Agenda

Ordinary Meeting of Council

Tuesday, 23 July 2019
6:30pm
Ordinary Meeting of Council

Tuesday, 23 July 2019 at 6:30pm
to be held at the Moonee Valley Civic Centre

Members:
- Cr Narelle Sharpe
- Cr John Sipek
- Cr Samantha Byrne
- Cr Jim Cusack
- Cr Rebecca Gauci Maurici
- Cr Richard Lawrence
- Cr Nicole Marshall
- Cr Cam Nation
- Cr Andrea Surace

Officers:
- Bryan Lancaster
- Steven Lambert
- Kendrea Pope
- Jessie Keating
- Gil Richardson
- Petrus Barry
- Allison Watt

- Mayor
- Deputy Mayor
Business:

1. Opening

2. Reconciliation Statement

3. Apologies and Leave of Absence

4. Confirmation of Minutes
   Ordinary Meeting of Council held on Tuesday, 09 July 2019.

5. Declarations of Conflict of Interest

6. Presentations
   Nil.

7. Petitions and Joint Letters
   Nil.

8. Public Question Time

9. Reports from Special Committees
   Nil.

10. Reports
    10.1 17-19 Leake Street, Essendon (Lots 3 and 4 on LP 41248, Lots 1 and 2 on TP 21043B) - Construction of a multi-storey building within a Design and Development Overlay (Schedule 10) and a reduction to the car parking requirement ................................................... 5
    10.2 Municipal Parking Implementation Plan & Parking Permit Policy ............ 25
    10.3 Response to petition: parking restrictions for Grace Street, Moonee Ponds ............................................................................................................. 32
    10.4 Healthy Ageing in Moonee Valley .......................................................... 39
    10.5 Signs in the Public Use Zone (180 Holmes Road Aberfeldie) and Public Park and Recreation Zone ........................................................................ 46
    10.6 Land Acquisition Committee Charter Review ........................................... 54
    10.7 Capital Works Program Variations .......................................................... 57
    10.8 National General Assembly of Local Government 2019 .......................... 62
    10.9 Assemblies of Councillors ........................................................................ 64

11. Notices of Motion
    11.1 Notice of Motion No. 2019/19 - 81 Charles Street, Ascot Vale ............. 68
11.2 Notice of Motion No. 2019/20 - report additional addendum to its submission to the Essendon Fields Preliminary Master Plan 2019........71

12. Urgent Business

13. Delegates Reports

14. Confidential Reports

14.1 203-211 Keilor Road, Essendon (Lots 1, 2 & 3 TP335400C, Lot 352 LP273S, Land in CP151620 and Land in CP152396) - Construction of a multi-storey building, use of the land for dwellings and alteration of access to a road in a Road Zone, Category 1 .................................................................72

15. Close of Meeting

BRYAN LANCASTER
Chief Executive Officer
REPORTS

10.1  17-19 Leake Street, Essendon (Lots 3 and 4 on LP 41248, Lots 1 and 2 on TP 21043B) - Construction of a multi-storey building within a Design and Development Overlay (Schedule 10) and a reduction to the car parking requirement

Author: Lachlan Orr - Senior Statutory Planner

Directorate: Planning and Development

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/1025/2018</th>
</tr>
</thead>
</table>
| Proposal          | Four storey building, 15.4 metres maximum height  
|                   | Two ground floor retail premises (162m²)  
|                   | Three one-bedroom and three two-bedroom dwellings on levels above  
|                   | No on-site car parking |

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Acorn Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner</td>
<td>Proware Solutions Pty Ltd</td>
</tr>
</tbody>
</table>
| Planning Scheme Controls | Commercial 1 Zone  
|                    | Design and Development Overlay (Schedule 10) |

| Planning Permit Requirement | Clause 34.01-4 – Buildings and works  
|                             | Clause 43.02-2 – Buildings and works  
|                             | Clause 52.06-3 – Car parking |

| Car Parking Requirements | Required – 11 spaces  
|                         | Provided – 0 spaces |

| Bicycle Requirements | Required – 1 space  
|                      | Provided – 11 spaces |

<table>
<thead>
<tr>
<th>Restrictive Covenants</th>
<th>A403521, does not affect proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Easements</td>
<td>3.05 to 6.1 metre wide miscellaneous easement in favour of Council</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site Area</th>
<th>259 square metres</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Number Of Objections</th>
<th>13</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Consultation Meeting</th>
<th>5 June 2019</th>
</tr>
</thead>
</table>

**Executive Summary**

- The application seeks planning approval for the construction of a four storey mixed use building containing two retail premises at ground floor level and six dwellings on the levels above. Permission is also sought for a full reduction to the car parking requirement.
• The site has an area of 259 square metres and is located on the southern side of Leake Street, Essendon, part of a core commercial area within the North Essendon Activity Centre. The site is currently occupied by two single storey commercial tenancies.

• The application was advertised and 13 objections were received. The concerns raised primarily relate to traffic and car parking impacts, visual bulk and scale, overshadowing, equitable development impacts and waste collection.

• A Consultation Meeting was held on 5 June 2019 which was attended by Councillor Lawrence, one objector, the permit applicant and Council’s Planning Officer. No resolution was achieved at this meeting.

• The proposal is an appropriate increase of housing in a location which has seen a consistent level of infill development, due to its location within the North Essendon Activity Centre. It provides a modest mixed use development on a constrained site, and makes efficient use of the land by contributing both commercial and residential occupancies. The development represents an acceptable built form outcome, and meets the design objectives of the Design and Development Overlay (Schedule 10) and the accompanying North Essendon Activity Centre Built Form Guidelines. The development also achieves a high level of compliance with Clause 58 (Apartment Developments), with one minor variation and one conditional compliance.

• The proposal has no on-site car parking, which is considered to be an appropriate outcome given the strategic context and the scale of the development. A requirement for a Green Travel Plan and the provision of surplus bicycle facilities will ensure a commitment to sustainable transport methods, in support of the reduction in the car parking requirement.

• This assessment report finds the proposal demonstrates compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme and recommends 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 issues a Notice of Decision to Grant a Planning Permit in relation to Planning Permit Application No. MV/1025/2018 for the construction of a multi-storey building within a Design and Development Overlay (Schedule 10) and a reduction to the car parking requirement at 17-19 Leake Street, Essendon (Lots 3 and 4 on LP 41248, Lots 1 and 2 on TP 21043B), subject to the following conditions:

Endorsement

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

   a) Toilets in each adaptable bathroom located nearest to the door to comply with Standard D18 of Clause 58.05-1 (Accessibility) of the Moonee Valley Planning Scheme;

   b) Bicycle parking spaces designed in accordance with Clause 52.34 (Bicycle Facilities) of the Moonee Valley Planning Scheme including the provision of appropriate weather protection and an internal access path with a minimum width of 1.5 metres shown with the bicycle spaces occupied;

   c) All rooftop building services to be visually concealed and suitably screened;

   d) A notation on the floor plans stating that there shall be no modifications to ground levels within the footpath along Leake Street;

   e) Any internal modifications to the levels and layout of the commercial and residential entry points as a result of Condition 1d);

   f) Deletion of notations relating to planning permit MV/106/2017;

   g) Notations to accord with the approved Water Sensitive Urban Design assessment required by Condition 3;

   h) Notations on the plans to accord with Condition 7 in relation to the Sustainable Management Plan (SMP); and

   i) A landscape plan as required by Condition 8.

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

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

3. Stormwater from the development must be treated to meet the water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, Victoria Stormwater Committee 1999 (Guidelines), as amended. The performance objectives of the Guidelines must be met entirely on site as demonstrated by a Water Sensitive Urban Design (WSUD) assessment report submitted to and approved by the Responsible Authority; except that with the written consent of the Responsible Authority, up to 20% of treatment may be delivered offsite as demonstrated by a WSUD assessment report submitted to and approved by the Responsible Authority.
4. The water sensitive urban design treatments as specified within the WSUD assessment report submitted to and approved by the Responsible Authority must be implemented on site prior to the occupation of the development unless an alternative agreement is reached with the Responsible Authority.

5. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The CSMP must be in accordance with Moonee Valley City Council’s CSMP’s Guidelines and Template.

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

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

6. A maximum 30 days following completion of the development, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
   
   a) Inspection frequency;
   
   b) Cleanout procedures;
   
   c) As installed design details/diagrams including a sketch of how the system operates; and
   
   d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

7. Before the development commences, an amended Sustainable 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 as required by Condition 1 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.

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

a) Any changes as required by Condition 1 of this permit;
b) A complete and fully detailed planting schedule;
c) Design details of planter structures at the upper levels; and
d) An appropriate irrigation system.

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

9. Before the development starts, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Green Travel Plan must be prepared by a person with suitable qualifications to the satisfaction of the Responsible Authority and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Green Travel Plan must include:

a) A description of the location in the context of alternate modes of transport and objectives for the Green Travel Plan;
b) An outline of Green Travel Plan measures for the development including, but not limited to:
   i. Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser’s occupation of an apartment;
   ii. Include a myki pass and registration information;
   iii. Bicycle parking and facilities available on the land;
   iv. Information and promotion of on-site and off-site car sharing schemes;
   v. Monitoring and review; and
c) A plan showing the bicycle parking areas to be provided for use by residents.

When approved, the Green Travel Plan will be endorsed and will form part of this permit. The provisions, recommendations and requirements (including any ongoing management actions) of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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

a) Any changes as required by Condition 1 of this permit; and
b) A revised collection arrangement ensuring the footpath on Leake Street will not be obstructed in accordance with Moonee Valley City Councils ‘Waste Management Plans – Guidelines for Applicants 2018’.

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

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

Development

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

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

13. 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.

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

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

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

18. The development must be provided with external lighting capable of illuminating access to each access point, walkways, storage and bin area and bicycle space. 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.

19. All security alarms or similar devices installed on the land must not emit any noise which is audible beyond the boundary of the land and must be designed in accordance with the relevant Australian Standard and must be connected to a security monitoring service.

20. Noise levels emanating from service equipment on the land must not exceed the permissible noise levels determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 (SEPP N-1).
21. Before the development starts, detailed engineering drawings to show the construction of the Right of Way are to be submitted to and approved by the Responsible Authority. The Right of Way is to be surveyed by a licensed surveyor and designed by a civil engineer with suitable qualifications to the satisfaction of the Responsible Authority. The plans are to indicate existing surface levels, proposed surface levels and construction of the Right of Way in accordance with Moonee Valley City Council Drawing No. 34.

The Right of Way must be constructed and properly drained to the satisfaction of the Responsible Authority.

Following the completion of the Right of Way, and before the building approved by this permit is occupied, as constructed plans must be submitted to and approved by the Responsible Authority.

Before the building approved by this permit is occupied, the Right of Way is to be constructed from the rear of the property to Leake Street in accordance with Moonee Valley City Council Drawing No.34 (Standard Reinforced Concrete Paving). All costs associated with the survey, design and construction of the Right of Way must be borne by the permit holder.

22. 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.

23. 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.

24. 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.

Expiry

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. A separate building permit is required to be obtained for any demolition or building works.
- No on street parking permits will be provided to the occupiers of the land.
- Before the development starts, the permit holder must contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following: Cw=0.4, tc=10mins, tso=5mins, ARI 1 in 5. An ARI of 1 in 10 shall be used for storage and the greater of post development Cw or Cw=0.80.
- All 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.
- The development authorised by this permit will require the submission of a Construction and Site Management Plan (CSMP) prior to the commencement of any works. All CSMPs are required to be made via Council’s online system at http://www.mvcc.vic.gov.au/planning-and-building/planning/construction-site-management-plans.aspx or in person at 9 Kellaway Ave, Moonee Ponds.
- The awning to Leake Street is to be in keeping with the dimensions of the existing awning. Any revisions will require further review by Council, including the Property Unit.
1. Introduction

1.1 Subject Site and Surrounds

The site comprises two lots located on the southern side of Leake Street, approximately 30 metres east of the intersection with Richardson Street/Lincoln Road and 65 metres west of the intersection with Mt Alexander Road. The site is rectangular in shape with a frontage of 12.86 metres, depth of 20.12 metres and a total site area of 259 square metres. The land slopes towards its south-western corner, and is provided with rear access via a Right of Way which has been partially dispensed of by Council. The subject site currently contains two single storey brick commercial premises (shop and office).

Leake Street is comprised of commercial land and is identified as being part of a core retail precinct within the North Essendon Activity Centre. Land has been developed for primarily commercial purposes, with infill development occurring directly opposite the site in the form of five storey apartment buildings with commercial tenancies at ground level.

The surrounding area has been developed in a manner which reflects its shared zoning and location within an activity centre. There is a strong emerging character of higher density developments immediately to the north of the site as mentioned above, as well as in the surrounding residential streets such as the three storey townhouse development to the south.

The area is well serviced by commercial and community amenities. Public transport is available nearby through the Route 59 tram along Mt Alexander Road, as well as various bus routes in the surrounding road network. The Keilor Road Activity Centre is located approximately 280 metres to the north-west and the Essendon Junction Activity Centre is approximately 500 metres to the south.

Figure 2 – Subject site (17-19 Leake Street, Essendon)
1.2 Proposal

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

<table>
<thead>
<tr>
<th>Table 1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum building height</strong></td>
</tr>
<tr>
<td><strong>Commercial</strong></td>
</tr>
<tr>
<td><strong>Dwellings</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Car parking</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Bicycle facilities</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Building amenities and features</strong></td>
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<td></td>
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</tr>
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Refer Attachment A - Plans (separately circulated).

2. Background

2.1 Relevant Planning History

Planning Permit MV/106/2017 was issued on 10 November 2017, following a resolution from the Ordinary Meeting of 10 October 2017, for the construction of a four storey building within a Design and Development Overlay (DDO10) containing a food and drink premises, office and two dwellings, a waiver of the loading bay requirement and reduction (six spaces) in the car parking requirement at 17 Leake Street, Essendon. This permit is due to expire on 10 November 2019.

There are no historical planning applications for 19 Leake Street.

2.2 Planning Policies, Controls and Provisions

Planning Policy Framework

Clause 11 Settlement

Clause 15 Built Environment and Heritage
Clause 16  Housing
Clause 17  Economic Development
Clause 18  Transport
Clause 19  Infrastructure

Local Planning Policy Framework
Clause 21.01  Municipal Profile
Clause 21.03  Vision
Clause 21.04  Sustainable Environment
Clause 21.05  Housing
Clause 21.06  Built Environment
Clause 21.07  Activity Centres
Clause 21.08  Economic Development
Clause 21.09  Transport
Clause 22.03  Stormwater Management (Water Sensitive Urban Design)

Zoning and Overlays
Clause 34.01  Commercial 1 Zone
Clause 43.02  Design and Development Overlay (Schedule 10)

Particular, General and Operational Provisions
Clause 52.06  Car Parking
Clause 52.34  Bicycle Facilities
Clause 58  Apartment Developments
Clause 65  Decision Guidelines
Clause 71.02-3  Integrated Decision Making

2.3 Referrals
No external referrals were required.
The following internal referrals were undertaken:

Table 2

<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, including a requirement to upgrade the laneway.</td>
</tr>
<tr>
<td>Environmental Sustainable Design (ESD) Officer</td>
<td>No objection subject to conditions requiring amended Sustainable Design and Water Sensitive Urban Design assessments and annotations on plans.</td>
</tr>
<tr>
<td>Internal Referrals</td>
<td>Comments/Conditions</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Property</td>
<td>No objection subject to conditions regarding construction of awning.</td>
</tr>
<tr>
<td>Traffic and Transport</td>
<td>No objection subject to conditions relating to bicycle facilities and resolution of waste collection arrangement.</td>
</tr>
<tr>
<td>Waste Strategy and Planning Officer</td>
<td>No objection subject to amendments to Waste Management Plan to ensure bins are not placed on Leake Street for collection.</td>
</tr>
</tbody>
</table>

2.4 **Public Notification of the Application**

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

Thirteen (13) objections were received from the properties listed within **Attachment B** of this report.

2.5 **Consultation Meeting**

A Consultation Meeting was held on 5 June 2019 which was attended by Councillor Lawrence, an objector, the permit applicant and Council’s Planning Officer. No resolution was achieved at this meeting.

3. **Discussion**

3.1 **Does the proposal comply with the relevant planning policy framework?**

The proposal is considered to accord with the relevant objectives and strategies contained within Planning Policy Framework and Local Planning Policy Framework.

Clauses 11 (Settlement), 16 and 21.05 (Housing) seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. The site is within the North Essendon Activity Centre, which is considered an appropriate context for the proposed development, with Clause 21.07 (Activity Centres) also providing encouragement and guidance for higher intensification in this area. The site is also highly accessible, being situated within Principal Public Transport Network (PPTN) catchment area and a convenient walking distance of the Route 59 tram along Mt Alexander Road. The proposal provides an increase in housing opportunities to meet growing population needs, providing a diversity of housing choice in a well serviced area with access to a variety of transport options along with commercial and community services.

The proposal addresses Clauses 15 (Built Environment and Heritage) and 21.06 (Built Environment) as discussed under Section 3.3 of this report.
With regard to Clauses 17 and 21.08 (Economic Development), the proposed development would contribute to and enhance the North Essendon Activity Centre in terms of investment and employment opportunities. In particular, the proposed retail premises would contribute to the commercial service needs of the community through increased accessibility to local businesses and a strengthened local economy.

Clauses 18 and 21.09 (Transport) seek to reduce environmental impacts and improve access to sustainable modes of transport. The policies also seek to provide choices for movement of people and goods whilst ensuring these choices provide sustainable outcomes. It is considered the proposal contributes to reducing reliance on private vehicle ownership and encouraging sustainable modes of transportation.

The proposal complies with the objectives and strategies of Clause 21.04 (Sustainable Environment) through the use of ecologically sustainable design principles. The submitted Sustainable Design Assessment (SDA) was found to be generally acceptable, subject to modifications as well as corresponding notations on the plans, which will be addressed through conditions of any permit issued.

The proposal accords with objectives of Clause 21.04-7 (Waste) as it relates to encouraging the use of recycling and achieving best practice in waste minimisation. Council’s Waste Projects Officer recommended changes to the submitted waste management plan, which would be addressed through a condition of permit.

The proposal complies with Clause 22.03 (Stormwater Management – Water Sensitive Urban Design) by providing adequate on-site stormwater treatment, demonstrated through the submission of a STORM assessment achieving a rating of 100%. Amendments recommended by Council’s ESD Officer will be addressed through a condition of permit.

### 3.2 Does the development comply with the Commercial 1 Zone?

The proposal is considered to meet the decision guidelines at Clause 31.04-8 of the Moonee Valley Planning Scheme as they relate to buildings and works, as discussed in greater detail against the requirements of the Design and Development Overlay in Section 3.3 of this report.

It is noted the use of the land for a retail premises is a Section 1 (Permit not required) land use. Similarly, as the residential entry lobby is less than 2 metres in width at the street frontage, the use of the land for dwellings also falls under Section 1.

### 3.3 Does the development comply with the Design and Development Overlay, Schedule 10?

The subject site is located within the Design and Development Overlay, Schedule 10, which applies to land within the North Essendon Activity Centre. The overlay sets out design objectives for new development, and implements preferred heights and setbacks for certain areas. The North Essendon Activity Centre Built Form Guidelines 2012 are a reference document in the Planning Scheme and form part of the decision guidelines of the overlay.
The land is subject to the preferred heights and setbacks for commercial areas as set out in the table below:

**Table 3**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>DDO10</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height</td>
<td>4 storeys, 15m</td>
<td>Variation – 4 storeys, 15.4m</td>
</tr>
<tr>
<td><strong>Ground Level Setback</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>Zero to street</td>
<td>Complies - Zero</td>
</tr>
<tr>
<td>Rear</td>
<td>3m to rear</td>
<td>Complies – 3.05m</td>
</tr>
<tr>
<td><strong>Upper Level Setback</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>Zero for level 2</td>
<td>Complies – 0m to balconies, 1.98m to walls</td>
</tr>
<tr>
<td></td>
<td>3m for levels 3 and 4</td>
<td>Variation – 3m to level 3 and 4 walls, partial variations 0.96 to 1.22m to balconies and 2.05m to level 4 canopy</td>
</tr>
<tr>
<td>Rear</td>
<td>3m for level 2</td>
<td>Complies – 3.05m</td>
</tr>
<tr>
<td></td>
<td>4.5m for levels 3 and 4</td>
<td>Variation – 4.5m setback to level 3 and 4 walls, partial variations 3.05m to balconies and staircase</td>
</tr>
</tbody>
</table>

The proposed development meets the design objectives of the overlay and the North Essendon Activity Centre Built Form Guidelines by achieving the following outcomes:

- The contemporary built form of the development is consistent with the emerging character of the area, realising the high degree of change expected by policy. The proposal is considered to have a well-resolved architectural theme which will positively contribute to the built form character of the area, achieving a respectful and site responsive design outcome. The scale of the proposal is consistent with the existing character of the area, providing a transition between the five storey development to the north-west and the three storey development to the south-east.

- While the proposed building height accords with the preferred maximum of four storeys, it exceeds the preferred height of 15 metres by 400mm (2.67%) which is a relatively minor variation. The encroachment is due to the slope around the south-western corner of the site, with the eastern section of the building having a compliant maximum height of 14.91 metres. With the setbacks provided from the rear boundary and the relatively minor area of non-compliance, the overall height of the development is considered acceptable.
• The overall siting and massing of the development generally provides an appropriate response to the opportunities and constraints of the site. The upper floors are appropriately set back from the front and rear. The balconies and upper level canopy partially encroach into the 3 metre setback to the street. These areas of variation are considered acceptable. They are designed so as not to occupy the entire width of the façade, and are provided with staggered setbacks and vertical landscaping which serve to articulate the overall presentation to the street. The variations are not considered to undermine the intent of the overlay and provide a degree of recession for built form above two storeys at street level. This also has support within the built form guidelines, which discourages ‘wedding cake' building configurations caused by harsh incremental setbacks.

• The rear setbacks generally comply with the preferred setbacks, with south-facing balconies and the staircase encroaching by 1.5 metres at levels 3 and 4. These encroachments are also considered to be acceptable as there are no unreasonable visual or amenity impacts caused. The balconies are enclosed with vertical cladding, whilst the staircase is constructed with lightweight glazing which reduces the visual impact of the larger multi-storey walls, set back 4.5 metres from the boundary.

• Primary visual and physical links are to the north-west (front) of the site with oblique views of the building to the side and rear boundaries, noting recent developments to the south-east will limit views along Richardson Street further south. The development includes an appropriate level of glazing and street facing balconies within the building façade. The proposal introduces a mix of commercial and residential occupancies to the site which will enhance activity, visual interest and passive surveillance to the public realm. The residential and commercial entry points are readily identified within the ground floor façade of the building, providing legible visual cues for building users. An appropriate level of shelter is achieved through the provision of a new canopy over the footpath.

• External finishes include render, brick and lightweight metal cladding. These finishes are considered to complement the existing and emerging character of the area, and would integrate the proposed development with its surroundings whilst creating an attractive and interesting built form. The development provides a well-integrated building with a legible facade and identity within Leake Street, meeting the design objective of the overlay seeking excellence and diversity in architecture.

Overall, the proposed development is considered to be an appropriate design response to the opportunities and constraints of the site and the character of the area. It proposes an effective utilisation of the site, taking advantage of its location in proximity to public transport and services. The area is currently undergoing a transition to both medium and higher density development which is foreseen by the relevant policy guidelines and the North Essendon Activity Centre Structure Plan.
3.4 Is the reduction to the car parking requirement appropriate?

The applicable car parking rates for the application are at Column B of Clause 52.06-5, as the subject site is located within the Principal Public Transport Network (PPTN) catchment area.

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

Table 4

<table>
<thead>
<tr>
<th>Component</th>
<th>Requires</th>
<th>Provides</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 x one-bedroom dwellings</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>3 x two-bedroom dwellings</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>162m² retail</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>11</td>
<td>0</td>
</tr>
</tbody>
</table>

It is noted the existing uses on site (shop and office), provided with no on-site car parking, generate an existing demand or ‘credit’ of four spaces.

The reduction to the car parking requirement is considered acceptable, with Council’s Traffic and Transport Unit stating they do not object to the development on the grounds of car parking provision having regard to the nature of the development, its location and accessibility to alternative public transport modes and the alternative accommodation options with the provision of off-street car parking in the area. The site is located within North Essendon Activity Centre and within 500 metres of two other major activity centres (Keilor Road and Essendon Junction), providing excellent access to a range of public transport options by train, tram and bus.

The development represents a modest mixed use inclusion into a core commercial area within the North Essendon Activity Centre. The proposal for two modest retail tenancies and six apartments will make a positive contribution to the strategic aims for the area, at an incremental degree that is not considered to have an unreasonable impact on the supply of car parking nearby. By providing no car parking, the development will have a reduced long-term impact on the parking and movement of vehicles into the area and will assist in encouraging the use of alternative modes of transportation. This will assist in reducing potential vehicle congestion in the surrounding road network.

This was evidenced by the parking survey results within a Traffic Engineering Assessment by Traffix Group, considering the likely parking demand for each component of the development and its ability to be accommodated by the parking supply in the immediate surrounds. Provision of on-street car parking in the immediate area is shown to be capable of accommodating the shortfall associated with the proposed development. The assessment of demand also considered car ownership rates within the 2016 Census for the Essendon area which indicate 22.3% of the population travelled to work by public transport, above the State average of 12.6%, as well as 9% of dwellings in the area having no private vehicle registered, above the State average of 7.9%. This suggests less
reliance on motor vehicles and is also indicative of good access to alternative modes of transport, also demonstrating demand for residential accommodation with no on-site car parking in the area.

The proposal includes the provision of twelve bicycle spaces on site, exceeding the planning scheme requirement of one. This encourages the use of alternative and more sustainable modes of transport. It is also noted the subject site achieves a ‘walk score’ of 89 out of 100, gaining the second highest classification of ‘Very Walkable’, indicating building occupants are able to accomplish most errands on foot, due to proximity of nearby amenities. A Green Travel Plan will be required as a condition of any permit, which will implement commitments to the provision and ongoing management of sustainable transport for users of the building.

The decision guidelines of Clause 52.06 also require consideration of whether it is practical to provide on-site car parking. Given the limited dimensions of the land and the unavailability of safe or appropriate vehicle access to the front and rear, the constraints of the site lend support to a reduction to the parking requirement.

Overall it is considered the supply of on-street car parking would not be unreasonably effected, and the residential and office car spaces could be accommodated. It is not anticipated the proposed development will generate a cumulative impact or have an adverse effect on the local road network. The proposal is considered to be an acceptable and well-balanced outcome that will help reduce reliance on private motor vehicles and traffic issues within North Essendon Activity Centre.

### 3.5 Is the provision and design of bicycle facilities appropriate?

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

<table>
<thead>
<tr>
<th>Use</th>
<th>Requires</th>
<th>Provides</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>Retail</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1</strong></td>
<td><strong>12</strong></td>
</tr>
</tbody>
</table>

The development exceeds the required provision for bicycle facilities, located in a conveniently accessible manner at the rear of the site. A condition of permit, recommended by Council’s Traffic and Transport Unit, will ensure the design of these facilities complies with the requirements of this clause.

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

The proposal is considered to generally comply with the provisions of Clause 58 as set out in the assessment table (refer to Attachment C). Clauses where the standard has not been met are discussed in the following table:
### Table 6

<table>
<thead>
<tr>
<th>Standard</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 58.05-1 Accessibility Standard D18</td>
<td>Each of the one-bedroom dwellings are designed to comply with this standard, which account for 50% of the total number of dwellings required by this clause. A condition of permit will ensure the toilets in each adaptable bathroom are located nearest to the entry door to comply with the Design Option B requirements in Table D4. It is also noted the two-bedroom dwellings generally meet the design requirements of this standard, with the refrigerator and laundry encroaching approximately 10cm into the 1.2 metre main pathway. While this does not affect the compliance of the development of this standard, it is considered to indicate a good level of accessibility for occupants of all proposed dwellings.</td>
</tr>
<tr>
<td>Clause 58.07-2 Room depth Standard D25</td>
<td>The depth of the open plan living area of Apartment 1.1, the first floor one-bedroom apartment, is 9.1 metres which exceeds the maximum of 9 metres required by the standard. The minor variation of 10cm is considered acceptable as it would not prevent an adequate level of daylight access to the primary habitable space. The depth of all other bedrooms and living areas is well within the requirements of this clause, noting the larger 3 metre floor to ceiling heights provided at the second and third floor levels that provide greater solar access.</td>
</tr>
</tbody>
</table>

### 3.7 Objections (Discussion)

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

### Table 7

<table>
<thead>
<tr>
<th>Issue</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic and parking impacts</td>
<td>The proposal is not considered to pose any unreasonable effect on traffic congestion or parking demand as discussed at Section 3.4 of this report. While it is acknowledged the area may experience some pressure in relation to traffic congestion and on-street parking, it is not considered the development would impact on these to an unacceptable degree.</td>
</tr>
<tr>
<td>Visual bulk and scale</td>
<td>As discussed under Section 3.3 of this report, the development is considered to be an appropriate design response, effectively responding to the opportunities and constraints of the site.</td>
</tr>
<tr>
<td>Issue</td>
<td>Officer Response</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Equitable development of neighbouring properties</td>
<td>It is considered the development has had appropriate regard for the potential development of neighbouring properties. The development does not rely on neighbouring land for outlook or solar access, with each dwelling having its primary orientation to Leake Street. The light courts located on side boundaries are provided with the appropriate dimensions and would not unreasonably burden neighbouring land should they be developed in a similar fashion in future.</td>
</tr>
<tr>
<td>Overshadowing, solar access</td>
<td>The development will cast shadow over the neighbouring dwellings to the south-east. Neighbouring habitable room windows would not unreasonably be affected as they are either located at the second or third storeys, or at ground level where they are already overshadowed by existing structures. Similarly, the neighbouring balcony areas are already largely overshadowed throughout the day by existing structures and balustrading. Having regard to the strategic context of the site and the guidance of the overlay for building setbacks, the additional shadow cast by the proposed building is not considered to be unacceptable.</td>
</tr>
<tr>
<td>Waste storage and collection</td>
<td>There are adequate areas for bins to be placed on the site. A condition requiring an amended Waste Management Plan will ensure the collection arrangement complies with Council guidelines, ensuring bins do not obstruct the footpath on Leake Street.</td>
</tr>
<tr>
<td>Construction impacts</td>
<td>A condition of any permit issued will require the submission and endorsement of a Construction Management Plan, which will manage impacts on surrounding residents and businesses during the construction phase. It is noted any structural considerations regarding the boundary walls will be dealt with under a building permit, should a planning permit be issued.</td>
</tr>
<tr>
<td>84 Richardson Street incorrectly labelled as 21 Leake Street</td>
<td>This error, located on the afternoon shadow diagrams TP-701, is noted. As this plan would not be endorsed under any permit issued, a corrective condition is not required.</td>
</tr>
<tr>
<td>Use of the land in relation to the restrictive covenant</td>
<td>The covenant applying to the land prohibits the use of the land for a 'butchers shop, fishmongers shop, pet shop or for any noxious, offensive or noisy trade or calling.'</td>
</tr>
<tr>
<td>Issue</td>
<td>Officer Response</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>The proposal involves retail premises and dwellings, which are not in breach of the above restriction.</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. **Council Plan/Policy**

On 26 June 2018, Council adopted the MV2040 Strategy as its long-term plan for the city. It is considered the proposal is consistent with the relevant strategic directions set out in the MV2040 Strategy, including:

- Strategic Direction 3: A city where people are healthy and safe
- Strategic Direction 5: A city with housing for all
- Strategic Direction 11: A city with streets and spaces for people
- Strategic Direction 14: A city that is green and water-sensitive
- Strategic Direction 16: A city that is cool and climate-adapted
- Strategic Direction 17: A city that fosters local identity
- Strategic Direction 18: A city of high-quality design
- Strategic Direction 20: A city in a beautiful landscape setting

6. **Conclusion**

The application has been assessed against the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zoning and overlay controls and the relevant provisions of the Moonee Valley Planning Scheme. It is considered the proposal demonstrates compliance with the requirements of these provisions and policies.

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 the proposal would not have a significant negative social impact.

It is therefore recommended Council issues a Notice of Decision to Grant a Permit in accordance with the conditions contained within the recommendation section above.

**Attachments**

A: Plans (separately circulated)
B: Location of Objectors (separately circulated)
C: Apartment Developments Assessment (separately circulated)
10.2 Municipal Parking Implementation Plan and Parking Permit Policy

Author: David Richardson - Traffic and Transport Engineer
Directorate: Planning and Development

1. Purpose

1.1 This report details required changes to Council's Municipal Parking Strategy and Parking Permit Policy. The changes detailed in this report primarily help to close loopholes and provide additional flexibility so we can better respond to the community.

1.2 This report also responds to a Council motion at the last update of those documents querying whether the 'Parking on Narrow Streets Management Framework' remained relevant.

2. Background

2.1 Council's Municipal Parking Strategy was first approved in 2011 and the Parking Permit Policy followed in 2013. Amendments to both of the documents followed in 2014 and 2017. The documents remain a significant and active guide for Council's actions on a variety of parking issues.

3. Issues

3.1 A number of issues have been identified in relation to Temporary Parking Vouchers (a booklet of 10 Daily Parking Permits can be purchased quarterly and used on a day of the owner’s choice), with the following changes proposed:

3.1.1 To provide additional flexibility and to accommodate overnight visitors, Daily Parking Permits will operate for a 24-hour period rather than a calendar day.

3.1.2 To avoid misuse, the 'Conditions of Use' need to specify the date and time on a Daily Parking Permit or Ascot Vale Leisure Centre Car Park Permit, and be written in permanent ink.

3.1.3 To provide additional flexibility and faster responses, the Coordinator Transport shall be able to approve a given property purchasing an additional Temporary Parking Voucher booklet during a quarter (Jan-Mar, Apr-Jun, Jul-Sep, Oct-Dec). Presently this power sits with the Parking Permit Management Committee (a ‘special committee’ appointed by Council per Section 86 of the Local Government Act 1989), which normally meets once a month. This shall apply to all properties, including those who normally do not have access to Temporary Parking Vouchers (such as a multi-dwelling outside of the events area surrounding the Melbourne Showgrounds and Flemington Racecourse).
3.1.4 For similar reasons, the Coordinator Transport may seek approval from the Manager Finance to approve the granting of a free Temporary Parking Voucher booklet to a property deemed to be substantially impacted by temporary works by or on behalf of Council (e.g. works in a laneway blocking access to off-street parking).

3.2 The ‘Conditions of Use’ for parking permits and Temporary Parking Vouchers require updating for ease of understanding and to increase Council officer ability to be able to act against improper use of permits. A common example of improper use is a commuter using a Visitor Parking Permit to park near a railway station or their workplace for a full day. The revised ‘Conditions of Use’ are included in Attachment B. Permit holders are required to sign the ‘Conditions of Use’ when they first obtain a given permit, but not when those permits are renewed. To ensure permit holders are reasonably aware of these changes a copy of the revised ‘Conditions of Use’ will be included in this year’s renewal letters.

3.3 Since 2013, Council has allowed a discount on some parking permit fees for certain fuel-efficient vehicles. Changes to Council’s parking permit fees starting 1 November 2019 requires this discount to be modified or removed.

3.3.1 Until now, the discount only applied to a small number of ‘grandfathered’ houses holding more than two Resident Parking Permits. However, the introduction of a fee for the second Resident Parking Permit in the 2019/20 Council Budget will make this relevant to 2800 extra households.

3.3.2 The existing test was whether the vehicle was rated as ‘four star’ by the Federal Government’s Green Vehicle Guide. The data allowing that test has since been removed from the Green Vehicle Guide. The closest match to that test is likely whether the vehicle emits less than 111.9 grams of CO\textsubscript{2} per kilometre of combined urban/highway travel, as measured at the tailpipe. Vehicles matching that test include all electric-only vehicles, most hybrid vehicles, and some fossil-fuel-only vehicles.

3.3.3 In many cases this test could not be completed based on a vehicle’s registration notice and therefore Council would be required to rely on statutory declarations from vehicle owners affirming their vehicle qualified.

3.3.4 Given this complexity and the negligible affect this discount has on the choice of vehicles purchased by residents, it is proposed to remove the fuel-efficient vehicle discount for Resident Parking Permits, effective 1 November 2019.

3.4 An error in the text relating to grandfathered houses requires correction. It currently states ‘if they do not hold two Resident Permits in any permit year, the household reverts back to the normal rules’ – the intent was for it to state ‘if they do not hold more than two Resident Permits, the household reverts to the normal rules’.
3.5 The ‘Parking on Narrow Streets Management Framework’ is part of the Municipal Parking Strategy. It addresses a 2004 decision of Council to tolerate illegal parking on nature strips, and in some cases footpaths, in selected roads within Moonee Valley. The Framework outlines how the usual Victorian Road Rules banning parking on nature strips will be restored and, as needed, changes made to improve the safety and amenity of those streets. The Council motion raised during the 2017 update of the Municipal Parking Strategy questioned whether the Framework was ‘appropriate in the light of ongoing and increasing parking demand in Moonee Valley’. Officers consider the Framework remains appropriate for the following reasons:

3.5.1 The 2004 decision introduced ambiguity and inconsistency. This has confused residents and led to objections from many, including the Victorian Ombudsman, asking why illegal parking is allowed in some streets but not others.

3.5.2 In many of the City’s streets parking on nature strips causes additional safety and access issues on the street itself. For example, a large proportion of our streets are six metres wide, and where parking on nature strips is tolerated it has been common to find vehicles parked opposite each other with two wheels up on the kerb/nature strip/footpath. The intent is to leave just enough space for vehicles to pass between them, but often the space allowed has not been sufficient. This has resulted in broken mirrors, residents having difficulty accessing their homes, and wider vehicles such as waste trucks and emergency vehicles not being able to use the street.

3.5.3 An increase in parking demand may lead to more drivers requesting their illegal parking be over-looked; however it also results in more blockages.

3.5.4 Ultimately, Council has an obligation under Victorian law and as the responsible road authority for the majority of these streets to ensure they operate in a safe and legal manner.

3.5.5 Initially there were 141 streets included on the ‘Narrow Streets’ list (there are approximately 1050 streets in Moonee Valley). Of those, 101 streets have since been assessed and are now removed from the list or are about to be removed (the latter includes streets where residents have been informed but signage changes are not yet completed).

3.5.6 The completion of the remaining 40 streets is a high priority. Additional staff time has been allocated to ensure the remaining streets can be completed in a timely manner.

3.6 Developing the schedule for undertaking Local Area Traffic Management (LATM) studies throughout Moonee Valley was an action of the Municipal Parking Strategy. In 2013/14 and 2014/15 two studies were undertaken each year. Undertaking two studies a year was found to be practical, but implementing their recommendations was not.
3.6.1 As a result, a significant amount of the works recommended by the studies were not delivered within a reasonable timeframe. At the 19 September 2016 Council meeting, it was decided to conduct only one study per year, for three years.

3.6.2 At the conclusion of those three years, there has been significant progress in reducing the backlog of works arising from LATM studies. Returning to a two studies per year schedule, however, is not practical.

3.6.3 Council will therefore focus on the ‘Connected’ actions from the Council Plan and MV2040 strategy in 2019/20 (which can then support the development of the remaining LATM precincts from 2020/21 onwards). Council will also further the design and delivery of capital works projects from previous LATM studies (particularly for the 2017/18 Valley Lake 2A and 2018/19 Airport West precincts).

3.6.4 Council will undertake the Travancore LATM study in 2020/21.

3.6.5 Council will undertake the Newmarket LATM study in 2021/22.

3.6.6 Council will continue with the remaining LATM precincts from 2022/23 in the same prioritised order as previously approved, with one study per year. The new schedule of LATM studies is provided in Attachment C.

3.6.7 Substantial works will still be occurring in the two LATM studies delayed from 2019/20. This includes delivery of the Kent Street Traffic Management Plan (within Newmarket) and working with VicRoads to deliver the State Government’s recently-budgeted drop-off zone for Flemington Primary School (within Travancore).

3.6.8 The above schedule will also provide time to consider the City of Melbourne’s forthcoming Racecourse Road Strategic Improvement Plan and respond to the issue of, and recent Notice of Motion about, taller vehicles colliding with the bridge at Newmarket Railway Station.

3.6.9 Council will continue to respond to and investigate all operational traffic, road safety and parking issues identified within all LATM precincts via our operational budget.

3.7 Following the adoption of the MV2040 strategy in June 2018 as Council’s overarching strategy, all other guiding documents previously referred to as strategies are being renamed as the opportunity arises, to better reflect document hierarchy. Council officers therefore recommend renaming the ‘Municipal Parking Strategy’ the ‘Municipal Parking Implementation Plan’.

Recommendation

That Council resolves to:

a. Amend the Municipal Parking Strategy and Parking Permit Policy as required to address the concerns noted in this report, including adopting the Parking Permits Conditions of Use shown in Attachment B.
b. Provide a copy of the new ‘Conditions of Use’ to all existing parking permit holders prior to the 1 November 2019 renewal of permits.
c. Maintain the existing ‘Parking on Narrow Streets Management Framework’.
d. Amend the schedule of planned Local Area Traffic Management studies as shown in Attachment C.
e. Rename the Municipal Parking Strategy the Municipal Parking Implementation Plan.

Attachments
A: Impact Assessment
B: Proposed Parking Permit Conditions of Use (separately circulated)
C: Revised LATM Schedule (separately circulated)
Attachment A: Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 In presenting this report, Council is working to achieve its strategic objective ‘A connected city of accessible, active and sustainable transport choices’ in accordance with Council Plan 2017-21 Theme: Connected (Yanonininn Maggolee, which means ‘travel here’ in Woi wurrung language), including the following:
      1.1.1 STRATEGIC DIRECTION 10: A city where sustainable transport is the easy option
      1.1.2 STRATEGIC DIRECTION 11: A city with streets and spaces for people
   1.2 This report also relates to Council’s resolution at the Ordinary Meeting on 13 June 2017.

2. Legislative obligations
   2.1 Council has obligations under the Road Management Act 2004 and the Road Safety Road Rules 2017. This has guided our response to the queries about the need to maintain Council’s ‘Parking on Narrow Streets Management Framework’.

3. Legal implications
   3.1 There are no legal implications associated with the recommendation of this report.

4. Risks
   4.1 No significant risks have been identified.

5. Social impact assessment
   5.1 The recommendation of this report will provide additional flexibility to help the community with parking issues, and will reduce parking that is illegal or contrary to the goals of the Municipal Parking Strategy and Parking Permit Policy.

6. Economic impact assessment
   6.1 The nature of this report does not have any economic development implications.

7. Environmental impact assessment
   7.1 The nature of this report does not have any environmental implications.

8. Reputational impact assessment
   8.1 The recommendation of this report supports Council’s reputation as a responsible road manager.
9. Financial implications

9.1 There are no significant financial implications associated with the recommendation of this report. The removal of the discount for fuel-efficient vehicles is expected to increase revenue by less than $10,000 (possibly much less, depending on how many households drop the permit to avoid the fee introduced in the 2019/20 budget) and will also prevent Council's administrative costs for this program increasing. The cost of providing free Temporary Parking Vouchers to selected households affected by our works will be negligible and is outweighed by the building of goodwill with the community.

10. Sensitivity / scenario analysis

10.1 No significant variables or externalities relating to the recommendation of this report have been identified.

11. Conflict of interest declaration

11.1 No officer involved in the preparation of this report has any direct or indirect interest in this matter or the decision.

12. Consultation undertaken or planned

12.1 Council Officers will ensure the new Conditions of Use for parking permits are distributed to existing permit holders, and continue to consult with residents and organisations as required as part of the project work arising from the Municipal Parking Strategy or Parking Permit Policy.
10.3 **Response to petition: parking restrictions for Grace Street, Moonee Ponds**

**Author:** James Kempen - Traffic and Transport Engineer

**Directorate:** Planning and Development

1. **Purpose**

1.1 This report responds to the petition containing 31 signatures from residents of Grace Street, Moonee Ponds, requesting the introduction of parking restrictions in Grace Street.

2. **Background**

2.1 Parking restrictions have been proposed in Grace Street, Moonee Ponds, previously on two occasions:

2.1.1 In 2015, the Holmes Local Area Traffic Management (LATM) study proposed to install ‘2P, 9am-6pm, Mon-Sat’ on the east side of the street between Holmes Road and Derby Street. Twelve responses were received with only 25 percent of responses in support of the change. The proposal was abandoned at the Ordinary Meeting on 28 July 2015 due to the insufficient support.

2.1.2 In 2017, in response to continued requests for parking restrictions Council officers proposed to install ‘2P, 9am-6pm, Mon-Fri’ on the east side of the street between No.2 and Derby Street. Twenty-one responses were received with 43 percent in support of the change, the proposal was therefore abandoned by Council officers on 15 March 2018 due to insufficient support.

2.2 Council officers continue to receive requests for parking restrictions in Grace Street and undertook further parking counts in February 2019.

2.3 A petition requesting the introduction of timed parking restrictions in Grace Street was tabled at the Ordinary Meeting on 11 June 2019.

3. **Issues**

3.1 The petition contains 31 signatures representing 22 properties with a boundary to Grace Street, Moonee Ponds. The views expressed by the petition are considered to represent a significant majority (22 out of 27) of properties with a boundary to Grace Street.

3.2 Only five properties in Grace Street (one of which is currently being subdivided into two lots, along with another containing five individual apartments) are not represented by the petition.

3.3 The issues raised in the petition are listed and discussed below:

3.3.1 **Rise in train station commuter parking:** Weekday parking occupancy levels in Grace Street are regularly above 85 percent and therefore in accordance with the Municipal Parking Strategy (MPS) the tightening of parking restrictions is considered appropriate. The introduction of some ‘time’ restrictions is the first step in the Parking Demand Management Framework (PDMF). The
previous proposals for 2P parking were made in accordance with the PDMF.

3.3.2 ** Interruption to garbage collection on the west side of Grace Street every Friday:** On-street parking can disrupt waste collection services, however the driver of the waste collection vehicle is required to exit the vehicle on some occasions to shift bins for collection. Council officers typically only implement parking restrictions if the number of bins obstructed is considered excessive, or the action of the driver exiting the vehicle is resulting in an unreasonable risk to road safety.

3.3.3 Council officers visited Grace Street on Friday, 7 June and Friday, 14 June to observe the positioning of bins and parked vehicles. On both occasions three to four bins were obstructed by vehicles on the west side of Grace Street. Only a small number of bins were placed on the east side, and these were not obstructed. The majority of parked vehicles on the west side appeared to be positioned in order to leave space for collection. The number of bins obstructed on the west side was not considered excessive, and the small number of bins obstructed is not considered to result in an unreasonable risk to road safety.

3.3.4 Notwithstanding the above, parking conditions in the parallel section of Mantell Street were also observed. Mantell Street includes two hour parking restrictions on the west side, with all bins being placed on the west side, and no obstruction on the collection days.

3.3.5 Considering this context, the installation of timed parking restrictions on the west side (rather than the east side as has been previously proposed) would help to ensure waste collection is not impeded.

3.3.6 **Request for parking restriction to support and protect residential amenity:** A tightening of parking restrictions is considered appropriate in accordance with the Municipal Parking Strategy (MPS).

3.3.7 **Request for equity with surrounding streets:** A map of the parking restrictions applying in nearby streets is presented in **Attachment B.**

3.3.8 Considering the restrictions in the surrounding streets, one hour parking has been provided in streets closer to Moonee Ponds station and commercial properties (the activity centre), with two hour parking further away.

3.3.9 Parking restrictions closer to the activity centre tend to include a restriction on Saturdays, with streets further away applying on weekdays only.

3.3.10 Parking restrictions closer to the activity centre are typically on both sides of the street, with only one side being restricted in streets further away. Streets with parking restrictions on both sides of the street...
street also tend to have been implemented prior to the adoption of the MPS. It is currently the practice that one side of the street would have restrictions applied in the first instance with restrictions only being extended to both sides if the parking occupancy remains above 85 percent.

3.3.11 Most recently two hour parking restrictions have been applied in Derby Street (May 2018) and Milverton Street (September 2017). The installed restrictions were ‘2P, 9am-5pm Mon-Fri’ and ‘2P, 9am-6pm Mon-Fri’ respectively.

3.3.12 Having considered the parking restrictions in surrounding streets 2P, 9am-6pm, Mon-Fri (as was proposed in 2017) parking restrictions are considered to be appropriate.

3.4 In addition to the issues raised in the petition, the lead petitioners provided further information in their submission to Council. These matters are listed and discussed below:

3.4.1 Of the 23 residences, 13 have a driveway, 56 percent of residents rely on parking in Grace Street where they live, and most residents have more than one vehicle and need to park in the street: A tightening of parking restrictions is considered appropriate in accordance with the Municipal Parking Strategy (MPS). It is noted there are 12 properties which do not have driveway access to Grace Street. Nine of these are on the west side and three on the east side of Grace Street. All but one of these properties have access rights from an adjacent Right of Way (ROW), however it is not clear how many properties utilise the ROW to access their property for parking, or whether the width of the laneway and internal layout of their property would allow for this to be provided.

3.4.2 It is generally accepted that properties with no driveway access to Grace Street are likely to rely on on-street parking spaces to a greater extent, this is reflected as part of Council’s Parking Permit Policy which entitles one additional parking permit for these properties.

3.4.3 Non-resident parkers have at times partially parked over driveways making it impossible to access or leave the driveway: This is an enforcement matter and Council officers will continue to enforce the road rules. Residents are encouraged to report specific instances.

3.4.4 Non-resident parkers often leave their cars parked over the weekend: In most cases the installation of parking restrictions on weekdays is sufficient to manage commuter parking issues. Weekend parking pressures are commonly associated with more residents and their visitors being at home at the same time. In any case, recent aerial photography from February and April 2019 shows weekend parking occupancy to be lower than 85 percent. Weekend parking restrictions are therefore not recommended.
3.4.5 **Grace Street’s bin collection is Friday morning. This is often a difficult process as our bins need to be moved to protect non-residents’ cars:** Refer to discussion above regarding ‘interruption to garbage collection’.

3.4.6 **Inconsiderate parkers take up two spaces:** This issue is not specific to Grace Street and can be the case in any location. Council officers do not typically recommend the installation of parking bays as they: are generally installed in commercial areas due to high parking turnover; are aesthetically unpleasant in a local residential street; increase line marking maintenance costs; and may reduce parking availability due to the length requirements for parking bays in accordance with Australian Standards.

3.4.7 **It’s a disadvantage and an inconvenience when returning from shopping with children during the day and needing to park a block away in a two-hour zone, as there are no parks in Grace Street:** The installation of parking restrictions would provide additional parking opportunities for residents during the day.

3.4.8 **There are several shift workers in the street who often have to park a block(s) away when returning home during the day:** The installation of parking restrictions would provide additional parking opportunities for residents, including shift workers, during the day.

3.4.9 **Visitors/carers to elderly residents during the week often cannot find a park in Grace St:** The parking restrictions would provide additional parking opportunities for residents and their visitors (or carers) during the day.

3.4.10 **It is difficult for those who work from home and need to come and go during the day. They have to park a block away and often in a two-hour zone:** The installation of parking restrictions would provide additional parking opportunities for residents during the day.

3.5 In order to address the issues presented in section 3.3 and 3.4 of this report the installation of ‘2P, 9am-6pm Mon-Fri, Permit Area 59’ parking restrictions on the west side of the Grace Street, between Holmes Road and Derby Street is recommended. This proposal is show in Attachment C.

3.6 Council officers’ recommendation is to install the parking restriction on the west side of Grace Street, rather than on the east side as previously proposed, as the west side will provide greater benefit to waste collection practices and properties without driveway access to Grace Street.

**Recommendation**

**That Council resolves to:**

a. Install two hour parking (2P), 9am-6pm Mon-Fri, Permit Area 59 parking restrictions on the west side of Grace Street, between Holmes Road and Derby Street.
b. Write to the Grace Street parking restrictions petition organiser, all landowners and occupiers of Grace Street, Moonee Ponds, advising of the Council resolution to install restrictions between Holmes Road and Derby Street.

Attachments
A: Impact Assessment
B: Parking restrictions around Grace Street, Moonee Ponds (separately circulated)
C: Plan of 2P parking restrictions - Grace Street, Moonee Ponds (separately circulated)
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 Key priorities and strategies of MV2040 supported by the Children’s Crossing Supervisor Subsidy program supports Theme 3: Connected (Yanoninnon Maggoolee, which means ‘travel here’ in Woi wurrung language), including the following:
      1.1.1 STRATEGIC DIRECTION 11: A city with streets and spaces for people

2. Legislative obligations
   2.1 The recommendation of this report accords with powers concerning parking set out in the Schedule 11 of the Local Government Act 1989.
   2.2 There are no Human Rights implications associated with the recommendation of this report.

3. Legal implications
   3.1 The recommendation of this report accords with powers concerning parking set out in the Schedule 11 of the Local Government Act 1989.

4. Risks
   4.1 No significant risks have been identified.

5. Social impact assessment
   5.1 The recommendation of this report will impact positively on access and equity for residents and their visitors accessing on-street parking.

6. Economic impact assessment
   6.1 The nature of this report does not have any significant economic development implications.

7. Environmental impact assessment
   7.1 The nature of this report does not have any significant environmental implications.

8. Reputational impact assessment
   8.1 The recommendation of this report supports Council’s reputation as a responsible road manager.

9. Financial implications
   9.1 The nature of this report does not have any significant financial implications.

10. Sensitivity / scenario analysis
10.1 No significant variables or externalities relating to the recommendation of this report have been identified.

11. Conflict of interest declaration

11.1 No officer involved in the preparation of this report has any direct or indirect interest in this matter or the decision.

12. Consultation undertaken or planned

12.1 Consultation with the property owners and occupiers along Grace Street has previously been undertaken. Given the petition represents a significant majority of properties with a boundary to Grace Street, the recommendation is considered appropriate without future consultation.

12.2 Property owners and occupiers will be notified (via letter) of the recommendation to install 2P parking restrictions and provided the parking permit application form.
10.4 Healthy Ageing in Moonee Valley

Author: Maria Weiss - Manager Community Strengthening
Directorate: City Services

1. Purpose
1.1 To provide Council with an annual report in relation to the provision of the services to members of our aged and vulnerable communities.

2. Background
2.1 Council has a long history of delivering a range of services to support vulnerable people aged over 65 years and their carers through Commonwealth Government funding agreements.

2.2 The introduction of the Commonwealth Home Support Programme (CHSP) and national aged care reforms presents significant challenges for councils, and has changed the way in which aged care services are both funded and delivered, with further changes expected in the future.

2.3 Across Victoria, councils are faced with the difficult decision of whether they are the best placed provider of direct services for seniors and people with disability.

2.4 In the Western Region, Moonee Valley City Council and Melton City Council have resolved to remain in aged care service delivery, with others resolving to withdraw from direct service provision by 2020 through either a slow wind down (Wyndham and Brimbank Councils) or through contracting out service delivery (Hobsons Bay, Melbourne and Maribyrnong Councils).

2.5 Over the past year, officers have undertaken to advocate for continued block funding, in accordance with a Council resolution in June 2018. Officers have implemented a communications strategy which has included outreach, information sessions, community consultation and engagement, and the development and dissemination of promotional materials which combined has resulted in Council achieving World Health Organisation Aged Friendly Cities Global Network membership.

3. Issues
3.1 Despite efforts to promote and increase the uptake of CHSP services by seniors residing in Moonee Valley, the past year has seen further declines in service delivery outputs in almost all funded areas (including Domestic Assistance, Personal Care, Respite Care and Community Meals).¹

3.2 For 2017/18 FY Council was requested to pay back $831,047 of CHSP funding to the Commonwealth due to under delivery on service targets. For 2018/19 FY Council has continued to under deliver in CHSP services

¹ CHSP Service Delivery Summary Report, June 2019
and is estimated to have a higher increased pay back amount (approximately at $900,000).²

3.3 Council has been offered an extension of block funding until 30 June 2020 that continues the funding targets and service types for which Council has previously been funded. The Commonwealth has also informed Victorian councils that new contracts to extend block funding will be offered from July 2020 - June 2022. It is currently unknown if the funded service areas and targets as part of the 2020 - 2022 contract will be a continuation of current arrangements.

3.4 Beyond 2022, it is anticipated that a competitive market process (e.g. potential fee for service, consumer directed care and/or competitive tender) will replace the current block funding model in Victoria. The aim of this shift is to ensure that the system:

- Is sustainable and affordable;
- Offers choice and flexibility for consumers;
- Encourages businesses to invest and grow;
- Provides diverse and rewarding career options for direct care workers.

3.5 Since the commencement of CHSP, there has been an increasing range of service providers entering the aged care market including ethno specific agencies who can provide cultural and linguistic matching, as well as, large not for profit and private companies who are able to provide a level of flexibility and wrap around services which are beyond Council’s remit (e.g. allied health and accommodation services) and create attractive economies of scale. In 2016 - 17 the aged care sector in Australia generated annual revenues totalling approximately $22 billion.³

3.6 Alternative services are proving to be appealing options for our newer seniors. Data demonstrates that those aged 65-74 will be financially better off, on average, than those aged 75 years and over. Therefore, the capacity of newer seniors to pay for their own care and ensure quality, choice and flexibility is and will continue to be higher than ever before.⁴ This may be one of the reasons Councils standard suite of in home services is not attracting the same level of uptake from newer seniors.

3.7 The Royal Commission into Aged Care Quality and Safety has examined the increase in demand for aged care service delivery, as well as the changing composition of the aged care workforce and the need for the sector to act more flexibly. It has also identified that the supply of the formal aged care workforce will also face considerable pressure across the nation as the proportion of the population requiring care increases.

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² CHSP Service Delivery Summary Report, June 2019
³ Cullen, Dr David, Royal Commission into Aged Care Quality and Safety (2019). Background Paper: Medium and long term pressures on the aged care system. Commonwealth of Australia
⁴ Cullen, Dr David, Royal Commission into Aged Care Quality and Safety (2019). Background Paper: Medium and long term pressures on the aged care system. Commonwealth of Australia
Recommendation

That Council resolves to:

a. Note the outcomes summarised in this report and reconfirms its intention to continue to invest in promotional and advocacy activities, despite output declines.

b. Note that officers will continue to advocate to the Commonwealth to reallocate funding to better reflect the needs of the Moonee Valley Community, in particular the need for funded community transport services, in lieu of current over funding in high volume in home services such as Domestic Assistance, Personal Care and Community Meals).

c. Note that Council has accepted an extension of funding for Commonwealth Home Support Programme services from July 2019 to 30 June 2020.

d. Request a further report for consideration regarding the proposed Commonwealth Home Support Programme extension from June 2020 - June 2022.

Attachments

A: Impact assessment - Healthy Ageing in Moonee Valley 2019
B: Age Friendly Cities - Year One report (separately circulated)
C: Commonwealth Home Support Program (CHSP) Summary of Service Delivery 2016 - 2019 (separately circulated)
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 Council Plan 2017-21 Theme 1: Friendly and safe – An equitable, inclusive and healthy community – People have access to the services they need.

2. Legislative obligations
   2.1 Council has no legislative obligations to provide the service.

3. Legal implications
   3.1 Under competitive neutrality: it is expected that Council’s CHSP services would be regarded as a significant business. We would be unable to pass the public interest test given the cost reflective pricing and nature of alternate suppliers. As such, full reflective costing would need to be implemented which would require a combination of decreased costs to deliver the service, and an increased contribution from clients receiving the service (NB: not currently in place).

4. Risks
   4.1 Reputational risks for Council: The outcomes of the Royal Commission into Aged Care is likely to result in further changes to CHSP creating further short term instability for the sector and community. This has the potential to result in gaps in service provision, access to information challenges and workforce uncertainty.

4.2 Current and future workforce challenges:
   - An ageing workforce - potential risk of increasing injury due to long term repetitive work and supporting transition to retirement (reducing hours) against community demand for increased service flexibility.

   Within Council, there are current challenges in delivering the full suite of funded in home services with 15 individual direct care workers currently on restricted duties/work cover/return to work programs, and a further 10 staff reducing their hours over the past two years in preparation for retirement. In total these individuals combined make up approximately 19% of the entire direct care workforce.

   - Nationally there is a shortage of qualified aged care staff with the industry booming quicker than suitable persons can be trained and engaged. It has been estimated that the workforce will need to increase from 365,000 to 960,000 by 2050.1 Even with

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1 Chisholm Institute (2017) Australia’s Aged care Workforce: Are we ready to meet the demand ahead?
generous conditions, Council also has difficulty in recruiting new employees – mostly due to lack of job security and varied quality of training provided throughout the sector.

- Financially costly to operate CHSP service due to higher cost of operations including generous workforce conditions. Council’s Enterprise Agreement is currently paying 33 per cent higher than the market rate for direct care workers.

5. Social impact assessment

5.1 Aside from the delivery of direct services through the CHSP, Council is increasingly leading in the realm of active ageing. Across 2018/19, this commitment to Aged Friendly Cities has included the development of a new advocacy platform, implementation of a communications and outreach strategy, co-designed development of responsive volunteering opportunities and an empowering consultative Active Ageing Reference Group. Having recently been accepted as a member of the World Health Organisations Global Network of Aged Friendly Cities and Communities, Council has demonstrated a commitment not only to the approximately 16 per cent of seniors who receive direct services, but to the a broader cohort of seniors who are actively engaged in other areas of our community – as employees, business owners, volunteers, grandparents/carers, participants in sports and other clubs of interest. Engaging with our broader population of older adults has resulted in improved insight into what it really means to age well in Moonee Valley.

6. Economic impact assessment

6.1 Since the commencement of the Commonwealth aged care reforms new age care services providers and training organisations/opportunities are entering the market and engaging within the municipality, generating alternative employment opportunities, and greater choice for residents.

7. Environmental impact assessment

7.1 Nil environmental impact.

8. Reputational impact assessment

8.1 Council’s aged care workforce is predominately comprised of locally based female employees, who have worked as permanent part time employees for ten years or more, with many dedicating over 20 years to Council. Any future decisions in aged care will need to consider the workforce impact.

8.2 While Council has been the major provider of CHSP in home services for many years, benchmarking across the Western region demonstrates a strong suite of locally based providers of services is now available and becoming an increasingly popular choice. Across Victoria, Councils are focusing on the delivery of sustainable programs including aged friendly
cities work to ensure a solid foundation for the ageing population anticipated into the future, as opposed to front line service delivery.

9. Financial implications

9.1 For 2018/19 Council is forecast to receive a total of $3,755,387 for CHSP services (including Domestic Assistance, Personal Care, Respite Care, Home Modifications, Meals, Social Support individual and group, and Volunteers).

9.2 Since the transition from Home and Community Care (HACC) to CHSP, Council has under delivered in CHSP service targets each year. For 2018/19 the estimated under delivered service will result in a return to the Commonwealth of approximately $900,000. This is an increase on the previous two years.

9.3 The cost to Council in 2018/19 to deliver CHSP services is forecast at $2,056,937 inclusive of all administration/management costs allocated directly within the Community Strengthening departmental budget.

9.4 An analysis by Ernst and Young completed in 2018 determined that without corporate overheads, administration and management salaries, some services unit prices are close to the CHSP unit price, however all services provided exceed revenue and require a level of Council subsidisation.

10. Sensitivity / scenario analysis

10.1 As previously described – see Risk, Financial and Reputational

11. Conflict of interest declaration

11.1 No officer involved in the preparation of this report has any direct or indirect interest in this matter or the decision.

12. Consultation undertaken or planned

12.1 Aligned to the resolution officers have:

- Participated in monthly MAV Aged and Disability Reform group meetings
- Advocated to the Commonwealth to redirect funds to support increased social support services and funded transport aligned to community need
- Accepted an invitation to join Darebin and Yarra Council’s Aged Care Taskforce (yet to commence)
- Met with Minister Luke Donnellan’s Advisors to discuss Aged care service needs in Moonee Valley

12.2 Consultation and resident engagement across 2018/19 has included:
• The establishment of the Active Ageing Reference Group (bi-monthly meetings)
• Neighbourhood Centre User Group meetings (quarterly)
• Seniors Group Leaders Consultation October 2018
• Waverton Hub Consultation/Presentation April 2019
• Outreach program
• Community information sessions

12.3 Based on Community consultation, service delivery trends and the direction set by the Commonwealth, service reviews will occur across CHSP services.
10.5 Signs in the Public Use Zone (180 Holmes Road Aberfeldie) and Public Park and Recreation Zone

Author: Edward Crossland - Senior Strategic Planner
Directorate: Planning and Development

1. Purpose

1.1 The purpose of the report is to seek resolution to amend the Planning Scheme for signs in the Public Park and Recreation Zone (PPRZ) and Public Use Zone (PUZ) (180 Holmes Rd Aberfeldie), to place a moratorium on the removal of unlawful signs in open space reserves under the Planning and Environment Act 1987, and for Council to note the preparation of guidelines for signs in open space reserves for use by Council as the Public Land Manager for the assessment of applications for signs.

2. Background

2.1 Business and promotional signage is currently common place at sporting grounds in association with sporting clubs and leased assets used for commercial or community purposes.

2.2 The majority of these signs are prohibited by the current sign controls related to land in the PPRZ and PUZ in the Moonee Valley Planning Scheme.

2.3 The restrictive nature of existing planning controls mean sporting clubs and/or any lessees of Council owned assets are unable to seek approval for most types of signs.

2.4 There are 56 open space reserves across Moonee Valley, the majority of which accommodate sporting clubs or leased assets. These are all zoned PPRZ, with part of Aberfeldie Park zoned PUZ.

2.5 Aberfeldie Park accommodates a number of sporting facilities, however two facilities (Northern Obedience Dog Club and JA Fullarton Pavilion) are located on a section of land zoned PUZ at 180 Holmes Road, Aberfeldie which also accommodates the Council Depot and the Incinerator Gallery.

2.6 Windy Hill is the only site with facilities in the sport and recreation facilities category not within a PPRZ or PUZ. Windy Hill is within the Special Use Zone (SUZ), with site specific controls applying. No changes to the SUZ are proposed, given the current SUZ schedule for Windy Hill allows for appropriate signage to be considered.

2.7 Under the provisions of Clause 52.05 (Signs) of the Moonee Valley Planning Scheme, land in the PPRZ and PUZ is included as ‘Category 4 - Sensitive areas’, unless otherwise specified in a schedule to the zone.

2.8 Under the Category 4 restrictions, the only potentially relevant signs that can be permitted in the PPRZ and PUZ are:
   - Direction signs – as of right, no permit required
• Floodlit signs of any dimension – subject to a permit
• Business identification signs (which are likely to include club signage) – subject to a permit and required to not exceed three square metres in area.

2.9 All other sign types, including promotional signs (which encompass sponsorship signs) are prohibited.

2.10 Current planning controls are therefore unable to facilitate the reasonable provision of signs in connection with sports clubs on public land, which principally take the form of sponsorship signs or club name signs. They also prevent lessees of Council assets to display promotional signs.

3. Issues

Sponsorship signage and planning restrictions

3.1 Funding from sponsors is acknowledged as an important source of revenue for sports clubs, often being generated from signs displayed at public sporting venues.

3.2 The lack of flexibility provided by the default sign category (Category 4) in the planning scheme for the PPRZ and PUZ does not allow sports clubs to lawfully use signs as a source of income.

3.3 Council officers have explored options to permit broader types of signs on public reserves (subject to the PPRZ and PUZ – Aberfeldie Park only) to provide increased flexibility for appropriate signs in connection with sports and recreation clubs, the Council Depot and Incinerator Gallery, along with other leased assets on public land, subject to a planning permit.

3.4 This review also explored options to simplify the planning approval process by including relevant signs as a local VicSmart class application.

3.5 VicSmart is a streamlined assessment process for straightforward planning permit applications, with key features being a 10 day permit process, exemption from notice and review and a more affordable application fee.

3.6 Council officers have undertaken an audit of all observable signs at 48 sites. This included 20 seasonal (six months, twice a year) and 28 leased (year-round) facilities falling into the sport and recreation facilities on PPRZ land category. Other leased assets and community facilities were not included in this audit, however it should be noted it is possible these sites also contain prohibited signs (officers will also conduct audits of these sites).

3.7 The audit found a total of 627 observable signs, including:

• 147 signs on buildings
• 480 signs on grounds/fencing
• an average of 13 signs at each facility (both seasonal and leased)
• six reserves have no signage
• five reserves have between 36 – 81 signs.
3.8 The majority of signs are promotional in nature and are prohibited under the provisions of Clause 52.05 (Signs).

3.9 A review of signs on the Holmes Road street frontage of the Council Depot and the Incinerator Gallery found the majority of signs are business identification signs.

Proposed planning scheme changes

3.10 Based on the findings of the audit, changes to the Planning Scheme are proposed so as to enable assessment and approval of appropriate signs in the PPRZ and PUZ.

3.11 Proposed amendments to the Planning Scheme include:

- changing the category of signs in the Schedule to the PPRZ from Category 4 to Category 2 for the whole municipality
- changing the category of signs in the Schedule to the PUZ (for 180 Holmes Road Aberfeldie) from Category 4 to Category 2
- amending the Schedule to Local VicSmart Applications to include signs within the PPRZ and PUZ as local VicSmart classes.

3.12 The provisions of Clause 52.05 (Signs) of the Moonee Valley Planning Scheme outlines controls and decision guidelines to ensure signs are compatible with the amenity, visual appearance and desired future character of an area, to safeguard against excessive visual clutter, and to maintain safety and efficiency of roads.

3.13 There are four categories of sign controls that vary from minimum limitation (Category 1) through to maximum limitation (Category 4), with the zone provisions specifying which category of sign control applies to the zone.

3.14 On review, it was determined that Category 1 allows too great a range of signs without a permit. Categories 2 and 3 both allow a reduced range of sign types, but vary in terms of conditions for identification and promotion signs, with Category 2 not being as prescriptive for promotion signs as Category 3. Category 3 would unreasonably limit the capacity of sporting clubs to use signs to promote their sponsors.

3.15 It is considered a reclassification to Category 2 would allow preferred signage objectives while allowing Council discretion in determining appropriate and acceptable signs in each location.

3.16 By amending the signage category, sporting clubs and lessees could apply for a planning permit to display signage, however the class of permit application attracts a fee of $1,147.80. The application fee, timeframes and process associated with a standard planning permit application process could potentially impact sporting clubs' ability to cover the cost of the application and receive approval in a timely manner; mindful that numerous sporting clubs are subject to seasonal allocation agreements.
3.17 To address this, the Schedule to Local VicSmart Applications will be amended to include signage within the PUZ and PPRZ as local VicSmart classes.

3.18 Using VicSmart for signage within the PUZ and PPRZ is deemed appropriate as the application fee of $199.90 will reduce the financial burden on sports clubs and lessees in terms of applying for a permit to display signage. The 10 day permit process best complements seasonal lease agreements and applications are exempt from notice and review.

Public Land Manager approval

3.19 In addition to the required planning approval, as the Public Land Manager for all land in the PPRZ, and for land at 180 Holmes Road Aberfeldie, Council’s consent is required in order for a club to make any planning permit application for signs.

3.20 Signage guidelines for open space reserves will be developed in the near future to allow Council to appropriately assess and provide consent for appropriate signs prior to planning applications being submitted.

3.21 Consultation will be undertaken with clubs, lessees and the broader community to inform the preparation of the signage guidelines and explain the proposed planning scheme changes and requirement for approvals in the future.

3.22 It is anticipated the signage guidelines will outline a number of parameters, such as appropriate locations, sizes, and content.

3.23 Consultation will be undertaken in the coming months, with final signage guidelines to be incorporated into future seasonal allocation agreements, general sporting/community leases and commercial lease agreements for facilities in the PUZ (180 Holmes Road Aberfeldie) and PPRZ.

Future signage approval process

3.24 If the planning scheme is amended the process for signage approval in the PPRZ and PUZ (180 Holmes Road Aberfeldie) will be as follows:

- Sports Club and lessees submit a request to Council’s Sport and Recreation or Commercial Property Team as appropriate, for the assessment of the application against adopted signage guidelines for open space reserves
- Public Land Manager approval granted for the signage
- Sports Club and lessees then submit a planning permit application to Council’s Statutory Planning Team, accompanied by the approval granted by the Public Land Manager; officers consider the planning permit application under the fast-tracked provisions of VicSmart
- Planning permit granted for signage.
Moratorium on planning enforcement

3.25 Recognising the impact the removal of unlawful signage would have on sporting clubs and lessees, a moratorium on planning enforcement under the Planning and Environment Act 1987 is considered appropriate until the gazettal of the proposed planning scheme amendment.

Recommendation

That Council resolves to:

a. Place a moratorium on the removal of unlawful signs in open space reserves under the Planning and Environment Act 1987, ending six months after the gazettal of Amendment C203moon by the Minister for Planning.

b. Write to the Minister for Planning, the Minister for Sport, and the Minister for Local Government requesting they amend the Victoria Planning Provisions to ensure appropriate signage is allowable in open space reserves.

c. Request the Minister for Planning to authorise Amendment C203moon to the Moonee Valley Planning Scheme to amend the Schedules to the PUZ, PPRZ, and local VicSmart provisions, pursuant to Section 8A(3) of the Planning and Environment Act 1987, and place the Amendment on exhibition pursuant to Section 19 of the Planning and Environment Act 1987.

d. Refer unresolved submissions to Amendment C203moon to an independent Planning Panel in accordance with Section 23(1)(b) of the Planning and Environment Act 1987.

e. Note consultation will be undertaken with clubs, lessees, and the broader community to inform the preparation of guidelines for signs in open space reserves, for use by Council as the Public Land Manager in the assessment of signage applications.

f. Receive a future report for endorsement of Signage Guidelines for Open Space (including 180 Holmes Road, Aberfeldie), to be relied upon by Council as the public land manager.

g. Allow Council officers to make minor editing and typographical changes if required to C203moon Amendment documents.

Attachments

A: Impact Assessment
B: Moonee Valley C203moon Notice of Preparation of Amendment Exhibition (separately circulated)
C: Moonee Valley C203moon Explanatory Report Exhibition (separately circulated)
D: Moonee Valley C203moon 21_06 tracked changes Exhibition (separately circulated)
E: Moonee Valley C203moon 36_01s tracked changes Exhibition (separately circulated)

F: Moonee Valley C203moon 36_02s tracked changes Exhibition (separately circulated)

G: Moonee Valley C203moon 59_15 tracked changes Exhibition (separately circulated)
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 Investigation of appropriate signage controls for land in PPRZ and PUZ achieves Council Plan objective Beautiful, NGA-ANGO GUNGA and MV2040 Strategic Direction 19. A city with vibrant and safe public spaces.

2. Legislative obligations
   2.1 The proposed Amendment has been prepared to be consistent with the Ministerial Direction relating to the form and content of Planning Schemes under Section 7(5) of the Planning and Environment Act 1987. There are no human rights implications as a result of this report.

3. Legal implications
   3.1 The majority of signs currently on land zoned PPRZ and PUZ is prohibited. The Planning Scheme Amendment seeks to address this and introduce new signage controls that will provide sporting clubs and lessees the ability to apply for a permit to obtain lawful signage.

4. Risks
   4.1 The risk rating for not undertaking the proposal is high (10). The risks are breach of the planning scheme, and reputational risk. The risk rating for undertaking this proposal is assessed as minor.

5. Social impact assessment
   5.1 There are no social impacts as a result of this report.

6. Economic impact assessment
   6.1 The decision will result in an amendment which will allow sports clubs to seek a planning permit to lawfully use signage as a valid source of income.

7. Environmental impact assessment
   7.1 There are no environmental impacts as a result of this report.

8. Reputational impact assessment
   8.1 The decision will have a positive impact on the reputation of Council through the development of appropriate planning controls for signs for sports clubs and lessees of other Council assets in the PPRZ and PUZ.

9. Financial implications
   9.1 The funds required to administer the Planning Scheme Amendment will be funded by the Strategic Planning operating budget.

10. Sensitivity / scenario analysis
    10.1 Not applicable.
11. Conflict of interest declaration
   11.1 No officer involved in the preparation of this report has any direct or indirect interest in this matter or the decision.

12. Consultation undertaken or planned
   12.1 Council will undertake targeted consultation and will directly notify relevant clubs, lessees and key stakeholders to inform the preparation of signage guidelines.

   12.2 Council will directly notify relevant clubs, lessees and key stakeholders affected by the Planning Scheme Amendment, as well as owners and occupiers of adjoining and nearby land, providing them the opportunity to make a submission through the formal public exhibition process. Any submitters will have the opportunity to present their submission to an independent planning panel.
10.6 Land Acquisition Committee Charter Review

Author: Morgan Brown - Coordinator Commercial Property
Directorate: Asset Planning and Strategic Projects

1. Purpose

1.1 To seek Council endorsement for the variation of the membership of the Land Acquisition Committee (Committee) under section 86(2) of the Local Government Act 1989 (Act) and to seek Council endorsement for minor amendments of an administrative nature to the Instrument of Delegation and Charter of the Committee shown as Attachment B and Attachment C.

2. Background

2.1 At the Ordinary Council Meeting of 12 December 2017, Council endorsed the formation of the Committee under section 86 of the Act. Subsequently, at the Ordinary Council Meeting of 13 March 2018, Council endorsed an amended Committee delegation and charter.

2.2 Due to organisational changes, a variation of the membership of the Committee is required. In addition, minor amendments of an administrative nature are required to the Instrument of Delegation and Charter of the Committee.

2.3 The Committee provides Council with the ability to be agile and more efficient in the acquisition of property. The amendments set out in this report, the Instrument of Delegation and the Charter of the Committee will facilitate the ongoing work of the Committee.

3. Issues

3.1 The Commercial Property function now reports to the newly created position of Manager Asset Planning, Property and Procurement. This position will therefore have responsibility for the acquisition of property and will be required to be a member of the Committee.

3.2 Acquisition of land (and improvements thereon) is subject to sufficient funds being endorsed within Council’s authorised Capital Works budget and compliance with the Land Acquisition Policy (inclusive of Due Diligence Checklist). The Committee will be limited to entering into a single contract, or incur expenditure relating to a single property for an amount which does not exceed a value of $2,750,000 including GST (as at July 2019). This amount is indexed at 10% per annum commencing at the first anniversary of the date of endorsing the formation of the Committee.

3.3 Since its formation the Committee has been instrumental in acquiring land for public open space requirements, including the recent acquisition of 177a Mt Alexander Road, Flemington.

3.4 An impact assessment is attached as Attachment A.
Recommendation

That Council resolves to:

a. Revoke the previous Instrument of Delegation to the Land Acquisition Committee dated 13 March 2018.

b. Endorse the amended Instrument of Delegation to the Land Acquisition Committee, set out in Attachment B.

c. Authorise the Chief Executive Officer to execute the Instrument of Delegation, as set out in Attachment B, including the affixing of the common seal.

d. Endorse the amended Land Acquisition Committee Charter, set out in Attachment C.

e. Endorse Cr Marshall, Cr Sharpe and Cr Sipek as members of the Land Acquisition Committee for the remainder of the Council term from the date of the Instrument of Delegation.

Attachments

A: Impact Assessment  
B: Delegation Land Acquisition Committee - updated 2019 (separately circulated)  
C: Charter Land Acquisition Special Committee - proposed amendments July 2019 (separately circulated)  
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 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 objective 6.2.

2. Legislative obligations
   2.1 In accordance with section 86(2) of the Act Council endorsement is required to appoint members to, or remove members from, a Special Committee.
   2.2 In accordance with section 86(3) of the Act, Council endorsement is required to amend the Instrument of Delegation and Charter of the Committee.

3. Legal implications
   3.1 There are no direct legal implications as a result of this report.

4. Risks
   4.1 No key risks have been identified in preparing this report.

5. Social impact assessment
   5.1 There are no direct social impacts associated with this report.

6. Economic impact assessment
   6.1 There are no direct economic impacts associated with this report.

7. Environmental impact assessment
   7.1 No direct environmental impacts have been identified in preparing this report.

8. Reputational impact assessment
   8.1 Not applicable.

9. Financial implications
   9.1 Acquisition of land (and improvements thereon) is subject to sufficient funds being endorsed within the Council’s Capital Works Budget.
   9.2 The Committee is limited to entering into a single contract, or incurring expenditure relating to a single property, for an amount which does not exceed a value of $2,750,000 including GST (as at July 2019). The amount is indexed by 10% on an annual basis. This amount is indexed at 10% per annum commencing at the first anniversary of the date of endorsing the establishment of the Committee.

10. Sensitivity / scenario analysis
    10.1 Not applicable.

11. Conflict of interest declaration
    11.1 No officer involved in the preparation of this report has any direct or indirect interest in this matter or the decision.

12. Consultation undertaken or planned
    12.1 The nature of this report doesn’t require any consultation.
10.7 Capital Works Program Variations

Author: Nikhil Aggarwal - Acting Manager Asset Planning, Property and Procurement

Directorate: Asset Planning and Strategic Projects

1. Purpose

1.1 To seek endorsement for known Capital Works Program (CWP) variations considered necessary to deliver the program and/or improved outcomes for the wider community.

2. Background

2.1 Council adopted 2018/19 CWP of $54.82 million (including part 2017/18 CWP carryovers), which was revised to $70.76 million to include all 2017/18 CWP carryovers and 2018/19 CWP variations approved through various reports and/or delegations endorsed to 11 June 2019.

2.2 Council officers have identified necessary variations to projects from the 18/19 CWP, and one for 2019/20 CWP, that require Council authorisation to deliver the program and/or improved outcomes for the wider community. Details of these variations are as per Section A1 of Attachment B and summarised as below:

<table>
<thead>
<tr>
<th>Scope/Budget Variations</th>
<th>Comments on the Variation</th>
<th>Change in Project Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rothwell Park Irrigation Installation</td>
<td>Authorisation sought for additional funds to undertake works in view of quotes received are higher than estimated project cost.</td>
<td>$42,000</td>
</tr>
<tr>
<td>Client Management System</td>
<td>Authorisation sought to redistribute funds from Operational budget to Capital budget in view of potential savings over the life of the project. Works will now leverage the licences via the State Government contract (at a better rate) instead of the vendor. The saving derived from this change in licence sourcing leads to: • Increase in Capital cost by $58,840 over 2 years • Reduction in Operational cost by $169,080 • Resulting in net Savings of $110,240.</td>
<td>$29,420</td>
</tr>
<tr>
<td>Spencer St - Raised threshold at Hoffmans Rd</td>
<td>Authorisation sought for additional funds to undertake additional footpath works on the southern side of the intersection to be reinstated as it was cracked and misaligned.</td>
<td>$19,358</td>
</tr>
</tbody>
</table>
### Scope/Budget Variations

<table>
<thead>
<tr>
<th>Scope/Budget Variations</th>
<th>Comments on the Variation</th>
<th>Change in Project Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ascot Vale Leisure Centre - Emergency Works</td>
<td>Authorisation sought to fund emergency works at the centre. Centre sustained significant damage due to sewerage leak on 2 March. Update to Councillors in April advised funding for emergency works are valued at $700,000.</td>
<td>$700,000</td>
</tr>
<tr>
<td>Margaret Street/ Taylor Street Roundabout – Road Safety Works</td>
<td>Authorisation sought for additional funds to undertake works as quotes received are higher than estimated project cost.</td>
<td>$15,000</td>
</tr>
</tbody>
</table>
| Walter Street Reserve Cricket Nets - Replacement of cricket net facility | Authorisation sought for funds to undertake the works. Funding as follows:
- Council $50,000
- Dept. of Premier & Cabinet $45,000 (approved)
- Cricket Vic $20,000 (commitment but not approved in writing)  
Project and funding application was led by the Flemington Cricket Club.  
The funding will be used to demolish the existing end of life cricket nets and the construction of a new cricket net facility. The current concrete wickets are not level and are not configured in the middle of each lane. There is some cracking causing the ball to deviate. The mesh fencing is at its end of useful life. Costing based on the recently built Maribyrnong Park Cricket Nets. | $115,000 (2019/20 Project) |

2.3 Section B of Attachment B lists variations previously authorised through Tender reports, Capital Works Program Updates, Other Reports and CEO delegation (approvals up to 5 % of authorised project budget).

2.4 As of end of May 2019, $59.31 million (84%) of the program (by budget) is completed / under construction / awarded or in procurement phase. The remainder of the program is in planning/design/consultation phase. Additional unbudgeted grant income of $5.5 million has been approved for various projects issues.

### Issues

3.1 While 84% of the program (by budget) is completed/under implementation/awarded or in procurement phase, full delivery has been delayed due to a number of factors (some outside Council control) including design capacity, extensive consultation, external approvals (e.g. VicRoads, Melbourne Water, utility companies, cultural heritage) and contractor availability.
Recommendation

That Council resolves to authorise requested 2018/19 Capital Works Program variations, including one variation to the 2019/20 Capital Works Program, as per Section A.1 of Attachment B.

Attachments

A: Impact Assessment
B: Capital Works Program Variation Register (July 2019) (separately circulated)
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 Theme 6: Resilient organisation (Balit Djerring-dha, which means resilient organisation in Woi wurrung language).
   1.2 The request for variation is subsequent to the variations endorsed through various reports and/or delegations endorsed to 11 June 2019.

2. Legislative obligations
   2.1 There are no Legislative implications of this report except to the extent it relates to Council’s overall budget set in accordance with Section 127 of the Local Government Act 1989.

3. Legal implications
   3.1 There are no Legal implications of this report except to the extent that it relates to revision in Council’s budget.

4. Risks
   4.1 There are no risks arising out of this report.

5. Social impact assessment
   5.1 The report seeks endorsement for variations considered necessary to deliver improved outcomes for the wider community.

6. Economic impact assessment
   6.1 There are no economic impacts arising out of this report.

7. Environmental impact assessment
   7.1 There are no environmental issues associated with this report.

8. Reputational impact assessment
   8.1 There are no reputational impacts arising out of this report.

9. Financial implications
   9.1 This report details changes to Council’s funding commitments to 2018/19 CWP projects and one project for 2019/20.
   9.2 The report seeks authorisation for budget variations in addition to the variations endorsed through various reports and/or delegations to 11 June 2019.
      
   9.2.1 Variations being endorsed are expected to have operational cost impact. In the absence of detailed whole of life costing guidelines, it is estimated that operational costs for each project will be average 2% per annum calculated on the final project costs.

10. Sensitivity / scenario analysis
Attachment A

10.1 There are no variables expected to impact outcomes of this report.

11. Conflict of interest declaration

11.1 No officer involved in the preparation of this report has any direct or indirect interest in this matter or the decision.

12. Consultation undertaken or planned

12.1 Detailed consultation has been undertaken with capital works project officers.
10.8 National General Assembly of Local Government 2019

Author: Allison Watt - Manager Governance and Communications
Directorate: Organisational Performance

1. Purpose

1.1 The purpose of this report is for Council to receive reports from Crs Jim Cusack and Richard Lawrence on their attendance at the Australian Local Government Association (ALGA) National General Assembly of Local Government 2019 held in Canberra on 16-19 June, in accordance with the Councillor Expenses and Reimbursement Policy.

2. Background

2.1 At the Ordinary Council Meeting on Tuesday 26 March 2019, Council endorsed the attendance of Mayor Cr Narelle Sharpe, Deputy Mayor Cr John Sipek and Crs Jim Cusack and Richard Lawrence at the ALGA National General Assembly 2019 in Canberra from 16-19 June.

2.2 The ALGA is the national voice of local government, representing 560 councils across the country. In structure, ALGA is a federation of state and territory local government associations.

2.3 The National General Assembly brings together several hundred delegates from councils across Australia to move and debate resolutions of concern to local government. Speakers include prominent local government leaders, national political leaders and leading Australian experts and academics from fields of interest and relevance to local government.

2.4 Crs Sharpe and Sipek were not able attend due to circumstances beyond their control.

2.5 Under the Councillor Expenses and Reimbursement Policy, a Councillor who is approved to attend an interstate events must provide a written report for Council by the third Council Meeting after their return from travel outlining:

- 2.5.1 Purpose of conference, seminar, event or study tour
- 2.5.2 Learning outcomes
- 2.5.3 Applicable benefits to Council
- 2.5.4 Issues for consideration of Council or Councillors
- 2.5.5 Conclusion and recommendations

3. Issues

3.1 This year the National General Assembly (NGA) celebrated 25 years and the theme – Future Focussed - acknowledged that the assembly will be held after a federal election and the need for local governments to come together as a sector to ensure their voice is heard by the incoming government to deliver in collaboration for our communities.
3.2 Attendance at the National General Assembly provided the opportunity to influence the national agenda, engage with federal politicians, shape policy and priorities and represent Council and the community.

3.3 Crs Cusack and Lawrence have provided written reports on their attendance at NGA 2019 which are provided as Attachment A and Attachment B.

Recommendation

That Council resolves to receive and note the reports from Crs Jim Cusack and Richard Lawrence on their attendance at the ALGA National General Assembly 2019 held in Canberra from 16-19 June.

Attachments

A: NGA 2019 Cr Richard Lawrence (separately circulated)
B: ALGA Conference Report, Cr Jim Cusack 2019 (separately circulated)
10.9 Assemblies of Councillors

Author: Tracey Classon - Governance Officer
Directorate: Organisational Performance

1. Purpose

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

2. Background

2.1 In accordance with Section 80A (1) and (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.

3. Issues

3.1 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.

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

3.2.1 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.

3.3 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.
Recommendation

That Council resolves to receive the following records of Assemblies of Councillors in accordance with section 80A(2) of the *Local Government Act 1989*.

<table>
<thead>
<tr>
<th>Assembly</th>
<th>Public Forum held on Tuesday 18 June 2019 at 6.02pm. Council Chamber, Civic Centre</th>
</tr>
</thead>
</table>
| Matters considered                            | 1. Improvements needed for the Essendon North Village (Essendon North Traders Association)  
2. 19-21 Louis Street, Airport West (Brian Minogue) |
| Councillors present                           | Cr Samantha Byrne  
Cr Rebecca Gauci Maurici  
Cr Nicole Marshall  
Cr John Sipek |
| Apologies                                     | Crs Cusack, Lawrence, Nation and Surace |
| Staff present                                 | Kendrea Pope (Acting CEO)  
Steven Lambert  
Gil Richardson  
Petrus Barry  
Allison Watt  
Jessie Keating  
Kate Heissenbuttel  
Carey Patterson  
Malcolm Ward  
Colin Harris |
| Conflict of interest                          | Nil. |

<table>
<thead>
<tr>
<th>Assembly</th>
<th>Strategic Briefing held on Tuesday 18 June 2019 at 6.40pm. Committee Room, Civic Centre</th>
</tr>
</thead>
</table>
| Matters considered                            | 1. Alcohol restrictions to Parkland  
2. Review of the draft agenda for the Ordinary Meeting 25 June 2019 |
| Councillors present                           | Cr John Sipek  
Cr Samantha Byrne  
Cr Rebecca Gauci Maurici  
Cr Nicole Marshall |
| Apologies                                     | Crs Sharpe, Nation, Lawrence, Surace and Cusack |
| Staff present                                 | Kendrea Pope (Acting CEO)  
Steven Lambert  
Gil Richardson  
Jessie Keating  
Allison Watt  
Carey Patterson |
| Conflict of interest                          | Cr Byrne declared a direct conflict of interest in item 10.2 on the draft Ordinary Council Meeting agenda due to residential amenity. |

<table>
<thead>
<tr>
<th>Assembly</th>
<th>Ordinary Council Meeting pre-meet held on Tuesday 25 June 2019 at 6.00pm. Committee Room, Civic Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matters considered</td>
<td>Ordinary Council Meeting agenda 25 June 2019</td>
</tr>
</tbody>
</table>
| Councillors present                           | Cr John Sipek  
Cr Samantha Byrne  
Cr Rebecca Gauci Maurici  
Cr Richard Lawrence  
Cr Andrea Surace |
Apologies
Cr Narelle Sharpe

Staff present
Kendrea Pope (Acting CEO)
Steven Lambert
Allison Watt
Gil Richardson
Jessie Keating
Petrus Barry

Conflict of interest
Cr Byrne declared a direct conflict of interest in item 10.2 1A Clarks Road, Keilor East (Reserve 1 on PS438596U) - Use of the land as a car park, due to residential amenity.

Assembly
Strategic Briefing held on Tuesday 2 July 2019 at 6.04pm. Flemington Community Centre

Matters considered
1. MPAC to 2040 informal consultation update
2. The role of sport and recreation in our Healthy City
3. Organisational Values and CEO, Councillor and staff interaction protocol
4. Review of the draft agenda for the Ordinary Meeting to be held 9 July 2019

Councillors present
Cr Narelle Sharpe (Mayor)
Cr John Sipek
Cr Samantha Byrne (6.07pm)
Cr Rebecca Gauci Maurici (6.31pm)
Cr Andrea Surace (6.46pm)

Staff present
Bryan Lancaster (CEO)
Kendrea Pope
Jessie Keating
Dino de Melis
Allison Watt
Vivienne Cunningham
Lauren McDaniel
Lauren Treby
Corina de Araujo
Kate Heissenbuttel
Damir Agic
Rui Seguchi-Vos
Christina Collia
Melissa Ensink

External
Sarah Auld (consultant)

Apologies
Crs Marshall, Cusack, Nation and Lawrence

Conflict of interest
Cr Gauci Maurici declared an indirect conflict of interest on Item 1 (MPAC) due to close association as family members live in the area.

Assembly
Ordinary Council Meeting pre-meet held on Tuesday 9 July 2019 at 6.03pm. Committee Room, Civic Centre

Matters considered
Ordinary Council meeting agenda 9 July 2019.

Councillors present
Cr Samantha Byrne
Cr Jim Cusack
Cr Richard Lawrence
Cr Narelle Sharpe
Cr John Sipek
Cr Andrea Surace

Apologies
Crs Gauci Maurici and Marshall
**Staff present**

<table>
<thead>
<tr>
<th>Bryan Lancaster (CEO)</th>
<th>Allison Watt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kendrea Pope</td>
<td>Jessie Keating</td>
</tr>
<tr>
<td>Gil Richardson</td>
<td>Dino de Melis</td>
</tr>
<tr>
<td>Petrus Barry</td>
<td></td>
</tr>
</tbody>
</table>

**Conflict of interest**

Nil.

**Attachments**

Nil
NOTICES OF MOTION

11.1 Notice of Motion No. 2019/19 - 81 Charles Street, Ascot Vale

From: Councillor Nicole Marshall

Take notice that at the Ordinary Meeting of Council to be held on 23 July 2019, it is my intention to move:

That Council request the Chief Executive Officer to investigate the potential for including the property at 81 Charles Street, Ascot Vale in the Heritage Overlay of the Moonee Valley Planning Scheme either as a place of individual significance or as part of a broader precinct.

Officer Comments

The Notice of Motion is not supported as it has already been established there is no heritage significance.

The potential heritage significance of Charles Street, Ascot Vale has been subject to several studies as outlined below:

Amendment C109 – deletion of Charles Street from Heritage Overlay 20 (HO20)

Amendment C109 gave effect to the Review of HO Precincts Report (2012). The Report provided a review and made recommendations with regard to precinct boundary changes to the existing heritage precincts, including HO20 - Monash Street/Dumblane Avenue/Elliot Street, Ascot Vale.

In particular, Amendment C109 deleted 6-38 and 5-127 Charles Street and 18-24 Kingston Avenue from HO20.

The Review of HO Precincts Report found that:

In the Charles Street/Monash Street precinct (HO20) in Ascot Vale the Charles Street section has moderate/low integrity and no apparent relationship to the significance of the precinct. On this basis, a more detailed review has been carried out and the findings are summarised below.

...The original report submitted to Council in May 2010 recommended the removal of Charles Street in Ascot Vale from HO20 due to the moderate/low integrity of the built form and no apparent relationship to the significance of the precinct - The existing datasheet for the HO20 precinct provides no justification for the inclusion of Charles Street, which apart from a brief mention in the history is not otherwise mentioned.

At the request of Council a more detailed review was conducted for Charles Street in and Appendix D contains a copy of the review report. In summary:
• Research and fieldwork confirms that the development of Charles Street is historically unrelated to the development of Monash Street and the streets to the south, which were not subdivided until the 1920s – Essentially, what is now contained in HO20 comprises two separate and quite distinct precincts with different patterns of historical development and built form.

• The assessment also suggests that while Charles Street precinct may be of potential significance for other reasons it is difficult to make an absolute assessment in the absence of comparative analysis with other similar precincts - it is noted that there are streets in the vicinity of Charles Street that formed part of the same nineteenth century subdivision that have as good, if not better, groups of nineteenth and inter-war housing. The preparation of a thematic history, as proposed by Council, would greatly assist in making this determination.

• While the existing HO20 datasheet could be amended to include additional information about Charles Street including a history, description and amending the statement of significance, this is not desirable as it would diminish the integrity of the datasheet, which currently provides a sound and justifiable assessment of significance for the exclusively inter-war residential area to the south of Charles Street.

On this basis, while the removal of Charles Street from HO20 is still an option for Council, it may be premature to do this in the absence of a more detailed assessment following the preparation of a thematic history. It is noted that once the heritage overlay has been removed from a precinct it may be difficult to justify its re-imposition a few years later.

Not removing Charles Street, however, does not resolve the dilemma of how to deal with planning applications for houses using the existing precinct datasheet. However, it is suggested that, until more detailed work is carried out, applications for Charles Street may be treated on their merits using the additional historical and descriptive information contained in this report.

Finally, it is noted that should Council decide to proceed with removal of Charles Street from HO20 there are no places that would be individually significant (and therefore worthy of retention in the HO).

Based on the research findings cited above, Council resolved to pursue deletion of Charles Street from HO20. This position was supported by the Panel appointed to hear submissions in relation to the amendment, which concluded that:

“…to leave the street within a precinct when it clearly does not display those heritage values which characterise that precinct seems to the Panel to be both an incorrect planning approach and is inconsistent with the approach taken in other heritage precincts. The Panel considers that the HO should be deleted. Research through the TEH [Thematic Environmental History] and an additional amendment if necessary should be pursued as soon as possible.”
Following the Panel Hearing and after receiving the Panel Report, Council adopted the amendment on 4 September 2012. The amendment was approved by the Minister for Planning in March 2013.

It is important to note that Council did not receive any submissions opposing the deletion of Charles Street from HO20 during the exhibition of Amendment C109.

Thematic Environmental History and Heritage Gap Study

Council adopted the Moonee Valley Thematic Environmental History in September 2012 and then proceeded with the development of the Moonee Valley Heritage Gap Study (adopted 2014). Through these subsequent studies, Charles Street was not identified as a precinct warranting further investigation for application of the Heritage Overlay.

The Heritage Gap Study did, however, identify the following individual properties in Charles Street as having potential heritage significance:

- 15 Charles Street – This property was granted consent for demolition in 2017 and is no longer extant.
- 65 Charles Street – This property was assessed in the 2017 Heritage Study and is proposed to be included in the Heritage Overlay via Amendment C2000moon (currently awaiting authorisation from the Minister for Planning).
- 67-69 Charles Street – This property was assessed in the 2015 Heritage Study and was found to not meet the threshold for local significance.

Given the findings of previous studies outlined above, it is not recommended to undertake a further heritage study for 81 Charles Street and its surrounds.
11.2 Notice of Motion No. 2019/20 - report additional addendum to its submission to the Essendon Fields Preliminary Master Plan 2019

From: Councillor Richard Lawrence

Take notice that at the Ordinary Meeting of Council to be held on 23 July 2019 it is my intention to move:

That Council submits an additional addendum to its submission to the Essendon Fields Preliminary Master Plan 2019 due to new significant information:

1. That Melbourne Airport has put on hold its plans for a new East-West runway and is now considering building a new North-South runway and the impacts this will have on Essendon Fields flight and aerospace movements and the Airport Environ Overlay.

2. That as the Essendon Fields Preliminary Master Plan 2019 proposed flight and aerospace movements and Airport Environ Overlays (AOE) has not based it’s analysis on a Melbourne Airport new North-South runway and the impact this will have on Essendon Fields.

3. That MVCC based on the recent changes indicated by Melbourne Airport in relation to a new North-South runway does not endorse the Airport Environ Overlay (AEO) and awaits further investigation and consultation by Essendon Fields.

4. That the Mayor write to the CEO Essendon Fields requesting information as to how the north-south runway would impact its planning and in particular the Airport Environ Overlay and how Essendon Fields proposes to update its Preliminary Draft Masterplan 2019 and conduct consultation with the local community on the revised impacts this may have.

5. That the Mayor write to local Federal member The Hon Bill Shorten and the local State members The Hon Ben Carroll and Danny Pearson that MVCC requests support for a review of the Essendon Fields Preliminary Master Plan 2019 due to Melbourne Airport’s new North-South runway and its impact on the Essendon Fields Airport Environ Overlay.

Officer Comments

The Notice of Motion is supported

Council has made its submission on the Essendon Fields Preliminary draft master plan. Officers understand the master plan and all community and stakeholder comments received on the draft have been submitted to the Federal Minister for Infrastructure, Transport and Regional Development for consideration and approval. Additional correspondence from Council to the Federal Minister with an addendum to our submission on the relevant matters may be appropriate.
CONFIDENTIAL REPORTS

Closure of meeting to public

Recommendation
That Council resolves to close the meeting to the public pursuant to Section 89(2) of the Local Government Act 1989 to discuss the following matters:

14.1   203-211 Keilor Road, Essendon (Lots 1, 2 & 3 TP335400C, Lot 352 LP2735, Land in CP151620 and Land in CP152396) - Construction of a multi-storey building, use of the land for dwellings and alteration of access to a road in a Road Zone, Category 1

Item 14.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (h) other matter.