Agenda

Ordinary Meeting of Council

Tuesday, 27 August 2019
6:30pm
Ordinary Meeting of Council
Tuesday, 27 August 2019 at 6:30pm
to be held at the Moonee Valley Civic Centre

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

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

1. Opening

2. Reconciliation Statement

3. Apologies and Leave of Absence
   Cr Richard Lawrence has applied for approved leave of absence for the period
   2 September to 18 September 2019, inclusive.

4. Confirmation of Minutes
   Ordinary Meeting of Council held on Tuesday, 20 August 2019.

5. Declarations of Conflict of Interest

6. Presentations
   Nil.

7. Petitions and Joint Letters
   7.1 Proposed parking changes for Cashmere Street, Travancore ..............5

8. Public Question Time

9. Reports from Special Committees
   Nil.

10. Reports
   10.1 42 Moore Road, Airport West (Lot 1 on Plan of Subdivision
         703628H) - Use and development of a vehicle store and ancillary
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         the Moonee Valley Planning Scheme .....................................................24
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   Nil.

12. Urgent Business

13. Confidential Reports
   Nil.

14. Delegates Reports

15. Close of Meeting

BRYAN LANCASTER
Chief Executive Officer
PETITIONS AND JOINT LETTERS

7.1 Proposed parking changes for Cashmere Street, Travancore

Author: Tracey Classon - Governance Officer
Directorate: Organisational Performance

Summary
Council has received a petition regarding proposed parking changes to Cashmere Street, Travancore.
The first page of the petition contains eight signatures and a further 10 signatures are on a page which does not include the text of the whole petition as required by Council’s Meeting Procedure Protocol.
The preamble to the petition reads:
Cashmere Street resident’s response to proposed parking changes and preferences suggested for Council consideration.
Currently Cashmere caters for;
32 on street parked resident cars,
3 guest cars for Bed and Breakfast guests (not often),
15 transient cars used by tram passengers in Mt Alexander Road.
Total car spaces needed 50,
Total car spaces proposed by Council 34
Cashmere Street cannot sustain any transient day parking.
- We agree to one side of Cashmere Street parking to facilitate Emergency and Waste vehicles and to ensure residents can exit their driveways at all times. We acknowledge and agree that a staggered parking solution is intended to reduce vehicle speed through Cashmere Street.
- We request the complete removal of restriction free parking within Cashmere Street given that the majority of the 15 daily transient cars are parked in Cashmere Street by tram users.
- We request that all parking provided within Cashmere Street should either be;
  - 2hr Permit 87 as per Lucknow, Madura, Mangalore and Baroda Streets or,
  - Resident and Permit only between 8am and 9am, and 3pm to 4pm as current exists to the north east side of Cashmere Street.
- We feel the above addresses Council concerns over safety, provides car park access to visitors to the area, and that residents are not unfairly penalised.
Recommendation
That Council:

1. Receives and notes the petition.
2. Refers this matter to the Director Planning and Development for investigation and reporting back to Council.
3. Advises the petition organiser accordingly.

Attachments
Nil
10.1  42 Moore Road, Airport West (Lot 1 on Plan of Subdivision 703628H) - Use and development of a vehicle store and ancillary use

**Author:** Jennifer Kemp - Senior Statutory Planner  
**Directorate:** Planning and Development

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/134/2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal</td>
<td>Use of a vehicle store with an ancillary shuttle bus service</td>
</tr>
<tr>
<td>Applicant</td>
<td>CES Design</td>
</tr>
<tr>
<td>Owner</td>
<td>OMNICO Business Services</td>
</tr>
</tbody>
</table>
| Planning Scheme Controls | Commercial 1 Zone  
|                   | Environmental Audit Overlay |
| Planning Permit Requirement | Clause 34.01-1 – use of the land as a vehicle store |
| Car Parking Requirements (Clause 52.06) | Requires: 44 spaces  
|                   | Provides: 270 spaces |
| Bicycle Requirements | N/A |
| Restrictive Covenants | None |
| Easements | None |
| Site Area | 13,235 square metres |
| Number Of Objections | 16 (from 15 properties) |
| Consultation Meeting | 17 July 2019 |
Executive Summary

- This application seeks planning approval for the use of a vehicle store with an ancillary shuttle bus service. The use is for the store of 273 vehicles including 23 customer drop off spaces with associated shuttle bus service to and from Melbourne Airport. The application also seeks the construction of a fence to section off the rear portion of the site which is unsurfaced and not to be used for car parking. No building works are proposed by the permit applicant. The business offers an off-site car wash service which does not form part of this application.

- The site has an area of 13,235 square metres and is located on the northern side of Moore Road, Airport West.

- The application was advertised and 16 objections were received from 15 properties. The concerns were raised in relation to the proposed strategic plan for Airport West Activity Centre, excessive hours of operation, hindrance to the surrounding area, use of a car wash, car parking layout, maintenance, noise, light spill, air pollution, pedestrian safety and traffic generation.

- A Consultation Meeting was held on 17 July 2019 and was attended by Councillor Surace, objectors, the permit applicant and Council’s Planning Officer. No resolution was achieved at the meeting.

- The application was internally referred to Council’s Traffic and Transport Unit, Strategic Planning, Infrastructure and Land Use Developments Unit, Environmental Health Unit and Building Services Unit. Conditional support to the application was provided.

- This assessment report finds the proposal demonstrates an adequate response against the relevant policies and provisions of the Moonee Valley Planning Scheme and Council’s MV2040 Strategy and recommends that a Notice of Decision to Grant a Permit is issued subject to conditions. As this use is a relative underutilisation of commercial land, the recommendation is to grant a permit for two years only while further strategic work is undertaken.

Figure 1 – Aerial photo of the subject site and surrounds
Recommendation

That Council issues a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/134/2019 for the use of a vehicle store with an ancillary shuttle bus service at No.42 Moore Road, Airport West (Lot 1 on Plan of Subdivision 703628H), subject to the following conditions:

Endorsement Conditions

1. Before the use and development starts, amended plans must be submitted in an electronic format, drawn to scale with relevant dimensions. The plans must be generally in accordance with the plans submitted and assessed with the application but modified to the satisfaction of the responsible authority to show:

   a) A Traffic and Car Parking Management Plan in accordance with Condition 6;
   b) Any subsequent changes as a result of Condition 1a);
   c) An Acoustic Report in accordance with Condition 7;
   d) A notation for no more than 270 car spaces to be provided across the site;
   e) The relocation of the customer drop off and pick up car spaces, a minimum 50 metres from the front property boundary;
   f) The relocation of the shuttle bus pick up and drop off area a minimum 50 metres from the front property boundary;
   g) Pedestrian links between private vehicle drop off, office and shuttle bus pick up/drop off;
   h) All car spaces to be designed and line marked and signed in accordance with the Australian Standards;
   i) The provision of Australian Standard B99 turning circles associated with the shuttle bus and private vehicle drop off and pick up spaces and any design changes as a result;
   j) The location of directional sign/s in accordance with Condition 4;
   k) No car parking to the front of the existing building at the western boundary;
   l) A ‘no parking’ sign provided as a result of Condition 1k);
   m) ‘No entry’ notated at the closed accessway on the eastern edge of the property;
   n) A notation of a minimum 2.2 metre head height clearance for all internal accessways and car spaces;
   o) Pedestrian visibility splays in accordance with Clause 52.06-9 (Design Standard 1) of the Moonee Valley Planning Scheme; and
   p) Appropriately sited mechanical exhaust ventilation system in accordance with Australian Standards 1668.

When approved, these plans will be endorsed and will form part of this permit.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. Before the use of this permit operates, the areas set aside for the parking of vehicles (maximum 270 spaces), inclusive of private vehicle drop off and pick up, shuttle bus drop off and pick up areas, driveways and access lanes as shown on the endorsed plans must be:
   a) Constructed;
   b) Available for use in accordance with the endorsed plans;
   c) Properly formed to such levels and drainage so that they can be used in accordance with the endorsed plans;
   d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and
   e) Line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the ground, in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

The area set aside for the parking of vehicles, together with the associated driveway and access lanes as shown on the endorsed plans must:
   f) Be maintained and made available for such use; and
   g) Not be used for any other purpose, to the satisfaction of the Responsible Authority.

4. Before the use starts, a directional sign not exceeding 0.3 square metres in area must be provided directing patron drivers to the vehicle drop off area set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority.

5. Except for the prior written consent of the Responsible Authority, external floodlighting must not be installed.

6. Before the development starts, a Traffic and Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a traffic consultant and must include:
   a) The location of all areas on the site to be used for staff, customer drop off/pick up parking and customer vehicle store;
   b) A car parking layout generally in accordance with the relevant requirements of the Australian Standards for Off-Street Car Parking AS/NZS 2890.1-2004 (including ramp grades and dimensions, column locations, headroom clearance, etc.);
   c) Arrangements for the provision of a maximum 270 car spaces including:
i) 4 staff spaces;
ii) Disable car space(s);
iii) 23 customer drop off / pick up spaces; and
iv) Shuttle bus drop off / pick up spaces.

d) The management of customer parking spaces and security arrangements for occupants of the development;
e) The maximum number of bookings to be scheduled at any one time must not exceed the car parking spaces available for use;
f) Lighting of parking areas, entries and exits;
g) Proposed signage to direct occupants and visitors to their designated spaces;
h) Traffic calming measures for inclusions within the accessway and car parking areas of the site including low speed restrictions;
i) The management of noise associated with passengers transferring between private vehicle and the shuttle bus service; and
j) Signage proximate to the drop off and pick up areas of the site to request noise be kept to a minimum.

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

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

7. Noise levels associated with the use must at all times comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No.N-1 (SEPP N-1). Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority to demonstrate compliance, or which outlines any measures considered necessary to achieve compliance. The costs associated with the Acoustic Report shall be borne by the permit holder. The recommendations of the Acoustic Report must be implemented to the satisfaction of the Responsible Authority. The endorsed plans must be amended to accord with the recommendations contained with the Acoustic Report to the satisfaction of the Responsible Authority.

8. This permit will expire if one of the following circumstances applies:
a) If the use does not start within six (6) months of the date of this permit; or
b) After two (2) 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.
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. Such requirements may include adequate sanitary facilities, fire protection, access and egress and car parking spaces for people with disabilities, etc.

- This permit does not authorise any advertising signs. No advertising signs may be erected on the land (other than those which, under the Moonee Valley Planning Scheme are exempt from the need for a planning permit).

- This is not a Health Permit. A separate Health Permit may be required to be obtained prior to the commencement of works and use.

1. Introduction

1.1 Subject Site and Surrounds

The subject property is located at 42 Moore Road, Airport West within an established commercial area on the northern side of Moore Road. The site is rectangular in shape with a frontage of 95.1 metres and a depth of 139.59 metres. The site area is 13,235 square metres.

There are no easements noted on the Certificate of Title or covenants present.

The subject site currently accommodates a double storey brick building which has been previously used as a warehouse for servicing and maintenance of bowsers, fuel and chemical pumps, tanks and the like associated with aviation. The current operation of the site is outlined within Section 2.2 of this report.

The subject site is located within the Airport West Activity Centre under *Plan Melbourne 2017-2050: Metropolitan Planning Strategy* and directly abuts Westfield Shopping Centre to the rear. The site is also located within the Principal Public Transport Network Area and is proximate to the No.59 tram route, numerous bus routes and various local businesses.

![Figure 2 - Application Site (42 Moore Road, Airport West)](image)

18/02/2019 13:08
The surrounding land is within a Commercial 1 Zone within the Airport West Activity Centre. The surrounding area is used and developed for commercial and light industrial purposes. There is a mixture of commercial and industrial uses to the north (Westfields Airport West), east (bus depot) and west (AGL substation). The commercial uses within this precinct have diverse services such as retail, industry and service uses.

To the south is residential land comprising single and double storey dwellings within a General Residential Zone. The character of the area can be described as traditional, featuring multi-unit developments with a decreasing number of single dwellings on large lots.

1.2 Proposal

The proposal can be summarised as follows:

Table 1

<table>
<thead>
<tr>
<th>Use</th>
<th>Vehicle store and shuttle bus service to Melbourne Airport, including:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Drop off and pick up area for customer cars;</td>
</tr>
<tr>
<td></td>
<td>• Shuttle bus drop off / pick up area for customers.</td>
</tr>
<tr>
<td>Hours of operation</td>
<td>24 hours, 7 days a week</td>
</tr>
<tr>
<td>No. of car spaces</td>
<td>270 spaces, inclusive of:</td>
</tr>
<tr>
<td></td>
<td>104 undercover spaces</td>
</tr>
<tr>
<td></td>
<td>166 outdoor spaces, including:</td>
</tr>
<tr>
<td></td>
<td>• 4 staff spaces</td>
</tr>
<tr>
<td></td>
<td>• 23 customer drop off/pick up spaces</td>
</tr>
<tr>
<td></td>
<td>• 1 disabled space</td>
</tr>
<tr>
<td></td>
<td>• 4 shuttle bus drop off/pick up spaces</td>
</tr>
<tr>
<td>Signage</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Refer Attachment A Plans

2. Background

2.1 Relevant Planning History

The approved and completed planning permit history associated with the site includes the following:

- MV/596/2011 – two lot subdivision
- MV/10991/1999 – two lot subdivision
- MV/7783/1995 – install two water tanks for testing and calibrating water meters.
2.2 Enforcement Matters

This planning permit application was lodged as a result of enforcement action from Moonee Valley City Council. Council inspected the site on 4 March 2019 to find the site operating without the required planning permits as a car park and shuttle bus service. Given the nature of the business, the site could not cease complete operation as patron vehicles could not be removed from the site without creating detriment. As a result, Council instructed no new bookings occur, internet advertising to limit booking and signage to the front of site to indicate temporary restrictions until such a time a planning permit has been issued for the operation of the site.

Ongoing monitoring and enforcement action has been occurring during the course of the planning permit application.

In the event that a planning permit is not issued, the business will be required to cease use at the instruction of Planning Enforcement.

3. Planning Policies and Decision Guidelines

Planning Policy Framework (PPF)
- Clause 11 Settlement
- Clause 13 Environmental Risk and Amenity
- Clause 17 Economic Development
- Clause 18 Transport
- Clause 19 Infrastructure

Local Planning Policy Framework (LPPF)
- Clause 21.01 Municipal Profile
- Clause 21.02 Key Issues and Influences
- Clause 21.03 Vision
- Clause 21.04 Sustainable Environment
- Clause 21.07 Activity Centres
- Clause 21.08 Economic Development
- Clause 21.09 Transport

Zoning
- Clause 34.01 Commercial 1 Zone

Overlays
- Clause 45.03 Environmental Audit Overlay

Particular and General Provisions
- Clause 52.06 Car Parking
- Clause 65 Decision Guidelines
- Clause 66.02 Use and Development Referrals
- Clause 71.02-3 Integrated Decision Making

4. Referrals

The application was not required to be referred to any external referral authorities.
Council enquired through due diligence with the Environmental Protection Authority Victoria to determine the appropriate conditions to be imposed on any issued planning permit. Further discussion is outlined within Section 7.4 of this report.

The proposal was referred to the following internal Council Departments and their comments are summarised as follows:

<table>
<thead>
<tr>
<th>Department/Officer</th>
<th>Conditions/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic and Transport Unit</td>
<td>No objection, subject to standard conditions and the following non-standard conditions:</td>
</tr>
<tr>
<td></td>
<td>• A restriction on the duration of operation on the site;</td>
</tr>
<tr>
<td></td>
<td>• Maximum 270 bookings at any given time;</td>
</tr>
<tr>
<td></td>
<td>• 23 car spaces for drop off/pick up to be designed in accordance with AS2890.6-2099;</td>
</tr>
<tr>
<td></td>
<td>• All car parking bays to be line marked and signed in accordance with the Australian Standards; and</td>
</tr>
<tr>
<td></td>
<td>• The provision of Australian Standard B99 turning circles associated with the taxi bus bay/s.</td>
</tr>
<tr>
<td>Strategic Planning Department</td>
<td>No objection, subject to a temporary permit of 2 years to allow for the site to be utilised whilst strategic work occurs for the neighbourhood.</td>
</tr>
<tr>
<td>Environmental Health Unit</td>
<td>No objection, subject to standard conditions and the following non-standard conditions:</td>
</tr>
<tr>
<td></td>
<td>• The installation of a mechanical exhaust ventilation system to comply with the Australian Standards 1668.</td>
</tr>
<tr>
<td>Building Services Unit</td>
<td>No objection, subject to an exhaust vent provided for internal car spaces and any relevant building permit to ensure compliance with the Building Regulations 2018, relevant Australian Standards and National Construction Code (NCC) 2016.</td>
</tr>
</tbody>
</table>

5. **Public Notification of the Application**

Pursuant to Section 52 of the *Planning and Environment Act 1987*, the application was advertised by mail to adjoining and surrounding properties with one notice erected along the front of the site.

Sixteen (16) objections from fifteen (15) properties were received from the properties listed within Attachment B of this report.
6. Consultation Meeting

A Consultation Meeting was held on 17 July 2019 and was attended by Councillor Surace, objectors, the permit applicant and Council’s Planning Officer. No resolution was achieved at the meeting.

7. Discussion

7.1 Does the proposal address the relevant State, Regional and Local Planning Policies?

The proposal, subject to conditions, is considered to comply with the relevant State, Regional and Local Planning Policies which generally seek to ensure locations which take advantage of existing commercial and community services are used for this purpose. The proposed use is considered to take advantage of the site’s proximity to Melbourne Airport. Whilst this business model is a pioneering example within the municipality, it is noted that there are multiple businesses of this type within the adjoining municipality in Tullamarine, equal distance from Melbourne Airport. The examples identified within Figure 3 demonstrate the proximity of the site to Melbourne Airport, indicating it is reasonable for a business of this type to operate in this location.

![Figure 3 – Demonstration of various airport parking businesses proximate to Airport West](image)

The proposal is considered to comply with the Planning Policy Framework and the use is considered consistent with the objectives at Clause 21.08 (Economic Development), Clause 17.02-1S (Business) and Clause 17.01 (Commercial), which seeks to encourage development that supports the community’s need for retail, entertainment, office and other commercial services. The proposed use is considered to provide community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.
When considering this proposed use against a net community benefit, recent case law allows for a framework to achieve an acceptable outcome. 5 Chauvel Street Pty Ltd v Banyule CC [2019] VCAT 1061 Paragraph 26 where the VCAT Order considers that:

'It follows that planning does not seek perfect or ideal outcomes but acceptable outcomes, balancing competing policy. Not every aspect of every policy must be complied with to arrive at an acceptable outcome and favourable decision for a proposal. This is supported by the Supreme Court decision of Rozen [Rozen v Macedon Ranges Shire Council and Anor [2010] VCS 583], where, at paragraphs 171 to 175, the Court stated the following:

The test of acceptable outcomes stated in the clause is informed by the notions of net community benefit and sustainable development. An outcome may be acceptable design some negative characteristics. An outcome may be acceptable because on balance it results in net community benefit despite achieving some only of potentially relevant planning objectives and impeding or running contrary to the achievement of others.'

The proposed application is acknowledged to meet areas of policy whilst is questionable against others. Council’s responsibility is to make a balanced decision based on a net community benefit as outlined within the above case law. The identified competing issues associated with this proposal is a use this is not compatible or in alignment with the future vision of Airport West Activity Centre, whilst the proposal does provide employment and activation of the site. In assessing a balanced approach, the policy framework is identified and assessed in turn.

Clause 21.07 (Activity Centres) is applicable in this instance and builds on the objectives and strategies of the Planning Policy Framework, in particular Clause 11 (Settlement). The subject site is located within the Keilor Road Activity Centre as identified in Plan Melbourne 2017-2050: Metropolitan Planning Strategy and is earmarked as a Major Activity Centre.

The Keilor Road Activity Centre Structure Plan 2008 is a reference document pursuant to Clause 21.07-8 of the Moonee Valley Planning Scheme. The vision for Airport West Activity Centre is to ‘develop the centre into a vibrant, attractive, safe and sustainable activity hub which strengthens the identity of Airport West, maintains its varied commercial function and strong employment base, and defines the character of the area through built form and landscape treatments.’ The strategy to implement this vision is outlined within Clause 21.07-2 to ‘ensure that any proposed use or development within the Airport West Activity Centre is generally consistent with the Airport West Activity Centre Structure Plan.’

The plan identifies the subject site as being located within an area to ‘encourage mixed commercial and community uses near shopping centre’ and ‘encourage mixed commercial services and community uses and residential consolidation above street level.’ The site is currently identified
for up to two and three storey mixed community/commercial/residential development.

Furthermore, it is noted that Council is undertaking strategic work to redraft the Airport West Activity Centre. The strategic work is in draft stage and has produced an Urban Design Report (Planisphere June 2017) identifying the subject site in a core retail precinct between 3 and 6 storeys in height. It is noted, while this work is not adopted to date, the strategic work gives influence to the timeframe for any permit and possible future site parameters.

It is noted that the proposal does not seek built form changes to the existing double storey building. The use is considered a reasonable intensification of the site, while not in alignment with the future vision of the site. The structure plan seeks a mix of uses which will service the community and may provide additional housing. The proposed use as a vehicle store is not considered to service the local community. The use is expected to attract customers from Melbourne metropolitan and country Victoria needing to park their car in long term parking close to Melbourne Airport. As such, it is anticipated Airport West residents will not typically utilise this business.

It is noted there are no current planning permits sought for building works, or an intensification of the site as sought by the Airport West Structure Plan 2008.

While the business is not considered in alignment with the long term vision of the structure plan, on balance, the proposed use activates the site and brings business and employment to the area for the short term. Notwithstanding, it is understood the applicant intends to tenant the site for three years under the rental agreement, until December 2021. For these reasons, in this instance, it is considered a reasonably balanced approach to approve a planning permit, subject to conditions to restrict the duration of operation for the proposed use on the site. Council’s Strategic Planning Unit and Traffic and Transport Unit have no objection to this condition and support a temporary use and will allow the site to be prepared for redevelopment in future in line with Council strategic work envisaged for the Airport West Activity Centre.

It is noted that while a temporary permit is merited and should be imposed on the permit, the permit condition should allow for an extension of time to be lodged. Council should base any extension requests on the current policy controls and strategic work implemented at the time.

The proposal accords with Clause 21.04-7 (Waste) and can be adequately catered for by Council’s waste collection service.

With regard to Clause 13.04-6 (Contaminated and potentially contaminated land) and Clause 21.04-6 (Potentially Contaminated Land), please refer to Section 4.4 of this report.
7.2 Compliance with Clause 52.06 (Car Parking)

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

<table>
<thead>
<tr>
<th>Unit</th>
<th>Requires</th>
<th>Provides</th>
</tr>
</thead>
<tbody>
<tr>
<td>Store (Vehicle Store)</td>
<td>44 spaces</td>
<td>270 Spaces</td>
</tr>
</tbody>
</table>

As referenced within Section 2.3 of this report, Council’s Traffic and Transport Unit has no objection, subject to the inclusion of conditions on any permit granted as follows:

- The use of the land does not align with the future vision for Airport West Activity Centre and therefore should only allow for a temporary use that will allow time for a mixed use redevelopment to occur in line with Council guidelines for the Airport West Activity Centre. This comment aligns with the discussions throughout this report and as such a sunset clause condition will be imposed on a permit granted to ensure the use of the site will cease within 2 years.

- A maximum 270 car spaces, inclusive of staff and drop off / pick up spaces. A condition to this effect will be imposed on any issued planning permit.

- The indoor vehicle storage areas must demonstrate a headroom clearance greater than 2.2 metres. A condition to this effect will be imposed on any issued planning permit.

- Pedestrian sight triangles to be demonstrated on either side of the driveway. It is noted that there are no changes to the existing conditions of the site and it is clear that the sight lines are already achieved on the site. However, a condition to this effect will be required to be demonstrated on the plans to formalise this arrangement.

- All car spaces to be line marked and signed in accordance with the Australian Standards. This includes ‘no entry’ signage at the closed accessway and other directional signage for customer drop off/pick up of vehicles. All signage is to be shown on the plans. These conditions will be imposed on any issued planning permit.

The traffic report submitted by the permit applicant is limited in information regarding traffic generation of the site. Council acknowledges customers will arrive at various times across the day depending on flight times. Council’s Traffic and Transport Unit consider the nature of the site to be appropriate and no additional traffic reports are required to make a determination on the application.

7.3 Does the proposal accord with the Commercial 1 Zone?

The proposed vehicle store and ancillary shuttle bus service are considered against Clause 34.01-1 use of the land as a vehicle store and Clause 34.01-8 decision guidelines of the Moonee Valley Planning Scheme. This business is the first of its type within Airport West and the
municipality, therefore creates a mix of uses within the precinct of Airport West Activity Centre.

The application is carefully considered against the purposes of the Commercial 1 Zone which seeks ‘to implement the Municipal Planning Strategy and Planning Policy Framework’ and ‘to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.’ These purposes have been assessed and outlined within Section 4.1 of this report.

When considering Clause 34.01-8 (Decision Guidelines), the following assessment is made:

- The use is not prohibited within Clause 34.01-1 of the Moonee Valley Planning Scheme and can therefore be considered on balance under the decision guidelines of this zone.

- The subject land presents an interface to residential zoned land along the southern side of Moore Road. Given the residential use and development proximate to the site, the application must be carefully considered to ensure the amenity of nearby residents is reasonably protected.

The proposed use and site layout are considered to have the potential to create excessive noise due to the location and operation of vehicle drop off and pick up services across the site. Given the size of the property, there is ample room to provide a more reasonable location for the private vehicle and shuttle bus drop off and pick up areas to minimise operational noise produced by activities on the site. This will allow an additional buffer distance between the adjoining residents and the incidental noise, light and air emissions created by the user and vehicles of the site. Conditions should be imposed on any issued planning permit to relocate the transit areas a minimum 50 metres into the site. It is considered a 50 metre separation is sufficient to mitigate incidental noise to nearby residential properties whilst allowing the function and operation of the business to be streamline. Traffic calming measures will be required through a Car and Traffic Management Plan as recommended within Condition 7. These traffic calming measures are recommended within the planning permit conditions to allow the site to operate 24 hours a day, seven days a week to allow the business to compete in the market whilst ensuring the adjoining residential properties are not compromised.

All amenity measures will be expected to be in accordance with SEPP N-1 of the State Environment Protection Policy.

7.4 Does the proposal accord with the Environmental Significance Overlay?

Clause 45.03-1 of the Moonee Valley Planning Scheme only requires a certificate or statement when a sensitive use (residential use, child care centre, pre-school centre or primary school) commences.
While the site does not propose any ground cover changes or building works, as the site will be used for car parking, this is not a sensitive use. Therefore, a Certificate or Statement of Environmental Audit in accordance with Part IXD of the Environmental Protection Act 1970 will not be imposed on any issued planning permit in this instance.

7.5 **Does the proposal demonstrate integrated decision making?**

The proposal complies with the provisions of Clause 71.02-3 (Integrated Decision Making), subject to the inclusion of conditions on any issued planning permit as discussed throughout this report. The proposal suitably addresses aspects of the economic, environmental and social well-being by balancing conflicting objectives in favour of community benefit. Given the future vision of the activity centre, the sunset permit timeframe will ensure the future development of the site will benefit future generations.

8. **Objections**

The following table provides a discussion of the concerns raised with the objections of this application:

**Table 4**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Against the Airport West Activity Centre Structure Plan Review</td>
<td>As outlined within Section 4.1 of this report, the strategic work associated with the Airport West Activity Centre is at draft stage and is not an adopted direction at this point in time. Council must consider the merits of the application against current planning policy of the Moonee Valley Planning Scheme as outlined within this report.</td>
</tr>
<tr>
<td>Hindrance to the surrounding area</td>
<td>The subject site is located within a Commercial 1 Zone. Given the business type and need for a 24 hour, 7 day a week business to cater for Melbourne Airport the site is merited to operate for such a time. It is noted that the business is in a competitive market where similar business types, as outlined within <strong>Figure 3</strong> are not restricted. If Council were to unnecessarily impose curfew on this business it will draw the economy outside of Moonee Valley. Council has imposed conditions on the recommendation to ensure appropriate restrictions on the operation of the site to minimise noise and amenity impacts.</td>
</tr>
<tr>
<td>Parking on the grass within the front setback</td>
<td>The proposal does not seek works or car parking within the front setback of the site where landscaping occurs. Any informal car parking along the grass to the front of the site will be subject to enforcement action. Council officers recommend planning permit conditions to prevent car parking to the front of the site.</td>
</tr>
<tr>
<td>Issue</td>
<td>Officer Response</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Upkeep and maintenance of the property</td>
<td>This is not a planning consideration.</td>
</tr>
<tr>
<td>Light spill from vehicle headlights and</td>
<td>Council officers have considered the amenity of adjoining residential properties through the course of this application as discussed in this report. As a result, Council officers recommend Condition 1e) and 1f) to be imposed on any issued planning permit to relocate the transient operations of the business away from residential land and properties. There are no proposed changes to the existing access and driveway along the western alignment of the site. Council’s consideration of the application cannot regulate the headlights or light spill of security lights associated with the operation of the use. The proposed use of the land is considered reasonable subject the outlined recommended conditions.</td>
</tr>
<tr>
<td>security lights</td>
<td></td>
</tr>
<tr>
<td>Air pollution</td>
<td>Please refer to Section 4.3 of this report.</td>
</tr>
<tr>
<td>Pedestrian safety</td>
<td>The design layout and pedestrian safety has been considered by Council’s Traffic and Transport Unit who regards the application compliant with Clause 52.06-9 of the Moonee Valley Planning Scheme subject to a condition imposed on any issued planning permit to formally identify the pedestrian visibility splays. It is noted that all vehicles entering and exiting the site can be achieved in a forwards directions to improved safety. The site will be required to impose low speed traffic signs across the site to be adhered to as a condition on any issued planning permit.</td>
</tr>
<tr>
<td>Traffic congestion</td>
<td>Council does not consider the use of the site to be an excessive generation of traffic within Moore Road or the wider context.</td>
</tr>
<tr>
<td>Use of nearby car wash</td>
<td>The application is for the consideration of on-site use and works. Whilst it is acknowledged that the business model proposed off-site car washing for customers during their vehicle stay, this is not a consideration for the subject site or planning permit application.</td>
</tr>
<tr>
<td>Incorrect display of advertising notice</td>
<td>Council is satisfied that the application was notified adequately pursuant to Section 52 of the Planning and Environment Act 1987.</td>
</tr>
</tbody>
</table>
9. **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).

10. **Council Plan / Policy**

On 26 June 2018, Council adopted the *MV2040 Strategy* as its long-term plan for the city. It is considered that 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 11: A city with streets and spaces for people;

11. **Conclusion**

The application has been assessed against the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zoning and overlay controls, the relevant Particular and General Provisions, and the decision guidelines at Clause 65 of the Moonee Valley Planning Scheme. Additionally, consideration has been given to the requirements of Section 60(1B) of the *Planning and Environment Act 1987* and it is determined that the proposal would not have a significant social effect.

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

**Attachments**

A: Advertised Plans (separately circulated)  
B: Objectors List (separately circulated)
10.2 Amendment C193moon - Introducing the MV2040 Strategy into the Moonee Valley Planning Scheme

Author: Corina de Araujo - Senior Strategic Planner
Directorate: Planning and Development

1. Purpose

1.1 The purpose of this report is to:

- Advise Council on the recommendations of the independent Planning Panel, appointed by the Minister for Planning to hear submissions in regard to the Moonee Valley Planning Scheme Amendment C193moon.
- Seek a Council resolution to adopt Amendment C193moon and submit the amendment to the Minister for Planning for approval.

2. Background

2.1 On 26 June 2018, Council resolved to adopt the MV2040 Strategy as Council’s long term strategic plan, and the Moonee Valley Planning Scheme Review (Review) as the review required under Section 12B of the Planning and Environment Act 1987 (Act).

2.1.1 The key recommendation of the Review was to comprehensively re-write the Municipal Strategic Statement (MSS) to align with the vision and new direction set for the municipality by the MV2040 Strategy.

2.2 At the same meeting, Council resolved to request the Minister for Planning (Minister) for Authorisation to prepare and exhibit Amendment C195 (as it was referred to at the time), and refer unresolved submissions to an independent Planning Panel (Panel).

2.3 On 27 June 2018, Council officers submitted Amendment C195 to the Minister for Authorisation.

2.4 On 11 July 2018, Council’s request for Authorisation was put under further review.

2.4.1 This review was due to the Department of Environment, Land, Water and Planning’s (DELWP) proposed changes to the form and content of planning schemes as part of its Smart Planning reforms, and their likely impact on Council’s amendment.

2.5 On 31 July 2018, the Minister approved reforms to the Victoria Planning Provisions (VPPs) via Amendment VC148. The reforms served to consolidate the structure of all Victorian planning schemes and introduce a new Municipal Planning Strategy (MPS) at Clause 02 and an integrated Planning Policy Framework (PPF) at Clause 11-19 of the Moonee Valley Planning Scheme (Scheme).

2.6 On 11 September 2018, the revised Amendment C195 (Council officers’ initial translation in line with the Amendment VC148 reforms) was presented to Council.
2.7 At the same meeting, Council resolved to lodge the revised Amendment C195 with the Minister.

2.8 On 29 October 2018, the Minister authorised Council to prepare Amendment C195 subject to conditions.

   2.8.1 The conditions primarily revolved around further refining the amendment documentation to align with Amendment VC148, in consultation with DELWP officers.

   2.8.2 One of the conditions also required the amendment number to be updated to ‘Amendment C193moon’.

2.9 From September 2018 to February 2019, Council officers worked closely with DELWP officers to ensure Amendment C193moon satisfied the conditions of the Authorisation letter and was compliant with Amendment VC148.

2.10 On 8 March 2019, Council officers submitted Amendment C193moon, in its revised format, to the Minister for Exhibition.

2.11 Public Exhibition was held from 28 March 2019 to 3 May 2019.

2.12 In accordance with Council’s resolution of 26 June 2018, on 14 May 2019 Council officers formally requested a Panel be appointed to review unresolved submissions received during the public exhibition period.

2.13 The Directions Hearing for Amendment C193moon was held on 7 June 2019 and the Panel Hearing was held 15 and 16 July 2019.

3. Issues

   MV2040 Strategy and Amendment C193moon

3.1 The MV2040 Strategy is comprehensively transforming the way Council operates and delivers for the community by adopting a 20-minute neighbourhood planning approach.

3.2 Introducing the MV2040 Strategy into the Scheme is important to ensure the appropriate land use and development policy framework is in place to guide decision-making and achieve a healthy Moonee Valley that is fair, thriving, connected, green and beautiful.

3.3 Amendment C193moon proposes to introduce the relevant land use and development direction from the MV2040 Strategy into the Scheme, particularly the following key aspects:

   • Community vision for a healthy city
   • Five themes – fair, thriving, connected, green and beautiful
   • 13, 20-minute neighbourhoods and neighbourhood planning approach
   • Directions around community hubs and multi-purpose pavilions
   • Directions around co-working spaces
   • Directions on increasing tree canopy cover to enhance the urban forest.
3.4 Amendment C193moon also seeks to introduce an MPS and local policies within the PPF, and make consequential changes to Clause 43.01 (Heritage Overlay), Clause 52.28 (Gaming), Clause 72.04 (Documents Incorporated in this Planning Scheme), Clause 72.08 (Background Documents), Clause 74.01 (Applications of Zones, Overlays and Provisions) and Clause 74.02 (Further Strategic Work).

Public Exhibition and Submissions

3.5 Over the five week public exhibition period, a total of 16 submissions were received (one submission was ultimately withdrawn prior to the Directions Hearing).

3.6 Of the submissions considered by Council officers, nine submissions provided general support for Amendment 193moon (some with specific requests for refinement), five submissions requested more substantive changes and one submission opposed the amendment.

3.7 The key issues raised in the submissions can be broadly summarised as follows:

- Appropriateness of background documents
- Issues with the Environmental Sustainable Design (ESD) local policy
- Specific drafting changes
- Issues with the strategic framework plans
- Concerns regarding the housing local policy
- Request for more specific controls on development
- Request for specific recognition for particular sites/developments
- General concerns regarding the amendment process.

Panel

3.8 The Panel consisted of two members - Chair Tim Hellsten and Member Michael Kirsch.

3.9 A total of five submitters requested to be heard (including Council).

3.10 Council presented expert evidence from Mr John Glossop of Glossop Town Planning.

3.11 In addition, a representative from DELWP’s Smart Planning team presented to the Panel on DELWP and Council’s translation process (in line with Amendment VC148).

3.12 The Panel report was received on 30 July 2019 (Attachment B).

3.13 The following are excerpts from the Panel report:

“The Panel commends Council for the extensive strategic work that it has undertaken and supports the adoption of the Amendment.

The Amendment is well founded and strategically justified.”

3.14 Specifically, the Panel recommended Amendment C193moon be adopted as exhibited subject to the following changes:
• Include the changes proposed by Moonee Valley City Council and described in Document 11 (tabled by Council at the Hearing), unless otherwise recommended by the Panel

• Review Clause 16.01-2L (Housing growth) to ensure that the strategies are clearly expressed

• Remove the reference to Plan Melbourne as a Policy document in Clause 16.01-2L (Housing growth)

• Review the plans in Clause 02.04 (Strategic Framework Plans) to ensure that references to facilities and infrastructure clearly identify whether they are existing or proposed and whether they reflect and indicative site or location

• Replace the first dot point under the heading ‘Flemington’ in Clause 02.03-1 (Settlement) with:

  Promoting high-quality architecture and design that integrates well with the heritage attributes of the neighbourhood.

Next Steps

3.15 Council officers recommend Council adopt Amendment C193moon with the following changes in response to the Panel’s recommendations:

• All changes tabled at the Panel Hearing which responds to some requests from submitters and expert evidence from Mr John Glossop

• Minor changes to improve the clarity and consistency of the first three strategies in Clause 16.01-2L (Housing growth)

• Removed reference to Plan Melbourne as a policy document in Clause 16.01-2L (Housing growth)

• Inserted the sentence “References to the location of all proposed facilities and infrastructure are indicative only” in the 13 neighbourhood implementation plans and the community facilities plan in Clause 02.04

• Replaced the first dot point under the heading ‘Flemington’ on Clause 02.03-1 (Settlement).

3.16 In addition, Council officers have made very minor formatting corrections to ensure consistency across all clauses.

3.17 All the changes have been in track changes (Attachment C).

3.18 Subject to the approval of Amendment C193moon (Attachment D), the next critical stage in implementing the MV2040 Strategy will be the development of Neighbourhood Plans for all 13 neighbourhoods. This view is shared by the Panel, with the Panel report stating:

  “…the successful implementation of the MV2040 Strategy will require the timely preparation and implementation of the Neighbourhood Plans.”


Recommendation

That Council resolves to:

a. Note the Moonee Valley Planning Scheme Amendment C193moon Panel Report recommendation to adopt the Amendment as exhibited subject to minor changes, pursuant to Section 27 of the Planning and Environment Act 1987.

b. Adopt Amendment C193moon with changes as recommended by the Planning Panel, along with additional minor formatting changes, pursuant to Section 29 of the Planning and Environment Act 1987.

c. Submit the adopted Amendment C193moon to the Minister for Planning for approval, pursuant to Section 31(1) of the Planning and Environment Act 1987.

d. Notify all submitters of Council’s resolution to adopt Amendment C193moon and submit Amendment C193moon to the Minister for Planning for approval.

Attachments

A: Impact Assessment  
B: Panel Report (separately circulated)  
C: Amendment C193moon - Track Changes (separately circulated)  
D: Amendment C193moon - Final (separately circulated)  
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   
   1.1 Amendment C193moon seeks to introduce the MV2040 Strategy into the Moonee Valley Planning Scheme (Scheme) and ensure the appropriate policy framework is in place to guide decision-making for land use and development. This will assist in delivering a healthy Moonee Valley that is fair, thriving, connected, green and beautiful by 2040.

   1.2 The Council Plan (Year 2 update), adopted on 9 October 2018, was adjusted to align with the MV2040 Strategy. In particular, the report seeks to achieve the Council Plan objective 6.5 – We demonstrate leadership, and its associated key priority – Undertake the work to have MV2040 embedded into the Planning Scheme (Theme 6: Resilient organisation - Balit Djerring-dha).

   1.3 The relevant Council decision relating to Amendment C193moon have been referred to in the Council report. Of particular relevance to the MV2040 Strategy is the following Council decisions:

   1.3.1 23 August 2016 – Council resolved to commence a long-term visioning exercise for Moonee Valley.

   1.3.2 26 September 2017 – Council resolved to endorse the MV2040 Visioning Paper for community consultation.

   1.3.3 24 April 2018 – Council resolved to endorse the Draft MV2040 Strategy for community consultation.

   1.3.4 26 June 2018 – Council resolved to adopt the final MV2040 Strategy.

1. Legislative obligations

   1.1 The report outlines the recommendations of the independent Planning Panel (Panel) appointed by the Minister for Planning (Minister) under Section 153 of the Planning and Environment Act 1987 (Act).

   1.2 In addition, the report seeks Council’s resolution to note the Panel’s recommendations to adopt the amendment under Section 27 of the Act; adopt the amendment under Section 29 of the Act, and submit the adopted amendment to the Minister for approval under Section 31(1) of the Act.

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

2. Legal implications

   2.1 There are no legal implications as a result of this report.

3. Risks
3.1 Using the risk assessment criteria matrix, the risk rating for the report is medium (6). The measure of consequence is assessed as minor (reputation) and the measure of likelihood is possible.

3.2 The MV2040 Strategy is Council’s overarching plan guiding planning and service delivery across the municipality. A comprehensive engagement program has accompanied the development of the MV2040 Strategy and as such, it is well recognised in the community.

4. Social impact assessment

4.1 The decision will have a positive social impact in the municipality by providing the policy framework to:

4.1.1 Implement the shared vision for Moonee Valley to be a healthy city, developed through extensive community consultation.

4.1.2 Assist decision-making relating to land use and development which Council will use to strategically accommodate growth in the municipality in an equitable and sustainable manner.

4.2 In addition, the decision will provide local policy direction to deliver the adequate provision of infrastructure and services for the growing community; and improve the quality of built form, attractiveness of streetscapes and overall safety and amenity.

5. Economic impact assessment

5.1 The decision will have a positive impact by providing local policy direction to enhance economic opportunity across the municipality.

5.2 In particular, Amendment C193moon contains specific strategies on diversifying the local economy by encouraging new and emerging business sectors (i.e. co-working spaces), and supporting the night time economy in activity centres.

6. Environmental impact assessment

6.1 The decision will have a positive environmental impact by providing local policy direction to achieve environmental resilience and sustainable future land use and development outcomes in the municipality.

6.2 In particular, Amendment C193moon contains specific strategies to increase tree canopy cover; strengthen river, creeks and open space corridors; encourage planting of native vegetation, and encourage waste avoidance, reuse and recycling.

7. Reputational impact assessment

7.1 Should the amendment not be adopted and submitted to the Minister for approval, the reputational impacts may include:
7.1.1 Delays in implementing the key aspects of the MV2040 Strategy into the Scheme, and as such not having a planning policy framework reflective of the community's aspirations.

7.1.2 Delays to the preparation of Neighbourhood Plans, and further social, economic and environmental implications of land use and built form controls not aligned with our vision for a healthy city.

7.1.3 Community distrust due to their investment in the development of the MV2040 Strategy and the extensive process taken to implement it into the Scheme.

8. Financial implications

8.1 The costs relating to Amendment C193moon and the Panel process were funded through the Strategic Planning operational budget.

9. Sensitivity / scenario analysis

9.1 Adopting Amendment C193moon (with the Panel's recommendations), and submitting the amendment for approval to the Minister is critical in ensuring the Scheme clearly articulates the key directions for the municipality set by the MV2040 Strategy.

9.2 In addition, the land use and development policy framework will then be in place to prepare the Neighbourhood Plans to provide the land use planning framework necessary to achieve our network of 13, 20-minute neighbourhoods.

9.3 The implementation of this policy framework ensures extensive strategic work will be progressed in terms of developing the 13 Neighbourhood Plans. This will allow Council officers to present a future report to Council on the first tranche of Neighbourhood Plans. This is in accordance with the Council resolution of 26 June 2018 to receive a further report about the completion of Neighbourhood Plans.

10. Conflict of interest declaration

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

11. Consultation undertaken or planned

11.1 Public exhibition of Amendment C193moon took place from 28 March 2019 to 3 May 2019, and Council received 16 submission (one was ultimately withdrawn).

11.2 Public exhibition included:

11.2.1 Developing and distributing a concise and accessible factsheet with all the relevant information, including exhibition timeframes and how to make a submission.
11.2.2 Notifying all submitters via email who had previously provided written submissions through the development of the MV2040 Strategy.

11.2.3 Notifying prescribed Ministers and relevant agencies.

11.2.4 Information on the corporate website and Your Say website.
10.3 **Opportunity to work with DHHS on Integrated Masterplan**

**Author:** Natalie Reiter - Director Planning and Development  
**Directorate:** Planning and Development

1. **Purpose**
   
1.1 This report acknowledges the opportunity to represent the Flemington Neighbourhood in working with the Department of Health and Human Services (DHHS) to explore opportunities for delivery of an integrated master planning process, including community infrastructure, within the Debneys Park and Office of Housing precinct.

1.2 Further, the report requests Councillors endorse Officers to enter into discussions with the DHHS and share information as appropriate.

2. **Background**

2.1 Over the past two years Council has been working toward the redevelopment of the Flemington Community Centre through the Debneys Park Master Planning project. Significant community consultation has been undertaken as well as liaison with other stakeholders including the DHHS.

2.2 During this same period, DHHS have been working on their Public Housing Renewal Program (PHRP) to renew and increase public housing stock on the Flemington Estate through private tenure redevelopment (to help fund the project and create more diverse communities).

2.3 Resolutions of Council have included the following:

2.3.1 The current opportunity before Council was foreshadowed in the resolution of Council 20 Dec 2016 (Minute No. 2016/200) that Council:

   - Requests Officers work with the Department of Health & Human Service (DHHS) to prepare a Master Plan for the Flemington Estate precinct.

   - Request DHHS for Council to be the lead stakeholder responsible for community engagement on this project for the duration of the project through to service provision on the ground post project delivery to ensure people centred outcomes are achieved.

   - Work with the DHHS to consult with the inter-agency work group, incorporating Public Transport Victoria (PTV), Vic Roads and other authorities and a Community Working Group convened by Council to ensure local community aspirations are considered in the Master Planning exercise.

   - Enter into a Memorandum of Understanding (MOU) (**Attachment A - confidential**) with Council and DHHS agreeing the parties will work to:
a. achieve the successful implementation and completion of the Project and ensure a value for money outcome for the State.

b. identify and maximise the economic, social, urban design and public realm improvements arising from the Project.

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

2.3.2 Since this time, Council has resolved a number of other, though not contradictory, matters relating to Debneys Park, including:

- 26 March 2019 (Minute No. 2019/56) with the approved release of the three concept options for community consultation; and acknowledging the significant work and input to date on the Hub from the Flemington Neighbourhood Advisory Group.

- 11 June 2019 (Minute No. 2019/178) to modify the Long-Term Capital Works Plan to 2044/45 as per Appendix C and detailed in confidential Appendix D, with the following change; reduce the total cost of the Flemington Community Hub from $42.5 million to $20 million.

3. Issues

3.1 In recent weeks, DHHS has contacted Council to advise the PHRP was entering a new phase and requested the resumption of joint master planning and infrastructure planning.

3.2 Whilst it has always been envisaged the new Community Hub at Debneys Park would complement the redevelopment of the Flemington Estate, uncertainty regarding the timing of the redevelopment had resulted in Council progressing master planning and advancing plans for the new community hub relatively independently from DHHS.

3.3 The potential location for the new hub had initially been foreshadowed at the Social Housing Renewal Standing Advisory Panel (the Panel) hearing on Amendment C177, yet it was always envisaged significant consultation would be undertaken to inform the masterplan. While the Panel report criticised the location of the hub, it had not been understood that the hub would be designed to act as a conduit, rather than a barrier, between the Estate and Debneys Park. The opportunity to work with DHHS on the master planning for the site now before Council could potentially help with integrating the various elements of the precinct and surrounding neighbourhoods.

3.4 Since the Panel Report, there has been a huge investment of time by the people of Flemington to inform the planning for the Debneys Park precinct, including the new Hub. This consultation has occurred concurrently with consultation undertaken by DHHS regarding the redevelopment of the Flemington Estate which has at times, created confusion for people from the Estate and surrounding neighbourhoods.
3.5 The current request by DHHS to work with them on the delivery of an Integrated Masterplan could potentially provide an opportunity for exploring how a new hub might sit within the precinct to deliver optimally for the neighbourhood.

3.6 The Precinct is defined as all land within the dashed line per Figure 1 below.

Figure 1: Extent of Precinct boundary is all land within the dashed line.

Recommendation

That Council resolves to:

a. Engage in discussions with Department of Health and Human Services on exploring the possible delivery of an integrated master planning process including community infrastructure within the Debneys Park and Office of Housing precinct.

b. Agree to share information to help inform discussions and to assist in exploring the optimal development of the precinct (shown in Figure 1).

Attachments

A: Previous MOU 2017 - not executed (separately circulated) (confidential)
10.4 Revision to the grading of 15 Clarence Street Flemington in Amendments C200moon and C201moon

Author: Christina Collia - Strategic Planner
Directorate: Planning and Development

1. Purpose

1.1 To request the grading of 15 Clarence Street, Flemington in proposed HO461 be revised to non-contributory in Amendments C200moon and C201moon, which respectively propose to apply the Heritage Overlay on a permanent and interim basis to properties identified in the Moonee Valley 2017 Heritage Study.

2. Background

2.1 Heritage Gap Study and 2017 Heritage Study

2.1.1 On 25 November 2015, Council adopted the Heritage Gap Study 2014. The Gap Study identifies potential gaps in Moonee Valley’s heritage overlays and outlines a prioritised work program and structure to undertake future heritage studies.

2.1.2 On 13 June 2017, Council resolved to commence the Moonee Valley 2017 Heritage Study. The study focuses on interwar, Victorian and Edwardian places and precincts and extensions to existing Heritage Overlay precincts as recommended in the Heritage Gap Study.

2.1.3 The Moonee Valley 2017 Heritage Study recommends the application of the heritage overlay to 60 individual places, 18 precincts, one serial listing and nine precinct extensions (Attachment B).

2.1.4 On 12 March 2019, Council resolved to adopt the Moonee Valley 2017 Heritage Study and request a ministerial amendment under section 20(4) of the Planning and Environment Act 1987, to apply the interim Heritage Overlay to 60 individual places, 18 precincts, one serial listing and nine precinct extensions (Amendment C201moon).

2.1.5 Amendments C200moon (permanent controls) and C201moon (interim controls) were then formally submitted to the Minister for Planning on 21 March 2019.

2.1.6 The ‘Clarence Street and Marshall Street’ precinct (HO461) proposes the inclusion of 15 Clarence Street (the subject of this report) as contributory to the significance of the precinct (not as an individually significant property).

2.2 Planning permit application – 15 Clarence Street, Flemington

2.2.1 On 3 January 2018, Council received planning permit application MV/12/2018 for the construction of a dwelling on a lot less than 300 square metres and a reduction in car parking requirements at 15 Clarence Street, Flemington. The proposal included the full demolition of the existing dwelling to accommodate the construction
of the new dwelling. A previous planning permit application for the same proposal (MV/513/2017) lapsed on 27 November 2017 due to a failure by the applicant to respond to a request for further information by the specified lapse date.

2.2.2 The permit applicant made considerable effort to address Council’s requirements and the concerns of objectors throughout the planning application process.

2.2.3 As the property is identified in the Heritage Gap Study, the planning permit application was assessed against the threshold criteria adopted by Council on 26 May 2015 for seeking to apply interim heritage controls for buildings under threat of demolition (refer to Attachment C), where no completed Stage 2 heritage study exists.

2.2.4 The assessment established the dwelling is not a significant or landmark building, is not in good condition and is already reasonably well represented in the Heritage Overlay (Threshold Criteria 1, 2 and 3). Under the threshold criteria (refer to Attachment C) it is not possible to seek interim heritage protection on a property which does not meet all of criteria 1-3.

2.2.5 The property was therefore not deemed to meet the threshold for requesting interim heritage controls at the time and Heritage Adviser consent to the planning permit application was granted on 29 August 2018, subject to conditions relating to colour and material selections for the proposed dwelling façade and roof.

2.2.6 The planning permit application was approved at the Ordinary Council Meeting held on 26 February 2019 (prior to the resolution of 12 March 2019 to endorse the Moonee Valley 2017 Heritage Study) and a Notice of Decision to grant the planning permit was sent to the applicant and objectors shortly after on 4 March 2019. There were no appeals lodged with the Tribunal by either the permit applicant or objectors and as such the planning permit was issued on 8 April 2019 in accordance with Section 54(3)(a) of the Planning and Environment Act 1987.

Figure 1 - 15 Clarence Street, Flemington to left of image
3. Issues

3.1 On 18 July 2019 Council received a request for demolition of the existing dwelling (285/2019/DEMO1), in order to act on the issued planning permit.

3.2 Given a request for interim heritage controls was submitted to the Minister for Planning on 21 March 2019 (Amendment C201moon), Council officers issued a suspension notice on 22 July 2019 as per the requirements of the Building Act 1993. It is not possible to issue consent to demolition of a contributory building where a decision on an interim heritage control request is pending.

3.3 Given the timing of the original Notice of Decision predating the endorsement of the Moonee Valley 2017 Heritage Study, it is considered appropriate to revise the grading of the building to non-contributory to precinct HO461 in order to allow the applicant to demolish the existing dwelling in accordance with planning permit MV12/2018.

3.4 The applicant has advised Council extensive preparations have been made to obtain endorsed planning drawings and to commence building works, including the appointment of a Building Surveyor and lodgement of the Section 29(A) Demolition Consent application.

3.5 At the time amendments C200moon (permanent controls) and C201moon (interim controls) were formally submitted to the Minister for Planning, Council had no way of knowing if and when the permit applicant intended to act on the recently granted planning permit, noting in some instances permits are never acted upon. Therefore rendering amending the heritage grading at that time inappropriate.
3.6 The issues discussed above represent a relatively unique set of circumstances regarding demolition and interim heritage controls, complicated by the timing of both processes.

3.7 Council has often experienced significant delays from DELWP in the issuing of interim heritage protection requests (for example, 89 Glass Street, Essendon; 66 Buckley Street, Essendon; and 5 Alma Street, Aberfeldie).

3.8 It should also be noted that Council has previously received advice from DELWP stipulating that interim Heritage Overlay requests are generally not supported where there is a live planning permit (for example, the refusal of interim controls for 16A Leonard Crescent, Ascot Vale).

3.9 Council officers have discussed the circumstances with officers from DELWP and Heritage Victoria who have confirmed it is at Council’s discretion to amend the grading of the property in the proposed planning scheme amendments (noting the approval of the planning permit having taken place prior to adoption to the heritage study). DELWP are not able to provide any indication of when the interim heritage controls may or may not be approved (submitted by Council officers on 21 March 2019).

3.10 The City of Moonee Valley Permit Exemptions Policy – Heritage Overlay Precincts – February 2017, which is incorporated within the Moonee Valley Planning Scheme, exempts the demolition of a non-contributory heritage place from requiring a planning permit. The permit exemptions policy does not apply to extension works to a non-contributory dwelling that are higher than the existing building or have reduced front or side setbacks than those of the existing dwelling. Similarly, the construction of a new dwelling at a non-contributory heritage place is not subject to exemptions listed in the policy. It is proposed under Amendment C200moon to include the HO461 precinct (and others) in an updated version of the incorporated permit exemptions policy.

3.11 Given Council’s previous decision to grant a planning permit for the construction of a new dwelling at 15 Clarence Street, Council officers consider it appropriate to request the grading of 15 Clarence Street in proposed HO461 be revised to non-contributory under Amendments C200moon and C201moon and grant consent to the currently suspended demolition request (refer to Attachment A).

3.12 In this way, the land owner/permit applicant can act on the granted planning permit and the property will be subject to future heritage controls as appropriate under the updated permit exemptions policy.

Recommendation

That Council:

a. Considers the specific circumstances outlined in this report pertaining to 15 Clarence Street, Flemington.
b. Requests the CEO to write to the Minister for Planning to request the grading of 15 Clarence Street, Flemington in proposed HO461 be revised to non-contributory in the previously requested Ministerial Amendment, Amendment C201moon, to the Moonee Valley Planning Scheme under Section 20(4) of the Planning and Environment Act 1987, which proposes to apply an interim Heritage Overlay to various heritage places within the City of Moonee Valley.

c. Authorises officers to request the grading of 15 Clarence Street, Flemington in proposed HO461 be revised to non-contributory in Council’s previous request for Authorisation to prepare Amendment C200moon to the Moonee Valley Planning Scheme, which would apply permanent heritage controls to the property and various other heritage places within the City of Moonee Valley.

d. Notifies the owner of 15 Clarence Street, Flemington of Council’s requests to revise the grading of the property under proposed Amendments C200moon and C201moon.

e. Authorises officers to issue consent to demolish the dwelling at 15 Clarence Street, Flemington in accordance with Section 29(A) of the Building Act 1993, enabling the property owners to enact their current planning permit MV/12/2018.

Attachments

A: Impact Assessment - Revision of grading of 15 Clarence Street Flemington in C200moon and C201moon

B: Moonee Valley 2017 Heritage Study Vol 1 Precincts and Precinct Extensions - Feb 2019 (separately circulated)

C: Process and threshold criteria for consideration of demolition requests and planning applications where property is in Heritage Gap Study (separately circulated)
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1. Revising the grading of 15 Clarence Street, Flemington in proposed Amendments C200moon and C201moon achieves Council Plan objective 1.5 pursuant to the theme Fair QEENTE BOORDUP and MV2040 Strategic Direction 8.2.

2. Legislative obligations
   2.1. This item relates to Council’s obligations under the Planning and Environment Act 1987. The proposed changes to Amendments C200moon and C201moon have been discussed with DELWP who have advised Council has discretion to revise the grading of the property within the amendments. There are no human rights implications as a result of this report.

3. Legal implications
   3.1. The revised grading of 15 Clarence Street, Flemington is unlikely to result in legal implications.

4. Risks
   4.1. The risk rating for the proposal is High (10). The measure of consequence (Reputational) is assessed as minor and the measure of likelihood is almost certain.

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

6. Economic impact assessment
   6.1. Revising the grading of the property recognises the specific circumstances of the matter and gives due regard to the economic impacts pursuing heritage controls would have in this particular instance.

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

8. Reputational impact assessment
   8.1. Revising the grading of the property in Amendments C200moon and C201moon may be viewed by some members of the community as contrary to the Moonee Valley Heritage Study 2017 findings. However, the inclusion of the property as contributory to precinct HO461 in the amendments may also be viewed by the property owner and adjoining and surrounding residents as contrary to Council’s decision to approve planning permit application MV/12/2018.
9. **Financial implications**

9.1. There are no financial implications as a result of this report.

10. **Sensitivity / scenario analysis**

10.1. Council will honour existing planning and building permits that are affected by the *Moonee Valley Heritage Study 2017* and corresponding amendments C200moon and C201moon. Given a valid planning permit exists for the construction of a replacement dwelling, it is considered reasonable to grant consent to the demolition in light of the circumstances outlined in the 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. The property owner will be notified of Council's requests to revise the grading of 15 Clarence Street, Flemington in proposed Amendments C200moon and C201moon.
10.5 Council Plan 2017-21 - end of year progress report for 2018-19

Author: Sarah Carles - Corporate Planning Officer
Directorate: Organisational Performance

1. Purpose
1.1 To report to Council and the community on progress in implementing the Council Plan 2017-21 (Council Plan)

2. Background
2.1 An annual action plan is prepared each financial year to deliver the Council Plan. Officers then monitor and report on the progress through three quarterly reports and an end of year report. This report provides an update on our progress for the period 1 July 2018 to 30 June 2019.

3. Issues
3.1 Of the 235 total actions scheduled for completion in 2018/19, 97 (41 per cent) are complete, 103 (44 per cent) are on track, three (2 per cent) are not yet started, and 31 (13 per cent) are off track.

3.2 Of the 27 major initiatives adopted as part of the 2018/19 budget, 14 (52 per cent) have been completed, eight (30 per cent) are on track, and five (18 per cent) are off track. Of those that are off track, two have been delayed due to budgetary constraints, one has had a slight change of project scope that impacted on delivery time but not on budget, and the final two are likely to be completed by the beginning of 2020.

3.3 Of the 45 MV2040 implementation initiatives started in 2018/19, 12 (27 per cent) have been completed, 27 (60 per cent) are on track, and six (13 per cent) are off track. Of those that are off track, one is on hold due to budgetary constraints, two have changed their scope, and the other three require more time to complete.

3.4 Of the 162 Council Plan initiatives for 2018/19, 71 (44 per cent) have been completed, 68 (42 per cent) are on track, 20 (12 per cent) are off track, and three (2 per cent) have not been started. Those initiatives that have not been started are related to the implementation of the new Local Government Act 2018, which has been delayed by the State Government. Those that are off track, three have undergone changes in scope, nine have had delays relating to external stakeholders, three have been delayed or put on hold due to internal reprioritisation, and the remaining five are taking longer to complete.

3.5 Key achievements for the 18/19 year included:
3.5.1 Delivery of 60 sustainable and equitable employment outcomes for young people and women living on the Flemington Public Housing Estate as part of the Flemington Works program
3.5.2 Implementation of all 21 endorsed recommendations made by the Community Funding Program Review to improve Council’s community funding programs

3.5.3 Winter Fest 2019 ran from 1 June to 14 July and included a winter solstice event in Niddrie, a giant ice slide in Essendon North, an ice skate rink in Moonee Ponds, Bright Lights Winter Nights in Flemington and a winter feast progressive dinner in Keilor Road

3.5.4 A number of pavilion projects were completed - the new baseball pavilion at Boeing Reserve, Strathmore Heights (February 2019), the new football/cricket pavilion at Ormond Park, Moonee Ponds (April 2019), amenity improvements to the Buckley (Doutta) Pavilion at Buckley Park, Essendon (June 2019), and the new Cross Keys Pavilion (June 2019)

3.5.5 The $2.5million local roads program was completed

3.5.6 A total of 38 sustainability education events were attended by 1,315 people, including My Smart Garden workshops, Green Living events such as solar PV and battery storage information sessions, waste education events and children’s activities

3.5.7 Two new murals – the Green Spine mural and the Strathmore mural - were created and involved students from Strathmore Secondary College, Strathmore Primary School and St Vincent de Paul Primary School

3.5.8 Council acquired two properties in the Flemington and Moonee Ponds neighbourhoods to create more public open space

3.5.9 Council’s Wide Area Network upgrade was completed with all council sites connected by a faster and more reliable internet service

**Recommendation**

That Council resolves to receive and note the end of year progress report on the implementation of the Council Plan 2017-21 action plan for 2018/19.

**Attachments**

A: Council Plan 2017-21 End of year progress report 2018/19 (separately circulated)
10.6 Review of Governance Local Law

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

1. Purpose

1.1 This report presents Council with a new proposed Governance Local Law 2019 (Local Law No. 1 of 2019) and revised Meeting Procedure Protocol for its consideration.

2. Background

2.1 The *Local Government Act 1989* (the Act) requires a Council to have a Local Law to govern its conduct of meetings.

2.2 The Local Law regulates use of the common seal of the Council, election of the Mayor, Deputy Mayor and Committee Chairpersons, and the conduct of meetings of the Council and its Committees.

2.3 The current Governance Local Law was made by Council resolution in September 2009 and will sunset in October 2019 in accordance with Section 122 of the Act, therefore requiring a new Local Law to be made and adopted.

2.4 The Meeting Procedure Protocol which is an incorporated document under Section 112 of the Act, was revised and adopted in August 2018.

3. Issues

3.1 The proposed Governance Local Law 2019 contains the existing structure with two parts, the Local Law and a Meeting Procedure Protocol which is an incorporated document by reference to the Local Law.

3.2 This structure will continue to provide Council with the ability to adjust the detail of the Meeting Procedure Protocol of the Local Law as it deems necessary or appropriate over its 10 year lifespan.

3.3 The *Local Government Bill 2019* proposed by the State Government will require Council to complete a more substantial review and changes of the Governance Local Law in preparation for the adoption of Governance Rules.

3.4 The *Local Government Bill 2019*, has not yet been passed by the State Government, therefore Council can proceed in reviewing its Governance Local Law and make any necessary amendments.

3.5 The proposed Governance Local Law 2019, which is provided as Attachment A to this report includes the following amendments:

3.5.1 The objectives of the Local Law have been updated and refreshed under Clause 2.

3.5.2 A sunset provision has been added to provide clarity as to when the Local Law with cease to operate. This is referenced in Clause 5.
3.5.3 An expanded table of definitions has been added to the Local Law under Clause 7.

3.5.4 Incorporated documents by reference have been updated to include only the Meeting Procedure Protocol. The procedure of the election of Mayor and Deputy Mayor was incorporated into the revised Meeting Procedure Protocol in July 2018. The Councillor Code of Conduct is a prescribed document under the Act and its incorporation into the Local Law provides no additional value. This is referenced in Clause 8.

3.5.5 The clause for the Common Seal has been updated to grant authority to Chief Executive Officer to use the Common Seal in accordance with the Instrument of Delegation. This is referenced in Clause 9.

3.5.6 The list of offences under the Local Law have been updated and structured into two parts, Offences under the Local Law and Offences under the Meeting Procedure Protocol. This is referenced in Clause 10.

3.5.7 An infringement provision has been added to provide clarity on penalties in respect of an offence under the Local Law and Meeting Procedure Protocol. Schedule 1 details the maximum penalty unit for an offence. This is referenced in Clause 11.

3.6 The Meeting Procedure Protocol, which is provided as Attachment C to this report has been revised to incorporate a number of administrative updates, to reduce duplication and to generally tighten up some clauses which have caused confusion when applied during meetings.

3.7 The Local Law Community Impact Statement provided as Attachment B has been prepared in accordance with Local Government Victoria’s Better Practice Local Law Manual. This statement serves as an explanatory document for the community to assist in the understanding the content and nature of the Local Law and the processes that Council has worked through to develop it.

3.8 Before making a Local Law, Council must give notice of its intention to make a Local Law in the Victorian Government Gazette and a public notice (newspaper), inviting public submissions.

3.9 It is recommended that Council endorses the attached proposed Governance Local Law 2019 and revised Meeting Procedure Protocol, and that it places it on public exhibition to seek public comment on the proposed revisions prior to considering a final version for adoption.

Recommendation

That in the exercise of the powers conferred by Section 111 of the Local Government Act 1989, Council resolves to:

a. Endorse the proposed Governance Local Law 2019 (Local Law No. 1 of 2019) provided as Attachment A.

b. Endorse the revised Meeting Procedure Protocol provided as Attachment B.
c. Endorse the Local Law Community Impact Statement provided as Attachment C to accompany the proposed Governance Local Law 2019 for the purposes of community consultation.

d. Give public notice of its intention to make the Governance Local Law 2019 in accordance with Section 119(2) of the *Local Government Act 1989* and invites written submissions in relation to the proposed Local Law in accordance with Section 223 of the *Local Government Act 1989*.

e. Considers any submissions received on the proposed Governance Local Law 2019 (if required) at a Section 223 Committee of Council comprising of all Councillors, to be held on Tuesday, 1 October 2019 commencing at 5.30pm at Moonee Valley City Council, 9 Kellaway Avenue, Moonee Ponds.

**Attachments**

A: Draft Governance Local Law 2019 (separately circulated) 📄

B: MVCC Governance Local Law 2019 - Community Impact Statement (separately circulated) 📄

C: Draft Meeting Procedure Protocol August 2019 (separately circulated) 📄
10.7 Mobile Food Vehicles Policy 12 month review

Author: Carey Patterson - Manager Regulatory and City Compliance
Directorate: City Services

1. Purpose

1.1 At the Ordinary Meeting of Council on 12 June 2018, Council adopted the Mobile Food Vehicle Policy. As part of the adoption of the policy, it was required that a review of its operation be undertaken after 12 months to determine if there were any issues that require addressing.

2. Background

2.1 This policy was introduced in order to manage the use of Council land by Mobile Food Vehicles and to control the activity that occurs on or around the sites where the vehicles operate.

2.2 At the time the policy was being implemented, there was a number of food trucks being actively encouraged to operate across the inner metropolitan suburbs at specific locations to activate these spaces.

2.3 This demand has now reduced significantly as a result of a number of private 'Food truck Parks' being established, which are specifically designed to accommodate multiple vehicles. This has seen the number of permits being issued for the use of Council land reduce.

2.4 The number of permits that have been issued under the current policy are significantly lower than other permits for commercial activity on Council land. An indication of this is the comparison with Footpath Trading Permits issued by Council for the same period.

In 2018-19 Council has issued;

- 5 Mobile Food Vehicle permits
- 285 Footpath Trading Permits

3. Issues

3.1 This policy has been operating for just over 12 months and there has been a limited demand for permits to operate Mobile Food Vehicles from an approved location on Council owned or managed land. There has been minimal feedback from traders on the permit process.

3.2 The permits that have been issued are operating effectively, with the operators of the Mobile Food Vehicles maintaining the sites and ensuring the Council assets in the area are not damaged. If the operators become aware of any damage, they are reporting this to the Council staff to rectify. This is a positive outcome, as it ensures ongoing surveillance of Council land without the need for staff to undertake weekend inspections.
3.3 The licensing of Mobile Food Vehicles is continuing to be managed through the State Governments “Streatrader” program which ensures any vehicles registered as being garaged in the municipality are required to be inspected by Councils Environmental Health Officers to ensure they meet the requirements of the Food Act 1984.

3.4 Whilst the current policy is operating effectively, we are currently considering options to combine similar policy areas to ensure a more consistent and streamlined permit process. This approach is also consistent with the new Small Business Permit Application process that has been introduced by Council to remove red tape and bureaucracy associated with obtaining permits.

Recommendation

That Council resolves to note the Mobile Food Vehicles Policy, 12 month review report.

Attachments

A: Impact assessment - Mobile Food Vehicles Policy 12 month review
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan

   1.1 Theme 1: Fair (Qeente Boordup, which means ‘fair’ in Woi wurrung language).

   1.2 Council adopted the Mobile Food Vehicle Policy at its Ordinary Meeting of Council on the 12 June 2018.

2. Legislative obligations

   2.1 The Food Safety Act 1984 identifies the requirements and standards that are to apply in the preparation and management of food.

   2.2 Under Part 2 of the Councils ‘Activities and General Amenities Local Law 2018’, a permit is required for any activity that interferes with the reasonable enjoyment of the Municipal Place or Road. The requirements of the Human Rights Charter was considered as part of the development and introduction of the policy and Local Law prior to the adoption of the Local Law and Policy by Council at its meeting on 12 June 2018.

3. Legal implications

   3.1 Should a permit for the operation of a Mobile Food Vehicle on Council managed or owned land not be obtained, the owner of the Mobile Food Vehicle would be in breach of Part 2.2 of the Local Law and subject to a $200 infringement. If this is not paid Council can proceed with the matter to the Magistrates Court.

4. Risks

   4.1 The current permit process requires applicants to have their own public liability insurance.

   4.2 Applicants are required to effectively manage the area around their site and report any damaged property or risks that they observe as part of their occupation of the site.

5. Social impact assessment

   5.1 The activation of spaces by Mobile Food Vans further enhances public interaction and enjoyment of the Council’s open space network.

6. Economic impact assessment

   6.1 The current policy sets out criteria that minimises the impact of the Mobile Food Vehicles operations on other traders in the area.

   6.2 The permit holders are often invited by Council’s event planning teams to attend Council managed events or functions to increase the activities and options available to the public attending, eg. Moonee Valley Festival.
7. **Environmental impact assessment**
   7.1 No environmental impacts are identified

8. **Reputational impact assessment**
   8.1 No reputational risk is identified

9. **Financial implications**
   9.1 The numbers of permits and the subsequent fees paid for the seasonal occupation are minimal.

10. **Sensitivity / scenario analysis**
    10.1 No recommended change to current policy at this time

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 No consultation is proposed at this stage
10.8 Deed of Renewal of Lease - JP & RA Cunningham Pty Ltd over part of Queens Park

Author: Jaci Underwood - Senior Commercial Property Officer
Directorate: Asset Planning and Strategic Projects

1. Purpose
1.1 To seek Council endorsement for deed of renewal of the lease (Deed) to J.P & R.A Cunningham Pty Ltd (Lessee) for leased area shown delineated by a thick black line in Attachment B, being part of the land contained in crown folio statement volume 11731 folio 624, known as Queens Park Cottage.

2. Background
2.1 Council granted a lease to Exito Group Pty Ltd which commenced on the 23 August 2014. The lease was transferred to the Lessee on 1 June 2015.
2.2 The lease initial term was for five years with one further term of four years. The initial term expired 22 August 2019.
2.3 The Lessee has exercised the option to renew the lease for the first and final term of four years, which was to commence on the 23 August 2019.

3. Issues
3.1 Council has an obligation to grant the Deed to the Lessee, on generally the same terms and conditions as the current lease, unless there is a significant breach of the lease. The Lessee has complied with its obligations under the lease.
3.2 Council officers are proposing minor variations to the lease, including a tenant reporting obligations clause in accordance with Council’s standard leases.
3.3 Impact Assessment is attached as Attachment A.

Recommendation

That Council:
a. Endorses a deed of renewal of lease (Deed) with J.P & R.A Cunningham Pty Ltd over part of Queens Park for a four year term commencing 23 August 2019 for the purposes of a café and restaurant, including private receptions and functions.
b. Authorises the Chief Executive Officer to negotiate and execute the Deed with J.P & R.A Cunningham Pty Ltd on behalf of Council.

Attachments
A: Impact assessment
B: Plan (separately circulated)
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 In granting the Deed Council will contribute to principle 4 provided in MV2040 effective and transparent governance.

2. Legislative obligations
   2.1 Queens Park Cottage is located on Crown land, Ministerial attestation was granted under section 17D(4) of the Crown Land (Reserves) Act 1978 prior to the commencement of the initial lease term.
   2.2 The Retail Leases Act 2003 applies to the lease and Council must meet the legislative requirements under this Act.

3. Risks
   3.1 If Council did not grant the Deed, it would be considered in breach of landlord lease obligations and would be at risk of legal challenge.

4. Social impact assessment
   4.1 No social impacts have been identified.

5. Economic impact assessment
   5.1 No economic impacts have been identified.

6. Environmental impact assessment
   6.1 No environmental impacts have been identified.

7. Reputational impact assessment
   7.1 No reputational impacts have been identified.

8. Financial implications
   8.1 There are no additional budgetary or funding implications.
   8.2 The rent for the first year of the further term will be based on a CPI review with a market rent review on the second anniversary of the further term.
   8.3 The commencing rent for the further term will be $36,742.26 plus GST (per annum).

9. Sensitivity / scenario analysis
   9.1 Not applicable.

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

11. Consultation undertaken or planned
    11.1 Consultation has been conducted with relevant internal stakeholders to confirm a healthy working relationship with the Lessee and no breaches of the lease occur.
10.9 Response to Petition - The Boulevard, Aberfeldie

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

1. Purpose

1.1 To provide a response to a joint letter tabled at Council’s Ordinary Meeting on 28 May 2019, regarding on-street parking on The Boulevard between Brunel Street and Fawkner Street, Aberfeldie.

2. Background

2.1 A joint letter signed by six residents of The Boulevard was tabled at Council’s Ordinary Meeting on 28 May 2019.

2.2 The letter opposed the provision of four parking spaces on the southern side of The Boulevard (opposite 110, 110A and 112 The Boulevard) due to concerns about accessing properties and the potential for parked vehicles to create traffic congestion and safety issues.

2.3 However, the letter did support creating indented parking at a similar location. Council’s 2019/20 Budget includes funding to design (but not construct) indented parking between Brunel Street and Afton Street. This would improve safety and amenity at all times but particularly during peak visitor times to Riverside Park; parking restrictions may be required to facilitate turnover. The need for and nature of any parking restrictions applying to those indented spaces would be determined during that design and consultative period.

3. Issues

3.1 A letter and plan showing proposed changes was sent to owners and occupants along The Boulevard (west of Brunel Street) in September 2018. The letter noted that while parking on nature strips was common along this street, it is not allowed by the Victorian Road Safety Road Rules 2017. It suggested an arrangement of marked parking bays along the street to balance the concerns of access to and from properties, providing kerbside parking for residents and visitors, and minimising safety and congestion issues for vehicles travelling along the road.

3.2 An extract of the relevant portion of the consulted proposal, and the ultimate recommendation of this report, is included in Attachment B.

3.3 Following feedback from residents, some minor amendments were made to the plan. The changes are to be implemented in the near future.

3.4 In addition, funding was sought and ultimately secured as part of the 2019-20 Council Budget to design indented parking along The Boulevard between Brunel Street and Afton Street.
3.5 On 24 April 2019 a Council officer met the organiser of the joint letter and discussed the concerns that would be presented in the joint letter a month later. Note that the joint letter is only referring to the section of road east of Fawkner Street; elsewhere, resident feedback was generally that at least some kerbside or indented parking remained required.

3.6 Despite the bend in the road east of Fawkner Street, conditions are good for passenger vehicles reversing out of properties in that area due to a hump and roundabout slowing through traffic, and good sightlines being available due to parking already being banned on the northern side of the road. However, at least one resident in this area regularly reverses a trailer out of their property.

3.7 Given all properties between 108 and 114 The Boulevard have requested kerbside parking not be provided in the block between Brunel Street and Fawkner Street, Council officers support a revised arrangement without the previously proposed parking opposite 110, 110A and 112 The Boulevard.

Recommendation

That Council resolves:

a. Not to include any kerbside parking between Brunel Street and Fawkner Street as part of shortly-forthcoming changes to The Boulevard. A plan detailing this is included in Attachment B.

b. To advise all owners and occupants fronting The Boulevard between Brunel Street and Fawkner Street of Council’s response on this matter.

Attachments

A: Impact Assessment
B: Proposed Parking Arrangement (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 (Yanoninnon 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 28 May 2019.

2. Legislative obligations
   2.1 Council has obligations under the Road Management Act 2004 and the Road Safety Road Rules 2017.

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 In the short term this change will reduce parking options for visitors to Riverside Park (by four spaces). However, per the 2019-20 Council Budget, we are actively investigating options to provide substantially more parking than currently exists.

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 financial implications associated with the recommendation of this report.

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 have put a parking proposal to owners and occupants of The Boulevard, and changed that original proposal per feedback received. Additional consultation will follow in 2019-20 while designing potential indented parking along The Boulevard.
10.10 Response to Petition - Mascoma St, Strathmore

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

1. Purpose

1.1 To provide a response to a joint letter tabled at Council’s Ordinary Meeting on 13 August 2019, regarding on-street parking in Mascoma Street opposite Lebanon Reserve, Strathmore.

2. Background

2.1 A joint letter signed by 15 residents of Mascoma Street was tabled at Council’s Ordinary Meeting on 13 August 2019.

2.2 The joint letter was in response to a proposed change in parking arrangements for the block of Mascoma Street alongside Lebanon Reserve. Council had sent a letter and plan to all owners and occupants fronting Mascoma Street on 27 June 2019 outlining proposed changes (in this block and elsewhere), and specifically seeking feedback on two options in this block. The relevant portion of the plan and text in Council’s original letter is shown in Attachment B.

2.3 The joint letter stated ‘residents do not want unrestricted parking bays placed on the residential side of Mascoma Street’ and ‘residents do not want the existing No Standing signs restricting parking on sporting event days on Mascoma Street removed’.

3. Issues

3.1 The northern side of Mascoma Street alongside Lebanon Reserve currently has signs noting ‘No Stopping, when sporting events are held at Lebanon Reserve’. The southern residential side opposite Lebanon Reserve has signs noting ‘No Stopping, when sporting events are being held at Lebanon Reserve’. While a variety of sporting events are held at this location, the biggest impact on parking occurs during top-level Essendon District Football League (EDFL) games.

3.2 The proposal/query put to residents is shown in Attachment B. It was proposed to make the restrictions in the block of Mascoma Street alongside Lebanon Reserve full-time rather than ‘when sporting events are [being] held’ because the existing restrictions are generally not enforceable without extensive work to specify when ‘sporting events’ are being held.

3.3 The joint letter was received from 15 people representing 11 properties in the block. Five properties within the block also wrote to Council individually to express similar opinions (one of which had not signed the joint letter). An additional two properties outside this block also wrote or called to support ‘No Stopping’ on both sides of the street adjacent to Lebanon Reserve during sporting events. No responses explicitly supporting unrestricted parking opposite Lebanon Reserve were received.
3.4 Several other comments were received noting that parking demand during EDFL games also affects other nearby areas.

3.5 Unrestricted parking is currently allowed on both sides of Mascoma Street alongside Lebanon Reserve when ‘sporting events’ are not happening. While not explicitly addressed in most of the comments made, those who commented on parking outside of sporting event times have noted that parking outside those hours is very rare and not wanted by the adjacent residents. Aerial imagery confirms such parking is very rare. Parking in the Lebanon Reserve car park is generally easily available to residents and visitors outside of sporting event times, and avoids concerns about traffic congestion and blocked sightlines when vehicles are exiting from the residences.

3.6 A full-time ban on parking (not just during ‘sporting events’) is proposed as it is not considered practical to create a new ‘events area’ around Lebanon Reserve (and by extension potentially many other sites within Moonee Valley). Such a change would need to be similar to the ‘events area’ that surrounds Flemington Reserve and the Melbourne Showgrounds, which has a heavy administrative load with ongoing discussions with event holders, custom signs being modified to note when the next event will be held, mailing lists, and so on. Council’s original letter and plan stated ‘we would consider a full-time ban on both sides if that was the local residents’ preference’, and it is considered that this option is supported by the local community.

Recommendation

That Council resolves to:

a. Keep and extend the existing ‘No Stopping’ during sporting events in Mascoma Street alongside and opposite Lebanon Reserve so that it applies at all times.

b. Arrange a parking survey during a senior EDFL game to better understand any impacts on the surrounding area. If necessary, consider amending parking restrictions in that surrounding area as per the results of that survey and Council’s Municipal Parking Strategy.

c. Advise all owners and occupants fronting Mascoma Street of Council’s response on this matter.

Attachments

A: Impact Assessment
B: Consulted Parking Arrangement (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 (Yanominnon 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 28 May 2019.

2. Legislative obligations
   2.1 Council has obligations under the Road Management Act 2004 and the Road Safety Road Rules 2017.

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 nature of this report does not have any social impact implications.

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 The proposed parking survey on an EDFL game day will be funded via the Technical Services departmental operational budget.

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 This petition was a direct result of Council writing to properties in Mascoma Street. The petition and other feedback supports one of the two options provided in that Council letter.
10.11 Grants Assessment Special Committee - 2019/20 Committee Members and Charter Update

Author: Emily McBlack - Community Grants Officer
Directorate: Planning and Development

1. Purpose

1.1 To seek endorsement for updates to the terms of reference of the Grants Assessment Special Committee (Committee) and confirm membership until the end of Council term 2020.

2. Background

2.1 As per the Council resolution of 27 March 2017 and pursuant to Section 86 of the Local Government Act 1989, Council resolved to establish a Grants Assessment Special Committee of Council to make funding decisions on Community Grants (Biannual and Social Support stream). Refer to the Impact Assessment (Attachment A) for further information.

2.2 The current Grants Assessment Special Committee membership was endorsed by Council on September 25 2018 for a period of 12 months. In order to have assessors available for Round 1 2019/20 new members need to be appointed. An Expression of Interest process was opened to the public to identify interested applicants. The community members put forward for the Committee are a combination of previously serving committee members and new committee members, bringing a balance of experience and new voices to the Committee.

2.3 The Grants Assessment Special Committee has now assessed three rounds of grants. A review of recent grants assessment processes (including feedback provided from Grants Assessment Special Committee members), identifies:

2.3.1 Committee members are currently required to assess all applications received in a given funding round (including attachments and background material). The time individual committee members spend assessing each round can vary from 15 to 30 hours, depending on the number of applications received.

2.3.2 A quorum for a meeting relies on attendance of two community members and three Councillors. A quorum cannot be achieved if committee members are absent due to illness, scheduling and other commitments.

3. Issues

3.1 The following changes are proposed to support the grants assessment process in the future:
3.1.1 To reduce the time burden on Committee members by reducing the number of compulsory applications required to be assessed by each member. These arrangements will not preclude any committee member from assessing all applications. Operational assessment processes do not form part of the Committee Charter and do not require a decision of Council.

3.1.2 To update the Grants Assessment Special Committee Charter Section 4.1, ‘Membership’, from five (5) community members to seven (7) to ensure a quorum is achieved for the Grants Assessment Special Committee meetings (Attachment B). Note; the meeting quorum of a minimum of three (3) Councillors, one Council Executive (or their nominee) and two (2) community members will remain the same.

3.2 A revised Committee Charter (Attachment B) is presented for endorsement to implement these changes in time for assessment of Round One 2019/20 Biannual and Social Support Grants commencing in October 2019.

3.3 This report also seeks endorsement of the Committee’s updated membership until the end of Council term 2020. Within this period, the Committee will assess Round One and Two of the 2019/20 Community Grants program and Partnership Grants program.

Recommendation

That Council resolves to:

a. Endorse the revised Charter to the Grants Assessment Special Committee provided as Attachment B.

b. Appoint the following Councillors, community members and Council officers as members of the Grants Assessment Special Committee until the end of Council term 2020, effective from the date of this resolution:

- Cr John Sipek
- Cr Samantha Byrne
- Cr Jim Cusack
- Cr Rebecca Gauci Maurici
- Cr Richard Lawrence
- Cr Cam Nation
- Cr Narelle Sharpe
- Cr Andrea Surace
- Cr Nicole Marshall
- Heather Watson, community member
- Ibrahim Hajj, community member
- John Bonacci, community member
• Tony Fisher, community member
• Kathy Faulkner, community member
• Liz Mordaunt, community member
• Bianca Crocker, community member
• Director of Planning and Development or their nominated Council officer representative (ex-officio)
• Director of City Services or their nominated Council officer representative (ex-officio).

Attachments
A: Impact Assessment
B: Grants Assessment Special Committee Charter - Updated August 2019
   (separately circulated)
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 Theme 1: Fair (Qente Boordup)
   1.2 Theme 2: Thriving (Bandingith)
   1.3 Theme 3: Connected (Yanonion Maggolee)

2. Legislative obligations
   2.1 As per the Council resolution of 27 March 2017 and pursuant to Section 86 of the Local Government Act 1989, Council resolved to establish a Grants Assessment Special Committee of Council to make funding decisions on Community Grants (Biannual Grants including the Social Support stream).
   2.1.1 In order to have assessors available for Round One 2019/20, new members need to be appointed. An Expression of Interest process was opened to the public to identify interested applicants.
   2.2 The program responds to the principle of equity as outlined under the Charter of Human Rights and Responsibilities Act (2006). Specifically the recognition of equity before the law and the recognition to participate in public life. The aim of which is to have a decision making system that results in the equitable distribution of resources, ensuring that the needs of the community especially those experiencing some form of disadvantage are addressed.
   2.3 Section 3 of the Local Government Act 1989 outlines the primary objective of Councils is ‘endeavouring to achieve the best outcomes for the local community through leadership and good governance’.
   2.4 Section 136 outlines the principles of sound financial management to which any policy governing the distribution of financial resources must align.

3. Legal implications
   3.1 n/a

4. Risks
   4.1 n/a

5. Social impact assessment
   5.1 The decision to increase the Community Member component of the Grants Assessment Special Committee membership (points 4.1 and 4.2 of the Grants Assessment Special Committee Charter – Attachment B) was done to ensure that quorum was met with ease, and didn’t jeopardise the Committee’s ability to convene for decision-making.
   5.2 The changes to the Charter are outlined in the table (Table 1) below:

<table>
<thead>
<tr>
<th>Current Charter</th>
<th>Updated Charter</th>
</tr>
</thead>
</table>
Section 4.1
The Grants Assessment Special Committee will consist of up to sixteen (16) members, and shall comprise:

- Up to and including all Councillors. Any Councillor may decide not to be a member provided quorum requirements are met as per clause 5.1 below.
- Up to five (5) Community Members selected through either a public EOI process or from the membership of Council’s Portfolio Advisory Committees
- Two (2) ex-officio/ non-voting Council officers being:
  - Director Planning and Development or their nominated Council officer representative and
  - Director City Services or their nominated Council officer representative.

Section 4.1
The Grants Assessment Special Committee will consist of up to eighteen (18) members, and shall comprise:

- Up to and including all Councillors. Any Councillor may decide not to be a member provided quorum requirements are met as per clause 5.1 below.
- Up to seven (7) Community Members selected through either a public EOI process or from the membership of Council’s Portfolio Advisory Committees
- Two (2) ex-officio/ non-voting Council officers being:
  - Director Planning and Development or their nominated Council officer representative and
  - Director City Services or their nominated Council officer representative.

Section 4.2
The total number of voting members will be up to fourteen (14).

Section 4.2
The total number of voting members will be up to sixteen (16).

Table 1: Snapshot of original vs. updated text in the Grants Assessment Special Committee Charter.

5.3 To alleviate the time pressures of being a member of the Grants Assessment Special Committee the number of compulsory applications assessed by each member will be reduced. The new system will have a portion of the applications allocated to each assessor. This will ensure that each application is assessed by a sufficient number of Committee members to provide an equitable spread of scores, and will also reduce required assessment time.

5.4 This option will be voluntary and does not preclude any committee member from assessing all applications.

5.5 The community members put forward for the Committee are a mix of previously serving committee members and new committee members, to bring a balance of experience and new voices to the Committee. Community members’ Expression of Interest applications were assessed using criteria relating to: community connection; skills and experience; understanding of local issues; expertise and/or lived experience in relation to the various grant streams; and geographic spread across the municipality.
5.6 Community committee members participate on the committee in a voluntary capacity (i.e. unpaid).

6. Economic impact assessment

6.1 The Grants program includes a Business stream which aims to foster local economic development. A 2017 Grants Evaluation report identified that during the period 2015-2017, Council’s Grants program:

6.1.1 An estimated 2000 volunteers were actively involved in grantee projects.

6.1.2 25,000 hours of volunteer work was provided.

6.1.3 The value of the volunteer work on grantees projects is estimated at $625,000.

7. Environmental impact assessment

7.1 The Expression of Interest process used an electronic application process resulting in a significant reduction in paper use.

7.2 The Grants program includes an Environment stream which aims to increase the sustainability of the municipality and its natural environment.

8. Reputational impact assessment

8.1 A 2017 Grants Evaluation report (for the period 2015-2017) identified:

8.1.1 The Council’s Grants program included 88% of funded projects had used partnerships with other groups to deliver their projects.

8.1.2 An estimated 27,000 Moonee Valley residents participating in project activities.

8.1.3 An estimated 85% of people who participated in project activities were members of the Moonee Valley Community.

9. Financial implications

9.1 Council’s 2019-2020 budget included a community grants allocation of $495,855; and a partnership grants allocation of $25,545.

10. Sensitivity / scenario analysis

10.1 n/a

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 An Expression of Interest (EOI) process was opened to the public from 18 December 2018 until 31 January 2019. EOs were promoted through
Council networks, social media, Moonee Valley City Council website, electronic newsletters and the Portfolio Advisory Committee members.
10.12 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.

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>Clocktower Mural Advisory Committee held on Friday 5th July 2019, 1pm-1.45pm. Councillors Lounge, Civic Centre</th>
</tr>
</thead>
</table>
| Matters considered | 1. Previous minutes confirmed  
2. Project milestones and timing  
3. Next steps  
4. Mural size, location, approach  
5. Items of a general nature raised by Councillors and Officers |
| Councillors present | Cr Narelle Sharpe (Mayor)  
Cr John Sipek  
Cr Richard Lawrence |
| Staff present | Mal Ward  
Julie Stevens  
Jim Karabinis  
Richard Ennis |
| External |  |
| Apologies | Cr Samantha Byrne, Cr Jim Cusack, Cr Rebecca Gauci Maurici, Cr Nicole Marshall, Cr Cam Nation and Cr Andrea Surace |
| Conflict of interest | Nil. |

<table>
<thead>
<tr>
<th>Assembly</th>
<th>Public Forum held on Tuesday 16 July 2019 at 6.00pm. Council Chamber, Civic Centre</th>
</tr>
</thead>
</table>
| Matters considered | 1. Debneys Park Precinct Master Plan (Rose Iser)  
2. 2 Vida Street, Aberfeldie (James Weight Ryman Healthcare c/- Urbis Pty Ltd) |
TUESDAY 27 AUGUST 2019
AGENDA – ORDINARY COUNCIL MEETING

| Councillors present | Cr Narelle Sharpe (Mayor)  
|                     | Cr John Sipek  
|                     | Cr Samantha Byrne  
|                     | Cr Jim Cusack  
|                     | Cr Rebecca Gauci Maurici  
|                     | Cr Nicole Marshall  
|                     | Cr Cam Nation  
|                     | Cr Andrea Surace  
|Absent | Cr Richard Lawrence  
|Staff present | Bryan Lancaster  
|             | Steven Lambert  
|             | Kendrea Pope  
|             | Jessie Keating  
|             | Sarah Wigley  
|             | Belinda Stewart  
|Conflict of interest | Nil  

Assembly
Strategic Briefing held on Tuesday 16 July 2019 at 7.00pm. Committee Room, Civic Centre

Matters considered
1. Local Government Renewable Power Purchase  
2. Family Day Care  
3. Service Planning  
4. Review of the draft agenda for the Ordinary Meeting 23 July 2019

Councillors present
Cr Narelle Sharpe (Mayor)  
Cr John Sipek  
Cr Samantha Byrne  
Cr Jim Cusack  
Cr Rebecca Gauci Maurici  
Cr Nicole Marshall  
Cr Cam Nation  
Cr Andrea Surace  

Apologies
Cr Richard Lawrence  

Staff present
Bryan Lancaster  
Steven Lambert  
Kendrea Pope  
Jessie Keating  
Sarah Wigley  
Belinda Stewart  

Conflict of interest
Nil  

Assembly
Ordinary Council pre-meet held on Tuesday 23 July 2019 at 6.08pm. Committee Room, Civic Centre

Matters considered
Ordinary Council Meeting agenda 23 July 2019

Councillors present
Cr Narelle Sharpe (Mayor)  
Cr John Sipek  
Cr Samantha Byrne  
Cr Rebecca Gauci Maurici  
Cr Richard Lawrence  
Cr Nicole Marshall  
Cr Andrea Surace  

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TUESDAY 27 AUGUST 2019
AGENDA – ORDINARY COUNCIL MEETING

Staff present
Bryan Lancaster
Steven Lambert
Kendrea Pope
Gil Richardson
Jessie Keating
Petrus Barry
Allison Watt

External

Apologies
Cr Jim Cusack, Cr Cam Nation

Conflict of interest
Nil.

Assembly
Strategic Briefing held on Tuesday 6 August 2019 at 6.05pm. Committee Room, Civic Centre

Matters considered
1. Councillor corporate professional development (Preferred Training Networks) David Patmore, speed reading
2. Review of the draft agenda for the Ordinary Meeting 13 August 2019
3. The CEO provided Councillors with an update on the SKM/recycling issue.

Councillors present
Cr Narelle Sharpe (Mayor)
Cr Samantha Byrne
Cr Jim Cusack
Cr Rebecca Gauci Maurici
Cr Richard Lawrence (6.17pm)
Cr Nicole Marshall
Cr Andrea Surace

Staff present
Bryan Lancaster
Kendrea Pope
Natalie Reiter
Gil Richardson
Allison Watt

External
David Patmore (Preferred Training Networks)

Apologies
Crs Nation and Sipek

Conflict of interest
Cr Gauci Maurici and Cr Marshall declared an indirect conflict of interest in item 10.3 on the draft agenda due to reasons previously disclosed to the CEO.

Assembly
Ordinary Council pre-meet held on Tuesday 13 August 2019 at 6.00pm. Committee Room, Civic Centre

Matters considered
Ordinary Council Meeting agenda 13 August 2019

Councillors present
Cr Narelle Sharpe (Mayor)
Cr John Sipek
Cr Samantha Byrne
Cr Jim Cusack
Cr Rebecca Gauci Maurici
Cr Richard Lawrence
Cr Nicole Marshall
Cr Cam Nation

Staff present
Bryan Lancaster
Steven Lambert
Kendrea Pope
Gil Richardson
Natalie Reiter
Petrus Barry
Allison Watt

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External

<table>
<thead>
<tr>
<th>Apologies</th>
<th>Cr Andrea Surace</th>
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| Conflict of interest | Cr Gauci Maurici declared an indirect conflict of interest due to close association in item 10.3 as her parents in law reside in the activity centre.  
Cr Marshall declared an indirect conflict of interest in item 10.3 due close association for reasons disclosed to the Chief Executive Officer in writing before the meeting.  
As the matter was not discussed, the Councillors did not leave the meeting. |

Attachments

Nil