

Moreland City Council

COUNCIL AGENDA

WEDNESDAY 11 MARCH 2009

COMMENCING 7 PM

FAWKNER SENIOR CITIZENS CENTRE
JUKES ROAD, FAWKNER

Language Link

This is the Agenda for the Council meeting.
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please telephone 9240 1111.

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要協助的地方，請打電話給“語言連接 (Language
Link)”翻譯服務，號碼9280 1910。

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Language Link al numero 9280 1911.

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هذا هو جدول أعمال اجتماع المجلس البلدي. للمساعدة
بأي بند من بنود جدول الأعمال الرجاء الاتصال بخط
Language Link على الرقم 9280 1913.

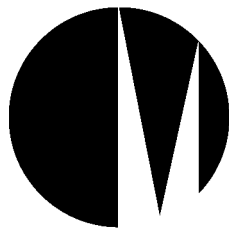
Belediye Meclisi Toplantısının gündem maddeleri
burada verilmiştir. Bu gündem maddeleri ile ilgili
yardıma ihtiyacınız olursa, 9280 1914 numaralı
telefondan Language Link tercüme hattını arayınız.

Đây là Nghị Trình cuộc họp của Ủy Ban Quy Hoạch
Đô Thị. Nếu muốn biết thêm chi tiết về đề tài thảo
luận, xin gọi điện thoại cho Language Link qua số
9280 1915.

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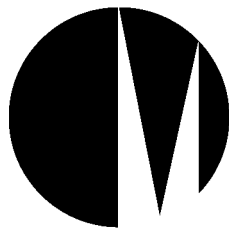
यह कौंसिल की बैठक का कार्यक्रम है। कार्यक्रम के किसी
भी विषय के बारे में सहायता के लिए कृपया 9280 1918
पर फोन कीजिए।



INFORMATION ABOUT COUNCIL MEETINGS

Moreland City Council encourages its citizens to participate in the local government of Moreland. Accordingly, these notes have been developed to help citizens better understand Council meetings. All meetings are conducted in accordance with Council's local legislation on Governance.

1. **WELCOME** The Mayor, who chairs the meeting, formally opens the meeting, delivers an acknowledgement of country and welcomes all present.
2. **APOLOGIES** Where a Councillor is not present, his/her absence is noted in the Minutes of the meeting.
3. **CONFIRMATION OF MINUTES** The minutes of the previous meeting are placed before Council to confirm the accuracy and completeness of the record.
4. **DECLARATION OF INTERESTS AND/OR CONFLICT OF INTERESTS** Under the *Local Government Act 1989*, a Councillor has a duty to disclose any direct or indirect pecuniary (financial) interest, s/he may have in any matter to be considered by Council that evening.
5. **PETITIONS** Council receives petitions from citizens on various issues. Any petitions received since the previous Council meeting are tabled at the meeting and the matter referred to the appropriate Council Director for consideration.
6. **MAYOR & COUNCILLORS CORRESPONDENCE** A list of correspondence received since the last meeting is considered by Councillors.
7. **REPORTS FROM COMMITTEE TO COUNCIL** Council considers reports from Committees that Councillors represent Council on.
8. **QUESTION TIME** This is an opportunity (30 minutes), for citizens of Moreland to raise questions with Councillors.
9. **"ON NOTICE" ITEMS FROM PREVIOUS COUNCIL MEETING** Items raised during Question Time at the previous Council meeting that were not able to be answered are responded to.
10. **COUNCILLORS ITEMS** Councillors may raise issues or matters of interest that are not listed on the meeting Agenda.
11. **COUNCIL REPORTS** Detailed reports prepared by Council's Administration are considered by Councillors and a Council position is adopted on the matters considered. The Mayor can invite firstly Councillors, secondly Officers, and then citizens in attendance to identify Council reports which should be given priority by the meeting and considered in the early part of the meeting.
12. **LATE REPORTS** Reports have not been submitted by such time that the Council Agenda is photocopied. These reports are identified in the Table of Contents and have been distributed separately. Copies of Late Reports are available at the Council Meeting.
13. **URGENT BUSINESS** The Chief Executive Officer or Councillors, with the approval of the meeting, may submit items of Urgent Business (being a matter not listed on the agenda) but requiring a prompt decision by Council.
14. **CONFIDENTIAL BUSINESS** Whilst all Council and Committee meetings of Council are open to its citizens, Council has the power under the *Local Government Act* to close its meeting to the general public in certain circumstances which are noted where appropriate on the Council Agenda. Where this occurs, members of the public leave the Council Chamber or Meeting room while the matter is being discussed.
15. **CLOSE OF MEETING** The Mayor will formally close the meeting and thank all present.
16. **NEXT MEETING DATE** The next Council meeting will be held on Wednesday 8 April 2009 commencing at 7 pm in the Council Chamber at the Brunswick Town Hall, corner Sydney Road and Dawson Street, Brunswick.



1. WELCOME

2. APOLOGIES

3. CONFIRMATION OF MINUTES

The minutes of the Council meeting held on 11 February 2009 be confirmed.

4. DECLARATION OF INTERESTS AND/OR CONFLICT OF INTERESTS

5. PETITIONS

(DO9/31466) 5 MURRELL STREET GLENROY – MPS/2008/752

A petition has been received from the Glenroy Memorial Pre-School containing 44 signatures objecting to the proposed development of land for seven double storey dwellings at 5 Murrell Street, Glenroy.

Recommendation:

1. The petition be received and noted.
2. The petition be referred to the Director City Development for consideration.
3. The first named signatory to the petition be advised of this action.
4. The Ward Councillors, Cr Matthews-Ward, Cr Kavanagh, Cr Yildiz and Cr Erdogan, will be advised of any consultative meeting arranged to discuss the planning permit application and will be advised of the outcome in this matter.

6. MAYOR AND COUNCILLORS' CORRESPONDENCE

7. REPORTS FROM COMMITTEE TO COUNCIL

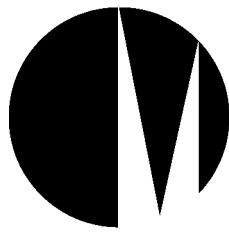
Nil.

8. QUESTION TIME

9. "ON NOTICE" ITEMS FROM PREVIOUS COUNCIL MEETING

Nil.

10. COUNCILLORS' ITEMS



11. COUNCIL REPORTS

CORPORATE SERVICES

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CITY INFRASTRUCTURE

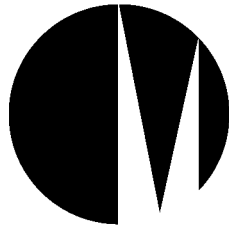
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12. LATE REPORTS

13. URGENT BUSINESS REPORTS



Moreland City Council

14. CONFIDENTIAL REPORTS

**DCI15 ALTERATIONS AND ADDITIONS TO SEWELL RESERVE PAVILION
GLENROY ROAD, GLENROY CONTRACT (D09/29085)**

Pursuant to section 89(2) of the Local Government Act 1989 this confidential report will not be publicly disclosed because it relates to contractual matters.



**Moreland City Council
Mayor and Councillors Correspondence**

Date 3/03/2009
Time 10:28:00 AM

Date Registered is between '21/02/2009' and '3/03/2009'

D09/27773 Scanned Document Date Registered 23/02/2009 at 12:02 PM

Enclosed the Better Practice in Local Laws Strategy 2008

Author
MINISTER FOR LOCAL GOVERNMENT

D09/27782 Scanned Document Date Registered 23/02/2009 at 12:10 PM

Objection on behalf of constituent regarding proposed student accommodation at 20-22 Delta Avenue Merlynston

Author
CAMPBELL, CHRISTINE

D09/27784 Scanned Document Date Registered 23/02/2009 at 12:12 PM

Request briefing for Inner North Community Foundation

Author
INNER NORTH COMMUNITY FOUNDATION

D09/27788 Scanned Document Date Registered 23/02/2009 at 12:15 PM

Further to nomination for MAV Presidency in the upcoming elections

Author
MACARTHUR, BILL

D09/27818 Scanned Document Date Registered 23/02/2009 at 12:38 PM

Further to launch of the Food Security in Moreland: A needs assessment copy of report enclosed

Author
MORELAND COMMUNITY HEALTH SERVICES INC

D09/27842 Scanned Document Date Registered 23/02/2009 at 12:43 PM

Presentation "Current migration trends, issues and policies in Greece" by President of Hellenic Migration Policy Institute on 6/3/09 at 7:30pm level 3/168 Lonsdale Street Melbourne

Author
GREEK ORTHODOX COMMUNITY OF MELBOURNE & VICTORIA

D09/28496 Scanned Document Date Registered 24/02/2009 at 11:14 AM

Brunswick Community History Group events on 7/3/09 at 1:30pm in the Mayors Room Brunswick Town Hall and on 18/3/09 at 8:00pm in the Coburg Library

Author
Brunswick Community History Group

D09/28554 Scanned Document Date Registered 24/02/2009 at 11:58 AM

Reception to celebrate Anniversary of the founding of Liberal Party of Lebanon at La Mirage 210 Hume Highway Somerton on 20/3/09 from 8:30pm

Author
AUSTRALIAN LEBANESE NATIONAL LIBERAL ASSOCIATION

D09/28582 Scanned Document Date Registered 24/02/2009 at 12:24 PM

Concerns raised over problems of parking at 1a Benson Street Coburg photograph also enclosed

Author



Moreland City Council

Moreland City Council
Mayor and Councillors Correspondence

Page 2
Date 3/03/2009
Time 10:28:01 AM

Date Registered is between '21/02/2009' and '3/03/2009' - 22 Records

D09/28583 Scanned Document Date Registered 24/02/2009 at 12:28 PM

Objection to development at 117 Wilson Street Brunswick MPS/2008/406

Author

D09/28590 Scanned Document Date Registered 24/02/2009 at 12:30 PM

Annual Cyprus Culture, Food & Wine Festival 7th & 8th March 2009 at 495 Lygon Street Brunswick also at same venue on 4/3/09 at 6:30pm presentation by Minister Kyprianou

Author

CYPRUS COMMUNITY OF MELBOURNE & VICTORIA

D09/28595 Scanned Document Date Registered 24/02/2009 at 12:35 PM

On behalf of Alpine Shire Council extend sincere condolences for losses Council officers have endured

Author

ALPINE SHIRE COUNCIL

D09/28604 Scanned Document Date Registered 24/02/2009 at 12:39 PM

On behalf of Indigo Shire sincere condolences on the loss of a member of staff and her family

Author

INDIGO SHIRE

D09/28610 Scanned Document Date Registered 24/02/2009 at 12:45 PM

On behalf of Rotary Club of Moreland thanking Council for being a major sponsor of Australia Day Breakfast

Author

ROTARY CLUB OF MORELAND

D09/29202 Scanned Document Date Registered 25/02/2009 at 10:33 AM

Concerning the passage of Australian Government's \$42 billion fiscal stimulus package known as the Nation Building and Jobs Plan

Author

Australian Local Government Association

D09/29211 Scanned Document Date Registered 25/02/2009 at 10:53 AM

In reference to the expansion of Brunswick City Baths

Author

ALLEN, RONALD WILLIAM

D09/29914 Scanned Document Date Registered 26/02/2009 at 11:48 AM

New publication enclosed ICLEI Oceania Opportunities 2009-10

Author

ICLEI Local Governments for Sustainability

D09/29931 Scanned Document Date Registered 26/02/2009 at 11:52 AM

List of 18 schools in Moreland involved in National Ride2School Day on 25/3/09 also enclosed Annual Report for 2007-2008

Author

BICYCLE VICTORIA



Moreland City Council

Moreland City Council

Mayor and Councillors Correspondence

Page 3
Date 3/03/2009
Time 10:28:01 AM

M
Date Registered is between '21/02/2009' and '3/03/2009' - 22 Records

D09/31192 Scanned Document Date Registered 27/02/2009 at 12:39 PM

Seeking support from Council to promote the Premiers Active Families Challenge flyers and posters also enclosed

Author

PREMIER OF VICTORIA

D09/31825 Scanned Document Date Registered 2/03/2009 at 11:36 AM

On behalf of resident concerning objection to proposed development at 117 Wilson Street Brunswick

Author

THOMSON, KELVIN

D09/31885 Scanned Document Date Registered 2/03/2009 at 11:51 AM

Seeking support for the Falun Gong spiritual movement

Author

ROBILLARD, QUINCY

D09/31895 Scanned Document Date Registered 2/03/2009 at 12:07 PM

Further to objections to multi-unit development at 59 Vincent Street Oak Park photographs also enclosed

Author

**DCS5 FINANCIAL MANAGEMENT REPORT - PERIOD ENDED
31 JANUARY 2009 (D09/28466)**

Acting Director Corporate Services

Finance

Executive Summary

Acting Director Corporate Services presenting the Financial Management Report for the financial year-to-date (YTD) period ending 31 January 2009.

The operating result for Council is positive by \$2.501M, with revenue above budget by \$2.147M and expenditure below budget by \$0.354M. This amount does not include income from Developers Contributions of \$2.912M, which are to be used for capital works in future years.

Vacancies that exist within the organisation are often offset by the use of agency staff during the recruitment period. This has resulted in an under spend in Employee Costs with an off setting cost in the contractors budget.

Permanent savings and shortfalls are being identified across the organisation, with the major variances disclosed in Attachment 1.

Attachment 1 outlines high level favourable and unfavourable category results and comments on the closing cash position and capital performance. A brief snapshot of each Department is also provided in (Attachment 1 Section 4).

Recommendation

Council resolve to receive the Financial Management Report for year to date 31 January 2009.

REPORT

1. Policy Context

This report supports Council's continuing commitment to open and accountable management of the financial resources of Moreland on behalf of its ratepayers.

2. Background

The Financial Management Report (**Attachment 1**) provides Council's financial results for the year-to-date (YTD) period, ending 31 January 2009. The actual results are compared to the Budget. Commentary has been provided in **Attachment 1**.

3. Issues

3.1 Operating Budget

The operating result shown in the attached Financial Management Report is favourable to budget by \$2.501M.

Revenue is \$2.147M favourable, due primarily to favourable positions in Statutory Fees and Fines, grant funding sources and Other Revenue income. This is offset by an unfavourable position in User Fees.

Further commentary has been provided in **Attachment 1 Section 1**.

Expenditure is \$0.354M favourable, due to a combination of savings identified within the Employee Benefits, Utilities and Financial Expenses categories which are offset by an enduring overspend arising from the engagement of contractors to fill vacant positions during the recruitment period.

Further commentary has been provided in **Attachment 1 Section 1**.

3.2 Capital Works Budget

Overall capital program spending was \$2.769M behind budget year to date.

Summary information has been provided in **Attachment 1 Section 2**.

3.3 Cash and Assets

The cash balance has decreased by \$4,036M from the prior month.

Summary information has been provided in **Attachment 1 Section 3**.

4. Consultation

The Finance & Business Systems Branch has prepared this report based on information provided by Managers and reviewed by Directors.

5. Financial and Resources Implications

The overall corporate objective is to deliver the 2008-2009 budget outcomes as closely as possible in line with the adopted budget targets.

DCD16 LOCAL PLANNING POLICY FOR ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT (D09/28985)

Director City Development

Sustainable Development / Strategic Planning Unit

Executive Summary

In November 2007, Hansen Partnership and Sustainable Built Environments (SBE) prepared an investigation report entitled *Sustainability Assessment in the Planning Process*, for the Victorian Local Sustainability Accord Project - Municipalities of Port Phillip, Darebin and Moreland. The report concluded that Victoria's planning system has a significant role to play in achieving sustainable cities and development.

Amendment C71 seeks to introduce a Local Planning Policy at Clause 22.14 of the Moreland Planning Scheme to ensure consideration of Environmentally Sustainable Development (ESD) principles in the design phase of the planning permit process. The policy seeks to 'increase awareness' and ensure that development achieves 'best practice' ESD, rather than merely meeting minimum standards through compliance with building regulations.

The ESD Local Planning Policy will provide landowners and developers with clear guidance of Council's expectations for achieving environmentally sustainable design for a proposed development. The policy will also provide a consistent and transparent framework for the consideration of planning permit applications and provide flexibility to allow for future innovations in ESD.

Recommendation

Council resolve:

1. To seek Authorisation from the Minister for Planning for the preparation of Planning Scheme Amendment C71 in accordance with Section 9 of the *Planning and Environment Act 1987*.
2. Upon receipt of the Minister's Authorisation, to prepare and exhibit Planning Scheme Amendment C71 to the Moreland Planning Scheme pursuant to section 19 of the *Planning and Environment Act 1987*.
3. To write and seek support for the inclusion of a State and/or Local ESD planning policy to the Moreland Planning Scheme, and other planning schemes throughout Victoria, to the following parties:
 - Federal Minister for Climate Change;
 - Relevant State Government Ministers;
 - Sustainability Victoria;
 - Victorian Local Government Sustainability Accord;
 - Municipal Association of Victoria (including the State Environmental Advisory Committee (SEAC));
 - Victorian Local Governance Association; and
 - Mayors/CEOs of Victorian Metropolitan Municipalities.
4. That the Mayor, Portfolio Councillor City Development and Director of City Development request a meeting with the Minister for Planning to discuss the proposed local policy prior to seeking Authorisation.

1. Policy Context

The State Planning Policy Framework includes objectives that seek to encourage environmentally sustainable development (ESD). One key objective of Clause 12.07 (A Greener City) of the Moreland Planning Scheme is:

To minimise impacts on the environment to create a sustainable path for future growth and development.

Another key objective at Clause 15.12 (Energy Efficiency) is:

To encourage land use and development that is consistent with the efficient use of energy and the minimization of greenhouse gas emissions.

Clause 19.03 applies design and built form guidelines to non-residential development or residential development of four or more storeys and requires energy and resource efficiency, stating that:

All building, subdivision and engineering works should promote more efficient use of resources and energy efficiency.

Council has developed the 'STEPS' measurement tool for residential development, which is discussed in Section 2 of this report. The introduction of a Local Planning Policy at Clause 22 would provide the statutory support for Council to achieve the commitments contained in Council's Municipal Strategic Statement (MSS) and is consistent with the vision statement of the Council Plan.

2. Background

ESD in Moreland

The development process has the potential to impact on the environment in many ways, from the use of resources to impact on waterways and creation of greenhouse emissions.

Moreland City Council has consistently been at the forefront of measures to provide for the consideration of ESD principles in the development process. The Sustainable Tools for Environmental Performance Strategy (STEPS) was created by Council in 2005 to assess the environmental impact of residential dwellings and to promote early integration of sustainable design initiatives. In partnership with the City of Port Phillip, Council also developed the Sustainable Design Scorecard (SDS) to assess non-residential planning applications. These two innovative tools are now in use at Moreland as well as at a number of municipalities within Victoria (10 municipalities as at December 2008, with more anticipated to join in the near future).

The Moreland Planning Scheme currently does not contain a local planning policy relating to ESD across the municipality. ESD principles are addressed in Local Planning Policy 22.11 (Development of four or more storeys) and Local Planning Policy 22.12 (Coburg Activity Centre). It is noted however, that these policies are limited in applicability and scope in relation to ESD. The policies relate to those circumstances only (i.e. development of four or more storeys and within the Coburg Activity Centre) and do not address ESD principles in a holistic manner.

A review of Victorian planning schemes revealed that no other municipalities have a holistic ESD Local Planning Policy of this kind. It is noted that at present ESD principles are addressed in a piecemeal fashion within local planning policies of a small number of municipalities. However, in these cases, the policies are limited in scope to a specific area (e.g. Doncaster Hill Activity Centre – Manningham City Council) or restricted to a specific use type or issue (e.g. Environmentally Sustainable Office Buildings – Melbourne City Council and Water Sensitive Urban Design (Stormwater Management) – Bayside City Council.)

Relevant VCAT Decisions

Council has in the past sought to impose conditions on planning permits incorporating the principles of ESD. Several permit applicants have appealed these conditions to VCAT with mixed results.

Hasan v Moreland City Council (15 August 2005)

VCAT directed that Council delete conditions from a permit for 2 dwellings which required specific ESD initiatives above those which were required under the Building Regulations (i.e. a combination of rainwater tanks, 5 star energy rating and solar hot water system). The Tribunal noted that it was unfair to apply such conditions to houses that required a planning permit when houses that did not require a planning permit would escape the provision.

Jolin Nominees PL v Moreland City Council (31 March 2006)

While reinforcing the need for the removal of specific conditions that duplicated the Building Regulations, VCAT supported the inclusion of ESD conditions requiring the submission of an ESD Management Plan prior to the development of 16 dwellings approved by the permit. The basis of this decision was the size of the development.

These VCAT decisions have informed Council's current practices in regard to requesting information and imposing conditions on development.

Recent VCAT development

Since the 'Jolin' decision, it could be considered that the awareness of the impact of development on the environment has become more heightened.

Consistent with the 'Jolin' decision, in *Asian Pacific Building Corporation Pty Ltd v Stonnington CC* (19 June 2007) VCAT supported the inclusion of a condition requiring an ESD Management Plan prior to the development of a 7 storey mixed use development

The VCAT decision of *Gippsland Coastal Board v South Gippsland SC & Ors (No 2)* (29 July 2008) is the most recent indication of changes in the industry related to environmental sustainability. In this case VCAT considered that the precautionary principle was a relevant consideration in the determination. Specifically, VCAT found that the land was unsuitable for residential development due in part to the likelihood of rising sea levels as a consequence of climate change.

While this case was not specifically concerned with ESD requirements in development, it shows an increasing recognition of the impact of development on the environment and vice versa.

The Accord

In November 2007, Hansen Partnership and Sustainable Built Environments (SBE) prepared an investigation report entitled *Sustainability Assessment in the Planning Process*, for the Victorian Local Sustainability Accord Project, commissioned by the municipalities of Port Phillip, Darebin and Moreland. The report was funded by Department of Sustainability and Environment and sought:

- To investigate the opportunities for inclusion of comprehensive sustainability measures in built environment legislation, particularly the planning system; and

- To assess the suitability of the STEPS and SDS sustainability assessment tools for use by local government within both the building and planning legislation.

The report is referred to hereafter as the 'Hansen/SBE Report', and identified the following shortfalls in the consideration of ESD within Australia:

- No set Federal policy or national planning strategy on sustainability requirements for the built form.
- The State Government has numerous broad strategies for sustainable built environment outcomes, however as strategies, they do not have statutory weight and are not referenced in planning schemes.
- Building Code of Australia requirements are specific and generally are aimed at preventing worst practice rather than encouraging best practice.

While it acknowledges that achieving State support for a Local Planning Policy would be difficult, the Hansen/SBE Report recognises that the planning system has a significant role to play in achieving sustainable cities and development, and concludes with a range of recommendations including:

- Suggested improvements to the STEPS and SDS tools;
- Developing practice notes and guidelines which address Council process for ESD consideration; and
- An advocacy role for Councils in taking the lead to State and Federal Government on the issue of sustainable development.

The Hansen/SBE Report also notes that:

"...in lieu of a statewide approach, local government should seek to develop similar planning policies that they can incorporate into their local planning policy framework and in their decision making."

In response to the Hansen/SBE Report recommendations, Council has been active in making improvements to the STEPS tool (with improvements to the SDS tool made by the City of Port Phillip) as well as actively 'recruiting' other municipalities to use the tools. Council has also reviewed and revised internal processes, producing information brochures to assist in the consideration of ESD principles in the planning permit process as well as establishing standard information requirements. In addition to the development of the proposed local ESD policy, Council continues to advocate for ESD in forums such as the ESD Advocacy Group, which includes officers representing relevant State Government departments.

Current ESD Related Projects

Municipal Association of Victoria (MAV)

As a follow up to the Hansen/SBE Report, funding has recently been granted by Sustainability Victoria, for a Victorian Local Sustainability Accord (Round 3) Project. Entitled *Utilising Victoria's Planning and Building Framework to Support Sustainability*. The project is referred to hereafter as the "Accord Project".

Preliminary Accord Project objectives are:

- To improve ESD outcomes achieved by Councils through the planning process;
- To provide guidance and support for Councils seeking to improve ESD outcomes through the planning process;
- To improve involvement and create opportunities for the pursuit of ESD objectives by Councils;
- Develop and build a common understanding and best practice across government to progress ESD (in both the planning and building frameworks); and
- To clarify and streamline assessment processes and create incentives for innovation and leading practice.

Importantly, the Accord Project will involve Victorian Councils, the Municipal Association of Victoria (MAV), the Department of Sustainability and Environment (DSE), the Department of Planning and Community Development (DPCD) and other key agencies.

Proposed Amendment

Council has the opportunity to continue to lead the way with the inclusion of a Local Planning Policy for ESD in the Moreland Planning Scheme. This policy seeks to establish clear criteria for the consideration of ESD principles in the planning permit process.

If a statewide sustainability framework is developed, it is considered that this Local Planning Policy could be used as a template for other municipalities, or could contribute to the State Planning Policy Framework.

Specifically, the amendment proposes to:

1. Introduce a Local ESD Policy at Clause 22.14 in the Local Planning Policy Framework section of the Moreland Planning Scheme.
2. Amend the following Clauses in the Municipal Strategic Statement to reflect the introduction of the Local ESD Policy: 21.05-1 (Housing), 21.05-2 (Industry and Commerce), 21.05-3 (Retail), 21.05-5 (Urban Design, Urban Character and Street Landscapes), 21.05-9 (Integrated Transport Systems); and 21.05-10 (Infrastructure).
3. Develop examples of Sustainable Design Assessments, ESD Management Plans, Green Travel Plans and Information Sheets to assist the implementation of the policy.

3. Issues

Current Practice

As mentioned earlier in the report, Council currently encourages applicants to use the STEPS and SDS tools to promote early integration of sustainable design initiatives into the development process. In summary, for developments of less than 15 dwellings, applicants are encouraged to submit a Sustainable Design Statement (using STEPS). For developments of 15 dwellings or more, applicants are required to prepare an ESD Management Plan as part of their application documentation. Other applications are also encouraged to consider ESD principles using the STEPS and SDS tools.

It must be noted that the completion of a Sustainable Design Statement is currently entirely voluntary, and the requirement for ESD Management Plans for larger developments is based on the outcome of previous VCAT decisions and not specific requirements in the planning scheme.

Need for an ESD Local Planning Policy

Council's Urban Planners currently rely on the objectives contained within the State Planning Policy Framework and MSS in the assessment of planning permit applications. However, these provisions are relatively generalised and achieve inconsistent expectations between Council and applicants as to what may constitute an acceptable ESD outcome. As a result, Council's Urban Planners and Appeals Advocate find themselves in a weakened position to justify decisions and, in particular, conditions requiring ESD related requirements.

VCAT decisions in the past have generally found that specific requirements for ESD features in development are already dealt with in the building permit approvals process. Further, it has warned Councils against imposing ESD type conditions on planning permits, which either simply reiterate the requirements of the building regulations or go beyond them with additional requirements.

More recently that view has changed slightly, with VCAT allowing conditions to be retained on planning permits where the permit condition is not prescriptive but rather establishes a set of principles, which must be addressed. Conditions have been accepted that ensure that ESD principles are considered in the planning permit stage of a development. It is noted that this approach has been adopted for larger developments.

As there is not a definition of 'large scale development', there is potential for confusion as to when this should apply. The Hansen/SBE Report calls for a clear planning policy framework on ESD assessment to be supported by practice notes to achieve practical implementation. Moreland has advocated for this process for a number of years.

It is considered that there has been a shift in attitude over time in relation to VCAT decisions and a greater acceptance of incorporating ESD assessment in the planning stage of the development process. This shift, and a heightened general community awareness of ESD principles such as energy efficiency in building design, reduced reliance on non-renewable energy resources and recycling of water provide impetus for the policy.

Consideration of ESD principles in the design phase of a planning permit application provides the opportunity to make the greatest amount of difference in respect of sustainability, for the least amount of cost. When left to the detailed structural design phase (and building permit stage) as opposed to the conceptual design phase (planning permit stage) not only does the cost of making changes to the design increase, the effectiveness of any changes become more limited as the building footprint/orientation may already be determined.

Other Issues for Consideration

The Council Plan 2007-2011 also includes the following priorities linked to the Environment:

- Investigate the inclusion of *permeability standards* in the Planning Scheme.

Response

The Planning Scheme currently addresses this issue through permeability objectives in Clauses 54 and 55 of the Planning Scheme (i.e. ResCode) applying to single dwellings on lots with 300sqm and multi-unit developments only. These objectives seek to reduce the impact of increased stormwater runoff of the drainage system and facilitate on-site stormwater infiltration. This is further reinforced in the water sensitive urban design objectives of the ESD policy.

- Advocate for better noise standards in buildings.

Response

It is considered that this plan item is addressed in the ESD policy through the Indoor Environmental Quality objective and relevant information requirements of Sustainable Design Assessments and ESD Management Plans as applicable.

Policy Structure

The ESD policy is contained in **Attachment 1** and includes a series of objectives, application information requirements and decision guidelines. The structure of the policy is such that an applicant, prospective developer or interested party should be able to quickly determine what is required for a permit application by referring to *Table 1 – ESD Information required*.

Objectives

In line with the recommendations of the Hansen/SBE Report, the policy includes 'aspirational objectives' to encourage a significant increase in the sustainability of buildings. The objectives seek to 'raise the bar' by requiring that development achieve best practice across a comprehensive range of ESD principles including: energy efficiency, water use, stormwater management, building materials, transport, waste management and innovation.

Information Requirements

The policy establishes triggers for information to be submitted with planning permit applications. The intent is that the level of information required increases as the scale of the development increases and the opportunities to include ESD initiatives in the development's design increases. These 'triggers' are a step up from Council's current informal practices, anticipating that higher standards will be the norm by the time the Policy is gazetted and forms part of the Planning Scheme (conceivably 12-24 months from Council adoption).

By clearly stating application requirements for specific types of planning permit applications, the policy will reduce the need for further information requests and allow for more efficient processing of applications.

Smaller scale developments

Smaller developments (such as extensions and unit developments with 9 dwellings or less), which represent the majority of the planning permit applications received by Council's Urban Planning Branch, will be required to include a Sustainable Design Assessment (SDA).

It should be noted that a SDA can be prepared by the applicant, and does not need to be prepared by a qualified expert, meaning that the costs associated with its preparation should be minimal. It is expected that the time and effort required to complete a SDA would not be dissimilar to a STEPS or SDS assessment. Information sheets and example SDA's will be available to provide guidance to applicants of Council's expectations. Consistent with current practice, applicants will also be able to discuss ESD initiatives and their development with Council staff, including ESD engineers and urban planners.

Larger scale developments

Larger developments (such as residential developments with 10 or more dwellings, or 4 or more storeys, or non-residential development greater than 1000m² gross floor area or 4 or more storeys) will be required to submit an ESD Management Plan (ESDMP) and a Green Travel Plan (GTP). The policy specifically details Council's expectations in terms of the issues to be addressed in this documentation.

It is expected that the above documentation will be prepared by a qualified expert. While this technical expertise will add some cost to the preparation of an application, larger scale development has greater potential to impact on the environment and greater opportunity to incorporate ESD initiatives. The triggers for requiring a higher standard of information for larger scale development reflects the resource intensive activity associated with construction and occupation of that type of development.

Applications for larger scale developments would normally involve specialist technical input from consultants/designers who are likely to have the expertise to address ESD principles. The costs associated with preparing ESDMPs and GTPs are not considered to be onerous in the context of larger developments where there is greater opportunity to distribute the cost across the development. Further, it has been seen that buildings that have been constructed to a high (ESD) standard have multiple benefits for occupants in terms of cost savings on utilities, a healthier indoor environment and reduced impact on the environment. Developers can subsequently use these 'points of difference' in marketing their sustainable building.

Examples of ESDMPs and GTPs will be available to assist applicants/consultants in preparing the documents and understanding Councils expectations in conjunction with the usual discussions with Council staff.

Other features of the policy

Policy references to relevant State and Local documents are included in the policy to inform and guide decision-making. Clear definitions of relevant technical terms are also included in the policy to avoid lengthy discussions about interpretation.

What the policy doesn't include

The Hansen/SBE Report noted that 'Targets' for development in respect of ESD principles can be included in a Local Planning Policy, but may be better placed in the Tools so that as the standard increases through new technologies or tools emerge, a policy amendment is not required.

This point is considered to be critical to the continued success of a local ESD policy and is the basis for how the proposed policy has been drafted. The policy has been structured to avoid inclusion of targets and strategies.

Instead, the policy identifies example 'assessment tools' that can be used to demonstrate how a development proposal addresses the objectives of the policy. This policy allows for other tools to be used and provides the flexibility required to embrace innovations such as new assessment tools and higher standards in line with community expectations. It is considered that in doing so, the policy reflects the duty of care Council has in providing for the future needs and expectations of the community in sustainable development.

If targets and strategies are included in the policy, the process of making changes in the future is potentially much more time consuming and costly, requiring formal amendment to the Planning Scheme. The risk also exists in such circumstances that the policy may become out of date and irrelevant in the context of decision making.

Implications for the MSS

The inclusion of the local ESD policy in the planning scheme would necessitate minor changes to some Clauses of the MSS. The changes required would include references to the policy in the strategies of relevant objectives contained in the following Clauses of the MSS:

- 21.05-1 (Housing);
- 21.05-2 (Industry and Commerce);
- 21.05-3 (Retail);
- 21.05-5 (Urban Design, Urban Character and Street Landscapes);
- 21.05-9 (Integrated Transport Systems); and
- 21.05-10 (Infrastructure).

Explanatory Report

The draft explanatory report contained in **Attachment 2** provides a detailed strategic assessment of the proposed amendment against the relevant policy objectives contained in the SPPF and LPPF including the MSS and local policies.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Consultation has been undertaken with officers of Bayside City Council, City of Port Phillip and City of Darebin.

Council's Urban Planning Branch, ESD Unit, Transport Development Unit and Open Space Branch have been consulted during the preparation of the draft ESD policy.

The Portfolio Councillor, Cr Jo Connellan has been consulted about the preparation of the amendment and the preparation of this report.

Councillors were informed about the preparation of the ESD Policy.

5. Financial and Resources Implications

Any costs associated with the amendment will be met by Council's Strategic Planning Units operating budget for Planning Scheme Amendments in the 2008/2009 budget, and further budget allocation for 2009/2010.

Officers from Council's Urban Planning Branch and ESD Unit currently consider STEPS and SDS assessment tools for a range of applications and ESDMPs for larger scale development. Implementation of the policy will have resource for Council's Urban Planning Branch and ESD Unit in respect of additional officer time and resources involved in requiring and considering SDAs, ESDMPs and GTPs in the planning permit process, as well as the time and resources required to educate the development community in respect to these requirements.

In recognising the increased resources required through the implementation of this amendment, it is observed that requirement for the more onerous requirements of ESDMPs and GTPs are limited to larger scale development, which represents a smaller proportion of applications received by the Branch.

It is anticipated that in the longer term a portion of additional costs incurred in the assessment process may be offset by the benefit of having a reduced number of VCAT appeals and stronger policy support at VCAT.

DCD17 AMENDMENT C93 - MORELAND PLANNING SCHEME - LOCAL HERITAGE POLICY (D09/1843)

Director City Development

Sustainable Development / Strategic Planning Unit

Executive Summary

Amendment C93 applies to all land included in the Heritage Overlay in the Moreland Planning Scheme and proposes to:

1. Introduce a Local Heritage Policy at Clause 22.13 in the Local Planning Policy Framework section.
2. Amend Clause 21.05-4 (Heritage) in the Municipal Strategic Statement to reflect the introduction of the Local Heritage Policy.
3. Amend Clause 22.07 (Advertising Signs) to include additional policy statements and performance criteria for signs in heritage places.

The amendment was exhibited for a period of one month between 23 October 2008 and 24 November 2008 in accordance with the requirements of the *Planning and Environment Act 1987*. Four submissions were received from public authorities that do not object or seek any changes to the amendment.

Prior to public exhibition, Heritage Victoria provided comments and recommendations for changes to the proposed Local Heritage Policy. As these comments were not received as part of the formal exhibition process, Council is under no obligation to refer the submission to an independent panel. However, the Department of Planning and Community Development (DPCD) has advised that they agree with the recommendations by Heritage Victoria and that changes to the Local Heritage Policy are strongly supported. Accordingly, the Local Heritage Policy has been revised in response to the Heritage Victoria comments.

Generally, the changes do not alter the intent or purpose of the proposed Local Heritage Policy, instead recommend terminology and format improvements that are representative of current planning practice.

This report provides a summary of the changes and recommends that Amendment C93 be adopted as revised.

Recommendation

Council resolve:

1. To note the changes made to the proposed Local Heritage Policy following public exhibition in accordance with comments received by Heritage Victoria.
2. To adopt Amendment C93 in accordance with Section 29 of the *Planning and Environment Act 1987* as recommended.
3. To submit Amendment C93 to the Minister for Planning for approval.

1. Policy Context

The proposed amendment is consistent with the heritage objective contained in Clause 15.11-1 of the State Planning Policy Framework (SPPF) relating to the protection and conservation of cultural heritage places. The amendment is also consistent with several initiatives of Ministerial Direction No. 5 seeking to strengthen tools in the planning system, promote a consistent framework and refine guidelines for assessment of heritage places.

The introduction of a Local Heritage Policy at Clause 22 would fulfil a commitment contained in Council's Municipal Strategic Statement (MSS) at Clause 21.05-4 and the Council Plan 2007-2011 to strengthen heritage policy and guidelines in the Moreland Planning Scheme.

2. Background

The Moreland Planning Scheme currently does not contain a Local Heritage Policy within the Local Planning Policy Framework (LPPF) at Clause 22. This presents a significant gap in Council's LPPF compared to most other inner-metropolitan Councils that already have a Local Heritage Policy incorporated into their planning scheme (e.g. Melbourne, Maribyrnong, Moonee Valley, Port Phillip and Yarra City Councils).

Council's Urban Planners currently rely on the Statewide provisions and decision guidelines contained in the Heritage Overlay when assessing and determining permit applications for heritage places. However, the general Heritage Overlay provisions are broadly worded, are non-specific and do not provide sufficient guidance on local issues when dealing with development of heritage places within Moreland. As a result, there has to date been a lack of clear decision parameters to assist both applicants and Council officers dealing with planning permit applications in heritage areas.

3. Issues

Public Exhibition

The amendment was placed on public exhibition for a period of one month between 23 October 2008 and 24 November 2008.

Public exhibition included the following:

- Letters advising the proposed amendment sent to prescribed Ministers and service authorities.
- Public notices published in the public notice section of the Moreland Leader for three consecutive weeks (20 and 27 October and 3 November 2008).
- A notice in the Moreland Info Section of the Moreland Leader for four consecutive weeks (3, 10, 17 and 24 November 2008).
- Placing of all the amendment documentation at the Coburg, Brunswick and Glenroy Citizen Service Centres.

These above listed measures were in excess of the minimum exhibition requirements as detailed in Section 19 of the *Planning and Environment Act 1987*.

Council did not send letters to property owners and occupiers potentially affected by the introduction of the Local Heritage Policy. In accordance with Section 19(1A) of the *Planning and Environment Act 1987*, it was considered impractical to notify the more than 6600 properties currently affected by the Heritage Overlay of the amendment. This is further justified, as the proposed Local Heritage Policy will not alter the heritage status of a property already included in the Heritage Overlay nor result in any additional permit triggers which are controlled by the Heritage Overlay provisions at Clause 43.01.

Clause 22.13 – Local Heritage Policy

The Local Heritage Policy will provide landowners and developers with clear guidance on how Council will use its discretion in relation to particular development applications for heritage places. The policy will provide a sound strategic basis, as well as a consistent and transparent framework for the consideration of permit applications under the Heritage Overlay. A strong and clear Local Heritage Policy should result in a reduced number of appeals and stronger policy support at Victorian Civil and Administrative Tribunal.

The addition of clear guidelines on what developments will be considered appropriate in a heritage context will also result in better preservation and restoration outcomes. It will reduce the need for time consuming discussions between applicants and Council's Urban Planners regarding the appropriateness of proposals. It is further anticipated that the Local Heritage Policy will lead to more informed, consistent, professional and complete submissions of planning permit applications.

The proposed Local Heritage Policy is contained in **Attachment 1** and has been revised with regard to the comments and recommendations received from Heritage Victoria. Email correspondence from Heritage Victoria is included at **Attachment 5**. To highlight the changes made, the exhibited Local Heritage Policy is contained in **Attachment 6**.

The following provides a summary of the key changes:

- *General* - Removed the requirements for all permit applications to be assessed against the draft Heritage Victoria *Guidelines for Assessing Planning Permit Applications* as well as Council's *Guidelines for Alterations and Additions to Detached Houses in Heritage Areas*. The policy has been revised to incorporate the key aspects of these guidelines and avoid assessment of multiple, overlapping documents. This section also contains an additional policy statement to consider any applicable conservation management plan or heritage study.
- *Statements of Significance* - Inclusion of a separate heading to clarify which Statement of Significance Council will consider as the basis for assessment.
- *Demolition* - has been revised to provide clearer separation between total and partial demolition.
- *New Buildings and Alterations and Additions* – Revised to incorporate additional key design guidelines from the Heritage Victoria *Guidelines for Assessing Planning Permit Applications*. This provides clearer and more detailed guidance for development applications incorporating sub-headings for different types of applications based on the level of significance of a heritage place.
- *Environmentally Sustainable Design* – Renamed to *Ancillary services and equipment* in response to concerns raised by Heritage Victoria and the DPCD that the exhibited Local Heritage Policy favoured ESD initiatives over heritage preservation. An additional policy statement relating to other ancillary services has also been included.
- *Carports, Car Parks, Garages and Other Outbuildings* – Renamed to *Vehicle accommodation and outbuildings* and revised to remove unnecessary repetition of policy statements to improve readability.

- *Streetscapes, Landscapes, Gardens and Trees* – Modified to remove all references to ‘vegetation’. The Heritage Overlay provisions only afford protection to significant trees, if identified in the schedule to the Overlay, and not any other vegetation. The revised section also contains additional policy statements for application requirements.
- *Adaptive Re-Use of Heritage Places* – Deleted policy statements that are a repetition of the general provision of the Heritage Overlay at Clause 43.01-5 and add new policy statements. The application requirements have been rewritten as policy statements.
- *Decision Guidelines* – This section has been removed, as the points covered have been incorporated into other sections.

No significant changes were made to the sections on *Shopfronts and Verandahs, Front Fences and Gates, Industrial Heritage Places, External Materials, Colours and Finishes* and *Subdivision and Consolidation*.

Clause 21.05-4 – Heritage

Council’s MSS and Council Plan 2007-2011 identify the development of a Local Heritage Policy as part of a future strategic work program.

The proposed amendment will fulfil this commitment and add an important planning policy to guide decision-making. To reflect the introduction of the new policy, Clause 21.05-4 requires minor changes.

The revised Clause 21.05-4 is contained in **Attachment 2**.

No changes were made to the exhibited Clause 21.05-4 following the exhibition period.

Clause 22.07 – Advertising Signs

Amendment C93 further proposes to amend Council’s Advertising Signs Policy at Clause 22.07 by including additional policy statements and performance criteria for signs in heritage places.

The revised local Advertising Signs Policy will provide clearer and more detailed guidelines relating to the location, design and type of signs considered appropriate within the Heritage Overlay.

The revised Clause 22.07 is contained in **Attachment 3** with changes to the original policy highlighted.

The revised version of Clause 22.07 proposed for adoption includes an additional objective relating to signage in heritage places. Some additional minor wording changes have also been undertaken following the exhibition process that do not change the intent of the policy compared to the exhibited version.

Explanatory Report

The explanatory report contained in **Attachment 4** provides a detailed strategic assessment of the proposed Local Heritage Policy.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Council’s Urban Planning Branch and Heritage Advisor have been consulted during the preparation of the draft Local Heritage Policy.

The Portfolio Councillor City Development, Cr Connellan, has been consulted during the preparation of this report.

5. Financial and Resources Implications

Any costs associated with the amendment will be met by Council's Strategic Planning Unit's operating budget for Planning Scheme Amendments in 2008-2009.

DCD18 WATERWATCH PROGRAM 2007-2008 (D09/16045)

Director City Development

Sustainable Development / ESD Unit

Executive Summary

The Waterwatch Program is a national community network delivering a river health and water quality monitoring and education program. Waterwatch aims to increase community understanding, participation and ownership of local waterway health issues. Port Phillip and Westernport Waterwatch are delivered free to the community through the financial support of the Federal Government's National Heritage Trust, Melbourne Water and Councils throughout the Port Phillip and Westernport region.

Moreland City Council signed a Memorandum of Understanding (MoU) with the Merri Creek Management Committee in September 2008 for participation in the Waterwatch program to 2010-2011. The MoU outlines the Waterwatch Program commitments and Councils in-kind and financial contribution for this period.

The purpose of this report is to detail the successes of the Merri and Moonee Ponds Waterwatch program in the last year.

Recommendation

Council resolve:

1. To note the progress of the Waterwatch program from October 2007 – September 2008.
2. To note Council's financial contribution to the Waterwatch program, as per the MoU with the Merri Creek Management Committee of \$10,292 for the 2009 - 2010 period.

REPORT

1. Policy Context

Waterwatch has been supported in the Stormwater Management Plan (2000) and the Watershed Strategy (2005). The 2007-2011 Council Plan states that Council will “Support, improve and maintain at least existing overall funding levels for environmental education programs”.

2. Background

The Merri and Moonee Ponds Waterwatch project is one of 7 regional Waterwatch programs within the Port Phillip and Westernport Waterwatch program. It is supported by Melbourne Water and the National Heritage Trust on approximately a one-for-one dollar basis, matching Councils' contributions. Port Phillip and Westernport Waterwatch is part of the Waterwatch Australia network. The Merri Creek Management Committee hosts the local Waterwatch Coordinator, but it is not a Merri Creek Management Committee program.

Funding from 2004-2005 to the current financial period has been \$7,000 per annum. In September 2008 Council signed a new Memorandum of Understanding setting out in-kind and financial support until 2010-2011. The following table outlines the program activities to be undertaken by Waterwatch and the relative Council financial contributions:

Financial Year	Moreland City Council Contribution	Waterwatch Program Activities
2008 / 2009	\$7,000	Festivals x 1 School sessions x 35 Number of participants in local Waterwatch activities x 800 Minimum no. site visits to each monitoring group per year x 1
2009 / 2010	\$10,292	Festivals x 1 School sessions x 50 Number of participants in local Waterwatch activities x 1100 Site visits to each monitoring group per year x 2
2010 / 2011	\$13,584	Festivals x 2 School sessions x 70 Number of participants in local Waterwatch activities x 1400 Site visits to each monitoring group per year x 2

In the 2007-2008 period more than 4,300 students from 51 primary, secondary and tertiary institutions participated in Waterwatch activities. Additionally, Waterwatch activities at festivals, community days and training events reached a further 1,837 people. Participants take part in hands-on sessions about waterway health, learning how poor stormwater quality degrades local waterways. Most importantly, the Waterwatch program provides information on ways to reduce litter and other stormwater impacts on our waterways.

In 2007-2008 the Merri and Moonee Ponds Waterwatch Coordinator engaged 51 schools and tertiary institutions and 1,837 community members on water quality issues in the Merri and Moonee Ponds Creek catchments.

In Moreland throughout 2007-2008, the Waterwatch program specifically:

- Engaged 4 Moreland schools in environmental education;
- Collected local data collection on Merri and Moonee Ponds Creek's water quality in conjunction with 7 community groups;
- Provided professional development for school teachers; and
- Delivered a successful model of community engagement and capacity building.

The following schools and organisations within Moreland took part in the program:

- Pascoe Vales Girls Secondary College
- Pascoe Vale South Primary School
- Brunswick Secondary College
- St Joseph's catholic College
- SENSIS with Greening Australia
- Friends of Merri Creek Stream Team
- Moonee Ponds Creek Monitoring Team
- Outlook Road Monitoring Group
- Merri Edgars Creek Confluence Restoration Group
- Friends of Merlynston Creek

Waterwatch also provided educational displays and sessions at the Fawkner and Kingfisher festivals and a number of training and professional development sessions for teachers in the region.

Between October 2007 and September 2008, the Merri and Moonee Ponds Waterwatch program worked closely with a range of community groups within Moreland. Enthusiastic community monitors, supported by the Merri and Moonee Ponds Waterwatch Coordinator, monitored several sites within the catchment on a regular basis, providing invaluable data on the condition of local streams. These sessions also provide an informal opportunity for members of the public to engage with each other and their local environment.

Stream monitoring by the Friends of Merri Creek Stream Team and Moonee Ponds Creek Monitoring Team, both volunteer groups supported by the Waterwatch program, indicated high levels of phosphate likely to be the result of stormwater pollution inputs as well as poor macroinvertebrate assessments indicating probable severe pollution.

More information on the 2007-2008 Program can be found in the Merri and Moonee Ponds Waterwatch Program 2007-2008 Annual Report available from the ESD Unit.

3. Issues

Environmental Implications

Waterwatch has the following environmental benefits:

- Contributing to catchment management and water quality improvement through education and the collection of stream data;

- Contributing to stormwater management through education on waste, pollution and the drainage system; and
- Data collection and analysis to be used by Moreland City Council in tracking progress towards healthier creeks.

Social Implications

Waterwatch has the following proven social benefits:

- Community environmental education;
- Community capacity building;
- Contributing to greater community involvement in the protection and enhancement of public open space; and
- Health and safety benefits from improved water quality in Moreland's waterways.

Economic Implications

The Waterwatch Program is a cost effective way of delivering environmental education programs to schools and the community at a current cost of \$7,000 per annum rising to \$13,584 by 2010-2011.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The Portfolio Councillor City Development, Cr Connellan, has been advised of the preparation and content of this report.

5. Financial and Resources Implications

The delivery of the Waterwatch program to Moreland City Council schools and community groups will cost \$7,000 in the 2008/2009 financial year and \$10,292 for the 2009-2010 financial year.

Without funding from Moreland City Council it will not be possible to deliver the program to schools and community groups within Moreland. The Moreland community will also miss out on the matched funding offered by Melbourne Water and National Heritage Trust.

All Councils within the broader Yarra catchment currently support the Waterwatch program.

DCD19 CARBON POLLUTION REDUCTION SCHEME (D09/13021)

Director City Development

Sustainable Development / ESD

Executive Summary

The Federal Government White Paper, *Carbon Pollution Reduction Scheme: Australia's Low Pollution Future*, was released on 15 December 2008. The paper outlines the governments' final design of the Carbon Pollution Reduction Scheme (CPRS) and summarises the strategy to reduce national greenhouse gas emissions by 60% of 2000 levels by 2050, with a short-term target of 5% reduction by 2020.

In December 2008, Council resolved to inform the Federal Government of their disappointment with the 5% target. The key issues emerging with the CPRS are:

- A low target of 5% will not generate substantial greenhouse gas emission reductions.
- A lack of scientific data used in the development of the target and policy framework.

In January 2009, the Federal Government released a subsequent *National Carbon Offset Standard (NCOS) Discussion Paper*. This paper outlines how the government proposes voluntary abatement will interact with the CPRS mandatory compliance market. It discusses issues surrounding the concept of carbon neutrality and the range of credible offsets available to consumers. The key issue with this discussion paper is that it provides no separation of voluntary action from the CPRS permit system. Therefore voluntary actions undertaken by business, local government or individuals/residents does not go towards reducing additional greenhouse gas emissions. Rather, they would reduce the number of permits that a polluter is required to purchase under the CPRS.

Under the existing Discussion Paper, Council and the community action such as energy efficiency, Green Power and purchasing solar technologies would not reduce Australia's emissions beyond the 5% target. It is essential that Council advocate to the Federal Government to consider changes to the proposed CPRS and the NCOS so that voluntary abatement action by households, business and local government contribute to additional reduction of Australia's greenhouse gas emissions beyond the mandatory 5% delivered by the CPRS.

Recommendation

Council resolve:

1. To continue to work with the Northern Alliance for Greenhouse Action (NAGA) to determine ways in which Councils can work together to provide positive outcomes for Council, our communities and the environment under the CPRS and NCOS.
2. To forward this report to the Municipal Association of Victoria for information.

1. Policy Context

Moreland City Council has been a long-term advocate for reducing local and global greenhouse gas emissions. Addressing greenhouse emissions is a key strategic policy priority in the Council Plan 2007– 2011, highlighting a commitment to addressing issues of environmental sustainability, particularly energy conservation and the reduction of greenhouse gas emissions in the municipality. The Council Plan also specifies Council's dedication to finding new and innovative ways to reduce energy consumption.

In 2007, Council endorsed the Climate Action Plan 2007 – 2012 which committed Council to achieve carbon neutrality by 2020 for Council operations and 2030 for community emissions.

The 2009 Mayor's speech takes this goal further by advocating for carbon neutrality for Council operations by 2012.

2. Background

The White Paper, Carbon Pollution Reduction Scheme: Australia's Low Pollution Future (CPRS) released on 15 December 2008, outlines the final design of the CPRS.

Subsequently, the National Carbon Offset Standard (NCOS) Discussion Paper was released in January 2009 to outline how the government proposes voluntary abatement will interact with the CPRS. It discusses issues surrounding the concept of carbon neutrality and the range of credible offsets available to consumers.

The NCOS outlines that if Councils, businesses and individuals choose to become carbon neutral and decrease Australia's overall levels of greenhouse gas emissions above the mandatory 5% they must purchase and retire permits recognised in the CPRS.

As part of their involvement with NAGA, Council's Climate Change Program Coordinator is assisting in the preparation of a submission on the Discussion Paper. Additionally, the Municipal Association of Victoria (MAV) sent a brief to MAV members regarding the release of the White Paper and seeking feedback from Councils. The MAV brief states that..."while a start, the commitments ranging from 5 to 15 per cent across the developed world only provide a chance of stabilising greenhouse gas emissions at 550 parts per million carbon dioxide equivalent (ppm CO₂-e) and nowhere near the 25-50 per cent emissions reductions required by 2020, or 80 per cent needed by mid century, for the world to aim to avert 'dangerous climate change' as associated with a global average warming of 2°C or 450ppm CO₂-e." With the weak targets set, dangerous climate change is being considered acceptable.

3. Issues

The CPRS covers most industry sectors and requires large polluters to obtain permits for the greenhouse gas emissions that they generate. A 'permit' does not equal abatement, it is simply a cost paid to pollute. The government will give the majority of these permits for free to major polluters and they will be required to purchase a small percentage of the remaining permits required to meet CPRS requirements. Free permits reduce the financial burden on polluters and acts as a disincentive for them to invest in low carbon technologies.

Carbon offsetting is when an action such as tree planting, energy efficiency or investment in renewable energy is undertaken specifically to offset existing emissions. Currently, to become 'carbon neutral' a business or individual would undertake actions such as implement energy efficiency and change behaviours to reduce energy consumption and then offset remaining emissions through programs such as Green Power or Green Fleet to achieve 'neutrality'.

The NCOS does not separate voluntary action from the permit system. Many people and businesses want to become carbon neutral, however, through the NCOS, the government is not providing a credible mechanism for them to do this. Voluntary action taken by business or individuals will only reduce the amount of permits that large polluters are required to purchase; it will not reduce Australia's overall greenhouse gas emission. To become carbon neutral, individuals and businesses will be required to purchase and surrender accredited permits.

The NCOS disenfranchise voluntary action for business and individuals and leaves offset providers and their customers disadvantaged by the double payment problem i.e. if someone buys conventional electricity, then buys offsets, they will pay for the permits and for the offsets as well, effectively paying to pollute and paying to offset. There will be little incentive for voluntary action such as energy efficiency and Green Power which may mean that investment in low carbon businesses and infrastructure is likely to be driven offshore due to the lack of regulation to support voluntary action.

The CPRS and the NCOS are key climate change policy documents; however they do not consider scientific data and consensus. While defining and quantifying dangerous climate change is complicated, the Garnaut report, which was commissioned by the Federal Government and released in 2008, reports that *"Australia should express its willingness to reduce its own entitlements to emissions from 2000 levels by 25 per cent by 2020 and by 90 per cent by 2050 in the context of an international agreement"*.

The CPRS is a potentially effective mechanism in achieving significant greenhouse gas reductions. However if the majority of permits are given away for free and voluntary action is not separated from the 5% cap set, the scheme will not have a significant impact on Australia's contribution to global greenhouse gas emissions. Furthermore, the community will be penalised as they will be required to 'pay twice' to initially cover the costs of the large polluters to buy permits and to secondly offset emissions, for example to purchase permits.

Regional / Strategic Implications

The Northern Alliance for Greenhouse Action (NAGA) is a network of 9 Councils working together to reduce greenhouse emissions in northern Melbourne. The network is currently investigating ways in which we can firstly advocate to the government for a mechanism within the CPRS that recognises voluntary action and empowers the community to act. NAGA will also assist Councils to develop strategic directions to ensure that once the CPRS and NCOS are in operation that we find the most effective and positive ways in which to support Australia's efforts in climate change mitigation and concurrently achieve our goals of carbon neutrality.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The City Development Portfolio Councillor, Cr Connellan, has been advised of the content and the preparation of this report.

5. Financial and Resources Implications

Council will be affected by the increasing prices of energy under the CPRS.

DCI11 EXPANSION OF CARSHARING IN MORELAND (D09/27976)

Acting Director City Infrastructure

Asset Planning - Transport Unit

Executive Summary

Council has received a request from Flexicar Carshare to expand the number of carshare vehicles in Moreland.

Flexicar Carshare currently has four vehicles located within Moreland and wish to add three vehicles to the scheme. Flexicar proposed to add two vehicles, which will expand coverage in Brunswick West and the north of Brunswick, and one vehicle will cater for excess demand in central Brunswick.

Recommendation

Council resolve:

1. To advise Flexicar Carshare that it supports the expansion of the carshare scheme in Moreland.
2. To provide a car space for a Flexicar Carshare vehicle at the following locations:
 - Edward Street, Brunswick off-street car park.
 - Sydney Road, Brunswick off-street car park (south of Albion Street).
 - On-street space outside Union Square shopping centre, Grantham Street, West Brunswick.
3. To provide signage and bike parking at each site.

1. Policy Context

The Moreland Integrated Transport Strategy aims to improve access to social, cultural and economic life in Moreland and across Melbourne at the same time as minimising the financial, human and environmental costs of this access. Carshare contributes to achieving this aim by providing an alternative to private motor vehicle ownership.

The Moreland Parking Strategy endorses carshare and gives it a high priority in the User Priority Guidelines that have been defined within the strategy.

Moreland's Municipal Strategic Statement (MSS) identifies parking as one of the key challenges facing Council in order to achieve its vision for the municipality. Carshare is a means of reducing demand for parking for private motor vehicles.

2. Background

Carshare exists in over 400 cities in Europe, North America and Australia, offering members a mobility solution that is cheap, environmentally friendly and easy to use. Carshare services offer self-service cars on-demand for rent by the hour or the day. People sign up as members of a carshare scheme and only pay for the time they use. Rates include petrol, insurance, maintenance, cleaning and designated parking.

Flexicar has been operating since March 2005 and now has over 2000 members and 70 cars operating in the cities Moreland, Port Phillip, Yarra, Melbourne and Maribyrnong.

Flexicar currently operates four cars in Moreland. Three cars are located in Brunswick, and a fourth is located in Brunswick East. Over 190 members nominate the cars at these four locations as their preferred vehicle. At a ratio of almost 50 members per car, these vehicles are currently experiencing significant demand issues. Furthermore, Flexicar has received registrations from almost sixty Brunswick West residents, and a handful of Coburg residents have expressed interest in using the service if it comes to their area.

Flexicar has identified an additional three locations that would provide a sustainable and convenient carsharing service to existing and potential members in Moreland. The two off-street car park sites are currently both under utilised (Edward Street car park has a maximum occupancy of 25%, Sydney Road car park is at 39%). The on-street car park at Union Square shopping centre is adjacent to a large off-street car park, and will not impact on neighbouring traders.

3. Issues

Environmental Implications

Carsharing gives people access to a car when they need one, without having to own a vehicle. It allows many people to share a vehicle, thereby reducing the demand for parking, reducing congestion and supporting other sustainable transport modes. As users pay for each trip, members are more likely to consider sustainable modes of transport first, and only use carshare when absolutely necessary. Furthermore, older and more polluting vehicles are being replaced with newer and more fuel-efficient vehicles.

4. Consultation

Flexicar undertook consultation with their local members, seeking suggestions for locations for new vehicles. These three sites have been identified as their preferred locations.

A site visit to each of these locations has been undertaken in conjunction with Flexicar, and all three are considered to be appropriate. All three sites are well lit, are surrounded by a mix of land uses, are located close to public transport links and do not impact on existing parking or traffic flows.

The Portfolio Councillor for Sustainable Transport, Cr Toby Archer, has also been consulted in the preparation of this report.

5. Financial and Resources Implications

The cost of signage and bike parking at each car share location would come out of the existing Transport Unit budget. Signage would cost \$250 per car park. Each bike park would cost \$500.

DCI12 ROAD RECONSTRUCTION CHURCHILL STREET, GLENROY – CONTRACT 1590 (D09/18547)

Acting Director City Infrastructure

Asset Planning

Executive Summary

Council has invited and assessed tenders for the reconstruction of Churchill Street, Glenroy. An advertisement was placed in *The Age* newspaper on Saturday 17 January 2009 inviting tenders from contractors to undertake the works. Tenders closed on Wednesday 4 February 2009 at 3pm. Following evaluation of the tenders submitted, Council is now in a position to award this contract.

Recommendation

Council resolve:

1. To accept the lump sum tender from ADP Constructions Pty Ltd for the amount of \$227,945.70 (excl. GST) plus the provisional sum of \$61,415 (excl. GST) for the reconstruction works at Churchill Street, Glenroy.
2. That the Acting Director City Infrastructure be authorised to do all things necessary to execute Contracts and any other required documentation.
3. To note that the balance of the funding required to complete the project, \$114,360 will be funded from the Drainage Asset Replacement Program.
4. That all tenderers be advised of Council's decision in this matter.

1. Policy Context

The reconstruction works have been identified in the 2008-2009 Capital Works Program within the Stormwater Drain Assets Program. The width of the road will remain at 7.4 metres, which is a standard width for residential roads in this area.

2. Background

The works will involve the construction of underground drainage, new concrete kerb and channel and asphalt resheeting of the road pavement.

3. Issues

On Saturday 17 January 2009, a public advertisement was placed in *The Age* newspaper inviting tenders from suitably experienced contractors for 'Road Reconstruction, Churchill Street, Glenroy'. Tenders closed at 3pm on Wednesday 4 February 2009 and eight tenders were received from the following contractors.

- ADP Constructions Pty Ltd
- Grancon Road Constructions Pty Ltd
- CDN Constructors Pty Ltd
- MJ Construction Group Pty Ltd
- MAL Paving Pty Ltd
- Nick Neda Site Cleaning
- Excell Gray Bruni
- Man Constructions

The tender is a lump sum contract. For this type of contract, the tenderer is required to submit fixed rates for individual items, based on estimated quantities for the project prepared by the Council's Engineering Operations Unit.

Rates for provisional items, where quantities are difficult to determine or unknowns such as rock excavation are also submitted. Payment for these items is only made on actual quantities undertaken. The final contract sum is the total of the lump sum plus the provisional sum.

Tender Evaluation

Prices for the tenders ranged between \$289,360.70 to \$400,405.00 (excl. GST) including provisional items.

The tenders have been evaluated in accordance with Council's policy for procurement of services. The tender submitted by ADP Constructions Pty Ltd achieved the highest overall score through the process and the lowest overall total tender cost (lump sum plus provisional items).

In assessing the tenders, consideration was given to the following criteria:

- Compliance to the specification
- Customer service
- Quality system for deliverables
- Capability
- Past performance
- Strategic
- Innovation
- Financial viability

- Risk and insurance
- Compliance to conditions of contract
- Conflict of interest
- Tendered price

Capability

ADP Constructions Pty Ltd has carried out various reconstruction and drainage works for Council, with satisfactory results. They would be available to complete the reconstruction works within the current financial year.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Consultation with the Churchill Street residents was undertaken via a letterbox drop during the design process.

A notice will be forwarded to residents and construction notice boards will be placed in prominent locations prior to works commencing, giving timelines and contact details.

5. Financial and Resources Implications

Council's 2008-2009 Capital works budget includes a sum of \$175,000 within the Stormwater Drain Assets Program for this project. Following the completion of the design, a budget shortfall was anticipated prior to tendering. The balance of \$114,360 required to complete the project will be funded from the Drainage Asset Replacement Program. No additional capital funding is required to complete this project.

DCI13 TELECOMMUNICATION LEASE COBURG CITY OVAL (DO9/26591)

Acting Director City Infrastructure

Property Services

Executive Summary

Crown Castle Australia Pty Ltd wish to finalise a lease agreement with Council for the telecommunications facility located at Coburg City Oval.

Vodafone Pty Ltd initially erected the facility in 1996 and a lease agreement was negotiated but was not finalised at the time. Crown Castle Australia Pty Ltd assumed ownership of the facility in April 2001.

Based on Council's acceptance of rent from Vodafone Pty Ltd (and subsequently Crown Castle), it is considered that a legally binding agreement has existed since at least 1996 when the facility was first erected, which gives rights to Crown Castle Australia Pty Ltd to remain on the site. As Crown Castle Australia Pty Ltd now seeks to formally secure tenure at the site, Council is provided with the opportunity to negotiate the terms and conditions of the agreement to ensure the best possible outcome.

Recommendation

Council resolve:

1. That public notice, pursuant to sections 190 and 223 of the *Local Government Act 1989*, be given in relation to the proposed lease between Crown Castle Australia Pty Ltd and Moreland City Council for the lease site at Coburg City Oval for a 20 year term.
2. That in the event of any submissions made to Council as part of the statutory process, a report be presented to Council's Urban Planning Committee to receive submissions and that a future report be presented to Council for its final decision.
3. That in the event of no submissions being received, to approve the proposed lease and authorise the Acting Director City Infrastructure to do all things necessary to effect this decision.

1. Policy Context

Council's "Telecommunications Policy" is the guiding document regarding the use of Council land for a telecommunications facility. The Council Plan 2007 - 2011 and the Mayor's Speech 2009 commit Council to the responsible stewardship of Council's assets.

2. Background

In 1996, Vodafone Australia Ltd, pursuant to exercising its rights under the *Telecommunications Act 1991*, installed and erected a low impact telecommunication antenna and equipment shelter at Coburg City Oval (refer to **Attachment 1**).

A draft lease was prepared and negotiations between Vodafone Pty Ltd and Council's legal team ensued for several months however, a final document was never executed. Vodafone Pty Ltd's occupancy of the site continued under the terms and conditions of the draft lease until, in April 2001, Vodafone Pty Ltd transferred its interest in the facility to Crown Castle Australia Pty Ltd who has continued to occupy the site under the same terms and conditions of the draft lease. Council has continued to receive an annual rent since the site was first occupied in 1996.

3. Issues

The *Telecommunications Act 1991* (and subsequent 1997 Act) gives rights to a carrier to enter a site and erect a low impact telecommunications facility without permission of the landowner.

Based on Council's acceptance of rent from Vodafone Pty Ltd (and subsequently Crown Castle), it is considered that a legally binding agreement has existed since at least 1996 when the facility was first erected, which gives rights to Crown Castle to remain on the site. As Crown Castle now seeks to formally secure tenure at the site, Council is provided with the opportunity to negotiate the terms and conditions of the agreement to ensure the best possible outcome.

It is proposed that Council enter into a 20 year term for the existing facility at Coburg City Oval with a commencement date to be commensurate with the date that Crown Castle took possession of the site in April 2001.

Access to the lease site is via the adjoining Council owned carpark land in Russell Street, Coburg. The carpark land has been identified as significant to the Coburg Initiative plans and has been earmarked for potential future development, which may have some direct adverse affect on the existing telecommunication facility and which may result in the relocation of the facility.

Extensive consultation has been undertaken with Crown Castle and agreement in principle has been reached on the draft agreement. Specific relocation clauses have been added to the document should Council, as Landlord, determine that the tenant's occupation of the site would be directly adversely affected by any development works either on the adjoining carpark land or the land on which the facility is located.

It should be noted that Telstra also has a ground lease for an equipment shelter at the site which has expired. Council has received a formal request from Telstra to enter into a new long term lease for the site. The same access issues will apply to the Telstra facility however, as the Telstra facility is reliant on access to the monopole, any new agreement with Telstra will be conditional on the outcome of the Crown Castle agreement.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

City Infrastructure's Portfolio Councillor, Cr Kavanagh, has been informed of this proposal. Consultation with the relevant service areas of Council has occurred.

5. Financial and Resources Implications

Currently, the site returns an annual rental of \$13,639.01 and is increased annually in line with CPI.

The increase is contrary to the 5% per annum increase proposed in the draft agreement.

Crown Castle has agreed to back date the 5% annual increase to the commencement date of 2001 and to pay the difference of \$4,739.86. The 2009 rental is \$19,297.81.

The proposal has a net value to Council over a 20 year period of \$670,000 (\$19,297.81 per annum, indexed at 5%).

DCI14 PROPOSED LEASE OF LAND AT GOWANBRAE (D09/27583)

Acting Director City Infrastructure

Strategic Property

Executive Summary

Optus Telecommunications has approached Council proposing to lease a part of Council land at Gowanbrae.

The lease proposal is to place an equipment shelter at ground level between the legs of an existing electricity tower (SPI – Power Net) and for the installation of underground Optus electrical cables within Council land.

The purpose of this report is to seek in principle support for the proposed leasing of Council land at Gowanbrae.

Recommendation

Council resolve:

1. To provide in principle support for the proposal to lease Council land in Gowanbrae known as Reserve No. 8, title particulars 10659/171.
2. That public notice, pursuant to sections 190 and 223 of the *Local Government Act 1989*, be given in relation to the proposed lease between Optus telecommunications and Moreland City Council for the lease of land at Gowanbrae for a 20 year term.
3. That in the event of any submissions made to Council as part of the statutory process, a report be presented to Council's Urban Planning Committee to receive submissions and that a future report be presented to Council for its final decision.
4. That in the event of no submissions being received, to approve the proposed lease and authorise the Acting Director City Infrastructure to do all things necessary to effect this decision.

REPORT

1. Policy Context

Council's "Telecommunications Policy" is the guiding document regarding the use of Council land for a telecommunications facility. The Council Plan 2007 - 2011 and the Mayor's Speech 2009 commit Council to the responsible stewardship of Council's assets.

2. Background

Optus Telecommunications has approached Council proposing to lease a part of Council land at Gowanbrae known as Reserve No 8, title particulars 10659/171 as shown in **Attachment 1**.

The lease proposal is to place an equipment shelter at ground level between the legs of an existing electricity tower (Singapore Power Installation – Power Net) and the installation of underground Optus electrical cables within Council land as shown in **Attachment 1**.

The purpose of this report is to seek in principle support for the proposed leasing of Council land at Gowanbrae.

3. Issues

Council's Open Space branch has given consent for Optus to access a five metre section of Council land between Lots 400 and 401 (**Attachment 1**) during the construction period for the equipment shelter and installation of underground cabling. A license agreement will be required during construction and will expire upon the completion of works, future access required by Optus is to be through an Emergency Access off the Western Ring Road along the freeway fence, SPI PowerNet currently access the site via this entrance when performing works to their assets (electricity towers).

If, at the expiration of lease agreement Council does not renew the lease, Optus will be required to remove its assets from above and within the land leaving Council land free on any encumbrances.

Optus has agreed to the following key lease terms, which it submits to Council for its consideration as part of this proposal:

Rent:	\$14,000 + GST per annum payable annually in advance
Term:	Twenty (20) years
Rent Review:	3% increase per annum compounding
Use:	Mobile telecommunication base station.

4. Consultation

City Infrastructure's Portfolio Councillor, Cr Kavanagh, has been informed of this proposal. Council's Open Space Branch has been consulted on this proposal.

5. Financial and Resources Implications

There is no direct cost to Council associated with accepting this proposal.

The proposal has a net value to Council over a 20-year period of \$387,470 (\$14,000 per annum, indexed at 3% per annum compounding).

DSD5 CULTURAL EXCHANGE GRANT PROPOSAL - WEN JUN EXHIBITION (D09/27075)

Director Social Development

Cultural Development / Arts and Culture Unit

Executive Summary

Mr. Wen Jun is a resident of Moreland's sister city Xianyang, and an artist of some standing in China. He is visiting Melbourne until mid 2009 and, while here, he and the Xianyang government would like to stage an exhibition of his works in Moreland.

This exhibition would occur on the 20th Anniversary of the Sister City relationship between Xianyang and Moreland. The artworks exhibited would include reproductions of Tang Dynasty Tombs. These artworks have been chosen specifically in the context of a cultural exchange project in that they depict civic life in China.

To tie in with the theme of civic life in China, the proposed venue for this exhibition is the foyer of the Brunswick Civic Centre. Hence, the Moreland community would have the rare opportunity to view works of significant cultural importance whilst themselves engaging in civic activity. This will provide a unique experience for residents.

Recommendation

Council resolve to allocate a Cultural Exchange Initiatives Grant of \$5,000 to facilitate an exhibition of artworks in Moreland at the Brunswick Civic Centre by Mr. Wen Jun in May 2009.

1. Policy Context

The proposal to facilitate an exhibition by a visiting Chinese artist is consistent with the 'Moreland Arts Strategy 2006-2010' that states in the Cultural Principles section, "Arts and Cultural expression have the potential to engage, to educate and to challenge, and therefore to strengthen and contribute to the development of individual and community identity as well as to a shared culture across the municipality". The proposal is also consistent with the guidelines of the Cultural Exchange Initiatives Policy, which was adopted by Council on 27 May 1998 (DSD51).

2. Background

On 8 October 2008 (DSD57) Council resolved to give in principle support to facilitating an exhibition by Mr. Wen Jun from Xianyang in China in 2009. Council also resolved that the matter be formally referred for detailed consideration to the Council to be elected in 2008, once more information was available.

Mr. Wen Jun is a resident of Moreland's sister city in China, Xianyang and an artist of some standing in that country. He has a long history with the City of Moreland and was instrumental in initiating the sister city relationship with Xianyang. Mr. Wen Jun is one of two artists who created the artwork on the ceiling of the Coburg Council Chambers.

Council has been approached by Mr. Robert Dorning, a former Councillor with the City of Brunswick and one of the founders of the Xianyang sister city relationship, and Mr. Mark Higginbotham, when he was a Councillor. Messrs Dorning and Higginbotham have been in conversation with the government of Xianyang, who would like to see Moreland stage an exhibition of Mr. Wen Jun's artworks. The government of Xianyang regards this as an important cultural exchange project and will assist Mr. Wen Jun with the costs of shipping his paintings to Melbourne.

The artworks exhibited would include reproductions of Tang Dynasty Tombs. These artworks have been chosen specifically because they focus on depicting civic life in China.

To tie in with the theme of civic life in China, the proposed venue for this exhibition is the foyer of the Brunswick Civic Centre, adjacent to the entrance of the Counihan Gallery in Brunswick.

3. Issues

Mr. Wen Jun is currently in Australia and will return to China in mid 2009. It is proposed that an exhibition of Mr. Wen Jun's works takes place in May 2009 during the 20th anniversary of the Sister City relationship between Xianyang and Moreland, and that Council supports this exhibition through its Cultural Exchange Initiative Grants Program.

It is proposed that Council contribute \$5,000 from the Cultural Exchange Initiative Grant Budget be paid to the RMIT Public Art Unit auspiced to the Moreland / Xianyang Friendship Committee. This grant will be used to procure a curator to oversee the project and to cover the fees associated with installation of works, e.g. hire of display equipment.

In addition, it is proposed that Council provide in-kind use of the Brunswick Civic Centre Foyer, and that the Arts and Culture Unit provides assistance with the publicity of the exhibition and the design and printing of the invitation for its opening. As part of the sister city relationship with Xianyang, it is expected that Council will host a dinner for the artist.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The Councillor Responsible for Social Development, Cr Pryor, has been consulted in relation to this report.

A consultation meeting was held on Monday 16 February 2009 with Mr Mark Higginbotham, Mr. Robert Dowling and Mr. Geoff Hogg from RMIT.

Organisations that have expressed interest in, and support for, this exhibition include RMIT (Brunswick Campus), the Australian Chinese Foundation and the Xianyang Government.

5. Financial and Resources Implications

The costs associated with the proposal will be funded from the existing Cultural Exchange Initiatives Grants Budget. Other resources and expenses can be accommodated within the 2008/2009 budget.

DSD6 PARTNERSHIP GRANT FUNDING (D09/27404)

Director Social Development

Youth and Leisure Services

Executive Summary

The Partnership Grants program provides financial support to locally based not-for-profit groups and organisations to develop and implement initiatives, which enrich the social fabric of Moreland and promote active community participation. Specifically, the program aims to encourage community organisations to develop sustainable facilities in a co-ordinated approach with Council.

This report considers the following requests for funding from the 2008/2009 program:

- Ascot Vale Cricket Club - Construction of two new practice nets at Dunstan Reserve, West Brunswick.
- Coburg Districts Football Club – Construction of asphalt spectator standing area, Cole Reserve Pascoe Vale.

Recommendation

Council resolve:

1. To contribute a total of \$14,000 as a one off payment from the 2008/2009 Partnership Funding Program for the Ascot Vale Cricket Club towards the construction of two new practice nets at Dunstan Reserve, West Brunswick.
2. To contribute a total of \$4,000 as a one off payment from the 2008/2009 Partnership Funding Program for the Coburg Districts Football Club towards the construction of an asphalt spectator standing area at Cole Reserve, Pascoe Vale.

1. Policy Context

This report is consistent with the Council Plan 2007-2011 and addresses the following key priorities of the 2008 Mayor's Speech:

- Maintain the value of the general community grants, sustainability grants and cultural grants programs run by Council.
- Improve sport and recreation opportunities for young people and women of all ages.
- Consider opportunities to increase the utilisation of sporting facilities.

2. Background

Grants of up to \$40,000 are available under the Partnership Program. Groups and organisations are required to contribute at least 25% of the total project cost including any documented in-kind support. Applications can be submitted at any time during the financial year until funds are expended.

Eligibility Criteria – Partnership Grants

The following eligibility criteria is specific to the Partnership grant category, however applications must also meet the overall Moreland Community Development Grants Program requirements.

What will be funded?

- Program and meeting space;
- Disability access;
- Facilities for junior or female use;
- Sports facilities development;
- Projects promoting efficient and sustainable use of natural resources;
- Projects promoting active physical participation; and
- Projects encouraging interaction of all age groups including joint use facilities, associated facilities for families and carers.

3. Issues

Ascot Vale Cricket Club

Project Description: Construction of two new cricket practice nets at Dunstan Reserve, West Brunswick.

The Ascot Vale Cricket Club is experiencing a growth of junior members and would like to construct two new cricket practice nets to meet the demand and provide the equipment and facilities for junior members to train and improve their skills. Whilst the Club is named Ascot Vale, it is based at Dunstan Reserve, West Brunswick, and approximately 50% of its 145 members are Moreland residents.

Coburg District Football Club

Project Description: Construction of asphalt spectator pathway/standing area surrounding the pavilion at Cole Reserve, Pascoe Vale.

The current irregular or variable surfaces / pathways around the pavilion as well as being dusty make walking difficult for people with impaired mobility, balance or vision. Access for older people, people with prams and walking aids is very difficult.

Both projects have been developed and designed in consultation with Council's Recreation, Open Space and Building Maintenance Units. Council has received compliant funding applications from both clubs including full quotations and nomination of appropriately qualified project managers to ensure projects can be delivered in a timely manner.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The Portfolio Councillor Social Development, Cr Pryor, and Councillors Responsible For Recreation and Leisure, Cr Kavanagh and Cr Erdogan, have been consulted in the preparation of this report. Council's Open Space and Building Maintenance Units have also been included in the assessment of the project application.

5. Financial and Resources Implications

Council allocated \$170,000 to the 2008/2009 Partnership Grant Program. A total of \$72,018 remains uncommitted. Applications for projects outlined in this report seek total funding of \$26,031.

Project	Amount Requested	Club Contribution	Other Contribution	Total Cost
Ascot Vale Cricket Club – Practice Nets	\$ 14,000	\$6,031	Project supervision	\$20,031
Coburg Districts Football Club - Asphalt Spectator Viewing Area	\$ 4,000	\$2,000	Project supervision	\$ 6,000

A decision to fund both project requests will leave a balance of \$45,987 available in the 2008/2009 program.

DSD7 WINTER SPORTFIELD ALLOCATIONS 2009 (D09/27379)

Director Social Development

Youth and Leisure Services

Executive Summary

Pursuant to section 89(2) of the Local Government Act 1989 this report contains a confidential attachment that will not be publicly disclosed because it relates to a matter which the Council considers would prejudice the Council or any person.

In accordance with Moreland City Council Sports Ground User Guide policy, seasonal tenancy applications are received in February from sporting clubs requesting a winter sports ground allocation. Each sporting club wishing to utilise Council grounds and pavilions must apply using the application forms within the Sports Ground User Guide and provide compliance documentation related to public liability insurance and other requirements.

Some clubs continue to have outstanding fees from the previous season(s). Clubs owing money have been contacted regarding the payment of outstanding fees and advised that allocations will not be confirmed until all outstanding fees have been paid or an agreed payment plan is approved.

Recommendation

Council resolve:

1. To allocate grounds subject to regular ground assessments to determine suitability and use in accordance with Attachment 1, Winter Sports Ground Allocation, 2009.
2. That ground allocation fees be set at a minimum \$100 and charged on a pro-rata basis for the time clubs receive unrestricted use of their allocated ground.
3. That any club owing ground and pavilion fees from previous seasons be informed their ground allocation will be suspended until payment is made or a payment plan is approved.
4. To notify any club that has failed to meet a previous instalment plan that they will not be eligible for any new instalment plan/s and must pay their outstanding fees in full to be able to receive an allocation.

1. Policy Context

The report is consistent with Council's Sports Ground User Guide policy, which outlines the processes and charges with respect to the allocation of sporting facilities for their dedicated purpose.

In addition to this, at its meeting held 12 September 2007 (DSD53) Council resolved to suspend allocation to any club owing ground and pavilion fees from a previous season until payment is made or a payment plan is approved, in accordance with the policy.

2. Background

The Moreland City Council Sports Ground User Guide outlines the terms and conditions of use for Council's sporting facilities.

The purpose of the Sports Ground User Guide is to allow the users of Council's sporting facilities to better understand the process guiding the allocation of facilities by clearly identifying:

- Council's requirements.
- Responsibilities of the user groups.
- Responsibilities of Council.
- Process for facility development.
- A framework that is equitable and easily administered.

Allocations are made through seasonal or annual tenancy agreements. Each season sporting clubs wishing to utilise Council facilities must apply. By signing the Application Form, Clubs agree to the terms and conditions outlined in the Sports Ground User Guide.

A security bond of \$500.00 is lodged at the time that applications are submitted to Council. The purpose of this bond is to ensure that facilities are kept in a satisfactory condition and that all keys are accounted for.

The Sports and Recreation Development Officer coordinates the assessment of applications and a recommendation is made to Council consistent with established criteria. Grounds are allocated in consultation with all sporting clubs, local sporting associations and relevant governing bodies.

3. Issues

Drought

The recent and continuing drought conditions and consequent water restrictions have had a significant impact on the use of Council sporting fields. As a result, regular inspection and testing is undertaken by Council's Open Space Unit to assess the condition and suitability of each ground.

Due to the current conditions of all grounds, the following restrictions apply:

- Clubs are permitted to train on each ground for no more than one hour per day for up to four hours per week. There are no time restrictions placed on juniors, under 12 years and below.
- No football boots are permitted.
- On grounds that have a Clegg Hammer assessment of 120 or greater, competitive training, drills, tackling etc. is not permitted.

Further deterioration of ground conditions is likely to lead to increased exclusions of club activities from grounds. This situation is becoming critical.

It is therefore recommended that each club's ground allocation fee be set at a minimum \$100 and charged on a pro-rata basis for the time they receive unrestricted use. For example, if a club receives a total of 15 from a possible 20 weeks use of its allocated ground without restrictions, it shall pay 75% of the set allocation. No discounts shall apply for pavilions.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The Portfolio Councillor Social Development, Cr Pryor, and Councillors Responsible For Recreation and Leisure, Cr Kavanagh and Cr Erdogan, have been consulted in the preparation of this report.

The Leisure Services Unit has consulted all relevant sporting bodies including Essendon District Football League, Football Federation Victoria and the Victorian Amateur Football Association.

Internal consultation has been undertaken between the Leisure Services Unit, Open Space Unit, Building Services Unit and Environmental Health Unit.

5. Financial and Resources Implications

Allocation of grounds to the clubs listed in **Attachment 1** is proposed on the assumption that issues relating to the non-payment of fees will be resolved. All clubs owing money as shown in **Confidential Attachment 2** have been formally notified regarding their non-payment of fees.

DSD8 YOUTH FACILITIES AND SERVICES STEERING COMMITTEE - YOUNG PERSON APPOINTMENTS (D09/25036)

Director Social Development

Youth and Leisure

Executive Summary

The intention of this report is to provide Council with a proposed composition of the Youth Facilities and Services Steering Committee. This committee has replaced the former Youth Advisory Committee, and will act as the Project Steering Committee for the Youth Facilities Project.

At its meeting held on 11 February 2009, Council resolved to endorse the project mandate and start-up documents, which confirm the operating framework for the Youth Facility Participation and Engagement Project (DSD4). This operating framework includes the composition of the Youth Facilities and Services Steering Committee (YFASSC).

Recommendation

Council resolve to endorse the nominated representatives as members of the Youth Facilities and Services Steering Committee, contained in Attachment 1 to this report.

1. Policy Context

The establishment of youth facilities has remained an ongoing priority for Council. Following extensive community consultation, the Moreland Youth Strategy and Action Plan 2004-2009 identified the need for an investigation into the establishment of youth friendly facilities / recreation centres as a way to ensure young peoples access to spaces and places.

The Moreland Council Plan 2007-2011 makes specific commitment to undertake a feasibility study into the establishment of a youth entertainment centre. Additionally, direct consultation with young people over a number of years through the Moreland Youth Summit continues to highlight the need for the creation of youth spaces.

2. Background

The establishment of a functional Youth Facilities and Services Steering Committee (YFASSC), as identified in the Project Organisational Structure, will ensure young people are heavily engaged in the development of the Youth Facilities Project and are able to influence the decision making process.

An information session advising young people of the Youth Facilities Project and, more specifically, how young people will be involved in the project was held on Tuesday 27 January 2009. It was the intention of this information session to provide young people with an overview of the project objectives, and acknowledge their ongoing commitment to youth issues. Similarly, an invitation was sent to all youth agencies, schools and community groups to promote agency involvement in the project working reference groups. Twenty one agencies attended an information session held on Monday 16 February 2009.

Eleven young people, predominantly derived from the former Youth Advisory Committee, attended this initial meeting. This meeting provided the appropriate forum for young people to comment on the design of the project and further stimulate discussion and promotion across their social networks. The Councillor Responsible for Youth, Cr Oscar Yildiz, was invited and attended this meeting.

An expression of interest seeking nominations for the YFASSC was advertised in the Moreland Leader newspaper and loaded onto the Moreland Youth Services web site from 2 February 2009 to 16 February 2009, at which time applications closed. Nomination forms and copies of the expression of interest advertisement were also emailed to existing youth networks, sporting clubs, schools and leisure facilities. Council officers also attended a number of schools within Moreland to deliver presentations to students and teaching staff outlining the project and the expected benefits and time commitments of young people who may wish to nominate for the Committee.

A total of thirty nine nominations were received for consideration.

3. Issues

Project Steering Committee Composition

The final composition of the Project Steering Committee must comprise a balance of age, gender, social and geographical representation from across the municipality.

The final composition of the steering committee will comprise:

- Chair - Youth Facility and Services Steering Committee (Councillor Responsible for Youth);
- 2 Vice Chairs – Youth Facility and Services Steering Committee (young persons - only two positions);
- A minimum of fifteen delegates (young persons only) to sit as active members of the Youth Facility and Services Steering Committee;
- Council officers including the Youth Participation Officer, Youth Project Officer; and
- Planning Co-ordinator and other staff as appropriate (non-voting).

Selection Criteria

Criteria 1: Must live, work or study in Moreland – Council will attempt to ensure an equal balance of representatives from across the municipality and beyond.

Criteria 2: An understanding of issues affecting young people in Moreland.

Criteria 3: Existing representation on committees or working groups on issues for young people, including volunteer work through social or community groups or sporting clubs.

Criteria 4: Ability to commit to the meeting schedule and training.

Criteria 5: Existing reference from reputable professionals in the community; i.e. teacher, youth workers etc.

Selection Panel

A selection panel was formed to discuss and select a total of fourteen young people for Council's consideration, to sit as members of the Youth Facilities and Services Steering Committee.

The panel members consisted of:

- Councillor Responsible for Youth, Cr Oscar Yildiz;
- Unit Manager Youth Services, Nuray Jarkan;
- Unit Manager Social Policy, Nalika Peiris;
- Youth Participation Officer, Simon Vella; and
- Youth Worker, Rodney Hueston.

The selection panel deliberated on nominations and selected the following candidates for Council consideration as outlined in **Attachment 1**.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Community consultation for each stage of the nomination process has been extensive and inclusive of a wide group of young people and stakeholders in order to ensure final composition of the Project Steering Committee presented to Council reflects a balance of age, gender, social and geographical representation from across the municipality.

The Portfolio Councillor Social Development, Cr Pryor, and Councillor Responsible For Youth, Cr Yildiz, have been consulted on the nomination and selection process.

5. Financial and Resources Implications

All expenditure will adhere to the Department of Planning and Community Development, Youth Participation and Access Grant 2009 – 2011 Funding Agreement and meets all Council, legislative and ethical requirements.

Members of the Youth Facilities and Services Steering Committee may receive reimbursements for any travel expense to and from meetings and other resources required to adequately engage as active members of the Project Steering Committee. Committee members will not receive monetary allowances or financial incentives whilst engaging in this project.