Agenda

Ordinary Meeting of Council

Tuesday, 12 June 2018
6.30pm
Ordinary Meeting of Council
Tuesday, 12 June 2018 at 6.30pm
to be held at the Moonee Valley Civic Centre

TO:

Members:  Cr John Sipec  Mayor
          Cr Samantha Byrne
          Cr Richard Lawrence
          Cr Nicole Marshall
          Cr Cam Nation
          Cr Narelle Sharpe
          Cr Andrea Surace

Officers:  Mr Bryan Lancaster  Chief Executive Officer
          Mr Steven Lambert  Director City Services
          Ms Kendrea Pope  Director Organisational Performance
          Ms Natalie Reiter  Director Planning & Development
          Mr Gil Richardson  A/Director Asset Planning & Strategic Projects
          Mr Petrus Barry  Manager Statutory Planning
          Ms Allison Watt  Manager Communications & Governance
Business:

1. Opening

2. Apologies
   Cr Cusack and Cr Gauci Maurici have an approved Leave of Absence for this meeting.

3. Confirmation of Minutes
   Ordinary Meeting of Council held on Tuesday, 22 May 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.

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13. Close of Meeting

BRYAN LANCASTER
Chief Executive Officer
9.1  7 Garnet Street, West Essendon (Lot 28 on LP2314 and Lot 1 on TP645476M) - Construction of four dwellings

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

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/812/2017</th>
</tr>
</thead>
</table>
| Proposal            | - Four double storey dwellings  
                      - Three three-bedroom dwellings and one two-bedroom dwelling |
| Applicant           | Vascon Developments Pty Ltd C/- ARG Planning |
| Owner               | Arthur and Dorothy Houghton, Vascon Developments Pty Ltd |
| Planning Scheme Controls | General Residential Zone |
| Planning Permit Requirement | Clause 32.08-6 – Construction of two or more dwellings on a lot |
| Car Parking Requirements | Required – 7 spaces  
                      Proposed – 7 spaces |
| Restrictive Covenants | None |
| Easements           | 3.66 metre wide drainage and sewerage easement along the northern boundary |
| Site Area            | 883 square metres |
| Number Of Objections | 11 |
| Consultation Meeting | 26 March 2018 |

Executive Summary
- The application seeks planning approval for the construction of four double storey dwellings.
- The site has an area of approximately 883 square metres and is located on the western side of Garnet Street, West Essendon.
The application was advertised with 11 objections received. Concerns were raised primarily in relation to car parking and traffic impacts, visual bulk and scale, overdevelopment, off-site amenity impacts and waste collection.

A Consultation Meeting was held on 26 March 2018, attended by Mayor Sipek, Councillors Byrne, objectors, the applicant and Council’s Planning Officer. No resolution was achieved, however the applicant informally submitted a plan showing a hipped roof design in response to a concern raised at the meeting.

The application was externally referred to AusNet and City West Water. The application was internally referred to Council's Development Engineering Unit (Drainage and Traffic) and Environmentally Sustainable Design (ESD) Officer. Conditional support was provided.

The proposal is generally consistent with development that has occurred in the immediate surrounds. Conditions will require an appropriate colour scheme, as well as the provision of a hipped roof form to the street-facing dwellings. These changes will ensure the development respects the preferred character of the area.

The proposal achieves a high level of compliance with the quantifiable standards of ResCode, with conditions imposed to ensure compliance with street setback, landscaping, internal overlooking and solar access to open space.

Overall, this assessment report finds the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme. It is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

Figure 1: Aerial photograph of subject site and surrounds
Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/812/2017 for the construction of four dwellings at 7 Garnet Street, West Essendon (Lot 28 on LP2314 and Lot 1 on TP645476M), subject to the following conditions:

1. Before the submission of plans for endorsement under the conditions of this permit and before any works commence, an application must be made for the consolidation of Lot 28 on LP2314 and Lot 1 on TP645476M. Within 3 months of registration of the plan of consolidation, a copy of the new title for the land must be submitted to the Responsible Authority.

2. 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) The provision of hipped roofing to Dwellings 1 and 2 as shown on plan ‘TP.5 Revision E’ prepared by ArchEdge Design dated 27 March 2018;

   b) The material schedules amended to reduce the amount of grey colour finishes, replaced with colours that better reflect the predominant palette seen in the immediate area in accordance with the Garden Suburban 5 precinct profile;

   c) The upper floor of Dwelling 2 street setback to comply with Standard B6 of Clause 55.03-1 (Street Setback) of the Moonee Valley Planning Scheme;

   d) The porches of Dwellings 1 and 2 to be less than 3.6 metres in height to accord with Standard B6 of Clause 55.03-1 (Street Setback) of the Moonee Valley Planning Scheme;

   e) The south-facing first floor habitable room windows of Dwelling 3 treated to comply with Standard B23 of Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme;

   f) The secluded open space areas of Dwellings 1 and 3 modified to comply with Standard B29 of Clause 55.05-5 (Solar Access to Open Space) of the Moonee Valley Planning Scheme, within any subsequent internal modifications;

   g) The garage of Dwelling 2 constructed as a lightweight, removable structure over the easement;

   h) The garage and car spaces of Dwelling 2 modified to ensure all vehicles utilising the shared accessway can safely and efficiently exit the site in accordance with Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;

   i) Each crossover to the built as a double crossover with the neighbouring crossovers to the north and south and constructed in accordance with Condition 17;
j) Each accessway tapered so that it is constructed along the northern or southern boundary at the street frontage, with landscaping relocated to the opposite alignment of the accessway.

k) Any changes as a result of the above conditions to maintain compliance with the mandatory garden area requirement at Clause 32.08-4 of the Moonee Valley Planning Scheme.

l) Pedestrian visibility splays to be clearly annotated to comply with Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.

m) The location and design of mailboxes and shared domestic services to be accurately shown on the plans and elevations, with a maximum height of 1.5 metres.

n) A notation that side boundary fencing tapers down in height within the front setback.

o) Any changes to the stormwater treatment measures and associated annotations as a result of Conditions 4 and 5.

p) Any changes as a result of Condition 8; and

q) A Landscape Plan as required by Condition 9. When approved, these plans will be endorsed and will form part of this permit.

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

4. 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.

5. 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.

6. A minimum 30 days prior to any building or works commencing, a Site Management Plan must be submitted to and approved by the Responsible Authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:

a) A statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;

The WSUD Site Management Plan may form part of a broader Site Management Plan that covers other project components, such as noise, EPA issues, traffic management, waste management etc.

Once submitted to and approved the works detailed by the Site Management
Plan must be carried out to the satisfaction of the Responsible Authority.

7. 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.

8. Before the development commences, an amended Sustainable Design Assessment (SDA) that outlines proposed design initiatives must be submitted to and approved by the Responsible Authority. The SDA must be generally in accordance with the SDA submitted with the application, but modified as follows:

a) Any changes required by Condition 2 of this permit.

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

9. Before the development starts, or any trees or vegetation removed, a landscape plan (an electronic copy) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority.

The plan must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:

a) Any changes as required by Condition 2 of this permit;
b) Canopy trees capable of achieving a minimum mature height of 4 metres within the front setback;
c) Planting with a maximum height of 900mm within the pedestrian visibility splays to comply with Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
d) The use of species with non-invasive root systems in proximity to the easement; and
e) An appropriate irrigation system.

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

Landscaping in accordance with the endorsed landscaping plan and schedule must be completed before the building is occupied.

10. 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.

11. Before the buildings approved by this permit are occupied, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.

12. 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.

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

14. 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.

15. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than stormwater downpipes 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.

16. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

17. 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 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
18. 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.

19. 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.

20. Before the buildings approved by this permit are 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.

21. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.

City West Water Conditions

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

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

24. 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 City West Water Conditions

25. 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 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 1993. 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 land to pre-development levels in accordance with the following calculation: C=0.4, tc=5mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or C=0.80.

- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.

- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.

- Existing levels along the property line 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.

1. Introduction

1.1 Subject Site and Surrounds

The subject property is located on the western side of Garnet Street, between Emerald Street to the north and Ruby Street to the south. The site is generally rectangular in shape with a frontage of 21.95 metres and a site area of approximately 883 square metres. The site has a slope of approximately 2 metres from rear (west) to front (east).

The subject site currently accommodates a single storey weatherboard dwelling with a hipped tiled roof, set back approximately 7.6 metres from the street. A single width crossover and driveway is located near south-eastern corner of the site, providing access to garage located behind the dwelling. The front setback of the site is enclosed by a low fence in front of a grassed area and a number of small shrubs and trees.
The area is predominantly residentially zoned land, with built form responding to an undulating topography. Residential land surrounding the site is inhabited by a combination of multi-unit developments and large single dwellings on large lots, with traditional dwelling stock interspersed with contemporary infill development. Numerous open space areas are located nearby, particularly underneath the electrical transmission lines to the south-west. Buckley Street is located approximately 120 metres to the south, St Bernard’s Secondary College approximately 250 metres to the north-west and the Maribyrnong River and associated parklands approximately 450 metres to the south.

1.2 Proposal

It is proposed to construct four dwellings on the site, summarised as follows:

Table 1

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of dwellings</td>
<td>4 double storey, including:</td>
</tr>
<tr>
<td></td>
<td>- 3 x 3 bedroom</td>
</tr>
<tr>
<td></td>
<td>- 1 x 2 bedroom</td>
</tr>
<tr>
<td>No. of car spaces</td>
<td>7</td>
</tr>
<tr>
<td>Max building height</td>
<td>7.9 metres</td>
</tr>
<tr>
<td>Site coverage</td>
<td>43.9%</td>
</tr>
<tr>
<td>Permeability</td>
<td>37.7%</td>
</tr>
<tr>
<td>Garden area (mandatory minimum 35%)</td>
<td>35.1%</td>
</tr>
</tbody>
</table>

Refer Appendix C – Advertised Plans.
2. Background

2.1 Relevant Planning History

There are no historical planning applications for the site.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework
Clause 11 Settlement
Clause 15 Built Environment and Heritage
Clause 16 Housing

Local Planning Policy Framework
Clause 21.01 Municipal Profile
Clause 21.03 Vision
Clause 21.04 Sustainable Environment
Clause 21.05 Housing
Clause 21.06 Built Environment
Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning and Overlays
Clause 32.08 General Residential Zone

Particular and General Provisions
Clause 52.06 Car Parking
Clause 55 Two or More Dwellings on a Lot
Clause 65 Decision Guidelines
Clause 66.02-4 Major Electricity Line or Easement

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>AusNet (s55)</td>
<td>No objection</td>
</tr>
<tr>
<td>City West Water (s52)</td>
<td>No objection subject to conditions</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Internal Referrals</th>
<th>Comments/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Engineering (Drainage)</td>
<td>No objection subject to standard conditions</td>
</tr>
<tr>
<td>Development Engineering (Traffic)</td>
<td>No objection subject to conditions (Conditions 1h), 1i) and 16)</td>
</tr>
<tr>
<td>Environmental Sustainable Design</td>
<td>Conditions requiring notations on plans and amended SDA and</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 adjoining and surrounding properties and notice displayed on site for 14 days. Eleven (11) objections were received from the properties listed within Appendix A of this report.

These are discussed at Section 3.5 of this report.

2.5 **Consultation Meeting**

A Consultation Meeting was held on 26 March 2018, attended by Mayor Sipek, Councillors Byrne, objectors, the applicant and Council’s Planning Officer. No resolution was achieved however, in response to a concern raised at the meeting, the applicant informally submitted a plan on 13 April 2018 showing a hipped roof form to the street-facing dwellings. This will be incorporated through a condition of permit as discussed under Section 3.2 of this report.

There was also discussion around the potential to provide indented street parking within the road reserve in front of the site, however advice from Council’s Development Engineering (Traffic) Unit stated this was not achievable given the limited space.

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. For the large part State Planning objectives seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport.

The subject site is well serviced by community and commercial amenities. The location of the subject site is considered to lend support for a moderate intensification of residential development such as that proposed. The proposal contributes to the objective of housing diversity by providing alternative dwelling sizes and types which will cater for the increasingly diverse needs of future residents.

The proposal is considered to be capable of compliance with Clause 21.04 (Sustainable Environment), through the submission of an amended Sustainable Design Assessment (SDA).

The proposal complies with Clause 21.04-7 (Waste) by providing adequate facilities for the storage and collection of waste.

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 development accord with the preferred character of the area?

The subject land is identified as being within character area ‘Garden Suburban 5’ within the Moonee Valley Neighbourhood Precinct Profiles 2012.

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

- The design response is consistent with both the emerging and preferred character of the area, and respects the nature of built form in the immediate surrounds. The proposal has a contemporary architectural theme which will positively contribute to the built form character of the area, whilst achieving a respectful and site responsive design outcome.

- The siting and massing of the proposal is compatible with the pattern of development that has occurred in the surrounding area, consistent with several recently constructed developments mainly to the north of the site. Setbacks from side boundaries ensure views between buildings are maintained within the streetscape. Physical breaks at the upper floor level provide visual relief to residential interfaces to each side. Suitable articulation is provided along the rear elevation of the development.

- The height of the development at two storeys is consistent with the emerging character of the area. The upper floors of each dwelling are contained centrally and articulated to reduce their dominance as viewed from the street, as well as from visually sensitive interfaces. A condition of permit discussed under Section 3.4 will increase the street setback of the upper floor of Dwelling 2, which will achieve a more suitable transition to the neighbouring split-level dwelling.

- The development is generally well articulated through a variety of setbacks, window forms, roofing styles, materials and finishes that together achieve a contemporary and responsive built form. However, there are two aspects of the design detailing which are considered to require modification.

- The use of a skillion roof form to the street is considered at odds with the streetscape. Following the consultation meeting an amended plan was informally submitted demonstrating a hipped roof form provided for Dwellings 1 and 2 facing the street (refer to Appendix D – Amended Elevation Plan). This is a more appropriate design response and will be incorporated through a condition of any permit issued.

- The palette of only grey or dark-grey colour finishes is also considered to be out of character with the immediate context. A condition of any permit issued will require the colour and materials schedule to be amended to include lighter colour finishes that respond to surrounding dwellings as well as the preferred character statement.
Adequate areas are provided within the front, side and rear setbacks to accommodate planting which will contribute to the garden character of the area. Canopy planting will be achieved within the front setback, with ample areas in the secluded open areas and alongside accessways. This is an appropriate outcome and is consistent with the varied character of landscaping in the immediate surrounds.

A 900mm high timber front fence is proposed, which is an appropriate outcome and consistent with the existing and preferred character of the area.

The carport of Dwelling 1 is constructed in an appropriate manner near the north western corner of the site, and would be a recessive element within the development façade. All remaining car parking is concealed within the site accessed from the common driveway.

3.3 Is the provision and design of car parking acceptable?

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

<table>
<thead>
<tr>
<th></th>
<th>Requires</th>
<th>Provides</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three three-bedroom dwellings</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>One two-bedroom dwelling</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>7</td>
<td>7</td>
</tr>
</tbody>
</table>

The proposal provides the required amount of on-site car parking. As discussed under Section 2.3 of this report, Council’s Development Engineering (Traffic) Unit has no objection to the proposed development, subject to conditions on any permit issued. The requirements of Clause 52.06-9 (Design Standards for Car Parking) will therefore be met.

3.4 Does the proposal comply with the objectives and standards of ResCode?

The proposal is considered to generally comply with the provisions of Clause 55 as set out in the assessment table (refer to Appendix B of this report). A full ResCode assessment can be found on file.

The following points of exception, which have not been satisfied through this development, are listed below with corresponding assessments:

<table>
<thead>
<tr>
<th>ResCode Standard</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 55.03-1 (Standard B6) Street Setback</td>
<td>A street setback of 6.05 metres is required under the standard. The development seeks a partial variation at the south-eastern corner of Dwelling 2, which is set back between 5.78 to 6 metres from the street. A minor variation is considered acceptable at</td>
</tr>
<tr>
<td>ResCode Standard</td>
<td>Response</td>
</tr>
<tr>
<td>------------------</td>
<td>----------</td>
</tr>
<tr>
<td>ground level up to 10mm and would not result in an unreasonable visual intrusion within the streetscape. A condition of any permit issued will require the first floor first floor to be set back in accordance with the standard, which will achieve a more respectful transition to the lower scale built form to the south. The remainder of the Dwelling 2 façade and the entirety of Dwelling 1 is set back to comply with the standard. A condition of permit will also ensure the porches of Dwellings 1 and 2 are less than 3.6 metres in height so that they qualify as allowable encroachments under the standard.</td>
<td></td>
</tr>
</tbody>
</table>

| Clause 55.03-8 (Standard B13) Landscaping | The development provides adequate space for planting throughout the site, as discussed above. A condition of any permit issued will require the submission of a fully detailed amended landscape plan, with specific requirements for canopy tree planting as well as non-invasive species within the easement. |

| Clause 55.04-7 (Standard B23) Internal Views | A condition of any permit issued will ensure the first floor bedroom 1 window of Dwelling 3 is screened to comply with this clause. Otherwise, first floor windows have been appropriately treated. Internal fencing at a height of 2 metres is provided to the ground floor courtyards as required by this clause. |

| Clause 55.05-5 (Standard B29) Solar Access to Open Space | There is a single storey brick structure located along the northern boundary directly opposite the secluded open space areas of Dwellings 1 and 3. The height of this wall varies along the slope of the site. In proximity to Dwelling 1, the wall has a maximum height ranging between 2.9 to 3.1 metres, requiring a setback of 4.61 to 4.79 metres. The southern boundary of the secluded open space area is set back 4 metres from this wall. In proximity to Dwelling 3, the wall has a maximum height ranging between 2.2 to 2.5 metres, requiring a setback of 3.98 to 4.25 metres. The southern boundary of the secluded open space area is set back 3.7 to 4.7 metres from this wall. |
3.5 Objections (Discussion)

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

Table 5

<table>
<thead>
<tr>
<th>Issue</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visual bulk and scale</td>
<td>As discussed under Section 3.2 of this report the bulk, scale and massing of the development is appropriate.</td>
</tr>
<tr>
<td>Overdevelopment</td>
<td>The proposal is considered to achieve a suitable balance between the expected housing growth and the preferred character of the area and represents an appropriate level of intensification in this context.</td>
</tr>
<tr>
<td>Traffic and parking impacts</td>
<td>As discussed under Section 3.3 of this report, the proposal will provide adequate on-site car parking for each dwelling and the design standards of Clause 52.06-9 will be met.</td>
</tr>
<tr>
<td>Off-site amenity impacts</td>
<td>The proposal complies with the relevant standards and objectives of ResCode as they relate to the protection of amenity on neighbouring properties.</td>
</tr>
<tr>
<td>Waste storage/collection</td>
<td>Due to the large frontage width, there is ample room for eight bins to be stored on the road reserve between the two driveways for collection.</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 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 recommended that Council issue a Notice of Decision to Grant a Planning Permit in accordance with the conditions contained within the recommendation section.

**Appendices**

Appendix A: Location of Objectors  
Appendix B: ResCode Assessment  
Appendix C: Advertised Plans  
Appendix D: Amended Elevation Plan
## MV/812/2017 – 7 Garnet Street, West Essendon

Location of Objectors

<table>
<thead>
<tr>
<th>Address</th>
<th>Suburb, State</th>
<th>Postcode</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 Garnet Street, WEST ESSENDON</td>
<td>VIC 3040</td>
<td></td>
</tr>
<tr>
<td>16 Garnet Street, WEST ESSENDON</td>
<td>VIC 3040</td>
<td></td>
</tr>
<tr>
<td>4a Garnet Street, WEST ESSENDON</td>
<td>VIC 3040</td>
<td></td>
</tr>
<tr>
<td>33 Cdessa Avenue, KEILOR DOWNS</td>
<td>VIC 3038</td>
<td></td>
</tr>
<tr>
<td>14 Tacston Drive, TULLAMARINE</td>
<td>VIC 3043</td>
<td></td>
</tr>
<tr>
<td>4 Garnet Street, WEST ESSENDON</td>
<td>VIC 3040</td>
<td></td>
</tr>
<tr>
<td>12 Bournian Avenue, STRATHMORE</td>
<td>VIC 3041</td>
<td></td>
</tr>
<tr>
<td>PO Box 252, YARRAVILLE VIC</td>
<td>3013</td>
<td></td>
</tr>
<tr>
<td>PO Box 3020 STRATHMORE VIC</td>
<td>3041</td>
<td></td>
</tr>
<tr>
<td>22b Ruby Street, WEST ESSENDON</td>
<td>VIC 3040</td>
<td></td>
</tr>
<tr>
<td>10 Garnet Street, WEST ESSENDON</td>
<td>VIC 3040</td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX B

MV/812/2017 – 7 Garnet Street, West Essendon

Clause 55 (ResCode) of the Moonee Valley Planning Scheme

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

Where there is non-compliance, see main report.

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Compliance with Standard</th>
<th>Compliance with Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1 - Neighbourhood Character Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B2 - Residential Policy Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B3 - Dwelling Diversity Objective</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>B4 - Infrastructure Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B5 - Integration with the Street Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B6 - Street Setback Objective</td>
<td>X</td>
<td>✓</td>
</tr>
<tr>
<td>B7 - Building Height Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B8 - Site Coverage Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B9 - Permeability Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B10 - Energy Efficiency Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B11 - Open Space Objective</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>B12 - Safety Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B13 - Landscaping Objectives</td>
<td>✓ Condition</td>
<td>✓</td>
</tr>
<tr>
<td>B14 - Access Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B15 - Parking Location Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B16 - Parking Provision Objectives</td>
<td>Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements within main report.</td>
<td></td>
</tr>
<tr>
<td>B17 - Side and Rear Setbacks Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B18 - Walls on Boundaries Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B19 - Daylight to Existing Windows Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B20 - North-facing Windows Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B21 - Overshadowing Open Space Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Title and Objective</td>
<td>Compliance with Standard</td>
<td>Compliance with Objective</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>--------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>B22 - Overlooking Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B23 - Internal Views Objective</td>
<td>✓ Condition</td>
<td>✓</td>
</tr>
<tr>
<td>B24 - Noise Impacts Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B25 - Accessibility Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B26 - Dwelling Entry Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B27 - Daylight to New Windows Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B28 - Private Open Space Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B29 - Solar Access to Open Space Objective</td>
<td>✓ Condition</td>
<td>✓</td>
</tr>
<tr>
<td>B30 - Storage Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B31 - Design Detail Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B32 - Front Fences Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B33 - Common Property Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B34 - Site Services Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

✓ – Complies
x – Non-compliance
N/A – Not applicable
9.2 Disability Services Tender

File No: FOL/18/32
Author: Maria Weiss
Manager Community Strengthening
Directorate: City Services

Purpose
To provide Council with an update on the National Disability Insurance Scheme (NDIS) and the outcomes of the tender for disability services, with recommendations for endorsement on the future of disability services delivered by Moonee Valley City Council.

Executive Summary
- Council has a long history in delivering a range of services to support people with a disability and their carers through Victorian state government funding agreements.
- Council currently delivers service to 242 people aged 65 years and younger who have a disability, through the state government funded Home and Community Care Program for Younger People (HACC PYP).
- The National Disability Insurance Scheme (NDIS) is a major commonwealth reform, which will be rolled out in Moonee Valley from October 2018. The implementation of the NDIS represents significant challenges for Council, and changes the way in which disability services are both funded and delivered into the future.
- It is estimated that once the NDIS is fully implemented in Moonee Valley, Council will retain less than 100 clients with a disability who are not eligible for the NDIS but who can continue services under HACC PYP.
- This report provides a brief overview of the NDIS and presents recommendations for consideration.
Recommendation

That Council:

1. Does not register to become an NDIS (National Disability Insurance Scheme) provider.

2. Notes that future registration as an NDIS provider could be considered by Council under different conditions, with new evidence of NDIS impacts in Moonee Valley.

3. Notes the work that Council officers will undertake in relation to the rollout of the NDIS, including:
   a) Support the transition of eligible clients from Council provided Home and Community Care Program for Younger Persons (HACC PYP) services to the NDIS, by providing information, referral and advocacy support.
   b) Continue to support residents with a disability who are eligible under HACC PYP, whilst in receipt of ongoing state government funding.
   c) Support the ongoing employment of Council’s permanent disability services staff by transitioning staff, where required, to the aged care team, maintaining the same position description, salary and entitlements.
   d) Work with the NDIS and funded sector development partners to facilitate a healthy market and support community readiness for the NDIS.
   e) Continue to monitor the impact of the NDIS on the community, and provide systemic advocacy on behalf of the Moonee Valley community.
   f) Consult with the community, including relevant Council Portfolio Advisory Committees, about opportunities and future roles for Council to support people experiencing disability in Moonee Valley, aligning to the goals of Council’s Disability Action Plan.
   g) Undertake a review of service delivery following the full implementation of the NDIS, to occur in 2019/20 financial year.

4. Communicates the decision to not become a NDIS provider with current HACC PYP clients, staff, the Department of Health and Human Services (DHHS) and the local disability sector.

Background

The former Home and Community Care (HACC) program is being progressively replaced by new programs:

- NDIS for eligible people with a disability aged under 65 years or under 50 years for Aboriginal or Torres Strait Islander people
- HACC PYP for people under 65 years of age or under 50 years for Aboriginal and Torres Strait Islander people, who are ineligible for the NDIS.

Described as the greatest social reform since Medicare, the NDIS is a new way of providing individualised support for eligible people with permanent and significant

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disability. The new scheme will see support for people with disability shift from a block funding model to an individualised funding model. The Productivity Commission estimated that around 2.2 per cent of the population under 65 years would be eligible for the NDIS, with an estimated expenditure of more than $5 billion. The NDIS is much larger and very different from the current system.

The key elements of changes embedded in the NDIS are a focus on whole of life cost, a move to consumer choice and the creation of a national market driven by the increase in funding. The key changes therefore will be:

1. A rebalancing of service provision from government or not for profit providers to private providers
2. The replacement of a government managed regional catchment with a national market
3. A move from government mandated service standards to consumer/client choice
4. The creation of new functions and the cost associated with marketing, individualised support and coordination of services
5. The restructure of the current not for profit provider system

This represents significant challenges for Council, as larger service providers are emerging and will be able to provide specific services outside the traditional services for which Council has historically received funding to provide. Within Moonee Valley 2,520 residents under 65 identify as needing assistance with core activities. The neighbourhoods of Flemington and Milleara hold the largest number of residents identifying as needing assistance due to their disability. Council currently provides direct services (HACC PYP, Community Based Respite and Flexible Respite) to 242 individuals with disability, representing 10 per cent of Moonee Valley’s residents with a disability.

In the first half of 2017/18 the total cost of delivering personal care, domestic assistance and respite care to people with a disability was $526,932.74. Year to date, Council has received $374,387 in state government funding and $37,257 in client fees, requiring a Council contribution of an additional $115,288 (over six months) to deliver the three in-scope disability services.

As the NDIS phases into Moonee Valley (early implementation has already commenced), the Department of Health and Human Services (DHHS) will continue to fund Council to ensure that services can still be delivered for non NDIS eligible persons. DHHS have notified Council that an estimated 60 per cent (approximately 145 individuals) of current clients will be eligible for the NDIS, resulting in a proposed decrease of total funding from $1,015,585 per financial year to $414,585 by 2020/21.

Beyond service provision, Council has an obligation to residents with a disability and their carers through the following legislation.

1 ABS, 2016 Census
3 Current Client List, Sharikat Khoo Data Base, November 2017
These areas of legislation dictate that Council contribute to building a community which is accessible, inclusive and has a strategic plan for supporting people with disability and their carers.

Discussion

Tender outcomes

In April 2018 Council called for tender applications for the delivery of its current HACC PYP services (including personal care, respite care and domestic assistance) under a subcontract arrangement.

The purpose of exploring such an arrangement was to determine whether Council could subcontract services, including a transition of staff and clients, prior to the NDIS implementation. The key aims of this option were to:

1. provide continuity of care for clients with disability and their carers through the maintenance of staff: client care plans under a new provider (which is registered for the NDIS)
2. minimise or eliminate the potential risk of a stranded workforce, by maintaining local employment under the same wages and conditions for Council’s disability services staff
3. continue maintaining oversight of the subcontractor and quality outcomes for residents under a subcontract agreement.

The tender was open for four weeks and two days and a pre-tender briefing was held for potential providers to ask questions and understand Council’s aims. However, no submissions were received.

While there was interest from the market, including large national providers, the feedback provided referred to the high cost of Council staff in comparison to the broader market, especially given the rates that the NDIS fund for these service types. Feedback also indicated that as the subcontract proposal was so close to the NDIS implementation in Moonee Valley, there is not the time needed to develop relationships with the client base for longevity – the risk for potential providers was too high.

NDIS challenges

The implementation of the NDIS represents significant challenges for Council, including:

- Challenges for consumers in accessing the scheme and ensuring availability of services for those who may be ineligible
- Rapid shift of service model from not for profit / government providers to private, for profit providers
- Viability of service provision under the National Disability Insurance Agency (NDIA) cost structure and line item pricing
- Considerations stemming from competitive neutrality under the National Competition Policy
- Challenges associated with the rapidly changing funding models, and a lack of clarity around continuity of funding agreements with the state and commonwealth governments

As of December 2017, no other metropolitan Victorian council had registered to become a NDIS provider. Several Victorian councils had, in fact, confirmed their decision to not become a provider, as this allows a council to remain impartial and guide strategic direction for disability services in their municipality.

If Council endorses the recommendation to not become a NDIS service provider, officers will implement a communications plan, including continued information and support sessions to assist residents in accessing the NDIS. Ensuring a smooth transition to the NDIS will be a priority. Residents under 65 who are not eligible for NDIS services will continue to be supported by Council (or via a subcontract arrangement) under the DHHS funded HACC PYP program. Council would continue its role as a direct source of information, referrals, advocacy and support for community members.

Should Council decide to register as an NDIS provider, provisions to mitigate all known risks need to be made, including significant financial investment in marketing, systems and infrastructure in preparation for rollout in October 2018.

Table 1.0: Summarising options presented for councils consideration

<table>
<thead>
<tr>
<th>Option</th>
<th>Option details</th>
<th>Comments / Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do not register for NDIS – maintain HACC PYP whilst state government funding continues*</td>
<td>Ongoing cost to deliver HACC PYP service to estimated 97 clients @ two hours per fortnight. Please note: Council would continue to deliver other funded services including carer support programs, community based respite, Metro Access and International Day of People with Disability activities.</td>
<td>While the NDIS will reduce clients (and therefore service delivery costs), the unit cost for delivering remaining services will increase. Part time staff will be redeployed to alternative roles maintain their minimum hours and employment conditions. This includes but is not limited to transfer to the aged care services team, which delivers identical services under the same position description. Review of service delivery to occur 2019/20. *Recommended option</td>
</tr>
<tr>
<td><strong>Do not register for NDIS – exit service delivery (including HACC PYP)</strong></td>
<td><strong>Do not register for the NDIS and subcontract in home disability services</strong></td>
<td><strong>Register for NDIS</strong></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Industrial Relations (IR) management and liaison with the state government to exit service. Support current clients to transition to provider selected by the state Please note: Council would continue to deliver other funded services including carer support programs, community based respite, Metro Access and International Day of People with Disability activities.</td>
<td>Inform state government of decision to exit. Clients will need to transition to new provider selected by the state. Reputation risk to Council. Consider role in supporting our communities most vulnerable. Redeployment or redundancy for disability support staff who work within the in-scope area.</td>
<td>It is uncertain whether a registered NDIS provider will tender for the HACC PYP program prior to the NDIS rollout. Further, whether any providers who do tender are willing and able to transfer across Council staff and maintain current conditions for those individuals. Aims to eliminate or greatly reduce the risk of a stranded workforce by maintaining locally based employment opportunities with a new provider. Council would still be responsible for managing the subcontract and ensure that KPI’s are being maintained. <strong>NOTE: Tender was explored with no submissions received</strong></td>
</tr>
<tr>
<td>Tender current HACC PYP services to a provider who is registered for NDIS. Transmission of staff - provide ongoing employment with new provider. Provides clients continuity of care if they chose to remain with the subcontractor. Maintains relationship between staff and clients. Maintains local employment for part time staff.</td>
<td>Register as a NDIS provider. Ability to service clients beyond Moonee Valley borders. Ability to change or increase the scope (pending staff qualifications) of service types delivered.</td>
<td>Short time frame and costs associated with implementing infrastructure (client management system and mobile technology) Implement a competitive marketing and communications strategy. Implement a change management process for current staff to change work practices, increase flexibility in service types and delivery models to become competitive. **Need to accept competitive neutrality risk – if tested, Council cannot demonstrate under the current Enterprise Agreement and costs associated that the service can be provided without the contribution of rate payer dollars.</td>
</tr>
</tbody>
</table>
Consultation

Community

From October to December 2017, Council’s Community Strengthening department ran a series of NDIS information sessions, workshops and a community consultation program to empower residents and assist them in preparing to navigate a new system. From the 133 respondents who participated in the survey and targeted consultation, the majority identified as being a person with a disability (55.6 per cent), and 32.3 per cent identified as being a carer.

The outcomes of the consultation process were grouped into three key themes:

1. Concerns regarding the transition to the NDIS
2. Value of disability services provided by Council
3. Exploring the role of Council beyond service provision

Staff consultation

The implementation of the NDIS in Moonee Valley has been discussed through team meetings and in one-on-one supervision with disability support workers and team leaders throughout 2017. Staff have been encouraged and supported to attend information sessions on the NDIS to improve their understanding of the scheme.

A departmental meeting was held in September 2017 to provide all staff with an update on the reforms and their impact, as well as a proposed timeline for when decisions would be made.

A leadership meeting was held in December 2017 for team leaders, client services officers and coordinators to workshop potential options being considered. This workshop was repeated with disability support staff at a team meeting held in January 2018.

Weekly “huddles” (informal meetings) were established to provide up to date information and an opportunity for office based staff to ask questions, while a Disability Reforms Working Group, comprising office and field based staff, was established to ensure open communication and timely information provision. A fortnightly staff bulletin provided a paper based record of questions asked and answers provided, for all staff to read.

Further, the Australian Services Union (ASU) has been informed that a decision on disability services at Moonee Valley City Council would be presented to Council in early 2018, with subsequent meetings since.

Implications

1. Legislative

   Beyond service provision, Council has an obligation to residents with a disability and their carers through the following legislation:

   - Carers Recognition Act (2012)
Further, National Competition Policy requirements apply to Council subsidised disability services.

2. **Council Plan / Policy**

In presenting this report, Council is working to achieve its strategic objective to manage the transition to the National Disability Insurance Scheme in accordance with Council Plan 2017-21 Theme 1: Friendly and safe - An equitable, inclusive and healthy community - Our community is socially inclusive and healthy.

3. **Financial**

Council currently subsidises the disability services it provides, which will become part of the NDIS. Aligned to National Competition Policy requirements, full cost will need to be charged, which will result in little or no demand for service through Council. This is due to the significantly higher unit price for Council to deliver services in comparison to not for profit and private providers.

In the first half of 2017/18 the total cost of delivering personal care, domestic assistance and respite care to people with a disability was $526,932.74. Year to date, Council has received $374,387 in state government funding and $37,257 in client fees, requiring a Council contribution of an additional $115,288 (over six months) to deliver the three in-scope disability services.

As the NDIS phases into Moonee Valley, the DHHS will continue to fund Council to ensure that services can still be delivered for non NDIS eligible persons. DHHS have notified Council that an estimated 60 per cent (approximately 145 individuals) of current clients will be eligible for the NDIS, resulting in a proposed decrease of total funding from $1,015,585 per financial year to $414,585 by 2020/21.

4. **Environmental**

Nil environmental impact.

**Conclusion**

The implementation of the NDIS across Australia represents the largest change that the sector has ever faced, and presents an opportunity for Council to revaluate how it supports residents with a disability and their carers into the future. Council is in a position to consider how to reinvest currently allocated funds to support a larger proportion of our community members who have a disability.

This report has provided Council with background information and a recommendation to support a decision on the future of disability service delivery within Moonee Valley. An exploration of subcontracting disability services, with the inclusion of staff
transferring to a new provider and maintaining employment conditions resulted in no submissions.

As a level of government, Council has role to play in supporting all Moonee Valley residents, including those with a disability, through information, referral, advocacy, support to access services and infrastructure.

In late 2017 Council conducted a community consultation program, which included online and paper surveys, targeted face-to-face consultation, community outreach and inviting key stakeholders to participate in interviews. This program captured the views of residents regarding changes to services under the NDIS, as well as their views on what Council’s role could be, should it not be a direct NDIS service provider. Whilst not being a direct NDIS provider, Council can continue to play a range of very important leadership roles for our community which include:

1. **Advocate** – identifying needs and ensuring those who are responsible are held accountable for the delivery of the required services and outcomes

2. **Planner** – local government has a strong role to play in planning for the health and wellbeing of its community - this includes the service needs of vulnerable members of the community

3. **Convenor** – if Council is not a provider of services, it can play the role of a broker and bring parties together to plan for more integrated and coordinated approaches to delivering services

4. **Provider of core services** – Council plays an important role through the delivery of services, such as libraries, recreation, open space, paths etc. The current reforms provide an opportunity to consider re-investment of resources into adapting these services to meet the future needs of our residents with a disability

5. **Safety net** – consideration of provision of services and supports to those who are not eligible for the NDIS but are vulnerable and requiring support (e.g. through HACC PYP)

**Appendices**

Nil.
9.3 Adoption of Activities and General Amenities Local Law 2018

File No: FOL/18/32
Author: Carey Patterson
Manager Regulatory & City Compliance
Directorate: City Services

Purpose
To adopt the proposed Activities and General Amenities Local Law 2018, which has been developed to replace the existing General Purposes Local Law 2008.

Executive Summary
- Councils have local laws to ensure the efficient management of Council land and environment, and to establish and manage various permitted uses which are consistent with community standards.
- The existing General Purposes Local Law 2008 covers the vast majority of compliance and enforcement activity undertaken by Council outside of various state legislation.
- Council is required to review and develop a new Local Law every 10 years, in accordance with the Local Government Act 1989 (the Act). Council’s existing General Purposes Local Law 2008 is due to expire on 28 August 2018.
- The proposed local law has been developed in accordance with guidelines published by the Minister for Local Government in 2010 and all due process has been adopted as part of the review and development of the proposed local law.
- The proposed Activities and General Amenities Local Law 2018 covers a range of community issues or matters that develop as a consequence of new legislation or purely to meet local needs. It contains measures intended to protect community assets, through guidelines and control measures, including the requirement for a permit to be obtained prior to work commencing on Council managed land.
- At its Ordinary Meeting held on 27 February 2018, Council approved the draft Activities and General Amenities Local Law 2018 to be placed on public exhibition in accordance with Section 119 (2) of the Act.
- The proposed Activities and General Amenities Local Law 2018 has now completed the public consultation process, and submissions have been considered and appropriate amendments made to the document where required.
- The proposed local law will have a new structure to undertake more effective and timely enforcement where breaches of various elements of the proposed local law have been identified.
- Part of the Local Law development process requires the development of a Community Impact Statement, which is to be attached to the proposed Local
Law as a reference document. This statement provides an overview of the changes that are proposed to be introduced with the new Local Law.

- This report recommends that the proposed Activities and General Amenities Local Law 2018 will replace the existing General Purposes Local Law 2008 on its adoption.
- Council does not consider that any provision of the proposed Activities and General Amenities Local Law 2018 overlaps with state legislation.
- Council’s *Meetings Procedure Local Law* will remain unchanged and is not impacted by the proposed local law.

**Recommendation**

That Council:

1. Adopts the Activities and General Amenities Local Law 2018 ([Appendix A](#)), separately circulated) and Community Impact Statement ([Appendix B](#), separately circulated).

2. Approves the Activities and General Amenities Local Law 2018 to come into effect on 1 July 2018.


4. Delegates to the Director City Services the powers, duties and functions to;
   a. Amend any identified formatting or clerical errors prior to Gazetting the proposed Activities and General Amenities Local Law 2018.
   b. Forward a copy of the Activities and General Amenities Local Law 2018 to the Minister for Local Government.

5. Gives notice in the Victorian Government Gazette and by public notice, specifying:
   a. The title of the local law;
   b. The purpose and general purport of the Activities and General Amenities Local Law 2018; and
   c. That a copy of the Activities and General Amenities Local Law 2018 may be inspected at Council offices and online on Council’s website.

6. Thanks submitters for their contribution and notifies them of the decision.

**Background**

Local law review process

The proposed Activities and General Amenities Local Law 2018 has been developed to replace the current General Purposes Local Law 2008, which is due to expire on 28 August 2018.

The review identified the approach to be adopted for the development of a new local law document which seeks to provide a clear and concise direction for Council officers, residents and the wider community.

The review proposes a range of changes, including modifications to improve the management of:

- asset protection for building sites;
- noise;
- control of filming on Council managed land;
- mature canopy trees;
- drones operating from Council managed land;
- shopping trolleys;
- permits required for various footpath trading activities;
- designated smoke free areas within the municipality.

The proposed local law permits the use of Council land whilst ensuring appropriate control measures are in place to protect and enhance Council and community assets.

The proposed local law also introduces a new infringement structure which aligns penalties with other fines imposed by other legislation for similar offences.

Notice of Motion - On-street Charity Spruikers

At the Ordinary Meeting of Council held on 11 April 2017, Council carried a Notice of Motion (NoM) which required:

A report to come before an Ordinary Meeting of Council, detailing:

a) the prevalence of on-street charity spruiking in Moonee Valley’s activity centres;

b) any mechanisms in place to determine the dividend received by the charity from such work, and if a private entity is also profiting from the collection; and

c) potential changes that could be made to Council’s by-laws to ban on-street charity spruiking in Moonee Valley’s activity centres and ensure any changes do not inadvertently capture genuine volunteer collectors.

In response to the above NoM, the proposed local law includes measures to improve the management of busking, spruiking and begging on Council managed land. In addition, Council is also updating its Footpath Trading Policy, which will set out Council’s proposed approach to address the matters raised in the above NoM.
Discussion

Act and guideline requirements

The Act sets out several restrictions and limitations on Local Laws, such as a requirement that a local law must not be inconsistent with any Act or regulation and that a local law cannot duplicate or be inconsistent with any Planning Scheme in operation in any municipal district.

There are specific matters in Schedule 8 of the Act which must be taken into account when developing a local law. These include requirements that:

- a local law cannot make unusual or unexpected use of powers;
- consideration be given to national competition policy principles;
- competition is not restricted, unless overriding community benefits that outweigh the costs can be demonstrated.

The Guidelines for Local Laws Manual 2010 (the guidelines), known as the ‘best practice principles’ introduced by Local Government Victoria, have been used to prepare the proposed Activities and General Amenities Local Law 2018 and all the associated supporting documentation, including a Community Impact Statement.

The guidelines are designed to assist councils to ensure that the regulatory approach adopted involves the least burden or the greatest advantage to its community.

The proposed Activities and General Amenities Local Law 2018 is considered to be a significant change from the structure of previous local laws, in that it will have inbuilt flexibility through the use of incorporated documents, which will allow guidelines, procedures and policy to be embedded into the local law but will also permit these and future documents to be updated to reflect current and future community expectations over the 10-year period that the local law will be valid for.

Community Impact Statement

The Community Impact Statement is a detailed public statement that accompanies any proposal to make or amend a local law and informs the community of the consultation process that applies under section 223 of the Act.

The content of the statement includes information such as:

- Council’s reasons for seeking to adopt the proposed local law;
- why Council had adopted a particular regulatory approach and why other approaches had been rejected;
- An indication of the section of the community and business that may be impacted by the law;
- anticipated costs, both to those potentially affected by the local law, and to Council in administration and enforcement of the law.

Consultation

Internal consultation process

In April 2017, internal consultation commenced, to identify current issues associated with the enforcement of Council’s existing local law. Internal consultation and information sessions were held during July, August and September 2017, seeking
opinions on the value of the current controls and suggestions about what should be addressed in a new local law.

Public consultation process

At the 27 February 2018 Ordinary Meeting, Council resolved to endorse the draft Activities and General Amenities Local Law 2018 and Community Impact Statement for public consultation.

Public consultation took place from 5 March to 6 April 2018 and was run in accordance with section 223 of the Act. This included publishing a public notice calling for written submissions in relation to the proposed local law, and allowing members of the public to request for their submissions to be heard by a Special Meeting of Council. However, of the submissions received, none requested to present to Council.

As part of the public consultation process, Council sought feedback regarding the structure, content and issues that will be addressed through the proposed Activities and General Amenities Local Law 2018.

The consultation included running four community sessions, meeting and briefing Council’s Business Promotion Portfolio Advisory Committee, as well as consultation via a range of print media, Council’s web page and other established consultation practices.

A dedicated session was held with Moonee Valley business traders’ groups, to seek feedback on existing controls and the direction that any new controls should take. This session considered current controls that apply to commercial activities, such as outdoor dining, street trading, displaying goods for sale and advertising signs on footpaths, and also covered the current review of Council’s Footpath Trading Policy, which will have its enforcement provisions controlled through the proposed local law.

1. Legislative

The Act sets out a number of restrictions and limitations on developing local laws, including the requirement that a local law must not be inconsistent with any Act or regulation and it cannot duplicate or be inconsistent with the Planning Scheme.

There are specific matters in schedule 8 of the Act, which must be taken into account when developing a local law, including the requirement that a local law not make unusual or unexpected use of powers and consideration must be given to national competition policy principles. In addition, a local law must not restrict competition unless it can be shown that there are overriding community benefits and the objectives of the local law can only be achieved by restricting competition.

The Act also requires councils to have regard to any guidelines published by the Minister for Local Government about the preparation, content and format of local laws and information to be included in any explanatory documents prepared in relation to local laws. Guidelines published by the Minister in 2010
have been considered during the review and development of the proposed local law and this report.

Council considered the relevant provisions of the Victorian Charter of Human Rights and Responsibilities Act 2006 in the development of the proposed local law, to ensure that it does not encroach upon a person’s basic human rights, freedoms and responsibilities.

2. **Council Plan / Policy**

In presenting this report, Council is working to achieve its strategic objective to promote community safety through planning, design and maintenance of the public realm and Council facilities in accordance with Council Plan 2017-21 Theme 1: Friendly and safe - An equitable, inclusive and healthy community - Our community and our city are safe and resilient.

3. **Financial**

The proposed local law introduces a new infringement structure which aligns penalties with other fines imposed by other legislation for similar offences.

The proposed local law incorporates a schedule which outlines the various penalties that apply for each non-compliance that may occur under the local law. This schedule will be reviewed annually as part of Council’s budget process, to ensure appropriate penalties apply for various non-compliances identified under the local law.

4. **Environmental**

There are no direct environmental implications associated with the preparation of this report.

**Conclusion**

The proposed Activities and general Amenities Local Law 2018 will provide Council and the community with a legislative framework which has been designed to maintain and enhance the unique residential, commercial and recreational amenity of Moonee Valley. The local law has been produced via a consultative review process, which sought to engage stakeholders and the community alike to ensure the adopted local law is reflective of current and future community expectations and requirements.

**Appendices**

Appendix A: Activities and General Amenities Local Law 2018 (separately circulated)
Appendix B: Local Law Community Impact Statement (separately circulated)
9.4 Adoption of the Mobile Food Vehicle Policy

File No: FOL/18/32
Author: Carey Patterson
Manager Regulatory & City Compliance
Directorate: City Services

Purpose
To advise Council on the outcome of the public consultation process for the draft Mobile Food Vehicle Policy and to recommend the adoption of the Mobile Food Vehicle Policy and Mobile Food Vehicle Policy Guidelines.

Executive Summary
- Mobile Food Vehicles are currently operating throughout Victoria on council and state roads.
- STREATRADER is an online system operated by the Department of Health and Human Services (DHHS) and managed by council Environmental Health departments to ensure Mobile Food Vehicles meet all food safety requirements.
- A local law permit is required for these vehicles to access Council owned or managed land.
- The Mobile Food Vehicle Policy has been developed to provide guidelines and mechanisms to ensure the appropriate standards are maintained, activities are appropriately controlled and permits for such activity are required, obtained and enforced.
- A public consultation process on the draft Mobile Food Vehicle Policy has been completed, suggestions have been assessed and, where applicable, changes have been made to the policy.

This report recommends that Council adopt the Mobile Food Vehicle Policy and guidelines, which will allow Council to more effectively manage Mobile Food Vehicles seeking to access Council owned and managed land.

Recommendation
That Council:

1. Adopts the Mobile Food Vehicle Policy (Appendix A) and Mobile Food Vehicle Policy Guidelines (Appendix B).
2. Requests the policy be reviewed after 12 months of operation, to determine if there are any issues that require addressing.

Background
The Mobile Food Vehicle Policy and guidelines have been developed in response to an increasing number of requests for permits to host Mobile Food Vehicles within the municipality.
At its Ordinary Meeting held on 12 December 2017, Council resolved to:

1. Endorse the Mobile Food Vehicle draft Policy and draft Guidelines 2017;
2. Place the Mobile Food Vehicle draft Policy and draft Guidelines 2017 on public exhibition; and
3. Upon the close of public submissions, submit a further report to Council.

Discussion

The Mobile Food Vehicle Policy will allow the issue of a permit for requests for a Mobile Food Vehicle on Council managed land on a fixed basis, where:

a) The vehicle is located within open space that is Council owned or controlled, including but not limited to recreational parks, Crown Land, roads and road reserves.

b) Council is satisfied that:
   o the local community derive a benefit;
   o the use of Council managed land does not materially affect local residents, local business or the community generally; and
   o the land use is consistent with the zoning, reservation and/or purpose of the land.

c) The operator satisfies all necessary regulatory and guideline requirements, such as planning permits, traffic management, local laws and environmental health.

In the event that an application is made for a specific area within a Council reserve, Council, in conjunction with the applicant, will consider the provision of a suitable property location for a commercial or community activity. Council may, from time to time within its specific guidelines, nominate areas to be set aside or excluded from this type of activity.

Consultation

The draft Mobile Food Vehicle Policy was advertised for public consultation from 14 February to 14 March 2018, with one (1) submission (Appendix C) received. The following comments have been noted:

- Lack of monitoring of vendors who have not been approved to trade in parks or registered with STREATRADER;
- Lack of enforcement by Authorised Officers, as most breaches occur on a weekend;
- Dispute of the proposed schedule of fees, which proposed an annual fee only.

Based on the points raised, the following will occur:

- Weekend patrols will be undertaken by Authorised Officers once permits are in place. Enforcement will be undertaken for non-permit holders and vendors who are not registered with STREATRADER;
- The schedule of fees has been amended to include a quarterly fee in addition to an annual fee.
Other internal comments were received and have been noted. These have related to Crown Land use and general grammatical corrections.

Implications

1. Legislative

Under Council’s proposed Activities and General Amenities Local Law 2018, a permit is required for any request to trade on Council managed land.

Permits are currently only issued for activities falling under the following:

- Footpath Trading Policy
- Council approved event (festival)
- Personal training
- Charity collections

There is currently no Council policy or guidelines for issuing permits for Mobile Food Vehicles on Council managed land.

There is a State Government requirement for vendors to obtain registration of their Mobile Food Vehicle through the STREATRADER online portal. This portal and process is a Vic Health initiative, which ensures that all Mobile Food Vehicle operators comply with food handling regulations and allows registered vendors to trade on a mobile basis throughout any municipality across the state.

As part of the registration process, STREATRADER requires Council’s Environmental Health Officers to inspect and approve vendors’ vehicles which are garaged in the municipality. The Mobile Food Vehicle Policy is expected to operate in conjunction with this ongoing requirement.

2. Council Plan / Policy

In presenting this report, Council is working to achieve its strategic objective to grow and diversify industry, and support existing and new businesses in accordance with Council Plan 2017-21 Theme 4: Vibrant and diverse - Celebrating diversity, promoting participation, and creating a strong economy - Our local economy is strong.

3. Financial

There are no financial considerations associated with this report. Enforcement will be funded through current operational budgets.

4. Environmental

Any successful permit holder will be required to ensure the site is left in a clean and safe condition following their activities. They are required to ensure all litter and refuse associated with their activities is removed at the end of their days trading period.

Conclusion

The Mobile Food Vehicle Policy and guidelines will require vendors to adhere to Council’s local law requirements and will provide an effective control mechanism to manage the activity. In addition, the policy will promote community interaction, and
activation of strategic locations and events held on Council managed land across the municipality.

Due to the unique nature of the policy, it is suggested the policy be reviewed following the first 12 months of operation to ensure the policy is functioning effectively.

Appendices
Appendix A: Mobile Food Vehicle Policy 2018
Appendix B: Mobile Food Vehicle Policy 2018 - Guidelines
Appendix C: Draft Mobile Food Vehicle Policy 2018 consultation - submission
Mobile Food Vehicle Policy 2018

Policy Type: Council
Directorate: City Services

1. Background
Council is receiving an increasing number of requests from Mobile Food Vehicle vendors to operate within the municipality, and requires a policy to treat all applications in an equitable manner.

2. Purpose
This policy has been developed to guide Council’s consideration of applications for permits under Moonee Valley’s Activities & General Amenities Local Law 2016, and to provide a framework for the management of commercial and community activities on Council managed land.

3. Scope
The policy applies to all applicants who seek to occupy Council managed land (open space) for the purposes of conducting a commercial or community activity. These exclude activities that fall under:
- Footpath Trading Policy 2018
- a Council approved event

Guidelines have been developed to assist in the determination of applications for:
- Mobile Food Vehicles

4. Definitions

<table>
<thead>
<tr>
<th>Applicant</th>
<th>The person or organisation requesting the use of Council managed land for a commercial or community activity.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity</td>
<td>Any activity carried out in open space on Council managed land, through which income is generated.</td>
</tr>
<tr>
<td>Council managed land</td>
<td>Any open space that is Council owned or controlled, including but not limited to recreational parks, Crown Land, roads, road reserves and footpaths.</td>
</tr>
</tbody>
</table>
Commercial activity
Any activity operated on Council managed land, where a commercial applicant receives or shares in the financial benefits of the activity.

Community activity
Any activity operated on Council managed land, where the revenue raised is distributed to the community for community benefit.
Can also include a registered Not For Profit (NFP) organisation.

Council
Moonee Valley City Council.

Coordinator Regulatory Compliance
The person appointed by Council to said position, or any person acting in that position.

Manager Regulatory and City Compliance
The person appointed by Council to said position, or any person acting in that position.

Mobile Food Vehicle
Includes any:
- Registered vehicle, caravan, trailer or any other method of transport from which food is sold;
- Non-road registered vehicles such as, but not limited to coffee carts, hot dog carts or similar vehicles

5. Responsibility
Council's Manager Regulatory and City Compliance shall be responsible for this policy.
All permits are to be issued by the authority of the Coordinator Regulatory Compliance.

6. Legislation
- Crown Land (Reserves Act) 1978
- Local Government Act 1989
- Planning and Environment Act 1978
- Food Act 1984

7. Policy
7.1 Council will consider granting a permit where a request for an activity to be held on Council managed land is received: and
   a) is located on open space
b) Council is satisfied that:
   i. the local community will derive a benefit
   ii. granting a permit will not materially affect local residents, local business or the community generally
   iii. granting of the permit is consistent with the zoning, reservation and/or purpose of the land

c) the applicant satisfies all necessary regulatory and guideline requirements, such as planning permits, payment of a bond, traffic management, local laws and environmental health.

7.2 Council, in conjunction with the applicant, will consider the provision of a suitable property location for a commercial or community activity. Council may, from time to time within its specific guidelines, nominate areas to be set aside or excluded from this type of activity.

7.3 Council will require the applicant to:
   a) comply with any relevant policies, guidelines and permit conditions;
   b) provide proof of public liability insurance cover to the value of $20,000,000; and
   c) pay a security bond which may be used for any ground reinstatement or repairs caused by the conduct of use.

7.4 The maximum permit term shall be up to one (1) year.

7.5 Any application for use on Council managed Crown Land will also need to be considered in the context of the Crown Land (Reserves Act 1978), and will require separate approval and licence from the relevant government department. This could take up to 18 months to achieve.

7.6 Any additional maintenance costs incurred by Council in relation to the Council managed land, as a direct consequence of the activity, must be reimbursed by the activity applicant, as outlined in the permit. Such maintenance items include but are not limited to:
   a) rubbish removal
   b) power supply
   c) cleaning of toilet facilities
   d) ground rehabilitation
   e) damage to fencing, barricades, signs, park furniture etc.

7.7 Community activity applicants shall provide Council with a copy of their financial statements, evidencing the financial distribution of funds through the community activity operation.

7.8 Council may wish to activate a certain location and may consider granting approval for a vendor to operate in a fixed capacity for a longer term use. Such activity would be considered by Council outside of this policy/guidelines, with an operator selected via a public tender process, with pre-determined selection criteria.
7.9 Permit cannot be transferred/assigned to another party. The current permit will be cancelled and a new application will need to be lodged with Council and a pro rata refund will be made to the original permit holder.

7.10 Council will continue to oversee the use of all Council managed land at all times, and reserves the right to reclaim access to and remove all trading at any time, for any purpose deemed suitable by Council.

7.11 Where service authorities and others are required to carry out works within a permit area, which will require removal and/or alteration to the trading arrangements, no compensation is payable for any loss of trade experienced due to these works. Any problems, inconvenience or loss of trade, which may result from activities or works, carried out by Council or its contractors, at or adjacent to a permit holder’s trading area, will not be considered for payment of compensation.

7.12 Council Officers will monitor the operation of trading permits and ensure the conditions of the permit and associated guidelines are consistently being met. Following a complaint or observation of a breach of the trading permit, Council officers will contact the permit holder and take appropriate enforcement action. Penalties for non-compliance include:
- infringement notices (including on the spot fines)
- official warnings
- prosecution
- cancellation of MFV trading privileges
- impounding of equipment and or vehicle as per Council’s Activities & General Amenities Local Law 2018
- a combination of all of the above

8. Consultation
- Internal consultation has been undertaken with relevant Council departments.
- Community consultation has been undertaken, with submissions on this policy and associated guidelines sought from 14 February to 14 March 2018. All submissions have been considered and incorporated.

9. Related Documents
- Activities & General Amenities Local Law 2018
- Footpath Trading Policy 2018
- Mobile Food Vehicles Guidelines 2018
- Economic Development Strategy 2014
- Council’s Instrument of Sub-delegation by Chief Executive Officer
Mobile Food Vehicle Policy 2018
Guidelines
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Purpose

These guidelines have been developed to guide Council’s consideration of applications for permits under Activities and General Amenities Local Law 2018 and to provide a framework for management of Mobile Food Vehicles (MFV) on Council managed land (i.e. parks or reserves, streets or roads) within the municipality.

Council’s primary support is for traders in retail premises. As a consequence, MFVs are broadly only seen as appropriate where;

- normal retail facilities are not in proximity;
- MFV retails in a different product line, or at a time when normal retail facilities are closed; and
- there is an identified need for the activation of Council managed land and public spaces.

Prior to any Council permit being issued, a vendor requires registration from STREATRADER, a Vic Health initiative that ensures that MFV vendors comply with all food handling regulations, and permits registered vendors to trade on a mobile basis throughout any municipality. At the time of registration with STREATRADER, Council’s Environmental Health Officers inspect and approve vehicles which are garaged in the municipality.

Council’s Mobile Food Vehicle Policy and guidelines do not apply to any use of MFVs on private land, as such use is required to have a planning permit from Council pursuant to the provisions of the Planning and Environment Act 1987.

On Council managed Crown Land, a permit from Council as well the relevant Crown Land authority is required. Crown Land not managed by Council requires a licence from the relevant Crown Land authority.

Definitions

A “Mobile Food Vehicle” (MFV) includes any:

a. Registered vehicle, caravan, trailer or any other method of transport from which food is sold;

b. Non-road registered vehicles such as, but not limited to coffee carts, hot dog carts or similar vehicles;

“Sell” means the definition within the Food Act 1984 and includes —

- offer or attempt to sell; or
- receive for sale; or
- display for sale; or
- have in possession for sale.
“Permit” in relation to a use or activity, means a permit issued under the Activities and General Amenities Local Law 2018 which authorises that use or activity and is

- not transferrable
- not saleable

Activities and General Amenities Local Law 2018

Section 4.22 of Council’s Activities and General Amenities Local Law 2018 states:

4.22 A person must not, without a permit, sell any goods, services or a motor vehicle from:

(a) a municipal place;
(b) a road;
(c) vacant land; or
(d) land that is not ordinarily occupied by the person.

In addition to the requirement to obtain a permit as described above, a person must comply with the requirements in these guidelines.

1. Term of permit

- Annual permits are for a maximum of 12 months.
- Seasonal/quarterly permits are for a maximum of three (3) months.
- Single use permits are for a maximum of one (1) day.

2. Appropriate locations

In considering the options that are available for potential MFV sites, it is important to acknowledge that any commercial use of public space is a privilege, not a right. Council will consider each location request on a case-by-case basis throughout the municipality.

Council may also determine to promote/activate a public site within the municipality, and may nominate sites as determined.

The location of a MFV must always comply with Council standards in relation to safety and accessibility, community amenity and hygiene and cleanliness.

2.1 Criteria

To ensure appropriate locations are determined, the following criteria should be met:

(a) MFV sites must not be located closer than 100 metres of an existing and operating hospitality business, unless its hours of operation are outside the existing trading hours of nearby businesses.

Note:
This distance of 100 linear metres from an operating take away food shop shall be used for the purposes of assessments – if, in the
opinion of the relevant Council Officer, an unusual circumstance applies, then some limited discretion may be exercised by that officer, provided that the impacted local trader has been consulted and those views taken into account in the assessment.

(b) a minimum clearance of two (2) metres is required from fire hydrants, litter bins, public seats, payphones, bicycle stands, parking meters and other public infrastructure at all times;

(c) a minimum clearance of 15 metres is required for tram and bus stops and taxi ranks, to ensure safety and access;

(d) MFV sites must comply with the requirements of the Road Safety Act 1986, with respect to (but not limited to) the obstruction of sight lines, traffic signals and road signage;

(e) a minimum clearance of 1.5 metres of clear walkway between the property line and persons attending the MFV sites must be maintained at all times;

(f) if a MFV wishes to operate within a residential zone, a planning permit will be required

(g) MFV sites cannot be located on footpath areas;

(h) MFV sites cannot be located in front of or adjacent to permitted footpath dining areas during the hours of operation of the footpath trading permit;

(i) MFV sites may be occupied by different permit holders during different time periods, at the discretion of Council. Time periods will be specified on the permit document;

(j) a permit holder must occupy the site for at least 80 per cent of the permit period. The permit holder must notify Council in writing of any period of non-attendance;

(k) a minimum clearance of 25 metres is required from a school crossing or similar traffic control facilities.

2.2 Location

Applications for MFV sites on road reserves and private land used for public purposes can be considered. In any event, the applicant must comply with these guidelines before a permit will be granted.

Any application for use on Council managed Crown Land will also need to be considered in the context of the Crown Land (Reserves Act 1978) and will require separate approval and licence from the relevant government department. This could take up to 18 months to achieve.

2.3 Adjacent premises

If seeking to occupy space immediately adjacent to an entertainment venue or other business, the applicant is required to provide written consent from both the owners and occupiers of the adjacent premises.

2.4 Existing public infrastructure

Existing trees, artwork, street furniture and other public infrastructure, as well as the width of the road or footpath, may prohibit or limit the establishment of any MFV.
2.4.1 No existing street trees or public infrastructure will be moved prior to or after a MFV permit is granted.

2.4.2 Existing street trees or public infrastructure must not be used for any trading purposes, including business signage or displays.

3. Special events

3.1 Temporary permit

During annual festivals, parades or special events, (approved event) a MFV permit within the event precinct will not be valid. A temporary permit to operate within a Council park or reserve may be granted during events, festivals or other occasions, as determined by Council.

3.2 Designated public sites

Council officers may designate suitable operational sites from time to time.

4. Permit holder’s responsibilities

4.1 Daily management

To ensure appropriate management, permit holders are required to:

(a) operate in accordance with the permit, endorsed plans and the standards and objectives as outlined within these guidelines;
(b) monitor the surrounding area i.e. observe patrons at all times to promote orderly patron behaviour;
(c) uphold the cleanliness of the area surrounding the MFV; including monitoring and of emptying rubbish bins
(d) maintain access for all users in and around the footpath at all times;
(e) comply with all Occupational Health and Safety legislation
(f) provide rubbish bins for patron use;
(g) remove all rubbish from site once trading has ceased;
(h) recycle waste material removed from the site; and
(i) pay a security bond which may be used for any ground reinstatement or repairs caused by the conduct of use.

4.2 Insurance requirements

The permit holder must ensure they are adequately covered by public liability insurance. To meet Council requirements, the policy must note Council’s interest and be for an amount not less than $20,000,000 in respect of any single occurrence.

4.3 Indemnity requirements

The permit holder must also complete a Form of Indemnity to indemnify Council against all claims of any kind arising from any negligent act either by the permit holder or the permit holder’s agents and users.
4.4 Display of permit registration
Permit holders must display a current permit registration clearly and legibly on the MFV.

4.4.1 Failing to display the current permit registration is a breach of the permit conditions.

5. Council responsibilities

5.1 Trading on Council managed land
Council will continue to oversee the use of all Council managed land at all times, and reserves the right to reclaim access to and remove MFV trading at any time, for any purposes deemed suitable by Council.

5.2 Compensation and loss of trade
Where service authorities and others are required to carry out works within the road reserve, which require removal and/or alteration to the MFV trading arrangements, no compensation is payable for any loss of trade experienced due to these works.

Any problems, inconvenience or loss of trade, which may result from activities or works carried out by Council or its contractors, at or adjacent to a permit holder’s MFV trading area, will not be considered for payment of compensation.

5.3 Monitor compliance with approved permit
Council Officers will monitor the operation of MFV trading permits and ensure the permit holder is complying with the permit conditions and guidelines.

5.3.1 Following a complaint or observation of a breach of the MFV trading permit, Council Officers will contact the permit holder and take appropriate enforcement action.

5.3.2 Penalties for non-compliance with any permit conditions and these guidelines include:
- infringement notices (including on the spot fines)
- official warnings
- prosecution
- cancellation of MFV trading privileges
- impoundment of equipment and/or vehicle as per Council’s Activities and General Amenities Local Law 2018
- a combination of all of the above

Note: Only one warning will be given prior to enforcement action being taken.

5.3.3 Council will supply and arrange, at the permit holder’s expense, the installation and/or removal of any signs and posts to be installed by Council to facilitate MFV permitted trading.
6. Fees and terms

6.1 Fee schedule

<table>
<thead>
<tr>
<th>Type of Mobile Food Vehicle</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual - Registered vehicle, caravan, trailer or any other method of transport from which food is sold</td>
<td>$2,400 per annum</td>
</tr>
<tr>
<td>Annual - Non-road registered vehicle such as, a coffee cart, hot dog cart or similar cart</td>
<td>$1,200 per annum</td>
</tr>
<tr>
<td>Seasonal/quarterly permit – Registered vehicle, caravan, trailer or any other method of transport from which food is sold</td>
<td>$650 per quarter</td>
</tr>
<tr>
<td>Seasonal/quarterly permit – Non-road registered vehicle such as, a coffee cart, hot dog cart or similar cart</td>
<td>$350 per quarter</td>
</tr>
<tr>
<td>Single use permit</td>
<td>$250 per permit</td>
</tr>
</tbody>
</table>

The permit fee will be reviewed annually as part of the Council annual budget process.

6.2 Terms

The annual permit period commences on 1 July and ceases on 30 June each year.

Seasonal/quarterly permits will be valid for a period of three (3) months from the date of issue.

Hours of operation will vary and will be determined as part of any permit application assessment.
Appendix C

Sent: Wednesday, February 07, 2018 1:54 PM
To: John Spek; Richard Lawrence; Andrea Surace; Cam Nation; Nicole Marshall; Samantha Byrne;
Jim Gusack; Rebecca Gauci Maurici; Narele Sharpe; Bryan Lancaster
Subject: Proposed Food Van Policy

Dear Mayor, Councillors and Chief Executive Officer,

In response to the Council’s proposed new Food Van Policy, I would like to comment on a few relevant matters. I have a roaming permit for my ice-cream van for the last four years. In that time I have never breached any of the conditions listed on the permit and have been open to my van being inspected by a Health Officer from Moonee Valley Council at anytime. I have never had any complaint made against the van in the whole four years. As part of my registration I have public liability of $10 million.

Since I have operated my ice cream van around Moonee Valley, I have encountered many illegal traders in parks etc. throughout the city of Moonee Valley. As there are no local Laws Officers operating to police this activity on weekends and public holidays, these traders operate freely with no fear of fines or vans being confiscated, as happens in other Councils. I have reported illegally traders several times to Council but for them to be fined Local Laws need to see them trading.

The main problem is that as they have no legal permit, Council does not inspect their van or is even aware of their existence. There are no Health and Safety standards required without registration. Most are not registered with Streetrader. The operators are abusive towards me when I turn up to trade legally. Comments such as ‘We have been trading here for 30 years and no one is going to stop that, we don’t care about your permit.’

As these vans operate free illegally, it is improbable that they will pay $2500 for any permit whatsoever. They realised a long time ago their trading is not policed. Finally, I would like to address the $2500 permit fee. As I have an ice-cream van, I am asking for consideration that the fee be on a sliding scale and not the same for a van that can operate 12 months of the year due to the product it is selling. I trade for between 3 to 4 months when the weather is warm enough for people to picnic in parks or be outdoors. I wish for this email to be formally registered as a submission to the proposed policy.

Thank you for your consideration.

Marguerita Kavanaugh
‘The Best Ice Cream Van’
mobile: [Redacted]
9.5 Draft Footpath Trading Policy

File No: FOL/18/32
Author: Brooke Ranken
Coordinator City Compliance
Directorate: City Services

Purpose
To seek Council endorsement of the draft Footpath Trading Policy 2018 for community consultation, with a final report to be presented to Council on the completion of the consultation process outlining the feedback and any recommended changes.

Executive Summary
- Council adopted its current Footpath Trading Policy in May 2015 and the policy was due for review in May 2018.
- A report was presented to the Ordinary Meeting of Council held 10 October 2017, in response to a Notice of Motion which identified a number of anomalies relating to the current Footpath Trading Policy.
- At the 10 October 2017 Ordinary Meeting, Council resolved to review the current Footpath Trading Policy 2015 and the associated procedures, as well as to review the current fee structure.
- A review has been conducted and the draft Footpath Trading Policy 2018 has been updated to incorporate a number of amendments.
- It is proposed that the fee structure be based on shop front width, as opposed to the current flat fee which applies to all businesses, thus creating a fairer and equitable fee model.
- As part of the proposed consultation process, the rationale for the proposed changes to the current fee schedule will be explained to affected traders and their feedback will be sought, prior to Council receiving a final report to consider adopting the Footpath Trading Policy 2018.

Recommendation
1. Endorses the draft Footpath Trading Policy (Appendix A, separately circulated) and Footpath Trading Policy – Schedule of Fees (Appendix B) for public consultation.
2. Requests a further report be presented at the completion of the consultation process, to consider adopting the Footpath Trading Policy.
Background

Council’s current Footpath Trading Policy was introduced in May 2015 and was scheduled for review in May 2018.

Notice of Motion 2017/22 was carried at the Ordinary Meeting on 25 July 2017, which requested;

A report that addressed existing and potential anomalies of Council’s current Footpath Trading Policy 2015. Although not restricted to the following points, the report should include:

1. The operation of the existing Footpath Trading Policy and feedback provided by traders and the general community;

2. The option of creating a category within the policy (operational guidelines and costs) for businesses that only have access to a small area of footpath but are interested in footpath trading but are required at present to pay the same fee as traders in more advantageous situations. While anomalous situations have arisen in some shopping strips, future developments in laneways and side streets will be similarly disadvantaged and consequently discouraged to the detriment of Moonee Valley’s character and lifestyle;

3. A permit category for “pop up” retailers to provide tables and chairs on footpaths outside of approved community events and festivals; and

4. Adjustments to the policy where footpath trading is for training purposes or to promote a social enterprise.

A subsequent report was provided to the Ordinary Meeting on 10 October 2017, updating Council on the progress of a review of the Footpath Trading Policy 2015. The report was noted by Council, with an action for the review of the policy to continue and requesting that a further report be provided to Council once this process was completed.

Additionally, at the Ordinary Meeting of Council held on 11 April 2017, Council carried Notice of Motion 2017/04, which requested;

1. A report to come before an Ordinary Meeting of Council, detailing:
   a) the prevalence of on-street charity spruiking in Moonee Valley’s activity centres;
   b) any mechanisms in place to determine the dividend received by the charity from such work, and if a private entity is also profiting from the collection; and
   c) potential changes that could be made to Council’s by-laws to ban on-street charity spruiking in Moonee Valley’s activity centres and ensure any changes do not inadvertently capture genuine volunteer collectors.

The draft Footpath Trading Policy 2018 has incorporated the points identified in both Notice of Motion 2017/22 and 2017/04. Council is also updating its local law, which includes measures to improve the management of busking, spruiking and begging on Council managed land, in relation to Notice of Motion 2017/04.
Following a review of the fee structure that is in place under the existing Footpath Trading Policy and the proposed changes to the way the new fees will be calculated, it is considered appropriate to undertake a targeted consultation with the affected traders for a period of 28 days.

Discussion

Council deals with footpath trading enquiries on a daily basis and is required to provide a framework for the sustainable use and management of our footpath trading areas.

The Footpath Trading Policy has been developed to maintain the balance between pedestrian access and trading activities, to ensure an enjoyable shopping experience and compliance with the Commonwealth Disability Discrimination Act 1992 is maintained.

The draft updated policy aims to present guidelines to ensure a safe environment for people who move through Moonee Valley and to provide for a fairer and more equitable participation model for commercial activities on Moonee Valley’s footpaths.

Through the recent review process, the following amendments have been included in the draft revised policy:

   a) A revised Footpath Trading Policy - Schedule of Fees relating to the use of footpaths for outdoor dining, with the aim of a more fair and equitable fee model. This model will apply to the width of the business shopfront as a calculation of the trading area. An overlay of the new proposed footpath trading application fee was matched to a sample of businesses in the Moonee Ponds Activity Centre, to ensure fee equity for differing size businesses, as opposed to the current fee structure which is based on a standard fee regardless of the size of the businesses street frontage.

   b) It is proposed to introduce delineation markers (circular marker disks), to be installed on footpaths to assist traders and pedestrians in understanding the permitted trading zone from the required pedestrian zone.

   c) Ensuring traders are compliant with recent tobacco reforms associated with the Tobacco Act 1987, which ban smoking in or within four (4) metres of outdoor dining areas.

   d) Charity collectors are permitted with the provision of being not-for-profit. Charity collectors are not to undertake financial subscriptions, automatic debiting or ongoing payments on Moonee Valley footpaths.

   e) Temporary not-for-profit stalls are permitted in designated areas of Moonee Valley’s major activity centres. Temporary stalls may also be approved as part of a public event endorsed by Council.

   f) Alignment with the framework for managing footpath trading, as detailed in Council’s Activities and General Amenities Local Law 2018.

Consultation

Council’s Economic Development and City Compliance units undertook community consultation in September 2017, seeking feedback on footpath trading in Moonee
Valley. The aim of the consultation was to obtain comments regarding the application of the current Footpath Trading Policy and areas for improvement and refinement. In addition, a Moonee Valley footpath trading fee study was conducted across five inner city councils. The Economic Development and City Compliance units have undertaken discussions and sought feedback from the Business Promotions Portfolio Advisory Committee (PAC), as well as briefed trader associations of Moonee Valley.

In response to the consultation, Council received feedback from 124 parties. Some key issues raised were:

- concerns with mobility access for pedestrians
- footpath obstructions caused by tables and chairs.

Next steps

As a number of important changes have been made to the original policy document, a further period (28 days) of targeted consultation will occur, related to these amendments. At the completion of this period, a further report will be presented to Council, outlining the feedback received and changes made, for consideration of adopting the final Footpath Trading Policy 2018.

Implications

1. Legislative

Council has a responsibility to regulate the use of public space. Therefore is it necessary to adhere to the following legislation,

- Commonwealth Disability Discrimination Act 1992
- Charter of Human Rights and Responsibilities Act 2006
- Liquor Control Reform Act 1998
- Tobacco Act 1987
- Council’s Activities & General Amenities Local Law 2018
- Planning and Environment Act 1987

With regard to the Charter of Human Rights and Responsibilities Act 2006, the category of ‘Freedom’ and ‘Freedom of Movement’ is relevant to this report.

2. Council Plan / Policy

Council Plan Strategic Theme 1: Friendly and Safe focusses on a city providing the community with high quality natural and built environment while ensuring and maximising community participation in, and awareness of environmental initiatives and activities. Outcomes associated with the improvement of accessibility have strong links with the updated Footpath Trading Policy.

3. Financial

There are no direct financial implications flowing from the preparation and the adoption of this report. Future initiatives requiring new or additional funding will be considered as part of the annual budget process.

The proposed fee schedule will be subject to annual review as part of the fees and changes review associated with the annual budget development process.
4. **Environmental**

   There are no direct environmental implications associated with the preparation and reception of this report.

**Conclusion**

This updated policy provides a clear process for footpaths to be used for trading and, in particular, outdoor dining. Council’s update to the Footpath Trading Policy has been developed through local community consultation, and aims to ensure that our footpaths are safe and clear access is maintained.

The policy also provides a fairer and more equitable fee structure and addresses the major themes raised through Council’s consultation process. It is recommended that Council undertakes a targeted consultation with affected traders for a period of 28 days, following which a final report will be presented to Council for consideration.

**Appendices**

Appendix A: Draft Footpath Trading Policy 2018 (separately circulated)
Appendix B: Draft Footpath Trading Policy 2018 - Schedule of Fees.
Footpath Trading Policy 2018

Schedule of Fees

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street activation</td>
<td></td>
</tr>
<tr>
<td>Public art</td>
<td>No fee</td>
</tr>
<tr>
<td>Pots and planter boxes</td>
<td>No fee</td>
</tr>
<tr>
<td>Display of goods</td>
<td></td>
</tr>
<tr>
<td>Fruit/vegetables</td>
<td>$550</td>
</tr>
<tr>
<td>Fresh flowers/plant stands</td>
<td>$550</td>
</tr>
<tr>
<td><strong>Note:</strong> only fresh flowers and fruit/vegetables are permitted.</td>
<td></td>
</tr>
<tr>
<td>Advertising</td>
<td></td>
</tr>
<tr>
<td>A-frame</td>
<td>$187</td>
</tr>
<tr>
<td>Notice/menu/board</td>
<td>$187</td>
</tr>
<tr>
<td>Banner</td>
<td>$187</td>
</tr>
<tr>
<td>Nightclub queue</td>
<td>$226</td>
</tr>
<tr>
<td>Children’s ride</td>
<td>$137</td>
</tr>
<tr>
<td>Charity collectors</td>
<td>$100 per 3 day period</td>
</tr>
</tbody>
</table>
### Outdoor dining

<table>
<thead>
<tr>
<th>Store frontage width 0-3.99 metres</th>
<th>$400</th>
</tr>
</thead>
<tbody>
<tr>
<td>Store frontage width 4-4.99 metres</td>
<td>$500</td>
</tr>
<tr>
<td>Store frontage width 5-5.99 metres</td>
<td>$600</td>
</tr>
<tr>
<td>Store frontage width 6-6.99 metres</td>
<td>$700</td>
</tr>
<tr>
<td>Store frontage width 7-7.99 metres</td>
<td>$800</td>
</tr>
<tr>
<td>Store frontage width 8 metres or greater</td>
<td>Maximum $900</td>
</tr>
<tr>
<td>Dual store frontage on same property – the sum of width frontages</td>
<td>Maximum $900</td>
</tr>
<tr>
<td>Partial use of store frontage</td>
<td>Determined upon assessment of application</td>
</tr>
</tbody>
</table>

*Note: Partial use of frontage is where an outdoor dining area is interrupted by public infrastructure or is intended as less than the total shop frontage. A reduced per metre cost may be applied upon application assessment.*
9.6 Draft Moonee Ponds Creek Chain of Ponds

File No: FOL/18/32
Author: Venta Slizys
Coordinator City Design
Directorate: Planning & Development

Purpose
The purpose of this report is to present the Draft Moonee Ponds Creek Chain of Ponds Plan (the Draft Plan) to Council for endorsement and outline the next stage of intended community consultation.

Executive Summary
- Council committed to preparing a long-term plan for Moonee Ponds Creek as part of the adopted Capital Works Program in 2015/16 and as a result of the East West Link hearing, which identified the lack of planning for this precinct.
- The Plan has been developed through a consultation and engagement program to ensure multiple opportunities for the community and stakeholders to provide input and feedback throughout the development of the plan.
- The consultation program includes three key phases
  - Preliminary phase: Preparing the vision in late 2015 and 2016 through interactive mapping and displays at the 2016 Moonee Valley Festival
  - Testing of Ideas: Display at the 2017 Moonee Valley Festival and engagement through the Melbourne Water’s Moonee Ponds Creek Collaboration
  - Draft Phase: Consultation on the Draft Plan.
- As part of the consultation program, the Draft Plan is intended to be released for community consultation from 14 June 2018 until 14 August 2018.
- The Draft Plan has been instrumental in the development of Melbourne Water’s ‘Moonee Ponds Creek Collaboration’ process. Through the development of the plan, Moreland City Council has come on board as a partner and has adopted the document for consultation at the 9 May Council meeting. Consultation sessions will be run by Moreland City Council and will take place in both Moreland and Moonee Valley.

Recommendation
That Council endorses the Draft Chain of Ponds Plan for community consultation in partnership with Moreland City Council.
Background

The Moonee Ponds Creek forms the eastern edge of the municipality. It is a highly modified urban waterway, which over the 20th century has, in parts, been realigned and channelised to form an open concrete lined drain. The Creek and its embankments are managed by Melbourne Water, whilst Council manages the adjacent linear park.

For the East West Link hearing in 2014, Council prepared mitigation documents in lieu of having an adopted community vision for this area. After the hearing, the need for a holistic community vision for this waterway and linear park was identified as being a high priority.

Many documents have been prepared for planning of the Moonee Ponds Creek, however none focus on both the waterway and the linear park together.

Moonee Valley and adjacent Councils are working with Melbourne Water to best plan for the waterway, linear park and stormwater management for the entire catchment, creating a healthier environment for the city.

Discussion

The Draft Plan (Appendix A and Appendices B, C and D – Executive Summary and Plan) focuses on the Moonee Ponds Creek as a central community and environmental space, creating a strong linear park for active transport, social gathering and as a vibrant ecological rich landscape. It focuses on the community vision for the creek, how we can use water in the environment and changing the way we look at infrastructure, planning and the design of the city. It provides a toolkit for the future planning of the Moonee Ponds Creek, its stormwater catchment and the linear park corridor.

The Draft Plan has been developed by the community, stakeholders, land managers and government agencies to deliver appropriate design, planning and ecological strategies with outcomes directed to four key areas.

1. **Environmental outcomes**
   - Improve the ecological health of the creek and biodiversity within the creek corridor through the enhancement and restoration of natural systems
   - Promote innovative water management throughout the creek catchment that reduces stormwater runoff and improves water quality.

2. **Social outcomes**
   - Develop a vibrant and well connected linear park that supports a happy, active and healthy community within a rapidly growing city
   - Protect the creek and creek corridor from inappropriate urban development and infrastructure encroachment
   - Resolve flood risk through innovative and holistic design solutions
   - Acknowledge and celebrate the Wurundjeri and other cultural heritage of the Creek.
3. **Economic outcomes**
   - Quantify the value of the open space along the creek to better advocate for protection and improvement
   - Support the economic and social vitality of the communities and businesses located along the creek
   - Provide jobs through the creation of projects
   - Invest in ecosystem services and green infrastructure projects to adapt to climate and provide social and environmental benefits
   - Provide community health benefits through improved infrastructure for walking, cycling and connections to nature
   - Improving quality of the linear park to enhance lifestyles for the community.

4. **Governance outcomes**
   - Provide an advocacy document for key stakeholders that will help protect and manage the creek and environments into the future
   - Facilitate ongoing dialogue, collaboration and coordination across multiple local governments, state government agencies, land managers and community stakeholders.

The Draft Plan is informed by previous studies including: Moonee Valley’s Open Space Strategy; Moonee Ponds Creek Strategic Plan; Walking and Cycling Strategy; Moonee Ponds Creek shared pathway audits; Water Sustainable Urban Design (WSUD) feasibility studies; along with various background documents as well as extensive consultation with stakeholders undertaken in 2016 and 2017.

The Draft Plan also coincides with the ‘Moonee Ponds Creek Collaboration’, initiated by Melbourne Water in late 2016 which now has 18 active and 26 supportive partners, including Moreland City Council. This collaborative approach to management has the following objectives:
   - Test a new approach to working collaboratively on complex catchment issues, such as planning controls, data management and co investment
   - Establish a collaborative catchment governance group
   - Leverage interest and investment in the improvement of the Moonee Ponds Creek catchment.

**Consultation**

Extensive engagement and community consultation has been undertaken to prepare the Draft Plan. This has included:

**Preliminary Consultation – late 2015 and 2016**
   - A competition was held for people to share their stories and ideas about the Moonee Ponds Creek, with a submission from a resident in Strathmore who recounted her memories of the Creek being the successful entry
• A steering group was created with a wide variety of people and organisations, including City of Moreland, City of Hume, City of Moonee Valley, Melbourne Water, City West Water, Friends of the Moonee Ponds Creek, Moonee Ponds BUG (Bicycle User Group), interested residents and the consultant team

• An interactive mapping tool was produced for the community to share ideas for the Creek, with over 1200 visitors to the site and 100 people registered to receive further information

• Postcards were distributed across the municipality through libraries and civic buildings, with a total of 87 responses

• A display at the 2016 Moonee Valley Festival, included a large aerial map for people to place their ideas and suggestions, there was an area to paint the creek and the chronology display mapped the Creek’s dynamic history.

Testing of Ideas
The creation of Melbourne Water’s ‘Moonee Ponds Creek Collaboration’ assisted with testing the ideas, primarily the toolkit for the Draft Plan, through a broader audience and mitigated the need for a separate steering group. The ideas were tested through a number of presentations, prompting City of Moreland to become part of the scope of the project. Subsequently City of Melbourne have undertaken their own form of planning for the Moonee Ponds Creek within the Arden Macaulay precinct.

In February 2017, the toolkit was presented to the community at the Moonee Valley Festival. The toolkit outlines possibilities for the Creek, the linear park and the catchment area, including what can be done on private lots to assist with creek health and liveability. A water bug display was set up to entertain and educate visitors to the stall and provide inspiration for what could inhabit an improved Moonee Ponds Creek.

Draft Consultation
Consultation on the Draft Plan will be undertaken from the 14 June to 14 August, with three public presentations of the Plan occurring in locations within Moreland and Moonee Valley City Council. These will be hosted by Moreland City Council and are on the following dates:

Brunswick West session
When: Tuesday, 17 July, from 6.30pm - 7.30pm
Where: Campbell Turnbull Library Meeting Room,

Flemington session
When: Wednesday, 18 July, from 6.30pm - 7.30pm
Where: Flemington Community Centre,

Glenroy session
When: Thursday, 2 August, from 6:30pm – 7:30pm
Where: Glenroy Library
Implications

1. Legislative
Through the Open Space Strategy and Amendment C98, Council currently receives Open Space Contributions through the Subdivision Act 1988. These funds are used to acquire land and fund landscape improvements to open space to cater for future populations.

2. Council Plan / Policy
In presenting this report to Council, planning for improvements to open space through the development of open space and waterway planning will contribute to achieving its Strategic Objective to:

- Theme 1: Friendly and safe – Our community is socially inclusive and healthy
- Theme 2: Green, Clean and Beautiful – Moonee Valley has high quality places and spaces and a healthy environment and enhanced amenity
- Theme 3: Vibrant and Diverse – High levels of participation in accessible leisure and learning opportunities.

The Open Space Strategy (2009) identifies the Moonee Ponds Creek and its linear park as a Regional open space, due to its environmental, social and significant transport corridor beyond the catchment of Moonee Valley and recommends to ‘Prepare a plan for Moonee Ponds Creek in consultation with relevant agencies to guide future works that improve the condition, safety, aesthetic and environmental values of the trail and open space corridor’.

The notion of a healthy city has been identified in the Draft MV2040 Strategy, in which a healthier, vibrant and diverse environment is the part of the basis for the social, mental and physical wellbeing of the community.

3. Financial
The Draft Plan provides an ideal opportunity to realise improvements to the Moonee Ponds Creek corridor in a holistic way through the Open Space Contributions for landscape improvements and acquisition, external grants and partnerships that build upon collaboration between Moonee Valley City Council, Melbourne City Council, Melbourne Water and Moreland City Council.

The timing of the Draft Plan is well placed to capitalise on new external funding opportunities that align with the shift in strategic direction by Melbourne Water towards liveability and a catchment approach to managing urban waterways. Melbourne Water is considering the collaboration as a pilot program to test working across stakeholder groups within the scope of a stormwater and waterway catchment to achieve improved stormwater management, along with complementary outcomes for Council. Outcomes for Council will be through opportunities to naturalise sections of the creek, improve accessibility and amenity of the creek environs and realise environmental and social benefits.

The Draft Plan reinforces many projects underway in Council such as stormwater harvesting, WSUD initiatives and landscape improvements. Alternate funding streams such as grants and co funding opportunities with
adjacent Councils and Melbourne Water are also currently being investigated through Council’s Advocacy Agenda.

The Draft Plan includes an implementation plan outlining a ten year work plan to lay the foundations of planning, provide guidance for ongoing land management and maintenance and undertake a project to transform the first section of concrete channel in the Brosnan Crescent precinct in Strathmore.

The Draft MV2040 Strategy also outlines the following initiatives in relation to the plan within the neighbourhoods of Flemington, Moonee Ponds, Essendon, Strathmore and Strathmore Heights:

- Revitalise Moonee Ponds Creek through naturalisation, flood mitigation, stormwater harvesting and reuse
- Provide pedestrian and cycling connections to Moonee Ponds Creek
- Implement the future master plan for Moonee Ponds Creek
- Upgrade the Moonee Ponds Creek Trail with separated walking and cycling paths where possible.

The Draft Plan identifies that the desired outcome requires long term delivery and proposes a 50 year lifespan, to unravel the heavy infrastructure and prepare the city to best manage stormwater to then realise a healthy waterway and vibrant linear park.

4. Environmental

Planning for improvements within open space assists Council to meet the targets identified within the City Sustainability Policy, particularly with regard to biodiversity, waterway management, remnant vegetation management and sustainable transport.

Conclusion

The Draft Plan aims to capture voices of the community for one of Moonee Valley’s largest pieces of continuous open space and longest off road sustainable transport corridors. It has also brought a new way of thinking about waterways and how outcomes can be achieved beyond municipal boundaries. The creation of a healthier waterway and improved linear park can only be achieved through collaborative, holistic design solutions and through a change in stormwater management.

Appendices

Appendix A: DRAFT Moonee Ponds Creek - Chain of Ponds - Executive (separately circulated)
Appendix B: DRAFT Moonee Ponds Creek Chain of Ponds Plan (Chapters A - D09) (separately circulated)
Appendix C: DRAFT Moonee Ponds Creek Chain of Ponds Plan (Chapters D10 - E) (separately circulated)
Appendix D: DRAFT Moonee Ponds Creek Chain of Ponds Plan (Chapters F - I) (separately circulated)
9.7 New Lease - Latitude Directions for Young People over part of the Flemington Community Centre

File No: FOL/18/32
Author: Morgan Brown
Commercial Property Officer
Directorate: Asset Planning & Strategic Projects

Purpose
To seek Council endorsement for a lease to Latitude: Directions for Young People Inc. (Latitude).

Executive Summary
- Latitude previously provided youth services program from the Council owned property at 344 Ascot Vale Road, Moonee Ponds. On 24 November 2015, Council resolved to commence statutory process to sell 344 Ascot Vale Road, Moonee Ponds, subject to an agreement on a suitable alternate location for Latitude.
- It was later determined by Council that other options for 344 Ascot Vale Road would be explored, however in the interim a new suitable office location for Latitude at Flemington Community Centre had been sourced.
- Latitude relocated to the Flemington Community Centre under a temporary office hire agreement which will expire on 27 September 2018. The proposed lease will contain a clause providing the office hire agreement will automatically terminate upon commencement of the lease.

Recommendation
That Council:
1. Endorses a three year lease with Latitude: Directions for Young People Inc. over part of Flemington Community Centre for the provision of youth support, information and referral services for young homeless people.
2. Authorises the Chief Executive Officer to negotiate and finalise the lease with Latitude: Directions for Young People Inc. and execute the lease on behalf of Council.
Background

Latitude had a lease over the Council owned property at 344 Ascot Vale Road, Moonee Ponds. At its meeting on 24 November 2015, Council resolved to commence the statutory process to sell 344 Ascot Vale Road, subject to an agreement on a suitable alternate location for Latitude. Council sourced a suitable office for Latitude at the Flemington Community Centre.

Discussion

Latitude is a community based organisation, supporting young people in Melbourne’s West. Latitude supports young people who are homeless or at risk of homelessness, between the ages of 16 and 25 years, with or without children. The service provides support to young people residing in transitional housing, outreach support to young people at immediate risk of homelessness and support, information and advice on issues including housing, family breakdown/conflict, financial and legal issues.

Council proposes to enter into a three year lease with Latitude over office six which is highlighted in red on the plan attached in Appendix A. The proposed lease will provide Latitude with exclusive use of office six as well as a non-exclusive licence over the staff toilets, staff kitchen, foyer and hallways (highlighted in green on the attached plan).

The rent will be inclusive of electricity, water and cleaning of common areas.

The proposed lease will be based on Council’s standard community lease. Council proposes to enter into a lease with Latitude on the following terms (subject to lease negotiations):

<table>
<thead>
<tr>
<th>Term</th>
<th>Three years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commencement date</td>
<td>Estimated to commence 1 July, 2018</td>
</tr>
<tr>
<td>Term</td>
<td>Three (3) years</td>
</tr>
<tr>
<td>Permitted use</td>
<td>The provision of youth support, information and referral services for young homeless people.</td>
</tr>
<tr>
<td>Commencing rental</td>
<td>$7,644.05 including GST</td>
</tr>
<tr>
<td>Rent reviews</td>
<td>CPI increases on the anniversary of the commencement date</td>
</tr>
</tbody>
</table>

In relation the proposed redevelopment of the Flemington Community Centre, the lease will contain a clause providing Council the ability to terminate the lease by providing Latitude with a six month notice if it resolves to redevelop or carry out works to the community centre.
Consultation

Council’s Community Development department has been consulted in the preparation of this report and support the proposal. The nature of this report does not require any external consultation.

Implications

1. Legislative

Section 190 (3) of the Local Government Act 1989 does not apply, as the proposed lease term is under 10 years and the annual lease rental is below $50,000.

2. Council Plan / Policy

In presenting this report, Council is working to achieve its strategic objective to attract services to meet identified gaps and meet the needs of diverse communities within the municipality in accordance with Council Plan 2017-21 Theme 1: Friendly and safe - An equitable, inclusive and healthy community - People have access to the services they need.

3. Financial

A rent of $7,644.05 including GST is proposed for the first year of the lease. The amount is equivalent to the rent paid by Latitude under the previous lease over 344 Ascot Vale Road.

4. Environmental

The proposed lease to Latitude over part of the Flemington Community Centre will contribute to the guiding principles of Council’s City Sustainability Policy by making better use of Council buildings and assets by reducing the demand for limited Council assets by locating at a multi-use community centre.

Conclusion

Council granting a lease to Latitude will provide an opportunity for Latitude to continue their youth support services in the City of Moonee Valley and assist in addressing the needs of the community.

Appendices

Appendix A: Latitude - Lease and licence area.
Appendix A: Latitude Directions for Young People – Lease and Licence Areas

- Leased area
- Licensed areas
9.8 Farnham Street Neighbourhood Learning Centre Inc. - lease renewal

File No: FOL/18/32
Author: Morgan Brown
Commercial Property Officer
Directorate: Asset Planning & Strategic Projects

Purpose
To seek Council endorsement for the lease renewal to Farnham Street Neighbourhood Learning Centre Inc. (FSNLC).

Executive Summary

- In 2012, Council granted a lease to FSNLC over part of 28 Farnham Street, Flemington for an initial term of three years with two further terms of three years. The second term will expire on 30 June 2018.

- Council owns 28 Farnham Street, Flemington, which is contained in Certificate of Title Volume 01707 Folio 368.

- FSNLC has exercised its option to renew the lease for the final three year term commencing 1 July 2018.

Recommendation
That Council:
1. Endorses a Deed of Lease Renewal with Farnham Street Neighbourhood Learning Centre Inc. over part of 28 Farnham Street, Flemington for a three year term commencing 1 July 2018 for the purposes of community based learning/social support centre and associated purposes as agreed by Council.

2. Authorises the Chief Executive Officer to negotiate and finalise the Deed of Lease Renewal with Farnham Street Neighbourhood Learning Centre Inc. and execute the deed on behalf of Council.
Background

On 1 July 2012, Council granted a lease over part of 28 Farnham Street, Flemington, shown outlined in red on the plan attached in Appendix A. The FSNLC leases the site for the purposes of community based learning, social support centre and associated purposes as agreed by Council. The lease was granted for an initial term of three years with two three year options. The second term will expire on 30 June 2018.

Discussion

FSNLC is an incorporated not-for-profit community organisation. FSNLC has been delivering education and social support programs to the local community for more than 35 years. FSNLC provides an important service from the leased premises catering for a diverse range of community members including those from different age and cultural groups to deliver lifelong learning, cultural integration and social participation.

FSNLC has undertaken its obligations under the lease and complied with the essential terms and conditions of the lease. FSNLC has exercised its option for the final three year term. The renewal will be based on Council’s standard Deed of Renewal of Lease and key terms are as follows:

<table>
<thead>
<tr>
<th>Term:</th>
<th>Three years - commencing 1 July 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leased Area:</td>
<td>The part of 28 Farnham Street, Flemington outlined in red on the plan attached as Appendix A</td>
</tr>
<tr>
<td>Permitted Use:</td>
<td>Community based learning/social support centre and associated purposes as agreed by Council</td>
</tr>
<tr>
<td>Rent:</td>
<td>$191.65 including GST per annum</td>
</tr>
<tr>
<td>Rent Adjustments:</td>
<td>Annual adjustments on each anniversary of the commencement date by CPI</td>
</tr>
</tbody>
</table>

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

   Council has an obligation to grant the renewal to FSNLC, on the same terms and conditions as the current lease, unless there is a significant breach of the lease. FSNLC has complied with its obligations under the lease.

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.

3. Financial

There are no budgetary or funding implications.

4. Environmental

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

Conclusion

FSNLC has complied with the terms of the lease, therefore Council has an obligation to provide the further term commencing 1 July 2018 until 30 June 2021.

Council will monitor the existing use arrangements over the term to assist in determining future lease opportunities for the site.

Appendices

Appendix A: Farnham Street Neighbourhood Learning Centre - Leased Area Plan.
Appendix A: Farnham Street Neighbourhood Learning Centre - Leased Area Plan
9.9 Response to Notice Of Motion No. 2018/07 – Park Run Course

File No: FOL/18/32
Author: Kate Heissenbuttel
Manager Community Infrastructure
Directorate: Planning & Development

Purpose
To provide information relating to the opportunities to establish a parkrun in Moonee Valley, what Council’s role could be, and whether there is community demand for this program.

Executive Summary
- parkrun is a free, weekly 5km timed run which occurs at 8am every Saturday.
- parkrun is an international movement. In Victoria alone, there are almost 300 locations with over 420,000 runners registered. The events are designed to be small, family friendly and inclusive in order to allow people of all abilities and ages to get involved.
- parkrun events are run by a volunteer base and there are a number of existing suitable routes within Moonee Valley to host a parkrun.
- There are no current parkrun movements in Moonee Valley, existing parkruns closest to Moonee Valley are in the suburbs of Maribyrnong, Coburg, Parkville and Brimbank.
- Establishment of parkrun in Moonee Valley would require a significant drive from the community to generate a core volunteer base. This aligns with the charter from parkrun Australia, who provide a coordinated approach and support for courses across Australia, and who provide direction to new parkruns being formed.
- Moonee Valley has a number of locations that could support a parkrun, each with the potential to offer a different experience.
- Feedback from parkrun Australia and local parkrunners suggest the preferred route should be recommended from community members and not driven by council officers.
- parkrun registration data and feedback from local parkrunners suggests that a Moonee Valley parkrun would be supported and sustainable, however, the success of parkruns is largely dependent on the passion and dedication of lead volunteers.
- Council permit is likely to be required, this is dependent on the preferred route. No council permit would be required if on private land.
- Seven potential routes have been identified for a parkrun within Moonee Valley. Descriptions of each are below and maps can be found at Appendix A. Routes that have stronger potential based on the considerations listed above are:
- Avondale Heights
- Strathmore Heights
- Keilor East.

Since parkrun Australia and local parkrunners suggest the preferred route should be recommended from community members and not driven by council officers, the cost associated with improving paths to increase accessibility for wheelchairs and prams and potential timeframes for these upgrades would be provided once the community has proposed their preferred route.

**Recommendation**

That Council:

1. Notes seven potential routes have been identified for a parkrun within Moonee Valley. Routes that have stronger potential based on the known requirements for a parkrun are:
   - Avondale Heights
   - Strathmore Heights
   - Keilor East.

2. Request officers explore the provision of walking/running tracks in each neighbourhood as part of the walkability project.

3. Notes that, since parkrun events are community driven, the cost associated with improving paths to increase accessibility for wheelchairs and prams and potential timeframes for these upgrades would be provided once the community has proposed their preferred park run route.

4. Where possible, supports the community to develop a parkrun in Moonee Valley.

**Background**

At the Ordinary meeting of Council held 27 March 2018, Cr Byrne put forward Notice of Motion 2018/07 – Park run course which was unanimously supported.

*It was moved that Council request a report to the Ordinary Meeting of Council on 8 May 2018 investigating:*

1. **Suitable 5km walking / running paths within the municipality that would cater for small active events such as Park Run.**

2. **The costs associated with improving paths to increase accessibility for wheelchairs and prams and potential time frames to do this.**

parkrun events are completely volunteer run. Some of the regular roles and tasks include a race director, marshalling, set up and pack down, event review, publish results, photography, and media. parkrun Australia has a number of corporate sponsors but also encourage local councils to support in the establishment and maintenance of the events when it occurs in their municipality. This could include
providing funding for volunteer vests, flags, distance marker decals and other associated event materials.

There are no current parkrun movements in Moonee Valley. Existing parkruns closest to Moonee Valley are in Maribyrnong, Coburg, Parkville and Brimbank.

**Discussion**

Establishing a new parkrun event usually takes between three to six months. parkrun do not specify requirements for the running route; there are no surface, path width or elevation profile recommendations or requirements. There are good infrastructure and siting considerations for parkrun courses:

- **General route considerations:**
  - Elevation/gradient (i.e. how flat or hilly)
  - Natural environment
  - Street or road crossings
  - Surface type, quality and width
  - Capacity to support participants
  - Proximity to off-lead dogs (for participants’ safety).

- **Starting point considerations:**
  - Toilets
  - BBQ area
  - Seating
  - Playground
  - Car parking
  - Bike parking
  - Proximity to public transport
  - Proximity to cafes for post-race socialising.

Whilst the weekly events encourage people to run or walk the course, there are also many opportunities for social inclusion through volunteering at a parkrun event.

**Potential routes**

Seven potential routes have been identified for a parkrun within Moonee Valley. Descriptions of each are below and maps can be found at [Appendix A](#). Routes that have stronger potential based on the considerations listed above are:

- Avondale Heights
- Strathmore Heights
- Keilor East.

These will now be considered in turn.
1. **Avondale Heights**

   Start point: BBQ area near Canning Reserve, near Maribyrnong River

   Route description: Run along path towards Brimbank Path, under Military Road, turn around at 2.5km mark.

   Course notes:
   - Beautiful natural surroundings
   - Could run either way: towards or away from Brimbank Park
   - Great start point facilities (toilet, parking, playground)
   - Starting point is fairly close to trams
   - Good opportunity to bring business to cafes in the neighbourhood.

2. **Strathmore Heights**

   Start point: Boeing Reserve

   Route description: Run along Moonee Ponds Creek trail towards Strathnaver Reserve/Lebanon Reserve, turn around at 2.5km point and then circle back on the Mascoma Street side of Boeing Reserve.

   Course notes:
   - Car parking
   - Toilet facilities, skate park being developed
   - Narrow in some sections going towards the city
   - Plenty of open space and route options
   - Path maintained to high standard, no obvious issues for prams and wheelchair access, wouldn’t be too busy
   - Whole route is on the shared path
   - Not well served by public transport.

3. **Aberfeldie 1**

   Start point: Afton Street Nature Reserve

   Route description: Starting at the Afton Street wetlands, run on path along river, up towards hill, uphill and along path to peak, circle back down.

   Course notes:
   - Hilly course, challenging for people with prams or in wheelchairs
   - Narrow sections on trail after a steep hill
   - Beautiful natural surroundings
   - Whole route is on the shared path
   - Not well served by public transport.
4. **Airport West**  
Start point: Corner of Moore Road and Sexton Street in the park  
Route description: Up onto ramp down on to Western Ring Road Path, along path towards Sunshine, turn around at 2.5km point  
Course notes:  
- Not all MVCC land  
- Not as scenic as other routes  
- Flat, fast, sealed surface  
- Would need to address ramp surface, work with VicRoads on this if necessary.

5. **Aberfeldie 2**  
Start point: Aberfeldie Park  
Route description: Around the perimeter of park  
Course notes:  
- About two and a half laps of the park  
- May present some DDA issues that would be very difficult to address.  
- Starting point is close to trams  
- May be busy with the Moonee Valley Athletics Track nearby  
- Also close to the Maribyrnong Park Run – not ideal.

6. **Aberfeldie 3**  
Start point: Boathouse cafe  
Route description: Maribyrnong River loop - start at The Boathouse and cross the Afton Street Bridge. Could extend the track to Afton Park to get to 5km  
Course notes:  
- May present some DDA issues that would be very difficult to address.  
- Maybe easier to start around the Afton Street Bridge park area.  
- Run would have to commence early as very popular route. Would need to liaise with Maribyrnong City Council as western side of Maribyrnong River is within their municipality.  
- Existing Maribyrnong Road Bridge is quite narrow, we are working with VicRoads to have the shared path on the bridge widened.  
- Afton Street Bridge is narrow bridge and the suspension causes the bridge to move around a little  
- Starting point is close to trams  
- Close to the Maribyrnong Park Run.
7. **Keilor East**

   **Start point:** Keilor Road, at the beginning of the Steele Creek trail

   **Route description:** Run along the Steele Creek trail to Rosehill Road and return

   **Course notes:**
   - Path maintained to high standard, no obvious issues for prams and wheelchair access, wouldn’t be too busy and picturesque location
   - Parking and playground at start point.
   - Almost all of the route is on the shared path
   - Not well served by public transport.

**Regional parkrun assessment**

Four parkruns are held in surrounding municipalities. Details of these runs are below.

<table>
<thead>
<tr>
<th>Suburb</th>
<th>Venue</th>
<th>Average number of runners</th>
<th>Total runners registered</th>
<th>Moonee Valley residents (and percentage of total)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maribyrnong</td>
<td>Maribyrnong River just across from Moonee Valley</td>
<td>142</td>
<td>4,188</td>
<td>1,826 (44%)</td>
</tr>
<tr>
<td>Coburg</td>
<td>Coburg Lake Reserve</td>
<td>75</td>
<td>2,586</td>
<td>39 (2%)</td>
</tr>
<tr>
<td>Parkville</td>
<td>Princes Park</td>
<td>117</td>
<td>3,257</td>
<td>98 (3%)</td>
</tr>
<tr>
<td>Brimbank</td>
<td>Brimbank Park</td>
<td>51</td>
<td>755</td>
<td>46 (6%)</td>
</tr>
</tbody>
</table>

These four park runs attract a number of Moonee Valley residents. The most popular is the Maribyrnong Park Run where 44 per cent of registered runners live in Moonee Valley. Figures for the number of registered runners at these park runs by suburb within Moonee Valley are shown below.

<table>
<thead>
<tr>
<th>Postcode (and suburb)</th>
<th>Maribyrnong</th>
<th>Brimbank</th>
<th>Coburg</th>
<th>Parkville</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>3031 Flemington</td>
<td>291</td>
<td></td>
<td>56</td>
<td></td>
<td>347</td>
</tr>
<tr>
<td>3032 Ascot Vale/Travancore</td>
<td>558</td>
<td>3</td>
<td>20</td>
<td></td>
<td>581</td>
</tr>
<tr>
<td>3033 Keilor East</td>
<td>106</td>
<td>19</td>
<td></td>
<td></td>
<td>125</td>
</tr>
<tr>
<td>3034 Avondale Heights</td>
<td>66</td>
<td></td>
<td></td>
<td></td>
<td>66</td>
</tr>
<tr>
<td>3039 Moonee Ponds</td>
<td>251</td>
<td></td>
<td></td>
<td></td>
<td>251</td>
</tr>
<tr>
<td>3040 Essendon/Essendon West/Aberfeldie</td>
<td>346</td>
<td>6</td>
<td>17</td>
<td>22</td>
<td>391</td>
</tr>
<tr>
<td>30341 Essendon North/Strathmore/Strathmore Heights</td>
<td>89</td>
<td>22</td>
<td>111</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3042 Niddrie/Airport West</td>
<td>119</td>
<td>18</td>
<td>137</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Consultation

This report has been prepared based on a mix of internal and external engagement.

Five existing parkrunners recently met with Council officers from Community Infrastructure and Community Planning to discuss potential options for a parkrun in Moonee Valley. Of the five, four are currently volunteers and registered participants with Maribyrnong parkrun, amongst other locations. It was made very clear that parkrun would not support the development of a new parkrun location, unless there was a strong community volunteer base to drive it.

Whilst all in attendance were supportive of a Moonee Valley parkrun being established, there would need to be a larger volunteer base needed in order to have the appropriate number of volunteers to sustain a new parkrun. It was suggested at least eight core volunteers would be required at the beginning.

Potential routes were discussed with the group and it was suggested that should a group of community members drive the establishment of a new parkrun, they should also have input into the route as they would be driving its development and implementation.

The location would also need to be approved by parkrun, to ensure it is not too close to an existing parkrun. As parkrun do not specify requirements for the route relating to DDA compliance, width, elevation or surface, a route could be selected that would not require upgrades or improvements.

Implications

1. Legislative

There are no legislative implications of this project at this stage.

Once a parkrun group formed and the route known, a user agreement will be required to give parkrun permission to access council facilities. If the route is on council land and the group has the support from parkrun Australia, it is not expected there would be complications with officer awarding the necessary permits.

2. Council Plan / Policy

In presenting this report, Council is working to achieve its strategic objective to provide a network of multi-functional places and spaces to allow for various activities across the city in accordance with Council Plan 2017-21 Theme 4: Vibrant and diverse - Celebrating diversity, promoting participation, and creating a strong economy - High levels of participation in accessible leisure and learning opportunities.

3. Financial

The preferred route will determine the required infrastructure modifications needed to support a parkrun being formed locally. As mentioned the preferred route should be agreed with council and the parkrun community leads. Based on the routes explored for this report, it is expected that the costs to improve
infrastructure requirements to support the activity in its inception stage would be minimal.

Council would encourage a new parkrun group to apply for a community grant to assist with set up establishment costs and the purchase of a defibrillator.

Council may also be able to provide support with route signage once a route has been determined by the group.

4. Environmental

Nil.

Conclusion

parkrun is an international movement to encourage people to be active. There are a number of health and social benefits. More than 2,000 Moonee Valley residents are currently enrolled as parkrun participants. There is not an existing Moonee Valley parkrun group or route, there is considerable evidence that one is likely to be supported by the community.

Appendices

PARKRUN ROUTE OPTIONS

Avordale Heights Route [https://www.mappmeter.com/running/route_4721950.html]
Strathmore Heights route: https://www.mapmeter.com/running/route_4721940.html
Airport West route: [https://www.mapmeter.com/running/route_4724481.html](https://www.mapmeter.com/running/route_4724481.html)
Aberfeldie (Maribyrnong River loop) route: https://www.mapometer.com/running/route_4721939.html
Keilor East route: [https://www.mapometer.com/running/route_4721942.html](https://www.mapometer.com/running/route_4721942.html)
9.10 Response to Notice of Motion No. 2017/04 On-street Charity Spruikers

File No: FOL/18/32
Author: Carey Patterson
Manager Regulatory & City Compliance
Directorate: City Services

Purpose
To advise Council of the actions taken to address concerns and issues associated with on-street charity spruikers that were raised through Notice of Motion 2017/04.

Executive Summary
- The development of the proposed Activities and General Amenities Local Law commenced in April 2017, which allowed a number of concerns relating to spruiking, busking and begging to be incorporated.
- The proposed control measures have been considered and discussed as part of the public consultation process. They have also been through a legal review and found to be appropriate to deal with the various behaviours.
- Victoria Police have been consulted and provided input into the draft of the proposed Activities and General Amenities Local Law and will be authorised under the Local Law once it is formally adopted by Council.

Spruiking will be a prohibited activity under the proposed Activities and General Amenities Local Law and will be subject to an on-the-spot penalty for each occurrence.

Recommendation
That Council notes the actions taken to address issues raised in Notice of Motion 2017/04 – On-street Charity Spruikers

Background
At the Ordinary Meeting of Council held on 11 April 2017, Council carried Notice of Motion 2017/04 - On-street Charity Spruikers, which required;

A report to come before an Ordinary Meeting of Council, detailing:

a) the prevalence of on-street charity spruiking in Moonee Valley's activity centres;

b) any mechanisms in place to determine the dividend received by the charity from such work, and if a private entity is also profiting from the collection; and
c) potential changes that could be made to Council’s by-laws to ban on-street charity spruiking in Moonee Valley’s activity centres and ensure any changes do not inadvertently capture genuine volunteer collectors.

Council is currently in the process of reviewing its Local Law and Footpath Trading Policy. Measures have been included in both documents to address issues raised in Notice of Motion 2017/04. These measures will improve the management of busking activities on Council managed land, whilst spruiking and begging on Council managed land will be prohibited activities within the municipality.

Discussion

In relation to the issues raised in Notice of Motion 2017/04, investigations have found:

a) Traders that operate in Moonee Valley’s main shopping precincts have noted a rise in charity collections. The traders have described a predatory and annoying approach by collectors, with many of their customers claiming they are now suffering from 'charity fatigue'.

The majority of on-street collectors on Puckle Street, Moonee Ponds and similar shopping precincts in Moonee Valley have requested passers-by make an ongoing pledge by signing up for a regular direct debit payment arrangement. Many charities would argue that these ongoing pledges assist with long-term planning and commitment to projects.

Based on discussions to date, the trader associations of Moonee Valley would support the removal of on-street collectors seeking direct debit charity donations.

b) The Fundraising Institute of Australia (FIA) reports that $100 million is raised for charities via street collections annually.

Unfortunately there is no measure by which Council is able to determine what amount is raised by street collections in Moonee Valley, nor how funds are allocated.

c) Both the proposed Activities and General Amenities Local Law and the draft revised Footpath Trading Policy include measures to improve the management of busking activities, whilst spruiking and begging on Council managed land will be prohibited activities within the municipality.

Consultation

Internal consultation process

In April 2017, internal consultation commenced, to identify current issues associated with the enforcement of Council’s existing local law. Internal consultation and information sessions were held during July, August and September 2017, seeking opinions on the value of the current controls within Council’s Local Law, and suggestions about what should be addressed in a new Local Law.
Public consultation process

At the 27 February 2018 Ordinary Meeting, Council resolved to endorse the draft Activities and General Amenities Local Law 2018 and Community Impact Statement for public consultation.

Public consultation took place from 5 March to 6 April 2018 and was run in accordance with section 223 of the Local Government Act 1989. This included publishing a public notice calling for written submissions in relation to the proposed local law, and allowing members of the public to request for their submissions to be heard by a Special Meeting of Council. However, of the submissions received, none requested to present to Council.

As part of the public consultation process, Council sought feedback regarding the structure, content and issues that will be addressed through the proposed Activities and General Amenities Local Law 2018.

The consultation included running four community sessions, meeting and briefing Council’s Business Promotion Portfolio Advisory Committee, as well as consultation via a range of print media, Council’s web page and other established consultation practices.

A dedicated session was held with Moonee Valley business traders’ groups, to seek feedback on existing controls and the direction that any new controls should take. This session considered current controls that apply to commercial activities, such as outdoor dining, street trading, displaying goods for sale and advertising signs on footpaths, and also covered the current review of Council’s Footpath Trading Policy, which will have its enforcement provisions controlled through the proposed Local Law.

At Council’s Strategic Briefing on Tuesday, 15 May 2018, Councillors were provided with an overview of the consultation process for the proposed Activities and General Amenities Local Law and advised of any changes that were recommended in order to finalise the Local Law.

Implications

1. Legislative

   The following legislation relates to this report:
   - Local Government Act 1989

2. Council Plan / Policy

   In presenting this report, Council is working to achieve its strategic objective to promote community safety through planning, design and maintenance of the public realm and Council facilities in accordance with Council Plan 2017-21 Theme 1: Friendly and safe - An equitable, inclusive and healthy community - Our community and our city are safe and resilient.
3. Financial  
There are no direct financial implications flowing from the preparation and the adoption of this report.

4. Environmental  
There are no direct environmental implications associated with the preparation and reception of this report.

Conclusion  
The issues raised and identified in Notice of Motion 2017/04 have been incorporated into the development Council’s revised Local Law (Activities and General Amenities Local Law) and review of Council’s Footpath Trading Policy.

Appendices  
Nil.
9.11 Response to Notice of Motion No. 2017/22- Footpath Trading

File No: FOL/18/32
Author: Carey Patterson
Manager Regulatory & City Compliance
Directorate: City Services

Purpose
To advise Council of the actions taken to address the issues raised in Notice of Motion (NoM) 2017/22 through a review of Council’s Footpath Trading Policy.

Executive Summary
- Council’s current Footpath Trading Policy is being reviewed and will be presented to Council, seeking endorsement for final consultation with the relevant trader groups and businesses.
- This review addresses a number of anomalies that currently exist within the existing policy relating to improved access to Council footpaths and roads by traders, local not-for-profit community groups, State and Federal Members of Parliament and local volunteer groups.
- The review also recommends the introduction of temporary stalls at agreed locations to encourage greater access for local not-for-profit community and volunteer based organisations.
- An updated fee schedule and increased equity and access to Council footpaths which will further encourage footpath trading in our shopping precincts and increase the activation of public spaces.

Recommendation
That Council notes the actions taken to address issues raised in Notice of Motion 2017/22 – Footpath Trading through a review of Council’s Footpath Trading Policy.

Background
Notice of Motion 2017/22 – Footpath trading was carried at the Ordinary Meeting of Council held on 25 July 2017, which requested;

A report that addressed existing and potential anomalies of Council’s current Footpath Trading Policy 2015. Although not restricted to the following points, the report should include:

1. The operation of the existing Footpath Trading Policy and feedback provided by traders and the general community;
2. The option of creating a category within the policy (operational guidelines and costs) for businesses that only have access to a small area of footpath but are interested in footpath trading but are required at present to pay the same fee as traders in more advantageous
situations. While anomalous situations have arisen in some shopping strips, future developments in laneways and side streets will be similarly disadvantaged and consequently discouraged to the detriment of Moonee Valley’s character and lifestyle;

3. A permit category for “pop up” retailers to provide tables and chairs on footpaths outside of approved community events and festivals; and

4. Adjustments to the policy where footpath trading is for training purposes or to promote a social enterprise.

A subsequent report was provided to the Ordinary Meeting of Council held on 10 October 2017, updating Council on the progress of a review of the Footpath Trading Policy 2015.

The report was noted by Council, with an action for the current review of the policy to continue and requesting that a further report be provided to Council once this process was completed.

Discussion
In relation to the issues raised in Notice of Motion 2017/22, the following actions have been taken:

a) The draft Footpath Trading Policy is being presented to Council on 12 June 2018, seeking endorsement for final consultation with affected local traders prior to adoption. This has been addressed in the report being presented on 12 June, as well as in the previous report presented to the 10 October 2017 Ordinary Meeting.

b) The draft revised policy incorporates a new Schedule of Fees, which takes into consideration the width of a business shopfront, as opposed to the current fee structure, which is based on a standard fee regardless of the size of the businesses street frontage. This will provide greater access and equity for various traders seeking to utilise the Council land for the purposes of footpath trading.

c) The proposed Footpath Trading Policy includes a new provision for temporary stalls for not-for-profit groups, and ensures that these type of stalls can be incorporated into public events endorsed by Council.

d) The proposed Footpath Trading Policy includes a new provision for charity collectors, which includes groups or individuals collecting to fund or manage charitable programs and/or work or to promote an issue (including local kindergartens, sporting clubs, State and Federal members and local volunteer groups).

Consultation
Council’s Economic Development and City Compliance units undertook community consultation in September 2017, seeking feedback on footpath trading in Moonee Valley. The aim of the consultation was to obtain comments regarding the application of the existing Footpath Trading Policy and areas for improvement and refinement. In addition, a Moonee Valley footpath trading fee study was conducted across five inner city councils.
The Economic Development and City Compliance units have undertaken discussions and sought feedback from the Business Promotions Portfolio Advisory Committee (PAC), as well as briefed trader associations of Moonee Valley.

In response to the consultation, Council received feedback from 124 parties.

The draft Footpath Trading Policy is being presented to Council on 12 June 2018, seeking endorsement for final consultation with affected local traders prior to adoption.

Implications

1. Legislative
   The following legislation is relevant to this report:
   - Commonwealth Disability Discrimination Act 1992
   - Charter of Human Rights and Responsibilities Act 2006
   - Liquor Control Reform Act 1998
   - Tobacco Act 1987
   - Council’s draft Activities and General Amenities Local Law 2018

2. Council Plan / Policy
   In presenting this report, Council is working to achieve its strategic objective to improve and increase visits and spending at local shopping precincts in accordance with Council Plan 2017-21 Theme 4: Vibrant and diverse - Celebrating diversity, promoting participation, and creating a strong economy - Our local economy is strong.

3. Financial
   There are no direct financial implications flowing from the preparation and the adoption of this report.

4. Environmental
   There are no direct environmental implications associated with the preparation and reception of this report.

Conclusion

The current review of Council’s Footpath Trading Policy has incorporated and addressed the issues identified in Notice of Motion 2017/22 – Footpath Trading.

Appendices

Nil.
9.12 Report on Assemblies of Councillors

File No: FOL/18/32
Author: Kate Evans
Governance Officer
Directorate: Organisational Performance

Purpose
The purpose of this report is to present to Council, the written records of assembly of Councillors held in accordance with the provisions of Section 80A(2)(a) and (b) of the Local Government Act 1989 (“the Act”).

Executive Summary
It is a requirement of the Act that a written record of any assembly of Councillors is prepared.

Recommendation
That Council, in accordance with section 80A(2) of the Local Government Act 1989, receives the records of the following assemblies of Councillors:

<table>
<thead>
<tr>
<th>Assembly</th>
<th>Strategic Briefing 1 May 2018 at 6.00pm Council Chamber, Civic Centre</th>
</tr>
</thead>
</table>
| Matters considered | • Footpath Trading Policy  
• Mobile Food Vehicle Policy  
• Pavilions and Facilities Project Update  
• Councillor Reimbursement Policy  
• Statutory Planning Protocols  
• Review of the Draft Agenda for the Ordinary Meeting to be held 8 May 2018 |
| Councillors present | Cr John Sipek (Mayor)  
Cr Samantha Byrne  
Cr Jim Cusack  
Cr Rebecca Gauci Maurici  
Cr Richard Lawrence  
Cr Nicole Marshall  
Cr Cam Nation  
Cr Narelle Sharpe (via conference call from 6.20pm)  
Leave of Absence:  
Cr Andrea Surace |
| Staff present | Steven Lambert  
Natalie Reiter  
Gil Richardson  
Petrus Barry  
Allison Watt  
Carey Patterson  
Brooke Ranken  
Damian Hogan  
Kate Heissenbuttel  
Dino De Melis |
### Conflict of interest

Cr Narelle Sharpe declared a conflict of interest in item 1 Footpath Trading Policy, but as she was participating via conference call she did not take part in the discussion on this matter.

Cr Gauci Maurici had a conflict of interest in OCM agenda item 12.1 and left the chamber at 7.09pm prior to the discussion. Cr Gauci Maurici returned to the chamber at 7.12pm at once the discussion had concluded.

### Assembly

**OCM Pre Meet, 8 May 2018 at 6.00pm**

**Committee Room, Civic Centre**

**Matters considered**

8 May 2018 Ordinary Meeting of Council agenda

**Councillors present**

<table>
<thead>
<tr>
<th>Cr Samantha Byrne</th>
<th>Cr Andrea Surace</th>
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</thead>
<tbody>
<tr>
<td>Cr Rebecca Gauci Maurici</td>
<td>Cr Richard Lawrence</td>
</tr>
<tr>
<td>Cr Nicole Marshall</td>
<td>Cr Narelle Sharpe</td>
</tr>
<tr>
<td>Cr Cam Nation</td>
<td>Cr Jim Cusack</td>
</tr>
</tbody>
</table>

**Apology:**

Cr John Sipek

**Staff present**

Steven Lambert  
Natalie Reiter  
Gil Richardson  
Petrus Barry  
Allison Watt  
Vera Mitrovic - Misic  
Dino De Melis

### Conflict of interest

Cr Gauci Maurici declared a conflict of interest in OCM agenda item 12.1 17-23 Puckle Street and 6-14 Young Street, Moonee Ponds and left the meeting prior to this discussion.

### Assembly

**Public Forum 15 May 2018 at 6.00pm**

**Council Chamber, Civic Centre**

**Matters considered**

- Union Road Traders  
- Residents from Corio Street, Moonee Ponds  
- Resident from Hampton Street, West Essendon  
- Resident re: Climate change concerns

**Councillors present**

<table>
<thead>
<tr>
<th>Cr John Sipek</th>
<th>Cr Nicole Marshall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr Samantha Byrne</td>
<td>Cr Andrea Surace</td>
</tr>
<tr>
<td>Cr Jim Cusack</td>
<td>Cr Cam Nation (Left at 6.50pm)</td>
</tr>
<tr>
<td>Cr Rebecca Gauci Maurici</td>
<td></td>
</tr>
</tbody>
</table>

**Apologies:**

Cr Richard Lawrence  
Cr Narelle Sharpe

**Staff present**

Bryan Lancaster  
Steven Lambert  
Natalie Reiter  
Gil Richardson  
Allison Watt  
Carey Patterson  
Vera Mitrovic - Misic

### Conflict of interest

Nil.
<table>
<thead>
<tr>
<th>Assembly</th>
<th>Strategic Briefing, 15 May 2018 at 7.00pm Council Chamber, Civic Centre</th>
</tr>
</thead>
</table>
| Matters considered | - Billy King ASU  
                              - Aged care reforms  
                              - Local Law  
                              - OCM agenda |
| Councillors present | Cr John Sipek  
                              Cr Samantha Byrne  
                              Cr Jim Cusack  
                              Cr Rebecca Gauci Maurici  
                              Cr Nicole Marshall  
                              Cr Narelle Sharpe (via conference call)  
                              Cr Andrea Surace (left at 7.30pm) |
|                | Apologies:  
                              Cr Richard Lawrence  
                              Cr Cam Nation |
| Staff present | Bryan Lancaster  
                              Steven Lambert  
                              Natalie Reiter  
                              Gil Richardson  
                              Allison Watt  
                              Carey Patterson  
                              Brooke Ranken  
                              Maria Weiss  
                              Edward Elliott  
                              Vera Mitrovic - Misic  
                              Lisa Darmanin (External presenter)  
                              Kathy Tuari (External presenter)  
                              Billy King (External presenter) |

<table>
<thead>
<tr>
<th>Assembly</th>
<th>OCM Pre Meet, 22 May 2018 at 6.00pm Committee Room, Civic Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matters considered</td>
<td>22 May 2018 OCM agenda</td>
</tr>
</tbody>
</table>
| Councillors present | Cr John Sipek  
                              Cr Samantha Byrne  
                              Cr Jim Cusack  
                              Cr Richard Lawrence  
                              Cr Nicole Marshall  
                              Cr Narelle Sharpe  
                              Cr Andrea Surace, |
|                | Apologies:  
                              Cr Cam Nation  
                              Cr Andrea Surace, |
|                | Leave of Absence:  
                              Cr Rebecca Gauci Maurici |
| Staff present | Mr Bryan Lancaster  
                              Mr Steven Lambert  
                              Mr Petrus Barry |
Background
In accordance with Section 80A (1) & (2) of the Act, the Chief Executive Officer is to ensure that a written record of an assembly of Councillors is, as soon as practicable, reported at an Ordinary Meeting of the Council; and incorporated in the minutes of that Council meeting.

Discussion
Section 3(1) of the Act defines an assembly of Councillors as a meeting of an Advisory Committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:

a) the subject of a decision of the Council; or

b) subject to the exercise of a function, duty or power of the Council, that has been delegated to a person or committee but does not include a meeting of the Council, a Special Committee of the Council, an Audit Committee established under section 139, a club, association, peak body, political party or other organisation.

Section 80A (1) and (2) of the Act provides that:

1. At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of —
   a) the names of all Councillors and members of Council staff attending;
   b) the matters considered;
   c) any conflict of interest disclosures made by a Councillor attending under subsection (3); and
   d) whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.

2. The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable —
   a) reported at an Ordinary Meeting of the Council; and
   b) incorporated in the minutes of that Council meeting.

Records of assemblies of Councillors, held since the last report to Council in February 2018, are provided above.

Consultation
All Council staff have been informed of Council’s obligations under the Act.
Implications

1. Legislative
   This report is presented to Council in accordance with Section 80A of the Act. As this is a mandatory reporting requirement, there are no Charter of Human Rights implications for Council.

2. Council Plan / Policy
   In presenting this report to Council, Council is achieving its Council Plan Objective 5.2: ‘Good governance is everyone’s responsibility’ and ‘is fostering a culture of accountability and transparency.’

3. Financial
   There are no financial implications resulting from the presentation of this report.

4. Environmental
   There are no environmental implications resulting from the presentation of this report.

Conclusion

Council has an obligation under Section 80A(2)(a) & (b) of the Act, to present all records of Assemblies of Councillors to an Ordinary Meeting of Council. By receiving and noting this report, Council is ensuring compliance with these provisions.

Appendices
NOTICES OF MOTION

10.1 Notice Of Motion Report - CCTV Mobile Trailer

File No: FOL/18/32
From: Councillor Andrea Surace

Take notice that at the Ordinary Meeting of Council to be held on 12 June 2018 it is my intention to move that Council follows the initiative taken by Stonnington City Council and writes to State and Federal Members of Parliament seeking a grant for the purchase of a CCTV mobile trailer to be used by Victoria Police to assist in crime prevention and to enhance safety within the City of Moonee Valley.

Officer Comments
The Notice of Motion is not supported.

The Victorian Government has recently opened its annual Public Safety Infrastructure Grants (PSIG) program. Grants are available between $20,000 and $250,000 (GST excl.) per application and due by 20 July, 2018.

The PSIG program provides funding for Victorian councils to address local community safety issues through the delivery of infrastructure to improve safety, security and build confidence in public spaces.

Officers recommend a Council grant application to the PSIG program rather than writing letters to State and Federal Members of Parliament to seek a grant. Council officers will meet with Victoria Police and officers from Stonington City Council during June 2018 to examine the potential for a CCTV mobile trailer as one option for a PSIG grant application. The feasibility and value of a range of other potential projects that may be equally important, such as lighting and amenity improvements for laneways in Moonee Ponds and other activity centres, railway stations and transport hubs will also explored.
10.2 Notice Of Motion Report - Proposed Amendment of Civic Recognition Policy

File No: FOL/18/32
From: Councillor Andrea Surace

Take notice that at the Ordinary Meeting of Council to be held on 12 June 2018 it is my intention to move that Council amends the Civic Recognition Policy to include the provision of refreshments / hospitality for attendees at the conclusion of ceremonies which are held to recognise the achievements, service and commitment of outstanding individuals who have made a significant contribution to the Moonee Valley community.

Officer Comments
The Notice of Motion is supported. The proposed amendment to the Civic Recognition Policy is administrative in nature. The amended policy will come back to Council for endorsement.
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 Possible Property Acquisitions
   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 matters.