

MINUTES

Minutes of the Ordinary Council Meeting of the Maribyrnong City Council held in the Council Chamber, Town Hall, Napier Street, Footscray, on 17 October 2006, commencing at 7:02 PM

Present:

Cr. J. Rice, Chairperson
Cr M. Clarke
Cr C. Cumming
Cr J. Cutri
Cr D. Lynch
Cr M. MacDonald
Cr J. Rossiter

Absent:

In Attendance:

Chief Executive Officer	Kerry Thompson
General Manager Corporate Services	Nick Foa
General Manager Community Wellbeing	Jenny McMahon
General Manager Infrastructure Services	Soma Thevarajan
General Manager Sustainable Development	John Luppino
Manager Urban Planning	John Karageorge
Manager Strategy & Economic Development	David Walmsley
Manager Finance	Bryan Stone
Coordinator Council Business	Catherine Grgic
Manager Transport & Special Projects	Ian Butterworth
Manager Property	Fiona Murray
Property Officer	Dixon Thai

1. Welcome:

The Chairperson, Cr. J. Rice welcomed all those present to the meeting.

2. Apologies: Nil

3. Public Question Time:

Cr M. Clarke/Cr D. Lynch
That Council suspend standing orders.

CARRIED.

Cr Clarke spoke to the meeting on behalf of his fellow Councillors.

"I would like to congratulate our Mayor, Cr Janet Rice, who on Saturday night was awarded the Contribution to Cycling at the National 2006 Bicycling Achievement Awards.

The awards were created to give recognition to the people in the bicycle industry who have made exceptional efforts and to encourage others to see what is possible.

As we all know, Janet Rice has history of cycling. Since working with Bicycle Victoria between 1993- 1997 when Janet developed the Ride to Work Day program (which continues still), Janet has been a commuter cyclist for over twenty years.

Janet is a passionate advocate for cyclists, particularly as an alternate mode of transportas Maribyrnong's first "biker Mayor" Janet rides (on average) 40km a week on Council related business, and has covered around 1400 km since her election in November.

Much of the progress that the Council has made in relation to increasing and encouraging cycling in Maribyrnong has been influenced by Janet's passion and knowledge in this area and we congratulate her.

Janet is a proud founding member of the Maribyrnong Bicycle Users Group and is involved in advocacy, rides and training with MazzaBUG".

Cr M. Clarke/Cr J. Rossiter
That Council resume standing orders.

CARRIED.

4. CONFIRMATION OF THE MINUTES:

- ***Ordinary Council Meeting - 19 September 2006***

Cr C. Cumming/Cr J. Rossiter

That the Minutes of the Ordinary Council Meeting of the City of Maribyrnong held on 19/09/2006 be confirmed.

CARRIED.

5. **DECLARATIONS OF PECUNIARY INTERESTS:**

Cr Cumming declared a pecuniary interest in Item D4 – Proposed Lease of Part of New West Footscray Community Hub to West Footscray Neighbourhood House, as she is a member of the West Footscray Library.

6. **BUSINESS:**

The Meeting agreed to hear business in the following order:-

- Item 1 124-188 Ballarat Road, Footscray (Former Kinnears Land)
- D1 Parking Management in Little Saigon Shopping Precinct, Footscray
- Item 2 Urban Status Planning Report
- A1 Community Access and Strategy Policy Recommendations
- A2 MAV State Motions
- A3 September 2006 Finance Report
- B1 Footscray Transit City
- C1 Dinjerra Children's Services Feasibility Study
- D2 Proposed Sale of Surplus Council Land, Part of 14 Charlotte Street, Yarraville
- D3 Proposed Sale of Surplus Council Land, Part of 53 Nicholson Street, Footscray
- D4 Proposed Lease of Part of New West Footscray Community Hub to West Footscray Neighbourhood House
- D5 Westgate Golf Course
- D6 Resource Recovery Services for Domestic Refuse (Wet MRF)
- E1 Delegates' Report
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1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND)

File No. TP06/0165
Minute No. 32/2006

PURPOSE OF REPORT

This report describes the planning process for an application to use land for a commercial display centre (which does not include any shop or retail use), restaurants, museum and one caretakers residence, with associated reduction to the car parking requirement standard, and display of internally illuminated business identification, high wall panel signage at 124-188 Ballarat Road, Footscray.

The application was advertised and 5 objections, one of which included a petition of 7 signatories. The matters of concern raised by the objectors can be summarised as parking and traffic concerns, noise generation, safety concerns, excessive signage and impact on tram movement. The application was referred to Planning Forum on 22 August 2006.

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

1. TOWN PLANNING OFFICER TRICIA RONQUILLO

APPLICATION RECEIVED:	12 April 2006
APPLICATION NUMBER:	TP06/0165
APPLICANT:	Evergreen Homes P/L C/- Jillian McQuade Town Planning
SITE ADDRESS:	124-188 Ballarat Road, Footscray (former Kinnears land)
PROPOSAL:	To use the land for commercial display centre, restaurants, museum and caretakers residence, with associated reduction to the car parking requirement standard, and display of internally illuminated business identification, high wall panel signage.
ADVERTISING:	Yes (Number of objections = 5, including 1 petition)
ZONING:	Business 3 Zone
OVERLAYS:	Development Contributions Plan Overlay, Schedule 2 Heritage Overlay (HO90)

1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)

INTERNAL REFERRALS:	Infrastructure Planning, Strategy & Economic Development, Transport & Special Projects, Sustainability (Waste Management)
EXTERNAL REFERRALS:	VicRoads, Yarra Trams, Department of Sustainability & Environment, Optus, Tenix, AGL, Telstra, City West Water, Melbourne Water
COST OF DEVELOPMENT:	nil
WARD:	Saltwater

PROPOSAL:

An application has been made to Council to use the land for commercial display centre, restaurants, museum and caretakers residence, with associated reduction to the car parking requirement standard, and display of internally illuminated business identification, high wall panel signage.

Key design elements include:-

Proposed uses

Commercial Display Centre

- The Commercial Display Centre (which does not include any retail) will involve the display of building products situated within the existing buildings along the Ballarat Road frontage (south boundary).
- The Commercial Display Centre will also include a Museum to provide interpretive information on the history of the site as a former rope factory
- The total floor area of the commercial display centre use is 11,659sqm.
- The proposed operation hours will be 9am to 8pm on Mondays to Fridays, and 9am to 5pm on Saturdays and Sundays.
- A centre coordinator/manager will be managing the commercial display centre, warehouse and offices.
- The museum will be located within the existing building (Building 7) abutting Kinnear Street (north boundary).
- Details of the entity/tenant and custodian of the museum have not been refined at this stage.

1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)

Offices

- Offices will be provided for building-aligned professionals and services, including architects, town planners, traffic engineers, etc.
- Offices will be located within the existing buildings located at the east of the site, on both existing ground and first floors.
- The total floor area of the office use is 3833sqm.
- An ancillary training/workshop room will be provided for training and workshop purposes.
- The proposed operation hours will be 9am to 6pm on Mondays to Fridays.

Warehouse

- Warehouse space will provide ancillary storage area to the commercial display area.
- Warehouse space will be located on the existing first floor, above the commercial display centre and undercover car park areas.
- The total floor area of the warehouse use is 7686sqm.
- The proposed operations hours will be 9am to 6pm pm Mondays to Fridays.

Restaurants

- Two restaurants are proposed, with one situated on the ground floor in Building 18A (Restaurant A) and the other situated in the existing first floor canteen area (Restaurant B).
- Restaurant A will be ancillary to the commercial display centre and provide 30 seats.
- Restaurant B will operate as a separate feature in the overall premises and would provide 150 seats.
- The hours of operations are unknown at this stage.

Caretakers Residence

- An existing first floor compartment situated at the centre of the site (Building 18D) will be used as a caretakers residence.
- The total floor area of the Caretakers Residence is 229sqm.

1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)

Buildings and works

- Buildings and works are limited to refurbishing the internal layouts of existing buildings and replacing existing fencing along Ballarat Road and Farnsworth Avenue. These buildings and works will not increase existing building heights or floor areas.
- The existing front fence adjacent to the westernmost crossover on Ballarat Road will be replaced with a visually permeable material to improve motorists' sightlines. Details of this new fence (including height and material) have not been submitted.
- The existing fence at the southeast corner of the site, abutting both Ballarat Road and Farnsworth Avenue, will be replaced with a 1.2 metre high solid brick fence and 1.2 metre high hedge fence.
- The solid brick fence will form part of an open bin storage area with the dimensions of 11.6 metres long by 7.9 metres wide, which is accessible to an existing crossover on Farnsworth Avenue.

Car parking and access

- A total of 352 car spaces will be provided on site, with 107 open car spaces situated at the west and southeast corner of the site.
- The remaining 245 car spaces will be provided undercover within existing buildings abutting Kinnear Street (north boundary) and Farnsworth Avenue (east boundary).
- The car parking areas are accessible via the existing crossovers to the site, with the exception of one crossover on Farnsworth Avenue which would be solely used for access to and from the bin storage area.
- All existing crossovers will remain unaltered.
- In terms of site access, the site will be accessible via the car parking areas/existing crossovers and the main building entrance (for pedestrians only) opposite the Ballarat Road / Droop Street intersection.
- In response to the Planning Forum, the applicant has since submitted a preliminary car **parking management plan** which features parking areas for specific uses and time limits. Elements of the parking management plan include:
 - All parking areas would open at 7am on weekdays and 8am on weekends.
 - Areas accessible off Kinnear Street and Ballarat Road would close at 9pm on weekdays and 7pm on weekends.

1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)

- Areas off Farnsworth Avenue would close at midnight 7 days a week, to cater for the need of the restaurants.
- 2 hour parking restrictions are being considered for the areas accessible off Farnsworth Avenue.
- 3 hour parking restrictions are being considered for the “open” (as opposed to undercover) areas accessible off Kinnear Street and Ballarat Road.

Signage

- An internally illuminated business identification, high wall panel sign, which comprises four panels, is proposed above the main building entrance, at approximately 4 metres above the pavement level.
- The overall dimensions of the sign are 6.3 metres high by 6.9 metres wide; the total advertising area being 43.47sqm.
- The height of the sign will not exceed the overall parapet of the built façade on Ballarat Road.
- The four panels will each display the street number of the site and three other selected tenancies of the site.
- The existing upper façade banding on Ballarat Road will be reused and replaced with descriptors of the proposed services available.
- Other existing signage at the far southeast corner of the site, which consists of the elevated clock and the upper façade banding (displaying “Kinnears”) will be retained.

SITE & SURROUNDS:

The site is situated prominently on the northwest corner of the Ballarat Road - Farnsworth Avenue intersection, with a third street frontage to Kinnear Street, Footscray. The site encompasses a relatively large area of 33,458sqm with a frontage to Ballarat Road (south boundary) of 368.39 metres, 134.42 metres to Farnsworth Avenue (east boundary), and 348.44 metres to Kinnear Street (north boundary). The site has a western boundary length of 55.34 metres which abuts a McDonalds' restaurant.

The site was once occupied by the Kinnears rope and carpet manufacturing company. Almost all of the factory, warehouse, office and staff amenity buildings associated with this previous use are still present on the site. These buildings are generally no longer in operation, with many having been stripped of its furnishings and equipment, with the exception of one of the buildings abutting Kinnear Street. This building (aka Building 7 & 8) accommodates a number of original, fairly intact pieces of industrial rope-making equipment which has been classed as significant by Heritage Victoria.

1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)

The existing buildings are visually large, warehouses with average heights of 8 metres or more and constructed with red brick. A number of lanes run throughout the site, which demonstrate the network of movement/processing relating to the previous use. Car parking is provided in the western section and southeast corner of the site.

The surrounding area is mostly characterised by residential properties which are located to the north, south and east of the site. A range of single storey and double storey dwellings and flats are situated on the north side of Kinnear Street. Kinnear Street features speed humps and angled on-street parking on its south side, which directly abut the site. Footscray City Secondary College is located to the northeast of the site, which has frontage to both Kinnear Street and Farnsworth Avenue.

To the south, are mostly single storey, semi-detached weatherboard dwellings with frontage to Ballarat Road. Further to the southeast corner is the Ballarat Road / Droop Street / Farnsworth Avenue intersection, with most of the properties in Droop Street being occupied as attached double storey buildings used as shop-top housing. Tram and bus routes and stops are provided in Ballarat Road, which connect to Droop Street and Gordon Street (to the west).

To the west, is a McDonald's restaurant which has frontage to both Ballarat Road and Kinnear Street. Further west, is a site undergoing construction into multi-levelled student apartments which has frontage to Ballarat Road, Gordon Street and Kinnear Street. A pub, a car sales premises, a church and several shops are also located in and around the Ballarat Road / Gordon Street intersection.

It is worthy to note that Victoria University (Footscray campus) is situated 300 metres to the west of the site, and Edgewater residential development is located 400 metres to the north. Western General Hospital is also located 500 metres to the southwest.

RESTRICTIVE COVENANTS

No covenant or restrictions have been registered on title to this property.

MARIBYRNONG PLANNING SCHEME

The State Planning Policy Framework (SPPF)

Relevant to the assessment of the current application are:

- Clause 12 – Metropolitan Development
- Clause 15.11 – Heritage
- Clause 17.02 – Business
- Clause 18.01 – Declared Highways, Railways and Tramways
- Clause 18.02 – Car Parking and Public Transport Access to Development
- Clause 19.03 – Design and Built Form

**1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER
KINNEARS LAND) (continued)**

The Local Planning Policy Framework (LPPF) - including the Municipal Strategic Statement (MSS)

Relevant to the assessment of the current application are:

- Clause 21.04-5 – MSS Industrial Development
- Clause 22.05 – Business 3 Zone Land Use and Development Policy
- Clause 22.08 – Possibly Contaminated Land Policy

Business 3 Zone

Pursuant to Clause 34.03-1 a permit is required to use the land for Commercial Display Centre, Restaurant, Museum and Caretakers residence.

Pursuant to Clause 34.03-1 a permit is not required to use the land as Office and Warehouse.

Pursuant to Clause 34.03-5 advertising sign requirements are at Clause 52.05, Category 2.

The proposed buildings and works do not require permit as they do not increase the existing gross floor area or the size of existing buildings/works.

Development Contribution Overlay (DCP02)

Pursuant to Clause 45.06 (DCP02) all net new dwelling development is required to contribute towards identified community infrastructure in accordance with the provisions of this schedule. In this instance, the overlay is not applicable as the proposal involves no dwelling development.

Heritage Overlay (HO90)

Pursuant to the schedule to Clause 43.01, HO90 refers to “Kinnears Rope Works”. This heritage place is included on the Victorian Heritage Register (reference no. 2067).

Pursuant to Clause 43.01-3 no permit is required under this overlay to develop a heritage place identified in the schedule to this overlay as a place which is included on the Victorian Heritage Register if a permit for the development has been granted under the Heritage Act 1995.

On 28 June 2006, Heritage Victoria issued a permit under the Heritage Act 1995 for works associated with this proposal.

(Refer to Attachment 1)

1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)

Advertising Signs

Pursuant to Clause 52.05-7 (Category 3 – Office and Industrial) a permit is required for the display of internally illuminated, business identification signage.

The application is required to be referred to VicRoads as the sign is internally illuminated and is within 60 metres of Ballarat Road, a declared road.

Car Parking

Pursuant to Clause 52.06-1 a new use must not commence 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 the following proposed uses:

USE	PARKING RATE	REQUIRED	
Commercial display area (Warehouse and museum)	1.5 car spaces to each 100sqm of net floor area	175 (174.88) car spaces	
Office	3.5 car spaces to each 100sqm of net floor area	134 (134.15) car spaces	
Warehouse	1.5 car spaces to each 100sqm of net floor area	115 (115.29) car spaces	
Restaurant	0.6 car spaces to each seat available to the public	108 car spaces	
Caretakers residence	1 car space to each dwelling	1 car space	
TOTAL		533 (533.32) car spaces	PROPOSED 352 car spaces

A permit may be granted to reduce 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 owners and occupiers of surrounding/adjoining land, and by requiring large signs to be erected on each frontage of the land for a period of 21 days and in the local newspaper (ie The Star) for two consecutive weeks.

1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)

Five objections, one of which included a petition of 7 signatories, have been received to the proposal. In summary, the grounds of objection are:

- Impact on residential parking in the area and reduction in available parking.
- Increase in traffic congestion in the Droop Street, Ballarat Road and Farnsworth Avenue intersection.
- Noise generation from traffic and proposed restaurant uses.
- Concern for the safety of pedestrians and users of public transport in the area.
- Excessive signage which is distractive to motorists and an annoyance to residents.
- Construction works may present access and safety issues on school days.
- Impact on tram services along Ballarat Road and Gordon Street.
- Yarra Trams requests that vehicular access to the site from Ballarat Road be removed or be provided in a left-in, left-out arrangement only.

MEDIATION

The application was referred to Planning Forum on 22nd August 2006, chaired by Cr MacDonald. Cr Rossiter, Cr Cutri, Cr Rice, Cr Cumming, Cr Clarke, Council's planning officers, the applicant - town planning consultant, the applicant's traffic engineer, the owners of subject site and the objectors also attended the meeting.

The grounds of objection were discussed at the meeting.

No changes were made to the plans as a result of Mediation and no objections have been withdrawn. However, it was resolved that the traffic engineer provide Council with a traffic and parking management plan at the request of one of the Councillors.

REFERRALS

External

The application was referred to VicRoads, Yarra Trams, Department of Sustainability & Environment, Optus, Tenix, AGL, Telstra, City West Water and Melbourne Water pursuant to Section 55 of the Act.

VicRoads

VicRoads provided the following comments:

1. *VicRoads does not support the right turn movements into / out of the site from Ballarat Road, as the movements would have to be made utilising the tram tracks and therefore, requires this movement to be left in/left out onto Ballarat Road.*

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2. *As a further measure to avoid delays to trams, VicRoads requires that delivery vehicles avoid entry/exit into Ballarat Road and instead are to use Kinnear Street.*
3. *VicRoads accepts Yarra Trams' argument that movements to/from Gordon Street will potentially delay trams and thus believes that cars be encouraged to enter the site via Farnsworth Avenue.*
4. *The Farnsworth Avenue access into the site shall include an exclusive right turn lane.*

VicRoads did not object but requested conditions be included on any approval to be issued which would address the above comments.

Yarra Trams

Yarra Trams have conditionally objected to the application. It requests that vehicular access to the site from Ballarat Road be removed or be provided in a left-in, left-out arrangement only.

Department of Sustainability & Environment

At the time of this report, no response has been provided.

Optus

No response has been received within the statutory timeframe.

Tenix

No response has been received within the statutory timeframe.

AGL

No objection provided.

Telstra

No objection provided.

City West Water

No objection provided.

Melbourne Water

No objection subject to a standard condition to be placed on any permit to be issued.

1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)

Internal

The application was referred internally to Infrastructure Planning, Strategy & Economic Development, Transport & Special Projects, and Waste Management. The following comments have been provided:-

Infrastructure Planning

No objection subject to standard conditions.

Strategy & Economic Development

No objection provided.

Transport & Special Projects

The following comments were made:

- Traffic volumes generated by the proposal need to be considered.
- A left in/left out access on Ballarat Road may be acceptable to ease delays in Ballarat Road.
- Pedestrian access from Ballarat Road via the main accessway appears constrained.
- Some of the undercover parking areas do not have adequate turning areas (ie Area 12 on site plan).
- Adequate lighting should be provided for all parking areas.
- Kinnear Street should not be utilised for loading or overflow car parking associated with the proposal.
- Changes to existing on-street parking in Kinnear Street may be necessary if residential amenity is affected by any parking demand by the proposal.

Waste Management

Waste Management commented that the submitted waste management plan is acceptable and private waste collections will need to be arranged for the proposal as waste to be generated are not “residential” in nature.

PLANNING OFFICER ASSESSMENT:

The following aspects are considered in the assessment of this application:

Business objectives of the Maribyrnong Planning Scheme

The proposed uses comply with the relevant business objectives contained within Clause 12.01-2 (Metropolitan Development – Activity Centres), Clause 12.04-2 (Metropolitan Development – Innovation and Economy), Clause 17.02 (Business) and Clause 21.04-5 (MSS – Industrial Development) which generally promote and

1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)

encourage mixed commercial development offering new sustainable job opportunities and which meet community's needs for commercial and office services.

The proposed uses combine to reuse the existing buildings on the site and to create a commercial display centre for products and services relating to the building and development industry. The centre will be similar to an existing home ideas centre in Oakleigh (ie "Home Ideas Centre"). In addition, office space will be provided for building-aligned professions and services, including architects, town planners and traffic engineers. There will be two restaurants and a museum to provide for additional amenity and interest within the site which are considered ancillary to the purpose of the centre. With regards to the museum, it represents a positive tribute to the former use of the site as a ropeworks factory and achieves good use of the vacant industrial buildings on the site.

The policy of Clause 22.05 (Business 3 Land Use and Development Policy) encourages future mixed use activity which is compatible with adjoining and nearby residential activity and offers a wide range of employment opportunities. The policy also promotes land uses which make good use of the commercial exposure offered by arterial road frontages, including indoor commercial display area and office space. The proposal is supported by this policy as it converts the previous industrial nature of the site into a commercial use which is physically buffered from nearby residential properties, with the retention of the high, solid brick walls on the street frontages. Additionally, the site is located in a prominent, iconic position at the axis of Ballarat Road, Droop Street and Farnsworth Avenue which ensures an excellent level of business opportunity and exposure.

Nature of use and amenity impacts

The operation hours of the overall site are considered similar to an ordinary retail development, with the exception that goods are to be displayed only, excluding any retail activity. The overall site will be mostly in operation for the entire week, with the display areas, museum and restaurants (as expected) operating on the weekend. Specifically, the commercial display centre will be in operation from 9am to 8pm every weekday and from 9am to 5pm on the weekends. These hours indicate flexibility and accessibility for customers interested in viewing building products/services. It is considered the intensity of these operation hours is much less as compared to the former industrial/warehouse use of the site, when the operation hours generally involved 24 hours a day, seven days a week. As such, the new operation hours are comparably reasonable and amenable in the context of the nearby residential area.

The retention of the built environment on the site ensures a decent level of protection to the neighbourhood from any impact generated by the new uses. The proposed uses, including a majority of the car parking spaces are to be mostly located within the existing built shells of the site. The high, solid brick walls on the street boundaries act as a physical buffer between the site and neighbouring properties, which would significantly minimise any audible or visible impact arising to the neighbourhood. With the exception of new signage and modified fencing, there would be minimal alteration to the appearance of the site as a result of the proposed uses. Permit conditions would be imposed nevertheless, to address standard amenity protection as well as to require

1. **124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)**

signage on site to ensure that visitors leave the site in a quiet and orderly manner so as not to disturb nearby residents on nights when the site is in use.

While the operation hours of the restaurant have not been provided, it is expected that the restaurants would be in use when the commercial display centre would be in use as well as at night. Considering the central locations of these restaurants within the premises (with one situated in an existing first floor canteen), it is considered that there would be no impact whatsoever placed on existing residents immediate to the site.

It is worthy to note that an open bin enclosure will be provided near the southeast corner of the site, towards the Farnsworth Avenue frontage. The enclosure will be fenced with a 1.2 metre high brick wall on the Farnsworth Avenue frontage. It is considered that this fence is inappropriate as it still allows full visibility of bins from the street and car park area. It is considered an additional 600mm high timber slat fence be installed on top of the proposed fence, resulting in an overall height of 1.8 metres. Also, the fence should be setback from the frontage by 1.8 metres to provide for a landscaped area. Such modifications would appropriately screen this area from the streetscape and would provide an interesting visual aspect without greatly detracting from the existing appearance of the site.

Car Parking and Vehicular Access

In assessing car parking and vehicular access, comment was sought from VicRoads and Council's Transport and Special Projects unit. Overall, both authorities were generally satisfied with the application, subject to permit conditions.

In regards to car parking, based on the car parking requirements in Clause 52.06 of the Planning Scheme, the proposal is required to provide 533 car spaces. However, the proposal is seeking approval for a **reduced parking provision of 352 car spaces** pursuant to Clause 52.06-1. Council officers have accepted VicRoads' support (dated 4 September 2006) for the reduced parking provision by stating the following:

"[The parking spaces] represents a shortfall of 40%, some of which could be accounted for by the sharing of spaces due to complimentary demand times for office and display use (weekday versus weekend peak). The number of spaces available for office use are probably adequate, as are the number allocated for display use during the week. On the weekend, the office use will be minimal, so almost all the 352 car spaces will be available to visitors and staff at the display centre and "canteen" [or restaurant/s]. The requirement for bulky goods is normally about 2 spaces / 100sqm or about 60 spaces (5 x 12.3) assuming high midday use versus the 30-45 allocated. The total peak weekend use could be as high as 330 spaces, depending on the popularity of the display centre and canteen [restaurant/s]. Thus the potential demand is below the number of spaces shown... [at] 352".

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Accordingly, the reduced parking provision is considered satisfactory and should be supported.

In relation to traffic generation and vehicular access, VicRoads and Council's traffic engineers have raised concern about the effect the proposal would have on Ballarat Road, Farnsworth Avenue and Gordon Street (all of which are classed as Road Zone, Category 1). Of particular concern was the increased traffic delays in Ballarat Road for both vehicular traffic and tram operations, particularly during peak hours, as a result of vehicles accessing to or from the site. Nonetheless, both authorities have identified that the effect on the road network by the proposal is linked closely to the final access and egress points selected.

On this point, it is considered that the proposal can minimise its effect to the road network by implementing the following suggestion of the two authorities:

- Incorporating a left in/left out only access on Ballarat Road to eliminate any right turn movements into and out of the site using the tram tracks;
- Restricting delivery vehicles to access Kinnear Street, instead of Ballarat Road, to avoid delays to trams;
- Encouraging cars to enter the site via Farnsworth Avenue, with its own exclusive right-turn lane, instead via Gordon Street, to avoid delays to trams.

With these main suggestions, the traffic generated from the proposal will be satisfactorily controlled, ensuring that Ballarat Road and Farnsworth Avenue, and to a lesser extent Gordon Street, all have capacity to handle existing and future traffic volumes.

On a minor note, permit conditions will be imposed to require adequate turning areas to the parking areas (namely at the southeast corner of the site), improved pedestrian access from Ballarat Road, a pathway plan through the site, and lighting to parking areas.

In addition, bicycle and motorbike spaces have been provided on site which are accessible off Farnsworth Avenue. Showers and changing room facilities are provided immediately adjacent to the bicycle parking area in accordance with Clause 52.34 (Bicycle Facilities) of the Planning Scheme. A permit condition will require a Green Travel Plan to further address access for cyclists and pedestrians on site.

Advertising Signs

Pursuant to Category 2 (Office and industrial) of Clause 52.05 of the Planning Scheme, a permit is required to display the internally illuminated business identification, high wall panel sign. The proposed sign is considered to comply with the objective of Category 2 which states "to provide for adequate identification signs and signs that are appropriate for office and industrial areas".

1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)

The display of the internally illuminated sign above the main building entrance (for pedestrians only) on the Ballarat Road elevation, including the revised banding sign, is considered suitable. The overall dimensions of the main, entry sign are relatively appropriate and minor given the overall size of the site. The main sign is in keeping with the existing built façade and does not visually dominate the overall streetscape appearance along Ballarat Road. The reuse of the banding sign on the Ballarat Road elevation is also adequate and continues the existing advertising pattern on the site. It is noted that this banding is only limited to the Ballarat Road frontage, with the exception of the far eastern side where the existing clock and “Kinnears” banding are to be retained.

While the main sign will be largely visible from the Ballarat Road / Droop Street intersection, it is considered the sign is suitably located away from surrounding residential properties, particularly to the south of the site. There is an approximate distance of 66 metres between the sign and the nearest existing residential property in Droop Street. This distance is considered to be a suitable buffer in protecting the existing residential amenity. Furthermore, considering the existing level of illumination (at night) at the intersection which is generated from traffic lights and lightpoles, the proposed sign should not create additional detriment to the neighbourhood.

A permit condition will require accurate details on the content of the banding sign as the submitted plans show a range of uses which are not included in the application. Details on the content should be clarified prior to the occupation of the site or commencement of the uses.

Contamination

Given the former use of the site, Council suspects that the site is potentially contaminated, both below-ground and above-ground potentially. The below-ground contamination had been identified in an earlier environmental assessment report (conducted by ERM, 27 September 2002). As part of the current application, the applicant has provided Council with a written review from another environmental assessor (Environmental & Earth Sciences) who has identified above-ground contamination, including asbestos, oil staining and pigeon droppings. Additionally, the environmental assessor acknowledged that the proposal is not considered to involve sensitive land uses and did not undertake any examination of the below-ground contamination.

In relation to the asbestos contamination, legal advice was sought by Council officers which indicated that there are existing legislative or regulatory requirements regarding asbestos management/removal, occupational health and safety, environmental protection, and building and construction. In this instance, to impose permit conditions to regulate or remove asbestos on private land is considered unnecessary as Council would repeat existing legislative or regulatory requirements.

1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)

With regards to the below-ground contamination, a permit condition will require the applicant to undertake a further site assessment, which will determine whether a certificate or statement of environmental audit is required as well as any specific site management or remediation.

With this permit condition, the proposal will comply with the objectives of Clause 22.08 (Potentially Contaminated Land Policy) of the Planning Scheme and the DSE Practice Note "Potentially Contaminated Land, June 2005", which aim to address public health and safety issues and threats to the environment, and to achieve solutions to contamination problems which optimise the future use potential of land which may be contaminated.

CONCLUSION

This proposal is a suitable reuse of former industrial land into business activity. The proposal establishes a different, unique type of commercial display activity which is not currently seen within the municipality. The proposal simply involves a change in use, with associated internal refurbishment, and new signage, the existing buildings on the site will be retained. A sufficient amount of parking is provided on site, while permit conditions will ensure access to and from the site is properly designated to minimise traffic impacts to the nearby road network.

OFFICER RECOMMENDATION TO COUNCIL

- A** That Council issue a **Notice of Decision to Grant a Permit** with conditions to use land for commercial display centre (which does not include any shop or retail use), restaurants, museum and one caretakers residence, with associated reduction to the car parking requirement standard, and display of internally illuminated business identification, high wall panel signage 124-188 Ballarat Road, Footscray subject to the following conditions:-

Amended plan requirements

- 1 Before the use 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 with the application but modified to show:
 - (a) Deletion of any reference/notation to the use of "retail" on the site/floor plans.
 - (b) Amendments required by VicRoads' conditions (VicRoads' reference T0420816), no's 35 to 46 of this permit.
 - (c) A 600mm high timber horizontal slat fence to be installed above the 1.2 metre high brick fence enclosing the bin storage area, which is adjacent to the Farnsworth Avenue frontage. The fence is to be also setback from the street boundary with a 1.5 metre wide landscape
-

1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)

- area. Details of the selected plants for the landscape area must be shown.
- (d) Details of the replacement fencing adjacent to the westernmost crossover on the Ballarat Road frontage, including height, length, materials and design detailing to the satisfaction of the Responsible Authority.
 - (e) Improved pedestrian access from the Ballarat Road vehicular accesspoints.
 - (f) Sufficient turning areas to all the parking areas, namely “Parking Area No. 12” at the southwest corner of the site.
 - (g) Lighting to the parking areas.
 - (h) Details of any staging of the uses and the applicable parking rates/provision to the use/s released within the premises.
 - (i) Details on the custodian and tenancy of the museum.
 - (j) Accurate details on the content, colours, level of wattage (for the proposed internally illuminated sign only) of the proposed signage.
 - (k) Access for disabled persons must be in accordance with Part D3 of the Building Code of Australia and AS 2890 and AS 1428.
- 2 The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Environmental site assessment requirements

- 3 Prior to the commencement of any use and development, buildings and works or certification under the Subdivision Act 1988, an environmental site assessment report, prepared by a suitably qualified environmental professional all to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority.
- 4 The assessment must specify:
- (a) The nature of the previous land use or activities on the subject site.
 - (b) How long the activity took place on the subject site.
 - (c) Any contamination or pollution on or from the subject site.
 - (d) The extent of any contamination or pollution and its distribution.
 - (e) How any contamination or pollution may be managed to prevent any detrimental affect on the use and development of the subject site or adjoining land or on buildings and works.
 - (f) Advice on the need for an Audit in accordance with Section 53Y or 53Z of the Environmental Protection Act 1970 on all or part of the subject site.

1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)

- 5 Should the Responsible Authority conclude that an Audit is required, prior to the commencement of any use or development, buildings and works or certification under the Subdivision Act 1988 either:-
- (a) A Certificate of Environmental Audit must be issued for the land pursuant to Section 53Y of the Environment Protection Act 1970,
- or**
- (b) A Statement of Environmental Audit must be issued for the land pursuant to Section 53Z of the Environment Protection Act 1970. The Statement must state that the land is suitable for the use and development allowed by this permit.

Two (2) copies of the Environmental Audit Report and Certificate of Environmental Audit or Statement of Environmental Audit must be submitted to the Responsible Authority.

- 6 Building works to facilitate remediation may commence prior to the completion of an environmental site assessment or a Certificate of Environmental Audit or Statement of Environmental Audit provided that a Remediation Action Plan (RAP) and an Environmental Management Plan (EMP) for the subject site is prepared to the satisfaction of the Responsible Authority for the use and development allowed by this permit.
- 7 The Remediation Action Plan (RAP) and an Environmental Management Plan (EMP) for the subject site must be prepared:

- *With the written consent of the environmental professional or EPA appointed environmental auditor responsible for issuing the environmental site assessment or Certificate or Statement of Environmental Audit for the subject site and the Responsible Authority.*
- *Prior to the commencement of any building works to facilitate remediation on the subject site, and must comply with EPA publication 480 "Environmental Guidelines for Major Construction Sites – February 1996",*
- *and submitted to the environmental professional or EPA appointed environmental auditor for review and a written agreement.*

Copies of the RAP & EMP (including any updated versions) and written agreement must be provided to the Responsible Authority prior to the commencement of any building works to facilitate remediation on the subject site. No changes shall be made to the RAP or EMP unless agreed to in writing by the environmental professional or EPA appointed environmental auditor, and the Responsible Authority.

1. **124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)**

- 8 All the conditions of the Statement of Environmental Audit and any associated plan must to the satisfaction of the Responsible Authority and must be complied with to the satisfaction of the Responsible Authority.
- 9 Prior to the commencement of the use or certification under the Subdivision Act 1988, a letter must be submitted to the satisfaction of the Responsible Authority, by a suitably qualified environmental professional to verify that the conditions of the Statement of Environmental Audit issued for the land have been complied with and any environmental management plan and remediation action plan, satisfactorily implemented.
- 10 Where a Statement of Environmental Audit or any associated plan details ongoing maintenance or monitoring conditions, prior to either certification of a Plan of Subdivision or the commencement of the use the owner of the land must enter into an Agreement with the Responsible Authority (and others, where necessary) made pursuant to Section 173 of the Planning & Environment Act 1987 to the satisfaction of the Responsible Authority to provide for the following:-
- The owner and any subsequent owners must meet any ongoing maintenance or monitoring conditions detailed in the Statement of Environmental Audit and any associated environmental management plan and remediation action plan.

An application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act.

The owner/operator under this permit must pay all costs associated to the preparation, (and) execution and registration of the section 173 agreement

Construction Management Plan requirements

- 11 Prior to any works commencing on the land a “Construction Management Plan” (CMP) must be prepared to the satisfaction and approval of the Responsible Authority, detailing how the owner will manage the environmental and construction issues associated with the development.

The CMP must address; any demolition, bulk excavation, management of the construction site, land disturbance, hours of construction, noise, control of dust, public safety, traffic management, construction vehicle road routes, soiling and cleaning of roadways, discharge of any polluted water, security fencing, disposal of site waste and any potentially contaminated materials, crane locations during construction, location of site offices, redirection of any above or underground services, and site lighting during any night works.

The “Construction Management Plan” (CMP) must be implemented to the satisfaction of the Responsible Authority and a contact name and phone numbers for the site manager must be provided.

1. **124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)**

Car parking and loading/unloading requirements

- 12 Prior to the issue of a certificate of occupancy under the Building Act 1993 a parking management plan for the car parking operation within the buildings and site must be prepared to the satisfaction and approval of the Responsible Authority. The management plan must indicate the car parking bays allocated to each use, visitors, the use of any non-allocated car parking spaces, provision for commercial vehicles to load and unload and the internal traffic management system and safety. The plan must be implemented to the satisfaction of the Responsible Authority.
- 13 The internal design of the car park including loading areas and the arrangements for ingress and egress must be designed generally in accordance with Australian Standard 2890.1-1993 to the satisfaction of the Responsible Authority in consultation with the Council.
- 14 Before the use commences, the areas set aside for the parking of vehicles, together with the associated access ways/driveways as delineated on the endorsed plans must be:
- Be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the use hereby permitted;
 - Thereafter be maintained to the satisfaction of the Responsible Authority;
 - Be made available for such use at all times and not used for any other purpose;
 - Be properly formed to such levels that it can be used in accordance with the endorsed plan;
 - Be drained and sealed with an all weather seal coat to the satisfaction of the Responsible Authority;
 - Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
- 15 Sign(s) must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.
- 16 Protective kerbs (of a minimum height of 150mm) must be provided to prevent damage to buildings, fences and/or landscaped areas and to prevent direct vehicle access to and from the site other than by the approved crossovers/driveways to the satisfaction of the Responsible Authority.

1. **124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)**

- 17 The loading and unloading of goods from vehicles must only be carried out on the land or within the designated loading bay(s) and must not disrupt the circulation and parking of vehicles on the land.

Ecologically Sustainable Design requirements

- 18 Prior to the commencement of the use an Ecologically Sustainable Design (ESD) management plan for the redevelopment, management and operation of the use prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

The management plan should address the major components of the design, construction and use of the development, including current best practice and emerging technology and the following ESD objectives listed below, unless the Responsible Authority is satisfied otherwise:

ESD Objectives

Energy Efficiency

- Energy conservation and increased use of renewable resources.

Water conservation and Re-Use

- Water sensitive urban design, water conservation and re-use.

External Building Materials.

- Reduction in the environmental impacts of external building-input materials and demolition/ waste output materials.

Building Interiors

- Healthy and low allergenic internal building environments through the design and selection of features, appliances and fittings.

Waste Minimisation and Avoidance

- A reduction in waste generated by the use of the facility.

Construction and Demolition

- Minimise environmental impacts associated with site construction and demolition practices.

1. **124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)**

Monitoring

- Demonstrate that the design elements, technologies and operational practices that comprise the ESD management plan can be maintained over time.
- Monitor the operation of the use and development to ensure the ESD objectives are achieved and maintained.
- Identify responsibilities and the schedule for implementation and monitoring.

The recommendations of the “Ecologically Sustainable Design Management Plan” must be implemented to the satisfaction of the Responsible Authority, unless the Responsible Authority is satisfied otherwise.

Public Transport/Green Travel Plan requirements

- 19 Prior to the commencement of any use, a Public Transport/Green Travel Plan prepared to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority.

The Green Travel Plan must address the following:

- The matters contained in the “City of Maribyrnong - Guidelines for the Development of Green travel Plans and Transport Access Guides Oct 2003.”
- The matters contained in the “City of Maribyrnong – Producing and Using Transport Access Guides Oct 2003.”
- Draft Public Transport Guidelines for Land Use Development – Department of Infrastructure, Aug 2006.
- Setting mode split targets.
- Public transport options, including time tables and locations of stops in close proximity.
- Encouraging access by cyclists and pedestrians.
- Plans indicating cycle paths and convenient pedestrian path directions to the facility.

The Green Travel Plan must be displayed in the reception-foyer of the buildings and used in any promotional material in order to make visitors aware of the public transport options.

The Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.

1. **124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)**

Directory sign requirement

- 20 A directory providing information of the layout of the development must be provided at the entrances to the site to facilitate the identification of tenancies.

Use - amenity requirements

- 21 The use must be managed so that the amenity of the area is not detrimentally affected, through the:
- (a) Transport of materials, goods or commodities to or from the land.
 - (b) Appearance of any building, works or materials.
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - (d) Harbourage and/or presence of vermin.

- 22 The uses may only operate between the following hours of:

Commercial Display Centre, including Museum

Monday to Friday	9am to 8pm
Saturday to Sunday	9am to 5pm

Offices & Warehouse

Monday to Friday	9am to 6pm
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except with the written permission of the Responsible Authority.

- 23 Except with the prior written consent of the Responsible Authority the restaurant use hereby permitted must only operate during the following days and hours:

Sunday to Thursday	6.00am to 12 Midnight
Friday to Saturday	6.00am to 1.00am the following day and the eve of a Public Holiday

- 24 The owner and the occupier/manager of the restaurants must at all times each make reasonable endeavours to ensure that patrons do not create a nuisance and annoyance to neighbours or otherwise disturb the amenity of the area.
- 25 No more than 30 seats to the ground floor restaurant and 150 seats to the first floor restaurant are to be made available at any one time to patrons on the premises except with the written consent of the Responsible Authority.

1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)

- 26 Cooking fumes from any commercial food business must be treated within the mechanical exhaust system in accordance with the requirements of Australian Standard 1668.2-2002, to ensure that any discharge does not create a nuisance (as defined under the Health Act 1958). The method of treatment must be designed, installed, operated and maintained to the satisfaction of the Responsible Authority.
- 27 Signage must be displayed near all entrances/exits requesting patrons to leave the site in a quiet and orderly manner so as not to disturb nearby residents to the satisfaction of the Responsible Authority.
- 28 No goods are permitted to be stored or left exposed outside the building so as to be visible from any public area.
- 29 Associated mechanical plant or equipment (air conditioning etc) must be located or screened so as to not be visible from the street, not project above the roof, and not affect the amenity by operation, any screening must be to the satisfaction of the Responsible Authority.
- 30 Exterior lighting must be provided with suitable baffles and/or located, directed, so as to minimise any detriment by emission of light, to neighbouring properties, or traffic, to the satisfaction of the Responsible Authority.
- 31 Noise levels emanating from the premises must not exceed the noise levels as determined by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.
- 32 Noise levels emanating from the premises must not exceed the noise levels as determined by the State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.
- 33 No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
- 34 All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

Waste management plan requirements

- 35 Prior to the commencement of the development a waste storage and collection management, recycling plan for the use must be prepared to the satisfaction of the Responsible Authority.

1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)

The management plan must have regard to the following matters:

- Bin storage and washing area for restaurant premises.
 - Odour control from bin storage areas.
 - Graded and drained floor areas for food premises where there is anticipated spillage of food and waste.
 - Access for removal of waste bins.
 - Storage of packaging material/cardboard, bottles and recycling bins.
 - Grease trap and cleaning systems for food premises.
 - Delivery of bins to waste collection points and retrieval of bins to nominated storage area within the building.
 - Commercial waste collection vehicle access having regard to; entry and exit in a forward motion, width/height clearance and turning circles.
- 36 No garbage bin or surplus materials generated by the permitted uses may be deposited or stored outside the site and bins must be returned to the garbage storage areas as soon as practicable after garbage collection to the satisfaction of the Responsible Authority.
- 37 Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
- 38 Access to/from Ballarat Road shall be left in/left out only at the one point and shall be signed accordingly.
- 39 The entry/exit onto Ballarat Road shall be linemarked within the car park to separate entering and exiting vehicles.
- 40 Revised plans shall be produced and diagrams superimposed showing how the exit onto Ballarat Road meets the vehicle and pedestrian sight triangles in AS 2890.1:2004, Figures 3.1 and 3.3.
- 41 A revised plan showing a right turn lane on Farnsworth Avenue into the car park entry shall be designed to the satisfaction of VicRoads.
- 42 The left turn facility on Farnsworth Avenue shown on Figure 1 of the letter dated 12 April 2006 shall be deleted.
- 43 No car/motorcycle parking is to be shown within 10.0 metres of the entry on Farnsworth Avenue or Ballarat Road.
- 44 There shall be no delivery vehicle access from Ballarat Road; all deliveries shall occur off Kinnear Street.
- 45 A “No Stopping” zone shall be established on the north side of Ballarat Road for the whole length between Farnsworth Avenue and Gordon Street.

1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)

- 46 Revised plans showing the above features shall be submitted to VicRoads for approval prior to the commencement of works.
- 47 All required works shall be completed prior to the commencement of the use hereby permitted.
- 48 A traffic management plan is required to be submitted to VicRoads for consent 14 days prior to the commencement of works on the crossovers.
- 49 Worksite traffic management practices for all works undertaken within the Ballarat Road or Farnsworth Avenue road reserve shall be in accordance with VicRoads 'Worksite Traffic Management (Roadworks Signing) Code of Practice which includes Australian Standard AS 1742.3 – 2002 "Manual of Uniform Traffic Control Devices – Part 3: Traffic Control Devices for Works on Roads".
- 50 All signs shall not be reflective, flashing or animated.
- 51 All signs will be installed and maintained to ensure there is no spillage of light onto the roadway, or flare towards motorists.
- 52 VicRoads note that a Traffic Management Plan may need to be submitted for the installation of the signs and any subsequent maintenance issues which may result in impacting on traffic and pedestrian movements.

Pedestrian pathway requirements

- 53 Prior to commencement of the use, a plan must be prepared detailing the internal pedestrian pathway network, from the car park areas and connections to the use entrances. The plan must indicate a safe and convenient pathway network, the pathway treatment, line marking, and directional signage and be prepared to the satisfaction and approval of the Responsible Authority. Prior to the commencement of the use, the pathway works as shown on the approved plan must be completed to the satisfaction of the Responsible Authority.

Drainage requirements

- 54 The site must be drained to the satisfaction of the Responsible Authority and is subject to any requirements, conditions and subsequent application from VicRoads. Storm water run-off from the site must not cause any adverse impact to the public, any adjoining site or Council asset. Stormwater from all paved area has to be drained to underground storm water system. Any cut, fill or structure must not adversely affect the natural storm water runoff from and to adjoining properties.

1. **124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)**

- 55 No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development.

Melbourne Water condition no. 56 (reference 107055)

- 56 No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- 57 This permit will expire if:
- The use/s is/are not started 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.

Signage requirements

- 58 The location and details of the signs, including display content, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority. The signage must only advertise the use/services within the building.
- 59 The signs must not contain any flashing lights.
- 60 The upper façade banding signage must not be illuminated by external or internal light except with the written consent of the Responsible Authority.
- 61 The internally illuminated signage must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
- 62 The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
- 63 Bunting, streamers, flags, windvanes or festooning must not be displayed without the written consent of the Responsible Authority.
- 64 This permit for the signs expires 15 years from the date of issue.

1. **124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)**

NOTATION

- Despite what is permitted by the permit as a warehouse use, any part of the land must not be used for an activity appearing in Clause 52.10 (Uses with Adverse Amenity Potential) of the Maribyrnong Planning Scheme, unless at the relevant time, the part of the Land being put to that use is the subject of a planning permit (other than the Permit) specifically allowing that use or has a separation distance which complies with the relevant distance referred to in Clause 52.10 and an assessment of risk to the safety of people located off the land may be required.

Cr J. Cutri/Cr J. Rossiter

- A** That Council issue a **Notice of Decision to Grant a Permit** with conditions to use land for commercial display centre (which does not include any shop or retail use), restaurants, museum and one caretakers residence, with associated reduction to the car parking requirement standard, and display of internally illuminated business identification, high wall panel signage 124-188 Ballarat Road, Footscray subject to the following conditions:-
- 1 Before the use 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 with the application but modified to show:
 - (a) Deletion of any reference/notation to the use of “retail” on the site/floor plans.
 - (b) Amendments required by VicRoads’ conditions (VicRoads’ reference T0420816), no’s 35 to 46 of this permit.
 - (c) A 600mm high timber horizontal slat fence to be installed above the 1.2 metre high brick fence enclosing the bin storage area, which is adjacent to the Farnsworth Avenue frontage. The fence is to be also setback from the street boundary with a 1.5 metre wide landscape area. Details of the selected plants for the landscape area must be shown.
 - (d) Details of the replacement fencing adjacent to the westernmost crossover on the Ballarat Road frontage, including height, length, materials and design detailing to the satisfaction of the Responsible Authority.

1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)

- (e) Improved pedestrian access from the Ballarat Road vehicular accesspoints.
 - (f) Sufficient turning areas to all the parking areas, namely “Parking Area No. 12” at the southwest corner of the site.
 - (g) Lighting to the parking areas.
 - (h) Details of any staging of the uses and the applicable parking rates/provision to the use/s released within the premises.
 - (i) Details on the custodian and tenancy of the museum.
 - (j) Accurate details on the content, colours, level of wattage (for the proposed internally illuminated sign only) of the proposed signage.
 - (k) Access for disabled persons must be in accordance with Part D3 of the Building Code of Australia and AS 2890 and AS 1428.
- 2 The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Environmental site assessment requirements

- 3 Prior to the commencement of any use and development, buildings and works or certification under the Subdivision Act 1988, an environmental site assessment report, prepared by a suitably qualified environmental professional all to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority.
- 4 The assessment must specify:
- (a) The nature of the previous land use or activities on the subject site.
 - (b) How long the activity took place on the subject site.
 - (c) Any contamination or pollution on or from the subject site.
 - (d) The extent of any contamination or pollution and its distribution.
 - (e) How any contamination or pollution may be managed to prevent any detrimental affect on the use and development of the subject site or adjoining land or on buildings and works.
 - (f) Advice on the need for an Audit in accordance with Section 53Y or 53Z of the Environmental Protection Act 1970 on all or part of the subject site.
- 5 Should the Responsible Authority conclude that an Audit is required, prior to the commencement of any use or development, buildings and works or certification under the Subdivision Act 1988 either:-
- (a) A Certificate of Environmental Audit must be issued for the land pursuant to Section 53Y of the Environment Protection Act 1970,

1. 124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)

or

- (b) A Statement of Environmental Audit must be issued for the land pursuant to Section 53Z of the Environment Protection Act 1970. The Statement must state that the land is suitable for the use and development allowed by this permit.

Two (2) copies of the Environmental Audit Report and Certificate of Environmental Audit or Statement of Environmental Audit must be submitted to the Responsible Authority.

- 6 Building works to facilitate remediation may commence prior to the completion of an environmental site assessment or a Certificate of Environmental Audit or Statement of Environmental Audit provided that a Remediation Action Plan (RAP) and an Environmental Management Plan (EMP) for the subject site is prepared to the satisfaction of the Responsible Authority for the use and development allowed by this permit.
- 7 The Remediation Action Plan (RAP) and an Environmental Management Plan (EMP) for the subject site must be prepared:
- *With the written consent of the environmental professional or EPA appointed environmental auditor responsible for issuing the environmental site assessment or Certificate or Statement of Environmental Audit for the subject site and the Responsible Authority.*
 - *Prior to the commencement of any building works to facilitate remediation on the subject site, and must comply with EPA publication 480 "Environmental Guidelines for Major Construction Sites – February 1996",*
 - *and submitted to the environmental professional or EPA appointed environmental auditor for review and a written agreement.*

Copies of the RAP & EMP (including any updated versions) and written agreement must be provided to the Responsible Authority prior to the commencement of any building works to facilitate remediation on the subject site. No changes shall be made to the RAP or EMP unless agreed to in writing by the environmental professional or EPA appointed environmental auditor, and the Responsible Authority.

- 8 All the conditions of the Statement of Environmental Audit and any associated plan must to the satisfaction of the Responsible Authority and must be complied with to the satisfaction of the Responsible Authority.
- 9 Prior to the commencement of the use or certification under the Subdivision Act 1988, a letter must be submitted to the satisfaction of the Responsible Authority, by a suitably qualified environmental professional to verify that
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1. **124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)**

the conditions of the Statement of Environmental Audit issued for the land have been complied with and any environmental management plan and remediation action plan, satisfactorily implemented.

- 10 Where a Statement of Environmental Audit or any associated plan details ongoing maintenance or monitoring conditions, prior to either certification of a Plan of Subdivision or the commencement of the use the owner of the land must enter into an Agreement with the Responsible Authority (and others, where necessary) made pursuant to Section 173 of the Planning & Environment Act 1987 to the satisfaction of the Responsible Authority to provide for the following:-

- The owner and any subsequent owners must meet any ongoing maintenance or monitoring conditions detailed in the Statement of Environmental Audit and any associated environmental management plan and remediation action plan.

An application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act.

The owner/operator under this permit must pay all costs associated to the preparation, (and) execution and registration of the section 173 agreement

Construction Management Plan requirements

- 11 Prior to any works commencing on the land a “Construction Management Plan” (CMP) must be prepared to the satisfaction and approval of the Responsible Authority, detailing how the owner will manage the environmental and construction issues associated with the development.

The CMP must address; any demolition, bulk excavation, management of the construction site, land disturbance, hours of construction, noise, control of dust, public safety, traffic management, construction vehicle road routes, soiling and cleaning of roadways, discharge of any polluted water, security fencing, disposal of site waste and any potentially contaminated materials, crane locations during construction, location of site offices, redirection of any above or underground services, and site lighting during any night works.

The “Construction Management Plan” (CMP) must be implemented to the satisfaction of the Responsible Authority and a contact name and phone numbers for the site manager must be provided.

Car parking and loading/unloading requirements

- 12 Prior to the issue of a certificate of occupancy under the Building Act 1993 a parking management plan for the car parking operation within the buildings and site must be prepared to the satisfaction and approval of the Responsible Authority. The management plan must indicate the car

1. **124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)**

parking bays allocated to each use, visitors, the use of any non-allocated car parking spaces, provision for commercial vehicles to load and unload and the internal traffic management system and safety. The plan must be implemented to the satisfaction of the Responsible Authority.

- 13 The internal design of the car park including loading areas and the arrangements for ingress and egress must be designed generally in accordance with Australian Standard 2890.1-1993 to the satisfaction of the Responsible Authority in consultation with the Council.
- 14 Before the use commences, the areas set aside for the parking of vehicles, together with the associated access ways/driveways as delineated on the endorsed plans must be:
 - Be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the use hereby permitted;
 - Thereafter be maintained to the satisfaction of the Responsible Authority;
 - Be made available for such use at all times and not used for any other purpose;
 - Be properly formed to such levels that it can be used in accordance with the endorsed plan;
 - Be drained and sealed with an all weather seal coat to the satisfaction of the Responsible Authority;
 - Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
- 15 Sign(s) must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.
- 16 Protective kerbs (of a minimum height of 150mm) must be provided to prevent damage to buildings, fences and/or landscaped areas and to prevent direct vehicle access to and from the site other than by the approved crossovers/driveways to the satisfaction of the Responsible Authority.
- 17 The loading and unloading of goods from vehicles must only be carried out on the land or within the designated loading bay(s) and must not disrupt the circulation and parking of vehicles on the land.

Ecologically Sustainable Design requirements

- 18 Prior to the commencement of the use an Ecologically Sustainable Design (ESD) management plan for the redevelopment, management and operation of the use prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

1. **124-188 BALLARAT ROAD, FOOTSCRAY (FORMER
KINNEARS LAND) (continued)**

The management plan should address the major components of the design, construction and use of the development, including current best practice and emerging technology and the following ESD objectives listed below, unless the Responsible Authority is satisfied otherwise:

ESD Objectives

Energy Efficiency

- Energy conservation and increased use of renewable resources.

Water conservation and Re-Use

- Water sensitive urban design, water conservation and re-use.

External Building Materials.

- Reduction in the environmental impacts of external building-input materials and demolition/ waste output materials.

Building Interiors

- Healthy and low allergenic internal building environments through the design and selection of features, appliances and fittings.

Waste Minimisation and Avoidance

- A reduction in waste generated by the use of the facility.

Construction and Demolition

- Minimise environmental impacts associated with site construction and demolition practices.

1. **124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)**

Monitoring

- Demonstrate that the design elements, technologies and operational practices that comprise the ESD management plan can be maintained over time.
- Monitor the operation of the use and development to ensure the ESD objectives are achieved and maintained.
- Identify responsibilities and the schedule for implementation and monitoring.

The recommendations of the “Ecologically Sustainable Design Management Plan” must be implemented to the satisfaction of the Responsible Authority, unless the Responsible Authority is satisfied otherwise.

Public Transport/Green Travel Plan requirements

- 19 Prior to the commencement of any use, a Public Transport/Green Travel Plan prepared to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority.

The Green Travel Plan must address the following:

- The matters contained in the “City of Maribyrnong - Guidelines for the Development of Green travel Plans and Transport Access Guides Oct 2003.”
- The matters contained in the “City of Maribyrnong – Producing and Using Transport Access Guides Oct 2003.”
- Draft Public Transport Guidelines for Land Use Development – Department of Infrastructure, Aug 2006.
- Setting mode split targets.
- Public transport options, including time tables and locations of stops in close proximity.
- Encouraging access by cyclists and pedestrians.
- Plans indicating cycle paths and convenient pedestrian path directions to the facility.

The Green Travel Plan must be displayed in the reception-foyer of the buildings and used in any promotional material in order to make visitors aware of the public transport options.

The Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.

1. **124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)**

Directory sign requirement

- 20 A directory providing information of the layout of the development must be provided at the entrances to the site to facilitate the identification of tenancies.

Use - amenity requirements

- 21 The use must be managed so that the amenity of the area is not detrimentally affected, through the:
- (a) Transport of materials, goods or commodities to or from the land.
 - (b) Appearance of any building, works or materials.
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - (d) Harbourage and/or presence of vermin.

- 22 The uses may only operate between the following hours of:

Commercial Display Centre, including Museum

Monday to Friday	9am to 8pm
Saturday to Sunday	9am to 5pm

Offices & Warehouse

Monday to Friday	9am to 6pm
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except with the written permission of the Responsible Authority.

- 23 Except with the prior written consent of the Responsible Authority the restaurant use hereby permitted must only operate during the following days and hours:

Sunday to Thursday	6.00am to 12 Midnight
Friday to Saturday	6.00am to 1.00am the following day and the eve of a Public Holiday

- 24 The owner and the occupier/manager of the restaurants must at all times each make reasonable endeavours to ensure that patrons do not create a nuisance and annoyance to neighbours or otherwise disturb the amenity of the area.
- 25 No more than 30 seats to the ground floor restaurant and 150 seats to the first floor restaurant are to be made available at any one time to patrons on the premises except with the written consent of the Responsible Authority.

1. **124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)**

- 26 Cooking fumes from any commercial food business must be treated within the mechanical exhaust system in accordance with the requirements of Australian Standard 1668.2-2002, to ensure that any discharge does not create a nuisance (as defined under the Health Act 1958). The method of treatment must be designed, installed, operated and maintained to the satisfaction of the Responsible Authority.
- 27 Signage must be displayed near all entrances/exits requesting patrons to leave the site in a quiet and orderly manner so as not to disturb nearby residents to the satisfaction of the Responsible Authority.
- 28 No goods are permitted to be stored or left exposed outside the building so as to be visible from any public area.
- 29 Associated mechanical plant or equipment (air conditioning etc) must be located or screened so as to not be visible from the street, not project above the roof, and not affect the amenity by operation, any screening must be to the satisfaction of the Responsible Authority.
- 30 Exterior lighting must be provided with suitable baffles and/or located, directed, so as to minimise any detriment by emission of light, to neighbouring properties, or traffic, to the satisfaction of the Responsible Authority.
- 31 Noise levels emanating from the premises must not exceed the noise levels as determined by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.
- 32 Noise levels emanating from the premises must not exceed the noise levels as determined by the State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.
- 33 No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
- 34 All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

Waste management plan requirements

- 35 Prior to the commencement of the development a waste storage and collection management, recycling plan for the use must be prepared to the satisfaction of the Responsible Authority.

1. **124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)**

The management plan must have regard to the following matters:

- Bin storage and washing area for restaurant premises.
- Odour control from bin storage areas.
- Graded and drained floor areas for food premises where there is anticipated spillage of food and waste.
- Access for removal of waste bins.
- Storage of packaging material/cardboard, bottles and recycling bins.
- Grease trap and cleaning systems for food premises.
- Delivery of bins to waste collection points and retrieval of bins to nominated storage area within the building.
- Commercial waste collection vehicle access having regard to; entry and exit in a forward motion, width/height clearance and turning circles.

- 36 No garbage bin or surplus materials generated by the permitted uses may be deposited or stored outside the site and bins must be returned to the garbage storage areas as soon as practicable after garbage collection to the satisfaction of the Responsible Authority.
- 37 Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.

VicRoads' conditions 38 to 52 (reference T0420816)

- 38 Access to/from Ballarat Road shall be left in/left out only at the one point and shall be signed accordingly.
- 39 The entry/exit onto Ballarat Road shall be linemarked within the car park to separate entering and exiting vehicles.
- 40 Revised plans shall be produced and diagrams superimposed showing how the exit onto Ballarat Road meets the vehicle and pedestrian sight triangles in AS 2890.1:2004, Figures 3.1 and 3.3.
- 41 A revised plan showing a right turn lane on Farnsworth Avenue into the car park entry shall be designed to the satisfaction of VicRoads.
- 42 The left turn facility on Farnsworth Avenue shown on Figure 1 of the letter dated 12 April 2006 shall be deleted.
- 43 No car/motorcycle parking is to be shown within 10.0 metres of the entry on Farnsworth Avenue or Ballarat Road.
- 44 There shall be no delivery vehicle access from Ballarat Road; all deliveries shall occur off Kinnear Street.

1. **124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)**

- 45 A “No Stopping” zone shall be established on the north side of Ballarat Road for the whole length between Farnsworth Avenue and Gordon Street.
- 46 Revised plans showing the above features shall be submitted to VicRoads for approval prior to the commencement of works.
- 47 All required works shall be completed prior to the commencement of the use hereby permitted.
- 48 A traffic management plan is required to be submitted to VicRoads for consent 14 days prior to the commencement of works on the crossovers.
- 49 Worksite traffic management practices for all works undertaken within the Ballarat Road or Farnsworth Avenue road reserve shall be in accordance with VicRoads ‘Worksite Traffic Management (Roadworks Signing) Code of Practice which includes Australian Standard AS 1742.3 – 2002 “Manual of Uniform Traffic Control Devices – Part 3: Traffic Control Devices for Works on Roads”.
- 50 All signs shall not be reflective, flashing or animated.
- 51 All signs will be installed and maintained to ensure there is no spillage of light onto the roadway, or flare towards motorists.
- 52 VicRoads note that a Traffic Management Plan may need to be submitted for the installation of the signs and any subsequent maintenance issues which may result in impacting on traffic and pedestrian movements.

Pedestrian pathway requirements

- 53 Prior to commencement of the use, a plan must be prepared detailing the internal pedestrian pathway network, from the car park areas and connections to the use entrances. The plan must indicate a safe and convenient pathway network, the pathway treatment, line marking, and directional signage and be prepared to the satisfaction and approval of the Responsible Authority. Prior to the commencement of the use, the pathway works as shown on the approved plan must be completed to the satisfaction of the Responsible Authority.

Drainage requirements

- 54 The site must be drained to the satisfaction of the Responsible Authority and is subject to any requirements, conditions and subsequent application from VicRoads. Storm water run-off from the site must not cause any adverse impact to the public, any adjoining site or Council asset. Stormwater from all paved area has to be drained to underground storm water system. Any cut, fill or structure must not adversely affect the natural storm water runoff from and to adjoining properties.

1. **124-188 BALLARAT ROAD, FOOTSCRAY (FORMER KINNEARS LAND) (continued)**

- 55 No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development.

Melbourne Water condition no. 56 (reference 107055)

- 56 No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- 57 This permit will expire if:
- The use/s is/are not started 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.

Signage requirements

- 58 The location and details of the signs, including display content, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority. The signage must only advertise the use/services within the building.
- 59 The signs must not contain any flashing lights.
- 60 The upper façade banding signage must not be illuminated by external or internal light except with the written consent of the Responsible Authority.
- 61 The internally illuminated signage must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
- 62 The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
- 63 Bunting, streamers, flags, windvanes or festooning must not be displayed without the written consent of the Responsible Authority.
- 64 This permit for the signs expires 15 years from the date of issue.

1. **124-188 BALLARAT ROAD, FOOTSCRAY (FORMER
KINNEARS LAND) (continued)**

NOTATION

- Despite what is permitted by the permit as a warehouse use, any part of the land must not be used for an activity appearing in Clause 52.10 (Uses with Adverse Amenity Potential) of the Maribyrnong Planning Scheme, unless at the relevant time, the part of the Land being put to that use is the subject of a planning permit (other than the Permit) specifically allowing that use or has a separation distance which complies with the relevant distance referred to in Clause 52.10 and an assessment of risk to the safety of people located off the land may be required.

CARRIED.

2. URBAN PLANNING STATUS REPORT

File No. 17102006
Minute No. 33/2006

PURPOSE OF REPORT

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

The number of applications lodged and determined in September were lower than August. The total number of active applications increased marginally and there was a decrease in applications determined in 60 days.

7:45 PM Cr C. Cumming left the Chamber.

OFFICER RECOMMENDATION TO COUNCIL

That the report be noted.

Cr J. Rossiter/Cr D. Lynch

That the report be noted.

CARRIED.

A1. COMMUNITY ACCESS AND STRATEGIC POLICY RECOMMENDATIONS

File No. CASP10/10
Minute No. 67/2006

PURPOSE OF REPORT

The purpose of this report is to present the recommendations from the Community Access and Strategic Policy (CASP) Committee meeting that was held on Tuesday, 10 October 2006.

1. BACKGROUND

Community Access and Strategic Policy (CASP) is an important component of Council's formal meeting and decision making structure.

2. COUNCIL POLICY

There is no relevant applicable Council policy; however the recommendations comply with the requirements of the Local Government Act 1989 (the Act).

3. COUNCIL PLAN

The recommendations contained in the report are consistent with Council's commitment to providing opportunity for the community to participate and be involved in Council's decisions and advocacy.

4. DISCUSSION

The Community Access and Strategic Policy Committee operates under Section 86 of the Local Government Act 1989. The minutes and recommendations made by the Committee need to be accepted and ratified by Council at the following Ordinary Meeting of Council. The recommendations from the CASP meeting on Tuesday, 10 October 2006 are attached.

5. FINANCIAL / BUDGETARY IMPLICATIONS

There are no financial implications in adopting this report.

**A1. COMMUNITY ACCESS AND STRATEGIC POLICY
RECOMMENDATIONS (continued)**

6. CONCLUSION

Adoption of the minutes and recommendations from the CASP meeting held on 10 October 2006 is required to enable these actions to commence.

OFFICER RECOMMENDATION TO COUNCIL

That Council ratify the recommendations from the Community Access and Strategic Policy meeting of 10 October, 2006.

Cr J. Rossiter/Cr J. Cutri

That the minutes of the Community Access and Strategic Policy Committee of 10 October 2006 be accepted and that Council endorse the Reassurance Policing Braybrook Maidstone Action Plan.

CARRIED.

A2. MAV STATE MOTIONS

File No. MAV
Minute No. 68/2006

PURPOSE OF REPORT

The Municipal Association of Victoria (MAV) Annual General Meeting, combined with State Council, will be held on Friday, 27 October 2006 to consider and vote on matters of importance to the local government sector. MAV members were required to submit motions for consideration by the State Council by Friday, 6 October 2006.

1. BACKGROUND

Motions submitted for consideration must be of statewide significance to local government. The following four motions listed below and submitted on behalf of Maribyrnong Council are of statewide significance, however they are also key issues affecting Maribyrnong (rationale for each included);

TITLE	MOTION	RATIONALE
Infringements Act Funding	That the MAV request funding support from the Attorney General for transitional costs associated with changes to the Infringements Act.	<ul style="list-style-type: none"> The Infringements Act has brought with it a heavy ongoing administrative burden as well as costly policy reviews and software development upgrades. The spirit of the intergovernmental agreement on cost shifting recognises that where a cost or responsibility is shifted to local government adequate funding should also be provided. There are ongoing administrative costs for councils to comply with the new legislation as well as once off transitional costs for training policy and system upgrades. The Department of Justice relied heavily on local government in their development of the legislation and were told of the likely increased burden to councils. This cost should now be recognised.
Graffiti	That the MAV lobby State Government to provide graffiti removal resources to Vic Track and other relevant instrumentalities that do not have similar levels of service established.	<ul style="list-style-type: none"> Graffiti removal programs exist across local government. In many cases, service levels include a 24 hour response time for removal of graffiti from council assets. It is clear that much of the public domain and built environment controlled by State Government instrumentalities do not have similar levels of service established. Timely removal of graffiti is an important factor in increasing perceptions of community safety and for enhancing public amenity.

A2. MAV STATE MOTIONS (continued)

TITLE	MOTION	RATIONALE
Transport	That the Minister for Transport be requested to ensure that Local Government is consulted as a key stakeholder and is given an opportunity to participate in State Government metropolitan transport planning and particularly in the proposed east - west link needs assessment outlined in the "Meeting Our Transport Challenges Plan".	The east - west link study will be a major transport planning task for Melbourne, providing a comprehensive basis for future planning of alternatives to the Monash - West Gate route. The assessment will investigate and make recommendations to Government on the full range of options including light rail services along the eastern freeway, new bus services and interchanges, and access improvements to and from the Melbourne Port precinct . The community impacts of the various options will be considerable and therefore Local Government must be involved throughout the study process, including input into the Terms of Reference.
Block Funding for Community Services	<p>1. That the MAV seek the commitment from the Minister for Victorian communities to actively progress the State Government towards block funding rather than individual program funding needs to be available for place based community strengthening through the combined allocation of:</p> <ul style="list-style-type: none"> • Community Support funds • Existing divisional community strengthening programs • Any new government funding for place based initiatives <p>2. That Local Government is the most appropriate instrument for the planning and directing of block funding to local communities</p>	<p>1. This is a key recommendation from the report prepared by Ministerial Advisory Committee for Victorian Communities chaired by Joan Kirner in August 2006 – ‘<i>Strong Communities: Ways Forward</i>’</p> <p>2. This builds on over four years of active collaborative community building by the State Government and local councils. In particular local government led inclusive, community planning processes whereby the aspirations, visions and needs of local communities are identified and actioned.</p> <p>3. The Secretary of the Department for Victorian Communities in a speech to the United Nations Conference identified systemic changes required to deliver effective community strengthening. Mr. Blacher stated:</p> <p>‘ <i>A move towards more flexible funding to focus on the delivery of outcomes. This allows resources to be co ordinated between funders, or pooled and allocated in ways that better reflect local priorities.</i>’</p> <p>4. The Minister for Victorian Communities at the launch of ‘<i>A Fairer Victoria</i>’ emphasised that:</p> <p>‘<i>The success of the initiatives in ‘A Fairer Victoria’ will depend, in large measure, on the success of community strengthening initiatives and the ability of levels of Government both state and local, to work together in flexible ways to deliver both improved services and better outcomes</i>’</p>

2. COUNCIL POLICY

Advocacy to other levels of government is a key component of Council's governance role.

3. COUNCIL PLAN

Council representation at the MAV State Council is consistent with Council's principles of advocacy, partnership and engagement.

A2. MAV STATE MOTIONS (continued)

4. DISCUSSION

This issue was discussed with Councillors prior to the submission deadline of 6 October. As Councillors were supportive of the proposed motions, they have been forwarded to the MAV for consideration at State Council on 27 October.

5. FINANCIAL/BUDGETARY IMPLICATIONS

No financial implications.

6. CONCLUSION

Submissions to the State Council provide Council with an opportunity in contributing to matters of significance to local government and Maribyrnong. Therefore, Council is requested to endorse the submission of the four motions listed above.

OFFICER RECOMMENDATION TO COUNCIL

That Council endorse the motions listed above, which have been submitted for consideration at the MAV State Council on 27 October 2006.

Cr J. Cutri/Cr M. Clarke

That Council endorse the motions listed above, which have been submitted for consideration at the MAV State Council on 27 October 2006.

CARRIED.

A3. SEPTEMBER 2006 FINANCE REPORT

File No. FIN-03-001
Minute No. 69/2006

PURPOSE OF REPORT

The quarterly finance report provides Council with detailed information on Council's performance against budget. Quarterly finance reports are a statutory requirement under the Local Government Act 1989. Council, by considering this report, is complying with the Act.

1. BACKGROUND

This report for the current financial year is provided for the end of September 2006. The report indicates that Council is forecasting an end of year result in line with the published 2006/2007 budget.

2. COUNCIL POLICY

Council will be presented with financial reports on a monthly basis

3. COUNCIL PLAN

The proposed policy is supported by the Council Plan 2006-2010 under "Accountability".

Accountability means that Council will take responsibility for the decisions it makes and hold itself open to public scrutiny in light of those decisions.

4. DISCUSSION

Council has been working to a ten year financial plan over the past six years. This control and long term planning has enabled Council to monitor expenses closely. The continued use of the ten year financial plan will assist Council in its long term planning and strategic decision making. The variance showing in the year to date section is a result of timing differences.

5. FINANCIAL / BUDGETARY IMPLICATIONS

The attached report is showing year to date results which are constantly reviewed to reflect an actual year end result.

A3. SEPTEMBER 2006 FINANCE REPORT (continued)

For the first quarter ending 30 September 2006, Council is forecasting a result in line with budget.

6. CONCLUSION

As at the end of September, comparisons (Actual to Budget) in both operational and capital have been reviewed by management and are taken into consideration when year-end forecasts are completed.

Council will continue to be provided with a forecast end-of-year result which reflects management's best estimates of the financial position.

Council is forecasting that the actual result for Operating and Capital for the 2006/2007 financial year will be in line with budget.

OFFICER RECOMMENDATION TO COUNCIL

That the September Quarterly Financial Report be noted.

Cr J. Rossiter/Cr D. Lynch

That the September Quarterly Financial Report be noted.

CARRIED.

B1. FOOTSCRAY TRANSIT CITY

File No. URB-08-084
Minute No. 70/2006

PURPOSE OF REPORT

To provide an update to Council on actions resulting from the Footscray Transit City report presented to the Council meeting on Tuesday 19 September 2006

1. BACKGROUND

At its meeting on 19 September 2006, Council received a report which provided an update on actions to progress funding for an upgrade of the Footscray Station, and an outline of the agreed vision developed for the Footscray Transit City which will be presented to government as part of the Government's Estimates Review Committee (ERC) process

The report noted that current progress and negotiations with the State Government through its lead agency VicUrban were very positive. The shared vision developed through the collaborative effort between Council officers and VicUrban was a reflection of this. In addition, VicUrban and other government agencies have all shown a genuine commitment to formulating and presenting the best possible funding submission for consideration by government. It was also noted that the level of representation from senior levels with government such as the Office of Premier & Cabinet, and Major Projects was also an indication that funding improvements to Footscray Station and Transit City are seen as a priority within Government.

Council resolved to *"write to the Premier, congratulating his government on the progress that has been achieved so far by the Footscray Station Working Group, and requesting that an announcement regarding funding for the station upgrade works be made prior to the State Election."*

Council also resolved to receive and update report at the October Council meeting.

2. COUNCIL POLICY

This report responds to the resolution of Council on 19 September 2006.

B1. FOOTSCRAY TRANSIT CITY (continued)

3. COUNCIL PLAN

Council, through the Council Plan 2006-2010, is committed to developing, encouraging and promoting an environmentally sustainable Maribyrnong. In particular, Council is committed to developing “integrated sustainable transport options and land use development outcomes” that are ecologically sound and contribute to improving the city and the environment.

4. DISCUSSION

Since the September Council meeting, the Mayor has written to the Premier of Victoria in accordance with the Council resolution. To date no formal response has been received, however given the short time between sending the letter and the October Council meeting this is understandable.

On Friday 29 September the Mayor and Chief Executive Officer met with the Minister for Transport the Hon Peter Batchelor. Minister Batchelor was well aware of the importance of the railway station and Council’s disappointment at the lack of commitment to upgrading the station and Footscray Transit City. Minister Batchelor indicated his support for a new pedestrian bridge and funding for the Footscray Transit City.

The Mayor and Chief Executive Officer have also met with the Member for Footscray the Hon Bruce Mildenhall. The local member has also provided his support for a new pedestrian bridge and other initiatives for the Footscray Transit City and convened a further meeting for the Footscray Transit Stakeholder Forum on Thursday 12 October to progress matters. This meeting was very positive and the local member continues to advocate on behalf of Council.

The Footscray Transit City working group also met on Thursday 12 October to discuss and review preliminary but confidential designs for a new pedestrian bridge. This meeting was also very positive and provided important feedback for future ERC submissions and presentations by the lead government agency VicUrban.

Furthermore, the Chief Executive Officer and the General Manager Sustainable Development met with senior officers of the Department of Infrastructure on Friday 13 October to reinforce Council’s desire and commitment for a new pedestrian bridge and to ensure that such commitment existed within government circles. This meeting was also very positive.

B1. FOOTSCRAY TRANSIT CITY (continued)

Current Position

Current progress and negotiations with the State Government through its lead development agency VicUrban can only be described as very positive. The shared vision developed through the collaborative effort between Council officers and VicUrban is a reflection of this. VicUrban and other government agencies have all shown a genuine commitment to formulating and presenting the best possible funding submission for consideration by government. The level of representation from senior levels within government such as the Office of Premier & Cabinet, and Major project is also an indication that funding improvements to Footscray Station and Transit City are seen as a priority within government.

What Next?

From here it is expected that the funding submission for Footscray along with the shared vision will go through a number of reviews by the Government's Estimates Review Committee in the lead up to the State Election in November. What is not known at this stage, is what announcements if any, will be made in the lead up to the election, and or whether funding announcements or commitments will be deferred for consideration as part of the 2007/08 State budget.

5. FINANCIAL / BUDGETARY IMPLICATIONS

No financial or budgetary implications are anticipated from this report.

However, if Council were to adopt a more proactive advocacy campaign potential costs would be incurred. No funding allocation has been made within existing budgets. Any costs would be reported to Council.

6. CONCLUSION

The Footscray Transit City project is an initiative between Maribyrnong City Council and the State Government that requires partnership and commitment to ensure project's objectives can be implemented successfully. Council has produced countless pieces of work and relayed message upon message to the State Government, but it has lacked the commitment and partnership from the State Government to drive the project to its full potential.

The Footscray community, as part of its vision for Footscray Transit City for the next 25-30 years, supports upgrades to Footscray Railway Station to encourage sustainable travel options and to ensure that the infrastructure can continue to meet the increasing commuter patronage levels that use Melbourne's key transport interchange in the western suburbs.

B1. FOOTSCRAY TRANSIT CITY (continued)

OFFICER RECOMMENDATION TO COUNCIL

That Council receive and note the report of the progress with funding for the upgrade to Footscray Station.

7:52 PM Cr C. Cumming returned to the Chamber.

Cr M. MacDonald/Cr J. Rossiter

That Council receive and note the report of the progress with funding for the upgrade to Footscray Station.

CARRIED.

C1. DINJERRA CHILDREN'S SERVICES FEASIBILITY STUDY

File No. CHS-07-009
Minute No. 71/2006

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of the findings of the Dinjerra Children's Hub Feasibility Study. The Executive summary of the report is attached. Full copies of the report are available on request.

1. BACKGROUND

In mid 2005 a steering group was formed, as a part of the Best Start and Neighbourhood Renewal strategies, to gather and analyse information related to the provision of children's services in the Braybrook area. The group comprised of representatives from Dinjerra Primary School, Department of Human Services (Early Years), Department of Human Services (Neighbourhood Renewal), Department of Education and Maribyrnong City Council. A consultant was engaged by the group to report on the following objectives-

- Detail the current provision of children's services in Braybrook;
- Assess the need for additional children's services in the Braybrook area and / or the way in which existing services should be reconfigured to better meet local needs;
- Identify the type of services that are, or will be required;
- Identify the preferred capacity and best location for such services, both from a land use and service delivery perspective;
- Facilitate a discussion regarding possible management models for proposed facilities;
- Provision of site photos outlining possible locations of proposed facilities and the attributes and qualities any proposed facility should incorporate; and
- Recommendations on the next steps.

The project and associated report articulates with, and should be read in conjunction with the Braybrook Community (Visioning) Plan.

C1. DINJERRA CHILDREN'S SERVICES FEASIBILITY STUDY (continued)

2. COUNCIL POLICY

The content and recommendations of the study strongly supports Maribyrnong City Council's early years direction as articulated within the Municipal Early Years Plan (MEYP). It crosses the three key strategic directions highlighted in the MEYP, these being 'planning' (for an integrated and sustainable approach to services and strategic, community based partnerships), 'services' (supporting equity and access to universal and community based services with a focus on prevention and advocating for additional resources) and 'facilities' (advocating for integrated and multipurpose community facilities that include regulated children's spaces).

3. COUNCIL PLAN

The study is relevant to the Council Plan and the the key strategic objectives of 'Community engagement and advocacy' and 'Community, leisure and cultural facilities, services and spaces'. In particular it has links to the following strategies-

- Manage the City's changing needs and demographic profile by advocating for adequate provision of facilities and services from all levels of government.
- Ensure that the city receives its fair share of resources based on strong evidence, integrated planning and collaborative partnerships.

4. DISCUSSION

The 'Dinjerra Children's Services Feasibility Study' draws together local, national and international data and research relating to early years service provision. It identifies gaps and provides a framework for future planning and implementation of strategies to improve outcomes for children in the Braybrook area. The study highlights the demographic data related to the early years experiences and outcomes of children in Braybrook, along with the present levels of service provision in the area. It also draws on information from consultations with the community and service providers. The report details the limited infrastructure available to support additional services in the region and provides a series of recommendations to improve the provision of early years services in the Braybrook area. In particular, it recommends the creation of two 'early years hubs', one located in the vicinity of the Dinjerra Primary School and another located in the vicinity of Braybrook Park.

Current position

Local data demonstrates that children in the Braybrook area are often entering school with limited pre-literacy and numeracy skills. They are likely to have had limited preschool care and educational opportunities and are more likely to be vulnerable across indicators such as physical health and wellbeing, social competence, emotional maturity, language and cognitive skills, communication skills and general knowledge (Australian Early Developmental Index, 2005). This situation is coupled with a lack of childcare and early education opportunities, poor take up of kindergarten services and few secondary and tertiary health services (such as Speech Pathology), other than those provided by Western Region Health Service. In addition, the lack of physical

C1. DINJERRA CHILDREN'S SERVICES FEASIBILITY STUDY (continued)

infrastructure to support an expansion of early years services is highlighted throughout the study.

Next steps

To deliver on the intent behind the study and the recommendations emanating from it, Maribyrnong City Council, in conjunction with the State and Federal Governments, service providers and community representatives, need to come together to form an implementation group. This group, as highlighted within the recommendations, needs to:-

- Develop a clear and agreed definition of inclusive practice;
- Develop clear and agreed indicators and goals for monitoring performance;
- Establish strong links with one or more organisations (e.g. Centre for Community Child Health) specialising in research focused on understanding what service delivery models work in the children's services sector;
- Confirm the role of stakeholder agencies;
- Confirm all service functions to be undertaken at the Dinjerra Early Years Hub/s;
- Prepare a facility brief for the Dinjerra Early Years Hub/s ensuring that it meets all children's services regulations; and
- Identify funding options for construction of the Dinjerra Early Years Hub.

It is intended that the proposed implementation group report back to a 'Braybrook community reference group' as planned through Council's Community Strengthening Plan process.

5. FINANCIAL / BUDGETARY IMPLICATIONS

There are no financial or budgetary implications in relation to the study. The intent is to explore future opportunities to access state and federal funds to implement the infrastructure and programmatic gaps identified.

6. CONCLUSION

The 'Dinjerra Children's Services Feasibility Study' provides a comprehensive research and evidence based platform to improve early years service provision and integration in Braybrook. The study details a series of recommendations that will require an ongoing commitment and leadership from Maribyrnong City Council and the coming together of community, service providers, educationalists and all levels of Government. Collectively the group must further define actions to implement strategies that can deliver immediate and longer term gains in service integration and provision. The group must identify funding opportunities, particularly via State Government, Federal Government and Philanthropic trusts, to support infrastructure development and the delivery of additional early years programs to the area.

C1. DINJERRA CHILDREN'S SERVICES FEASIBILITY STUDY (continued)

OFFICER RECOMMENDATION TO COUNCIL

1. That Council endorses the direction and recommendations contained with the Dinjerra Children's Feasibility study.
2. That Council officers lead a process of engaging with state and federal government, community service providers and the community to further plan and implement the recommendations of the study.

Cr J. Cutri/Cr M. MacDonald

1. That Council endorses the direction and recommendations contained with the Dinjerra Children's Feasibility study.
2. That Council officers lead a process of engaging with state and federal government, community service providers and the community to further plan and implement the recommendations of the study.

CARRIED.

D1. PARKING MANAGEMENT IN LITTLE SAIGON SHOPPING PRECINCT, FOOTSCRAY

File No. 1
Minute No. 72/2006

PURPOSE OF REPORT

At its Ordinary Council meeting on 19 September 2006, Council considered the petition from the Footscray Asian Business Association (FABA) objecting to the installation of parking ticket machines around Little Saigon shopping precinct and resolved: "That Council receive a report on this issue at the Council meeting of 17 October 2006."

This report provides a background to the Council adoption of its parking management policy on payment for parking in Footscray, provides some data and research findings on paid parking and suggests a way forward for parking management around the Little Saigon Shopping area in consultation with FABA.

1. BACKGROUND

In October 2002, Council resolved to prepare a Parking Management Plan for Footscray Central Activities District (CAD) to address the inconsistencies and anomalies of parking control within the CAD. The Footscray Central Activities District includes the area bounded by Geelong Road, Victoria Street, Raleigh Street, Albert Street, Buckley Street, Irving Street, Moore Street, Lynch Street and Nicholson Street.

The study area was divided into two zones – an inner zone comprising the main activity district, generally described as the land bounded by the 'Footscray Ring Road' (Donald Street and French Street) and an outer zone comprising mainly residential areas which are impacted by traffic attracted to the centre.

A person proficient in Vietnamese language visited 354 business premises within Footscray CAD to complete the trader questionnaire. The survey revealed that the businesses within the study area employ approximately 1,628 people. 1,345 employees drove to work and only 460 of them are provided with on-site parking facilities. 960 resident questionnaires were letter dropped within the study area. 54 survey forms were returned.

D1. PARKING MANAGEMENT IN LITTLE SAIGON SHOPPING PRECINCT, FOOTSCRAY (continued)

Council, at its Policy and Strategy meeting on 27 October 2003 considered the draft strategy and resolved that the strategy be placed on exhibition for public consultation until 19 December 2003. Advertisements were placed in 'the Mail' and 'The Advocate' newspapers and a full copy of the strategy was made available for viewing at Council's Customer Service Centre, Maribyrnong Libraries and Council's website. No comments were received on the draft strategy.

A key recommendation of the draft was the introduction of paid parking into the Footscray CAD. Parking ticket machines have existed in Footscray for over 10 years. They were first introduced around the Victoria University campuses and Western Hospital; along the Footscray riverfront and in streets between the Footscray Station and the riverfront. Council currently has 86 machines in the municipality. The draft was presented to the Footscray Reference Group who had no objection to the pay parking but questioned how Council intends to use funds that will be collected from meter parking.

Due to the lack of response during the public comment period, a further opportunity was made available to comment on the draft strategy with the period to comment extended to 29 February 2004. A summary report was printed and letter dropped to both residential and commercial properties within the study area for comment with an invitation to a public meeting on 5 February 2004 (translation services provided). Only two residents (from Pickett Street and Donald Street) attended the meeting. Thirteen written submissions were received from traders, residents and other community organisations.

Four of the respondents objected to the introduction of pay parking, two of which were business premises, including Little Saigon Shopping Centre believing that it will drive shoppers away to other areas, such as Highpoint Shopping Centre, where parking is free.

The Plan was considered by the Community Access and Strategic Policy (CASP) Committee in May 2004 and adopted by Council in July 2004. The strategy contains the following action:

That pay parking be introduced within the CAD in a staged manner over coming years as funding permits, commencing with Nicholson Street (between Irving Street and Paisley Street) in 2004/05. It is suggested that pay parking be progressively introduced into the following Streets: Paisley Street, Leeds Street, Albert Street, Irving Street, French Street, Hopkins Street, Byron Street, Nicholson Street (North of Hopkins Street), Droop Street and off-street Council parking areas within the CAD.

D1. PARKING MANAGEMENT IN LITTLE SAIGON SHOPPING PRECINCT, FOOTSCRAY (continued)

Council believes that ticket machines are needed in the high demand parking areas in Footscray for the following reasons:

- Ticket machines result in better parking turnover – that is more cars parking in a single space. This means more shoppers, and improves trade for businesses. Ticket machines are now widespread in the inner suburbs of Melbourne and are an accepted parking management device to increase parking turnover in shopping areas, and to encourage people who wish to park for longer periods of time to park further away from the high demand areas.
- Traffic congestion can be reduced, improving road safety in the area.
- The expiry time printed on the ticket acts as a reminder to the driver about the exact time they must vacate the parking spot.
- The machines will provide ongoing revenue for the Council, which will be used to fund infrastructure improvements and improved services.
- The machines make it easier for Council's parking officers to monitor parking in the area, which will lead to greater compliance of parking restrictions.
- Pay parking encourages more people to consider using other forms of transport, including walking, cycling or catching public transport.

Introduction of Ticket Machines in Footscray CAD

Prior to the staged introduction of machines in the CAD as adopted by Council, a letter was distributed to adjacent businesses advising of the program a public meeting to be held on 6 June 2005 with a Vietnamese interpreter engaged to assist in the meeting. There were six attendees including the then President of FABA (Viet Tran), a representative from the Transport Reference Group, two Footscray business owners, a representative from the Baptist Church and a business owner from Seddon. At the meeting FABA suggested that paid parking could create a disincentive to shop in Footscray.

The first installation under the programmed rollout of ticket machines occurred in June 2005 in two sections of Nicholson Street – 2 machines south of Paisley Street and 3 machines north of Hopkins Street. A survey of shopkeepers was undertaken following this to gauge reaction from traders and the feedback generally was that the machines have increased parking turnover and that the parking fee is appropriate.

A further five machines were purchased in July 2006 and installed in Byron Street, Ryan Street and Nicholson Street near the existing machines. These machines were activated on 28 August 2006. Council has taken the following actions to inform traders and shoppers of the new parking ticket machines around Little Saigon shopping precinct:

- Advisory signs in English and Vietnamese installed advising of the introduction of pay parking machines in the area before the machines were installed
- A Council officer (who speaks English and Vietnamese) visited all the local business owners to tell them about the introduction of the machines.

D1. PARKING MANAGEMENT IN LITTLE SAIGON SHOPPING PRECINCT, FOOTSCRAY (continued)

- Businesses put up notices in their shopfront windows (in English and Vietnamese) advising of the new machines
- Notices in the local newspaper, The Star, and the Vietnamese newspaper, Tivi Tuan San
- A Council officer (who speaks English and Vietnamese) was based in the area for one week (prior to the machines becoming operational) to tell shoppers about the machines and show them how to use the machines.
- A letter and question and answer sheet translated into Vietnamese explaining the reasons for the ticket machines circulated to all abutting businesses.

Two meetings were held with FABA (15 August and 11 September 2006) to discuss this issue and to present the data and supporting evidence that the ticket machines installed in Nicholson Street have improved parking turnover, reduced the number of overstaying infringement notices and that these parking bays are still in very high demand. The following matters were raised by the traders present:

- Impact of ticket machines on business
- Infringement notices issued to shoppers
- People use the Byron Street car park for access to the various shops and it should be kept free.
- The Market and Plaza car park are not a popular alternative for Asian market customers
- Negative effect of meter parking. When the signs first went up there was a reaction amongst traders and shoppers that grew into the petition.
- Don't believe that paid parking creates more turnover of spaces.
- Concern about Donald Street as a continuing free parking area.
- Footscray can become a tourist attraction but ticket machines will stop that.
- Significant effect of ticket machines already on businesses in Nicholson Street. Businesses closing down.
- Vacant shops in Hopkins Street.
- FABA is representing the views of everyone who works, shops and visits that area.
- Questions the way the original surveys were conducted. Council didn't understand how people in the area feel about paid parking.

Impact of existing ticket machines in Footscray CBD

Analysis of the parking turnover in the existing paid parking spaces in Nicholson Street shows that over a 15 month period the number of daily transactions per machine has remained fairly static at about 80 to 100 transactions. In addition, turnover has noticeably increased and overstaying the time period has decreased. The following table provides the number of infringements issued for overstaying the time limits in the 12 month periods before and after the introduction of the ticket machines in Nicholson Street. The results show a four fold drop in the number of infringements issued for overstaying the time limit since the pay parking was introduced, indicating a much higher turnover rate as a result of the introduction of ticket machines.

**D1. PARKING MANAGEMENT IN LITTLE SAIGON SHOPPING
PRECINCT, FOOTSCRAY (continued)**

	Number of Infringements Issued for Parking Longer than Permitted	
	12 June 2004 - 12 June 2005 (Before ticket machines)	12 June 2005 - 12 June 2006 (After ticket machines)
Nicholson Street Between		
Irving Street and Paisley Street	471	161
Droop Street and Dennis Street	240	9
Dennis Street and Donald Street	3	5
Hopkins Street and Byron Street	6	0
Byron Street and Ryan Street	6	0
Ryan Street and Donald Street	1	1
Totals	727	176

Other Councils

Discussions have been held with officers from other metropolitan councils that have pay parking in commercial / retail areas. The information obtained confirms that higher turnover and time limit compliance levels were achieved and the officers were not aware of any adverse economic impact on surrounding businesses. A summary of the locations, time limits and parking charges is shown below.

COUNCIL	LOCATION	TIME LIMIT	CHARGE
Hobsons Bay	Nelson Place, Williamstown	2P	\$2.20 / hr
Yarra	Richmond	1P	\$2.40 / hr
Port Phillip	Acland Street, Fitzroy Street area, St Kilda	1P and 2P	\$3 / hr
Maribyrnong	Footscray CAD	1P and 2P	90c /hr

Impact on Retail Turnover

The City of Port Philip (*Parking Plan – Towards 2010*,) reports:
“According to advice Council has received, a shopping centres’ economic viability should not be adversely affected by installation of paid parking. Acknowledged experts in the area of parking management, have advised that where there is a captive market, the introduction of paid parking does not have much effect on parking demand of an area. When paid parking is installed, it results in a higher turnover of vehicles, and additional parking opportunities are thereby provided; the number of vehicles parked in an area is not reduced, and paid parking by its very nature can only increase parking supply and opportunities”.

D1. PARKING MANAGEMENT IN LITTLE SAIGON SHOPPING PRECINCT, FOOTSCRAY (continued)

“The most convenient bays close to the shops should be priced to attract high-value trips, those that are willing to pay for the convenience of being able to make quick purchases” (Sinclair Knight Merz, 1999 “*Subiaco Parking Strategy*”). According to this report more efficient use of all available parking bays results in increased economic activity for retailers in the main city centre streets. Customers who require longer to make purchases, or who require lower cost parking, will then park in off-street car parks rather than using on-street car parking spaces. Customers are therefore offered more consumer choice, depending on their own particular circumstances and shopping/business needs.

In Old Pasadena, California USA, parking meter revenue was used for public improvements to help revitalize the city. Despite initial opposition from the businesses, parking meters were installed on the condition that the meter revenue be spent on public investment along with a marketing campaign to tell shoppers what their meter money was funding. The resulting public improvements have increased private investment, property values and sales tax revenues. (*Parking: The Way to Revitalisation – Turning Small Change into Big Changes*. D Shoup and D Kolozvari 2003)

2. COUNCIL POLICY

The Maribyrnong Integrated Transport Strategy adopted by Council lists under Actions for Parking, the development and implementation of parking management plans for a number of key areas in the City including the Footscray CAD.

Council has adopted the introduction and staged rollout of parking ticket machines within the Footscray Central Activities District through the Parking Management Strategy. An amount of \$50,000 was allocated in the current financial year’s budget for the second stage of ticket machines in the Footscray CAD around the Little Saigon precinct.

3. COUNCIL PLAN

The Council Plan 2006 – 2010 contains the following strategic objective:

Council will 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 the community and the environment.

Strategies include:

- Plan for and manage an effective parking system for the city.
- Promote and support programs and initiatives that encourage sustainable transport
- Encourage active community participation in the decision making process

D1. PARKING MANAGEMENT IN LITTLE SAIGON SHOPPING PRECINCT, FOOTSCRAY (continued)

4. DISCUSSION

While it is understood that some traders are concerned that pay parking may discourage customers from driving to Footscray, improved parking turnover resulting from the pay and display ticket parking is likely to result in more shoppers and visitors, enhancing businesses in the area. Parking income can fund improved operational services, capital works and security measures, adding to the attractiveness of the area.

FABA have made a comparison between Footscray and Highpoint shopping centre, suggesting that for businesses to be successful they need to be able to provide free parking spaces. It is suggested that Highpoint is catering for a different market to Footscray and the people coming to Footscray will still come if they know they can get a carpark close to the shops even if they have to pay a small parking fee. This is supported by the success of the private pay parking operators on private land around the CAD and in the multi deck private pay parking at Little Saigon, the Plaza and the market. It is further suggested that Council also obtain some parking revenue in return for the use of highly valuable parking spaces, and that this revenue be used to help create a much safer and more pleasant place to work and shop in Footscray.

The decision taken by Council in 2004 to proceed with the extension of pay and display parking into the Footscray shopping area in the Footscray Parking Management Strategy was not taken lightly. Council was aware of the perceived impact on businesses by some traders in the area and that it would not likely be a popular decision. However, after weighing up the expert advice received from the consultants at the time; the desire to increase parking turnover to improve parking opportunities for shoppers and visitors to Footscray; and the obvious need to better manage the parking and traffic congestion, Council made its decision to proceed with the pay parking in Footscray.

A Way Forward

Council will need to carefully consider the financial and parking management implications of any change to the current paid parking policy for Footscray. An option that Council could consider includes removal of the two machines in the off-street carpark on Byron Street (retaining the on-street machines) and deferring a decision on the installation of ticket machines in the off-street carparks of Footscray until further research, information collection and consultation has been undertaken.

It is recommended that Council continue implementation of the adopted parking management strategy for Footscray, relating to the rollout of on-street paid parking within the Footscray CAD, in accordance with the Footscray Central Activities District Parking Management Strategy 2004 and available funding.

D1. PARKING MANAGEMENT IN LITTLE SAIGON SHOPPING PRECINCT, FOOTSCRAY (continued)

The removal of the ticket machines from the carpark will make it difficult to achieve the desired turnover of parking spaces to assist shoppers and improve business trade in the area. It is suggested that to improve the turnover in the Byron Street off-street carpark, the 2P restriction be reduced to 90 minutes and enforcement increased within the area accordingly.

In response to the other issues raised by FABA it is suggested that:

- A review of the parking turnover rates and occupancy levels of this parking area be undertaken in twelve months.
- For the first year, the parking fee will be set at 90 cents per hour between 8am and 6pm. Parking is free outside these times. After the introductory year, the parking cost is proposed to be set at \$1.00 per hour for the following two years.
- Free 15 minute parking spaces be provided (in consultation with FABA) in appropriate locations around the Little Saigon Shopping Precinct to cater for the short term parking demand
- A further report be presented to Council outlining a community information and education program on Council's parking management policies and strategy within the Footscray CAD.
- Continued consultation occur with FABA on parking management changes in the Little Saigon Shopping Precinct.

Council is committed to major upgrade works in the Footscray CAD including Maddern Square, the Mall and the Droop Street carpark with funding for these major projects supplemented from revenues and fines collected from the parking ticket machines. In the past seven years (2000/2001 to 2006/2007), Council budgeted expenditure on capital and strategic initiatives for Footscray has been \$4.31 million.

It is evident from the petition submitted by FABA that a significant number of visitors and shoppers come from outside Footscray, with many from outside the municipality. To determine the shopping catchment of Footscray and a better understanding of why, how and when people come to shop in Footscray, it is suggested that a research survey could be undertaken. This would assist Council on a number of levels other than parking management, for example in the planning for the Footscray Transit City / Principal Activity Center development. It is recommended that a shopper/visitor origin - destination study in the Footscray CAD be considered for inclusion as a strategic initiative in the 2007/2008 Council budget.

5. FINANCIAL / BUDGETARY IMPLICATIONS

Removing the two machines would result in an estimated net loss of \$169,000 in the current Council budget, allowing for estimates of ticket machine revenue, fines relating to the pay and display parking, and fines issued after the machines are removed.

D1. PARKING MANAGEMENT IN LITTLE SAIGON SHOPPING PRECINCT, FOOTSCRAY (continued)

It is proposed that the two machines be used to replace existing old Focus machines that are due for replacement and the cost of relocating the machines be met from the current ticket machine maintenance budget.

6. CONCLUSION

The significant opposition to the introduction of paid parking in the area, generated by FABA and the local traders in the Little Saigon Shopping Precinct, suggests that Council's policy on this issue has not been fully explained or understood by the community. A community information and education program on public parking management within the Footscray CAD would assist traders and shoppers understanding of the strategy.

To alleviate FABA's major concern, it is recommended that Council remove the two parking ticket machines from the Byron Street off- street carpark and that Council not proceed with the installation of paid parking in off-street public car parking areas within the Footscray CAD at this time.

It is also proposed that the carparking turnover rates and parking compliance and enforcement in the area be monitored, and that the information gathered be reported to Council in twelve months, together with a further review of paid parking in the off-street carparks in the CAD.

FABA is an important local business organisation that Council would like to work closely with in partnership with other key stakeholders to progress the redevelopment of Footscray into a vibrant and prosperous place for all businesses, shoppers and visitors. It is recommended that an invitation extended to FABA to join and participate in the Footscray Reference Group to work towards better long term outcomes for Footscray.

OFFICER RECOMMENDATION TO COUNCIL

That Council note the concerns raised by the Footscray Asian Business Association (FABA) relating to the installation of 'pay and display' parking ticket machines in central Footscray and that:

- 1. Council remove the two parking ticket machines from the Byron Street off- street carpark.**
- 2. Council not proceed with the installation of paid parking in off-street public car parking areas within the Footscray CAD at this time.**
- 3. Council continue the implementation of the adopted parking management strategy for Footscray relating to the rollout of on-street paid parking within the Footscray CAD in accordance with the Footscray Central Activities District Parking Management Strategy 2004.**

**D1. PARKING MANAGEMENT IN LITTLE SAIGON SHOPPING
PRECINCT, FOOTSCRAY (continued)**

4. A further report be presented to Council outlining a community information and education program on public parking management within the Footscray CAD.
5. The parking fees in the Footscray CAD be capped at a maximum charge of \$1.00 per hour over the three financial years (2006/2007, 2007/2008 and 2008/2009).
6. A limited number of free 15 minute parking spaces be provided (in consultation with FABAs) at selected locations around the Little Saigon Shopping Precinct to cater for the short term parking demand.
7. The Byron Street off- street carparking time restrictions be amended from two hour parking to 90 minutes (8am to 6pm) to provide higher parking turnover rates in the carpark.
8. The carparking turnover rates and parking compliance and enforcement be monitored and that the information gathered be reported to Council in twelve months including a review of the Parking Plan relating to ticket parking in the off-street carparks of Footscray.
9. FABAs be advised of Council budgeted expenditure on capital and strategic initiatives for Footscray over recent years and that the Droop Street public carpark be reconstructed and improved to create additional public parking in the precinct this financial year.
10. Council acknowledges FABAs' important and valuable contribution to the Footscray community and that a further invitation be extended to FABAs to join and participate in the Footscray Reference Group.
11. A shopper / visitor origin - destination study in the Footscray CAD be considered for inclusion as a strategic initiative in the 2007/2008 Council budget.

Cr. J. Rice/Cr M. Clarke

That Council note the concerns raised by the Footscray Asian Business Association (FABA) relating to the installation of 'pay and display' parking ticket machines in central Footscray and that:

1. Council remove the two parking ticket machines from the Byron Street off- street carpark.
2. Council continue the implementation of the adopted parking management strategy for Footscray relating to the rollout of on-street paid parking within the Footscray CAD in accordance with the Footscray Central Activities District Parking Management Strategy 2004.
3. A further report be presented to Council outlining a community information and education program on public parking management within the Footscray CAD.
4. The parking fees in the Footscray CAD be capped at a maximum charge of \$1.00 per hour over the three financial years (2006/2007, 2007/2008 and 2008/2009).

**D1. PARKING MANAGEMENT IN LITTLE SAIGON SHOPPING
PRECINCT, FOOTSCRAY (continued)**

5. A limited number of free 15 minute parking spaces be provided (in consultation with FABA) at selected locations around the Little Saigon Shopping Precinct to cater for the short term parking demand.
6. The Byron Street off- street carparking time restrictions be amended from two hour parking to 90 minutes (8am to 6pm) to provide higher parking turnover rates in the carpark.
7. The carparking turnover rates and parking compliance and enforcement be monitored and that the information gathered be reported to Council in twelve months including a review of the Parking Plan relating to ticket parking in the off-street carparks of Footscray.
8. FABA be advised of Council budgeted expenditure on capital and strategic initiatives for Footscray over recent years and that the Droop Street public carpark be reconstructed and improved to create additional public parking in the precinct this financial year.
9. Council acknowledges FABA's important and valuable contribution to the Footscray community and encourages their active continued involvement in working with Council on Footscray issues and that a further invitation be extended to FABA to join and participate in the Footscray Reference Group and to work alongside the Footscray Trader Group.
10. A shopping / visitor origin – destination study in the Footscray CAD be considered for inclusion as a strategic initiative in the 2007/2008 Council budget.

CARRIED.

Cr C. Cumming/Cr J. Rossiter

*That Council suspend standing orders to enable Dai Nguyen,
President of FABA to address the Council on this issue.*

CARRIED.

Cr C. Cumming/Cr J. Rossiter

That Council resume standing orders.

CARRIED.

D2. PROPOSED SALE OF SURPLUS COUNCIL LAND, PART OF 14 CHARLOTTE ST YARRAVILLE

File No. 80/32/58
Minute No. 73/2006

PURPOSE OF REPORT

The purpose of this report is to inform Council of an approach by the registered proprietors of 12 Charlotte Street, Yarraville wishing to acquire a strip of Council freehold land measuring 3m wide by 46m long with an area of approximately 165sqm.

1. BACKGROUND

Council acquired the property located at 14 Charlotte St in 1956 from the original subdivision. The parcel of land has a total area of 1,400sqm, however it is significantly encumbered by a large drainage easement bisecting the property diagonally, hence rendering the site unusable as a development site. The land is currently zoned Public Park and Recreation.



2. COUNCIL POLICY

The land is surplus to Council's requirements and as such should be sold in accordance with Council's Property Policy subject to the requirements of the Local Government Act (1989).

D2. PROPOSED SALE OF SURPLUS COUNCIL LAND, PART OF 14 CHARLOTTE ST YARRAVILLE (continued)

3. DISCUSSION

The registered proprietor of 12 Charlotte St, Yarraville has contacted Council looking to acquire a 3m wide strip of Council freehold land adjacent to their property for the purposes of future development. Development of Council's freehold parcel for a use other than open space would be hindered by the large drainage easement. The strip of land proposing to be sold is not affected by this easement and offers an opportunity to increase the development potential of 12 Charlotte St.

The subject property is located adjacent to the Stony Creek and is currently underutilised as open space when compared to the other side of Stony Creek, where there is a children's playground and open space with walking paths for public use. Open Space has advised there will be negligible impact on the amount of Open Space in the area. The subject property does not form part of Cruickshank Park, and is only connected visually on the opposite side of the creek.

The land is currently zoned for Public Park and Recreation and will need to be rezoned to Residential 1 Zone prior to the sale to maximise the potential of the site and Council's return. A tree is in existence on the subject parcel of land and a discussion with Council's Trees Crew identified the tree as a *Melaleuca Arillaris* and assessed as of no significance.

This report has been prepared by Property in consultation with Leisure and Open Space, the Trees Crew and Strategic Planning.

4. FINANCIAL / BUDGETARY IMPLICATIONS

A market valuation will be instructed for the subject property with the selling price set at a figure not less than full market value.

5. CONCLUSION

Council approval is sought to undertake statutory processes in accordance with Section 189 of the Local Government Act. The process includes the giving of public notice, any submissions received will be dealt with by a Committee appointed pursuant to Section 223 of the Local Government Act. This Committee will have the statutory responsibility to report back to Council on whether it considers that the proposed sale should be pursued.

As there are no other potential purchasers for this site due to its location and encumbrances, this is an opportunity to reduce Council's underutilised land parcels.

D2. PROPOSED SALE OF SURPLUS COUNCIL LAND, PART OF 14 CHARLOTTE ST YARRAVILLE (continued)

OFFICER RECOMMENDATION TO COUNCIL

1. That pursuant to Section 189 of the Local Government Act 1989 (The “Act”), the Maribyrnong City Council (The “Council”) gives notice of its intention to sell approximately 165sqm being part of 14 Charlotte Street, Yarraville, title reference Volume 8107 Folio 120 by private treaty.
2. In accordance with s223 of “The Act”, Council publishes a public notice of its intention to sell and hear any submissions in respect of that public notice and will subsequently resolve whether or not to sell the land.
3. That a Committee of Council consisting of three Councillors,
1) Councillor.....; 2) Councillor.....;
3) Councillor....., be appointed pursuant to Section 223 of “The Act” to hear submissions in relation to the proposed sale on the date to be advertised.
4. That following completion of the process in accordance with Section 223 of “The Act”, a final report be prepared for Council’s consideration.
5. That in the event that there are no submissions opposing Council’s Notice of Intention to sell the land, Council hereby resolves to sell the land and delegates the General Manager Infrastructure Services the authority to enter into a contract of sale to the satisfaction of Council’s legal advisors.
6. That a valuation be instructed, and the selling price for the property be set by the General Manager Infrastructure Services with reference to a market valuation in accordance with section 189 of “The Act”.
7. That the sale be made conditional upon successful rezoning of the land to Residential 1 Zone.

Cr M. Clarke/Cr J. Cutri

1. That pursuant to Section 189 of the Local Government Act 1989 (The “Act”), the Maribyrnong City Council (The “Council”) gives notice of its intention to sell an area not exceeding 138sqm being part of 14 Charlotte Street, Yarraville, title reference Volume 8107 Folio 120 by private treaty.
2. In accordance with s223 of “The Act”, Council publishes a public notice of its intention to sell and hear any submissions in respect of that public notice and will subsequently resolve whether or not to sell the land.

**D2. PROPOSED SALE OF SURPLUS COUNCIL LAND, PART
OF 14 CHARLOTTE ST YARRAVILLE (continued)**

3. That a Committee of Council consisting of three Councillors, 1) Councillor Rice; 2) Councillor Rossiter; 3) Councillor Clarke, be appointed pursuant to Section 223 of “The Act” to hear submissions in relation to the proposed sale on the date to be advertised.
4. That following completion of the process in accordance with Section 223 of “The Act”, a final report be prepared for Council’s consideration.
5. That in the event that there are no submissions opposing Council’s Notice of Intention to sell the land, Council hereby resolves to sell the land and delegates the General Manager Infrastructure Services the authority to enter into a contract of sale to the satisfaction of Council’s legal advisors.
6. That a valuation be instructed, and the selling price for the property be set by the General Manager Infrastructure Services with reference to a market valuation in accordance with section 189 of “The Act”.
7. That the sale be made conditional upon successful rezoning of the land to Residential 1 Zone.

CARRIED

D3. PROPOSED SALE OF SURPLUS COUNCIL LAND, PART OF 53 NICHOLSON STREET FOOTSCRAY

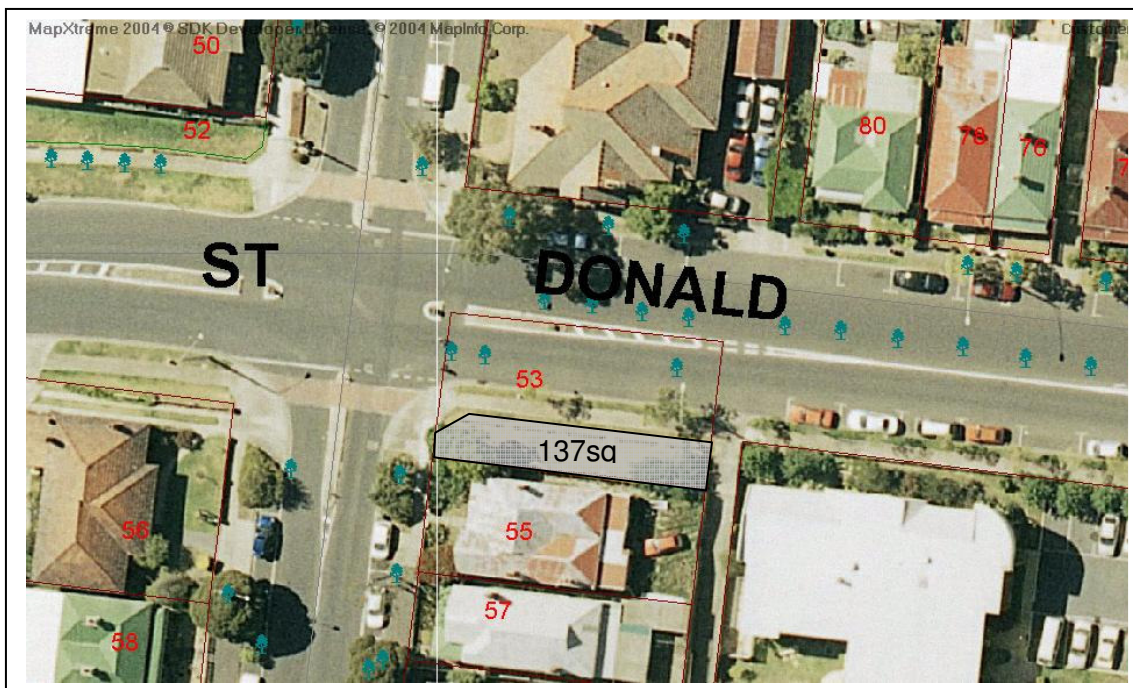
File No. 80032057
Minute No. 74/2006

PURPOSE OF REPORT

The purpose of this report is to inform Council of an approach by the registered proprietors of 55 Nicholson Street, Footscray wishing to acquire a strip of Council owned land of approximately 137sqm, previously known as 53 Nicholson Street, Footscray.

1. BACKGROUND

Council acquired the property located at 53 Nicholson Street in 1978 to enable widening of Donald Street and the formation of the Footscray Ring Road. The majority of the property is located underneath Donald Street and classified as a Road Zone Category 2, however the section in question is Residential 1 Zone.



D3. PROPOSED SALE OF SURPLUS COUNCIL LAND, PART OF 53 NICHOLSON STREET, FOOTSCRAY (continued)

2. COUNCIL POLICY

The land is surplus to Council's requirements and as such should be sold in accordance with Council's Property Policy subject to the requirements of the Local Government Act (1989).

3. DISCUSSION

The registered proprietor of 55 Nicholson Street wishes to acquire the strip of land adjacent to their property for the purposes of future development. Subsequent to investigations into whether this site was marketable as a separate entity, Council's Planning Department has indicated that due to the extreme site constraints, the site although it may be developable, would be very difficult, hence it would not be desirable to sell it as a separate development site. Accordingly, the best way forward is to sell the land to the adjoining owner.

Also considered has been the use of the site as additional parking for the public. This issue was discussed with Council's Transport and Special Projects team who advised that due to the location of the traffic island in Donald Street, the setback from Nicholson Street and the restricted width of the block, the provision of additional angle parking would be minimal.

Discussions were also held with Council's City Place and Design team in reference to the proposed Greening Footscray Strategy and how the site may fit into the proposed strategy. The strategy proposes to have plantings along the Donald Street section of the Ring Road, within the parking bays, with the intention of creating an Avenue effect. The site located at 53 Nicholson Street has not been identified as a potential planting site as it would not contribute to the intended purpose of the strategy.

This report has been prepared by Property in consultation with input and advice from Engineering, City Place and Planning, Transport and Special Projects, Open Space and Council's Planning department.

4. FINANCIAL / BUDGETARY IMPLICATIONS

A market valuation will be acquired for the subject property. The selling price will be a figure not less than full market value.

D3. PROPOSED SALE OF SURPLUS COUNCIL LAND, PART OF 53 NICHOLSON STREET, FOOTSCRAY (continued)

5. CONCLUSION

Council approval is sought to undertake statutory processes in accordance with Section 189/192 of the Local Government Act 1989. The process includes the giving of public notice, any submissions received will be dealt with by a Committee appointed pursuant to Section 223 of the Local Government Act. This Committee will have the statutory responsibility to report back to Council on whether it considers that the proposed sale should be pursued.

Given the limited development opportunities of the remaining portion of Council's freehold title, there would be no other potential purchaser of the land. This is an opportunity for Council to rationalise its land holdings in the Footscray Business District. With the consolidation of Council freehold land with the neighbouring owners title, full development potential can be reached for both properties.

OFFICER RECOMMENDATION TO COUNCIL

- 1. That pursuant to Section 189/192 of the Local Government Act 1989 (“The Act”), the Maribyrnong City Council (The “Council”) gives notice of its intention to sell approximately 137sqm being part of 53 Nicholson Street, Footscray, title reference Volume 3369 Folio 673702 by private treaty.**
- 2. In accordance with s223 of “The Act” Council publishes a public notice of its intention to sell and hear any submissions in respect of that public notice and will subsequently resolve whether or not to sell the land.**
- 3. That a Committee of Council consisting of three Councillors,
1) Councillor.....; 2) Councillor.....;
3) Councillor....., be appointed pursuant to Section 223 of “The Act” to hear submissions in relation to the proposed sale on the date to be advertised.**
- 4. That following completion of the process in accordance with Section 223 of “The Act”, a final report be prepared for Council’s consideration.**
- 5. That in the event that there are no submissions opposing Council’s Notice of Intention to sell the land, Council hereby resolves to sell the land and delegates the General Manager Infrastructure Services the authority to enter into a contract of sale to the satisfaction of Council’s legal advisors.**
- 6. That a valuation be instructed, and the selling price for the property be set by the General Manager Infrastructure Services with reference to a market valuation in accordance with section 189 of the Local Government Act.**

D3. PROPOSED SALE OF SURPLUS COUNCIL LAND, PART OF 53 NICHOLSON STREET, FOOTSCRAY (continued)

Cr. J. Rice/Cr M. Clarke

1. That pursuant to Section 189/192 of the Local Government Act 1989 (“The Act”), the Maribyrnong City Council (The “Council”) gives notice of its intention to sell approximately 137sqm being part of 53 Nicholson Street, Footscray, title reference Volume 3369 Folio 673702 by private treaty.
2. In accordance with s223 of “The Act” Council publishes a public notice of its intention to sell and hear any submissions in respect of that public notice and will subsequently resolve whether or not to sell the land.
3. That a Committee of Council consisting of three Councillors, 1) Councillor Rice; 2) Councillor Lynch; 3) Councillor Clarke, be appointed pursuant to Section 223 of “The Act” to hear submissions in relation to the proposed sale on the date to be advertised.
4. That following completion of the process in accordance with Section 223 of “The Act”, a final report be prepared for Council’s consideration.
5. That in the event that there are no submissions opposing Council’s Notice of Intention to sell the land, Council hereby resolves to sell the land and delegates the General Manager Infrastructure Services the authority to enter into a contract of sale to the satisfaction of Council’s legal advisors.
6. That a valuation be instructed, and the selling price for the property be set by the General Manager Infrastructure Services with reference to a market valuation in accordance with section 189 of the Local Government Act.

LOST.

Cr Cutri called a Division

FOR:

Cr Cutri
Cr Rice
Cr Clarke

AGAINST:

Cr MacDonald
Cr Cumming
Cr Rossiter
Cr Lynch

D4. PROPOSED LEASE OF PART OF NEW WEST FOOTSCRAY COMMUNITY HUB TO WEST FOOTSCRAY NEIGHBOURHOOD HOUSE

File No. COP-RN116-BD020
Minute No. 75/2006

PURPOSE OF REPORT

The purpose of this report is to inform Council and to seek delegation to enter into a lease with the West Footscray Neighbourhood House for part of the new Community Hub.

1. BACKGROUND

The Neighbourhood House currently situated at 648 Barkly St, West Footscray, was purchased by Council in February 1988 with the assistance of the Department of Sport and Recreation providing matching funding for the purchase and renovation of the property to establish a neighbourhood house.

The Neighbourhood House was officially opened in October 1990 by the Mayor, Cr. Ron Jevic. The existing Neighbourhood House has provided valuable services to the community for over the past 16 years and is now at a point where it has outgrown the existing facility.

2. COUNCIL POLICY

Council policy regarding Neighbourhood Houses and Community Centres affirms the following:

Vision

That each neighbourhood in the City of Maribyrnong has a Neighbourhood House / Community Centre as a focus for community life.

Mission

To support the Neighbourhood Houses and Community Centers in the City of Maribyrnong in order that they provide a focus for neighbourhood activity and a hub around which the community is able to organize.

D4. PROPOSED LEASE OF PART OF NEW WEST FOOTSCRAY COMMUNITY HUB TO WEST FOOTSCRAY NEIGHBOURHOOD, WEST FOOTSCRAY (continued)

3. COUNCIL PLAN

The Council Plan 2006-2010 affirms the following:

Our Vision:

A thriving caring community actively celebrating its cultural diversity, its unique history, and working towards a sustainable future where people enjoy safe and vibrant places and lead healthy productive lives.

Strategic Objective

Community, leisure & cultural facilities, programs and spaces 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.

4. DISCUSSION

Council at its Ordinary Meeting on 21 June 2005, resolved to sell the Neighbourhood House with the net proceeds from the sale to be directed towards the redevelopment of the new West Footscray Community Hub.

In accordance with Council's resolution, the property was placed on the market and sold at auction on 23 September 2006 for \$324,000.

As the proposed lease at the new West Footscray Community Hub falls under the Retail Leases Act (2003) as amended, Council as the Landlord must offer a minimum term of five (5) years.

It is now proposed to lease part of the new West Footscray Community Hub to the Neighbourhood House for the term of five years with two further terms of two years at a nominal rental. A plan of the proposed leased areas is attached.

The lease will enable the Neighbourhood House to continue providing its valuable services to the community.

5. FINANCIAL / BUDGETARY IMPLICATIONS

Legal costs will be incurred by Council in the preparation of the legal documentation but will be absorbed into its allocated operational budget.

**D4. PROPOSED LEASE OF PART OF NEW WEST
FOOTSCRAY COMMUNITY HUB TO WEST FOOTSCRAY
NEIGHBOURHOOD, WEST FOOTSCRAY (continued)**

6. CONCLUSION

The West Footscray Neighbourhood House has been operating at 648 Barkly St since 1990 and has been a great service to the community. The facilities available to the Neighbourhood House at the new building will greatly enhance their services and enable them provide a greater benefit to the community.

8:25 PM Cr C. Cumming declared a pecuniary interest in this item as she is a member of the West Footscray Library and left the Chamber..

OFFICER RECOMMENDATION TO COUNCIL

That Council:

1. Enter into a lease for a period not exceeding 9 years at a nominal rental.
2. Delegate to the Manager Property the power to enter into a lease and agree to such other terms and conditions as are required and approved by Council's Legal Advisors.

Cr J. Rossiter/Cr M. MacDonald

That Council:

1. Enter into a lease for a period not exceeding 9 years at a nominal rental.
2. Delegate to the Manager Property the power to enter into a lease and agree to such other terms and conditions as are required and approved by Council's Legal Advisors.
3. Looks forward to the Opening of the West Footscray Community Hub on 24 October 2006.

CARRIED.

8:26 PM Cr C. Cumming returned to the Chamber.

D5. WESTGATE GOLF COURSE

File No. 45210004
Minute No. 76/2006

PURPOSE OF REPORT

The purpose of this report is to inform Council of the Land Management issues in relation to the Westgate Golf Course and to seek delegation to enter into a Memorandum of Understanding with Hobsons Bay City Council.

1. BACKGROUND

The Westgate Golf Club has been in occupation of land with various status without any formal tenure for a considerable period of time. The Department of Sustainability and Environment (DSE) and its predecessors have sought over a period of time to formalise the tenure of the Westgate Golf Club. Part of its strategy was for both Maribyrnong and Hobsons Bay City Councils to surrender and transfer Council freehold land occupied by the Club, to the Crown, for subsequent reservation and management by the Councils as appointed Committees of Management. This proposal was not supported by the respective Councils. To date the land management issues remain unresolved.

The Westgate Golf Course traverses the municipal boundary between Maribyrnong and Hobsons Bay City Council. The course of the creek was altered some time ago, leaving uncertainty as to whether the boundary should be the original or current course of the creek. Recently both Councils agreed to the boundary being along the current course of Stony Creek.

Public Access to the Golf Course

The issue of public access to the golf course and in particular to the Creek and Anderson Reserve had been the subject of some debate in the past. Councillors, local residents, Friends of Stony Creek and the Golf Club met on a number of occasions on the matter. There was major concern in relation to public safety, the operations of the golf course and the risk to Council in allowing unfettered access to all parts of the golf course. Council sought legal advice in relation to the matter and was advised that allowing such access would be an unacceptable risk.

It should be noted that Council does not control the land along the creek, both Melbourne Water and Vic Track have substantial interests and both expressed concern to any form of access to their landholdings (see attachment 1)

D5. WESTGATE GOLF COURSE (continued)

In response to enhancing access to open space in the area, Council constructed a path around the golf course linking existing open space not being used as a golf course. Council is also purchasing 2 parcels of land at the end of Morven Street from Melbourne Water to increase open space along the linear path. This was considered to be the most appropriate way of securing the competing community needs for active and passive recreation space in this area.

2. COUNCIL POLICY

The formalisation of the land tenure issues at the Westgate Golf Course is in line with Council's Sports Development Strategy to ensure all user groups have up-to-date written occupancy agreements which clearly set out the expectations of both Council and user groups, and which specify obligations, responsibilities, conditions of use, and the costs related to the use and occupancy of the facility.

3. DISCUSSION

The realignment of the boundary has created a hiatus between the administrative boundary and physical boundary of the respective councils. Council has been in discussion with DSE and Hobsons Bay City Council in relation to this matter. DSE has written to Council (see attached), indicating its preparedness to reserving those areas of unreserved Crown Land for public recreation, and as these traverse both municipal boundaries, its willingness, subject to the agreement of both councils, to appoint both as joint Committee of Management. The advantage in having a joint Committee of Management appointed is that it can potentially accelerate the resolution of other land management issues, and reduce the necessary formalities that would need to be undertaken individually by both councils to effect such arrangements.

Of course Council can choose to be only appointed Committee of Management for that part of the land that is within its own municipal boundary.

The management of the described Crown land parcels will go some way to addressing and progressing the various land management and lease issues surrounding the Westgate Golf Course. The existing occupation by the Golf Club for Crown and freehold land is on a permissive occupancy basis (there are no written agreements in place). Council is simply facilitating the use of the land by the Club.

Consideration needs to be given to Council's preferred position regarding the management of the described Crown land parcels. Discussions have been held with officers of Hobsons Bay City Council in relation to the matter, who have expressed support for a joint Committee of Management arrangement.

DSE have advised that they require both councils agreement to being appointed joint Committees of Management.

The resolution of other land management issues, such as occupancy agreements with the Golf Club of Crown and freehold land parcels will be the subject of a further report.

D5. WESTGATE GOLF COURSE (continued)

These land management issues will trigger a series of statutory processes to be undertaken.

The occupation of land/property via a tenancy agreement better protects the interests of the respective parties and provides for an easier administration of the land management issues.

4. FINANCIAL / BUDGETARY IMPLICATIONS

Hobsons Bay City Council and Maribyrnong Council will share the legal costs incurred in preparing the legal documentation. These costs will be covered within existing operational budget.

5. CONCLUSION

The land management issues surrounding the Westgate Golf Course have remained unresolved for a considerable period of time. Addressing and formalising the management of the described Crown land parcels will accelerate the resolution of the remaining land management and tenure issues.

OFFICER RECOMMENDATION TO COUNCIL

That Council:

- 1. Agrees to being appointed joint Committee of Management for that section of Crown Land shown hatched in the attachment to this report.**
- 2. Advises Hobsons Bay City Council of Council's support for a joint Committee of Management and seeks their agreement to such an arrangement.**
- 3. Negotiates a Memorandum of Understanding with Hobsons Bay City Council as part of the ongoing management of the described Crown Land parcel.**
- 4. Subject to agreement with Hobsons Bay City Council, Council advises the Department of Sustainability and Environment that it agrees to being appointed joint Committee of Management for that section of land marked "CL Joint CM" shown in the attachment to this report.**
- 5. Delegates to the General Manager Infrastructure Services to negotiate and sign all documents required to effect the above Memorandum of Understanding and Committee of Management.**

D5. WESTGATE GOLF COURSE (continued)

Cr D. Lynch/Cr J. Rossiter

That Council:

- 1. Agrees to being appointed joint Committee of Management for that section of Crown Land shown hatched in the attachment to this report.**
- 2. Advises Hobsons Bay City Council of Council's support for a joint Committee of Management and seeks their agreement to such an arrangement.**
- 3. Negotiates a Memorandum of Understanding with Hobsons Bay City Council as part of the ongoing management of the described Crown Land parcel.**
- 4. Subject to agreement with Hobsons Bay City Council, Council advises the Department of Sustainability and Environment that it agrees to being appointed joint Committee of Management for that section of land marked "CL Joint CM" shown in the attachment to this report.**
- 5. Delegates to the General Manager Infrastructure Services to negotiate and sign all documents required to effect the above Memorandum of Understanding and Committee of Management.**

CARRIED.

D6. RESOURCE RECOVERY SERVICES FOR DOMESTIC REFUSE (WET MRF)

File No. WMG-60-005
Minute No. 77/2006

PURPOSE OF REPORT

The purpose of this report is to update Council on the progress made to date in relation to the Wet Materials Recovery Facility (Wet MRF) for processing domestic refuse.

1. BACKGROUND

A report was presented to Council on 21 June 2005 in relation to Resource Recovery Services for Recyclables and Refuse. At that meeting Council resolved:

- “1. That the Chief Executive Officer, Kerry Thompson be authorised to enter into a contract with SKM Recycling Pty Ltd for receiving of recyclables (Dry MRF) following acceptance of the contract documentation by the WRWMG Management Committee.*
- 2. That a further Report be presented to Council on the Wet MRF once the information from the EPA and Treasury and Finance regarding the costing and financial models is available.”*

As outlined in the report to Council in June 2005, the WRWMG advertised tenders for a regional ‘Wet Materials Recovery Facility’ (Wet MRF) to separate and process domestic waste for resource recovery in January 2004.

The WRWMG Management Committee resolved upon Global Renewables Limited (GRL) as the preferred Wet MRF tenderer in August 2004, following evaluation by a panel including representatives from member councils.

A number of briefings have been provided to councilors since June 2005 on the progress of the Wet MRF proposal.

2. COUNCIL POLICY

Council’s Waste Minimisation Strategy 2004-09 has a commitment to waste minimisation as part of its environmental sustainability objective. This includes working with the State Government on its proposed “Towards Zero Waste Strategy”.

D6. RESOURCE RECOVERY SERVICES FOR DOMESTIC REFUSE (WET MRF) (continued)

3. COUNCIL PLAN

One of the strategies in the Council Plan 2006-2010, under Amenity and Natural Environment, is to apply through government initiatives and programs the securing of funding towards infrastructure and environmental projects which will make life in Maribyrnong more sustainable.

4. DISCUSSION

The funding arrangements and the conditions of the proposed contract have been largely negotiated between WRWMG (in consultation with its member councils) and the preferred tenderer, Global Renewables Limited (GRL), leading to the preparation of a draft contract.

The State Government released its *Towards Zero Waste* Strategy in September 2005. As well as identifying priorities in addressing waste over the next 10 years, *Towards Zero Waste* establishes a state wide target to recover 65% of municipal waste for recycling by 2014. However, the State Government has not legislated or mandated this requirement on local councils.

Quantities of recyclables have increased since the introduction of the commingled recycling service to the Maribyrnong City Council in January 2005. The current recycling rate is 27.5%. Maribyrnong Council is unlikely to be able to comply with the *Towards Zero Waste* target under its current recycling system. One of the barriers to being able to meet its target is that approximately 20% of residential properties are flats, units or apartments.

The proposed Wet MRF provides a means of addressing this barrier. In diverting 75% of general waste from landfill, the Wet MRF together with the commingled recycling service will assist Maribyrnong Council to comply and exceed *Towards Zero Waste* target for resource recovery. It is believed that none of the local councils will be able to achieve this target of 65% without a facility such as the proposed Wet MRF.

Further environmental benefits of the GRL facility are:

- Environmentally responsible for ceasing putrescible waste going to landfill.
- Innovative in that the residual waste which does go to landfill will be processed to a solid inert standard.
- Protection of groundwater, reduced greenhouse gas emissions, environmentally responsible.

After construction and commissioning, the Wet MRF is anticipated to come into full operation in 2008/09 and for the first six years will attract a minimum gate fee of \$81.00/tonne. There are a number of circumstances and assumptions that need to come to fruition for this figure to be reached. The gate fee will increase over time as government grants are reduced. The net gate fee to Maribyrnong Council would be reduced by a number of factors which are summarised in the following table:

D6. RESOURCE RECOVERY SERVICES FOR DOMESTIC REFUSE (WET MRF) (continued)

Gate fee (per tonne)	LANDFILL	WET MRF	Gate fee (per tonne)
		81.00	\$81.00 Total gate fee
			\$79.65 Reduced by \$2 million RESF grant
			\$73.65 Further reduced by organics rebate
			\$55.00 Estimated net gate fee after further adjustment from a \$18.8 million Sustainability Fund Grant
\$32.55	27.90		
	Current Gate fee, including landfill levy		
<p>NOTES:</p> <ul style="list-style-type: none"> • RESF is the Renewable Energy Support Fund • The RESF grant and organics rebate are administered by Sustainability Victoria • The funding referred to above is subject to State Government approval • If approved, funding from the Sustainability Fund and the organics rebate will apply for five to six years • After the five to six year period, the gate fee will revert to \$79.65/tonne • The proposed grants are directed to the contracted throughput of the facility from all participating councils. • The above costs do not include transport and disposal of residual waste to landfill 			

The best case scenario is that costs will be reduced to \$55.00 per tonne over the first six years with State Government funding of \$18.8m (Sustainability Fund Grant from Department of Treasury and Finance). After that time (2015/16), the benefit of State Government contribution will not be available and councils would be liable for full cost of disposal at a cost of \$81.00/tonne. The gap in disposal cost may be reduced in time as landfill disposal cost increases depending on the EPA levy.

At present there is no certainty in predicting the future cost of landfill as the figures include an EPA levy which cannot be substantiated or necessarily relied on, as the movement is reliant on government policy. It is unlikely that this levy will increase dramatically as it would have a substantial impact on other metropolitan municipalities which are not part of the GRL contract. The disposal cost in 2015/16 to landfill would be in the region of \$52.50 or \$60.50 depending on the increase in the EPA levy of \$1.00 or \$2.00 per annum, compared to \$81.00 for disposal at GRL's facility.

D6. RESOURCE RECOVERY SERVICES FOR DOMESTIC REFUSE (WET MRF) (continued)

The cost structure for the proposed Wet MRF facility is based on the assumption that all nine member councils would divert the domestic refuse for processing. If not, GRL may have to source domestic refuse from other councils to ensure the proposal's viability.

A contract term of 20 years is proposed. This is considerably longer than contracts to date for waste management, owing to the need to amortise the estimated \$100m in capital investment over a period that will maintain contract costs at a management level for participating councils.

Parties to the contract are the Western Region Waste Management Group (WRWMG), its member councils and GRL. As at 1 October, 2006 the WRWMG was replaced by the new Metropolitan Waste Management Group (MWMG).

One of the most critical risks identified within the project is the level of assumption used in the financial modeling for the project. The potential costs of the project over the contract term contain a number of assumptions on future government policy settings and landfill disposal pricing. With such a high level of assumption used throughout the financial modeling process it is very difficult to confirm with any confidence the figures outlined in this report.

There are also further governance issues for Council arising from the existing contract and the change in waste management structures on a regional level.

Council has received advice from John Watson, Acting CEO of the MWMG that a Project Control Board shall be established to guide the GRL tender process. The Project Control Board shall consist of the CEO, or their delegate and the CEO of the MWMG. The Project Control Board shall appoint a project manager to directly manage the project.

The State Government has reduced the Sustainability Fund from \$18.8m to \$8.5m. Minister Thwaites conveyed this advice to the Western Region Waste Management Group on 28 September 2006. At the last Western Region Waste Management Committee meeting held on 5 October, 2006, Bruce Dorgan advised that the Federal Government funding was increased from \$20m to \$35m, however, there was no official substantiation of this offer.

5. FINANCIAL / BUDGETARY IMPLICATIONS

The total disposal cost based on the best case scenario is approximately \$45 million over the life of the contract.

Whilst the best case scenario might see the 'gap' in financial terms as low as \$17 per property per annum for the first five years, this translates to approximately \$13 million additional in rates to the community after the period of the contract.

D6. RESOURCE RECOVERY SERVICES FOR DOMESTIC REFUSE (WET MRF) (continued)

The decision to expand \$13 million for environmental outcomes needs to be weighed up against other community priorities such as social or infrastructure needs or other environmental initiatives.

Council's current land fill disposal contract with TWIGG has a projected lifespan of five years.

It is therefore imperative that planning commences early for the future of waste disposal.

The Productivity Commission of the Federal Government has recently released a draft waste management report for public comment. This draft report includes a finding that:

“Taking into account private and external costs and benefits, landfills operated to best practice standards and incorporating gas capture and electricity generation, are likely to be much less costly than “alternative waste technology” plants, in most, if not all circumstances.”

*The external costs mentioned above include an imputed cost for environmental emissions.

Any analysis of Council's waste disposal needs should therefore also consider landfill facilities that meet best practice guidelines. The western region have a number of landfill alternatives with significant capacity for the future.

6. CONCLUSION

Long term analysis of technology trends and directions indicates that alternative waste technology is still in its infancy. Potential technological advances in waste management over the twenty year life of the proposed contract are likely to be significant. Council would not be in the position to take advantage of new technology if it were locked into this contract.

It has been two and a half years since this tender closed and the gate fee would need to be adjusted upon the construction of the facility over the next two to three years. This price escalation alone makes the financial modelling less than robust.

Alternative waste treatment and disposal streams that are environmentally sustainable will be an imperative for future local government waste management services. The technology proposed under this contract appears to provide a significant contribution to the reduction of green house gas in relation to putrescible waste management. This environmental benefit needs to be measured against other solutions such as best practice landfill or emerging technologies. It's considered that the financial risks associated with the proposed WET MRF significantly outweigh the forecast benefits.

D6. RESOURCE RECOVERY SERVICES FOR DOMESTIC REFUSE (WET MRF) (continued)

The new MWMG now needs to manage a 'live tender' and will set up a Project Control Group for the management of the WET MRF tender evaluation. This process will include a probity audit, legal and financial modelling which will enable councils to make a more informed decision about participation.

OFFICER RECOMMENDATION TO COUNCIL

That Council write to the acting CEO of Metropolitan Waste Management Group to:

- 1. Note the process outlined in his letter of 20 September 2006 for ongoing management of the WET MRF tender process.**
- 2. Inform the acting CEO of Council's in principle support for the exploration of alternative waste disposal technologies on a regional basis.**
- 3. Advise that Council is not able to support the current tender process and proposed contract due to legal, financial and governance issues.**

Cr C. Cumming/Cr J. Rossiter

That Council write to the acting CEO of Metropolitan Waste Management Group to:

- 1. Note the process outlined in his letter of 20 September 2006 for ongoing management of the WET MRF tender process.***
- 2. Inform the acting CEO of Council's in principle support for the exploration of alternative waste disposal technologies on a regional basis.***
- 3. Convey Council's concerns, the resolution of which will be a precondition to Council considering the proposed contract.***
- 4. These concerns include:***
 - The joint and several relationships;***
 - The governance arrangements between the parties;***
 - The number and nature of gate fee triggers throughout;***
 - Specific information in relation to financial liability;***

D6. RESOURCE RECOVERY SERVICES FOR DOMESTIC REFUSE (WET MRF) (continued)

- *The guaranteed tonnage provisions in light of Council's efforts to reduce waste;*
 - *Funding uncertainties and possible financial exposure for Council.*
5. *Council supports the acting CEO MWMG in undertaking a due diligence and risk assessment of the current contract and tender process.*
 6. *Subject to the outcomes of the above, that the CEO provide a further report to Council.*
 7. *That Council congratulate the outgoing western region WMG for the visionary work undertaken to establish the first alternative waste technology facility in Victoria.*

CARRIED.

E1. DELEGATES' REPORT

File No. COUNCILLORS
Minute No. 78/2006

PURPOSE OF REPORT

The purpose of this report is to hear delegates' reports for the period 14 September - 11 October 2006.

1. BACKGROUND

Councillor participation in peak body associations, local and regional forums and specific issue 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. These committees operate outside of the Community Access and Strategic Policy Committee & 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.

2. COUNCIL POLICY

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.

3. COUNCIL PLAN

The Council Plan 2006-2010 commits to strengthening partnerships with community groups, agencies and service providers on matters of community interest.

4. DISCUSSION

Attached are the reports from delegates for the period 14 September – 11 October 2006.

E1. DELEGATES' REPORT (continued)

5. FINANCIAL / BUDGETARY IMPLICATIONS

There are no financial/budgetary implications associated with this report.

6. CONCLUSION

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

OFFICER RECOMMENDATION TO COUNCIL

That the delegates' reports be received and noted.

Cr C. Cumming/Cr M. Clarke

That the delegates' reports be received and noted.

CARRIED.

7. **Notice of Motion**
Nil

8. **Urgent Business**

Cr J. Cutri/Cr J. Rossiter

That Council consider an item of urgent business that deals with the representation of the Metropolitan Local Government Waste Forum.

This item is urgent because nominations for 4 Board positions on the Metropolitan Waste Management Group close on 8 November, prior to the next Council meeting. Council needs to appoint a representative to the above forum so that person nominated may stand for election to the Board or endorse another person to stand for election.

CARRIED.

Cr J. Cutri/Cr M. Clarke

That Cr Catherine Cumming be endorsed as Maribyrnong City Council's representative to the Metropolitan Local Government's Waste Forum, and that Mr John Foy, Council Manager of Operations be endorsed for the position of advisory member to the Metropolitan Local Government Waste Forum.

CARRIED.

9. Confidential Business

Cr J. Rossiter/Cr C. Cumming

That Council suspend Standing Orders at 8.45pm.

CARRIED.

Cr J. Rossiter/Cr M. MacDonald

That Council resume Standing Orders and go into a Confidential session at 8.50pm.

CARRIED.

Cr M. Clarke/Cr J. Rice

That the Council meeting re-open at 9.22pm..

CARRIED.

10. Close of Meeting

The Ordinary Council Meeting closed at 9:22 PM

Confirmed

Chairperson