



# **ORDINARY COUNCIL MEETING**

# **MINUTES**

**TUESDAY, 15 JULY 2008 AT 7.03 PM**

**Maribyrnong City Council, Cnr Hyde and Napier Sts,  
Footscray.**

**Ms Kerry Thompson  
CHIEF EXECUTIVE OFFICER**

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**Mayor:**

Cr Michelle MacDonald

**Deputy Mayor:**

Cr Catherine Cumming

**Membership:**

Mayor, Michelle MacDonald

Councillor Michael Clarke

Councillor Catherine Cumming

Councillor Dina Lynch

Councillor Janet Rice

Councillor Janis Rossiter

Councillor Sel Sanli

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## 1 WELCOME

We acknowledge that we are on traditional lands of the Wurundjeri tribe of the Kulin nation. We offer our respects to the elders of these traditional lands, and through them to all Aboriginal and Torres Strait islander people.

## 2 PRESENT

Mayor, Cr Michelle MacDonald  
Cr Michael Clarke  
Cr Catherine Cumming  
Cr Dina Lynch  
Cr Janet Rice  
Cr Janis Rossiter  
Cr Sel Sanli

### In Attendance:

Ms Kerry Thompson	Chief Executive Officer
Ms Helen Morrissey	General Manager Corporate Services
Ms Jenny McMahon	General Manager Community Wellbeing
Mr Soma Thevarjan	General Manager Infrastructure Services
Ms Lisa King	Acting General Manager Sustainable Development
Ian Butterworth	Manager Transport and Special Projects
Catherine Grgic	Council Business Officer
Andrea Jackson	Coordinator Recreation Services
Mario Patti	Manager Revenue and Valuations
Kath Brackett	Coordinator Social Planning and Research
Adam Parker	Strategic Planner
Fiona Beard	Acting Manager Planning Services
Sarah Lane	Urban Planner

## 3 APOLOGIES

Nil.

## 4 LEAVE OF ABSENCE

Nil.

## **5 PUBLIC QUESTION TIME**

### **MOTION TO SUSPEND STANDING ORDERS**

**A MOTION was moved by Cr Cumming, seconded Cr Sanli, that Council suspend Standing Orders.**

**CARRIED.**

**The Mayor addressed the gallery as follows:**

#### **Item 1 - Vietnamese Boat People Monument**

On behalf of my fellow Councillors, I'd like to congratulate the Archive of Vietnamese Boat People Memorial Steering Committee on the opening of a monument to the Vietnamese Boat People in Jensen Reserve in Edgewater.

Almost 10 per cent of our residents were born in Vietnam. Figures from a survey of 100 local families – carried out by the Archive of Vietnamese Boat People – found that for every two families who settled under refugee status, there was at least one relative who was left behind, missing or perished. We often don't realise how hard others have struggled to come to our country – which is why this monument of Gratitude and Commemoration, is so important.

Council is honoured to have this moving tribute in our City. We know this monument will become a significant site to local, national and international visitors who want to remember and pay tribute to the many people who lost their families, and even their lives, in pursuit of freedom.

We've received this plaque of appreciation from the Archive of Vietnamese Boat People for our Council's support of the memorial project, so thank you, and we will proudly display this in our civic foyer.

#### **Item 2 - The Passing of Geoff Bell**

Our Council was saddened to hear about the recent passing of Geoff Bell – who was a local disability advocate and Maidstone resident.

Geoff was on our first Disability Advisory Committee, back in 2002, and he actually hosted the initial meetings at his house! He played a pivotal role in getting the Advisory Committee off the ground, and always made himself available for any consultation related to improving disability services and access.

He was a vocal advocate for people with a disability in the West for many years, and was the first person with a disability to sit on the executive of the Western Region Disability Network. He was also actively involved in WestCOD (Western Committee of Disabled Persons), and though his work, contributed so much to improving our city.

He will be remembered as a vibrant, constructive man; never reluctant to say his piece and put the issues on the table. He held the conviction that the lives of people with a disability needed to be normalised by improving access and the support services available.

Geoff's partner, Mary Burgess, as well as the Vice Chair of the Western Region Disability Network are both in attendance tonight.

On behalf of our city, our sympathy – and our gratitude – goes out to Geoff's family and friends.

### **Item 3 - Success of Chinese Earthquake Appeal**

Lastly, I'd like to acknowledge the community partnership that raised over \$12,000 in one day for the Chinese earthquake appeal.

The fundraising include a procession through Central Footscray, was held by a Lion Dance Team and a 6 foot banner.

I was honoured to have over the \$12,000 cheque, on behalf of our city, to the Chinese Consul general at a reception at the Footscray Community Arts Centre.

I'd like to congratulate the groups who organised the fundraiser:

- The Chinese Happy Age Association
- Heavenly Queen Temple Society, and
- The Hakka Association

Each group also donated \$1,000 each to start the fundraising off – which is simply fantastic.

So thank you, and well done!

**MOTION TO RESUME STANDING ORDERS**

**A MOTION** was moved by Cr Clarke, seconded Cr Sanli, that Council resume Standing Orders.

**CARRIED**

*Cr Michael Clarke left the Chambers at 7.40pm.*

*Cr Michael Clarke returned to the Chambers at 7.43pm.*

## **6 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS**

Minutes, as circulated, of the Ordinary Meeting of the Maribyrnong City Council, held on 17 June 2008.

[Minutes June 17 2008 Council.DOC](#)

### **OFFICER RECOMMENDATION/COUNCIL RESOLUTION**

**THAT the Minutes of the Ordinary Meeting of the Maribyrnong City Council, held on 17 June 2008 as circulated, be taken as read and adopted as a correct record.**

**Moved by: Cr Cumming  
Seconded by: Cr Rossiter**

**CARRIED**

## **7 MATTERS FROM CASP**

### **7.1 COMMUNITY ACCESS AND STRATEGIC POLICY MINUTES - 8 JULY 2008**

#### **7.1.1 MATTERS FROM CASP - JULY 2008**

**File No:** CASP July 2008  
**Attachments:** [Matters From CASP - July 2008](#)  
**Responsible Officer:** Ms Kerry Thompson  
Chief Executive Officer  
**Author:** Brooke Hobson  
Council Relations Officer

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#### **PURPOSE**

Attached are the minutes of the Community Access and Strategic Policy meeting held on 8 July 2008, for the information of Council.

#### **OFFICER RECOMMENDATION/COUNCIL RESOLUTION**

**That the minutes of the meeting of the Community Access and Strategic Policy meeting held on 8 July 2008 (as attached), be received and noted.**

**Moved by:** Cr Rossiter  
**Seconded by:** Cr Cumming

**CARRIED.**

**8 DECLARATIONS OF PECUNIARY INTEREST**

Nil.

## 9 BUSINESS

### 9.1 SUSTAINABLE DEVELOPMENT

#### 9.1.1 51 CUMBERLAND DRIVE MARIBYRNONG

File No: TP226/2008

Attachments: [Advertised Site Plans](#)  
[Revised Site Plans](#)

Responsible Officer: Mr John Luppino  
General Manager Sustainable Development

Author: Sarah Lane  
Urban Planner

<b>APPLICATION RECEIVED:</b>	18 April 2008
<b>APPLICATION NUMBER:</b>	TP226/2008 (V0)
<b>APPLICANT:</b>	GRD Property C/- Tract Consultants
<b>SITE ADDRESS:</b>	51 Cumberland Drive, Maribyrnong
<b>PROPOSAL:</b>	To waive the car parking requirement associated with a proposed mixed use development
<b>ZONING:</b>	CDZ3 - Comprehensive Development Zone 3
<b>OVERLAYS:</b>	EAO - Enviromental Audit Overay, DCPO2 - Development Contributions Plan Overlay (Schedule 2)
<b>INTERNAL REFERRALS:</b>	Transport & Special Projects
<b>EXTERNAL REFERRALS:</b>	n/a
<b>COST OF DEVELOPMENT:</b>	n/a
<b>WARD:</b>	Saltwater

#### PURPOSE OF REPORT

This report describes the planning process for an application to waive the car parking requirement associated with a proposed development on the site known as 51 Cumberland Drive, Maribyrnong.

The application was advertised and 26 objections (including a petition with 22 signatories) have been received to the proposal. The matters of concern raised by the objectors can be summarised as increased traffic flows, decreased availability of on street parking for residents, traffic congestion, safety associated with increased traffic. The application was referred to Planning Forum on 24 June 2008.

This report evaluates the application and incorporates discussion on relevant state and local policy matters, design assessment, comments from referrals, and issues raised by the objectors. This report recommends that the application be approved subject to conditions.

## **PROPOSAL**

An application has been made to Council to waive the car parking requirement associated with a proposed mixed use development.

Key design elements include:

- Waiver of car parking associated with proposed ground floor commercial uses in a four storey mixed use development and partial car parking waiver for residential units.

## **SITE & SURROUNDS**

The subject site is located on the northern side of Cumberland Drive, within a new estate known as Edgewater. The site has a frontage to Cumberland Drive of approximately 88 metres and an overall site area of 3298 square metres. The site is generally flat with minimal fall.

The site is currently vacant with an informal car parking area located on the site.

Directly abutting the site to the north and east is Edgewater Harbour, with a pedestrian/bike path along the water's edge. Abutting the site to the west will be a public plaza, which is yet to be developed.

The surrounding area to the south and west is characterised by medium density housing, predominantly detached double dwellings.

## **RESTRICTIVE COVENANTS**

Details of the restrictive covenant, Instrument of Transfer No. AF620116H, are as follows:

- Restricts the use and development of the land, unless written consent of the transferor is obtained.

The application for planning permit will not result in a breach of the restrictive covenant.

## **HUMAN RIGHTS CONSIDERATION**

This application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Maribyrnong Planning Scheme), reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

## **MARIBYRNONG PLANNING SCHEME**

### **THE STATE PLANNING POLICY FRAMEWORK (SPPF)**

Relevant to the assessment of the current application are:

- Clause 18.02 Car Parking and Public Transport Access to Development

### **THE LOCAL PLANNING POLICY FRAMEWORK (LPPF) - INCLUDING THE MUNICIPAL STRATEGIC STATEMENT (MSS)**

Relevant to the assessment of the current application are:

- Clause 21.04-1 – Residential Land Use Policy

### **COMPREHENSIVE DEVELOPMENT ZONE (CDZ3)**

Pursuant to Clause 4.0 of Schedule 3 of the Comprehensive Development Zone, a permit is not required to construct a building or construct or carry out works.

### **DEVELOPMENT CONTRIBUTION PLAN OVERLAY**

In accordance with the requirements of Clause 45.06 Schedule 2 the provisions of this Overlay are not applicable to this application. The provisions relate to a monetary contribution for an increase in all net new dwelling developments.

### **CLAUSE 52.06 – CAR PARKING**

Pursuant to Clause 52.06 of the Maribyrnong Planning Scheme, a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.

The table at Clause 52.06-5 sets out the number of car spaces required for uses not covered by a parking precinct plan or another clause. A permit may be granted to reduce or to waive the number of car spaces required by the table.

## NOTIFICATION

Pursuant to Section 52 of the *Planning & Environment Act 1987*, the application was advertised by sending notices to the owners and occupiers of surrounding/adjoining land and by requiring a notice to be erected on the land for a period of 14 days.

Twenty-three objections (including a petition with twenty-two signatories) have been received to the proposal.

In summary, the grounds of objection are:

- increased traffic flows
- decreased availability of on street parking for residents
- traffic congestion
- safety associated with increased traffic.

## MEDIATION

A planning forum was held on 24 June 2008, chaired by Cr Dina Lynch. The meeting was attending by Cr Janis Rossiter, Cr Janet Rice, Cr Michael Clarke, Cr Sel Sanli, the Manager, Urban Planning and Property Management, Council's planning officer, the applicant, and approximately twenty objectors.

Issues discussed at the meeting were as follows:

- increased traffic flows
- decreased availability of on street parking for residents
- traffic congestion
- safety associated with increased traffic
- existing traffic and parking issues in the area.

A revised proposal was presented at the meeting and no objections have been withdrawn.

## REFERRALS

### EXTERNAL

The application was not referred externally pursuant to Section 55 of *the Act*.

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**INTERNAL**

The application was referred internally to Transport and Special Projects. After consultation with the Transport and Special Projects department, a condition requiring a parking management plan is required to be placed on the permit should one be issued.

**PLANNING OFFICER ASSESSMENT**

The application is for the waiver of the statutory car parking rates relating to a proposed development in the Edgewater Estate. This assessment provides a summary of the background planning controls, a summary of the statutory car parking rates and waiver requested, and Council's assessment of the potential impact of waiving the car parking rate. The report also notes the revised proposal presented at the Planning Forum, which results in reduced waiver being sought.

**BACKGROUND – PLANNING CONTROLS AFFECTING THE SITE**

This planning permit application relates only to the waiver of car parking. The following section of the report summarises the planning controls relevant to the site, in order to provide the context for this application.

A planning permit is not required to construct a building or to carry out works, provided the construction or works is generally consistent with a development plan to the satisfaction of the Responsible Authority, pursuant to Clause 4.0 of Schedule 3 of the Comprehensive Development Zone. Council's delegate has recently approved the form of the building through approval of a Further Development Plan with conditions, pursuant to Clause 9.0 of the schedule to the zone.

The use of the building requires further approvals, pursuant to the zoning controls. As such, the approval of the Further Development Plan issued on 30 June 2008, included a condition stating that "No use shall commence on the site without further approvals required by Clause 37.02 (Comprehensive Development Zone) or Clause 52.06 (Car Parking) of the Maribyrnong Planning Scheme."

Should the application for a waiver of the car parking requirement be unsuccessful, an amended further development plan must be approved for the site. Council may consider amended development plans pursuant to Clause 10.0 of the schedule to the zone.

**CAR PARKING – PLANNING SCHEME REQUIREMENTS**

The proposal for the use of the site and the requisite car parking rates are as follows:

Use	Statutory Car parking rate (Clause 52.06)	Car parking spaces required by Clause 52.06	Car parking spaces proposed	Car parking shortfall
<b>Dwellings – 55</b>	2 car spaces to each dwelling	110	72	38
<b>Restaurant – 200 seats</b>	0.6 spaces per seat available to the public	120	0	120
<b>Patisserie/Juice Bar – 50 seats</b>	Food & Drink Premises not specified. Restaurant rate - 0.6 spaces per seat available to the public	30	0	30
<b>Business Centre – 199 square metres</b>	Office – 3.5 spaces per 100 square metres of net floor area	7	0	7
<b>Wellness centre – 3 practitioners</b>	Medical centre – 5 car spaces per practitioner	15	0	15
<b>Staff/additional parking</b>			13	-13
<b>Total</b>		282	85	197

**REVISED PROPOSAL**

In response to objector and Council concerns, the applicant has proposed a revised scheme comprising the following:

- deletion of the wellness centre
- reduction in the seating capacity of the restaurant and cafe, and change in the nature of this use
- introduction of 5 additional one-bedroom dwellings at ground floor.

The resultant car parking requirements and provision are as follows:

Use	Statutory Car parking rate (Clause 52.06)	Car parking spaces required by Clause 52.06	Car parking spaces proposed	Car parking shortfall
<b>Dwellings – 60</b>	2 car spaces to each dwelling	120	71	49
<b>Restaurant – 120 seats</b>	0.6 spaces per seat available to the public	72	0	72
<b>Patisserie/Juice Bar – 20 seats</b>	Food & Drink Premises not specified. Restaurant rate - 0.6 spaces per seat available to the public	12	0	12
<b>Business Centre – 199 square metres</b>	Office – 3.5 spaces per 100 square metres of net floor area	7	0	7
<b>Staff parking</b>			14	-14
<b>Total</b>		211	85	126

The revised proposal presented at the planning forum proposed the additional five dwellings with no provision of on-site parking. The proponent also proposed six customer car parking spaces for the restaurant to be located in the basement.

### **ASSESSMENT**

The revised proposal represents an improvement in the car parking arrangements for the site and responds to Council's concerns regarding the quantum of car parking required to be waived. The proposal as it stands, however, still places demands on on-street parking with the distinct risk of overflow parking in the surrounding residential area. The following assessment not only includes officer views but also further discussions with the applicant.

Since the planning forum it has been recommended to the applicant to remove the customer car parking in the basement as this will cause management and access issues within the basement and will not contribute sufficiently to addressing the issue of customer car parking.

Furthermore, it has been recommended that the additional dwellings should be supplied with one car park each. The applicant has elected to remove all visitor parking for the site and provide resident parking as follows:

- 49 of the one-two bedroom dwellings will have one car space, as per the Rescode requirement
- five two bedroom dwellings will be supplied with an additional space (2 each)
- three bedroom dwellings will be supplied with two spaces as required by Rescode.

All visitor car parking is to be on-street.

14 staff car parks are proposed, to be nominally divided up as follows:

- 5 for the restaurant
- 3 for the shop/café
- 6 for the business centre.

The applicant has used empirical parking demand rates based on surveys of similar developments across Melbourne, to establish the anticipated parking demand generated by the restaurant development. The empirical rates suggest a parking demand rate of 0.29 spaces per seat for a food and drink premises, and 0.2 spaces per dwelling for residential visitor parking.

It is widely accepted that the car parking rates required by Clause 52.06 are excessive, as demonstrated by the State Government review of the provisions of Clause 52.06 currently being undertaken. As such, the empirical parking rates used in the application are considered appropriate.

The traffic report submitted with the application, prepared by GTA Consultants, states that short term parking associated with the development will be able to be accommodated within Cumberland Drive, without spilling into the surrounding residential area. This is, primarily, the applicant's justification for the car parking waiver. However, the report does not give consideration to how this will be managed and monitored or what measures will be taken if this is in fact not the case.

The GTA report suggests that the peak demand for short-term (visitor) parking generated from the revised proposal will be 49 spaces (weekday evening/weekend). If this is to be the peak rate, it is conceivable that this demand could be accommodated within Cumberland Drive. However, this is not guaranteed. The GTA report does not provide an assessment of the existing availability of these parking spaces. Objectors have indicated that on-street parking in and around Cumberland Drive is already in high demand.

The applicant has recommended, in correspondence to Council, that the carpark located to the south of the site at Jensen Reserve could be used for overflow car parking. Council agrees that there may indeed be car parking available at this location but that it would unlikely be the first option for visitors to the site. If this location is a 'last resort' parking option, where people park if the streets are full, this does not solve the problem of overflow into residential areas. Council's view is that this car park is only of benefit if patrons are discouraged from parking in the residential areas in the first instance.

When considering a waiver of car parking, pursuant to the decision guidelines at Clause 52.06-1, Council must consider factors such as public transport servicing the site and the reduction in car parking demand due to shared uses.

The subject site has public transport links to Highpoint and Footscray, with bus route 409 being re-routed through the Edgewater Estate in July 2008. The site is also easily accessible by bicycle.

It is considered likely that there will be parking spaces shared across uses. Residents from within the new development and existing residents within the estate are likely to patronise the commercial uses on the site, particularly the less formal café premises and the business centre. Thus each visitor to these premises will not necessarily generate the need for an on-street car space.

Clause 18.02-2 of the State Planning Policy Framework states that *planning and responsible authorities should prepare or require parking precinct plans for the design and location of local car parking to:*

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- *Protect the role and function of nearby roads, enable easy and efficient use and the movement and delivery of goods.*
- *Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.*
- *Create a safe environment for users, particularly at night.*
- *Facilitate the use of public transport.*

This approach has informed Council officers' support of the proposal. Council acknowledges that a potential negative impact on the surrounding area could result from car parking overflow from the development. It is considered that, with sufficient management measures in place, the proposed development can co-exist with the surrounding residences.

It is recommended that there be the introduction of restricted parking in the residential area bound by Cumberland Drive, Bracken Avenue and Shearwater Crescent to the south. It is envisaged this will be in the form of 2 hour parking restrictions at all times. Residents of these streets and residents' visitors will be exempt from these restrictions. In addition to standard parking signs in these locations, advisory signs will be located at the entrances to this area, as appropriate, advising drivers of the restrictions that apply. The proprietors of the commercial premises will be obliged to advise their patrons of these restrictions and discourage car parking in these areas.

A parking management plan will be required by conditions associated with approval of the proposed waiver. The conditions will require that the developer prepare a parking management plan which includes provision of parking restrictions mentioned above, provisions for customers to be directed to parking other than in residential streets, provisions for customers to be directed to public transport options, and provision for on-going monitoring and review of car parking in the area. The cost associated with these provisions will be borne by the developer/proprietor. The parking management plan will be bound to the land through the use of the Section 173 agreement.

### **Objector concerns relating to traffic generation**

As the site was earmarked as a high density site with some mixed uses in the development plans for the Edgewater Estate, it is considered that the road network has been developed with this in mind. While not designated a 'collector road', Cumberland Drive does provide access into the estate from the south. As such, it would be expected to have higher volumes than a standard local road. Increased traffic into the smaller surrounding streets would only be expected as a result of visitors seeking parking in these areas. With the car parking measures recommended by Council, including sufficient signage, it is expected that this impact would be minimal.

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No traffic counts have been undertaken in the Edgewater Estate to date. Objectors have advised, however, that traffic along Cumberland Drive is an existing problem, with vehicles using it as a 'rat-run' from Gordon Street to Farnsworth Avenue. While the volume of traffic would be increased by the proposed development, the nature of the traffic would not contribute to this rat-running issue. It is unlikely that the development would increase the high speed traffic in the area. It would increase resident movements to and from the site and increase visitors to the site seeking parking. As such, this issue is considered to be a distinct issue experienced in the area, not directly influenced by developments within the estate.

Furthermore, it is considered that traffic generation is an issue related to the use of the land, not the waiving of car parking. If all car parking was to be provided on the site, the same amount of traffic would be generated.

### **CONCLUSION**

It is considered that, with conditions, a waiver in the car parking requirement is appropriate for the site and should be supported.

### **OFFICER RECOMMENDATION**

- A. That Council issue a Notice of Decision to Grant a Permit with conditions to waive the car parking requirement associated with a proposed mixed use development at 51 Cumberland Drive, Maribyrnong subject to the following conditions:**
- 1. Before the development starts, amended plans must be submitted to the satisfaction of the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted to Council on 12 June 2008 but modified to show:**
    - a) Car spaces to be provided for the 5 new dwellings at ground floor.**
    - b) Basement car park plan designating car parking as follows:**
      - (i) 14 car spaces to be designated for staff car parking within the development**
      - (ii) 71 car spaces to be designated for residents within the development.**

- 2. No more than 120 seats are to be made available at any one time to patrons of the restaurant on the premises except with the written consent of the Responsible Authority.**
- 3. No more than 20 seats are to be made available at any one time to patrons of the shop/cafe on the premises except with the written consent of the Responsible Authority.**
- 4. Before the development starts, a Parking Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Traffic and parking operations in and adjacent to the site must conform to this endorsed plan. Three copies of the plan must be submitted. The plan must be to the satisfaction of the responsible authority and must have regard to the following matters:**
  - a) The provision at the discretion of the Responsible Authority of restricted parking within the residential area bound by Cumberland Drive, Bracken Avenue and Shearwater Crescent to the south.**
  - b) The restricted parking shall exempt residents and residents' visitors through the provision of permits.**
  - c) The supply and installation of signage relating to the abovementioned parking restrictions are to be at the cost of the developer/proprietor.**
  - d) the measures by which patrons of the restaurant and café will be made aware of parking restrictions in nearby residential streets and discouraged from parking in these areas.**
  - e) The measures by which patrons of the restaurant and café will be made aware of the availability of public transport routes to the site.**
  - f) On-going monitoring to be undertaken to review the outcome of parking management measures and the need for new measures to be implemented.**
- 5. The premises and the areas adjacent to the premises referred to in the Management Plan must be managed in accordance with the Management Plan to the satisfaction of the responsible authority.**

6. Before the development starts, the owner of the land shall enter into an agreement under Section 173 of the *Planning and Environment Act 1987* which in addition to the usual incidental provisions (including the payment of the costs of the Responsible Authority) provides for the implementation and construction at the cost of the permit applicant and before the use commences of works required pursuant to the provisions of the Management Plan.
7. The construction of the indented bus bay is to be at the cost of the developer.
8. This permit will expire if:
  - The use is not commenced within two years of the date of this permit.
  - The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

#### AMENDED MOTION

- A. That Council issue a Notice of Decision to Grant a Permit with conditions to waive the car parking requirement associated with a proposed mixed use development at 51 Cumberland Drive, Maribyrnong subject to the following conditions:
  1. Before the development starts, amended plans must be submitted to the satisfaction of the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted to Council on 12 June 2008 but modified to show:
    - a) Car spaces to be provided for the 5 new dwellings at ground floor.
    - b) Basement car park plan designating car parking as follows:
      - (i) 14 car spaces to be designated for staff car parking within the development
      - (ii) 71 car spaces to be designated for residents within the development.

2. **No more than 120 seats are to be made available at any one time to patrons of the restaurant on the premises except with the written consent of the Responsible Authority.**
3. **No more than 20 seats are to be made available at any one time to patrons of the shop/cafe on the premises except with the written consent of the Responsible Authority.**
4. **Before the development starts, a Parking Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Traffic and parking operations in and adjacent to the site must conform to this endorsed plan. Three copies of the plan must be submitted. The plan must be to the satisfaction of the responsible authority and must have regard to the following matters:**
  - a) **The provision at the discretion of the Responsible Authority of restricted parking, including residents only parking, within the residential area bound by Cumberland Drive, Bracken Avenue and Shearwater Crescent to the south.**
  - b) **The supply and installation of signage relating to the abovementioned parking restrictions are to be at the cost of the developer/proprietor.**
  - c) **the measures by which patrons of the restaurant and café will be made aware of parking restrictions in nearby residential streets and discouraged from parking in these areas.**
  - d) **The measures by which patrons of the restaurant and café will be made aware of the availability of public transport routes to the site.**
  - e) **On-going monitoring to be undertaken to review the outcome of parking management measures and the need for new measures to be implemented.**
  - f) **That residents who do not require the residential parking space(s) allocated to their unit be encouraged and facilitated to lease or otherwise allow the use of their space to be used by other residents or commercial users of the site.**

5. The premises and the areas adjacent to the premises referred to in the Management Plan must be managed in accordance with the Management Plan to the satisfaction of the responsible authority.
6. Before the development starts, the owner of the land shall enter into an agreement under Section 173 of the *Planning and Environment Act 1987* which in addition to the usual incidental provisions (including the payment of the costs of the Responsible Authority) provides for the implementation and construction at the cost of the permit applicant and before the use commences of works required pursuant to the provisions of the Management Plan.
7. The construction of the indented bus bay is to be at the cost of the developer.
8. This permit will expire if:
  - The use is not commenced within two years of the date of this permit.
  - The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Moved by: Cr Rice

**AS THERE WAS NO SECONDER THE MOTION LAPSED.**

#### COUNCIL RESOLUTION

That Council issue a Refusal to Grant a Planning Permit to waive the car parking requirement associated with the proposed mixed use development for land at 51 Cumberland Drive, Maribyrnong on the following grounds:

1. The proposed car parking waiver is contrary to the orderly and proper planning of the area.
2. Insufficient car parking has been provided on the site.
3. The proposed car parking waiver will detract from the amenity of the residential area by reason of increased traffic generation and noise.

Moved by: Cr Clarke  
Seconded by: Cr Cumming

CARRIED.



**9.1.2 AMENDMENT C56 - BANOOL AVENUE, YARRAVILLE - ADOPTION OF AMENDMENT**

<b>File No:</b>	<b>URB-40-060</b>
<b>Attachments:</b>	<a href="#"><u>Attachment 1 - Location Plan</u></a> <a href="#"><u>Attachment 2 - Council response to submissions at Panel Hearing</u></a> <a href="#"><u>Attachment 3 - Development Plan Overlay, Schedule 12</u></a>
<b>Responsible Officer:</b>	<b>Mr John Luppino</b> <b>General Manager Sustainable Development</b>
<b>Author:</b>	<b>Adam Parker</b> <b>Strategic Planner</b>

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**PURPOSE**

To seek the Council's approval of Amendment C56 to the Maribyrnong Planning Scheme.

**BACKGROUND**

The amendment applies to land known as 2 Banool Avenue, Yarraville. (*Shown on Attachment 1*)

The site has an area of 1.5 hectares and comprises a number of titles, being:

- Lot 1, TP 759409S
- Lots 1 & 2, TP 835860C
- Lots 6, 7 & 8 TP 084265B
- Lots 45 & 46 PS 006964.

The amendment proposes to rezone the land from an Industrial 3 Zone to a Residential 1 Zone, introduce a Development Plan Overlay (DPO) and an Environmental Audit Overlay (EAO) over the land.

A key element of the proposal includes the developer entering into a Section 173 agreement to obtain a strip of land running from Banool Street to Hughes Street, to provide a link road for improved access to Francis Street.

**Site description and surrounds**

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The land has historically been occupied by various industrial uses, with several buildings relating to these previous uses still existing, one of particular heritage value. The main components of the buildings can be described as; a three storey red brick building fronting Banool Avenue, bluestone walls and sawtooth roof form reflecting original elements of the building and a number of attached galvanised structures.

The general area is best described as residential, with a limited industrial use to the south-east.

The site is bounded by a right-of-way to the north, with residential properties abutting, Banool Avenue to the east, with abutting residential properties, a railway line to the west, with the Westgate Golf Course beyond, Stony Creek to the southwest and an industrial property (Yarraville Cool Stores) to the southeast.

### **History of the site**

The subject site was initially developed in the late 1800's for the purpose of a woollen mill, occupied by the Australian Woollen Mills and then the Yarraville Woollen Mills. Later the site's use changed, with pottery, porcelain and ceramics insulators being made on the site. Other previous owners of the site were the Melbourne Pottery Company, then the Australian Porcelain Insulator Company, and Morlynn Ceramics, before closing in recent years.

The site still contains a number of original bluestone walls and remnants of a sawtooth roof. Later additions included substantial redbrick built form fronting Banool Avenue and numerous galvanised shed structures attached to the periphery of the main brick and stone structures. The site is affected by the Heritage Overlay, which covers the bluestone walls and sawtooth roof elements.

### **Planning history of the site and surrounds**

Under the former Footscray Planning Scheme the site was zoned IN4 (General Industry) and was converted to the Industrial 3 Zone as part of the new format planning scheme process.

The current zone and overlays are described as follows:

Zone: Industrial 3 Zone (INZ3)  
Overlay: Development Contributions Plan (DPC6)  
Heritage Overlay (HO81)

The Heritage Overlay was applied to the site on 15 March 2007 as part of the adoption of Amendment C23. The owner of the site did not object to the application of the Heritage Overlay.

The community have in recent years opposed new industrial developments within the area, with the main concerns being the proximity of industry and increased truck traffic.

In particular, local residents have objected to the development of the cold stores at 22-26 Hughes Street, located at the southern end of Hughes Street. The last application of note was the extension of the cold stores, within application TP03/0700. The community's main concerns related to the intensification of truck traffic, noise and the encroachment of industry closer to housing. VCAT issued a permit in decision P1517/2004.

### **Preliminary discussions with proponent**

In October 2005 the proponent held initial discussions with the Council to ascertain officers' response to a residential rezoning and development proposal. The Council provided a response in December 2005 advising that further consideration be given to the site context, heritage and traffic management prior to providing a design response.

Preliminary discussions with VicRoads required the establishment of a link road between Banool Avenue and Hughes Street to enable better access for the site to Francis Street. The proponent has entered into agreement with Yarraville Cool Store to the southeast, to purchase land to provide the link road.

Further plans were submitted by the applicant in September 2006 and through discussions with the proponent it was decided not to proceed with a combined permit and planning scheme amendment, but to limit the proposal to the rezoning of the land.

Council reviewed the Development Plan Overlay, Schedule 12 (DPO12) as submitted, and required the rezoning to be facilitated by the Residential 1 Zone (R1Z), rather than the proposed Mixed Use Zone, as this was determined to better align with the preferred use outcome for the site. Further information was sought by Council in February 2007, particularly relating to land contamination, access and traffic, amenity impacts on the site, and the DPO12 requirements. The applicant responded in March 2007 to these requests.

The amendment now proposes the Residential 1 Zone (R1Z) and the Development Plan Overlay, Schedule 12 (DPO12) for the site to control the development of the land, and the Environmental Audit Overlay (EAO) to deal with any contamination issues.

## **Key Planning Issues**

### ***Heritage***

The site is subject to a Heritage Overlay, introduced as part of Amendment C23 on 15 March 2007. The overlay covers the original remnant bluestone walls and sawtooth roof structure, most of which is not visible from outside the site. The site has been classified as of local significance.

As part of the Development Plan for the proposed rezoning, the developer will need approval of a Conservation Management Plan, which must include a Heritage Interpretation Plan to the satisfaction of the Responsible Authority. In consideration of these plans the development will need to retain elements of the surviving structures as recommended.

### ***Environmental Audit***

The amendment proposes to place an Environmental Audit Overlay over the site to ensure the clean up or appropriate treatment of any contamination existing on site.

The report "*Summary of Environmental Investigations – 2 Banool Avenue Yarraville, Victoria*", dated 2 February 2007, has been undertaken by URS on behalf of the applicant. This report provides preliminary environmental analysis of the sites contamination issues.

Prior to commencement of remedial works, an appointed auditor will need to approve the "*Remediation Action Plan*" currently being finalised by URS. It is URS' opinion, as stated within the above referred to report, that a Certificate of Environmental Audit or Statement of Environmental Audit will be issued by the appointed auditor. This will be subject to the remediation and site validation, thus allowing the site to be considered suitable for medium density residential use.

### ***Origins of the Link Road***

The developer's preliminary discussions with VicRoads and the Council identified a safety issue, due to the expected increase in vehicle numbers on Banool Avenue.

The intersection of Banool Avenue and Francis Street has very restricted sight lines due to the retaining walls on the south-eastern and south-western verges and the steep grade of Francis Street at this point.

It was deduced that the additional vehicle numbers generated by the development in Banool Avenue will increase queuing due to the limited sight lines, and add pressure on drivers to enter or exit the street expediently.

It was considered that the possibility of a road accident occurring at the intersection will be heightened if all vehicles generated by the development were required to use the Banool Avenue/Francis Street intersection to enter and exit the site.

The intension of the link road is to provide connection through to the Hughes Street/Francis Street intersection. This intersection has superior sight lines and will provide for a safer access/egress route to and from Francis Street for traffic generated by the Banool Avenue development.

### ***Facilitation of the link road***

The developer, through negotiations with the owners of the Yarraville Cool Store site at 22 Hughes Street, has come to agreement to purchase land to enable the link road to be constructed.

To ensure the provision of the link road, Council has proposed the establishment of a Section 173 Agreement that will require the Cool Store owners to subdivide their site and hand over to Council the road area, upon approval of the amendment. Through the Section 173 Agreement, the developer will be compelled to build the road to Council's agreed specifications and once complete, the land will be vested in Council as a road reserve through the subdivision process.

If the rezoning is not approved, the Council will not take ownership of the identified area, and this will remain part of the Cool Store land. If the amendment proceeds the Section 173 Agreement will come into effect on the Minister's approval of the amendment.

To enable the creation of the 8.5 metre road reserve on 22 Hughes Street's grounds, Planning Permit TP03/0700 will be required to be amended. The car parking associated with the planning permit on the south side of the fence, adjacent to 17 Banool Avenue and 20 Hughes Street, will be required to be moved 8.5 metres south and appropriate acoustic treatments, as described within the permit, will need to be carried out to the satisfaction of the Responsible Authority. These arrangements will not affect the intent of the permit, or alter the access arrangements to the Cool Store site.

An acoustic fence has also been proposed, within the Section 173 Agreement, along the southern boundary of 17 Banool Avenue and 20 Hughes Street, to shield these properties from noise generated by the new carriageway.

### **Amendment Process**

On 1 May 2007, Council formally wrote to the Minister for Planning seeking authorisation to prepare the amendment in accordance with Section 9(2) of the *Planning and Environment Act 1987*.

On 8 June 2007, under delegation, and in accordance with Section 9(2) of the *Planning Environment Act 1987*, the Group Manager of Metropolitan Planning Services at the Department of Sustainability and Environment authorised Council to prepare the amendment subject to the following conditions:

- “Revise the proposed Schedule 12 to the Development Plan Overlay to remove the requirement for Section 173 agreement under the *Planning and Environment Act 1987* within the Schedule (a requirement for a Traffic Management and Road Construction Works plan and Siting and Design Guidelines may be included, but the Schedule should not require these via an agreement)”
- “Use of an alternative Victorian Planning Provisions tool for the open space requirement contained within the Development Plan Overlay Schedule”
- “Remove the environmental audit requirement from the Development Plan Overlay Schedule to avoid duplication of the Environmental Audit Overlay.”

The authorisation letter explicitly stated the Council was not authorised to approve the amendment.

The changes to the Development Plan Overlay were made as required by the conditional approval to exhibit the amendment and were vetted by Department of Sustainability and Environment’s officers.

The Amendment was given notice between 9 August 2007 and 10 September 2007. The Notice of Preparation of an Amendment was published in *The Government Gazette* of 9 August 2007; and appeared in “*The Star*” newspaper on 7 August 2007.

Notice of the preparation of the amendment was given in accordance with Section 19(1) of the *Planning and Environment Act, 1987*.

Notices were sent to approximately 211 property owners and occupiers, relevant Ministers, and several service authorities and agencies.

The amendment material was on display at the Maribyrnong Council Offices, the Footscray, Highpoint and Yarraville libraries and the State Government’s Planning Information Centre. Information relating to the proposed amendment was placed on Council’s web site.

Section 22 of the *Planning and Environment Act, 1987* requires Council, as the planning authority, to consider all submissions made on or before the date set out in the notice and it may consider a late submission. Fourteen (14) submissions were received to the proposed amendment, of which five (5) were after the closing date.

Council requested the Chief Panel Member to appoint a planning panel in consideration of Part 8 of the *Planning and Environment Act, 1987*.

Under Section 23 of the *Planning and Environment Act, 1987*, Council referred all submissions to Panel for consideration.

A Directions Hearing was held on 19 February 2008, and the Panel Hearing was held on 22 and 23 April 2008.

## **STRATEGIC ASSESSMENT OF AMENDMENT C56**

### **Why the Amendment Is Required?**

The amendment proposes to rezone Industrial 3 Zone land to a Residential 1 Zone. The existing industrial zoning prohibits the development of land for residential purposes; consequently the amendment is required to facilitate the change in land use.

Council's Municipal Strategic Statement's Clause 21.04-1 Residential Land Use Framework Plan indicates the site as a "Residential redevelopment area".

Due to the site's abuttal to a residential neighbourhood and the nature of Banool Avenue being a no-through road, the site is poorly located for ongoing industrial use. A residential conversion is envisaged as an appropriate solution to these issues, as it will resolve the interface issues, and create improved access for Banool Avenue residents.

The amendment will facilitate the residential use of the land by applying the Residential 1 Zone, consistent with residential use on the eastern side of Banool Avenue and to the north of the site.

The application of the Residential 1 Zone and the Development Plan Overlay and new schedule, proposes a comprehensive package of planning tools to ensure the integrated and orderly planning of the site, having regard to the adjacent residential development and abutting land uses. The Environmental Audit Overlay will ensure that any soil contamination is appropriately managed prior to development.

### **Ministerial Objectives**

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987* and meets the requirements of relevant Ministerial Directions No. 1, No. 9 and No. 11.

***Ministerial Direction 1: Potentially Contaminated Land***

Ministerial Direction Number 1 is relevant to this amendment. This Direction requires that the environmental conditions of potentially contaminated land be assessed to ensure that they are, or can be made, suitable for any sensitive use proposed on the land. The amendment proposes to introduce an EAO to ensure that any potential contamination from the previous industrial land uses is addressed prior to the use of the land for sensitive (e.g. residential) purposes. To provide further planning guidance on this matter, environmental remediation requirements have been additionally specified in Section 3.0 of the Development Plan Overlay (DPO), to take in account the development in relation to the environmental audit's recommendations.

***Ministerial Direction 9: Metropolitan Strategy***

The amendment is affected by Ministerial Direction Number 9 (Melbourne 2030). The proposed amendment responds and complements the relevant Directions of Melbourne 2030 as follows:

- Direction 1 – A more compact city
- Direction 4 – A more prosperous city
- Direction 5 – A great place to be
- Direction 6 – A fairer city
- Direction 7 – A greener city
- Direction 8 – Better transport links

These are expanded in detail within the State Planning Policy below.

***Ministerial Direction 11: Strategic Assessment Guidelines***

The amendment is consistent with the requirements to be met by the strategic assessment direction.

***Ministerial Direction - Form and Content of Planning Schemes***

The amendment documentation has been prepared in accordance with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning & Environment Act 1987*.

**Planning Objectives**

The amendment will assist in achieving relevant objectives of planning:

*To provide for the fair, orderly, economic and sustainable use and development of land.*

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Proposed planning controls will ensure that the amenity of the surrounding area and the future amenity of the subject land are suitably protected and maintained.

The proposed application of the Environmental Audit Overlay will ensure that the future use and development of the land is undertaken in a safe and sustainable manner.

The proposed Schedule 12 to the Development Plan Overlay will provide site specific controls to ensure that the land is developed in a manner which complements the existing neighbourhood context and character, and does not compromise the ongoing operations of nearby industry.

Detailed consideration and assessment has been given to the relevant environmental, amenity and heritage issues associated with the site and are addressed in the proposed schedule to the Development Plan Overlay.

The amendment is consistent with the objectives of planning in Victoria, in that it will provide an extension of an established, well located residential area. The development of the land will result in a pleasant living environment for its occupants and neighbours.

The amendment will provide for the efficient use of land for residential purposes without unreasonably encroaching on the viability of land within the adjoining Industrial 3 Zone.

*To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*

Utilising the proposed planning controls, the redevelopment of this former industrial site to a residential use will result in a pleasant and safe living environment for future residents. It will improve the amenity of the area through improvements to the streetscape (street tree planting, footpath upgrades, etc), and will create a stronger sense of integration of the site with the wider community.

*To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.*

The future redevelopment of the existing industrial site into a residential development is not anticipated to negatively impact upon public utilities or other assets.

## **State Planning Policy**

### **Melbourne 2030**

*Melbourne 2030: Planning for Sustainable Growth* is the Victorian Government's blueprint for the development of metropolitan Melbourne until the year 2030.

The amendment supports a number of directions in the Strategy.

#### Direction 1 – A more compact city

Residential redevelopment will offer new residents proximity to a range of services, including public transport, shopping facilities, schools and community services. The site is located near significant employment areas for job opportunities for residents.

#### Direction 4 – A more prosperous city

The site is located close to key employment areas, such as the Melbourne CBD and Docklands, Footscray, the Western Industrial Node and ports.

#### Direction 5 – A great place to be

Once developed, the site will add an enhanced urban design outcome to the site, adding to the broader neighbourhood.

#### Direction 6 – A fairer city

A Social Impact Assessment, required as part of the development, will be undertaken to determine the likely impact of the development on community services within the area, and ensure that a diversity of housing stock, suitable to the future occupants of the site is achieved.

#### Direction 7 – A greener city

The redevelopment will incorporate ecological sustainable design measures, through water and energy saving measures, devices and building materials, as prescribed within the schedule to the DPO. The proximity of the site to public transport services and employment opportunities may also reduce future residents' carbon footprints, cutting greenhouse gas emissions.

### Direction 8 – Better transport links

The proximity of the future residential development to major transport routes, including the Francis Street, Westgate Freeway, Footscray Road and the Williamstown and Werribee railway line, through the Yarraville Station, will provide excellent links to the CBD and major and principal activity centres. The Yarraville neighbourhood centre is within walking distance (approximately 600 metres).

### **State Planning Policy Framework (SPPF)**

The State Planning Policy Framework (SPPF) supports the core strategic planning objectives of Melbourne 2030.

*Clause 12 - Metropolitan Development* seeks to reduce the pressure for urban fringe development and encourages housing on strategic redevelopment sites in proximity to services such as public transport and activity centres:

- Clause 12.01 encourages a mix of housing densities.
- Clause 12.05 encourages development to be responsive to character and heritage considerations. Reduced dependence on car transport and better access to open space is encouraged.
- Clause 12.06 encourages development to be accessible and more affordable housing provision.
- Clause 12.07 requires that development reference the application of environmental sustainability.
- Clause 12.08 furthers a more sustainable transport system and better reliance on movement other than the motor car.

These elements have been addressed through the requirements set out in the proposed Development Plan Overlay:

- Traffic Management Plan to identify various transport options.
- Siting & Design Guidelines to address built form principles and standards.
- Amenity impacts to be assessed external to the site.
- Social Impact Assessment report.
- Conservation management plan.
- Contribution public open space external to the site.

The amendment is also supported in consideration of Clauses 14 (Settlement), 15.05 (Noise Abatement), 15.06 (Soil Contamination), 16 (Housing) 18 (Infrastructure) and 19.03 (Design and Built Form), in that it aims to:

- Capitalise on existing settlement patterns and investment in transport, communication, water, sewerage and community facilities.
- Establish new housing on a strategic redevelopment site that offers good access to services and public transport.
- Support consolidation of an existing urban area whilst respecting neighbourhood character.
- Ensure the development is not prejudiced by external noise.
- Ensure that contaminated land is suitable for residential use and development.
- Facilitate the development of well-designed medium density housing, thereby improving overall housing diversity and choice.
- Achieve urban design outcomes that contribute positively to local urban character and enhance the public realm.
- Minimise detrimental impact on neighbouring properties.
- Increase land use densities near transport hubs.

## **Local Planning Policy**

### **Municipal Strategic Statement (MSS)**

The amendment is consistent with the following Clauses of the LPPF:

- *Clause 21.03 - Vision and Strategic Framework Plan*, advocates that land south of Francis Street be identified as a mixed use area with commercial, industrial and residential activity in specified locations. The Council has identified a residential emphasis to the site.
- *Clause 21.04-1 – Residential Land Use*, indicates within its Residential Land Use Framework Plan the site is designed as a “*Residential redevelopment area*”.
- *Clause 21.04-5 - Industrial Development*, states that “*Industry change and decline is now creating many exciting opportunities to restructure and change the image of the city, to improve the amenity of industrial areas and the residential areas next to them*”.
- *Clause 21-04-1* states that all members of our community require access to suitable housing in “*...locations which offer a high degree of residential amenity...*”.

It is Maribyrnong's intention to ensure new developments identified within the Residential Land Use Framework Plan are managed appropriately to facilitate environmental, economic, cultural/social and infrastructure objectives.

*“Environmental Objectives:*

- *Increase the residential component and focus of the city.*
- *Facilitate sustainable new development with minimal impact on the environment (especially water courses) and minimum use of energy.*
- *Provide a high standard of urban design in new developments.*
- *Encourage improved residential amenity in all our residential areas.*
- *Ensure that new residential areas are well integrated with the rest of the city.*
- *Consolidate and enhance existing distinct neighbourhood character. In particular we want to make sure that smaller infill developments acknowledge and support identified neighbourhood character.*
- *Ensure the preservation of our heritage including buildings, streetscapes, natural areas, significant vegetation and sites of cultural significance.*
- *Prevent sediment loss from construction sites to minimise the impact of residential development on water quality in local waterways.*
- *Enhance riparian corridors as natural open space with adequate setback provisions for new developments.”*

The rezoning of the site will ensure appropriate development and consolidation of a key site within Maribyrnong, while protecting the neighbourhood character, heritage and environmental objectives of the scheme.

*“Economic Objectives:*

- *“Improve the image of the city and pride in living and working here”.*

The rezoning will improve the image of the city through the preservation and restoration of Heritage elements, and the provision of new architectural design elements to the site.

*“Cultural/Social Objectives:*

- *Aim for a balanced age group profile in future population to ensure maximum use and benefit from investment in community infrastructure.*

- *Ensure diversity in new allotments and housing in terms of size, type, price range and tenure.*
- *Aim for self contained communities with good non-car based transport access to a range of shopping, education, employment, recreation and leisure opportunities.*
- *Promote the development of a wide range of housing types and values particularly, affordable housing, student housing, special purpose housing and new housing suitable for families.”*

Through the Social Impact Assessment, as part of the amendment, the site will allow for the provision of housing appropriate to the predicted community profile for the site, and encourage the creation of a non-car car based development.

*“Infrastructure Objectives:*

- *Provide additional capacity in community facilities and infrastructure (schools, libraries, recreation buildings, etc.) to provide the increased population with a level of service which currently exists”.*

The development will provide a monetary contribution to the community facilities and infrastructure under the Development Contribution Overlay.

## **POLICY CONTEXT**

### **COUNCIL PLAN 2006 - 2010**

#### **COUNCIL PLAN**

##### **Building Our City**

**We will, promote and facilitate urban renewal and enhancement opportunities that support the wellbeing of our growing population, increase our economic prosperity, and achieve sustainable development outcomes.**

- Protect and enhance the built and natural environment, and encourage redevelopment of commercial and industrial land to support forecasted population growth.

#### **STRATEGIC RESOURCE PLAN**

Not applicable.

## **SUSTAINABILITY IMPLICATIONS**

### **COMMUNITY**

The rezoning of the site will supply a variety of dwellings types and sizes that will provide for the future housing needs of the community.

### **ENVIRONMENT**

Developer contributions payable as part of the development of the site will enable the further enhancement of the nearby Stony Creek and reserve. The development of the site will also need to contain ecological sustainable design initiatives as outlined within the Development Plan Schedule.

### **ECONOMIC**

The rezoning of the site will provide benefits to the local economy through the provision of more housing, and contributions to the building industry, local shops and services.

### **HUMAN RIGHTS CONSIDERATION**

The amendment is consistent with the *Charter of Human Rights and Responsibilities Act 2006*.

### **CONSULTATION**

#### **Exhibition and Submissions**

The Amendment was given notice between 9 August 2007 and 10 September 2007. This exhibition was in the form prescribed under Section 19(1) of the *Planning and Environment Act 1987*, and involved:

- notice in the local newspapers
- notice in the Victorian Government Gazette
- a letter to affected and surrounded property owners/occupiers
- notice to Ministers prescribed under the *Planning and Environment Regulations 1998*
- notice to relevant referral authorities/government agencies
- display of exhibition material at the Maribyrnong Council Offices, the Footscray; Highpoint and Yarraville libraries and the State Government's Planning Information Centre
- display on Council's web site.

## **Submissions**

As a result of the exhibition process, a total of fourteen (14) submissions were received. *(A summary of the key issues raised by each submitter is provided within Attachment 2 and includes Council's response provided at the Panel Hearing).*

## **Petition**

A petition, signed by 60 local residents, was submitted to Council in early May and tabled at the Panel Hearing. It objects to the link road due to safety, amenity and health issues, and calls on all parties to find another solution to the Banool Avenue access/egress arrangements. The petition was responded to by Councillor Rossiter on 28 May 2008.

## **DISCUSSION**

The follow are the main issues as identified within the Panel's report, and Council's response.

### **Environmental Audit Overlay**

The Panel was satisfied that the application of an Environmental Audit Overlay of the site by Council was warranted, due to the site's long term industrial use over the past 150 years. The Panel was satisfied that either a Certificate of Environmental Audit or Statement of Environmental Audit will be issued, allowing the site to be developed for residential purposes.

*Council Officer Position: Concurs with the Panel's findings.*

### **Heritage Issues**

The Panel did not identify any heritage issue that would prevent the use of the site for residential purposes. As previously mentioned, the site is subject to a Heritage Overlay (H081), with the heritage citation making particular reference to the remnant bluestone walls and sawtooth roof structure. The site is also on the Heritage Inventory with Heritage Victoria, for non-Aboriginal archaeological sites, which will result in permission necessary to disturb the site prior to buildings and works. A Conservation Management Plan (CMP) will be required as part of the development of the site. The Panel recommended that the Development Plan Overlay Schedule 12 contain particular reference to the remnant blue stone walls and sawtooth roof structure, considering their importance within the heritage citation for the site.

*Council Officer Position: Concurs with the Panel's findings.*

### **Strategic Justification**

The Panel found that both the State and Local Planning Policy Frameworks support the redevelopment of the site for residential purposes.

The Panel made mention of the relevance of Melbourne 2030 to the rezoning, with the encouragement of new and affordable housing, with a variety of densities, close to public transport and infrastructure.

The local policy framework supports the amendment through the redevelopment of inappropriate industrial sites and identifies the site within its "Residential Land Use Framework Plan."

The Panel was satisfied that the strategic justification for the amendment was sound and that this point was not disputed by any parties.

*Council Officer Position: Concurs with the Panel's findings.*

### **Traffic Issues**

The Panel supported the findings of VicRoads, Council and the developer in regards to traffic issues.

The main concerns expressed by submitters relate to traffic associated with the proposed link road between Banool Avenue and Hughes Street.

Submitters are of the opinion that extra vehicles will further exacerbate traffic problems within Hughes Street. There are also related concerns in terms of safety of residents, increased vehicle pollution, loss of car parking spaces on Hughes Street, and an increase in parked cars on Hughes Street.

The Panel concurred with VicRoads and Council, that extra vehicle movements generated by the development of the site would increase vehicle movements from 144 vehicle movements per day to 944 vehicle movements per day, and "*...the introduction of additional turning traffic through the intersection of Banool Avenue and Francis Street has the potential to increase the likelihood of serious accidents at this location*". The Panel established that this was not an appropriate design response, and other measures were needed to alleviate this concern. The Panel agreed with VicRoads and Council that the provision of left in/left out arrangements were suitable for Banool Avenue intersection with Francis Street, in addition to the link road, which would provide an alternative access for Banool Avenue residents to and from Francis Street.

The Panel also agreed with Council, VicRoads and the developer's traffic consultants, that the extra traffic generated by the development will not prejudice the environmental capacity of Hughes Street, once the link road was operational. The Panel refers to Clause 56.06 of the Planning Scheme (Access and Mobility Management), and the most appropriate classification of the road is an Access Street Level 1, with a capacity of 2,000 vehicle movements per day. Hughes Street, if the development were to be complete, would handle approximately 1,384 vehicle movements per day.

The Panel expressed its understanding of the issues associated with truck traffic generated within Hughes Street from the Cool Store, and how many residents viewed this as an amenity concern. In stating this, the Panel reiterated that it could only consider the rezoning and the impacts of its traffic on the residential amenity of Hughes Street, and whether this traffic could be catered for within the environmental capacity of the road.

In summary the Panel agreed with the development of the link road, and using Hughes Street as an additional access/egress route for the development.

The Panel further recommended that:

- no kerb side parking be allowed within the link road
- the acoustic fence be at least 2.4 metres high on the northern boundary of the road reserve, as proposed by the consultants report
- link road street lighting be baffled to protect residential properties to the north
- discussions with Hughes Street residents fronting the link road be undertaken to provide for appropriate planting to shield light emissions
- the developer reconstruct the right of way, north of the subject site if required for access.

*Council Officer Position: Concurs with the Panel's findings.*

### **Amenity Impacts**

A number of residents expressed concern with the impacts of additional noise and traffic, decreased safety and limited use of the Hughes Street for informal recreation.

The Panel concluded that:

- appropriate amenity outcomes will be provided for with the construction of the link road and associated works

- there is no legal right to use the road for informal recreation and that the Stony Creek Reserve is the most appropriate location for this activity.

*Council Officer Position: Concurs with the Panel's findings.*

### **Drafting of Schedule 12 to the Development Plan Overlay**

The Panel reviewed Schedule 12 to the Development Plan Overlay (DPO12) and believed that while a planning permit could address the aspects of the development of the land, the DPO12 does provide a level of certainty and comfort to the local community as to the intent of the development.

In response to the revised DPO12 tabled by officers at the Panel Hearing, and requested by the Panel, the Panel has drafted its own version of the DPO12 to take into account a number of matters the Panel felt needed more clarity.

The issues that the Panel clarified in their proposed DPO12 include:

- only allowing permits for the demolition and site clean up before a development plan is issued by the Responsible Authority
- requiring further traffic analysis if the site is to be developed for more than 100 dwellings
- limiting the building height to 3 storeys, with 2 storeys at the interface of the right of way and Banool Avenue
- referring to the blue stone walls and saw tooth roof as part of the main heritage aspects to be considered within the Conservation Management Plan
- a stage development plan is not necessary and an approval of the whole site in one plan is sufficient.

*Council Officer Position: Concurs with the Panel's findings and draft DPO. A number of small changes have been made to the DPO, which further clarify the Panel's intent and fix a number of clerical errors (as shown on Attachment 3).*

### **Section 173 Agreement**

The Panel agreed with Council for the need of a Section 173 Agreement to ensure the development of the link road by the developer and the handover of land for the road by the cool store owners.

The Section 173 Agreement requires the developer to construct the road within 120 days of the building permit being issued for the development.

The Panel commented that the demolition and remediation of the site may be completed prior to the road being constructed, and they have concerns in allowing trucks and vehicles associated with these works using the Banool Avenue/Francis Street intersection. The Panel therefore recommends the "Traffic Management Plan" contained within the DPO12, take into consideration the impact of these works, requiring the plan to respond to these management issues.

The Panel recommends that Council ensure the Section 173 Agreement is consistent with the revised DPO and Traffic Management Plan.

*Council Officer Position: Concurs with the Panel's findings.*

### **RESOURCE IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

### **CONCLUSION**

In conclusion, Council officers are satisfied that the proposed amendment is consistent with both the State Planning Policy Framework and the Local Planning Policy Framework as contained in the Maribyrnong Planning Scheme.

The strategic and planning policy framework, as applied to the Yarraville area, clearly identifies the subject land as being suitable for residential purposes.

The site is well located to take advantage of community and physical infrastructure within the area, and will result in a better amenity outcome and access arrangement for current and future Banool Street residents.

Council officers are of the opinion that the proposed link road will not cause a significant traffic increase, and will not overburden the environmental traffic capacity of Hughes Street.

Concerns regarding the design and location of the proposed link road have been appropriately addressed, and residents abutting or near the carriageway will be appropriately shielded from excessive noise and light emissions.

The site's heritage aspects will be considered in the design, development and clean up of the site.

The independent environmental auditor is confident of the site's capacity to be developed for medium density residential purposes, through the recommendations of an environmental audit.

The Development Plan Overlay Schedule is a considered and balanced planning tool that will provide for the appropriate development of the land for residential purposes, while respecting the existing neighbourhood that surrounds the site.

The amendment will not result in any adverse economic, social and environmental effects and will support the new and existing communities, through the provision of additional dwellings and housing choice.

The Planning Panel appointed by the Minister for Planning supports the rezoning, and proposed traffic management proposals, including the link road, with modifications to the Schedule 12 to the Development Plan Overlay.

Council officers support the amended schedule (with minor changes by Council officers), as it provides further clarity to the community as to the outcome of the development of the site and provision of the associated roadworks.

#### **OFFICER RECOMMENDATION**

**That:**

- 1. Council note the submissions received as part of the amendment process, and subsequent petition submitted to Council.**
- 2. Council consider the Planning Panel's Report pursuant to section 27 of the *Planning & Environment Act 1987*.**
- 3. Council accept the findings of the Planning Panel and the revised Development Plan Overlay, Schedule 12 as proposed by the Planning Panel, with the Council officer's changes to clarify the Panel's position and change clerical errors.**
- 4. Having considered all submissions and the Planning Panel report, the Council resolve to adopt Amendment C56 to the Maribyrnong Planning Scheme pursuant to section 29 of the *Planning & Environment Act 1987*.**
- 5. Following adoption, Council will forward Amendment C56 to the Minister for Planning for approval pursuant to section 31 of *the Act*.**
- 6. Council will confirm the delegation of the Manager, Strategy and Economic Development to approve the C56 Development Plan and any necessary legal agreements.**

**COUNCIL RESOLUTION****That:**

- 1. Council note the submissions received as part of the amendment process, and subsequent petition submitted to Council.**
- 2. Council consider the Planning Panel's Report pursuant to section 27 of the *Planning & Environment Act 1987*.**
- 3. Council accept the findings of the Planning Panel and the revised Development Plan Overlay, Schedule 12 as proposed by the Planning Panel, with the Council officer's changes to clarify the Panel's position and change clerical errors.**
- 4. Having considered all submissions and the Planning Panel report, the Council resolve to adopt Amendment C56 to the Maribyrnong Planning Scheme pursuant to section 29 of the *Planning & Environment Act 1987*.**
- 5. Following adoption, Council will forward Amendment C56 to the Minister for Planning for approval pursuant to section 31 of *the Act*.**
- 6. Council will confirm the delegation of the Manager, Strategy and Economic Development to approve the C56 Development Plan and any necessary legal agreements.**
- 7. Request that VicRoads reduce the current speed limit on Francis Street between Hyde Street and Williamstown Road.**
- 8. As part of the traffic management and road construction plan and prior to its finalisation Council and the developer undertake consultation with the residents of Hughes Street.**
- 9. Request VicRoads to explore the possibility of the placement of:**
  - Speed cameras at the location of the Francis Street rail bridge.**
  - And a safety camera at the pedestrian crossing.**

**Moved by: Cr Clarke**  
**Seconded by: Cr Sanli**

**CARRIED.**

**9.1.3 GENERAL REVALUATION 2008**

<b>File No:</b>	<b>FIN-65-002</b>
<b>Attachments:</b>	<a href="#"><u>Schedule 3 - Valuation Return</u></a>
<b>Responsible Officer:</b>	<b>Mr John Luppino General Manager Sustainable Development</b>
<b>Author:</b>	<b>Bryan Stone Manager Finance</b>

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**PURPOSE**

This report provides information on the formal adoption of the General Revaluation 2008 Return to Council, which will fulfil the requirements of the *Valuation of Land Act (1960)* and the *Local Government Act (1989)*.

**BACKGROUND**

In accordance with the requirements of the *Valuation of Land Act (1960)*, Council, at its meeting of 20 March 2007, resolved to undertake a general revaluation of all rateable properties within the municipal district.

The attached Schedule 3 document is the formal return of the General Revaluation 2008 of all rateable properties within the City of Maribyrnong, in accordance with Section 13 DH (1) of the *Valuation of Land Act 1960*.

Valuations are conducted in accordance with the requirements of the *Valuation of Lands Act (1960)*, Valuer General's Best Practice Guide, and the *Local Government Act (1989)*.

Council's contracted Valuers, Rating Valuation Services, have completed all the required stages of the revaluation process for all rateable properties within the municipality.

The valuation date will be 1 January 2008, and will be used for the assessment of rates in the 2008/2009 financial year from 1 July 2008.

The next general revaluation is required to be returned by 30 June 2010.

**POLICY CONTEXT**

Council is required under the *Local Government Act (1989)* and the *Valuation of Land Act (1960)* to adopt the General Revaluation 2008 Return, so rates can be set for all rateable properties.

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**COUNCIL PLAN**

The adoption of the General Revaluation 2008 Return is directly linked to the Council Plan principles for good governance.

**STRATEGIC RESOURCE PLAN****FINANCIAL PLAN**

Implement financial management strategies that ensure Council's financial sustainability into the future and which enhance Council's policy making ability, while still achieving Council's corporate goals.

**SUSTAINABILITY IMPLICATIONS****COMMUNITY**

Not applicable.

**ENVIRONMENT**

Not applicable.

**ECONOMIC**

Not applicable.

**HUMAN RIGHTS CONSIDERATION**

This report and its contents do not impede the human rights listed in the *Charter of Human Rights and Responsibilities Act (2006)*.

**CONSULTATION**

Not applicable.

**DISCUSSION**

As part of the Valuation Best Practice Guide, all councils must revalue properties in their municipalities every two years.

As a result of the revaluation, ratepayers have a more accurate valuation of their property reflecting the current market values.

It also provides for all properties to be valued at the same time, allowing a statewide picture of property values.

**The following summarises the stages and the due dates:**

### **Stage 1 – Preparation**

This stage involves general preparation, planning and statistical analysis of the previous valuation against recent sales. Stage 1 was due and completed by 28 February 2007.

### **Stage 2 – Preliminary valuations - Residential and Rural properties**

The major stage for residential and rural valuations when the majority of inspections and field data verification is completed. Preliminary valuations were due and completed by 31 October 2007 (a final review of values occurs in Stage 4).

### **Stage 3A – Specialist properties**

Stage 3A comprises the valuation of all specialist properties eg. Highpoint shops. Valuation conferences are held to exchange relevant information and compare levels of value. Final valuations were due and completed by 31 August 2007.

### **Stage 3B – Commercial and Industrial Properties**

Stage 3B comprises the valuations of commercial and industrial properties. Valuation conferences are held to compare levels of value with adjoining municipalities. Final valuations were due and completed by 31 December 2007.

### **Stage 4 – Review and Final Valuations –Residential and Rural Properties**

Stage 4 comprises a review of Stage 2 preliminary values based on an analysis of subsequent sales evidence. Valuation conferences are held prior to this stage, in conjunction with Stage 3B, to compare levels of value with adjoining municipalities. Final valuations were due and completed by 28 February 2008.

### **Stage 5 – Valuation Return**

Stage 5 comprises the return of the valuation to Council, completion of valuer's final report, and provision of the returned valuation and data to the Valuer General Victoria. Stage 5 was due to be completed by 31 March 2008, however, due to some data anomalies further checking of valuations was required which caused a final return to Council in May 2008.

Valuation data and information for each stage is submitted to Valuer General Victoria for checking and certification and then returns to Council 7A certificates for each stage which indicates all provisions and requirements are complied with in accordance with the Valuer General's Best Practice Guide 2008.

The final True and Correct Certification is issued by the Minister for Local Government, which is not yet to hand.

### **Checking Processes**

The valuation levels for all rateable properties have now been set, however, the continual review allows the valuation contractor to react quickly to market fluctuations ensuring final levels adopted are reflective of the market conditions as at the relevant date 1 January 2008.

All new sales are checked against the proposed revaluation figures and properties, with substantial increases and decreases being double checked to ensure the valuation figures set are correct, and there is sales/rental evidence to support the proposed figures. In addition, all properties which have been the subject of objections to the 2006 valuations are also being double checked.

While further detailed checking is being undertaken, there will always be a small proportion of properties where problems may arise. Such problems are generally attributable to data discrepancies. Much effort has been made by Council's contracted valuers to improve the quality of Council's data. This effort, combined with the improvements in the quality of valuations, is expected to lead to a reduction in the number of queries received.

### **Movements in Value**

The City of Maribyrnong has encountered a volatile period in property prices since the last revaluation in 2006, with an overall increase in Net Annual Value (NAV) of 31.53%.

### **RESIDENTIAL**

The residential sector of Maribyrnong has moved considerably in the past year due to the residential property boom, which has affected the majority of suburbs in Melbourne, especially those within the 20 kilometre radius of the CBD. All of the suburbs within the Maribyrnong municipality fall within the 20 kilometre radius of the CBD. A lack of supply, coupled with population growth and cost of petrol, has driven the market to new heights in the latter part of 2007.

Areas such as Yarraville, Seddon and Footscray are within 5-10 minutes travel distance from the CBD. Potential property investors seeking value for money or who have been “out priced” in other areas have moved to these suburbs attracted by the closeness to the CBD, period homes and good public transport.

Suburbs located next to these areas, such as West Footscray and Maidstone, generally have larger lot sizes, which has been attracting the more traditional “family” home buyer. Many of these homes are purchased unrenovated with the view to extend and renovate, or construct a new family home.

The impact of several interest rate increases in the latter part of 2007 and 2008 has had an adverse affect on the booming market, considerably slowing the “feverish” pitch which was felt middle to late 2007. Overall, Council has adopted a slightly conservative approach, being conscious of the potential for a market decline in 2008.

## **COMMERCIAL**

Demand for commercial properties has been partly in response to the economic climate attracting investors and superannuation funds alike, and the corresponding growth in the residential market.

Commercial areas in Yarraville and Seddon have responded to the gentrification of the suburb and the wants and needs of the changing population. The use and type of commercial properties has altered in recent times, catering for the demand for more “up market” shops, café’s and restaurants, stimulating the demand for commercial property in these areas. Yields have lowered as demand has increased, however even though rentals have increased, it is not to the same extent as the land and improved values.

The Footscray Business District has had challenging times in recent years. The area has, and is still, influenced by the low social economic and diverse community groups that frequent the area. Much of the district centre is focused on cheaper discount style stores, with the larger sites such as Forges and Footscray Market, being the main attractions within the centre. Yields have also lowered but again the rental returns have had a minimal increase.

Planning guidelines such as the Footscray Skyline Study and the development of Footscray Station as a major transit centre has, and will have, impact on levels of value within the centre.

## INDUSTRIAL

The majority of industrial property within the municipality is of older style and often of obsolete construction; however, the close proximity to the CBD and the Melbourne Ports makes this attractive to investors. The supply of new factories to the west of the municipality, in such areas as Laverton, with its excellent transport links has meant that the older style properties have received only modest rental rent increases.

Developers are also attracted to the potential “rezoning” of industrial land to either mixed use or residential (such as is the case in Francis Street, Yarraville, and the industrial area located next to the Maribyrnong River).

### NAV by property type from 2006 to 2008

	2006	2008	%
Residential	410,168,000	555,302,450	35.38%
Commercial	133,619,000	163,961,050	22.71%
Industrial	79,349,000	100,366,550	26.49%
TOTALS	623,136,000	819,630,050	31.53%

### Supplementary Reviews

Council - appointed contract valuers, Rating Valuation Services, have ensured their data was correct for all calculations in the 2007/2008 financial year. They have investigated and inspected more than 25,600 properties.

As a result, just over 2,289 supplementary valuations were completed for the year ending 30 June 2008.

There are many and varied triggers and reasons why a property may require a supplementary valuation. Some of these include:

- development of vacant land
- property valuation increases due to sales and auctions
- change in occupancy
- new subdivisions, eg. Edgewater and Horizon developments
- renovations and extensions
- sale of non rateable properties
- consolidation of properties.

**RESOURCE IMPLICATIONS**

The returned Net Annual Value of \$819,630,050 will set the basis for rating for the next two financial years, and must be adopted by Council to permit rates to be set for all rateable properties.

Based on the proposed Budget for 2008/2009, the rate in the dollar will be 6.40445 cents, which is down from 7.18533 cents (2007/2008 financial year).

Council does not collect more in rate revenue as a result of the revaluation; it simply means that rates are redistributed according to the shifts in property values that have occurred in the different parts of the municipality.

**CONCLUSION**

The return of the General Revaluation 2008 for the City of Maribyrnong is a statutory requirement. Accordingly, Council will need to adopt the General Revaluation 2008 Return.

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION**

**That Council adopt the attached Schedule 3 Valuation Return to fulfil the requirements of the *Valuation of Land Act 1960* and the *Local Government Act 1989*.**

**Moved by: Cr Sanli**

**Seconded by: Cr Rice**

**CARRIED.**

**9.1.4 SPORTSGROUND AND PAVILION FEES AND CHARGES POLICY**

<b>File No:</b>	<b>SPR-02-008</b>
<b>Attachments:</b>	<a href="#"><u>Sportsground and Pavilion Fees and Charges Policy</u></a>
<b>Responsible Officer:</b>	<b>Mr John Luppino General Manager Sustainable Development</b>
<b>Author:</b>	<b>Andrea Jackson Recreation Services Coordinator</b>

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**PURPOSE**

The purpose of this report is to present to Council for adoption the Sportsground and Pavilion Fees and Charges Policy.

**BACKGROUND**

Maribyrnong City Council manages a total of 36 sportsgrounds and 18 pavilions, offering a range of formal sporting opportunities for the Maribyrnong community, which include baseball, cricket, football, gridiron, lacrosse, rugby union and soccer.

These sporting facilities are constructed and maintained by Council and provide 37 sporting clubs, 21 schools and the wider community with amenities which enable people to participate in formalised sporting activities.

As part of Council's Sports Development Strategy, completed in August 2006, a number of inequities were identified and recommendations made with regard to the provision of sporting facilities and opportunities for the Maribyrnong community over the next 10 years. The strategy identified that Council's current fees and charges system is based on a planning process established post Council amalgamations, but had not been formally adopted by Council.

The strategy found that the current policy had no context or strategic connection with existing Council policy, and contains anomalies and inconsistencies.

In August 2007, Council received a report detailing the inequities which exist in the current method of applying fees and charges for the use of sportsgrounds and sporting pavilions, and a proposed new fees and charges structure.

The constraints in the current method are:

- There is no framework, formula or policy position upon which annual fees are based, this is the principle of user pays, does not appear to be linked in any way to the cost of providing the service.

- The annual fees do not take into account the different standard between sporting facilities, nor the different costs associated with the maintenance of them.
- The present system does not take into account the fact that the cost of maintaining any given sportsground is more or less fixed, irrespective of how much use is generated by a user group which is allocated the grounds.

The strategy concluded there was a need for a restructuring of Council's fees and charges system, and it should be transparent, equitable and allow for comparability between fees and/or subsidies applied across other Council services.

The Sportsground and Pavilion Fees and Charges Policy has been developed to address these inequities.

## **POLICY CONTEXT**

### **SPORTS DEVELOPMENT STRATEGY**

The Fees and Charges for Sportsground and Pavilion is consistent with Council's Sports Development Strategy 2006, which supports the development of a new fees and charges structure, which reflects usage, facility standard and an equitable approach to charging fees for the use of sporting facilities within the City of Maribyrnong.

## **COUNCIL PLAN**

### **Community, Leisure & Cultural Facilities Services and Spaces**

- Directly provide a range of relevant universal community, sporting and cultural programs and services.
- Ensure that the city receives its fair share of resources based on strong evidence, integrated planning and collaborative partnerships.
- Work collaboratively with key stakeholders to maximise community involvement in sport and recreation.

**Contribute to the wellbeing of the diverse Maribyrnong communities and to the health and vitality of the city by ensuring access to community and cultural facilities, programs and spaces.**

- Maximise the provision of high quality community, sporting and, cultural infrastructure services, programs and spaces and encourage all Maribyrnong residents and visitors to participate fully in everyday life.

## **STRATEGIC RESOURCE PLAN**

### **ASSET / COMMUNITY INFRASTRUCTURE MANAGEMENT**

An important goal of Council is to ensure sustainability by providing facilities which are safe, sustainable and meet community needs. The introduction of a new fees and charges structure will enable clubs and schools to understand the link between the fees that are charged and their use of community owned and maintained facilities.

### **SUSTAINABILITY IMPLICATIONS**

#### **COMMUNITY**

The introduction of this Policy will enable sporting clubs and schools to control the level of fees and charges through managing their use of sporting facilities.

In addition, the level of facility standards and usage is not reflected in the current fees and charges system and clubs paying the highest level of fees do not necessarily use the best facilities and/or the facility that best suits their needs.

#### **ENVIRONMENT**

Council's current charging method has created a culture of unrestrained use on sporting grounds. As Council does not charge fees which reflect ground usage or standards it is considered that many clubs do not fully appreciate the value of these resources. The introduction of this Policy will encourage clubs to use these resources in a more sustainable manner.

#### **ECONOMIC**

The implementation of the new Fees and Charges Policy will ensure consistency, equity and fairness in charging a fee for the use of Council owned/managed sportsgrounds and their supporting facilities across the municipality.

The proposed new fees and charges structure is linked to recovering a reasonable percentage of costs associated with providing these sporting facilities to clubs and schools.

### **HUMAN RIGHTS CONSIDERATION**

The Sportsground and Pavilion Fees and Charges Policy supports entitlement to participate in public life.

## CONSULTATION

The draft Sportsground and Pavilion Fees and Charges Policy was presented to Council in August 2007. The policy will impact on a specific user group, therefore the consultation process focussed on ensuring all sportsground and pavilion users were aware, and had an opportunity to comment on, the policy. The approach was as follows:

- Copy of draft policy forwarded to all schools and sporting clubs which utilise Maribyrnong City Council owned/managed sportsgrounds.
- Invitation to meet with specific user groups which will experience a greater impact from proposed new fees and charges structure.

All clubs/schools were invited to provide feedback on the draft policy, with specific clubs invited to meet with Council officers to discuss the Policy in more detail.

In presenting this information to clubs, the proposed fees and charges were calculated using current usage levels of sporting grounds and pavilions.

## DISCUSSION

In total, 17 clubs formally responded to the draft policy through individual meetings and Council's mail out. Some clubs had a number of queries, while others were more detailed in their response.

Based on current utilisation:

- clubs and 4 groups will experience an increase in fees greater than 50%, however out of these, the majority will sit in the 50% to 80% range
- 16 clubs will experience an increase in fees less than 50%, most between the 4% to 40% range
- 7 clubs will experience a decrease in fees ranging from -7% to -40%
- 2 secondary schools will incur charges for the use of sportsgrounds outside of school hours.

A list of most affected to least affected clubs was developed. This provided the opportunity to identify and engage with clubs which will experience a greater impact from the proposed fee structure. A total of 14 clubs were invited to attend individual meetings with Council officers to discuss in detail the draft Sportsground and Pavilion Fees and Charges Policy. Twelve clubs took up this invitation, with one not being able to attend, however it provided written feedback in response.

Through this consultation process a number of themes emerged:

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- Concern regarding the transition from the current fees schedule to the new schedule.
- An acknowledgment by turf cricket clubs that they had been well supported by Council, as they have not been charged fees for the use of sportsgrounds in the past.
- Concern regarding how fees would impact on clubs and groups that have not paid fees in the past ie. sporting clubs/groups using turf cricket wickets and juniors.
- Uncertainty raised with regard to ownership of sporting facilities.
- Expectation that Council will provide a higher level of service once new fees were introduced.
- Acceptance and satisfaction that these current inequities are now being addressed.
- One school stated that it had no issue with paying for facility use outside of school hours.

From the feedback it became evident that a transition period would need to be applied to the new schedule of fees for some clubs. It was suggested that a 3 year phasing in period would be implemented for clubs/schools which experience a greater than 50% increase in seasonal fees in order to lessen this impact. Most clubs were in support of this proposal.

It is interesting to note, that through this feedback it was widely perceived that clubs believed they were the owners of these sporting facilities. It is encouraging that clubs have a strong sense of ownership for these facilities, however it is also of some concern that clubs assumed such a large responsibility. This exercise has enabled roles and responsibilities to be clarified and will now enable clubs to focus on their sport.

## What Next?

As a result of the consultation phase, a number amendments have been made to the Sportsground and Pavilion Fees and Charges Policy:

- Documented summation of how fees are calculated within the policy
- Inclusion of 'Delegation of Authority' within the policy
- Inclusion of an annual fees and charges review period.

Historically, there are several clubs which have not contributed towards their use of sporting facilities. Under the Sportsground and Pavilion Fees and Charges Policy these clubs will now be required to pay a fee. It is proposed to implement the new fee structure as follows:

- Primary and secondary schools as of 1<sup>st</sup> Term, 2009
- All sporting clubs as of 2009 Winter Season (1 April 2009)
- The following transition timeline outlines the proposed fee schedule for clubs/schools which will experience an increase greater than 50% in their fees and charges.

1 <sup>st</sup> Year (2009)	2 <sup>nd</sup> Year (2010)	3 <sup>rd</sup> Year (2011)
70% - of Fee	90% - of Fee	100% - of Fee

All sportsgrounds and pavilion users will be advised of this implementation plan well in advance of the introduction of the new fees and charges, and therefore will be able to plan accordingly.

## RESOURCE IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

## CONCLUSION

Maribyrnong City Council's current fees and charges schedule no longer reflects current usage levels or standards in sporting facilities. Expectations for the delivery of sportsgrounds and pavilions is of a much higher standard than previously required which now attracts increased regulation, participation and volunteer involvement as part of everyday club operations. In turn, there is a greater expectation on Council to manage these resources in a manner intended to balance all needs.

Similarly, the current pricing schedule is unable to address or reflect issues which relate to the overuse of facilities, standard of facilities, equity between different sporting codes and participation levels and/or groups. As recommended in Council's *Sports Development Strategy, August 2006*, the implementation of a new draft Sportsground and Pavilion Fees and Charges Policy will assist in addressing these issues.

There is some concern from clubs currently not being charged and/or being charged a minimal amount for the use of sportsgrounds. However, consultation suggests there is an overall level of acceptance from clubs with the proposed new fee structure, even those who will experience an increase in fees. Most of the feedback has been from clubs requesting clarification on how the new fees relate to their use of sportsgrounds and pavilions, the sportsground classification system, and what their likely future charges will be under the proposed new pricing structure.

#### **OFFICER RECOMMENDATION**

**That Council:**

- 1. Adopt the Sportsground and Pavilion Fees and Charges Policy.**
- 2. Endorse the implementation process as outlined in this report.**
- 3. Place a copy of the Sportsground and Pavilion Fees and Charges Policy on the Council website.**

#### **COUNCIL RESOLUTION**

**That Council defer consideration of this item to the Ordinary Council Meeting to be held on 19 August 2008.**

**Moved by: Cr Cumming**

**Seconded by: Cr Rossiter**

**CARRIED.**

**9.1.5 URBAN PLANNING STATUS REPORT - JULY 2008**

**File No:** 15072008  
**Attachments:** [Graphs](#)  
[List of Planning Applications](#)  
**Responsible Officer:** Mr John Luppino  
General Manager Sustainable Development  
**Author:** Jodi Whitehurst  
PA - Sustainable Development

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**PURPOSE**

The purpose of this report is to provide an update on Significant Applications, Pending Appeals and Delegated Decisions, all of which are attached.

There was a decrease in the number of applications lodged. The number of applications determined and percentage of applications lodged within 60 days increased, while the total number of active applications remained the same.

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION**

**That the Urban Planning Status report for July 2008 be noted.**

**Moved by:** Cr Cumming  
**Seconded by:** Cr Rossiter

**CARRIED.**

*Cr Sel Sanli left the Chambers at 8.34pm.  
Cr Sel Sanli returned to the Chambers at 8.35pm.*

## 9.2 COMMUNITY WELLBEING

### 9.2.1 HOUSING AFFORDABILITY STRATEGY 2008-2012

File No:	HOU-20-005
Attachments:	<a href="#">Affordable Housing Final Strategy</a>
Responsible Officer:	Ms Jenny McMahon General Manager Community Wellbeing
Author:	Kath Brackett Coordinator Social Planning and Research

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#### PURPOSE

The purpose of this report is to present to Council the community consultation outcomes for the *Housing Affordability Strategy 2008-2012*.

#### BACKGROUND

At the Council Meeting in November 2007, Council released the draft *Affordable Housing Strategy 2008-2012* for broad community consultation.

This report outlines the consultation undertaken, and the renewed emphasis of the strategy.

#### POLICY CONTEXT

The draft *Housing Affordability Strategy 2008-2012* builds on Council's *Housing Strategy*, adopted in 2000, and the *Western Region Housing Statement*, adopted in 2005.

#### COUNCIL PLAN

##### Community Engagement and Advocacy

**We will provide every opportunity for the community to participate and be involved, adopting multi approach community engagement tools, to ensure all groups have equal opportunities to participate and be involved in Council's decisions and advocacy.**

- Manage the City's changing needs and demographic profile by advocating for adequate provision of services and facilities from all levels of government.
  - Become strong advocates by strengthening partnerships with community groups, agencies and service providers on matters of community interest.
-

- Create opportunities for active participation in decision making and service delivery through developing a wide range of tools for engaging our diverse communities including the 'hard to reach' groups.

## **STRATEGIC RESOURCE PLAN**

Not applicable.

## **SUSTAINABILITY IMPLICATIONS**

### **COMMUNITY**

The Strategy will strengthen community and social sustainability through supporting and maintaining the diversity of the community.

Many of the proposed actions involve local community engagement processes to empower local people and communities.

### **ENVIRONMENT**

The Strategy addresses environmental factors contributing to housing affordability and proposes actions and strategies to assist the community adapt to climate change.

### **ECONOMIC**

The Strategy recognises the importance of local employment options and links housing to employment pathways as well as advocates for providing housing to support a local workforce.

## **HUMAN RIGHTS CONSIDERATION**

This report and its contents do not impede the human rights listed in the *Charter of Human Rights and Responsibilities Act 2006*.

## **CONSULTATION**

Council has actively engaged the community and key sector agencies in the formulation of this policy and action plan. This includes the following significant events: the *Western Region Forum on Social and Affordable Housing* (March 2004); and the *Affordable Housing Roundtable* (August 2007).

The development of the draft strategy was released for broad community consultation in November 2007 (including a mailout to over 40 organisations). There

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were three written responses from the Office of Housing, Delfin/Lend Lease and the Western Region Health Centre. All responses have been supportive of the direction of the strategy.

Meetings with service providers, housing associations and housing managers included:

- Victoria University
- Metrowest Housing
- Victoria University
- Melbourne City Mission Western
- Victorian Women's Housing Trust
- Women's Housing Limited
- Victorian Aboriginal Health Services
- Mission Australia
- DHS Western Region
- VicUrban
- Melbourne Affordable Housing
- Yarra Community Housing
- Lend Lease
- Office of Housing.

The Victorian Council of Social Services, the Brotherhood of St Laurence and the McCaughey Centre have also provided additional information in the form of reports.

Meetings have been held with Council officers and the action plan widely circulated for cross-Council comment. Written comments had been received from various departments, and these comments have been incorporated into the final strategy.

## **DISCUSSION**

Conventional policies and approaches to improving housing affordability have focused primarily on supply side and demand side incentives for the development of affordable housing (stock). In addition, access to affordable housing has been seen as a significant, but mostly as a public welfare, responsibility for a relatively small section of the most disadvantaged population.

This strategy recognises that neither the causes of, nor the solutions to, housing affordability will be ameliorated solely by the supply of bricks and mortar (stock).

It argues that first and foremost, housing affordability and increasing housing stress are now mainstream issues and that the growing housing stress has also resulted in the increase of social exclusion and diminishes the capacity of people to participate in community life.

More specifically, it proposes that Council can directly influence housing affordability by reducing the overall cost of living for individuals and families. It develops a framework for Council to take a universal approach in addressing housing affordability that will assist more invisible households in housing stress.

Housing affordability (both home ownership and rental) and housing stress have worsened over the last decade as a result of a number of complex and interconnected factors. These include escalating house prices, rising interest rates, the significant reduction in cheaper rental properties and increases in the general cost of living. In addition, issues such as climate change and peak oil will also have an enormous impact on a household's capacity to pay housing related costs. Simply put, both mortgagees and renters in Maribyrnong are paying more with less, and vulnerable and disadvantaged households and communities disproportionately more.

Community concern about housing affordability is shared broadly. Whether it is about intergenerational equity, first home ownership or simply finding a safe and affordable place to live, housing affordability has become an issue that impacts on all aspects of the community.

Council has a statutory responsibility in housing related matters such as land use and physical infrastructure planning and development, building controls, public health policy development, traffic management, and open space planning. As such, Council activities can influence the location and type of new dwellings, and the provision of social and physical infrastructure for new and existing communities. However, Maribyrnong City Council, like all Victorian local government authorities, does not have the legislative, regulatory or taxation levers to directly provide affordable housing stock, or to influence housing costs and supply, so in real terms, opportunities in this area are very limited.

This strategy argues that simply creating more housing (stock) will not address the fundamental issues that underlie housing affordability, and proposes a much broader role for Council in facilitating housing affordability in Maribyrnong.

The principles underlying this approach are:

- Council acknowledges appropriate housing is a fundamental human right
- Council recognises it has a social justice obligation to actively promote and support the development of housing affordability in the municipality

Housing affordability is the responsibility of all levels of government

Council strategies and actions will be REAL:

<b>Responsible:</b>	socially, environmentally and economically sustainable
<b>Equitable:</b>	address issues of poverty and structural disadvantage

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- Affordable:** aim to reduce the cost of living through low cost or no cost initiatives
- Living:** health promoting, encouraging connections within households and between neighbours, communities.

### **POLICY OBJECTIVES**

In broad terms, Council's Housing Affordability Strategy will be defined by the interdependence and relative effort of the following three factors that affect housing stress. In order of emphasis these are:

- To address social exclusion factors such as access to services/programs, political/personal empowerment, health outcomes, poverty reduction programs, access to transport, employment and affordable food
- To understand the demands for affordable housing, which includes local needs analysis, collaborative integrated local area planning, advocacy
- To improve the supply of affordable housing stock, which is restricted to broad planning and development controls, and opportunistic land and/or cash contributions on a project by project basis.

### **RESOURCE IMPLICATIONS**

There are no current resources allocated, these will need to be considered as part of the next budgetary process.

### **CONCLUSION**

The draft Housing Affordability Strategy 2008-2012 recognises that housing affordability and increasing housing stress are growing issues, affecting all members of the community, with a disproportional impact on vulnerable and disadvantaged households and communities.

The strategy recognises that simply building more houses will not address the causes of housing stress, or provide a solution to the problem. Further, without the necessary regulatory or planning incentives, Council has a limited capacity to influence supply.

The policy emphasis for Council's strategy will be addressing social exclusion factors, understanding demand for affordable housing and improving the supply of affordable housing.

### **OFFICER RECOMENDATION**

**That Council adopt the Housing Affordability Strategy 2008-2012.**

**COUNCIL RESOLUTION**

**That Council adopt the Housing Affordability Strategy 2008-2012.**

**That Council's Housing Affordability Strategy 2008-2012 include an action to undertake a joint annual snapshot in partnership with the appropriate housing, welfare and church based groups, of the number and profile of people 'sleeping rough' within the municipality, in order to develop an improved and integrated service response.**

**Moved by: Cr Cumming  
Seconded by: Cr MacDonald**

**CARRIED.**

### **9.3 CORPORATE SERVICES**

#### **9.3.1 ALGA CONSTITUTIONAL RECOGNITION FOR LOCAL GOVERNMENT**

**File No:** CRL-50-005  
**Responsible Officer:** Ms Helen Morrissey  
General Manager Corporate Services  
**Author:** Catherine Grgic  
Council Business Officer

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#### **PURPOSE**

This report seeks Council approval to create an advisory structure and process which enables Council to formulate a position for the Australian Local Government Association's (ALGA) Constitutional Recognition for Local Government summit in December 2008.

#### **BACKGROUND**

Australia is yet to follow the lead of many other nations and recognise the roles and functions of local government in the national constitution.

The ALGA has stated that the split of powers and responsibilities in the constitution (and particularly the absence of local government) does not reflect reality. Local government plays an important part in the Federation in terms of the services and infrastructure it delivers and the role it plays in Councils of Australian Governments (COAG) and Ministerial Councils.

The ALGA believes the absence of formal recognition of local government in the Australian Constitution is one of the most significant omissions in that document. The achievement of formal recognition remains one of the main objectives of the ALGA, especially as it effects Federal/State/Local funding relationships.

The push to achieve constitutional recognition of local government has been given new impetus with the election, last November, of a new Federal Government. The ALP made an election commitment to consult, during its first term, with local government on the process for achieving constitutional recognition.

The ALGA believes, prior to any discussion with the Federal Government on this issue, that local governments need to think about what they want from constitutional recognition; what form that recognition might take; and the process by which it might be achieved.

The ALGA, in consultation with state and territory local government associations, is convening a *Local Government Constitutional Summit – A Special National General Assembly* in December this year to bring together councils to discuss and, if possible, agree on a position to put to the Federal Government.

## **POLICY CONTEXT**

Local government is recognised under the State Constitution, however there is no recognition of councils as the third tier of government in the Australian Constitution.

## **COUNCIL PLAN**

### **Community Engagement and Advocacy**

**We will provide every opportunity for the community to participate and be involved, adopting multi approach community engagement tools, to ensure all groups have equal opportunities to participate and be involved in Council's decisions and advocacy.**

- Become strong advocates by strengthening partnerships with community groups, agencies and service providers on matters of community interest.

## **STRATEGIC RESOURCE PLAN**

### **GOOD GOVERNANCE**

*'Council will implement consultative, review, audit and decision making mechanisms that are based upon principles of transparency, access and equity and are in accordance with all relevant legislation.'*

## **SUSTAINABILITY IMPLICATIONS**

### **COMMUNITY**

Not applicable.

### **ENVIRONMENT**

Not applicable.

### **ECONOMIC**

Not applicable.

## HUMAN RIGHTS CONSIDERATION

This report and its contents do not impede the human rights listed in the *Charter of Human Rights and Responsibilities Act 2006*.

## CONSULTATION

Preparation of this report was informed through internal consultation, and based on Council's citizen engagement framework.

## DISCUSSION

It is proposed that an Advisory Committee be created to provide guidance and advice to the Council in the preparation of a position.

The membership of the Advisory Committee will be open to the following community representatives: all Councillors; three Council officers; community umbrella organisations; advocacy groups; interested non government organisations; church groups, interested residents; the office of the State Member of Parliament and the office of the Federal Member of Parliament. A Councillor will be nominated to Chair the Advisory Committee.

In order to ensure that Council receives a broad range of community views, it is proposed that a Council advertise locally (including key CALD media) for members to the Advisory Committee as well as actively encouraging individual citizens to join.

The ALGA has requested Council complete an online feedback form which will be used to develop a business paper for the ALGA forum. The ALGA has asked each Council to determine a position, including its level of support, for:

- Financial recognition - simplified/streamlined Federal funding (direct Commonwealth funding rather than through States)
- Providing a guarantee of funding to some minimum level
- Institutional recognition - symbolic recognition of local government
- Constitutional recognition - protection of the system of local government (require the States to maintain a system of local government) and protection for councils against arbitrary dismissal/amalgamation (require certain minimum principles or processes to be met).

The Advisory Committee must determine the most appropriate form of recognition from the above, or a combination of either, or none of these. The ALGA has provided councils with a resource kit to assist in the formulation of local responses.

As timelines are extremely tight, it is anticipated the Advisory Committee will meet twice during August for a 'council conversation' and to formulate a position. This will

fulfil the initial stages of the ALGA's consultation with local government bodies. Further community consultation will occur at a later stage.

The ALGA process over the coming months is as follows:

Timeframe	What
March-June 2008	ALGA encourages state associations to invite councils to register and conduct a 'council conversation'.
June-July 2008	State and Territory Associations appoint 10 representatives to attend the National State and Expert's Forum.
August 2008	ALGA will convene a National State and Expert Forum. Expert technical advice will assist with the completion of feedback from council conversations and the drafting of material for consideration at the Local Government Constitutional Summit.
September-October 2008	ALGA will prepare business papers for a Local Government Constitutional Summit based on input from 'council conversations' and the National and Expert Forum.
9-11 December 2008	Local Government Constitutional Summit to be held in Melbourne. This will be designed to reach an agreed local government position.
January 2009	ALGA to present the outcomes from the Local Government Constitutional Summit to the Federal Government.
Throughout 2009	Work with Federal Government to draft legislation as well as to design and develop a comprehensive community engagement strategy.
2010	Possible time for referendum.

Maribyrnong's proposed process over the coming months is as follows:

Timeframe	What
End July – Early August 2008	Council to convene the Maribyrnong Constitutional Recognition for Local Government Advisory Committee to provide guidance and advise to the Council in the preparation and development of a business paper to be table at the Local Government Constitutional Summit in December 2008.  Please refer attachment 1 - Terms of Reference - for the proposed Advisory Committee, including its objectives, membership, meeting frequency etc.
August - early September 2008	Targeted feedback sessions of the Advisory Committee to finalise a position.
September 2008	Draft response to be considered and amended/adopted by Council and forwarded to the ALGA.
9-11 December 2008	Council to send a Councillor and officer representative to the ALGA Local Government Constitutional Summit to be held in Melbourne.

## RESOURCE IMPLICATIONS

There are no current resources allocated for this issue. However, the planned process (outlined above) will be cost neutral to Council.

**CONCLUSION**

Local government fulfils a significant and increasingly important role within the Australian Federation. With the change of Federal Government an opportunity has once again arisen for local governments to gauge the preparedness of the community to acknowledge local government in the Australian Constitution.

Despite relatively tight timelines, the councils - through the ALGA - can be involved in formulating a position for consideration at the Local Government Constitutional Forum.

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION**

**That:**

- **Council convene a *Maribyrnong Constitutional Recognition for Local Government Advisory Committee*, to work within the terms of reference to formulate a draft Council response for further consideration by the Council in September 2008.**
- **The Mayor of the day (or his/her delegate) be nominated as the City of Maribyrnong's representative to attend the *ALGA Local Government Constitutional Summit – A Special National General Assembly*, to be held at the Melbourne Convention Centre, Southbank, from 9-11 December 2008.**
- **Councillor Clarke be nominated to Chair the *Maribyrnong Constitutional Recognition for Local Government Advisory Committee*.**

**Moved by:           Cr Clarke**  
**Seconded by:      Cr Rossiter**

**CARRIED.**

*Cr Janet Rice left the Chambers at 8.58pm.*  
*Cr Janet Rice returned to the Chambers at 9.00pm.*

### 9.3.2 UPDATING DELEGATIONS JULY 2008

**File No:** LEG-30-001  
**Responsible Officer:** Ms Helen Morrissey  
General Manager Corporate Services  
**Author:** Catherine Grgic  
Council Business Officer

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#### PURPOSE

The purpose of this report is to seek approval from Council for the updated delegations and operating authority limits for Maribyrnong City Council.

#### BACKGROUND

Council approved its last set of delegations in November 2005. Since that time there has been several minor changes to legislation. This report is seeking:

- Council approval of updated document S6 Instrument of Delegation from Council to officers (several minor legislative changes warrant an update).
- Council approval of the Operating Authority (Finance and General Administration) delegation (several minor updates relating to staff changes).

#### POLICY CONTEXT

Delegations are governed by the *Local Government Act 1989*.

#### COUNCIL PLAN

**Strategic Objective:** **COMMUNITY ENGAGEMENT AND ADVOCACY**  
**Key Commitment Areas:** We will provide every opportunity for the community to participate and be involved, adopting multi approach community engagement tools, to ensure all groups have equal opportunities to participate and be involved in Council's decisions and advocacy.  
**Strategy:** Create opportunities for active participation in decision making and service delivery through developing a wide range of tools for engaging our diverse communities including the 'hard to reach' groups.

#### STRATEGIC RESOURCE PLAN

#### GOOD GOVERNANCE

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*“Council will implement consultative, review, audit and decision making mechanisms that are based upon principles of transparency, access and equity and are in accordance with all relevant legislation.”*

## **SUSTAINABILITY IMPLICATIONS**

### **COMMUNITY/ENVIRONMENT/ECONOMIC**

Delegations help to strengthen Council’s operating position as they give staff the relevant powers to undertake work essential to the functioning and wellbeing of the municipality.

## **HUMAN RIGHTS CONSIDERATION**

This report and its contents do not impede the human rights listed in the *Charter of Human Rights and Responsibilities Act 2006*.

## **CONSULTATION**

Officers affected by the delegations have been consulted. A copy of the Instrument of Delegation from Council to Members of Council staff was circulated for comment. Consultation has also occurred with the Finance and Organisational Development department and the Council’s Auditor for compliance with finance systems and existing policy.

## **DISCUSSION**

This update to delegations takes into account relevant changes to legislation that has occurred, in particular:

### Instrument of Delegation from Council to Members of Council Staff (S6)

This document includes amended existing and new legislation that has come into force over the past two years since the previous delegation. There are no major alterations, simply several clauses in various Acts/Regulations have either been removed, or new ones added, to increase the effectiveness of the legislation.

### Operating Authority (Finance and General Administration)

These delegations define limits, guidelines and conditions under which some powers may be exercised on behalf of Council. The areas covered relate principally to broad administrative and financial matters. Changes to the document are primarily related to new position titles and inclusion of the Human Resources Advisor in several instances to assist with the workflow in the Organisation Development department.

A review of the Operating Authority has been undertaken to ensure the relevance and appropriateness of existing delegations. As a result, a number of minor changes have been made to support the requirements of Finance, Organisation Development and the Internal Auditor. The review has also ensured that delegations recorded in the Finance system (SAP) align with the approved updated delegations.

### Other

It should be noted that the Instrument of Delegation to the Chief Executive Officer (dated 16 August 2005) does not need updating at this point in time as no alterations (amendments or additions) are required.

It should be further noted that the Sub-Delegation from the Chief Executive Officer to Members of Council Staff does not form part of this report as these sub-delegations can be executed under the existing delegated authority of the Chief Executive Officer.

## **RESOURCE IMPLICATIONS**

There are no financial or budgetary implications.

## **CONCLUSION**

The updated delegations documents (attached) are similar to those already in existence, but have been reviewed in line with amended legislation and operational requirements. For reasons of accountability, responsibility and transparency, it is important that delegations are kept up to date through regular reviews.

## **OFFICER RECOMMENDATION**

### **Delegations To Council Staff (S6 Instrument of Delegation from Council to Council Staff)**

**In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* and other legislation referred to in the attached Instrument of Delegation to Council staff and schedule, Maribyrnong City Council resolves that:**

- a) There be delegated to the members of Council staff holding, acting in or performing duties of the offices or positions referred to in the attached Instrument of Delegation to Members of Council Staff the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
- b) The Instrument –
- Comes into force immediately the Common Seal is affixed to the Instrument; and
  - Remains in force until Council resolves to vary or revoke it.
- c) On the coming into force of the Instrument, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
- d) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
- e) The Instrument be sealed.

**Operating Authority (Finance and General Administration)**

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989*, Maribyrnong City Council resolves that:

- a) There be delegated to the members of Council staff holding, acting in or performing duties of the offices or positions referred to in the attached Instrument of Delegation - Operating Authority (Finance and General Administration) the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
- b) The Instrument –
- Comes into force immediately the Common Seal is affixed to the Instrument; and
  - Remains in force until Council resolves to vary or revoke it.
- c) On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
- d) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
-

e) The Instrument be sealed.

## **COUNCIL RESOLUTION**

### **Delegations To Council Staff (S6 Instrument of Delegation from Council to Council Staff)**

1. In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* and other legislation referred to in the attached Instrument of Delegation to Council staff and schedule, Maribyrnong City Council resolves that:
  - a) There be delegated to the members of Council staff holding, acting in or performing duties of the offices or positions referred to in the attached Instrument of Delegation to Members of Council Staff the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
  - b) The Instrument –
    - Comes into force immediately the Common Seal is affixed to the Instrument; and
    - Remains in force until Council resolves to vary or revoke it.
  - c) On the coming into force of the Instrument, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
  - d) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
  - e) The Instrument be sealed.
2. That where appropriate the actual title of the relevant Council policy referred to in the S6 Instrument of Delegation be specified.

### **Operating Authority (Finance and General Administration)**

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989*, Maribyrnong City Council resolves that:

- a) There be delegated to the members of Council staff holding, acting in or performing duties of the offices or positions referred to in the attached Instrument of Delegation - Operating Authority (Finance and General Administration) the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
- b) The Instrument –
- Comes into force immediately the Common Seal is affixed to the Instrument; and
  - Remains in force until Council resolves to vary or revoke it.
- c) On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
- d) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
- e) The Instrument be sealed.

Moved by: Cr Rossiter  
Seconded by: Cr Cumming

CARRIED.



### 9.3.3 LOGGING IN MELBOURNE WATER CATCHMENTS

**File No:** ENV-02-002  
**Responsible Officer:** Ms Helen Morrissey  
General Manager Corporate Services  
**Author:** Grace Girardi  
Environment Officer

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#### **PURPOSE**

To clarify Maribyrnong Council's position on logging within Melbourne Water Catchments.

#### **BACKGROUND**

This report follows a presentation to Maribyrnong Council by the Melbourne Water Catchment Network at the CASP meeting held on 10 June 2008.

The Network presented evidence that clearfell logging within Melbourne's water catchments was depriving the catchments of substantial amounts of water. An economic analysis presented at the meeting also demonstrated that taking action to cease logging in Melbourne catchments was far more cost effective per gigalitre of water saved, than the cost of producing water through the proposed desalination plant.

Ten Councils have opposed logging in Melbourne's water catchments. They are:

- Yarra Ranges Shire
- Bayside City Council
- Moreland City Council
- City of Yarra
- City of Port Phillip
- City of Whitehorse
- Knox City Council
- Melbourne City Council
- City of Kingston
- Maroondah City Council

#### **POLICY CONTEXT**

Maribyrnong Council has no specific policy related to logging in water catchments. Council's Sustainable Water Use Plan and associated water reduction targets do highlight the importance of water conservation for Council operations and for the community.

#### **COUNCIL PLAN**

##### **Amenity and Natural Environment**

**Improve the amenity of the city by creating and promoting vibrant people oriented public spaces which enhance the natural and built environment.**

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- Continue to implement amenity improvement programs and initiatives.

## **STRATEGIC RESOURCE PLAN**

Not applicable.

## **SUSTAINABILITY IMPLICATIONS**

### **COMMUNITY**

Increasing the water yield by ceasing clearfell logging in Melbourne's water catchments will minimise the need for public funding into other water harvesting projects. The price of water is estimated to rise significantly in order for the proposed desalination plant to be attractive for investment.

### **ENVIRONMENT**

Increasing the water yield into catchments will provide increased stream flows and improve the ecological values of many stressed rivers. Other methods of water harvesting such as desalination will have significant greenhouse impacts as well as impacts on the marine and estuarine environment where it is located.

### **ECONOMIC**

Supporting a policy to cease clearfelling in Melbourne's catchment areas is likely to minimise the cost of water to both the community and to Council operations in the long term. There are no current financial implications for Maribyrnong Council in opposing the logging of water catchments.

## **HUMAN RIGHTS CONSIDERATION**

This report and its contents do not impede the human rights listed in the *Charter of Human Rights and Responsibilities Act 2006*.

## **CONSULTATION**

Not applicable.

## **DISCUSSION**

It is important that Council addresses the issue of logging in Melbourne's water catchments. Ceasing logging in these areas will available water resources and reduce the overall cost of water to our community - including Council operations used to deliver services to our community.

Much of the Ash forests targeted for logging in Melbourne catchments is around 70 years old. These forests do not reach maturity and therefore increase water yields to catchments for another 100 years. As these medium growth forests (60-70 years) are clearfelled and begin to regenerate, water yields in catchments can decrease by up to 50%. Young regrowth forests use high levels of water, and runoff decreases due to the trees transpiring water from their leaves.

The Melbourne Water Catchment Network has indicated Ash forests that are clearfell logged over an 80 year rotation (as is the current practice in our water catchments) produce far less water. Melbourne gets the most of its water from the areas that are targeted for logging.

Timber harvesting is permitted in 12% of the catchment area. No old growth logging occurs in Melbourne's water catchment as the majority of vegetation was burnt in the 1939 fires. Approximately two thirds of the harvested timber is used to produce woodchips.

Ceasing logging in our catchments will create on average water saving of 130 litres per day per household in Melbourne, which is roughly 16% of average household usage.

Economically, ceasing logging is likely to create significant savings, with the water saved expected to be worth \$361-468 million in present day dollars, compared to the estimated economic value of the sawlogs and pulp logs harvested from the catchments (\$68-88 million in present day dollars).

## **RESOURCE IMPLICATIONS**

No financial resource impact.

## CONCLUSION

There is compelling evidence that ceasing the clearfell logging of Ash forests in Melbourne's catchments will provide a greater level of water for Melbourne, as well as a greater economic return to the community. In light of the ongoing drought and water restrictions in Melbourne, supporting the cessation of clearfell logging in Melbourne catchments is of strategic importance to our community.

## OFFICER RECOMMENDATION

That Council:

1. Opposes logging in Melbourne's water catchment on the grounds that;
  - a) Logging has a dramatic and detrimental effect on water yield in catchments
  - b) Young re-growth trees need more water to grow, thus releasing less water into catchments
  - c) Logging reduces stream flow and yields in water catchments
  - d) It takes 150 years for water yields to return to their pre logged status
  - e) It is poor water policy to continue to log Melbourne's water catchments
  - f) Logging activities in water catchments adversely affects water quality through increased sediment entering waterways
  - g) The economic value of increased water yields is far greater than the value of timber used primarily for woodchipping.

We urge the government to consider a policy of no logging in water catchments.

2. Write to local members of Parliament seeking their support for such a statement.
3. Write to Melbourne Water Catchment Network advising of Council's position.

## COUNCIL RESOLUTION

1. That Council endorses the following statement:

*"Maribyrnong City Council opposes logging in Melbourne's water catchment on the grounds that;*

- a) *Logging has a dramatic and detrimental effect on water yield in catchments*

- b) *Young re-growth trees need more water to grow, thus releasing less water into catchments*
  - c) *Logging reduces stream flow and yields in water catchments*
  - d) *It takes 150 years for water yields to return to their pre logged status*
  - e) *It is poor water policy to continue to log Melbourne's water catchments*
  - f) *Logging activities in water catchments adversely affects water quality through increased sediment entering waterways*
  - g) *The economic value of increased water yields is far greater than the value of timber used primarily for woodchipping."*
2. Write to local members of Parliament seeking their support for the cessation of logging in Melbourne's water catchment.
  3. Write to Melbourne Water Catchment Network advising them of the above motion.

Moved by: Cr Cumming  
Seconded by: Cr Rossiter

CARRIED.

## 9.4 INFRASTRUCTURE SERVICES

### 9.4.1 SUBMISSION ON THE EAST WEST LINK NEEDS ASSESSMENT

<b>File No:</b>	<b>1</b>
<b>Attachments:</b>	<b><a href="#">EWLNA SUBMISSION</a></b>
<b>Responsible Officer:</b>	<b>Mr Soma Thevarajan General Manager Infrastructure Services</b>
<b>Author:</b>	<b>Ian Butterworth Manager Transport and Special Projects</b>

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#### PURPOSE

This report presents Council's submission on the final report of the East West Link Needs Assessment (EWLNA) for endorsement.

#### BACKGROUND

The State Government announced its intention to undertake an independent study into solutions for the growing transport demand between Melbourne's eastern and western suburbs in 2006. It is a key project in the government's transport plan - Meeting Our Transport Challenges (MOTC). The study, conducted by international transport expert Sir Rod Eddington, covers the area from the Western Ring Road at the Deer Park Bypass, to east of Hoddle Street at the Eastern Freeway and includes consideration of future transport requirements. The key issues considered in the study include:

- Melbourne's strong population growth, particularly in the west
- Changing nature of economic activity
- Increasing transport congestion
- Anticipated growth in Port activity
- Pressure on urban amenity
- Reliance on Monash-CityLink-WestGate corridor
- Need for more west-east connectivity

For Council's consideration and input into the study, a Community Forum was held on 2 May 2007 and a detailed 43-page submission lodged. The key recommendations to the Eddington team in Council's submission related to:

- Public transport improvements in the west, especially Rail capacity improvements on the Northern Rail Group
  - Need for alternatives to the West Gate M1 corridor
  - Need for a Freight Strategy including a Truck Action Plan – short and long term
  - Need for Government commitment to the development and funding of the transport projects
  - Cycling improvement projects in the west
  - Land use and environment measures
  - Travel demand management
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The East West Link Needs Assessment (EWLNA) Report was released in April 2008 and submissions to State Government close on 15 July. A time extension has been granted to Council by the Department of Transport due to Maribyrnong's Council Meeting falling on the closing date.

## **POLICY CONTEXT**

### Meeting Our Transport Challenges (MOTC)

The EWLNA is a Victorian Government led and funded undertaking, as outlined in the 2006, ten year, \$10.9bn State transport and livability statement, Meeting Our Transport Challenges (MOTC) - "an action blueprint for shaping Victoria's transport system into the future".

### Maribyrnong Integrated Transport Strategy (MITS)

Council's own ten year action plan (adopted December 2001) places emphasis on the need to take a holistic approach to transport (and its modes) "to ensure an integrated sustainable transport system" is delivered. In particular, MITS outlines areas requiring attention of the State Government, including design of better networks for public transport and recognition of limits to growth in road capacity.

## **COUNCIL PLAN**

### Council Plan 2006 - 2010

#### Transport Planning and Management

Plan, implement and manage transport and parking systems for the City of Maribyrnong that enables people to get around and arrive safely at their required destination with minimal impact on community and the environment.

- Plan for and manage an effective parking system for the city.
- Advocate for fast, frequent, safe and affordable public transport throughout the City.
- Promote and support programs and initiatives that encourage sustainable transport.
- Encourage active community participation in the decision making process for transport planning and implementation in Maribyrnong.

## **STRATEGIC RESOURCE PLAN**

### **PEOPLE**

Council's Transport and Special Projects Section (T&SP) have been directly involved and have discussed the report and its proposals with other Council staff, including Communications and Strategic Planning.

## **SUSTAINABILITY IMPLICATIONS**

### **COMMUNITY**

The reports recommendations, if adopted by Government will have significant implications on the community.

### **ENVIRONMENT**

Many of the EWLNA recommendations will have direct and indirect environmental impacts, for example, improving public transport infrastructure will result in increased public transport patronage and may reduce private car use, decreasing greenhouse gas emissions.

### **ECONOMIC**

Improved and expanded transport services broaden opportunities to access employment and businesses, and may reduce overall transport costs. The EWLNA recommendations, if adopted, are likely to stimulate significant economic activity in the inner west.

## **HUMAN RIGHTS CONSIDERATION**

This report and its contents do not impede the human rights listed in the *Charter of Human Rights and Responsibilities 2006*.

## **CONSULTATION**

### **Community Forum – 2 May 2007**

On 2 May 2007, Council hosted a initial community forum to develop its submission to the study team. The forum was well attended and was facilitated by an independent facilitator who asked the participants to focus on the transport issues that were having the most impact in Maribyrnong, and future possibilities.

The group identified the following issues as being the most critical:

- Health and safety impacts on residents surrounding main traffic thoroughfares
- Trucks
- Public transport
- Economic growth versus local impacts
- Government policy
- Port issues

### Community Workshop – 26 May 2008

Council held a community workshop, attended by 120 residents, on 26 May 2008 to seek the views of residents about the key EWLNA report recommendations. The views were collated and used to inform Council's response to the report recommendations.

The workshop was very successful, with a broad range of views expressed from residents from across the City. The general view of participants was that they welcomed the Eddington focus on the west and the need to upgrade and provide new transport infrastructure to cope with the growing travel demand. A key view of the majority of people present, was that the truck traffic impact through residential areas within the City of Maribyrnong must be dealt with by State Government as a priority.

However, the message was also clear that residents did not want the traffic problems, particularly freight, moved from one residential area to another. Also, the lack of detail in the report on the recommended options caused some concern for property owners that may be affected by suggested proposals. This highlights the need for the State Government to conduct a very open and robust consultation process in the consideration of the key infrastructure options suggested in the report.

The key messages and comments summarised from the workshop are attached in Appendix 1, under the headings of:

- Public Transport
- Truck Action Plan and Freight
- Roads
- Walking and Cycling.

A summary sheet of comments from the Community Workshop held on 26 May 2008 is also attached in Appendix 1.

### Community comments

Following the release of the Council's draft submission on the final EWLNA report for community comment, a total of 34 submissions were received. A summary sheet of submissions received - which indicates the level of agreement with Council's draft submission - is attached (Appendix 2).

It is noted that 27 submissions oppose recommendation 4 of the Eddington report: the construction of a new 18 km cross-city road connection extending from the western suburbs to the Eastern Freeway. Council's draft submission does not recommend a preferred road route option, but calls for further studies and information to be discussed with Council, prior to the State Government making a decision on this issue.

## DISCUSSION

The cornerstone recommended projects of the EWLNA report are two new tunnels under inner Melbourne: an 18 km road tunnel from Sunshine to Clifton Hill starting in the west (via one of two yet-to-be-selected routes); and a 17 km rail tunnel from Footscray to Caulfield (with new stops at Parkville, the CBD, along St Kilda Road), at an estimated cost of \$20 billion.

A key recommendation from Council's original submission has been supported, with a new truck link recommended to be built off the West Gate freeway on to Hyde Street, to remove the freight vehicles that use local streets in the inner west each day. Trucks would then be banned from streets in the area, and arterial roads improved so that freight was forced to bypass residential areas.

The EWLNA report found that:

- a new major freeway must be built through central Melbourne, to reduce the overload of commuters and freight relying on the choked West Gate bridge
- Melbourne's train network will fail, with overcrowding worsening and huge drops in reliability, unless massive funding is pumped into the system
- Melbourne's greenhouse gas emissions will continue to soar unless public transport is improved, the city becomes much denser, and cars are made less polluting
- the city's west will be "shut out" unless the current inadequate transport infrastructure is improved
- the cost to business of shifting goods around the city will soar unless urgent attention is given to freight.

Sir Rod Eddington described the 20,000 trucks a day thundering through the western suburbs as "unacceptable and untenable". Also included in the report's 20 key recommendations are:

- construction of a new rail connection to link the Werribee line to Sunshine, "the Tarneit link".
- electrification of the rail network to Sunbury, to boost services on the Sydenham line
- trams and buses must be given priorities on major routes
- measures to move more freight onto rail.

The EWLNA report suggested timelines for rolling out the projects. It suggests the new truck off-ramp on the West Gate to the Port of Melbourne be the first project, followed by the western end of the rail tunnel, and finally, the road tunnel from the west.

Council's draft submission states that a serious commitment to long-term public transport improvements and land use policies that integrate transport activity is needed, along with alternative truck routes to the Port area that are located away from residential areas.

**Council's draft submission supports all recommendations of the report except for the following:**

RECOMMENDATION 12: *The Port of Melbourne Corporation should be given the overall responsibility for implementing an intermodal hub network in Melbourne, including responsibility for achieving the Government's revised rail freight target.*

The responsibility of delivering an intermodal hub network in Melbourne requires careful consideration. To avoid a skewed outcome, which favours inefficient freight movement through the Melbourne Port, an independent body may be better placed to deliver this task. Also, a whole of Government approach is required to implement an intermodal hub network for metropolitan Melbourne, with more than just one major hub to the north of Melbourne.

**Council's draft submission partially supports the following recommendations:**

RECOMMENDATION 4: *Planning work should commence on the staged construction of a new 18 kilometre cross city road connection extending from the western suburbs to the Eastern Freeway.*

While the need for an alternative to the Westgate Freeway is considered necessary to cope with future transport demand in the western suburbs, it is considered difficult for Council to make an informed decision on the best choice of road option suggested by the report given the lack of design, route alignment, property acquisition, amenity and traffic impact detail, and the potential benefits and impacts associated with both options.

RECOMMENDATION 5: *Community amenity in the inner west should be restored by implementing a Truck Action Plan to remove truck traffic from local streets in the inner west. The plan should include a series of targeted road improvements that form an effective bypass around residential areas, reinforced by truck bans.*

Council supports, in principle, this recommendation, however the following elements of the Plan are not supported:

- A new and upgraded north-south freight route along Ashley Street in West Footscray
- A new road connecting Footscray and Dynon Roads with Ballarat Road near Lynch's Bridge
- Widening of Ballarat Road, from Geelong Road to Ashley Street.

In addition, Council supports:

- A new and improved north-south road link through Brooklyn / Tottenham to the Westgate freeway subject to it not impacting on residential properties in Tottenham.
- A new bridge for truck and possibly rail traffic across the Maribyrnong River, connecting Whitehall Street to Mackenzie Road on Coode Island, into the port environs.

*RECOMMENDATION 8: The Victorian Government should work with local councils and relevant agencies to escalate city-wide implementation and enforcement of priority measures for trams and buses.*

While Council strongly supports the principle of providing priority for trams and buses, there must be recognition of other Victorian Government policies such as *Melbourne 2030*. There can be significant conflict between providing priority for road based public transport in Activity Centres where pedestrians, amenity and economic vitality are important. There needs to be a robust discussion about where priority measures are appropriate and this should be on a case by case basis.

*RECOMMENDATION 9: A dedicated fund should be established to facilitate the development of Park & Ride facilities, with priority given to improving access to rail services in Melbourne's west and facilitating public transport patronage in the Doncaster corridor.*

Park & Ride facilities are now being heavily utilised across Melbourne, and more are required around key stations in the outer western suburbs to cater for commuter demand in areas where stations are some distance from new residential areas. Provision of additional parking within Activity Centres and around stations in the inner west is not supported, as this will only exacerbate the current situation of commuters driving from the outer suburbs to close into the Melbourne CBD, filling up streets around stations in the inner western suburbs.

*RECOMMENDATION 13: Given the projected increase in the metropolitan freight task, the Government should take further action to improve the efficient movement of road freight by permitting the introduction of high productivity freight vehicles on designated routes.*

While the principle is sound, the designated routes will need to be carefully considered. Residential neighbourhoods and Activity Centres are not appropriate places for large trucks. Maintenance considerations, turning circles and other impacts on local neighbourhoods will need to be taken into account.

*RECOMMENDATION 18: The Victorian Government should consider a funding structure for the proposed new Metro rail tunnel that includes contributions by beneficiaries (including public transport users and property owners across Melbourne).*

While this recommendation is generally supported, consideration should also be given to payment by beneficiaries of the road project towards that project. If public transport users and property owners are expected to contribute to the rail tunnel, then similarly property owners and road users should be paying for road projects.

## RESOURCE IMPLICATIONS

- There are no current resources allocated, will need to be considered as part of next budgetary process.

## CONCLUSION

It is considered that Sir Rod Eddington's findings in the *East-West Link Needs Assessment Study - Investing in Transport* is generally a positive report for the City of Maribyrnong and the western suburbs, as it has a key focus on addressing the lack of adequate transport in the west.

It is the officer's view that no new information has come to light following the exhibition and comments period that would suggest a change to Council's exhibited draft submission recommendations. It is therefore recommended the attached submission be endorsed by Council.

## OFFICER RECOMMENDATION

**That Council adopt the attached submission to the *East-West Link Needs Assessment Study - Investing in Transport*.**

## AMENDED MOTION

**That Council adopt the attached submission to the *East-West Link Needs Assessment Study - Investing in Transport*, with the deletion, under Recommendation 4 Council Response, of "Recommendation partially supported – requires further assessment of route options through inner west", to be replaced with:**

***"Council acknowledges the future need for additional east west road capacity through central Melbourne to supplement the WestGate/Monash Freeway corridor, but cannot support the EWLNA recommended road options in the inner west given the lack of information provided on these suggested road routes, and the significant impact these route options may have on the Maribyrnong community."***

**Moved by: Cr Clarke  
Seconded by: Cr Rossiter**

## FORESHADOWED MOTION

**That Council adopt the attached submission to the *East West Link Needs Assessment Study – Investing in Transport*, with the deletion, under Recommendation 4 Council Response, of "Recommendation partially supported – requires further assessment of route options through inner west", to be replaced with:**

***“Council cannot support the EWLNA recommended options in the inner west given the lack of information provided on these suggested road routes and the significant impact these route options may have on the Maribyrnong community.***

***That further consideration of the road connection should depend on:***

- ***An assessment of the impact of rapidly rising oil prices on congestion and transport outcomes.***
- ***Further analysis of climate change impacts on transport outcomes.***
- ***The status of the state’s debt in 2001-2012 and beyond.***
- ***The future appetite for a congestion tax which would provide a new funding source.”***

**Moved by: Cr Rice**

**Seconded by: Cr Cumming**

**LOST.**

**Cr Clarke/Cr Rossiter’s motion was put to the vote and CARRIED.**

## 9.5 CHIEF EXECUTIVE OFFICER

### 9.5.1 DELEGATES' REPORTS JUNE-JULY 2008

**File No:** 15/07  
**Responsible Officer:** Ms Kerry Thompson  
Chief Executive Officer  
**Author:** Brooke Hobson  
Council Relations Officer

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#### PURPOSE

The purpose of this report is to hear delegates' reports for the period 4 June to 2 July 2008.

#### BACKGROUND

Councillor participation in peak associations, local and regional forums and specific issues committees are an important part of effective governance and representation.

As part of their governance and representation obligations, individual Councillors represent Council on a range of committees. The committees operate outside of the Community Access and Strategic Policy Committee and Planning Forum.

The Councillors' role as a delegate on these committees is to represent the position of Council and involves reporting back to the full Council on the issues or progress of the committees.

#### POLICY CONTEXT

It is policy for delegates to report back to the full Council on issues arising from their attendance at the committee at which they represent.

#### COUNCIL PLAN

##### Community Engagement and Advocacy

**We will provide every opportunity for the community to participate and be involved, adopting multi approach community engagement tools, to ensure all groups have equal opportunities to participate and be involved in Council's decisions and advocacy.**

- Become strong advocates by strengthening partnerships with community groups, agencies and service providers on matters of community interest.
  - Create opportunities for active participation in decision making and service delivery through developing a wide range of tools for engaging our diverse communities including the 'hard to reach' groups.
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## **STRATEGIC RESOURCE PLAN**

### **GOOD GOVERNANCE**

Council representation of committees is an important governance role. For reasons of accountability and transparency, it is important that reports for delegates are tabled at Council meetings.

### **SUSTAINABILITY IMPLICATIONS**

#### **COMMUNITY**

Not applicable.

#### **ENVIRONMENT**

Not applicable.

#### **ECONOMIC**

Not applicable.

### **HUMAN RIGHTS CONSIDERATION**

This report and its contents do not impede the human rights listed in the *Charter of Human Rights and Responsibilities Act 2006*.

### **CONSULTATION**

Consultation is not required for this matter.

### **DISCUSSION**

Attached are the reports from delegates from the period 4 June to 2 July 2008.

### **RESOURCE IMPLICATIONS**

There are no resource implications associated with this matter.

### **CONCLUSION**

The delegates' reports are attached for Council's consideration.

### **OFFICER RECOMMENDATION/COUNCIL RESOLUTION**

**That the delegates' reports for 4 June to 3 July 2008, be received and noted.**

**Moved by: Cr MacDonald**

**Seconded by: Cr Rice**

**CARRIED.**

**9.6 NOTICE OF MOTION****9.6.1 SALE OF ALCOHOL IN SUPERMARKETS**

**File No:** 179  
**Responsible Officer:** Ms Kerry Thompson  
Chief Executive Officer  
**Author:** Brooke Hobson  
Council Relations Officer

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**PURPOSE**

The following Notice of Motion has been submitted in accordance with the Governance Local Law and Code of Meeting Procedure.

**NM07/179 – Cr MacDonald**

**Sale of Alcohol in Supermarkets****RECOMMENDATION/COUNCIL RESOLUTION**

**That Council receive a report at the August 2008 Council Meeting regarding the legality of the sale of alcohol in supermarkets alongside general grocery items, the potential health and social impacts of this practice (particularly in relation to binge drinking) and possible advocacy about this issue.**

**Moved by:** Cr MacDonald  
**Seconded by:** Cr Sanli

**CARRIED.**

**9.6.2 REVIEW OF HOON LEGISLATION**

**File No:** 180  
**Responsible Officer:** Ms Kerry Thompson  
Chief Executive Officer  
**Author:** Brooke Hobson  
Council Relations Officer

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**PURPOSE**

The following Notice of Motion has been submitted in accordance with the Governance Local Law and Code of Meeting Procedure.

**NM07/180 – Cr Rice**

**Review of Hoon Legislation****RECOMMENDATION**

**That Council write to the Attorney General, the Hon. Rob Hulls, to advise there is a growing perception the current Hoon legislation is not responsive to community needs and expectations; and does not have a high level of community confidence**

**COUNCIL RESOLUTION**

**That this item be deferred.**

**Moved by:** Cr Rice  
**Seconded by:** Cr Cumming

**CARRIED.**

**9.6.3 INADEQUATE FUNDING TO STATEWIDE CRIMESTOPPERS HOTLINE**

**File No:** 181  
**Responsible Officer:** Ms Kerry Thompson  
Chief Executive Officer  
**Author:** Brooke Hobson  
Council Relations Officer

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**PURPOSE**

The following Notice of Motion has been submitted in accordance with the Governance Local Law and Code of Meeting Procedure.

**NM07/181 – Cr Rice**

**Inadequate funding of the Statewide Crimestoppers 'Dob in a Hoon' hotline****RECOMMENDATION**

1. That Council write to the Minister for Police and Emergency Services, the Hon. Bob Cameron MP, expressing its concerns regarding apparent inadequate functioning of the Statewide Crimestoppers 'Dob in a Hoon' hotline.
2. That Council write to the RoadSafe Westgate Community Road Safety Council to inform them of Council's response.

**COUNCIL RESOLUTION**

That this item be deferred.

**Moved by:** Cr Rice  
**Seconded by:** Cr Cumming

**CARRIED.**

**9.6.4 COMMUNITY GRANTS PROGRAM**

**File No:** 182  
**Responsible Officer:** Ms Kerry Thompson  
Chief Executive Officer  
**Author:** Brooke Hobson  
Council Relations Officer

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**PURPOSE**

The following Notice of Motion has been submitted in accordance with the Governance Local Law and Code of Meeting Procedure.

**NM07/182 – Cr MacDonald**

**Community Grants Program****RECOMMENDATION/COUNCIL RESOLUTION**

**That the Community Grants Program be reviewed and a report be presented to Council for implementing in 2009/2010.**

**Moved by:** Cr MacDonald  
**Seconded by:** Cr Cumming

**CARRIED.**

**9.6.5 “FOLLOWING THE KRAIT” TIME CAPSULE PROJECT**

**File No:** 183  
**Responsible Officer:** Ms Kerry Thompson  
Chief Executive Officer  
**Author:** Brooke Hobson  
Council Relations Officer

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**PURPOSE**

The following Notice of Motion has been submitted in accordance with the Governance Local Law and Code of Meeting Procedure.

**NM07/183 – Cr Rossiter**

**Following The Krait Time Capsule Project****RECOMMENDATION/COUNCIL RESOLUTION**

**That Council:**

- 1. Write to Mr Allan Miles, Chief Planner of the Operation Pilgrimage Group, accepting their offer to provide an insert for the Treasure Chest Time Capsule of:**
  - a) A copy of the 2008 Maribyrnong Council Annual Budget and Council Plan, a map of the City, and a selection of scenic photographs of the municipality (to be presented as per instructions from the Operation Pilgrimage Group).**
- 2. Contribute \$500 to the Operation Pilgrimage Group towards the ongoing project costs.**

**Moved by:** Cr Rossiter  
**Seconded by:** Cr Cumming

**CARRIED.**

**9.6.6 ADEQUATE/EQUITABLE LOCATION OF METCARD OUTLETS IN THE CITY OF MARIBYRNONG**

**File No:** 184  
**Responsible Officer:** Ms Kerry Thompson  
Chief Executive Officer  
**Author:** Brooke Hobson  
Council Relations Officer

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**PURPOSE**

The following Notice of Motion has been submitted in accordance with the Governance Local Law and Code of Meeting Procedure.

**NM07/184 - Cr MacDonald**

**Adequate/Equitable Location of Metcard Outlets in the City of Maribyrnong****RECOMMENDATION/COUNCIL RESOLUTION**

That Council writes to Metlink and to the Transport Ticketing Authority seeking confirmation:

- That there is a sufficient number of accessibly located Metcard outlets in the City of Maribyrnong.
- That there is a system in place to ensure the distribution of Metcard outlets is monitored and outlets are replaced as necessary.
- Of the location of current Metcard outlets in the City of Maribyrnong.

**Moved by:** Cr MacDonald  
**Seconded by:** Cr Rossiter

**CARRIED.**

**9.6.7 COUNCILLOR CARBON EMISSIONS REPORTING**

**File No:** 185  
**Responsible Officer:** Ms Kerry Thompson  
Chief Executive Officer  
**Author:** Brooke Hobson  
Council Relations Officer

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**PURPOSE**

The following Notice of Motion has been submitted in accordance with the Governance Local Law and Code of Meeting Procedure.

**NM07/185 – Cr MacDonald**

**Councillor Carbon Emissions Reporting****RECOMMENDATION**

**That Council report quarterly on the greenhouse gas emissions of Councillors' Council-related travel (car, train and aeroplane) and publish this information on Council's website.**

**Greenhouse gas emissions data (per kilometre and vehicle type) will be taken from Australian Greenhouse Office where available.**

**COUNCIL RESOLUTION**

**That this item be deferred.**

**Moved by:** Cr MacDonald  
**Seconded by:** Cr Cumming

**CARRIED.**

**9.6.8 ANNUAL JOINT SNAPSHOT OF PEOPLE 'SLEEPING ROUGH'**

**File No:** 186  
**Responsible Officer:** Ms Kerry Thompson  
Chief Executive Officer  
**Author:** Brooke Hobson  
Council Relations Officer

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**PURPOSE**

The following Notice of Motion has been submitted in accordance with the Governance Local Law and Code of Meeting Procedure.

**NM07/186 – Cr Cumming**

**Annual Joint Snapshot of People 'Sleeping Rough'****RECOMMENDATION**

That Council's Affordable Housing Strategy 2008-2012 include an action to undertake a joint annual snapshot in partnership with the appropriate housing, welfare and church based groups, of the number and profile of people 'sleeping rough' within the municipality, in order to develop an improved and integrated service response.

**RECOMMENDATION WITHDRAWN AS INCLUDED AS PART OF ITEM 9.2.1 - HOUSING AFFORDABILITY STRATEGY 2008-2012.**

## **10 URGENT BUSINESS**

Nil.

**11 CONFIDENTIAL BUSINESS**

Nil.

**12 MEETING CLOSURE**

As there was no further business, the meeting closed at 10.25pm.