevant Planning History**

Planning Application MV/18213/2006 for the use and development of the land for the purpose of a hand car wash with ancillary café was withdrawn on 24 May 2007.

2.2 **Planning Policies & Decision Guidelines**

State Planning Policy Framework

<table>
<thead>
<tr>
<th>Clause 9</th>
<th>Plan Melbourne</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 10</td>
<td>Operation of the State Planning Policy Framework</td>
</tr>
<tr>
<td>Clause 11</td>
<td>Settlement</td>
</tr>
<tr>
<td>Clause 11.06</td>
<td>Metropolitan Melbourne</td>
</tr>
<tr>
<td>Clause 15</td>
<td>Built Environment and Heritage</td>
</tr>
<tr>
<td>Clause 17</td>
<td>Economic Development</td>
</tr>
<tr>
<td>Clause 18</td>
<td>Transport</td>
</tr>
</tbody>
</table>

Local Planning Policy Framework

<table>
<thead>
<tr>
<th>Clause 21.01</th>
<th>Municipal Profile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 21.02</td>
<td>Key Issues and Influences</td>
</tr>
<tr>
<td>Clause 21.03</td>
<td>Vision</td>
</tr>
<tr>
<td>Clause 21.06</td>
<td>Built Environment</td>
</tr>
<tr>
<td>Clause 21.07</td>
<td>Activity Centres</td>
</tr>
<tr>
<td>Clause 21.08</td>
<td>Economic Development</td>
</tr>
<tr>
<td>Clause 21.09</td>
<td>Transport</td>
</tr>
<tr>
<td>Clause 22.04</td>
<td>Licensed Premises Policy</td>
</tr>
</tbody>
</table>

Zoning

| Clause 34.01 | Commercial 1 Zone |

Overlays

N/A

**Particular and General Provisions**

<table>
<thead>
<tr>
<th>Clause 52.05</th>
<th>Advertising Signs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 52.06</td>
<td>Car Parking</td>
</tr>
</tbody>
</table>
Clause 52.27  Licenced Premises  
Clause 52.29  Land Adjacent to a Road Zone, Category 1  
Clause 52.34  Bicycle Facilities  
Clause 65  Decision Guidelines  

2.3 Referrals  
The following external referrals were undertaken:  

<table>
<thead>
<tr>
<th>Department/Officer</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>VicRoads</td>
<td>No objections subject to conditions.</td>
</tr>
</tbody>
</table>

The following internal referrals were undertaken:  

<table>
<thead>
<tr>
<th>Department/Officer</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Health</td>
<td>No objections subject to conditions.</td>
</tr>
<tr>
<td>Development Engineering (Traffic)</td>
<td>Concerns with traffic and parking.</td>
</tr>
</tbody>
</table>

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 four notices displayed on site for 14 consecutive days.  

As a result, 45 objections from 31 properties were received and identified within Appendix A of this report. The objections are discussed at Section 3.8 of this report.  

The application was also advertised to Victoria Police, who did not provide a written response to this application.  

The permit applicants amended the application pursuant to Section 57A of the Planning and Environment Act 1987 following a review of the objections received. The application as amended is detailed in Section 1.2 of this report.  

The application was re-advertised to all objecting parties and surrounding properties. No objections were withdrawn as part of this process and a number of further objections from previously objecting parties were received.  

2.5 Consultation Meeting  
A Consultation Meeting was held on 7 February 2018, which was attended by Councillor Marshall, objectors, the permit applicant and Council’s Planning Officer. There was no resolution achieved.
3. Discussion

3.1 Does the proposal address the relevant State and Local Planning Policies?

The proposal is considered to comply with the relevant State and Local Planning Policies. Generally, these objectives seek to encourage a variety of commercial uses in locations which take advantage of existing commercial and community services and public transport. The proposal provides a commercial use within a Commercial 1 Zone, with a main road frontage that is close to public transport and car parking, and which will provide a service to the surrounding community by activating this vacant site in accordance with Clause 15.01-2 (Urban Design Principles).

With regard to Clauses 17 and 21.08 (both Economic Development), it is considered that the development would appropriately contribute to the sites Commercial 1 zoning in terms of employment and business.

Clause 21.09 (Transport) seeks to reduce environmental impacts and improve access to sustainable modes of transport. It also seeks to provide choices for movement of people and goods whilst ensuring these choices provide sustainable outcomes. It is considered the proposal has provided an appropriate balance with respect to the provision of on-site parking, bicycle parking and encouragement of public transport use.

The proposal accords with objectives of Clause 21.04-7 (Waste) as waste will be collected by a private contractor. A condition requiring a Waste Management Plan will be included on any permit issued.

The proposal is compliant with and encouraged by the objective and strategies at Clause 22.04 (Licensed Premises Policy) of the Moonee Valley Planning Scheme and is discussed in Section 3.3 of this report.

The subject site has a history of commercial uses which may result in site contamination. However, it is considered that given the extent of hardstand existing on-site and the nature of the proposed use by providing food from trucks, it is not necessary to require a Site Contamination report be prepared in this instance.

3.2 Is the proposal consistent with its site context and zoning?

The proposal seeks approval to use the site as a Food Truck Park. This use is an innominate use and requires a permit pursuant to Clause 34.01-1 (Commercial 1 Zone). It is noted that this use is similar to a Food and Drink Premises, however, it is considered that as each individual food truck is operating independently and will occasionally change, it is appropriate to consider the use as an innominate use that more accurately reflects the proposed operation.

It is considered the proposed use is consistent with its site context and Commercial 1 Zoning for the following reasons:

- The proposed use is consistent with the Purpose of the Commercial 1 Zone, which seeks to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
• The site is located on a declared main road with direct public transport access and within an established commercial area.

• The site has historically been used for a range of commercial uses.

• The use has limited operating hours throughout the week.

• The site does not have any direct residential or other sensitive abutments by virtue of a laneway along the rear boundary and three street abutments.

• The proposed buildings and works are generally limited to the construction of seating areas and pergola structures. A condition will be included to include an acoustic barrier along part of the northern and western boundary to limit noise impacts to the surrounding properties.

• The subject site is located within easy walking distance to public transport and public parking opportunities.

3.3 Is the proposal consistent with the requirements of Clause 52.27 (Licenced Premises) and Clause 22.04 (Licenced Premises)?

The proposal appropriately responds to the key decision guidelines set out at Clauses 22.04 and 52.27 of the Moonee Valley Planning Scheme as discussed below.

*Site and Surrounding Context*

The subject site is: located on a declared main road; zoned Commercial 1; forms part of a commercial strip which abuts a tram line; and is within walking distance to other food and drink premises along Racecourse Road further to the west.

The site is unusual in that it does not have any direct residential abutments as it is bounded by three roads to the east, west and south and a laneway to the north. Additionally, the properties on the opposite side of the laneway to the north, while residential in use, are zoned Commercial 1. In this broader context, the proposal is appropriately sited.

In proximity to the subject land, there are a number of on-premises licenses similar to that which is proposed, being restaurant and café licenses where liquor is offered alongside the primary activity of dining. In particular, within 100 metres of the site, there is only one licenced premises being the Kensington/Flemington Bowls Club on the opposite side of Racecourse Road. Within 500 metres of the site there are a number of licenced premises, primarily further to the west within the Racecourse Road activity centre area, including the Newmarket Tavern, Doutta Galla Hotel, and numerous restaurants and cafes along Racecourse Road and Pin Oak Crescent.

Within this context, and having regard to the size and scale of the use and its locational attributes, it is considered approval would not result in negative cumulative impacts. The site is adequately supported by public transport infrastructure, and it is not considered that the licensed premises will impact the transportation network of the area. The existing road and pedestrian network will comfortably accommodate customer movements to and from the site.
Hours

As noted in Section 1.2 of this report, the proposed hours of operation are in accordance with this policy, with the proposed 10pm closing time being an appropriate outcome for a site within a Commercial 1 Zone and with a main road abuttal.

It is considered the proposed hours throughout the week are appropriate and will not have a significant impact on the amenity of the surrounding area.

Patron Numbers

The patron numbers (100) associated with the premises is a reasonable outcome given the size and locational attributes of the site and the separation from immediate sensitive interfaces. Additionally, while in light of the limited hours of operation the extent of patron numbers will be acceptable, it is considered appropriate to include a condition on any permit issued requiring the submission of a Patron Management Plan to ensure the operation of the use is managed appropriately and safely.

Noise and Other Amenity Impacts

It is acknowledged that the subject site is located within a Commercial Zone, however, there are residential properties to the north, east and west of the site. As such, it is considered appropriate to include a condition on any permit issued requiring treatment of the fencing along the northern and western boundary in proximity to the food truck area to limit noise impacts from the patron seating area.

Additionally, standard conditions requiring compliance with the relevant EPA noise limits, limiting light spill and restricting the playing of amplified music within the outdoors areas can be included on any permit issued.

Subject to the above, it is considered the proposed development will not unreasonably impact upon the amenity of the adjoining properties.

3.4 Is adequate car parking provided in accordance with Clause 52.06 (Car Parking)?

As discussed in Section 3.2 of this report the proposed use as a Food Truck Park is an innominate use under the Commercial 1 Zone, which is also reflected under Clause 52.06 (Car Parking). As such, pursuant to Clause 52.06-6, car parking must be provided to the satisfaction of the Responsible Authority.

While a ‘food truck park’ does not attract a specific parking rate, it is considered appropriate to apply the rate applicable to a Food and Drink Premises given the similarity to the proposed use. On this basis, the relevant parking rate to apply is 4 car spaces per 100sqm of leasable floor area.

Pursuant to Clause 72 (General Terms), Leasable Floor Area is defined as:

- That part of the net floor area able to be leased. It does not include public or common tenancy area, such as malls, verandas, or public conveniences.

On this basis, the proposed use has a total leasable floor area (as defined above) of 187sqm comprising the following areas:
• Bar area within existing building – 115sqm.
• Six individual food truck lots – 72sqm.

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

Table 5

<table>
<thead>
<tr>
<th>Parking Rate</th>
<th>Requires</th>
<th>Proposed</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 spaces per 100sqm of leasable floor area</td>
<td>7</td>
<td>13</td>
<td>+6</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>7</td>
<td>13</td>
<td>+6</td>
</tr>
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</table>

As demonstrated above, the proposed development provides in excess of the parking requirements prescribed in Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme.

While it is appropriate to utilise the parking rate for a Food and Drink premises to assess whether sufficient parking is provided, it is acknowledged that the proposal seeks a total of 100 patrons onsite at any one time. This number of patrons will have an effect on the number of car spaces required and the impact of traffic generation on the surrounding area. It is considered that the 13 car spaces proposed is sufficient to cater to expected parking demand as:

• The subject site is well serviced by public transport, in particular a tram stop is located directly to the south of the site and Newmarket train station is located 350 metres walk to the east.
• The proposed hours of operation (noted in Section 1.2) are limited in scope.
• The use will cater to residents in the surrounding area who are able to walk to the site.

The design of car spaces and accessways generally complies with the requirements of Clause 52.06-9, however, permit conditions are required to ensure that all car spaces are in accordance with the relevant dimensions as required by Council’s Development Engineering (Traffic) Department.

In response to concerns raised by Council’s Development Engineering Department (Traffic) regarding access to the site, the permit applicant has prepared Without Prejudice plans (Appendix C), which seek to use the existing western crossover to Racecourse Road for entry to the site and require vehicles to exit the site to Clarence Street. While the changes result in the loss of 1 car space on-site, it is considered acceptable given the locational attributes of the subject site. A condition has been included to reference these plans to ensure the alterations to the layout are undertaken.

The application was referred to VicRoads, who have no objection to the proposed access arrangements subject to a condition requiring the gate to the eastern crossover to Racecourse Road is permanently closed. As such, it is considered the proposed access arrangements are acceptable and will facilitate efficient vehicle movements into and out of the site.
4. Does the proposal comply with Clause 52.29 (Land Adjacent to a Road Zone, Category 1)?

A planning permit is required to alter access to a road in a Road Zone, Category 1. As this planning application proposed to alter access to Racecourse Road, which is a Category 1 Road Zone, the application was referred to Roads Corporation (VicRoads) under Section 55 of the Planning and Environment Act 1987. As discussed within Section 2.4 of this report, VicRoads has no objection to the proposed alteration to vehicular access to the site, subject to conditions on any issued planning permit.

5. Is sufficient bicycle parking provided in accordance with Clause 52.34 (Bicycle Facilities)?

There is no specific bicycle parking rate under Clause 52.34 for the use of the land as a food truck park. However, consistent with the reasoning for car parking above in Section 3.4 of this report, it is appropriate to apply the rate for a retail premises, which includes the use as a food and drink premises.

The bicycle parking rate for a retail use is 1 space for each 300m² of leasable floor area. This equates to a requirement for 1 bicycle space on-site based on an area of 187m².

The proposed development does not provide for bicycle spaces on-site. As such, it is appropriate to include a condition requiring the provision of at least 1 bicycle space on-site.

6. Does the proposal comply with the requirements of Clause 52.05 (Advertising Signs)?

The proposed development seeks to display business identification signage with an area of 13.6m² on the façade of the existing building on-site. It is considered that the proposed signage is appropriate and consistent with the Decision Guidelines of Clause 52.05 as:

- The location and size of the sign is consistent with the signage of the previous tenant.
- There is only one sign proposed on-site.
- The sign is not illuminated.

6.1 Objections

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

<p>| Table 7 |
|-----------------|------------------|
| <strong>Issue</strong>      | <strong>Officer Response</strong> |
| Traffic and Parking | Refer to Section 3.4 of this report for discussion. |
| Service of liquor     | Refer to Sections 3.1 and 3.3 of this report for discussion. |
| Hours of operation     | Refer to Sections 3.1 and 3.3 of this report for discussion. |</p>
<table>
<thead>
<tr>
<th>Issue</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amenity impacts from noise, light spill and odour.</td>
<td>Refer to Section 3.3 of this report for discussion.</td>
</tr>
<tr>
<td>Antisocial behaviour</td>
<td>A condition requiring the submission of a Patron Management Plan has been included.</td>
</tr>
<tr>
<td>Use as a Food Truck Park</td>
<td>Refer to Section 3.2 of this report for discussion.</td>
</tr>
</tbody>
</table>

7. 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).

8. 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 the proposal demonstrates general compliance with the requirements of these provisions and policies. The application is supported as detailed above within the recommendation section.

Appendices

Appendix A: Objector Location
Appendix B: Advertised Plans
Appendix C: Without Prejudice Plans
Objectors Location for MV/623/2017 at 454-470 Racecourse Road, FLEMINGTON

<table>
<thead>
<tr>
<th>Objector Location</th>
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</thead>
<tbody>
<tr>
<td>7 Clarence Street, FLEMINGTON VIC 3031</td>
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</tr>
<tr>
<td>51 Marshall Street, FLEMINGTON VIC 3031</td>
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</tr>
<tr>
<td>51 Marshall Street, FLEMINGTON VIC 3031</td>
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<tr>
<td>16 Clarence Street, FLEMINGTON VIC 3031</td>
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<td>64 Marshall Street, FLEMINGTON VIC 3031</td>
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</tr>
<tr>
<td>6 Glance Street, FLEMINGTON VIC 3031</td>
<td></td>
</tr>
<tr>
<td>2 Teal Court, GLENMAGGIE VIC 3858</td>
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</tr>
<tr>
<td>20 Clarence Street, FLEMINGTON VIC 3031</td>
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<tr>
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<tr>
<td>502 Waverley Road, MT Waverley VIC 3149</td>
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<tr>
<td>79 Little Page Street, ALBERT PARK VIC 3206</td>
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<tr>
<td>25 Marshall Street, FLEMINGTON VIC 3031</td>
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</tr>
</tbody>
</table>
FLEMINGTON FOOD TRUCK PARK

SOUTH ELEVATION

WEST ELEVATION

EAST ELEVATION

ELEVATION
9.2 492-494 Pascoe Vale Road, Strathmore (Lots 1 and 2 on LP 114737) - Use and development of a multi-storey building containing dwellings and a food and drink premises, buildings and works within a Land Subject to Inundation Overlay and alteration of access to a road in a Road Zone, Category 1

File No: FOL/18/32
Author: Lachlan Orr
Senior Statutory Planner
Directorate: Planning & Development

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/713/2017</th>
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</table>
| Proposal          | • Construction of a five storey building comprising of 82 dwellings and a food and drink premises.  
|                   | • Interface to Moonee Ponds Creek and bike trail to the rear.  
|                   | • Surplus on-site car parking and bicycle facilities provided at ground and basement levels. |

| Applicant         | Strathmore on the Park Pty Ltd C/- Spiire Australia |
| Owner             | Gary Baker |

| Planning Scheme Controls | Mixed Use Zone  
|                         | Land Subject to Inundation Overlay  
|                         | Abuts a Road Zone Category 1 |

| Planning Permit Requirement | Clause 32.04-2 – Use of the land for a food and drink premises  
|                            | Clause 32.04-6 – Construct two or more dwellings  
|                            | Clause 32.04-8 – Buildings and works associated with a Section 2 Use  
|                            | Clause 44.04-1 – Construct a building or construct or carry out works  
|                            | Clause 52.29 – Create or alter access to a road in a Road Zone, Category 1 |

| Car Parking Requirements | Required – 107 car spaces  
|                         | Proposed – 121 car spaces |

| Bicycle Requirements | Required – 25 bicycle spaces  
|                      | Proposed – 88 bicycle spaces |

| Restrictive Covenants | None |
Easements

<table>
<thead>
<tr>
<th></th>
<th>Various drainage and sewerage easements</th>
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<tr>
<td>Site Area</td>
<td>3,274 square metres</td>
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<tr>
<td>Number Of Objections</td>
<td>6</td>
</tr>
<tr>
<td>Consultation Meeting</td>
<td>N/A</td>
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</table>

Executive Summary

- The application seeks planning approval for the construction of a five storey building comprising 82 dwellings and a food and drink premises.
- The site has an area of approximately 3,274 square metres and is located on the eastern side of Pascoe Vale Road, approximately 500 metres west of Pascoe Vale Railway Station. The rear of the site abuts the Moonee Ponds Creek reserve and bike trail. The site is mostly vacant and was historically used as a petrol station.
- The application was advertised and six objections were received. The concerns raised mainly related to visual bulk and scale, neighbourhood character, overdevelopment, internal amenity, car parking and traffic and off-site amenity impacts. A Consultation Meeting was not held as less than ten objections were received.
- The application was externally referred to City West Water, Essendon Airport, Transport for Victoria, Melbourne Water and VicRoads. The application was internally referred to Council's Commercial Property Unit, Development Engineering Unit (Drainage and Traffic), Environmental Health Unit, Environmental Sustainable Design Officer, Landscape and Open Space Unit, Waste Projects Officer and Urban Designer. The requirements of these various areas are addressed through conditions where required.
- At a height of five storeys, the proposed development provides a suitable level of intensification in a strategically appropriate context. The design of the building achieves a high level of compliance with the relevant state and local planning directives and guidelines for higher density built form. The proposal offers an opportunity to establish an attractive and active interface with the abutting reserve and bike trail, representing a benefit to the wider community.
- The proposal achieves a high level of compliance with the standards of Clause 58 (Apartment Developments). Conditions are imposed to ensure technical compliance for accessible apartment layouts, the dimensions of some balconies as well as the location of mailboxes.
- This assessment report finds the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme and recommends that the proposal be supported subject to conditions.
Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/713/2017 for the use and development of a multi-storey building containing dwellings and a food and drink premises, buildings and works within a Land Subject to Inundation Overlay, and alteration of access to a road in a Road Zone, Category 1 at 492-494 Pascoe Vale Road, Strathmore (Lots 1 and 2 on LP 114737) subject to the following conditions:

Endorsement conditions

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:

   a) Dimensions of all door openings and the location of toilets to be clear of the circulation area within accessible bathrooms clearly shown on the typical apartment layouts plan as required by Table D4 and Standard D17 of Clause 58.05-1 (Accessibility) of the Moonee Valley Planning Scheme;

   b) Internal dimensions for all balconies to comply with Standard D19 of Clause 58.05-3 (Private Open Space) of the Moonee Valley Planning Scheme;

   c) The location and details of any cooling or heating units provided on balconies with balcony areas increased to at least 9.5 square metres where necessary to comply with Standard D19 of Clause 58.05-3.
(Private Open Space) of the Moonee Valley Planning Scheme;

d) All ramp widths to be clearly dimensioned on all relevant plans and are to be in accordance with AS 2890.1:2004;

e) Swept path diagrams for a 6.4 metre long waste vehicle accessing the site from Pascoe Vale Road to the basement and from the basement to Pascoe Vale Road, along with any required modifications to the internal development layout;

f) Outdoor seating near the southern boundary removed or relocated so that it does not impede on pedestrian view lines or circulation between Pascoe Vale Road and the bike trail;

g) As a result of Conditions 1a) to 1f), there is to be no increase in the building footprint;

h) All references to café signage deleted;

i) Bicycle spaces for residential and commercial visitors to be provided in a more consolidated manner proximal to primary access areas for each respective component;

j) Details of internal fencing between the secluded open space areas of ground floor dwellings;

k) The location of easements shown dashed on the ground floor plan;

l) The location and details of mailboxes to be clearly shown in accordance with Standard D22 of Clause 58.06-2 (Site Services) of the Moonee Valley Planning Scheme;

m) The deletion of the hinged entry gate at the northern vehicle access point to Pascoe Vale Road;

n) The provision of 300mm wide trench grates at the bottom of the basement ramps;

o) Any changes to the stormwater treatment measures and associated annotations as a result of Conditions 3 and 4;

p) A landscape plan as required by Condition 8;

q) Notations where relevant to accord with Condition 12, including the location and details of a visitor intercom system and the allocation of ground level parking spaces;

r) Any changes as a result of Condition 7, 9, 10 and 11;

s) A notation that each crossover will be constructed in accordance with Condition 31;

t) The requirements of Melbourne Water Conditions 43 to 45; and

u) The requirements of VicRoads Conditions 46 to 49.

When approved, these plans will be endorsed and will form part of this permit.

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. An amended STORM Rating Report must be submitted simultaneously with the
submission of amended plans in accordance with Condition 1. The STORM Rating Report must correctly show the suitable treatment of stormwater from all balcony areas and obtain a minimum 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 Water Sensitive Urban Design (WSUD) 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 CSMP must be in accordance with Moonee Valley City Council’s CSMP’s Guidelines and Template.

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 development, 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 Guide or a Building Maintenance Guide.

7. Before the development commences, an amended Sustainable Management Plan (SMP) that outlines proposed design initiatives must be submitted to and approved by the Responsible Authority. The SMP must be generally in accordance with the SMP submitted with the application, but modified as follows:
   a) Any changes as required by Condition 1 of this permit;
b) An amended BESS report, in 'Published' status.

Upon approval the SMP will be endorsed as part of this planning permit. The development must incorporate the sustainable design initiatives outlined in the endorsed SMP to the satisfaction of the Responsible Authority.

8. Before the development commences, and before any trees or vegetation are removed an amended landscape plans prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The amended landscape plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended landscape plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:

a) Any changes as required by Condition 1 of this permit;
b) The requirements of Melbourne Water Condition 44;
c) A complete and fully detailed planting schedule;
d) The pedestrian accessway along the southern boundary unobstructed by any ground covers or shrubs;
e) The use of native species in proximity to and as viewed along the creek reserve;
f) The use of non-invasive species in proximity to the creek reserve;
g) Planting across the street frontage to suitably filter views of the ground level parking area;
h) Design details of planter structures at ground and upper levels; and
i) An appropriate irrigation system for all ground and upper level planting.

When approved the amended landscape plans will be endorsed and will form part of this permit. Landscaping in accordance with the endorsed landscape plans must be completed before the development is occupied.

9. Before the development commences, an arborist report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The arborist report be prepared by an arborist with suitable qualifications to the satisfaction of the Responsible Authority and must outline any specific:

a) Threats to the on-going health of existing trees located on adjoining properties and within the reserve arising as a consequence of the approved development;
b) Recommendations to be implemented to ensure the on-going health of these trees, including modifications to the proposed development and/or use of tree protection measures during construction; or

c) An assessment of whether the trees should be removed and/or replaced.

When approved, the arborist report will be endorsed and will form part of this permit. The provisions, recommendations and requirements of the endorsed arborist report must be implemented and complied with to the satisfaction of the Responsible Authority.
10. Before the development commences, the Acoustic Assessment prepared by Renzo SLR Consulting Australia Pty Ltd dated 16 January 2018 must be submitted to the Responsible Authority for endorsement. When approved, the Acoustic Assessment will be endorsed and will form part of this permit and must be implemented to the satisfaction of the Responsible Authority.

11. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the plan submitted with the application but modified as follows:

   a) Any changes as required by Condition 1 of this permit;
   b) Waste generation rates for both the commercial and residential components of the development in accordance with Section 2 of Moonee Valley City Council’s ‘Waste Management Plans – Guidelines for Applicants’;
   c) Scaled waste management plans in accordance with Section 10 of at Section 10 of Moonee Valley City Council’s ‘Waste Management Plans – Guidelines for Applicants’; and
   d) The additional waste requirements contained at Section 13 of Moonee Valley City Council’s ‘Waste Management Plans – Guidelines for Applicants’.

When approved, the Waste Management Plan will be endorsed and will form part of this permit.

The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

12. Before the development commences, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a traffic consultant with suitable qualifications to the satisfaction of the Responsible Authority and must include:

   a) A car parking layout generally in accordance with the relevant requirements of the Australian Standards for Off-Street Car Parking AS/NZS 2890.1-2004 (including ramp grades and dimensions, column location, headroom clearance, etc.);
   b) Arrangements for the provision and allocation of car spaces to accord with the endorsed development plans;
   c) The management of the commercial and residential visitor parking spaces and security arrangements for occupants of the development, including the provision of an intercom system at the security entrances;
   d) Lighting of parking areas, entries and exits;
   e) Ventilation of parking areas;
   f) Proposed signage to direct occupants and visitors to their designated parking areas.
spaces;

g) Arrangements for the loading and unloading of goods and materials for the commercial use;

h) Entitlements to the use of loading bay areas by all uses on the land;

i) No charge being made for car parking without the consent of the Responsible Authority;

j) The entry point and exit point to be provided with appropriate signage and line marking;

k) Traffic calming measures for inclusion within the accessways and car parking areas on site, including rubber speed humps and speed restrictions as appropriate; and

l) The movements of trucks and/or other vehicles to the loading bay showing likely access routes and movements from adjacent accessways/roads.

When approved, the Car Parking Management Plan will be endorsed and will form part of this permit.

The provisions, recommendations and requirements of the endorsed Car Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

End of endorsement conditions

Contamination conditions

13. Before the development commences, an environmental assessment of the land must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:

a) a description of previous land uses and activities on the subject site and adjoining land;

b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;

c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and

d) recommendations as to whether the land is suitable for the use for which the land is to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

14. If the assessment required by Condition 12 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of
the Responsible Authority.

15. If the assessment required by Condition 12 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:

16. If, pursuant to condition 14, a Statement is issued:
   a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
   b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions);
   c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority;
   d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the responsible authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:
      i. provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
      ii. be executed before the sensitive use for which the land is being developed commences; and
      iii. the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the responsible authority).

End of contamination conditions

Use and development conditions

17. Except with the prior written consent of the Responsible Authority, the use of the land for a food and drink premises may only operate between the hours of Monday to Sunday between the hours of 6:30am and 9:00pm.

18. Except with the prior written consent of the Responsible Authority, no more than seven (7) staff may be present on the land at any time.

19. The amenity of the area must not be detrimentally affected by the use of land, through:
a) Transportation of materials, goods or commodities to or from the land;
b) Appearance of any building, works or materials;
c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste produces, grit or oil;
d) Presence of vermin;

or in any other way, to the satisfaction of the Responsible Authority

20. Noise emitted from the land must not exceed the permissible noise levels determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 (SEPP N-1).

21. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 (SEPP N-2).

22. Goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.

23. A person must not deliver articles or goods of any description so that the delivery noise is audible in a habitable room in any residential premises regardless of whether any door or window is open outside the hours of:

a) 7:00am to 10:00pm Monday to Saturday.
b) 9:00am to 10:00pm Sundays and public holidays.

to the satisfaction of the Responsible Authority.

24. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.

25. Before the building approved by this permit is occupied, all retaining walls and boundary walls/structures must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.

26. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

27. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.

28. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plan) must not be erected above the roof level of the building.

29. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than storm water down pipes and 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.

30. Before the building approved by this permit is occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access
lanes as shown on the endorsed plans must be:

a) Constructed;

b) Available for use in accordance with the endorsed plans;

c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans;

d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and

e) Line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the ground, in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

The area set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must:

f) Be maintained and made available for such use; and

g) Not be used for any other purpose,
to the satisfaction of the Responsible Authority.

31. Before the buildings approved by this permit are occupied, concrete vehicular crossings must be constructed to suit the proposed driveways 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 and on-street parking bays. 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.

32. 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.

33. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

Before the development starts a Drainage Layout Plan, including computations and manufacturer’s specifications, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must depict an on-site stormwater detention drainage system to be installed on the land.
When approved, the Drainage Layout Plan will form part of this permit.

The on-site stormwater detention drainage system must be installed and the provisions, recommendations and requirements of the endorsed Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.

34. The plant area and equipment on the roof of the building must be screened in a manner to complement the appearance of the building and be to the satisfaction of the Responsible Authority.

35. Before the building approved by this permit is occupied, 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.

36. 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.

37. The existing street trees must not be removed or damaged as a result of the permitted development

38. The development must be provided with external lighting capable of illuminating access to each vehicle accessway, 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 land.

End of use and development conditions

City West Water conditions

39. It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.

40. It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.

41. Prior to certification, the Plan of Subdivision must be referred to City West Water in accordance with Section 8 of the Subdivision Act 1988.

End of City West Water conditions

Essendon Airport Condition

42. The Applicant must obtain consent under the Airports (Protection of Airspace) Regulations 1996 for any activity above 88.0m Australian Height Datum (AHD) in this location (i.e. buildings, antennas or cranes during construction).

End of Essendon Airport condition

Melbourne Water conditions

43. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water’s conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).
44. The landscaping plan must addresses the outcomes of any flora and fauna reports on the proposed works site and all areas potentially affected, both upstream and downstream, and show:
   a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
   b) The location of assets in relation to the proposed landscaping.
   c) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
   d) Details of surface finishes located on recreational pathways, maintenance access or any other pathways near waterways.
   e) A planting schedule of all proposed trees, shrubs and ground covers, including: botanical names; common names; pot sizes; life-form; quantities of each plant.
   f) Planting density (plants per square metre).
   g) Planting zones/locations (in plan and cross-section form in colour).
   h) Landscape treatments with specifications of products such as mulching, erosion control matting, and rock beaching.

45. Prior to the commencement of works a separate application, direct to Melbourne Water’s Asset Services team, must be made for any new or modified stormwater connection to a Melbourne Water asset.

End of Melbourne Water conditions

VicRoads conditions

46. Prior to the commencement of use of the building hereby approved, the crossover and driveway must be provided and available for use and be:
   a) Formed to such levels and drained so that they can be used in accordance with the plan.
   b) Treated with an all-weather seal or some other durable surface.

47. The crossover and driveway must be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of use hereby approved.

48. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be located inside the property to allow vehicles to store clear of the pavement and footpath.

49. The construction of the building must be undertaken in a proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.

End of VicRoads conditions

50. This permit will expire if one of the following circumstances applies:
   a) The development is not commenced within three (3) years from the date of issue of this permit; or
b) The development is not completed and the use is not commenced within five (5) years from 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 make a written request to the Responsible Authority to extend the expiry date.

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry 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 the development starts, the permit holder must contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- No on street parking permits will be provided to the occupiers of the land.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following: Cw=0.4, tc=10mins, tso=5mins, ARI 1 in 5. An ARI of 1 in 10 shall be used for storage and the greater of post development Cw or Cw=0.80.
- 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.
- The on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or development.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and/or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- The development authorised by this permit will require the submission of a Construction and Site Management Plan (CSMP) prior to the commencement of any works. All CSMPs are required to be made via Council's new online system at http://www.mvcc.vic.gov.au/planning-and-building/planning/construction-site-management-plans.aspx or in person at 9 Kellaway Ave, Moonee Ponds.
- Separate approval under the Road Management Act for this activity may be required from VicRoads. Please contact VicRoads prior to commencing any works.
- The premises must comply with the Public Health and Wellbeing Act 2008 and the Food Act 1984 (where applicable) and associated Council Local Laws. Both Council’s Environmental Health Department and Local Laws Department should be contacted regarding these requirements before the development.
commences.

- No assessment has been made of the proposal's compliance with The Tobacco Act 1987 and it is recommended that the permit holder obtain independent advice in this regard.

- The installation of any mechanical exhaust ventilation systems comply with Australian Standards 1668 in order to reduce any potential detrimental impact on the level of amenity to nearby residents due to potential odour.

1. Introduction

1.1 Subject Site and Surrounds

The subject property is located on the eastern side of Pascoe Vale Road, Strathmore. The site is irregular in shape with a 62.48 metre frontage to Pascoe Vale Road and an overall site area of approximately 3,274 square metres. The site is approximately 50 metres south of the intersection with Gaffney Street and 200 metres north of the Tullamarine Freeway overpass. The rear of the site is bounded by the Moonee Ponds Creek reserve and bike trail. The site is currently unused and is mostly vacant, with the exception of two outbuildings near the rear.

Figure 2 – Subject Site (View from Pascoe Vale Road near south-western corner)

The surrounding area is land within a Mixed Use Zone along the eastern side of Pascoe Vale Road, and residentially zoned land on the west. The land immediately to the north along Pascoe Vale Road is occupied by various commercial tenancies including a motor repair centre, car wash, gymnasium and a small food and drink premises. Another site immediately to the north, facing Gaffney Street, is used as a place of worship. Land to the south is also within the Mixed Use Zone, and is currently used as a reserve in the ownership of Melbourne Water. Land along the opposite side of Pascoe Vale Road is generally developed with single dwellings,
with numerous examples of multi-unit developments in the immediate surrounds. Pascoe Vale Road is an arterial road identified as a Road Zone, Category 1 and areas of land with an abuttal to the Moonee Ponds Creek are affected by a Land Subject to Inundation Overlay (including the rear portion of the site).

The character of the area is varied, reflecting the different land uses and development that has occurred. Built form in the surrounding area is inhabited by single dwellings, multi-dwelling developments and commercial holdings. The subject site is located proximate to major and secondary arterial roads, public transport, primary and secondary schools as well as local businesses. Pascoe Vale railway station is located approximately 350 metres to the east or 550 metres on foot accessed via a footbridge at the end of Gaffney Street. The Moonee Ponds Creek bike trail runs along the rear boundary.

1.2 Proposal

It is proposed to construct a multi-storey, mixed use building summarised as follows:

<table>
<thead>
<tr>
<th>Table 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Food and drink premises</td>
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<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Car parking, access and loading</td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
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<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Bicycle spaces</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
62 spaces provided for the use of residential visitors, staff and visitors of the food and drink premises, located at various approaches to the front and rear of the site.

Building height 17 metres (5 storeys)

Refer Appendix A - Plans (separately circulated)

2. Background

2.1 Relevant Planning History

There are historical planning applications associated with the previous use of the land, none of which have any bearing on the current proposal.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework
Clause 9 Plan Melbourne
Clause 10.01 Integrated Decision Making
Clause 11 Settlement
Clause 13 Environmental Risks
Clause 15 Built Environment and Heritage
Clause 15.01 Urban Environment
Clause 15.03 Heritage
Clause 16 Housing
Clause 16.01 Residential Development
Clause 17 Economic Development
Clause 18 Transport

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 21.08 Economic Development
Clause 21.09 Transport
Clause 21.10 Social and Physical Infrastructure
Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning and Overlays
Clause 32.04 Mixed Use Zone
Clause 44.04  Land Subject to Inundation Overlay

Particular and General Provisions

Clause 52.06  Car Parking
Clause 52.29  Land Adjacent to a Road Zone, Category 1
Clause 52.34  Bicycle Facilities
Clause 58  Apartment Developments
Clause 65  Decision Guidelines

2.3  Referrals

The following referrals were undertaken:

Table 2

<table>
<thead>
<tr>
<th>External Referrals</th>
<th>Comments/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>City West Water (s52)</td>
<td>No objection subject to conditions</td>
</tr>
<tr>
<td>Essendon Airport (s52)</td>
<td>No objection subject to condition</td>
</tr>
<tr>
<td>Melbourne Water (s55)</td>
<td>No objection subject to conditions</td>
</tr>
<tr>
<td>Head, Transport for Victoria (s55)</td>
<td>No objection</td>
</tr>
<tr>
<td>VicRoads (s55)</td>
<td>No objection subject to conditions and permit note</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Internal Referrals</th>
<th>Comments/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Property</td>
<td>No objection</td>
</tr>
<tr>
<td>Development Engineering (Drainage)</td>
<td>Standard conditions</td>
</tr>
<tr>
<td>Development Engineering (Traffic)</td>
<td>Conditions relating to design of accessways and parking areas. A concern raised regarding the food and drink premises classification</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>Standard conditions and notes</td>
</tr>
<tr>
<td>Environmental Sustainable Design (ESD) Officer</td>
<td>Conditions requiring amended Sustainable Management Plan and notations on plans</td>
</tr>
<tr>
<td>Landscape and Open Space</td>
<td>Concern with shadow impact and overall height (discussion at Section 3.2) Support for functional layout, reduced basement area, reduction in south-eastern corner near bike trail, improved bicycle facilities provision Conditions for amended landscape</td>
</tr>
</tbody>
</table>
2.4 Public Notification of the Application

Pursuant to Section 52 of the Act, the application was advertised by mail to surrounding properties and notices displayed on site for 14 days.

A total of six objections were received from the following properties:

- 485, 487 and 496-500 Pascoe Vale Road, Strathmore.
- 1, 3 and 5 Brisbane Street, Strathmore.

The concerns raised in these objections are discussed under Section 3.7 of this report.

2.5 Consultation Meeting

Pursuant to Councils Statutory Planning Protocols 2011, a Consultation Meeting was not required as less than 10 objections were received through the notification process.

3. Discussion

3.1 Does the proposal address the relevant State and Local Planning Policies?

The relevant State and Local Planning Policy Framework clauses are considered to be met.

The proposal complies with the provisions of Clause 10.01 (Integrated Decision Making). The proposal suitably addresses aspects of economic, environmental and social well-being by balancing conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Clauses 11 (Settlement), 16 and 21.05 (Housing) seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. This is aligned with the relevant purpose contained in the Mixed Use Zone, to provide for housing at higher densities. This is reinforced through the physical and locational characteristics of the site and delivered through a well resolved design response. The site is located on an arterial road, in close proximity to a major freeway and within walking distance of a railway station. The abutting Moonee Ponds Creek reserve and bike trail presents another key linkage to the site. The proposal provides an increase housing opportunities to meet growing population needs, providing a diversity of
housing choice in a well serviced area with access to a variety of transport options and local/community services.

As discussed under Section 3.3 of this report, the proposal conditionally meets the relevant objectives and strategies at Clauses 13.02-1 (Floodplain Management) and 22.10-2 (Integrated Water Management) as they relate to minimising impacts from development on flood prone areas.

Pursuant to Clause 13.03-1 (Use of Contaminated and Potentially Contaminated Land), the historical use of the site as a petrol station presents a high risk for site contamination. The proposed residential use is classified as a ‘sensitive use’. Therefore, an environmental site assessment is to be undertaken by a suitably qualified environmental professional prior to the commencement of the proposed use, which will be required as a condition on any permit granted to ensure the site is suitable for residential purposes. It is noted that a detailed preliminary environmental site assessment was provided with the application, outlining both soil and groundwater contamination along with appropriate recommendations for a future residential development. This is expected to form the basis of a future site assessment specific to the construction of this development.

Policy guidelines relevant to the built environment and urban design, Clauses 15 and 21.06, are discussed in detail under the following section.

The proposed development complies with Clauses 17 and 21.08 (Economic Development) by providing a functional and attractive commercial space which will activate the immediate interface to Pascoe Vale Road, and importantly to the Moonee Ponds Bike trail to the east.

Clauses 18 and 21.09 (Transport) seeks to reduce environmental impacts and improve access to sustainable modes of transport. It also seeks to provide choices for movement of people and goods whilst ensuring these choices provide sustainable outcomes. It is considered the proposal provides an appropriate balance with respect to the provision of on-site parking, reducing reliance on private vehicle ownership and encouraging sustainable modes of transportation.

The proposal complies with the objectives and strategies of Clause 21.04 (Sustainable Environment) through the use of ecologically sustainable design principles. An amended Sustainable Management Plan will be required as a condition of permit to reflect the amended development layout.

The proposal accords with objectives of Clause 21.04-7 (Waste) as it relates to encouraging the use of recycling and achieving best practice in waste minimization. Council’s Waste Projects Officer had no objection subject to an amended waste management plan, which will be addressed through a condition of permit.

The proposal has the potential to comply with Clause 22.03 (Stormwater Management – Water Sensitive Urban Design) by providing adequate on-site stormwater treatment, with a condition requiring submission of an amended STORM assessment achieving a minimum 100% rating.
3.2 Does the proposal represent an appropriate built form outcome?

It is a strategy of Clause 15.01-1 (Urban Design) to ensure new development responds to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate. It is considered the proposed development appropriately considers its site context and proposes a built form that will not be visually dominant to the streetscapes and adjoining properties and will provide appropriate internal amenity to future users of the site.

Clause 15.01-2 (Urban Design Principles) provides the main assessment criteria for development proposals not covered by Clauses 54, 55 or 56 of the planning scheme.

The objective of Clause 15.01-2 is:

- To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

The Urban Design Guidelines for Victoria 2017 are a policy guideline in support of this clause, which provide high level guidelines for the development of functional and enjoyable places throughout Victoria. The guidelines contained at Element 2 (Movement Network) and Element 5 (Buildings) are of relevance to this application, which are considered to be satisfied for reasons discussed in greater detail below.

Clause 21.06-4 (Urban Design) provides further objectives and strategies which echo the key urban design principles contained within Clause 15.01-2 and the Urban Design Guidelines for Victoria 2017.

It is considered the proposed development complies with Clauses 15.01-2 and 21.06-4, as discussed below:

**Context**

The proposed mixed use development is considered to be appropriate given the size and location of the site, with good access to a range of services including public transport, schools and numerous amenities. The provision of commercial and residential uses is appropriate with regard to the policy direction for the site and compatible with existing uses in the immediate surrounds.

The design response has adequately considered its immediate abuttals by providing active interfaces to the front and rear, along with suitable setbacks to the commercially used site to the north to respect its equitable development rights. The scale, siting, massing and detailed design takes into account the existing context and strategic directive for this location, and will not unreasonably impact upon the amenity of the public realm, providing ample setbacks from front, side and rear boundaries.

The development has a height of five storeys and would be the highest building in the area as proposed. The land is over 3,000 square metres and located on an arterial road, proximate to various modes of transport linkages and free of any sensitive residential interfaces. The relevant policy considerations, as well as the purpose of the zone, direct a higher
density of housing for a site such as this. It follows that a larger built form will result, and the appropriateness of such a built form would depend on its context and the design response.

Given the characteristics of the site and the overall design response as discussed throughout this report, the five storey building is considered to be an appropriate outcome. The height is suitably managed through an exemplary architectural theme. The upper levels are both physically and visually recessive from all surrounding vantage points, with various design elements serving to break its width and mass. The overall height is also acceptable when considering the development potential of its immediate surrounds, which are of similar size and have identical planning controls. These sites could feasibly accommodate buildings of a similar scale to the proposed development, and would also need to echo the urban design benefits achieved through this proposal such as its interface to the bike trail and meaningful landscaping response.

The Public Realm

Aside from its interface to Pascoe Vale Road, the abuttal with the Moonee Ponds Creek reserve and bike trail to the east presents a key link to the public realm. This unique context has been embraced by the design response through its functional layout, siting of built form and landscaping, which will protect and enhance the public realm.

The development would generally make a positive contribution to both the street and rear reserve, achieving an appropriate level of integration between the public and private realm and enhancing the built environment. The design of the street facing dwellings, food and drink premises, communal area and the residential entrance/lobby areas achieve active interfaces around the building. The incorporation of balconies at the upper floor levels provides appropriate articulation of the building façade and maximises opportunities for visibility and passive surveillance. All vehicle and pedestrian entries are well defined and clearly identifiable from the public realm.

Whilst much of the Pascoe Vale Road frontage is occupied by car parking and accessways, this would not undermine the enhanced activation, surveillance and public safety to the street and neighbouring reserve as discussed above.

Safety

The development provides active uses which will establish a level of surveillance and security to the street which is currently absent. Glazing to active uses at ground level across the frontage, as well at the upper levels, provide for passive surveillance of the streetscape. This will improve the urban environment by increasing public safety and security.

Landmarks, Views and Vistas

There are no significant monuments or landmarks in the vicinity of the site that have been identified within the Moonee Valley Planning Scheme as requiring specific protection that will be affected by this development. The development will make a positive contribution to the Moonee Ponds Creek
environs through a responsive built form along with an active, landscaped transitional space.

**Pedestrian Spaces**

The two entry points and lobby areas of the development are easily identifiable from the street, each with a lift and stairwell providing access to the upper levels. The integrated layout of this arrangement will allow for ease of movement, including the movement of furniture, emergency access and escape. A pedestrian path along the southern boundary is provided, linking Pascoe Vale Road to the Moonee Ponds Creek trail. This is a positive design outcome which will allow permeability through and around the development. Conditions of permit will address potential conflict between this path and indicative seating and planting shown on the plans, which will ensure clear a pedestrian route and view lines.

**Heritage**

The site is not subject to a Heritage Overlay and is not immediately adjacent to any heritage buildings. The proposed development does not mimic any existing heritage characteristics found nearby, in accordance with the provisions of the Burra Charter 1999.

**Consolidation of Sites and Empty Sites**

The proposed development involves the consolidation of two unutilised properties, providing a design response that will contribute to the built environment. The site and immediate surrounds are characterised by large, irregularly shaped lots which are substantially free of any built form. In this context, the consolidation of the site would establish an appropriate rhythm within the current streetscape.

**Light and Shade**

Shadow cast by the development will primarily be to the adjoining reserve to the east and south during the afternoon, as well as over Pascoe Vale Road during the morning. The extent of shadow cast is acceptable and would unreasonably affect the enjoyment of the public realm. In particular, the substantial building setbacks to the east will ensure adequate daylight will reach the Moonee Ponds Creek reserve and bike trail.

**Energy and resource efficient**

The development of a multi-level development offers a number of environmentally sustainable outcomes. These include the sharing of floors, walls and ceilings, which assist in the prevention of excessive heat gain and loss. This sharing of floors, walls and ceilings also makes efficient use of resources and building materials.

The proposed development provides a built form designed to maximise the use of natural daylight and ventilation to all dwellings. The use of planter boxes to prevent internal views throughout the development avoids the need for privacy screening, optimising dwelling outlook and internal amenity as well as improving the visual appearance of the building.
A condition of permit will ensure an amended Sustainable Management Plan is provided for endorsement and that the nominated sustainable design initiatives are implemented.

**Architectural quality**

It is considered the development provides a high level of architectural quality and urban design benefit, which will positively contribute to the built environment. The design incorporates render and masonry finishes, along with timber and metal cladding which together create an attractive, legible architectural theme. The use of curved, horizontal elements as well as horizontal modular framed sections break up the building mass to Pascoe Vale Road and serve to interrupt the vertical scale of the building. Timber framing is used at each level to soften the appearance of the building, as well as to create pedestrian reference and shelter around the food and drink premises and communal areas.

An equal level of articulation and visual interest is provided along the side elevations and in particular the rear elevation to the creek reserve, where the communal open space area punches through to create a physical break in the building. Planting is provided around the building and to each level which suitably addresses the creek and reserve interface.

The proposed development provides an excellent response to the site’s location and context through a cohesive and attractive architectural response. Darker materials and increased setbacks are used to ensure the upper levels are both visually and physically recessive when viewed in the round.

**Landscape Architecture**

The development achieves an excellent landscape response to the abutting Moonee Ponds Creek reserve, with a buffer between the building and basement footprint that will allow for substantial deep soil planting. Trees will be provided along the northern boundary, as well as the eastern boundary as viewed from the bike trail. This exceeds the requirements of Clause 58.03-5 (Landscaping) of the Moonee Valley Planning Scheme.

The communal open space area at ground level accommodates further planting along with seating areas and in an attractive and cohesive design. This will enhance the amenity of the abutting bike trail. Landscaping is also provided throughout the building at ground and the upper levels, within balconies as well as the communal roof terrace. Planting is also provided across the Pascoe Vale Road frontage at ground and upper floor levels.

A condition of permit will require amended landscape plans, and include requirements around appropriate species, as well as planting which will adequately filter views of the ground level parking area along Pascoe Vale Road.

The concern raised by Council’s Landscape and Open Space Unit regarding the height and shadow impact of the building is noted, however the design response is considered appropriate as discussed in greater detail above.
3.3 Does the proposal comply with the requirements of the Mixed Use Zone and Land Subject to Inundation Overlay?

A permit is required under the Mixed Use Zone to construct two or more dwellings on a lot and for buildings and works associated with a use in Section 2 of Clause 32.04-2 (Food and drink premises larger than 200 square metres). The use of the land for dwellings is a Section 1 ‘No permit required’ use under the zone.

The proposed use of the land for a food and drink premises meets the purpose and relevant decision guidelines of this clause. The use will facilitate the mixed-use function of the locality and will provide an active interface to the Moonee Ponds Creek reserve and bike trail. The amenity of the area will not be unreasonably affected by the use of the land, with operational functions accommodated entirely within the proposed development (i.e. waste, loading).

The proposed works are considered to meet the relevant decision guidelines of the zone for the reasons discussed throughout this report. It is noted that the requirements of Clause 32.04-9 do not apply as the site does not have a direct abuttal to any land within a residential zone.

The subject site is located within a Land Subject to Inundation Overlay. The application has been referred to Melbourne Water who state they have no objection to the proposal subject to conditions, which will be included on any permit issued.

3.4 Is the design and provision of car parking appropriate?

A summary of the car parking requirements for the proposal is set out in the table below:

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<thead>
<tr>
<th>Component</th>
<th>Requires</th>
<th>Provides</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-bedroom dwellings (x14)</td>
<td>14</td>
<td>14 (-)</td>
</tr>
<tr>
<td>Two-bedroom dwellings (x68)</td>
<td>68</td>
<td>80 (+12)</td>
</tr>
<tr>
<td>Residential visitors</td>
<td>16</td>
<td>16 (-)</td>
</tr>
<tr>
<td>Food and drink premises (225m²)</td>
<td>9</td>
<td>11 (+2)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>107</strong></td>
<td><strong>121 (+14)</strong></td>
</tr>
</tbody>
</table>

The proposal satisfies the requirement of Clause 52.06-3 for on-site car parking provision, with surplus parking provided for the two-bedroom dwellings and the food and drink premises.

The application was referred to Council’s Development Engineering (Traffic) Unit, which did not object to the application subject to conditions which will be included on any permit.

A concern raised was with the classification of the food and drink premises. Council’s Development Engineering (Traffic) Unit states that due to the late night trading, the use should be classified as a restaurant which carries a higher requirement for on-site parking (57 spaces).
In order to ensure that the space operates within the realms of a food and drink premises, rather than a restaurant, a condition of any permit issued has reduced the closing time for the premises to 9pm.

3.5 Is the design and provision of bicycle facilities appropriate?

A summary of the bicycle facilities requirement is set out in the table below:

Table 4

<table>
<thead>
<tr>
<th>Use</th>
<th>Requires</th>
<th>Provides</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>16</td>
<td>26 (+10)</td>
</tr>
<tr>
<td>Visitors/staff</td>
<td>9</td>
<td>62 (+53)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>25</strong></td>
<td><strong>88 (+63)</strong></td>
</tr>
</tbody>
</table>

The development exceeds the required provision for bicycle facilities for each component. A condition of permit will require the scattered visitor bicycle spaces to be provided in a more consolidated manner, located where it is proximal to the commercial or residential components as relevant.

3.6 Does the proposal comply with the requirements of Clause 58?

The proposal is considered to generally comply with the provisions of Clause 58 as set out in the assessment table (refer to Appendix B). The following points of exception, which have not been satisfied through this development, are listed below with corresponding assessments:

Table 5

<table>
<thead>
<tr>
<th>ResCode Standard</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 58.03-3 (Solar Access to Communal Outdoor Open Space) Standard D8</td>
<td>The larger ground level communal open space area (360 square metres) would receive a high level of solar access during the early morning hours but would be largely overshadowed from the mid-morning onward. This would not meet the requirement of the standard which seeks to provide two hours of sunlight to at least 50% of the area or 125 square metres (whichever is lesser) between 9am and 3pm on the equinox. However, the secondary communal open space area provided at the fourth storey roof terrace will enjoy direct solar access throughout the day, due to its northern orientation and elevated position. The roof terrace has an overall area of 112 square metres and is provided with a high level of amenities (seating, shade, landscaping) as the larger ground level area. A variation to this standard is therefore considered appropriate, having regard to the</td>
</tr>
<tr>
<td>ResCode Standard</td>
<td>Response</td>
</tr>
<tr>
<td>------------------</td>
<td>----------</td>
</tr>
<tr>
<td>quality and overall amount of communal open space provided throughout the development. The development is required to provide a total of 205 square metres of communal open space, and provides a total of 472 square metres. Despite the limited solar access to the ground level communal area, the elevated roof terrace will be provided with excellent solar access. The proposal is considered to meet the objective of this clause.</td>
<td></td>
</tr>
</tbody>
</table>

**Clause 58.05-1 (Accessibility) Standard D17**

The typical two-bedroom apartment layout plans show that they will generally be capable of meeting the dimensions required by this standard. Of the 68 two-bedroom apartments, 57 are provided in one of the typical arrangements. This accounts for approximately 69.5% of the total apartments in the development, exceeding the minimum of 50% required by the standard.

To ensure these apartments fully comply with the requirements of this standard, a condition of permit will require the following notations to be provided:

- The dimensions of dwelling and main bedroom entry doors to be at least 850mm.
- Doors to adaptable bathrooms to meet the design requirements Table D4 (either sliding, or removable hinges).
- Toilets in adaptable bathrooms shown outside minimum required circulation area under Table D4, and located closest to the door opening.

**Clause 58.05-3 (Private Open Space) Standard D19**

Ground level dwellings are provided with courtyards with areas between 29 to 100 square metres, exceeding the minimum of 25 square metres under the standard. Each area has dimensions in excess of the minimum of 3 metres.

All other dwellings are provided with balconies ranging from 8 to 58 square metres, either meeting or exceeding the 8 square metre minimum under the standard. Some of these balconies fall short of the minimum required internal dimension of 1.8 metres for one-bedroom dwellings or 2 metres for two-bedroom dwellings. Compliance will be required as a condition of any permit issued.
ResCode Standard | Response
--- | ---
Should any of the balconies accommodate service units, the standard requires these areas are to be at least 9.5 square metres. A condition of permit will require clarification of the location of any service units and ensure any non-compliant balconies are increased to comply with this standard. Any subsequent modifications from the above requirements must be accommodated within the current building footprint.

Clause 58.06-2 (Site Services) Standard D22 | Building services are generally provided in suitable locations throughout the development. A condition of permit will require the location and details of mailboxes are clearly shown on the plans to comply with this clause.

### 3.7 Objections (Discussion)

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

**Table 6**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visual bulk and scale Neighbourhood character</td>
<td>The development is considered to be an appropriate design response for the site as discussed under Section 3.2 of this report.</td>
</tr>
<tr>
<td>Loss of views to creek and parkland</td>
<td>The Moonee Valley Planning Scheme does not make provision for rights to views are possible over the currently vacant site, noting that the bulk and scale of the proposal is considered to be appropriate as discussed above.</td>
</tr>
<tr>
<td>Overdevelopment</td>
<td>Given the level of housing intensification encouraged by policy and the zoning of the site, as well as its physical opportunities and constraints of the site, the proposal is considered to represent an appropriate degree of change and growth.</td>
</tr>
<tr>
<td>Traffic/car-parking impacts</td>
<td>The provision of parking and generation of traffic are considered to be acceptable, subject to modifications discussed under Section 3.4 of this report.</td>
</tr>
<tr>
<td>Off-site amenity impacts (noise, overlooking, overshadowing)</td>
<td>As discussed throughout this report and in light of compliance with the relevant requirements of Clause 58, it is not considered that the development would result in unreasonable</td>
</tr>
</tbody>
</table>
### Issue

**Officer Response**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>impacts on the amenity of neighbouring properties.</td>
<td></td>
</tr>
<tr>
<td>Hours of food and drink premises are excessive</td>
<td>The closing time for the food and drink premises will be reduced to 9pm as discussed under Section 3.4 of this report.</td>
</tr>
<tr>
<td>Pollution, health impacts</td>
<td>The proposed development is predominantly residential, with a food and drink premises at ground level. These uses would not pose any risk of emissions or pollution which would adversely affect the amenity of the area. Similarly, the generation of traffic from the site is appropriate to this location and the basement parking area will be suitably ventilated to accord with the relevant standards.</td>
</tr>
<tr>
<td>Protection of proposed dwellings from noise impacts</td>
<td>The submitted acoustic assessment outlines recommendations to the design of the building to protect residents having assessed impacts from the sites proximity to Essendon Airport, Pascoe Vale Road as well as the neighbouring commercial operations. The recommendations of this report will be implemented through a condition of any permit issued.</td>
</tr>
<tr>
<td>Equitable development of the neighbouring property to the north</td>
<td>The development provides a substantial setback from the northern boundary, ensuring daylight access and outlook is not borrowed from this interface. This is considered to appropriately acknowledge the development potential of the neighbouring site.</td>
</tr>
<tr>
<td>Construction impacts</td>
<td>A condition of any permit issued would require the submission of a Construction and Site Management Plan prior to the commencement of any works.</td>
</tr>
</tbody>
</table>

### 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 and overlay controls, the relevant Particular and General Provisions, and the decision guidelines at Clause 65 of the Moonee Valley Planning Scheme.

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

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

Appendices

Appendix A: Plans (separately circulated)
Appendix B: Apartment Developments Assessment
APPENDIX B

MV/713/2017 – 492-494 Pascoe Vale Road, Strathmore
Clause 58 (Apartment Developments) of the Moonee Valley Planning Scheme

Where there is non-compliance, see main report.

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard</th>
<th>Complies with Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1 - Urban Context Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D2 - Residential Policy Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D3 - Dwelling Diversity Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D4 - Infrastructure Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D5 - Integration with the Street Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D6 - Energy Efficiency Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D7 - Communal Open Space Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D8 - Solar Access to Communal Outdoor Open Space Objective</td>
<td>X</td>
<td>✓</td>
</tr>
<tr>
<td>D9 - Safety Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D10 - Landscaping Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D11 - Access Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D12 - Parking Location Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D13 - Integrated Water and Stormwater Management Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D14 - Building Seiz back Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D15 - Internal Views Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D16 - Noise Impacts Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D17 - Accessibility Objective</td>
<td>✓ Condition</td>
<td>✓</td>
</tr>
<tr>
<td>D18 - Building Entry and Circulation Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D19 - Private Open Space Objective</td>
<td>✓ Condition</td>
<td>✓</td>
</tr>
<tr>
<td>D20 - Storage Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D21 - Common Property Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D22 - Site Services Objectives</td>
<td>✓ Condition</td>
<td>✓</td>
</tr>
<tr>
<td>Title and Objective</td>
<td>Complies with Standard</td>
<td>Complies with Objective</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>D23 - Waste and Recycling Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D24 - Functional Layout Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D25 - Room Depth Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D26 - Windows Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D27 - Natural Ventilation Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

✓ – Complies  
x – Non-compliance  
N/A – Not applicable
9.3 Reviewing Statutory Planning Protocols

File No: FOL/18/32
Author: Petrus Barry
Acting Director Organisational Performance
Directorate: Planning & Development

Purpose
To present a report that reviews Council’s Statutory Planning Protocols (Protocols) previously adopted in 1997 and amended in 2004 and 2011. The review includes information about current shortcomings, legislative requirements, data on performance and surveys conducted in respect of Consultation Meetings.

At its Ordinary meeting on 8 May 2018 Council resolved that consideration of this report be deferred to a future Ordinary Council Meeting and that consultation occur with a representative sample of those who have attended consultation meetings to obtain further information on their effectiveness.

Executive Summary
- Council’s Protocols were initially introduced in January 1997, updated in November 2004 and again in March 2011.
- The Department has benchmarked delegations and procedures with similar Councils and conducted a survey amongst 32 Victorian Councils in relation to Consultation Meetings.
- Following Council direction on 8 May 2018 a representative survey amongst attendees of Consultation Meetings over the last 12 months has concluded that Consultation Meetings should continue. A number of areas for improvement were also identified in the responses.
- Improvements to the protocols, delegations and Development Assessment Panel (DAP) operations will assist in reducing time frames for finalising planning applications. This includes the way that objections are counted for purposes of triggers to consider applications at an Ordinary Council Meeting.
- Provision is also made for simplifying some delegation processes in certain instances, such as urgent VCAT matters.
- The proposed changes to the Protocols are required to streamline and improve the planning processes as undertaken by the Statutory Planning Department and it is recommended that they be accepted.
Recommendation

That Council:

1. Adopts the updated Statutory Planning Protocols (July 2018) Appendix A
   (separately circulated).

2. Reviews its Instrument of Delegation pursuant to the Planning and Environment
   Act 1987 provisions to ensure consistency with the updated Statutory Planning
   Protocols.

3. Through the Statutory Planning and Technical Services Departments provides
   information to the planning community and update the Council website
   regarding the following:
   a) Facilitation of complaints in relation to construction activities in general
      and updated information on the status of Construction and Site
      Management Plans; and
   b) Provision of improved information, advice and examples regarding matters
      that do and do not constitute a legal planning objection and the
      procedures following the lodgement of an objection.

4. By July 2023 undertakes a review of the Statutory Planning Protocols (July
   2018) as outlined in section 5.1 of the document.

Background

Council’s Statutory Planning Protocols were initially introduced in January 1997,
updated approximately seven years later in November 2004 and again in March
2011. It is now seven years since the last review.

A number of changes to the Protocols are required to streamline and improve the
planning processes as undertaken by the Statutory Planning Department.

Discussion

Since the last update of the Protocols a number of changes have taken place in the
field of Planning including the advent of the Garden Area Requirements and also
changes to guidelines like the Better Apartment Guidelines. This, together with an
assessment undertaken of the volume, type and complexity of planning applications
lodged with the Department as well as the type and frequency of objections received,
were used to propose ways of improving on the statutory time frames and Local
Government Performance Reporting Framework (LGPRF) measures.

The Department also undertook a survey among 32 Victorian Councils to benchmark
procedures and successes of Consultation Meetings. Additional information was
gathered in relation to delegations to Council and Officers.

Increased pressure to meet targets

The Department has been forced to include many more assessment actions into its
operations due to new policies and changes to the planning scheme and legislation,
such as the new Garden Area requirements and Better Apartment Guidelines. There
is thus increasing pressure to comply with legislated performance measures and
applying rigour in questioning of assumptions, State and local best practice (including
consideration of VCAT decisions) and thinking deeply about the application of the policy to the local area. Further, there must be evidence of consultation and how the views of the community have been taken into account.

**Performance**

The department has already increased its performance from achieving 54% of applications being completed within 60 days to a current rate of more than 60% for 2017-2018. This has been achieved through improved work practices and streamlining certain internal procedures, including switching to paperless applications early in 2017. The intention is to maintain these levels and continually increase the performance.

This becomes difficult where more time has to be spent on the 22% of the 1,173 applications received in the last financial year being Complex, triggering 2,150 objections. There has also been an increase in Major applications (from 35 to 42 to 47 in the respective periods from 2015, 2016 and 2017). The Department managed 71 VCAT appeals in 2017 of which 19 out of 36 hearings were listed as a "win" with a substantial increase in Consent Orders from the previous year (i.e. not requiring a hearing). The Department has also calculated the cost of more than 100 appeals to be an average of $2,600 per appeal across all those appeals.

The Statutory Planning Department prepared and submitted 82 Council Reports for 2017 (71 normal and 11 confidential items); both iterations showing an increase from previous years.

Improved performance in assessment of applications and at VCAT can be achieved if delegations are streamlined and other aspects that delay the timelines are addressed. A number of options were considered to improve the performance and timelines.

**Objections and relevance to the planning applications**

An assessment of the number of objections received to applications shows that a third of all planning applications triggered submissions from the public (2,150 objections). There is also a large number of repeat objectors to applications. This has led to the notion that the number of objectors triggering a report to be referred to the Ordinary Council Meeting be realigned to better capture neighbours that are the most affected by a proposed residential development and excluding objections that aren't based on planning matters.

**Consultation meetings**

There is no legislated requirement for Consultation Meetings and the existing agreed process included in the Protocols generally adds about 4-8 weeks to the time frame of an application. In 2016/17, 24 consultation meetings were held with 1,600 invites being mailed, which is an expensive and time consuming exercise with less than 5% of these meetings leading to any positive change to the application.

The Department surveyed officers in 32 Councils to ascertain their Consultation Meeting experiences. All Councils experienced the effort to conduct the meetings were generally not justified and not adding any value and further:

- were seldom successful and created an extraordinary amount of work;
- extended time frames;
• created high expectations with limited outcomes;
• required extensive Officer time out of hours and the cost to the Department; and
• they are not decision making or mediation meetings.

Observations from the Survey: Melton for example only conducts the meetings (during business hours) if it is felt an outcome could be achieved; Dandenong only holds them for residential applications and Hobsons Bay and Brimbank only conduct them by special invite; Only 5/11 inner-city Council Consultation Meetings were chaired by a Councillor; Kingston and Moreland sometimes have informal consultations to discuss the application with immediately impacted objectors.

In initial discussion with Councillors, the preference was that the Consultation Meetings still proceed as before but that improvements to attendance and options to limiting some meetings, were an outcome will be clearly unlikely.

Councillors in an Ordinary Council Meeting on 8 May 2018 resolved that consideration of the report on the reviewing of the Statutory Planning Protocols be deferred and “that consultation occur with a representative sample of those who have attended consultation meetings to obtain further information on their effectiveness”.

Consequently, a survey was circulated to all objectors and permit applicants who provided their e-mail addresses at Consultation Meetings held between May 2017 and May 2018.

In total 284 emails were distributed, of which 253 were successfully delivered to the sample group. By the end of the survey, a total of 63 responses were received of which 51 responses were from objectors, 9 responses were from permit applicants and 2 responses have attended as both permit applicants and objectors. In total, 57 (91.9%) of the respondents believe that Council should continue to hold Consultation Meetings. A number of recommendations to the process have been provided and have been included in Table 1 below.

Delegations

An assessment of the delegations employed by other Councils has also been undertaken and this has further advised the proposed changes to the delegations and the procedures captured in the Protocols. The main purpose of the amended delegations is to improve on the approval timeframes but still maintaining enough consultation to be certain that residents do not feel that their concerns are not properly heard and Councillor involvement is harnessed to the full.

Proposed changes to the Protocols

In light of the discussion above, a number of changes are proposed to the Statutory Planning Protocols document. These include:

• Minor typographical corrections;
• Changes to reflect the current Statutory Planning Department and staffing structure; and
• Content changes to improve system efficiency and effectiveness, such as acknowledgment of the Instrument of Delegation and clarification of “Refusal” delegations.
Content changes, with inclusion of feedback from the above-mentioned surveys to improve system efficiency and effectiveness are outlined in Table 1 below.

**Table 1**

<table>
<thead>
<tr>
<th>Section Number (of Protocols document)</th>
<th>Item</th>
<th>Proposed Change as at July 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>It is proposed that the existing Protocols document be updated as follows:</td>
</tr>
<tr>
<td>4</td>
<td>“Amended Plans and Permits”</td>
<td>Better alignment of the delegations to decide these matters in accordance with the Instrument of Delegations</td>
</tr>
<tr>
<td>5.1</td>
<td>“Delegation Protocols- General”</td>
<td>Currently the Protocols are required to be reviewed and presented to Council every four years. (The last two changes have been every seven years). It is proposed that this now occurs every five years, unless otherwise requested by Council, or as required by legislation</td>
</tr>
<tr>
<td>5.2.1</td>
<td>&quot;Officer Delegation Levels. Manager Statutory Planning Manager and Coordinator, Team Leaders and Principal Planners&quot;</td>
<td>Titles changed to reflect current staffing structure and titles and confirmation of Officer Delegation Instrument. No change to delegation parameters. Clarification that an application can be considered by DAP and refused at (Specific) officer level despite a Consultation Meeting having been held. Specific Officer delegations to decide on the Council’s position regarding amended plans tabled at VCAT and determining the parameters within which Council’s representatives can negotiate at VCAT mediations, but having regard to [updated] 5.3.1 and 5.3.2 (refer below).</td>
</tr>
<tr>
<td>5.2.2</td>
<td>&quot;Officer Delegation Levels. Senior Town Planners/Subdivision Planners&quot;</td>
<td>Removing “Subdivision Planners” from 5.2.3 and adding to this level of authority in 5.2.2 to reflect the current delegation levels</td>
</tr>
<tr>
<td>5.2.3</td>
<td>&quot;Officer Delegation Levels. Statutory Planning Officers&quot;</td>
<td>Confirmation as per the Instrument of Delegation that Statutory Planning Officers may sign Planning Permits where a Notice of Decision to grant a permit has already been issued; and</td>
</tr>
<tr>
<td>Section Number (of Protocols document)</td>
<td>Item</td>
<td>Proposed Change as at July 2018</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Adding “Other delegation functions as determined by the Manager Statutory Planning” similar to the other level addressed before</td>
</tr>
<tr>
<td>5.3.1</td>
<td>“Other Delegation Parameters. Number of Objections”</td>
<td>Changing the heading from Number of Objectors to “Objections”, given the changed focus in calculating the trigger point of ten objections requiring referral to a Council Meeting. The required number of objections remains equal to or more than 10 objections for an application not to be considered under delegation and must be referred to Council for determination. The additional clarifications as previously discussed with Councillors are listed below:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• More than one objection received from the same property (as opposed to actual objections) will be identified as a single objection;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• NEW: Exclusion of objections (as identified by the Manager Statutory Planning) that only relate to an as-of-right component or are clearly not based on planning grounds (like precedent, devaluation of property, construction noise etc.); and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• NEW: Exclusion of objections received from properties outside a radius of 500 metres measured from the centre of the application site, if the application is for residential purposes only.</td>
</tr>
<tr>
<td>5.3.2 a)</td>
<td>“Other Delegation Parameters. Major Projects”</td>
<td>Definition of major project applies if the value of the proposed development exceeds $10 million (instead of $5 million under existing Protocols – since 2011). The value of the proposed development has been increased to coincide with increased development costs and to reflect a more accurate definition of Major Developments as “defined” by the other triggers of major projects, which are still the same, i.e. at least one of: the number of dwellings (20), or number of storeys (4).</td>
</tr>
<tr>
<td>Section Number (of Protocols document)</td>
<td>Item</td>
<td>Proposed Change as at July 2018</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>5.3.2</td>
<td>“Other Delegation Parameters. Major Projects”</td>
<td>Clarification Note added that: Applications that fit into the ‘Major Projects’ definition may be considered and refused under delegation, after consideration by DAP. (This has been applied all along but not clearly written into the Protocols)</td>
</tr>
<tr>
<td>5.3.2</td>
<td>“Other Delegation Parameters. Major Projects”</td>
<td>Note expanded to allow the majority of Ward Councillors to agree that Planning applications and/or determination of Council’s position for VCAT matters may be approved/receive direction under delegation when they have received 10 or more “eligible” objections as per 5.3.1 or fit into the ‘Major Projects’ definition but are not deemed to be controversial (as per section 5.3.3) and have a high degree of compliance. These applications may, however, only be assessed at Council’s Development Assessment Panel (DAP) and then considered under delegation by agreement of a majority of Ward Councillors. The current Protocols were silent on the aspect of these matters being referred to DAP if more than 10 objections had been received. NOTE: The current Protocols also allowed officers to decide on Council’s position on VCAT matters (despite the size of development or number of objections), which was inconsistent with the fundamentals of the rest of the Protocols. (Refer to the change to 5.2.1 above that rectifies this).</td>
</tr>
<tr>
<td>5.3.6</td>
<td>“Other Delegation Parameters. Refusal of Planning Permit Applications”</td>
<td>A further clarification to ensure that only Officers authorised by the Instrument of Delegations can refuse planning permit applications, provided the recommendation is considered and endorsed at the Development Assessment Panel.</td>
</tr>
</tbody>
</table>
| 5.3.7                                  | “Lack of a Quorum at an Ordinary Council Meeting”                    | NEW, in the light of a recent example where a quorum could not be achieved and the likelihood that it may happen again in future, this proposes a procedure to manage the process: “If a quorum at an Ordinary Council Meeting is
<table>
<thead>
<tr>
<th>Section Number (of Protocols document)</th>
<th>Item</th>
<th>Proposed Change as at July 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>known to be unachievable beforehand, a request be referred to all Councillors for majority support requesting the CEO to finalise relevant planning application/s under the Instrument of Delegations.”</td>
</tr>
<tr>
<td>5.4.1</td>
<td>“Councillors Weekly Status Report”</td>
<td>Clarification in the fourth dot point by substituting the word ‘determined’ with ‘considered’ as DAP does not have delegations to determine/decide planning applications.</td>
</tr>
<tr>
<td>6</td>
<td>“DEVELOPMENT ASSESSMENT PANEL (DAP)”</td>
<td>Clarification to the second dot point by substituting the word ‘decisions’ with ‘considerations’ as DAP does not have delegations to determine/decide planning applications.</td>
</tr>
<tr>
<td>APPENDIX 1</td>
<td>“Consultation Meetings Protocols and Procedures. iv. ROLES” Role of Planning Officer</td>
<td>Re-wording of the fourth dot point to align with the second dot point in “Role of Councillors” that stipulates that the Ward Councillors decide amongst themselves who chairs the meeting. Addition to the sixth dot point that the development plans be displayed on a screen for discussion purposes as a result of proposals from attendees responding to the survey on Consultation Meetings. Re-wording of the seventh dot point as a result of proposals from attendees responding to the survey on Consultation Meetings to ensure the planner provides a brief outline of the relevant planning controls prior to the discussions. Clarification in dot point 9 to reflect the current practice where planners do not provide hard copies of documentation to attendees, in the spirit of saving paper and also given the convenience to rather direct an enquiry of this nature to the appropriate internet sites.</td>
</tr>
</tbody>
</table>
### Statutory Planning Protocols: Summary Proposed Changes

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>APPENDIX 1</td>
<td>“Consultation Meetings Protocols and Procedures. iv. ROLES” Role of Councillor/s</td>
<td>Additional dot point under “Role of Councillor/s” as a result of proposals from attendees responding to the survey on Consultation Meetings: “The Chair to explain at the onset what matters can be discussed in the context of the Planning Scheme and Planning and Environment Act 1987.”</td>
</tr>
</tbody>
</table>
| APPENDIX 1                            | “Consultation Meetings Protocols and Procedures. v. OPERATIONS” | Addition of dot point four:  
  - “The applicant and all objectors will be sent an invite and clear directions to the venue in the mail (via email if details are known) and requested to accept the meeting invite. If no objectors confirm attendance, the Manager Statutory Planning can decide to cancel the proposed Consultation Meeting.”  
  (This was mooted at the Councillor Planning Weekend). The inclusion of clear directions follows from the Survey conducted.  
  (The wording purposely does not make provision for cancellation on the non-response from the applicant as the applicant may regard it as a way to avoid the Consultation Meeting.) |
| APPENDIX 1                            | “Consultation Meetings Protocols and Procedures. v. OPERATIONS” | Addition of two last dot points under the DAP Operations to close off on cancellation of Consultation Meetings and to provide objectors with the opportunity to address Councillors in a public forum:  
  - “Where a consultation Meeting has been cancelled for whatever reason, all potential attendees be notified in advance of its cancellation.”  
  - “Where a consultation Meeting has been cancelled or not arranged despite the application receiving 10 or more ‘eligible’ objections, the applicant and objectors be given advice about the procedure to submit a question to Councillors or to present their concerns to a public forum.” |
### Statutory Planning Protocols: Summary Proposed Changes

<table>
<thead>
<tr>
<th>Section Number</th>
<th>Item</th>
<th>Proposed Change as at July 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPENDIX 1</td>
<td>“Consultation Meetings Protocols and Procedures. vi. MEETING AGENDA TEMPLATE”</td>
<td>(This was mooted at the Councillor Planning Weekend)</td>
</tr>
<tr>
<td>APPENDIX 2</td>
<td>“OFFICER DEVELOPMENT ASSESSMENT PANEL (DAP) - MEETING PROTOCOLS AND PROCEDURES. ii. DAP MEMBERSHIP”</td>
<td>The meeting agenda template has been updated by adding a few additional notes to act as reminders about the procedures and dissemination of information. The agenda is a guide only as each chairperson has the ability and opportunity to govern the meeting within the set guidelines.</td>
</tr>
<tr>
<td>APPENDIX 3</td>
<td>“FORM FOR ASSEMBLY OF COUNCILLORS”</td>
<td>In an attempt to improve on Officer’s time taken up by DAP meetings and in view of changes to 5.3.1 above, the DAP meetings will be split in two parts where the second part only requires attendance of the Statutory Planning Staff on the Panel: “Where applications before DAP relate to the following matters or objections, the Strategic Planning and Technical Services Staff need not be present, but a quorum of three must still be achieved: • ResCode matters (solely); • Low risk applications (building works, signage etc.); • Objections to as-of-right components; or • Objections with no planning grounds (e.g. devaluation of properties, construction noise, dust etc.)”</td>
</tr>
</tbody>
</table>

### Consultation

A survey was conducted among a total of 32 outer and inner metropolitan Councils regarding the Planning Consultation meeting procedure, which identified a range of approaches in relation to Consultation Meetings. A focused survey was also distributed to attendees of Moonee Valley Consultation Meetings in the last 12
months and results incorporated in the updated Protocols. Other benchmark actions included discussions with other Councils regarding their delegations to Council and Officers.

The survey results and a number of other proposals were collated and presented to the Councillors at the Planning Weekend at the end of March 2018 and the proposed changes in the report follow from these discussions and the first consideration of this report at an Ordinary Council Meeting on 8 May 2018.

Implications

1. Legislative

Legislated time frames for Statutory Planning are incumbent on Councils to meet. Protocols for the use of delegated authority is available to officers of Council’s Statutory Planning Department under the Planning and Environment Act 1987 and the Local Government Act 1989.

The concept of major projects (major cases) was introduced within the Victorian Government’s Planning and Environment List (with VCAT) in May 2010. Sections 77, 79, 80, 82 and 87A of the Planning and Environment Act 1987 pertain to the Major Cases List.

2. Council Plan / Policy

In presenting this report, Council is working to achieve its strategic objective to promote responsible and equitable decision-making across Council in accordance with Council Plan 2017-21 Theme 5: Resilient organisation - A resilient organisation that is sustainable, innovative, engaging and accountable - Good governance is everyone’s responsibility.

The relevant Strategy as outlined in the Action Plans is “3.2.1.4, Deliver timely, high-quality statutory planning services to manage growth and development.”

3. Financial

There are no specific, direct budgetary or funding considerations as a result of this report although overall savings will be achieved in the Planning Department as a result of the proposed improvements.

4. Environmental

The report and consequences of the recommendations do not have a direct bearing on energy usage and greenhouse gas generation, water impacts, or biodiversity.

Conclusion

The Protocols adopted by Council in January 1997 have improved the quality and consistency of planning decision making. The Protocols have been updated twice since inception.

There is however, a need to reduce the number of applications in the system that exceed 60 days for and continue improving Statutory Planning processes and delegations. Whilst Council officers continue to identify and work on measures to reduce planning application processing times, it is anticipated that the proposed
measures outlined in the report above will work to address this issue and further improve on the legislated timeframes.

Appendices
Appendix A: Statutory Planning Protocols - Proposed revision (separately circulated)
9.4 Events and Festivals Review

File No: FOL/18/32
Author: Nina Stanwell
Events Review Project Coordinator
Directorate: Planning & Development

Purpose
To present recommendations of the Events and Festivals Review for endorsement to implement improvements for the delivery of events and festivals.

Executive Summary
- The Events and Festivals Review (Review) was undertaken to ensure the delivery of events and festivals continue to meet the needs of our community and address our strategic objectives, particularly to ensure a neighbourhood placed based approach.
- The Review aligns closely with the neighbourhood planning objectives of the Draft MV2040 Strategy and directly relates to actions in the Council Plan 2017-21.
- The Review involved a survey of Council events planned for 2017/18 to capture the current activities delivered. The survey shows 115 separate events activations delivered across the city.
- Mapping of Council events across the city demonstrates a concentration of events in Moonee Ponds and much fewer events delivered in suburbs across the northern region of the city.
- The Review recommends the adoption of a placed-based neighbourhood approach to the delivery of events and festivals.
- The Review recommends strengthening community capacity to deliver events through the use of the grants program and community partnerships.
- The Review recommends implementing a number of identified business efficiencies to ensure maximum social return for investment.
- Key changes to existing events would include a revised Moonee Valley Festival, decentralised from Queens Park and delivered as a neighbourhood based festival over many locations and a number of days or weeks.
- The Review has identified the opportunity to combine the Spirit of Moonee Valley Awards with the Citizenship Ceremony held on 26 January to jointly acknowledge new and outstanding citizens in a more joined-up way.
Recommendation

That Council:

1. Endorses the recommendations of the Events and Festivals Review outlined in Table 2 (and as presented in Appendix A – separately circulated).

2. Endorses the Events and Festivals Transition and Action Plan 2018-21 (as presented in Appendix B – separately circulated).

3. Endorses a formal review following the implementation period of the Action Plan with a new action plan developed for the following Council term.

Background

Moonee Valley City Council hosts a range of diverse events and festivals each year. These events and festivals enliven our spaces, connect our communities, celebrate our cultures and inspire our creativity.

The Events and Festivals Review is a response to Council’s move towards neighbourhood based planning for the delivery of programming and services.

At its Ordinary meeting on 24 April 2018, Council endorsed the MV2040 Draft Strategy for community consultation. This plan outlines a long term vision for Moonee Valley as healthy, fair, thriving, connected, green and beautiful across 13, 20-minute neighbourhoods.

The concept of 20 minute neighbourhoods aims to achieve neighbourhoods that allow all people, at all stages of life, to live locally, accessing most of their needs close to their home. Our neighbourhoods are beautiful, sustainable and have strong community connections, which enable citizens and the environment to be healthy and resilient.

Adopting a neighbourhood placed based planning approach for Council’s events and festivals requires an evaluation of the way Council delivers these events to understand how they can be better targeted towards unique neighbourhood areas.

As a result, the Council Plan 2017-21 identifies a key priority under Theme 4: Vibrant and Diverse: Objective 4.2 to review and assess Council’s current festivals, events and programs with the view to developing a future plan that has expanded community cultural development aims, objectives and outcomes.

The draft recommendations of the Events and Festivals Review were presented to Councillors for discussion and feedback at the Councillors Planning Weekend on Sunday 25 March 2018.

Discussion

The Events and Festivals Review (Review) was undertaken to ensure the delivery of events and festivals continue to meet the needs of our community, and address our strategic objectives, particularly to ensure a neighbourhood placed based approach.

The objective of the Review is to: gain an understanding of the breadth of community events and festivals Council delivers; how they respond to community needs across the 13 neighbourhood precincts; and identify future event priorities.
The scope of Review includes events and festivals that are coordinated by Council, considering the level of resources, internal process and social return on investment. The project does not extend to external events run by the community or commercial entities. Mapping of current community events and potential community venues and locations will be undertaken as Stage 2 of the review in consultation with the community throughout 2018/19.

For the purpose of the Review, the following definitions were adopted to categorise the types of Events and Festivals that Council delivers:

- **Events** - A planned occasion involving members of the community for the purpose of entertainment, recognition, celebration, social connection or other activities that are not services or programs.
- **Festival** (or series of connected events) - A collection of celebrations over one or more days, related to a central theme.
- **Civic Events** - Events organised by Council to officially recognise matters of significance relating to citizens.
- **Municipal-wide Events** - Events with a broad reach and promoted to the wider municipality.
- **Neighbourhood Events** - Events responding to local community needs and promoted to locals.

**Survey of Council Events and Festivals**

A key aspect of the Review is to gain an understanding of the breadth of events and festivals Council delivers for the community. As a result, a survey was conducted of events delivered or planned for 2017/18, including events and festivals that met the definitions listed above.

**Table 1:**

*Council events and festivals survey findings*

<table>
<thead>
<tr>
<th></th>
<th>Civic events &amp; festivals</th>
<th>Municipal-wide events &amp; festivals</th>
<th>Neighbourhood events &amp; festivals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of events/festivals</td>
<td>8</td>
<td>4</td>
<td>15</td>
</tr>
<tr>
<td>Total attendance</td>
<td>2,700</td>
<td>30,930</td>
<td>33,893</td>
</tr>
<tr>
<td>Cost</td>
<td>$132,476</td>
<td>$306,368</td>
<td>$284,284</td>
</tr>
<tr>
<td>Investment per person</td>
<td>$49 pp</td>
<td>$10 pp</td>
<td>$8 pp</td>
</tr>
</tbody>
</table>

The data collected through the survey was used to map out the range of events and festivals across the municipality, demonstrating where there may be clusters and gaps in event delivery throughout our neighbourhoods.

The mapping and survey data demonstrates that some neighbourhoods in Moonee Valley are receiving fewer event activations, while other areas are heavily programmed with Council events. For example, Moonee Ponds sees 38% of all events in the municipality, while areas such as Strathmore, Airport West and Niddrie / Essendon West receive less than 2% each.
In particular, mapping of Civic events and Municipal-wide events shows a strong prevalence for Moonee Ponds, with no Civic events held outside of Moonee Ponds for the surveyed period.

This information highlights the need to proactively engage in new ways to ensure Council is delivering events and festivals throughout the municipality which is explored throughout the recommendations of this report.

It is important to note that this survey data does not account for any community delivered events and festivals. It is recommended community event and festival information is collected and mapped as a follow up to this review to identify where the community events and festivals are being delivered.

Recommendations

The Events and Festivals Review Recommendations Report presented at Appendix A (separately circulated), details the analysis of consultation, surveyed data and mapping and provides a framework for the planning and delivery of events. The recommendations are summarised below in Table 2.

**Table 2:**
Summary of Events and Festivals Review Recommendations

<table>
<thead>
<tr>
<th><strong>Recommendation 1</strong></th>
<th><strong>Recommendation 2</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Adopt a neighbourhood planning approach for delivering Council events</strong></td>
<td><strong>Strengthen community capacity through event partnerships and grants</strong></td>
</tr>
<tr>
<td>1.1 Use the Neighbourhood Planning Framework to strategically plan events across the municipality that meet the needs of all Moonee Valley neighbourhoods.</td>
<td>2.1 Enhance access to funding for community events and activations through grants program by:</td>
</tr>
<tr>
<td>a. As a result, redesign the Moonee Valley Festival to deliver a series of placed-based events throughout our neighbourhoods</td>
<td>b. establishing a Festivals and Events sub-stream within Biannual Grants including in-kind support and allowing events and festivals to reapply in subsequent years, including streams for professional festivals and events and community-led events;</td>
</tr>
<tr>
<td>1.2 Work with neighbourhood advisory committees to plan for localised events</td>
<td>c. targeting event funding for identified celebrations aligned with Council Dates of Recognition Calendar; and</td>
</tr>
<tr>
<td>1.3 Review all Civic Events and map out potential venues for events across neighbourhoods</td>
<td>d. incorporating grants for small scale neighbourhood activations within the existing</td>
</tr>
</tbody>
</table>
### 2.2
Responsive Grants program, aligned to the ‘Emerging Need’ category. Identify and foster new and existing partnerships with key organisations, community groups and business to deliver events and festivals.

### Recommendation 3
Implement business efficiencies

<p>| | |</p>
<table>
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<th></th>
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</thead>
</table>
| 3.1 | Consider efficiencies by aligning and clustering complementary events, including:
|     | a. Combining Spirit of Moonee Valley with Citizenship Ceremony on 26 January |
| 3.2 | Establish an Activations Officer role to coordinate centralised resources to support Council event delivery and to support capacity building for community-led events and festivals. |
| 3.3 | Improve administration and access to Council’s Community Event Permits. |

### Key changes
As a result of the implementation of the Review recommendations and the *Events Review Transition and Action Plan 2018-21* (Appendix B – separately circulated), the following key changes are recommended:

- Transition the planning and delivery of events to a placed-based neighbourhood approach.
- Decentralising the Moonee Valley Festival and transitioning to a neighbourhood based model, with various events held throughout the city over a number of days or weeks.
- Improving access to grant funding for community-run events by establishing a separate funding sub-stream for events and festivals, targeting funding for celebrating certain dates of recognition and small neighbourhood activations.
- Combining the Spirit of Moonee Valley Awards event with the Citizenship Ceremony held on 26 January to jointly acknowledge new and outstanding citizens in a more efficient way.
- Expanding the Carols in Queens Park event to accommodate extra community group exposure and holding the event on a Saturday evening rather than a Sunday afternoon.
- Establishing an Activations Officer role to centrally coordinate the transition to neighbourhood planning and to effectively support the delivery of events by Council and by the community.
- Improving access to Council permits by creating easier and streamlined online processes, and providing better support for community delivering events and festivals.
Transition and implementation planning

The implementation of the Review Recommendations will take place for the remainder of the Council term from 2018-21. Please refer to the Events Review Transition and Action Plan 2018-21 (Appendix B – separately circulated) for details of the transition actions for each of the events surveyed and the actions against each recommendation.

Following this period, there will be a review of the actions and the development of an action plan for the following Council term period.

It is recommended that the Review is complemented by a follow up ‘Stage 2’, mapping out a range of community events taking place in our municipality and identify venues for community events, festivals, activations and performances (visual and performing arts).

Consultation

Community feedback

During November and December 2017, feedback was sought from residents on their visions for Moonee Valley neighbourhoods to inform the MV2040 long term plan. This included the mail out of postcards to all residents in Moonee Valley asking residents to imagine the look and feel of their neighbourhood in 2040 and a ‘big idea’ for their neighbourhood. The postcard asked: What events and celebrations would you like to see in your neighbourhood?

The feedback from the postcards demonstrated the diverse interest in community celebrations from Moonee Valley residents.

The responses from the community feedback cards has been summarised and categorised by suggestions for types of events and festival, days to recognise and general themes to celebrate.

Table 3: Summarised responses from MV2040 consultation

<table>
<thead>
<tr>
<th>Suggested events and festivals:</th>
<th>Suggested themes:</th>
<th>Suggested occasions to celebrate:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street parties</td>
<td>Diversity</td>
<td>Christmas</td>
</tr>
<tr>
<td>Local events</td>
<td>Natural environment</td>
<td>ANZAC Day</td>
</tr>
<tr>
<td>Events in parks</td>
<td>Active (e.g. fun runs)</td>
<td>New Year’s Eve</td>
</tr>
<tr>
<td>Outdoor cinema</td>
<td>Multicultural</td>
<td>Easter</td>
</tr>
<tr>
<td>Music on the streets</td>
<td>Food</td>
<td>Lunar New Year</td>
</tr>
<tr>
<td>Sporting carnivals</td>
<td>Music</td>
<td>Australia Day</td>
</tr>
<tr>
<td>Twilight evenings</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Portfolio Advisory Committee

On 23 May 2017, an update of the Review progress and drafted recommendations were presented to the Leisure and Active Communities Portfolio Advisory Committee (PAC) for feedback. The PAC provided valuable input and feedback on the drafted recommendations and for the direction of future events in Moonee Valley neighbourhoods.

The PAC feedback highlighted the benefits of ‘low key’ events, with low investment required to achieve high impact on the community. Further, there was discussion on the various spaces throughout Moonee Valley that could be ideal for activations and events. The summarised feedback can be found in the attached Review Report (Appendix A – separately circulated).

Implications

1. Legislative

This report has considered legislative requirements and does not have any direct implications for statutory considerations, other than for some specific events (such as Citizenship Ceremonies) which will continue to meet these requirements.

This report and its recommendations have considered the Human Rights Charter as guiding principles in decision making, adhering to the four key themes of Freedom, Respect, Equality and Dignity. The delivery and support of celebrations, festivals and events throughout the city advances these rights and intends to foster inclusive and connected communities.

2. Council Plan / Policy

In presenting this report, Council is working to achieve the following key priorities and strategic objectives in accordance with Council Plan 2017-21 Theme 4: Vibrant and diverse - Celebrating diversity, promoting participation, and creating a strong economy:

- Objective 4.1 – People are connected to culture and community: continue to build pride of place and community celebrations throughout the municipality by support for and provision of community festivals, events and programs.
- Objective 4.2 – High levels of participation in accessible leisure and learning opportunities: review and assess Council’s current festivals, events and programs with the view to developing a future plan that has expanded community cultural development aims, objectives and outcomes.

Certain recommendations of the Events and Festivals Review relate to items within the Community Financial Support Policy (or Community Funding Policy).

3. Financial

Council makes a significant investment in the delivery of events and festivals throughout the year. A review of investment into the delivery of events and
festivals will be required to assess the needs of resourcing a move to a
neighbourhood and community capacity building approach.

The community grants program currently offers a total of $397,196 per year for
community grants, it has been recommended that $60,000 of this is notionally
allocated to the Events and Festivals sub-stream. Additionally, $40,000 is
allocated to the Responsive Grants program which will partially be used to fund
the Neighbourhood Activations Grants.

4. Environmental

Council has endorsed a single-use plastic policy for events held within the
municipality. This policy states that 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. This statement has been embedded into Council event planning
procedures, community event permits and community grant funding
agreements.

Additionally, a number of the events delivered and supported by Council
promote connections to our local natural environments and encourage
engagement with sustainability practices.

Conclusion

Council is committed to providing a supporting a range of events throughout the city
that enliven our spaces, connect communities, celebrate cultures and inspire
creativity. This Review has identified that Council can enhance the way it supports
events and festivals by adopting a neighbourhood approach, improving the capacity
of the community and increasing business efficiencies. This will assist Council to
achieve its vision for a healthy, fair, thriving, connected, green and beautiful city.

Appendices

Appendix A: Events and Festivals Review - Recommendations Report 2018
(separately circulated)
Appendix B: Events and Festivals Review Transition and Action Plan 2018-2021
(separately circulated).
9.5 Community Funding Program Review and Policy

File No: FOL/18/32
Author: Sarah Edwards
Coordinator Social Planning & Wellbeing
Directorate: Planning & Development

Purpose
To present findings and recommendations of the Community Funding Review for noting and revised Community Funding Policy for endorsement. To implement subsequent changes to the Community Funding Program (including grants) commencing 2018/19.

Executive Summary
- At its Ordinary Meeting on 26 April 2016, Council endorsed the Community Financial Support Policy (CFS Policy); establishing a new, whole of council approach to the provision of community funding.
- Following adoption of the CFS Policy, a new Community Funding Program (the Program) commenced in July 2016. Since this time, the Program has included the following streams: Community grants (Biannual and Responsive), Service Subsidy, Sponsorship, Donations and Vouchers.
- Throughout the Program’s implementation period (2015/16, 2016/17 and 2017/18), a significant total funding amount of $1,076,881 (to 1 April, 2018) has been provided to the community in community funding. It is anticipated throughout the current Council term 2017-21, the Program will distribute more than $2 million in funding.
- The Community Funding Review (the Review) commenced in early 2018 and has been informed by a number of key pieces of work including: HLB Mann Judd progress review (Auditor’s Review) in July 2017; a Grants Program Evaluation (the Grants Evaluation) late 2017; as well as on-going continual improvement measures and specific research and benchmarking.
- The Auditor’s Review and the Grants Evaluation were presented to Council in September and December 2017 (respectively). The Review is presented to Council for consideration as part of this report as Appendix A – (separately circulated) aligned with timelines to review the CFS Policy.
- The Review notes there has been substantial interest in some funding streams (Biannual grants which has a 30 per cent oversubscription rate), whilst others streams like the Sponsorship and Service Subsidy streams have received less community response and feedback.
- This Review proposes a total of twenty one recommendations to improve the operation of all funding streams within the Program thereby addressing the key findings identified through reviews, evaluation and community feedback over the past 24 months.
• An updated Community Funding Policy (the Policy) is presented as (Appendix B) for endorsement, as required to implement these changes to the Program.

Recommendation

That Council:

1. Notes findings of the Community Funding Review as presented in Appendix A (separately circulated).
2. Endorses changes to the Community Funding Program outlined in Table 6, and presented in Appendix A (separately circulated).
3. Endorses the revised Community Funding Policy (Appendix B).

Background

Community Financial Support Policy

Council provides support for local projects and activities through the Community Funding Program to achieve the long term vision of a safe, friendly, sustainable and vibrant community. During the 2017-2021 Council term, it is estimated Council will fund over $2 million in community projects and initiatives.

At its Ordinary Meeting on 26 April 2016, Council endorsed the Community Financial Support Policy (the CFS Policy); establishing a new, whole of council approach to the provision of community funding.

Adoption of the CFS Policy required Council to transition from a decentralised, to a coordinated approach. This involved a shift away from individual departments managing funding arrangements to an approach where funding arrangements are centrally recorded and managed as per the CFS Policy and implementation guidelines.

Community Funding Program

Following adoption of the CFS Policy, a new Community Funding Program (the Program) commenced in July 2016, with four new funding streams available for 2016/17: Service Subsidy, Sponsorship, Donations and Vouchers (in addition to Council’s ongoing grants program).

The application and assessment process for all available funding streams of the Program is outlined in Table 1 below:
Table 1. Community Funding Program Streams

Other Council mechanisms providing financial support to community

The other mechanisms for Council to provide financial support to community groups and organisations outside of the Community Funding Program include:

i. Service Planning;

ii. Council resolutions (specifying financial support for specific groups);

iii. Submissions to Council’s annual budget process pursuant to section 223 of the Local Government Act 1989; and

iv. Fundraising for charity on behalf of Council.

This Review has considered ‘service planning’ (item i above) and its’ relation to the Service Subsidy stream. Items ii. to iv. listed above are not within the scope of the Review. The range of mechanisms through which Council provides community financial support is summarised in Figure 1 below.
Auditor’s Review

Following the first twelve months of Program implementation, and in response to Councillor feedback, auditors HLB Mann Judd were engaged to conduct an independent review (Auditor’s Review) of the Program in July 2017.

The Auditor’s Review found that Council has made considerable progress implementing the CFS Policy, whilst identifying the following key improvement opportunities:

- The processes surrounding service subsidy
- Consider aligning the provision of funding for community services identified through service planning with procurement policies and where applicable, encourage officers to obtain the service of community groups to promote sustainability of the community groups and build their capacity
- Consider reviewing and amending approval process of fundraising activities and associated donations.

These issues are integrated into the Review for consideration and analysis. The following discussion outlines the Review aims, process, methodological approach, key findings and recommendations.
Discussion

Community Funding Program Review Purpose

The aim of the Review is to:

- assess the Program for the period of 2015/16, 2016/17 and to April of 2017/18 (Review period)
- analyse issues arising throughout the operation of the Program during this period
- identify recommendations for policy and program improvement that may be implemented for the 2018/19 financial year and beyond.

Community Funding Review

Council has undertaken significant work to improve and better integrate community funding processes and programs over the Review period. This has enabled the Review to identify key findings and areas for improvement. In addition, it brings together information gathered through a number of key initiatives including the:

- Community Funding Program issues log
- HLB Mann Judd Auditor's Review Report (July, 2016)

Community Funding Review Process

Research to inform the Review was undertaken throughout early 2018, coordinated by staff in the Social Planning and Wellbeing team. The evaluation methodology is framed by a total of eighteen (18) evaluation questions.

The following activities were undertaken to collect and analyse data and inform findings to key evaluations questions:

- benchmarking to understand the practice of other Councils with grants and funding programs
- specific research to address key issues and challenges
- budget analysis of all streams
- analysis of effectiveness of continual improvement measures

Summary of Community Funding provided during the Review period

A total funding amount of $1,076,881 (to 1 April, 2018) has been provided to the community through Council’s Funding Program during the Review period. A summary of funding awarded by funding stream for this period is detailed in the Table 2 below with further information available in the Review (Appendix A – separately circulated).
### Table 2. Summary Provision of Community Funding last three financial years

<table>
<thead>
<tr>
<th>Funding Stream</th>
<th>Annual allocation</th>
<th>Amount distributed 2015/16</th>
<th>Amount distributed 2016/17</th>
<th>Amount distributed 2017/18 (to 1 April)</th>
<th>Total amount distributed in Review Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsive Grants</td>
<td>Funding $40,000 per annum</td>
<td>$36,550</td>
<td>$27,626</td>
<td>$25,555</td>
<td>$89,731</td>
</tr>
<tr>
<td>Community Grants (including Biannual and Social Support grants)</td>
<td>Funding $388,335 per annum</td>
<td>$388,335</td>
<td>$350,450</td>
<td>$206,145 (to 1 April)</td>
<td>$944,930</td>
</tr>
<tr>
<td>Voucher</td>
<td>n/a</td>
<td>10 vouchers</td>
<td>6 vouchers</td>
<td>16 vouchers</td>
<td></td>
</tr>
<tr>
<td>Donation</td>
<td>Funding $3,000 per annum</td>
<td>n/a</td>
<td>$1,870</td>
<td>$850</td>
<td>$2,720</td>
</tr>
<tr>
<td>Sponsorship</td>
<td>Responds to applications received and set as part of the annual budget process.</td>
<td>n/a</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Service Subsidy</td>
<td>Responds to applications received and set as part of the annual budget process.</td>
<td>n/a</td>
<td>n/a</td>
<td>$39,500</td>
<td>$39,500</td>
</tr>
</tbody>
</table>

**TOTAL** | **$424,885** | **$379,946** | **$272,050** | **$1,076,881** |

Note: The recommended Service Subsidy allocation for the draft 2018/19 budget is $26,500.
Community Funding Review key findings

The Community Funding identifies twenty one (21) key findings and associated recommendations. Key findings have been grouped for this report into the following:

- Responsiveness to community needs
- Strategic alignment including a focus on a neighbourhood planning approach
- Effective and streamlined Community Funding Program administration

Key findings: Community Funding Program responsiveness to community needs

A summary of the key findings of the Review relating to the Program’s responsiveness to community needs is outlined below in Table 3.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Support</td>
<td>The community response to the re-introduction of the Social Support stream has been positive. Large numbers of community groups registered to attend community information sessions in February; and Round 2 2017/18 of Biannual Grants received 33 applications for Social Support Grant funding, totalling $39,535 in requested funding.</td>
</tr>
<tr>
<td>Community Funding Budget</td>
<td>Council is often unable to meet community demand for the provision of funding to support project activities in the Biannual Grants stream. The demand on Council for community funding is anticipated to continue, and potentially increase within the highly competitive external funding sector. The Review proposes the establishment of a budget allocation of $60,000 for a Partnership Grants stream to replace the Service Subsidy stream commencing in the 2019/20 budget.</td>
</tr>
<tr>
<td>Social procurement</td>
<td>Council’s ability to ‘purchase’ goods or services from local community groups and organisations is a powerful means of supporting their self-sustainability. To this end, and for clarity moving forward, any arrangements to procure goods or services as part of Council’s service delivery should be understood as procurement and comply with Council’s Procurement Policy (rather than community funding as either a ‘Service planning’ and ‘Service Subsidy’ initiative).</td>
</tr>
<tr>
<td>Level of service to the community</td>
<td>The current approach of two funding rounds per annum for Community Grants provides a high level of service and is community focused (i.e. more convenient for community groups and responsive to their planning timelines and approaches).</td>
</tr>
</tbody>
</table>

(Biannual vs Annual)
<table>
<thead>
<tr>
<th>Issue</th>
<th>Findings</th>
</tr>
</thead>
</table>
| Capital works co-contributions | Many Victorian Councils with comparable grants programs require community groups to match capital works grants dollar for dollar. A benefit of this is shared costs; Council’s grants ‘dollar’ able to go further; and a commitment to self-help by groups rather than reliance.  
Requiring all community groups to match Council capital works funding dollar for dollar may be beyond the financial capacity of some applicants. Establishing a financial hardship criteria for these groups can alleviate this challenge.  
A mechanism whereby requests for capital works improvements on Council owned assets used by community groups such as cricket nets (where the asset falls within Council’s renewal or upgrade program), needs further consideration as future applications may be referred to our capital works program for the current or following year. |
| In-kind support             | In-kind support is an effective way for Council to further leverage the support provided to grant applicants to ensure outcomes are maximised without excessive funding administration. It can also produce safer and better planned and coordinated events.  
Requesting applicants to articulate the amount of in-kind Council support may place additional demands on Council resources and will require further investigation prior to potential roll-out in 2019/20. It may be useful to establish a trial period to anticipate the in-kind resources required, particularly if Council moves towards a more community partnership model in the delivery of local festivals and events. |
| Financial hardship criteria  | The stated purpose of the Individual Participation category is to reduce financial barriers for local residents who are excelling in their endeavours or who would like to participate in local recreational activities who might otherwise be unable to participate.  
The reduced financial burden provided by a Responsive Grant will have the greatest impact for residents who are facing financial hardship.  
Establishing a criteria relating to financial hardship which applies to applicants participating in both elite activities as well as local activities would have the greatest impact to reduce financial burdens for those who need to access responsive grants the most. |
Community involvement and empowerment in decision making process

The adoption of a community empowerment model of decision making for Biannual Grants through the establishment of a Grants Assessment Special Committee (Special Committee) has provided a tangible and constructive approach to decision making for Biannual Grants.

The Special Committee provides a key avenue for community involvement in decision making process and opportunity to ‘empower’ community which is consistent with the International Association for Public Participation (IAP2) community engagement approach.

This is important given the majority of funds are allocated through this stream of the Program. It also responds to the level of Councillor interest and scrutiny with fourteen Council reports presented to Ordinary Meetings during the Review period.

Table 3. Summary of findings: Community Funding Program responsiveness to community needs

<table>
<thead>
<tr>
<th>Key findings: Community Funding Program strategic alignment including a neighbourhood planning approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Review notes Council is well placed through the Program to adopt a neighbourhood placed-based approach and to encourage community-led responses to local neighbourhood needs by building community capacity.</td>
</tr>
<tr>
<td>The Council Plan 2017-21 highlights the following Key Priority for the Community Funding Program, under Objective 1.4:</td>
</tr>
<tr>
<td>‘Transition Council’s community funding to align with a neighbourhood place-based approach and target areas where it is most needed and where it will address health inequalities.’</td>
</tr>
<tr>
<td>Alignment to a placed-based funding program will ensure that the individual and distinct needs of each of the thirteen (13) neighbourhood is addressed and prioritised for Council funding and ensure Council Plan objective 1.4 is realised.</td>
</tr>
<tr>
<td>A summary of the key findings of the Review relating to the Program’s strategic alignment and ability to respond to neighbourhood needs is outlined below in Table 4.</td>
</tr>
<tr>
<td>Issue</td>
</tr>
<tr>
<td>------------------------------------------------</td>
</tr>
<tr>
<td><strong>Alignment to neighbourhood priorities</strong></td>
</tr>
<tr>
<td><strong>Business stream funding</strong></td>
</tr>
<tr>
<td>Issue</td>
</tr>
<tr>
<td>--------------------------------------</td>
</tr>
<tr>
<td>Festivals and community events funding</td>
</tr>
<tr>
<td>Neighbourhood activation grants</td>
</tr>
<tr>
<td>Sponsorship stream</td>
</tr>
<tr>
<td>Service Subsidy stream</td>
</tr>
</tbody>
</table>
some uncertainty in the application process (applicants are uncertain as to the size and scope of the grants pool available), and also means applicants are applying for funds for initiatives which may take place in 12-18 months from time of application. A confirmed budget means Council will also be better placed to coordinate and promote the Partnership Grants program with greater certainty.

Council’s ability to ‘purchase’ goods or services from local community groups and organisations is a powerful means of supporting their self-sustainability. To this end, and for clarity moving forward, any arrangements to procure goods or services as part of Council’s service delivery should be understood as procurement and comply with Council’s Procurement Policy (rather than community funding as either a ‘Service planning’ and ‘Service Subsidy’ initiative).

<table>
<thead>
<tr>
<th>Issue</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue</td>
<td>Finding</td>
</tr>
<tr>
<td>Finding</td>
<td>Finding</td>
</tr>
</tbody>
</table>

| Timor-Leste Liquiçá Friendship program | A draft Moonee Valley / Timor –Leste Liquiçá Friendship City Relationship review report was presented to Council on 24 April 2018 for endorsement for consultation in May 2018. The report identified a number of options for the program moving forward. Future program direction could include allocating part of its existing grants programs to augment staff and community fundraising for projects on the ground in Timor Leste. This could be through a partnership approach with reputable project partners. |

### Table 4. Summary of findings: Community Funding Program strategic alignment including a neighbourhood planning approach

**Key findings:** Effective and streamlined Community Funding Program administration

Considerable change management has occurred across the organisation and community with consolidation from a decentralised to integrated funding approach to implement the Program.

A continuous improvement approach has informed regular program adjustments, improvements and efficiencies. The key Review findings to further improve administrative processes is outlined in **Table 5** below.
<table>
<thead>
<tr>
<th>Issue</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Donations and Vouchers stream including assessment</strong></td>
<td>The Donations and Vouchers streams are Council’s only mechanisms to support local groups with fundraising. Combining the application timelines and assessment process for Donations and Vouchers with the Responsive Grant process may result in administration efficiencies, increased transparency of decision making, and greater consistency in assessments.</td>
</tr>
<tr>
<td><strong>Assessment processes</strong></td>
<td>The anticipated benefits of the newly established Grants Assessment Special Committee include:</td>
</tr>
<tr>
<td></td>
<td>• reduced delays for funding recommendation endorsement</td>
</tr>
<tr>
<td></td>
<td>• additional Councillor representation; recommendations may be endorsed as part of grants assessment committee meetings and then reported to Council for noting</td>
</tr>
<tr>
<td></td>
<td>• established process enunciated in <em>Local Government Act 1989</em></td>
</tr>
<tr>
<td><strong>Eligibility:</strong></td>
<td>Allowing a staff member or Councillor to apply for a community grant on behalf of a community organisation in which they have an interest, relates to managing conflict of interest sections of the Local Government Act (77, 78 and 79). Guidelines from <em>Local Government Victoria</em> relating to conflict of interest for Councillors and Council staff are followed but there is scope to be more specific in terms of Councillor and staff eligibility. Whilst there have been negligible applications from political parties, religious groups have made applications which have provided community benefit to the wider community (such as opening up church facilities to the wider public etc.).</td>
</tr>
<tr>
<td><strong>Public Liability Insurance (PLI) requirement for community groups</strong></td>
<td>An analysis of community funding programs across other Melbourne based councils highlights a majority of Councils require grantees to hold PLI, with only one out of the ten surveyed councils (Hume) not requiring PLI. Maintaining the current position to require PLI will encourage groups to have adequate insurance for their ongoing operations; but also provides support as Council’s guidelines allow applicants to include the cost of purchasing PLI as part of their grant application</td>
</tr>
</tbody>
</table>
Incorporation for applicants

An analysis of community funding programs across other Melbourne based councils demonstrates it is standard practice in local government to require grantees to be incorporated. Requiring applicants to be incorporated ensures risk protection for the applicant and Council, particularly around financial governance and accountability. Organisations that have undertaken the requirements of incorporation demonstrate a commitment to undertake good governance processes, which will positively impact on their ability to manage and deliver on their grant agreement with Council. Council also currently has in place measures to encourage and assist unincorporated groups to become incorporated or to be auspiced by a relevant incorporated organisation.

Table 5. Summary of findings: Effective and streamlined Community Funding Program administration

Community Funding Review recommendations

The Review proposes a total of twenty one recommendations in relation to the key findings noted in Tables 3, 4 and 5 above. A summary of these recommendations is outlined in Table 6 below and includes recommendations grouped under the following:

- Transition to a neighbourhood approach
- Community Grants (Biannual)
- Responsive Grants
- Donations and Vouchers
- Sponsorship
- Service Subsidy
- Review of Administrative Processes

RECOMMENDATIONS – SUMMARY TABLE

<table>
<thead>
<tr>
<th>Issue</th>
<th>Recommendation</th>
<th>Timing</th>
</tr>
</thead>
</table>
| Alignment to neighbourhood priorities in draft MV2040 and Council Plan 2017-21 | Recommendation 1:  
  a) Align assessment criteria and processes with a neighbourhood planning approach  
  b) Continue to update neighbourhood profiles for Moonee Valley’s 13 neighbourhoods - identifying needs and emerging issues for each neighbourhood. | Implement for Round 2 2018/19 |
RECOMMENDATIONS – SUMMARY TABLE

<table>
<thead>
<tr>
<th>Issue</th>
<th>Recommendation</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants delivery (Biannual vs Annual)</td>
<td><strong>Recommendation 2:</strong> Continue to deliver the Grants Program biannually and review the impact of the Grants Assessment Special Committee’s administration requirements following Round 2 2017/18 Grants round.</td>
<td>Implement for Round 1 2018/19</td>
</tr>
<tr>
<td>Social support for community groups</td>
<td><strong>Recommendation 3:</strong> Continue to deliver the Social Support sub-stream within Community Grants (Biannual) operational program, as endorsed by Council in December 2017.</td>
<td>Implement for Round 1 2018/19</td>
</tr>
</tbody>
</table>
| Business stream funding | **Recommendation 4:**  
  a) Establish a ‘Business Grants’ sub-stream within the Community Grants (Biannual) program, which has specific funding priority areas identified by Economic Development priorities.  
  b) The Business sub-stream budget allocation would follow the same process as the social support stream category.  
  c) $30,000 will be allocated to the Business sub-stream in each Community Grants (Biannual) funding round.  
  d) Prioritise business grants funding for applications which improve the public realm, or for local place based festivals and events which encourage people to support | Implement for Round 2 2018/19 |

c) Promote the following elements as funding priorities:  
  o Neighbourhood needs identified in neighbourhood profiles;  
  o Emerging issues and opportunities identified by the community through the grants process  
  o Identified municipal wide issues relating to the draft MV2040 themes of Fair, Thriving, Beautiful, Connected and Green.
<table>
<thead>
<tr>
<th>RECOMMENDATIONS – SUMMARY TABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Capital works coordination and contributions</strong></td>
</tr>
<tr>
<td><strong>Recommendation 5:</strong></td>
</tr>
<tr>
<td>a) Amend the Community Funding Guidelines to require capital work funding applications to be matched dollar for dollar by the applicant. This would not apply if applicants can demonstrate financial hardship.</td>
</tr>
<tr>
<td>b) Explore opportunities to align with Council’s capital works planning cycle for applications relating to Council owned and managed, as well as leased assets.</td>
</tr>
<tr>
<td>Implement for Round 2 2018/19</td>
</tr>
<tr>
<td><strong>Festivals and community events funding</strong></td>
</tr>
<tr>
<td><strong>Recommendation 6:</strong></td>
</tr>
<tr>
<td>Incorporate changes within the Community Grants (Biannual) program to facilitate applications for events and festivals including:</td>
</tr>
<tr>
<td>a) Create sub-stream within the Community Grants (Biannual) program for Events and Festivals to encourage community led grants and allow events and festivals to reapply in subsequent years including streams for both:</td>
</tr>
<tr>
<td>- professional festivals and events such as Fringe Festival, Comedy Festival etc., as well as</td>
</tr>
<tr>
<td>- community-led events</td>
</tr>
<tr>
<td>b) Establish targeted funding for identified celebrations aligned with Council Dates of Recognition Calendar.</td>
</tr>
<tr>
<td>c) Develop communications plans for promoting Council funded events</td>
</tr>
<tr>
<td>Implement for Round 2 2018/19</td>
</tr>
</tbody>
</table>
**RECOMMENDATIONS – SUMMARY TABLE**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Recommendation</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>In-kind support</strong></td>
<td><strong>Recommendation 7:</strong> Include a selection of defined in-kind support available from Council within Community Grants (Biannual) applications for a trial period to better understand the cost impact of this approach. The total support from Council will include both in-kind and direct financial amount.</td>
<td>Implement for 2019/20</td>
</tr>
<tr>
<td><strong>RESPONSIVE GRANTS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial hardship criteria</td>
<td><strong>Recommendation 8:</strong> Financial hardship criteria is applied to applicants for both categories of Individual Participation grants (selection for elite activities and participation in local activities), rather than only those participating in local activities.</td>
<td>Implement from July 2018</td>
</tr>
<tr>
<td>Neighbourhood activation grants</td>
<td><strong>Recommendation 9:</strong> Incorporate grants for small scale neighbourhood activations within existing Responsive Grants program, aligned to the ‘Emerging Need’ category. *Related recommendations: 4) ‘Business Grants’ sub-stream 7) In-kind support and 9) Neighbourhood activation grants.</td>
<td>Implement from January 2019</td>
</tr>
<tr>
<td><strong>DONATIONS AND VOUCHERS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Donations and Vouchers stream including assessment</td>
<td><strong>Recommendation 10:</strong> Continue the ‘Donations’ stream with a maximum of $1,000 available to support fundraising activities that will contribute to a local community cause, charity or not-for-profit organisation within Moonee Valley. <strong>Recommendation 11:</strong></td>
<td>Implement for July 2018</td>
</tr>
</tbody>
</table>
**RECOMMENDATIONS – SUMMARY TABLE**

| Amendments process for Donation applications to be aligned to the Responsive Grants process and are assessed by the Responsive Grants Committee of Council, following a similar decision making framework. |

**SPONSORSHIP**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Recommendation</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsorship stream</td>
<td>Recommendation 12: Subsume the Sponsorship stream within the Community Grants (Biannual) Grants program and improve in-kind support within the Program (in line with Recommendation #7).</td>
<td>Implement in 2018/19</td>
</tr>
</tbody>
</table>

**SERVICE SUBSIDY**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Recommendation</th>
<th>Timing</th>
</tr>
</thead>
</table>
| Service Subsidy stream | Recommendation 13: Incorporate changes to the Service Subsidy program to increase the clarity of their purpose; improve the assessment process, meet gaps in local service provision and assist Council achieve strategic objectives. Proposed changes include:  
   a) Rename the Service Subsidy and stream as ‘Partnership Grants’ stream  
   b) Make ‘Partnership Grants’ available for either 2 years or 4 years in line with term timelines  
   c) Update the Grants Assessment Special Committee charter as required to include assessment of partnership grants  
   d) Encourage and expand Council’s use of social procurement measures rather than grants funding to support local groups’ sustainability whilst assisting Council with service delivery.  
   Recommendation 14: Consider a budget of $60,000 for the Partnership Grants stream for 2019/20 as part of the annual budget process. | Implement for funding in 2019/20 financial year |
### RECOMMENDATIONS – SUMMARY TABLE

| Timor-Leste Liquiçá Friendship program | **Recommendation 15:** Augment staff and community fundraising efforts for Timor Leste partnership projects through a contribution from Council’s Partnership Grants program. These would be modest in scale and up to $2000 per annum towards each partnership project. The draft Moonee Valley / East Timor Project Assessment Framework would guide decision making and investment in Timor Leste partnership projects. Note: **Recommendation 15** is subject to endorsement by Council of the final Moonee Valley / Timor-Leste Liquiçá Friendship City Relationship Program Review recommendations to be presented to Council at its Ordinary Meeting on 10 July, 2018. | Implement for funding in 2019/20 financial year |

### REVIEW OF ADMINISTRATIVE PROCESSES

<table>
<thead>
<tr>
<th>Issue</th>
<th>Recommendation</th>
<th>Timing</th>
</tr>
</thead>
</table>
| Assessment processes | **Recommendation 16:**  
  a) As per Council resolution March 2017 and pursuant to Section 86 of the Local Government Act 1989, continue to implement a Grants Assessment Special Committee of Council to make funding decisions on Community Grants (Biannual).  
  b) Note Recommendation #13c above, to update the Grants Assessment Committee charter to include assessment of Partnership Grants, as well as minor changes to meeting quorum provisions. | Implemented Round 2 2017/18.  
Undertake evaluation reporting following 2018/19 Round 2 |
| Eligibility: Staff and Councillor applications + Political and religious groups | **Recommendation 17:** Implement the following guidelines to manage the issue of eligibility of community groups and organisations which have Council staff or Councillors as members:  
- Councillors and Council staff are not permitted to directly apply for funding on behalf of an organisation in which they are a member or |

Implement for Round 1 2018/19 |
director (including having a formal position on the management team of the organisation or group).

- If another individual applies for the funding on behalf of the organisation, in which either a Councillor or staff member are a director/member, they will need to declare a conflict of interest which means they cannot take part in the decision making process to award community funds for that particular application.

- Councillors and Council staff cannot provide letters of support for any applications as the assessment process allows for subject matter experts to comment on applications and provide expert advice to the Committee. In addition officers cannot provide officer assessment advice if they are either a director or member of the application organisation/group.

- Campaigning or soliciting Councillors, Assessment Panel Members or Council staff in relation to any application is prohibited and will render the application ineligible.

**Recommendation 18:**
Maintain the current approach in Council’s Community Funding guidelines in which religious and political groups are:

- eligible to apply for initiatives which meet the funding objectives.
- ineligible to apply for initiatives which promote religious or party political views for the purpose of membership

**Recommendation 19:**
Maintain the current position in relation to PLI requirements to encourage groups to have adequate insurance for their ongoing operations in their best interest, but to allow for individual assessments of

| PLI requirement for community groups | Recommendation 19: Maintain the current position in relation to PLI requirements to encourage groups to have adequate insurance for their ongoing operations in their best interest, but to allow for individual assessments of | Implemented 2018 |
**Recommendations – Summary Table**

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Activities to determine requirements for PLI.</strong></td>
<td>If PLI is required, encourage applicants to include the cost of PLI in their applications.</td>
<td></td>
</tr>
<tr>
<td><strong>Incorporation for applicants</strong></td>
<td><strong>Recommendation 20:</strong> Maintain the current position of requiring applicants to be incorporated or to seek the use of an auspice organisation to support the project.</td>
<td>Implemented 2018</td>
</tr>
<tr>
<td><strong>Community Funding Budget</strong></td>
<td><strong>Recommendation 21:</strong> Undertake further work to determine the Community Funding Program budget allocation in future annual budget deliberation processes.</td>
<td>Implement for funding in 2019/20 financial year</td>
</tr>
</tbody>
</table>

**Table 6. Summary of Review Recommendations**

Revised Community Funding Policy

The revised Community Funding Policy (the Policy), Appendix B, builds on considerable work over the last two years to implement a more transparent approach to the provision of funding for community projects and initiatives. During this period:

- A number of grants program reviews, festival and events reviews as well as a continuous improvement log have identified opportunities to improve the operations of the funding program and associated guiding policy documents (including the Community Financial Support Policy).
- Council has been developing the draft MV2040 Strategy which aims to align Council’s service delivery and planning towards a neighbourhood model to improve the quality of life and liveability of neighbourhoods.
- Council has updated its’ Procurement Policy which recognises the importance of supporting local suppliers to build the capacity of the local economy and community.

The Policy aims to support community organisations, groups, individuals and local businesses to:

- Contribute to the social, cultural, economic, and environmental wellbeing of our local community
- Foster and strengthen community involvement and participation
- Address community need and make the most of unique local opportunities and strengths
- Work with Council to achieve its strategic goals outlined in long term plans and strategies
- Foster community led approaches which improve the quality of life and liveability of our neighbourhoods.

Once adopted, the Community Funding Policy will supersede the existing CFS Policy. The notable changes in the revised Policy include:

- The Sponsorship stream is subsumed into Community Grants (as per Recommendation 12 as per Table 6).
- Renaming the Service Subsidy stream as the Partnership Grants stream (Recommendation 13, 14 and 21 as per Table 6).

These changes aim to increase clarity of purpose, improve the assessment process, meet gaps in local service provision, respond to emerging local need and assist Council achieve its’ strategic objectives.

The following two figures (Figures 2 and 3) outline the streams and sub streams of funding and budget allocations within the proposed revised Program as per the Review recommendations and the draft revised Policy.

![Figure 2: Proposed Community Funding Program streams](image)

**Figure 2: Proposed Community Funding Program streams**
If adopted by Council:

- the Review recommendations and new Community Funding Policy can be implemented as per the timelines outlined above in Table 6.
- a change management approach and implementation plan will be developed to support delivery of the revised Program and Policy. This will include:
  - new Community Funding Guidelines and internal processes including updating SmartyGrants applications (online tool)
  - the Community Funding Arrangements Register will be updated to track existing funding arrangements and recommend transition to new funding streams for previously and currently funded groups
  - training and change management support for relevant staff
  - transitioning Service Subsidy to Partnership Grants

**Transition Service Subsidy to Partnership Grants**

The transition from Service Subsidy to a Partnership Grants Program (if recommendation #13 is endorsed), will be established to fund projects from 2019/20 with funding available from July 2019 for projects of up to 2 years, ending in 2021.

From 2021/22 onwards, Partnership Grants for projects of 2 or 4 years, will be offered every two years, aligned to the Council Plan term. The proposed transition timeline is outlined in Figure 4 below.
Partnership Grants of up to 2 years advertised (4 year grants would not be advertised until the next round in 2021)

Applications for Partnership Grants would be assessed by the Grants Assessment Special Committee

Recommended applications would be awarded funding from the 2019/20 budget

Funding would be provided for a period of 2 years

**Figure 4: Transition timeline Partnership Grants**

To support the community in this transition period, a Communications Plan will be implemented including:

- publication of new Community Funding Guidelines on Council’s website and hard copies available at community centres and libraries
- community information sessions held in line with funding advertising dates
- transitional arrangements for previously funded community groups including individual letters, phone calls and one-on-one staff support.

**Consultation**

The Review has been prepared by staff within the Social Planning and Wellbeing team. The scope and contents of this report were informed and guided by ongoing feedback received from Councillors, community members (grant applicants and community assessment panel members) and Council officers. **Figure 5** below outlines this process:

**Figure 5: Community Funding Review consultation feedback process**
Implications

1. Legislative

The Program and Policy responds to the principle of equity as outlined under the *Charter of Human Rights and Responsibilities Act* (2006). Specifically the recognition of equity before the law and the recognition to participate in public life. The aim of which is to have a decision making system that results in the equitable distribution of resources, ensuring that the needs of the community especially those experiencing some form of disadvantage are addressed.

The Program and Policy is informed by the *Local Government Act* (1989) including:

- Section 3 of - outlines the primary objective of Councils is ‘endeavouring to achieve the best outcomes for the local community through leadership and good governance’.
- Section 86 outlines (1) In addition to any advisory committees that a Council may establish, a Council may establish one or more special committees of the following:
  a) Councillors;
  b) Council staff;
  c) other persons;
  d) any combination of persons referred to in paragraphs (a), (b) and (c).

  (2) A Council may appoint members to a special committee and may at any time remove a member from a special committee.

  (3) Except as provided in subsection (4), a Council may by instrument of delegation delegate any of its functions, duties or powers under this or any other Act to a special committee.

- Sections 77, 78 and 79 – Relating to conflict of interest.
- Section 136 - outlines the principles of sound financial management to which any policy governing the distribution of financial resources must align.
- Section 223 - Submissions to Council’s annual budget process pursuant to of the Local Government Act 1989.

Local Government Victoria Conflict of Interest Guides for Council Staff and Councillors will continue to be used to inform and guide processes surrounding conflict of interest for the Program. This includes assessment through the Grants Assessment Special Committee for Community Grants.

Council Plan / Policy

In presenting this report, Council is working to achieve its strategic objective to provide a range of community funding streams in accordance with Council Plan 2017-21 Theme 1: Friendly and safe - An equitable, inclusive and healthy community - Our community is empowered to thrive.

The key Grants Program objectives are directed by the four themes that reflect the *Community Vision MV2035* – Friendly and Safe, Clean, Green and Beautiful, Sustainable Living, and Vibrant and Diverse.

This Review and revised Policy are delivering the on Strategic Objective 1.4: Our community is empowered to thrive of the Council Plan 2017-2021, including
to:

- Provide a range of community funding streams;
- Deliver Council’s Community Funding Program;
- Measure, monitor and evaluate financial support provided (key priority);

The Program and revised Policy embeds the goal of Council’s Diversity, Access and Equity Policy to ‘support an inclusive city that respects the human rights of all its citizens, celebrates their diversity and promotes their participation in all aspects of community life’.

2. **Financial**

Throughout the Program’s implementation period (2015/16, 2016/17 and 2017/18), a significant total funding amount of $1,076,881 (to 1 April, 2018) has been provided to the community in community funding. It is anticipated throughout the current Council term 2017-21, the Program will distribute more than $2 million in funding.

The annual budget allocation for the Program in 2017/18 is $479,696. This includes:

- $388,335 for Community Grants (including Biannual and Social Support grants)
- $40,000 for Responsive Grants
- $39,500 for Service Subsidy
- $3,000 for Donations
- $8,861 as per Council resolution on 27 June, 2017 for an increase in Councillor and Mayoral Allowances to be redirected to the Program (Community Grants).

The draft budget allocation for 2018/19 for Service Subsidy is $26,500 and 3 applications are proposed for funding as part of the draft Council budget to be adopted at the 26 June, 2018 meeting.

A proposed additional budget of $60,000 is recommended for consideration for the establishment of a Partnership Grant stream for the 2019/20 financial year as per Recommendation 21, outlined in **Table 6** of this report and as per the Review (**Appendix A** – separately circulated).

3. **Environmental**

The Program uses an online management system for both application and assessment processes resulting in a significant reduction in paper use.

Council will continue to work with community groups and individuals in developing proposals for funding that can either contribute to an enhanced community awareness of environmental issues or provide an environmental benefit. The Community Grants program also funds on average 5 or 6 sustainability related projects a year.
Conclusion
The Review (Appendix A – separately circulated) notes considerable progress in the implementation of the Program, and tangible and positive community benefits resulting from the substantial amount of funding that has been delivered through the Review period. A number of recommendations for improving the operation of the Program are presented to Council with this report. A revised Policy is presented to Council for consideration and adoption (Appendix B).

Appendices
Appendix A: Community Funding Program Review, May 2018 (separately circulated)
Appendix B: Draft Community Funding Policy
1. **Background**

Moonee Valley City Council provides support for local projects and activities through the Community Funding Program to achieve the long term vision of a fair, thriving, beautiful, green and connected city. During the 2017-2021 Council term, it is estimated Council will fund over $2 million in community projects and initiatives.

On 26 April 2016 Council adopted a Community Financial Support Policy to “…provide a framework that ensures a planned, consistent, sustainable, transparent and equitable approach to the consideration and provision of financial resources, to support the Moonee Valley Community to be a strong, healthy, resilient and vibrant city.”

Following adoption of this policy, considerable change has occurred with consolidation from a decentralised to integrated funding approach. The 2016 policy introduced:

- a more transparent and consistent approach to funding community projects and initiatives
- four new funding streams including Service Subsidy, Sponsorship, Donations and Vouchers (in addition to Council’s existing Community grants program).

A significant review of the 2016 policy’s implementation was completed in 2018 and findings from this review have informed the Community Funding Policy (Policy).

Once adopted, the Community Funding Policy will supersede the Community Financial Support Policy.
2. **Aim**
The aim of this Policy is to support community organisations, groups, individuals and local businesses to:

- Contribute to the social, cultural, economic, and environmental wellbeing of our local community
- Foster and strengthen community involvement and participation
- Address community need and make the most of unique local opportunities and strengths
- Work with Council to achieve its strategic goals outlined in long term plans and strategies
- Foster community led approaches which improve the quality of life and liveability of our neighbourhoods.

3. **Purpose**
The Community Funding Policy provides a framework to ensure a planned, consistent, sustainable, transparent and equitable approach in consideration and provision of financial resources to the community.

4. **Scope**
The Policy:

- Relates to all areas of Council involved in the promotion, management and assessment of financial or in-kind community support.
- Governs the provision of funding to external bodies to deliver defined outcomes to the benefit of the community. Financial support may include grants, subsidies, donations, vouchers for Council services or defined in-kind support.

**Out of scope:**

- The provision of funding as a result of procurement for required goods and services (e.g. tenders, contractors).
- The provision of donations to community groups or charities to assist with fundraising (see Internal Process for Community Funding Provision of Donations Procedure REF: 17/104781)
- The process for the discount or waiver of fees and charges in the access of Council’s community facilities.
- Receipt of sponsorships, grants and funding received by Council from other levels of government, corporate partners and philanthropic trusts used to deliver council core business.
- Provision of gifts as part of recognition of individuals, groups or organisations.
5. Definitions

**Business:** Businesses or Sole Traders operating for profit, located or intending to start in the City of Moonee Valley with an Australian Business Number (ABN).

**Community Organisations:** Not for profit organisations that provide services and programs to support the functioning of individuals, families and groups to maximise their potential and enhance community wellbeing (Australian Council of Social Service 2009).

**Council:** Moonee Valley City Council.

**Grant:** Competitively applied for conditional sum of funds provided to a recipient for an agreed specified purpose with agreement that there will be a defined outcome that directly benefits the community.

**Groups:** Not for profit collectives of individuals that encompass a wide range of activities, programs and services aimed at improving people’s quality of life. Groups can be either formal with some structure, rules or legal entity or informal association.

**Guiding principle:** A concept or value that is a guide for behaviour or evaluation.

**Guidelines:** Publically available information on the application and assessment process for all streams of the Community Funding Program.

**In-kind support:** Includes the non-financial support provided by Council to an applicant to assist with the delivery of successful grant projects. For example, provision of traffic management support, waste removal or promotion.

**Local:** Community organisations and groups either located within the municipality or providing services or programs within the Moonee Valley municipality that are accessible for Moonee Valley residents.

**Partnership:** Relationship between parties that is characterised by mutual cooperation and responsibility for the achievement of a specific and identified purpose or goal.
Voucher: Refers to the provision of non-transferable vouchers for a pre-determined financial value to be redeemed at nominated Council programs, for fundraising purposes (e.g. for raffle prizes).

6. Responsibility
Responsibility for development, reporting and evaluation of this Policy and its associated guidelines, is accommodated within the Planning and Development Directorate.

In ensuring a whole of council approach, Council and its officers are responsible for adherence to this Policy.

7. Legislation
Section 3 of the Local Government Act (1989) outlines the primary objective of Councils is ‘endeavouring to achieve the best outcomes for the local community through leadership and good governance’.

Section 3C of the Local Government Act (1989) requires Council decision-making needs to ‘be transparent and accountable, thereby ensuring high quality services and programs are delivered in an equitable and accessible manner to meet community needs now and into the future’.

Section 24 of the Victorian Public Health and Wellbeing Act 2008 reinforces the statutory role of councils to ‘protect, improve and promote public health and wellbeing within the municipal district’.

Section 18(1) of the Victorian Charter of Human Rights and Responsibilities Act 2006 outlines the principle for opportunities for the community to participate in public life.

8. Policy

8.1 Role of Local Government in community financial support
Local government can provide a source of funding for the delivery of services, programs and initiatives to the community.

With increasing limitations on available resources, Council collaborates with other levels of government, peak bodies, community organisations, local groups and individuals. When working in partnership, Council will determine the most appropriate role for it to play to achieve the strongest possible outcome for the community. This role can be as:

<table>
<thead>
<tr>
<th>Directorate Planning and Development</th>
<th>Responsible Manager - Manager Community Planning</th>
<th>Document No 1</th>
<th>Approval Date 22 May 2018</th>
<th>Review Date May 2020</th>
</tr>
</thead>
</table>

Page 4 of 9
an advocate, raising issues and concerns on behalf of the Moonee Valley community independently and through peak bodies
- a planner, identifying need for services and programs and the methodology to deliver outcomes
- a provider, delivering direct services, including programs and activities, for community
- a leader, coordinating and facilitating responses to community need
- a funding body, providing financial and non-financial resources to external bodies.

8.2 Operational Context
Since the adoption of the Community Financial Support Policy in 2016 Council has implemented a more transparent approach to the provision of funding for community projects and initiatives. During this period;
- a number of grants program reviews, festival and events reviews as well as continuous improvement practices have identified opportunities to improve the operations of the funding program and associated guiding policy documents (including the Community Financial Support Policy)
- Council has been developing the draft MV2040 Strategy which aims to align Council’s service delivery and planning towards a neighbourhood model to improve the quality of life and liveability of neighbourhoods
- Council has updated its’ Procurement Policy which recognises the importance of supporting local suppliers to build the capacity of the local economy and community.

8.3 Strategic context
Draft MV2040 Strategy
Council’s direction is guided by its long term vision for a healthy city, outlined in the draft MV2040 Strategy. The draft strategy outlines a neighbourhood approach to improve the quality of life and liveability in each of Moonee Valley’s 13 neighbourhoods.

A neighbourhood planning approach supports communities to find and deliver solutions and responses to local challenges and opportunities as lived and experienced at the grassroots. Council’s community funding program plays a critical role in supporting the unique and important role of community-led initiatives. Council recognises that community organisations, groups, and local businesses

Council Plan 2017-21
The Council Plan 2017-21 outlines strategies and objectives to achieve this vision over the next three years. These are outlined in Table 1 below. Community

<table>
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<tr>
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</tr>
</thead>
</table>

Page 5 of 9
initiatives funded by Council must align and or deliver this vision, the Plan, as well as other Council adopted plans and strategies.

<table>
<thead>
<tr>
<th>No</th>
<th>Council Plan Objective/Priorities</th>
</tr>
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<tbody>
<tr>
<td>1.4</td>
<td>Our community is empowered to thrive.</td>
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<tr>
<td>1.4.1.3</td>
<td>Provide a range of community funding streams.</td>
</tr>
<tr>
<td>1.4.1.2</td>
<td>Provide direct and in-kind support to individuals, groups, businesses and communities to develop innovative initiatives that best respond to local challenges and opportunities.</td>
</tr>
<tr>
<td>1.4.1.3</td>
<td>Develop and implement services and programs that meet the needs of disadvantaged groups within priority neighbourhoods.</td>
</tr>
<tr>
<td>1.4.1.4</td>
<td>Transition Council’s community funding to align with a neighbourhood place based approach and target areas where it is most needed and to address health inequalities.</td>
</tr>
<tr>
<td>1.4.1.5</td>
<td>Deliver Council’s Community Funding program. Measure, monitor and evaluate financial support provided.</td>
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</table>

Table 1: Council Plan strategic objective and priorities

Procurement Policy

Council adopted a new Procurement Policy in August 2017 which included Social Sustainability objectives and a focus on

“...the social aspects of sustainability and in particular social equity. Social equity addresses disadvantage and is underpinned by principles of diversity, acceptance, fairness, compassion, inclusiveness and access for people of all abilities. A focus is also placed on people who are under-represented and people with less opportunity. Socially sustainable procurement generates positive outcomes for, and contributes to building stronger communities…” (page 3)

8.4 Community Funding - Guiding Principles

The following principles apply to all Council community funding activities:
- Support an inclusive city that respects the human rights of all its citizens, celebrate their diversity and promote their participation in all aspects of community life.¹
- Promote equitable health and wellbeing outcomes
- Support organisations and projects to be accessible and socially inclusive

¹ Moonee Valley City Council Diversity, Access and Equity Policy, 2015 (p.6)
8.5 Decision making framework
When assessing requests for financial support, Council will consider the request
against the following, as well as funding stream specific assessment criteria;

- **Council’s responsibility:** Is this the responsibility of local government
  and not the responsibility of another funded agency or group, or other level
  of government?
- **Strategic:** Is there a strong evidence base and is it aligned to Council
  endorsed strategic direction/s, long term plans and adopted policies?
- **Local Support:** Does this provide a direct measurable outcome for the
  Moonee Valley community and contribute towards increasing community
  participation and development?
- **Efficiency and Effectiveness:** Does this demonstrate best use of
  resources, value for money, and sustainability beyond support from
  Council?

8.6 Provision of Support
The Policy establishes and outlines how Council may provide financial support to
community within the Community Funding Program through four streams of
funding: Community Grants, Responsive Grants, Partnership Grants and
Donations (incorporating vouchers). Each of these funding streams is governed
by its own Guidelines that establish eligibility and assessment criteria. These
Guidelines will be reviewed on a biennial basis (or as needed for continuous
program improvements) and updated accordingly.

8.6.1 Community Grants Program
An open and competitive grant program. Requests are assessed within a
process for a defined annual allocation of funding.

The following streams are defined as one-off allocation categories:
- Community Grant
- Business Grant

The following streams are defined as allocation categories in which the
project is eligible to be funded in subsequent years:
- Events and Festivals Grant
- Social Support Grant.
The maximum amount of cash financial support able to be requested in a defined annual allocation period is $20,000.

In-kind support may be provided in addition to the maximum amount of cash financial support within any defined annual allocation period.

The program provides for requests for financial and in-kind support for annual projects (programs, activities or events) that will result in increased community participation; access to information and services; and strengthen the community’s social, cultural, environmental or economic wellbeing and sustainability.

8.6.2 Responsive Grants Program
An open and competitive grant program providing funding for a defined one-off allocation through one of the following categories:
- Individual Participation Grants
- Neighbourhood Activation Grants
- Fundraising Vouchers

Responsive Grants support the community or individuals to lead projects that result in increased participation, strengthen community wellbeing and sense of place.

8.6.3 Partnership Grants Program
An open and competitive grant program providing two or four year funding to deliver programs, services or activities which:
- Address local needs and opportunities;
- Align to Council’s strategic priorities; and/or
- Meet gaps in service delivery.

8.6.4 Donations
Council can provide donations for community organisations and groups requesting either:
- support for fundraising activities
- contribution towards local activities in response to a public cause or

Requests for donations or the use of funds raised as the result of donations must be used locally within the City of Moonee Valley.

Council can also provide donations through funds raised via Council led or supported event, program and activities.
Where Council initiates the provision of donations, recipient causes or organisations will be selected to ensure compliance with funding guidelines and align with commitments outlined in Council’s strategic directions, and endorsed policy positions and plans.

In addition, Council can assist not for profit local community groups located within the municipality with their fund raising efforts through the provision of non-transferable vouchers to a select range of council services.

Requests for donations, including requests for vouchers, are assessed for a defined one-off annual allocation.

8.7 Assessment
Each of these funding streams is governed by their own Guidelines which determine eligibility and assessment criteria. These Guidelines will be reviewed on a biennial basis and updated accordingly.

9. Consultation
The policy is informed by feedback received from Councillors, community members (grant applicants and community assessment panel members) and Council officers.

On 12 December 2017, Council endorsed, pursuant to Section 86 of the Local Government Act 1989, to establish a Grants Assessment Special Committee of Council to make funding decisions on community grants. Establishment of the Grants Assessment Special Committee is also consistent with IAP2 community empowerment model of decision making.

10. Related Documents
10.1 Essential
- Community Funding Guidelines
- Operational process and procedures (Internal operational document)
- Standard funding agreements

10.2 General
- Moonee Valley Council Plan 2017-21
- Moonee Valley Diversity. Access and Equity Policy, 2014
- Moonee Valley Procurement Policy 16/127337
- Moonee Valley Sponsorship Policy 15/185876
- Internal Process for Community Funding Provision of Donations Procedure 17/104781
9.6 5 Alma Street, Aberfeldie - Interim and Permanent Heritage Controls

File No: FOL/18/32
Author: Andrew Kelly
Coordinator Strategic Planning
Directorate: Planning & Development

Purpose
To note the recommendations of the Amendment C186 Planning Panel Report on the introduction of permanent heritage controls for 5 Alma Street, Aberfeldie and to seek Council adoption of Amendment C186 pursuant to the Planning and Environment Act 1987.

Executive Summary
- Planning Scheme Amendment C186 was prepared to apply a permanent Heritage Overlay (HO448) to 5 Alma Street, Aberfeldie, following the approval of the interim heritage overlay (C185) on 11 December 2017.
- The property has been identified as having potential individual heritage significance as an Interwar period dwelling of high integrity in Council’s adopted Heritage Gap Study, 2014. During the exhibition period one unresolved submission was received, requiring Amendment C186 proceed to an independent Planning Panel.
- The Planning Panel took place on 7 May 2018 in the Council Chambers and the Planning Panel Report was received on 4 June 2018 (Appendix A – separately circulated). The report recommends Amendment C186 be adopted as exhibited subject to a number of changes.

Recommendation
That Council:
1. Considers and notes the independent Planning Panel’s Report for Amendment C186 to the Moonee Valley Planning Scheme, pursuant to Section 27 of the Planning and Environment Act 1987.
2. Adopts Amendment C186 to the Moonee Valley Planning Scheme with all changes as recommended by the independent Planning Panel, pursuant to Section 29 of the Planning and Environment Act 1987.
3. Submits adopted Amendment C186 to the Moonee Valley Planning Scheme to the Minister for Planning requesting approval pursuant to Section 31(1) of the Planning and Environment Act 1987.
4. Notifies all submitters of Council’s resolution to adopt Amendment C186 to the Moonee Valley Planning Scheme and to submit the Amendment to the Minister for Planning for approval.
Background

On 5 June 2017 Council received planning permit application MV/389/2017 seeking permission to construct three dwellings at 5 Alma Street, Aberfeldie. Approval would have resulted in the complete demolition of the existing property. The property was identified in the *Heritage Gap Study, 2014* as having potential individual heritage significance as an Interwar period dwelling of high integrity. In addition, Council’s heritage advisor indicated Council should request interim heritage controls be applied to 5 Alma Street, Aberfeldie until permanent heritage controls could be considered for the site. Council officers also sought advice from Context Pty Ltd, external heritage consultants, who prepared a heritage assessment and draft citation for the property.

At its Ordinary Meeting on 26 September 2017, Council resolved to apply for interim heritage protection for the property (C185), which was later granted by the Minister for Planning; along with resolving to prepare and exhibit Amendment C186, and to refer any unresolved submissions which requested changes to the Amendment, to an independent Planning Panel. A submission was received from the property owner and a Planning Panel Hearing took place on 7 May 2018, with the Planning Panel Report received on 4 June 2018.

Discussion

The Planning Panel Report recommends Amendment C186 be adopted as exhibited subject to a number of changes. These changes are as follows:

1. Deletion of the garage from the column ‘Outbuildings or fences which are not exempt under clause 43.01-3’ in the Schedule to clause 43.01-3.

2. Update the citation for 5 Alma Street, Aberfeldie to include the following revisions:
   a) Update the “Description & Integrity”;
   b) Delete reference to Criterion A, Criterion B and the place being a landmark, from the Assessment Against Criteria and in the Statement of Significance; and
   c) Specify that the garage and the rear of the property do not contribute to the significance of the place.

3. Include the updated citation for 5 Alma Street, Aberfeldie as a reference document in the Clause 22.01 (Heritage) policy.

Once these changes have been made, the primary objective of the Amendment, to afford heritage protection to the dwelling and the front fences, will still be achieved. It is considered the changes recommended by the Panel are therefore reasonable and Amendment C186 should be adopted by Council, subject to these changes.

Next Steps

Council can either choose to adopt the Amendment and accept all recommendations of the Panel; or to adopt the Amendment with changes to the recommendations of the Panel; or finally, can decide to abandon the Amendment. It should be noted that abandoning the Amendment would result in the property no longer benefiting from any heritage controls when the interim controls expire on 30 October 2018.
Consultation
Amendment C186 was formally placed on public exhibition from 16 November 2017 to 14 December 2017, which included direct notification to the property owners. Only one submission, from the property owner, was received. An independent Planning Panel Hearing, which included representations made on behalf of the property owner, was held on 7 May 2018.

Implications
1. Legislative
   Amendment C186 is consistent with Ministerial Directions relating to the form and content of Planning Schemes under Section 7(5) 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, Council is working to achieve its strategic objective to identify and protect places of local heritage significance in accordance with the Council Plan 2017-21, Theme 3: Sustainable living - Connected, well designed municipality, thriving neighbourhoods, accessible places and spaces - Growth and development is well managed.

3. Financial
   The Strategic Planning operational budget will cover the expenses associated with the Amendment and Panel processes.

4. Environmental
   Amendment C186 seeks to have a positive environmental impact by protecting places of historical significance and reducing waste implications from proposed demolitions.

Conclusion
Amendment C186 will assist Council in implementing the findings of the Heritage Gap Study 2014 and preserve places of important historical significance for the City of Moonee Valley.

The Amendment was exhibited for four weeks with one unresolved submission received, requiring the Amendment proceed to an independent Planning Panel Hearing for consideration. The Planning Panel Report recommends Council adopt the Amendment subject to a number of changes.

It is recommended Council resolve to adopt Amendment C186, incorporating the changes recommended by the Planning Panel, and submit the Amendment to the Minister for Planning for approval.

Appendices
Appendix A: 5 Alma Street, Aberfeldie - Planning Panel Report (separately circulated).
9.7 East Timor Program review consultation findings and future program options report

File No: FOL/18/32
Author: Craig Dodson
Community Planning Officer
Directorate: Planning & Development

Purpose
To provide a summary of community feedback received on the East Timor Program Review and to seek endorsement of a recommendation for future Program direction.

Executive Summary
- Moonee Valley City Council (Council) made its initial commitment to a Moonee Valley/Timor–Leste Liquiçá Friendship City relationship in 2003. Since this time Council has supported a range of friendship relationship initiatives relating to governance (city to city diplomacy); project support; as well as local Moonee Valley based community development and fundraising. When viewed as a whole, these initiatives comprise the Moonee Valley/Liquiçá Friendship City Relationship Program (Program).
- Whilst East Timor has made considerable progress in the past decade, it has significant population health, economic and capacity building needs.
- In light of this, it was considered timely to review efforts to date and identify future options for the Program. Council officers have prepared a draft Moonee Valley/Timor-Leste Liquiçá Friendship City Relationship Program Review report (Appendix A – separately circulated).
- The draft Program Review report was presented at the 24 April Ordinary Meeting and Council endorsed the draft Program Review report for consultation, with a view to it returning to Council for a decision post the consultation period. The Program Review report identified two options for future direction. Future Program options include either: minimising future involvement and investment in the Program (option one); or continue to deliver the Program but revise and incorporate Review findings (option two). See Appendix A (pages 20-23). Option 2 offers opportunities for community participation and learning and development for the Moonee Valley community, as well as support for East Timor.
- The draft Program Review was placed on the Council website to seek community feedback from 1 May to 1 June 2018. Stakeholder consultation also took place during this period with: CEO of the Xpand Foundation (Andrew Mahar AM); Timor-Leste’s Honorary Consul to Victoria (Rae Kingsbury); Victorian State Government Program Director International, Department of Environment, Land, Water & Planning, Local Government East Timor Partnership Network (Nick Oats); Director of Timor-Leste Program, Health Alliance International (Susan Thompson); and Executive Director Engagement
& Government Relations, Victoria University (Dr Rob Brown). Feedback from key stakeholders identified support for option two.

- An opportunity emerged from the consultation with one of the Program’s long term partners, the Xpand Foundation. This involved the purchase of CarbonSocial credits to off-set our footprint through the ‘WithOneSeed’ program to further support Council’s East Timor program.

- An emerging Former Friends of Liquiçá Advisory Group members were contacted for feedback but none has been received at time of writing.

Recommendation

That Council:

1. Notes the community feedback received on the draft East Timor Program Review report (Appendix A – separately circulated).

2. Endorses option two outlined in the East Timor Program Review report to inform future program delivery (Appendix A – separately circulated).

Background

Moonee Valley City Council (council) made its initial commitment to a Moonee Valley/Timor–Leste Liquiçá Friendship City relationship in 2003.

In light of this, it was considered timely to review efforts to date and identify future options for the Program, through the Moonee Valley/Timor-Leste Liquiçá Friendship City Relationship Program Review report (Program Review) (Appendix A).

Whilst there is no Moonee Valley/Timor–Leste Liquiçá Friendship Program policy, Council has reaffirmed its support to the Program over the years through a series of resolutions, including signing the Municipal /District Cooperation Agreement between Liquiçá and Moonee Valley in 2014.

At the 24 April 2018 Ordinary meeting Council were briefed regarding the Moonee Valley/Timor–Leste Liquiçá Friendship City Relationship program review. Council endorsed for the draft Program Review to be placed on Council’s website for a period of one month to allow opportunities for the community to provide feedback.

The Program Review report has identified two options for its’ future direction which were presented in the 24 April 2018 Ordinary Meeting Report and are summarised in this report (refer Table 1) and Appendix A (pages 20-23).

Options include either: minimising future involvement and investment in the Program (option one); or continue to deliver the Program but revise and incorporate Review findings (option two).

The second option proposes: adoption of a strategic framework to guide decision making and investment (Appendix A pages 35-36); alternative sustainable fundraising options; and an annual financial commitment from council of approximately $2000 towards (agreed) partnership projects (up to a total value of $5000) which would be funded from council’s community bi-annual grants program budget and could augment annual staff and community fundraising efforts. Option 2
offers opportunities for community participation and learning and development for the Moonee Valley community, as well as support for East Timor.

**Discussion**

**Consultation**

The draft Program Review was placed on the Council website and feedback sought from the Community from Tuesday, 1 May to Friday, 1 June 2018.

In addition to placing the review on the Council website for consultation, key stakeholders listed below were contacted and provided with a copy of the draft Program Review report and invited to meet with Council Officers to discuss their feedback. Stakeholders with whom Council was able to make contact are described in Table 1.

- Andrew Mahar AM – CEO, Xpand Foundation
- Dr Rob Brown - Executive Director Engagement & Government Relations, Victoria University
- Rae Kingsbury - Timor-Leste’s Honorary Consul to Victoria
- Susan Thompson – Director, Timor-Leste Program, Health Alliance International
- Former Friends of Liquiçá Advisory Group Members
- Elizabeth Hanney – Principal, Ave Maria College

Table 1: Consultation summary

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Summary</th>
<th>Program direction preference</th>
</tr>
</thead>
</table>
| **Xpand Foundation**         | • The Xpand Foundation supports continuing to work with Council to deliver projects of benefit to Liquiçá.  
                                 | • The Xpand Foundation will support Program fundraising activities through offering the purchase of coffee at wholesale prices.  
<pre><code>                             | • The Xpand Foundation run a Program called ‘WithOneSeed’ which encourages organisations to offset their CO2 emissions. Council is currently striving to achieve its carbon neutral by 2020 target and an opportunity was identified for part of the offsets to be purchased through the ‘WithOneSeed’ program to support our East Timor Program. This transaction | **Option two** |
</code></pre>
<p>| Tuesday 15 May                |                                                                         |                              |
| Andrew Mahar AM - CEO Xpand Foundation |                                                                       |                              |</p>
<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Summary</th>
<th>Program direction preferenece</th>
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| Victoria University  | was completed in June 2018 with Council purchasing $7,500 ex GST for these offsets.  
Andrew identified there was still a real need for on-going support in Timor Leste, particularly in the areas of food and water security, climate change, employment and economic development.  
Andrew endorsed the Program direction to go beyond just a traditional charity/aid model to a community development and capacity building model with a focus on social enterprise and sustainability. |                                |
| Friday 4 May         | Victoria University (VU) has a long standing commitment to Timor-Leste and has hosted the Honorary Consulate of Timor-Leste in Melbourne since before Timor-Leste's independence.  
Timor-Leste is a strategic priority for VU and they have recently developed a VU Timor-Leste Strategy (2018 – 2020) document.  
The VU strategy specifically includes an action to (re-)activate links with LGAs (especially those in the west of Melbourne), so the timing is perfect to re-activate a partnership with Council.  
VU have a strong active Timor-Leste students association that could support Council's East Timor Program.  
A focus of VU is to explore opportunities for its Victoria Polytechnic to develop new industries in Timor-Leste.  
Future opportunities identified include involving the VU Timor-Leste students association, engagement of Council expertise to support VU initiatives for the development of new industries, Council employees participating in planned in-country study experiences and joint philanthropic activities. | Option two                    |
<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Summary</th>
<th>Program direction preference</th>
</tr>
</thead>
</table>
| **Victorian State Government**                  | • The State Government maintains an interest in the Friendship City program through facilitating a Local Government East Timor Partnership Network. Council is an active participant in this Network.  
• Nick outlined the trend of local community activated friendship groups diminishing in participation.  
• The Victorian Governments is committed to supporting Timor-Leste and noted the benefits for Council’s via enhancing cultural understanding, community engagement and staff development.  
• The State Government is hopeful Council will continue to support the training and hosting of officials from East Timor.                                                                                                               | Option two                  |
| Friday 17 May                                   | Nick Oats - Program Director International, Department of Environment, Land, Water & Planning (Local Government East Timor Partnership Network)                                                                                                                                                                                     |                              |
| **Consulate for Timor-Leste Victoria.**         | • Rae congratulated Council on taking the initiative to do a thorough review of it's East Timor Program and on its achievements in delivering the program since 2003.  
• Rae supported the review findings that identified Councils East Timor activities as “city diplomacy” rather than viewing it as a ‘friendship city’ relationship.  
• Rae stressed the importance of integrating youth into program activities and the trend of traditional friendship groups declining due to ageing.  
• Rae endorsed the Program review strategy of Council working with key Strategic Partners (eg Xpand Foundation, HAI) if their activities directly benefit local community members.                                                                 | Option two                  |
| Monday 4 June                                   | Rae Kingsbury - Honorary Consul for Timor-Leste Victoria                                                                                                                                                                                                                                                                             |                              |
| **Health Alliance International**               | • Health Alliance International (HAI) confirmed interest in a continued partnerships with Council.  
• Susan identified that, in any future activities it will, be important to engage the Liquiçá health and administrative authorities (in particular the Ministry of Health) in our programming to align our activities with their priorities.                                                                 | Option two                  |
<p>| Friday 11 May                                   | Susan Thompson - Director, Timor-Leste Program                                                                                                                                                                                                                                                                                       |                              |</p>
<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Summary</th>
<th>Program direction preference</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• The HAI team on the ground in Timor-Leste will give further thought to identify possible new projects for consideration.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
| Friends of Liquiçá Advisory Group | • Former Friends of Liquiçá Advisory Group Members for whom Council has contact details were contacted to provide feedback. No response has been received to date.  
• It has been two years since the Advisory Group last met with Council (perhaps due to both a lack of clear ownership within Council to support its’ activities and declining membership due to the length of time the group has been in operation). | N/A |
| Moonee Valley residents | • The draft Program Review was placed on the Council website from Tuesday, 1 May to Friday, 1 June 2018.  
• No feedback was received | N/A |

A number of minor changes were made to the Program Review report to reflect stakeholder feedback and have been summarised in Table 2 below.

**Table 2: Program Review report changes based on feedback**

<table>
<thead>
<tr>
<th>Section</th>
<th>April (Draft)</th>
<th>June (Final)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Options for future direction (option 2), Stream 1 Governance</td>
<td>“Hold an Annual forum/ briefing with Timor Leste Ambassador or consul and Councillor group to provide an update on activities and discuss opportunities for the future.”</td>
<td>“Hold a regular forum/ briefing (perhaps one per Council term) with Timor Leste Ambassador or consul and Councillor group to provide an update on activities and discuss opportunities for the future.”</td>
</tr>
<tr>
<td>Learnings and Opportunities</td>
<td>Listing of learnings and opportunities for the program</td>
<td>Additional benefits and rationale for Council continuing the program (as informed by consultation)</td>
</tr>
</tbody>
</table>
Appendix 3 – Xpand Foundation
Overview of Xpand Foundation Partnership
In June 2018 Council purchased East Timor carbon offset certificates from the Xpand Foundation, in line with Council Policy to offset emissions. The WithOneSeed community tree program is in Bagua, Timor-Leste.

Appendix 7 – Consultation Summary
Outlined consultation on draft report to be undertaken in May
Summary of consultation with priority stakeholders and community undertaken in May

Program Streams from 2003 to present

The Program Review report presented to Council at the 24 April Ordinary Meeting outlined that previous Program activities can be identified within three distinct Program streams including:

**Governance activity (city diplomacy);** Includes practical assistance and support to representatives of the district government in East Timor on issues relating to governance, administrative systems, capacity building within East Timorese civic institutions.

**Project support:** Supports initiatives delivered on the ground in Liquiçá which provide practical assistance and funding for (typically) community development projects, services or infrastructure. A recent project includes support for the Allied Health International local NGO partner to work with the Liquiçá district administration to deliver a maternal and child health nursing program (Liga Inan project) to provide smart phones for Maternal and Child Health nurses providing neo-natal care to pregnant women in remote areas of the Liquiçá district. Consultation with the Xpand Foundation has also identified there are also local social enterprise and employment opportunities with their WithOneBean employing local vulnerable populations in Melbourne.

**Local community engagement and fundraising:** Includes practical assistance and support for local (Moonee Valley) community activities for the purposes of raising funds for and awareness about East Timor. In the past, these activities have also strengthened local connections and capacity building, such as the 2009 community forum and celebration at the Flemington Community Centre to recognise the anniversary of the East Timorese referendum.

The key community engagement with this project stream has been through the Moonee Valley Friends of Liquiçá (FOL) Advisory Group. This committee was formally established by a Notice of Motion on 18 October 2005. It has been two years since the FOL Advisory Group last met with Council. Council is not aware of any current fundraising or awareness raising activities carried out by the Group; and they did not provide a response during the consultation period. The Program Review options have therefore identified a local community engagement and development approach which focuses on current activity areas and interest.

Further information on the Program streams is outlined in Appendix A.
Options for future Program direction

The Program Review report presented to Council at the 24 April Ordinary Meeting identified two options for its' future direction which are outlined in Appendix A (pages 20-23) and summarised in Table 3 below.

Table 3: Options for future program direction

<table>
<thead>
<tr>
<th>Option one: Minimising future involvement and investment in the Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>This would entail minimising activity in the existing Program (with exception of providing limited municipal support), including:</td>
</tr>
<tr>
<td>1. Governance - Continue to respond to requests from East Timor for hosting visitors from Liquíçá (as requested). Assess resourcing as required (in terms of delegations when proposed etc.) in line with relevant Council policy such as travel allowances etc.</td>
</tr>
<tr>
<td>2. Project Support - Expend the current funds (approx. $20,000) on Liquíçá projects, then discontinue with 'Project Support' (once current funds expended).</td>
</tr>
<tr>
<td>3. Engagement and fundraising - Discontinue with ‘Engagement &amp; Fundraising stream’.</td>
</tr>
<tr>
<td>Indicative annual cost: $3,700, which incorporates Project Officer time to implement the above steps.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Option two: Continue to deliver the Program and incorporate Review findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>The second option proposes three program streams and includes:</td>
</tr>
<tr>
<td>4. Governance – Provide municipal support, as requested and facilitated through forums such as the Victorian Government’s Local Government Timor-Leste Network (and continue to attend quarterly network meetings). Assess resourcing as required (in terms of delegations when proposed etc.) in line with relevant Council policy such as travel allowances etc. Hold a regular forum/ briefing with the Timor Leste Ambassador or consul and Councillor group (suggest one per Council term) to provide an update on activities and discuss opportunities for the future.</td>
</tr>
<tr>
<td>5. Project Support - Provide project support for initiatives delivered on the ground in Liquíçá including:</td>
</tr>
<tr>
<td>o Adoption of a strategic framework to guide decision making and investment (Appendix A – pages 35-36);</td>
</tr>
<tr>
<td>o Sustainable fundraising options for projects;</td>
</tr>
<tr>
<td>o Formalising partnership agreements with partners in Liquíçá for the remainder of the 2017-21 Council term</td>
</tr>
<tr>
<td>o An annual financial commitment from council of typically $2000 towards partnership projects (up to a total value of $5000) which would be funded from council’s Community Grants program budget and could augment annual staff and community fundraising efforts. Note, if successful this would commence in 2019/20 financial year as it may require a change to documentation relating to the Section 86 Grants Assessment Special Committee.</td>
</tr>
</tbody>
</table>
| 6. Engagement and fundraising – Support local community and staff activities for the purposes of raising funds for and awareness about East Timor. These local
activities would also aim to strengthen local connections and capacity building. This could involve:

- A Council managed Timor-Leste Annual Community Forum to promote the Program and provide a platform to engage with locals with an interest in East Timor and discuss opportunities to contribute to existing and future activities.
- Engage with representatives of groups based in Moonee Valley with common interests in projects in Timor Leste such as climate change, health etc.
- Fundraising: Trial new fundraising initiatives to support Council’s Friends of Liquiçá Relationship Program for the 2018/19 financial year as per Appendix A (Pages 32-34).

**Indicative annual cost:** $18,775 - $21,775 which incorporates Project Officer time ($12,000) to implement the above steps, wholesale coffee purchase for fundraising re-sale ($4,775) and Community Grants allocation ($2,000-5000).

### Benefits to Council of delivering an East Timor Program

The Moonee Valley/Timor–Leste Liquiçá Friendship City relationship Program builds on enduring links between the people of Australia and Timor-Leste, including those developed during the Second World War when Australian Special Forces, with the support of many Timorese, resisted Japanese occupation.

The Program offers opportunities for community participation and learning and development for the Moonee Valley community. These activities include participating in community events, finding out about the history of Timor-Leste and its people, participating and learning skills in project and fundraising activities and developing friendships and connections between community members.

It can also assist us to realise our social procurement policy objectives and carbon off-sets through support for initiatives such as the OneSeed project.

There are also staff development and retention opportunities through involvement in East Timor Program activities.

For a relatively small financial and staff time commitment Council can make a genuine impact to support the Timor–Leste community. Whilst Timor-Leste has made considerable progress in the past decade, it has significant population health needs. There is also still a real need for on-going support in the areas of food and water security, climate change and economic sustainability.

There is an opportunity for Council and its’ strategic partners to go beyond a traditional charity/aid model to a community development and capacity building model with a focus on social enterprise and sustainability. By implementing this model around the next ‘generation’ of activity between Moonee Valley and Liquiçá this is where the greatest good and opportunity will come from.
Consultation
Consultation has been undertaken with the following priority stakeholders:

- Former Friends of Liquiçá Advisory Group Members
- Elizabeth Hanney – Principal, Ave Maria College
- Rae Kingsbury - Timor-Leste’s Honorary Consul to Victoria
- Nick Oats - Victorian State Government Program Director International, Department of Environment, Land, Water & Planning
- Andrew Mahar AM – CEO, Xpand Foundation
- Susan Thompson – Director, Timor-Leste Program, Health Alliance International
- Dr Rob Brown - Executive Director Engagement & Government Relations, Victoria University

The draft Program Review was placed on the Council website and feedback sought from the Community from Tuesday, 1 May to Friday, 1 June 2018.

Implications

1. Legislative
   There are no legislative implications as a result of this project.

2. Council Plan / Policy
   Related objectives in the Council Plan 2017-21 include:

   1.1.1.2 Work with partners to address health and wellbeing priorities including: health inequalities, mental health, alcohol and other drugs, gambling, homelessness, non-communicable diseases and sexual and reproductive health.

   1.1.1.3 Improve health and wellbeing across the life course and address social determinants of health.

   1.3.1.1 Foster resilience and build community capacity in priority populations.

   1.4.1.1 Build capacity and leadership with priority populations and in areas of greatest social and economic disadvantage.

   1.4.1.2 Deliver services and programs using a community development model.

3. Financial
   The potential cost to council for implementing either of the two identified potential Program options moving forward is either:

   - Option one: Minimise involvement in the Program = $3,700 (p/a); or
   - Option two: Continue to deliver the Program and incorporate Review findings = $18,775 - 21,775 (p/a). The potential annual (net) income derived from alternative fundraising proposed is estimated at $4,400.
4. Environmental

The Xpand Foundation (a strategic Program partner) run a Program called ‘WithOneSeed’ which encourages organisations to offset their CO2 emissions and at the same time support farmers in replanting their forests in Timor-Leste. Each carbon offset is equivalent to one tonne of carbon dioxide (CO2e). Council is currently striving to achieve its carbon neutral by 2020 target and has a policy to offset some of its emissions that can’t be avoided. An opportunity was identified for part of the offsets to be purchased through the ‘WithOneSeed’ program to further support Council’s East Timor program. This transaction was completed in June 2018 with Council purchasing $7,500 ex GST for these offsets.

Conclusion

Council has made a significant contribution in East Timor since 2003 and the Program Review has identified a way forward which is positive, strategic and pragmatic. It builds upon the Program’s legacy and continue our important work to build capacity for the people of East Timor.

Appendices

Appendix A: Moonee Valley East Timor Liquica Friendship Program Review Final - June 2018 (separately circulated) .
9.8 Special Charge Scheme for a Right of Way in Tennyson Street, Essendon

File No: FOL/18/32
Author: Kosta Smirnis
Coord Engineering Services
Directorate: Planning & Development

Purpose
To receive the responses to a questionnaire concerning a proposed Special Charge Scheme for the construction of a Right of Way (ROW) bounded by Tennyson Street, Hilda Street and Vanberg Road and to initiate statutory procedures of Council’s intent to declare a special charge.

Executive Summary
- At the Ordinary Meeting of Council on 20 December 2016 following consideration of a Notice of Motion No 2016/29, Council resolved:
  
  That Council receive a report 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.

- At the Ordinary Council Meeting on 26 April 2017 a further report was presented in accordance with Notice of Motion 2016/29.

- On 25 May 2017 in response to the Council Ordinary Meeting resolution of 26 April 2017 a further questionnaire was distributed to residents abutting the Tennyson Street ROW to gauge the level of support from residents, in order for Council to consider declaring a Special Charge Scheme for the construction of the ROW bounded by Tennyson Street, Hilda Street and Vanberg Road

- The outcome of the questionnaire was that 5 property owners are in support, 5 objected and 4 did not respond.

- Given the 50% support, it is recommended to give notice of Council’s intention to declare a special charge and hear any submissions at a Special Committee of Council before making the declaration.
Recommendation

That Council:

1. Gives notice of its intention to declare a Special Charge in accordance with Section 163(1), (1A), (1B) and (1C), and Section 163B(3) of the Local Government Act 1989 (‘the Act’), for the construction of ROW Tennyson Street, Essendon.

2. Advertises through a public notice (refer Appendix A) of its intention to declare and levy the Special Charge. A copy of the public notice will be sent to each person who will be liable to pay the Special Charge.

3. Specifies the following for the purposes of Section 163(2), (2A) and (2B) of the Act:
   a) The Special Charge in (1) above shall apply to the properties in Tennyson Street as shown in Appendix B.
   b) The apportioned cost to each property is shown in Appendix C. The final apportionment cost will be based upon the actual cost of the scheme.
   c) The apportioned cost may be paid as a lump sum or by quarterly instalments over a 10 year period with interest as provided by Section 163(1)(b) of the Local Government Act 1989.
   d) The special charge for the ROW Tennyson Street, Essendon Special Charge Scheme shall continue for a 10 year period, and
   e) Within six months of completion of the scheme a final cost statement will be issued to the Tennyson Street property owners within the scheme.

4. Establishes a Special Committee of Council comprising the Ward Councillors to hear any submissions lodged in accordance with Section 223 of the Local Government Act 1989.

5. Informs persons who wish to be heard in support of their submissions that they will be heard at a Special Committee of Council if required commencing at (12 September 2018).

6. Includes $120,000 in future Capital Works Program, for the ROW Tennyson Street, Essendon Special Charge to proceed.

Background

The owner of 120 Tennyson Street submitted a petition on 23 September 2014 to construct the ROW.

On 8 November 2016 a questionnaire was sent to the fourteen (14) properties that would derive benefit from the Scheme. The majority of property owners did not support the Scheme with only one (1) approving and nine (9) objecting to the Scheme.

At the Ordinary Meeting of Council on 20 December 2016, following consideration of a Notice of Motion No 2016/29, Council resolved:
That Council receive a report 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.

A report was presented to the Ordinary Meeting of Council on 26 April 2017 in accordance with Notice of Motion No 2016/29.

The report presented to Council on 26 April 2017 provided further information on:

a) The drainage connection point for the ROW Scheme which is approximately 120m from the nearest Council drain in front of 23 Hilda Street, Essendon;

b) Council Policy, where the distance to the connection point is considered excessive Council shall contribute towards the cost for the construction of the outlet pipe; and

c) On review, the 120m was considered excessive and the revised Estimated Costs for the ROW Scheme was presented.

i) Total Property Owner Costs $ 59,471
ii) Total Council Contribution Cost $ 56,968
iii) Total Special Charge Scheme cost $116,439

Council at its Ordinary Meeting on 26 April 2017 after fully considering the report resolved unanimously that Council:

1. Contribute to the construction of the outfall drain to the connection point only (Component C), subject to the Special Charge Scheme proceeding.

2. Issue a revised questionnaire to properties included in the Scheme based on cost apportionment Model 1 as presented in the report.

3. That Council only proceed with the Special Charge Scheme if there is majority of support from property owners after issuing the revised questionnaire.

Discussion

On 25 May 2017 the revised questionnaire was sent to the fourteen (14) property owners requesting that they respond by 26 June 2017.

A request was received to extend the date for return of the questionnaire and on 7 June 2017 a further letter was sent to property owners requesting that they return the questionnaire by 28 July 2017.

Ten (10) responses have been received of which four (5) were in support and five (5) objected to the Scheme. Four (4) property owners did not respond at all.
The grounds for objection to the Scheme are:

- Do not require vehicular or pedestrian access to property from the ROW.
- Cost is unreasonable and inequitable to seek contribution from them to construct a ROW that has no benefit to them.
- Construction of ROW will not improve safety or prevent cars from travelling through the ROW.

Consultation

Consultation has been undertaken with residents regarding the proposed Scheme for the construction of the ROW bounded by Tennyson Street, Hilda Street and Vanberg Road via an initial questionnaire distributed on 8 November 2016.

A meeting was also held with interested residents on 23 November 2016.

On 25 May 2017 a revised questionnaire and further information on reduced cost apportionment amounts was sent to all property owners.

Implications

1. **Legislative**
   
   *Local Government Act 1989 - S163 & S. 223(1)*
   
   Special Rates and Charges, Ministerial Guidelines, September 2004:
   
   *Road Management Act 2004*
   
   Council’s Road Management Plan 2013-2017 (RMP) lists Right of Ways that Council maintains. The Tennyson ROW is currently unconstructed and therefore is not listed in the RMP. Council would however be responsible for maintenance of this ROW if it is constructed.

2. **Council Plan / Policy**

   In presenting this report, Council is working to achieve its strategic objective to provide opportunities for civic participation and input to Council decision-making processes in accordance with Council Plan 2017-21 Theme 5: Resilient organisation - A resilient organisation that is sustainable, innovative, engaging and accountable - Our community is informed and has a say.
   
   Policy - Declaration of a Special Charge Scheme for Road Construction and Drainage Services (date)

3. **Financial**

   Council does not have any capital funds currently allocated towards the above proposed Special Charge Scheme, and as such if Council were to proceed with the Scheme then funding estimated to be $120,000 would need to be provided within Council’s future Capital Works Program.

4. **Environmental**

   Improved amenity relating to dust/mud reduction and drainage.
Conclusion
In order for the proposed Special Charge Scheme to proceed, sufficient support from residents abutting the unmade ROW is required.

Property owners have been informed of potential financial costs and been given the opportunity to inform Council of their views on the Scheme.

Given the 50% support, it is recommended to give notice of Council’s intention to declare a special charge and hear any submissions at a Special Committee of Council before making the declaration.

Appendices
Appendix A: Public notice
Appendix B: Proposed drain alignment
Appendix C: Apportionment of costs
**APPENDIX A**

**MOONEE VALLEY CITY COUNCIL**

**PROPOSED DECLARATION OF SPECIAL CHARGE**

**FOR THE CONSTRUCTION OF THIS RIGHT OF WAY AT THE REAR OF 116-112 TENNYSON STREET, ESSENDON**

Notice is hereby given in accordance with the Local Government Act 1989 (the Act) of Council’s proposed intention to declare a Special Charge at its meeting on 10 July, 2018 to be known as the Tennyson Street, Essendon – Special Charge Surname.

The Special Charge proposed is to be declared pursuant to Section 163 of the Act for the purpose of defraying the expenses to be incurred in the provision by Council for the construction of the Right of Way for the area bounded generally between Tennyson Street, Hilda Street and Vanberg Road, Essendon, which includes the following properties:

<table>
<thead>
<tr>
<th>PROPERTY</th>
<th>LOT NO</th>
<th>TITLE NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>116 Tennyson Street, Essendon</td>
<td>Lot 92</td>
<td>PC3548855</td>
</tr>
<tr>
<td>118 Tennyson Street, Essendon</td>
<td>Lot 91</td>
<td>POS001261</td>
</tr>
<tr>
<td>120 Tennyson Street, Essendon</td>
<td>Lot 90</td>
<td>PC373796U</td>
</tr>
<tr>
<td>126 Tennyson Street, Essendon</td>
<td>Lot 1 &amp; Lot 2</td>
<td>TP215709Q</td>
</tr>
<tr>
<td>128 Tennyson Street, Essendon</td>
<td>Lot 1</td>
<td>TP591518U</td>
</tr>
<tr>
<td>130 Tennyson Street, Essendon</td>
<td>Lot 1</td>
<td>TP834048N</td>
</tr>
<tr>
<td>132 Tennyson Street, Essendon</td>
<td>Unit 8</td>
<td>SOP017532</td>
</tr>
<tr>
<td>12 Vanberg Road, Essendon</td>
<td>Lot 110</td>
<td>POS001281</td>
</tr>
<tr>
<td>1 Hilda Street, Essendon</td>
<td>Lot 93</td>
<td>POS001291</td>
</tr>
</tbody>
</table>

Council specifies:
- The works will include concrete road pavement and associated drainage construction.
- The total cost of the works is approximately $116,439.90.
- The total amount of the Special Charge to be levied is approximately $56,471, being 51 percent of the total cost.
- The proposed Special Charge if declared will apply in relation to each residential property including numbers 119, 116, 112, 120, 130, 132 Tennyson Street inclusive, numbers 1 Hilda Street and number 12 Vanberg Road, within the designated area abutting the Right of Way.
- The manner in which the Special Charge has been levied has taken into account the special benefit derived for each property in relation to the construction of the Right of Way, being 70 percent access benefit and 30 percent amenity benefit.
- The Special Charge will remain in force for a period of 10 years.

Copies of the proposed declaration, including the proposed duration, the amount in respect of each property, the basis of calculation, the nature of the works and potential obligations, in respect of the Special Charge are available for inspection at the Gilmara Service Centre, 9 Helfray Avenue, Moonee Ponds, during office hours for a period of 28 days after the date of publication of this notice.

Any person may make a submission under Section 223 of the Act in relation to the Council’s proposal to declare a Special Charge and a Committee of Council will consider any written submission that is received by it within 28 days after the date of publication of this notice.

If any person wishes to appear before the Committee to be heard in support of a submission, a request to appear should be lodged with the written submission.

Submissions will be considered by the Committee on 12 September 2018. Submissions should be addressed to:

Chief Executive Officer
Moonee Valley City Council
PO Box 526
Moonee Ponds Vic 3030
### APPENDIX C

<table>
<thead>
<tr>
<th>Property Owner Scheme Cost</th>
<th>Model 1 (Adopted Cost)</th>
<th>Revisited Cost</th>
<th>% of Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>100% $174,413.50</td>
<td>$174,413.50</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

#### APPORTIONMENT OF COSTS

<table>
<thead>
<tr>
<th>Property Owner Scheme Cost</th>
<th>Model 1 (Adopted Cost)</th>
<th>Revisited Cost</th>
<th>% of Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>100% $174,413.50</td>
<td>$174,413.50</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

**TOTAL SCHEME COST**

$56,471.00

**TOTAL PROPERTY OWNERS**

$16,438.00

**THERSON STREET SPECIAL CHARGE SCHEME**

$39,033.00

**Original Net**

$174,413.50

**2014**

$174,413.50

**AMENITY FROMAGE UNIT**

Access Benefit Unit

<table>
<thead>
<tr>
<th>Road Name</th>
<th>Access Units</th>
<th>Amenity Percentage</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

**SUBTOTALS**

<table>
<thead>
<tr>
<th>Road Name</th>
<th>Access Units</th>
<th>Amenity Percentage</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

**AMOUNT TO BE RECOVERED FROM OWNERS**

<table>
<thead>
<tr>
<th>Road Name</th>
<th>Access Units</th>
<th>Amenity Percentage</th>
<th>Total Cost</th>
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<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**THERSON STREET SPECIAL CHARGE SCHEME**

$39,033.00

**TOTAL PROPERTY OWNERS**

$16,438.00

**TOTAL SCHEME COST**

$56,471.00

**THERSON STREET SPECIAL CHARGE SCHEME**

$39,033.00

**TOTAL PROPERTY OWNERS**

$16,438.00

**TOTAL SCHEME COST**

$56,471.00

**THERSON STREET SPECIAL CHARGE SCHEME**

$39,033.00

**TOTAL PROPERTY OWNERS**

$16,438.00

**TOTAL SCHEME COST**

$56,471.00

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**TOTAL SCHEME COST**

$56,471.00
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 Proposed Lease
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.