



Ordinary Meeting of Council

Tuesday, 27 January 2015 at 7.00pm

Agenda

Ordinary Meeting of Council

Tuesday, 27 January 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 Neville Smith Chief Executive

Mr Tony Ball Director Community Services

Mr Bryan Lancaster Director City Works & Development

Mr Carey Patterson Acting Director Corporate Services

Mr Scott Widdicombe Director Environment & Lifestyle

Mr Troy Delia Acting Manager Governance & Local Laws

Business:

1. Opening

2. Apologies

3. Confirmation of Minutes

Ordinary Meeting of Council held on Tuesday, 16 December 2014.

4. Declarations of Conflict of Interest

5. Presentations

6. Petitions and Joint Letters

7. Public Question Time

8. Reports by Mayor and Councillors

File No. FOL/12/1435

Written and verbal reports presented to the Council by the Mayor and Councillors

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Recommendation

That reports by the Mayor and Councillors be received.

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NEVILLE SMITH
Chief Executive

8. REPORT BY MAYOR AND COUNCILLORS

8.1 Report by Mayor, Councillor Sharpe

- | | |
|------------------|---|
| 10 December 2014 | Attended official opening of Asylum Seeker Resource Centre Home of Hope

Chaired Briefing and Consultation meeting in relation to 3 Wood Street, Strathmore

Attended College Presentation Night hosted by Essendon Keilor College |
| 11 December 2014 | Attended Bowes Avenue Christmas Party

Officiated at end of year Volunteer Celebrations Event at Flemington Community Centre

Chaired Chief Executive Performance Review Special Committee Meeting |
| 12 December 2014 | Chaired 2015 Mayoral Bowls meeting with Bowls Clubs Representatives

Officiated at International Day of People with Disability event - The Lego movie - in Queens Park |
| 14 December 2014 | Attended Ascot Vale Italian Senior Citizens Christmas luncheon at Ascot Vale Neighbourhood Centre |
| 15 December 2014 | Attended Children's Services Skills Gap Training Program Graduation Ceremony at Flemington Community Centre

Attended Bully Zero Australia Foundation 24 Hour Hotline Launch |
| 16 December 2014 | Attended meeting with Essendon District Football League representatives

Briefing in relation to Early Years Reference Group
Meeting with Manager Family and Children's Services
Hosted Mirabella/Staff Christmas Charity Morning Tea
Chaired Early Years Reference Group Meeting
Officiated at final Morning Music show

Meeting with resident in relation to Town Planning issue with Director City Works and Development

Meeting with fellow Councillors in relation to 2015 International Women's Day event

Chaired Ordinary Meeting of Council |
| 17 December 2014 | Attended Christmas function hosted by Rotary Club of Flemington |

- | | |
|------------------|--|
| 18 December 2014 | Participated in Advanced Women in Leadership Program Coaching Session

Attended Inaugural Life Membership Award Ceremony at Ascot Vale Leisure Centre

Meeting with Manager Arts & Culture in relation to 2015 Champagne Breakfast

Officiated at Strathnaver Pavilion Opening, Strathmore |
| 21 December 2014 | Attended Essendon Italian Senior Citizens Club Christmas Luncheon at Moonee Ponds Bowling Club |
| 24 December 2014 | Attended Staff Christmas Luncheon at Moonee Ponds Bowling Club |

8.2 Report by Deputy Mayor, Councillor Nation

- | | |
|--------------------------------------|---|
| 11 December 2014 | Attended Chief Executive Performance Review Special Committee Meeting |
| 12 December 2014 | Launched the Leisure and Lifestyle Exhibition at the Incinerator Gallery on behalf of the Mayor |
| 13 December 2014 | Attended meeting with resident regarding removal of tree, Moonee Ponds |
| 16 December 2014 | Attended Ordinary Meeting of Council |
| 18 December 2014 | Attended meeting with business owner regarding graffiti damage to property, Essendon North |
| 23 December 2014 | Attended meeting with resident regarding traffic issues at the Enclave Estate, Ascot Vale |
| 24 December 2014 | Attended Staff Christmas Luncheon at Moonee Ponds Bowling Club |
| 25 December 2014
– 6 January 2015 | Absent on vacation |

8.3 Report by Councillor Chantry

- | | |
|------------------|---|
| 10 December 2014 | Attended Community Aviation Consultation Group Meeting |
| 11 December 2014 | Attended Chief Executive Performance Review Special Committee Meeting |
| 12 December 2014 | Attended Leisure and Lifestyle Exhibition at Incinerator Gallery |
| 15 December 2014 | Chaired 2015 Anzac Centenary Celebration Meeting |
| 16 December 2014 | Attended Ordinary Meeting of Council |

8.4 Report by Councillor Cornish

10 December 2014 Verbal Report
– 6 January 2015

8.5 Report by Councillor Cusack

10 December 2014 Attended LeadWest Board Meeting
Attended Consultation Briefing and Meeting in relation to
11-17 Holmes Road, Moonee Ponds

11 December 2014 Attended Liquica District Partnership Working Group
Meeting
Attended Chief Executive Performance Review Special
Committee Meeting

15 December 2014 Attended Workshop - 2015 ANZAC Centenary
Celebration Meeting

16 December 2014 Attended Ordinary Meeting of Council

17 December 2014 Attended Christmas function hosted by Rotary Club of
Flemington

19 December 2014 Attended meeting with resident to discuss planning
application for 69 Waltham Street, Flemington

20 December 2014 Attended Christmas Function – Moonee Valley Sports
Club

21 December 2014 Attended meeting with President Flemington/Kensington
RSL to discuss 2015 ANZAC Day commemoration

22 December 2014 Attended meeting with Moonee Valley Trader to discuss
Sunday Market proposal

8.6 Report by Councillor Giuliano

10 December 2014 Verbal Report
– 6 January 2015

8.7 Report by Councillor Marshall

10 December 2014 Attended Flemington Neighbourhood Renewal Board
Meeting at Flemington Community Centre
Attended Consultation Briefing and Meeting in relation to
11-17 Holmes Road, Moonee Ponds

11 December 2014	Attended Chief Executive Performance Review Special Committee Meeting
16 December 2014	Attended Early Years Reference Group Meeting Attended Western Melbourne Tourism Organisational Performance Working Group meeting Attended meeting with fellow Councillors in relation to 2015 International Women's Day event Attended Ordinary Meeting of Council
17 December 2014	Attended Christmas function hosted by Rotary Club of Flemington
Throughout reporting period	Attended various meetings with community members

8.8 Report by Councillor Sipek

10 December 2014	Attended 2014 Sports Academy Awards Night at Moonee Valley Racing Club
11 December 2014	Attended Chief Executive Performance Review Special Committee Meeting
12 December 2014	Attended Leisure and Lifestyle Exhibition at Incinerator Gallery
13 December 2014	Meeting with Keilor East residents
16 December 2014	Attended Ordinary Meeting of Council
18 December 2014	Attended Strathnaver Pavilion Opening, Strathmore

8.9 Report by Councillor Surace

10 December 2014 - 6 January, 2015	Verbal Report
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REPORTS

9.1 31 Moonee Street, Ascot Vale (Lot 1 on TP394299D) - Construction of five dwellings and a reduction in car parking requirements

File No: MV/499/2014
Author: Principal Town Planner
Directorate: City Works & Development
Ward: Myrnong

Proposal	<ul style="list-style-type: none">• Five double storey dwellings• Reduction of one car parking space
Applicant	Summerhill Drafting Service Pty Ltd
Owner	P & M Vorpasso, C La Porta and C Parisi
Planning Scheme Controls	<ul style="list-style-type: none">• General Residential Zone• No overlays
Planning Permit Requirement	Clause 32.08-4 – Construction of two or more dwellings on a lot Clause 52.06-3 – Reduction in car parking requirements
Car Parking Requirements (Clause 52.06)	Required: 9 car spaces Provided: 8 car spaces
Restrictive Covenants	None
Easements	None
Site Area	803 square metres
Number Of Objections	22
Consultation Meeting	12 November 2014

Executive Summary

- The application seeks planning approval for the construction of five double storey dwellings and a reduction of one car parking space.
- The site has an area of 803 square metres and is located on the southern side of Moonee Street, Ascot Vale. The site comprises an existing single storey brick dwelling.
- The application was advertised and 22 objections were received. The concerns raised related to overdevelopment, neighbourhood character, visual bulk/mass, car parking, traffic, noise, overlooking, overshadowing, access to daylight/sunlight, height, demolition of the existing dwelling, safety concerning school children, colour of the proposed driveway, provision of bins, lack of landscaping/gardens, setting a precedent, reduction in property values and errors on the plans/documents submitted.
- A Consultation Meeting was held on 12 November 2014, attended by Councillor Cusack, Councillor Marshall, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting. However, revised plans (Revision D dated 21/11/14) showing changes to the internal layout and external design of the dwellings were submitted to Council on 26 November 2014 to address concerns raised by objectors and Council's Traffic and Transportation Unit.
- The application was internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit and Environmental Sustainable Development (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/499/2014 for the construction of five dwellings at No.31 Moonee Street, Ascot Vale (Lot 1 on TP394299D), 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 deletion of a bedroom to Dwelling 3, lower roof pitches, changes to the shared accessway and modified terrace privacy screens in accordance with revised floor and elevation plans dated 21 November 2014 (Revision D).
 - b) The existing restricted parking sign within the Dwelling 1 crossover relocated 1.0 metre west from the edge of this crossover.
 - c) The existing crossover relocated west and constructed as a double crossover with No.33A Moonee Street, Ascot Vale. This crossover is to be 3.0 metres in width at the front property boundary with landscaping, nature strip, kerb and channel modified accordingly.
 - d) Pedestrian visibility splays in accordance with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme clearly shown on the ground floor plan.
 - e) The provision of 300mm trench grates in front of the garages associated with Dwellings 1 and 5.
 - f) The incorporation of skylights into the Dwelling 3 roof above the first floor living areas.
 - g) The first floor east-facing terrace screening of Dwelling 1 set back in accordance with the requirements of Clause 55.04-1 (Side and Rear Setbacks) of the Moonee Valley Planning Scheme.
 - h) Provision of a suitable front fence in accordance with the 'Garden Suburban 1' precinct profile.
 - i) A detailed elevation plan of the front fence.
 - j) The deletion of the pedestrian access point between Bedroom 2 and the garage for Dwelling 2.
 - k) A colour and material schedule in accordance with revised 'materials/finishes schedule' dated 21 November 2014 (Revision D).

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, 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.

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.
 - 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.

5. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
6. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
7. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
8. The privacy screens / obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the buildings.
9. The car parking areas and access ways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and must be properly constructed, surfaced, drained and line-marked (where applicable). The car park area and driveways must be maintained to the satisfaction of the Responsible Authority.
10. 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.

11. 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.
12. 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.
13. Stormwater runoff from the development shall drain via an underground system and discharge to the kerb and channel in front of the property. If discharge to the kerb and channel via gravity is not possible, the discharge to the kerb and channel in front of the property will need to be via a dual pump system in accordance with AS3500.3.2. 1998, Section 9.

A drainage layout plan prepared by a Civil Engineer together with computations, indicating the pump specifications and location is to be submitted to and approved by the Responsible Authority prior to the commencement of any buildings and works (including drainage). All costs associated with the preparation of the plan and installation and construction of the required drainage works must be borne by the permit holder.

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 a minimum of two (2) canopy trees within the front setback, 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. Provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.
- 19. 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.
- 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 the 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; $C=0.4$, $t_c=5\text{mins}$, 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.
- The pump system is to be in accordance with AS3500.3:2003 Section 9 and is to be installed by suitable qualified persons.
- Council will not be responsible for any damage to the property or neighbouring properties in the event that the pump system fails due to mechanical failure, exceedance of maximum design rainfall or otherwise. Property owner/s may face liability for any damage to neighbouring properties as a result of such failure.
- The use of an underground pump system is only considered an interim measure. Should an easement drain be constructed in future, the owner would be required to contribute to the cost of the construction of an easement drain.
- 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 site is located on the southern side of Moonee Street, Ascot Vale. The site is regular in shape with a frontage to Moonee Street of 19.28 metres and a maximum depth of 41.67 metres resulting in a total area of 803m².

The land has an approximate 1.0 metre fall from the north-east of the site to the south-west.

There appears to be no restrictions or easements on the Certificate of Title provided.

The site comprises a single storey brick dwelling and associated outbuildings. The existing dwelling has a front setback of 8.1 metres. Vehicle access is obtained from an existing crossover to the north-west along Moonee Street. There is no significant landscaping or vegetation on the subject site and there are no street trees located at the front of the site.



Figure 2 – Subject site (No.31 Moonee Street, Ascot Vale)

The surrounding area is comprised of predominantly residential zoned land used and developed for residential purposes. The subject site is located directly opposite Ascot Vale Primary School and is within close proximity of arterial roads, public transport options and local businesses. The built form within the immediate vicinity is predominantly single storey, with examples of multi-dwelling and multi-storey developments evident nearby. The built form found within the immediate vicinity is predominantly traditional in style and character, comprising of brick, render and weatherboard dwellings with pitched tiled roofing.

1.2 Proposal

It is proposed to construct five double storey dwellings with a reduction of one car parking space. The proposal can be summarised as follows:

Table 1

No. of dwellings	5
No. of car spaces	8
Max. building height	8.11 metres
Site coverage	55.36%
Permeability	20.98%

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

It is noted that revised floor and elevation plans (Revision D dated 21/11/14) were received by Council following the Consultation Meeting held on 12 November 2014. The revised plans demonstrate:

- The deletion of one bedroom associated with Dwelling 3, and therefore adequate car parking requirements in accordance with Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme;
- The incorporation of permeable paving into the shared vehicle accessway, increasing overall site permeability to 27.90% in lieu of 20.98%;
- The shared vehicle accessway to be natural grey in colour in lieu of charcoal;
- The roof pitch to be 20 degrees in lieu of 22.5 degrees, reducing the maximum overall building height by 0.25 metres;
- All first floor terrace privacy screens increased to 2.0 metres in height and modified to vertical wall gardens, with the Dwelling 2 west facing terrace screen to be obscured glass; and
- The provision of all air-conditioning condenser units at ground level.

The revised plans address concerns raised by objectors and Council's Traffic and Transportation Unit and are to be included as a condition on any permit granted accordingly (refer to **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 21.01	Municipal Profile – Moonee Valley Today
Clause 21.02	Vision – Moonee Valley Tomorrow
Clause 21.04	Housing
Clause 21.05	Built Environment
Clause 22.03	Stormwater Management (Water Sensitive Urban Design)

Zoning

Clause 32.08	General Residential Zone
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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 standard conditions.

- Traffic and Transportation Unit

- The existing “P 7am-7pm Mon-Sun, Permit Zone All other times” parking sign is on the proposed crossover of Dwelling 1. This sign needs to be relocated 1m west from the proposed crossover as shown on the plan.
- The north-west crossover should be converted to a double crossing with the adjacent crossover associated with No.33A Moonee Street.
- The applicant needs to demonstrate the vehicles exiting the garage of Dwelling 5 and visitor parking space in a forward direction on plan.
- New crossovers need to be constructed in accordance with Council’s vehicle crossing policy.
- Dwelling 3 is comprised of three bedrooms. Two vehicle spaces must be provided on site in accordance with Clause 52.06-5. Alternatively, the applicant can reduce the size of the development to a two bedroom dwelling accommodating one vehicle space as provided on the plan.
- A corner splay/pedestrian sight triangle must be provided on the west side of the proposed Dwelling 1 accessway, extending at least 2 metres along the frontage road from the edge of the exit lane and 2.5 metres along the exit lane from the frontage. The proposed vegetation must be below 900mm in height within the corner splay/pedestrian sight triangle area.

It is noted that revised plans (Revision D dated 21/11/14) submitted to Council on 26 November 2014 address a number of the above recommendations. These revised plans and the remaining traffic requirements are to be included as conditions on any permit granted.

- 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 one notice erected on site for 14 days.

As a result, twenty-two (22) 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 12 November 2014, attended by Councillor Cusack, Councillor Marshall, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting. However, revised plans were submitted to Council on 26 November 2014 to address concerns raised by objectors and Council's Traffic and Transportation Unit.

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. 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 21.04 (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 strategies of Clause 21.05-3 (Urban Design). A number of the objectives and strategies appear to overlap with those contained within the neighbourhood character precinct profile and ResCode and therefore the key concepts of Clause 21.05-3 (Urban Design) are discussed below in Section 3.3.

The proposal complies with Clause 22.03 Stormwater Management (Water Sensitive Urban Design) and meets the required on-site stormwater treatment as demonstrated by achieving at least 100% on the STORM Rating Report.

3.3 Neighbourhood Character Guidelines

The subject land is identified as being within character area 'Garden Suburban 1'.

It is considered that the development provides a suitable response to the preferred character statement of Garden Suburban 1 within the Neighbourhood Character Precinct Profiles 2012 as follows:

Table 2

Siting and Building Envelope	Has a street setback which complements predominant setbacks found within the immediate streetscape. Is set off one side boundary. Building envelope similar to other medium density style developments within the immediate area.
Built Form	Predominantly traditional elements with regard to roof styles and building materials, finishes and colours complementing existing dwellings within the streetscape. Well-articulated on each elevation. Is responsive to existing and emerging building heights within the area. It is also noted that double storey dwellings are considered to be typical to residential streetscapes.
Design Detail	A mix of brick and lightweight materials which are considered to be characteristic of traditional dwellings in the area. Windows have been provided along the street front to ensure surveillance of the street is achieved.
Landscaping and front fencing	The development is set off one side boundary and is provided with landscaped front yards to Dwellings 1 and 2. A low front fence is required to complement the predominant and preferred neighbourhood character, which will ensure views of front gardens are maintained. This is to be a condition on any permit granted.

3.4 Compliance with Clause 52.06 (Car Parking)

The proposal includes a reduction in car parking requirements, as set out in the table below:

Table 3

Unit	Requires	Provides
5 Dwellings (3 x 3 bedrooms and 2 x 2 bedrooms)	8	7
Residential visitors	1	1
Total	9	8

As discussed under Section 2.3 of this report, Council's Traffic and Transportation Unit require changes to the plans, which are to be included as conditions on any permit granted. Importantly, Dwelling 3 is to be modified to provide two bedrooms in lieu of three bedrooms in order to meet the car parking requirements on site. This is shown on revised plans (Revision D dated 21/11/14) at **Appendix D** (separately circulated) which are to be included as a condition on any permit granted.

The conversion of the existing crossover to a double crossover with the adjacent crossover associated with 33A Moonee Street to the north-west would provide additional space at the front of the site to comfortably allow for two on-street car parking spaces. This would maximise the retention of on-street car parking spaces along Moonee Street, and is to be a condition on any permit granted accordingly.

It is not anticipated that the proposed development will generate a cumulative impact or have an adverse effect on the local or arterial road network.

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** 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	<p>Dwellings 1 and 2 are proposed to be set back a minimum of 6.52 metres and 6.86 metres respectively from the Moonee Street frontage.</p> <p>Under this standard the required front setback should be a minimum of 8.20 metres. Therefore the proposal does not comply with the requirements of this standard.</p> <p>However, the two adjoining properties directly to the east and west of the subject site are considered to be anomalies within the broader streetscape, where street setbacks typically range from 4.0 to 6.20 metres.</p>
Clause 55.03-5 (Standard B10) Energy Efficiency	<p>There are no north facing windows to the main living area of Dwelling 3, therefore it is considered that skylights should be incorporated into the roof to make appropriate use of daylight and solar energy. This is to be a condition on any permit granted.</p>
Clause 55.03-8 (Standard B13) Landscaping	<p>A professional landscape plan will need to be provided, with at least two canopy trees within the front setback area of Dwellings 1 and 2, and this is to be a condition on any permit granted.</p>
Clause 55.03-10 (Standard B15) Parking Location	<p>The ground floor west facing 'Bedroom 1' and 'Bedroom 2' windows of Dwelling 2, the ground floor west facing 'Bedroom 1' window of Dwelling 3 and the ground floor north facing 'Bedroom 1' window of Dwelling 5 do not meet the setback requirements of this standard. However, these windows are double</p>

	glazed to reduce potential noise impacts from vehicles using the shared accessway, which is considered appropriate in this instance.
Clause 55.04-1 (Standard B17) Side and Rear Setbacks	There is a 0.16m non-compliance with the first floor east facing terrace screening of Dwelling 1. This terrace screen is to be set back in accordance with the requirements of this standard to minimise any potential impacts on the amenity of the adjoining property to the east, and this is to be a condition on any permit granted.
Clause 55.05-4 (Standard B28) Private Open Space	Each dwelling is provided with a balcony of at least 8m ² with a minimum width of 1.6 metres and convenient access from a living room. First floor terrace areas are considered an appropriate form of secluded private open space in this instance as they allow each dwelling to have maximum exposure to northern sunlight, and therefore a high level of energy efficiency and internal amenity. Furthermore each dwelling is relatively modest in size, with two of the dwellings comprising two bedrooms, and therefore would have less of a demand for private open space than larger dwellings with more occupants.
Clause 55.06-2 (Standard B32) Front Fences	No front fence is proposed. This is not considered suitable to the streetscape where low to medium height front fences form part of the predominant neighbourhood character. Therefore, a low scale front fence suitable to the character of the area is to be included as a condition on any permit granted.

3.6 Objections

Table 5

Issue	Officer Response
Overdevelopment / high density	This is considered acceptable as discussed within Sections 3.1, 3.2, 3.3 and 3.5 of this report. It is also noted that the proposed dwellings meet the requirements of Clause 55.03-3 (Site Coverage) and Clause 55.03-4 (Permeability), which demonstrates an acceptable level of built form on the subject site.
Neighbourhood character / building design	This is considered acceptable as discussed within Sections 3.2 and 3.3 of this report.
Visual bulk / double storey / height	This is considered acceptable as discussed within Sections 3.2, 3.3 and 3.5 of this report. The proposed development meets the height requirements of

	<p>Clause 55.03-2 (Building Height) of the Moonee Valley Planning Scheme. It is noted that double storey dwellings are considered typical to a residential streetscape, and the proposed dwellings do not exhibit excessive visual bulk/mass above and beyond that of other double storey dwellings. The upper floor components have been designed with good visual separation and gaps, as well as adequate setbacks from the more sensitive interfaces to the east and west. This is considered to be a good design response to the opportunities and constraints of the subject site.</p>
<p>Car parking / traffic impacts / safety concerns with school children</p>	<p>This is considered acceptable as discussed within Sections 2.3 and 3.4 of this report, subject to the inclusion of revised plans (Revision D dated 21/11/14) as a condition on any permit granted. The revised plans provide adequate car parking on site in accordance with recommendations from Council's Traffic and Transportation Unit.</p> <p>It is noted that pedestrian safety will not be significantly compromised as vehicles associated with the shared internal accessway will be able to egress in a forward direction and pedestrian visibility splays will be provided alongside each accessway in accordance with the requirements of Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme. Pedestrians will have to exercise the same level of caution approaching these vehicle accessways as any other accessway associated with a dwelling or residential development.</p>
<p>Noise</p>	<p>The proposed dwellings meet the requirements of Clause 55.04-8 (Noise Impacts) of the Moonee Valley Planning Scheme. It is noted that there are specific Local Laws and EPA noise guidelines that control nuisance and excessive noise within residential areas, which are applicable to all residential properties.</p> <p>However, the revised plans (Revision D dated 21/11/14) demonstrate improved noise attenuation to all first floor terrace areas by increasing the height of privacy screens to 2.0 metres with a modified solid vertical wall garden design, and the provision of 2.0 metre high obscured glass to the west facing terrace screen associated with Dwelling 2. The revised plans are to be included as a condition on any permit granted.</p>

Overlooking / loss of privacy	<p>The proposed dwellings meet the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.</p> <p>However, the revised plans (Revision D dated 21/11/14) demonstrate improved privacy protection to adjoining properties as all first floor terrace privacy screens have been increased in height to 2.0 metres in lieu of the required 1.7 metres under ResCode. The revised plans are to be included as a condition on any permit granted.</p>
Overshadowing / access to daylight	<p>The proposed development meets the requirements of Clause 55.04-5 (Overshadowing Open Space) and Clause 55.04-3 (Daylight to Existing Windows) of the Moonee Valley Planning Scheme.</p>
Block sunlight to future solar panels on eastern roof section of 33A Moonee Street, Ascot Vale	<p>The proposed dwellings have been sited and designed with good setbacks from 33A Moonee Street to the west to ensure that the energy efficiency of this existing dwelling is not unreasonably reduced. This is in accordance with the requirements of Clause 55.03-5 (Energy Efficiency) of the Moonee Valley Planning Scheme. It is also noted that the shadow diagrams provided only demonstrate overshadowing of the ground and do not demonstrate overshadowing of any existing roof areas. It is considered that there would be adequate roof space for the installation of additional solar panels at 33A Moonee Street in the future, without the proposed development compromising this.</p>
Demolition of historic dwelling	<p>The existing dwelling is not covered by a Heritage Overlay and therefore a planning permit is not required to demolish this dwelling. It is also noted that the existing dwelling does not form part of the Moonee Valley Heritage Gap Study.</p>
Colour of proposed concrete driveway will absorb/radiate heat	<p>The revised plans (Revision D dated 21/11/14) demonstrate the incorporation of 'brilliant white' permeable paving into the shared vehicle accessway directly abutting the secluded private open space area of 33A Moonee Street. The remaining shared accessway along the western property boundary is to be a lighter natural grey colour in lieu of charcoal. The revised plans are to be included as a condition on any permit granted.</p>
Adequate provision for rubbish bins	<p>The proposed dwellings meet the requirements of Clause 55.06-4 (Site Services) of the Moonee Valley Planning Scheme as each dwelling has been provided with suitable bin/recycling enclosures.</p>

	Furthermore, there is over 10 metres of kerbside space for the collection of bin/recycling receptacles at the front of the site, which allows for 10 typical 'SULO' sized bins.
Lack of landscaping / garden space	This is considered acceptable as discussed within Sections 3.3 and 3.5 of this report. In particular, the streetscape will be provided with garden areas in front of Dwellings 1 and 2, with adequate space for landscaping and canopy trees to help soften the built form from Moonee Street. It is noted that a professional landscape plan will be required as a condition on any permit granted.
Setting a precedent	This is not a valid planning consideration as each application is assessed on its own merits.
Reduction in property values	This is not a valid planning consideration.
Errors on the plans/documents submitted	The incorrect streetscape images are noted.

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.

APPENDIX A

Location of Objectors Properties

34 Moonee Street, ASCOT VALE VIC 3032
40 Moonee Street, ASCOT VALE VIC 3032
40 Moonee Street, ASCOT VALE VIC 3032
35 Moonee Street, ASCOT VALE VIC 3032
43 Moonee Street, ASCOT VALE VIC 3032
21 Moonee Street, ASCOT VALE VIC 3032
41 Moonee Street, ASCOT VALE VIC 3032
30 Moonee Street, ASCOT VALE VIC 3032
25 Moonee Street, ASCOT VALE VIC 3032
32 Moonee Street, ASCOT VALE VIC 3032
23 Moonee Street, ASCOT VALE VIC 3032
9 Moonee Street, ASCOT VALE VIC 3032
53 Moonee Street, ASCOT VALE VIC 3032
33A Moonee Street, ASCOT VALE VIC 3032
37 Moonee Street, ASCOT VALE VIC 3032
11 Moonee Street, ASCOT VALE VIC 3032
PO Box 1042, ASCOT VALE VIC 3032 (33B Moonee Street, Ascot Vale)
51 Moonee Street, ASCOT VALE VIC 3032
29 Moonee Street, ASCOT VALE VIC 3032
38 Moonee Street, ASCOT VALE VIC 3032
47 Moonee Street, ASCOT VALE VIC 3032
46 North Street, ASCOT VALE VIC 3032

APPENDIX B

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, or modification required, see Section 3.5 of this report.

Title and Objective	Complies with Standard	Complies with Objective
<i>B1 - Neighbourhood Character</i>	✓	✓
<i>B2 - Residential Policy</i>	✓	✓
<i>B3 - Dwelling Diversity</i>	N/A	N/A
<i>B4 - Infrastructure Objectives</i>	✓	✓
<i>B5 - Integration with the Street Objective</i>	✓	✓
<i>B6 - Street Setback Objective</i>	X	✓
<i>B7 - Building Height Objective</i>	✓	✓
<i>B8 - Site Coverage Objective</i>	✓	✓
<i>B9 - Permeability Objectives</i>	✓	✓
<i>B10 - Energy Efficiency Objectives</i>	✓ (subject to conditions)	✓
<i>B11 - Open Space Objective</i>	N/A	N/A
<i>B12 - Safety Objective</i>	✓	✓
<i>B13 - Landscaping Objectives</i>	✓ (subject to conditions)	✓
<i>B14 - Access Objectives</i>	✓	✓
<i>B15 - Parking Location Objectives</i>	X	✓
<i>B16 - Parking Provision Objectives</i>	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.	
<i>B17 - Side and Rear Setbacks Objective</i>	✓ (subject to conditions)	✓
<i>B18 - Walls on Boundaries Objective</i>	✓	✓
<i>B19 - Daylight to Existing Windows Objective</i>	✓	✓
<i>B20 - North-facing Windows Objective</i>	N/A	N/A
<i>B21 - Overshadowing Open Space Objective</i>	✓	✓
<i>B22 - Overlooking Objective</i>	✓	✓

<i>B23 - Internal Views Objective</i>	✓	✓
<i>B24 - Noise Impacts Objectives</i>	✓	✓
<i>B25 - Accessibility Objective</i>	✓	✓
<i>B26 - Dwelling Entry Objective</i>	✓	✓
<i>B27 - Daylight to New Windows Objective</i>	✓	✓
<i>B28 - Private Open Space Objective</i>	X	✓
<i>B29 - Solar Access to Open Space Objective</i>	✓	✓
<i>B30 - Storage Objective</i>	✓	✓
<i>B31 - Design detail objective</i>	✓	✓
<i>B32 - Front Fences Objective</i>	✓ (subject to conditions)	✓
<i>B33 - Common Property Objectives</i>	✓	✓
<i>B34 - Site Services Objectives</i>	✓	✓

✓ - complies

X - non-compliance

N/A - not applicable

**9.2 5 Pearl Street, West Essendon (Lot 5 on PS040474) -
Construction of three dwellings**

File No: MV/448/2014
Author: Senior Town Planner
Directorate: City Works and Development
Ward: ROSEHILL

Proposal	Three dwellings comprising of one double storey and two single storey dwellings
Applicant	Marco Yassa
Owner	Marco Yassa, Marina Zaky and Mina Wahba
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 = 4 spaces Provided = 4 spaces
Bicycle Requirements	N/A
Restrictive Covenants	None
Easements	None
Site Area	623m ²
Number Of Objections	18
Consultation Meeting	19 November 2014

Executive Summary

- The application seeks planning approval for the construction of three dwellings.
- The site has an area of approximately 623m² and is located on the west side of Pearl Street, Essendon West.
- The application was advertised and 18 objections were received. Concerns were raised relating to neighbourhood character, visual bulk, landscaping, damage to adjoining properties, constructing on boundaries, amenity impacts and traffic/parking issues.
- A Consultation Meeting was held on 19 November 2014, attended by Councillor Surace, objectors, the applicant and Council's Planning Officer. No resolution was reached.
- 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 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/448/2014 for the construction of three dwellings at 5 Pearl Street, West Essendon (Lot 5 on PS040474), 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 word “unit” replaced with “dwelling” on all plans.
 - b) Details of how the rainwater runoff from the common driveway is to be captured and drained to the raingarden;
 - c) Show the size and location of any buffer strips and the extent, size and grading of the pervious surface/s draining to it.
 - d) The size and location of the raingardens to be shown on the site and landscape plans. Raingardens must be setback a minimum of 300mm from a site boundary and a minimum of 300mm from a building. Raingardens must be lined and have their overflow plumbed into the stormwater system. Notes to this effect must be included on the drawings.
 - e) The northern, western and southern boundary fencing to be 1.8 metres in height.
 - f) The garage door associated with Dwelling 1 to open outward.
 - g) All structures and planting within the pedestrian visibility splay to accord with the requirements of Clause 52.06 (Carparking) of the Moonee Valley Planning Scheme.
 - h) The windows associated with the study and living room of Dwelling 1 to be double glazed.
 - i) The annotation of the height of the northern wall associated with Dwelling 1.
 - j) The bin location associated with Dwelling 3 to be located in a practicable location to residents of the dwellings and which does not encroach into the internal dimensions of the carspace.
 - k) Dwelling 2 to be setback 1.0 metre from the northern boundary.
 - l) Dwelling 3 to be setback 1.0 metre from the southern boundary.
 - m) 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 – Garden Suburban 6.

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).

- a) ROOF CATCHMENT AREA: the extent of the roof catchment area/s that is/are nominated in the STORM report must be graphically shown on the drawings, and must note which WSUD treatment measure each area connects to (ie. nominate the specific rainwater tank and/or specific raingarden that particular roof catchment area is connected to;
- b) RAINWATER TANKS: Show the size and location of any rainwater tank on the plans and elevations. 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 or MUSIC report, or area of garden it is distributing to;
- c) RAINGARDENS: Show the size and location of any raingarden on the site and landscape plans. Raingardens must be setback a minimum of 300mm from a site boundary and a minimum of 300mm from a building. Raingardens must be lined and have their overflow plumbed into the stormwater system.

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 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.
 - 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, ie. 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.

- 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; 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.

- 6. 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.
- 7. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 8. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.
- 9. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
- 10. The car parking areas and access ways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and must be properly constructed, surfaced, drained and line-marked (where applicable). The car park area and driveways must be maintained 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 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.
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) Any landscaping within the visibility splays in accordance with Clause 52.06 of the Moonee Valley Planning Scheme to have a maximum height of 900mm.
 - c) A survey of all existing vegetation, abutting street trees, natural features and vegetation;
 - d) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design;
 - e) Planting on the land comprising trees and shrubs capable of:
 - i) Providing a complete garden scheme.
 - ii) Softening the building bulk.
 - iii) Providing at least one canopy in the front setback of Dwelling 1. Selected canopy tree must be capable of reaching a mature minimum height of 4 metres.
 - iv) Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.
 - f) The proposed design features such as paths, paving, lawn and mulch;
 - g) 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;
 - h) The use of drought tolerant species, and
 - i) All trees on the land that are proposed to be removed or destroyed.

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.
- No on street parking permits will be provided to the occupiers of the subject site.
- 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.
- 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; $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the western side of Pearl Street, Essendon West. The site is rectangular in shape with a frontage to Pearl Street of 15.54 metres and a depth of 40.23 metres, resulting in a total area of approximately 623 square metres. The site has a fall of 0.62 metres from north to south and 2.86 metres from east to west and is not affected by any easements.

The site is occupied by a single storey fake brick clad dwelling with a front setback of over 9 metres to the street frontage. Vehicle access to the site is obtained from an existing single-width crossover located in the south-eastern corner of the subject site. The front setback of the existing dwelling is provided with some moderate vegetation.



Figure 2: View of the subject site, 5 Pearl Street, Essendon

The surrounding area is predominantly residential and includes a mixture of built forms. Housing in the street has been developed with traditional style dwellings with some examples of recent medium density housing having been constructed with either two or three dwellings. The majority of dwellings are provided with hipped roof forms, side setbacks, and front gardens and are constructed from brick or weatherboard.

1.2 Proposal

It is proposed to construct three dwellings comprising of one double storey dwelling and two single storey dwellings. The application can be summarised as follows:

Table 1

No of dwellings	3 (one, three bedroom and two, two bedroom dwellings)
No of car spaces	4
Max Building Height	7.6 metres
Site Coverage	53.10%
Permeability	24.07%

Refer **Appendix A** 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 – Moonee Valley Today

Clause 21.02 Vision – Moonee Valley Tomorrow

Clause 21.03 Sustainable Environment

Clause 21.04 Housing

Clause 21.05 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

2.3 Referrals

External

N/A

Internal

- Engineering Services Unit.
No objection, subject to conditions.
- Traffic and Transportation Unit.
No objection, subject to the following conditions:
 - The northern, western and southern boundary fencing to be 1.8 metres in height.
 - The garage door associated with Dwelling 1 to open outward.
- ESD
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, 18 objections were received from the properties contained within **Appendix B** of the report.

A response to the objections is provided in Section 3.5 of this report.

2.5 Consultation Meeting

A Consultation Meeting was held on the 19 November 2014 and was attended by Cr Surace, the applicant, objectors and Council's Planning Officer. No resolution was achieved at the meeting.

3. Discussion

3.1 State Planning Policy Framework

The relevant State Planning Policy Framework Clauses are considered to be met. State Planning objectives seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport.

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

The proposed development responds to the strategies of Clause 21.05-3 (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 21.05-3 (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. A condition of any permit issued will require additional notations on the plans regarding the stormwater treatment measures.

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 Suburban 6' within the Moonee Valley Neighbourhood Precinct Profiles 2012. It is considered that the development provides a suitable response to the preferred character statement, as follows:

Table 2

Siting and Building Envelope	<p>The required setback for Dwelling 1, pursuant to the ResCode requirement, is 7.5 metres. Dwelling 1 is proposed to be setback 6.8 metres from the Pearl Street frontage. The setback, although non-compliant with ResCode is considered satisfactory in this instance, as it will be a transition with the setback of the adjacent property to the north and as such allowing the proposal to meet the overall objective.</p> <p>The building envelope is similar to other medium density developments within the area such as at 7 and 7a and further a field in Pearl Street.</p>
Built Form	<p>The overall building height of the development does not exceed the 9 metre height requirement of ResCode with the double storey form limited to 7.6 metres which is characteristic of the double storey dwellings throughout Pearl Street.</p> <p>The development adopts a contemporary form of architecture, repeating proportions and the scale of surrounding development in the immediate vicinity. The upper level of Dwelling 1 is provided with varied materials and recesses, ensuring visual interest to the front and side elevations. The single storey form to the rear of Dwellings 2 and 3 allow for the openness of the rear yards to be maintained.</p> <p>The rhythm and spacing in the streetscape is maintained through this development in the way of the driveway.</p>

Design Detail	<p>The finishes proposed provide the development with brickwork on the ground floor and light weight rendered façade on the first floor in contrasting solid colours. This provides a level of visual interest not only with setbacks but the alteration in materials and colours to eliminate blank walls within the development.</p> <p>The roof form is hipped and includes overhanging eaves and reflects the predominant roof forms of the original housing stock in the street.</p> <p>The location of garaging is considered appropriate and is limited to single width only. Thus, ensuring that the garaging associated with the development does not dominate the streetscape.</p>
Landscaping	<p>The development is set off at least one side boundary to the street and is provided with landscaped front yards and side setbacks.</p> <p>The design of three dwellings allows adequate landscaping to be provided within the front setback, along the southern boundary line and between the dwellings.</p> <p>No front fence is proposed, which is considered acceptable in the streetscape context.</p>

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
3 Dwellings (1x3 bedrooms 2x2 bedrooms)	4	4
Visitors	0	0
Total	4	4

As discussed under Section 2.3 of this report, Council's 'Traffic and Transportation Unit' have no objections to the proposed development, subject to conditions.

A condition of any permit issued with require pedestrian visibility splays, for all structures and landscaping, to be provided in accordance with the provisions of this clause.

3.5 Clause 55

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

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

Table 4

Res Code Standard	Response
Clause 55.03-1 (Standard B6 - Street Setback)	As discussed above in Section 3.3, the proposal should have a setback of 7.5 metres and is provided with a 6.8 metre setback. A variation of 0.7 metres is considered acceptable as it provides a transition between the 6 metre setback at 7 Pearl Street and the 9 metre setback to number 3 Pearl Street and as such meets the overall objective of this standard.
Clause 55.03-8 (Standard B13 - Landscaping)	A landscape plan has been submitted with this proposal, which exhibits adequate space for landscaping to occur. However a condition of any permit issued will require this to be undertaken by a suitably qualified person.
Clause 55.03-10 (Standard B15 - Parking Location)	There are windows on the southern elevation of Dwelling 1 which abut the accessway which are not provided with a 1.0 metre setback as required by this standard. Given that these windows are associated with habitable rooms, a condition of any permit will require these windows to be double glazed.
Clause 55.04-1 (Standard B17 – Side and Rear Setbacks)	At ground level, the setbacks generally comply. The exception is the setback of Dwelling 2 from the northern boundary and Dwelling 3 from the southern boundary which are only setback 900mm from their respective boundary. In order to comply with this standard, a condition of permit will require these walls to be setback 1.0 metre from their respective boundaries. All first floor setbacks comply with their height requirements.

Clause 55.04-6 (Standard B22 – Overlooking)	<p>At ground level, floor heights do not exceed 800mm. However boundary fencing does not extend to 1.8 metres, which will be required as a condition of any permit issued to ensure the development meets the requirements of this standard.</p> <p>At first floor, all habitable room windows comply with the requirements of this standard.</p>
Clause 55.05-4 (Standard B28 - Private Open Space)	<p>Dwelling 3 is a two bedroom dwelling and is provided with 35 square metres of secluded private open space which is less than the 40 square metres required. It is considered acceptable to allow a variation of 5 square metres of open space given the number of bedrooms and that there is a public recreation reserve which is within walking distance of the site, which can service the needs of the residents.</p> <p>Dwelling 1 and 2 have secluded private open space areas which comply with the requirements of this standard.</p>

3.6 Objections

Table 5

Issue	Officer Response
Neighbourhood Character	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 three dwellings on the land is not unreasonable and a common occurrence within the street.
Building on boundaries	<p>The development presents with walls along the southern and northern boundaries. The height and length of each of these walls meet the standard requirements of Clause 55.04-2 (Walls on Boundaries) of the Moonee Valley Planning Scheme.</p> <p>In addition, any structural/safety concerns regarding this element will be dealt with at the building permit stage.</p>

Car parking / traffic impacts	This is considered acceptable as discussed within Sections 2.3 and 3.4 of this report. Crossovers are compliant with Clause 55.03-9 (Access) of the Moonee Valley Planning Scheme.
Amenity impacts (i.e. overlooking, overshadowing and noise)	This is considered acceptable as the development achieves compliance with overshadowing. Overlooking, as detailed within Section 3.5 will be minimised through extending the heights of boundary fencing. Any noise generated from the development will be associated with normal residential noise.
Location and details of air conditioning units	The location of air conditioning units is to be a condition on any permit granted. It is typical for air conditioning units associated with residential buildings to be located on the roof along with any other service/plant equipment. However, if any air conditioning units are to be located on balconies, they are to be visually and acoustically screened in order to avoid potential amenity impacts. This is also to be included as a condition on any permit granted.
Drainage/water retention	This is largely outside of the realms of the planning scheme considerations and will be dealt with through the building permit stage.
Landscaping	The development is provided with sufficient areas for landscaping to conform to the garden setting of the locality and to soften the development when viewed from 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 according to the relevant provisions of the SPPF, LPPF and the relevant General and Particular Provisions of the Moonee Valley Planning Scheme.

In light of the above, the proposed development is considered to be appropriate.

APPENDIX B

Level 1, 182 Capel Street, NORTH MELBOURNE VIC 3051
1a Pearl Street, WEST ESSENDON VIC 3040
4 Pearl Street, WEST ESSENDON VIC 3040
16a Pearl Street, WEST ESSENDON VIC 3040
14 Pearl Street, WEST ESSENDON VIC 3040
3 Pearl Street, WEST ESSENDON VIC 3040
2/7 Pearl Street, WEST ESSENDON VIC 3040
11 Pearl Street, WEST ESSENDON VIC 3040
18 Pearl Street, WEST ESSENDON VIC 3040
10 Pearl Street, WEST ESSENDON VIC 3040
8 Pearl Street, WEST ESSENDON VIC 3040
15 Pearl Street, WEST ESSENDON VIC 3040
1/7 Pearl Street, WEST ESSENDON VIC 3040
3/7 Pearl Street, WEST ESSENDON VIC 3040
30 Pearl Street, NIDDRIE VIC 3042
2 Pearl Street, WEST ESSENDON VIC 3040
9 Pearl Street, WEST ESSENDON VIC 3040
12 Pearl Street, WEST ESSENDON VIC 3040

APPENDIX C

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	Complies with Objective
<i>B1 - Neighbourhood Character</i>	✓	✓
<i>B2 - Residential Policy</i>	✓	✓
<i>B3 - Dwelling Diversity</i>	✓	✓
<i>B4 - Infrastructure Objectives</i>	✓	✓
<i>B5 - Integration with the Street Objective</i>	✓	✓
<i>B6 - Street Setback Objective</i>	X	✓
<i>B7 - Building Height Objective</i>	✓	✓
<i>B8 - Site Coverage Objective</i>	✓	✓
<i>B9 - Permeability Objectives</i>	✓	✓
<i>B10 - Energy Efficiency Objectives</i>	✓	✓
<i>B11 - Open Space Objective</i>	N/A	N/A
<i>B12 - Safety Objective</i>	✓	✓
<i>B13 - Landscaping Objectives</i>	✓ - subject to conditions	✓ - subject to conditions
<i>B14 - Access Objectives</i>	✓	✓
<i>B15 - Parking Location Objectives</i>	✓ - subject to conditions	✓
<i>B16 - Parking Provision Objectives</i>	Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 3.7 of the report.	
<i>B17 - Side and Rear Setbacks Objective</i>	✓ - subject to conditions	✓
<i>B18 - Walls on Boundaries Objective</i>	N/A	N/A
<i>B19 - Daylight to Existing Windows Objective</i>	✓	✓
<i>B20 - North-facing Windows Objective</i>	N/A	N/A

<i>B21 - Overshadowing Open Space Objective</i>	✓	✓
<i>B22 - Overlooking Objective</i>	✓ - subject to conditions	✓
<i>B23 - Internal Views Objective</i>	✓	✓
<i>B24 - Noise Impacts Objectives</i>	✓	✓
<i>B25 - Accessibility Objective</i>	✓	✓
<i>B26 - Dwelling Entry Objective</i>	✓	✓
<i>B27 - Daylight to New Windows Objective</i>	✓	✓
<i>B28 - Private Open Space Objective</i>	x	✓
<i>B29 - Solar Access to Open Space Objective</i>	✓	✓
<i>B30 - Storage Objective</i>	✓	✓
<i>B31 - Design detail objective</i>	✓	✓
<i>B32 - Front Fences Objective</i>	✓	✓
<i>B33 - Common Property Objectives</i>	✓	✓
<i>B34 - Site Services Objectives</i>	✓	✓

✓ - complies

X - non-compliance

N/A - not applicable

**9.3 5-7 Munro Street and 12 Mirams Street, Ascot Vale (Lot 1
TP893762Y, Lot 1 on TP684532J and TP177787B) -
Construction of nine dwellings (retention of 12 Mirams Street)**

File No: MV/453/2014
Author: Principal Town Planner
Directorate: City Works & Development
Ward: Myrnong

Proposal	<ul style="list-style-type: none">• Retention of one dwelling at 12 Mirams Street.• Construction of nine dwellings.
Applicant	Eon Projects
Owner	Eon Projects and Maand Pty Ltd
Planning Scheme Controls	<ul style="list-style-type: none">• General Residential Zone (GRZ)• Special Building Overlay (SBO)
Planning Permit Requirement	Clause 32.01-4 – Construction of two or more dwellings on one lot.
Car Parking Requirements (Clause 52.06)	Requires: 11 car spaces Provided: 11 car spaces
Bicycle Requirements	N/A
Restrictive Covenants	Covenant 165525, 165526 and 162783 – Does not affect the proposal.
Easements	Carriage way easement
Site Area	1337 m ²
Number Of Objections	18
Consultation Meeting	15 October 2014

Executive Summary

- The application seeks approval for the construction of nine dwellings. The proposed development will retain the existing dwelling at 12 Mirams Street. Ten on site car spaces and one on-site visitor park space are provided.
- The development site has a total area of approximately 1337 square metres and comprises of three separate allotments. Currently the land is developed with single storey dwellings, with two having frontage to Munro Street and one having frontage to Mirams Street.
- The subject sites are located within a General Residential Zone, with the Mirams street property also being partially affected by a Special Building Overlay (SBO). The subject site is located approximately 72 metres west from the Union Road Activity Centre.
- The application was advertised and 18 objections were received. The main issues of concern related to the development being out of character with the area, over development of the land, loss of privacy, visual bulk, loss of on-street car parking and increased traffic.
- A Consultation Meeting was held on 15 October 2014 and was attended by Cr Cusack and Cr Marshall, the applicant and Council's Statutory Town Planner. No objectors attended the meeting and therefore no resolution was agreed upon at the Consultation Meeting.
- The application was referred to Council's Engineering Services Unit, Traffic and Transportation Unit and Council's Environmental Sustainable Development (ESD) Officer with general support for the proposal provided, subject to conditions.
- The application was referred to Melbourne Water who did not object subject to conditions.
- It is acknowledged that the proposed development will provide a design response to the existing street which is currently uncommon in the immediate streetscape. However, it is considered that the development has been designed to achieve a high quality urban design outcome and subject to conditions, the scale and bulk of the development is an acceptable balance between urban consolidation for a well located site and the sensitive interface with adjoining dwellings.
- The application has been assessed against the provisions of the Moonee Valley Planning Scheme and accordingly it is submitted that the application is appropriate and worthy of support. This report recommends that a Notice of Decision to Grant a Permit is issued.



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/453/2014 for the construction of nine dwellings at 5-7 Munro Street and 12 Mirams Street Ascot Vale (Lot 1 TP893762Y, Lot 1 TP684532J and TP177787B), 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 west facing habitable room windows provided with blade screening (or alternative) in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
 - b) The west facing balconies associated with Dwellings 1 and 9 provided with blade screening (or alternative) in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
 - c) The west facing balcony associated with Dwelling 1 increased in size in accordance with the plans submitted to Council on 11 November 2014.
 - d) The details of the boundary fencing annotated on the site plan.
 - e) The provision of 300mm trench grates at the bottom of the driveway ramp and in front of all garages.
 - f) The landscaping strip along the front property boundary to be 1.6 metres in width.
 - g) The provision of an approximately 900mm landscape strip along the western boundary of the courtyard associated with Dwelling 1.

- h) Any alterations to the front courtyards associated with Dwellings 1 – 3 as a result of conditions 1 f) and g).
- i) The rainwater tank associated with Dwelling 9.
- j) The ground floor plan must graphically show the correct volume and location of each rainwater tank. 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 number of toilets the tank is connected to must be consistent with the information provided in the submitted and approved STORM report.
- k) Any alteration as a result of Melbourne Water Conditions 18 – 24.

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. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
- 4. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 5. A minimum 30 days prior to any building or works commencing, a Construction & 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;
 - 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) 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 & Site Management Plan must be carried out 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 as shown on the endorsed plans must be installed prior to the occupation of the building.
8. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan 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;
 - e) Be drained and sealed with an all weather seal coat, and
 - f) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
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 manufacturer's 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. 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 & 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.

13. Prior to the commencement of the development, a Waste Management Plan must be submitted to and approved to the satisfaction of the Responsible Authority. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants".
14. Prior to the issue of an Occupancy Permit, all boundary fencing 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.
15. The existing street tree(s) or vegetation must not be removed or damaged as a result of the permitted development.
16. Building or works must not be commenced (and trees or vegetation must not be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and approved by the Responsible Authority. The landscape plan(s) must be generally in accordance with the plans submitted for endorsement but modified to show:
 - a) The location and quantities of ground covers and shrubs.
 - b) A survey of all existing vegetation, abutting street trees, natural features and vegetation.
 - c) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design.
 - d) Planting on the land comprising trees and shrubs capable of:
 - i) Providing a complete garden scheme.
 - ii) Providing privacy to the front courtyards associated with Dwellings 1-3.

- iii) Filtering views of the development when viewed from the adjoining properties.
- iv) Softening the building bulk.
- v) Providing some canopy trees for landscape perspective. Selected canopy trees must be capable of reaching a mature minimum height of 4 metres.
- vi) Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.
- e) The proposed design features such as paths, paving, lawn and mulch.
- f) 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.
- g) The use of drought tolerant species.
- h) All trees on the land that are proposed to be removed or destroyed.
- i) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems.
- j) Any planting within the vehicle visibility splay to be less than 900mm in height.

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

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.

MELBOURNE WATER CONDITIONS

18. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or watercourses.
19. Finished floor levels of the ground level split floor dwellings must be constructed no lower than 9.67 metres to Australian Height Datum (AHD).
20. The entry/exit of the carpark must incorporate a flood proof apex constructed no lower than 9.67 metres to Australian Height Datum (AHD).
21. All doors, windows, vents and openings to the car park must be constructed no lower than 9.67 metres to Australian Height Datum (AHD).
22. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.
23. Prior to the issue of an Occupancy Permit, a certified plan, showing finished floor levels (as constructed) reduced to Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

24. Prior to development, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum.

END MELBOURNE WATER CONDITIONS

25. 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 Engineering Services Unit regarding legal point of discharge, new crossings, building over easements etc.
- No on street parking permits will be provided to the occupiers of the subject site.
- 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.
- 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; $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- Any future subdivision must address the removal of the carriageway easement which is located on the subject sites.

Melbourne Water Notes

- The applicable flood level is 9.07 metres to Australian Height Datum (AHD).
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517, quoting Melbourne Water's reference 242864.

End Melbourne Water Notes

1. Introduction

1.1 Subject Site and Surrounds

The subject sites comprise of allotments fronting both Munro and Mirams Street, Ascot Vale, which are located approximately 72 metres west of Union Road. The total area of the three sites encompasses 1337 square metres.

The site has a slight fall from east to west.

The subject site at 5-7 Munro Street is located on the southern side of Munro Street. The site contains two single storey detached weatherboard dwellings. The subject site at 12 Mirams Street is located on the northern side of Mirams Street and contains a single storey dwelling. All dwellings rely on vehicle access via a carriageway easement which allows carparking within the rear of each site. A pedestrian path and grassed nature strip is located at the front of each site.



Figure 1: The subject site (5 – 7 Munro Street).



Figure 2: The subject site (12 Mirams Street).

The land is located in an established residential area, with an eclectic mix of dwelling types ranging from single storey dwellings through to 1960s/1970s walk-up flats. Land further east of the subject sites is located in the Commercial 1 Zone and associated with the Union Road Activity Centre. Union Road is characterised by its diverse uses, ranging from retail, offices and community uses. The streetscape is also undergoing a transformation, with a number of higher density housing developments emerging in the streetscape. Union Road is also well serviced by public transport.

1.2 Proposal

The proposal seeks approval for the construction of nine dwellings. The proposed development will retain the existing dwelling at 12 Mirams Street. The proposal, as advertised, can be summarised as follows:

Table 1

No of dwellings	Nine (excluding 12 Mirams Street)
No of car spaces	11
Max Building Height	7.8 metres
Site Coverage	55%
Permeability	20%

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

2. Background

2.1 Relevant Planning History

5 – 7 Munro Street, Ascot Vale

A previous application MV/18222/2007 was refused by Council, for a three storey apartment style building for 12 dwellings with 17 basement car parking spaces. Council's decision was upheld by VCAT (P2272/2007) who refused to grant a permit. The refusal grounds related to the proposed development being out of character with the area and not providing a transition in scale from the higher densities along Union Road.

The proposal's response to the previous VCAT decision is discussed below under Section 3.7.

1-3 Munro Street, Ascot Vale

Planning application MV/376/2011 relates to the adjacent property to the east. A permit was approved by Council but required the deletion of a third storey. Following an application for review (P1535/2012), VCAT resolved to grant a permit for the construction of a three storey building above a basement car park to contain 11 dwellings. Construction of the approved development is yet to commence.

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 – Moonee Valley Today
- Clause 21.02 Vision – Moonee Valley Tomorrow
- Clause 21.04 Housing
- Clause 21.05 Built Environment
- Clause 21.06 Activity Centre
- Clause 22.03 Stormwater Management

Zoning

- Clause 32.08 General Residential Zone

Overlay

- Clause 44.05 Special Building Overlay

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

- Melbourne Water

Section 52 referral to Melbourne Water. This Authority did not raise any objection to the proposal and provided a number of recommended conditions.

Internal

- Engineering Services Unit
No objection subject to conditions.
- Traffic and Transportation Unit
No objection.
- Environmental Sustainable Development
No objection.

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, 18 objections were received from properties contained within **Appendix A** of this report.

A response to the objections is provided in Section 3.8 of this report.

2.5 Consultation Meeting

A Consultation Meeting was held on 15 October which was attended by Councillors Cusack and Marshal, the applicant and Council's Statutory Town Planner. Although invited none of the objectors attended the meeting. As such, there was no resolution achieved at this meeting.

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 and community services and public transport. The subject site is located adjacent to the Union Road Activity Centre, which is identified as an existing activity centre under *Plan Melbourne: Metropolitan Planning Strategy* as it has numerous local business 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

The proposal complies with Clause 21.04 (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 strategies of Clause 21.05-3 (Urban Design). A number of the objectives and strategies appear to overlap with those contained within the neighbourhood character precinct profile and ResCode and therefore the key concepts of Clause 21.05-3 (Urban Design) are discussed below in Section 3.3.

The proposal complies with Clause 22.03 Stormwater Management (WSUD) and meets the required on site stormwater treatment as demonstrated by achieving 100%, or greater, using the STORM tool. 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 Suburban 1'.

The preferred character statement as outlined within the Neighbourhood Character Precinct Profiles 2012 is as follows:

“New developments will contribute to the predominant siting and finishes of existing buildings, with well-maintained gardens. Front facade articulation will be achieved through the use of recesses to complement the pattern of verandah and porch areas of the traditional dwellings. The use of lighter finishes will contribute to the traditional palette of materials. Consistent front and side setbacks will ensure space for landscaping, while low or permeable front fences will retain the openness of the streets.”

It is submitted the proposal provides a suitable response to the character statement in the following manner:

- The proposed development achieves visual interest and articulation through the use of different materials and finishes throughout. Each facade of the dwellings facing the street is provided with detailed fenestration and changes in material and a cantilevered first floor which provides shading and interest. The internal views portrays interesting details and features and angled dwellings when viewed from the existing streetscape on the oblique views along the driveway and adjoining properties.
- The length of built form along both the eastern and western interfaces is provided with suitable setbacks maintaining the rhythm of gaps between buildings which is found in the surrounding area.
- A 1.2m high timber picket fence is to be located along the street frontage which is in keeping with the streetscape.

- When viewed from the streetscape the development will constitute a clearly intensified built form compared to the adjoining residential dwellings. However, the development will respond to the strategic context of the subject site and the proposal will provide a moderate increase in built form which is provided with both visual and physical links to the street through design articulation and pedestrian and vehicle links to Munro Street.
- The dwellings are provided with a sense of openness to the street with the amount of glazing and opportunities for passive views to the street.

Further to the above, an assessment against the various design guidelines prescribed under the precinct profile is provided as follows;

Table 2

Siting and Building Envelope	<p>The proposal provides a street setback which complements the setbacks found within the immediate streetscape.</p> <p>The development will present as a modern development to the street with the built form extending the length of the site and being set off both shared boundaries. Furthermore, the presentation of three attached dwellings to Munro Street is reflective to the subdivision pattern found within the immediate area.</p>
Built Form	<p>The proposal comprises a contemporary development with a mix of modern elements complementing the built form characteristics found within the streetscape.</p> <p>The building is well articulated and recessed so as to provide appropriate transitioning to the surrounding building forms.</p> <p>The three storey presentation is respectful of the surrounding context and is responsive to the adjacent Union Road Activity Centre.</p> <p>It is noted that building heights exceeding two storeys are suitable to areas within close proximity to shops, activity centres and principal public transport networks. The site is located within this context.</p>
Design Detail	<p>The development is provided with roof forms and proportions which are responsive to the preferred neighbourhood character and strategic location of the subject site. The design response ensures that the proposed dwellings respect this context by providing a front facade with detailed articulated features, a cantilevered vertical cuboid, reflective of the predominant verandah elements within the area.</p>

	Windows have been provided along the street front to ensure surveillance.
Landscaping and front fencing	The development will be provided with low front fencing and views to vegetated front and side setbacks which is responsive to the preferred character statement.

3.4 Compliance with Clause 52.06 (Car Parking)

The proposal is subject to the requirements of Clause 52.06. The proposed development requires the following car spaces to be provided on site:

Table 3

Use (Dwellings)	Required	Provided
One three bedroom dwelling	2	2
Eight two bedroom dwellings	8	8
Visitor (9 dwellings)	1	1
Total	11	11

As detailed above the proposal provides the statutory parking requirements to cater for the development, as the number of carspaces required on site only applies to the increase in the number of dwellings. Further to this, it is noted that two sites facing Munro Street will continue to be provided with only a singular crossover rather than two individual crossovers which will ensure that on-street parking spaces are maximised.

It is acknowledged that the development will increase traffic movements along Munro Street. It is considered that the increase in movements will not significantly impact on the efficiency of Munro Street and that the design of the street is sufficient to accommodate the expected increase without detriment to the surrounding area.

As mentioned under Section 2.3 of this report, Council's 'Traffic and Transportation Unit' have no objections to the proposed development and it is considered that all car spaces and accessways have been designed in accordance with the requirements of Clause 52.06.

3.5 Clause 55

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)	The required setback under this standard is 4.57 metres. The proposal has a ground floor setback of 4.4 metres which requires a variation of 0.175m. It is considered that this minor variation will not be discernible within the streetscape. While the upper floor encroaches into this setback it is considered that the articulation achieved is similar to the verandahs of nearby dwellings and the front setback will continue to provide a suitable transition in setbacks.
Clause 55.04-1 (Standard B17 – Side and Rear Setbacks)	The east elevation is provided with an upper wall and parapet height of 7.3 metres which requires a setback of 2.11 metres from the east boundary. A setback of 2.0 metres is proposed, therefore a variation of 0.11 metres is required. It is considered appropriate to allow a variation in this instance as the impact is adjacent to the proposed apartment building on 1-3 Munro Street which is setback 2.5 metres from the common boundary and as such will not cause any amenity impacts to this development.
Clause 55.04-6 (Standard B22 – Overlooking)	<p>The proposal has the potential to overlook the adjacent windows of the property to the west from the balcony of Dwelling 1 and the first floor windows. A condition will be placed on the permit to ensure that suitable blade screening is provided to ensure no direct overlooking is achieved while maximising views out of the development on the horizontal.</p> <p>A condition will also be placed on any permit issued to address overlooking opportunities from the raised deck associated with Dwelling 9.</p>

Clause 55.05-1 (Standard B25 – Accessibility)	<p>The majority of the dwellings provide for living areas accessed via stairs at ground and first floor level which is not suitable for people with limited mobility. Dwelling 9 provides good living or visiting choices for people with limited mobility and includes a bedroom and bathroom facilities on the ground floor.</p>
Clause 55.05-4 (Standard B28 – Private open space)	<p>The proposal requires a variation to the required amount of private open space for each dwelling. Under this standard, 40 square metres of private open space is required, if provided at ground level. However if this is to be provided via balconies, then 8 square metres of private open space is required.</p> <p>Dwellings 4-8 includes internal courtyard areas which are 13.7 square metres in area and Dwellings 1-3 have a front courtyard ranging in size from 12.5 to 16.5 square metres.</p> <p>It is however considered acceptable for this development considering the location and style of dwellings proposed. It is considered that the open spaces associated with Dwelling 1 can be improved by increasing the west facing balcony. The applicant provided plans to this effect on 11 November 2014 which shows that this can be adequately achieved (See <u>Appendix D</u>). Reference to this change and the associated plans will be requested as a condition on any permit issued.</p> <p>Further to the above the private open spaces of Dwellings 1-3 are located within the front setback of each dwelling. It is considered suitable to require additional landscaping along the front boundary to improve the sense of privacy for future residents.</p>

Clause 55.05-5 (Standard B29 – Solar Access to Open Space)	<p>Dwellings 1-3 and 9 are provided with north facing private open spaces.</p> <p>Dwellings 4-8 are provided with internal courtyards which are surrounded by glazed walls. The glazed walls allow views throughout the dwellings and also increase the usability of the internal courtyards by allowing a smooth transition from living to outdoor area. While not technically meeting the setback standard the glazed walls are located on the south, east and west sides of the open spaces and assist in reflecting sun into the courtyards even in times of shade.</p> <p>Further to this the internal courtyards will act as thermal chimneys allowing for passive cooling of these dwellings.</p>
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3.6 City of Moonee Valley Heritage Gap Study

Whilst each of the existing dwellings have been identified within the City of Moonee Valley's Heritage Gap Study as adopted by Council on 25 November 2014, the properties do not presently enjoy any heritage controls which would prevent or restrict their redevelopment. A detailed assessment of all properties and precincts identified within the Gap study is required before heritage controls can be applied. Therefore the Gap study cannot be used to justify a refusal of the proposed development.

3.7 Response to previous VCAT decision

As mentioned previously Planning Permit application MV/18222/2007 (VCAT Reference - P2272/2007) was refused by VCAT on 21 February 2008. The current application before Council is effectively a new concept and offers a different dwelling typology than the previous proposal refused by VCAT. It must also be noted that since this application and subsequent VCAT review there has been considerable change in Local Policy since the previous decision of the Tribunal, particularly in the areas of activity centre planning and neighbourhood character.

Notwithstanding the above, it is considered that the current proposal has responded suitably to the previous refusal grounds by provided a more measured design response which ensures that increased density is achieved while respecting the existing and emerging neighbourhood character. A comparison of the design changes against the VCAT refusal grounds is as follows:

Table 5

VCAT Refusal Ground	Design Changes
It would be a poor planning outcome to impose a large three storey development in amongst two sets of modest dwellings because we think that would substantially alter the balance and integrity of this streetscape.	Since the initial review a permit has been issued for a three storey building on the adjoining property at 1-3 Munro Street. The proposed 2 – 2½ storey building will allow a transition in form from the more intensive built forms along Union Road to the neighbourhood scale developments to the west along Munro and Mirams Street.
The development principally failed to respect the character of this neighbourhood. There was too much emphasis on its proximity to the Ascot Vale Activity Centre to justify such an intensive development without adequate regard for the impact of its bulk, height and scale on the rhythm of the predominant existing built form of Munro Street	<p>The three dwellings facing Munro Street are provided with suitable articulation and recesses to ensure that the development is responsive to the predominant scale and forms found within Munro Street.</p> <p>The length of built form across the site is provided with suitable separation and articulation to ensure that the development is interesting when viewed from the adjoining properties and public realms and that the bulk and scale of the proposal is responsive to both the existing neighbourhood character and the strategic location of the site.</p>

3.8 Objections

Table 6

Issue	Officer Response
Increased traffic volumes.	As discussed with Section 3.4 of this report.
Overdevelopment & out of character.	As discussed within Sections 3.1 and 3.2 of this report it is considered that the development achieves a balance between the strategic objectives of the planning scheme and the objectives and strategies for responding to neighbourhood character.
Not in keeping with heritage character.	Further to the above discussion (Section 3.6) the properties on the north side of Munro Street (14-50) are located within a Neighbourhood Character

	Overlay and Design and Development Overlay, however, the proposal is on the opposite side of the street and a sufficient visual buffer is provided to ensure the proposal will not impact on those properties contained within the nearby overlay area.
Concern that parking permits will be allocated to visitors.	Future residents of the development will not be allocated with parking permits or visitor parking permits and this is in line with Council's Parking Permit Policy.
Height, scale and bulk.	The proposal seeks to excavate below ground for a partial 2.5 storey. As discussed within Section 3.2 of this report It is considered that the height scale and bulk of the dwellings is appropriate in the context and within the realms of ResCode.
Encroachment of setback envelope.	As detailed within Section 3.5 of this report.
No disabled compliance	As detailed within Section 3.5 of this report the proposal provides at least one property with a bedroom and full bathroom facilities on the ground floor which can provide housing for people with limited mobility.
Loss of privacy	The development has been assessed against Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme, as discussed within Section 3.5 of this report.
Noise	Noise will be limited to normal residential noise.

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 and the relevant General and Particular Provisions of the Moonee Valley Planning Scheme.

In light of the above, the proposed development is considered to be appropriate subject to conditions as outlined within the above recommendation.

APPENDIX A

Location of Objectors Properties

8 Munro Street, ASCOT VALE VIC 3032
9 Munro Street, ASCOT VALE VIC 3032 (2)
11 Munro Street, ASCOT VALE VIC 3032 (2)
14 Munro Street, ASCOT VALE VIC 3032 (2)
23 Munro Street, ASCOT VALE VIC 3032
28 Munro Street, ASCOT VALE VIC 3032 (2)
33 Munro Street, ASCOT VALE VIC 3032 (2)
34 Munro Street, ASCOT VALE VIC 3032 (2)
36 Munro Street, ASCOT VALE VIC 3032 (2)
46 Munro Street, ASCOT VALE VIC 3032
51 Munro Street, ASCOT VALE VIC 3032

APPENDIX B

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
<i>B1 - Neighbourhood Character</i>	✓	✓
<i>B 2 - Residential Policy</i>	✓	✓
<i>B 3 - Dwelling Diversity</i>	✓	✓
<i>B 4 - Infrastructure Objectives</i>	✓	✓
<i>B 5- Integration with the Street Objective</i>	✓	✓
<i>B6 - Street Setback Objective</i>	x	✓
<i>B7 - Building Height Objective</i>	✓	✓
<i>B8- Site Coverage Objective.</i>	✓	✓
<i>B9- Permeability Objectives</i>	✓	✓
<i>B10 - Energy Efficiency Objectives</i>	✓	✓
<i>B 11 - Open Space Objective</i>	✓	✓
<i>B 12- Safety Objective</i>	✓	✓
<i>B 13 - Landscaping Objectives</i>	✓	✓
<i>B 14 - Access Objectives</i>	✓	✓
<i>B 15 Parking Location Objectives</i>	✓	✓
<i>B 16 - Parking Provision Objectives</i>	<i>Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 3.3 of the report.</i>	
<i>B 17 - Side and Rear Setbacks Objective</i>	x	✓
<i>B 18 - Walls on Boundaries Objective</i>	✓	✓
<i>B 19 - Daylight to Existing Windows Objective.</i>	✓	✓
<i>B 20 - North-facing Windows Objective</i>	✓	✓
<i>B 21 - Overshadowing Open Space Objective</i>	✓	✓
<i>B 22 - Overlooking Objective</i>	✓ (subject to condition)	✓
<i>B 23 - Internal Views Objective</i>	✓	✓

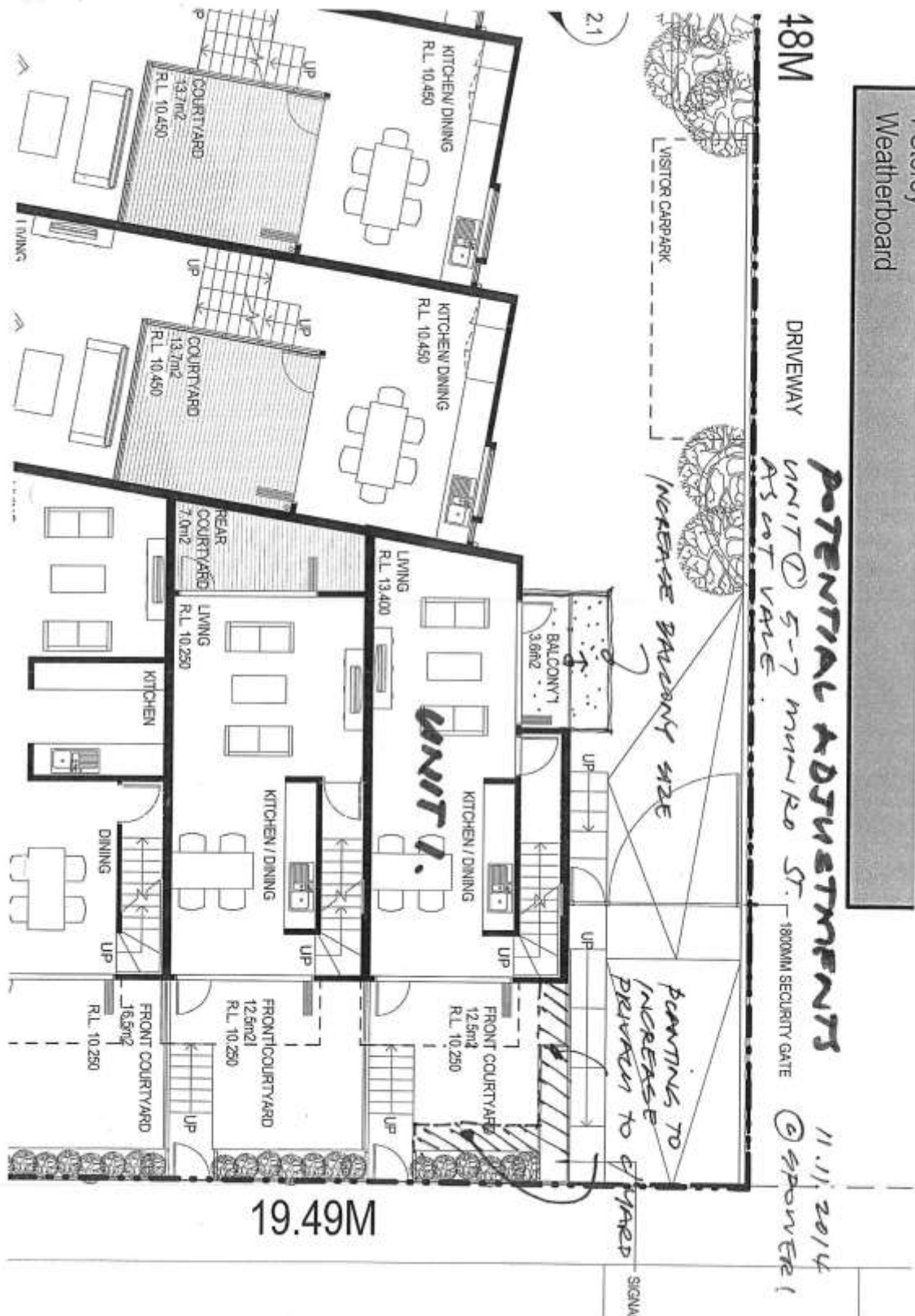
<i>B 24 - Noise Impacts Objectives</i>	✓	✓
<i>B 25 - Accessibility Objective</i>	x	✓
<i>B 26 - Dwelling Entry Objective</i>	✓	✓
<i>B 27 - Daylight to New Windows Objective</i>	✓	✓
<i>B 28 - Private Open Space Objective</i>	x	✓
<i>B 29 - Solar Access to Open Space Objective</i>	✓	✓
<i>B 30 - Storage Objective</i>	✓	✓
<i>B 31 - Design detail objective</i>	✓	✓
<i>B 32 - Front Fences Objective</i>	✓	✓
<i>B 33 - Common Property Objectives</i>	✓	✓
<i>B 34 - Site Services Objectives</i>	✓	✓

✓ - complies

x – non-compliance

N/A- not applicable

APPENDIX D



9.4 2 Beaver Street, Aberfeldie (Lot 1 on TP 808534U and Lot 1 on TP 808544R) - Construction of four double storey dwellings

File No: MV/459/2014
Author: Senior Town Planner
Directorate: City Works and Development
Ward: BUCKLEY

Proposal	Construction of four double storey dwellings
Applicant	Archsign P/L
Owner	Rebecca Flaherty
Planning Scheme Controls	General Residential 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 = 5 spaces Provided = 5 spaces
Bicycle Requirements	N/A
Restrictive Covenants	None
Easements	Sewerage easement along the western alignment
Site Area	653m ²
Number Of Objections	10
Consultation Meeting	19 November 2014

Executive Summary

- The application seeks planning approval for the construction of four dwellings.
- The site has an area of approximately 653m² and is located on the west side of Beaver Street, Aberfeldie. The site is located within an area characterised by residential built form.
- The application was advertised and 10 objections were received. Concerns were raised relating to neighbourhood character, visual bulk, overdevelopment, amenity impacts, waste collection and traffic/parking issues.
- A Consultation Meeting was held on 19 November 2014, attended by Cr Chantry and Cr Sharpe, objectors, the applicant and Council's Planning Officer. No resolution was reached.
- 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 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/459/2014 for the construction of four double storey dwellings at 2 Beaver Street Aberfeldie (Lot 1 on TP 808534U and Lot 1 on TP 808544R), 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) All references to “unit” replaced with “dwelling”.
 - b) The provision of 300mm trench grates at the front of each garage.
 - c) The Finished Floor Levels (FFL) of each dwelling (excluding the garages) to be raised by 300mm.
 - d) A notation that the sewer pit in front of the driveway of Dwelling 4 is to be replaced with a heavy duty cover, to the satisfaction of the relevant Responsible Authority.
 - e) The realignment of the garden bed associated with Dwelling 4 which is east of the driveway to ensure that vehicles can satisfactorily manoeuvre into and out of the driveway.
 - f) A notation that the laneway to the north of the subject site must be constructed at the owner/developers expense and to the satisfaction of the Responsible Authority and in accordance with Condition 16.
 - g) The removal of the barrier between the two tandem parking spaces on the shared driveway of Dwellings 2 and 3.
 - h) The gate in the driveway of Dwelling 4 located to ensure there is sufficient space for the tandem carspace so that it will not overhang into the laneway.
 - i) A pedestrian link which extends to Dwellings 3 and 4.
 - j) All obscure glazed windows to be fixed or provided with a maximum opening of 150mm.

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, a Construction & 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) 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 & Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

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's 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. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.

7. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
8. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.
9. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan 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;
 - e) Be drained and constructed with a permanent trafficable surface (concrete, asphalt, paving)
 - f) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
10. 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.
11. The existing street tree(s) or vegetation must not be removed or damaged as a result of the permitted development.
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. A Council drain (minimum 300mm dia uPVC or FRC or RCP RRJ) must be constructed to reach the approved point of discharge. Engineering Design Plans and a drainage layout plan together with computations, prepared by a qualified Civil Engineer must be submitted to and approved by the Responsible Authority prior to the commencement of any building or works (including drainage).

The Engineering Design Plans must accord with Council's Drainage Design Guidelines. Following the completion of the works as constructed plans must be submitted and approved by the Responsible Authority prior to the issue of an Occupancy Permit for the approved development. All costs associated with the preparation of the plans and installation and construction of the required drainage works must be borne by the permit holder.

15. 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.
16. The Right of Way is to be constructed from Beaver Street to Aberdeen Street in accordance with the Moonee Valley City Council Drawing No.34/43 (Standard Reinforced Concrete Paving/Asphalt for Right of Ways). All costs associated with the survey, design & construction of the right of way must be borne by the permit holder.

Prior to the commencement of buildings and works, detailed engineering drawings to show the construction of the Right of Way are to be submitted to and approved by the Responsible Authority. The Right of Way is to be surveyed and designed by a qualified surveyor/civil engineer respectively. The plans are to indicate, existing surface levels, proposed surface levels and construction of the right of way in accordance with Moonee Valley City Council Drawing No. 34/43.

Construction of the Right of Way as specified in this permit must be satisfactorily completed. Following the completion of the works as constructed plans must be submitted and approved by the Responsible Authority prior to the issue of an Occupancy Permit for the approved development. The Right of Way is to be constructed and properly drained to the satisfaction of the Responsible Authority.

17. 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.
18. 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.
19. 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) Any landscaping within the visibility splays in accordance with Clause 52.06 of the Moonee Valley Planning Scheme to have a maximum height of 900mm.
- c) A survey of all existing vegetation, abutting street trees, natural features and vegetation;
 - i) Planting on the land comprising trees and shrubs capable of:
 - ii) Providing a complete garden scheme.
 - iii) Softening the building bulk.
 - iv) Providing at least one canopy in the front setback of all dwellings. Selected canopy trees must be capable of reaching a mature minimum height of 4 metres.
 - v) Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.
- d) The proposed design features such as paths, paving, lawn and mulch;
- e) 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;
- f) The use of drought tolerant species, and
- g) All trees on the land that are proposed to be removed or destroyed.
- h) The use of non-invasive plant species which will ensure that existing infrastructure assets are not damaged by root systems.

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.

20. 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.
21. 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.
- 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; $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- 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.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the western side of Beaver Street, Aberfeldie. The site is rectangular in shape with a frontage to Beaver Street of 15.09 metres and a depth of 43.28 metres, resulting in a total area of approximately 653 square metres. A 3.05 metre sewerage easement extends along the rear boundary. A 3 metre wide laneway abuts the land to the north.

The site is occupied by a single storey weatherboard dwelling with a front setback of 5.7 metres to the street frontage. Vehicle access to the site is obtained from an existing single-width crossover located in the south-eastern corner of the subject site. The front setback of the existing dwelling is provided with some minimal vegetation.



Figure 2: View of the subject site, 2 Beaver Street, Aberfeldie

The land to the east, west and south of the site is comprised of predominantly residential zoned land used and developed for residential purposes. The built form within the vicinity is predominantly single and double storey, with examples of multi-dwelling developments evident nearby. While the built form found within the immediate vicinity is very much eclectic, with no strong urban character, there is a slow emergence of new developments nearby. The exception to the residential locality is the Essendon Keilor College campus which is located further north of the subject site.

To the north of the site is land located within the Commercial 1 Zone. The rear of the commercial premises which have frontage to Buckley Street abut the subject site. Buckley Street is a local shopping strip and is being developed with a number of apartment style buildings along the commercial strip above the existing retail/office space.

Buckley Street is also well serviced by public transport.

1.2 Proposal

It is proposed to construct four double storey dwellings. The application can be summarised as follows:

Table 1

No of dwellings	4 (1x3 bedroom and 3x2 bedroom dwellings)
No of car spaces	5
Max Building Height	7.5m
Site Coverage	51%
Permeability	25%

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

2. Background

2.1 Relevant Planning History

Not applicable.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 9	Plan Melbourne
Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16	Housing

Local Planning Policy Framework

Clause 21.01	Municipal Profile – Moonee Valley Today
Clause 21.02	Vision – Moonee Valley Tomorrow
Clause 21.03	Sustainable Environment
Clause 21.04	Housing
Clause 21.05	Built Environment
Clause 22.03	Stormwater Management (Water Sensitive Urban Design)

Zoning

Clause 32.08	General Residential Zone
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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

N/A

Internal

- Engineering Services Unit.
No objection, subject to conditions, including that the dwellings are to be raised 300mm in their FFL.
- Traffic and Transportation Unit.
No objection, subject to the following conditions:
 - The sewer pit in front of the driveway of Dwelling 4 is to be replaced with a heavy duty cover.

- The realignment of the garden bed associated with Dwelling 4 which is east of the driveway to ensure that vehicles can satisfactorily manoeuvre into and out of the driveway.
 - The laneway to the north of the subject site must be constructed at the owner/developers expense.
 - The removal of the barrier between the two tandem parking spaces on the shared driveway of Dwellings 2 and 3.
 - The gate in the driveway of Dwelling 4 located to ensure there is sufficient space for the tandem carspace so that it will not overhang into the laneway.
 - A pedestrian link which extends to Dwellings 3 and 4.
 - ESD
- 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 two signs erected along the site frontages.

As a result, 10 objections were received from the properties contained within **Appendix B** of the 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 the 19 November 2014 and was attended by Cr Chantry and Cr Sharpe, the applicant, objectors and Council's Planning Officer. No resolution was achieved at the meeting.

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 and community services and public transport. The subject site is located within close proximity of a local business precinct, 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.

3.2 Local Planning Policy Framework

The proposed development responds to the strategies of Clause 21.05-3 (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 21.05-3 (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.

3.3 Neighbourhood Character Guidelines

The subject land is identified as being within character area ‘Garden Suburban 5’ within the Moonee Valley Neighbourhood Precinct Profiles 2012.

It is considered that the development provides a suitable response to the preferred character statement.

Table 2

Siting and Building Envelope	<p>The development is provided with a setback, whilst not in accordance with the ResCode requirement, is considered suitable given the site’s context. The required setback is 5.7 metres, with Dwelling 1 provided with a setback of 3.5 metres. The setback is considered to provide for a suitable transition between the residential and commercial properties on either side of the subject site.</p> <p>The building envelope is similar to other medium density developments within wider the area It is considered that the development setback from one side boundary does not impose on the spacing in the streetscape.</p> <p>The proposal is considered to respect the scale, bulk and character of buildings within the immediate context and achieves adequate separation between adjoining properties.</p>
Built Form	<p>The overall building height of the development does not exceed the 9 metre height requirement of ResCode with the double storey form limited to 7.5 metres which is characteristic of the double storey dwellings throughout Beaver Street.</p> <p>The development adopts a contemporary form of architecture, repeating proportions and the scale of surrounding development in the immediate vicinity. The dwellings include a variety of materials on both levels to provide appropriate levels of articulation. The upper levels</p>

	are provided with varied materials and modulation and varied window shapes and sizes, ensuring visual interest to the front and side elevations.
Design Detail	<p>High quality finishes are provided to all facades to ensure the development will be a positive addition to the streetscape, providing a high standard of architectural integrity and visual amenity.</p> <p>The first floor level of Dwelling 1 has been recessed from the ground floor level below and provides visual interest to the design. The side elevation, has been setback from the lower levels. The provision of side stepped upper levels will provide a visually interesting built form that is more in keeping with residential development. The side setbacks range from 2.0 metres to 3.2 metres from the south.</p> <p>The roof form is hipped and includes overhanging eaves and reflects the predominant roof forms of the original housing stock in the street.</p> <p>The design theme of the development is considered to be a contemporary and respectful response to the character of the area. The layout and design of the development enables adequate passive surveillance of the street.</p>
Landscaping	<p>The development is set off one side boundary to the street and is provided with landscaped front yards and side setbacks. The design of four dwellings allows adequate landscaping to be provided within the front setback, along the southern boundary line and between the dwellings.</p> <p>A low 1.2 metre high brick pier and steel insert front fence is proposed which is considered satisfactory.</p>

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
3 Dwellings (1x3 bedrooms 3x2 bedrooms)	5	5
Visitors	0	0
Total	5	5

As mentioned under Section 2.3 of this report, Council's 'Traffic and Transportation Unit' has no objections to the proposed development, subject to conditions.

3.5 Clause 55

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

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

Table 4

Res Code Standard	Response
Clause 55.03-1 (Standard B6 - Street Setback)	As discussed above in Section 3.3, the proposal should have a setback of 5.7 metres. A minimum setback of 3.5 metres proposed. The variation is considered acceptable as it provides a transitional increase in built form adjacent to the commercial properties. The dwellings facing the laneway should be setback 3 metres from this frontage. A 1 metre variation is considered acceptable in this instance as the adjacent dwelling to the west is provided with a zero setback to the laneway. The 2 metre setback allows for landscaping to be provided within the front setback.
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.

3.6 Objections

Table 5

Issue	Officer Response
Neighbourhood Character/dwelling design/fenestration/streetscape aesthetics/building bulk/overdevelopment	<p>This is considered acceptable as discussed within Sections 3.3 and 3.5 of this report. While an objectors refers to the residential framework plan at Clause 21.04 as being outside an activity centre, the site is located within an area where incremental infill development is expected to occur and four dwellings on the land is not unreasonable infill development within the street. The design of the dwellings include features which respond to the predominant housing form in the street including a setback to one side boundary and are well articulated.</p> <p>There was also concern regarding the density allowed on the site. The subject site is located within a General Residential Zone (GRZ), which does not have a specific restriction on the number of dwellings permitted on site, however any proposal must demonstrate a high degree of compliance with the Moonee Valley Planning Scheme and in particular, Clause 55. A review of the Clause 55 has shown the proposed development does show a high degree of compliance with Clause 55 and is considered to provide an appropriate design response for a corner site.</p>
Street setback	This is considered acceptable as discussed within Sections 3.3 and 3.5 of this report.
Car parking / traffic impacts/turning circles	This is considered acceptable as discussed within Sections 2.3 of this report.
Provision of open space	The provision of open space in the form of balconies is an acceptable alternative to ground level open space particularly to the reversed living dwellings. The size of each balcony is greater than 8 square metres which accords with the requirements of 55.05-4 (Private Open Space) of the Moonee Valley Planning Scheme.
Discrepancies on plans	The plans have been reviewed by Council officers and discrepancies have not been identified.
Overshadowing	Overshadowing is within acceptable parameters in Clause 55.04-5 (Overshadowing) of the Moonee Valley Planning Scheme.

Overlooking	The development has been designed to ensure minimal overlooking to secluded private open space and habitable room windows on adjoining properties in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
Noise	Any noise generated from the development will be associated with normal residential noise.
Devaluation of properties	This is not considered a valid planning argument and cannot be substantiated
Potential renters	This is not considered a valid planning ground and cannot be substantiated. The Tribunal has previously stated this in Owen v Casey CC [2005] VCAT 1134 (7 June 2005) 'Rental properties. There was a concern raised that some or all of the units may become rental properties. It is not acceptable from a planning point of view to limit development on the basis of the "type of people" that may become residents of the area. There is no basis on which it can be assumed that new residents to an area will not have an interest or commitment to their neighbourhood.'
Waste Collection	Bin storage facilities for each dwelling have been suitably located within the development, and are capable of being taken to and from the street via the laneway. This is considered to be an appropriate outcome. Waste collection will be undertaken by Council service. Bins will be placed on the street on collection day. Overall, it is not considered to be any unreasonable impact on the capacity of waste collection services within the street.
Overloading of sewerage and stormwater infrastructure and legal point of discharge	The application was referred to Council's Engineering Services Unit who did not raise any concerns with the development in terms of infrastructure.

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 according to the relevant provisions of the SPPF, LPPF and the relevant General and Particular Provisions of the Moonee Valley Planning Scheme.

In light of the above, the proposed development is considered to be appropriate.

APPENDIX B

4 Beaver Street, ABERFELDIE VIC 3040
5 Beaver Street, ABERFELDIE VIC 3040
7 Beaver Street, ABERFELDIE VIC 3040
5 Aberdeen Street, ABERFELDIE VIC 3040
30 Beaver Street, ABERFELDIE VIC 3040
16 Beaver Street, ABERFELDIE VIC 3040
16 Beaver Street, ABERFELDIE VIC 3040
16 Beaver Street, ABERFELDIE VIC 3040
14 Beaver Street, ABERFELDIE VIC 3040
3 Beaver Street, ABERFELDIE VIC 3040

APPENDIX C

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, or modification required, see Section 3.6 of this report.

Title and Objective	Complies with Standard	Complies with Objective
<i>B1 - Neighbourhood Character</i>	✓	✓
<i>B2 - Residential Policy</i>	✓	✓
<i>B3 - Dwelling Diversity</i>	✓	✓
<i>B4 - Infrastructure Objectives</i>	✓	✓
<i>B5 - Integration with the Street Objective</i>	✓	✓
<i>B6 - Street Setback Objective</i>	X	✓
<i>B7 - Building Height Objective</i>	✓	✓
<i>B8 - Site Coverage Objective</i>	✓	✓
<i>B9 - Permeability Objectives</i>	✓	✓
<i>B10 - Energy Efficiency Objectives</i>	✓	✓
<i>B11 - Open Space Objective</i>	N/A	N/A
<i>B12 - Safety Objective</i>	✓	✓
<i>B13 - Landscaping Objectives</i>	✓ (subject to conditions)	✓ (subject to conditions)
<i>B14 - Access Objectives</i>	✓	✓
<i>B15 - Parking Location Objectives</i>	✓	✓
<i>B16 - Parking Provision Objectives</i>	Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 3.7 of the report.	
<i>B17 - Side and Rear Setbacks Objective</i>	✓	✓
<i>B18 - Walls on Boundaries Objective</i>	N/A	N/A
<i>B19 - Daylight to Existing Windows Objective</i>	✓	✓
<i>B20 - North-facing Windows Objective</i>	N/A	N/A
<i>B21 - Overshadowing Open Space Objective</i>	✓	✓

<i>B22 - Overlooking Objective</i>	✓	✓
<i>B23 - Internal Views Objective</i>	✓	✓
<i>B24 - Noise Impacts Objectives</i>	✓	✓
<i>B25 - Accessibility Objective</i>	✓	✓
<i>B26 - Dwelling Entry Objective</i>	✓	✓
<i>B27 - Daylight to New Windows Objective</i>	✓	✓
<i>B28 - Private Open Space Objective</i>	✓	✓
<i>B29 - Solar Access to Open Space Objective</i>	✓	✓
<i>B30 - Storage Objective</i>	✓	✓
<i>B31 - Design detail objective</i>	✓	✓
<i>B32 - Front Fences Objective</i>	✓	✓
<i>B33 - Common Property Objectives</i>	✓	✓
<i>B34 - Site Services Objectives</i>	✓	✓

✓ - complies

X - non-compliance

N/A - not applicable

**9.5 Planning Scheme Amendment C142 - Heritage Places Study
2012-14**

File No: FOL/14/354
Author: Senior Strategic Planning Officer
Directorate: City Works & Development
Ward: Municipal

Purpose

The purpose of this report is to advise Council on the recommendations of the Independent Panel (the Panel) appointed by the Minister for Planning to hear submissions with regard to Moonee Valley Planning Scheme Amendment C142 (Heritage Places Study 2012-14) and seeks adoption of Amendment C142, with minor changes to planning scheme maps and the Schedule to Clause 43.01 (Heritage Overlay), as recommended by the Panel.

Executive Summary

- Council consulted on the draft Moonee Valley Thematic Places Heritage Study 2012-13 from 23 October 2013 until 31 March 2014. All affected property owners were notified of this study, with 98 submissions received during the consultation period.
- Following consultation, the draft Moonee Valley Thematic Places Heritage Study 2012-13 was divided into two parts to simplify the viewing and implementation of the study.
- The first part of the study, the Moonee Valley Thematic Places Heritage Study 2012-14 refers to individual places and one precinct, Leven Street Essendon. The implementation of this study is via Amendment C142, which is the focus of this report.
- The second part, the Moonee Valley Post-War Thematic Precincts Heritage Study 2012-14 refers to post-war housing precincts. The implementation of this study is via Amendment C143.
- At its Ordinary Council meeting on Tuesday 22 April 2014, Council resolved to seek Ministerial Authorisation to prepare and publicly exhibit both Moonee Valley Planning Scheme Amendments C142 and C143.
- On 29 April 2014, Council received an email from the Department of Transport Planning and Local Infrastructure (DTPLI) that it could prepare Amendment C142 without authorisation after 13 May 2014.
- The Amendment was formally exhibited from 5 June to 11 July 2014, with all affected property owners notified of this amendment. Letters were also sent to Prescribed Ministers.

- Three submissions were received. One of these was from 43 Nimmo Street, Essendon. This property was removed from the Amendment at the Ordinary Council meeting on Tuesday 26 August 2014 and was therefore not referred to the Panel. The remaining two properties requested to not be included in the Heritage Overlay.
- As the Amendment was not recommended to be changed to satisfy submissions, Council resolved at its meeting on 26 August 2014, to refer submissions to an Independent Panel.
- On 15 September 2014 Planning Panels Victoria advised that a one person panel had been appointed under section 153 of the *Planning and Environment Act 1987*.
- The Panel Hearing for Amendment C142 (as well as C143) was held on 13 November 2014.
- Whilst the Panel Report also relates to Amendment C143 (Heritage Precincts Study 2012-14). This Amendment will be the subject of a future report, with some possible additional work to be undertaken in relation to that amendment.
- After consideration of the two remaining submissions, the Panel recommended that the amendment should be adopted, subject to a minor mapping change and a small addition to the Schedule at Clause 43.01 (Heritage Overlay).
- A copy of the revised amendment documentation including mapping changes and the revised Schedule to Clause 43.01 is included in **Appendix A** (separately circulated). A copy of the full Panel Report is attached in **Appendix B** (separately circulated).

Recommendation

That Council:

1. Having complied with Part 3, Division 1 and 2 of the Planning and Environment Act 1987, and in accordance with Section 29(1), adopt Moonee Valley Planning Scheme Amendment C142. The revised amendment will incorporate all changes recommended by the Panel, as per pages 21 and 22 of the Panel Report provided in **Appendix B** (separately circulated).
2. Pursuant to Section 31(1) of the Planning and Environment Act 1987, submit Moonee Valley Planning Scheme Amendment C142 to the Minister for Planning for approval.

Background

Draft Moonee Valley Thematic Places Heritage Study 2012-13

At its Council meeting on 18 September 2012, Council resolved to undertake a heritage study of the key places and precincts which were identified as key gaps in the Thematic Environmental History.

Council consulted widely on this study from 23 October 2013 until 31 March 2014, with 98 submissions received over the consultation period.

Following consultation, to make the viewing and the implementation of the study easier, it was divided into two. The first part being the Moonee Valley Thematic Places Heritage

Study 2012-14, which includes the individual places of significance along Mt Alexander Road and one precinct, Leven Street, Essendon. The second part being the Moonee Valley Post-War Thematic Precincts Heritage Study 2012-14, which includes the identified heritage post-war precincts.

The Moonee Valley Thematic Places Heritage Study 2012-14 formed the basis for Amendment C142, which is the subject of this report.

Amendment C142 (Heritage Places Study 2012-14)

Specifically Amendment C142 seeks to implement the findings of the Moonee Valley Thematic Places Heritage Study 2012-14 by updating the Schedule to Clause 43.01 (Heritage Overlay) and relevant Planning Scheme Maps. It also proposes to insert the study as a reference document in the Moonee Valley Planning Scheme at Clause 21.05 (Built Environment). A list of places included in the Amendment is provided in Table 1.1.

Table 1.1 – Places included in Amendment C142

Name	Street Address	Suburb	HO number
Laurel Hotel	289 Mt Alexander Road	Ascot Vale	HO361
Essendon & Flemington Borough Offices	1A Warrick Street and 492-494 Mt Alexander Road	Ascot Vale	HO362
Early Ascot Vale Shops (serial listing)	361, 363-379 & 548 Mt Alexander Road	Ascot Vale	HO363
Victoria Buildings	433-437 Mt Alexander Road	Ascot Vale	HO365
Motor Garage (former)	546 Mt Alexander Road	Ascot Vale	HO366
Ascot Vale Hotel	447 Mt Alexander Road	Ascot Vale	HO367
Clocktower Centre (former Essendon Town Hall)	750 Mt Alexander Road	Moonee Ponds	HO368
Lincolnshire Arms Hotel	1 Keilor Road (corner Mt Alexander Road)	Essendon	HO369
Leven Street	2-20 Leven Street	Essendon	HO371

Discussion

Submissions received

Three submissions were received for Amendment C142 during the exhibition period.

A submission was received from 43 Nimmo Street, Essendon. This property was removed from the Amendment at the Ordinary Council meeting on Tuesday 26 August 2014 and was therefore not referred to the Panel.

The remaining two submissions were from 1A Warrick Street, Ascot Vale and 447 Ascot Vale Road (Ascot Vale Hotel).

The Panel Process

On 1 September 2014, Council wrote to Planning Panels Victoria requesting a panel be appointed to consider submissions into Amendment C142 and C143. On 15 September, Planning Panels Victoria advised that Alison Glynn had been appointed to the Panel under section 153 of the *Planning and Environment Act 1987*.

A directions hearing was held at Council's Civic Centre on Thursday 25 September 2014.

The Panel Hearing was held over one day at the Clocktower Centre on Thursday 13 November 2014.

The Panel Report

A full copy of the Panel Report is included in **Appendix B** (separately circulated).

The Panel Report outlines the details of the amendment, including the planning context and the strategic basis for the amendment.

It provides a detailed response to each of the key issues raised by submitters to Amendment C142 (and C143).

Summary of conclusions and recommended changes

The Panel concluded that Amendment C142 was supported by relevant policy and that the heritage study was sufficiently rigorous to justify the Amendment.

It did not recommend any changes to the properties included within the amendment.

It did however recommend some minor changes to the exhibited amendment. These are outlined on page 21 and 22 of the Panel Report. In relation to Amendment C142 the changes recommended by the Panel are as follows:

- a) Amend maps 12HO and 15HO to apply HO362 to only 1A Warrick Street and 492-494 Mt Alexander Road, Ascot Vale.
- b) Amend the Schedule to the Heritage Overlay, as exhibited to:
 - i) Identify the address of the heritage place for HO362 as 492-494 Mt Alexander Road, Ascot Vale;
 - ii) Replace "No" with "Yes" under the "Internal Alteration Controls Apply?" column with a notion next to "Yes" to state "only to walls that were originally external to the former Essendon and Flemington Municipal Hall at 1A Warrick Street".

A copy of the updated maps and Schedule to Clause 43.01 (Heritage Overlay) is provided in **Appendix A** (separately circulated).

Consultation

Council consulted on the Moonee Valley Thematic Heritage Study 2012-13 from 23 October 2013 until 31 March 2014, with all affected property owners notified of this study.

Amendment C142 and C143 were formally exhibited from 5 June 2014 until 11 July 2014, with noticed in the local papers and government gazette.

Letters and a fact sheet were sent to all affected property owners and occupiers. Letters and amendment documents were also sent to all Prescribed Ministers.

Implications

1. Legislative

Amendment C142 is consistent with Ministerial Direction of the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*.

2. Council Plan / Policy

Amendment C142 relates to Theme 3 (Sustainable Living) in the Council Plan 2013-17. More specifically Strategy 3 within Strategic Objective 1 to 'identify gaps in heritage controls and implement new heritage overlays where warranted'.

3. Financial

Any remaining costs to finalise Amendment C142 will be funded through the Strategic Planning operational budget.

4. Environmental

Applying the Heritage Overlay to the places identified in heritage studies will have a positive environmental impact in that it will protect places of historical significance.

Conclusion

Amendment C142 seeks to implement the findings of the Moonee Valley Thematic Places Heritage Study 2012-14.

The Panel for Amendment C142 has recommended adoption of this amendment with some minor changes. It is recommended that Council adopt the amendment with these changes.

**9.6 Amendment to remove reference to the Residential 1 Zone
from the Moonee Valley Planning Scheme**

File No: FOL/13/1071
Author: Coordinator Strategic Planning
Directorate: City Works & Development
Ward: Municipal

Purpose

This report seeks Council endorsement to request the Minister for Planning to prepare, adopt and approve an amendment to the Moonee Valley Planning Scheme. The purpose of this amendment is to remove several references from the planning scheme to the now superseded Residential 1 Zone.

Executive Summary

- Amendment VC116 removed the Residential 1 Zone from the Moonee Valley Planning Scheme and inserted the General Residential Zone in its place on 1 July 2014.
- Several sections within Council's planning scheme still include reference to the now superseded Residential 1 Zone. Following a review, only two sections of the Planning Scheme need to be updated to move reference to the Residential 1 Zone:
 - Clause 22.04 (Licensed Premises Policy).
 - Clause 43.02 - Schedule 3 (Mt Alexander Road Corridor Design and Development Overlay).
- Other references to the Residential 1 Zone (and the Business Zones) are to be dealt with via Amendment C134 to the Planning Scheme (Council's new Municipal Strategic Statement).
- An amendment is required to the planning scheme to remove reference to the Residential 1 Zone.
- This amendment is a policy neutral translation, and therefore will not affect any residents or property owners.
- Notice of these changes is therefore not required.

Recommendation

That Council:

1. Request the Minister for Planning to prepare, adopt and approve an amendment to the Moonee Valley Planning Scheme, in accordance with Section 20(4) of the *Planning and Environment Act 1987*, which makes the following changes to the planning scheme:

- a) Changes reference to the Residential 1 Zone to more generally refer to residential zones in Clause 22.04, and Clause 43.02 (Schedule 3) as detailed in **Appendix A** (separately circulated).

Background

Three new residential zones (Neighbourhood Residential, General Residential and Residential Growth) were introduced into the Victorian Planning Provisions on 15 July 2013 via Amendment VC100.

Amendment VC116 was introduced on 1 July 2014 which removed the Residential 1 Zone from the Moonee Valley Planning Scheme and replaced it with the General Residential Zone.

Council's local sections of the planning scheme still include reference to the now superseded Residential 1 Zone.

Discussion

As a consequence of Amendment VC116, Council's local sections of the planning scheme need to be updated to remove reference to the Residential 1 Zone.

Amendment documentation has been prepared (refer **Appendix A** – separately circulated), which removes reference of the former Residential 1 Zone. Changes are proposed to only two sections of the planning scheme.

These changes are:

- Clause 22.04 (Licensed Premises Policy) – change reference for licensed premises in proximity to *a Residential Zone*, rather than the Residential 1 Zone (Page 3 of 5).
- Clause 43.02 – Schedule 3 (Design and Development Overlay – Mt Alexander Road Corridor) – change reference to land in *a Residential Zone*, rather than the Residential 1 Zone (Pages 3, 4, 5, 6 and 12 of 15).

These changes are policy neutral and limited to straight translation of provisions from Residential 1 Zone, to referring more generally to Residential Zones.

It is not proposed to update the Municipal Strategic Statement (MSS), as Amendment C134, which is Council's new MSS has already been submitted to the Minister for Planning for approval. This new MSS does not include reference to the specific new residential zones. References to the new Commercial Zones have been updated in the MSS version sent to the Minister for approval.

Consultation

The nature of this report does not require any consultation. The changes are policy neutral and will not have any implications on the community.

Implications

1. Legislative

Changes to the Moonee Valley Planning Scheme must follow the processes prescribed in the *Planning and Environment Act 1987*.

There are no Human Rights Charter implications as a result of this report.

2. Council Plan / Policy

This report is most closely associated with Theme 3: Sustainable Living; Strategy 1 of Strategic Objective 1.

Strategic Objective 1: *Ensure there is a clear direction for growth and proactive management of development in the city.*

Strategy 1: *Review and update the Moonee Valley Planning Scheme ensuring it provides for retention of neighbourhood character.*

3. Financial

There will be no substantial cost implications as a result of the amendment. The fees to request preparation and approval of the amendment can be accommodated within the strategic planning operational budget.

4. Environmental

There are no environmental implications as a result of this amendment.

Conclusion

The purpose of this amendment is simply to update a couple of references in the local section of the Moonee Valley Planning Scheme from the Residential 1 Zone to refer more generally to Residential Zones.

The changes are policy neutral and limited to straight translation of provisions. Therefore consultation is not required, and it is justifiable to seek the Minister for Planning to approve the amendment in accordance with Section 20(4) of the *Planning and Environment Act 1987*.

9.7 Melbourne Water Infrastructure Works - M102 Water Main and Aberfeldie Main Drain

File No: FOL/14/553 & FOL/14/1090
Author: Senior External Projects Manager/ Manager Technical Services
Directorate: City Works & Development
Ward: Buckley & Rosehill

Purpose

This report is being presented to Council to provide an update on two significant Melbourne Water (MW) projects that will each have an impact on the municipality. Both are due to commence in 2015. The projects are:

- The Essendon to Yarraville water main (M102) upgrade project (water supply).
- The Aberfeldie Main Drain (AMD) upgrade (flood mitigation).

Executive Summary
M102

- Melbourne Water are proposing an upgrade of the M102 water main, which crosses the municipality from Essendon Airport to Avondale Heights.
- Construction is anticipated to begin in the first half of 2015. The main impact of the project will be through the construction activities along the 4.5 kilometre route through the City of Moonee Valley.
- Much of the works will occur within the public reserve owned by Melbourne Water. However some works are required to occur within commercial and residential areas, and in, and around environmental sensitive locations.
- There are potentially a number of construction and amenity impacts on the Moonee Valley community that must be given adequate consideration and appropriate mitigation outcomes prepared in consultation with Council, prior to works commencing.
- The project also presents a range of opportunities to provide improvements in ecological and landscape values, connectivity and recreation upgrades in the vicinity of the route.
- The proposal triggers a number of statutory approvals, which must be undertaken to the satisfaction of Council and stakeholders.

The Aberfeldie Main Drain

- Melbourne Water has allocated funds towards the upgrade of the Aberfeldie Main Drain, with construction likely to commence in early 2015. These mitigation works involve the construction of a new duplicate Melbourne Water Main Drain at an estimated cost of \$19 million.

- Melbourne Water has identified a preferred route for the Aberfeldie Main Drain. This involves the construction of approximately 1.5km of new Melbourne Water Main Drain from Forrester Street south through the Aberfeldie Catchment to the Maribyrnong River at the existing outfall. The route requires that the pipe partially traverses Council owned land at Aberfeldie Park close to the Maribyrnong River which obviates the need for the creation of an additional outfall within the banks of the Maribyrnong River.

Recommendation

That Council:

1. Write to the Managing Director, Melbourne Water indicating Council's in principle support for the M102 Project, following the route contained in **Appendix A** (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 Council 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 and on business and residential on street parking.
 - iv) Vegetation reinstatement plan.
 - c) Melbourne Water agreeing to a Licence for use of Council land **(Appendix B)**, and the creation of the relevant easements, if required.
 - d) Melbourne Water undertaking a pre-condition assessment of Council assets.
 - e) Agreement that Council Arborists will be permitted access to key sites at Council's discretion.
 - f) Melbourne Water agree to provide legacy outcomes including;
 - i) replacing Steele Creek Bridge to Council's satisfaction, to provide improved pedestrian and cycling access,
 - ii) funds towards shared paths and bike lanes to reinforce connectivity in the vicinity of the pipe route, and
 - iii) a suitable revegetation outcomes along the pipe route.
 - iv) Recreation areas.
 - g) 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.
2. 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.

ESSENDON TO YARRAVILLE WATER MAIN (M102) UPGRADE PROJECT

Background

The M102 water main is one of three major water supply mains servicing Melbourne's CBD and the western suburbs. Originally constructed in 1928, the water main services 125,000 households. Melbourne Water advise that the main is close to the end of its service life and that there is an increasing maintenance requirement to attend to leaks and repairs. A major upgrade is now proposed, and funds have been apportioned within *Melbourne Water 2013 Water Plan*.

Route alignment

The majority of the route that is to be upgraded is within the City of Moonee Valley. **Appendix A** (separately circulated) shows the route alignment from the Essendon Airport Water Tanks to the Maribyrnong River.

The pipe route generally traverses the Melbourne Water reserve, through public roads and crosses Steele Creek and the Maribyrnong River. Some of the key features along the route (north to south) are:

- Essendon Airport.
- City Link crossing (works already completed).
- Keilor Road shopping precinct.
- Residential streets, including Gallica Close.
- Steele Creek landscape environs.
- Maribyrnong River.

Construction Methodology

The replacement works will be undertaken in stages. Works are proposed in a number of locations simultaneously and will be delivered by an appointed contractor, responsible for planning, designing and installation of the works. Melbourne Water has appointed contractors to undertake the work on their behalf, and a number of preliminary meetings have been held between MVCC staff and the parties.

Melbourne Water has provided Council with broad details of the project, including a high level briefing to Councillors in September 2014. Using the information provided staff have commenced an assessment of the project impacts, mitigation requirements and opportunities that may arise as a result of construction. An assessment of key issues and opportunities along the route has been provided to Melbourne Water and will be used to inform the requisite management plans that will be required for Council approval.

Melbourne Water has advised officers that their contractors are proposing to commence preliminary construction in March 2015. Melbourne Water has advised that due to the need to maintain water flow to residential and commercial customers served by the water main there are limitations on when works can occur.

It is anticipated that the works will generally be undertaken via cut and cover methodology, with tunnel boring utilised in particularly sensitive or in-accessible areas. The works will generally be within a 15 metre wide corridor, except in areas where Melbourne Water has been able to obtain access to broader areas, where the works will occupy a 20 metre corridor.

Melbourne Water propose to undertake construction in different areas at consecutive times to minimise the overall construction timetable. Where the route passes a particular property it is likely that works will be underway for between one and three weeks. The nature of the works are such that vehicle access to properties will be restricted for up to a week at a time. Areas to be used for depot sites and laydown areas, are likely to be occupied for periods of approximately three months.

Melbourne Water advise that, once installed, there is a requirement to provide a 15 metre offset requirement for vegetation planting to allow Melbourne Water unfettered access to the pipe should the need for repairs occur in the future and to restrict plant root intrusion. No revegetation is currently proposed.

Project Governance and Statutory Controls

A range of management plans are required in order to manage the construction and mitigate the impacts on the surrounding area during the construction period.

These include:

- Construction and Site Management Plans.
- Environmental Management Plan, including management of any contaminated spoil or hazardous waste.
- Traffic Management Plan (including road closures, truck management, impacts on bus/ tram routes, worker parking, and on business and residential on-street parking)

Melbourne Water has advised that a Cultural Heritage Management Plan is not required as the route has previously been disturbed.

Melbourne Water has advised that the proposal does not trigger any of the approval requirements under the *Commonwealth Environment Protection and Biodiversity Conservation Act, 1999*.

Much of the route is within an existing reserve, zoned Public Use Zone, (PUZ1 – Service and Utility) in the Moonee Valley Planning Scheme. Other areas are generally zoned for residential, commercial or public open space. However, there are a number of locations where the pipe route is within land zoned for other purposes including General Residential Zone, Road Zone and Public Park and Recreation Zone.

In addition, Melbourne Water are proposing to use and occupy land outside the existing route for works depot sites and pipe storage areas, whereby it is considered that the use of land is not exempt from the need for a planning permit. The route also traverses an Environmental Significance Overlay, where a permit is required for works.

There are similarities between the M102 project and the Northern Sewer project undertaken by Melbourne Water in 2009, in the vicinity in Vanberg Road. This project required the temporary occupation of Council parkland zoned PPRZ, for use as a temporary work sites. The Melbourne Water Northern Sewer project was delivered satisfactorily. It included a rigorous pre-construction assessment and stakeholder and community consultation program. The project also included community benefits program funded by Melbourne Water.

It is recommended that Melbourne Water adopt a similar approach to the management and delivery of the M102 project as that used in the Northern Sewer Project as there are many similarities to the current Melbourne Water proposals.

Construction Issues and Management – Impacts on Traffic, Parking and Transport

The proposed works are likely to have a major disruption to the local, arterial and regional road network and impact on traffic flow and parking management.

The work sites and lay down areas outside of the main pipe route are in the process of being identified by the appointed contractors. The project will necessitate closing access to private driveways, changes to on-street parking controls and restrictions, temporary closure of roads, and the introduction of truck routes through residential streets.

Appendix B (separately circulated) provides an indication of principal access points and traffic routes. Given that the project affects major arterial roads and the developed Traffic

Management Plans are likely to include the reduction in speed limits, it is critical that VicRoads are consulted with and their consent is obtained for the required works.

The project will need to ensure that there is minimal disruption to all public transport services. The project will impact on bus services and tram routes. As such liaison with Public Transport Victoria, bus service providers and Yarra Trams will also be required. It is important that the needs of Public Transport Victoria and the public transport service providers be considered in the development of the Traffic Management Plans.

The project will also impact upon the Keilor Road shopping strip precinct, through the proposed occupation of public car parks for lay down areas, the establishment of works sites, and through heavy vehicle movements throughout the busy shopping precinct. Melbourne Water and their contractors have been advised that requests to occupy public car parks in the vicinity of the Keilor Road shopping precinct will not be approved.

A joint road safety project has been developed by VicRoads and Council which will see the proposed introduction of a new 40km/h Keilor Road Speed Zone, between Ryder Street and Ogilvie Street. The new shopping strip speed zone change will operate between 8am and 10pm, Monday to Sunday, and revert back to 60km/h outside of these times. VicRoads are currently undertaking further consultation with stakeholders and it is expected that this project will be completed within the current financial year. At this stage, it is not known how the M102 Water Main Renewal Project will impact on the delivery of this important road safety initiative, which will significantly improve the safety of pedestrians, cyclists and public transport users in the busy strip shopping centre precinct.

It is important to note that the Traffic Management Plans will have to be developed and implemented through consultation and input from Council and VicRoads. It will be incumbent on the proponent to have undertaken appropriate traffic counts and developed alternative plans to manage the impacts of heavy vehicle movements through the municipality, including the estimated number of movements, times and impacts on parking availability during these proposed works.

Consideration will also be required in relation to the suitable provision of parking facilities for the construction workforce, given the need for workers to be located close to work sites.

There are clearly localised areas where there will be major parking impacts which will require detailed analysis to provide a workable outcome. In line with Council's Parking Permit Policy, residential parking permits are issued for an area based system which includes immediately adjacent streets and parallel streets. This approach recognises that in instances where parking availability is limited in a specific street it allows residents to park in nearby streets. This approach increases parking options and spreads parking demands in a local area and it has been designed to discourage car journeys within a local area.

It is noted that residents who currently have access to parking permits will be able to use their parking permits and park in nearby streets (for example, if parking is restricted to temporary 'No Stopping' in their street and parking restrictions apply in nearby surrounding streets). However, in some instances, this will necessitate a need for residents to obtain parking permits in line with the allocations identified in Council's Parking Permit Policy. Therefore, as these proposed works will increase parking demands in surrounding residential areas, adequate consultation and liaison will be

required between Melbourne Water, residents, businesses (including Niddrie Traders Association) and Council.

It is considered that St John Boscus Primary School, Western Autistic School, Rosehill Secondary College and St Bernards College may be impacted by the M102 Water Main Renewal Project, through the movement of trucks, traffic and potential parking impacts. Officers consider it important that Melbourne Water continually engage these schools in a proactive way to ensure the developed Traffic Management Plans is communicated with the school communities.

Construction Issues and Management – Vegetation and Landscape

Melbourne Water advise that once installed, there should be no requirement for maintenance on the pipe for approximately 150 years. However, by its nature the installation and construction of a project of this magnitude will require careful consideration, management and mitigation of impacts.

Key issues are required to be considered for the design, construction and mitigation of the project and include:

- Trees and Vegetation – The project must ensure that any trees that are on the MVCC Significant Tree Register are not impacted. These trees are identified in the Moonee Valley Planning Scheme through the Environmental Significance Overlay. Any works must be in accordance with MVCC Tree Management Strategy and Urban Ecology Strategy.
- Melbourne Water are due to provide an Arboricultural assessment/report outlining tree protection measures to be undertaken during construction works. This includes street trees as well as trees along the MW pipe track easement that will require removal. Where established trees are to be removed, Melbourne Water have advised five trees will be provided for every tree lost.
- One area of particular concern are trees in Gallica Close which will require under pruning for clearance of construction vehicles. This will require works to be undertaken by suitably qualified arborists under instruction from MVCC staff.
- Weeds - Remediation needs to include weed control, In particular weeds of National significance like Serrated Tussock which are common through the area, but must not be spread further through soil movement, disturbance and machinery hygiene.
- Waterways – Protection of Steele Creek and Maribyrnong River must be demonstrated and all measures to avoid soil disturbance and erosion must be implemented. Proactive monitoring of water quality during the project must be a high priority by Melbourne Water and their contractors.
- Work sites - Construction sites and laydown areas must not displace open space for significant periods of time. Similarly, works and associated activities must not adversely impact on shopping centres and open space reserves.
- On road vehicle management. Melbourne Water must ensure that worker parking and construction machinery do not adversely affect the local environment.

Vegetation removal and replacement with the existing Reserve.

There has been a gradual introduction of vegetation into the MW Reserve over the years, to the point where there is significant landscaping and gardens that are

maintained by members of the public. The majority of the vegetation has remained untouched as a result of the pipe not requiring major maintenance. The vegetation along the route takes the form of formal and informal planting. However notwithstanding this Melbourne Water, approval is required for this purpose.

There will be a significant change to the existing landscape as the majority of vegetation in the reserve will be removed and not replaced. Vegetation removal (and replacement) is a matter of major concern to the community. It is considered that Melbourne Water, in conjunction with the local community and stakeholders should consider appropriate replanting.

Route – List of Council properties to be used to provide Laydown and Work Sites

In order to deliver the project MW are requiring access to, and occupation of sites outside the pipe reserve area, and which are not owned by Melbourne Water.

Melbourne Water has advised that this is to facilitate ease, and reduce duration of construction, thereby reducing the impact of the project on surrounding properties. A list of properties outside the route alignment that Melbourne Water are seeking to occupy has been provided to Council. (**Appendix B** - separately circulated)

The sites that have been identified are close to the route alignment and would provide Melbourne Water with flexibility in their ability to manage the project and provide storage areas, for vehicles and materials, and workforce facilities. Most are used for parkland and recreation reserves. Melbourne Water initially proposed to use commercial car parks in the Keilor Road Shopping Centre. However, staff have advised against this, given the need to maintain sufficient parking in the vicinity of the shopping centres.

The majority of the remaining sites are owned and managed by Council. Therefore, Melbourne Water require the prior agreement of Council before being able to occupy them. Prior to agreeing to provide access to the sites, Council is required to consider the current use of the land, length of proposed occupation, financial value of leasing the land, necessary statutory approvals, together with consideration of the impacts on adjoining properties from the proposal. Council has commenced the exercise of valuing the relevant properties and determining and appropriate rental return for the use of Council land.

Officers have advised Melbourne Water that a condition assessment is prerequisite to the use of any Council asset. Melbourne Water have agreed to this and arrangements are currently being made for this to occur.

A licence agreement will be required in the event that MVCC agrees to Melbourne Water utilising any of the sites.

Council officers will continue to work with Melbourne Water to identify suitable sites in the event that agreement is not reached in relation to the required number of sites.

Project Legacy Outcomes

The scale and nature of the M102 project provides a range of legacy opportunities. Officers consider that a visionary approach should be taken during the planning phase to make the most of the opportunities that are created during the construction process and ensure that there is not just a mere reinstatement of the pipe track with grass.

The nature of the pipe replacement project is that there should not be any requirement for Melbourne Water to require access to the pipe in the short to medium term. It is

recognised however that, given that the land is owned by Melbourne Water permanent structures that prevent any access are not appropriate.

It is considered important that MW assess the opportunities that are available in accordance with the triple bottom line requirements of the *Water Act 1991*, and the Melbourne Water corporate objectives policies and processes that are designed to embed triple bottom line sustainability outcomes into their activities.

Council's adopted Council Plan 2013-2017 also has set objectives in relation to achieving a sustainable environment for future generations. Theme 2 of the Council Plan "Green, Clean and Beautiful" sets a strategic objective to:

Make the city more attractive through maximising opportunities for greening the public realm (p15)

Theme 3, "Sustainable Living" sets a clear direction for growth and development of the city, and aims to, improve pedestrian connectivity particularly in and around activity centres. (P18). Council's adopted *Walking and Cycling Strategy* (WCS) notes the community's concern about the impact of traffic and its appreciation of open public spaces, including the Maribyrnong River. Through the WCS Council has committed to improving the walking and cycling environment in parts of the municipality where participation rates are lowest. These areas include Airport West, Avondale Heights and East Keilor.

Council officers have identified a range of legacy opportunities in relation to the M102 Project, and have provided these to Melbourne Water. Some of the key projects include:

- Installation of shared paths through the pipe reserve in key locations. Council officers have commenced identification of key routes that can create additional connectivity within the cycle network.
- Upgrade of the Steele Creek Bridge to ensure that the replacement bridge provides DDA compliance and improves pedestrian and bicycle movements.
- Providing recreation areas and facilities in key locations.
- Providing revegetation opportunities, rather than only grass.

These legacy projects should be provided at Melbourne Water's cost, subject to discussion with Council in relation to ongoing management and maintenance of the new assets.

Legacy - Sustainability Opportunities

MW advise that some sections of the old pipe (including Macey Avenue to Canning Street) are to be left in situ. Officers consider that there is a potential opportunity for MVCC to utilise this as (leaky) storage, at some point in the future (subject to resolving the various complexities and details). This would be a positive outcome to help MVCC restore a more natural water cycle and provide low-cost storage for harvested stormwater which could potentially be used to irrigate nearby reserves. Further discussion between Council and Melbourne Water in relation to this issue is recommended.

Community Consultation and Engagement

It is important that residents, communities and businesses are informed, consulted with and listened to, prior to, and during construction. It is also important that where

issues are identified that appropriate mitigation is undertaken. MW has commenced some initial consultation within the project area.

It is Council's experience that, notwithstanding the best efforts of proponents to inform communities of forthcoming projects, there is inevitably an impost on Council resources as members of the public make contact in relation to issues. To this end Council will require that a Communications Strategy is developed in consultation with MW and their contractors.

Council also has an established regime of Community representative Committees that engage with stakeholders. It considered appropriate that the Environmental Management Plan and Vegetation reinstatement plan, and any proposal for river and creek crossings be provided to the Council's Integrated Waterways Advisory Committee for review and input. The proposed traffic control measures and the legacy outcomes must also be provided to Council's Integrated Transport Committee for comment.

THE ABERFELDIE MAIN DRAIN (FLOOD MITIGATION)

The Moonee Valley Flood Management Plan (FMP) was prepared in 2011, as part of a joint focus on managing existing, residual and future flood risks within the City of Moonee Valley.

The FMP contains an Improvement Plan which details the Actions for key agencies required to address existing gaps in flood planning. The Improvement Plan lists the activities planned by Moonee Valley City Council in conjunction with Melbourne Water in order to reduce risk and the associated level of intolerability. The status of the FMP was reported to Council on 27 May 2014.

The FMP identifies the Aberfeldie Main Drain 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.

Melbourne Water has now allocated funds towards the upgrade of the Aberfeldie Main Drain, with construction likely to commence in early 2015. These mitigation works involve the construction of a new duplicate Melbourne Water Main Drain at an estimated cost of \$19 million.

Route

Melbourne Water has identified a preferred route for the Aberfeldie Main Drain, which is provided in **Appendix C** (separately circulated).

These works involve the construction of approximately 1.5km of new Melbourne Water Main Drain from Forrester St south through the Aberfeldie catchment to the Maribyrnong River at the existing outfall. The works broadly comprise augmentation of the existing Melbourne Water drain along Hedderwick Street, new pipe drainage works along Buckley Street to Vida Street and continuing along the length of Vida Street, into Tilba Street, and crossing Aberfeldie Park with an outfall into the Maribyrnong River.

The drainage works will be constructed using an open trench technique, with the exception of approximately 500 metres along Vida Street between Buckley Street and Arthur Street, where tunnelling is proposed. The preferred route traverses Aberfeldie Park, as reported to Council on 27 May 2014. This has potential implications for construction and Council assets.

The route requires that the pipe partially traverses Aberfeldie Park close to the Maribyrnong River. This has implications for;

- the use of the park during construction, and impacts on availability for sporting groups.
- ongoing management of the park – (potential impacts on existing reticulation system).
- the future construction of the Aberfeldie Park Cricket Pavilion.

Melbourne Water has advised that the works can be scheduled during a period that will not impact upon the times that Aberfeldie Park would be required for formalised scheduled sporting events. There will be a requirement for the replacement of turf wicket at the completion of the works.

The proposed pipe route through Aberfeldie Park also obviates the need for the creation of an additional outfall within the banks of the Maribyrnong River. It should be noted that an additional outfall would be unlikely to receive Parks Victoria approval, and would require the preparation of a Cultural Heritage Management Plan. The general principle is to limit the number of intrusions into river banks, based on the potential for impacts on any cultural heritage and in order to maintain environmental integrity where possible.

Officers have given consideration to the opportunities to explore an alternative route for the AMD along Vida Street, to obviate the need to utilise the park. An analysis of the key issues in relation to the option for the alternative routes identified that the AMD proposed route can be installed without permanently affecting Council assets and the construction of the new cricket pavilion.

Based on this assessment it is considered appropriate to allow Melbourne Water to utilise their preferred route. This will require the creation of an easement for the new and existing drain.

Construction Method and work sites

The construction footprint will vary with the location and project constraints and recommendations. Approximately two thirds of the pipeline will be constructed by excavating an open trench within the road surface and will have a construction footprint approximately 6 metre in width, of which approximately 2 metre would be the pipe trench. In open areas such as Aberfeldie Park, the construction footprint is anticipated to be approximately 10 metre in width, with a 2 metre wide pipe trench. In locations where the pipeline is proposed to be tunnel-bored, the bore depth is approximately 8 metres, however bore pits are required at the beginning and end of the bored section and at intervals along the length of the bore. The entry and exit bore pits impact an area of approximately 7.2 metres long x 4.2 metres wide. Intermediate bore pits will occur at approximately 50 metre intervals along the bored section.

Details of construction work sites and laydown areas have yet to be provided to Council.

Vegetation removal and reinstatement

Earthworks associated with open trenching and tunnel boring have the potential to impact nearby trees through excavation and soil compaction. To prevent such impacts and the potential long-term loss of trees, the recommended Tree Protection Zones (TPZ) for specified trees should be maintained for the duration of construction. Tunnel boring can occur at sufficient depth to avoid impacts on the TPZ of trees along the bored

section, however entry and exit pits have the potential to impact nearby trees and TPZ recommendations apply in these areas.

Melbourne Water advise that there is a requirement to provide a 15 metre offset requirement for vegetation planting to allow their unfettered access to the pipe should the need for repairs occur, and to minimise blockages in the future. However, Melbourne Water will investigate waiving or modifying the 15 metre offset requirement for vegetation planting, due to intermittent nature of water flow in the drain and gradient of the pipe route through Aberfeldie Park.

Approvals

Under the Moonee Valley Planning Scheme the use of land for the purpose of a Minor Utility Installation in all zones, where the route traverses, is a Section 1 use and no permit is required under the *Planning and Environment Act, 1987*. Building and Works are exempt under the provisions of the Moonee Valley Planning Scheme.

There are a range of significant trees in the area which are contained within the Environmental Significance Overlay (ESO2). These are predominantly in the vicinity of Vida Street.

The same approach to the application of planning controls on land outside land reserved for the specific purpose must apply as on the M102 Project.

An environmental assessment has been prepared by Melbourne Water, which has given consideration to the range of Commonwealth and State Environmental approvals that may be triggered by the proposal. This has been reviewed by MVCC officers.

The proposed alignment for the Aberfeldie Main Drain Flood Mitigation Project is not predicted to have any significant effects on the environment. The threatened fauna species recorded in the local area are not predicted to regularly utilise any areas occurring along the alignment, and are not predicted to be adversely affected by the proposed project.

The Melbourne Water report concluded that the proposed alignment is not predicted to have any significant effects on the environment and a permit, pursuant to Clause 52.17 of the Moonee Valley Planning Scheme for the removal of native vegetation will not be required.

The threatened fauna species recorded in the local area are not predicted to regularly utilise any areas occurring along the alignment, and are not predicted to be adversely affected by the proposed project.

On the material provided, officers concur that a permit will not be required subject to the following conditions based on Melbourne Water's recommendations. (Note that these conditions will be required to be reflected within the requisite Environmental Management Plan):

- Significant trees identified in Schedule 2 of the ESO on Vida Street should be avoided and will require the indicated tree protection zone to be fenced and maintained during any works in their vicinity.
- Street trees considered lost due to construction works should be replaced with appropriate trees (as agreed with Council) to maintain amenity value within the suburb.

- The duration and impact of works occurring along the banks of the Maribyrnong River should be minimised to mitigate impacts on threatened aquatic fish species, specifically Australian grayling and Eastern dwarf galaxias for which 'habitat may occur' or is 'likely to occur' within the study area.
- Contractors must install protective fencing prior to construction to delineate the extent of TPZs of trees to be avoided by the project.
- Restrict construction support infrastructure areas to previously degraded areas, away from native vegetation and outside the canopy area of nearby trees. These sites include construction offices/site huts, car parking and stockpile locations.

Where trees do require removal Melbourne Water will replace them at a ratio of a minimum of five replacement trees, per one removed.

Legacy and Other Project Benefits

There is an existing unsealed car park associated with Aberfeldie Park. This car park should be improved by being sealed, and MVCC will request that Melbourne Water to formalise the car park at no cost to Council.

In addition to flood mitigation benefits, the Aberfeldie Main Drain provides strong support for Council's environmental initiatives by adopting an integrated water management approach and supporting the application of Water Sensitive Urban Design (WSUD) principles. The FMP supports the implementation of WSUD solutions to provide environmental benefits through flood mitigation projects.

Communications and Stakeholder Engagement

Council will require that there is a Communications Strategy, (modelled on the M102 Project) developed in consultation with Melbourne Water and their contractors.

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*, *Walking and Cycling Strategy* and the *Moonee Valley Flood Management Plan*.

- *The Moonee Valley FMP* 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.
- The identified legacy projects will assist in delivering the objectives of Council's *Walking and Cycling Strategy* and *Open Space Strategy*.

3. Financial

There are potential financial implications as a result of this report relating to potential legacy projects and the licensing of Council land. These are expected to be managed within Council's current adopted delegation parameters.

4. Environmental

Construction of the two projects will be closely monitored and managed through the requisite management plans and conditions that will require prior Council approval. The projects provide strong support for Council's environmental initiatives by adopting an integrated water management approach and supporting the application of Water Sensitive Urban Design (WSUD) principles

Conclusion

Council recognises the importance of the two projects and their role in supporting key infrastructure in metropolitan Melbourne. The projects will each have a number of impacts on Moonee Valley.

It is incumbent upon Council to ensure that all statutory obligations are met by the proponent and to act on behalf of residents and all ratepayers to ensure that key impacts are mitigated.

It is considered important that Council be involved in the project design process as much as possible and the appropriate mitigation works be carried out to minimise any impact during and after construction.

The projects are required to be undertaken to ensure the longevity of some of Melbourne's important civil infrastructure. Notwithstanding this, there are matters of detail that have been raised that must be addressed prior to the commencement of construction. In addition, the project represents the opportunity for significant legacy issues to be gained that can provide a lasting benefit for all.

It is recommended that Council writes to the Managing Director, Melbourne Water providing in principle support to the two projects, subject to clarification of key matters, and seeking confirmation of appropriate reinstatement and legacy works.

9.8 ANZAC Centenary Committee

File No: FOL/14/1238
Author: Acting Director Environment and Lifestyle
Directorate: Environment & Lifestyle
Ward: Municipal

Purpose

This report is in response to the Notice of Motion No. 2014/20 tabled at the Ordinary Council Meeting of Tuesday 16 December 2014 – requesting an update on the establishment of an ANZAC Centenary Community Co-ordinating Committee and the allocation of resources as nominated in the notice.

Executive Summary

- A Community Co-ordinating Committee has been established and meetings held on 24 November 2014, 15 December 2014 and 12 January 2015.
- One of the roles of the committee is to identify the range of externally funded projects and activities that acknowledge the ANZAC Centenary, with a view to establishing a co-ordinated local calendar of events.
- Terms of Reference for the Committee have been drafted for adoption.
- A list of proposed projects with funding status and recommendations has been formulated by the committee and is presented to Council for consideration.

Recommendation

That Council:

1. Approves the attached list of community members as members of the ANZAC Centenary Community Co-ordinating Committee (provided as **Appendix A**).
2. Approves the list of projects to be funded with the \$30,000 Council allocation from within existing Council 2014/15 budget.
3. Note the proposed calendar of events (provided as **Appendix B**) where items will be badged as Moonee Valley ANZAC Centenary activities.
4. Designate an officer to assist with the co-ordination and development of selected approved projects.
5. Approve the Terms of Reference for the ANZAC Centenary Community Co-ordinating Committee (provided as **Appendix C**).
6. Appoint Councillor Jan Chantry as Chairperson of the ANZAC Centenary Community Co-ordinating Committee and appoint Councillor _____ and Councillor _____ as the Deputy Chairs.

Background

Council requested through Notice of Motion No. 2014/20 that the Chief Executive prepare a report to be presented at the Ordinary Meeting of Council to be held 27 January 2015, that:

1. Outlines the progress of ANZAC Centenary Community Co-ordinating Committee to date.
2. Allocates \$30,000 from the current 2014/15 budget to:
 - a) Develop promotional products (hardcopy, electronic and social media) to communicate ANZAC commemoration to Moonee Valley residents and also advertise specific events in 2015;
 - b) Develop written/electronic materials for specific commemorative events;
 - c) Facilitate specific Council commemorative activities;
 - d) Undertake joint Council and community projects; and
 - e) Offset costs to Council business units (including if necessary hiring a project worker/consultant).

2014-2018 marks the centenary of World War 1 (WWI). April 2015 marks the centenary of the battle of Gallipoli - the foundation of the ANZAC commemoration. The Federal Government has made available through the local Federal Members of Parliament, funds for ANZAC commemorative projects delivered by local community groups. Several Moonee Valley special interest groups have applied and received this funding. Others are awaiting decisions.

At the first meeting of the ANZAC Centenary Community Co-ordinating Committee held 24 November 2014, a list of projects, proposed and confirmed, was created. Some projects will commence as soon as Federal funds have been transferred to the relevant groups. Some projects require support by Council including in-kind support or resources. A copy of the list of Projects is provided in **Appendix D** – separately circulated.

Discussion

Listed projects were discussed with Council officers and assessed in terms of capacity, timing and strategic alignment with adopted Council strategies and master plans.

Moonee Valley City Council submitted an application for funding under the Federal Government's ANZAC Centenary Grants and has been approved \$17,850 to develop, design and produce permanent history panels for the Clocktower Centre which include its history connection to WWI, as well as make this information available on Council's website.

Of the projects and activities listed in **Appendix D**, Council officers are recommending the below be supported financially or in-kind. The below table also outlines the allocation of the \$30,000.

Organisation	Description of project	Timing	Funding
Moonee Valley City Council	'Branding and 'stamp' to give a common feature to all local events. Production, design and printing of promotional material.	All year	\$5,000 for design, branding and printing
Moonee Valley City Council, Essendon Historical Society	Develop heritage street signage in Ascot Vale connected to WWI and WWII identities (to be placed under the street name).	No timeline specified	Funded within existing Council 2014/15 budget
Moonee Valley City Council	WWI Story Boards – for Libraries, use at local ANZAC Centenary events etc.	Throughout the year	\$10,000
Moonee Valley City Council	Launch event of Clocktower Theatre season and permanent Clocktower History Boards. Place ANZAC Story Boards and Clocktower History Boards on Council website.	February 2015	Launch event funded within existing Council 2014/15 budget Federal Government ANZAC centenary funding for history boards
Moonee Valley City Council	Annual ANZAC ceremony at the cenotaph in Queens Park to be expanded to attract a wider audience – community afternoon tea in the park – attract wider schools involvement. Also expand Council's Remembrance Day ceremony in Queens Park.	19 April 2015 (TBC) November 2015	\$5,000

The remaining \$10,000 to be allocated to staffing resources to assist with organising other events and activities, as well as contacting and liaising with schools, churches and traders to seek their involvement.

Consultation

In researching this information consultation was undertaken with the following Council officers:

- Director Corporate Services – Anthony Smith
- Director Environment and Lifestyle – Scott Widdicombe
- Manager Communications and Corporate Planning – Angela Walter
- Manager Parks and Gardens – Mark Hammett

- Manager Operations – Greg Mulcahy

External consultations were undertaken with:

- Essendon Historical Society – Judy Maddigan
- Moonee Valley's Citizen of the Year 2014 – Jane Canaway

Implications

1. Legislative

There are no statutory considerations as a result of this report.

2. Council Plan / Policy

Theme 1: Friendly and safe: A community where people feel connected and safe;

Strategic objective 2: Increase opportunities for social connection by designing services and programs that facilitate participation;

Strategic objective 5: Support other organisations in contributing to community wellbeing

Theme 4: Vibrant and Diverse: Opportunities for all,

Strategic objective 2: Facilitate and encourage access to diverse, affordable and enjoyable leisure and learning opportunities.

3. Financial

There are direct financial implications from this report requiring a financial commitment to cover external costs such as graphic design and printing as well as the financial cost of human resources by the way of allocation of tasks to designated officers.

4. Environmental

There are no direct environmental implications from this report.

Conclusion

As a result of Council's Notice of Motion No. 2014/20, Council has allocated \$30,000 to Arts and Culture to cover the material out of pocket costs for identified and approved projects, including the design and printing of ANZAC Centenary commemorative branded promotional material; WWI Story Boards and expanded Council run events.

The ANZAC Centenary is an important commemorative anniversary. This report and appendices detail Council's role, involvement and contribution in supporting the community to be a part of this historic event.

APPENDIX A

Anzac Centenary Community Group – contact list

Name	Organisation
Cr Jan Chantry	Councillor, Buckley Ward - Moonee Valley City Council
Cr Jim Cusack	Councillor, Myrnong Ward - Moonee Valley City Council
Rev Alan Colyer	Anglican Parish of St Thomas'
Ange Kenos	Essendon RSL Sub Branch
Barry Gough	Former Mayor City of Essendon
Bill Laker	President, Keilor East RSL
Bob Chalmers	President, Essendon Historical Society (EHS)
Elaine Brogan	Friends of Sandy (FOS)
Everette Reynolds	58/32 Infantry Battalion Association Ltd
Gavin Comport	General Manager, Keilor East RSL
Jane Canaway	2014 Moonee Valley Citizen of the Year / Freelance Journalist and Editor
John Hills	Essendon Historical Society (EHS)
Judy Maddigan	Essendon Historical Society (EHS)
Robyn Harris	15 th Essendon Sea Scouts
Trevor Sinclair	Bendigo Bank / former Mayor Moonee Valley City Council
Yvonne Kernan	2013 Moonee Valley Citizen of the Year
Scott Widdicombe	Director Environment and Lifestyle, MVCC
Maria Tence	Manager, Arts and Culture, MVCC
Angela Walter	Manager, Communications and Corporate Planning, MVCC

APPENDIX B

2015 Calendar – “Draft”

Date	Event
February 2015	Clocktower history panels launch to coincide with the 2015 theatre season opening play ‘One Day of the Year’ and pre-theatre subscriber’s event and tribute to Honour Roll Boards.
March 2015	Pompey Elliott annual memorial event with guest speaker (20 March)
April 2015	Council’s ANZAC celebrations – ceremony at the Cenotaph with WW1 Story Boards and community afternoon tea Ecumenical Service at St Thomas’ Anglican Parish Dawn Service – Essendon RSL Dawn Service – Flemington/ Kensington RSL Dawn Service – Keilor East RSL Essendon Symphony Orchestra concert at The Clocktower
May 2015	
June 2015	
July 2015	
August 2015	
September 2015	
October 2015	Launch of WWI and WWII street names Heritage signs
November 2015	Remembrance Day service in Queens Park – Council Service 2 Minute silence/ ringing church bells across Moonee Valley Launch Memorial Wall at Essendon Historical Society and in Queens Park
December 2015	
May 2016	Launch of Post and rail fence and a field of poppies on Sandy’s grave (the war horse).

Still to be added to this calendar:

- Women’s Group statue in Victory Park – date TBC
- Library Author talks and research activity – dates TBC
- Pompey Elliot plaque in Victory Park – dates TBC
- Combined Community Concert
- Launch Battle honours and colours plaque in Queens Park (project still awaiting funding confirmation)

APPENDIX C

DRAFT

TERMS OF REFERENCE MOONEE VALLEY CITY COUNCIL ANZAC CENTENARY COMMUNITY CO-ORDINATING COMMITTEE

These terms of reference shall apply to the Moonee Valley City Council ANZAC Centenary Community Co-ordinating Committee (ANZAC CCCC).

BACKGROUND

2015 marks the centenary of the start of World War 1 (WWI) and the ANZAC legend of the battle of Gallipoli.

The Federal Government has established the ANZAC Centenary fund to support local communities commemorate ANZAC and Gallipoli. Some community groups from Moonee Valley have applied for grants from the federal government to conduct commemorative celebrations or projects to mark this anniversary.

Council, through a resolution passed on 23 September 2014, agreed to form a committee for the purpose of investigating ways that Council can commemorate the 100 year anniversary of WWI.

A committee representing interested community groups and individuals will be formed to identify events and projects, to create and promote a co-ordinated calendar of activities occurring across Moonee Valley.

OBJECTIVE

The objective of the Moonee Valley City Council ANZAC Centenary Community Co-ordinating Committee (ANZAC CCCC) is to provide a forum to engage with and co-ordinate community stakeholders in co-ordinating ANZAC commemorative activities taking place in the municipality.

ROLE

The role of the ANZAC CCCC is to:

- Provide a forum to engage with and co-ordinate community stakeholders in co-ordinating ANZAC commemorative activities taking place in the municipality.
- Act as a selection panel to recommend community projects and activities that will form part of a co-ordinated calendar of events.

- Act as ambassadors for the diverse activities and projects being undertaken by community groups and individuals within the municipality.
- Assist Council to enhance public awareness of ANZAC commemorative activities.

The role of Council primarily is to facilitate and co-ordinate community funded events and activities and to raise awareness of these activities through the production of promotional material. Council's secondary role is to provide support, where relevant, to community groups and organisations conducting ANZAC activities through the provision of a dedicated Council officer.

MEMBERSHIP AND ATTENDANCE

Membership

The Committee will be convened by Council and shall comprise:

- Councillor Jan Chantry as Chairperson
- Two Councillors who will act as Deputy Chair
- Director Environment & Lifestyle and / or his nominee
- Two Council officers
- Representatives from community organisations and groups who have obtained grants to undertake activities and projects
- Representatives from community organizations and groups interested in undertaking activities and projects
- Individuals with an interest in the ANZAC commemorations.

Attendance

A Committee member shall endeavor to advise the relevant officer of non-attendance at any meeting.

Failure to Attend Meetings

Any member who is unable to attend two consecutive community committee meetings shall notify the Chairperson or Chief Executive in writing as to his/her availability to continue to be a member of the Committee.

Resignation of Committee Members

A committee member may resign from the Committee by advising the Chairperson or Chief Executive in writing.

TERM OF APPOINTMENT

Members shall be appointed for a term of twelve months.

Council retains the right to review, amend or alter the terms of reference, operations and membership of this Committee, as it deems appropriate and necessary.

QUORUM

- 1 A quorum is the majority of appointed members, but must include either the Chairperson or Acting Chairperson.
2. If a quorum is not present within 30 minutes of the time appointed for the commencement of the meeting, the meeting shall lapse. If a quorum fails after the commencement of the meeting, the meeting shall lapse.

3. The ANZAC CCCC shall follow the general consensus principle, when determining its preferred position on matters under discussion.

OPERATIONS

- 1 Council shall invite representatives onto this Committee.
2. The ANZAC CCCC has no budgetary responsibilities, decision-making powers or delegated authority, but serves to make recommendations for Council's consideration.
3. The ANZAC CCCC shall follow the general consensus principle, when determining its preferred position on matters under discussion.
4. Committee members will not publicly comment on behalf of the group. Neither will it seek to advocate on the needs of individual organisations.
5. The ANZAC CCCC shall meet as unanimously agreed in the early evening for no longer than two hours at the Moonee Valley Civic Centre (9 Kellaway Avenue, Moonee Ponds).
6. A record of the ANZAC CCCC meetings shall be kept as record of the proceedings.

9.9 Health & Wellbeing Plan 2014/15 - Progress

File No: FOL/13/908
Author: Health & Community Planning Officer
Directorate: Community Services
Ward: Municipal

Purpose

To inform Council on the progress of the second year Action Plan of the *Moonee Valley Public Health and Wellbeing Plan 2013-17*.

Executive Summary

- Council adopted the *Moonee Valley Public Health and Wellbeing Plan 2013-17* ("the Health Plan") at its Ordinary Meeting on 24 September 2013.
- The Health Plan is supported by annual Action Plans; Biannual progress reporting; and the Public Health and Wellbeing Community Committee ("the Community Committee"), as per the Evaluation Framework.
- The second year Action Plan was endorsed by Council on 22 July 2014.
- The implementation and monitoring of the Health Plan is overseen by the Community Committee. The Community Committee meets twice a year in April and October. The focus of the October 2014 meeting was to track progress and identify emerging issues relating to implementation of the 2014/15 annual action plan.
- The Health Plan Progress Report January 2015 ("the Progress Report"), provided as **Appendix A** – (separately circulated), documents the mid-year progress of actions identified in the Action Plan 2014/15 to achieve strategies in the Health Plan.
- The Progress Report indicates that all actions are progressing with no significant issues identified.

Recommendation

That Council:

1. Note the Health Plan Progress Report January 2015.
2. Note that the Progress Report will be made publically available on Council's webpage.

Background

The *Public Health and Wellbeing Act 2008* (“the Act”) specifies that Council is required to prepare a Municipal Public Health and Wellbeing Plan. In accordance with the Act, Council adopted the Health Plan at its Ordinary meeting on 24 September 2013. The Health Plan is supported by:

- Annual Action Plans;
- Biannual Progress Reporting;
- The Evaluation Framework; and
- The Public Health and Wellbeing Community Committee.

The Health Plan commits to producing an annual progress report on all levels of evaluation. The Health Plan also commits to producing summary progress reports on all actions of the Health Plan. The second year Action Plan was endorsed by Council on 22 July 2014.

Discussion

Public Health and Wellbeing Community Committee

The role of the Community Committee is to act as a forum for the exchange of ideas and oversee the implementation and monitoring of the Plan. Committee meeting dates have been proposed for the course of the Plan with action planning meetings to be held in April and review and progress meetings to be held in October.

The most recent Community Committee meeting was held on 13 October 2014. The purpose of the meeting was to track progress of actions and identify emerging issues relating to implementation of the 2014/15 annual Action Plan.

Health and Wellbeing Action Plan 2014/15

The Action Plan sets out the actions that will be taken to address each of the strategies of the Health Plan from July 2014 – June 2015. The Action Plan provides details of the strategic objective, relevant actions, action owner, partners and timelines, and will be the basis of monitoring and progress reports.

Health Plan Progress Report

The purpose of progress reports is to ensure accountability and a robust approach to monitoring and evaluation of the Health Plan. Progress is reviewed at two points in time each financial year. The first review in December will provide a brief overview of progress to date. The second point in June will provide a more detailed review in line with the evaluation framework and will inform the development of the next Action Plan.

The Progress Report, provided as **Appendix A** - (separately circulated), tracks the delivery of actions identified for each of the 12 strategic objectives in the Action Plan. It considers the strategic objective, action, action owner, partners, timelines, progress (progress on track, item of note or progress issue) and progress notes. Progress is measured using a traffic light system where green indicates the action is on track, yellow indicates changes to timelines are anticipated and red identifies a progress issue.

The majority of actions identified are on track (green), with only two out of 75 actions that have been flagged as yellow, indicating that proposed timelines have changed.

Reasons for actions being flagged as yellow were influenced by external factors including: uncertainty due to a change of State Government and the East West Link proposal, and the need to conduct more detailed scoping than initially anticipated. There are no actions with progress marked as an issue (red).

Some highlights of the first half of 2014/15 include:

- Adoption of the *Moonee Valley Early Years Plan 2014 -22*;
- Development of a new Local Planning Policy for Gaming in the Moonee Valley Planning Scheme;
- Launch of the 'Enough Pokies' campaign, advocating for government action against inappropriate placement of poker machines;
- Delivery of the inaugural Community Groups Conference;
- Accreditation as a Pacific/ Australian Safe Community;
- White Ribbon Day promotion and awareness raising for prevention of violence against women; and
- Launch of the My Smart Garden website.

Next Steps

- The Health Plan Progress Report January 2015 will be made publicly available on the Moonee Valley City Council Webpage.
- The next Community Committee meeting is scheduled for Monday 13 April, 2015. The purpose of this meeting will be to track progress of actions and to provide input into the development of the Action Plan 2015/16.
- The next Progress Report to Council will be in July 2015.

Consultation

The Progress Report has been informed by the Community Committee, Council Departments, including Community Services, Environment and Lifestyle, and City Works and Development, and external stakeholders including the Inner North West Primary Care Partnership and Inner North West Melbourne Medicare Local.

Implications

1. Legislative

Under Section 26(4) of the *Public Health and Wellbeing Act 2008* Councils are required to review their Health Plan annually and if appropriate amend it. The development and review of annual action plans ensure that strategies identified in the Health Plan are being implemented satisfactorily.

The Health Plan and extensive evaluation processes promotes equitable outcomes for our community. The Community Committee provides an opportunity for community representation and participation in accordance with the *Charter of Human Rights and Responsibilities Act 2006* as it creates opportunities for the community to participate in public life.

2. Council Plan / Policy

The Health Plan aligns in part with all of the objectives in the *Council Plan 2013-17*, with a primary focus on the first theme: *Friendly and Safe: A community where people feel connected and safe*. There are synergies with strategic indicators that will be tracked, identified within both the Council Plan and the Health Plan. These indicators will be monitored throughout the life of both plans (2013-17).

3. Financial

Staffing, research and publication costs associated with the implementation of the Health Plan are accommodated within Council's operating budget.

4. Environmental

There have been no impacts and opportunities related to energy usage, water, waste or biodiversity, identified during the review of Health Plan progress.

The Health Plan acknowledges the relationship between environmental health and population health in the first goal of healthy places: 'Create a healthy and sustainable city'. Actions identified to achieve the strategies of this goal are monitored and reported on in the Progress Report.

The Health Plan gives regard to the *Climate Change Act 2010* and has considered City Sustainability Policy.

Conclusion

The Health Plan Progress Report January 2015 details the progress of actions to implement Health Plan strategies in line with the evaluation framework. While there are factors that have influenced capacity to deliver all actions, there are no significant progress issues for the Health and Wellbeing Action Plan 2014/15.

**9.10 Maribyrnong Boathouse Cafe/Restaurant 7 The Boulevard,
Moonee Ponds Lease**

File No: FOL/14/570
Author: Coordinator Property Services
Directorate: Corporate Services
Ward: Myrnong

Purpose

To consider entering into a new lease for the Maribyrnong Boathouse Café/Restaurant.

Executive Summary

- Council at its meeting on 25 November 2014 resolved on a tender to lease the Maribyrnong Boathouse Café/Restaurant, 7 The Boulevard Moonee Ponds.
- Maribyrnong Boathouse Pty Ltd was the preferred tenderer.
- The proposed lease term is for 10 years plus options for three further terms of 5 years commencing 4 March 2015. The commencing annual rental is \$120,000 plus GST.
- Council gave public notice of its intention to enter into a lease with Maribyrnong Boathouse Pty Ltd in the local newspapers on 3 December 2014. Public submissions closed on 31 December. No written submissions were received.

Recommendation

That Council:

1. Having completed statutory procedures under sections 190 and 223 of the *Local Government Act* 1989 and received no written submissions to the proposal, resolves to enter into a lease with Maribyrnong Boathouse Pty Ltd (ACN 107 654 884) to operate the Maribyrnong Boathouse Café/Restaurant, 7 The Boulevard, Moonee Ponds for a term of 10 years with options for three further terms of five years each, commencing 4 March 2015 at a commencement rental of \$120,000 plus GST per annum, subject to a 4% increase on each anniversary of the commencement date during the term and any further term(s), and market rent reviews on the fifth anniversary of the commencement date and on the commencement date of each further term.
2. Authorise the Chief Executive to execute the lease provided at **Appendix A** on behalf of Council.

Background

The current lease with Maribyrnong Boathouse Pty Ltd for the operation of the Maribyrnong Boathouse Café/Restaurant, 7 The Boulevard Moonee Ponds ('the premises') expires on 3 March 2015.

Council undertook a tender process for the lease to operate the premises. Council at its meeting on 25 November 2014, resolved to accept the tender from Maribyrnong Boathouse Pty Ltd, subject to Council giving public notice of its intention to lease the premises pursuant to sections 190 and 223 of the Act.

Discussion

Statutory procedures under the relevant provisions of the Act have now been completed and Council can now determine whether or not to enter into a lease with the preferred tenderer, Maribyrnong Boathouse Pty Ltd.

The key terms and conditions of the proposed lease are summarised in Table 1.

Table 1

Commencement Date	4 March 2015
Initial Term	10 years
Rent	\$120,000 per annum plus GST (\$10,000 per month plus GST)
Option(s)	Three further terms of five years
Expiry Date	3 March 2025
Fixed Increase	4% on each anniversary of the commencement during the Term and further terms, except on the fifth anniversary of the commencement date when a market rent review will be conducted.
Annexure A	Special Conditions as a minimum (i.e. activation of precinct, community, arts and culture support and Tenant's works obligations)
Annexure F	Schedule of Tenant's Works (i.e. landscaping and kitchen garden, expansion of kiosk, entrance and public toilets works, interior renovations, internal toilets and shower facilities).

A copy the proposed lease is provided at **Appendix A**.

Consultation

Council gave public notice in the Moonee Valley Leader Moonee Valley Weekly on 3 December 2014. The submission period closed on 31 December. No written submissions were received.

Implications

1. Legislative

Council has acted in accordance with sections 190 and 223 of the Act regarding the proposed lease and all relevant provisions of the Act have been completed.

2. Council Plan / Policy

The proposed lease supports Theme 4: Vibrant and Diverse: Strategic Objective 1: Support economic growth and development in the municipality.

3. Financial

The lease will generate annual income of \$120,000 (GST excl) plus annual fixed increases of 4%, together with periodic market reviews throughout the term(s) of the lease. The lessee has committed \$460,000 to future capital improvements to the building and surrounds.

4. Environmental

There are no environmental implications.

Conclusion

The proposed lease with Maribyrnong Boathouse Pty Ltd is an excellent outcome for Council and the Moonee Valley community in securing a highly experienced, capable and reputable tenant for the lease premises on a long term tenancy basis. The lease is financially advantageous to Council and ensures ongoing capital improvements to the premises and surrounds into the future.

10. Notices of Motion

10.1 Notice of Motion No. 2015/01

Title: 'Do Not Leave Children in Cars' – Community Safety Campaign

From: Cr John Sipek

Ward: Municipal

File No: FOL/14/1258

It is my intention to move that at the Ordinary Meeting of Council to be held on 27 January 2015, that Council write to Kidsafe Victoria and the Lions Crimewatch Committee supporting the developed 'Do Not Leave Children in Cars' community campaign to help raise awareness about the dangers of leaving children unattended in cars and reduce the number of incidents across the State, by:

- a) Installing 'Do Not Leave Children in Cars' signs at every Council off-street car park facility.
- b) Actively contact supermarkets, shopping centres, petrol stations, schools, kindergartens and early childhood centres within municipality to encourage their participation in the community awareness campaign.
- c) Referring \$50,000 to the 2015/16 Capital Works Program for funding consideration to strategically roll out the signage across the municipality.

Officer's Comments

Council's Road Safety Plan (2010-2014) sets out key priority areas and goals to address the main road safety challenges and opportunities facing Moonee Valley and the community.

One of the key goals is aimed at young children and their families, by encouraging parents and carers to protect young children when they are passengers, or walking or playing near cars.

As such, the Transport Unit is supportive of the initiative to help raise awareness and remind parents and carers of the dangers of leaving children unattended in cars. Especially during the summer months (December to March), where the temperature inside a parked car can be 20^o C to 30^o C hotter than the outside temperature, and children are at risk as they lose fluid quickly, become dehydrated and suffer from heatstroke which can be life threatening.

It is important to note that funds are required to strategically deliver this community awareness campaign.

For example, Council currently has a total of 246 off-street car park facilities, and the installation of 2 x 'Do Not Leave Children in Cars' signs at every off-street car park would result in the installation of 492 signs across Moonee Valley.

The cost to manufacture and install two (2) signs at one car park is estimated to be \$200 (this amount includes labour and project management costs).

The total cost to strategically roll out the signage across the municipality is estimated at \$49,200. Therefore, it is recommended to refer this amount to the 2015/16 Capital Works Program for funding consideration to deliver this community campaign.