City of Moonee Valley

Ordinary Meeting of Council

Tuesday, 22 September 2015 at 7.00pm

Agenda

Ordinary Meeting of Council

Tuesday, 22 September 2015 at 7.00pm
to be held at the Moonee Valley Civic Centre

TO :

Members:	Cr Narelle Sharpe	Mayor
	Cr Cam Nation	
	Cr Jan Chantry	
	Cr Shirley Cornish	
	Cr Jim Cusack	
	Cr Paul Giuliano	
	Cr Nicole Marshall	
	Cr John Sipek	
	Cr Andrea Surace	
Officers:	Mr Bryan Lancaster	Acting Chief Executive
	Mr Brett Luxford	Director Environment & Lifestyle
	Mr Henry Bezuidenhout	Acting Director City Works & Development
	Mr Adam Boyle	Acting Director Community Services
	Mr Dale Monk	Acting Corporate Services
	Ms Yvonne Hansen	Manager Governance & Local Laws

Business:

1. Opening

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3. Confirmation of Minutes

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BRYAN LANCASTER
Acting Chief Executive

8.1 Reports by Mayor and Councillors

File No: FOL/15/590
Author: Councillor Support Admin Officer
Directorate: Corporate Services
Ward: Municipal

Recommendation

That reports by the Mayor and Councillors be received.

8.1 Report by Mayor, Councillor Sharpe

7 August 2015	Officiated at Victoria Police Kokoda Project breakfast
	Attended Western Region Mayor's Luncheon Hosted by Melton Shire Council
	Attended meeting with Strathmore Community Bank representative
	Opened Launch of Glass Art Exhibition at the Incinerator Arts Gallery
8 August 2015	Officiated at Planting of Lone Pine Tree Ceremony and afternoon tea
9 August 2015	Attended service at St John's Uniting Church to recognise their nomination as a Community Safe Church
11 August 2015	Attended meeting at Essendon Historical Society with President and Committee member
	Chaired Early Years Reference Group meeting
	Chaired Public Forum and Councillor Briefing
12 August 2015	Attended photo opportunity with The Leader on Solar Array
13 August 2015	Attended Port Philip and Western ort Regional Catchment Strategy Awards Event
	Attended meeting with representatives from California Sports Surfaces
14 August 2015	Participated in Spirit of Moonee Valley Judging Panel
	Attended meeting with Manager Aged and Disability Services regarding Men's Shed Sponsorship

15 August 2015	Attended VBACCNAI end of season netball grand final at Clifton Park and took part in the presentations
16 August 2015	Attended Annual Vietnam Veterans Service and Luncheon hosted by Keilor East RSL
18 August 2015	Attended meeting with Manager Economic Development and City Sustainability and Community Partnership and Sponsorship Officer regarding 2015 Mayoral Charity Race Event
	Attended meeting with resident, Acting Director Environment and Lifestyle and Manager Governance and Local Laws regarding Essendon Market
	Chaired Councillor Workshop
19 August 2015	Attended photo opportunity for Men's Shed
	Chaired Consultation Briefing and Meeting in relation to 66-68 Lincoln Road, Essendon application
	Chaired Consultation Briefing and meeting in relation to 47-51 Rose Street, Essendon application
20 August 2015	Attended on-site meeting with resident regarding tree issue
	Participated in Community Conversations session held at Sam Merrifield Library
	Attended meeting with representative from Essendon Football Club, Acting Chief Executive and Acting Director Environment and Lifestyle
	Attended meeting with Acting Chief Executive and representative from Maddocks Lawyers
	Attended Western Region MAV Representatives meeting held at Wyndham City Council
	Attended Western Region Bi-Annual Forum hosted by Wyndham City Council
21 August 2015	Interview with 3AW Ross and John Breakfast Show regarding Airport West name change
24 August 2015	Chaired Special Committee of Council for the appointment of the Chief Executive Officer
25 August 2015	Hosted morning tea for Mayor update to staff
	Hosted lunch for Mayor update to depot staff
	Chaired Ordinary Meeting of Council

26 August 2015	Attended Opening of McNab House at Penleigh and Essendon Grammar School
	Attended meeting with Chief Executive Officer, Bully Zero
27 August 2015	Opened 2015 Youth Summit
	Attended Children's Book Week at Niddrie Library
	Attended National Meals on Wheels Day Luncheon
28 August 2015	Officiated at the 2015 Leaders in Business Breakfast
	Attended Essendon Airport/Essendon Fields/Moonee Valley Working Group meeting
30 August 2015	Attended Opening of Summer Greens at Maribyrnong Park Bowls Club
1 September 2015	Chaired meetings to interview candidates for the role of Independent Audit Committee Member with Cr Nicole Marshall, Director Corporate Services and Manager Finance
	Chaired Councillor Workshop

8.2 Report by Councillor Nation

6 August 2015	Attended Economic Development Portfolio meeting with Acting Manager Economic Development and City Sustainability and Coordinator Economic Development
	Attended Victoria University's Melbourne 2050 – How will we cope with 8 million people" forum at Etihad Stadium
	Attended address by Richard Wynne MLA, Minister for Planning
7 August 2015	Attended Victoria University's Melbourne 2050 – How will we cope with 8 million people" forum at Etihad Stadium
11 August 2015	Attended on site meeting with resident in Ascot Vale Road, Moonee Ponds
	Attended Public Forum
	Attended Councillor Briefing
13 August 2015	Attended BreastWest Fashion Gala at Moonee Valley Racecourse
18 August 2015	Attended Councillor Workshop

19 August 2015	Chaired Consultation meeting for planning application at 300 Ascot Vale Road, Moonee Ponds
22 August 2015	Attended planning application site visit in Lebanon Street, Strathmore
	Attended planning application site visit in Streldon Avenue, Strathmore
	Attended planning application site visit in Pascoe Vale Road, Essendon
	Attended planning application site visit in Tennyson Street, Essendon
24 August 2015	Attended Special Committee of Council for the appointment of the Chief Executive Officer
	Attended meeting with resident regarding planning application at Tennyson Street, Essendon
25 August 2015	Attended Ordinary Meeting of Council
28 August 2015	Attended Moonee Valley Council's Leaders in Business Breakfast at Essendon Fields
29 August 2015	Officiated at the Unveiling of the "Statue of Rosemary" dedicated to Women Caring for War Victims at Victory Park, Ascot Vale
	Attended post-event function for unveiling of the "Statue of Rosemary" dedicated to Women Caring for War Victims at Victory Park, Ascot Vale
1 September 2015	Attended Councillor Workshop

8.3 Report by Councillor Chantry

5 August 2015	Attended Consultation Briefing and Meeting in relation to 144-160 Keilor Road, North Essendon application
	Attended Consultation Briefing and Meeting in relation to 1 O'Shannassy Street, Essendon North application
6 August 2015	Chaired Grant Assessment Panel briefing
8 August 2015	Attended on-site meeting with developer in regard to entry into Miner's Cottage, Mt Alexander Road, Essendon
	Attended Planting of Lone Pine Tree Ceremony and afternoon tea at Queens Park, Moonee Ponds
10 August 2015	Chaired Arts and Culture Advisory Committee
11 August 2015	Attended Public Forum and Councillor Briefing

13 August 2015	Attended Municipal Emergency Management Planning Committee meeting
	Attended Moonee Valley Foundation Awards Event
15 August 2015	Visited resident in Strathmore with parking issues along Boeing Reserve/Lockheed Street
	Visited residents in Kerferd Street, Essendon with parking issues in relation to developments along Keilor Road, Essendon
	Attended "Today and Back to the 20's" performance at the Clocktower Centre
16 August 2015	Attended Annual Vietnam Veterans Service and Luncheon hosted by Keilor East RSL
18 August 2015	Attended Councillor Workshop
19 August 2015	Attended Consultation and Briefing in relation to 66-68 Lincoln Road, Essendon application
	Attended Consultation and Briefing in relation to 47-51 Rose Street, Essendon application
22 August 2015	Meeting with residents at Boeing Reserve in relation to Essendon Airport issues
	Attended Strathmore Community garden planting
24 August 2015	Attended Special Committee of Council for the appointment of the Chief Executive
25 August 2015	Attended Ordinary Meeting of Council
26 August 2015	Attended Women's Heritage Victoria official launch
29 August 2015	Attended Strathmore Men's Shed briefing/meeting
	Attended Victory Park Statue Unveiling in Ascot Vale
1 September 2015	Attended Councillor Workshop

8.4 Report by Councillor Cornish

5 August –

1 September 2015 Verbal Report

8.5 Report by Councillor Cusack

5 August –

1 September 2015 Leave from Council

8.6 Report by Councillor Giuliano

5 August –

1 September 2015 Verbal Report

8.7 Report by Councillor Marshall

7 August 2015	Attended Launch of Glass Art Exhibition at the Incinerator Arts Gallery
8 August 2015	Attended Planting of Lone Pine Tree Ceremony and afternoon tea at Queens Park, Moonee Ponds
11 August 2015	Attended Early Years Reference Group meeting
	Attended Public Forum and Briefing
12 August 2015	Attended meeting at Moonee Ponds West Primary School
	Attended Audit Committee meeting
15 August 2015	Attended netball finals at Aberfeldie Primary School
	Attended event at Maribyrnong Park Football Club
18 August 2015	Attended Councillor Workshop
21 August 2015	Attended meeting at Farnham Street Community Centre
24 August 2015	Attended meeting at Wingate Community Centre
	Attended Special Committee of Council for the appointment of the Chief Executive Officer
25 August 2015	Attended Western Melbourne Tourism Organisation Performance Working Group Meeting
	Attended Ordinary Meeting of Council
26 August 2015	Attended meeting with Enforcement Officer to discuss Nairn Avenue, Ascot Vale
29 August 2015	Attended Victory Park Statue Unveiling in Ascot Vale
1 September 2015	Attended meeting with Mayor Cr Narelle Sharpe, Director Corporate Services and Manager Finance to appoint independent auditors
	Attended Councillor Workshop
Throughout reporting Period	Attended onsite meetings with residents in relation to issues of concern. Attended planning application sites

8.8 Report by Councillor Sipek

5 August 2015	Chaired Consultation Briefing and Meeting in relation to 2 McNamara Avenue, Airport West application
11 August 2015	Attended Public Forum and Councillor Briefing
16 August 2015	Attended Annual Vietnam Veterans Service and Luncheon hosted by Keilor East RSL
18 August 2015	Attended Councillor Workshop
19 August 2015	Attended Consultation Briefing and Meeting in relation to 44 Surrey Drive, Keilor East application
20 August 2015	Attended Western Region Bi-Annual Forum hosted by Wyndham Council
24 August 2015	Attended Special Committee of Council for the appointment of the Chief Executive Officer
25 August 2015	Attended Ordinary Meeting of Council
27 August 2015	Attended Victorian Local Government Association Board Meeting
29 August 2015	Attended Airport West Structure Plan Review drop-in session
1 September 2015	Attended meeting with Rosehill Ward Councillors, Acting Director City Works and Development, Manager Aged and Disability, Aged Care Officer and residents
	Attended Councillor Workshop

8.9 Report by Councillor Surace

5 August 2015	Attended Metropolitan Transport Forum
	Attended Consultation Briefing and Meeting in relation to 2 McNamara Avenue, Airport West application
6-7 August 2015	Attended two day Melbourne 2050: “How will be we cope with 8 million people” forum
7 August 2015	Attended Launch of Glass Art Exhibition at the Incinerator Gallery
10 August 2015	Attended Arts and Culture Community Advisory Committee meeting
11 August 2015	Attended meeting with Acting Chief Executive and Acting Director Environment and Lifestyle regarding Riverside Golf and Tennis Centre
	Attended Public Forum and Briefing
13 August 2015	Attended BreastWest Fashion Gala

15 August 2015	Attended Today and Back to the 20's Performance at the Clocktower Centre
16 August 2015	Attended Annual Vietnam Veterans Service and luncheon hosted by Keilor East RSL
	Attended Celebration Day at Greek Orthodox Church
18 August 2015	Attended Councillor Workshop
24 August 2015	Attended Special Committee of Council for the appointment of the Chief Executive Officer
28 August 2015	Attended 2015 Leaders in Business Breakfast
1 September 2015	Attended Melbourne Transport Forum's Improving Local and Metropolitan Transit meeting
	Attended meeting with Rosehill Ward Councillors, Acting Director City Works and Development, Manager Aged and Disability, Aged Care Officer and residents
	Attended Councillor Workshop

REPORTS

9.1 31 Hutcheson Street, Moonee Ponds (Lot 2 on PS 112103) Construction of a three storey building comprising 9 dwellings and reduction in car parking requirements

File No: FOL/15/590

Author: Principal Planner/Appeals Advocate

Directorate: City Works & Development

Ward: Myrnong

Proposal	Three storey building comprising 9 dwellings and reduction in car parking requirements
Applicant	Kairouz Architects
Owner	Romanos Eid and Yvonne Eid
Planning Scheme Controls	General Residential 1 Zone
Planning Permit Requirement	Clause 32.08-4 – Construction of two or more dwellings on a lot and residential buildings
Car Parking Requirements **(Clause 52.06)**	Required = 10 spaces Provided = 9 spaces
Bicycle Requirements	Not applicable
Restrictive Covenants	None
Easements	None
Site Area	490 square metres
Number Of Objections	59
Consultation Meeting	12 November 2014

Executive Summary

- The application seeks planning approval for the construction of a three storey residential building comprising 9 dwellings and a reduction in car parking.
- The site has an area of approximately 490 square metres and is located on the west side of Hutcheson Street, Moonee Ponds. The site is located within an area characterised by residential built form and non-residential properties.
- The application was advertised and 59 objections were received. Concerns were raised relating to neighbourhood character and visual bulk, overdevelopment, amenity impacts, waste collection and traffic/parking, overlooking, overshadowing, site coverage, building height, permeability issues, impact of the trees and devaluation of property issues.
- A Consultation Meeting was held on 12 November 2014, attended by Councillor Cusack, objectors, the applicant and Council's Planning Officer. No resolution was reached.
- Amended plans (Revision 3 dated 28/5/2015) were received by Council on 16 June 2015 under Section 57A of the Planning and Environment Act 1987. The amended plans have sought to address design concerns raised by both the objectors and Council. The amended plans were not re- advertised as the changes were considered to be positive without causing material detriment.
- The application was internally referred to Council's Environmental Sustainable Development (ESD) Officer, Engineering Services Unit and Traffic and Transportation Unit. Conditional support to the application was provided.
- This assessment report finds that the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme, and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.

Figure 1 – Aerial photograph of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/467/2014 for the construction of a three storey building comprising 9 dwellings and reduction in car parking requirements at 31 Hutcheson Street Moonee Ponds (Lot 2 on PS 112103), subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:

    a) The provision of detail of an automatic grilled door and roller unit above the door opening to be shown in the cross section A-A.

    b) The provision of lighting details of the basement in compliance with AS1680.2.1

    c) A notation on the plan showing a convex mirror at the entrance to the basement.

    d) The provision of car stacker details.

    e) The provision of details of swept path analysis (electronic format).

    f) A notation stipulating that the rainwater runoff from the common driveway is to drain to the rainwater garden;

    g) All Water Sensitive Urban Design (WSUD) notations shown on the plans as required under Conditions 3 and 4.

    h) The size and location of any rainwater tank on the plans and elevations.

    i) Provide a note outlining the roof catchment area being collected by each rainwater tank and note connection to the number of toilets, as per the STORM report, or area of garden it is distributing to.

    j) Show the size and location of any buffer strips and the extent, size and grading of the pervious surface/s draining to it.

    k) A schedule of all external material and finishes. The schedule must show the material, colour (including colour samples) and finishes of all external walls, roof, fascias, windows frames, fences and paving in accordance with Neighbourhood Character Guidelines– Garden Suburban 3.

    l) Site permeability to satisfy Clause 55.03-4 (Permeability) of the Moonee Valley Planning Scheme and any resulting changes to be reflected in the STORM report and treatments.

    m) Amended cross-sections of the ramp from the far side of the footpath to the parking area. The cross sections should include levels, grades and length of grades and headroom in accordance with Clause 52.06

    Once approved these plans become the endorsed plans of this permit.

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.

3. A minimum 30 days prior to any building or works commencing, all WSUD details, such as cross sections and specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.

   The WSUD details should be appropriate to the proposed stormwater treatment measure (eg. further detail is required for raingarden systems but is not required for above ground stand-alone rainwater tanks unless connected to toilets in which case notation to that effect is to be included on the drawings and in an ESD report if applicable).

   Where applicable, any stormwater treatment measures (eg. rainwater tank, raingarden, etc.) contained within the endorsed plans must be included on the stormwater drainage plan, the roof plan and landscape plan as applicable.

4. A minimum 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:

   a) Inspection frequency;

   b) Cleanout procedures;

   c) As installed design details/diagrams including a sketch of how the system operates; and

   d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

5. Prior to the issue of an Occupancy Permit, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

6. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.

7. The privacy screens / obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the buildings.

8. A minimum of 30 days prior to any building or works commencing, a Construction Management Plan must be submitted to and approved by the Responsible Authority detailing the construction activity proposed. The plan

must include, but not be limited to:

a) Hours of construction;

b) Parking and traffic movement of all workers vehicles and construction vehicles;

c) Scaffolding and hoarding for the site;

d) Allocated areas for loading and unloading;

e) Site evacuation plan and procedure;

f) Occupational health and safety policy;

g) Hazard identification and control;

h) Environmental management and waste minimisation;

i) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;

j) On site stormwater contamination;

k) Chemical storage;

l) Noise and vibration;

m) Risk assessment;

n) Works timetable, and

o) Number of workers expected of work on the site at any one time.

Once submitted and approved the works detailed by the Construction Management Plan must be carried out to the satisfaction of the Responsible Authority.

9. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.

10. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.

11. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably

qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.

12. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.

13. The development must be provided with external lighting capable of illuminating access to each car parking space, vehicular accessway, pedestrian accessways and pedestrian entrances. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.

14. Before the development starts, or any trees or vegetation removed, a landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:

    a) Plans to accord with Condition 1 of this permit;

    b) Planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;

    c) The use of drought tolerant species;

    d) The provision of at least two canopy trees within the front setback which are able to achieve a minimum mature height of 4 metres; and

    e) Features such as paths, paving and accessways.

    f) Once approved these plans become the endorsed plans of this permit. Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.

15. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the responsible authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.

16. This permit will expire if:-

    a) The development does not start within two (2) years of the date of issue of this permit, or

    b) The development is not completed within four (4) years of the date of issue of this permit.

    Before the permit expires or within six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse date.

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, new crossings, building over easements, etc.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the subject site
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.
- An Asset Protection Permit must be obtained from Council prior to commencement of works to ensure that Council assets in the vicinity of the works are not damaged during construction.

1. Introduction

1.1 Subject Site and Surrounds

The subject property is located on the 31 Hutcheson Street Moonee Ponds. The site is rectangular in shape with a frontage of 18.29 metres and a depth of 26.82 metres. The site area is 490m2. There are no restrictions noted on the certificate of title.

The subject site comprises of a detached double storey dwelling with a tiled roof. There is a driveway along the south boundary which is accessed via a single crossover to Hutcheson Street. The driveway extends to a private garage that is located on the south boundary.

The surrounding land is within a General Residential Zone. St Monica's Primary School is located to the south and a heritage overlay applies to the school land. Queens Park aged car facility is located on the east side of the street. Residential development in proximity of the subject site is

varied, with a mixture of single dwellings on large allotments, three storey walk up flats and multi-unit developments.

The character of the area can be described as period and transitional, featuring a mix of commercial, institutional and multi-unit developments and period dwellings. Although it is noted that Hutcheson Street itself has not experienced any significant developments there are a number of sites that have been redeveloped such as on the corner of Buckley Street.

External materials are a mixture of brick, render, and timber finishes in differing colours. Building frontages vary from single to double frontages. Roof forms in the area are predominantly flat roof, hipped with some examples of gabled-ended roofs.

Figure 2 - 31 Hutcheson Street, Moonee Ponds

1.2 Proposal

The application proposes the construction of a three storey building comprising 9 dwellings and reduction in car parking requirements. The proposal can be summarised as follows:

Table 1

No of dwellings	Nine (5 x 2 bedroom & 4 x 1 bedrooms)
No of car spaces	9
Max Building Height	9.55 metres
Site Coverage	66.8%
Permeability	19.32%

Refer **Appendix C** Plans (separately circulated).

It is noted that these plans (Revision 3 dated 28/5/2015) were lodged with Council on 16 June 2015 under Section 57A of the Planning and Environment Act 1987. These amended plans show changes to the overall

height, increased first floor setback, and removal of strong banding to the streetscape elevation as well as a reduced front fence height. These amended plans address concerns raised by Council and were not advertised as the changes were considered to be positive without causing material detriment.

The assessment that follows within this report is based on the revised plans submitted to Council on 16 June 2015. It should also be noted that as the modifications relate to built form aspects, the plans were not required to be re-referred to Council's Engineering Services and Traffic and Transportation Units.

The advertised plans initially received by Council, for comparison purposes, can be found at **Appendix D** (separately circulated).

2. Background

2.1 Relevant Planning History

Not applicable.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 11 Settlement

Clause 15 Built Environment and Heritage

Clause 16 Housing

Local Planning Policy Framework

Clause 21.03 Vision – Moonee Valley Tomorrow

Clause 21.04 Sustainable Environment

Clause 21.05 Housing

Clause 21.06 Built Environment

Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning

Clause 32.08 General Residential 1 Zone

Particular and General Provisions

Clause 52.06 Car Parking

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

Clause 65 Decision Guidelines

2.3 Referrals

External

Not applicable

Internal

- Engineering Services Unit.

  No objection, subject to conditions.

- Traffic and Transportation Unit.

  No objection subject to conditions, as well as the following non-standard conditions;

  - Plans must be submitted to show amended cross-sections of the ramp from the far side of the footpath to the parking area. The cross sections should include levels, grades and length of grades and headroom in accordance with Clause 52.06.
  - The provision of detail of an automatic grilled door and roller unit above the door opening to be shown in the cross section A-A
  - The provision of lighting details of the basement in compliance with AS1680.2.1
  - A notation on the plan showing a convex mirror at the entrance to the basement.
  - The provision of car stacker details.
  - The provision of details of swept path analysis (electronic format).
  - ESD Officer

    No objection, subject to conditions.

2.4 Public Notification of the Application

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by mail to adjoining and surrounding properties with one sign erected along the site frontage. As a result, 59 objections were received from the properties contained within **Appendix A** of the report.

A response to the objections is provided within Section 3.7 of this report.

2.5 Consultation Meeting

A Consultation Meeting was held on 12 November 2014, attended by Councillor Cusack, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting. However, as noted revised plans were submitted to Council on 16 June 2015 to address concerns raised by objectors and Council's design concerns. The amended plans were not re-advertised as the changes were considered minor.

3. Discussion

3.1 State Planning Policy Framework

The relevant State Planning Policy Framework Clauses are considered to be met. For the large part State Planning objectives seek to encourage

urban consolidation in locations which take advantage of existing commercial, institutional and community services and public transport. The subject site is located within close proximity of numerous public reserves, local business precincts, schools and public transport options. The location of the subject site is considered to lend support for a more intensive form of residential development.

The proposal contributes to the objective of housing diversity by providing a mix of dwelling sizes in various configurations which will cater for the increasingly diverse needs of future residents.

It is a strategy of Clause 15.01-1 (Urban Design) to ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability. It is considered that the proposed development responds to this strategy as it will provide a diversity in housing typology and will be located in close proximity to a range of services offered by the Moonee Ponds Activity Centre which is located 650 metres to the south.

3.2 Local Planning Policy Framework

The proposed development responds to the strategies of (Clause 21.05 Housing) and Clause 21.06-3 (Urban Design). A number of the objectives and strategies appear to overlap with those contained within the neighbourhood character precinct profiles and ResCode and therefore the key concepts of Clause 21.06-3 (Urban Design) are discussed below in Sections 3.3 and 3.5.

It is noted that the proposal achieves a 100% STORM assessment and therefore meets Clause 22.03 Stormwater Management (WSUD) of the Moonee Valley Planning Scheme. The relevant design requirement conditions will also be placed on any approval issued in accordance with this policy, as raised by Council's ESD Officer.

3.3 Neighbourhood Character Guidelines

The subject land is identified as being within character area 'Garden Suburban 3' within the Moonee Valley Neighbourhood Precinct Profiles 2012. It is considered that the development provides a suitable response to the preferred character statement, subject to permit conditions.

The preferred Character Statement for Garden Suburban 3 precinct is as follows:

New developments will contribute to the predominant siting and finishes of the precinct, and be located in well-maintained garden settings. Front facade articulation will be achieved through the use of recesses to complement the verandah and porch areas of the traditional dwellings. The use of lighter finishes will complement the palette of materials used in traditional buildings. Consistent front and side setbacks will reinforce the existing rhythm of the built form, while low or permeable front fences will retain the open appearance of the streets.

Table 2

Siting and Building Envelope	The required street setback is 7.65 metres. The proposal features a ground floor street setback of 5.4 metres to apartment G1 and 6.03 metres to apartment G2 which is less than the average by 2.25 metres, however is considered supportable in this case as the 5.4 to 6.03 metre setback provides a staggered frontage to the street. The building to the south is separated from the subject site by over 9 metres and a series of trees is located on the school site which will provide a screening element to the proposed site when viewed along the street to the north. It is noted that when viewed in context of the setbacks to properties further to the north in the street both on the east and west sides of the street, properties are located closer to the street frontage. The setback will not look out of context in the street when taking into account the high palm tree on the adjacent site to the north and the high solid front fence. The variation to the front setback is a transitional increase and will not be overtly noticeable within the streetscape. While the proposal is built to the north and south boundaries, the location of the basement accessway along the northern alignment creates a void space and sense of separation to the boundary. A 2 metre wide pedestrian entry is located along the southern boundary. The void and landscaping area on the north boundary maintains the rhythm of spacing of buildings within the neighbourhood and allow for meaningful landscaping opportunities. The building envelope ensures that only one building presents directly to the street.
Built Form	The overall building height, excluding the lift overrun which extends to 11.4 metres, is 9.55 metres which exceeds the 9 metre height requirement of ResCode. This is considered to be characteristic of the three storey flats and apartment buildings evident throughout Hutcheson Street. The minor increase in height of 0.55 metres is considered acceptable as it demonstrates a more sensitive design response for the subject site given the existing residential interface adjoining the site to the north and the institutional school site to the south. The development adopts a contemporary form of architecture, repeating proportions and the scale of surrounding development in the immediate vicinity. The building includes a variety of materials on both levels to provide appropriate levels of articulation. The upper levels are provided with varied materials and some

	recesses and varied window shapes and sizes, ensuring visual interest and to the front and side elevations. The modern interpretation of surrounding buildings is a positive contribution to the streetscape and complements the residential buildings and recently developed housing stock surrounding the site. It is considered that the proposal is in keeping with the emerging character and potential future development of the area and would not result in an obtrusive building form. This is particularly evident given the potential for intensified development within closer proximity to the Moonee Ponds Activity Centre which is 650m to the south. There are numerous properties within close proximity to the subject site that contain multi-storey residential developments (i.e. flats and apartment buildings). These existing residential developments demonstrate an emerging and preferred built form for the immediate surrounding area.
Design Detail	The proposed design is contemporary and responds well to the site's location and context through the provision of architectural elements and an acceptable combination of materials. It is generally considered that an appropriate degree of visual interest and design articulation has been provided, with an adequate transition of built form to adjoining residential properties. The proposed built form would maximise visual interest from various viewpoints and minimise amenity impacts to adjoining residential properties. The finishes proposed provide the development with a mix of materials such as brickwork and light weight rendered façade treatments to some elements of the façade as well as alucobond and stained timber treatments. This provides a level of visual interest not only with setbacks but the alternation in materials and colours to eliminate blank walls. The location of these material finishes has been selected for different planes on the building to provide further articulation and visual interest on all elevations. The roof is a flat form to reduce overall height. This combined with the high quality finishes ensure the development will be a positive addition to the streetscape, providing a high standard of architectural integrity and visual amenity.
Landscaping	The design of the building combined with in ground planting allows adequate landscaping to be provided within the front setback, along the southern boundary line and between the dwellings. A Landscape Plan has not been provided for assessment. Therefore a

	condition will be placed on any issued planning permit requiring a Landscape Plan to be provided by a suitably qualified person. A 1.7 metre high slated timber fence in a natural finish is proposed along the street frontage (as per the amended plans – **Appendix C,** separately circulated). Whilst this will obscure views to front landscaping of the building, the fence is required to provide for privacy to the SPOS areas of apartments G1 and G2. To resolve this, the front fence is offset from the front title boundary with planter boxes provided to achieve a landscaped presentation.

3.4 Compliance with Clause 52.06 (Car Parking)

The proposed development is subject to the requirements of Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme and requires the following car spaces to be provided:

Table 3

Use	Required	Provided
4 x 1 bedroom and 5 x 2 bedroom dwellings	9	9
Visitors	1	0
	10	9

As mentioned under Section 2.3 of this report, Council's 'Traffic and Transportation Unit' has no objections to the proposed development and the waiver of one visitor carspace. Furthermore it is considered that all car spaces and accessways have been designed in accordance with the requirements of Clause 52.06 or can be complied with by permit condition**.**

3.5 Clause 55 (ResCode) Assessment

The amended proposal is considered to generally comply with the provisions of Clause 55 as set out in the assessment table (refer to **Appendix B**).

The following points of exception, which have not been satisfied through this table, are listed below:

Table 4

ResCode Standard	Response
Clause 55.02-1 (Standard B1 – Neighbourhood Character)	See Section 3.3 of this report.
Clause 55.03-1 (Standard B6) Street Setback	See Section 3.3 of this report.

Clause 55.0-5 (Standard B5) Integration with the street)	Vehicle access is provided via Hutcheson along the northern boundary. Private open space areas/upper floor balconies are orientated to front the street. Front fencing to comprise a slatted timber fence at 1.7 metres in height. The height of the fences is required to be balanced with providing an acceptable response to the streetscape whilst offering a degree of privacy for the ground floor apartments (G1 and G2) which rely on the front setback for secluded private open space. As such a variation to this standard is acceptable in this instance.
Clause 55.03-2 (Standard B7) Building Height)	The proposed height exceeds the requirements (9.55 metres along the southern elevation and 9.141 metres along the north elevation) due to the slope of the land. It is noted that the floor to ceiling heights have been reduced to 2.950 metres for the ground and first floor with the second level being 3.150 metres to the top of the parapet. The overall building height requires a variation of 0.141 metres to 0.55 metres which is considered acceptable. The increase in height will not be overtly obvious within the streetscape that comprises large three storey buildings located on the eastern side of the street.
Clause 55.03-3 (Standard B8) Site Coverage	The site coverage is at 66.8%. Consequently a variation of 6.8% is required. This is considered appropriate when the extent of building form on the residential sites further to the north and west of the site are taken into account. These properties as shown on the aerial photos have high site coverage reflective of the era in which the Victorian and Edwardian properties were developed. As such the variation is in keeping with surrounding character.
Clause 55.03-4 (Standard B9) Permeability	The permeability for the site is at 19.3%. This is considered to be a minor variation and compliance could be easily achieved at the site. As such, a condition of any permit issued will require a minimum site permeability of 20%.
Clause 55.03-8 (Standard B13) Landscaping	No landscape plan has been submitted, however, the proposal exhibits adequate space for landscaping to occur. It is recommended that a condition on any permit issued requires a

	landscape plan be submitted by a suitably qualified person.
Clause 55.04-1 (Standard B17) Side and Rear Setbacks)	Ground Level The non-compliance relates to the lift shaft wall which extends to a height of 11.4 metres and is setback 450mm from the southern boundary. This falls short of 6 metres from the required setback. Given the adjoining school interface, coupled with its relatively narrow breadth, it is considered acceptable. The other non-compliance relates to the bathroom of apartment G.4 which falls short 60mm. This is negligible. First Level The non-compliance relates to lobby wall which results in a shortfall of 1.74 metres and the balance of the first level wall which falls short 1.19metres from the standard. The only point of exception is the side wall of the balcony associated with apartment 1.1 which falls short 2.09metres. Second Level The non-compliance relates to the lobby wall which results in a shortfall of 4.84m and the balance of the wall which falls short 3.89m Given the immediate school interface, the southern setbacks are deemed acceptable. Third Level The non-compliance relates to the bathroom and living walls of apartment 2.2 which fall short 15mm short of the standard.
Clause 55.04-2 (Standard B18) Walls on boundaries)	The south boundary wall construction equates to a length of 21.1 metres which is in excess of the allowable length of 14.02 metres. The wall has an average height of 3.279 metres and a maximum height of 4.1 metres which also exceeds the standard. Notwithstanding the non-compliance, the site abuts a school site where existing boundary wall construction is a common feature with abutting residential allotments. It should also be noted that the amended plans reduced the floor to ceiling heights, the height

	of the wall on boundary will be reduced to some extent.
Clause 55.05-4 (Standard B28) Private open space)	The ground floor apartments are provided with courtyard spaces varying in size of between 15 to 35 square metres. Given these spaces are associated with 1 and 2 bedroom dwellings these arrangements are considered acceptable. Balconies at upper levels comply with the standard.

1. 3.6 Objections

Table 5

Issue	Officer Response
Neighbourhood Character (dwelling style with rest of street)	This is considered acceptable as discussed within Sections 3.2 and 3.3 of this report. The site is located within an area where incremental infill development is expected to occur and a three storey nine dwelling development is considered a reasonable increase in the number dwellings on the site, particularly as the site is only 650 metres from the Moonee Ponds Activity Centre. The southern section of Hutcheson Street is a mix of residential and commercial built forms (i.e. aged care centre, three storey walk up flats, institutional forms with the school and typical single and double storey residential dwellings).
Traffic congestion, street parking and pedestrian safety	Hutcheson Street is able to cater to the additional traffic movements per day generated by the 9 cars proposed for the site. Pedestrian visibility is maintained with the introduction of a visibility splay for the proposed crossover and along the north boundary. Obstructions do not exceed 0.9 metres in height along the northern boundary to ensure safety and visibility of pedestrians in accordance with the traffic engineer's advice. Further, a condition of approval will require the provision of a convex mirror at the entrance to the basement so as to improve overall visibility.
Amenity impacts (i.e. overlooking, overshadowing and noise)	As shown on the shadow diagram plans, the shadow diagrams fall across the secluded private open space of the adjacent properties to the west which still receives a minimum of 5 hours sunlight between 9am and 3pm at 22 September. The property overshadows the school to the south, however, this area is

	already cast in shadow by the existing trees located along the northern boundary of the school site. Ground floor overlooking is addressed by existing 1.8 metre high perimeter fencing. Habitable room windows are 1.7m above finished floor level or provided with fixed obscure glass to 1.7 metres above finished floor level which ensure that no unreasonable overlooking occurs to adjacent properties. Noise levels are not expected to be more than residential noise.
Trees on the School to the south	An arborist report has assessed the impact on the trees to the south and found that the proposed development does not impact on the two trees on the Saint Monica's Primary school grounds.
Clause 55 matters	While there are some standards of Clause 55 that the proposal does not comply with, the attached Clause 55 assessment show the high level of compliance with Clause 55 and those matters where variations occur are addressed in Section 3.5 above.
Devaluation of properties	This is not considered a valid planning argument and cannot be substantiated.

4. Human Rights

The application process and decision making is in line with the Victorian Charter of Human Rights and Responsibilities 2006 (Section 18 – Taking part in public life).

5. Conclusion

The application has been assessed against the relevant provisions of the State and Local Planning Policy Framework and the relevant Particular and General Provisions of the Moonee Valley Planning Scheme. It is submitted that the proposal demonstrates compliance with the requirements of these provisions and policies.

In light of the above, it is recommended that Council support the application in line with conditions prescribed within the Recommendation.

Appendices

Appendix A: 31 Hutcheson Appendix A objectors list
Appendix B: 31 Hutcheson Street Appendix B Clause 55 table
Appendix C: 31 Hutcheson Street, Moonee Ponds - Appendix C (separately circulated)
Appendix D: 31 Hutcheson Appendix D originally advertised plans (separately circulated)

Location of Objector's Properties

13 Primrose Street, MOONEE PONDS VIC 3039
10 Primrose Street, MOONEE PONDS VIC 3039
29 Primrose Street, MOONEE PONDS VIC 3039
24 Primrose Street, MOONEE PONDS VIC 3039
28 Primrose Street, MOONEE PONDS VIC 3039
58 Primrose Street, ESSENDON VIC 3040
21 Sherbourne Street, ESSENDON VIC 3040
12 Primrose Street, MOONEE PONDS VIC 3039
25 Primrose Street, MOONEE PONDS VIC 3039
25 Primrose Street, MOONEE PONDS VIC 3039
22 Primrose Street, MOONEE PONDS VIC 3039
24 Primrose Street, MOONEE PONDS VIC 3039
PO Box 606, MOONEE PONDS VIC 3039
31 Salisbury Street, MOONEE PONDS VIC 3039
1 Dickens Street, MOONEE PONDS VIC 3039
4 Garden Street, ESSENDON VIC 3040
26 Hutcheson Street, MOONEE PONDS VIC 3039
19 Primrose Street, MOONEE PONDS VIC 3039
22 Robinson Street, MOONEE PONDS VIC 3039
166 Pascoe Vale Road, MOONEE PONDS VIC 3039
24 Hutcheson Street, MOONEE PONDS VIC 3039
1/12 Salisbury Street, MOONEE PONDS VIC 3039
28 Hutcheson Street, MOONEE PONDS VIC 3039
28 Hutcheson Street, MOONEE PONDS VIC 3039
3 Lethbridge Street, MOONEE PONDS VIC 3039
2 Lethbridge Street, MOONEE PONDS VIC 3039
15 The Strand, MOONEE PONDS VIC 3039
7 Murray Street, MOONEE PONDS VIC 3039
20 Murray Street, MOONEE PONDS VIC 3039
15 Heritage Street, MOONEE PONDS VIC 3039
19 Heritage Street, MOONEE PONDS VIC 3039
9 Lethbridge Street, MOONEE PONDS VIC 3039
9 Heritage Street, MOONEE PONDS VIC 3039
11 Lethbridge Street, MOONEE PONDS VIC 3039
10 Nicholson Street, ESSENDON VIC 3040
9 Murray Street, MOONEE PONDS VIC 3039
1 Murray Street, MOONEE PONDS VIC 3039
1 Heritage Street, MOONEE PONDS VIC 3039
14 Lethbridge Street, MOONEE PONDS VIC 3039
142 Pascoe Vale Road, MOONEE PONDS VIC 3039
22 Primrose Street, MOONEE PONDS VIC 3039
34 Kernan Street, STRATHMORE VIC 3041
3 Thomas Street, MOONEE PONDS VIC 3039
6 Heritage Street, MOONEE PONDS VIC 3039
142 Pascoe Vale Road, MOONEE PONDS VIC 3039
20 Primrose Street, MOONEE PONDS VIC 3039

20 Primrose Street, MOONEE PONDS VIC 3039
18 Bent Street, MOONEE PONDS VIC 3039
77 Primrose Street, ESSENDON VIC 3040
74 Tennyson Street, ESSENDON VIC 3040
27 Primrose Street, MOONEE PONDS VIC 3039
15 Primrose Street, MOONEE PONDS VIC 3039
11 Holyrood Avenue, STRATHMORE VIC 3041
5 Lethbridge Street, MOONEE PONDS VIC 3039
18 Bent Street, MOONEE PONDS VIC 3039
26 Heritage Street, MOONEE PONDS VIC 3039
7 Murray Street, MOONEE PONDS VIC 3039
32 Hutcheson Street, MOONEE PONDS VIC 3039
23/55 Buckley Street, MOONEE PONDS VIC 3039

Clause 55 of the Moonee Valley Planning Scheme

Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule to the Residential 1 Zone). Where there is non-compliance, see section 3.3 in report.

Title and Objective	**Complies with Standard**	**Compliance with Objective**
B1 - Neighbourhood Character	X	✓
B 2 - Residential Policy	✓	✓
B 3 - Dwelling Diversity	N/A	N/A
B 4 - Infrastructure Objectives	✓	✓
B 5- Integration with the Street Objective	X	✓
B6 - Street Setback Objective	X	✓
B7 - Building Height Objective	X	✓
B8- Site Coverage Objective.	X	✓
B9- Permeability Objectives	✓ (condition)	✓
B10 - Energy Efficiency Objectives	✓	✓
B 11 - Open Space Objective	N/A	N/A
B 12- Safety Objective	✓	✓
B 13 - Landscaping Objectives	✓ (condition)	✓
B 14 - Access Objectives	✓	✓
B 15 Parking Location Objectives	✓	✓
B 16 - Parking Provision Objectives	*Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 3.4 of the report.*	
B 17 - Side and Rear Setbacks Objective	✓	✓
B 18 - Walls on Boundaries Objective	X	✓
B 19 - Daylight to Existing Windows Objective.	✓	✓
B 20 - North-facing Windows Objective	N/A	N/A
B 21 - Overshadowing Open Space Objective	✓	✓
B 22 - Overlooking Objective	✓	✓
B 23 - Internal Views Objective	✓	✓
B 24 - Noise Impacts Objectives	✓	✓
B 25 - Accessibility Objective	✓	✓
B 26 - Dwelling Entry Objective	✓	✓
B 27 - Daylight to New Windows Objective	✓	✓
B 28 - Private Open Space Objective	X	✓
B 29 - Solar Access to Open Space Objective	✓	✓
B 30 - Storage Objective	✓	✓
B 31 - Design detail objective	✓	✓
B 32 - Front Fences Objective	✓	✓
B 33 - Common Property Objectives	✓	✓
B 34 - Site Services Objectives	✓	✓

✓- complies
x – non-compliance
N/A- not applicable

9.2 11 Sovereign Way, Avondale Heights (Lot 15 on LP 85707) - Construction of three dwellings

File No: FOL/15/590
Author: Senior Statutory Planner
Directorate: City Works & Development
Ward: Rosehill

Proposal	• Two four-bedroom dwellings and one three-bedroom dwelling • Double storey
Applicant	Joe M Drafting P/L
Owner	Livio Manfre
Planning Scheme Controls	General Residential Zone
Planning Permit Requirement	Clause 32.08-4 – Construction of two or more dwellings on a lot
Car Parking Requirements	Required: 6 car spaces Provided: 6 car spaces
Restrictive Covenants	None
Easements	Yes, 2.44 metre wide drainage and sewerage easement along eastern and south-eastern boundaries
Site Area	826 square metres
Number Of Objections	20
Consultation Meeting	22 July 2015

Executive Summary

- The application seeks planning approval for the construction of three dwellings.
- The site is irregular in shape and occupied by a single storey brick dwelling, and has a total area of approximately 826 square metres. It is located at the south-eastern corner of Sovereign Way, a cul-de-sac accessed from Military Road to the north-east.
- The application was advertised and 20 objections were received. The concerns raised related to neighbourhood character, visual bulk and scale, overdevelopment, the example of development which has occurred in nearby Nelson Court, amenity impacts (overlooking, overshadowing, noise etc.), lack of vegetation, cultural impacts, pedestrian safety as well as traffic and parking impacts.
- A Consultation Meeting was held on 22 July 2015, attended by Councillors Surace and Cornish, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.
- The application was internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit and Environmentally Sustainable Design (ESD) Officer. Conditional support to the application was provided.
- This assessment report finds that the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme, and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.

Figure 1 – Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/990/2014 for the construction of three dwellings at 11 Sovereign Way, Avondale Heights (Lot 15 on LP 85707), subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:

    a) The first floor habitable room windows of Dwelling 3 amended or screened to comply with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.

    b) The provision of pedestrian visibility splays in accordance with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.

    c) The storage facilities of Dwellings 2 and 3 designed so as not to encroach upon the minimum internal dimensions required by Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.

    d) The crossover to be 3 metres in width, and the existing storm water pit to be relocated 1 metre from the crossover in accordance with Condition 11.

    e) The provision of additional landscaping alongside the accessway in proximity to the street frontage, with the design of the accessway to comply with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.

    f) Provision of 300mm wide trench grates at the entrance to each garage.

    g) The paving at the rear of all dwellings noted as being permeable in accordance with the approved STORM assessment.

    h) Deletion of the swale drawing shown on the WSUD treatment plan, replaced with details of a raingarden in accordance with the approved STORM assessment and Condition 3.

    i) The floor plans must demonstrate the collection and distribution of stormwater from the driveways to the nominated raingarden, noted with its size and location, in accordance with the approved STORM assessment.

    j) The roof plan and floor plans must graphically show the volume and location of all rainwater tanks. Each rainwater tank must be accompanied by a note stating the specific roof area in square metres from which the rainwater is being harvested into that rainwater tank. The number of toilets connected to the rainwater tank must also be nominated. All roof areas, tank volumes and numbers of toilets the tank is connected to must be consistent with the information provided in the approved STORM assessment.

Once approved these plans become the endorsed plans of this permit.

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.

3. A minimum 30 days prior to any building or works commencing, all WSUD Details, such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.

   The WSUD Details should be appropriate to the proposed stormwater treatment measure (eg. further detail is required for raingarden systems but is not required for above ground stand alone rainwater tanks unless connected to toilets in which case notation to that effect is to be included on the drawings and in an ESD report if applicable).

   Where applicable, any stormwater treatment measures (eg. tanks, raingarden, etc) contained within the endorsed plans must be included on the stormwater drainage plan, the roof plan and landscape plan as applicable.

4. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:

   a) Hours of construction;

   b) Parking and traffic movement of all workers vehicles and construction vehicles;

   c) Scaffolding and hoarding for the site;

   d) Allocated areas for loading and unloading;

   e) Site evacuation plan and procedure;

   f) Occupational health and safety policy;

   g) Hazard identification and control;

   h) Environmental management and waste minimisation;

   i) Management of onsite stormwater and contamination: a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;

   j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;

   k) On site stormwater contamination;

   l) Chemical storage;

   m) Noise and vibration;

   n) Risk assessment;

   o) Works timetable; and

p) Number of workers expected of work on the site at any one time.

Once submitted and approved the works detailed by the Construction and Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

5. A minimum 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:

   a) Inspection frequency.

   b) Cleanout procedures.

   c) As installed design details/diagrams including a sketch of how the system operates.

   d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

6. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

7. Building or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.

8. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.

9. The privacy screens/obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the buildings.

10. The existing street tree within the road reserve must not be removed or damaged as a result of the permitted development to the satisfaction of the Responsible Authority.

11. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation

and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.

12. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.

13. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.

14. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.

15. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.

16. Before the development starts, or any trees or vegetation removed, a landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:

    a) Plans to accord with Condition 1 of this permit.

    b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.

    c) The use of drought tolerant species.

    d) The provision of canopy trees within the front setback of Dwelling 1 which are able to achieve a minimum mature height of 4 metres.

    e) Features such as paths, paving and accessways.

    Once approved these plans become the endorsed plans of this permit. Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.

17. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.

18. This permit will expire if:

    a) The development does not start within two (2) years of the date of issue of this permit, or

    b) The development is not completed within four (4) years of the date of issue of this permit.

    Before the permit expires or within six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

    Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse date.

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, new crossings, building over easements, etc.
- Any works in proximity to the south-western boundary must ensure that due consideration is given to the location of any infrastructure within the easement that affects the neighbouring property.
- A permit must be obtained from Council for all vehicular crossings.
- An Asset Protection Permit must be obtained from Council prior to commencement of works to ensure that Council assets in the vicinity of the works are not damaged during construction.
- No on street parking permits will be provided to occupiers of the subject site.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; C=0.4, tc=5mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or C=0.80.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.

1. Introduction

1.1 Subject Site and Surrounds

The subject land is located at the south-eastern corner of the end of Sovereign Way, Avondale Heights, which is a cul-de-sac accessed via Military Road to the north-east. The site is irregular in shape with a curved frontage of approximately 12.77 metres and an area of approximately 826 square metres. The land is affected by a 2.44 metre wide drainage and sewerage easement along the eastern and south-eastern boundaries. No covenants or other restrictions affect the land.

Figure 2 – Subject Site (11 Sovereign Way, Avondale Heights)

The subject land is occupied by a single storey brick dwelling with a tiled, hipped roof and a carport and garage located along the northern boundary in line with the dwelling façade. The land is bounded by a Right of Way to the rear (east) which provides vehicle access to the rear of properties along the eastern side of Sovereign Way, as well as properties along Military Road and Ridley Avenue to the east and south.

The surrounding land to the north, west and south is within a General Residential Zone and has been developed for residential uses. Land immediately to the east is located within a Commercial 1 Zone, encompassing a commercial strip along Military Road that is occupied by a number of single and double storey buildings.

Generally, Sovereign Way is an established residential street which is characterised by both single and double storey dwellings predominantly with open, unfenced landscaped areas within the front setback. Dwellings are generally set back between 7 to 9 metres from the street, although their configurations differ between the regular, rectangular lots and those with irregular frontages located within the court bowl. It is noted that land

to the west is affected by the Melbourne Airport Environs Overlay (MAEO2).

1.2 Proposal

It is proposed to construct three double storey dwellings, summarised as follows:

Table 1

No of dwellings	3 (2 x 4 bedroom and 1 x 3 bedroom)
No of car spaces	6
Max Building Height	7.97 metres
Site Coverage	46.15%
Permeability	33.99%

Refer **Appendix C** – Plans (separately circulated).

2. Background

2.1 Relevant Planning History

There are no historical planning applications that are relevant to the subject land.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 11 Settlement

Clause 15 Built Environment and Heritage

Clause 16 Housing

Local Planning Policy Framework

Clause 21.01 Municipal Profile

Clause 21.03 Vision

Clause 21.04 Sustainable Environment

Clause 21.05 Housing

Clause 21.06 Built Environment

Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning

Clause 32.08 General Residential Zone

Particular and General Provisions

Clause 52.06 Car Parking

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

Clause 65 Decision Guidelines

Comments

Council's Municipal Strategic Statement has been recently updated, with one of the main changes being the incorporation of Clause 21.04-3 (Ecologically Sustainable Development) into the Moonee Valley Planning Scheme. This clause requires developments of three or more dwellings to provide a Sustainable Design Assessment using STEPS/SDS or any other approved assessment tool. As the proposed development has been lodged prior to this requirement being incorporated into the Planning Scheme, it is not considered necessary to require such an assessment in this instance.

2.3 Referrals

External

Not applicable.

Internal

- Engineering Services Unit

  No objection subject to standard conditions.

- Traffic and Transportation Unit

  No objection subject to the following conditions:

  - Accessway is 3m, however crossover dimension is 2.95m. Ensure accessway at crossover is 3m wide (refer to Condition 1d).
  - All landscaping 2.5m from property line near footpath (in the visibility splays) must be less than 900mm high for pedestrian sight lines (refer to Condition 1 b).
  - Ensure fence within this area remains less than 1.2m high, not 1.6m as stated on plans (refer to Condition 1 b).
  - The existing storm water pit is not 1m from the crossover. As the crossover is being modified, this pit must be relocated 1m from the crossover (refer to Conditions 1 d and 11).
  - Ensure storage areas within garages of Dwellings 2 and 3 have sliding doors, or no doors (refer to Condition 1 c).
  - Lower fence between accessway and Dwelling 1 accessway to 900mm to ensure sight lines for safety when exiting this dwelling (refer to Condition 1 b).

- Environmentally Sustainable Design (ESD) Officer

  No objection subject to standard conditions and the following non-standard conditions:

  - The paving at the rear of all dwellings noted as being permeable in accordance with the approved STORM assessment (refer to Condition 1g).

- Deletion of the swale drawing shown on the WSUD treatment plan, replaced with details of a raingarden in accordance with the approved STORM assessment (refer to Condition 1h).

2.4 Public Notification of the Application

Pursuant to Section 52 of the Planning and Environment Act 1987 the application was advertised by mail to adjoining and surrounding properties, with notices displayed on site for 14 days. As a result, twenty (20) objections were received from the properties contained within **Appendix A** of this report.

2.5 Consultation Meeting

A Consultation Meeting was held on 22 July 2015, attended by Councillors Surace and Cornish, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.

3. Discussion

3.1 State Planning Policy Framework (SPPF)

The relevant State Planning Policy Framework clauses are considered to be met. For the large part State Planning objectives seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport (Bus Routes 406 and 407). The subject site is located within close proximity of schools, local businesses and public transport options. The location of the subject site is considered to lend support for a more intensive form of residential development. The proposal contributes to the objective of housing diversity by providing a mix of dwelling sizes in various configurations which will cater for the increasingly diverse needs of future residents.

3.2 Local Planning Policy Framework (LPPF)

The proposal complies with Clause 21.05 (Housing) by increasing housing opportunities to meet growing population needs, providing a diversity of housing choice in a well-established area with access to public transport options and local/community services.

The proposed development responds to the objectives and strategies of 21.06 (Built Environment). A number of the objectives and strategies appear to overlap with those contained within the relevant Neighbourhood Character Precinct Profile and ResCode. The key concepts of Clause 21.06-4 (Urban Design), including the Neighbourhood Character Precinct Profile Guidelines, are discussed in Section 3.3.

The proposal conditionally complies with Clause 22.03 (Stormwater Management – Water Sensitive Urban Design) and is considered capable of meeting the required on site stormwater treatment by achieving 100%, or greater, using the STORM assessment tool. The relevant design requirement conditions will also be placed on any permit issued in accordance with this policy as described under Section 2.3 of this report (refer to Conditions 1 g-j, 3, 4 and 5).

3.3 Neighbourhood Character Guidelines

The subject land is identified as being within character area Garden Suburban 7, which sets out the following preferred character statement:

'New developments will contribute to the character of this area with established gardens, simple design details, low front fencing and consistent siting to ensure they do not dominate the streetscape.

Buildings will be articulated with recesses, porch areas, large windows and setbacks to complement the pattern of the traditional dwellings. The use of brick, timber or weatherboard will maintain the existing palette of materials. Buildings will be located from the front boundary at a distance similar to those on adjoining properties, while consistent side setbacks will allow space for landscaping and planting. Low or permeable front fences will provide views of the vegetation in gardens from the street.'

It is considered that the development provides a suitable response to the preferred character statement and design guidelines of the Garden Suburban 7 Precinct as follows:

Table 2

Siting and Building Envelope	The siting and massing of the proposed development is considered to be an acceptable response to the existing and preferred character of the immediate area, and complies with the relevant ResCode standards. The proposal provides staggered setbacks to the street frontage which are appropriate in context with the character of setbacks nearby, having consideration to the location of the site at the end of a court. The location of the shared accessway along the northern boundary, and the provision of landscaped open space areas to the front and alongside of Dwelling 1, ensures that the character of spacing between built form within the streetscape is maintained. The dwellings have been appropriately sited so as to avoid visual and amenity impacts on adjoining sensitive interfaces.
Built Form	The built form of the proposed development generally responds to the existing and preferred character of the area, featuring varied setbacks to the streetscape. Multi storey built form is suitably articulated through varied setbacks and sited away from visually sensitive interfaces. The scale and massing of the built form is an appropriate response to the opportunities and constraints of the site, with the upper floors centralised and highly articulated to alleviate the visual impact of continuous double storey built form to neighbouring residential properties.
Design Detail	The proposal incorporates modern and traditional design elements referencing the character of built form within the

	streetscape and the surrounding area. The selected building materials and finishes, setbacks, roofing, detailing, articulation, building height and width are appropriate within the surrounding context and are consistent with the existing and preferred character of the area.
Landscaping and front fencing	Opportunities for landscaping throughout the site are considered to be acceptable, subject to the submission of a fully detailed landscape plan as a condition of any permit issued. The provision of no front fence is an appropriate response to the open garden setting established within Sovereign Way.

3.4 Clause 52.06 (Car Parking)

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

Table 3

	Requires	Provides
Two four-bedroom dwellings	4	4
One three-bedroom dwelling	2	2
Total	6	6

As stated in Section 2.3 of this report, Council's Traffic and Transportation Unit had no objection to the application subject to conditions which will ensure the crossover is constructed to the requirements of the relevant authorities, and that the parking and access facilities are designed to comply with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme (refer to Conditions 1 b-e and 11).

3.5 Clause 55 (ResCode)

The proposal is considered to generally comply with the provisions of Clause 55 as set out in the assessment table (refer to **Appendix B** of this report). A full ResCode assessment can be found on file.

The following points of exception, which have not been satisfied through this development, are listed below:

Table 4

ResCode Standard	Response
Clause 55.03-1 (Standard B6) Street Setback	The required setback is 7.37 metres. The development has a minimum setback of 6.1 metres to the front wall of Dwelling 1, increasing to 7.2 and further to 8.8 metres. A variation is considered to be acceptable in this

	instance, having regard to the location of the site at the end of a court and the irregular curved dimension of the street frontage. The siting of the development as it relates to the street is considered to respond to the irregular pattern of built form within the streetscape. Dwelling 1 provides an articulated façade that steps away from the street at the south-western corner, which is similar in form to nearby dwellings. The sections of non-compliance are limited to sections of the ground floor that are considered acceptable and modest intrusions, with the first floor maintaining the requirement under the standard. It is therefore considered that the proposal meets the objective of this clause.
Clause 55.03-8 (Standard B13) Landscaping	The plans submitted demonstrate that the development will be capable of providing a high level of landscaping throughout the site, both within the front setback and within the secluded open space areas of each dwelling. A condition of permit (refer to Condition 16) will require the submission of a fully detailed landscape plan, which will provide for canopy tree planting within the front setback.
Clause 55.03-9 (Standard B14) Access	The proposal involves the widening of the existing crossing, which will encompass 6.1 metres or 47.8% of the 12.77 metre wide frontage. While this exceeds the maximum of 40% allowed under the standard, a variation is considered appropriate in this instance. The location of the site at the end of the court bowl ensures that there would be no impact caused to the availability of on-street car parking. However, a condition of permit will require the provision of additional landscaping along the accessway in proximity to the street frontage, to soften the visual impact of additional hard-stand surfaces.
Clause 55.04-1 (Standard B17) Side and Rear Setbacks	The proposal provides the required setbacks from side and rear boundaries in accordance with this clause, with the exception of a 1.7 metre long section of the ground floor wall associated with the laundry of Dwelling 1. The wall is designed at an acute angle to the south-western boundary, alongside a small section of boundary construction (discussed below) that separates the ground floor service yards of Dwellings 1 and 2.

	A variation is considered acceptable due to the minor length of non-compliance as well as its single storey scale, ensuring there would be no unreasonable visual or amenity impact caused to the neighbouring property.
Clause 55.04-2 (Standard B18) Walls on Boundaries	The proposal involves construction along the northern and north-eastern boundaries which achieves full compliance with this clause. A 740mm section of the ground floor wall of Dwelling 1 is proposed along the south-western boundary at a height of 3.6 metres, which meets the requirement of the standard for length and maximum height but exceeds the maximum average wall height requirement of 3.2 metres. The minor variation is considered acceptable as there would not be any unreasonable amenity or visual impact upon the dwelling to the south.
Clause 55.04-6 (Standard B22) Overlooking	Overlooking is generally addressed through the siting and design of the dwellings, boundary fencing and screening measures. A condition of permit is required to ensure that the first floor windows of Dwelling 3 are screened to comply with this clause (refer to Condition 1 a).

3.6 Objections (Discussion)

Table 5

Issue	**Officer Response**
Overdevelopment	The proposal is considered acceptable as discussed within Sections 3.1, 3.2, 3.3 and 3.5 of this report. The development demonstrates general compliance with ResCode, subject to conditions, which demonstrates an acceptable level of built form on the subject site.
Neighbourhood character Visual bulk and scale	This is considered acceptable as discussed within Sections 3.2 and 3.3 of this report.
Traffic and car parking impacts Pedestrian safety	As detailed in Section 3.4 of this report, the requirements of Clause 52.06-8 will be met. The proposal provides the appropriate number of car parking spaces as per Clause 52.06 of the Moonee Valley Planning Scheme. As noted at Section 2.3 of this report, Council's Traffic and Transportation Unit had no objection to the proposal subject to conditions.

Amenity impacts (overlooking, overshadowing, noise etc.)	As discussed under Section 3.5 of this report, the proposal meets (conditionally in some instances) the relevant objectives and standards of ResCode relating to noise, overshadowing, overlooking and other amenity impacts.
Lack of vegetation	As discussed in Sections 3.3 and 3.5 this report, the proposed development is considered to provide ample opportunities for landscaping within the front setback and throughout the site. A condition of permit would require the submission of a fully detailed landscape plan.
Cultural impacts	It is not considered that the proposed development would result in any social or cultural impacts. The proposal is for a residential development at a contextually appropriate density, and meets the relevant state and local planning policies relating to housing.
Precedent set by development that has occurred within Nelson Court	The proposed development has been considered having regard to its immediate context, acknowledging that it is different to that of Nelson Court both in terms of the dimensions of the land and the character of the streetscape.

4. Human Rights

The application process and decision making is in line with the Victorian Charter of Human Rights and Responsibilities 2006 (Section 18 – Taking part in public life).

5. Conclusion

The application has been assessed against the relevant provisions of the State Planning Policy Framework, Local Planning Policy Framework, Zoning controls, the relevant Particular and General Provisions, and the decision guidelines at Clause 65 of the Moonee Valley Planning Scheme. It is considered that the proposal demonstrates general compliance with the requirements of these provisions and policies. The application is supported as detailed above in the recommendation section.

Appendices

Appendix A: Location of Objectors - 11 Sovereign Way, Avondale Heights
Appendix B: ResCode - 11 Sovereign Way, Avondale Heights
Appendix C: Plans - 11 Sovereign Way, Avondale Heights (separately circulated)

Location of Objectors

20a Sovereign Way, AVONDALE HEIGHTS
8 Sovereign Way, AVONDALE HEIGHTS
12 Sovereign Way, AVONDALE HEIGHTS (x 2)
5 Sovereign Way, AVONDALE HEIGHTS
14 Sovereign Way, AVONDALE HEIGHTS
24 Sovereign Way, AVONDALE HEIGHTS (x 2)
7 Sovereign Way, AVONDALE HEIGHTS (x 2)
22 Sovereign Way, AVONDALE HEIGHTS (x 4)
18 Ridley Avenue, AVONDALE HEIGHTS (x 2)
16 Sovereign Way, AVONDALE HEIGHTS
9 Sovereign Way, AVONDALE HEIGHTS
18 Borneo Road, ROSEBUD (x 2)

Clause 55 of the Moonee Valley Planning Scheme

Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule to the General Residential Zone).

Where there is non-compliance, see section 3.5 in report.

Title and Objective	**Complies with Standard**	**Compliance with Objective**
B1 - Neighbourhood Character	✓	✓
B 2 - Residential Policy	✓	✓
B 3 - Dwelling Diversity	**N/A**	**N/A**
B 4 - Infrastructure Objectives	✓	✓
B 5- Integration with the Street Objective	✓	✓
B6 - Street Setback Objective	X	✓
B7 - Building Height Objective	✓	✓
B8- Site Coverage Objective.	✓	✓
B9- Permeability Objectives	✓	✓
B10 - Energy Efficiency Objectives	✓	✓
B 11 - Open Space Objective	**N/A**	**N/A**
B 12- Safety Objective	✓	✓
B 13 - Landscaping Objectives	✓ (Condition)	✓
B 14 - Access Objectives	X	✓
B 15 Parking Location Objectives	✓	✓
B 16 - Parking Provision Objectives	*Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 3.4 of the report.*	
B 17 - Side and Rear Setbacks Objective	X	✓
B 18 - Walls on Boundaries Objective	X	✓
B 19 - Daylight to Existing Windows Objective.	✓	✓
B 20 - North-facing Windows Objective	**N/A**	**N/A**
B 21 - Overshadowing Open Space Objective	✓	✓
B 22 - Overlooking Objective	✓ (Condition)	✓

B 23 - Internal Views Objective	✓	✓
B 24 - Noise Impacts Objectives	✓	✓
B 25 - Accessibility Objective	✓	✓
B 26 - Dwelling Entry Objective	✓	✓
B 27 - Daylight to New Windows Objective	✓	✓
B 28 - Private Open Space Objective	✓	✓
B 29 - Solar Access to Open Space Objective	✓	✓
B 30 - Storage Objective	✓	✓
B 31 - Design Detail Objective	✓	✓
B 32 - Front Fences Objective	✓	✓
B 33 - Common Property Objectives	✓	✓
B 34 - Site Services Objectives	✓	✓

✓- complies

x – non-compliance

N/A- not applicable

9.3 15 Ash Grove, East Keilor (Lot 268 PS056999) - Construction of three dwellings

File No: FOL/15/590
Author: Team Leader Statutory Planning
Directorate: City Works & Development
Ward: Rosehill

Proposal	Three double storey dwellings
Applicant	Ultimate Design and Drafting
Owner	Cara Constructions
Planning Scheme Controls	General Residential Zone
Planning Permit Requirement	Clause 32.08-4 - Construction of two or more dwellings on a lot
Car Parking Requirements (Clause 52.06)	Required = 6 spaces Provided = 6 spaces
Bicycle Requirements	N/A
Restrictive Covenants	None
Easements	Yes – drainage and sewerage easement along the southern alignment of the site
Site Area	539 m^2
Number Of Objections	10
Consultation Meeting	17 June 2015

Executive Summary

- The application seeks planning approval for the construction of three double storey dwellings.
- The site has an area of approximately 539 square metres and is located on the southern side Ash Grove, on the immediate corner of Phillip Road, East Keilor. The site is located within an area characterised by residential built form.
- The application was advertised and 10 objections were received. Concerns relating to the proposal being an overdevelopment of the site, increased density, impact on the waste collection and bus accessibility, carparking, traffic and amenity impacts.
- A Consultation Meeting was held on 17 June 2015 and was attended by Cr Surace, objectors, the applicant and Council's Planning Officer. No resolution was reached, other than recommended conditions for a window to be screened and the incorporation of additional landscaping should a permit be issued.
- The application was internally referred to Council's Environmental Sustainable Development (ESD) Officer, Engineering Services Unit and Traffic and Transportation Unit. Conditional support to the application was provided.
- This assessment report finds that the proposal demonstrates an adequate level of compliance with the relevant polices and provisions of the Moonee Valley Planning Scheme and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.

Figure 1: Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/90/2015 for the construction of three dwellings at 15 Ash Grove, East Keilor (Lot 268 PS056999), subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:

    a) The first floor kitchen window associated with Dwelling 1 (western elevation) to be screened in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.

    b) The paving within the rear yards of all dwellings to be noted as permeable.

    c) A notation that all landscaping within the pedestrian visibility splays is to be no more than 900mm in height.

    d) The boundary fencing details noted on the first floor plan to be consistent with that of the ground floor plan.

    e) The reference to “D1” on the northern elevation on page 7/10 to be replaced with “D2”.

    Once approved these plans become the endorsed plans of this permit.

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.

3. Prior to the issue of an Occupancy Permit, all boundary walls must cleaned and finished to the satisfaction of the Responsible Authority.

4. Building or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.

5. A minimum 30 days prior to any building or works commencing, all WSUD Design Details, such as cross sections &/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.

6. A minimum 30 days prior to any building or works commencing, a Site Management Plan must be submitted to and approved by the Responsible Authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:

    a) a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems.

The WSUD Site Management Plan may form part of a broader Site Management Plan that covers other project components, i.e. such as noise, EPA issues, traffic management, waste management, etc.

Once submitted and approved the works detailed by the Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

7. A maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:

   a) Inspection frequency

   b) Cleanout procedures

   c) As installed design details/diagrams including a sketch of how the system operates

   d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

8. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.

9. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.

10. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan(s) must be to the satisfaction of the Responsible Authority:

    a) Be provided and completed prior to the commencement of the use hereby permitted;

    b) Thereafter be maintained;

    c) Be made available for such use at all times and not used for any other purpose;

    d) Be properly formed to such levels that it can be used in accordance with the endorsed plan; and

    e) Be drained and constructed with a permanent trafficable surface (concrete, asphalt, paving)

11. Concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the responsible authority's specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the responsible

authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the responsible authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the responsible authority.

12. The existing street tree(s) or vegetation must not be removed or damaged as a result of the permitted development.

13. The following street tree/nature strip protection measures must be undertaken;

    a) The nature strip and street tree within the Phillip Road frontage of the site must be barricaded out using portable cyclone fencing for the duration of construction. Costs of such fencing must be borne by the developer and/or permit holder.

    b) No pruning of the existing street tree located within the nature strip within the Phillip Road frontage of the site shall be undertaken by any party other than Moonee Valley City Council.

    c) No building materials are to be stacked and/or dumped on any nature strip during construction.

14. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.

15. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.

16. Before the development starts, or any trees or vegetation removed, an amended landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:

    a) Plans to accord with Condition 1 of this permit;

    b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;

    c) The use of drought tolerant species;

    d) The provision of a minimum of one canopy tree within the front setback of each dwelling which is able to achieve a minimum mature height of 4

metres;

e) The provision of additional garden beds within the front yards of each dwelling;

f) Features such as paths, paving and accessways;

g) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems;

h) All planting abutting the accessway(s) and site frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-8 (Design Standards for car parking) of the Moonee Valley Planning Scheme;

i) The incorporation of additional garden beds along the western boundary of each dwelling, which is to accommodate screen planting, to soften and filter views of the built form when viewed from adjoining properties.

j) Appropriate irrigation system.

Once approved these plans become the endorsed plans of this permit. Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.

17. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.

18. Prior to the issue of an Occupancy Permit, the boundary fencing as stipulated on the endorsed plans must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.

19. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.

20. This permit will expire if:-

a) The development does not start within two (2) years of the date of issue of this permit, or

b) The development is not completed within four (4) years of the date of issue of this permit.

Before the permit expires or within six (6) months afterwards the owner or occupier of the land may in writing request the responsible authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse date.

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant must contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.
- No on street parking permits will be provided to the occupiers of the subject site.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; C=0.4, tc=5mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or C=0.80.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and to the satisfaction of the Responsible Authority.

  Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and or easement. Council will not accept any modifications to existing levels within any road reserve or easement

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located at No.15 Ash Grove, East Keilor (Lot 268 on Plan of Subdivision 056999). The subject site is located on the south-western corner of Ash Grove and Phillip Road. The site is irregular in shape, with a total area of approximately 539 square metres.

The land is generally flat and an easement is present along the southern alignment of the site.

The subject site is developed with a single storey brick dwelling with tile roof form. Vehicle access to the site is obtained from an existing crossover along Phillip Road to a double garage. The dwelling is also serviced by an informal carspace, located in the front setback of the site, accessed from Ash Grove. There is no significant landscaping identified on the subject site.

Figure 2: View of the subject site, 15 Ash Grove, East Keilor

The surrounding area is comprised of predominantly residential zoned land used and developed for residential purposes. The built form within the vicinity is predominantly single storey in scale, however there are examples of double storey dwellings (both additions and new dwellings) within the streetscape and wider locality. There is also the emerging character of multi-dwelling developments in close proximity of the site which are introducing a mix of traditional and contemporary style dwellings into the locality.

There are a number of approved or completed multi dwelling developments in the immediate area, including at Nos. 16 Roberts Street, 9, 13, 22 Ash Grove.

1.2 Proposal

It is proposed to construct three dwellings. The application can be summarised as follows:

Table 1

No of dwellings	3 x 3 bedroom dwellings
No of car spaces	6
Max Building Height	6.86 metres
Site Coverage	49%
Permeability	20%

Refer **Appendix C** Plans (separately circulated).

2. Background

2.1 Relevant Planning History

Not Applicable

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 11 Settlement

Clause 15 Built Environment and Heritage

Clause 16 Housing

Local Planning Policy Framework

Clause 21.01 Municipal Profile

Clause 21.03 Vision

Clause 21.04 Sustainable Environment

Clause 21.05 Housing

Clause 21.06 Built Environment

Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning

Clause 32.08 General Residential Zone

Particular and General Provisions

Clause 52.06 Car Parking

Clause 55 Two or More Dwellings on a Lot and Residential Buildings

Clause 65 Decision Guidelines

Comments

Council's Municipal Strategic Statement has been recently updated, with one of the main changes being the incorporation of Clause 21.04-3 (Ecological Sustainable Development) into the Moonee Valley Planning Scheme. This clause requires developments of three or more dwellings to provide a Sustainable Design Assessment using STEPS/SDS or any other approved assessment tool. As the proposed development has been lodged prior to this requirement being incorporated into the planning scheme, it is not considered necessary in this instance.

2.3 Referrals

External

N/A

Internal

- Engineering Services Unit.

  No objection, subject to standard conditions.

- Traffic and Transportation Unit.

  No objection, subject to standard conditions.

- Environmental Sustainable Design (ESD) Officer

  No objection, subject to standard conditions

2.4 Public Notification of the Application

Pursuant to Section 52 of the Planning and Environment Act 1987 the

application was advertised by mail to adjoining and surrounding properties, with two notices erected on site for 14 days.

As a result, 10 objections were received from the properties contained within **Appendix A** of this report.

A response to the objections is provided in Section 3.6 of this report.

2.5 Consultation Meeting

A Consultation Meeting was held on 17 June 2015, attended by Councillor Surace, objectors, the applicant and Council's Planning Officers. No resolution was achieved at this meeting, other than recommended conditions regarding overlooking and landscaping, should a permit be issued.

3. Discussion

3.1 State Planning Policy Framework

The relevant State Planning Policy Framework clauses are considered to be met. For the large part, State Planning Policy Framework objectives seek to encourage the consolidation of urban allotments where local infrastructure such as commercial and community services are provided as well as public transport. The subject site is located relatively close to public reserves, schools, arterial roads and public transport allowing the proposal to make use of these services. The site context is considered to lend support for a more intensive form of residential development. In addition, the proposal contributes to the objective of housing diversity by providing a mix of dwelling size in various configurations which will cater for the increasingly diverse needs of current and future residents.

3.2 Local Planning Policy Framework

The proposal complies with the objectives and strategies of Clause 21.05

(Housing) by increasing housing opportunities to meet growing population needs, providing a density of housing choice in a well-established area with access to public transport options and local/community services. The development provides for a variation in dwelling layouts which will cater for the changes in housing needs over time.

The proposed development responds to the relevant strategies and objectives of Clause 21.06 (Built Environment). A number of objectives and strategies within the Clause appear to overlap with those contained within Neighbourhood Character Precinct Profile – Garden Court 4 and ResCode and therefore the key concepts of Clause 21.06 are discussed below in Sections 3.3 and 3.5 of this report.

The proposal complies with Clause 22.03 Stormwater Management (Water

Sensitive Urban Design) of the Moonee Valley Planning Scheme and meets the required on site stormwater treatment as demonstrated by achieving 100%, or greater, using the STORM tool. However, a condition on any permit issued will require an additional notation on the plans to ensure the STORM and information on the plans are consistent.

The relevant design requirement conditions will also be placed on any approval issued in accordance with this policy.

3.3 Neighbourhood Character Guidelines

The subject land is identified as being within character area 'Garden Court 4' Precinct as set out under the Neighbourhood Precinct Profiles 2012, with the preferred character statement as follows:

"New developments will enhance the predominant siting and finishes of this precinct, with well-maintained low garden settings. The use of brick with tiled rooftops will contribute to the dominant palette of materials. Consistent front and side setbacks will reinforce the garden setting, while low or permeable front fences will provide views to dwellings and front gardens."

The proposal is considered to respond to the preferred character statement and the design guidelines of this precinct as follows:

Table 2:

Siting and Building Envelope	The development, as presented to Ash Grove is setback 6.0 metres from this frontage. The setback does not accord with the ResCode requirement (this will be discussed in more detail in Section 3.5), however it is considered to complements the setbacks found within the streetscape. The development, as presented to Phillip Road, is setback the minimum 3.0 metres, as required by ResCode for such a development. The development allows for spacing to the side of Dwelling 1, to maintain the spacing of corner site developments. Whilst the development has a reverse living arrangement for Dwelling 1, the building envelope for

	this dwelling, as well as Dwellings 2 and 3 are similar to other medium density style developments within the immediate area and as such it is considered an acceptable arrangement in this instance. In addition, the variation in dwelling designs and layout within the development allows for affordable housing in this location and a level of housing diversity. In addition, the site is located within 100m of parkland and as such is considered within walking distance of open space to further support this design layout.
Built Form	A mix of traditional and modern elements complementing the mix within the streetscape. The siting and massing of the development ensures that there would be no unreasonable visual or amenity impacts caused by the built form. The development is sufficiently articulated on each elevation to reflect the existing and emerging character of the area and without imposing unreasonable visual bulk to adjoining properties and to sit comfortably within its streetscape context. The dwellings incorporate simple post-war style architecture, with pitched roofs, eaves, large windows and porches. Two storey height responsive to the heights within the streetscape.
Design Detail	The pitched roof elements, eaves, porches and window proportions are modern interpretations of existing dwellings in the area. A mix of brick and lightweight materials which are considered to be characteristic of more contemporary infill developments in the area is used. Windows provided along street front ensure surveillance to the street is achieved.
Landscaping	The development is set off one side boundary and is provided with sufficient area within the front and rear yards to accommodate landscaping which is characteristic of the locality. No front fence ensures views of the front gardens are maintained and which is consistent with the locality.

3.4 Compliance with Clause 52.06 (Car Parking)

Table 3

Unit	Requires	Provides
3 Dwellings (3x3 bedrooms)	6	6
Residential Visitors	0	0
Total	6	6

As referenced under Section 2.3 of this report, Councils Traffic and Transportation Unit have no objection to the proposed development.

The plans indicate the presence of pedestrian visibility splays in accordance with the requirements of this clause, however the notations only refer to fencing within the splay, without any reference to landscaping, which is also covered by this clause. As such a condition on any permit issued will require this additional notation.

3.5 Clause 55 (ResCode) Assessment

The proposal is considered to generally comply with the provisions of Clause 55 as set out in the assessment table (refer to **Appendix B**).

The following points of exception, which have not been satisfied through this development, are listed below:

Table 4

Res Code Standard	Response
Clause 55.03-1 (Standard B6 – Street Setback)	Given the subject site is located on the corner, the setback for Dwelling 1 should be 7.6 metres, which accords with the adjoining property to the west. However, Dwelling 1 is only setback 6.0 metres from the Ash Grove frontage. The non-compliance is considered acceptable in this instance, given that the corner sites on this intersection are all provided with differing setbacks from their two respective frontages and vary in setbacks from 3.0 metres to 7.8 metres. The carport of Dwelling 1 is also provided with a further setback from the street than the dwelling frontage, thus enabling a transition to the adjoining property to the west. Given the above, it is considered acceptable in this instance to vary the standard. Dwellings 2 and 3 are provided with the required front setbacks (3.0 metres), as per the requirements of this standard.

Clause 55.03-5 (Standard B10 – Energy Efficiency)	Dwelling 1 is provided with north facing habitable room windows and as such complies with the requirements of this standard. However, due to the orientation of the site, it does not afford the opportunity for north facing windows to Dwelling 2 and 3. These dwellings are afforded east and west facing openings to ensure that the habitable rooms have adequate access to natural light without the heavy reliance on fossil fuels.
Clause 55.03-8 (Standard B13 – Landscaping)	A landscape plan has not been provided as part of this application; however an indicative landscape design has been delineated, which shows that there are sufficient areas for landscaping to occur. A condition of any issued permit will require a landscape plan drawn by a suitable qualified person submitted to the Responsible Authority's satisfaction.
Clause 55.04-5 (Standard B22 – Overlooking)	At ground level, the development is provided with floor levels below 800mm and fencing at a minimum of 1.8 metres to comply with the requirements of this standard. At first floor, all habitable room windows, with the exception of the first floor kitchen window of Dwelling 1 has been provided with fixed obscure glazing below 1.7 metres from Finished Floor Levels to accord with this standard. A condition of any issued permit will require screening to the kitchen window of Dwelling 1. Where first floor windows have not been provided with any screening, these windows are associated with non-habitable room windows and are acceptable to remain unscreened.

3.6 Objections

Table 5

Issue	Officer Response
Carparking and Traffic	The proposed development provides the required on-street parking requirements for residents pursuant to Clause 52.06 (Carparking) of the Moonee Valley Planning Scheme. Given only three dwellings are proposed, no visitor spaces are required to be provided on site. In addition, Council's Traffic and Transportation Unit had no concerns with respect to the proposal.

Overdevelopment and density	Although it is acknowledged that Ash Grove and the surrounding area has been witness to numerous medium density developments, the area is clearly undergoing substantial changes. Well-designed infill development is encouraged within State and Local Planning Policy, providing suitable compliance is achieved against the Moonee Valley Planning Scheme. The development is considered to achieve a high level of compliance with the provisions of the Moonee Valley Planning Scheme including the relevant design provisions, neighbourhood character and ResCode pursuant to Clauses 21.05, 21.06 and 55 of the Moonee Valley Planning Scheme. As such, it is considered that the proposal is not an overdevelopment of the land.
Noise	The proposed development is for residential dwellings. Noise levels are expected to be typical for a use of this type in an already established residential setting. Noise being emitted from residential services such as air conditioners are bound by the Environmental Protection Authority (EPA) regulations.
Overlooking and fence heights	Refer to Section 3.5

4. Human Rights

The application process and decision making is in line with the Victorian Charter of Human Rights and Responsibilities 2006 (Section 18 – Taking part in public life).

5. Conclusion

The application has been assessed against the relevant provisions of the State Planning Policy Framework, Local Planning Policy Framework, Zoning controls, the relevant Particular and General Provisions and the decision guidelines at Clause 65 of the Moonee Valley Planning Scheme.

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

Appendices

Appendix A: List of Objectors - 15 Ash Grove, Keilor East

Appendix B: Clause 55 of the Moonee Valley Planning Scheme - 15 Ash Grove, Keilor East

Appendix C: Plans - 15 Ash Grove, Keilor East MV/90/2015 (separately circulated)

Location of Objectors

18 Ash Grove, East Keilor (x2)
16 Phillip Road, East Keilor (x2)
22 Phillip Road, East Keilor (x2)
14 Phillip Road, East Keilor
9 Phillip Road, East Keilor
17 Ash Grove, East Keilor
18 Ash Grove, East Keilor

Clause 55 of the Moonee Valley Planning Scheme

Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule to the General Residential Zone).

Where there is non-compliance, see section 3.5 in report.

Title and Objective	**Complies with Standard**	**Compliance with Objective**
B1 - Neighbourhood Character	✓	✓
B 2 - Residential Policy	✓	✓
B 3 - Dwelling Diversity	✓	✓
B 4 - Infrastructure Objectives	✓	✓
B 5- Integration with the Street Objective	✓	✓
B6 - Street Setback Objective	*x*	✓
B7 - Building Height Objective	✓	✓
B8- Site Coverage Objective.	✓	✓
B9- Permeability Objectives	✓	✓
B10 - Energy Efficiency Objectives	*x*	✓
B 11 - Open Space Objective	✓	✓
B 12- Safety Objective	✓	✓
B 13 - Landscaping Objectives	✓ - conditional	✓
B 14 - Access Objectives	✓	✓
B 15 Parking Location Objectives	✓	✓
B 16 - Parking Provision Objectives	*Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 2.3 of the report.*	
B 17 - Side and Rear Setbacks Objective	✓	✓
B 18 - Walls on Boundaries Objective	✓	✓

B 19 - Daylight to Existing Windows Objective.	✓	✓
B 20 - North-facing Windows Objective	✓	✓
B 21 - Overshadowing Open Space Objective	✓	✓
B 22 - Overlooking Objective	✓ - conditional	✓
B 23 - Internal Views Objective	✓	✓
B 24 - Noise Impacts Objectives	✓	✓
B 25 - Accessibility Objective	✓	✓
B 26 - Dwelling Entry Objective	✓	✓
B 27 - Daylight to New Windows Objective	✓	✓
B 28 - Private Open Space Objective	✓	✓
B 29 - Solar Access to Open Space Objective	✓	✓
B 30 - Storage Objective	✓	✓
B 31 - Design detail objective	✓	✓
B 32 - Front Fences Objective	✓	✓
B 33 - Common Property Objectives	✓	✓
B 34 - Site Services Objectives	✓	✓

✓- complies

x – non-compliance

N/A- not applicable

9.4 Brewster Street Parking Restrictions Review

File No: FOL/15/590

Author: Technical Services Traffic & Transport

Directorate: City Works & Development

Ward: Buckley

Purpose

This report provides the results of community consultation from the Notice of Motion (No.2015/19) resolved by Council at its Ordinary Council Meeting on 28 July 2015, regarding a proposal to alter the existing parking restrictions on the north side of Brewster Street, Essendon, from Mt Alexander Road to MacKay Street from 1-hour to 2-hour parking restrictions.

Executive Summary

- Council endorsed the recommended study recommendations for the Fletcher Local Area Traffic Management study on 22 July 2014.
- The study recommendation for Brewster Street was for the installation of '1P (9am-9pm) Permit Area 39' on the north side between Mt Alexander Road and MacKay Street.
- Parking restrictions were implemented on the north side of Brewster Street, between Mt Alexander Road and MacKay Street in December 2014.
- A Notice of Motion (No.2015/19) was raised by Council at its Ordinary Council Meeting on 28 July 2015, where Council resolved to:

  'Consult the residents, land owners and occupants of Brewster Street, Essendon from Mt Alexander Road to Grice Crescent (north and south side) for the purpose of altering parking permit conditions from one hour to two hours.

  The consultation to take place within the next 2-3 weeks and a report to be brought back to Council at the next Ordinary Meeting of Council to be held Tuesday, 25 August 2015.'
- Parking on the south side of Brewster Street is unrestricted, therefore, consultation only related to the existing 1-hour restrictions on the north side.
- In order to allow an adequate period for consultation, it was subsequently agreed to report to the Ordinary Meeting of Council to be held on 22 September 2015.
- The draft Brewster Street questionnaire was distributed to all Buckley Ward Councillors on 10 August 2015 for comment and it was requested to letter box widely as changes will flow on into other areas.
- Community consultation was subsequently undertaken in order to determine the support for the proposal to change the 1-hour parking on the north side of Brewster Street, between Mt Alexander Road and MacKay Street to 2-hour.

- Council received strong overall community support for this proposal, with 84% of responses supporting the proposed parking changes.
- Council received a low support rate from Brewster Street residents, with 70% of responses not supporting the proposed parking changes.

Recommendation

That Council:

1. Note the strong level of community support received as a result of the consultation period for the proposed Brewster Street parking changes.
2. Convert the existing '1P (9am to 9pm) Permit Area 39' parking restrictions to '2P (9am to 9pm) Permit Area 39' on the north side of Brewster Street, from Mt Alexander Road to MacKay Street.
3. Advise all residents, property owners and occupiers of the outcome of this report.

Background

The Fletcher Local Area Traffic Management (LATM) study commenced in July 2013, and involved extensive traffic and parking data collection and consultation with the local community to identify local traffic and parking issues and engineering investigations.

The community consultation component of the study included questionnaire surveys, circulars and the formation of a Working Group to assist with the LATM study.

The information gathered through the above sources was used to identify the key traffic and parking issues and provided the basis for formulating traffic and parking management recommendations for the Fletcher LATM.

Parking proposals were developed following the completion of parking demand and occupancy surveys on Friday, 8 November 2013, between 7am and 12 midnight.

As such, in March 2014, the community circulars detailing the parking proposals for the draft Parking Management Plan were delivered to streets where parking changes were proposed, and the circular detailing the draft Traffic Management Plan was delivered to all residents and businesses within the study area.

During this time there were no proposals identified for Brewster Street or Glen Street, due to the fact that the peak occupancy in Brewster Street was recorded at 30% at 8pm while the peak occupancy in Glen Street was recorded at 34% at 12noon on Friday, 8 November 2013. As such, the residents and businesses received the circular detailing the draft Traffic Management Plan for the Fletcher LATM, as the original parking surveys were conducted prior to the opening of the Brickmakers Arm café in December 2013.

The circular included a plan detailing the draft Traffic Management Plan, its objectives and a brief description of the devices proposed. The circular sought the community's opinion on whether they supported the proposed plan in full, in part or not at all. The community was also asked to indicate their support, or otherwise, for each component of the draft Traffic Management Plan and they were also invited to make comments to support their opinions.

It was during this process where the community identified high parking demands as an issue in Brewster Street and Glen Street due to the Brickmakers Arms café development, commuter parking and visitors to new apartments.

On this basis, in April 2014, additional parking demand and occupancy surveys were conducted in Brewster Street and Glen Street during various days and times, including weekends and evenings to ensure that Council obtained an accurate representation of any additional parking demands that had been created since the opening of the new development.

The parking surveys revealed that following peak occupancies, which occurred on a typical Friday night:

- Brewster Street: 71% (at 7:30pm); and
- Glen Street: 89% (at 8:30pm).

Therefore, in view of the recorded peak parking occupancies and in line with the Parking Demand Management Framework, there was a clear trigger for the introduction of local parking restrictions in Brewster Street and Glen Street.

Also, given that Brewster Street and Glen Street had unrestricted parking on both sides of the street, it was also on this basis that the next step was to introduce time based parking restrictions. Therefore, based on the Kerbside Road Space User Hierarchy, it was recommended that residents would be provided with parking opportunities first over customers, local employees, and commuter and commercial zones.

Therefore, it was recommended to introduce the following parking restrictions in Brewster Street and Glen Street as part of the Fletcher LATM study:

Street	Location	New Restriction
Brewster Street	***North Side:*** between Mt Alexander Road and MacKay Street	'1P (9am to 9pm - All Days)'
Glen Street	***Both Sides:*** between Brewster Street and the bend (between property #15 and #14 Glen Street)	'1P (9am to 9pm- All Days)'

Given all of the above, on 22 July 2014, Council resolved to adopt and implement the Fletcher Parking Management Plan and the changes outlined in the above table were installed by Council in December 2014.

Discussion

The Municipal Parking Strategy was adopted by Council on December 2011. The main objective of the Strategy is to provide direction on how Council manages the supply of and demand for both public and private parking spaces.

A Notice of Motion (No.2015/19) was raised by Council at its Ordinary Council Meeting on 28 July 2015, where Council resolved to:

'Consult the residents, land owners and occupants of Brewster Street, Essendon from Mt Alexander Road to Grice Crescent (north and south side) for the purpose of altering parking permit conditions from one hour to two hours.

The consultation to take place within the next 2-3 weeks and a report to be brought back to Council at the next Ordinary Meeting of Council to be held Tuesday, 25 August 2015.'

Parking on the south side of Brewster Street is unrestricted, therefore, consultation only related to the existing 1-hour restrictions on the north side.

In order to allow an adequate period for consultation, it was subsequently agreed to report to the Ordinary Meeting of Council to be held on 22 September 2015. The draft Brewster Street questionnaire was also distributed to all Buckley Ward Councillors on 10 August 2015 for comment and it was requested to letter box widely as changes will flow on into other areas.

Following the Notice of Motion, Council undertook consultation of residents, land owners and occupants as shown in **Appendix A**, in order to determine the support for the proposal to change the 1-hour parking on the north side of Brewster Street, between Mt Alexander Road and MacKay Street to '2P (9am-9pm) Permit Area 39' (as detailed in **Appendix B**).

Parking surveys have recently been undertaken to determine the current parking occupancies within Brewster Street. Surveys were undertaken between 7am and 12midnight on Friday 14 August 2015 (**Appendix C**) and Saturday 15 August 2015 (**Appendix D**). The maximum occupancies obtained were 62% at 1pm on Friday and 74% at 8pm on Saturday. At the time the maximum occupancy was observed, there were 11 spaces available in Brewster Street.

Council also undertook parking occupancy surveys in nearby streets to determine the parking occupancies in the surrounding area of Brewster Street. At 8pm on a Saturday, there were 32 out of 61 parking spaces free in MacKay Street, between Brewster Street and No. 38 MacKay Street (48% occupancy). Surveys were also undertaken in Glen Street, which identified that of the 40 parking spaces available between Brewster Street and the bend, there were 16 free spaces (60% occupancy).

Given the occupancies in Brewster Street and surrounding streets are below the 85% trigger point in accordance with the Municipal Parking Strategy and Parking Demand Management Framework, Council could increase the time of the restrictions within Brewster Street to ensure the parking in the area is better utilised. Residents of Brewster Street are also able to park in the nearby surrounding streets with a valid parking permit, as the parking permits are area based.

6. Consultation

In August 2015, approximately 560 property owners and occupiers were surveyed within the proximity of Brewster Street with a response rate of 11%. The result of this questionnaire is summarised below:

Overall survey response			
Proposal	**Response**	**Number of responses**	**Percentage of total number of responses**
Convert the current '1P (9am to 9pm) Permit Area 39' to **'2P (9am to 9pm) Permit Area 39'**	Support	52	84%
	Oppose	10	16%

While the following table shows only submissions received from Brewster Street residents:

Brewster Street responses (from Mt Alexander Road to Grice Crescent)					
Proposal	**Response**	**Side of street**	**Number of responses**	**Total**	**Percentage of total number of responses**
Convert the current '1P (9am to 9pm) Permit Area 39' to **'2P (9am to 9pm) Permit Area 39'**	Support	North	1	3	30%
		South	2		
	Oppose	North	6	7	70%
		South	1		

Of the ten objections received, the main concerns were around the potential increased parking demand, particularly at lunch times and during Friday and Saturday evenings, if the proposed restrictions are implemented.

Council also took into consideration the comments from the local community. Many responses received believed the parking proposal was fair and reasonable, and that 2-hour restrictions were needed for visitors to the area.

Given the overall strong community support, the comments from the wider community and the results of the recently undertaken parking surveys, Council is proposing to proceed with the proposal to convert the existing 1-hour parking on the north side of Brewster Street between Mt Alexander Road and MacKay Street to '2P (9am-9pm) Permit Area 39'.

Implications

1. Legislative

There are no legislative implications as a consequence of this report.

2. Council Plan / Policy

In presenting this report to council, council is achieving its Strategic Objective to Support the community in becoming healthier and more physically active in accordance with Council Plan 2013-2017 Theme 1: Friendly and safe - A community where people feel connected and safe.

This report is in line with the strategic objectives and relevant strategy of:

- Municipal Parking Strategy (2011); and
- Parking Permit Policy (2013).

3. Financial

There are no financial implications associated with this report.

4. Environmental

There are no environmental implications associated with this report.

Conclusion

Traffic and parking is one of the challenges Council is committed to finding a long-term solution for.

Based on the strong overall level of support, the current parking demands and the objectives of the Municipal Parking Strategy, it is recommended to proceed with the proposed parking changes in Brewster Street.

Appendices

Appendix A: Consultation area - August 2015
Appendix B: Plan - Proposed parking changes
Appendix C: Parking survey data - Friday 14 August 2015
Appendix D: Parking survey data - Saturday 15 August 2015

Consultation Area
Cliff Allison Reserve
MARCO POLO STREET
STURT STREET
SALTER STREET
GLEN STREET
MACKAY STREET
NAPIER CRESCENT
NAPIER STREET
KILMARTIN STREET
WATTLE VALLEY ROAD
BREWSTER STREET
GRACE CRESCENT
RICHARDSON STREET
HISTUS STREET
EDWARD STREET
SHAMROCK STREET
RALEIGH STREET
Essendon Station Car Park
Windy Hill Fitness
Essendon Football Club
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Brewster Street, Essendon - Proposed parking changes

	Existing Parking Restrictions	Proposed Parking Restrictions
	'1P (9am-9pm) Permit Area 39'	**'2P (9am-9pm) Permit Area 39'**

5 Number of parking spaces

Note: All other parking arrangements in Brewster Street, between Grice Crescent and Mt Alexander Road are 'Unrestricted'

City of Moonee Valley

Brewster Street, Essendon - Parking demand and occupany survey

Friday 14 August 2015

Location	Restriction	Capacity	Car Parking Occupancy											
			7am	9am	11am	1pm	3pm	4pm	6pm	7pm	8pm	9pm	10pm	11pm	12mid
MOUNT ALEXANDER ROAD TO GRICE CRESCENT															
North Side															
Mt Alexander Road to 10m East of Mt Alexander Road	No Stopping	-	0	0	0	0	0	0	0	0	0	0	0	0	0
10m east of Mt Alexander Road to 10m west of Glen Street	1P 9am-9pm	**5**	3	1	2	3	0	0	2	4	5	5	4	3	2
10m west of Glen Street to 10m east of Glen Street	No Stopping	-	0	0	0	0	0	0	0	0	0	0	0	0	0
10m East of Glen St to 10m West of Mackay St	1P 9am-9pm	**10**	3	2	2	4	0	1	4	6	5	3	3	3	3
10m West of Mackay Street to 10m East of Mackay Street	No Stopping	-	0	0	0	0	0	0	0	0	0	0	0	0	0
10m east of Mackay Street to 10m west of Grice Crescent	Unrestricted	**4**	2	2	2	2	3	3	3	3	1	1	1	1	1
10m west of Grice Crescent to Grice Crescent	No Stopping	-	0	0	0	0	0	0	0	0	0	0	0	0	0
South Side															
Mt Alexander Road to 10m east of Mt Alexander Rd	No Stopping	-	0	0	0	0	0	0	0	0	0	0	0	0	0
10m east of Mt Alexander Road to 10m west of Grice Crescent	Unrestricted	**23**	10	12	16	17	11	11	10	12	12	13	13	6	6
10m west of Grice Crescent to Grice Crescent	No Stopping	-	0	0	0	0	0	0	0	0	0	0	0	0	0
Total spaces occupied:		**42**	18	17	22	26	14	15	19	25	23	22	21	13	12
Spaces available:			24	25	20	16	28	27	23	17	19	20	21	29	30
Total Occupancy: (%)			43	40	52	62	33	36	45	60	55	52	50	31	29

Brewster Street, Essendon - Parking demand and occupany survey

Saturday 15 August 2015

Location	Restriction	Capacity	Car Parking Occupancy												
			7am	9am	11am	1pm	3pm	4pm	6pm	7pm	8pm	9pm	10pm	11pm	12mid
MT ALEXANDER ROAD TO GRICE CRESCENT															
North Side															
Mt Alexander Road to 10m East of Mt Alexander Road	No Stopping	-	0	0	0	0	0	0	0	0	0	0	0	0	0
10m east of Mt Alexander Road to 10m west of Glen Street	1P 9am-9pm	**5**	2	3	2	5	3	4	4	5	5	4	4	2	2
10m west of Glen Street to 10m east of Glen Street	No Stopping	-	0	0	0	0	0	0	0	0	0	0	0	0	0
10m East of Glen St to 10m West of Mackay St	1P 9am-9pm	**10**	3	3	4	5	6	4	4	5	6	5	5	2	3
10m West of Mackay Street to 10m East of Mackay Street	No Stopping	-	0	0	0	0	0	0	0	0	0	0	0	0	0
10m east of Mackay Street to 10m west of Grice Crescent	Unrestricted	**4**	0	0	0	2	1	1	1	2	2	2	1	1	1
10m west of Grice Crescent to Grice Crescent	No Stopping	-	0	0	0	0	0	0	0	0	0	0	0	0	0
South Side															
Mt Alexander Road to 10m east of Mt Alexander Rd	No Stopping	-	0	0	0	0	0	0	0	0	0	0	0	0	0
10m east of Mt Alexander Road to 10m west of Grice Crescent	Unrestricted	**23**	7	7	12	13	16	13	16	19	18	19	15	8	8
10m west of Grice Crescent to Grice Crescent	No Stopping	-	0	0	0	0	0	0	0	0	0	0	0	0	0
Total spaces occupied:		**42**	12	13	18	25	26	22	25	31	31	30	25	13	14
Spaces available:			30	29	24	17	16	20	17	11	11	12	17	29	28
Total occupancy: (%)			29	31	43	60	62	52	60	74	74	71	60	31	33

9.5 Planning Scheme Amendment C157 - Heritage Overlay 47-51 Rose Street, Essendon

File No: FOL/15/590

Author: Principal Planner (Strategic Planning & Research)

Directorate: City Works & Development

Ward: Buckley

Purpose

To seek authorisation from the Minister for Planning, to prepare and concurrently exhibit Amendment C157, which proposes to apply the Heritage Overlay to numbers 47-49 Rose Street and 51 Rose Street, Essendon.

Executive Summary

- Council has received a Planning Permit application (MV/931/2014) which includes numbers 47-49 and 51 Rose Street, Essendon. If approved in its current form, this would require demolition of the existing commercial buildings at numbers 47-49 and 51 Rose Street, Essendon.
- As part of the referral process, as the properties were identified in Council's adopted Heritage Gap Study 2014, Council referred the application to its Heritage Advisor for comment.
- The advice from Council's Heritage Advisor was that Council should seek to apply interim Heritage Controls to the properties. A copy of this advice is provided in **Appendix A**. This is consistent with the process adopted by Council at its May 2015 Council meeting for seeking to apply heritage controls for buildings which meet identified criteria and are under threat of demolition.
- In addition, Council is currently undertaking a Heritage Study, with consultation expected to occur later in 2015, which includes these properties as part of a larger commercial precinct.
- The draft citation prepared for this precinct indicates that these properties are contributory buildings within the precinct based on historical, architectural and aesthetic criterion. A copy of the draft citation is included in **Appendix B**.
- For the reasons as outlined, Council wrote to the Minister for Planning on 20 August 2015, requesting interim controls be applied to the properties.
- This report seeks to progress an amendment to apply permanent heritage controls to the properties.
- A copy of the explanatory report for Amendment C157 can be found at **Appendix C**.

Recommendation

That Council:

1. In accordance with Section 8A(3) of the *Planning and Environment Act 1987*, seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C157 – Permanent Heritage controls for numbers 47-49 and 51 Rose Street, Essendon.
2. Subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C157 in accordance with Section 19 of the *Planning and Environment Act 1987*.
3. Refer submissions which request changes to the amendment, and are not resolved, to an independent Planning Panel in accordance with Section 23(1)(b) of the *Planning and Environment Act 1987*.

Background

In late 2014, Council received a Planning Permit application (MV/931/2014) to construct a 5 storey building at 47-49 and 51 Rose Street, Essendon. If approved in its current form, this would require demolition of the existing buildings.

As the properties were identified as a high priority in Council's Heritage Gap Study 2014, the application was referred to Council's Heritage Advisor for comment.

The advice received was that Council should request an interim Heritage Overlay be applied to the properties. This assessment is based on the process adopted by Council at its Ordinary Council meeting on 26 May 2015. A copy of this advice is provided in **Appendix A**.

In addition these properties are also part of a wider Heritage Study that Council has commissioned for 2015. Consultation for this study is expected to take place later in 2015. Once any changes are made following consultation and the study was adopted, Council would seek to apply the Heritage Overlay to those properties identified in this study.

The draft citation prepared for this precinct indicates that these properties are contributory buildings within the precinct based on historical, architectural and aesthetic criterion. A copy of the draft citation is included in **Appendix B**.

Discussion

Council is following its adopted procedures in seeking to apply the Heritage Overlay to the properties at 47-51 Rose Street, Essendon.

The Rose Street Precinct is of local historical, architectural and aesthetic significance to the City of Moonee Valley.

Council wrote to the Minister for Planning, requesting interim controls on 20 August 2015.

Amendment C157 seeks to apply permanent Heritage Controls to the properties at 47-51 Rose Street, Essendon.

The explanatory report for Amendment C157 can be found at **Appendix C**.

Consultation

Council will directly notify the property owner of the proposed amendment.

Other aspects of the consultation will include:

- An exhibition period of at least 4 weeks;
- Letter to Heritage Victoria;
- Notices in the local papers;
- Information displayed at Council's Civic Centre;
- Information on the Council and the Department of Environment, Land, Water and Planning website.

Implications

1. Legislative

Planning Scheme Amendment C157 is consistent with Ministerial Direction of the form and content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*. The preparation of the amendment is also in accordance with Section 4 of the *Planning and Environment Act 1987*.

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

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to Ensure there is clear direction for growth and proactive management of development in the city in accordance with Council Plan 2013-2017 Theme 1: Sustainable living - Clear direction for growth and development of the city.

3. Financial

There are no relevant financial considerations to this report. The cost of the preparation of an amendment will be borne by Council through the Strategic Planning budget.

4. Environmental

The amendment will have a positive environmental impact through protecting places of historical significance.

Conclusion

Amendment C157 will assist Council in preserving places of important historical significance in Moonee Valley.

This amendment will be formally exhibited allowing the property owner and any other interested parties to provide a submission to the Amendment. Any submitters would then have the opportunity to present their submission to an independent Planning Panel.

Appendices

Appendix A: Internal Heritage Assessment - 47-51 Rose Street, Essendon'
Appendix B: Draft Rose St Precinct citation 030815 - 47-51 Rose Street, Essendon'
Appendix C: Explanatory Report - 47-51 Rose Street, Essendon

APPENDIX A

Moonee Valley Heritage Advisory Service

Heritage assessment of property included in Heritage Gap Study

Property address: 47 to 51 Rose Street, Essendon

Assessment as per process adopted by Council on 26 May 2015.

This template assists in the consideration as to whether property meets the threshold criteria adopted by Council on 26 May 2015, in order to warrant applying to the Minister for Planning for interim heritage controls.

In order to request an interim Heritage Overlay, all of the following criteria (1-3) must be met.

In the case of precincts, in addition to Criteria 1-3, Criteria 4 must also be met.

Assessment against Threshold Criteria

Criteria 1 – Significant or Landmark Particularly significant or landmark building
Comments: It needs to be understood that the whole of the collection of buildings that are proposed to be demolished form part of the Rose Street Commercial Precinct (as proposed in the Gap Study) containing Nos 1 to 51 Rose Street inclusive). The whole of this strip forms and intrinsic relationship with the rebuilt Essendon Station in 1909. The "Edwardian Baroque" or "Edwardian Free Classical" station buildings were constructed by A. Challingworth. Essendon station building is included in the Victoria Heritage Register as VHR H1562. The design and construction of the station building was a catalyst for the design and development of the Rose Street Commercial precinct. The integrity and architectural joy is expressed in many of the facades and their detail. Essendon station and Rose Street sing the praises of the Architectural Curves. It is also worth noting that no crossovers exist in this strip. The Rose Street strip (from Nos 1 to 51 inclusive) are a pedestrian strip. Another architect made his mark on Rose Street. Daniel R Dossetor was a Councillor from 1917 through to 1922 as well as a local architect. His work is linked to buildings that are included in Moonee Valley City Council heritage overlays and beyond this municipality. In addition, the Rose Street Commercial Precinct is also listed as High Priority in the Recommended Stage Two Studies.

Criteria 2 – Good condition
Property is in good condition with no major structural failings

Comments:

The buildings at Nos 47 to 51 Rose Street are in good condition. There is no reason for demolition on structural grounds. The shop front at 51 Rose Street can be enhanced.

Criteria 3 – Existing representation under HO

Comments:
Although there are other historic shopping precincts in the municipality, the Rose Street Commercial Precinct (including 47 to 51 Rose Street) stands out because of its historic, cultural and architectural link with the 1909 Essendon Railway Station.

Criteria 4 – Precincts

Comments:
The loss of the buildings at 47 to 51 Rose Street will result irreversibly jeopardise the significance of the entire precinct. It may be advisable to seek Interim Controls over the whole of the proposed Rose Street Commercial Precinct.

Conclusions and Recommendation:

The proposed new five storey building will have detrimental effect on the identified architectural, historic and cultural significance of the whole of the Rose Street Commercial precinct as well as the State level Heritage Significance of the 1909 Essendon Railway Station (VHR 1562).

The proposed five storey development is entirely disrespectful of the adjacent identified contributory building in the proposed Rose Street Commecial precinct. The proposed parts of the Flower Street precinct (2-22 and 7-33 Flower Street) are directly affected as they are single storey freestanding houses. The historic streetscape of the proposed Flower Street precinct would be adversely affected by this development.

In addition, the cultural significance of the 1909 Essendon railway Station is equally affected.

At the moment, the cultural, historical and architectural Zeit Geist that is embedded in the proposed Rose Street Commercial precinct is retained and not adversely affected. The disappearance of the shops at 47 to 51 Rose Street and their replacement with an atypical five storey building will mark the beginning of the loss of cultural identity in the proposed Rose Street Commercial precinct.
The higher sections are not hidden and they have a detrimental impact on the streetscape as well as the residential street behind.

The shops should be retained and the new additions set back by two rooms.

In addition to the above, a viewline should be used to test if added bulk and massing is appropriate for this part of the proposed Rose Street Commercial precinct.
It is obvious that well set back additions should not exceed three storeys.

Can the buildings be demolished?		No
Interim controls to be sought?	Yes	

Can improvements be sought from the developer? Yes

The higher sections are not hidden and they have a detrimental impact on the Rose Street streetscape as well as the residential street, proposed Flower Street precinct behind.

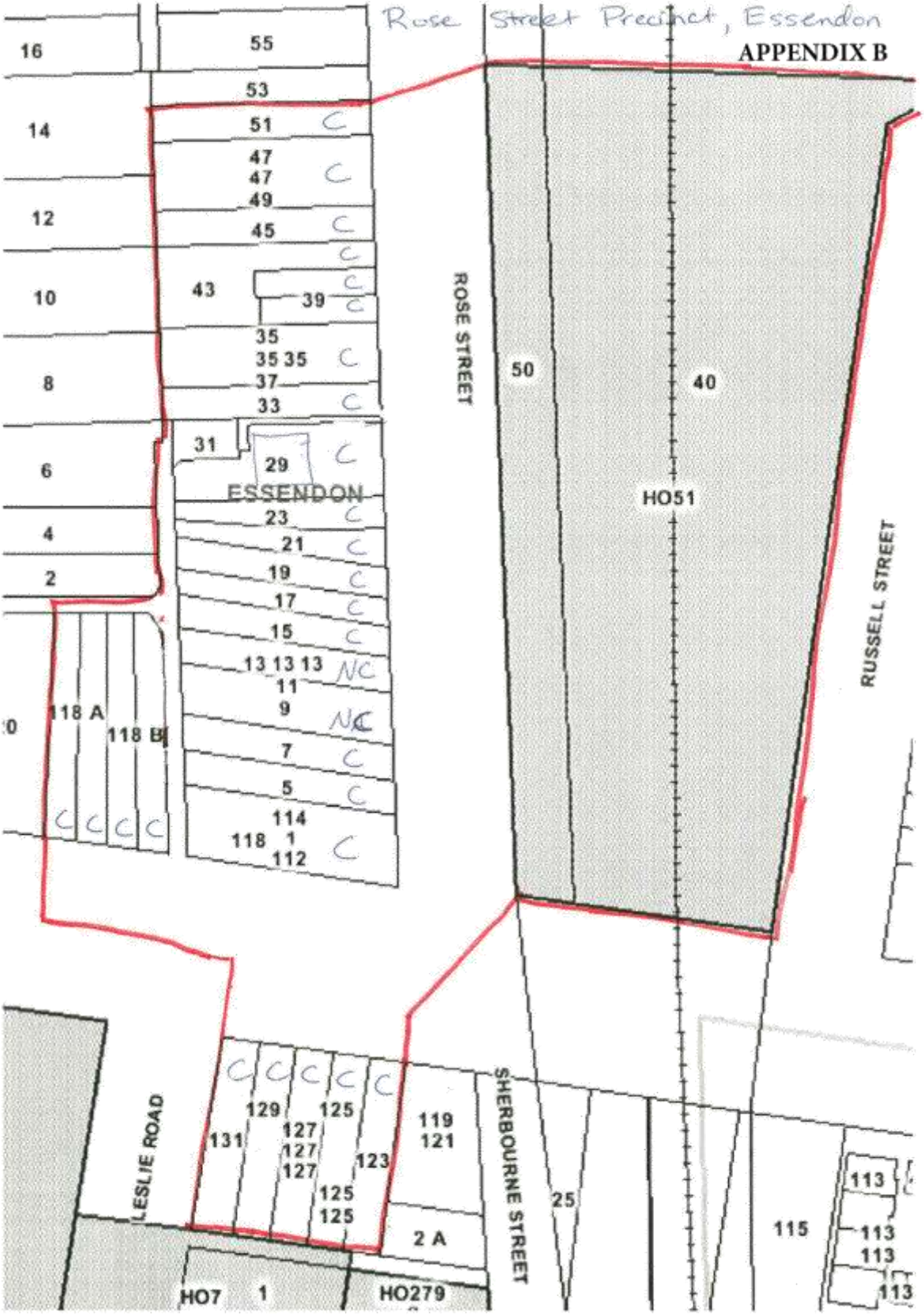
The shops should be retained and the new additions set back by two rooms.

In addition to the above, a view line should be used to test if added bulk and massing is appropriate for this part of the proposed Rose Street Commercial precinct.
It is obvious that well set back additions should not exceed three storeys. The bulk and massing to the rear is equally critical as a heritage overlay is proposed for Flower Street as well.

If Yes – refer to Coordinator Strategic Planning.

Date referred: 19th August 2015

Date: 19th August 2015 **Name:** Bernadette De Corte **Signed:**


Rose Street Precinct, Essendon
APPENDIX B
ROSE STREET
RUSSELL STREET
SHERBOURNE STREET
LESLIE ROAD
ESSENDON
HO51
HO7
HO279
16
14
12
10
8
6
4
2
55
53
51
47
47
49
45
43
39
35
35 35
37
33
31
29
23
21
19
17
15
13 13 13
11
9
7
5
114
118
1
112
118 A
118 B
50
40
131
129
127
127
127
125
125
123
119
121
2 A
25
115
113
113
113
113

HERITAGE CITATION REPORT

Name	Rose Street Commercial Precinct		
Address	1-51 ROSE STREET, ESSENDON 112-118 & 123-131 BUCKLEY STREET, ESSENDON	**Significance Level**	Local
Place Type	Commercial Precinct,Retail or Wholesale Precinct,Shop,Railway Platform/ Station		
Citation Date	2015		

HERITAGE CITATION REPORT

Recommended Heritage Protection **VHR - HI - PS** Yes

Designer / Architect Dossetor, Daniel R, Cook VC **Architectural Style** Federation/Edwardian Period (1902-c.1918), Interwar Period (c.1919-c.1940)

History and Historical Context

Thematic context

This place is associated with the following theme/s identified by the *Moonee Valley Thematic Environmental History* (2012):

Theme five: Building Victoria's industries and workforce: 5.3 Marketing and retailing - Serving local needs

Theme three: Connecting Victorians by transport and communications: 3.3 Linking Victorians by rail

A private company, the Melbourne and Essendon Railway Co. built Moonee Valley's first railway line from North Melbourne Station to Essendon, opening it on 22 October 1860. Local landowners and businessmen, including Hugh Glass and Peter McCracken, were shareholders and directors. Five stations were opened on the line at Kensington, Newmarket, Ascot Vale, Moonee Ponds and the terminus at Essendon and there were hopes to extend the line as far as Kilmore and beyond to provide a direct rail link to transport stock to the saleyards which had moved to Newmarket in 1860. .

Though the company's directors had hoped that the opening of the line would attract business and residents to the area - and several buyers had purchased land near the railway line in the expectation that this would occur - by 1864 the company's funds were exhausted and the line was closed. The Victorian Government purchased the railway line in 1868, repairing it and reopening the line as far as Essendon in 1871, but also extending it to form the beginnings of the North

HERITAGE CITATION REPORT

Eastern Railway line to Wodonga. . Suburban trains from Melbourne, however, still terminated at Essendon and the station buildings at Newmarket, Ascot Vale, Moonee Ponds and Essendon were not substantially completed until 1888-89. .

Melbourne was the first city in Australia to change its suburban train network from steam-power to electricity. In 1912, the Victorian Government authorised this scheme and a central power station at Newport was built to distribute electricity via a number of substations. One of these substations, at Newmarket, was completed in 1915. The spur line from Newmarket to Flemington racecourse was used in 1918 to experiment with the new system. The line between Essendon and Sandringham was the first line to be electrified, with the first electric train running on 28 May 1919.

(MVTEH, 2012:57-60)

Rose Street Precinct

Corresponding with the re-opening of the Essendon Railway Station in 1871, land on the west side of the station was auctioned in March and August of that year. The land, comprising Crown Allotment 12, is bounded by Rose, Flower, Buckley and Shamrock streets. It was not until 1877, however, that Rose Street first appeared in the Sands & McDougall's street directory, listing three residential properties at its north end. The first business premises on the street were near the Buckley Street corner, reportedly at 11 Rose Street, housing a series of real estate agents from 1889 in response to the property boom of the late 1880s. Tadgell Brothers estate agents took over the premises in 1904, and remained on Rose Street until 1949 (Chalmers, 2007:93-94).

The 1906 MMBW plan shows the precinct almost empty of buildings, with no development on this part of Buckley Street. On Rose Street, apart from the railway station on the east side, there was a tiny building on the north-west corner of Rose and Buckley Streets (the estate agent's), and two double-fronted houses, set back from the street, at what is now Nos. 29-31 and 37. North of the precinct there was a house with a shop appended to its front at No. 55, and another four dwellings before reaching Miller Street.

While houses at 11 and 37 Rose Street were intermittently used for businesses, it was not until the rebuilding of the Essendon Railway Station in 1909 that the shopping strip took off. A completely new station at Essendon had been constructed in 1878, erected on the site of the present island platform. Additions in 1886 included the provision of subways and footbridges and the conversion of the 1878 single-faced platform into the island. In 1909 the current centre platform and station building and the lamp room/store complex were constructed on the site (VHR H1562). These 'Edwardian Baroque' or 'Edwardian Free Classical' style station buildings, constructed by A. Challingsworth, also had a strong stylistic impact on the commercial buildings constructed to face it. The station reconstruction was also important in stimulating the development of this shopping strip, as it provided station access from the west side for the first time (Butler, 1985:24).

Three groups of shops were built on Rose Street in 1910: a fine three-part compositions with an arched central parapet at Nos. 15-19 for Frederick Tadgell and at Nos. 39-43, as well as a pair of Free Classical shops at Nos. 5-7 for J Davies to a design by architect DR Dossetor (Building Permit Records). An early photo shows the posted metal verandahs in front of these shops, with a particularly fine decorative arch at the centre of the verandah at No. 17 (PROV).

Daniel R Dossetor was a local architect and City of Essendon Councillor from 1917 to 1922. His early designs include churches in Glenroy (1908), in Ascot Vale (1911) and Hawthorn (1911) (HV), and the Essendon Cricket Clubhouse of 1913 (HO164). In the 1920s he designed the new Christ Church, Essendon, of 1912 (HO203), and the New Essendon Picture Theatre of 1925 as part of practice Dossetor & Frew (HO355).

Shops were built at 9-13 Rose Street in 1911 and 1912, but these have since been demolished. A pair of small shops harking back to the Victorian era with traditional parapets at 21-23 Rose Street were built in 1914. No. 21 served as a

Chinese laundry, managed by Mr Foon Kee. Other businesses along Rose Street in 1915 were, going from south to north: a bootmaker, a chemist, a dressmaker, a butcher, a news agent, Tadgell Bros. estate agents, a confectioner, Kee's laundry, Galbraith Bros. hairdressers and tobacconists, then two private dwellings, and final dairy produce, another bootmakers, and a pastry cook (S&McD)

Construction paused until the 1920s, bringing the first two-storey buildings to the street. The first was a row at Nos. 33-37 in 1921, each with a residence upstairs indicated by recessed balconies set below enormous parapets with segmental arches. The following two years brought nine new shops surrounding them. At Nos. 47-49 is a pair of 1922 shops that share one long, elegant ogee arched parapet, then a small shop (c1922) with a simple arched parapet. The rectilinear Neo-Grec influence is seen at the pair of identical shops at Nos. 29-31 (1922) which were built in front of a 19th-century house (which survives, hidden), and a simpler version at No. 45 (1922) designed by local architect Victor G Cook. These new shops contained the following businesses in 1924, going from south to north: JH Vicary estate agents, a greengrocer, Galbraith Bros. hairdressers and tobacconists (in a new location), a grocer, ladies' drapers, a furniture wholesaler, the Misses Bertram's tea rooms, Dalton Bros. art furnishings, and another estate agent (S&McD).

In the second half of the 1920s, development moved to the still empty land along Buckley Street. In 1926 alone, three rows of shops were built. On the north side, the old shop on the corner of Rose Street, which had housed a bootmaker and estate agents, was replaced by the two-storey building housing 1-3 Rose Street. Beside it was a row of single-storey shops (112-118 Buckley Street), built as part of the same development, sharing the simple parapet design with the two-storey shops next door. On the south side of Buckley Street, three two-storey shops with curved roughcast rendered parapets, reminiscent of the earlier 33-37 Rose Street, were also built.

On the corner of Leslie Road, Joseph Allison's undertaking firm built new premises in 1928, a two-storey brick building with a picturesque jerkin-head roof. They added a single-storey chapel beside it (at No. 129) in 1936, using matching red and clinker brickwork and a jerkin-head roof. Joseph Allison, the elder, established an undertaking business in North Melbourne in 1854, one of the first in Victoria. His son took over the business in 1886, with the head office on Errol Street. By 1890 he had expanded to second premises on Puckle Street, Moonee Ponds. Another branch was opened in Sydney Road, Brunswick (1912), in Balaclava (1922) and in Camberwell (1932) (*Essendon Gazette,* 17 July 1952; *Age*, 1 Feb. 1890:12).

In 1930 the following businesses were operating in the new Buckley Street shops: on the north side, a billiard saloon, a tiler, a dressmaker, and a fishmonger, and on the south side, a plumber and the undertaker (Nos. 125-127 were vacant).

Source:

The Age, as cited.
Building Permit Records of the former City of Essendon, held by the Essendon Historical Society.

Butler, Graeme, 1985, 'Essendon Conservation Study', Part 1.

Chalmers, RL, 2007, 'The Early History of the Parish of Doutta Galla', unpublished MS held by Essendon Historical Society.

Essendon Historical Society, 1970, 'Houses of Essendon', unpublished MS held by Essendon Historical Society, contains built dates of buildings based on information from street directories and rate records.

Heritage Victoria (HV), assessment of the former Russell Street Theatre, Melbourne (Registration Refused), Hermes No. 196586, accessed 28 July 2015.

Melbourne and Metropolitan Board of Works (MMBW), Detail Plan No. 1679, 1906.

Public Records Office of Victoria (PROV), VPRS 12800/P1, item H4939, c1915 photo of Rose Street.

Sands & McDougall's street directories (S&McD), as cited.

Victorian Heritage Register (VHR), H1562 Essendon Railway Station citation, accessed 28 July 2015.

Description

Physical Description

The Rose Street Precinct comprises a long row of shops on the west side of Rose Street, facing the Essendon Railway Station (VHR H1562), as well as shops directly to the south, on the north and south sides of Buckley Street. The majority of the shops are single-storey, with a few groups of double-storey shops scattered through them.

The two sides of Rose Street present a contrast: the row of single and double-storey shops built to boundaries on the west side, and the wide footpaths and station landscaping on the east side. The two are united by their shared development history and architectural expression. The station building is in the Edwardian Free Classical style, whose typical features are exhibited by the station buildings, including cement-render banding paired with red brick, and an undulating parapet motif of segmental (or ox-bow) arches between raised piers or pylons, creating a picturesque skyline above the link of the cantilever verandahs. Its construction had an almost immediate impact on the other side of Rose Street, with shops being built from 1910, most of them mirroring the picturesque approach of the station building. While the style of shops in the 1920s changed toward the Free Classical and Arts & Crafts, many still had prominent arched parapets, creating cohesive yet picturesque streetscapes in the precinct.

The treatment and profile of the arched parapets varies from building to building. Among the earliest shops to be built, architect Dossetor's pair of shops at 5-7 Rose Street are unusual in having individually articulated parapets; here defined by octagonal engaged piers that rise far above the unusual parapets with reverse arches and a shallow apron below the cornice. Red brick and (partly unpainted) render is employed to great effect. More typical of the period are the three shops at 15-19 with a symmetrical composition of a round-arched pediment over the centre shop and straighter parapets to either side, with foliage-covered balls at the top of the end piers. Another tripartite parapet composition is at 39-43 Rose Street with reverse arches, a central semi-circular arch, and truncated brick piers above the skyline; and a pair of shops at 47-49 Rose Street with a graceful ogee curved arched over them both. The later retains its original shopfronts, with brown glazed tiles, inset entries, and metal-framed windows and highlights.

Shops of the 1920s tend to have a single (usually semi-circular) arched pediment over each tenancy, such as the roughcast-rendered parapets of 123-127 Buckley Street, red brick at 33-37 and smooth render at 51 Rose Street. The shops at 35-37 Rose Street have notable details in the raking pediments and highlight windows of the balcony doors. And a few have rectilinear parapets typical of the Stripped Classical style, such as 112-118 Buckley Street and 1-3, 29-31 & 45 Rose Street.

Among the shops in the precinct, the following retain their original shopfront: 114, 116 & 125 Buckley Street and 17, 19, 29 (partial), 35, 37, 47 & 49 Rose Street.

Two unusual buildings in the precinct are at 129-131 Buckley Street, which can be described as Arts & Crafts in style. These tuckpointed red and clinker brick buildings, with tiled roofs, have a more domestic scale and massing, in keeping with their use as a funeral parlour (No. 131) and associated chapel (No. 29). Both buildings are distinguished by the high quality of their detailing, and elements such as the jerkin-head roofs, and leadlight windows. No. 131, a corner building, is highly intact to both elevations, retaining all original windows, including tripartite box windows to the upper

floor of the side elevation, glazed doors with a diamond pattern and terrazzo steps to Buckley Street, and a Seraglian window above that of leadlight windows. The cantilevered verandah with pressed metal soffit also appears to be original. The chapel, No. 129, has a wide segmentally arched opening of fine brickwork, with a leadlight highlight and sidelights.

Comparative Analysis

Early commercial development in Essendon was centred on the area where the railway line meets Mt Alexander Road. The earliest commercial development was at 'Fletcher Corner' where Mt Alexander Road meets Fletcher Street. While the Essendon Railway Station also encouraged development after its reopening by the State Government in 1870, this was again to the east side. Only with the new access from Rose Street to the west did a new commercial strip spring up along it in the 1910s. Development continued to move northward, with 'North Essendon Village' - Leake Street and the west side of Mt Alexander Road between Lincoln Road and Thorn Street - primarily developed in the 1920s, with the landmark New Essendon Picture Theatre at its centre (12-18 Leake Street, HO355).

Most of the existing commercial precincts in the Moonee Valley Heritage Overlay focus on the large retail centres of the southern half of the municipality: Racecourse Road, Flemington; Union Road, Ascot Vale; and Puckle Street, Moonee Valley. These three precincts are predominantly Victorian in character, with some contribution from the Edwardian and interwar eras. Scattered among them are buildings of the 1910s and 1920s, but they are not the main focus or character of these precincts.

The Holmes Road and Norwood Crescent Precinct (HO307), beside the Moonee Ponds Railway Station, is an exception among the commercial precincts in its emphasis on Edwardian and interwar development, 1905-1936. Styles represented in the precinct include Queen Anne with half-timbered gables and tiled roofs; Free Classical with arched pediments; Stripped Classical, some very plain and others with a variety of materials and windows shapes; and one example of Spanish Mission.

Rose Street Precinct bears similarities to the HO307 precinct, in its period of development and the important influence the neighbouring railway station had on its progress. Both precincts are also notable for the high proportion of original shopfronts that survive. While HO307 precinct contains a wide range of styles and forms, Rose Street Precinct is distinguished by its visual cohesion, with its multitude of picturesque arched parapets. This cohesion is due in large part to its very rapid development (almost all buildings within the space of 16 years).

Statement of Significance

What is significant?
The Rose Street Precinct, Essendon, is significant, comprising 112-118 & 123-131 Buckley Street, 1-51 Rose Street, and the Essendon Railway Station. The precinct comprises the 1909 railway station as well as single and double-storey shops constructed almost all from 1910 to 1926. They are all of masonry construction, some employing the red brick and render banding, many rendered with brick accents, and later examples using roughcast render or clinker brick to contrast with red face brick. Almost all of the shops have some form of arched parapet, whether a single semi-circular arch over a shop, or more complex arrangements over multiple shops. Styles in the precinct are primarily Edwardian Free Classical, and interwar Stripped Classical, plus the unusual Arts & Crafts funeral parlour and chapel at 129-131 Buckley Street.

All buildings in the precinct are Contributory, apart from the Non-contributory 9-11 Rose Street.

Key attributes that contribute to the significance of the precinct include:

- The consistency of scale (one and two storeys), form (parapets, usually arched), siting (built to the front and side boundaries), original cladding materials (face brick, render, roofs clad in corrugated iron where concealed behind a parapet, or tiled where visible) of Contributory buildings.

- The high degree of intactness of the Contributory buildings above parapet level.

- The retention of original shopfronts with solid stallboards (clad in tiles or bricks), metal-framed display and highlight windows, recessed entries with tiled floors, and timber-framed glazed doors at 114, 116 & 125 Buckley Street and 17, 19, 29 (partial), 35, 37, 47 & 49 Rose Street.

- The absence of vehicle crossovers.

Post-WWIIalterations and additions are not significant.

How is it significant?
The Rose Street Precinct is of local historical, architectural and aesthetic significance to the City of Moonee Valley (while the Essendon Railway Station is of State significance).

Why is it significant?
It is historically significant for demonstrating the major impact the reconstruction of the Essendon Railway Station in 1909 had on the area, both spurring its development and inspiring its skyline of picturesque curved parapets. The year later three groups of shops were built on Rose Street, and the retail strip was fully developed by 1926, extending to the south side of Buckley Street. (Criterion A)

It is architecturally significant for its demonstration of the architectural styles popular during the Edwardian and early interwar periods, particularly Edwardian Free Classical and interwar Stripped Classical. (Criterion D)

It is aesthetically significant for its visual cohesion, thanks to its rapid period of development and the dialogue set up between the 1909 Essendon Railway Station and the shops facing it. They mirror its Free Classical undulating parapets with arches between raised piers, creating a picturesque skyline. The precinct is enhanced by the large number of shops that retain their original shopfronts. (Criterion E)

Assessment Against Criteria

This place was assessed in accordance with the processes and guidelines outlined in the Australia ICOMOS *Charter for Places of Cultural Heritage Significance* (The Burra Charter) 2013, using the Hercon criteria.

HERITAGE CITATION REPORT

Recommendations 2015

External Paint Controls	-
Internal Alteration Controls	-
Tree Controls	-
Fences & Outbuildings	-
Prohibited Uses May Be Permitted	-
Incorporated Plan	-
Aboriginal Heritage Place	-

Other Recommendations

Add this precinct to the heritage overlay with no specific HO schedule controls, as shown in the above table. Extent of the HO and gradings of individual properties as shown on the associated precinct map.

APPENDIX C

Planning and Environment Act 1987

MOONEE VALLEY CITY COUNCIL PLANNING SCHEME

AMENDMENT C157

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Moonee Valley City Council, which is the planning authority for this amendment.

The Amendment has been made at the request of Moonee Valley City Council.

Land affected by the Amendment

The Amendment applies to 47-49 Rose Street and 51 Rose Street, Essendon.

What the amendment does

The amendment will apply the Heritage Overlay to the subject sites.

Specifically, the amendment proposes to:

- Update the Schedule to the Heritage Overlay (Clause 43.01) of the Moonee Valley Planning Scheme by including the subject sites.
- Amend Planning Scheme Map 12HO to include the subject land in the HO.

Strategic assessment of the Amendment

Why is the Amendment required?

Numbers 47-49 and 51 Rose Street are intact commercial buildings which form part of a wider commercial precinct.

The Rose Street Precinct is of local historical, architectural and aesthetic significance to the City of Moonee Valley.

Key attributes of the precinct include:

- The consistency of scale (one and two storeys), form (parapets, usually arched), siting (building to the front and side boundaries), and the original cladding materials of contributory buildings.
- The high degree of intactness of the contributory buildings above parapet level.
- The absence of vehicle crossovers.
- The retention of original shopfronts with solid stallboards (clad in tiles or bricks), metal-framed display and highlight windows, recessed entries with tiled floors, and timber-framed glazed doors including at 47&49 Rose Street.

How does the Amendment implement the objectives of planning in Victoria?

The amendment will implement the following objectives of planning in Victoria, under Section 4 of the *Planning and Environment Act 1987*:

- 4(1)(a) to provide for the fair, orderly, economic and sustainable use, and development of land.
- 4(1)(d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;

- 4(1)(f) to facilitate development in accordance with the objectives set out in paragraph (d);
- 4(1)(g) to balance present and future interests of all Victorians.

These objectives are implemented by this amendment through identification of and protection of places in Moonee Valley City Council that have historic and aesthetic significance.

How does the Amendment address any environmental, social and economic effects?

The amendment is expected to have positive environmental and social effects by protecting places of cultural and historical significance in Moonee Valley.

The amendment is not expected to have any adverse economic effects.

Does the Amendment address relevant bushfire risk?

There is no bushfire risk arising from this amendment.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the *Planning and Environment Act 1987*.

The amendment is consistent with *Ministerial Direction No. 9 – Metropolitan Strategy* (Plan Melbourne) in terms of the identification and protection of places of heritage significance. The relevant components of *Plan Melbourne are*:

- Direction 4.7 – Respect our heritage as we build for our future

  This direction seeks to ensure that heritage is valued when managing growth and change. It acknowledges that Melbourne is recognised for its well-preserved heritage buildings and that there is a need to manage future growth and change so Melbourne's distinctive characteristics and heritage are maintained.

- Initiative 4.7.1- Value heritage when managing growth and change

  This initiative aims to protect the city's heritage, and improve heritage management processes within the Victoria planning system.

The amendment is consistent with these directions and initiatives in that it identifies and provides protection of properties of local cultural heritage value.

The amendment is consistent with the *Ministerial Direction No. 11 – Strategic Assessments of Amendments*.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

This amendment is consistent with the State Planning Policy Framework, in particular Clause 15.03 (Built Environment and Heritage) and implements the policy by including places which have been identified and assessed as having local cultural heritage significance in the Schedule to Clause 43.01 to the Heritage Overlay.

This amendment will directly implement the first strategy under Clause 15.03-1 to 'identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.'

In addition, the SPPF requires Council as the responsible authority for planning to balance conflicting objectives in favour of net community benefit and sustainable development for the

benefit of present and future generations. The amendment seeks to achieve this net community benefit by ensuring places with heritage values are conserved, through inclusion in the Heritage Overlay, for present and future generations.

The amendment is therefore consistent with and supports the State Planning Policy Framework in relation to heritage.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment will assist in the implementation of Clause 21.06-2 (Heritage) within the Local Planning Policy Framework by 'conserving the historic fabric and quality of places of cultural heritage significance including buildings, streetscapes, gardens and archaeological sites'.

Does the Amendment make proper use of the Victoria Planning Provisions?

The application of the Heritage Overlay is the most appropriate mechanism for recognising and protecting the cultural heritage significance of the identified places.

How does the Amendment address the views of any relevant agency?

The views of relevant agencies, including Heritage Victoria will be sought through the public exhibition phase of the amendment.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is not expected to impact on the transport system.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment is not expected to have a substantial impact on the resource and administrative costs of the responsible authority.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Moonee Valley City Council
Civic Centre
9 Kellaway Avenue
Moonee Ponds

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

[The following sections of the Explanatory Report are only applicable to exhibited amendments and should be removed at the adoption stage

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by [insert submissions due date].

A submission must be sent to: [insert Council's address]

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: [insert directions hearing date]
- panel hearing: [insert panel hearing date]]

9.6 Properties identified in the Heritage Gap Study in or near Activity Centres

File No: FOL/15/590

Author: Principal Planner (Strategic Planning & Research)

Directorate: City Works & Development

Ward: Municipal

Purpose

The purpose of this report is to respond to Council's Notice of Motion No. 2015/15.

Executive Summary

A notice of motion was carried at the Ordinary Council Meeting on 28 July 2015 that a report be provided outlining:

1. Those properties identified in the Heritage Gap Study which lie in or near Activity Centres; and
2. The current priority given to those properties for Stage 2 Heritage Studies, for the purpose of enabling Council to determine if the current Stage 2 priority for those properties is appropriate in light of the levels of development occurring in or near Moonee Valley's Activity Centres.

Following a review of current priorities, it is considered the current priorities in the Heritage Gap Study are appropriate.

Recommendation

That Council receive and note the contents of this report.

Background

Heritage Gap Study

Council adopted the Heritage Gap Study at the Ordinary Council meeting on 25 November 2014.

The purpose of the Heritage Gap Study is to:

- Identify gaps in Moonee Valley's heritage protection by identifying all places dating from the time of European contact which are of potential heritage value and not protected by a Heritage Overlay.
- Provide a prioritised work program that may be used to guide which heritage studies should be undertaken in the future (over the next 8+ years).
- Provide a systematic approach to identifying places of potential heritage significance.

The Heritage Gap Study identifies approximately 3,500 places that could potentially have heritage significance and therefore are to be assessed in the future.

Given the large number of properties included, the Study proposes a strategy for these future studies, grouping places together by theme and priority. For example, places which are very rare or very poorly represented on the Heritage Overlay are proposed to be a high priority for future work.

Heritage Study 2015

Council has commenced work on a Stage 2 Heritage Study 2015 based on some of the high priorities identified within the Heritage Gap Study. This includes:

- Shops, commercial buildings and shopping strips.
- Transport related places including stables.
- Industrial places and suburbs infrastructure.
- Community use buildings.

A report will be presented to Council later in the year, with consultation to follow.

Discussion

While it is important to assess the heritage significance of properties in or near Activity Centres, there are a variety of reasons why prioritising these properties above others in the municipality is not recommended. Some of these key reasons include:

- Thematic nature of proposed future studies.
- How boundaries would be defined and the potential for only part of precincts to be included.
- Adopted process for applying for interim heritage controls and the consideration of demolition requests and planning permit applications for properties where a Heritage Overlay does not apply.
- Extent of community consultation already undertaken.
- Budget and workload impacts.

The following section outlines each of the reasons identified in more detail.

Thematic nature of proposed future studies

The prioritised work program within the Heritage Gap Study 2014, groups places and precincts that are similar in theme, place-type, and/or era, which creates a series of medium to large-sized potential study areas. This approach harnesses economies of scale, allows more rigorous comparative analyses, and the recommendations should stand up better if they go before an Independent Planning Panel.

The Heritage Gap Study's proposed strategy for future studies prioritises places which are very rare or poorly represented on the Heritage Overlay. This will allow Council to devote its funds most effectively, to ensure the Heritage Overlay reflects the cultural richness and diversity of the City of Moonee Valley.

Deviating from the proposed order of studies may result in the loss or unsympathetic redevelopment of the rarest and most poorly represented examples of heritage in Moonee Valley.

How boundaries would be defined and the potential for only part of precincts to be included

It would be hard to define a boundary for what to include and what not to include in precincts within activity centres (especially within activity centres without an adopted boundary).

In those activity centres which have a defined activity centre boundary, there are instances where precincts will be split in taking this approach. Similarly, if defining a boundary of a certain distance around activity centres.

Adopted process for applying for interim heritage controls and the consideration of demolition requests and planning permit applications for properties where a Heritage Overlay does not apply.

Applying for an interim Heritage Overlay requires Council to formally request the Minister for Planning, to exercise his powers of intervention.

This requires the Minister to make an extraordinary use of his powers. Therefore, it is important to have strict requirements and a process in place to ensure that requests are only submitted where they fulfil certain criteria, clearly demonstrating unique circumstances and sufficient merit.

At its Ordinary Meeting on 26 May 2015, Council endorsed a process for the consideration of applications for demolition under Section 29A of the Building Act 1993 as they relate to properties identified in an adopted heritage study or in the Heritage Gap Study as outlined in **Appendix A**.

At this meeting, Council also endorsed criteria for resolving to request interim controls:

- Significant or landmark building.
- Good condition.
- Rarity in the local context.
- For properties in a precinct or group of buildings, the loss of the building will irreversibly jeopardise the significance of the entire precinct or group of buildings.

This process provides a mechanism to protect places that have yet to undergo a Stage 2 study, including those in and around activity centres.

Extent of community consultation already undertaken

The Heritage Gap Study underwent extensive community consultation prior to its adoption. Council received feedback from 199 landowners, property managers and a small number of other interested community members. Feedback included comments on the proposed priorities for future studies.

A number of changes were made to the study in response to community feedback, including the following changes relating to priorities:

- The priority for Victorian era places and precincts has changed from ‘low’ to ‘medium’.
- Precincts which have been identified to be of a mixed nature with potentially both Edwardian and Victorian heritage significance and therefore identified in two priority categories (medium and low priority) in the draft Stage 1 Report are now listed only as a medium priority.

Following the study's adoption, letters were sent to all those who provided feedback during the exhibition period informing them of the changes.

It should be noted that changes to the adopted priorities may cause confusion amongst the community. Affected property owners would need to be informed of any further changes as it may affect their future plans.

Budget and workload impacts

Undertaking such a study would have significant resource impact, neither of which have been factored into the Strategic Planning work program for 2015/16.

Summary of properties identified within the Heritage Gap Study 2014 and their location

Table 1 provides a breakdown of the location of properties identified within the Heritage Gap Study 2014 and whether these are a high, medium or low priority.

The table shows that while there are a large number of properties identified in the Heritage Gap Study 2014 which are either in an activity centre (including all Moonee Valley identified activity centres in Plan Melbourne and Essendon Junction) or within 200m of an activity centre, the greatest proportion of these have been identified as a medium priority.

Table 1 – Properties located in or near activity centres

Priority	Activity Centre Status	Count*	Proportion of properties overall
High	Within	248	7.2%
	Near – within 200m	214	6.2%
	Outside	599	17.4%
Medium	Within	675	19.7%
	Near – within 200m	603	17.6%
	Outside	457	13.3%
Low	Within	41	1.2%
	Near – within 200m	128	3.7%
	Outside	469	13.7%
	Total	***3434***	***100%***

*Based on exhibited Heritage Gap Study 2014

Appendix B provides a series of maps which demonstrate the location of properties identified within the Heritage Gap Study 2014 and their priority for more detailed heritage investigation.

Consultation

Consultation was not required for the preparation of this report.

Implications

1. Legislative

There are no legislative implications as a result of this report.

2. Council Plan / Policy

In presenting this report, council is achieving its Strategic Objective to Ensure there is clear direction for growth and proactive management of development in the city in accordance with Council Plan 2013-2017 Theme 1: Sustainable living - Clear direction for growth and development of the city.

3. Financial

While there would be no direct financial implications to this report, to re-prioritise a study of all the properties identified in the Heritage Gap Study in or near Activity Centres and may be outside the scope of current department resources.

4. Environmental

There are no direct environmental implications to this report.

Conclusion

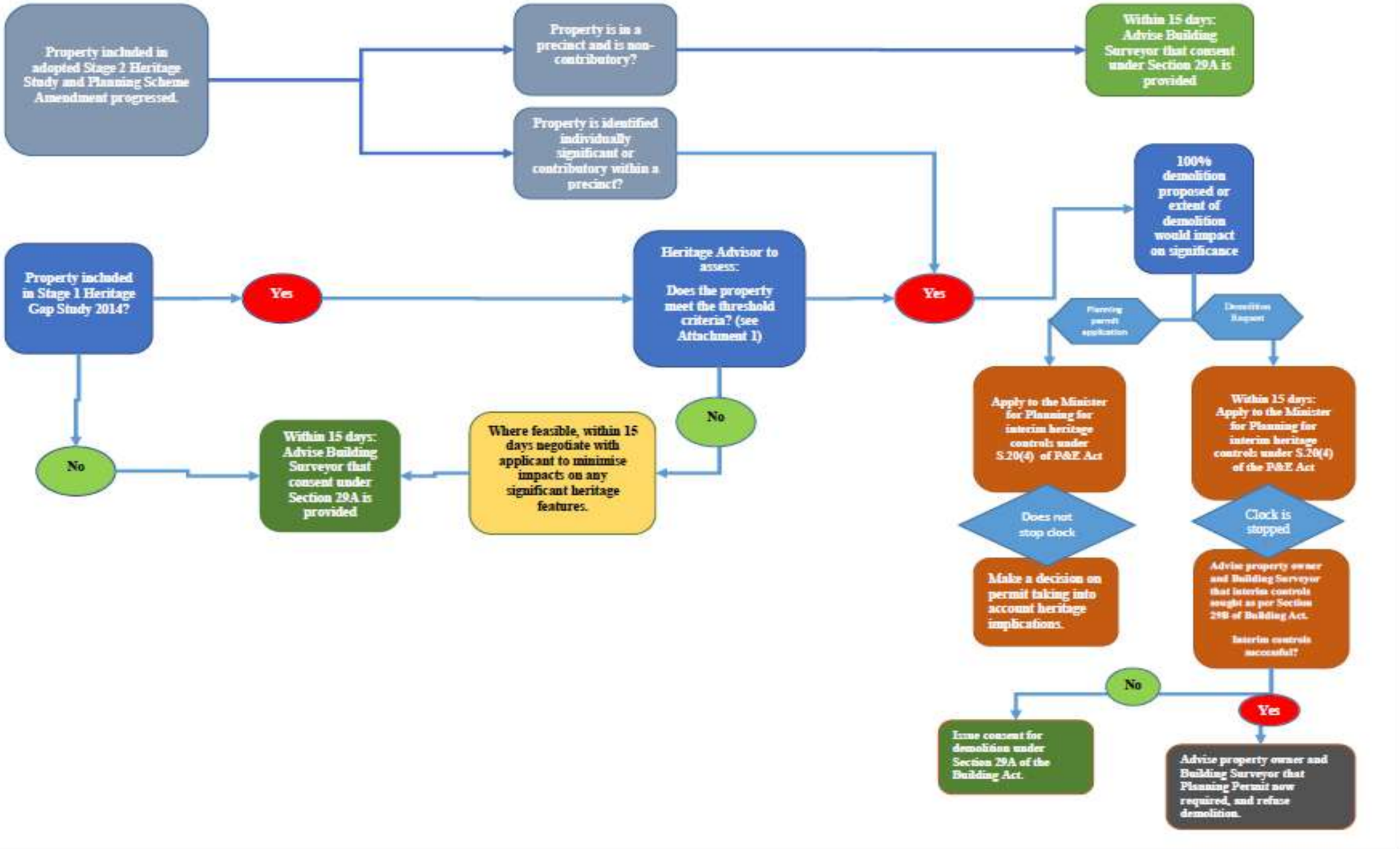
For the reasons identified in the discussion section to this report, it is considered the current priorities in the Heritage Gap Study are appropriate.

Appendices

Appendix A: Demolition requests and applications for properties identified in heritage studies
Appendix B: Location of properties identified within Heritage Gap Study 2014

APPENDIX A

Section 29A Internal Process for demolition requests and planning applications for properties identified in heritage studies.



Section 29A Internal Process for demolition requests and planning applications for properties identified in heritage studies.

Attachment 1

Threshold Criteria for interim Heritage Overlay requests as discussed with Heritage Victoria

Council's Heritage Advisor will assess demolition requests or permit applications to determine whether to request interim Heritage Overlays.

In order to request an interim Heritage Overlay all of the following criteria (1-3) must be met.

In the case of precincts, in addition to Criteria 1-3, Criteria 4 must also be met.

1. **Significant or landmark building**
   - Significance is beyond reasonable doubt.
   - Subject to review by Heritage Advisor.

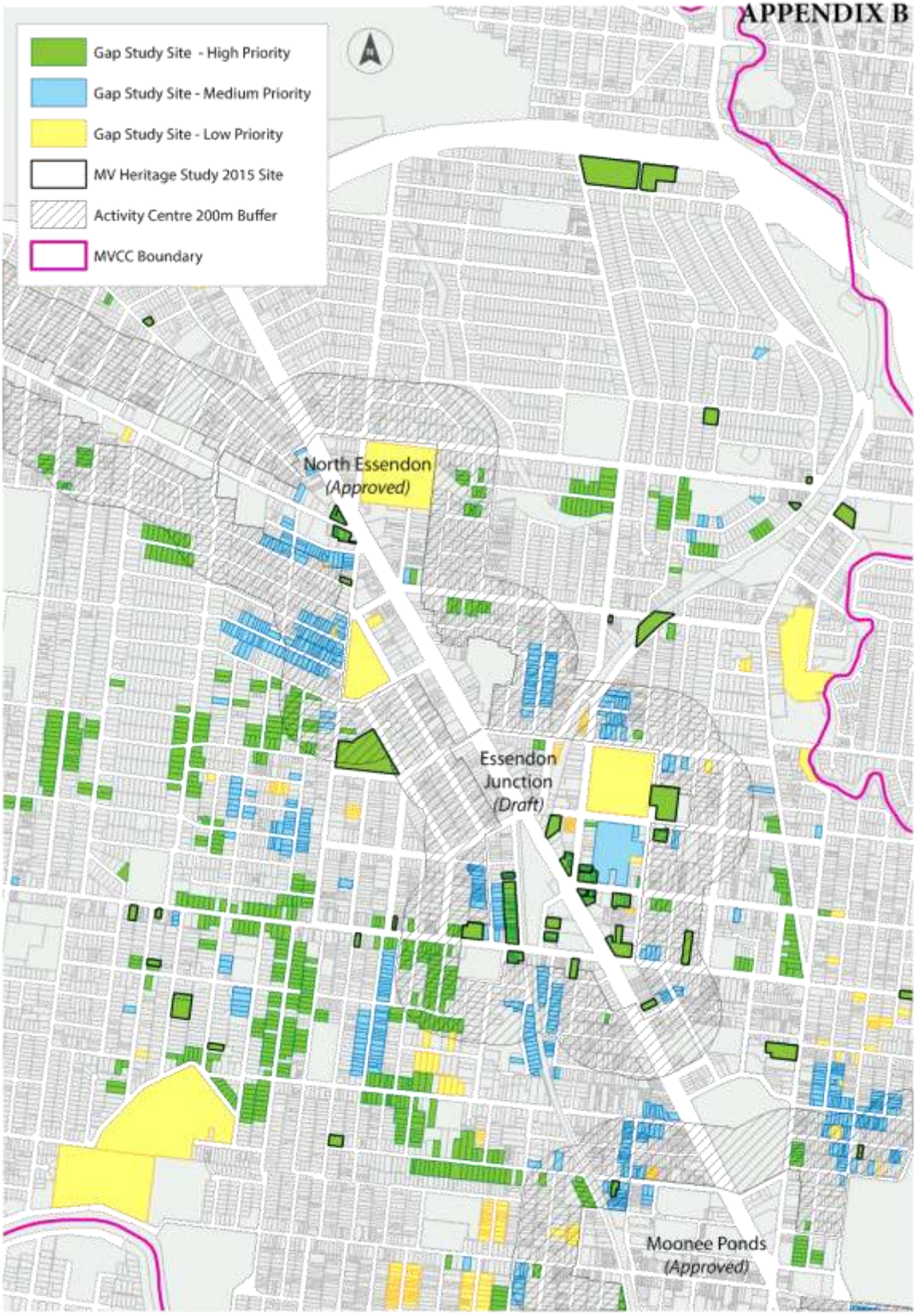
2. **Good condition**
   - No major structural failings.

3. **Rarity in the local context**
   - Type of building is not already well represented in the Heritage Overlay in Moonee Valley.
   - Is a particularly fine example of the type of building.

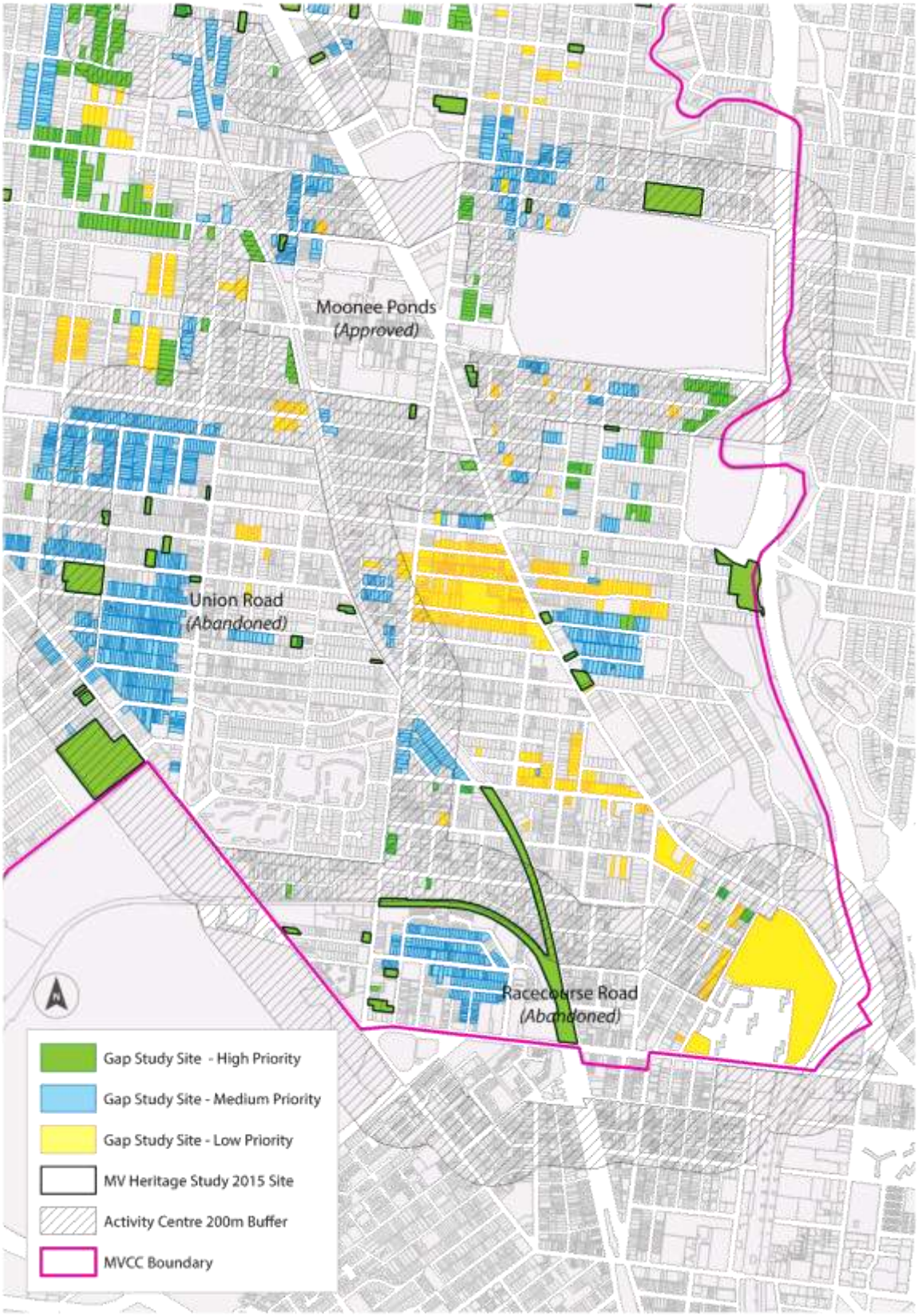
4. **If in a precinct or group of buildings – the loss of the building will irreversibly jeopardise the significance of the entire precinct**
   - Building is a key building within the middle of a precinct or group of buildings, and its loss will impact on the intactness of the precinct or group of buildings.

Notes:

- Requests for interim Heritage Overlays delegated to Chief Executive.
- Report to Council to be presented at next available meeting (subject to Council Report Planner Timetable) to request preparation of planning scheme amendment for permanent Heritage Overlay.
- Council has 15 days in which to respond to demolition requests, or approval is assumed


APPENDIX B
Gap Study Site - High Priority
Gap Study Site - Medium Priority
Gap Study Site - Low Priority
MV Heritage Study 2015 Site
Activity Centre 200m Buffer
MVCC Boundary
North Essendon
(Approved)
Essendon
Junction
(Draft)
Moonee Ponds
(Approved)

Airport West
(Under Review)
Keilor Road
(Approved)
Gap Study Site - High Priority
Gap Study Site - Medium Priority
Gap Study Site - Low Priority
MV Heritage Study 2015 Site
Activity Centre 200m Buffer
MVCC Boundary


Moonee Ponds
(Approved)
Union Road
(Abandoned)
Racecourse Road
(Abandoned)
Gap Study Site - High Priority
Gap Study Site - Medium Priority
Gap Study Site - Low Priority
MV Heritage Study 2015 Site
Activity Centre 200m Buffer
MVCC Boundary

9.7 Aberfeldie Main Drain

File No: FOL/15/590
Author: Manager Technical Services
Directorate: City Works & Development
Ward: Buckley

Purpose

This report is being presented to Council to provide an update on the Aberfeldie Main Drain (AMD) upgrade project, and proposed changes to the project by the proponent, Melbourne Water.

Executive Summary

- The preferred AMD route traverses Aberfeldie Park, as reported to Council on 27 May 2014. In January 2015, Melbourne Water and Council confirmed the preferred route through Aberfeldie Park.
- In June 2015, Melbourne Water advised that a tender had been awarded for the construction of the AMD and works were expected to start in late 2015. In July 2015 Melbourne Water advised Council that an alternative design was preferred, which terminated the new drain at the northern end of Aberfeldie Park and a new "bubble-up pit" introduced.
- After considering the potential implications for Council's assets, including risks to the users of Aberfeldie Park, Melbourne Water were advised that the City of Moonee Valley would not be supporting the proposal, and the original project should be retained.
- Melbourne Water has since responded and advised that they would be proceeding with a further assessment of the "bubble-up pit" option and that Council would be bound by the results of their assessment.

Recommendation

That Council write to the Hon. Lisa Neville, Minister for Environment, Climate Change and Water, Danny Pearson MP, State Member for Essendon, the Upper House Members for Western Metropolitan Region and the Managing Director, Melbourne Water, outlining Council's concerns, and seeking confirmation that the "bubble-up pit" option will not be pursued against the wishes of Council in its capacity as land owner and public land manager.

Background

At the Ordinary Meeting of 27 May 2014, Council considered a report providing an update on the progress of Actions arising from the Moonee Valley Flood

Management Plan (FMP), including the environmental benefits arising from the Plan, and the status of proposed flood mitigation works to be undertaken in the AMD catchment.
The FMP identifies the AMD as an extreme risk catchment according to Melbourne Water's Flood Risk Assessment Framework. Extreme flood risks are those considered to be intolerable and require measures to be put in place to reduce the risk to a more acceptable risk rating.

The Aberfeldie Catchment Study undertaken by GHD Pty Ltd and funded by Council and Melbourne Water, recommended an upgrade of the Melbourne Water and Council drainage network to reduce the catchment flood risk rating from "Extreme" to "High".

These mitigation works involve the construction of a new duplicate Melbourne Water Main Drain. The project will result in 43 fewer properties, and 23 fewer floor levels experiencing flood inundation during 100 Year storm event.

Melbourne Water has now allocated funds to the AMD upgrade and have been working with Council in relation to implementing the project. At the Ordinary meeting on 27 January 2015, Council resolved in principle support for the AMD project along Melbourne Water's preferred route (i.e. traversing Aberfeldie Park as opposed to the full Vida Street alignment) – refer **Appendix A**.

Since that time Council staff has met Melbourne Water regularly in relation to the project, and advised of the issues that are expected in the design and delivery.

At the time of writing, Melbourne Water has not provided the Council with requested details of the final design in order that the impact on the community could be assessed, and further comment provided.

Since early 2015, Melbourne Water has also been advised of the issues affecting Aberfeldie Park and its important role in providing recreation and sporting facilities for the community and established clubs including Essendon and Maribyrnong Park Ladies Cricket Club. Council has advised that construction was unable to occur during times when the field was required to be prepared and used for cricket (i.e. October to March). Construction has also commenced on the new Council funded cricket pavilion in Aberfeldie Park, which is close to the chosen alignment and due for completion in 2016.

Melbourne Water has:

- Appointed a contractor to undertake the work (August 2015);
- Advised that they wish to commence construction in October 2015, with the first phase being towards Aberfeldie Park;
- Advised that they would not agree to undertake legacy projects in the form of car park upgrade, as required by Council.

Route Alignment and Impacts

In July 2015, Melbourne Water approached Council with an alternative proposal for the southern component of the route, south of Tilba Street. Rather than traverse

Aberfeldie Park, it has been proposed to install a "bubble-up pit" in the northern area of Aberfeldie Park, within 75 metres of the new pavilion.

Whilst this would negate the need for Melbourne Water to traverse the park with a new duplicate pipeline, it would result in the pipeline terminating at Aberfeldie Park with untreated stormwater being directed on, and around the sporting reserve, rather than into the Maribyrnong River as originally proposed.

Appendix B contains the proposed "bubble-up pit" location. **Appendix C** depicts a "bubble-up pit".

Council officers, having considered the issues and opportunities associated with the "bubble-up pit" option, do not support this proposal. In summary, this is due to:

- The potential to disrupt the availability and useability of Aberfeldie Park, and the significant capital investment undertaken in new facilities, for example the Ladies Cricket Pavilion. The "bubble up pit" creates the potential to increase surface water and soaking in the area around the pavilion and playing area. Whilst Melbourne Water has provided results of flood modelling, the potential for additional flooding, or creating surface conditions that are unplayable cannot be ruled out.
- The long term visual and amenity impacts created by the "bubble-up" pit option in the location proposed.
- Concerns in relation the quality of untreated stormwater being directed towards the reserve (noting that current best practice usually requires some form of treatment before stormwater of such volume is released for overland flows).
- Additional maintenance costs for Council in terms of removal of debris that is concentrated in the area.

In support of the proposal, Melbourne Water has suggested that the "bubble up pit" could augment a future wetland in the vicinity detailed in Council's Aberfeldie Park Masterplan. As yet Council has not approved this specific project.

Council has written to the Managing Director of Melbourne Water, advising of the above and that we remain committed to the previous endorsement of the project in line with Melbourne Water's original preferred route alignment and risk assessment. In response a letter from Melbourne Water was sent to Council on 31 August 2015. This advised that despite Council's letter Melbourne Water would be continuing to pursue the "bubble-up pit" option.
This correspondence invited Council to participate in a multi-criteria assessment workshop in mid-September 2015 assessing the current agreed option against the "bubble up pit option".

Melbourne Water's correspondence states that, even if Council advises that it will not participate that they will proceed with a multi-criteria assessment workshop anyway, and that both parties "will be bound by the results of the assessment".
This is of a concern to Council. As the land owner it is considered that the option of whether or not to accept additional flood risk as a result of an altered design should lie with the land owner, i.e. Moonee Valley City Council.

Council remains committed to the AMD project along the alignment that was agreed by all parties in early 2015, and for which it is understood the construction contract was awarded by Melbourne Water. The magnitude and implications of the changes

sought, and the relatively short time period relative to the proposed commencement date for its implementation are of a concern to Council.

It should be noted that despite the AMD project being in the public domain for over a year, the "bubble-up pit" has as yet not been presented to the community for their information and consideration, as would be expected for a project of this magnitude and impact.

It is recommended that Council write to the Minister for Environment, Climate Change and Water, outlining the above issues, and seeking confirmation that the "bubble-up pit" option will not be pursued against the wishes of Council in its capacity as land owner and public land manager. It is recommended that Danny Pearson MP, State Member for Essendon, the Upper House Members for Western Metropolitan Region and the Managing Director, Melbourne Water be provided with the correspondence.

Council will inform the Secretary Essendon and Maribyrnong Park Ladies Cricket Club, and other park stakeholders, once clarification of the AMD route alignment has been agreed between the relevant parties.

Implications

1. Legislative

- Local Government Act 1989

  The function of a Council includes providing and maintaining community infrastructure in the municipal district.

- Emergency Management Act 1986

  Section 20 Municipal Emergency Management Plan – a municipal council must prepare and maintain a municipal emergency management plan (MEMP) which must contain provisions identifying municipal resources and other resources available for emergency prevention, response and recovery.

  Floods are an identified risk in Council's MEMP.

2. Council Plan / Policy

This report is relevant to the Council Plan 2013-2017, Moonee Valley Open Space Strategy and the Moonee Valley Flood Management Plan.

The Moonee Valley Flood Management Plan and its Implementation Plan, are in line with the Council Plan 2013-2017 and will contribute to Theme 2: Green, Clean and Beautiful.

- Strategic Objective 1:

  Protect and enhance the quality and health of local waterways for conservation and community enjoyment.

- Strategic Objective 3:

  Lift the level of functionality and sustainability of the municipality's infrastructure.

3. Financial

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

4. Environmental

Construction of the project will be closely monitored and managed through the requisite management plans and conditions that will require prior Council approval.

Conclusion

Given that Melbourne Water are continuing to pursue the alternative “bubble-up pit” option for the Aberfeldie Main Drain and the potential implications for Council’s infrastructure and the community, it is recommended that Council write to the Minister for Water, local MP’s and stakeholders, seeking confirmation that the “bubble-up pit’ option is not pursued.

Appendices

Appendix A: Council Resolution 27 January 2015 - Aberfeldie Main Drain

Appendix B: "Bubble-up Pit" Location - Aberfeldie Main Drain

Appendix C: Typical "Bubble-up Pit" - Aberfeldie Main Drain

On 27 January 2015 it was resolved that Council,

"Write to the Managing Director, Melbourne Water indicating Council's in principle support for the AMD Project, following the route contained in Appendix C (separately circulated) subject to the following conditions:

a) Melbourne Water providing written advice to Council, from the Minister for Planning or his delegate as to the appropriate method for managing the relevant approvals under the Planning and Environment Act 1987 required to facilitate the project. This must include the appropriate method for the assessment of approval for the use of land within PPRZ zone for proposed works and depot sites.

b) Provide for MVCC review and approval:

   i) Construction and Site Management Plans.

   ii) Environmental Management Plan, including management of any contaminated spoil or hazardous waste.

   iii) Traffic Management Plan (including road closures, truck management, impacts on bus/ tram routes, worker parking, impacts on business and residential on street parking.

c) Melbourne Water agreeing to a Licence for use of the land within Aberfeldie Park and the creation of the relevant easements.

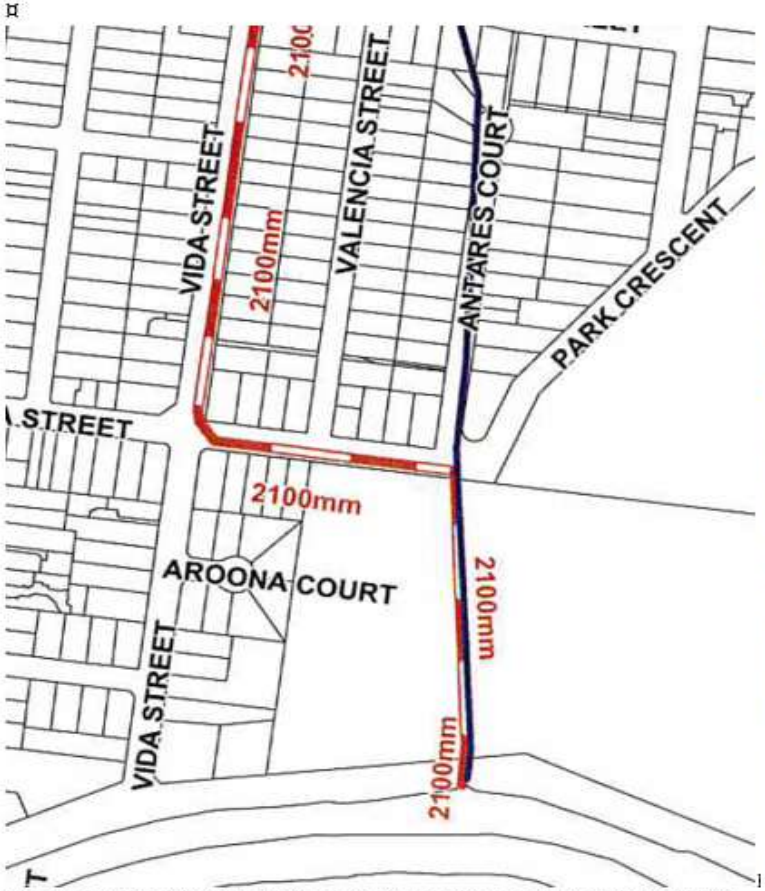
d) Melbourne Water agreeing to restore Aberfeldie Park to Council's satisfaction including replacement of the Turf wicket.

e) Melbourne Water agreeing to further explore and commit to undertake legacy projects in the form of car park upgrade.

f) Melbourne Water preparing a Communications Plan to the satisfaction of Moonee Valley City Council (MVCC). The plan must include a requirement for Melbourne Water or their contractors to provide a phone hotline to manage and respond to public issues throughout the course of the project.

g) Inform the Integrated Waterways Advisory Committee and Integrated Transport Committee on the progress of these projects and provide these Committees with relevant project documentation for review and input to assist Council's responses to Melbourne Water.

h) Ensure that Community Groups impacted by these works are kept informed on the progress with these projects."



Melbourne Water proposes two new additional drains near the alignment of the existing drain

Approximate location of new Pavilion under construction

Approximate location of existing & proposed new drains

Approximate location of proposed "bubble up" pit

“bubble-up pit”

9.8 Draft Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan

File No: FOL/15/590

Author: Coordinator, Open Space & Urban Design

Directorate: Environment & Lifestyle

Ward: Myrnong

Purpose

To seek approval of Council to endorse the Draft Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan for community consultation

Executive Summary

- Council has developed a Draft Plan to guide the future capital works and community-based activities in the Racecourse Road and Pin Oak Crescent shopping precinct.
- The Draft Plan provides the framework for the implementation of future streetscape capital works, community and art projects and programmes.
- The Draft Plan was developed in consultation with key stakeholders and the community and has received considerable interest from the community.

Recommendation

That Council:

1. Endorse the Draft Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan for community consultation from 5 October to 6 November 2015.
2. Receive a further report following the conclusion of the community consultation

Background

The State Government's planning blueprint Melbourne 2030 encourages Activity Areas, such as Racecourse Road, as the location for increased retail, commercial, residential and community development, as well as improved sustainable transport and infrastructure. The Draft Racecourse Road Major Activities Area Structure Plan was prepared in October 2012. Although not formally adopted by Council, the Structure Plan gives an overview of potential change in the public realm which protects, complements and enhances the cultural identity, neighbourhood character, sense of place, heritage values and community safety and amenity.

Urban Design Guidelines

The Draft Racecourse Road Major Activities Area Urban Design Guidelines were prepared in October 2012. A key issue identified within the draft guidelines is the

need to balance the retention of the local main street character of Racecourse Road with potential future infill and shop top residential development.

The draft urban design guidelines state that improvements to traffic conditions and public transport are to be considered in future landscape design and development work. Improvements to the public realm, such as opportunities to address the perceived lack of 'green space' and improvements to the pedestrian experience along the street are to be addressed in the short and long term.

The draft urban design guidelines include Pin Oak Crescent on both sides of Newmarket Station as a precinct, while this project is focused on the shopping strip area on the east side of the train line only.

Racecourse Road Street Life Project

In the first half of 2014 Moonee Valley City Council's Economic Development department received funding for the 'Street Life Project' in Racecourse Road. This project involved a temporary installation in Pridham Plaza and a public consultation project.

Demographics and Social Context

According to the Integrated Open Space Services (IOSS) Shopping Precinct Streetscape Surveys conducted in 2012, the Racecourse Road shopping strip has the highest number of residents walking to their local shops in the Moonee Valley City Council area. This includes a wide mix of residents from the adjacent suburbs and the Office of Housing apartment blocks.

Key stakeholders include the Flemington Traders Association and the Flemington Neighbourhood Renewal partnership. The shopping strip also services a wider group of visitors via through traffic along Racecourse Road. The intersection of Pin Oak Crescent and Racecourse Road is also the location of the Newmarket Train Station, a nearby supermarket and playground.

Discussion

The Draft Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan has been prepared and can be found in **Appendix A** (separately circulated).

The objectives of this project were to;

- Prepare a Streetscape and Activation Plan which is informed by extensive and active engagement during the design process with the local community, Council and other stakeholders of the Racecourse Road Major Activities catchment area.
- To promote a shared connection and purpose for the local community and traders.
- To encourage traders and the community as active participants in the public realm for the ongoing success of the Racecourse Road and Pin Oak Crescent retail area.
- To inform future landscape capital works projects and ongoing street-based activation programmes and projects.

- To prepare a landscape design concept for Pridham Plaza to create a public space which has a distinct character and accommodates and attracts a range of uses and users.

The Draft Plan has evolved through an extensive consultation process from March to August 2015. This has included a series of local events, with a bright pink shipping container pop-up box as the hub and a temporary urban forest in Pridham Plaza during the design process.

Five key design objectives underpin the Draft Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan. These aim to;

- Create a green, liveable neighbourhood.
- Support a safe, vibrant and caring community.
- Celebrate the history, the now and the future.
- Create a connected community.
- A clean and well maintained shopping precinct.

The Draft Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan will be used to inform future landscape capital works projects and ongoing street-based activation programmes and projects. This includes future capital works, street furniture upgrades, public art projects and programmes, events and other activities. It also includes a proposal for Pridham Plaza and proposes a more contemporary and useable public space.

Consultation

A range of community engagement activities with the Flemington and wider community were undertaken to gain feedback and ideas to inform the Draft Racecourse Road Pin Oak Crescent Streetscape Plan and Activation Plan.

Key to this project was the Pop-Up consultations, which were undertaken on four separate occasions. Each location, day and time was designed to capture a different section of the community such as families, commuters, café/restaurant attendees and Saturday morning local shoppers. There were 4400 flyers hand-delivered to residents within a 500m radius from the study area to promote the Streetscape and Activation Plan survey and Pop-Up consultations. Thirty posters with the same information were put up in local shops in both Flemington and Kensington.

Pop-Up consultations occurred on the following dates;

- Pop-up 1- Tuesday, 10 March, 4.30pm-6.30pm.
- Location: Pin Oak Crescent, outside Newmarket Train Station
- Pop-up 2- Friday, 13 March, 6pm-8pm
- Location: Racecourse Road, Pin Oak Crescent side
- Pop-up 3- Saturday, 14 March, 11am-1pm
- Location: Racecourse Road, outside Flemington Library
- Pop-up 4-Sunday, 15 March, 11am-1pm
- Location: Pin Oak Crescent, between Racecourse Road and Norwood Street

During the Pop-Up consultations a range of qualitative and quantitative data was collected through individual conversations, short hardcopy surveys and through comments generated on the giant Chat boards. During the four Pop-Up consultations, 248 surveys were completed with a further 20 to 30 people stopping for individual conversations or to make a comment on the Chat boards.

The Pop-Up community engagement activities provided a great opportunity for the community to put forward their ideas and provide feedback about the retail precinct. The community were appreciative of the opportunity to provide their ideas and look forward to seeing the proposed Streetscape and Activation Plans in the future. A diverse range of people were consulted during these Pop-Up sessions including people from Culturally and Linguistically Diverse (CALD) backgrounds, people who were LGBTIQ and people with a disability.

Other community consultation included;

- A traders' walk held on Monday, 8 April from 5pm-6.30pm. Letters were hand-delivered to all businesses in the study area inviting them to attend a week before the walk which included hand delivery of eighty survey forms.
- A consultation at the Flemington Housing Estate on 10 April 2015.
- Regular attendance at Flemington traders group meetings by the project manager.
- Community Events and Activities Planning Group established for this project. The group met on four occasions at the Flemington Library 6pm-7.30pm on 27 May, 17 June, 1 July, 12 August and 9 September 2015.
- Three project newsletter updates were sent out to an email list of interested community members who indicated they were keen to stay involved via the survey.
- The project page on Council's website has been updated regularly. This information and new photo essays were updated four times during the consultation and design process.

Stakeholder engagement included;

- Ward Councillor meetings
- Two meetings with City of Melbourne's City Design Unit on 16 April and 29 July 2015.
- Meeting with Victoria Police (Flemington Branch) on 26 November 2014.
- Meeting with the Flemington Neighbourhood Renewal manager.
- First draft of the report was sent out for feedback to City of Melbourne's City Design Unit on 22 July 2015.
- Three Internal Steering Group meetings on 13 February, 19 June and 17 July 2015.
- First draft of the report was sent out for feedback to the Internal Steering Group on 22 July 2015.

- Meeting with Statutory Authorities (VicTrack, Metro Trains, Yarra Trams, PTV, VicRoads representative could not attend) on 2 June 2015.
- First draft of the report was sent out for feedback to the Statutory Authorities (VicTrack, Metro Trains, Yarra Trams, PTV, VicRoads) on 22 July 2015.
- One-on-one meeting with traders.
- Meetings with Flemington Traders Association.

A summary of the survey results from the consultation on the Draft Plan can be found in the Chatterbox Projects Community Survey Report Part 1 in the Draft Plan (**Appendix B**, separately circulated.) These highlight a consistent theme that the community wanted to see more activities and events on the street.

Implications

1. Legislative

Any built works undertaken as part of the Draft Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan will need to comply with the relevant Australian Standards.

2. Council Plan / Policy

In presenting this report, Council is achieving its Strategic Objective to 'Lift the level of functionality and sustainability of the municipality's infrastructure' in accordance with Council Plan 2013-2017 Theme 1: Green, clean and beautiful - A sustainable environment for future generations.

3. Financial

The Draft Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan will provide a long term framework for prioritising and driving the direction of landscape capital works projects and ongoing street-based activation programmes and projects in the Racecourse Road and Pin Oak Crescent shopping precinct. All elements proposed in the Draft Plan will be subject to Council's annual budgetary process.

4. Environmental

The Draft Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan will help Council meet the targets identified within the City Sustainability Policy, particularly with regard to greening streets and counteracting Urban Heat Island Effect and possible implementation of water sensitive urban design projects.

Conclusion

The Draft Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan will be used to guide future landscape capital works projects and ongoing street-based activation programmes and projects. The Draft Plan establishes a long term vision for the Flemington Shopping Precinct while empowering the community and Flemington Traders group to use the activation events in this process to develop their own initiatives in the future.

The Draft Plan has included extensive consultation with the community and is an inspiring and innovative document to be presented to the community for further feedback.

Appendices

Appendix A: Appendix A - Part 1 (separately circulated)
Appendix B: Appendix A - Part 2 (separately circulated)
Appendix C: Appendix A - Part 3 (separately circulated)
Appendix D: Appendix B - Part 1 (separately circulated)
Appendix E: Appendix B - Part 2 (separately circulated)

9.9 Draft Reconciliation Policy (2015) and draft Reconciliation Action Plan 2016-18

File No: FOL/15/590

Author: Community Planning Officer

Directorate: Community Services

Ward: Municipal

Purpose

To present the draft Reconciliation Policy (2015) (**Appendix A -** separately circulated) and draft Reconciliation Action Plan 2016-18 (**Appendix B**) detailing Council's commitment and actions to advance reconciliation and to respect, recognise and build relationships with Aboriginal and Torres Strait Islander peoples in Moonee Valley.

Executive Summary

- Since 2010, Council's reconciliation activities have been guided by Council's Reconciliation Policy (2010-2014).
- A review of the Reconciliation Policy (2010-2014) was undertaken, including a series of consultation activities to identify how Council has delivered in its role in the reconciliation process.
- Key achievements since 2010 have included the annual NAIDOC Week celebrations, the annual arts exhibition at the Incinerator Gallery, cultural heritage bus tours, cultural competence training for staff and partners as well as collaboration projects with other councils.
- Following this review, the Reconciliation Policy (2015) has been updated and includes commitments under the key themes of Respect, Recognition and Relationships.
- To support implementation of the draft Reconciliation Policy (2015) (**Appendix A,** separately circulated)), the draft Reconciliation Action Plan 2016-18 (**Appendix B**) has been developed in partnership with Council staff, Wurundjeri Council and community members.
- It is recommended that the draft Reconciliation Policy (2015) and draft Reconciliation Action Plan 2016-18 be on public exhibition for comment from 23 September to 26 October 2015.

Recommendation

That Council endorse the draft Reconciliation Policy (2015) (**Appendix A,** separately circulated)) and draft Reconciliation Action Plan 2016-18 (**Appendix B**) for consultation from 23 September to 26 October 2015.

Background

Since 2010, Moonee Valley's reconciliation activities have been guided by Council's Reconciliation Policy (2010-2014). Key elements of this policy included:

- The signing of a Statement of Commitment to Wurundjeri People and all Aboriginal and Torres Strait Islander people, which is displayed proudly in Moonee Valley City Council's Civic Centre foyer
- The development and distribution of Protocols for recognising Aboriginal and Torres Strait Islander people
- Documenting Reconciliation Policy commitments under the themes of respect, recognition and representation
- The development and implementation of annual Reconciliation Action Plans.

To understand how Council has performed in the area of reconciliation, a review of the Reconciliation Policy (2010-2014) was undertaken. This included understanding the reconciliation context, demographics, best-practice research, a summary of achievements to date, policy context and consultation. The review findings are included in **Appendix C** (separately circulated) – Review and update of the Reconciliation Policy, Background Report (June 2015).

Key findings in this Review and Update of the Reconciliation Policy, Background Report include:

- Since 2010, Moonee Valley City Council has made some significant achievements in working to deliver on its key commitments in the Reconciliation Policy and accompanying action plans.
- There continues to be significant difference in health outcomes, incomes and living standards of Aboriginal and Torres Strait Islander people and non-Aboriginal Australians. Council has an important role to play in improving outcomes through the provision of services, Council's connection to residents, advocacy and Council's role in managing land and development.
- Reconciliation continues to be important to address the inequalities, systemic injustice, discrimination and misunderstandings experienced by Aboriginal and Torres Strait Islander peoples.

Following the consultation process and in line with best practice, there are some proposed minor modifications to the Reconciliation Policy and some recommendations for future Reconciliation Action Plans.

As detailed in the Background Paper, Council has undertaken a number of activities around the key themes of the Reconciliation Policy (2010-2014) which included respect, recognition and representation. Key achievements since this policy was adopted included:

- Annual NAIDOC Week celebrations, including the flag-raising ceremony and events at our community centres and libraries.
- An annual exhibition featuring Aboriginal and/or Torres Strait Islander curators and artists held at the Incinerator Gallery.
- Collaboration with western region councils' on the Rivers to Recognition project which included a concert in Williamstown, a series of forums across the western

region of Melbourne, including a forum in Moonee Ponds and the development of a resource guide.

- Cultural heritage tours with staff and community members, led by a Wurundjeri Elder.
- Training sessions on cultural competence and working with Aboriginal and Torres Strait Islander peoples across Council departments.

A more comprehensive list of key achievements are detailed in **Appendix C** (separately circulated) – Review and update of the Reconciliation Policy, Background Report (June 2015).

While Council has taken some important steps towards reconciliation since 2010, it is acknowledged that there is still work to be done to strengthen reconciliation activities and to improve outcomes for Aboriginal and Torres Strait Islander peoples in Moonee Valley and beyond.

Based on the review, the draft Reconciliation Policy has been updated. This updated policy will further enhance reconciliation through the key themes of respect, recognition and relationships. The draft Reconciliation Action Plan 2016-18 has also been informed by the review and consultation with community members and staff.

Discussion

Council's draft Reconciliation Policy (**Appendix A,** separately circulated)) builds on Council's previous Reconciliation Policy (2010-2014). Like its predecessor, this updated policy acknowledges that Aboriginal and Torres Strait Islander peoples have a distinct culture and unique spirit, but also recognises the past injustices inflicted on Aboriginal and Torres Strait Islander peoples and that some of these continue today.

The policy also acknowledges that these injustices have and continue to contribute to inequities and poorer health and wellbeing outcomes of Aboriginal and Torres Strait Islander peoples as compared to the non-Aboriginal population.

Council plays an important role in working towards reconciliation. This includes Council's role in raising awareness of reconciliation amongst the Moonee Valley community, service and program delivery, and advocacy on issues of importance to Aboriginal and Torres Strait Islander peoples.

The draft Reconciliation Policy reconfirms Council's Statement of Commitment to Wurundjeri People and to all Aboriginal and Torres Strait Islander peoples and includes updated reconciliation policy commitments as well as updated protocols for the recognition of Aboriginal and Torres Strait Islander peoples.

The draft Reconciliation Policy makes commitments under key themes. These include:

Respect: To acknowledge the place that Aboriginal people hold in Australian society and educate Moonee Valley Council staff and the broader community about the importance of reconciliation.

Recognition: To increase the understanding of Aboriginal culture past and present, protect heritage and celebrate the contribution of Aboriginal and Torres Strait Islander peoples. To develop practical actions that address disadvantage.

Relationships: To develop meaningful partnerships with Aboriginal and Torres Strait Islander peoples and organisations.

The Reconciliation Policy will be implemented through the Reconciliation Action Plan 2016-18. The Reconciliation Policy will be reviewed every four years.

The Reconciliation Action Plan 2016-18 outlines a cross-Council approach to deliver on Council's reconciliation commitments. The actions in this Action Plan cover a broad range of areas and importantly, encourage Council staff to work in partnership with Aboriginal and Torres Strait Islander people, organisations and our community to work towards reconciliation.

It is proposed that the draft Reconciliation Policy, along with the draft Reconciliation Action Plan 2016-18 will be on consultation from 23 September to 26 October 2015.

Consultation

In reviewing Council's Reconciliation Policy (2010-2014) and developing the draft Reconciliation Policy and accompanying Action Plan, Council has undertaken consultation with a number of community members, service providers and staff. Consultation activities have included:

- A Roundtable with Aboriginal and Torres Strait Islander community members, representatives from key organisations and interested community members;
- An internal workshop with Council staff that have been involved and/or shown interest in working towards actions of the Reconciliation Action Plan;
- Workshops with specific teams and service units of Council, with responsibility to deliver on the Policy;
- Interviews and cultural consultations with key stakeholders including Wurundjeri Elders; and
- Interviews with key community service organisations and individual residents.

Implications

1. Legislative

The draft Reconciliation Policy and Action Plan have considered legislation at the State and Federal level and aims to support and enhance Council's statutory obligations contained in the Aboriginal Heritage Act 2006.

The draft Reconciliation Policy and Action Plan have also considered the *Victorian Charter of Human Rights and* Responsibilities *Act 2006* and aims to maintain and enhance key rights for Aboriginal and Torres Strait Islander people under the Charter including freedom, respect, equality and dignity. Particularly important is Section 19(2) of the Charter which states that:

"*Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community— (a) to enjoy their identity and*

culture; and (b) to maintain and use their language; and (c) to maintain their kinship ties; and (d) to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs".

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to Ensure all council services cater for the diverse communities within the city in accordance with Council Plan 2013-2017 Theme 1: Vibrant and diverse - Opportunities for all.

3. Financial

The consultation and drafting process of the Reconciliation Policy as well as the draft Action Plan, has been accommodated within existing operational budget allocations.

4. Environmental

The draft Reconciliation Policy and action plan complements and supports Council's City Sustainability Policy.

Conclusion

Through the draft Reconciliation Policy and draft Reconciliation Action Plan 2016-18, Council will continue to work towards reconciliation and to respect, recognise and build relationships with Aboriginal and Torres Strait Islander peoples in Moonee Valley and beyond.

Appendices

Appendix A: Draft Reconciliation Policy (2015) (separately circulated)
Appendix B: Draft Reconciliation Action Plan 2016-18
Appendix C: Review and update of the Reconciliation Policy, Background Report (June 2015) (separately circulated)

Draft Reconciliation Action Plan 2016-18

Moonee Valley City Council is committed to promoting reconciliation through respect, recognition and relationship-building with Aboriginal and Torres Strait Islander peoples and encouraging others in our community to do the same.

Council's Reconciliation Policy (2015) includes the themes of respect, recognition and relationships and will help guide Council, its staff and our community towards reconciliation. Council has developed this two-year action plan to support implementation of Council's Reconciliation Policy (2015).

The Draft Reconciliation Action Plan 2016-18 was developed following consultation undertaken in 2015. For further information about the consultation findings, refer to Council's *Review and update of the Reconciliation Policy, Background Paper (June 2015)*.

The following tables detail Council actions over the two years of the action plan. Year 1 → indicates that the action will continue into year 2.

Action	Target Group	Timing	Responsibility
Respect: Council respects the place of Aboriginal and Torres Strait Islander Peoples as the first inhabitants and custodians of this land.			
Ensure continued use of Council's Protocols to recognise Aboriginal and Torres Strait Islander peoples. This includes Welcome to Country ceremonies at civic events, Acknowledgement of Country at Council events and constituted meetings as well as culturally appropriate use of language, photos and terminology.	Council staff	Year 1 →	All Council Departments
Convene community based reconciliation roundtables in an advisory and advocacy capacity to consult on Council documents, plans and services as they relate to reconciliation.	Aboriginal and Torres Strait Islander community	Year 1 →	Community Planning and Development
Include information about Wurundjeri history of Moonee Valley and Council's Reconciliation Policy as part of Council staff induction (e.g. bus tour and in staff information packs).	Council Staff	Year 1 →	Human Resources; Community Planning and Development
Undertake Cultural Awareness Training twice each year.	Council Staff	Year 1 →	Community Planning and Development; Human Resources

Action	Target Group	Timing	Responsibility
Recognition: Council recognises the unique contribution of Aboriginal and Torres Strait Islander people to Australia in the past and present. Council recognises the past injustices and current inequities experience by Aboriginal and Torres Strait Islander peoples as a result of colonisation.			
Create welcoming environments for Aboriginal and Torres Strait Islander people at Council facilities by displaying culturally appropriate material and ensuring staff undertake cultural awareness training.	Council staff	Year 1 →	Community Planning and Development; All Council Departments
Through Council's signage projects, investigate opportunities to acknowledge and promote Wurundjeri cultural heritage in Moonee Valley.	Community	Year 1 →	Community Planning and Development; Leisure and Open Space; Parks and Gardens
Develop material to undertake Cultural Heritage Tours in the Moonee Valley municipality.	Council Staff and Community	Year 2	Community Planning and Development; Leisure and Open Space
Work with local schools to provide students with an understanding of Aboriginal culture and history.	Primary and secondary school students	Year 1 →	Community Planning and Development
Council's Family and Children's Services to undertake activities throughout the year to build awareness of Aboriginal and Torres Strait Islander culture and history.	Children and their families	Year 1 →	Family and Children's Services
Undertake activities to acknowledge and promote Sorry Day (26 May) and Reconciliation Week (27 May to 3 June).	Community and Council staff	Year 1 →	Community Planning and Development
Hold an annual flag-raising event to celebrate NAIDOC Week and undertake activities at Council libraries.	Community and Council staff	Year 1 →	Community Planning and

			Development; Library and Learning
Plan and deliver activities at community centres in recognition of NAIDOC and Reconciliation Week.	Community	Year 1 →	Community Planning and Development
Hold an annual arts exhibition at the Incinerator Gallery co-curated by an Aboriginal and/or Torres Strait Islander artist that features artwork by Aboriginal and/or Torres Strait Islander people, along with education programs.	Community	Year 1 →	Arts and Culture
Use Council libraries as a space to display Aboriginal art and educational material.	Community	Year 1 →	Library and Learning

Action	Target Group	Timing	Responsibility
Relationships: Council will work with Aboriginal and Torres Strait Islander people to build partnerships and create opportunities that will reduce inequalities.			
Partner with government agencies in exploring the feasibility of future employment programs at Council and in Moonee Valley.	Aboriginal and Torres Strait Islander people	Year 1 →	Community Planning and Development; Human Resources
Invite Aboriginal Elders to planting events and where feasible incorporate Aboriginal Educational Activities into larger planting events.	Community	Year 1 →	Parks and Gardens
Engage with Wurundjeri Tribe Land & Compensation Cultural Heritage Council through the Cultural Heritage Management Plan process and/or through Cultural Consultations with Wurundjeri Elders.	Council Staff and Wurundjeri Council	Year 1 →	Community Planning and Development; Leisure and Open Space; Parks and Gardens; Strategic and Statutory Planning

Action	Target Group	Timing	Responsibility
Work in partnership with the Western Region Local Government Reconciliation Network to further promote recognition of Aboriginal and Torres Strait Islander people in Melbourne's west.	Community	Year 1 →	Community Planning and Development
Be an active partner of the Koolin Balit Wellbeing Partnership (run by the Inner North West Primary Care Partnership) through preventative health programs and advocacy work to improve health and wellbeing outcomes for Moonee Valley residents, including partnerships with health services.	Aboriginal and Torres Strait Islander community	Year 1	Community Planning and Development
Encourage and support organisations through the grants program and partnership opportunities to undertake reconciliation activities in Moonee Valley through organisational involvement in NAIDOC, Reconciliation and other training and/or awareness raising activities.	Community	Year 1 →	Community Planning and Development

Action	Target Group	Timing	Responsibility
Progress tracking and reporting: Council will continually evaluate progress and develop new initiatives to support the Reconciliation Policy.			
Develop and promote an annual calendar of events associated with the Reconciliation Action Plan.	Community	Year 1 →	Community Planning and Development
Monitor the action plan annually.	Council staff	Year 1	Community Planning and Development
Review the action plan following the two-year implementation. Based on this review, update the Reconciliation Action Plan.	Council staff	Year 2	Community Planning and Development
Engage members of our community who identify as Aboriginal and/or Torres Strait Islander through roundtable discussions to ensure reconciliation activities are community-led and achieve their intended outcomes.	Community	Year 1 →	Community Planning and Development

Further information

To view Council's Reconciliation Policy and for more information about reconciliation activities at Moonee Valley, visit mvcc.vic.gov.au/reconciliation

9.10 Mayors For Peace

File No: FOL/15/590
Author: Manager, Community Planning & Development
Directorate: Community Services
Ward: Municipal

Purpose

To advise of Moonee Valley City Council's ongoing participation in the International Mayors for Peace program.

Executive Summary

- In August 1945, atomic bombs destroyed the Japanese cities of Hiroshima and Nagasaki, taking hundreds of thousands of lives in the immediate aftermath and in the decades that followed.
- To prevent a repeat of this tragedy, the cities of Hiroshima and Nagasaki continue to inform the world community about the inhumane cruelty of nuclear weapons and consistently urge that nuclear weapons be abolished.
- Extending from this, as initiated by the cities of Hiroshima and Nagasaki, the Mayors for Peace program is composed of cities around the world that have formally expressed support for a program to promote the solidarity of cities toward the total abolition of nuclear weapons.
- As of 1 August 2015, membership stood at 6,779 cities in 161 countries and regions.
- Together with the other 86 Australian cities, Moonee Valley City Council affirmed its responsibility to commit to peace and nuclear disarmament by becoming a program member in 2005.
- Moonee Valley City Council's Mayors for Peace program membership commits our active community engagement to promote peace and nuclear disarmament.

Recommendation

That Council notes its ongoing membership with the Mayors for Peace program and local initiatives to continue to highlight Council's support for peace and nuclear non-proliferation.

Background

Moonee Valley City Council became a member of the Mayors for Peace program in 2005. Our membership contributes to the process of raising public awareness regarding the need to abolish nuclear weapons. Council also has a function in supporting human rights, protecting the environment, and advocating, researching and or addressing other issues that threaten peaceful coexistence within our community and our influence within the international community.

Given that this year marks the 70th anniversary of the atomic bombing of Hiroshima and Nagasaki and with International Day of Peace falling on Monday 21 September, Council has an opportunity to highlight its support for peace and nuclear non-proliferation and to raise awareness of the devastation caused by weapons of mass destruction.

Discussion

Mayors for Peace is composed of cities around the world that have formally expressed support for a Program to promote the solidarity of cities toward the total abolition of nuclear weapons.

On June 24, 1982, at the 2nd UN Special Session on Disarmament held at UN Headquarters in New York, then Mayor Takeshi Araki of Hiroshima proposed a Program to Promote the Solidarity of Cities toward the Total Abolition of Nuclear Weapons. This proposal offered cities a way to transcend national borders and work together to press for nuclear abolition. Subsequently, the mayors of Hiroshima and Nagasaki called on mayors around the world to support this program.

As of August 1, 2015, membership stood at 6,779 cities in 161 countries and regions. Moonee Valley City Council were registered as Oceania members in 2005.

The seventy year anniversary of atomic bombs destroying the Japanese cities of Hiroshima and Nagasaki, taking hundreds of thousands of lives, was marked by the Hiroshima Peace Memorial Ceremony that was attended by approximately 55,000 people, including representatives from 100 countries on 6 August 2015.

This anniversary reminds all of the lasting after effects of radiation and emotional pain, as consequence of the impacts of war. Reinforced with the 2015 International Day of Peace (a day dedicated to world peace, and specifically the absence of war and violence) falling on 21 September, provides opportunity for Moonee Valley City Council to acknowledge and promote the importance of the Mayors For Peace initiative.

In response, Council has:

- Written to local schools encouraging them to mark International Day of Peace through age-appropriate activities, such as making paper cranes, as a symbol of peace and for older students examining the impact of war and particularly the atomic bombing of Hiroshima and Nagasaki.
- Promoting awareness of council's ongoing involvement in the Mayors for Peace program through our local press and other mediums, such as social media posts.
- Written to our local churches requesting that they ring their bells for 1 minute at 8.15am on International Day of Peace (21 September), to symbolise the time the first atomic bomb was dropped on Hiroshima.

Consultation

The implementation of engagement initiatives and local promotion in relation to Mayors for Peace and the International Day of Peace, form part of Council's ongoing support for providing a safe, clean, and green quality of life for all.

Implications

1. Legislative

The intent of the Mayors for Peace program aligns with the principles embedded in the 20 different rights protected under the Human Rights Charter, under the four categories of Freedom, Respect, Equality and Dignity.

There are no direct legislative implications that arise from the presentation of this report to Council.

2. Council Plan / Policy

In presenting this report to council, council is achieving its Strategic Objective to Support other organisations in contributing to community wellbeing in accordance with Council Plan 2013-2017 Theme 1: Friendly and safe - A community where people feel connected and safe.

3. Financial

In order to facilitate future activities amongst member cities, Council makes payment of an annual membership fee of 2,000 Japanese Yen, which is the equivalent of $22 Australian dollars. This fee and any other costs associated with local promotion of the Mayors for Peace program are accommodated within Council's annual operational budgets.

4. Environmental

In addition to the human costs, the effects of nuclear weapons on the environment can quickly devastate the climate and ecosystems, causing damage that would last for more than a decade.

Council's ongoing support with likeminded local authorities around the world, encourages the exchange of information and promotional material that supports the eradication of nuclear weapons and any subsequent environmental damage.

Conclusion

Moonee Valley City Council's ongoing membership with the Mayors for Peace program and continued implementation of local communications, highlight Council's support for peace and nuclear non-proliferation.

Appendices

Nil

9.11 Proposed Licence to Grant Vehicular Access over Delhi Reserve to Properties at 14-16,18-20 and 22-24 Mooltan Street, Travancore

File No: FOL/15/590

Author: Property Consultant

Directorate: Corporate Services

Ward: Myrnong

Purpose

To consider options regarding the rear access over Delhi Reserve by the abutting owners at 14-16, 18-20 and 22-24 Mooltan Street, Travancore.

Executive Summary

- Joint application received from owners of 14-16, 18-20 and 22-24 Mooltan Street, Travancore, to enter into a licence agreement with Council to access part of Delhi Reserve in order to gain rear vehicular entry into their respective properties.
- Owners claim long term user rights of Delhi Reserve for vehicular access to the rear of their properties. Three properties currently have garages at the rear of their properties, accessible only from Delhi Reserve.
- Former land owner Melbourne City Council, advised that they have no record of any agreement with abutting owners to use land to gain entry to their garages.
- Title search reveals no easement or agreements entered into giving formal approval of vehicular access.
- Delhi Reserve was redeveloped in 2008 by Council and no vehicular access was provided to abutting owners.
- Gate with a padlock subsequently installed by Council at the entrance of the rear 18-20 Mooltan Street.
- All abutting properties (except 22-24 Mooltan Street) have street front driveways, but they do not extend all the way to rear of property to access the garage.
- Claims of long term user rights over the land could be lodged against Council by abutting owners.
- The preferred option is to enter into 10 year licence agreements with the owners of 14-16, 18-20 and 22-24 Mooltan Street, allowing for vehicular access over Delhi Reserve, subject to no user rights being obtained and licence terminating with the sale of the property.

Recommendation

That Council

1. Enter into 10 year licence agreements with the owners of 14-16, 18-20 and 22-24 Mooltan Street, Travancore, allowing for vehicular access to the rear of their properties, subject to the Licence:
    a) Indemnifying Council against any claim;
    b) Not giving exclusive use to abutting owners;
    c) Not creating any estate or interest in the licensed area; and
    d) Automatically terminating when the Licensee ceases to be the registered proprietor of the adjoining property; and
    e) Providing for costs associated with the licence being borne by the Licensee.
2. Request the owner of 22-24 Mooltan Street, Travancore to remove the redundant crossover abutting their property in Delhi Court.

Background

A request has been received from the owners of 14-16, 18-20 and 22-24 Mooltan Street, Travancore to enter into licence agreements with Council to access part of Delhi Reserve to gain rear entry into their respective properties (refer **Appendix A**).

The owners claim that they have in the past utilised part of Delhi Reserve to gain vehicular access to the rear of their properties. There are currently garages at the rear of 14-16, 18-20 and 22-24 Mooltan Street (refer **Appendix A**) and early photographs show that access was available from the reserve. This access could have been for Council parks and gardens staff to enter and maintain the reserve and that the Mooltan Street property owners utilised this access for their own benefit.

The continued uncontrolled access could lead to a claim of an easement of carriageway by prescription and long user over the relevant part of the reserve (long term users rights)

Delhi Reserve was formally part of Melbourne City Council (MCC). Advice from MCC indicates that no formal agreement was ever entered into with the abutting owners to utilise the reserve for rear access.

The current owner of 14-16 Mooltan Street maintains that her family paid £600 to MCC in the early 1960's to have formal access over the land.

£600 in the early 1960s was an extraordinarily large amount of money to pay for land, let alone allowing formal use. A search of the Delhi Reserve title indicates that a stormwater easement was created alongside the boundary of 8 Mooltan in 1964 (down to the creek), for the sum of £5 and MCC has no records of any other transactions affecting Delhi Reserve until the building of the Tullamarine Freeway (now City Link) in the 1970s (refer **Appendix C**).

Delhi Reserve was redeveloped in 2008 and no allocation was made for vehicular access to these properties (refer **Appendix B**). However, at some stage Council installed a gate with a padlock at the entrance of the rear 18-20 Mooltan Street**.** The

owner of 14-16 Mooltan Street requires to use the gate and travel over a gravel footpath to gain entry to the rear of their property.

At present, only property owners of 14-16, 18-20 and 22-24 Mooltan Street utilise the rear entrance.

A file check of 22-24 Mooltan Street indicates that the property had a garage with its own driveway off Delhi Court and no access via Delhi Reserve.

In 2003 the garage was replaced by a swimming pool and a new garage was built/positioned so that it can only be entered from Delhi Reserve. The redundant crossover should be removed by the owner.

Discussion

Council has previously sought legal advice in relation to the treatment of these types of ad-hoc access arrangements and the advice received was that such uses should not be encouraged, as it could possibly restrict Council's ability to undertake future planning and reconfiguration of the parkland to increase the utilisation of the space for greater community benefit.

In this case the reserve was redeveloped with no access provided. However, a new crossover was later installed from Delhi Reserve and a gate with a padlock at the rear of 18-20 Mooltan Street to presumably allow access for 14-16 Mooltan Street.

All properties have front driveways with the exception of 22-24 Mooltan Street, which had access off Delhi Court. Table 1 shows the current situation for each property.

Table 1

Mooltan Street	Rear Access	Front Access
8	Recent planning permit issued for a two town house development with front vehicular entry	No rear access required
10-12	Has a new rear fence with no vehicular access	No rear access required. Has front vehicular entry
14-16	Has rear carport with sliding doors. Requires access via gate and along pathway to reach garage	Has front vehicular entry but cannot reach carport.
18-20	Has rear garage	Has front vehicular entrance but cannot reach carport.
22-24	Had driveway off Dehli Court. Closed driveway when pool constructed. Garage access now only from Delhi Reserve	Has no front vehicular entrance. Has side access via Dehli Court.
14-16-18-20	Barrier with padlock	

Consultation

Abutting owners

On several occasions, the owner/residents have been advised that vehicular access over Delhi Reserve is not allowed. Each time they have responded by providing evidence of long term use and the existence of garages. Also the owner of 14-16 Mooltan Street possesses a key to the padlock on the gate which was provided by Council.

Council's Parks and Gardens Department has objected to vehicular access over the reserve by abutting property owners. It is proposed that the gate will be replaced with one at the entrance of Delhi Reserve once licences are introduced.

Options

1. Status Quo

The current situation cannot remain as it:

- raises issues of public liability claims against Council over any incident over the land caused by the vehicular access;
- may allow future claim by abutting owners long term users rights. This would then restrict Council in use and any future improvement of the Reserve;

2. Remove Access to Delhi Reserve

Removing the crossover and the gate would resolve the issue, however, there would be a very strong possibility of a claim by abutting owners of long term user rights over the land. This would then restrict Council in any future redevelopment of the Reserve.

3. Lease Agreement

A lease agreement is a contractual agreement between the parties and can run with the property. However, such an arrangement would effectively give the lessee exclusive use over Council land. This option is not recommended.

4. Licence Agreement

A licence is a contractual arrangement between the parties and does not confer proprietary rights on the licensee. Accordingly, in the event of a sale of a property, Council would need to enter into a new licence agreement with the new owner.

A 10 year Licence is the appropriate mechanism as it:

- Indemnifies Council against any claim;
- Does not give exclusive use to abutting owners;
- Does not create any estate or interest in the licensed area; and
- Automatically terminates when the licensee ceases to be the registered proprietor of the adjoining property.

A notice would be placed on Council's property rate record to indicate to any intended purchaser of the abutting property that no user rights automatically transfer.

Therefore, any new owner wishing to continue to utilise the access over the reserve would be required to enter into a new licence agreement with Council.

Implications

1. Legislative

There are no legislative requirements concerning the proposal.

2. Council Plan / Policy

Council Plan 2013-2017 Strategic Objective 2, Strategy 3: Continue to upgrade local community parks to provide greater shade, support local ecology and improve neighbourhood amenity.

3. Financial

All costs of licence agreements shall be borne by the relevant owners.

4. Environmental

It is envisaged that licence agreements will result in improved amenity, maintenance and use of the land.

Conclusion

Given the history and claims of long term use of the site by the abutting owners, it is proposed that Council enter into licence agreements with the relevant property owners.

Appendices

Appendix A: Access to Reserve 8-22 Mooltan Street Travancore
Appendix B: Landscape Concept Plan 8-22 Mooltan Street, Travancore
Appendix C: Plan of Subdivision 8-22 Mooltan Street, Travancore

Garages at rear of Property

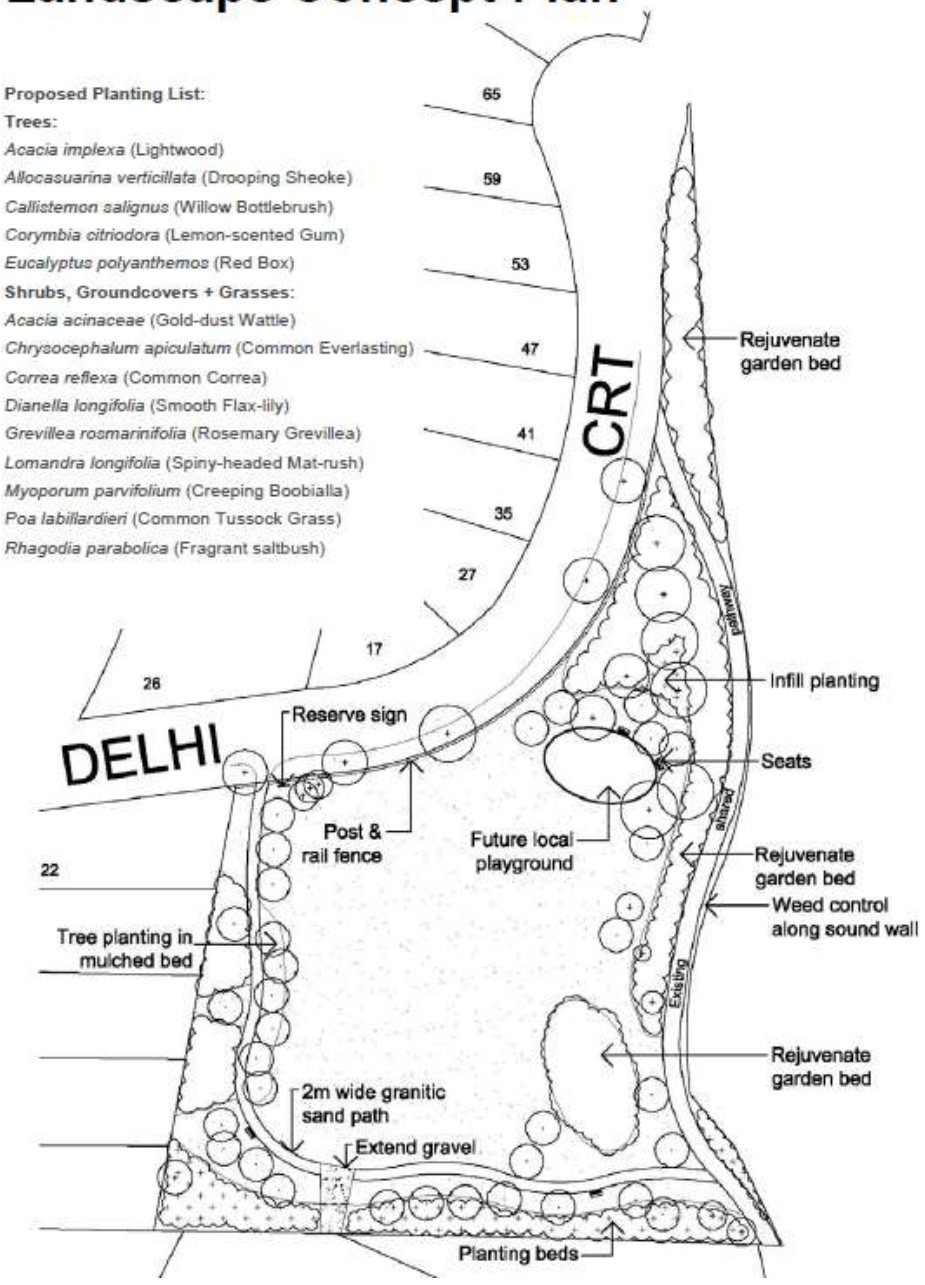
Fence with Padlock

Redundant Crossover for 22 Mooltan Street

Area used as a Car park by 22 Mooltan Street

New Cross over used abutting owners

Landscape Concept Plan



PLAN OF SUBDIVISION

PART OF CROWN ALLOTMENT 14 SECTION 4

PARISH OF DOUTTA GALLA

COUNTY OF BOURKE

LP 15995

EDITION 2

PLAN MAY BE LODGED

Measurements are in Feet & Inches

Conversion Factor

FEET X 0 3048 = METRES

VOL 5235 FOL 838

VOL 6431 FOL 180

COLOUR CODE

E-1 & BL=BLUE G=GREEN
BR=BROWN P=PURPLE
Y=YELLOW R=RED
H=HATCH CH=CROSS HATCH

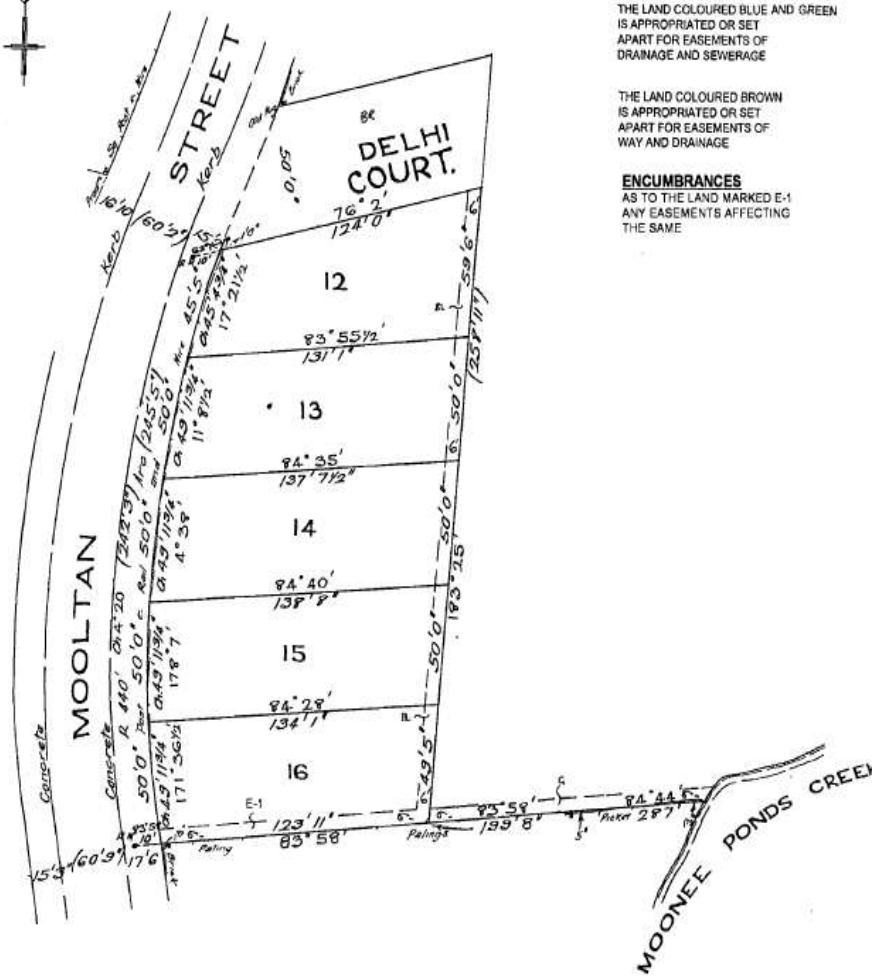
APPROPRIATIONS

THE LAND COLOURED BLUE AND GREEN IS APPROPRIATED OR SET APART FOR EASEMENTS OF DRAINAGE AND SEWERAGE

THE LAND COLOURED BROWN IS APPROPRIATED OR SET APART FOR EASEMENTS OF WAY AND DRAINAGE

ENCUMBRANCES

AS TO THE LAND MARKED E-1 ANY EASEMENTS AFFECTING THE SAME



LAND	ID	MODIFICATION	DEALING No.	EDITION	ART
THIS PLAN		EASEMENTS ENHANCED		2	AD

9.12 MAV State Council - October 2015

File No: FOL/15/590
Author: Acting Coordinator Governance
Directorate: Corporate Services
Ward: Municipal

Purpose

The purpose of this report is for Council to consider motions for submission to the upcoming Municipal Association of Victoria (MAV) State Council Meeting.

Executive Summary

- The MAV State Council Meeting is a valuable channel by which this Council can affect and influence other levels of government.
- At its meeting held 28 July 2015, Council resolved to submit to the next MAV State Council meeting a motion relating to unauthorised bill posting.
- A further motion is proposed resulting from discussion between Council officers and the MAV in relation to the VicRoads Traffic Noise Reduction Policy review.

Recommendation

That Council endorse the motions on 'Unauthorised Bill Posting' and 'VicRoads Traffic Noise Reduction Policy Review' for submission to the Municipal Association of Victoria State Council Meeting to be held Friday, 23 October 2015.

Background

The MAV State Council Meeting will be held on Friday, 23 October 2015. The proposed motions are viewed as being of significance for Victorian Local Government, including the Moonee Valley community and therefore of importance for debate and consideration by the MAV State Council Meeting.

The MAV is one of the local government sector's peak bodies, who together with local members of parliament, provide significant advocacy to both State and Federal Governments on behalf of the Moonee Valley community.

Discussion

At its meeting held 28 July 2015, Council resolved to submit to the next MAV State Council Meeting a motion relating to unauthorised bill posting.

Illegal bill posting is an ongoing issue for many municipalities across the State. It impacts on the overall appearance of the municipality and the cost of the clean-up and removal of the bill posters, can have a direct financial impact on Councils. A draft motion has been drafted below on this basis.

A further motion has been drafted in relation to the VicRoads Traffic Noise Reduction Policy review. The policy sets noise levels for Victoria's freeways and a number of other major roads. The policy also ensures that the traffic noise from Victoria's

freeways and some major roads is kept at a reasonable level and that priority to reduce traffic noise focuses on those locations with the highest noise levels.

The policy was last updated in 2005 and is currently under review. In discussions between Council officers and the MAV, it was recommended by the MAV that Council consider putting forward a motion to the State Council for it to consider putting forth a submission to VicRoads as part of the policy review.

Given the information highlighted above, it is considered appropriate that Council submit the following motions to the MAV State Council Meeting:

1. Unauthorised Bill Posting

   That the MAV State Council request the State Government to investigate potential opportunities to remedy the growing issue of unsolicited advertising posters being attached to Council property and to amend the Summary Offences Act 1966 to ensure that responsibility for unauthorised posting of bills be extended to the organisation responsible for the posting of the bill.

2. VicRoads Traffic Noise Reduction Policy Review

   That the MAV State Council make a submission to VicRoads in relation to the Traffic Noise Reduction Policy, to:

   a) Strengthen the policy to ensure clear guidelines are developed to assist in decision-making processes with respect to land use planning and road planning.

   b) Ensure that the policy does not exceed 63dB (A) L10 (18 hour) and that there is an appropriate standard determined for the control of noise at night-time.

   c) Take into consideration that any new noise reduction policy must give full consideration to governance arrangements for ensuring that set criteria are met, monitored and enforced.

   d) Seek that the policy, once adopted by State Government, be considered in the broader context of polices for land use planning and not exist in isolation.

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

The nature of this report, in itself does not have any legislative implications.

2. Council Plan / Policy

In presenting this report to council, council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

3. Financial

The nature of this report, in itself does not have any financial implications.

4. Environmental

The nature of this report, in itself does not have any environmental implications.

Conclusion

It is considered that the proposed motions are of a state-wide significance for Local Government in Victoria and therefore should be endorsed for submission to the MAV State Council Meeting.

Appendices

Nil.

9.13 Information Privacy Policy Review

File No: FOL/15/590
Author: Acting Coordinator Governance
Directorate: Corporate Services
Ward: Municipal

Purpose

The purpose of this report is to seek the adoption of Council's revised Information Privacy Policy.

Executive Summary

- Council initially appointed its Privacy Officer on 18 December 2001 and subsequently adopted its Information Privacy Policy on 18 June 2002. The policy was last reviewed at Council's meeting held on 6 March 2012.
- The *Privacy and Data Protection Act* 2014 replaces the *Information Privacy Act* 2000, with no significant changes relating to local government.
- The *Privacy and Data Protection Act* 2014 provides that all public sector organisations including Councils must comply with the ten Information Privacy Principles regulating the handling of personal information by these organisations.
- The policy has been updated to reflect the naming of the new legislation.

Recommendation

That Council adopts the revised Information Privacy Policy (provided as **Appendix A**).

Background

The *Information Privacy Act* was introduced in 2000. Council initially appointed its Privacy Officer on 18 December 2001 and subsequently adopted its Information Privacy Policy on 18 June 2002.

Council last reviewed its Information Privacy Policy at its meeting held on 6 March 2012, which also reaffirmed the appointment of the Manager Governance & Local Laws as its Privacy Officer with responsibility for compliance with the Act.

Under the Act, Council is required to set out in a document clearly its expressed policies on its management of personal information.

Since the policy was last updated, the *Privacy and Data Protection Act* 2014 (the Act) was introduced and replaced the *Information Privacy Act* 2000 as well as the *Commissioner for Law Enforcement Data Security Act* 2005

Discussion

Though the *Privacy and Data Protection Act* 2014 was introduced to replace the *Information Privacy Act* 2000, the Act remains essentially the same as the previous legislation in relation to local government. The Act includes the retention of the Information Privacy Principles which underpin both the Act and Council's policy.

The Act applies to "personal information", which is defined as information or opinion about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion (other than certain health and generally available information).

All Councils are required to comply with ten Information Privacy Principles that establish protective standards for the handling of personal information throughout its life cycle. The ten Information Privacy Principles are:

- Collection
- Use & Disclosure
- Data quality
- Data security
- Openness
- Access & Correction
- Unique Identifiers
- Anonymity
- Transborder Data Flows
- Sensitive Information

As the *Privacy and Data Protection Act* 2014 has now superseded the *Information Privacy Act* 2000, Council is now in a position where it is obliged to review its policy to ensure that it complies with the Act.

As the ten Information Privacy Principles of the Act remain consistent with previous legislation, minimal changes have been required to be made within Council's policy. The policy has been updated to reflect the new legislation's name and the contact details of Council's Privacy Officer.

Additional information advising of Council's ability to disclose or use personal information in an investigation of unlawful activity or in a life threatening situation has also been added.

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

The *Privacy and Data Protection Act* 2014 provides that all public sector organisations including Councils must comply with the ten Information Privacy Principles regulating the handling of personal information by these organisations. This report seeks to comply with the Act by seeking the adoption of a clear expressed policy on the management of personal information which is to be made readily available.

2. Council Plan / Policy

In presenting this report to council, council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and

confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

3. Financial

There are no financial implications resulting from this report.

4. Environmental

There are no environmental implications resulting from this report.

Conclusion

It is recommended that Council adopt the revised Information Privacy Policy attached as **Appendix A**.

Appendices

Appendix A: Information Privacy Policy

POLICY TITLE	**Information Privacy Policy**
POLICY TYPE	**Council**
GROUP	**Corporate Services**

1. Background

Council believes that the responsible handling of personal information is a key aspect of democratic governance, and is strongly committed to protecting an individual's right to privacy. All councils are required to comply with the principles laid out in the Victorian *Privacy and Data Protection Act* 2014 that establishes protective standards for the handling of personal information throughout its life cycle, from collection to use and disclosure, storage, security, accessibility and disposal.

2. Purpose

Council is committed to full compliance with its obligations under the Victorian *Privacy and Data Protection Act* 2014and the Victoria *Health Records Act* 2001 (Acts). In particular, Council will comply with the Information Privacy Principles and Health Privacy Principles contained in the Acts.

3. Scope

This policy extends to all Councillors, Council employees, contractors and agents. This policy covers all personal and health information held by Moonee Valley City Council.

4. Definitions

Health information means:

- information or an opinion about:
  - the physical, mental or psychological health of an individual,
  - a disability (at any time) of an individual
  - an individual's expressed wishes about the future provision of health services to him or her
  - a health service provided, or to be provided, to an individual that is also personal (identifying or potentially identifying, recorded) information, or

- other personal information collected to provide, or in providing, a health service, or
- the dispensing on prescription of a drug or medicinal preparation by a pharmacist.

Sensitive Information means information or an opinion about an individual's—

- racial or ethnic origin; or
- political opinions; or
- membership of a political association; or
- religious beliefs or affiliations; or
- philosophical beliefs; or
- membership of a professional or trade association; or
- membership of a trade union; or
- sexual preferences or practices; or
- criminal record.

Unique identifier means an identifier (usually a number) assigned by an organisation to an individual uniquely to identify that individual for the purposes of the operations of the organisation but does not include an identifier that consists only of the individual's name but does not include an identifier within the meaning of the *Health Records Act* 2001.

5. Responsibility

Council's appointed Privacy Officer has the responsibility to communicate and implement this policy and where applicable ensure compliance with the relevant Acts.

6. Legislation

Privacy and Data Protection Act 2014 (Victoria)
Health Records Act 2001 (Victoria)

7. Policy

7.1 Personal information

This Policy applies to personal information held by Council. Personal information means information or an opinion about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, other than certain health or generally available information.

For example, Council holds personal information on its ratepayers (eg names and addresses) in order to carry out its functions (eg planning, valuation and property services). It may also request personal information in order to provide education, welfare and other community services (eg child care services). In some instances, personal information may be contained on a public register (register of building permits, food premises and animal registration details).

7.2 Sensitive Information

Council may also hold sensitive information. Sensitive information includes information or an opinion about an individual's racial or ethnic origin, political opinions, trade union membership, philosophical or religious beliefs, sexual preferences or criminal record.

Council will not collect sensitive information about an individual except in circumstances specified by the Act or in circumstance whereby such information is both directly pertinent and necessary to specific, proper and legitimate functions of one or more of its activities.

7.3 Collection

Council will only collect personal information that is necessary for its functions and activities. In some instances, Council is required by law to collect personal information. Council will only collect sensitive information where you have consented or as permitted under the relevant Acts.

If it is reasonable and practicable to do so, Council will collect personal information about you directly from you. When doing so, it will inform you of the matters set out in the Act, including the purpose/s for which the information is collected, and will use lawful and fair means. If Council collects personal information about you from someone else, it will take reasonable steps to make you aware of these matters.

7.4 Use and Disclosure

Council will only use personal information within Council, or disclose it outside Council, for the purpose for which it was collected or in accordance with the Act (e.g. where you have consented or where you would reasonably expect this to occur) or where the use or disclosure is specifically authorised by any Act or Regulation.

Council may use or disclosure personal information to further the investigation of an unlawful activity that has been committed, being committed or in reporting concerns of the unlawful activity to the relevant authority. Council may further use or disclosure personal information when necessary to lessen or prevent a threat to the life, health, safety or welfare of an individual or the public.

7.5 Data Quality and Security

Council will take reasonable steps to make sure that to ensure that the personal information it hold is accurate, complete and up to date.

Council will endeavour to maintain a secure system for storing personal information. Technological and operational policies and procedures are in place to protect personal information from misuse and loss and from unauthorised modification or disclosure. Council will dispose of personal information where it is no longer necessary to fulfil the purposes for which the information was collected or as required by law.

7.6 Openness

Council will make available its policies on the management of personal information. On request, Council will take reasonable steps to provide individuals with general information on the types of information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

7.7 Access and Correction

Any person wishing to access their personal information details held by Council may contact Council's Privacy Officer. Access will be provided except in the circumstances outlined in the Act, for example, where the information relates to legal proceedings or where the *Freedom of Information Act* 1982 applies.

If you believe that your personal information is inaccurate, incomplete or out of date, you may request Council to correct the information. Your request will be dealt with in accordance with the relevant Acts.

7.8 Unique Identifiers

Council will not assign unique identifiers unless necessary to carry out Council's function efficiently nor will Council adopt, use or disclose a unique identifier assigned by another organisation unless necessary to carry out Council's function efficiently or with the consent of the individual.

7.9 Anonymity

Where lawful and practicable, Council will give you the option of not identifying yourself when supplying information or entering into transactions with it.

7.10 External Contractors

While personal information is usually handled by Council staff, Council may outsource some of its functions to third parties. This may require the contractor to collect, use or disclose certain personal information (eg garbage collection). It is Council's intention to require contractors to comply with the Act in all respects.

7.11 Transborder Data Flows

Council will transfer personal information outside of Victoria only if that data transfer conforms with the reasons and conditions outlined in the relevant Acts.

7.12 Health Records

All health information held by Council will be managed in accordance with the *Health Records Act* 2001.

If the practice or business of a health service provider operated by Council is to be transferred or closed, Council will comply with a prescribed set of procedures and give notice to former clients and the public.

If you request Council as a health service provider to make its health information available to another provider, Council will comply with your request as soon as practicable.

7.13 Complaints

If you feel aggrieved by Council's handling of your personal information, you may make a complaint to Council's Privacy Officer. Your complaint will be investigated as soon as possible (but no later than 5 business days) and you will be provided with a written response. Alternatively, you may make a complaint to the Privacy Commissioner (although the Commissioner may decline to hear the complaint if you have not first made a complaint to Council).

7.14 Further Information

Queries or complaints may be directed to Council's Privacy Officer on:

Tel: (03) 9243 8775
or postal address at
The Privacy Officer
Moonee Valley City Council
PO Box 126
Moonee Ponds VIC 3039

9.14 Report on Tenders and Contracts Awarded

File No: FOL/15/590
Author: Acting Coordinator Governance
Directorate: Corporate Services
Ward: Municipal

Purpose

To provide a report on tenders and contracts awarded by Council's Tenders Committee since the last report was presented to Council at its meeting held 28 July 2015.

Executive Summary

This is a procedural report only

Recommendation

That Council receive and note the report of Council's Tenders Committee and tenders awarded at its meeting held 8 September 2015.

Background

The Tenders Committee is a Special Committee of Council established pursuant to Section 86(1) of the Local Government Act 1989 ('the Act'), for the purpose of exercising Council's powers, functions and duties relating to the consideration of tenders received and the awarding of a contract for works, goods and services with a value of more than $500,000, but not exceeding $4 million.

Although the proceedings of meetings of the Tenders Committee are confidential pursuant to section 89(2) of the Act (as they relate to contractual matters), all reports of tenders awarded by the Tenders Committee provide for the inclusion of the accepted tender amount (i.e. where it does not relate to a schedule of rates contract). Importantly, once Council has received its report from the Tenders Committee, that information is published on Council's website.

Discussion

Since the last report to Council on 28 July 2015, the Tenders Committee met on 8 September 2015 and awarded the following contracts:

Contract	Awarded To	Date Awarded	Tender Price (exl GST)
Cleaning of Council Buildings	**Buckley Ward:** Shining Knight Facility Services (ABN 44 109 695 034) **Rose Hill Ward:** Ausbright Facilities	8 September 2015	$298,128.67 over two years $408,305.42

	Management (ABN 43 131 468 687) **Myrnong Ward:** TJS Services (Vic) Pty Ltd (ABN 93 124 295 978)		over two years $282,077.48 over two years

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

There are no direct legislative implications that arise from the presentation of this report to Council.

2. Council Plan / Policy

In presenting this report to council, council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

3. Financial

This report does not have any direct financial implications.

4. Environmental

There are no environmental implications resulting from this report.

Conclusion

It is recommended that Council receive and note the report.

Appendices

Nil.

9.15 Report on Audit Committee

File No: FOL/15/590
Author: Acting Coordinator Governance
Directorate: Corporate Services
Ward: Municipal

Purpose

To present the unconfirmed Minutes of Council's Audit Committee Meeting held on 12 August 2015, provided as **Appendix A**.

Executive Summary

Audit Committee meetings are held quarterly or as required; and the minutes of these meetings are submitted for consideration.

Recommendation

That Council receive the unconfirmed Minutes of the Audit Committee Meeting held 12 August 2015.

Background

The Audit Committee is an Advisory Committee of Council established pursuant to Section 139 of the *Local Government Act* 1989 ('the Act').

Council's financial management is delivered through the planning of resource allocations as part of our Annual Budget. Regular quarterly monitoring and reporting through the Audit Committee facilitates:

1. The enhancement of the credibility and objectivity of internal and external financial reporting;
2. Effective management of financial and other risks, and the protection of Council assets;
3. Compliance with laws and regulations as well as use of best practice guidelines;
4. The effectiveness of the internal audit function;
5. The provision of an effective means of communication between the external auditor, internal audit staff;
6. Management and Council;

Discussion

The Act requires that the Committee report to Council on the findings and recommendations from its meetings. This report provides a summary of matters considered at the Audit Committee meeting held 12 August 2015 as follows:

1. The Audit Committee minutes of 15 June 2015, presented to Council on 23 June 2015, were confirmed by the Audit Committee without change.

2. Performance Statement 2014/15 and Governance & Management Checklist – Adoption in Principle

   The Audit Committee received a report on the 2014/15 Performance Statement and recommend that Council adopt, in principle, the 2014/15 Performance Statement and forward the Statement to the Victorian Auditor-General for final audit and approval. The Audit Committee also recommended that Council adopt in principle the 2014/15 Governance and Management Checklist.

3. 2014/15 Annual Financial Report

   The Audit Committee received a report on the 2014/15 Annual Financial Report and resolved to adopt the report, in principle, and forward the report to the Victorian Auditor General for final audit.

4. Closing Report to the Audit Committee – Year ended 30 June 2015

   The 2015 Closing Report to the Audit Committee, prepared by VAGO to communicate significant issues arising from the audit, was received and noted by the Audit Committee.

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

The Local Government Act 1989 prescribes that Council must establish an Audit Committee and that such committee will be advisory in nature.

2. Council Plan / Policy

In presenting this report to council, council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

3. Financial

This report does not have any direct financial implications.

4. Environmental

There are no environmental implications resulting from this report.

Conclusion

The Audit Committee plays an integral role in assisting Council to manage financial, compliance and other risks, it is therefore recommended that Council receive and note the unconfirmed Minutes of the Audit Committee meeting held 12 August 2015.

Appendices

Appendix A: Minutes - Audit Committee Meeting held 12 August 2015

City of Moonee Valley

Audit Committee Meeting

Wednesday, 12 August 2015

Minutes

Report Index

The following reports were considered:

6.1 Performance Statement 2014/15 and Governance & Management Checklist - Adoption in Principle 4

6.2 2014/15 Annual Financial Report 4

6.3 Closing Report to the Audit Committee – Year ended 30 June 2015 5

Minutes of the Audit Committee Meeting

Wednesday, 12 August 2015 at 5:59pm
held at the Moonee Valley Civic Centre

PRESENT

TO:

Members:	Mr David Ashmore	Chairperson
	Mr Hugh Parkes	
	Mr Bruce Potgieter	
	Cr Nicole Marshall	
Officers:	Mr Bryan Lancaster	Acting Chief Executive
	Mr Anthony Smith	Acting Director Environment & Lifestyle
	Mr Dale Monk	Manager Finance
	Mr Andrew Nicolaou	Coordinator Financial Accounting
	Mr Danny Bilaver	Acting Coordinator Governance
Invited Guests:	Mr Tim Loughnan	VAGO
	Ms Ivy Ly	VAGO

1. Apologies

An apology for non-attendance was received for Cr Narelle Sharpe and Mr Carey Patterson.

2. Confirmation of Minutes

Moved by Mr Parkes, seconded by Mr Potgieter that the Minutes of the Audit Committee Meeting of Council held on Monday, 15 June 2015 be confirmed.

CARRIED

3. Declarations of Conflict of Interest

Nil.

4. Declarations of Breaches of Legislation

Nil.

5. Chief Executive / Executive Update

The Acting Chief Executive, Mr Bryan Lancaster, provided an update to the Audit Committee on the following matters:

- Appointment of new Director Environment & Lifestyle
- Preparation for next financial year's annual budget and the introduction of rate capping to commence in September.

The Acting Director Environment & Lifestyle, Mr Anthony Smith, advised Audit Committee members that the process for appointing independent Audit Committee members is progressing and interviews will be scheduled shortly. Audit Committee members were requested to keep the next scheduled Audit Committee meeting available for the 21 September 2015.

6. Reports

6.1 Performance Statement 2014/15 and Governance & Management Checklist - Adoption in Principle

File No: FOL/12/1417

Author: Coordinator Corporate Planning

Directorate: Office of the Chief Executive

Committee Resolution

Moved by Mr Parkes, seconded by Mr Potgieter that the Audit Committee:

1. Performance Statement and conducted reasonable enquiries of Council Officers and the Victorian Auditor-General, recommends that Council adopt, in principle, the Performance Statement 2014/15 and forward the Statement to the Victorian Auditor-General for final audit and approval.
2. Governance and Management Checklist, recommends that Council adopt, in principle, the Governance and Management Checklist 2014/15.
3. A statement of general observations on the Performance Statement be included in the report to Council.

CARRIED

6.2 2014/15 Annual Financial Report

File No: FOL/15/188

Author: Manager Finance

Directorate: Corporate Services

Committee Resolution

Moved by Mr Parkes, seconded by Cr Marshall that the Audit Committee, in accordance with Section 131(7) of the *Local Government Act 1989*, having reviewed the Annual Financial Report, consisting of the Financial Statements

and Notes, and having undertaken all necessary enquiries, recommends that Council adopt the 2014/15 Annual Financial Report on an 'in principle' basis and forward them to the Victorian Auditor-General for final audit.

CARRIED

6.3 Closing Report to the Audit Committee – Year ended 30 June 2015

File No: FOL/15/188

Author: Manager Finance

Directorate: Corporate Services

Committee Resolution

Moved by Cr Marshall, seconded by Mr Potgieter that the Audit Committee receives and notes the Closing Report for the year ended 30 June 2015.

CARRIED

Committee Resolution

Moved by Mr Parkes, seconded by Mr Potgieter that the Audit Committee commends Council's Finance and Corporate Planning officers on their efforts in completing the Performance Statements and Financial Accounts.

CARRIED

7. Other Business

7.1 The Audit Committee Chair, Mr David Ashmore, was invited to present the Chairperson's Report on the Audit Committee to Council. Mr Ashmore will report to Council at its meeting to be held 22 September 2015.

8. Next Meeting

Next meeting of the Audit Committee will be held on Wednesday, 21 September 2015.

The meeting concluded at 7.11pm.

CONFIRMED

DAVID ASHMORE
CHAIRPERSON

9.16 Report on Assemblies of Council

File No: FOL/15/590
Author: Acting Coordinator Governance
Directorate: Corporate Services
Ward: Municipal

Purpose

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

Executive Summary

It is a requirement that the Chief Executive ensures that the written record of an Assembly of Councillors is, as soon as practicable, reported at an Ordinary Meeting of the Council; and incorporated in the minutes of that Council meeting.

Recommendation

That Council receive and note the written records of Assembly of Councillors, provided as **Appendix A**, received since the last report to Council in August 2015.

Background

In accordance with Section 80A (1) & (2) of the Act, the Chief Executive is to ensure that a written record of an Assembly of Councillors is, as soon as practicable, reported at an Ordinary Meeting of the Council; and incorporated in the minutes of that Council meeting.

Furthermore, the written record of an Assembly of Councillors is both kept for a period of 4 years after the date of the Assembly; and made available for public inspection at the offices of the Council, for a period of 12 months after the date of the Assembly.

Discussion

Section 76AA of the Act defines an Assembly of Councillors as a meeting of an Advisory Committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:

a) the subject of a decision of the Council; or

b) subject to the exercise of a function, duty or power of the Council, that has been delegated to a person or committee but does not include a meeting of the Council, a Special Committee of the Council, an Audit Committee established under section 139, a club, association, peak body, political party or other organisation.

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

1. At an Assembly of Councillors, the Chief Executive Officer must ensure that a

written record is kept of—

a) the names of all Councillors and members of Council staff attending;

b) the matters considered;

c) any conflict of interest disclosures made by a Councillor attending under subsection (3); and

d) whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.

2. The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable—

a) reported at an ordinary meeting of the Council; and

b) incorporated in the minutes of that Council meeting.

Records of Assemblies of Councillors, held since the last report to Council in August 2015, are provided as **Appendix A**.

Consultation

All Council staff have been informed of Council's obligations under the Act.

Implications

1. Legislative

This report is presented to Council in accordance with Section 80A of the Act. As this is a mandatory reporting requirement, there are no Charter of Human Rights implications for Council.

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

3. Financial

There are no financial implications resulting from the presentation of this report.

4. Environmental

There are no environmental implications resulting from the presentation of this report.

Conclusion

Council has an obligation under Section 80A(2)(a) & (b) of the Act, to present all records of Assemblies of Councillors to an Ordinary Meeting of Council. By receiving and noting this report, Council is ensuring compliance with this provision.

Appendices

Appendix A: Assemblies of Council

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 11 August 2015 at 6.47pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Narelle Sharpe, Cam Nation, Jan Chantry, Shirley Cornish, Jim Cusack, Paul Giuliano, Nicole Marshall, John Sipek and Andrea Surace.

Officers:

Bryan Lancaster	Acting Chief Executive
Michele Leonard	Acting Director Community Services
Carey Patterson	Acting Director Corporate Services
Gil Richardson	Acting Director City Works & Development
Anthony Smith	Acting Director Environment & Lifestyle
Henry Bezuidenhout	Manager Strategic & Statutory Planning
Adam Boyle	Manager Community Planning & Development
Sue Hecker	Manager Leisure & Open Space Planning
James Martin	Manager Communications & Corporate Planning
Tim Mileham	Coordinator Leisure Facilities & Projects
Mel Lorback	Senior Leisure Facilities Officer

CONFLICT OF INTEREST DISCLOSURES

Councillor Nation declared a Conflict of Interest in Item 9 - EKLC Feasibility Study Concept Plan.

MATTERS CONSIDERED

1. Gum Trees in Keilor East
2. Graffiti Management Policy
3. Thrive - Draft Youth Engagement Strategy
4. Advocacy Agenda Progress Report - June 2015
5. 25 Rose Avenue Niddrie - Proposed Road Discontinuance and Sale of Land
6. Annual Review of the Domestic Animal Management Plan 2013 - 2017
7. Recording of Public Council Meetings Policy
8. Riverside Park Draft Concept Design
9. EKLC Feasibility Study Concept Plan
10. 33 Streldon Avenue, Strathmore
11. 129 Tennyson Street, Essendon
12. 67 - 69 Lebanon Street, Strathmore
13. 322, 324 & 326 Pascoe Vale Road, Essendon
14. Appointment of Grants Advisory Panel Members
15. Items of a general nature raised by Councillors and Officers

RECORD COMPLETED BY

Anthony Smith Acting Director Environment & Lifestyle

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 25 August 2015 at 6.31 pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Narelle Sharpe, Cam Nation, Jan Chantry, Shirley Cornish, Paul Giuliano, Nicole Marshall and John Sipek.

Officers:

Bryan Lancaster	Acting Chief Executive
Adam Boyle	Acting Director Community Services
Brett Luxford	Director Environment and Lifestyle
Gil Richardson	Acting Director City Works & Development
Yvonne Hansen	Manager Governance & Local Laws

CONFLICT OF INTEREST DISCLOSURES

Cr Nation declared an indirect interest in Item 9.6 due to a conflicting duty.

MATTERS CONSIDERED

1. 67-69 Lebanon Street, Strathmore
2. 33 Streldon Avenue, Strathmore
3. 129 Tennyson Street, Essendon
4. 322, 324 & 326 Pascoe Vale Road, Essendon,
5. Riverside Park Draft Concept Design
6. EKLC Feasibility Study Concept Plan
7. 25 Rose Avenue Niddrie
8. Annual Review of the Domestic Animal Management Plan 2013-2017
9. Thrive - Draft Youth Engagement Strategy
10. Appointment of Grants Advisory Panel members
11. Graffiti Management Policy
12. Gum Trees in Keilor East
13. 2014/15 Annual Financial Report
14. Performance Statement 2014/15 and Governance and Management
15. Checklist - Adoption in Principle by Council
16. Advocacy Agenda Progress Report - June 2015
17. Recording of Public Council Meetings Policy
18. Report on Assemblies of Council
19. Report on Advisory Committees
20. Notice of Motion – Right of Way Access for Abutting Development Proposals
21. Council Property Assets Update

RECORD COMPLETED BY

Yvonne Hansen Manager Governance & Local Laws

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 1 September 2015 at 6.43 pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Narelle Sharpe, Cam Nation, Jan Chantry, Shirley Cornish, Paul Giuliano, Nicole Marshall, John Sipek and Andrea Surace.

Officers:

Bryan Lancaster	Acting Chief Executive
Brett Luxford	Director Environment and Lifestyle
Anthony Smith	Director Corporate Services
Adam Boyle	Acting Director Community Services
Gil Richardson	Acting Director City Works & Development
Henry Bezuidenhout	Manager Strategic & Statutory Planning
Sue Hecker	Manager Leisure & Open Space Planning
James Martin	Manager Communications & Corporate Planning
Dale Monk	Manager Finance
Amanda Allen	Coordinator Sport & Recreation
Matt Spozio	Coordinator Development Approvals
Colin Harris	Senior External Projects Manager
Andrew Carey	Sport Development Officer

CONFLICT OF INTEREST DISCLOSURES

Nil.

MATTERS CONSIDERED

1. Avondale Heights Spectator Seating
2. LeadWest Work Plan 2015 - 2016 Presentation
3. Rate Capping
4. Market Site Update
5. Items of a general nature raised by Councillors and Officers

RECORD COMPLETED BY

Anthony Smith	Director Corporate Services

9.17 Report on Advisory Committees

File No: FOL/15/590
Author: Acting Coordinator Governance
Directorate: Corporate Services
Ward: Municipal

Purpose

To present the minutes of Council's Advisory Committee meetings received since the last report to Council held in August 2015.

Executive Summary

The minutes of Advisory Committee meetings received since the last report to Council are submitted for consideration.

Recommendation

That Council receive and note the following confirmed Advisory Committee Meeting Minutes, received since the last report to Council in July 2015:

a) Integrated Transport Committee held 11 May 2015 (**Appendix A**);

b) Disability Reference Group held 15 June 2015 (**Appendix B**); and

c) Strategic Planning Advisory Committee held 18 June 2015 (**Appendix C**).

Background

Council at its Statutory Meeting on 5 November appointed representatives to Advisory Committees, up to the month of October 2015.

Minutes from these meetings are presented to Council for information purposes.

Discussion

Minutes from the following Advisory Committee Meeting Minutes are presented to Council in accordance with section 80A(2)(a) of the *Local Government Act* 1989:

a) Integrated Transport Committee held 11 May 2015;

b) Disability Reference Group held 15 June 2015; and

c) Strategic Planning Advisory Committee held 18 June 2015.

Consultation

The nature of this report does not require any consultation to be undertaken, but rather the coordinator and compilations of minutes of the meetings held.

Implications

1. Legislative

These minutes are presented to Council in accordance with sections 80(2)(a) of the *Local Government Act* 1989 .

2. Council Plan / Policy

In presenting this report to council, council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

3. Financial

There are no financial implications resulting from the presentation of this report.

4. Environmental

There are no environmental implications resulting from this report.

Conclusion

Advisory Committees allow for a more efficient and effective process of understanding specific areas, prior to being considered by Council.

Appendices

Appendix A: Integrated Transport Committee held 11 May 2015
Appendix B: Disability Reference Group held 15 June 2015
Appendix C: Strategic Planning Advisory Committee held 18 June 2015

MINUTES – Meeting 13
Integrated Transport Committee

Held Monday 11 May 2015, 6 to 8pm, Council Chambers, Civic Centre

1	**Open Meeting – Welcome, Attendees and Apologies**
	Attendees: Cr Marshall (Acting Chair), Gil Richardson Manager Technical Services, Mary Kennedy Strategic Transport Planner, Chris Morris Sustainable Transport Officer, Frank Kinnersley (Moonee Valley Bicycle User Group), Laurie Elliot**,** Josh Parris, Lynn Sweeney, Joanne Barrett. **Apologies:** Cr Surace, Ben Koutoukidis, James Golden, Chris Carabott, Gary Allan,
2	**Minutes from Meeting 12 held on 2 February 2015 were confirmed.**
3	**Business arising from the last meeting**
	Issue: Discuss with Frank Kinnersley about ideal phasing of the lights at the Junction to provide safe access for pedestrians and cyclists as part of the VicRoads Route Review as part of the Yarra Trams Super Stop. **ACTION:** COUNCIL **Update:** Chris Morris and Frank Kinnersley conducted site visit on 13th May 2015. Council will include the feedback in future correspondence with Yarra Trams.
	Issue: Include ITC feedback in the VicRoads Route Review that will occur in April 2015 **ACTION:** COUNCIL **Update:** Council has incorporated the opportunities raised by the ITC into various correspondence with VicRoads and Yarra Trams. Yarra Trams will be presenting to Council on the 19th May and Council will ensure that the various recommendations by the ITC are continued to be raised and considered.
	Issue: Include ITC feedback in the VicRoads Route Review that will occur in April 2015 **ACTION:** COUNCIL **Update:** Council has incorporated the opportunities raised by the ITC into various correspondence with VicRoads and Yarra Trams. Yarra Trams will be presenting to Council in May and Council will ensure that the various recommendations by the ITC are continued to be raised and considered.
	Issue: Council to conduct site visit of the Moonee Ponds Junction with Laurie Elliot to discuss safety issues and potential solutions for the vision impaired. **ACTION:** COUNCIL **Update:** On the 3rd February 2015, Laurie took Council employees from traffic, operations, urban design and aged and disability around the Moonee Ponds Activity Centre and highlighted the major hazards and possible solutions to the streetscape. Both VicRoads and Council's Operations team have been assigned the various recommendations that will be addressed in the near future.
	Issue: Advocate to VicRoads for the proposals suggested above be included as part of the Citylink Widening Project Council Report on 24th February 2015. **ACTION:** COUNCIL

	Update: The ITC recommendations were included in the Citylink Widening Report to VicRoads.
	Issue: Inform the ITC of any decision in relation to PTV's proposal to split the Smart Bus 903 Route into three sections. **ACTION:** COUNCIL **Update:** The State Government has announced that they have reversed the previous Government's decision to split this route and the 903 Route will remain the one connected route.
	Issue: ITC members believe the Travancore Park redevelopment project should re-commence once the EWL decision has been finalised. **ACTION:** COUNCIL **Update:** Council's Urban Design & Open Space team have developed survey information and the concept design has been sent to Engineering Services for review. It is anticipated that the construction of a shared pathway and landscape works will commence next financial year.
	Issue: Frank Kinnersley requested that a member of Council's Local Law's team present to the ITC in 2015 on the issue of dogs off lead and conditions around construction sites. **ACTION:** COUNCIL **Update:** Council has been liaising with Frank Kinnersley and the Local Law's team on an on-going basis to determine whether Local Laws police dog's off lead and their policy regarding construction site compliance checks. We'll continue to work with Frank and the Local Laws team until these issues are resolved.
	Issue: Re-surfacing of works on Lincoln Road is allegedly of poor quality. Council to investigate and provide response to ITC. **ACTION:** COUNCIL **Update:** We are determining the exact location on Lincoln Road that needs to be re-surfaced with Josh Parris, Council will raise this issue with VicRoads at their next regular meeting.
	Issue: Email was sent to ITC to determine if any of the school's their children attended were interested in participating in a Cyclewise Parent Training Program **ACTION:** ITC **Update:** Moonee Ponds Primary through James Golden signed up for the course. 21st March we had 4 parents participate in the training and we received positive feedback and also a suggestion to start a program that involves a joint parents and children training program that Council will investigate.
	Issue: Council to send re-scheduled meeting invitations to ITC members. **ACTION:** COUNCIL **Update:** Council has sent out updated invitations to the remaining ITC meetings for the year.
4	**Workshop: Council Advocacy Videos – Integrated Transport Plan and Road Safety Plan Review**
	In preparation of the upcoming Integrated Transport Plan and Road Safety Plan reviews, Council has been collating various transport data and determining commuter trends and preferences. Council presented on the data collected so far including method of travel to work, car ownership and public transport usage by residence. Council also outlined trends in fatality and casualty statistics across the municipality. Some of the issues the ITC identified were: - Developing ongoing maintenance budget for upgrading shared paths from asphalt to concrete

	- Further investigations into speed being a factor in collisions - What impact does drugs and alcohol have in collisions? - Concerns with students running across Mount Alexander Road at the Shamrock Street and Grice Crescent intersection. **ACTION COUNCIL:** Request walking distances to public transport from PTV. **ACTION COUNCIL:** Email copies of the ITP and RSP survey sheet template for ITC members to complete. **ACTION ITC:** Complete and send back to Council any major issues or projects they believe should be included in the ITP and RSP reviews by the 12th June 2015. **ACTION COUNCIL:** Conduct pedestrian surveys on Shamrock Street to determine pedestrian movements in relation to the tram stop. **ACTION COUNCIL:** Write letter to Minister (cc in PTV and Yarra Trams) regarding students running across Mount Alexander Road at Shamrock Street and Grice Crescent. **ACTION COUNCIL:** Determine if Shamrock Street safety concerns are included in Council's Disability Action Plan. **ACTION COUNCIL:** Discuss the issue of students running from bus stop to tram stop at Shamrock Street with bus companies at the next Public Transport Providers Meeting.
5	**Strategic Updates**
	• **East West Link update** In April, the State Government signed an agreement with the East West Link consortium that formally confirms that the East West Link project will not proceed. Council continue to have discussions with the State Government in order to progress several outstanding issues for Moonee Valley including land parcels in Moonee Valley that have been compulsorily acquired as part of this project which are yet to be formally returned to our ownership. • **Citylink Widening / Tullamarine** The project will be delivered in two sections, with Melbourne Airport to Bulla Road managed by VicRoads and Bulla Road to Power Street managed by Transurban. **ACTION COUNCIL:** Council to continue to advocate with VicRoads that they do not install roundabouts at Keilor Road and Newman Street and Keilor Road and Grange Street. • **Steele Creek Bridge** Council and Melbourne Water will co-fund a replacement for the Steele Creek Bridge near Rosehill Road. Council and Melbourne Water are developing design options for the bridge that will make it safer for pedestrians and cyclists. **ACTION COUNCIL:** Distribute design of bridge to ITC members for feedback. • **Western Distributor** The State Government has announced plans for a new freeway that will connect the West Gate Freeway to CityLink via a 5km tunnel, second river crossing and an elevated freeway along Footscray Road. • **Melbourne Metro / Airport Rail Link** $1.5b has been committed to Melbourne Metro however the Airport Rail Link is not a priority for the State Government. Council will write a letter to the Minister advocating for the project to be re-instated. **ACTION COUNCIL:** Distribute news article that outlines commuter growth projections on the Craigieburn line.

	• **Super Tuesday Bike Counts** Council presented the Super Tuesday Bike Count 2015 results that showed a slight increase of 4% compared to the same locations counted in 2013. Across Victoria there was a 4% increase in cyclists and a 7% increase in Melbourne from 2014. **ACTION COUNCIL:** Council to distribute slides from the presentation
6	**General Business**
	Capital Works Draft Budget 2015/16 Council distributed copies of the relevant sections of the Capital Works draft budget. Comments are due by 27th May 2015 and should be sent to council@mvcc.vic.gov.au **ACTION COUNCIL:** Council to investigate whether there is scope for trail maintenance in the 2015/16 budget for the Moonee Ponds Creek Trail or Maribyrnong River Trail. **Dogs Off Lead** **ACTION COUNCIL:** Council to review Cr Marshall's recommendation to further investigate issues with dogs off leads around shared paths. **Linemarking** **ACTION COUNCIL:** Determine the process for determining linemarking upgrades across the municipality. **ACTION COUNCIL:** Raise issue of resurfacing issue south on Mount Alexander Road south of Moonee Ponds Junction with VicRoads. **ACTION COUNCIL:** investigate resurfacing issue on Margaret Street / Hall Street Moonee Ponds.
7	**Proposed meeting dates for 2015**
	• August 3rd 2015 • November 9th 2015
	Meeting ended 7:40 pm

Disability Reference Group

Minutes

held Monday, 29 June 2015 at 4.00pm at Moonee Valley City Centre, 9 Kellaway Ave, Moonee Ponds

Attendees	Cr Shirley Cornish	MVCC, Chair
	Jim Karabinis (JK)	Manager, Aged & Disability, MVCC
	Rose-Marie McQueen (RM)	Business Support Officer, A&D, MVCC (Minute taker)
	Maria Weiss (MW)	Coordinator, Healthy Ageing & Disability, MVCC
	Carmel Boyce (CB)	Policy Officer, MVCC
	Heidi Peart (HP)	Metro Access Officer, MVCC
	Veronica Treloar (VT)	Client Services Manager, Care Connect
	Dean Alexander (DA)	Program Manager, Inner North cohealth
	Elizabeth Perez (EP)	Wintringham General Manager of Housing
	Laurie Elliot (LE)	Local Resident
	Vincenza Fazzalori (VF)	Local Resident
	Greg Francis (GF)	Local Resident
	Lisa Greenfield (LG)	Local Resident
	Ruth Kyne (RK)	Local Resident
Guest	Jo Jones (JJ)	Team Leader, Care Connect
Apologies	Cr Jim Cusack	Councillor, MVCC
	Tony Ball (TB)	Director Community Services, MVCC
	Michael Deschepper (MD)	Chief Financial Officer, Wintringham
	Florence Kingsley-Matthews (FKM)	Local resident (representing Carers Victoria)

Order of Business

1. Welcome

The Chairperson welcomed all attendees to the meeting noting a good attendance.

2. Apologies

As noted above.

The Chairperson commented that MD will no longer be available to attend the meeting and has requested Elizabeth Perez attend on behalf of Wintringham.

Action: The quorum accepted this proposal without the usual formalities

The Chairperson welcomed E Perez to attend this and future meetings on Michael's behalf and preceded to give a brief overview of the Terms of Reference and the Disability Reference Group (DRG) history of achievements.

3. Declarations of Conflict of Interest

No declarations of a conflict of interest were received.

4. Attendance, Introduction and New Members

4.1 Welcome Members

As there are new members in attendance, the Chair undertook round table introductions.

4.2 Attendance and Introduction

An agenda item without notice has been requested to be mentioned in Item 7. Reports and Discussions.

Action: International Day of People with a Disability Theme for 2015 has been added.

5. Confirmation of Previous Minutes

The Committee accepted the Minutes of the Disability Reference Group held on 13 April 2015 as true and correct.

Moved: V Treloar

Seconded: V Fazzalori

Action: RM to email to email Governance with the approved minutes from 13 April 2015 meeting.

JK welcomed EP to the meeting and requested EP be included in the email correspondence list.

Action: RM to update.

6. Correspondence

The Chair raised the advocacy agenda. Monthly reports on advocacy are endorsed by council at monthly meetings to enable feedback to the group in a timely manner.

The Chair also commented on the Wintringham development of a Nursing Home aged care complex in North Road Avondale Heights, particularly being that is one of the nicest developments and the state of the art Disability features have been incorporate in the building was a phenomenal achievement.

7. Reports/Discussion

7.1 Home Share Presentation (VT & JJ)

JJ disseminated stress houses (squeeze house shaped stress balls) and brochures to the Group and presented a brief overview of the Home Share concept by point of items from the brochure.

Care Connect, a major secular community care provider work in conjunction with Spectrum Migrant CALD communities Preston who receives funding from the Commonwealth Government and Victorian Government under the HACC program. Assessments and screening is conducted for clients and participants, including police checks and working with children, for carers of the Home Share program.

The program attracts older frailer aged or women with disability without secure accommodation.

Following the presentation the floor was opened up for some Q&A.

Qu: What are the backups if the system breaks down or relationships don't work?

Ans: Negotiation between the parties occurs and time is given to source a new provider and the resident to move out.

Qu: What sort of reasons are given for the breakdown.

Ans: No one thing could be the cause, communications break down or people have needed to move into care could be some the contributing factors.

Qu: What are the obligations if emergencies occur overnight?

Ans: No personal care is given at all to the residents.

JJ is available through Care Connect to give a presentation if requested.

7.2 Disability Action Plan Update (CB)

Accessible and Adaptable Housing Plan was circulated at the last Disability Reference Group meeting, the next stage is for the plan to be taken to Council for endorsement.

CB will re circulate the strategy for the group to enable any comments to be incorporated before the item goes to Council.

Community Access: The Hearing Phone Loop is available at the front desk in Citizens Service area for people with hearing difficulties to utilise, the law is changing to ensure these aids are available everywhere, the latest update is the loops are now available for use in the courts process being that they are a vital part of communications.

HP working on Inclusive Practice Guide.

Action: CB will provide an update on these items again after the financial report 2014-2015 is completed.

7.3 Crown Street Stables Update (MW)

- 1 Year on
- AV equipment has been installed
- Regular programs are building
- Employment opportunities available
- Light up Crown Street event very successful
- One off Programs
- Community in the area show up to events that we host
- Newsletters have gone out to 500 resident in the area
- A preferred candidate for Café Management has been chosen to be announced in the next month
- Private functions have been booked in upstairs BYO
- Downstairs may be booked with our Kitchen Staff on hand for the duration
- Parking is an issue when there is an event at Show Ground, parking availability is being considered to make it easier if events clash for parking
- Bicycle racks are noted in the Activation Plan
- Money made by the Café is spent on the Café
- This financial year the Cafe has broken even
- Improvements are ongoing

Crown Street Project Officer has noted suggestions which are discussed regularly.

Upstairs has been fitted out with AV equipment and is available for meeting and conferences. We will accommodate if you require additional items for your function/ meeting.

The Chair indicated the lift will be paid for from money made by the Café, Council will not be paying for the lift to be installed at crown Street Stables Café.

Crown Street Stables has been noted as one of the biggest wins to the DRG and Council.

7.4 MV Facility Based Respite Proposal – Update (MW)

An overview of the program was presented.

The objective is to provide subsidised respite options for residents with a disability and their carers, increase respite options with the inclusion and use of private providers, subsidies to assist with the cost involved and generate a better understanding with easier access to available facilities.

We may be able to provide standardised funding – due to the varying costs from provider to provider it is not feasible to determine a fixed percentage rate of subsidy.

We will not be determining which facility or who the clients choose to stay with, it is up to the individual clients. New people to the service will need to be assessed.

An Audit trial would need to be established in order to acquit the funding and subsidies and Service Specific Assessments will be conducted prior to booking.

The Chair thanked MW, after 9 years there will be respite options available for the community to choose from.

Disability. Org Victoria is a major provider, the criteria is the provider must be a Registered Disability Service Provider based in Victoria.

After JK approves this initiative it will be circulated for all to access. This concept is still in the final stages of consultation within this group and the concept remains confidential.

NDIS has not offered or opened up any respite options. They still have not completed their draft plan.

Action: National Disability Service (NDS) details to be forwarded to JK from VT and NDS representative to be invited to the group and Council meeting.

MW was thanked by the Chair for all her efforts as this opportunity would not have come to the fore otherwise.

Action: 6 month and 12 month reporting to be presented by MW.

7.5 Moonee Valley, Hosting a Disability Forum (Chair)

JK advised that Moonee Valley will be hosting the forum bringing all the groups together inclusive of NDIS. Advocacy agenda to be presented as a voice for the Western Region.

JK will be presenting on the 17 July 2015 to the Western Region Community Services Directors and will keep all updated.

The Chair stated how very proud of the Disability Reference Group she was and MVCC is one of the few Municipalities who have a DRG.

It is anticipated the attendance for the forum will be large and probably be hosted at the Clocktower.

Tier 2 gap of people who will be missing out on services are those currently funded by HACC Aged Care which is a separate issue as this group focuses on disability.

Advocacy papers which help shape the DAP, address issues re employment, housing accessibility and how we support residents living in the west to have a voice, those comments assist the decisions makers make their decisions. The end result would be a report to be consolidated for state and federal government.

Action: This item is to stay on the agenda to keep track of developments.

7.6 Accessible Parking Review (CB)

1646 responses were received with the data completely entered last Friday 26 June 2015.

CB gave an overview of ratios and disseminated the report to the DRG.

- Parking Study will be presented to Council in September this year representing decades of work
- Permits to be reviewed more rigorously
- Misuse of permits identified
- Auditing of spaces has been completed
- A draft will be prepared tomorrow

Action: CB to report back at the completion of the draft report.

Focus Group:

- Ratios of bays has been determined proportionally
- Enforcement of the new parking bays will also be addressed
- 96% of stickers issued are the blue disable parking stickers – which were assessed by information supplied not on the resident requests

The Chair enquired about timing in the designated parking bays in the principal activity centres as the duration of parking should be timed.

The survey also asked how long the persons usually parks for.

The Chair commented it's a great plan and good work has been done but the concept has to be fair to all people and the parking needs to be timed.

7.7 Item without Notice – International Day of PWD (HP)

This project aims to deliver a program of events, delivered by both Council and the local community, as a part of International Day of People with Disability (IDPwD). The project has a number of objectives including:

- Delivering a volunteering, employment and education Expo at Clocktower centre
- Information session on the National Disability Insurance Scheme (NDIS)
- Hosting an Inclusive children's fair at Crown Street Stables with West Side Circus, Active Utility and Inside the Brick (Lego Workshop).

These events will highlight opportunities and information for local residents with disability and their carers, showcase local community groups and celebrate diversity in our municipality.

8. General Business

8.1 East Keilor Leisure Centre

The Chair requested the East Keilor Leisure Centre be deferred. Council will be asked to look at a plan for the redevelopment of the Centre following a feasibility study and key areas for improvement are added.

- Disability Access
- Accessible Parking
- Opportunity
- Access for the Elderly Young and PWD – in and out of the water
- Accessible Change Rooms
- Concept plan 1a costed at 40M

Sue Hecker (Mgr, Leisure & Open Spaces) is clear about the project as the project manager.

The Chair commented that the information was not adequate in the report and requested a deeper incite as to what is happening in other areas, apart from accessibility, a long term asset management plan connected to a finance plan is required.

Australian Standards is not a good enough benchmark to proceed at rate payer's expense.

EP advised that Summer Foundation also work with TAC and have advisory services. Please refer to Summer Foundation - Contact-us.

The Chair requested to view the information.

RK commented that the tender process should also include prices. The Chair replied indicating the tender prices are not offered by the supplier.

Tender come in according to what we require based on the feasibility study and quote based on what Council requests, the tender cannot add or change anything.

8.2 Urban Strategy

Treating Green Areas for all to enjoy. Environmental issues are treated as they provide sensory benefits to the community.

Action: Incorporate disability as a priority in the feasibility study – next scheduled meeting. What the Feasibility Study produce's based on the outcomes, will then be presented to Council.

8.3 Contact Number

LE commented on the phone number 9254 8888 which selection for extension options has now changed and is a little trickier to use.

Action: RM to provide LE with the A&D phone number, 9243 8748.

8.4 Change of date for August meeting

Monday 31 August 2015 has been selected as the next DRG meeting.

9. Close of Meeting / Next Meeting

The meeting closed at 5.50pm.

Next meeting is 31 August 2015 at 4pm at Moonee Valley City Council.

City of Moonee Valley

Strategic Planning Advisory Committee

Minutes

MEETING #4
held Thursday, 18 June 2015 at 6.00pm
Committee Room (Level 2), Moonee Valley City Centre,
9 Kellaway Ave, Moonee Ponds

Attendees	Cr Nicole Marshall	Chairperson
	Cr Andrea Surace	Deputy Chairperson
	Adam Wojcik	Community member
	Andrew Gunter	Community member
	Chris Macdonald	Community member
	Kristen Bell	Community member
	Maria Loiacono	Community member
	Peter Burke	Community member
	Peter Leyden	Community member
	Senka Sestan	Community member
	Steven Zebic	Community member
	Jennifer Nola	Community member
	Bryan Lancaster	Director, City Work and Development
	Henry Bezuidenhout	Manager, Strategic & Statutory Planning
	Bridget Maplestone	Principal Planner, Strategic Planning
	Janine Speedy	Senior Planner, Strategic Planning
	Anabel Adler	Urban Design, Strategic Planning
External Presenters	Sheryl Upton	Sheryl Upton Real Estate
Apologies	Cr Narelle Sharpe	Deputy Chairperson
	Cr Shirley Cornish Lisa Dunlop Charles Sowerwine Paul Bird Anastasia Georgiou	Deputy Chairperson Coordinator, Strategic Planning Community member Community member Community member

Order of Business

1.1 Welcome

Cr Marshall assumed the role of Chairperson for the evening.

Cr Marshall opened the meeting at 6.05pm and welcomed members.

1.2 Matters arising from minutes and confirmation of minutes

Bryan Lancaster was shown on the minutes to be both an apology and in attendance. The minutes will be updated to only be an apology.

Moved by Kirsten Bell, seconded by Maria Loiacono that the Minutes of the Strategic Planning Advisory Committee held on Thursday, 16 April (meeting #3) be confirmed.

Outstanding matters from the minutes on 16 April:

- Kristen Bell provided examples of good building design which will be distributed to all members. To discuss at next meeting
- The frequency of meetings was discussed and will increase to every 6 weeks (instead of every 8 weeks), with the meeting time reduced from 2 to 1.5 hours. The meetings will remain on a Thursday, with the next meeting scheduled for the 30 July.
- List of planning terms to be provided at the next meeting.

1.3 Discussion of meeting frequency

Discussed above.

1.4 Declaration of Conflicts of interest

Nil.

1.5 Presentations from Committee Members

Kristen Bell – Public Transport Accessibility and Housing Location

- We currently treat all modes of transport and transport routes the same.
- For example bus routes can differ dramatically in their frequency.
- SNAMUTS is a tool used to show connectivity of public transport. It concentrates on public transport and doesn't include walking and cycling.
- Local Council's currently have little power on routes and frequency and can only advocate with State Government for improved services.
- Councils can do surveys to advocate to Public Transport Victoria (PTV) where public transport improvements need to be made.
- There is currently a need to have better connections between public transport nodes. Some routes and timetables do not fit in well with each other, which often results in long and unnecessary waiting times.

- There is a need for planning for new residences to match with public transport. For example higher density should not be encouraged where there is a bus route that is infrequent or does not run every day.
- PTV does have service planning where they work through each municipality.

ACTION: *Presentation to be circulated*

** Cr Surace arrived – 6.30pm*

1.6 Update on Housing Strategy Preparation and Consultation

- Consultation on the Issues and Opportunities Paper for the Housing Strategy occurred between 20 April and 5 June.
- Some of the comments which came through during the consultation process were that:
    - Affordability was a big issue for younger people and first home buyers.
    - A number of residents wanted to or felt they would need to downsize in the future.
    - Residents like living in Moonee Valley.
    - People are willing to compromise on things like having a large backyard for more convenient locations.
    - Common issues were overdevelopment and traffic and parking.
    - Clear variations exist in what individuals consider to be good and bad development.
- A Council report will now go back to Council providing feedback on the consultation process, comments received and the next steps.
- Council officers will then prepare the draft Housing Strategy including mapping areas of housing change.
- Council will appoint a consultant to peer review the draft Housing Strategy and to also look at whether schedules are appropriate in relation to the residential zones.

ACTION: *Council to check that Save Moonee Ponds were advised of the consultation.*

1.7 Metropolitan Planning Levy Update

- State Government have introduced a new Metropolitan Planning Levy (MPL) for any development over $1 million.
- The levy commences from 1 July 2015.
- The Metro Planning Levy will charge $1.30 for every $1,000 of the estimated cost of the development. For example a $2,357,000 project will pay $3064.10 to State Government.
- A developer who wishes to undertake a development over $1 million must pay the fee and obtain a certificate before lodging an application with Council.
- It is not clear on if or how this will affect housing.

- It is also unclear where this money will be spent, it only generally states the money will be spent on Plan Melbourne.

ACTION: *Council to prepare an email update to the group.*

1.8 Presentation from Sheryl Upton (Director and Licensed Estate Agent) from Paul McDonald real estate

1.8.1 Sheryl provided an overview of her experience as a real estate agent over the last 10 days

Sheryl has been working in Moonee Valley for 25 years and is also a resident and ratepayer of the municipality.

She provided real life examples of the housing market, providing a unique insight into the buyer and seller market within Moonee Valley.

Examples were given showing how fragmented the housing market is having:

- Sold two houses in Essendon for $2 million plus. The owners were selling to downsize and buyers to upsize.
- Sold a townhouse prior to going to auction because there was only one buyer even though it was in a good location (close to trams and trains).

- There is a large market in the municipality for single older ladies to both buy and rent.
- She gave an example of an elderly lady who has just been given notice to leave her rental house after 18 years, can't afford to move with a budget of only $150, there are no rentals available at this price.
- Apartments in certain developments make it hard to find good tenants, if they are badly designed with no natural light and dark hallways. These maybe affordable to buy but not great quality to rent.
- There is currently an oversupply of two bedroom apartments for rent in certain areas.
- Rental apartments can have a high turnover, especially if not well designed.
- There are some commercial properties that have been vacant for 12 months. In some of these instances the large commercial floor space should be carved up to provide for smaller businesses, which can also make an area more vibrant.
- There are also some commercial properties where the rent is extremely high, landlords are starting to reduce these rents.
- There is still a high demand for small commercial spaces.
- The younger demographic in search of a one bedroom apartment are not willing to go north of Puckle Street.
- Moonee Valley has few sizeable apartments.
- It is increasingly hard to find houses for rent as investors don't want to buy them. This means that more and more families can't find affordable accommodation as there is no stock available.
- The public transport hierarchy for buyers is 1) train, 2) tram, 3) bus.

- Good apartments:
    - Sunlight, storage cages, building quality, sound proofing.
    - Over 75-80 square metres.
- Bad apartments:
    - 65 square metres is too small, large body corporate fees, problems with leaking.
- Not having carparks is ok for young people as long as there is a flexi car and good public transport.
- Very few apartments available for residents to downsize.
- Apartments are often not big enough families.
- She doesn't met many first home buyers anymore.

1.9 Update on State Government release of Better Apartment Discussion Paper

1.9.1 Anabel Adler provided a brief overview of the Discussion Paper

- State Government has released *Better Apartments – a discussion paper*.
- *Better Apartments – a discussion paper* focuses on how we can ensure the spaces within an apartment match peoples' needs and expectations.
- The Discussion Paper identifies 14 themes which are:
    - Daylight – lack of adequate natural light within the apartment.
    - Sunlight: - lack of controlled sunlight access to apartments
    - Space – apartments are too small or poorly planned.
    - Outlook – achieving a quality outlook from all apartments.
    - Natural Ventilation – lack of adequate ventilation of apartments.
    - Noise – external noise and acoustic privacy.
    - Outdoor space – access to outdoor space from apartments.
    - Adaptability – apartment building will last a long time but are difficult to modify once built.
    - Landscape – intensive urban development affects the landscape.
    - Universal design – apartments are not suited to people of all ages and abilities.
    - Energy and resources – design of apartment buildings affects household energy and resource consumption.
    - Waste – household waste management is reliant on building-wide systems.
    - Car parking – impact of on-site car parking provision on building design.
    - Entry and circulation – poorly defined entrances, inactive building frontage, long internal corridors.
- Survey responses and submissions are due by 31 July 2015.

- The potential methods to implement the discussion paper are:
    - Regulatory based (mandate minimum standards)
    - Performance based (objectives, standards and decision guidelines)
    - Policy based (guide to good practice)
    - Market based (consumers' guide and publication defining good design)

1.9.2 Group Discussion on Better Apartments Discussion Paper

- Apartments often don't have good heating. There are no standards for well heated housing. Apartments overseas do this well.
- An option to encourage better designs would be to have differential rates. Less rates for good design, more rates for bad design. The Local Government Act has restrictions around this, therefore very hard to achieve differential rates.
- An option is to approve a building envelope and subdivide the areas inside and leave to the buyer to fit out. This can potentially reduce costs to buyers.
- There are also the mental health issues surrounding apartments, community feel can often be lost in high rises. On the other hand communal space within an apartment can encourage community.
- There is potential that the discussion paper will be caught up in the affordability debate and not go any further.

1.10 Close Meeting and Reflections

ACTIONS:

- *If other committee members want to present at the next meeting to notify Christina Serruto. A reminder will also be sent closer to the date.*

Outstanding Action Items from 19 February 2015 meeting:

- *Council to provide a list of planning terms – review whether this is needed, and which terms, at next meeting.*

Meeting closed at 8.05pm.

The next meeting will be on **Thursday, 30 July 6pm-7.30pm** at the Moonee Valley Civic Centre.

NOTICES OF MOTION

10.1 Notice of Motion 2015/21 - Kindergarten in Moonee Ponds

File No: FOL/15/590

From: Councillor Nicole Marshall

Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 22 September 2015 it is my intention to move:

That Council receive a report in relation to the provision of a kindergarten located in Moonee Ponds, such report to address all relevant considerations, including, without limitation:

a) Details of where Moonee Ponds' families are enrolling their children in kindergarten given the lack of kindergarten located in Moonee Ponds;

b) Current and projected demand for kindergarten places from Moonee Ponds families, in light of the significant growth projected for Moonee Ponds;

c) Potential locations of a kindergarten and timeframes as to when a kindergarten is likely to be provided in Moonee Ponds; and

d) Funding and partnering options available in relation to the provision of a kindergarten in Moonee Ponds.

Officer Comments

As a component of Council's facility planning process, officers are currently reviewing kindergarten provision through an asset precinct planning process. This planning will accommodate provision of Kindergartens through to 2030. As such a report to Council can be provided within the second quarter of the 2015/16 financial year.