City of Moonee Valley

Ordinary Meeting of Council

Tuesday, 27 October 2015 at 7.00pm

Agenda

Ordinary Meeting of Council

Tuesday, 27 October 2015 at 7.00pm
to be held at the Moonee Valley Civic Centre

TO :

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

Business:

1. Opening

2. Apologies

3. Confirmation of Minutes

Ordinary Meeting of Ordinary held on Tuesday, 22 September 2015.

4. Declarations of Conflict of Interest

5. Presentations

6. Petitions and Joint Letters

7. Public Question Time

8. Reports by Mayor and Councillors

Written and verbal reports presented to the Council by the Mayor and Councillors 6

9. Reports

9.1 66-68 Lincoln Road, Essendon (Crown Allotments 1 to 10, Section 23, City of Essendon, Parish of Doutta Galla) - Use of the land as a market (Regional Farmers Market), reduction to the car parking and bicycle facilities requirements and the display of business identification signage 13

9.2 144-160 Keilor Road & 1 O'Shannassy Street, North Essendon (Land in CP170637B, Lot 1 TP596915G & Lot 13 LP10910) - Construction of a six storey building, removal of an easement, reduction in car parking requirements, waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1 29

9.3 201 Pascoe Vale Road, Essendon (Lots 1 and 2 on TP 571754U) - Construction of five dwellings and a reduction in visitor car parking requirements. 65

9.4 444 Buckley Street, West Essendon (Lot 21 PS 002314 and Lot 1 TP 712369R) - Construction of four dwellings and alter access to a Road Zone (Category 1) 86

9.5 1068-1070 Mt Alexander Road, Essendon (Lot 1 TP604546Y and Lot 1 TP405238V) - Demolition of an existing building and construction of a five storey building within a Design and Development Overlay (DDO3) and a Heritage Overlay (HO137), a reduction in car parking requirements, a waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1 109

9.6 1, 10, 12 at 992 Mt Alexander Road, Essendon - Use of the land for three Serviced Apartments (Residential Hotel) 137

9.7 952-960 Mt Alexander Road, Essendon (Lot 1 TP116038Q & Lot 1 TP116039N) - Construction of an eight storey building in a Commercial 1 Zone and a Design and Development Overlay (DDO3), use of the land for dwellings, a reduction in car parking requirements, a waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1 157

9.8 Amendment C154 - Rezoning of 5 Treadwell Road, Niddrie.....188

9.9 Draft Heritage Study 2015.....197

9.10 Planning Scheme Amendment C149 - Significant Tree Review 205

9.11 Thrive: Strategy for young people 211

9.12 Biannual Grants Program - Round 1 225

9.13 Community Safety Action Plan 2015-2016.....233

9.14 Alf Pearce Fenced Dog Park.....238

9.15 Public lighting upgrades in Moonee Valley.....241

9.16 Regional Food Kitchen - Purchase Additional Shares 246

9.17 144A Mascoma Street, Strathmore (Nursery Corner) - Proposed New Lease 249

9.18 68 Pin Oak Crescent, Flemington - Proposed Sale of Land.....255

9.19 Moonee Valley City Council Annual Report 2014/15 258

9.20 Report on Audit Committee 261

9.21 Report on Advisory Committees 270

9.22 Report on Assemblies of Council 298

10. Notices of Motion

10.1 Grants Support Program……305

10.2 Lease Register……307

10.3 S173 Agreements in relation to car parking associated with new developments……308

11. Urgent Business

12. Confidential Reports

Nil

13. Close of Meeting

BRYAN LANCASTER
Acting Chief Executive

REPORTS BY MAYOR AND COUNCILLORS

Recommendation
That reports by the Mayor and Councillors be received.

8.1 Report by Mayor, Councillor Sharpe

2 September 2015	Officiated at Citizenship Ceremony at the Clocktower Centre
3 September 2015	Participated in filming Mayor's segment for Active8
	Attended Public Transport Providers meeting
	Attended Flemington Primary School with Deputy Mayor to participate in school's "Shark Tank"
	Attended Stormwater Victoria Awards for Excellence Dinner
4 September 2015	Attended Men's Shed Aberfeldie, Men's & Upcycle Shop, Father's Day sale at Bunnings in Maribyrnong
	Attended meeting with Officer regarding Strathmore Sports Pavilion
	Attended meeting with Lowther Hall students
5 September 2015	Attended Saltwater Challenge Regatta Event, Luncheon and Presentation at Essendon Rowing Club
7 September 2015	Attended Funeral Service for the Late Samantha Ramsey
8 September 2015	Chaired two interviews to appoint independent Auditors with Director Corporate Services, Manager Finance and Cr Nicole Marshall
	Chaired Public Forum and Councillor Briefing
9 September 2015	Attended St John's Friendship Club 40th Anniversary Celebration
10 September 2015	Attended meeting with Arts and Culture Officer regarding upcoming Western Region Bi-Annual Forum at the Clocktower Centre
	Attended meeting with Acting Director Community Services regarding children's week activities
	Attended MAV Metropolitan Forum and Dinner
11 September 2015	Visits to various libraries and community centres to put up "Where's William?" posters to promote "Where's William" Week.

12 September 2015	Attended Community Information Session at Riverside Park
	Attended Essendon District Football League Grand Final luncheon
	Attended Theatre Performance at the Clocktower Centre
15 September 2015	Chaired two interviews to appoint Independent Auditors with Director Corporate Services, Manager Finance and Cr Nicole Marshall
	Attended meeting with Community Engagement and Planning Officer regarding Community Grants
	Attended meeting with resident regarding 2016 event
	Chaired Councillor Workshop
16 September 2015	Attended meeting with Michael Gallus
	Officiated at Finding My Place Graduation Ceremony at Avondale Heights Library and Learning Centre
	Chaired Citizens Advice Bureau Annual General Meeting and afternoon tea
	Officiated at Opening of the Arts and Music display at St Christopher's Primary School
	Attended Moonee Valley Toy Library Annual General Meeting
17 September 2015	Participated in Community Conversations session held at Crown Street Stables, Flemington
	Attended meeting with Deputy Mayor, Cr Cam Nation and Acting Chief Executive regarding Youth Services
	Officiated at Transport Community Environment Forum
	Attended 2015 Mayoral Ball hosted by City of Melton
18 September 2015	Attended meeting with President Corporation of Commissionaires Association Victoria and Director Environment and Lifestyle regarding mosaic Anzac commemorative item
	Attended training with Governance Officer on Council's new Hub application
19 September 2015	Opened Council's Biennial Sports Summit at the Clocktower Centre
	Attended Royal Agricultural Society of Victoria Official Opening Luncheon of the Royal Melbourne Show

	Attended Bully Free 2015 Charity Ball
21 September 2015	Attended Audit Committee meeting
22 September 2015	Attended meeting with Acting Director Community Services to discuss Children's Week
	Attended meeting with Acting Manager of Arts and Culture regarding Spirit of Moonee Valley 2015 Event
	Chaired Ordinary Meeting of Council
23 September 2015	Attended photo opportunity with representative of Women Caring for Veterans of War at the "Rosie" statue in Victory Park, Ascot Vale
24 September 2015	Attended meeting with Acting Chief Executive and representatives from the Essendon Football Club regarding access arrangements
	Attended Essendon Junction Draft Structure Plan external working group meeting
1 October 2015	Participated in Community Conversations session held at Niddrie Library
	Attended briefing with Community Planning and engagement officer regarding Biannual Grants
	Attended 25th International Day of Older Persons Allity High Tea at Trevi Court in Essendon
	Attended meeting with resident regarding local issues
	Chaired Biannual Grants Panel meeting
2 October 2015	Officiated 2015 Spirit of Moonee Valley Awards Event held at the Clocktower Centre
5 October 2015	Attended "Dob in a Dealer Program" launch at Flemington Police Station
	Attended Niddrie Traders Annual General Meeting
6 October 2015	Launched Seniors Festival at the Morning Music session at the Clocktower Centre
	Participated in an introduction video for CityLink
	Chaired Councillor Workshop

8.2 Report by Councillor Nation

3 September 2015	Attended 'Shark Tank' Community & Governance Project at Flemington Primary School
8 September 2015	Chaired Tenders Committee meeting

	Attended Public Forum
	Attended Councillor Briefing
10 September 2015	Phone interview with Student regarding Moonee Valley's LGBTIQ Action Plan
	Opened Moonee Ponds Bowls Club 125th Season at Queens Park, Moonee Ponds
	Opened Moonee Valley Council's "Dad's Forum" at the Civic Centre
	Attended Grant Assessment meeting
12 September 2015	Attended Community Information Session at Riverside Park, Aberfeldie
14 September 2015	Attended meeting with resident regarding planning application in Moonee Ponds
17 September 2015	Attended meeting with Governance
	Attended meeting with Mayor, Cr Narelle Sharpe and Acting Chief Executive regarding Youth Services
	Attended off site meeting with resident in Ascot Vale
19 September 2015	Attended Bully Zero Foundation Australia Gala Ball at Central Pier, Docklands
18 – 30 September 2015	Leave of Absence from Council
1 October 2015	Attended Biannual Grants Panel meeting
2 October 2015	Participated in 2015 Spirit of Moonee Valley Awards Event at the Clocktower Centre
5 October 2015	Attended meeting with Trader regarding issues relating to new Grand Final Public Holiday
6 October 2015	Attended Councillor Workshop

8.3 Report by Councillor Chantry

7 -20 September 2015	Leave of absence from Council
21 September 2015	Chaired ANZAC Centenary Co-ordinating Community Committee meeting
22 September 2015	Attended Ordinary Meeting of Council
23 September 2015	Attended Boadle Hall selection process for 2016 exhibition program
30 September 2015	Visit by District Governor Strathmore Rotary
2 October 2015	Participated in 2015 Spirit of Moonee Valley Awards Event held at the Clocktower Centre

3 October 2015	Visited two traders in Napier Street, Strathmore regarding parking/planning issues
6 October 2015	Attended Councillor Workshop

8.4 Report by Councillor Cornish

2 September – 6 October 2015	Verbal Report

8.5 Report by Councillor Cusack

2 – 24 September 2015	Leave of absence from Council
8 September 2015	Attended meeting at Council in relation to Responsive Grants
10 September 2015	Attended meeting at Council in relation to Councillor Hub Rollout
11 September 2015	Attended Annual General Meeting at Farnham Street Neighbourhood Centre
14 September 2015	Attended meeting with Bowls Victoria Northern Gateway representatives regarding formation of Aberfeldie Community Club
17 September 2015	Attended meeting with Flemington Association
19 September 2015	Attended opening of Royal Melbourne Show
21 September 2015	Attended meeting with Acting Chief Executive Officer
2 October 2015	Participated in 2015 Spirit of Moonee Valley Awards Event held at the Clocktower Centre
5 October 2015	Attended Wingate Avenue Committee Meeting
6 October 2015	Attended Councillor Workshop

8.6 Report by Councillor Giuliano

2 September – 6 October 2015	Verbal Report

8.7 Report by Councillor Marshall

5 September 2015	Attended Saltwater Challenge Regatta Event, Luncheon and Presentations at Essendon Rowing Club
15 September 2015	Attended briefing and meeting with Director Corporate Services, Manager Finance and Mayor, Cr Narelle Sharpe to appoint Independent Auditors

	Attended meeting with Essendon Rowing Club representatives, Manager Leisure and Open Space Planning and Sport and Recreation Officer
	Attended Councillor Workshop
16 September 2015	Attended off site training with IT officer
	Attended Flemington Primary School for "Lion, Witch and the Wardrobe" performance
17 September 2015	Meeting with Cr Cusack and Flemington Association representatives
19 September 2015	Attended Royal Agricultural Society of Victoria Official Opening Luncheon of the Royal Melbourne Show
21 September 2015	Attended Audit Committee meeting
22 September 2015	Attended meeting with Chief Executive
	Attended Ordinary Meeting of Council
2 October 2015	Participated in 2015 Spirit of Moonee Valley Awards Event held at the Clocktower Centre
5 October 2015	Attended Wingate Avenue Committee meeting
6 October 2015	Attended Councillor Workshop

Throughout reporting period: Attended onsite meetings with residents in relation to issues of concern

8.8 Report by Councillor Sipek

2 September –	
6 October 2015	Verbal Report

8.9 Report by Councillor Surace

2 September 2015	Attended Citizenship Ceremony at the Clocktower Centre
7 September 2015	Attended Metropolitan Transport Forum's 2015 Rail Freight Alliance Conference
8 September 2015	Attended Grants Meeting with Community Planning and Engagement Officer
9 – 23 September 2015	Leave of absence from Council
23 September 2015	Attended Moonee Valley Interfaith Committee meeting
2 October 2015	Participated in 2015 Spirit of Moonee Valley Awards Event held at the Clocktower Centre
6 October 2015	Attended meeting on site with resident in McNamara Avenue, Airport West regarding a planning issue

REPORTS

9.1 66-68 Lincoln Road, Essendon (Crown Allotments 1 to 10, Section 23, City of Essendon, Parish of Doutta Galla) - Use of the land as a market (Regional Farmers Market), reduction to the car parking and bicycle facilities requirements and the display of business identification signage

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

Proposal	• Held once per month on a Saturday, 8am to 1pm • 60 stalls • Two business identification signs
Applicant	Peter Arnold C/- Regional Farmers Markets P/L
Owner	Moonee Valley City Council
Planning Scheme Controls	Public Park and Recreation Zone Environmental Significance Overlay
Planning Permit Requirement	Clause 36.02-1 – Use of the land as a market Clause 52.05 – Display of business identification signage Clause 52.06 – Car parking Clause 52.34 – Bicycle facilities
Car Parking Requirements	Required – 142 spaces Provided – 0 spaces
Bicycle Requirements	Required – 7 spaces Provided – 0 spaces
Restrictive Covenants	Queens caveat over the Crown Reserve with Moonee Valley City Council as the Committee of Management
Easements	None

Site Area	2.1 hectares
Number Of Objections	25
Number Of Supporters	2
Consultation Meeting	19 August 2015

Executive Summary

- Planning approval is sought to use a section of Lincoln Park for a market, to be held once per month on a Saturday between the hours of 8am and 1pm.
- The subject site, Lincoln Park, is a reserve located within the North Essendon Activity Centre. It is bounded by Leake Street to the north, Richardson Street to the east, Lincoln Road to the west, and Thorn Street to the south.
- The application was advertised with twenty-five (25) objections received as well as two (2) submissions of support. The concerns raised by objectors related to traffic and parking impacts as well as economic/financial implications on nearby traders. Supporters to the application highlighted the community benefits of the market and the vibrancy it contributed to the area, and also that the traffic impacts were manageable.
- A Consultation Meeting was held on 19 August 2015, attended by Mayor Sharpe, Councillor Chantry, objectors, supporters, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.
- The application was internally referred to several departments, including Council's 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/245/2015 for the use of the land as a market (Regional Farmers Market), a reduction to the car parking and bicycle facilities requirements and the display of business identification signage at 66–68 Lincoln Road, Essendon (Crown Allotments 1 to 10, Section 23, City of Essendon, Parish of Doutta Galla), subject to the following conditions:

1. Before the use and development starts, amended plans (three copies) must be submitted 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 location of all trees in proximity to market stalls, with setbacks accurately annotated;

    b) Notation that all structures will be located to provide for a tree protection zone to protect the root systems of all existing trees in proximity to market stalls in accordance with Council standards;

    c) Setbacks of stalls from the existing play space facilities to be accurately annotated;

    d) The location of the Environmental Significance Overlay (ESO2) to be accurately illustrated on the site plan, with the layout of the approved use and signage to be located outside of the overlay;

    e) Scaled and dimensioned elevation plans of both proposed signs; and

    f) Waste storage areas, including recyclable items, in accordance with

Condition 8.

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 use and development 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. The approved use may only operate once per month, on a Saturday, and only between the hours of:

   a) 8:00am to 1:00pm (retail operation of the market); and

   b) 6:00am to 2:00pm (setting up and removal/dismantling of the market).

4. No more than 60 stalls may operate in conjunction with the approved use to the satisfaction of the Responsible Authority.

5. The amenity of the area must not be detrimentally affected by the use of land by the:

   a) Transportation of materials, goods or commodities to or from the land.

   b) Appearance of any building, works or materials.

   c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste produces, grit or oil.

   d) Presence of vermin.

   e) Or in any other way.

   to the satisfaction of the Responsible Authority.

6. Before the commencement of the use, a Site Management and Complaints Plan must be submitted to and approved by the Responsible Authority. When approved, the Site Management and Complaints Plan shall be endorsed and will then form part of this permit.

   The Site Management and Complaints Plan must outline the procedures for:

   a) The operation of the use and the resolution of any complaints received in relation to odour, noise, litter, patron behaviour, the use of delivery vehicles or any other activity carried out upon the premises in association with the use.

   The Site Management and Complaints Plan must implement appropriate measures to eliminate or remedy the cause of such complaints to the satisfaction of the Responsible Authority. The use hereby permitted must be carried out in accordance with the Site Management and Complaints Plan to the satisfaction of the Responsible Authority.

7. Vehicles are not to enter Lincoln Park for loading/unloading activities or waste collection unless with the explicit prior written consent of the Responsible Authority.

8. To the satisfaction of the Responsible Authority, the market must have adequate space and facilities for the temporary storage of waste (including recyclable items) which are to be contained within the property boundary and removed from the site at the end of each market.

9. Noise emitted from the site must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
10. To the satisfaction of the Responsible Authority, the loading and unloading of goods (including waste collection) from any vehicles must not disrupt the circulation and parking of vehicles, pedestrian circulation or access.
11. The market site must not be accessed via the proposed playground.
12. The use may not commence until the permit holder has entered into a license agreement with Moonee Valley City Council.
13. The location and details of the signage shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.
14. The signage permitted must not be illuminated or floodlit.
15. An intermittent or moving light must not be displayed.
16. The signage must not be animated in part or whole.
17. Bunting, streamers and festooning must not be displayed.
18. To the satisfaction of the Responsible Authority, the signage permitted must only contain an advertisement which provides or supplies information relating to the approved use to be conducted on the land.
19. This permit for signage will expire fifteen (15) years after the date it is issued.
20. This permit will expire if:

    a) the use does not start within (2) years of the date of this permit, or

    b) the use is discontinued for a period of two (2) years.

    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.

Permit Notes

- This is not a building permit under the Building Act.
- Where applicable, the approved use must comply with the Public Health and Wellbeing Act 2008, the Food Act 1984 and associated Council Local Laws. Both Council's Environmental Health Unit and Local Laws Department should be contacted regarding these requirements, and communication with these areas should be maintained to ensure the market is appropriately managed.
- All stall operators from outside Moonee Valley City Council are to be registered under the Food Act 1984, as relevant, with their respective local Council. The operators of such stalls are then required to lodge Statements of Trade via Streatrader (https://streatrader.health.vic.gov.au) to notify Moonee Valley City Council that they will be trading within the municipality.
- At the start of each month, the permit holder must provide an updated list of all stall holders to Council's Environmental Health Unit, including the following details:

- Trading name;
- Contact details;
- Streatrader registration/notification number;
- Dates of operation; and
- Site location.

- Any facilities provided for community groups may be subject to the requirements of the abovementioned legislation. Council's Environmental Health Unit should be contacted before any such facilities are provided.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is known as Lincoln Park, which is a large reserve located within the North Essendon Activity Centre. The reserve is bounded by Leake Street to the north, Richardson Street to the east, Lincoln Road to the west, and Thorn Street to the south.

Figure 2 – Subject Site (view from east along Richardson Street)

The reserve has a total area of approximately 2.1 hectares, and is occupied by vegetation, pathways, playground facilities and public toilets. The reserve is a Crown Reserve to which Moonee Valley City Council is the committee of management. The land is not affected by any other covenants, easements or restrictions which might affect the use or development of the land. The land is within a Public Park and Recreation Zone (PPRZ), and an Environmental Significance Overlay, Schedule 2 (ESO2) affects the south-eastern section of the land where significant vegetation exists along a section of the Thorn Street frontage.

While within the North Essendon Activity Centre, the surrounding land is predominantly within a General Residential Zone and has been developed for residential uses. The Leake Street retail and café strip is located to the north-east of the park, while the core of the North Essendon Activity Centre is located further to the north and east along Mt Alexander Road. The commercial core features various shops, cafes and other commercial land uses. The Route 59 tram is located along Mt Alexander Road, with the route travelling between the CBD and Airport West. The Essendon Train Station is located approximately 500 metres to the south-east.

1.2 Proposal

The application proposes the use of the land for a farmer's market, a reduction to the car parking and bicycle facilities requirements and the display of associated business identification signage.

The proposal can be summarised as follows:

- The use of a section of the reserve for the market to be held once a month on a Saturday between 8am and 1 pm.
- Sixty (60) stalls are proposed over a total area of approximately 1784 square metres of the reserve.
- No on-site car or bicycle parking is proposed.
- It is also proposed to display two business identification signs. One measuring 1.8 metres by 600mm and is to be erected toward Lincoln Road near the intersection of Thorn Street, while the other measures 1.4 metres by 800mm and is to be erected at the corner of Thorn and Richardson Streets.

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

2. Background

2.1 Relevant Planning History

Planning permit MV/20477/2009 was issued on 16 March 2010 for the use of the land for a Regional Farmers Market once a month and display of a business identification sign. This permit expired on 16 December 2012.

Planning permit application MV/761/2012, which sought permission for the same use as MV/20477/2009, was withdrawn on 15 February 2013.

In its Ordinary Meeting on 24 March 2015 Council resolved to accept a submission from the permit applicant (Regional Farmers Markets P/L) to conduct a market on the land, subject to planning approval and a license agreement.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 11 Settlement

Clause 15 Built Environment and Heritage

Clause 17	Economic Development

Local Planning Policy Framework

Clause 21.01	Municipal Profile
Clause 21.03	Vision
Clause 21.06	Built Environment
Clause 21.07	Activity Centres
Clause 21.08	Economic Development

Zoning and Overlays

Clause 36.02	Public Park and Recreation Zone
Clause 42.01	Environmental Significance Overlay (Schedule 2)

Particular and General Provisions

Clause 52.05	Advertising Signs
Clause 52.06	Car Parking
Clause 52.34	Bicycle Facilities
Clause 65	Decision Guidelines

2.3 Referrals

External

Not applicable

Internal

- Traffic and Transportation Unit

  No objection subject to the following condition:

  - Vehicles are not to enter or exit onto Lincoln Park (Condition 7).

- Property Services Unit

  No objection subject to Council entering a 2 year license agreement with the RFM Pty Ltd (Condition 12).

- Environmental Health Unit

  No objection subject to the following conditions and notes:

  - The market must have adequate space and facilities for the temporary storage of waste (including recyclable items) which are to be contained within the property boundary and removed from the site at the end of each market (Condition 8).
  - The potential installation of noise emitting equipment at the market, such as generators, may potentially affect neighbouring residential properties. This equipment must be appropriately sited and/or insulated to reduce any impact on neighbouring properties and is to be in compliance with the State Environment Protection

Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (Condition 9).

- The applicant has specified in their application that all stalls are to be registered with Moonee Valley City Council, which is incorrect. All stall operators are required to be registered under the Food Act 1984 with their local Council. The operators of each stall are then required to lodge Statements of Trade via Streatrader to notify Moonee Valley City Council that they will be trading within the municipality (Permit note).
- The applicant must maintain communication with Councils Environmental Health Unit to ensure stalls are well managed in relation to meeting food safety requirements (Permit note).
- The applicant must provide an up to date list of all stall holders at the start of each month which includes:
    - Trading name
    - Contact details
    - Street trader registration/notification number
    - Dates of operation
    - Site location.

  (Permit note).
    - The applicant is required to provide further information in relation to the facilities to be provided for community groups. If these facilities involve providing food or drinks then registration or notification from Council may be required (Permit note).
- Landscape/Urban Design Unit

  No objection subject to the following conditions:
    - Indication of the location of proposed trees on the plan and offsets noted to ensure that trees and their root systems are not impact by vehicles, effectively a tree protection zone (Conditions 1 a and b).
    - Indication of the distance which the market stalls are to be offset from the play space, and consideration of how vehicle movements around the play space will be managed. The application mentions of walking of vehicles onto the site to avoid damage to the grass surface, but I would suggest that a similar level of care will need to be taken in areas adjacent to the play space, and that this should be specified in the application (Condition 1 c).
- Strategic Planning Unit

  No objection.
- Economic Development Unit

  Supports the proposal.

- Local Laws Unit

  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, and through the display of notices on site. As a result, twenty-five (25) objections and two (2) letters of support were received from the properties contained within **Appendix A** of this report. A response to the objections is provided in Section 3.9 of this report.

2.5 Consultation Meeting

A Consultation Meeting was held on 19 August 2015, attended by Mayor Sharpe, Councillor Chantry, objectors, supporters, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.

3. Discussion

3.1 State Planning Policy Framework (SPPF)

The proposal is considered to meet the objectives of the relevant State Planning Policy Framework (SPPF). The proposal is considered to satisfy the relevant state policies as it will contribute towards the economic vibrancy and sustainability of the North Essendon Activity Centre. The proposed use achieves an acceptable balance between the community and recreational purpose of the subject land, the surrounding residential context and the commercial aspirations of the activity centre. A more detailed assessment is undertaken against the relevant Local Planning Policies at Section 3.2 of this report.

3.2 Local Planning Policy Framework (LPPF)

The proposal is considered to satisfactorily address the objectives and strategies within the relevant Local Planning Policies of the Moonee Valley Planning Scheme.

The proposed use is considered to accord with Clause 21.06-3 (Safety, Health and Wellbeing) which seeks to support the establishment of urban agriculture and localised food supplies to contribute to food security and to the liveability of the municipality. One of the objectives of this policy is to ensure that access to healthy food choices is supported by the built environment, with some of the stated strategies to achieve this objectives being to:

- Encourage adequate provision and location of food retail outlets across the municipality
- Support the establishment of farmers markets and the operation of food carts/vans.

Clause 21.07 (Activity Centres) describes the six activity centres located within Moonee Valley and identifies their individual role, function and vision.

At Clause 21.07-3 the vision for the North Essendon Activity Centre is set out as follows:

'To develop the centre into a vibrant, safe and sustainable urban village where complementary residential, business, leisure and community land uses and development are co-located to create a strong sense of local identity and gateway to the inner-northern suburbs of Melbourne.'

The proposal is considered to be in line with the vision for the activity centre, and will provide an appropriate land use that is compatible with the immediate and wider context of the site. The proposal would positively contribute to the vibrancy and community strength of the centre, providing an attractive monthly activity for nearby residents as well as visitors to the area.

The proposed use is considered to generally address the objectives and strategies of Clause 21.08 (Economic Development), providing commercial use that enhances investment and employment opportunities within an activity centre while increasing the mix of commercial services to satisfy the needs of the community. The use is considered to be a positive introduction and will increase the vibrancy and community activity of the centre in an appropriate manner.

Overall, the subject site is well located within an activity centre and has excellent access to public transport, retail and business facilities as well as community services and amenities. The location of the site and the nature of the proposal thus has strong policy support, particularly from the policies of most relevance as described above.

The proposed signage is considered to accord with the objectives and strategies of Clause 21.06-5 (Signage). Their relatively modest design would be an acceptable introduction to the reserve during the operating hours of the market once per month, and would not cause any loss of amenity or adversely affect the natural or built environment.

3.3 Clause 36.02 (Public Park and Recreation Zone)

The use of the land as a market, which falls under the broader land use term of retail premises, is located under Section 2 (Permit Required) of the table of uses at Clause 36.02-1 of the Moonee Valley Planning Scheme as is it is not to be conducted by or on behalf of the public land manager (Moonee Valley City Council). As such, the decision guidelines of Clause 36.02-5 must be considered.

For the reasons discussed under Sections 3.1 and 3.2 of this report, the proposal is considered to meet the relevant State and Local Planning Policies within the Planning Scheme. As Moonee Valley City Council is the public land manager, comments have been sought from the relevant internal departments of Council as set out under Section 2.3 of this report. Their requirements can be addressed as conditions or notes on any permit issued, with no objections received to the application. The proposal is also considered to be appropriately located and designed, subject to conditions as discussed throughout this report.

Overall, the proposal is considered to suitably address the decision guidelines of the Public Park and Recreation Zone. The proposal is also considered to be in line with the purpose of the zone, in maintaining an area of public recreation and open space (through operating once per month only) and providing for commercial uses where appropriate.

3.4 Clause 42.01 (Environmental Significance Overlay – Schedule 2)

The south-eastern section of the reserve is affected by an Environmental Significance Overlay due to the presence of significant trees along the Thorn Street frontage. From the plans submitted, and through written correspondence from the permit applicant, it appears that no part of the proposal will encroach into the overlay area and as such no permit is required under this clause. However it is considered appropriate to require amended plans to ensure that this is the case, and as such a condition will be imposed on any permit issued requiring the extent of the overlay to be clearly illustrated as well as that the location of the use and signage is shown to be clearly outside of this area (refer Condition 1 d).

3.5 Clause 52.05 (Advertising Signs)

The advertising requirements for a Public Park and Recreation Zone are at Category 4 of Clause 52.05-8 of the Moonee Valley Planning Scheme. The proposal involves the display of business identification signage as described in Section 1.2, with a total advertisement area of 2.2 square metres. The proposed signage is not illuminated, electronic or animated in any way.

The proposed signage is considered to be appropriate in regards to the character of the area and the nature of the subject land as a reserve. The signage would be removed after each market, and therefore would not permanently alter the physical environment of Lincoln Park. The proposed signage is not considered to unreasonably obscure view lines and vistas. The free-standing sign is of an appropriate height and scale so as not to dominate the streetscape.

Overall, having regard to the nature of the proposal and the context of the site, the proposed signage is considered to be an acceptable outcome. A condition of permit will ensure that properly dimensioned elevations of each sign are provided to ensure clarity of the location and design of the signage (refer Condition 1 e).

3.6 Clause 52.06 (Car Parking)

The requirement for the provision of car parking is set out in the table below:

Table 1

	Requires	Provides
Market (1784 square metres)	142	0
Total	142	0

The proposed reduction to the car parking requirement is considered to be acceptable in this instance, having regard to the monthly operation of the market and its hours of operation. As illustrated by the submitted parking survey prepared by ML Traffic Engineers, there is an adequate supply of on street parking in the surrounding area which would be capable of accommodating visitors to the use. The site is provided with good access to public transport modes, being within walking distance of the route 59 (City to Airport West) tram line to the east and also further south-east to the Essendon Train Station.

The location of the land within an Activity Centre also lends support to the proposed reduction, as visitors would be more likely to undertake multi-purpose trips to the surrounding commercial area. Additionally the lack of parking provided on-site would likely mean that traffic would not converge upon the park itself but rather be dispersed throughout the activity centre and the surrounding road network, which would further mitigate the potential impact of the proposal.

Overall, it is considered that the proposed reduction to the car parking requirement is acceptable having regard to the decision guidelines of Clause 52.06. As stated in Section 2.3 of this report, Council's Traffic and Transportation Unit had no objection to the application subject to a condition on any permit issued (refer Condition 6).

3.7 Clause 52.34 (Bicycle Facilities)

The requirement for the provision of bicycle parking is set out in the table below:

Table 2

	Requires	Provides
Employees	1	0
Visitors/Shoppers	6	0
Total	7	0

Given the temporal nature of the proposed use and the context of the site as a Council reserve, it is considered appropriate to reduce the requirements for bicycle facilities required by this clause. Given that the market will operate for a five hour period once per month, it is considered that the demand for bicycle parking could be easily accommodated by existing facilities within and around the reserve.

3.8 Clause 65 (Decision Guidelines)

The application for the use of the land as a market (Regional Farmers Market), a reduction to the car parking and bicycle facilities requirements and the display of business identification signage has been assessed against the relevant sections of the Decision Guidelines of Clause 65.01 of the Moonee Valley Planning Scheme. The application is considered to satisfy the decision guidelines of Clause 65, which have generally been considered above and throughout Section 3 of this report.

3.9 Objections (Discussion)

Table 3

Issue	Officer Response
Traffic/car parking issues	As detailed in Section 3.6 of this report, the proposed reduction to the car parking requirement is considered to be acceptable in this instance and the impact of the proposed use on the flow of traffic in the surrounding area is not considered to be unreasonable. As noted at Section 2.3 of this report, Council's Traffic and Transportation Unit had no objection to the proposal.
Economic and financial implications on surrounding traders	Financial and economic implications on specific businesses are not valid planning considerations, and no evidence has been submitted to Council to establish that there would be any unreasonable impact in this regard. It is noted that the proposal is in accordance with both State and Local Planning Policies as they relate to Economic Development, as discussed at Sections 3.1 and 3.2 of this report.

4. Human Rights

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

5. Conclusion

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

Appendices

Appendix A: Objectors/Supporters 66-68 Lincoln Road, Essendon
Appendix B: Plans - 66-68 Lincoln Road, Essendon (separately circulated)

Location of Objectors and Supporters

Objectors

1001 Mt Alexander Road, ESSENDON VIC 3040
1021 Mt Alexander Road, ESSENDON VIC 3040
1031 Mt Alexander Road, ESSENDON VIC 3040
1033 Mt Alexander Road, ESSENDON VIC 3040
1043 Mt Alexander Road, ESSENDON VIC 3040
1049 Mt Alexander Road, ESSENDON VIC 3040
1073 Mt Alexander Road, ESSENDON VIC 3040
1075 Mt Alexander Road, NORTH ESSENDON VIC 3041
1079 Mt Alexander Road, ESSENDON VIC 3040
1081 Mt Alexander Road, ESSENDON VIC 3040
1085 Mt Alexander Road, NORTH ESSENDON VIC 3041 (X2)
1087 Mt Alexander Road, ESSENDON VIC 3040
1097 Mt Alexander Road, ESSENDON VIC 3040
1099 Mt Alexander Road, NORTH ESSENDON VIC 3041
1101 Mt Alexander Road, ESSENDON VIC 3040
1103 Mt Alexander Road, ESSENDON VIC 3040
1101-1103 Mt Alexander Road, NORTH ESSENDON VIC 3041
1105 Mt Alexander Road, ESSENDON VIC 3040
4 Leake Street, ESSENDON VIC 3040
6 Leake Street, ESSENDON VIC 3040
10 Leake Street, ESSENDON VIC 3040

89 Lincoln Road, ESSENDON VIC 3040
131 Lincoln Road, ESSENDON VIC 3040
2 Cooke Street, ESSENDON VIC 3040

Supporters

6 MacKia Court, NIDDRIE VIC 3042
51 Nimmo Street, ESSENDON VIC 3040

9.2 144-160 Keilor Road & 1 O'Shannassy Street, North Essendon (Land in CP170637B, Lot 1 TP596915G & Lot 13 LP10910) - Construction of a six storey building, removal of an easement, reduction in car parking requirements, waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1

File No: FOL/15/590

Author: Principal Statutory Planner

Directorate: City Works & Development

Ward: Buckley

Proposal	• Construction of a six storey building comprising 260 dwellings and five retail premises • Removal of an easement • Reduction in retail and visitor car parking requirements • Waiver of loading bay requirements • Alteration of access to a road in a Road Zone, Category 1
Applicant	BEG Developments Pty Ltd
Owner	Bosica Giselle Pty Ltd & Duvalco Pty Ltd
Planning Scheme Controls	• General Residential Zone • Commercial 1 Zone • Design and Development Overlay (DDO7) • Design and Development Overlay (DDO9)
Planning Permit Requirement	Clause 32.08-4 – Construct two or more dwellings on a lot and residential buildings Clause 34.01-4 – Construct a building or construct or carry out works Clause 43.02-2 – Construct a building or construct or carry out works Clause 52.02 – Remove an easement

	Clause 52.06-3 – Reduction in car parking requirements Clause 52.07 – Waiver of loading bay requirements Clause 52.29 – Alter access to a road in a Road Zone, Category 1
Car Parking Requirements **(Clause 52.06)**	Required: 343 car spaces Provided: 286 car spaces
Bicycle Requirements	Required: 83 bicycle spaces Provided: 95 bicycle spaces
Restrictive Covenants	None
Easements	Yes, a 1.83 metre wide drainage and sewerage easement along the north-eastern property boundary of No.144-160 Keilor Road, North Essendon
Site Area	5,307 square metres
Number Of Objections	17
Consultation Meeting	5 August 2015

Executive Summary

- The application seeks planning approval for the construction of a six storey building, removal of an easement, reduction in car parking requirements, waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1.
- The site has an area of 5,307 square metres and is located on the north-eastern side of Keilor Road, North Essendon. The site comprises a vacant car sales yard.
- The application was advertised and 17 objections were received. The concerns raised related to overdevelopment, height, scale, visual bulk, impacts on flight paths, neighbourhood character, inadequate setbacks, car parking, traffic, vehicle accessway from Duffy Street, pedestrian safety, lack of loading facilities, noise, waste management, overlooking, overshadowing, wind impacts, lack of three bedroom dwellings, lack of a roof top garden, removal of the existing easement, residential entrances along side streets in lieu of Keilor Road, impacts on infrastructure/services, proposed trees adjacent to No.2 Duffy Street, impacts on existing street trees, excavation and construction impacts on surrounding properties, lack of affordable housing, impacts on television reception, area deemed to be within a 'Neighbourhood Residential Zone' and errors within the plans and documentation provided.

- A Consultation Meeting was held on 5 August 2015, attended by Councillors Chantry and Giuliano, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.
- The application was externally referred to VicRoads, Public Transport Victoria, Essendon Airport and City West Water, and was internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit, Strategic Planning Unit, Urban Designer, Environmental Sustainable Development (ESD) Officer and Landscape Architect. Conditional support to the application was provided.
- Amended plans were received by Council on 8 October 2015, which are to be substituted at the VCAT Hearing listed to commence on 23 November 2015 for four days (refer **Appendix D**). A Compulsory Conference was held at VCAT on 13 October 2015 where an agreement was formed between the applicant and a number of objecting parties, which also forms part of the recommendation outlined below.
- 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 with respect to an Application for Review against Council's failure to decide the application within the prescribed time, Council resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application, that if Council were in a position to decide on the application, that the decision would have been to issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/91/2015 for the construction of a six storey building, removal of an easement, reduction in car parking requirements, waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1 at No.144-160 Keilor Road & 1 O'Shannassy Street, North Essendon (Land in CP170637B, Lot 1 TP596915G & Lot 13 LP10910), 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 prepared by CHT Architects Revision A dated 7 October 2015 (TP00.01-TP01.12) but modified to show:

    a) Provision of an acoustic fence, at the cost of the owner, to a minimum height of 2.1 metres along the northern property boundary abutting No.2 Duffy Street.

    b) An additional 3m set back of apartments 4.10, 4.17, 5.08 and 5.13 from the northern property boundary, provided that balconies may be provided within such setbacks.

    c) Details of the car shuffleboard on the basement floor plans.

    d) Suitable colour and material treatment of the 'north elevation' to provide a softer, articulated and visually interesting interface with the existing dwellings at No.2 Duffy Street and No.3 O'Shannassy Street.

    e) The provision of internal pedestrian access from each retail tenancy to the rear 'back of house' corridor.

    f) Details of any fencing and/or gates associated with the landscaped communal courtyard areas and landscaped buffer strip along the north-eastern (rear) boundary of the site.

    g) All dwellings to meet the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.

    h) The north-eastern balconies facing the communal courtyards treated/screened to prevent internal views between dwellings in accordance with Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme.

    i) Portal frames to be provided to demarcate the retail entries and provide rhythm to the ground floor façade.

    j) Ensure rebates along the Keilor Road frontage provide a distinct material change through full height curtain walling to emphasise the vertical breaks along the elevation.

k) The provision of internal elevation plans.

l) All elevation plans provided with clear and correct material annotations.

m) Notations on the plans in accordance with the approved STORM Rating Report.

n) Provision of 300mm (min) wide trench grates at the bottom of each basement ramp.

o) The location and details of all crossovers to be removed and reinstated to nature strip, kerb and channel clearly shown on the floor plans.

p) The correct number of car spaces annotated on the upper basement floor plan.

q) The correct street names and property numbers of the two existing dwellings shown on the floor plans.

r) The correct rear setback dimensions clearly shown on the 'Section C Building A' plan.

s) Annotations in accordance with Appendix D of the SMP referenced within Condition 25.

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

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

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

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

   Where applicable, any stormwater treatment measures (e.g. 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 Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:

   a) Hours of construction;

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

   c) Scaffolding and hoarding for the site;

d) Allocated areas for loading and unloading;

e) Site evacuation plan and procedure;

f) Occupational health and safety policy;

g) Hazard identification and control;

h) Environmental management and waste minimisation;

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

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

k) 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 and Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

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

   a) Inspection frequency.

   b) Cleanout procedures.

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

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

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

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

7. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the prior

written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.

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

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

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

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

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

    b) Thereafter be maintained;

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

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

    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.

12. 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.

13. Bicycle parking spaces, access, lockers and compounds must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.

14. The street trees must not be removed or replaced without the written consent of the Responsible Authority. Any replacement is to be to the satisfaction of the Responsible Authority. All fees associated with the removal and replacement/replanting of the street trees must be borne by the permit applicant and must be undertaken prior to the issue of an Occupancy Permit to the satisfaction and requirements of the Responsible Authority.

15. All kerb and channel fronting the property must be removed and replaced with MVCC Standard B2 kerb to the satisfaction of the Responsible Authority.

16. The existing asphalt nature strip along Keilor Road fronting the property must be removed. Subject to the approval of the Responsible Authority, a permeable nature strip must be established with standard footpath width to the satisfaction of the Responsible Authority.
17. The nature strip is to be grassed with new street trees to be planted within Duffy Street and O'Shannassy Street. A standard width reinforced concrete footpath and associated pram crossings must be inclusive of the nature strip.
18. Public Cycling parking "hoops" as per urban design guideline must be installed within the proposed nature strip close to the entrance of the building to the satisfaction of the Responsible Authority.

Essendon Airport Conditions

Air Safety

19. Prior to the commencement of any building and works:

    A Construction Methodology Statement must be submitted to the Responsible Authority detailing the construction activity proposed. The statement must include, but not be limited to, approval from Essendon Airport with regard to the locations, heights and radiuses of cranes during the construction phase and the height of the development (including any antennas etc.) following completion of construction.

End Essendon Airport Conditions

VicRoads Conditions

20. All disused or redundant vehicle crossings must be removed and the area reinstated kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.

End VicRoads Conditions

City West Water Conditions

21. It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.
22. It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.
23. Prior to certification, the Plan of Subdivision must be referred to City West Water in accordance with Section 8 of the Subdivision Act 1988.

End City West Water Conditions

24. Before the use of the land commences, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by

a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include, but is not limited to, the following:

a) A description of the location in the context of alternate modes of transport and objectives for the Green Travel Plan.

b) Outline Green Travel Plan measures for the development including, but not limited to:

   i) Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;

   ii) Include a minimum of one myki pass (of at least $10 value) and registration information per bedroom for each dwelling within the household welcome pack;

   iii) Bicycle parking and facilities available on the land; and

   iv) Monitoring and review.

c) A plan showing:

   i) The bicycle parking areas to be provided for use by residents.

Once approved the Green Travel Plan must form part of the planning permit and any ongoing Management Plan for the land, to ensure the Green Travel Plan continues to be implemented by residents/owners to the satisfaction of the Responsible Authority.

25. Prior to the commencement of buildings and works, the Sustainability Management Plan (SMP) prepared by 'Urban Digestor' dated 28 July 2015 is to be submitted to the Responsible Authority for approval. Once approved, the SMP is to be implemented and appropriately managed during construction of the proposed building.

26. 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.

27. 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.

28. Before the development commences, an Engineering Design Plans (EDP) and a Drainage Layout Plan (DLP) together with supporting calculations must be submitted to and approved by the Responsible Authority. The EDP and DLP must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority, and must be in accordance with

Council's drainage design guidelines. Once approved the EDP and DLP will be endorsed and will form part of this permit.

Construction of infrastructure service (drainage) requirement

The drainage works must be constructed in accordance with the endorsed EDP and DLP together with any provisions, recommendations and requirements to the satisfaction of the Responsible Authority.

After Practical Completion of works

Prior to occupancy of development, as constructed plans must be submitted and approved by the Responsible Authority.

All costs associated with the preparation of the plan and installation and construction of the associated infrastructure works must be borne by the permit holder.

29. 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.

30. To the satisfaction of the Responsible Authority goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.

31. The development must be provided with external lighting capable of illuminating access to the vehicle accessway, each 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.

32. Any new building must be constructed so as to comply with any noise attenuation measures required by Section 3 of the Australian Standard AS 2021-2000, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the Standards Australia International Ltd.

33. Once construction commences, any structure or building activity (e.g. construction cranes) on the subject land, either permanent or temporary, must not penetrate prescribed airspace surfaces without approval of Essendon Airport.

34. Prior to the commencement of the development an acoustic report prepared by a qualified acoustics expert must be provided to the Responsible Authority and to its satisfaction. This report must detail the noise attenuation measures required to all habitable rooms within the dwellings to ensure minimal impacts from noise sources external to that dwelling (i.e. aircraft associated with Essendon Airport and traffic along Keilor Road). This report must also detail any noise attenuation measures required to internal car parking areas or courtyards within the building to ensure minimum internal and external impacts from noise sources within these areas. The recommendations of the acoustic report must be implemented prior to the completion of the development.

35. Noise levels emanating from service equipment on the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.

36. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and must be connected to a registered security service.

37. Before the development starts, or any trees or vegetation removed, an amended landscape plan (three copies) generally in accordance with the Papworth Davies Plan reference LSK001a dated 12 October 2015 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) Pot sizes at planting.

    c) The use of non-invasive plant species within any easements 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.

38. 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.

39. Prior to the commencement of the development the applicant shall submit a Waste Management Plan to the Responsible Authority for approval, generally in accordance with the Waste Management Plan prepared by Leigh Design Pty Ltd and dated 13 April 2015. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.

40. 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.

41. 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.

42. This permit will expire if:

    a) The approved easement variation/removal is not registered with the Land Titles Office, within two (2) years of the date of this permit.

    The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

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.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the subject site.
- A Council drain (minimum 300 mm dia RCP RRJ) or as specified by the Responsible Authority must be constructed to reach the approved point of discharge (approx. 50m).
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; C=0.4, tc=5mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or C=0.80.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- The developer must confirm the existing stormwater drainage (including levels within Duffy Street and within the easement).
- The existing easement which is to be removed must be completed prior to submission of any build over easement application.
- The drainage design must demonstrate the pipe size proposed is supported with appropriate capacity, HGL analysis calculations, and consideration of upstream catchments. All calculations must be submitted to Council's Engineering Services Unit for approval prior to the commencement of any drainage or building works.

- Prior to the commencement of any buildings and works, separate approval must be obtained from Moonee Valley City Council in relation to any proposed removal and/or replacement of street trees. Please contact Council on 9243 8888 to speak with Council's Arborist.
- All proposed street trees to be in accordance with Council's Street Tree Management Plan.
- 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.
- Council will not accept any modifications to existing levels within the road reserve or to any R.O.W. Any change in levels to match existing surface levels along property boundary lines must be made within the property boundary.
- The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- If future retail development is to occur (i.e. retail tenancies merge to become one large tenancy), a new development application must be submitted with a reassessment of loading bay facilities.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the north-eastern side of Keilor Road, North Essendon. The site is irregular in shape with a frontage to Keilor Road of 100.58 metres, a frontage to O'Shannassy Street of 60.35 metres and a frontage to Duffy Street of 45.11 metres resulting in a total area of approximately 5,307m^2.

The land is relatively flat with minimal fall across the site.

It appears that a 1.83 metre wide drainage and sewerage easement exists to the north-east of the site, adjoining the rear property boundary of No.144-160 Keilor Road, North Essendon.

The site comprises a vacant car sales yard and associated buildings. The existing buildings have varied front setbacks to Keilor Road. Vehicle access is obtained from existing crossovers located along each streetscape. There is no significant landscaping or vegetation on the subject site. There are four street trees located at the side of the site along O'Shannassy Street.

Figure 2 – Subject site (No.144-160 Keilor Road & 1 O'Shannassy Street, North Essendon)

The surrounding area is comprised of predominantly commercial and residential zoned land used and developed for commercial and residential purposes. The subject site is located within the Keilor Road Activity Centre, directly abuts an arterial road (Keilor Road) and adjoins the No.59 tram route. The site is also located within close proximity of numerous bus routes, local businesses, schools and public reserves. The built form within the vicinity is predominantly single and double storey, with numerous examples of multi-storey mixed use and residential developments evident nearby. While the built form found within the immediate vicinity predominantly comprises of brick or render external finishes, the broader area is very much eclectic with an emergence of new and contemporary developments nearby.

1.2 Proposal

It is proposed to construct a six storey mixed use development, remove an easement, reduce car parking requirements, waive loading bay requirements and alter access to a road in a Road Zone, Category 1. The proposal can be summarised as follows:

Table 1

Retail area (total)	779.5 square metres
No. of dwellings	260 (140 x 2 bedrooms and 120 x 1 bedroom)
No. of car spaces	286 (263 resident spaces, 15 visitor spaces and 8 retail spaces)
No. of bicycle spaces	95 (64 resident spaces, 26 visitor spaces, 3 retail employee spaces and 2 retail shopper spaces)
Max. building height	19.2 metres
Site coverage	65.39%
Permeability	12.34%

It is proposed to remove part of the existing 1.83 metre wide drainage and sewerage easement running north-west to south-east through Land in CP170637B, directly abutting the south-west property boundary of No.1 O'Shannassy Street. It is also proposed to remove and reinstate two existing crossovers along Keilor Road.

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

It is noted that a revised Sustainability Management Plan (SMP), including an updated STORM Rating Report, and revised Landscape Plans dated July 2015 (refer **Appendix C**) were received by Council on 30 July 2015 following advertising and prior to the Consultation Meeting held on 5 August 2015. The revised landscape plans demonstrate modified layouts to the communal open space areas, which would encourage interaction and shared spaces for any future residents.

The revised SMP, STORM Rating Report and Landscape Plans address some of the concerns raised by internal referral departments and are to be included as conditions on any permit granted accordingly (refer to **Appendix C –** separately circulated).

Amended plans were received by Council on 8 October 2015, which are to be substituted at the VCAT Hearing listed to commence on 23 November 2015 for four days (refer to **Appendix D** – separately circulated). A Compulsory Conference was held at VCAT on 13 October 2015 where an agreement was formed between the applicant and a number of objecting parties. These amended plans and conditions that form part of the agreement are included within the recommendation above, as discussed within Section 4 of this report.

2. Background

2.1 Relevant Planning History

144-158 Keilor Road, North Essendon

Planning Permit MV/16396/2004/B was approved on 14 August 2006 for buildings and works to existing car yard and the demolition of the existing dwelling at 1 O'Shannassy Street to allow for the existing storage of vehicles to be increased from 35 to 50 vehicles.

Planning Permit MV/16396/2004/A was cancelled.

Planning Permit MV/16396/2004 was approved on 21 July 2004 for buildings and works to existing car yard.

160 Keilor Road, North Essendon

Planning Permit MV/9365/1997 was approved on 28 August 1997 for alterations to building for motor vehicle sales associated with car sales yard.

1 O'Shannassy Street, North Essendon

Planning Permit MV/16396/2004/B was approved on 14 August 2006 for buildings and works to existing car yard and the demolition of the existing dwelling

at 1 O'Shannassy Street to allow for the existing storage of vehicles to be increased from 35 to 50 vehicles.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 17	Economic Development

Local Planning Policy Framework

Clause 21.01	Municipal Profile
Clause 21.02	Key Issues and Influences
Clause 21.03	Vision
Clause 21.04	Sustainable Environment
Clause 21.05	Housing
Clause 21.06	Built Environment
Clause 21.07	Activity Centres
Clause 21.08	Economic Development
Clause 22.03	Stormwater Management (Water Sensitive Urban Design)

Zoning

Clause 32.08	General Residential Zone
Clause 34.01	Commercial 1 Zone

Overlays

Clause 43.02	Design and Development Overlay Schedules 7 and 9 (DDO7 and DDO9)

Particular and General Provisions

Clause 52.02	Easements, Restrictions and Reserves
Clause 52.06	Car Parking
Clause 52.07	Loading and Unloading of Vehicles
Clause 52.29	Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
Clause 52.34	Bicycle Facilities
Clause 52.35	Urban Context Report and Design Response For Residential Development of Five or More Storeys
Clause 52.36	Integrated Public Transport Planning
Clause 65	Decision Guidelines

2.3 Referrals

External

- VicRoads (Section 55 referral)

  No objection subject to the following conditions:

  - All disused or redundant vehicle crossings must be removed and the area reinstated kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.

  Notes

  - The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

- Public Transport Victoria (Section 55 referral)

  No objection.

- Essendon Airport (Section 52 referral)

  "The critical issue for Essendon Airport remains that all consents required under the Airports Act and the Airports (Protection of Airspace) Regulations are obtained to ensure that Essendon Airport's airspace is protected.

  We are satisfied that the planning condition you [the applicant] have proposed, subject to two minor amendments, will achieve this. We agree to the condition, on the basis that a new heading 'Air Safety' is inserted, and that in the first line 'should' is replaced with 'must' to ensure that there is an unequivocal obligation to obtain Essendon Airport's approval:

  Air Safety

  Prior to the commencement of any building and works:

  A Construction Methodology Statement must be submitted to the Responsible Authority detailing the construction activity proposed. The statement must include, but not be limited to, approval from Essendon Airport with regard to the locations, heights and radiuses of cranes during the construction phase and the height of the development (including any antennas etc) following completion of construction."

- City West Water (Section 52 referral)

  No objection subject to the following conditions:

  - It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.
  - It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.
  - Prior to certification, the Plan of Subdivision must be referred to City West Water in accordance with Section 8 of the Subdivision Act 1988.

Internal

- Engineering Services Unit

  No objection subject to conditions.

  No objection to the Waste Management Plan.

- Traffic and Transportation Unit

  No objection subject to the provision of a formal loading bay in accordance with Clause 52.07. Once the loading bay is provided, the swept path diagram and headroom clearance is to be submitted to Council for review.

  Planner's comments

  While a formal loading bay that meets the height requirements of Clause 52.07 has not been provided, the 60m^2 loading area within the upper basement level is considered acceptable for the use of vans, cars and small trucks. Any larger vehicles would be able to utilise on-street car parking nearby or the dedicated loading zone directly abutting the south-east of the site along O'Shannassy Street. This is considered acceptable, as discussed within Section 3.9 of this report.

- Strategic Planning Unit

  "The proposed development is considered to generally comply with the vision and objectives of the Keilor Road Activity Centre Structure Plan as it proposes an innovative medium-density mixed use development with an active frontage to Keilor Road, and appropriate addition to the Commercial Centre Precinct.

  Although the built form presents a well-articulated façade, there are some concerns however with lack of setback to the upper floors along Keilor Road, Duffy Street and O'Shannassy Street."

  Planner's comments

  The proposed development has a high level of compliance with the height and setback requirements of the DDO7, as discussed within Section 3.5 of this report, and is considered acceptable accordingly.

- Urban Designer

  "The following matters require further address in order to secure an acceptable urban design and architectural outcome for this landmark development:

  - Further resolution of the architectural form as presented to Keilor Road with the mid-section of the form to connect with the ground plane and provide a reduction in parapet height and open skyline profile. Portal frames to be provided to demarcate the retail entries and provide rhythm to the ground floor façade.
  - Ensure rebates along the frontage provide a distinct material change through full height curtain walling to emphasise the vertical breaks along the elevation.

- North-South orientated built form to incorporate an additional setback of 3 metres (1.5m at each internal interface) at levels 5-6 to ensure adequate spatial separation, maintenance of internal amenity to inward facing dwellings and improved visual interest and respite in profile from the north.

I am confident that the above improvements can be made to the proposal through conditions."

Planner's comments

The applicant agrees with the above being included as conditions on any permit granted, with exception to the increased setbacks at levels five and six. The applicant provided additional 3D rendered images of the internal courtyard spaces, which demonstrate adequate visual interest, spatial separation and internal amenity of inward facing dwellings. Following this, Council's Urban Designer provided support to the proposal.

- ESD Officer

  No objection to the revised Sustainability Management Plan (SMP) and updated STORM Rating Report received by Council on 30 July 2015 (refer **Appendix C**), subject to the inclusion of conditions on any permit granted.

- Landscape Architect

  No response to revised landscape plans dated July 2015 (refer **Appendix C**).

  Planner's comments

  Concerns were raised with regard to the initial design and layout of the large central courtyards shown on landscape plans dated April 2015. The applicant subsequently submitted revised landscape plans dated July 2015 (refer **Appendix C**), which address the concerns raised and are considered acceptable accordingly.

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 three notices erected on site for 14 days.

As a result, seventeen (17) objections were received from the properties contained within **Appendix A** of this report.

A response to the objections is provided in Section 3.12 of this report.

2.5 Consultation Meeting

A Consultation Meeting was held on 5 August 2015, attended by Councillors Chantry and Giuliano, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.

3. Discussion

3.1 State Planning Policy Framework (SPPF)

The relevant State Planning Policy Framework clauses are considered to be met. For the large part State Planning objectives seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. The subject site is located within the Keilor Road Activity Centre under *Plan Melbourne: Metropolitan Planning Strategy* and is located on the Principal Public Transport Network. The subject site directly abuts the No.59 tram route and is within close proximity of numerous local businesses, schools, public reserves and bus routes. The location of the subject site is considered to lend support for a more intensive form of residential and commercial development.

Clause 15.01-2 of the State Planning Policy Framework (Urban Design Principles) provides the main assessment tool for residential development of five or more storeys in height. It is considered that the proposal complies with the objectives and strategies as contained within the design principles of Clause 15.01-2. It should be noted that the majority of these design principles are further expanded under the design elements contained within Clause 21.06-4 (Urban Design), which will be discussed later within this report. Elements that are not specifically covered within Clause 21.06-4 are discussed as follows:

Landmarks, Views and Vistas

There are no significant monuments, landmarks or vistas in the vicinity of the site that have been identified within the Moonee Valley Planning Scheme as requiring specific protection. The proposed building would not significantly obscure or impact on views along the Keilor Road corridor. It is considered that the proposed building would enhance views and vistas along Keilor Road through high quality contemporary urban design.

Heritage

The site is not subject to a Heritage Overlay and is not located within close proximity of any heritage buildings.

With regard to Clause 16.01-3, the subject site is considered to be a 'strategic redevelopment site' as it is located within an Activity Centre, abuts a tram route that forms part of the Principal Public Transport Network and is able to provide more than 10 dwellings. The proposal contributes to the objective of Clause 16.01-4 (Housing Diversity) by providing a mix of dwelling sizes in various configurations, which will cater for the increasingly diverse needs of future residents.

Overall it is submitted that the proposal remains consistent with, and is supported by, relevant State Planning Policies.

3.2 Local Planning Policy Framework (LPPF)

The proposal complies with Clause 21.04 (Sustainable Environment) through the use of ecologically sustainable design principles. It is noted that the proposed

development includes 50,000 litre rainwater tanks and all dwellings will need to meet the minimum six star energy efficiency rating as required by the National Construction Code (NCC), which is considered suitable. As mentioned earlier, Council's ESD Officer recommended the inclusion of conditions relating to the submitted SMP and these are to be included on any permit granted accordingly.

The proposed development also accords with the objectives of Clause 21.04-7 (Waste) as it integrates waste management and recycling facilities in order to achieve best practice in waste minimisation and recycling. The submitted waste management plan will be endorsed through conditions on any permit granted accordingly, as referenced in Section 2.3 of this report.

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

Clause 21.06-4 (Urban Design) sets out the urban design and built form objectives and policies for residential development of five or more storeys. To assist with the assessment are the 'Guidelines for Higher Density Residential Development' (Department of Sustainability and Environment 2004) and the 'City of Moonee Valley Design Guidelines for Multistorey Residential Buildings' (2003). A number of the policies and guidelines appear to overlap and therefore the key concepts of the documents have been grouped together to provide a more consolidated assessment against the key criteria identified across all documents. The following discussion is provided:

Context and Building Design / Urban Context

A description of the proposal has been provided within this report, along with the accompanying documentation, which accurately details the context of the site. The design response is considered to be appropriate given the size and location of the site with good access to a range of services including public transport, schools and numerous recreational facilities/reserves.

The proposed design is contemporary and responds well to the site's location and context through the provision of architectural elements and an acceptable combination of materials. It is generally considered that an appropriate degree of visual interest and design articulation has been provided, with an adequate transition of built form to adjoining properties in accordance with the setback requirements of the DDO7.

Streetscape and Urban Design / Street Pattern and Street-Edge Quality

The front façade would make a positive contribution to Keilor Road and help integrate the development with the street and assist to enhance the experience for pedestrians. The inclusion of ground floor retail premises along Keilor Road and residential lobby areas along O'Shannassy Street and Duffy Street provides for an active frontage at the street level, which is consistent with the design objectives of the policy. It is also noted that there would be a significant increase in fenestration, passive surveillance and public safety to the site as a result of the proposed development. The incorporation of balconies at the upper floor levels provides appropriate articulation of the building façade and maximises

opportunities for visibility and passive surveillance. In addition to this, all vehicle and pedestrian entries are well defined and clearly identifiable from the public realm.

Car parking for the development is proposed to be contained within two basement levels with a single access point from Duffy Street. It is considered that the provision of a single vehicle accessway can be comfortably absorbed along this streetscape, noting that it is also proposed to remove and reinstate a number of existing crossovers along each streetscape. This will maintain an active and interesting primary street frontage along Keilor Road. The design of the basement ramp will also obscure views of the car parking area, allowing the articulated built form to be the main focal point of the proposed development. Therefore, car parking would be adequately concealed from Keilor Road, allowing the proposed development to address this streetscape with a more active frontage.

Setbacks and Site Coverage / Building Envelope

The objectives for this design element seek to ensure that the siting of new development responds to the context of the site and does not adversely affect the preferred neighbourhood character, including off-site amenity impacts. The proposed site coverage and setbacks are considered to be acceptable to the commercial setting of the site and the requirements of the DDO7, as discussed within Section 3.5 of this report.

While the proposed development is built up to the front and side property boundaries, this provides an acceptable response to the opportunities and constraints of the site including zoning and overlay requirements. In particular, a three storey street wall to Keilor Road with a six storey building height overall is acceptable under the DDO7. It is noted that the DDO7 does not provide for side setback requirements, thereby allowing for a six storey street wall along O'Shannassy Street and Duffy Street, which has been extended around to Keilor Road in this instance. Importantly each of these streetscapes have wide carriageways that provide a suitable buffer between the site and surrounding buildings.

The design response to comply with the rear setback requirements of the DDO7 from No.2 Duffy Street, and comply with the setback requirements of Clause 55.04-1 (Side and Rear Setbacks) from No.3 O'Shannassy Street, helps reduce potential visual bulk/mass issues while minimising amenity impacts on adjoining properties and allowing for equitable development opportunities. These setbacks, in conjunction with the 9.0 metre wide visual recesses in the built form and provision of landscaping and canopy trees to the rear of the site, are considered to provide an appropriate rear interface. However, it is considered that the material treatment and design of the building along the rear (north-eastern) interface could be substantially improved and softened through colours and materials that also provide articulation and visual interest. This is to be included as a condition on any permit granted accordingly.

The proposed development has a site coverage of 65.39%, which is considered acceptable to a site largely contained within a Commercial 1 Zone. This is also considered acceptable given the extent of properties with a high level of site coverage within the Keilor Road Activity Centre.

Building Height and Silhouette

The 'Guidelines for Higher Density Residential Development' note that appropriate building height is derived from the local context, street conditions and character objectives for an area.

As highlighted earlier, the subject site is located within an Activity Centre area on the Principal Public Transport Network and is considered to be a 'strategic redevelopment site' under Clause 16.01-3 (Strategic Redevelopment Sites). Such locations encourage more intensive forms of development to take advantage of existing infrastructure and services.

The DDO7 provides guidance on heights for the subject site, as discussed in detail within Section 3.5 of this report. It is noted that the proposed height of 19.2 metres is less than the preferred maximum building height of 21 metres under the DDO7 and Council's Urban Designer supports the height of the proposed development as discussed within Section 2.3 of this report. Therefore, the proposed height and silhouette of the building meets the objectives of this design element and is considered appropriate in this instance.

Internal Circulation, Space and Building Adaptability / Circulation and Services

The development achieves an acceptable degree of internal amenity and provides for comfortable living environments with adequate internal living spaces to meet the needs of future occupants.

The entry points to the building will be easily identifiable from within the basement car parking levels, with four lifts and three stairwells providing access to the upper levels. Separate pedestrian access points, in the form of residential lobby areas, are provided along O'Shannassy Street and Duffy Street. The provision of lift and stair access in conjunction with a lobby/foyer area along each side street will allow for ease of movement, including the movement of furniture, emergency access and escape.

The development generally provides an adequate and efficiently designed parking layout that will ensure safe vehicle movements. As discussed within Section 2.3 of this report, Council's Traffic and Transportation Unit has no objection to the provision and layout of car parking. This is considered acceptable as discussed within Section 2.3 of this report.

In terms of storage space, a number of large storage areas have been provided within the basement levels which would provide adequate residential storage space while also allowing for flexibility in final design details. This proposed storage arrangement is considered adequate to cater for the storage needs of dwellings within a residential building that do not rely on large private garden areas for open space.

Provision for waste storage is included within the upper basement level and ground floor level by way of common bin storage areas, which have been suitably separated into residential and commercial waste storage areas. Council's Engineering Services Unit has no objection to the waste management plan as outlined within Section 2.3 of this report. Therefore the waste management plan is to form a condition for endorsement on any permit granted.

On-Site Amenity and Liveability / Building Layout and Design

The proposal has been designed to accommodate a range of dwelling sizes and types, including different layouts and orientations. This will cater to the needs and preferences of a range of different people.

In a general sense, the layout of each dwelling provides an appropriate level of amenity for future occupants. Residents will be afforded with generous sized open plan living opportunities, with good fenestration and access to daylight. It is noted that all habitable rooms (living areas and bedrooms) have direct access to daylight, which is considered to be a good design outcome allowing for a high level of internal amenity for each dwelling.

Each dwelling is provided with a private courtyard or balcony area ranging from $7m^2$ to $16m^2$, which is considered acceptable given the location of the site within an Activity Centre and close proximity to a number of public reserves. The proposed development also provides three large communal courtyard areas ($216m^2$, $259m^2$ and $354.5m^2$) for additional leisure and recreational options, which would be accessible to any future residents within the proposed development.

The proposed development has been designed to limit internal overlooking to lower-level dwellings directly below and within the same development, where possible. While the majority of internal facing dwellings are provided with an adequate setback of 9.0 metres between balconies and habitable room windows to prevent internal overlooking, a number of north-east facing balconies would be subject to overlooking from internal facing dwellings. Therefore, these north-east facing balconies are to be treated/screened to limit overlooking from other internal facing dwellings and this is to be a condition on any permit granted. Therefore, subject to modification, the proposal is considered acceptable.

The proposed development is to minimise the transmission of noise within the development through the inclusion of suitable conditions on any permit granted.

Off-Site Amenity

There would not be any significant overlooking potential to existing dwellings from the proposed development, with the exception of potential overlooking from the dwellings located closest to No.2 Duffy Street and No.3 O'Shannassy Street. In particular Dwellings 1.11, 1.12, 1.23, 1.24, 1.37, 1.38, 2.11, 2.12, 2.23, 2.24 and 2.37 appear to have potential overlooking into the existing secluded private open space areas and habitable room windows associated with No.2 Duffy Street and No.3 O'Shannassy Street. While ResCode is not applicable in this instance, it is noted that the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme provide a useful guide to assess overlooking potential. Therefore the balconies and habitable room windows of these proposed dwellings should be treated/screened in accordance with the requirements of Clause 55.04-6 (Overlooking), and this is to be a condition on any permit granted.

The proposed development does not cause additional overshadowing to any adjoining secluded private open space areas due to the location/orientation of the site and proposed design response. This is in accordance with the requirements of Clause 55.04-5 (Overshadowing) of the Moonee Valley Planning Scheme.

The proposed development would minimise the transmission of noise to adjoining properties through the inclusion of suitable conditions on any permit granted.

Therefore, subject to appropriate overlooking and noise conditions on any permit granted, the proposal is considered to comply with this design element.

Parking, Traffic and Access

See comments provided by VicRoads and Council's Traffic and Transportation Unit within Section 2.3 of this report in addition to 'Clause 52.06 (Car Parking)' within Section 3.8 of this report.

Landscaping and Fencing / Open Space and Landscape Design

The subject site currently has limited permeability and does not contain any significant landscaping or vegetation. The proposed development would have 65.39% site coverage, which is considered acceptable to a site largely contained within a Commercial 1 Zone and Activity Centre area. The proposed development does provide for three large communal courtyard areas with landscaping. However, the design and layout of these communal courtyards should be in accordance with revised landscape plans dated July 2015 (refer **Appendix C**), as discussed within Section 2.3 of this report. There is also provision for landscaping opportunities along each streetscape, including the provision of new street trees, which is considered suitable to each streetscape and would help soften the overall built form from the public realm. Planting details of the proposed street trees are to be submitted to Council, and this is to be a condition on any permit granted.

Environmental Sustainability

Given the type of development and the intensive use of the site for a multi-level, multi-dwelling development, there are quite a number of inherent energy efficient design principles used in this project. These include the sharing of floors, walls and ceilings, which assist in the prevention of excessive heat gain and loss. This sharing of floors, walls and ceilings also makes efficient use of resources and building materials.

The waste management plan is considered to be acceptable, as discussed earlier, and is to form a condition for endorsement on any permit granted accordingly.

The proposed development has incorporated many Environmentally Sustainable Design initiatives, including the provision of 50,000 litre rainwater tanks in the basement for the re-use of stormwater within the development. Furthermore, all habitable living areas and bedrooms would have windows with direct access to daylight.

Lastly, it is noted that the location of the subject site offers a number of benefits, namely access to public transport, the city and other local services/facilities. Each of these factors reduce the need for additional housing on the fringes of the metropolitan area and make efficient use of existing infrastructure and services, reducing travel time/costs and thereby environmental impacts.

Service Infrastructure

The proposed infill development would utilise existing infrastructure and services available on site and within the surrounding area. This is considered to be an efficient and appropriate use of available resources. Furthermore, Council's

Engineering Services Unit has no objection to the proposal subject to the inclusion of conditions on any permit granted.

Clause 21.07 (Activity Centres) is applicable in this instance and builds on the objectives and strategies of the State Planning Policies, in particular Clause 11 (Settlement). The subject site is located within the Keilor Road Activity Centre as identified in *Plan Melbourne*. The proposed mixed-use development continues to promote commercial and residential growth within this area. The Keilor Road Built Form Guidelines 2012 has been considered in the design and assessment of the proposed development, to which there is a high degree of compliance.

With regard to Clause 21.08 (Economic Development), it is considered that the proposed development would contribute to and enhance the Keilor Road Activity Centre in terms of employment and business. It is noted that the proposed retail tenancies are an 'as-of-right' use within the Commercial 1 Zone, as discussed within Section 3.4 of this report. The proposed development is considered acceptable accordingly.

The updated STORM Rating Report received by Council on 30 July 2015 (refer **Appendix C**) 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. As mentioned earlier, Council's ESD Officer has no objection to the updated STORM Rating Report subject to the inclusion of conditions on any permit granted.

3.3 Compliance with Clause 32.08 (General Residential Zone)

The proposed dwellings are an 'as-of-right' use within the General Residential Zone. The proposed dwelling use is in accordance with the objectives of State and Local Planning Policies within the Moonee Valley Planning Scheme, as discussed within Sections 3.1 and 3.2 of this report.

The construction of two or more dwellings on a lot requires a permit under Clause 32.08-4 (Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings). However, the requirements of Clause 55 are not applicable as the proposal exceeds five storeys in height. As discussed within Sections 3.1 and 3.2 of this report, the proposal is considered to be a good design outcome for the site and surrounding area.

3.4 Compliance with Clause 34.01 (Commercial 1 Zone)

The proposed retail tenancies and dwellings are 'as-of-right' uses within the Commercial 1 Zone. The proposed retail and dwelling uses are in accordance with the objectives of State and Local Planning Policies within the Moonee Valley Planning Scheme, as discussed within Sections 3.1 and 3.2 of this report.

The proposed development requires a permit under Clause 34.01-4 (Buildings and Works). As discussed within Sections 3.1 and 3.2 of this report, the proposal is considered to be a good design outcome for the site and surrounding area.

3.5 Compliance with Clause 43.02 (Schedule 7 to the Design and Development Overlay)

The subject site is located within Precinct 3 of the Design and Development Overlay Schedule 7 (DDO7).

Table 2

	DDO7-Precinct 3	Proposed
Preferred maximum building height	21 metres on 'key sites'	19.20 metres
Front setback (up to three storeys in height)	0 metres	0-1.50 metres
Front setback (above three storeys in height)	3 metres	0 metres
Rear setback (up to three storeys in height)	3 metres	3.01-3.08 metres
Rear setback (above three storeys in height)	8 metres	8.01 metres

The subject site is considered to be a 'key site' as the site has a total land parcel area of greater than 1,000 square metres (5,307m^2 proposed) with a frontage width of greater than 20 metres (100.58 metres proposed); the site is within 400 metres of a tram stop or train station (approximately 40 metres from a tram stop); new vehicle access to the site can be achieved by a side street (i.e. Duffy Street); and the additional height applicable to a 'key site' has no significant amenity or heritage impacts as discussed within Sections 3.1 and 3.2 of this report.

The proposed development has a high level of compliance with the height and setback requirements under Precinct 3 of the DDO7, as demonstrated in Table 2 above. Importantly, the proposed building is less than the preferred maximum height of 21 metres.

The front setback of 0-1.50 metres up to three storeys in height exceeds the zero metre street setback requirement under the DDO7, essentially contributing an additional 1.5 metres of land to the public realm and pedestrian environment along Keilor Road. This is considered to be a positive design response to the site and surrounding area, particularly given the narrow width and restricted pedestrian environment along this section of Keilor Road.

The zero metre front setback above three storeys in height does not meet the 3.0 metre setback requirement under the DDO7. However, given the proposed development provides a 'floating' built form along Keilor Road, with a 1.5 metre setback at ground floor level and unique façade treatment above, the overall design is considered acceptable to the streetscape. The 3.0 metre setback requirement above three storeys is to help minimise potential visual impacts of new development along Keilor Road. However, the interesting design variation proposed across the front façade helps provide suitable articulation, while also minimising visual bulk, as an alternate treatment to the quantitative setback requirements that could compromise the overall design of the building. Importantly, the proposed development achieves each of the design objectives

of the DDO7, including the provision of a consistent street rhythm, creating an engaging interface, achieving excellence and diversity in architecture, providing a pedestrian friendly environment and integrating street trees and landscaping to Keilor Road. Therefore, the proposed built form and design is considered to meet the objectives of the DDO7, while also allowing for an interesting building design on a relatively large and unique site along Keilor Road. It is also noted that a number of new (existing and approved) developments along Keilor Road do not provide for a 3.0 metre front setback above three storeys in height, which would complement the proposed development. Council's Urban Designer has no objection to the proposed development, subject to conditions as referenced within Section 2.3 of this report.

The proposed development meets the rear setback requirements.

3.6 Compliance with Clause 43.02 (Schedule 9 to the Design and Development Overlay)

A planning permit is required to construct a building or carry out works which exceed 80 metres Australian Height Datum (AHD) in height. As the proposed building exceeds 80m AHD (84.70m AHD proposed), the application was referred to Essendon Airport under Section 52 of the Planning and Environment Act 1987. As discussed within Section 2.3 of this report, Essendon Airport has no objection to the proposed development subject to the inclusion of a condition on any permit granted. This is considered acceptable.

3.7 Compliance with Clause 52.02 (Easements, Restrictions and Reserves)

The decision guidelines of Clause 65, as well as the interests of affected people and authorities, have been considered in the assessment of this proposal. The proposed removal of part of an existing easement is considered to comply with the relevant provisions of the Moonee Valley Planning Scheme, and no objections have been received from any interested or affected people or authorities. Therefore, subject to the inclusion of suitable conditions on any permit granted, the proposed easement removal is considered acceptable in this instance.

3.8 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
260 Dwellings (140 x 2 bedrooms and 120 x 1 bedroom)	260	263
Retail (779.5m^2)	31	8
Residential visitors	52	15
Total	343	286

As discussed under Section 2.3 of this report, Council's Traffic and Transportation Unit have no objection to the proposed development, subject to the inclusion of a formal loading bay in accordance with the requirements of Clause 52.07

(Loading and Unloading of Vehicles). The loading bay requirement is discussed within Section 3.9 of this report.

With regard to the reduction in retail and visitor car parking requirements, the subject site directly abuts the No.59 tram route and the No.476, 477, 478, 479 and 483 bus routes which provide alternate modes of transport to and from the subject site. The proposed development also provides for 95 bicycle spaces which can be utilised by shoppers and visitors to the proposed development. It is also noted that there are numerous on-street car spaces available nearby that can be utilised by both shoppers and visitors, with a substantial increase in capacity for residential visitors outside of business trading hours. Such measures would all help offset the retail and visitor car parking spaces not being provided for on-site.

With regard to traffic generation, the proposed development is expected to generate approximately 138 vehicle trips per peak hour and up to 1,332 vehicle trips over an entire day. Traffix Group are satisfied that the traffic impacts of the development are acceptable and will not have a detrimental impact on the safety and operation of Keilor Road or the wider road network. It is also noted that VicRoads has no objection to the proposed development, subject to the inclusion of conditions on any permit granted as outlined within Section 2.3 of this report.

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.

3.9 Compliance with Clause 52.07 (Loading and Unloading of Vehicles)

Clause 52.07 triggers loading and unloading requirements for the retail premises within the proposed development. The proposed retail premises are relatively small and it is generally accepted that deliveries to retail tenancies of this scale are delivered by a van or car. Such vehicles would utilise on-street car parking, or nearby loading zones, for short periods of time to drop off goods.

Council's Traffic and Transportation Unit requires the provision of a formal loading bay in accordance with this clause. The proposal does provide a 60m^2 loading area for deliveries and waste collection, within the upper basement level, which is considered acceptable for the use of vans, cars and small trucks. However, while this meets the area, length and width requirements of this clause, the basement entrance is less than the required 4.0 metres in height (2.2 metres proposed). Therefore it is considered that any larger delivery vehicles can utilise on-street car parking nearby, or the dedicated loading zone directly abutting the south-east of the site along O'Shannassy Street.

In light of the above, it is considered appropriate to waive the loading bay height requirement in this instance as adequate provision is made for loading and unloading vehicles associated with the proposed development.

3.10 Compliance with Clause 52.29 (Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road)

A planning permit is required to create or alter access to a road in a Road Zone, Category 1. As this planning application proposes to alter access to Keilor Road, which is a Category 1 Road Zone, the application was referred to the Roads Corporation (VicRoads) under Section 55 of the Planning and Environment Act

1987. As discussed within Section 2.3 of this report, VicRoads has no objection to the proposed development subject to the inclusion of conditions and notes on any permit granted. This is considered acceptable.

3.11 Compliance with Clause 52.34 (Bicycle Facilities)

The proposal includes bicycle spaces, as set out in the table below:

Table 4

Unit	Requires	Provides
260 Dwellings	52	64
Residential visitors	26	26
Retail employees	3	3
Retail visitors	2	2
Total	83	95

As demonstrated in the table above, the proposed development complies with the requirements of this clause.

3.12 Objections

Table 5

Issue	Officer Response
Overdevelopment / height / scale / visual bulk	This is considered acceptable as discussed within Sections 3.1, 3.2 and 3.5 of this report.
Neighbourhood character	The subject site is largely contained within a commercial zone and therefore not subject to the requirements of the Moonee Valley Neighbourhood Character Study 2012. However, the overall design of the proposed development is considered acceptable, subject to minor changes, as discussed within Sections 2.3 and 3.2 of this report.
Inadequate setbacks	The proposed development provides adequate setbacks from all property boundaries, as discussed within Section 3.5 of this report.
Impacts on flight paths associated with Essendon Airport	Essendon Airport has no objection to the proposed development, subject to the inclusion of a condition on any permit granted as discussed within Section 2.3 of this report.
Car parking and traffic issues	This is considered acceptable as discussed within Sections 2.3 and 3.8 of this report.
Vehicle accessway from Duffy Street	This is considered acceptable as discussed within Sections 2.3, 3.2 and 3.8 of this report. It is also noted that side streets are the preferred location for a vehicle accessway on a corner site within a commercial zone as this allows for a more active

	and engaging primary street frontage. This is particularly important for a site on an arterial road, abutting a tram route, in order to minimise the disruption of traffic along this major thoroughfare.
Pedestrian safety	Pedestrian safety will not be significantly compromised as all vehicles will be able to egress the site in a forward direction, and pedestrian visibility splays will be provided alongside the vehicle accessway in accordance with the requirements of Clause 52.06-8 (Design Standards for Car Parking). Pedestrians will have to exercise the same level of caution approaching this vehicle accessway as with any other accessway associated with a dwelling or larger development.
Lack of loading facilities	The proposed loading arrangement is considered acceptable as discussed within Section 3.9 of this report.
Noise	Suitable conditions to minimise potential noise impacts on adjoining properties, from the proposed development, are to be included on any permit granted. However, it is noted that any residential or commercial noise emitted from the proposed development would be subject to the same EPA noise regulations as any other residential or commercial property within the area. The location of the subject site on an arterial road, abutting a tram route and underneath the north-south flight path of Essendon Airport will require an acoustic report as a condition on any permit granted in order to minimise noise impacts on any future residents.
Waste management	The waste management plan is considered acceptable, as discussed within Sections 2.3 and 3.2 of this report, and is to form a condition for endorsement on any permit granted accordingly.
Overlooking	This is considered acceptable, subject to the inclusion of conditions on any permit granted, as discussed within Section 3.2 of this report.
Overshadowing	There would be no additional overshadowing to any adjoining secluded private open space areas due to the location/orientation of the site and proposed design response. This is in accordance with the requirements of Clause 55.04-5 (Overshadowing), as discussed within Section 3.2 of this report.

Wind impacts	The location, size and height of the proposed development is not considered to warrant a wind tunnel assessment, which is typically requested only for much larger developments.
Lack of three bedroom dwellings	It is considered that dwelling diversity could be improved with the provision of some three bedroom dwellings. Reconfiguration of the internal layout of dwellings should provide for some three bedroom dwellings within the proposed development. It is considered a minimum of three, three bedroom dwellings should be provided with the three surplus residential (tandem) car spaces allocated to these three bedroom dwellings. This is to be a condition on any permit granted accordingly.
Lack of a roof top garden	The provision of three large communal courtyard areas are considered adequate to cater for any additional leisure and recreational requirements that future residents may have.
Removal of the existing easement	This is considered acceptable as discussed within Sections 2.3 and 3.7 of this report.
Residential entrances on side streets in lieu of Keilor Road	This is considered acceptable as discussed within Section 3.2 of this report. It is also noted that side streets are the preferred location for residential entrances on corner sites within commercial zones as this allows for a more active and engaging primary street frontage.
Impacts on infrastructure/services	The subject site is located within an Activity Centre, which encourages higher densities to utilise the existing infrastructure network and extensive local services available nearby. As mentioned within Section 2.3 of this report, Council's Engineering Services Unit has no objection to the proposed development subject to the inclusion of suitable drainage conditions on any permit granted. Any infrastructure upgrades required will need to be undertaken by the applicant in consultation with the relevant authority, where required.
Proposed trees adjacent to No.2 Duffy Street	The proposed trees along this property boundary are deemed appropriate in order to soften the built form from the public and private realm, and provide a better interface with No.2 Duffy Street accordingly. Any landscaping or tree maintenance issues that may arise from these trees would be subject to the relevant civil laws and/or regulations applicable to neighbouring properties.

Impacts on existing street trees	The existing street trees are not considered to be significant and are not protected under the Moonee Valley Planning Scheme. While it is not proposed to remove any existing street trees, any replacement street trees can be organised separately through Council's Arborist.
Excavation and construction impacts on surrounding properties	A Construction Management Plan will be required as a condition on any permit granted in order to minimise potential construction impacts on surrounding properties. However, any damage to surrounding properties during the construction phase is not a valid planning consideration and is controlled/managed through the building permit process.
Lack of affordable housing	The proposed development is considered to meet the objective of Clause 16.01-5 (Housing Affordability) by providing a number of modest sized dwellings within an Activity Centre close to jobs, transport and services. The range of dwelling sizes and types will in itself provide a range of housing prices, including dwellings that would be affordable for households on low to moderate incomes.
Impacts on television reception	This is not a valid planning consideration.
Area deemed to be within a 'Neighbourhood Residential Zone'	While the site is largely contained within a commercial zone, it is noted that Amendment C137 has not been approved by the Minister for Planning and further strategic work will need to be undertaken to the residential zones as a result.
Errors within the plans and documentation provided	This is noted.

4. Amended Plans to be substituted at VCAT / Compulsory Conference

Amended plans prepared by CHT Architects Revision A dated 7 October 2015 (TP00.01-TP01.12) were received by Council on 8 October 2015, which are to be substituted at the VCAT Hearing listed to commence on 23 November 2015 for four days (refer **Appendix D**). The proposed changes include the following:

- Reduction in the total number of dwellings from 260 to 232 (reduction of 28 dwellings).
- Reconfiguration of the mix of dwelling types, including the provision of three bedroom dwellings (9 x 3 bedrooms; 97 x 2 bedrooms; 29 x 1 bedroom plus study; 97 x 1 bedroom).

- Reduction in the total number of car parking spaces provided on-site from 287 to 269 (reduction of 18 car parking spaces).
- The fifth floor level set back 5.0 metres from Keilor Road, in lieu of zero metres.
- Increased third, fourth and fifth floor setbacks from O'Shannassy Street and Duffy Street (generally up to 2.0 metres).
- Increased upper floor setbacks from No.3 O'Shannassy Street.
- Improved access to daylight for dwellings and internal corridors.

The above changes are generally considered to be an improvement and have been included within the recommendation section of this report accordingly.

A Compulsory Conference was held at VCAT on 13 October 2015 where an agreement was formed between the applicant and a number of objecting parties. The conditions agreed upon are as follows:

- Provision of an acoustic fence, at the cost of the owner, to a minimum height of 2.1 metres along the northern property boundary abutting No.2 Duffy Street.
- Additional 3m set back to apartments 4.10, 4.17, 5.08 and 5.13 from the northern property boundary, provided that balconies may be provided within such setbacks.

These conditions have been included within the recommendation section of this report accordingly.

5. 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).

6. Conclusion

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

Appendices

Appendix A: Objectors
Appendix B: Advertised Plans (separately circulated)
Appendix C: Revised Plans (separately circulated)
Appendix D: Amended Plans to be substituted at VCAT (separately circulated)

Location of Objector's Properties

5 O'Shannassy Street, NORTH ESSENDON VIC 3041
1/8 Keam Street, NORTH ESSENDON VIC 3041
5 Duffy Street, NORTH ESSENDON VIC 3041
23 Spring Street, NIDDRIE VIC 3042
2 Summit Road, NOBLE PARK NORTH VIC 3174
16 Duffy Street, NORTH ESSENDON VIC 3041
14 Greville Street, NORTH ESSENDON VIC 3041
4 Duffy Street, NORTH ESSENDON VIC 3041 (X3)
2 Duffy Street, NORTH ESSENDON VIC 3041
11 O'Shannassy Street, NORTH ESSENDON VIC 3041
12 Duffy Street, NORTH ESSENDON VIC 3041 (X2)
1/13 O'Shannassy Street, NORTH ESSENDON VIC 3041
140 Keilor Road, NORTH ESSENDON VIC 3041
132 Arvon Road, STRATHMORE VIC 3041

9.3 201 Pascoe Vale Road, Essendon (Lots 1 and 2 on TP 571754U) - Construction of five dwellings and a reduction in visitor car parking requirements.

File No: FOL/15/590

Author: Principal Statutory Planner

Directorate: City Works & Development

Ward: Buckley

Proposal	• Five double storey dwellings (5 x 2 bedrooms) • Reduction in visitor car parking
Applicant	Achieve Design c/- ARG Planning Pty Ltd
Owner	Antonio & Maria Villani
Planning Scheme Controls	General Residential Zone
Planning Permit Requirement	Clause 32.08-4 – Construction of two or more dwellings on a lot Clause 52.06-5 – Reduction in the visitor car parking requirements
Car Parking Requirements **(Clause 52.06)**	Required: 6 Provided: 5
Bicycle Requirements	None
Restrictive Covenants	None
Easements	None
Site Area	827.29 square metres
Number Of Objections	16
Consultation Meeting	6 May 2015 and 22 July 2015

Executive Summary

- The application seeks planning approval for the construction of five double storey dwellings and a reduction in the visitor car parking requirements.
- The site has an area of 827.29 square metres and is located on the western side of Pascoe Vale Road, Essendon. The site also has a secondary (rear) interface to Loeman Street.
- The site currently comprises of an existing single storey rendered brick dwelling.
- The application was advertised and 16 objections were received. The concerns raised related to overdevelopment, neighbourhood character, visual bulk, site coverage, car parking, traffic and the development not being in accordance with the Moonee Valley Heritage Gap Study.
- A Consultation Meeting was held on 6 May 2015, attended by Councillors Chantry and Giuliano, objectors, the applicant and Council's Planning Officer. At the Consultation Meeting it was agreed that the site would be developed in the future and that a more conservative proposal with a reduced height and greater break in built form may be an acceptable outcome. At the meeting it was agreed that revised plans would be circulated for discussion which would encompass a less intensive built form. It was agreed that the revised plans would be discussed at a second Consultation Meeting.
- The second Consultation Meeting was held on 22 July 2015 and was attended by Councillors Chantry and Giuliano, objectors, the applicant and Council's Planning Officer. At the meeting, the revised plans were presented which resulted in a reduction in the number of dwellings, a reduction in the overall height of the development, alterations to the built form to include traditional roof forms and breaks in the horizontal built form. It was agreed by all parties that the revised plans resulted in a more appropriate built form subject to some minor modifications.
- The applicant formally amended the application pursuant to Section 57A of the Planning and Environment Act on 31 July 2015 to incorporate a number of changes as discussed at the second Consultation Meeting. The amended plans were circulated to all objectors.
- The application was internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit, Heritage Advisor, Property Unit and Environmental Sustainable Development (ESD) Officer. Conditional support to the application was provided.
- The application was also referred to VicRoads who had no objection to the proposal.
- 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/832/2014 for the Construction of five dwellings and a reduction in visitor car parking requirements at 201 Pascoe Vale Road, Essendon (Lots 1 and 2 on TP 571754U), 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 Scyon Matrix Finish applied to the upper levels of Dwellings 1, 5 and 6 (facing both Pascoe Vale Road and Loeman Street) to be modified to a lightweight timber cladding.

    a) The northern balcony associated with Dwelling 2 reduced in size to 8 square metres and set back from the balcony of Dwelling 3 (ensuring a clear break in built form is provided).

    b) The glazing associated with the first floor balconies of Dwellings 1, 2, 4 and 5 to be treated with obscure glazing or an alternative non-transparent material.

    c) The provision of windows facing the accessway for the ground floor stores associated with Dwellings 1, 2 and 5.

    d) All external screening and obscure glazed windows to comply with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme, such a

notation to be placed on the plans.

e) The door of the store room associated with Dwelling 5 to be a sliding door.

f) The landscape strip opposite the Dwelling 1 garage reduced in width to 500mm.

g) The Dwelling 1 store reduced in size to improve egress of vehicles exiting the garage associated with Dwelling 1.

h) All landscaping 2.5m from the property line and within the pedestrian visibility splay to be no higher than 900mm, such a notation to be placed on the plans.

i) The size and location of the rain garden (as per the STORM assessment) graphically shown in m² and dimensioned to be a minimum 300mm setback from any site boundary or building and to be fully lined and have its overflow plumbed into the stormwater system.

j) The extent, size and grading of the impervious catchment area draining to the raingarden to be graphically shown in m², and demonstrated how the rainwater is collected from this area and discharged into the raingarden (ie. is it gravity fed or does it require a pump system).

k) The provision of a street tree along the Loeman Street frontage.

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. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM assessment must obtain a minimum of 100% to comply with Clause: 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme. The amended STORM assessment be generally in accordance with the STORM assessment submitted and assessed with the application but modified to show:

   a) All impervious footpaths and balconies.

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. 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.

6. 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.

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

   a) Hours of construction,

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

   c) Scaffolding and hoarding for the site; d) Allocated areas for loading and unloading,

   d) Site evacuation plan and procedure,

   e) Occupational health and safety policy,

   f) Hazard identification and control,

   g) Environmental management and waste minimisation,

   h) 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,

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

   j) On site stormwater contamination,

   k) Chemical storage,

   l) Noise and vibration,

m) Risk assessment,

n) Works timetable; and

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

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

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

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

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

12. 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.

13. Before the building/s approved by this permit is/are occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:

a) constructed;

b) available for use in accordance with the endorsed plans;

c) properly formed to such levels and drained so that they can be used in accordance with the endorsed plans; and

d) finished with a permanent trafficable surface (such as concrete, asphalt or paving),

in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

The area set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must:

e) be maintained and made available for such use; and

f) not be used for any other purpose.

to the satisfaction of the Responsible Authority.

14. Prior to the occupation of the approved development a street tree must be provided along the Loeman Street frontage to the satisfaction of the Responsible Authority. All fees associated with the new street tree must be borne by the permit applicant.

15. 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.

16. 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.

17. 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.

    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

18. 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.

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.

- 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.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; C=0.4, tc=5mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or C=0.80.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.

1. Introduction

1.1 Subject Site and Surrounds

The subject land is an irregular shaped parcel of land with an east-west orientation. It has frontage to Pascoe Vale Road of 19.81 metres and a maximum depth of 46.05 metres along the southern boundary. The site also has abuttal to Loeman Street of 19.07 metres. The site has an overall area of 827.29 square metres.

The site is occupied by a post-war rendered brick dwelling (inclusive of a double storey addition to the rear) with a minimum front setback of 4.5 metres. Vehicle access to the site is obtained from Loeman Street to a large garage which spans approximately half of the rear boundary. The front setback of the existing dwelling is provided with some moderate vegetation. The site has a fall of approximately 2.1 metres from the Loeman Street interface to the front north-eastern corner.

Figure 2 - Application Site (201 Pascoe Vale Road, Essendon)

The surrounding land is within a General Residential Zone and has been developed for residential uses. The character of the area, both immediately and in a wider context, is mixed in terms of architectural styles and building scale and form. The area along Pascoe Vale Road is characterised by residential development in the form of single and double storey dwellings, mainly from a post-war era. Along Loeman Street built forms generally include large double storey forms as well as an example of a double storey residential building.

1.2 Proposal

As discussed in the Executive Summary the application has been amended since being first advertised. The initial proposal sought the construction of seven dwellings, whereas the amended proposal seeks to construct six dwellings. The initial advertised and amended proposal can be summarised as follows:

Table 1 – Advertised Proposal

No of dwellings	Six (triple storey) (6x2 bedrooms)
No of car spaces	6
Max Building Height	8.84m
Site Coverage	56%
Permeability	24%

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

Amended Application

Following on from the Consultation Meeting the applicant submitted an amended application pursuant to Section 57A of the Planning and Environment Act 1987. The amended application attempts to address the

concerns raised, particularly in relation to the bulk and scale of the development and its response to the neighbourhood character. In summary the amended application incorporates the following changes:

- A reduction in the overall height from 8.84m to 7.36m (triple storey to double storey).
- A reduction in the number of dwellings from six to five (5x2 bedrooms).
- The pedestrian access way along the southern boundary has been removed and replaced with service yards.
- Dwelling 3 is provided with pedestrian access along the common accessway.
- The roof form has been altered to remove skillion and flat roof form elements and to include hipped roof forms.
- Screening elements have been introduced at upper floor areas to reduce the dependence on obscure glazing.
- The north facing window for Dwelling 4 has been increased in sized.

Refer **Appendix D** Amended Plans (separately circulated).

2. Background

2.1 Relevant Planning History

There is no relevant planning history.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 11 Settlement

Clause 15 Built Environment and Heritage

Clause 16 Housing

Local Planning Policy Framework

Clause 21.01 Municipal Profile

Clause 21.03 Vision

Clause 21.04 Sustainable Environment

Clause 21.05 Housing

Clause 21.06 Built Environment

Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning

Clause 32.08 General Residential Zone

Particular and General Provisions

Clause 52.06 Car Parking

Clause 55 Two or more dwellings on a lot and residential buildings

Clause 65 Decision Guidelines

2.3 Referrals

External

- VicRoads (Section 52)

  No objection.

Internal

- ESD Officer

  No objection subject to standard conditions.

- Engineering Services Unit

  No objection subject to standard conditions.

- Traffic and Transportation Unit

  No objection subject to standard conditions.

- Property Services Unit

  No Objection.

- Heritage Advisor.

  The dwelling does not meet the threshold of local significance (Refer to Section 3.6).

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, 16 objections were received from the properties contained within **Appendix A** of this report. As mentioned in Section 1.2 of this report, following on from the Consultation Meeting and the referral responses, the applicant submitted an amended application pursuant to Section 57A of the Planning and Environment Act 1987.

The amended proposal was not re-advertised as the overall bulk and scale of the development was reduced. Furthermore, a copy of the revised proposal was sent via mail to each of the objecting parties. No additional comments were received.

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

2.5 Consultation Meeting

As discussed in the Executive summary two Consultation Meetings were held. The first meeting was held on 6 May 2015, attended by Councillors Chantry and Giuliano, objectors, the applicant and Council's Planning Officer. At the first Consultation Meeting it was agreed that the site was suitable for future development given its location and that a more

conservative proposal with a reduced height and greater break in built form may be an acceptable outcome. At the meeting it was agreed that revised plans would be circulated for discussion which would encompass a less intensive built form.

The second Consultation Meeting was held on 22 July 2015 and was attended by Councillors Chantry and Giuliano, objectors, the applicant and Council's Planning Officer. At the meeting, the revised plans were presented which resulted in a reduction in the number of dwellings, a reduction in the overall height of the development, alterations to the built form to include traditional roof forms and breaks in the horizontal built form. It was agreed by all parties that the revised plans resulted in a more appropriate built form subject to some minor modifications.

3. Discussion

3.1 State Planning Policy Framework

As the subject site is located along a busy Category 1 Road Zone, in close proximity to public transport and a range of commercial uses the State Planning Policy Framework objectives which are relevant to this application include Clause 16 (Housing) which seeks to ensure that planning provides for a housing diversity, and ensures the efficient provision of supporting infrastructure as well as ensuring new housing has access to services, including walkability to activity centres, public transport, schools and open space.

Clause 16.01 (Residential development) is also relevant, which seeks to include strategies to "Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land" and further to this, the provision "for a range of housing types to meet increasingly diverse needs". As discussed further below, the subject site is located along a busy Category 1 Road Zone, within close proximity to public transport and within walking distance of a range of commercial activities along Pascoe Vale Road and therefore strategically suitable for increased density.

3.2 Local Planning Policy Framework

The proposal generally complies with the objectives and strategies of Clause 21.04 (Sustainable Environment). However, it is noted that this application for a planning permit was lodged prior to this policy being introduced into the Moonee Valley Planning Scheme and therefore was not required to provide a Sustainable Design Assessment. The proposal accords with the objectives of Clause 21.04-7 (Waste) and can be adequately catered for by Council's waste collection service.

The Local Planning Policy Framework at Clause 21.05 (Housing) encourages in-fill residential development and a diversity of housing choices to meet the needs of an increasingly diverse range of households. One of the key strategies is to encourage accessible housing to be located close to public transport and local services to reduce the risk of social isolation for

occupants from the broader community. The proposal offers a moderate-high increase in housing intensification while ensuring that a mix of dwelling styles and types are provided without detriment to existing neighbourhood character.

The subject site is located along Pascoe Vale Road, a busy Category 1 Road Zone, where larger built forms and heights of up to three storeys are not uncommon. In this context, it is considered that the development allows for a mix of dwelling styles (townhouse) in an area which generally provides single detached dwellings or apartment style developments.

The proposed development responds to the strategies of Clause 21.06 (Built Environment). A number of the objectives and strategies within this clause appear to overlap with those contained within the neighbourhood character precinct profile and ResCode, and therefore the key concepts of Clause 21.06 are discussed below within Sections 3.3 and 3.5 of this report.

The proposal generally complies with Clause 22.03 Stormwater Management (Water Sensitive Urban Design). However, as mentioned earlier Council's ESD Officer recommended corrections to the STORM Rating Report which are to be done through conditions on any permit granted. The relevant WSUD requirements, including water treatment measures and relevant annotations, are to also be included as conditions on any permit granted in accordance with this policy.

3.3 Neighbourhood Character Guidelines

The subject land is identified as being within character area 'Garden Suburban 4'. The preferred character statement for this particular precinct is as follows:

> "New developments will contribute to the character of this area with formal gardens, consistent siting, and use of brick with ornate detailing, pitched rooftops and eaves.
>
> Buildings will be articulated with the use of recesses, setbacks and verandahs or porches to complement the pattern of the traditional dwellings. The use of lighter finishes will complement the existing palette of materials. Buildings will be setback from the front boundary a distance similar those on adjoining properties, while consistent side setbacks will allow space for landscaping and planting. Low or permeable front fences will provide views of formal gardens from the street."

It is considered that the development provides a suitable response to the preferred character statement of Garden Suburban 4 within the Neighbourhood Character Precinct Profiles 2012 as follows:

Table 2

Siting and Building Envelope	Has a street setback which complements the setbacks found within the immediate streetscape. Provides a staggered setback of between 5.5m and 4.4m to ensure the staggered setbacks along this section of Pascoe Vale Road are maintained. To Loeman Street a reduced setback of between 2m and 4m is provided which is considered to respond to the secondary street frontage which generally consists of outbuildings built to the boundary or dwellings with minimal street setbacks. The building envelope is provided with a break at the upper level in response to the adjoining and surrounding properties which are either provided with a single dwelling with single street frontage or developments separated through the centre of the site with frontage to both Pascoe Vale Road and Loeman Street. For the most part the development is set off both side boundaries and is provided with suitable landscape buffers to ensure that suitable separation is provided to the adjoining dwellings. The landscaped buffers also ensure that elongated views of the development will be broken by high growing landscaping, a mix of materials and breaks in built form.
Built Form	The proposal provides a two storey built form throughout with upper floors generally well-articulated from the level's below. The use of brick and render at ground level is an adequate response to the traditional forms while light-weight upper levels are appropriate. The elongated built form is suitably provided with articulation and a mix of materials. A 1.8m break in built form is also provided between Dwellings 2 and 3. It is considered that this break can be enhanced through pulling the northern balcony associated with Dwelling 2 back from the balcony of Dwelling 3 and ensuring a clear break in built form is provided. Each façade is well articulated and provided with suitable recesses and breaks in built form and materials. While the cantilevering which occurs along the northern façade is uncommon in the immediate area it is considered acceptable and generally well screened from the street by the provision of a 1m deep landscape buffer along the northern boundary. Well-articulated on each elevation. Double storey height is generally responsive to existing and emerging building heights within the locality.
Design Detail	A mix of traditional and modern elements with regard to roof styles and building materials, finishes and colours

	complementing existing dwellings within the streetscape. However, it is considered that the use of scyon matrix finish for the front façade of Dwellings 1, 5 and 6 does not respect or complement the existing neighbourhood character (facing both Pascoe Vale Road and Loeman Street) and should be modified to a lightweight timber cladding accordingly. It is also noted that each first floor balcony is provided with glazing along the front façade. To ensure a sense of privacy to future residents these balconies will be required to be treated with obscure glazing to reduce direct views into private balconies from the street. In addition it is considered that the elongated accessway can be improved through the provision of additional windows along the accessway to provide a sense of openness and surveillance to the vehicle access.
Landscaping	The development site is provided with suitable front setbacks which can accommodate gardens and planting which respond to the settings found in the surrounding areas. As noted previously, the side setbacks of the development are provided with suitable areas to accommodate meaningful planting.

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	Required	Provided
Dwellings (5x2 bedroom)	5	5
Visitor	1	0
Total	6	5

On-site access

As mentioned under Section 2.3 of this report, Council's 'Traffic and Transportation Unit' have no objections to the proposed development subject to conditions. One such condition requires an alteration to the built form and landscape bed adjoining and opposite the garage associated with Dwelling 1. This can be achieved through conditions on any permit and will ensure that on-site vehicle access is easy and efficient.

Reduction in Visitor Parking

The application seeks a reduction in one visitor car space. It is considered that the reduction in the visitor car space can be supported in this instance as the development will remove an existing 12m wide crossover along

Loeman Street and replace it with a 3m wide crossover, increasing the amount of space available for on-street parking from 5m to 15m. The provision of additional parking along the Loeman Street frontage is considered to be a net benefit to other users of Loeman Street.

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** 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

Res Code Standard	Response
Clause 55.03-1 (Standard B6 – Street Setback)	The development proposes a street setback from Pascoe Vale Road between 4.4m and 5.5m in lieu of the required 5.45m. A variation to the standard is considered acceptable as the development continues to provide a staggered setback across the Pascoe Vale Road frontage. The development also responds to the mix of street setbacks found along this section of Pascoe Vale Road which vary between 3.5m and 15m. The setback provided to Loeman Street is between 2m and 4m in lieu of the required 9m. The variation to the Loeman Street setback is considered acceptable as the one abutting residence facing Loeman Street is a block of walk up flats which are provided with a street setback of 9.3m which is an anomaly within the context of Loeman Street. The majority of properties along Loeman Street are either provided with a zero setback for large outbuildings or a street setback of between 2.6m and 4m. It is considered that the setback to Loeman Street will ensure that the development suitably responds to the surrounding context while allowing a landscaped garden interface.
Clause 55.04-4 (North-facing windows)	The proposal provides a setback of 1.72m from the southern boundary (Dwelling 4) in lieu of the required 2.44m, a setback of 2.15m (Dwelling 3) in lieu of the required 2.3m and a setback of 2.15m (Dwelling 2) in lieu of the required 2.26m.

	It is considered that this non-compliance is acceptable as the proposed development will actually improve solar access to the majority of north facing windows at 199 Pascoe Vale Road and 10 Loeman Street as can be seen from the shadow diagrams Plans P4-P7 (**Appendix D).** The proposed development will replace an existing double storey extension and large trees along the boundary which significantly restrict solar access to these north facing windows at present. The proposed development, while not complying with the standard, will improve solar access amenity and will ensure that each north facing window receives an appropriate level of solar penetration, considering the site context and constraints.

3.6 Objections

Table 4

Issue	**Officer Response**
Overdevelopment	As discussed throughout the report the amended proposal is considered to be a suitable response to the surrounding area and displays a relatively high level of compliance with ResCode. It is not considered that the development results in an overdevelopment.
Out of Character	As discussed in Section 3.3 of this report the amended proposal includes a mix of brick and render at ground level and lightweight material above, traditional roof forms are provided and the development is well articulated in response to the preferred neighbourhood character.
Increase in Traffic	It is not considered that a development of this nature will result in a significant increase in traffic. It is also noted that the proposal will increase the space provided for on-street parking along Loeman Street.
Lack of space of rubbish bins	Each dwelling is provided with sufficient space to store rubbish bins. Bin collection can occur from either Loeman Street or Pascoe Vale and will be assessed by Council's Waste Management Unit prior to occupation of the development.
Visual Bulk	As discussed throughout this report it is considered that the development provides an appropriate visual bulk to the adjoining properties and both street interfaces (Pascoe Vale Road and

	Loeman Street). The development is separated through the centre of the site at second level and is well articulated throughout.
The dwelling is located within the Heritage Gap Study and should be refused	While the existing dwelling has been identified within the City of Moonee Valley's Heritage Gap Study as adopted by Council on 25 November 2014, the property does not presently enjoy any heritage controls which would prevent or restrict its redevelopment. Furthermore it was concluded that the existing dwelling does not meet the Council adopted threshold for seeking interim heritage controls for the site following a review by Council's Heritage Advisor. The dwelling can therefore not be classed as individually significant either.

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 SPPF, LPPF and the relevant Particular and General Provisions of the Moonee Valley Planning Scheme. It is submitted that the proposal demonstrates compliance with the requirements of these provisions and policies. In light of the above, it is recommended that Council support the application in line with conditions prescribed within the recommendation.

Appendices

Appendix A: Appendix A - 201 Pascoe Vale Rd Objectors List
Appendix B: Appendix B 201 PVR
Appendix C: Appendix C -201 Pascoe Vale Road Essendon - MV 832 2014 - Plans (separately circulated)
Appendix D: Appendix D - 201 Pascoe Vale Road Section 57A Amended Plans (separately circulated)

Objectors List for MV/832/2014 at 201 Pascoe Vale Road, ESSENDON

Objector's Mailing Address

PO Box 191, MOONEE PONDS VIC 3039
26 Buckley Street, ESSENDON VIC 3040
11 Loeman Street, ESSENDON VIC 3040
9 Fletcher Street, ESSENDON VIC 3040
5 Fletcher Street, ESSENDON VIC 3040
6 Loeman Street, ESSENDON VIC 3040
12 Murray Street, MOONEE PONDS VIC 3039
41 Buckley Street, MOONEE PONDS VIC 3039
207 Pascoe Vale Road, ESSENDON VIC 3040
209 Pascoe Vale Road, ESSENDON VIC 3040
9 Loeman Street, ESSENDON VIC 3040
1 Loeman Street, STRATHMORE VIC 3041
203 Pascoe Vale Road, ESSENDON VIC 3040
197 Pascoe Vale Road, ESSENDON VIC 3040
13 Loeman Street, ESSENDON VIC 3040
195 Pascoe Vale Road, ESSENDON VIC 3040
195 Pascoe Vale Road, ESSENDON VIC 3040

OBJ2

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 of this report.

Title and Objective	**Complies with Standard**	**Complies with Objective**
B1 - Neighbourhood Character	✓ - subject to conditions	✓- subject to conditions
B 2 - Residential Policy	✓	✓
B 3 - Dwelling Diversity	N/A	N/A
B 4 - Infrastructure Objectives	✓	✓
B 5- Integration with the Street Objective	✓	✓
B6 - Street Setback Objective	X	✓
B7 - Building Height Objective	✓	✓
B8- Site Coverage Objective.	✓	✓
B9- Permeability Objectives	✓	✓
B10 - Energy Efficiency Objectives	✓	✓
B 11 - Open Space Objective	✓	✓
B 12- Safety Objective	✓	✓
B 13 - Landscaping Objectives	✓	✓
B 14 - Access Objectives	✓	✓
B 15 - Parking Location Objectives	✓	✓
B16 – Parking Provision	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.	
B 17 - Side and Rear Setbacks Objective	✓	✓
B 18 - Walls on Boundaries Objective	✓	✓
B 19 - Daylight to Existing Windows Objective.	✓	✓

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

✓- complies

x – non-compliance

N/A- not applicable

9.4 444 Buckley Street, West Essendon (Lot 21 PS 002314 and Lot 1 TP 712369R) - Construction of four dwellings and alter access to a Road Zone (Category 1)

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

Proposal	Construction of four double storey dwellings. Alteration of access to a Road Zone (Category 1).
Applicant	Ultimate Design and Drafting
Owner(s)	Robert Catoggio, Paul Catoggio and Marcus Catoggio
Planning Scheme Controls	General Residential Zone Road Zone Category 1
Planning Permit Requirement	Clause 32.08-4 – Construction of two or more dwellings on a lot Clause 52.29 – Land adjacent to a Road Zone, Category 1
Car Parking Requirements **(Clause 52.06)**	Required = 5 spaces Provided = 5 spaces
Bicycle Requirements	N/A
Restrictive Covenants	None
Easements	Yes – Encumbrance to Lot 1
Site Area	883 square metres
Number Of Objections	14
Consultation Meeting	8 July 2015

Executive Summary

- The application seeks planning approval for the construction of four double storey dwellings and alteration of access to a Road Zone (Category 1).
- The site has an area of approximately 883 square metres and is located on the north side of Buckley Street, West Essendon.
- The application was advertised and 14 objections were received. Concerns were raised relating to neighbourhood character, car parking, construction outside of the title boundaries, overlooking, overshadowing, daylight to existing windows, noise, dwelling entry visibility, provision of private open space, discharge of water, waste disposal and the details within the applicant's report.
- A Consultation Meeting was held on 8 July 2015 and was 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. The application was also externally referred to VicRoads who have provided conditional support for the proposal.
- 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/89/2015 for the construction of four dwellings and alter access to a Road Zone (Category 1) at 444 Buckley Street, West Essendon (Lot 21, Section 13 on PS 002314 & Lot 1 TP 712369R) in accordance with the following conditions:

1. Prior to the commencement of the development, application must be made for the consolidation of Lot 21, Section 13 on PS 002314 and Lot 1 TP 712369R, at 444 Buckley Street, West Essendon. Alternatively, an application for the subdivision of the land in accordance with the approved development must be made prior to the commencement of the development. The new title for the subject site must then be submitted to the Responsible Authority within three (3) months of being registered with the Land Titles Office.
2. 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 the two balconies from the northern elevation of Dwelling 4.
    b) The screening of the north facing, Bedroom 2 and Bedroom 3 windows associated with Dwelling 4 in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
    c) A notation stating that the ground floor studies associated with Dwellings 2 and Dwelling 3 are not to be used as bedrooms.
    d) An additional window to the ground floor living rooms associated with Dwellings 2 and 3.
    e) The common accessway to have a width of 3.0 metres along the front boundary.
    f) A notation stating that the vehicle crossover must be designed such as the layback maintains water in road reserve to the satisfaction of the responsible authority. This is to be noted on civil design drawings.
    g) A notation stating that the carport structure associated with Dwelling 4 is to be constructed of lightweight material and to be readily removable.
    h) The provision of saw cuts within the foundations of the carport associated with Dwelling 4.
    i) The garage door associated with Dwelling 1 to open outwards.
    j) The front footpath associated with Dwelling 1 to be noted as permeable.
    k) The paved areas within the rear yards of all dwellings to be noted as permeable.
    l) The size and location of the proposed infiltration strip and the extent, size and grading of the impervious surface/s draining to it.

m) The demonstration of how the rainwater is collected from the nominated paved area and distributed to the nominated size infiltration strip (i.e. is it gravity fed or pumped and show the grading of the paved area).

n) A notation stating if the rainwater tanks are to be mechanically or gravity fed.

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

3. 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.

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

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

   a) Hours of construction;

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

   c) Scaffolding and hoarding for the site;

   d) Allocated areas for loading and unloading;

   e) Site evacuation plan and procedure;

   f) Occupational health and safety policy;

   g) Hazard identification and control;

   h) Environmental management and waste minimisation

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

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

   k) 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 and Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

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

   a) Inspection frequency;

   b) Cleanout procedures;

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

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

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

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

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

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

10. The fencing (boundary and internal) as shown on the endorsed plans must be installed prior to the occupation of the dwellings. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.

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

12. 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.

13. 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.

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

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

16. 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.

    It will also be necessary to construct suitable drainage or a pumping system within the site to accommodate any inundation.

    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.

17. Before or works must no commence 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) 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) The deletion of all declared noxious weeds and replacement with appropriate species;

d) A survey of all existing vegetation, abutting street trees, natural features and vegetation;

e) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design;

f) 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 trees 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.

g) The proposed design features such as paths, paving, lawn and mulch;

h) 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;

i) The use of drought tolerant species, and

j) 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.

18. 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.

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

VicRoads Conditions

20. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the works hereby permitted.

21. Road assets must be located a minimum of 1 metre clear of any proposed structures, crossovers and any other road assets.

22. Prior to the occupation of the buildings hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:

    a) Formed to such levels and drained so that they can be used in accordance with the plan.

b) Treated with an all-weather seal or some other durable surface.

End VicRoads Conditions

23. 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.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; C=0.4, tc=5mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or C=0.80.
- 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.
- Council will not accept any modifications to existing levels within the road reserve or to any R.O.W. Any change in levels to match existing surface levels along property boundary line must be made within the property boundary.
- 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.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.

- 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.
- The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

1. Introduction

1.1 Subject Site and Surrounds

The subject property is located at 444 Buckley Street, West Essendon. The site is rectangular in shape and incorporates two lots. The site has a frontage of 20.12 metres and a maximum depth of 43.95 metres, with a total area of 883 square metres.

There are no restrictions noted on the Certificate of Title. There is a 3.66 metre wide encumbrance along the rear boundary, contained with Lot 1 TP 712369R. The encumbrance referred to, “The right title power authority or interest of Melbourne and Metropolitan Board of Works saved by virtue of Section 5289(e) of the Local Government Act 1958”.

The subject site is currently occupied by a single storey post war rendered dwelling with a minimum front setback of 8.5 metres and a pitched roof. Vehicle access to the site is obtained from Buckley Street to a garage located in line with the dwelling’s front façade. The front setback of the existing dwelling is provided with some moderate vegetation. The land has an average 1 metre fall from the south of the site to the north and an average 1.8 metre fall from the east to the western boundary.

Figure 1: View of the subject site, 444 Buckley Street, West Essendon

The surrounding area is comprised of predominantly residential zoned land which is used and developed for residential purposes. The built form within the vicinity is predominantly single storey, with examples of double storey and multi-dwelling developments evident nearby. The subject site is also in close proximity to the Maribyrnong River to the south and Steel Creek Reserve to the south-west.

1.2 Proposal

It is proposed to construct four double storey dwellings and alter access onto a Road Zone (Category 1). The proposal, as advertised, can be summarised as follows:

Table 1

No of dwellings	Four (3x2 bedroom and 1x3 bedroom)
No of car spaces	Five
Max Building Height	7.5 metres
Site Coverage	46%
Permeability	29%

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

2. Background

2.1 Relevant Planning History

There is no planning history relevant to this application.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16	Housing

Local Planning Policy Framework

Clause 21.01	Municipal Profile
Clause 21.03	Vision
Clause 21.04	Sustainable Environment
Clause 21.05	Housing
Clause 21.06	Built Environment
Clause 22.03	Stormwater Management (WSUD)

Zoning

Clause 32.08	General Residential Zone

Particular and General Provisions

Clause 52.06	Car Parking
Clause 52.29	Land adjacent to a Road Zone, Category 1
Clause 55	Two or More Dwellings on a Lot and Residential Buildings
Clause 65	Decision Guidelines

Planner's comments

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

2.3 Referrals

External

- VicRoads

  No objections subject to conditions.

Internal

- Engineering Services Unit

  No objection subject to standard conditions.

- Traffic and Transportation Unit

  No objection subject to conditions.

- Environmental Sustainable Development Officer

  No objection subject to conditions.

2.4 Public Notification of the Application

Pursuant to Section 52 of the Planning and Environment Act 1987 the application was advertised by mail to adjoining and surrounding properties, with one notice erected on site for 14 days.

As a result, 14 objections were received from properties contained within **Appendix B** of this report.

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

2.5 Consultation Meeting

A Consultation Meeting was held on 8 July 2015 which was attended by Cr Surace, several objectors, the applicant and Council's Planner. There was no resolution achieved at this meeting.

3. Discussion

3.1 State Planning Policy Framework

As the subject site is located along a Category 1 Road Zone, is in close proximity to public transport, open spaces and a schools the State Planning Policy Framework objectives which are relevant to this application include Clause 16 (Housing) which seeks to ensure that planning provides for a housing diversity, and ensures the efficient provision of supporting infrastructure as well as ensuring new housing has access to services, including walkability to activity centres, public transport, schools and open space.

Clause 16.01 (Residential development) is also relevant, which seeks to include strategies to "Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land" and further to this, the provision "for a range of housing types to meet increasingly diverse needs". As discussed further below, the subject site is located along a main Category 1 Road Zone of the municipality, within close proximity to public transport and within walking distance of a range open spaces and schools and therefore strategically suitable for increased density.

3.2 Local Planning Policy Framework

The proposal generally complies with the objectives and strategies of Clause 21.04 (Sustainable Environment) and can be adequately catered by Council's waste collection service. It must be noted that this application for a planning permit was lodged prior to this policy being introduced into the Moonee Valley Planning Scheme and therefore was not required to provide a Sustainable Design Assessment.

The proposal complies with Clause 21.05 (Housing) by providing increasing diverse housing opportunities to meet growing population needs, providing a choice in a well-established area with access to public transport options and local/community services. The proposal offers a moderate-high increase in housing intensification while ensuring that a mix of dwelling styles and types are provided without detriment to existing neighbourhood character.

The proposed development is considered to respond to the strategies of Clause 21.06-1 (Neighbourhood Character) and Clause 21.06-4 (Urban Design). As a number of the objectives and strategies of both sections appear to overlap with those contained within neighbourhood character precincts profile and ResCode and therefore the key concepts of Clauses 21.06-1 (Neighbourhood Character) and 21.06-4 (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. A number of permeable areas however have not been clearly identified on the plans submitted and will be requested as a condition of any permit issued.

The relevant design requirement conditions will therefore 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'. The precincts preferred character statement states that:

"New developments will contribute to the character of this area with well-established gardens, and consistent sitting to ensure they are secondary in appearance from the streetscape.

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

It is considered that the development provides a suitable response to the preferred character statement of the Garden Suburban 5 within the Neighbourhood Precinct Profiles 2012 as follows:

Siting and Building Envelope	The proposal features a front setback which is considered to be sympathetic to the streetscape. The setback achieves a suitable transition to the adjacent properties at 6.9 metres which allows for sufficient landscaping within the front setback. Dwelling 1 maintains a 1.0 metre side setback off the eastern boundary as well as a 4.3 metre setback off the western boundary to maintain the pattern of development and ensures that spacing between dwellings is maintained along the street. Building envelope similar to other medium density style developments within the immediate area which is experiencing an increase in these type of developments. The reverse living arrangement of Dwelling 1 is considered acceptable in this instance as the dwelling provides an acceptable building envelope in the context of the surrounding built form. The subject site is also in close proximity to Steel Creek reserve, providing additional open space needs to residents. The layout also allows for a diversity in housing choice for residents.
Built Form	The proposed development will not dominate the streetscape and will make a positive contribution to the area, while respecting the prevailing scale and form of surrounding buildings.

	The building height, form and layout replicates that of the existing dwellings and medium density developments within the immediate context. The built form is considered to be well sited and takes into consideration the sensitive interfaces. Side and rear setbacks are easily achieved, with the double storey built form stepped back accordingly at the upper level from the ground and first floors of the dwellings and side boundaries. Given the topography of this section of Buckley Street, the driveway has been located along the western boundary to ensure that a greater side setback of 4.3 metres is provided to 446 Buckley Street which is stepped down from the subject site. In addition the proposal provides spacing between Dwellings 2 and 3 at the first floor. The spacing again assists in reducing the built form to adjoining properties by ensuring no continuous built forms. The dwellings are also provided with articulated frontages which further assists in breaking up the built form. Although it is noted that some sheer wall are proposed along the side and rear elevations, they are considered acceptable given the upper floor spacing provided and articulated facades. The combination of both are considered to satisfactorily reduce the overall built form to provide an acceptable design response. The proposal has incorporated a 3.6 metres setback towards the rear. In addition the upper floor has been articulated with two screened balconies provided. It is considered however that to provide some increased relief to the rear properties, a condition will be included for the balconies to be deleted. This will allow for a reduced visual bulk (refer to Condition 2(a)).
Design Detail	The proposal presents as a more contemporary development with a mix of modern materials such as brick, render, timber cladding and design elements complementing the mix of built form within the streetscape. The materials are considered to be characteristic of the emerging contemporary infill developments in the area. The colour palette is considered acceptable, with a mixture of grey renders and paint, grey/cream coloured bricks and a featured timber cladding along all elevations.

	The proposal presents well to the public realm, with excellent passive surveillance achieved through the introduction of balconies and windows sited towards Buckley Street. Finally, the roof form is considered appropriate given the context, where there is a mix of both pitched and flat roofs.
Landscaping	The indicative landscape plan indicates adequate space for landscaping, with canopy trees included along the primary frontage to Buckley Street. It is noted that Dwelling 1 will not incorporate a traditional secluded private open space to the side or rear of the property, but will rely on an upper floor balcony in a reverse living arrangement. Although this does reduce the overall garden area within the proposed development, it is considered acceptable as Dwelling 1 is still provided with a front garden area. Furthermore all of the remaining dwellings will be provided garden areas, ensuring that gardens remain a spatial characteristic. In addition the subject site is located along a Category 1 Road Zone where higher density developments do commonly occur and where balcony spaces are provided. It must also be noted that the subject site is in close proximity to Steel Creek and Maribyrnong River Regional Park. The proposal incorporates a 1.2 metre high fence. This is considered acceptable within the street.

3.4 Compliance with Clause 52.06 (Car Parking)

Table 2

Use (dwellings)	Required	Provided
4 Dwellings (1x3 and 3x2 bedrooms)	5	5
Residential Visitors	0	0
Total	5	5

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

To ensure compliance with Design Standard 1 of Clause 52.06 (Accessways), a condition will be included for the proposed accessway to be reduced in width to 3 metres at the site frontage (refer to Condition 2(e).

3.5 Clause 55 Assessment

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 development, are listed below:

Table 3

Res Code Standard	Response
Clause 55.03-1 (Standard B6 - Street Setbacks)	Dwelling 1 requires a minimum front setback from Buckley Street of 7.5 metres. A front setback of 6.9 metres is provided, requiring a variation of 0.6 metres. A variation in the above standard is considered appropriate in this instance as a number of dwellings within the immediate area have similar setbacks of approximately 7 metres. A proposed setback of 6.9 metres is therefore considered characteristic of the existing neighbourhood and acceptable in this instance.
Clause 55.03-8 (Standard B13 - Landscaping)	No landscape plan has been submitted, however, the proposal exhibits adequate space for landscaping to occur. It is recommended that a condition on any permit issued requires a landscape plan be submitted by a suitably qualified person.
Clause 55.03-10 (Standard B15 - Parking location)	There are four west facing habitable room windows associated with Dwellings 2 and 3 adjacent to the common accessway which have not been provided with a minimum sill height of 1.4 metres or minimum 1 metre setback. A variation in the standard is considered appropriate in this instance given the medium density nature of the proposed development and anticipated level of vehicle movements. To assist in protecting residents from vehicular noise all of the above windows are to be provided with double glazing to reduce vehicle noise to future residents.
Clause 55.03-8 (Standard B28 – Private Open Space)	A variation in the above standard is required for the secluded private open spaces associated with Dwelling 2 and 3. The above standard requires secluded private open space to have a minimum area of 40 square metres. Both Dwellings 2 and 3 are

	provided with areas of 39 square metres, requiring a variation of 1 square metres. A variation of this nature is considered acceptable given relatively small variation required and as the remaining 39 square metres is considered an adequate area for recreational needs of residents. The subject site is also in close proximity to Steel Creek Reserve, which can provide additional open space needs to residents.

3.6 Clause 52.29 (Land Adjacent to a Road Zone, Category 1)

The proposed development has been referred to VicRoads, who have no objection to the proposed development subject to conditions. The proposed layout provides a 4.6 metre wide crossover onto Buckley Street. Sufficient areas to all garages have been provided to ensure that all vehicles can exit in a forward direction. The proposal also incorporates a low front fence allowing for sufficient visibility for both drivers and pedestrians alike.

Given all of the above it is considered that the proposed development provides a safe environment which will not significantly affect the operation of Buckley Street or on public safety.

3.7 Objections

Table 4

Issue	Officer Response
Neighbourhood character	Refer to Section 3.3 of report
Car parking	The proposed development has been assessed against the relevant car parking requirements of Clause 52.06 (Car Parking) and deemed to provide the required level of car spaces on-site. Specific concerns have been raised in relation to visitor parking and the use of side streets, vehicle safety, congestion and the proximity of the subject site to St Bernard's College. As discussed above the proposed development does provide the required level of car parking on-site. A development of less than five dwellings does not include any requirement for visitor car parking. The use of side streets by visitors will most likely occur and is deemed an appropriate design response common to this type of development. Furthermore there are no parking restrictions identified along the side streets which would prevent visitors from parking.

	The proposed development has also been assessed against the relevant design standards of Clause 52.06 (Car Parking). The assessment has determined that the proposal is compliant with all the relevant standards and in particular the provision of visibility splays to allow driver/pedestrian visibility and internal vehicle movements to allow vehicles to exit in a forwards direction. The proposal was also referred to Council's Traffic and Transportation Unit and VicRoads who subject to conditions have no objection to the proposal.
Construction outside of the Title boundaries	The proposed development is to be constructed over two titles, which is within the same ownership. This is a situation which does occur within some planning permits and which can be resolved via condition on any permit issued. A condition will therefore be included requiring either the consolidation of the two titles or for an application for the subdivision of the land in accordance with the approved development to be made prior to the commencement of the development (refer to Condition 1).
Overlooking	The application has been assessed against the relevant overshadowing objective/standard pursuant to Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme and deemed to comply.
Overshadowing	The application has been assessed against the relevant overshadowing objectives/standards pursuant to Clause 55.04-5 (Overshadowing) of the Moonee Valley Planning Scheme. The assessment has shown that the extent of overshadowing into the adjoining properties is within the acceptable limits required by the applicable ResCode standard.
Daylight to existing windows	The application has been assessed against the relevant daylight to existing windows objective/standard pursuant to Clause 55.04-3 (Daylight to Existing Windows) of the Moonee Valley Planning Scheme and deemed to comply.
Noise generation	It is not anticipated that the proposed development will result in any levels of noise above what can be reasonably expected from a residential development.

Dwelling entries visibility from street	All entries can be easily identified from Buckley Street and the common accessway. To ensure that none of the dwellings along the accessway are obscured or hidden, Dwellings 2 and 4 do incorporate front porches which slightly encroach out into the common accessway.
Provision of private open space	Refer to Section 3.5 above.
Discharge of water onto adjoining properties	To ensure no discharge of water on adjoining properties a standard condition on any permit issued will be included, requiring no discharge of water onto adjoining properties and only into an approved legal point of discharge (refer to Condition 14).
Isolation of 446 Buckley Street	Concerns have been raised that the proposed development combined with other medium density developments surrounding 446 Buckley Street would leave this dwelling isolated and create access difficulties. As discussed above, visibility splays have been provided and a 1.2 metre high fence between the common boundaries of the subject site and 446 Buckley Street has been provided within the front setback, ensuring driver visibility is provided. In addition to the above, the proposed development has been setback from the common boundary to ensure a reduced built form is provided.
Relationship between subject site and 442 Buckley Street	As discussed within Section 3.3 of this report, the proposed development is considered to be on an appropriate size and scale to be absorbed into the existing streetscape. Sufficient setbacks have been provided and a site cut has been introduced to allow for a graduated stepping down of dwelling along the street.
Waste Disposal	Specific concerns have been raised in relation to the increased number of bins which would be required to be picked up as a result of the proposed development. Concerns are in relation to the additional space required on the nature strip and the additional collection time required for bin trucks. Bins have been provided to each dwelling within the proposed development, which results in a total of six additional bins. It is considered that the addition of six bins would have a relatively insignificant effect on the existing waste collection

	services and will not result in any significant traffic flow delays. The proposal has been referred to Council's Traffic and Transportation Unit as well as VicRoads which have given in principle support of the increased dwelling density on site.
Applicants submission	A number of discrepancies have been identified in the applicant's submission. All of the relevant standards of ResCode and of the planning scheme where discrepancies have been identified have been independently reviewed and deemed to comply with the planning scheme.

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.

Appendices

Appendix A: Advertised Plans (separately circulated)
Appendix B: Objections
Appendix C: Clause 55 Assessment

Location of Objectors Properties

7 Lily Street, WEST ESSENDON VIC 3040
3 Lily Street, WEST ESSENDON VIC 3040
9 Lily Street, WEST ESSENDON VIC 3040
31 View Street, WEST ESSENDON VIC 3040
483 Buckley Street, ESSENDON VIC 3040
15 Lily Street, WEST ESSENDON VIC 3040
440 Buckley Street, WEST ESSENDON VIC 3040
481 Buckley Street, WEST ESSENDON VIC 3040
481 Buckley Street, WEST ESSENDON VIC 3040
446 Buckley Street, WEST ESSENDON VIC 3040
47 Ruby Street, WEST ESSENDON VIC 3040
5/63 Hampton Road, WEST ESSENDON VIC 3040
45 Ruby Street, WEST ESSENDON VIC 3040
11 Lily Street, WEST ESSENDON VIC 3040

Clause 55 of the Moonee Valley Planning Scheme

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

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

Title and Objective	**Complies with Standard**	**Compliance with Objective**
B1 - Neighbourhood Character	✓ (subject to condition)	✓
B 2 - Residential Policy	✓	✓
B 3 - Dwelling Diversity	✓	✓
B 4 - Infrastructure Objectives	✓	✓
B 5- Integration with the Street Objective	✓	✓
B6 - Street Setback Objective	x	✓
B7 - Building Height Objective	✓	✓
B8- Site Coverage Objective.	✓	✓
B9- Permeability Objectives	✓	✓
B10 - Energy Efficiency Objectives	✓	✓
B 11 - Open Space Objective	N/A	N/A
B 12- Safety Objective	✓	✓
B 13 - Landscaping Objectives	✓ (subject to condition)	✓ (subject to conditions)
B 14 - Access Objectives	✓	✓
B 15 Parking Location Objectives	x	✓
B 16 - Parking Provision Objectives	*Deleted from Clause 555 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section …. of the report.*	
B 17 - Side and Rear Setbacks Objective	✓	✓
B 18 - Walls on Boundaries Objective	✓	✓
B 19 - Daylight to Existing Windows Objective.	✓	✓
B 20 - North-facing Windows Objective	✓	✓
B 21 - Overshadowing Open Space Objective	✓	✓
B 22 - Overlooking Objective	✓	✓
B 23 - Internal Views Objective	✓	✓

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

9.5 1068-1070 Mt Alexander Road, Essendon (Lot 1 TP604546Y and Lot 1 TP405238V) - Demolition of an existing building and construction of a five storey building within a Design and Development Overlay (DDO3) and a Heritage Overlay (HO137), a reduction in car parking requirements, a waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1

File No: FOL/15/590

Author: Principal Statutory Planner

Directorate: City Works & Development

Ward: Buckley

Proposal	• Demolition of existing heritage building • Construction of a five storey building comprising shops and offices • Reduction in car parking requirements • Waiver of loading bay requirements • Alteration of access to a road in a Road Zone, Category 1
Applicant	ARG Planning
Owner	Isaac Ramaihi Pty Ltd
Planning Scheme Controls	• Commercial 1 Zone • Heritage Overlay (HO137) • Design and Development Overlay (DDO3)
Planning Permit Requirement	Clause 34.01-4 – Construct a building or construct or carry out works Clause 43.01-1 – Demolish or remove a building, and construct a building or construct or carry out works Clause 43.02-2 – Construct a building or construct or carry out works Clause 52.06-3 – Reduction in car parking requirements

	Clause 52.07 – Waiver of loading bay requirements Clause 52.29 – Alter access to a road in a Road Zone, Category 1
Car Parking Requirements **(Clause 52.06)**	Required: 59 car spaces Provided: 30 car spaces
Bicycle Requirements	Required: 5 bicycle spaces Provided: 10 bicycle spaces
Restrictive Covenants	None
Easements	None
Site Area	714 square metres
Number Of Objections	13
Consultation Meeting	20 May 2015 and 22 July 2015

Executive Summary

- The application seeks planning approval for the demolition of an existing building and construction of a five storey building within a Design and Development Overlay (DDO3) and a Heritage Overlay (HO137), a reduction in car parking requirements, a waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1.
- The site has an area of approximately 714 square metres and is located on a corner on the eastern side of Mt Alexander Road and the northern side of Sturt Street, Essendon. The site comprises an existing part-single, part-double storey brick dwelling and an existing single storey timber cottage.
- The application was advertised and 13 objections were received. The concerns raised related to overdevelopment, character, design, visual bulk, height, lack of front setbacks, non-compliance with DDO3 setbacks, car parking, traffic, waiver of loading requirements, demolition of timber cottage, overlooking, overshadowing, access to daylight, noise, introduction of shops to Sturt Street, access from Marco Polo Street, purpose of electrical substation, lack of landscaping, lack of details for eastern boundary fence and lack of details regarding proposed businesses.
- A Consultation Meeting was held on 20 May 2015, attended by Councillors Chantry and Giuliano, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting. However, revised plans plotted 30 June 2015 (refer **Appendix C**) showing changes to the waste storage area, eastern setbacks and external design of the building were submitted to Council on 2 July 2015 to address some of the concerns raised. An additional Consultation Meeting was held on 22 July 2015, attended by Mayor Sharpe, Councillors Chantry and Giuliano, objectors, the applicant and Council's Planning Officer. The purpose of

the second Consultation Meeting was to present and discuss the above revised plans, which were generally received favourably.

- The application was externally referred to VicRoads and David Helms (heritage advice) and was internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit, Heritage Advisor, Urban Designer and Environmental Sustainable Development (ESD) Officer. While heritage concerns were raised, conditional support to the application was provided from other authorities/departments.
- 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/942/2014 for the demolition of an existing building and construction of a five storey building within a Design and Development Overlay (DDO3) and a Heritage Overlay (HO137), a reduction in car parking requirements, a waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1 at No.1068-1070 Mt Alexander Road, Essendon (Lot 1 TP604546Y & Lot 1 TP405238V), 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) Changes to the floor and elevation plans in accordance with 'Revision A' plans dated 29 June 2015.

    b) The provision of five additional office car parking spaces on-site.

    c) Shops 4 and 5 with a minimum Finished Floor Level (FFL) of 54.88, with no increase in the overall building height.

    d) The eastern boundary fence constructed of red brick with a minimum height of 2.2 metres above natural ground level.

    e) The aluminium privacy screens on the eastern elevation to have a timber look/appearance.

    f) The eastern window and balcony screens to be 'fixed' with a 'maximum transparency of 25%'.

    g) The ground floor east facing toilet window to be a restricted awning window with a maximum opening of 150mm and obscured glass.

    h) The provision of openable portions to the internal corridor/foyer windows, where possible, to utilise natural ventilation.

    i) The provision of openable portions to shop and office windows, where possible, to utilise natural ventilation.

    j) All east and west facing windows to shops and offices provided with external adjustable shading, or equivalent.

    k) A complete schedule of colours, materials and external finishes.

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

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

3. Prior to the completion of the development, at the cost of the owner and to the satisfaction of the Responsible Authority, an information plaque/interpretive display must be erected on the site which contains a brief written summary of the history of the former workers cottage, the date of its demolition as well as

an image of the building representing its original form. The details and location of the plaque/interpretive display must be to the satisfaction of the Responsible Authority.

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

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

   Where applicable, any stormwater treatment measures (e.g. 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.

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

   a) Hours of construction;

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

   c) Scaffolding and hoarding for the site;

   d) Allocated areas for loading and unloading;

   e) Site evacuation plan and procedure;

   f) Occupational health and safety policy;

   g) Hazard identification and control;

   h) Environmental management and waste minimisation;

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

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

   k) 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 and Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

6. 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.

7. 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.

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

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

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

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

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

    b) Thereafter be maintained;

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

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

    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.

12. 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.
13. Bicycle parking spaces and access must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.

VicRoads Conditions

14. No vehicle access to the site is permissible from Mt Alexander Road.
15. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings or works hereby approved.

End VicRoads Conditions

16. Prior to the commencement of buildings and works, the Sustainable Management Plan (SMP) report prepared by 'Northern Environmental Design' and dated 11 March 2015 is to be amended and submitted to the Responsible Authority for approval in accordance with the following:

    a) Details on the configuration of the proposed 'domestic gas hot water systems' for the shops and offices.

    Once approved, the Sustainability Statement is to be implemented and appropriately managed during construction of the proposed building.
17. 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.
18. 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.

19. 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.

20. To the satisfaction of the Responsible Authority goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.

21. The development must be provided with external lighting capable of illuminating access to the vehicle accessway, each 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.

22. Noise levels emanating from service equipment on the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.

23. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and must be connected to a registered security service.

24. 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.

    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.

25. 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.

26. Prior to the commencement of the development, the applicant shall submit an amended Waste Management Plan to the Responsible Authority for approval. The amended Waste Management Plan should accord with Condition 1 of this permit and shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.

27. 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.

28. 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.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; C=0.4, tc=5mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or C=0.80.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Council will not accept any modifications to existing levels within the road reserve or to any Right of Way (ROW). Any change in levels to match existing

surface levels along property boundary lines must be made within the property boundary.

- The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- If future retail development is to occur (i.e. retail tenancies merge to become one large tenancy), a new development application must be submitted with a reassessment of loading bay facilities.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is a corner site located on the eastern side of Mt Alexander Road and the northern side of Sturt Street, Essendon. The site is irregular in shape with a frontage to Mt Alexander Road of 21.49 metres and a frontage to Sturt Street of 25.60 metres resulting in a total area of approximately 714m^2.

The land has an approximate 1.16 metre fall from the north of the site to the south.

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

The site comprises a part-single, part-double storey brick dwelling and a single storey timber cottage. The existing buildings have varied front setbacks to Mt Alexander Road. Vehicle access is obtained from existing crossovers located to the north-west of the site along Mt Alexander Road and to the south-east of the site along Sturt Street. There is no significant landscaping or vegetation on the subject site. There is one street tree located to the north-west of the site along Mt Alexander Road and one street tree located to the south-east of the site along Sturt Street.

Figure 2 – Subject site (No.1068-1070 Mt Alexander Road, Essendon)

The surrounding area is comprised of predominantly commercial and residential zoned land used and developed for commercial and residential purposes. The subject site is located within the North Essendon Activity Centre, directly abuts an arterial road (Mt Alexander Road) and adjoins the No.59 tram route. The site is also located within close proximity of numerous bus routes, local businesses and public reserves. The built form within the vicinity varies from single and double storey buildings to much larger three, four and five storey developments. It is noted that a five storey mixed use development is under construction directly to the north-west of the site while a five storey residential development is under construction to the south-east. While the built form found within the immediate vicinity predominantly comprises of brick, render or weatherboard external finishes, the broader area is very much eclectic with an emergence of new and contemporary developments nearby.

1.2 Proposal

It is proposed to demolish an existing heritage building and construct a five storey building within a Design and Development Overlay (DDO3) and a Heritage Overlay (HO137), with a reduction in car parking requirements, a waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1. The proposal can be summarised as follows:

Table 1

Shop area (total)	384.21 square metres
Office area (total)	1,276.07 square metres
No. of car spaces	30 (25 office spaces and 5 shop spaces)
No. of bicycle spaces	10 (7 office employee spaces and 3 office visitor spaces)
Max. building height	17.38 metres
Site coverage	83.21%

Permeability	3.21%

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

It is noted that revised floor and elevation plans labelled Revision A (refer **Appendix C**) were received by Council on 2 July 2015 following the Consultation Meeting held on 20 May 2015. The revised plans demonstrate:

- Reference to the existing timber cottage, with the relocation and reuse of timber cladding along the front façade in consultation with a historian to the satisfaction of the Responsible Authority.
- Increased setbacks from the eastern property boundary in accordance with the setback requirements of the Design and Development Overlay (DDO3).
- Additional screening measures to the balconies and windows along the eastern elevation.
- Provision of a 2.0 metre high double brick fence along the eastern property boundary.
- Basement revised to accommodate waste requirements.

The revised plans address some of the concerns raised and are to be included as a condition on any permit granted accordingly (refer to **Appendix C –** separately circulated).

2. Background

2.1 Relevant Planning History

1068 Mt Alexander Road, Essendon

Planning Permit MV/6849/1993 was approved on 28 March 1994 to be used as a medical centre.

Planning Permit MV/14119/2000 was approved on 28 May 2001 for a change of use – specialist medical rooms.

1070 Mt Alexander Road, Essendon

No relevant planning history has been identified for this allotment.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 11 Settlement

Clause 15 Built Environment and Heritage

Clause 17 Economic Development

Local Planning Policy Framework

Clause 21.01 Municipal Profile

Clause 21.02 Key Issues and Influences

Clause 21.03 Vision

Clause 21.04 Sustainable Environment

Clause 21.06	Built Environment
Clause 21.07	Activity Centres
Clause 21.08	Economic Development
Clause 22.03	Stormwater Management (Water Sensitive Urban Design)

Zoning

Clause 34.01	Commercial 1 Zone

Overlays

Clause 43.01	Heritage Overlay Schedule 137 (HO137)
Clause 43.02	Design and Development Overlay Schedule 3 (DDO3)

Particular and General Provisions

Clause 52.06	Car Parking
Clause 52.07	Loading and Unloading of Vehicles
Clause 52.29	Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
Clause 52.34	Bicycle Facilities
Clause 52.35	Urban Context Report and Design Response For Residential Development of Five or More Storeys
Clause 65	Decision Guidelines

2.3 Referrals

External

- VicRoads

  No objection subject to the following conditions:

  - No vehicle access to the site is permissible from Mt Alexander Road.
  - All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings or works hereby approved.

  Note on Permit

  - The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

- David Helms Heritage Planning

  "On the basis of the research carried out for this report it is my opinion that the cottage should be retained.

  It would also be desirable to:

- Replace the existing statement of significance (and update the history and description) for the cottage in the Hermes database with the new statement of significance in this report; and
- Prepare a Conservation Management Plan to guide future works to conserve and restore the cottage."

Internal

- Engineering Services Unit

  No objection subject to conditions.

  No objection to the Waste Management Plan, subject to the following conditions:

  - Waste estimates changed to 50L/100m^2 per day for retail garbage and recycling. Thus waste volumes, bin quantity and storage area will need to be changed and incorporated into an updated design.
  - Bin storage and collection to be on-site, with an assessment of waste vehicles required. Collection of recyclables to be weekly, or more recycling bins provided.
  - Waste storage room inadequate in area for the retail component. Assuming worst case scenario of a restaurant use, a 40m^2 bin room area would be a more appropriate size. Waste and recyclables to be stored in a separate room, not out in the open on the basement level. Waste storage room to have an appropriate bin layout, with hard rubbish (5m^2) and wash down areas also shown. Ventilation, vermin prevention and control, noise and stormwater pollution prevention to be adequately catered for.

  Planner's comments

  It is noted that the above comments were based on the advertised plans and the applicant has since lodged revised plans (refer **Appendix C**) that address waste concerns and are to be included as a condition on any permit granted. In particular the bin storage area has been increased to 40m^2 in area, an express air fan for ventilation has been provided and a drainage and wash area has also been included. An amended Waste Management Plan reflecting these changes is to be included as a condition on any permit granted.

- Traffic and Transportation Unit

  No objection subject to the following:

  - Council does not find that sufficient car parking is allocated to the office component on-site. Council therefore requires that car spaces 26, 27, 28, 29 and 30 be converted into a car stacker system, which will increase car parking capacity by five car spaces. Council will then require newly submitted plans showing turning circles for assessment. If no issues are then found, Council will waiver the remaining 14 on-site car spaces required for the office component.

- Council has no issue with waiving the loading bay facilities if the following note is added:
    - If future retail development is to occur (i.e. retail tenancies merge to become one large tenancy), a new development application must be submitted with a reassessment of loading bay facilities.

Planner's comments

Five additional car parking spaces for the office component are to be included as a condition on any permit granted. However, car spaces 26-30 (inclusive) at ground floor level may not be the most suitable location for additional car stackers with regard to the design and structural integrity of the building. It is also noted that a different car stacker system could be incorporated into the basement level, allowing all office car spaces to be located within the basement which would be preferable. Therefore, the specific location of the five additional car spaces will not form part of this condition due to a number of alternative locations and options in meeting this requirement. Council's Traffic and Transportation Unit have no issues with regard to this.

The note with regard to loading bay facilities is also to be included on any permit granted.

- Urban Design

No objection subject to the following conditions:

- Incorporate landscape/greenery in the form of balcony edge planters to soften the building form as it transitions along Sturt Street east of the concrete panel.
- Define this part of the façade through framing elements to exaggerate the stepping of the form so as to address the residential context of Sturt Street.
- Textured precast panels to the panels facing each street interface to create interest and a signature look to the façade.

Planner's comments

It is noted that the above comments were based on the initial plans lodged with Council and have been incorporated in the advertised plans that form part of this assessment. Therefore no additional conditions are required.

- Heritage Advisor

"I have read the work by David Helms and agree with his findings. The cottage should be kept and a Conservation Management Plan prepared as part of the application. In addition, the cottage needs to be restored and surrounded by a suitable setback for future maintenance once restoration has occurred. Once the cottage has a Conservation Management Plan and been restored, its ongoing maintenance can be described in the Owners Corporation of the overall building."

- ESD Officer

No objection subject to conditions.

2.4 Public Notification of the Application

Pursuant to Section 52 of the Planning and Environment Act 1987 the application was advertised by mail to adjoining and surrounding properties, with three notices erected on site for 14 days.

As a result, thirteen (13) objections were received from the properties contained within **Appendix A** of this report.

A response to the objections is provided in Section 3.10 of this report.

2.5 Consultation Meeting

A Consultation Meeting was held on 20 May 2015, attended by Councillors Chantry and Giuliano, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting. However, revised plans plotted 30 June 2015 (refer **Appendix C**) showing changes to the waste storage area, eastern setbacks and external design of the building were submitted to Council on 2 July 2015 to address some of the concerns raised. An additional Consultation Meeting was held on 22 July 2015, attended by Mayor Sharpe, Councillors Chantry and Giuliano, objectors, the applicant and Council's Planning Officer. The purpose of the second Consultation Meeting was to present and discuss the above revised plans, which were generally received favourably.

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 the North Essendon Activity Centre under *Plan Melbourne: Metropolitan Planning Strategy* and is located on the Principal Public Transport Network. The subject site directly abuts the No.59 tram route and is within close proximity of numerous local businesses, public reserves and bus routes. The location of the subject site is considered to lend support for a more intensive form of commercial development.

Clause 15.01-2 of the State Planning Policy Framework (Urban Design Principles) provides the main assessment tool for non-residential development. It is considered that the proposal complies with the objectives and strategies as contained within the design principles of Clause 15.01-2. It should be noted that the majority of these design principles are further expanded under the design elements contained within Clause 21.06-4 (Urban Design), which will be discussed later within this report. Elements that are not specifically covered within Clause 21.06-4 are discussed as follows:

Landmarks, Views and Vistas

There are no significant monuments, landmarks or vistas in the vicinity of the site that have been identified within the Moonee Valley Planning Scheme as requiring specific protection. However, the proposed building would not significantly obscure or impact on views along the Mt Alexander Road corridor due to its

design generally complementing other five storey developments under construction to the north and south of the site. It is considered that the proposed building would enhance views and vistas along Mt Alexander Road through respectable urban design.

Heritage

The site is subject to a Heritage Overlay. While the demolition of the existing heritage building is discussed in detail within Section 3.2 of this report, the proposed development is considered to respect historic precedents and create a worthy legacy for future generations.

Pursuant to the strategies of Clause 15.03-1 (Heritage Conservation), the proposed development will provide for the conservation of part of the existing heritage building through the reuse of materials in consultation with a historian. An information plaque/interpretive display with a brief written summary of the history of the former workers cottage, the date of its demolition as well as an image of the building representing its original form is also to be provided. These are to be included as conditions on any permit granted (refer Conditions 1.a and 3).

Overall it is submitted that the proposal remains consistent with, and is supported by, relevant State Planning Policies subject to the inclusion of conditions on any permit granted.

3.2 Local Planning Policy Framework (LPPF)

The proposal complies with Clause 21.04 (Sustainable Environment) through the use of ecologically sustainable design principles. It is noted that the proposed development includes a 20,000 litre rainwater tank and a 3kW solar photovoltaic system, which is considered suitable. As mentioned earlier, Council's ESD Officer recommended the inclusion of conditions relating to the submitted Sustainable Management Plan (SMP) and these are to be included on any permit granted accordingly.

The proposed development also accords with the objectives of Clause 21.04-7 (Waste) as it integrates waste management and recycling facilities in order to achieve best practice in waste minimisation and recycling, subject to conditions as referenced in Section 2.3 of this report. An amended Waste Management Plan will be required as a condition on any permit granted accordingly.

The provisions of Clause 21.06-2 (Heritage) are relevant to the proposal. The applicable statement of significance for the subject site, as outlined within the Essendon Conservation Study (Graeme Butler, 1985), is as follows:

> "Architecturally, an altered simple cottage of indefinite age with some valuable remnant details; of regional interest and high local importance, as a typical to and predating, much of Essendon's built environment.
>
> Historically of potential regional importance gold era timber cottage and the residence of the service tradesmen which flourished on the Mount during that time: of high local importance."

The description within this heritage citation is as follows:

> "A simple, high transverse-gable weatherboarded cottage with a convex, hipped roof verandah at the building line and a vertical boarded and capped balustrade which acts as the front fence. A multi-paned half-glazed door two hung- sash windows and a band of shingle pattern weatherboards under the verandah, appear (but for the door) to be alterations from early this century. Austere cast-iron verandah ornament may date from the late 1800s.
>
> It is likely that the north wall has been re-boarded, the roof re-clad and the bay windows, shown in the 1910 MMBW plan (see History), were presumably replaced when the shingle-patterned boards were applied.
>
> Streetscape
>
> Isolated but firmly attached to the street alignment, typically so for early houses."

With regard to the policy guidelines of Clause 21.06-2 (Heritage), the applicant has provided a memorandum of heritage advice by Bryce Raworth (Conservation Consultant and Architectural Historian), who inspected the building internally and externally. From this memorandum, it is apparent that the building was in 1985 already altered to at least some extent. The bay windows shown in the original MMBW plan for the site had already been removed, and the front of the building refaced with shingle pattern weatherboards. This seems likely to have happened in the 1920's. However, it is also apparent that the verandah that contributed to the interest of the building in 1985 has since been removed, along with the balustrade or fence and the 'austere cast iron verandah ornament'. The front door seems also to have been altered or possibly replaced. The condition of the building is poor.

Bryce Raworth states that the key issue with this building is its poor integrity (i.e. the extent to which it has been altered and no longer presents as a nineteenth century building). While the building was already in a somewhat altered state in 1985, it now seems to have lost further fabric of significance. The chimney has also been removed, and this is likely also to have happened since 1985.

Bryce Raworth goes on to state while the condition of the place is poor, it is not unusual for very old timber buildings to be in poor condition. However, the poor condition of the building can be taken into account if it is one of a number of considerations relevant to determining whether the building should be retained or protected.

Importantly, under Clause 21.06-2 (Heritage), the demolition of a heritage place is discouraged unless:

- The heritage place has been changed beyond recognition of its original or subsequent contributory architectural character and:
- It does not form part of a group of similar buildings, historic streetscape or collection of historic buildings.

As discussed above, it is considered that the existing heritage building has been altered substantially beyond its original built form and therefore warrants demolition under Clause 21.06-2 (Heritage) in this instance given that its significance and integrity have already been so fundamentally compromised.

However, it is also noted that the applicant has agreed to respectfully reference the existing heritage building through the interior and exterior design of the building's foyer area, in consultation with a historian to the satisfaction of the Responsible Authority. This would include an information plaque/interpretive display with a brief written summary of the history of the former workers cottage, the date of its demolition as well as an image of the building representing its original form. The details and location of the plaque/interpretive display must be to the satisfaction of the Responsible Authority. These are to form conditions on any permit granted as discussed earlier.

Clause 21.06-4 (Urban Design) aims to achieve contemporary development that is innovative, legible and designed in a manner that responds to its location and context through a number of strategies:

- The proposed development achieves visual interest and articulation along Mt Alexander Road and Sturt Street through the use of different materials/finishes and the provision of windows, upper floor balconies, staggered setbacks and a new front awning. The recessed upper floor levels reduce potential visual bulk presenting to the public and private realm while also minimising potential amenity impacts. The contemporary design will enhance the existing streetscape, complement the commercial zoning of the site and respect other new and contemporary developments emerging nearby. The proposed colour/material palette complements the surrounding area and emerging built form. Therefore, the proposed development is considered to respond to its location and context in an appropriate manner.

  With regard to on-site amenity, no dwellings are proposed as part of this development. However, all office and shop tenancies have windows with direct access to daylight. A number of upper floor office tenancies are also provided with balconies for access to open space. Therefore the proposed development is considered to have a high level of on-site amenity.

- While the subject site is not a large or consolidated site, the proposal would significantly enhance interactions, visual interest and passive surveillance to Mt Alexander Road and Sturt Street while also creating improved visual and physical links.

- As the subject site is located within a commercial zone where minimal permeability is typically found, it is reasonable to expect a high level of site coverage for an efficient use of the land. The provision of no front setback will ensure a consistent front building line is maintained along this section of Mt Alexander Road, similar to other commercial developments nearby. The siting of the building and proposed upper floor setbacks are considered appropriate as they would minimise impacts on the streetscape and the character of the site and surrounding area. It is noted that many commercial developments nearby contain a high level of site coverage. The proposed upper level setbacks from adjoining properties are considered appropriate as there would continue to be adequate visual relief between adjoining buildings and the proposed development. The proposed development has a high level of compliance with the setback requirements of the DDO3, subject to revised plans (refer **Appendix C**) being included as a condition on any permit granted, as discussed within Section 3.5 of this report.

Therefore, subject to modification, it is considered that the proposed siting of the development adequately responds to the opportunities, constraints and features of the site and surrounding area.

- The adjoining and surrounding properties would continue to maintain a reasonable level of amenity given the zoning and location of the site in the context of the surrounding area. The siting and design of the proposed development would minimise amenity impacts and ensure that adjoining properties are not significantly affected by visual bulk, overlooking, access to daylight or overshadowing. While the adjoining property to the north contains a mixed use development currently under construction, this is located within a commercial zone and would not expect the same level of amenity as a dwelling within a low density residential setting. Buildings up to property boundaries is a typical design response for commercial land, and reflects other commercial developments nearby. The extent of boundary walls are considered acceptable in this instance as amenity impacts have largely been mitigated through design and orientation. As discussed earlier and within Section 3.5 of this report, the proposed development (refer **Appendix C**) has a high level of compliance with the rear setback requirements of the DDO3 in order to minimise visual impacts on existing dwellings to the rear within the General Residential Zone. Therefore, it is considered that there is suitable separation between the proposed development and surrounding buildings to allow an adequate level of amenity in the context of an Activity Centre area.

  As the proposed development is located to the south and west of any dwellings, it would not cast any significant additional shadows to these properties. While there would be some additional overshadowing of No.4 Marco Polo Street at 2pm and 3pm, this would be reduced through revised plans (refer **Appendix C**) and continue to allow for adequate sunlight during the morning and early afternoon hours. It is noted that the proposed development would meet the requirements of Clause 55.04-5 (Overshadowing Open Space) if this was applicable. The proposal is therefore considered acceptable in this instance.

  There are no existing north facing habitable room windows within three metres of the subject site. Therefore the proposal would meet the requirements of Clause 55.04-4 (North-facing Windows) if this was applicable.

  Generally the northern and eastern elevations of the proposed development have been designed and treated to prevent overlooking into existing secluded private open space areas, noting that the requirements of Clause 55.04-6 (Overlooking) are not applicable. However, revised plans (refer **Appendix C**) demonstrate additional overlooking protection measures along the eastern elevation, which resulted from discussions with the owners of No.4 Marco Polo Street and are to be included as a condition on any permit granted accordingly (refer Condition 1.a).

- The proposed development would present a well-integrated development with a sense of address and clearly articulated façade, with defined pedestrian accessways from both Mt Alexander Road and Sturt Street and clear vehicle access from Sturt Street. The proposed shops and office

component would each contain defined entrances that would be visible from their respective streetscapes. The proposed front awning would provide additional identification and shelter to the shared office entrance and shops addressing Mt Alexander Road. This is considered acceptable.

- The contemporary design, façade variation and high level of articulation of the proposed building will provide an attractive and interesting built form that will help the overall development integrate with its surroundings. External finishes of the proposed development predominantly comprise of grey render, textured panelling and zinc cladding. The proposed external finishes are considered to respect the emerging character of the area, and would integrate the proposed development with its surroundings. The varied use of colours and materials, coupled with the staggered setbacks and recessed upper floor levels, will create an attractive and visually interesting built form.
- The subject site is a corner site and is considered to highlight this corner through quality urban design, detailing and massing as it presents to Mt Alexander Road and Sturt Street. Therefore, the proposed development is respectful of the surrounding built form, would add value to each streetscape and help define this particular intersection.
- The subject site is located within Precinct C-1 of the DDO3, which has a preferred maximum building height of 18 metres. The proposed development has a maximum building height of 17.38 metres and therefore complies with this strategy. It is noted that the proposed building height also complements numerous other existing and approved developments along Mt Alexander Road. Therefore, the proposed building height is considered acceptable.
- The proposed development would not negatively impact on flight safety given its relatively modest height and distance from Essendon Airport.

Clause 21.06-4 (Urban Design) also aims to ensure that new development of five or more storeys is designed and located to complement the surrounding neighbourhood, and is considerate of potential off site impacts through a number of strategies:

- The proposed five storey development would make a positive contribution to an area's character, protecting and contributing to its valued natural, built and community qualities as discussed above.
- The proposed five storey development would reinforce the character of the area. Building height, scale and massing are derived from the local context, street conditions and local character objectives. Importantly, the height, scale and massing of the building has a high level of compliance with the height and setback requirements of the DDO3, subject to revised plans (refer **Appendix C**) being included as a condition on any permit granted (refer Condition 1.a), as discussed within Section 3.5 of this report.
- The proposed development provides an appropriate relationship with adjoining buildings and separation between buildings to maximise light, air and outlook. Importantly, the proposed building does not directly abut any

existing buildings to the north or east of the site with setbacks largely in excess of 5.5 metres, which is considered to provide adequate separation.

- The proposed development achieves an adequate standard of architecture. The proposed design gives careful consideration of building scale and form, movement patterns, and external spaces and their interrelationships. The proposed scale and form is generally in accordance with the height and setback requirements of the DDO3 and complements other approved developments to the north and south of the site. Movement patterns and external spaces appear to be well conceived and allow for efficient and convenient access where required. Council's Urban Designer has no objection to the architectural standard of the proposed development.
- The proposed commercial development does not significantly contribute to the creation of private and public open spaces given the commercial zoning of the site and focus on economic development within an activity centre area. However, it is noted that the proposed building does provide for private balconies for a number of office tenancies, which are accessible, attractive, safe and comfortable for their users, which is considered acceptable.

Clause 21.07 (Activity Centres) is applicable in this instance and builds on the objectives and strategies of the State Planning Policies, in particular Clause 11 (Settlement). The subject site is located within the North Essendon Activity Centre as identified in Plan Melbourne. The proposed development continues to promote commercial growth within this area. The North Essendon Activity Centre Structure Plan has been considered in the design and assessment of the proposed development, to which there is a high degree of compliance.

With regard to Clause 21.08 (Economic Development), it is considered that the proposed development would contribute to and enhance this section of Mt Alexander Road in terms of employment and business. It is noted that the proposed shops and offices are 'as-of-right' uses within the Commercial 1 Zone, as discussed within Section 3.3 of this report. The proposed development is considered acceptable accordingly.

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 Compliance with Clause 34.01 (Commercial 1 Zone)

The proposed shops and offices are 'as-of-right' uses within the Commercial 1 Zone. The proposed shop and office uses are in accordance with the objectives of State and Local Planning Policies within the Moonee Valley Planning Scheme, as discussed within Sections 3.1 and 3.2 of this report.

The proposed development requires a permit under Clause 34.01-4 (Buildings and Works). As discussed within Section 3.2 of this report, the proposal is considered to be a good design outcome for the site and surrounding area.

3.4 Compliance with Clause 43.01 (Heritage Overlay)

The subject site is located within a Heritage Overlay (HO137) and requires a planning permit for demolition of the existing heritage building (timber cottage).

As discussed within Section 3.2 of this report, the timber cottage has been altered substantially beyond its original built form, fundamentally compromising the significance and integrity of this building, therefore warranting demolition under Clause 21.06-2 (Heritage).

This is also considered to be acceptable having regard to the principles of integrated decision-making, including the consideration of other permit triggers, conflicting objectives and the totality of the planning policy framework. The proposed development would contribute to the economic development of the North Essendon Activity Centre, amongst other things, by providing a range of jobs and employment within commercial zoned land. On balance, the proposal is considered to be in favour of net community benefit and sustainable development for the benefit of present and future generations.

3.5 Compliance with Clause 43.02 (Schedule 3 to the Design and Development Overlay)

The subject site is located within Precinct C-1 of the Design and Development Overlay Schedule 3 (DDO3).

Table 2

	DDO3 – C-1	**Proposed**
Preferred maximum height	18 metres	17.38 metres
Front setback (up to 8 metres in height)	0 metres	0 metres
Front setback (above 8 metres in height)	2 metres, plus 0.7 metres for every metre of height above 11.5 metres (maximum of 5.64 metres required)	0 metres (up to 10.3 metres in height); 2.0 metres (10.3 to 16.7 metres in height, excluding balconies)
Rear setback (up to 7.5 metres in height)	3 metres	5.5 metres
Rear setback (up to 11 metres in height)	5 metres	5.5-7.98 metres
Rear setback (above 11 metres in height)	5 metres, plus 0.7 metres for every metre of height above 11 metres (maximum of 8.78-9.38 metres required)	7.98 metres

The proposed development has a high level of compliance with the height and setback requirements under precinct C-1 of the DDO3, subject to increased rear setbacks as shown on revised plans (refer **Appendix C**), which are to be included

as a condition on any permit granted (refer Condition 1.a). Importantly, the proposed building height is less than the preferred maximum height.

While the front setback for the front wall above 8 metres in height should be 2 metres, plus 0.7 metres for every metre of height above 11.5 metres, the proposed setbacks generally meet the intent of this requirement through the provision of 2.0 metre wide balconies on the third and fourth floor levels. This would complement the five storey development under construction to the north-west, which also contains varied front setbacks. Therefore, the front setbacks proposed are considered to be a relatively minor non-compliance and would not significantly impact on the streetscape or adjoining properties.

The proposed development meets the rear setback requirements, with the exception of the third and fourth floor levels. However, it is noted that the revised plans (refer **Appendix C**) show a setback of 9.48 metres for the third and fourth floor levels from the eastern property boundary, which meets the rear setback requirements of the DDO3. These revised plans are to be included as a condition on any permit granted accordingly (refer Condition 1.a).

3.6 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
Shops (384.21m^2)	15	5
Offices (1,276.07m^2)	44	25
Total	59	30

As discussed under Section 2.3 of this report, Council's Traffic and Transportation Unit have no objection to the proposed development, subject to the inclusion of a condition on any permit granted (refer Condition 1.b). An additional five car parking spaces on site for the office component, while still less than that required under Clause 52.06-5, would provide an acceptable number of car parking spaces given the context of the site and access to public transport.

With regard to traffic generation, the proposed development is expected to generate approximately 21 vehicle trips during the AM peak hour and approximately 20 vehicle trips during the PM peak hour. One Mile Grid are satisfied that this level of traffic is very low and is not expected to have an impact on the operation of the surrounding road network. It is also noted that VicRoads has no objection to the proposed development, subject to the inclusion of conditions on any permit granted (refer Conditions 14 and 15) as outlined within Section 2.3 of this report.

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.

3.7 Compliance with Clause 52.07 (Loading and Unloading of Vehicles)

Clause 52.07 triggers loading and unloading requirements for the shops within the proposed development. The proposed shops are relatively small and it is

generally accepted that deliveries to shops of this scale are delivered by a van or car. Such vehicles would utilise on-street car parking, or nearby loading zones, for short periods of time to drop off goods. Council's Traffic and Transportation Unit have no objection to this arrangement, subject to the inclusion of a note on any permit granted. In addition to this, it is noted that VCAT commonly waive loading and unloading requirements for small commercial premises similar to that contained within the proposed development.

In light of the above, it is considered appropriate to waive the loading bay requirements in this instance.

3.8 Compliance with Clause 52.29 (Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road)

A planning permit is required to create or alter access to a road in a Road Zone, Category 1. As this planning application proposes to alter access to Mt Alexander Road, which is a Category 1 Road Zone, the application was referred to the Roads Corporation (VicRoads) under Section 55 of the Planning and Environment Act 1987. As discussed within Section 2.3 of this report, VicRoads has no objections to the proposed development subject to the inclusion of conditions and notes on any permit granted. This is considered acceptable.

3.9 Compliance with Clause 52.34 (Bicycle Facilities)

The proposal includes bicycle spaces, as set out in the table below:

Table 4

Unit	Requires	Provides
Shop employees	0	0
Shop visitors	0	0
Office employees	4	7
Office visitors	1	3
Total	5	10

As demonstrated in the table above, the proposed development complies with the requirements of this clause.

3.10 Objections

Table 5

Issue	Officer Response
Overdevelopment / visual bulk / height / lack of setbacks	This is considered acceptable, subject to revised plans (refer **Appendix C**) being included as a condition on any permit granted (refer Condition 1.a), as discussed within Sections 3.1, 3.2 and 3.5 of this report.
Design / visual appearance / impacts on character	This is considered acceptable as discussed within Sections 3.1 and 3.2 of this report.

Car parking and traffic issues	This is considered acceptable, subject to five additional office car spaces and the inclusion of conditions on any permit granted (refer Conditions 1.b, 14 and 15), as discussed within Sections 2.3 and 3.6 of this report.
Waiver of loading requirements	This is considered acceptable, subject to the inclusion of a note on any permit granted, as discussed within Sections 2.3 and 3.7 of this report.
Demolition of timber cottage	This is considered acceptable as discussed within Sections 3.1, 3.2 and 3.4 of this report.
Overlooking, overshadowing and access to daylight	This is considered acceptable as discussed within Section 3.2 of this report.
Noise	Suitable conditions to minimise potential noise impacts on adjoining properties, from the proposed development, are to be included on any permit granted (refer Conditions 8, 22 and 23). However, it is noted that any commercial noise emitted from the proposed development would be subject to the same EPA noise regulations as any other commercial development.
Introduction of shops to Sturt Street	It is noted that shops are an 'as-of-right' use within the Commercial 1 Zone and encouraged within such locations accordingly. However, it is noted that the proposed development does provide a 5.5 metre setback from Shop 5 and the existing rear garage along Sturt Street that is associated with No.4 Marco Polo Street. This is considered acceptable to the zoning and context of the site and surrounding area.
Access from Marco Polo Street	The subject site is the beneficiary of a carriageway easement associated with the property directly to the north, which provides vehicle access from Marco Polo Street to the five ground level car parking spaces. This is appropriate and acceptable in this instance.
Purpose of electrical substation	Larger developments are sometimes required to have an on-site electrical substation as per the requirements of the relevant electricity provider (i.e. Jemena). The proposed development has allocated an area for an electrical substation should this be a requirement. It is noted that such substations do not typically create significant or excessive noise.
Lack of landscaping	This is considered acceptable as discussed within Section 3.2 of this report.

Lack of details for eastern boundary fence	Revised plans (refer **Appendix C**) show a 2.0 metre high double brick fence along the eastern property boundary, as discussed with the owners of No.4 Marco Polo Street following the first Consultation Meeting. However, a height of 2.2 metres with red bricks was considered more appropriate within the second Consultation Meeting and this is to be included as a condition on any permit granted accordingly (refer Condition 1.d).
Lack of details regarding proposed businesses	As shops are an 'as-of-right' use within the Commercial 1 Zone, any future business would be determined by the market beyond Council's control, but must comply with the provisions of any permit granted and the Moonee Valley Planning Scheme.

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 and Overlay 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.

1. Appendices

Appendix A: Objectors
Appendix B: Advertised Plans (separately circulated)
Appendix C: Revised Plans (separately circulated)

Location of Objector's Properties

2-4 Sturt Street, ESSENDON VIC 3040 (X7)
13/6 Sturt Street, ESSENDON VIC 3040
10 Marco Polo Street, ESSENDON VIC 3040 (X2)
4 Marco Polo Street, ESSENDON VIC 3040 (X2)
3/3 Sturt Street, ESSENDON VIC 3040

9.6 1, 10, 12 at 992 Mt Alexander Road, Essendon - Use of the land for three Serviced Apartments (Residential Hotel)

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

Proposal	Use of the land for three Serviced Apartments (Residential Hotel)
Applicant	Clause 1 P/L
Owner	Lot 1 – David Ursic, Lot 10 – Alan & Christine Soper. Lot 12 – Vivien Miles
Planning Scheme Controls	General Residential Zone Design Development Overlay Schedule 3
Planning Permit Requirement	Clause 32.08-1 – Section 2 Use
Car Parking Requirements **(Clause 52.06)**	Requires – 5 car spaces Proposed – 5 car spaces
Bicycle Requirements	N/A
Restrictive Covenants	None
Easements	Yes – E-1 (Vehicle access) along the southern boundary
Site Area	1417 square metres
Number Of Objections	10
Consultation Meeting	15 March 2015

Executive Summary

- The application seeks planning approval for the use of the land for Serviced Apartments (Residential Hotel). No buildings or works are proposed.
- The site has a total of 1417m^2 and is currently occupied by a double storey building comprising of 14 dwellings and areas of common property.
- The site is located within General Residential Zone and is affected by Design Development Overlay Schedule 3 which relates to development controls along the Mt Alexander Road Corridor.
- The application was advertised and as a result, 10 objections were received. The main issues of concern relate to the inappropriate use associated with an existing residential building, excessive noise, privacy and security, car parking misuse, devaluation of properties and mental and physical health issues of existing residents.
- A Consultation Meeting was held on 15 March 2015 and was attended by the Mayor Narelle Sharpe and Ward Cr. Jan Chantry, objectors, interested parties, the applicant and Council's Statutory Planner. No resolution was agreed upon at the Consultation Meeting.
- The application was referred to Council's Traffic and Transportation Unit who raised no objections to the proposed Use.
- The application was referred to Victoria Police who do not have any relevant incident report history regarding the site.
- Following an assessment of State and Local Planning Policy Framework and taking into consideration the submissions received in relation to the proposal it is considered that the proposal results in an inappropriate use on the site that creates adverse amenity impacts on the existing dwellings and furthermore does not achieve a sufficient level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme.
- It is recommended that Council resolve to Refuse to Grant a Planning Permit.

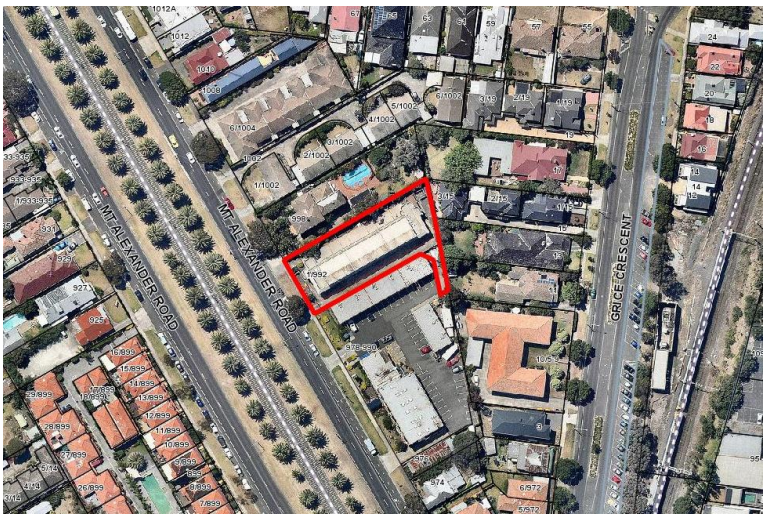


Figure 1: Aerial photograph of the subject site and surrounds

Recommendation

That Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/6/2015 for the use of the land for Serviced Apartments (Residential Hotel) at 1, 10 & 12 at 992 Mt Alexander Road, Essendon on the following grounds:

1. The proposal will have an adverse effect on the existing residential dwellings on the site due to the nature of the use.
2. The proposal fails to meet the objectives and strategies of Clause 21.05-4 (Non-Residential Use in Residential Zones) as the proposal will detract from the amenity of existing residential users.
3. The proposed use fails to meet Clause 32.08-10 (Decision Guidelines) of the Moonee Valley Planning Scheme as it is not compatible with the predominantly private residential use of the site.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located at No.992 Mt Alexander Road, Essendon and specifically relates to apartments No.1, 10 and 12. The site is located on the eastern side of Mt Alexander Road which is a Category 1 Road Zone. The site is 1417 square metres in area and comprises of an existing residential apartment style building. There are no restrictions identified on the Certificate of Title.

The subject land presents to Mt Alexander Road as a double storey residential building with six units at ground level and eight units at the first floor level. All units, with the exception of No.6 and No.9 operate as residential dwellings. No.6 and No.9 have operated as serviced apartments since 1994 and have acquired Existing Use Rights.

The surrounding area comprises of a variety of development and uses along Mt Alexander Road corridor and the surrounding area. The character of the area is of high density including apartment complex development and commercial uses. The land to the east of the site is not within Design Development Overlay Schedule 3.

Application Site (992 Mt Alexander Road, Essendon)

1.2 Proposal

The proposal is for the use of the land for Serviced Apartments (Residential Hotel). The proposal can be summarised as follows:

- The use of Dwelling 1, 10 and 12 as serviced apartments.
- The serviced apartments to be managed by the Best Western Hotel located at No.980 Mt Alexander Road, Essendon.
- Housekeeping and maintenance managed by the Best Western Hotel located at No.980 Mt Alexander Road, Essendon.
- Existing site carparking utilised.

Refer **Appendix B** documents.

2. Background

2.1 Relevant Planning History

- Planning Permit ES7090 was approved for the residential conversion of existing motel units in accordance with the endorsed plans.
- No.6 and No.9, 992 Mt Alexander Road have obtained Existing Use Rights on 21 October 2014 under Section 97N of the Planning and Environment Act 1987 and Clause 63 of the Moonee Valley Planning Scheme for Serviced Apartments as they proven operating for over 15 years.
- No.1, 992 Mt Alexander Road was denied Existing Use Rights on 21 October 2014 under Section 97N of the Planning and Environment Act 1987 and Clause 63 of the Moonee Valley Planning Scheme as insufficient evidence was provided to Council to prove continuous use for 15 years of more.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework
Clause 11 Settlement
Clause 16 Housing
Clause 17 Economic Development

Local Planning Policy Framework
Clause 21.01 Municipal Profile – Moonee Valley Today
Clause 21.03 Vision
Clause 21.05 Housing
Clause 21.08 Economic Development

Zones
Clause 32.08 General Residential Zone

Overlays
Clause 543.02 Design Development Overlay Schedule 3

Particular Provisions
Clause 52.06 Car Parking

General Provisions
Clause 65 Decision Guidelines

2.3 Referrals

External
Victoria Police

- Do not have any relevant reports of any incidents relating to the site and serviced apartments.

Internal
Council's Traffic and Transportation Unit

- No objections.

Council's Enforcement Unit

- No relevant site history.

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 the site frontage. As a result, 10 objections were received from properties contained within **Appendix A** of this 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 15 March 2015 which was attended by Mayor. Narelle Sharpe and Ward Cr. Jan Chantry, objectors and interested parties, the applicant and Council's Statutory Planner. There was

no resolution achieved at this meeting with the objectors reiterating their concerns with the proposal particularly with regard to the inappropriate use of the site within an existing residential building, excessive noise, privacy and security, car parking misuse, devaluation of properties and mental and physical health issues of existing residents.

3. Discussion

3.1 State Planning Policy Framework

The State Planning Policy Framework objectives which are relevant to this application are predominantly contained with Clause 17 (Economic Development) of the Moonee Valley Planning Scheme. The relevant strategies and objectives of Clause 17.01 (Commercial) are to encourage development which meets the communities' needs while providing net community benefit. It is considered that the proposed serviced apartments are a commercial use within the municipality providing facilities within the local context and therefore respond to the objectives of this clause.

Clause 16.01-4 (Housing Diversity) of the Moonee Valley Planning Scheme encourages the provision of a range of housing types to meet the increasingly diverse needs of the community while respecting the neighbourhood character and existing infrastructure. It is considered that the serviced apartments associated with Unit 1, 10 and 12 are beyond the objective of Clause 16.01-4 as the new use is a commercial use on residential land which does not respond to well to the existing residential site conditions.

3.2 Local Planning Policy Framework

The Local Planning Policy Framework objectives which are relevant to this application are predominantly contained within Clause 21.05-4 (Non-residential Uses in Residential Zones) of the Moonee Valley Planning Scheme. The objective of Clause 21.05-4 is not considered to be met by the proposed serviced apartments as the proposed use will impact significantly on the existing private residential use. As the subject site currently contains 14 units, 12 of which are dwellings and two serviced apartments, the predominant use of the site is private residential. It is considered that by introducing three additional serviced apartments onto the site, this will increase the intensity of the non-residential use and its impacts to the existing residential dwellings. If approved, each existing dwelling on the site will abut a serviced apartment either to the side, above or below with the exception of Dwelling 4. It is considered that the impact of the use is cumulative and as the lots are not clustered on the site, their impact would be intensified to all existing site residents and lots.

It is noted that the land is located on a Category 1 Road, however, it is considered that the non-residential use of three additional serviced apartments on the lot will create additional noise which is not typical of a normal residential use such as cleaning services and waste collection. Furthermore, it is noted that short term stay occupiers of a serviced apartment use the site in a different manner to a permanent resident.

Concerns of the inappropriate use of the site are raised such as noise, rubbish and misconduct as they will have high impact on the existing and future site residents.

To approve three additional serviced apartments on the site will set an undesirable precedent for non-residential uses where existing private residential properties will be highly impacted. In this instance, the use should not be supported as the proposal does not align with Clause 21.05 (Housing) of the Moonee Valley Planning Scheme in relation to its amenity impacts on existing residents.

It is noted that a planning permit and operational management plan is not considered appropriate in this instance due to the high intensity of the commercial use that is brought to the site as a result of 5 out of 14 apartments on the site. It is considered that the intensity of the use goes beyond elements that can be conditioned on a planning permit as the impact on the existing private residents is too high.

3.3 General Residential Zone

The purpose of General Residential Zone is to implement State and Local Planning Policy Framework and to encourage development which respects the neighbourhood character of the area. The proposed use has been assessed against the relevant State Planning Policy Framework and considered inconsistent in this instance. The proposed use of serviced apartments does not fully align with the relevant Local Planning Policy Framework and therefore the proposal should not be supported in this instance. See Section 3.2 of this report for further detail.

An assessment of Clause 32.08-10 (Decision Guidelines: Non-residential Use and Development) of the Moonee Valley Planning Scheme has been made and it is considered that the proposal is inconsistent with the decision guidelines. The serviced apartments, as previously discussed are considered incompatible with the existing private residential use of the site. The serviced apartments will provide short term accommodation which bring commercial function and use to a site which will impact the permanent private residents of the site.

The proposal has provided an adequate amount of car parking on the site as outlined in Section 3.4 of this report. It is considered that vehicle movements on and off the site for serviced apartment users will be able to be done so in a safe manner. It is highlighted that an increase safety concern may arise due to short term users of the site and common property misusing safety gates leaving the site unsafe for existing residents.

It is considered that a management plan of the site's safety cannot be achieved in this instance therefore it is considered that the proposal should not be supported in this circumstance.

3.4 Compliance with Clause 52.06 (Car Parking)

The proposed use triggers assessment under Clause 52.06-5A (Car Parking) of the Moonee Valley Planning Scheme for car parking to be provided to the satisfaction of the Responsible Authority. The existing site

conditions and Certificate of Title provide two car spaces for each of Lot 1, 10 and 12 totalling six car spaces. Council's Traffic and Transportation Unit have assessed the proposed car parking and are satisfied that the allocated spaces are adequate for the proposed use of serviced apartments.

3.5 Objections

Table 4

Issue	Officer Response
Impact of motel users on existing residents within the building complex	It is considered that the use of the serviced apartments operate differently to that of residential dwellings. A serviced apartment provides short term stay for guests whereby a dwelling is for long term residents. Issues are considered to arise where the two types of uses differ in noise from occupiers, car parking conduct and frequency of entry and exit from the site. It is considered that a serviced apartment fundamentally operates differently to a residential dwelling and where the two are proposed to operate on a body corporate site issues will arise. It is considered that smoking, littering, car parking misconduct and property damage cannot be assessed under the Planning and Environment Act 1987.
Existing car parking not adhered to	While it is acknowledged that short term stay residents may misuse the car parking requirements on site, the Council cannot police the user misconduct of car parking beyond the requirements of the Moonee Valley Planning Scheme. Enforcement action can be sought through Council or better management through the Body Corporate.
Turn down service disrupts residents	It is considered that a cleaning service is a function that is not typical of a residential property. It is envisaged that the turn down service required for a total of five apartments would interfere with the use of the site as a residential complex by way of occupying common areas on the site and creating excessive noise.
Precedent of a commercial use within a residential zone Misleading use of land for other dwellings within the complex and for potential buyers	Clause 32.08 of the Moonee Valley Planning Scheme outlines uses which are allowed, prohibited and require planning permit approval. A Serviced Apartment is a Section 2 Use and therefore this planning permit application is required. It is noted that Dwellings 6 and 9 area already used as serviced apartments for in excess of 15 years.
Increase rates for existing residents	This is not a planning consideration.

Forcing renters and home owners to relocated to avoid living in a motel complex	This is not a planning consideration.
Body Corporate rules are broken due to the current illegal use of land as serviced apartments.	As a result of Council's Planning Enforcement action, this retrospective planning permit application was lodged to Council. Body Corporate rules are a private matter and should be dealt with separately.
Unit 1 currently being used as a Serviced Apartment without Existing Use Rights	Council's Planning Enforcement Unit identified the illegal use of the land without a permit on 21 October 2014 and required a planning permit to be submitted to Council should the use be continued. As a result, this application includes the consideration of Lot 1 as a Serviced Apartment.
Increased mental and physical health issues due to the site's history	This is not a planning consideration. It is noted that Council's Planning Enforcement Unit and Victoria Police do not have any history relating to the site.
Devaluation of the surrounding properties due to the commercial use	This is not a planning consideration.
Insurance discrepancies	This is not a planning consideration.

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

In light of the above, the proposed development is considered inappropriate as outlined within the above recommendation.

Appendices

Appendix A: Objector List - 1, 10 & 12992 Mt Alexander Road Essendon MV.6.2015
Appendix B: Appendix B- 1, 10 & 12992 Mt Alexander Road Essendon - 1 992 Mt Alexander Road Essendon - MV 6 2015 - Reports

Objectors List for MV/6/2015 at 1,10 & 12 at 992 Mt Alexander Road, ESSENDON

3/992 Mt Alexander Road, ESSENDON VIC 3040
4/992 Mt Alexander Road, ESSENDON VIC 3040
5/992 Mt Alexander Road, ESSENDON VIC 3040
7/992 Mt Alexander Road, ESSENDON VIC 3040
23 Grandison Street, MOONEE PONDS VIC 3039
1 Lyon Street, ESSENDON VIC 3040
2 x 16 Holberg Street, MOONEE PONDS VIC 3039
18/45 Derby Street, TULLAMARINE VIC 3043
16 Middle Street, ASCOT VALE VIC 3032

Developed by Clause 1 Property Planning & Development Services

Planning Permit Application

Subject Site:	Units 1, 10 and 12, 992 Mt Alexander Road, Essendon
Proposal:	Use of the site for serviced apartments (residential hotel)
Permit Triggers:	Clause 32.08 -1
Responsible Auth:	Moonee Valley City Council

Introduction

1. This is an application for planning permit to use three apartments within an existing residential apartment building as a residential hotel (serviced apartments). No buildings or works are proposed as a result of this application. No parking variation is sought as compliant vehicle parking is already supplied on the site.

2. The subject site is located within the General Residential Zone. Pursuant to Clause 32.08-1 of the Moonee Valley Planning Scheme, a Planning Permit is required to use a building for a Section 2 Use. The proposed residential hotel falls inside the definition of 'accommodation', a specified Section 2 Use in the GRZ.

3. No buildings or works are proposed as part of this application. The existing parking facilities onsite mean that no parking variation is sought as part of this application.

Relevant Planning History

4. The apartment complex located at 992 Mt Alexander Rd was originally operated as a motel. A planning permit (ES-7090) allowing "For residential conversion of the existing Motel Units in accordance with the endorsed plans…" was granted by the former City of Essendon, on 26th September 1994.

5. A Certificate of Compliance, issued pursuant to Section 97 N & O of the Planning and Environment Act 1987 supported the applicants' claim of existing use rights relating to Unit 6 and 9, 992 Mt Alexander Road. Council confirmed that these two units had been operating as serviced apartments (residential hotel) for at least 15 years.

6. The applicant has utilised Units 1, 10 and 12 as serviced apartments for a number of years, and now wishes to formalise that use.

7. The existing and proposed serviced apartments will continue to be managed and operated by the Best Western Hotel (Alexander Motor Inn and Apartments) located adjacent to the site at 980 Mt Alexander Road.

The Subject Site and Context

The Subject Site

9. The subject site is described as;

   - Lots 1, 10 and 12 (including part Lots 1, 10 and 12) PS 342115Y, Vol 10226 Fol 439.

   The Certificate of Title contains no restrictions or covenants which may be affected by the proposal.

10. The subject site contains a three storey unit development, containing 14 one and two bedroom apartments. The ground floor apartments are single storey and accessed directly from a walkway along the south side of the units. The first floor units have mezzanine areas at the uppermost floor (second floor) and are accessed via two flights of stairs and a walkway along the southern side of the building. Refuse and recycling bins are stored in an enclosure on common property at the front of the site.

11. Apartment 1 located at ground floor level and is a one bedroom unit with kitchen, ensuite and laundry facilities. Two parking spaces have been allocated to this apartment on the title. Apartments 10 and 12 are two level apartments, with entry from the first floor. Apartments 10 and 12 contain two bedrooms apiece. Two carparks apiece has been provided to Apartments 10 and 12.

12. A total of 14 apartments are provided within the building. As mentioned above, Units 6 and 9 are operated (in accordance with the Planning and Environment Act) as serviced apartments, in conjunction with the Best Western Motel (Mt Alexander Motor Inn and Apartments) adjacent to the site.

Site Context

Surrounding Area / Neighbourhood Description

13. The site is located with abuttal to a Road Zone (Category 1), Mount Alexander Road. To the north lies a large single dwelling, and to the south the two storey Best Western Motel (Alexander Motor Inn and Apartments). The complex includes a restaurant, conference facilities as well as motel accommodation.

14. The subject site as well as those surrounding it are zoned General Residential 1, and are subject to a Design and Development Overlay.

Please refer to attached photographs and plans for further details.

The Proposal

15. Planning permission is sought for;

- Use of Apartments 1, 10 and 12 as serviced apartments (residential hotel).
- No buildings or works are proposed. No business identification or direction signage is proposed.
- Vehicle parking has already been supplied for each unit and exceeds the numerical requirement for a motel.

Relevant Planning Controls and Policies

State Planning Policy Framework

16. The State Planning Policy Framework (SPPF) seeks to ensure that the objectives of planning in Victoria (as set out in the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social, and economic factors in the interests of net community benefit and sustainable development. Of particular relevance to this application are:

- Clause 11 Settlement
- Clause 15 Built Environment and heritage
    - 15.01-1 Urban design

- 15.01-2 Urban design principles

- Clause 17 Economic Development
  - 17.01-1 Business

Local Planning Policy Framework

17. The LPPF identifies long-term directions about land use and development in the municipality and provides the rationale for the zone and overlay requirements and particular provisions in the Scheme. The LPPF includes the Municipal Strategic Statement (MSS) and local planning policies.

Municipal Strategic Statement

Clause 21.01 Municipal Profile – Moonee Valley Today

Clause 21.07 Economic Development

Clause 21.07 – 3 Objectives and Strategies

Clause 21.09 Transport and Access

Zoning Controls

Clause 32.08 General Residential Zone

18. The site is located in a General Residential Zone pursuant to the provisions of the Moonee Valley City Council Planning Scheme.

19. Pursuant to Clause 32.08-1, a planning permit is required for the use of the building for *accommodation* as a specified Section 2 use.

General/Particular Provisions

Clause 52.06 Car Parking

20. Car parking provisions are set out in Clause 52.06 of the Moonee Valley Planning Scheme.

21. The table in Clause 52.06-5 sets out the required car parking rates for various uses. The requirements for a motel are as follows;

Motel: One parking space to each unit, and one to each manager dwelling, plus 50 per cent of the relevant requirement of any ancillary use

22. No manager's dwelling is proposed onsite (the manager will reside next door at the Alexander Motor Inn). No ancillary uses are proposed. Therefore, one vehicle space is required for each proposed unit. According to the Plan of Subdivision, Unit 1 is provided with two spaces, and Units 10 and 12 are provided with two spaces apiece.

Relevant Planning Considerations

Use

23. In accordance with Clause 63.02 Characterisation of Use:

If a use of land is being characterised to assess the extent of any existing use right, the use is to be characterised by the purpose of the actual use at the relevant date, subject to any conditions or restrictions applying to the use at that date, and not by the classification in the table to Clause 74 or in Section 1, 2 or 3 of any zone.

24. In the current case the applicant contends that the actual use being undertaken is best described as 'serviced apartments'. The apartments will be available on a short-term basis, similar to motel accommodation. Guests will be checked in at the neighbouring Best Western Motel, and servicing and cleaning of the rooms will be provided by the management of the Best Western.

State and Local Planning Policies

25. The current application is considered to be consistent with the relevant State and Local Planning Policies contained within the Scheme as it will provide short term accommodation facilities within a recognised economic and residential hub.

26. The proposal will ensure Clause 11 (Settlement) objectives will be met by accommodating for the needs of the existing and future communities of Moonee Ponds and Essendon through the provision of short-stay accommodation facilities. It will also contribute to the commercial viability of the area therefore providing a net economic and community benefit to municipality.

27. The proposal will take advantage of the existing settlement patterns in the area, located within a General Residential Zone with an interface to motel and conference facilities. The site is located near other commercial premises and public transport opportunities.

28. The proposal will make a positive contribution to the economic development of the area consistent with Clause 17 of the State Planning Policy Framework, and Clause 21.07 (Economic Development) of the LPPF, particularly the Objectives and Strategies, which state, inter alia;

Objective

To facilitate the development of strategic sites across Moonee Valley in a manner which maximises investment and employment opportunities and generates appropriate development outcomes.

Strategies

Promote the Mt Alexander Road corridor as a "spine" of economic activity, and encourage linkages with the CBD fringe.

29. The proposal will provide core services to the community providing and encouraging employment opportunities within the area.

30. The proposal will co-exist harmoniously with nearby business and residents and surrounding land uses. All activities associated with the serviced apartments will be contained onsite. The management and servicing of the proposed serviced apartments will be managed by the neighbouring Best Western Motor Inn. This will ensure that comings and goings of guests in the proposed units, and respond to any complaints from guests or other residents. There will be nil or minimal emissions of noise, fumes, smoke or vapour from the subject site as a result of the proposed use.

Clause 32.08 General Residential Zone

31. It is reiterated that no buildings or works are proposed as part of this application. Therefore, Council's consideration is limited to the proposed use of the existing dwellings as serviced apartments as opposed to private dwellings. It is contended that the proposal will have a negligible impact upon the residential amenity of the area, when compared with a residential use.

32. The apartments are one or two bedroom dwellings, and therefore their occupancy rate will not be higher than a typical one or two bedroom dwelling. The extent of noise, traffic disturbance, and rubbish generated by temporary occupants of the apartments will not be demonstrably different from the activities of a standard one or two bedroom apartment.

33. The management of the motel will be available to monitor the behaviour of guests and to deal with complaints from residents if they arise.

34. The apartments will be serviced regularly with refuse being removed from the site and stored either in the allocated bins or on the Best Western site for collection.

35. It is therefore contended that no additional impacts beyond what could reasonably be anticipated for a residential dwelling will be generated as a result of the apartments being used as short stay accommodation as opposed to residential dwellings.

Conclusion

36. The information provided with this application indicates that the proposed use of the units as serviced apartment units is consistent with the State and Local Policy Framework and relevant provisions set out in the Moonee Valley Planning Scheme.

37. It is considered that the proposed use can provide an important community facility, will support the economic function of the area, and will not result in detrimental amenity impacts upon the surrounding area.

38. If you have any questions relating to this application please do not hesitate to contact us immediately.

39. Thank you for your consideration.

Clause 1: Property Planning & Development Services

9.7 952-960 Mt Alexander Road, Essendon (Lot 1 TP116038Q & Lot 1 TP116039N) - Construction of an eight storey building in a Commercial 1 Zone and a Design and Development Overlay (DDO3), use of the land for dwellings, a reduction in car parking requirements, a waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1

File No: FOL/15/590

Author: Principal Statutory Planner

Directorate: City Works & Development

Ward: Buckley

Proposal	• Construction of an eight storey building comprising 57 dwellings and two shops • Use of the land for dwellings • Reduction in shop and visitor car parking requirements • Waiver of loading bay requirements • Alteration of access to a road in a Road Zone, Category 1
Applicant	11 Dimensions Pty Ltd
Owner	Rafina Port Pty Ltd
Planning Scheme Controls	• Commercial 1 Zone • Design and Development Overlay (DDO3) • Road Zone, Category 1
Planning Permit Requirement	Clause 34.01-2 – Use of the land for dwellings Clause 34.01-4 – Construct a building or construct or carry out works Clause 43.02-2 – Construct a building or construct or carry out works Clause 52.06-3 – Reduction in car parking requirements

	Clause 52.07 – Waiver of loading bay requirements Clause 52.29 – Alter access to a road in a Road Zone, Category 1
Car Parking Requirements **(Clause 52.06)**	Required: 78 car spaces Provided: 65 car spaces
Bicycle Requirements	Required: 17 bicycle spaces Provided: 20 bicycle spaces
Restrictive Covenants	None
Easements	None
Site Area	1,078 square metres
Number Of Objections	5
Consultation Meeting	Not applicable

Executive Summary

- The application seeks planning approval for the construction of an eight storey building in a Commercial 1 Zone and a Design and Development Overlay (DDO3), use of the land for dwellings, a reduction in car parking requirements, a waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1.
- The site has an area of 1,078 square metres and is located on the north-eastern side of Mt Alexander Road, Essendon. The site comprises an existing double storey render and brick commercial building.
- The application was advertised and five objections were received. The concerns raised related to lack of car parking, removal of existing car spaces on-site, use of car stackers, traffic management along the service road, traffic impacts on the Mt Alexander Road roundabout, impacts during construction, building height, waiver of loading requirements, using the existing development at 87 Raleigh Street as a precedent, lack of aerodynamic modelling, use of the private laneway to the south for pedestrian access and exhaust fumes from the vertical security grates along the south-east property boundary.
- A Consultation Meeting was not held as less than 10 objections were received by Council.
- Amended plans were lodged with Council on 17 June 2015, under Section 57A of the Planning and Environment Act 1987. The amended plans demonstrate a reduction in the number of dwellings to 57 in lieu of 58; modifications to the ground floor interface with Mt Alexander Road; an increase in the number of car spaces to 65 in lieu of 63; a reduction in the footprint of the tower component, with increased setbacks from all property boundaries; a well recessed seventh floor level; and a reduction in the height of the street wall from six and four levels to three levels. These amended plans were not advertised as the changes were considered to be positive without causing material detriment.
- The application was externally referred to VicRoads, VicTrack and MGS Architects (Urban Design) and was internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit, Strategic Planning Unit, Heritage Advisor, Environmental Sustainable Development (ESD) Officer, Economic Development Unit and Arborist. 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/216/2014 for the construction of an eight storey building in a Commercial 1 Zone and a Design and Development Overlay (DDO3), use of the land for dwellings, a reduction in car parking requirements, a waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1 at No.952-960 Mt Alexander Road, Essendon (Lot 1 TP116038Q & Lot 1 TP116039N), subject to the following conditions:

1. Before the use and development starts, amended plans (three copies) must be submitted 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 elevation plans to correctly correlate with the floor plans, with particular regard to the front podium elevation facing Mt Alexander Road.

   b) Any changes as a result of the ESD report required by Condition 20.

   c) The habitable room windows and/or balconies associated with Dwellings 1.04, 1.05, 2.04 and 2.05 treated/screened in accordance with the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.

   d) The provision of convex traffic mirrors at each bend in the vehicle accessway to allow greater visibility of oncoming vehicles.

   e) The proposed crossover to be 6.0 metres in width at the front building line.

f) The service cupboard doors adjacent to the shared vehicle accessway modified so that they do not encroach or open onto the accessway.

g) The bicycle parking spaces on the nature strip relocated to within the boundaries of the subject site, in a convenient location for visitors to access.

h) The proposed street tree species to be Lophostemon Confertus (Queensland Box).

i) Provision of a 300mm trench grate in front of the basement ramp to prevent inundation of basement parking and storage areas.

j) WSUD details as a result of Conditions 3 and 4.

k) A complete schedule of colours, materials and external finishes.

l) Revised service road access arrangements incorporating VicRoads' Condition 18 (tram separation kerbing) and consideration of Moonee Valley City Council's Mt Alexander Road bicycle improvements, to the satisfaction of Moonee Valley City Council and VicRoads.

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

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

3. Prior to the endorsement of plans under Condition 1 of this permit, an amended and correct STORM Rating Report must be submitted to and approved by the Responsible Authority. The amended STORM Rating Report must achieve a minimum rating of 100%.

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

   The WSUD Details should be appropriate to the proposed stormwater treatment measure (e.g. 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). The Design Details should include but are not limited to:

   a) ROOF CATCHMENT AREA: The extent of the roof catchment area/s that is/are nominated in the STORM or MUSIC report must be graphically shown on the drawings, and must note which WSUD treatment measure each area connects to (i.e. nominate the specific rainwater tank and/or specific raingarden that 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.

Where applicable, any stormwater treatment measures (e.g. 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.

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

   a) Hours of construction;

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

   c) Scaffolding and hoarding for the site;

   d) Allocated areas for loading and unloading;

   e) Site evacuation plan and procedure;

   f) Occupational health and safety policy;

   g) Hazard identification and control;

   h) Environmental management and waste minimisation;

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

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

   k) 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 and Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

6. 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.

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

8. 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.

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

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

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

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

    b) Thereafter be maintained;

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

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

    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.

12. 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.

13. Bicycle parking spaces and access must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible

Authority. All bicycle parking is to be provided in accordance with the Australian Standards.

14. Prior to the commencement of the development, the applicant must provide details of the replacement tree, which is to include:

    a) Method of mulching and mounding;

    b) The species of the replacement planting;

    c) The size of planting and its maturity; and

    d) The location of the replacement planting

    All fees associated with the removal and replacement of the street tree must be borne by the permit/applicant.

VicRoads Conditions

15. All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.

16. The crossover and accessway is to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the works hereby approved.

17. Prior to the occupation of the buildings hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:

    a) Formed to such levels and drained so that they can be used in accordance with the plan.

    b) Treated with an all-weather seal or some other durable surface.

18. Before the buildings occupied by this permit commences the following roadworks must be completed at no cost to and to the satisfaction of the Roads Corporation:

    a) Tram separation kerbing must be installed to the satisfaction of and at no cost to the Roads Corporation. It must extend along the west of the northbound tram tracks, on the north-west leg of the Mt Alexander Rd/ Napier St/ Fletcher St roundabout.

    b) The separation kerbing is to be located within the existing painted traffic island, from the edge of the roundabout to the existing merge point between the northbound through traffic lane of Mt Alexander Road and northbound tram lane.

End VicRoads Conditions

19. Before the use of the land commences, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include, but is not limited to, the following:

    a) A description of the location in the context of alternate modes of transport

and objectives for the Green Travel Plan.

b) Outline Green Travel Plan measures for the development including, but not limited to:

   i) Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;

   ii) Include a minimum of one myki pass (of at least $20 value) and registration information per bedroom for each dwelling within the household welcome pack;

   iii) Bicycle parking and facilities available on the land; and

   iv) Monitoring and review.

c) A plan showing:

   i) The bicycle parking areas to be provided for use by residents.

Once approved the Green Travel Plan must form part of the planning permit and any ongoing Management Plan for the land, to ensure the Green Travel Plan continues to be implemented by residents/owners to the satisfaction of the Responsible Authority.

20. Prior to the commencement of buildings and works, the Environmentally Sustainable Design (ESD) report prepared by 'Low Impact Development (LID) Consulting' and dated 6 June 2014 is to be amended and submitted to the Responsible Authority for approval in accordance with the following:

    a) Changes to the design as per current development plans, referenced within Condition 1.

    b) Details of all openable windows/doors clearly shown on the elevation plans.

    c) Clarification as to whether aluminium single or double glazed windows are to be used.

    d) Glazing to 'battle axe' second bedrooms to comply with the Moreland Higher Density Design Code (Section 3.12 Daylight Access), or the equivalent standard within the Moreland Apartment Design Code.

    e) Clarification as to what hot water units are proposed, with the location and details of these clearly shown on the plans (along with any screening).

    Once approved, the Sustainability Statement is to be implemented and appropriately managed during construction of the proposed building.

21. 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.

22. 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.

23. To the satisfaction of the Responsible Authority goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.

24. The development must be provided with external lighting capable of illuminating access to each vehicle accessway, car parking space and pedestrian walkway. 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. Lighting of car parking facilities is to be in accordance with AS/NZS 1680.2.1:2008.

25. Prior to the commencement of the development an acoustic report prepared by a qualified acoustics expert must be provided to the Responsible Authority and to its satisfaction. This report must detail the noise attenuation measures required to all habitable rooms within the dwellings to ensure minimal impacts from noise sources external to that dwelling. The recommendations of the acoustic report must be implemented prior to the completion of the development.

26. Noise levels emanating from service equipment on the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.

27. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and must be connected to a registered security service.

28. Prior to the commencement of the development, the applicant shall submit an amended Waste Management Plan to the Responsible Authority for approval. The amended Waste Management Plan should reflect the current development plans referenced within Condition 1 and shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.

29. 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.

30. This permit will expire if one of the following circumstances applies:

    a) The development is not commenced within two (2) years from the date of issue of this permit; or

    b) The development is not completed and the use is not commenced within four (4) years from 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.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- 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, tc=5mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or C=0.80.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- Prior to the commencement of any buildings and works, separate approval must be obtained from the Moonee Valley City Council in relation to the proposed street tree(s). Please contact Council on 9243 8888 to speak with Council's Arborist.
- 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.
- Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works will include provision of:

  • Tram separation kerbing on the north-west leg of the Mt Alexander Rd/ Napier St/ Fletcher St roundabout.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the north-eastern side of Mt Alexander Road, Essendon. The site is irregular in shape with a frontage to Mt Alexander Road (service road) of 39.16 metres and a maximum depth of 34.32 metres resulting in a total area of approximately 1,078m^2.

The land has an approximate 2.1 metre fall from the north of the site to the south.

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

The site comprises a double storey render and brick commercial building. The existing building has no front setback to Mt Alexander Road (service road). Vehicle access is obtained from existing crossovers located to the north-west and south-west of the site along Mt Alexander Road (service road). There is no significant landscaping or vegetation on the subject site. There is one street tree located at the front of the site.

Figure 2 – Subject site (No.952-960 Mt Alexander Road, Essendon)

The surrounding area is comprised of predominantly commercial zoned land used and developed for commercial and residential purposes. The subject site is located within the Essendon Junction Neighbourhood Activity Centre, directly abuts an arterial road (Mt Alexander Road), is directly opposite the Essendon Railway Station carpark (VicTrack land) and adjoins the No.59 tram route. The site is also located within close proximity of numerous bus routes, local businesses and schools. The built form within the vicinity is predominantly single and double storey, with numerous examples of multi-storey mixed use and residential developments evident nearby. While the built form found within the

immediate vicinity predominantly comprises of brick or render external finishes, the broader area is very much eclectic with an emergence of new and contemporary developments nearby.

1.2 Proposal

It is proposed to construct an eight storey building in a Commercial 1 Zone and a Design and Development Overlay (DDO3), use the land for dwellings, with a reduction in car parking requirements, a waiver of loading bay requirements and alter access to a road in a Road Zone, Category 1. The proposal can be summarised as follows:

Table 1

Shop area (total)	259.2 square metres
No. of dwellings	57 (41 x 2 bedrooms and 16 x 1 bedroom)
No. of car spaces	65 (57 resident spaces, 5 shop spaces and 3 visitor spaces)
No. of bicycle spaces	20 (14 resident spaces and 6 visitor spaces)
Max. building height	26.99 metres
Site coverage	100%
Permeability	0%

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

It is noted that these plans were lodged with Council on 17 June 2015 under Section 57A of the Planning and Environment Act 1987. These amended plans demonstrate a reduction in the number of dwellings to 57 in lieu of 58; modifications to the ground floor interface with Mt Alexander Road; an increase in the number of car spaces to 65 in lieu of 63; a reduction in the footprint of the tower component, with increased setbacks from all property boundaries; a well recessed seventh floor level; and a reduction in the height of the street wall from six and four levels to three levels. These amended plans address concerns raised by Council and were not advertised as the changes were considered to be positive without causing material detriment.

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

2. Background

2.1 Relevant Planning History

No relevant planning history has been identified for the land.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 11 Settlement

Clause 15 Built Environment and Heritage

Clause 16 Housing

Clause 17	Economic Development

Local Planning Policy Framework

Clause 21.01	Municipal Profile
Clause 21.02	Key Issues and Influences
Clause 21.03	Vision
Clause 21.04	Sustainable Environment
Clause 21.05	Housing
Clause 21.06	Built Environment
Clause 21.07	Activity Centres
Clause 21.08	Economic Development
Clause 22.03	Stormwater Management (Water Sensitive Urban Design)

Zoning

Clause 34.01	Commercial 1 Zone

Overlays

Clause 43.02	Design and Development Overlay Schedule 3 (DDO3)

Particular and General Provisions

Clause 52.06	Car Parking
Clause 52.07	Loading and Unloading of Vehicles
Clause 52.29	Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
Clause 52.34	Bicycle Facilities
Clause 52.35	Urban Context Report and Design Response For Residential Development of Five or More Storeys
Clause 65	Decision Guidelines

2.3 Referrals

External

- VicRoads (Section 57A Plans)

  No objection subject to the following conditions:

  - All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.
  - The crossover and accessway is to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the works hereby approved.

- Prior to the occupation of the buildings hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
    - Formed to such levels and drained so that they can be used in accordance with the plan.
    - Treated with an all-weather seal or some other durable surface.
- Before the buildings occupied by this permit commences the following roadworks must be completed at no cost to and to the satisfaction of the Roads Corporation:
    - Tram separation kerbing must be installed to the satisfaction of and at no cost to the Roads Corporation. It must extend along the west of the northbound tram tracks, on the north-west leg of the Mt Alexander Rd/ Napier St/ Fletcher St roundabout.
    - The separation kerbing is to be located within the existing painted traffic island, from the edge of the roundabout to the existing merge point between the northbound through traffic lane of Mt Alexander Road and northbound tram lane.

Notes

- Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works will include provision of:
    - Tram separation kerbing on the north-west leg of the Mt Alexander Rd/ Napier St/ Fletcher St roundabout.

- VicTrack (Advertised Plans)

  No objection.

- MGS Architects (Advertised Plans)

  "Given the strategic location of the site and its context I have no concerns in principle with the proposed heights.

  The major concern of the proposal is the development's proposed interface on its eastern boundary. Any development should provide equitable access to outlook and sunlight and development potential on adjacent sites."

  Planner's comments

  It is noted that the above comments were based on the advertised plans and the applicant has since lodged amended plans under Section 57A of the Planning and Environment Act 1987 that address the concern with the eastern interface. In particular, the upper podium level (second floor level) and tower component provide increased setbacks from the eastern property boundary, allowing for equitable development opportunities and improved outlook and access to sunlight for these eastern properties.

Internal

- Engineering Services Unit (Advertised Plans)

  No objection subject to standard drainage conditions.

  No objection to the Waste Management Plan.

- Traffic and Transportation Unit (Section 57A Plans)

  No objection subject to the following conditions:

  Access

  - Revise the internal ramp to ensure that simultaneous two-way passing can be achieved, with the provision of swept paths demonstrating this.

    Planner's comments: Simultaneous two-way passing along the entire length of the ramp/accessway will be difficult to achieve and is not warranted for a private development of this scale. There are a number of straight sections along the length of this ramp/accessway which allow ample opportunities for vehicles to pass each other safely. It is considered that the provision of convex traffic mirrors at each bend in the ramp will allow greater visibility of oncoming vehicles and the efficient passing of such vehicles accordingly. This is to be included as a condition on any permit granted.

  - Provide detail regarding the services that will be kept in the cupboards that have doors opening into the accessway at the car park entrance. If these cupboard are to be used frequently, then revise to include either roller or sliding doors that do not open onto the accessway.

  - Reduce the proposed crossover to 6.0m at the building line.

  Car Spaces

  - Ensure that all car space widths are in accordance with the planning scheme. The widths must be increased to a minimum of 2.6m (with an accessway width of 6.4m) in accordance with the planning scheme.

    Planner's comments: It is noted that car stackers typically adopt 2.4m wide platforms in accordance with AS2890.1-2004, and such dimensions are acceptable under Clause 52.06-8 (Design Standards for Car Parking). This ensures the greatest level of efficiency for on-site car parking and acceptable ingress and egress to all car parking spaces. An increase in the width of all car stacker platforms to 2.6m could result in a net loss of on-site car parking spaces, which is not considered to be an acceptable outcome in this instance.

  - Ensure car parking facilities are well lit and comply with AS 1680.2.1.

  Traffic

  - Revise proposed service road and Mt Alexander Road intersection and access arrangement, and obtain a letter from VicRoads consenting to access arrangements.

  - Provide SIDRA assessment of the Mt Alexander Road roundabout and access point to demonstrate there will not be adverse impact to the local area.

Planner's comments: VicRoads has no objection to the proposal, subject to the inclusion of conditions on any permit granted, which is considered acceptable. As VicRoads has no objection to the proposal, subject to conditions, a SIDRA assessment is considered to be an unnecessary requirement in this instance.

Loading Zone

- All loading to occur before 7.00am.

  Planner's comments: While it is acknowledged that loading and on-street parking may be difficult during certain hours of the day, and certain days of the week, restricting loading times to an 'as-of-right' use would impact on the operation of these shop tenancies. As each shop use establishes itself on site, they would naturally be able to work out appropriate loading times that allow for the efficient transfer of goods to and from their business. A loading time restriction would also be difficult to enforce and is therefore not considered appropriate in this instance.

Bicycle Parking

- The proposed bicycle parking spaces on the nature strip relocated on site.
- Ensure all bicycle parking is provided in accordance with the Australian Standards.

Waste Management

- Provide detail of the largest loading/refuse vehicles proposed to use the site and provide swept paths demonstrating comfortable ingress and egress of service vehicles from the site (in a forwards direction).
- Detail where the vehicle is proposed to park while collecting waste.

  Planner's comments: The Waste Management Plan has been reviewed and is considered adequate.

Green Travel Plan

- A Green Travel Plan must be submitted to Council for review.

Notes

- Residents and traders of the proposed development will not be entitled to parking permits.

- Strategic Planning Unit (Advertised Plans)

  "There is no dispute that this site is appropriate for some form of higher built form, this is supported by Council's adopted strategies including the Mt Alexander Road Corridor Urban Design Guidelines 2010 and the Moonee Valley Housing Strategy. The proposed nature of the development with commercial at ground floor and residential above is supported in this location, as is the mix of apartment sizes proposed within the development.

  However, the non-compliance with the DDO3 in terms of building height and setbacks is a concern. To a lesser extent there is also a concern regarding

whether adequate consideration has been given as to the heritage interface to the south of the site.

Given the significant nature of this building and its non-compliance with the DDO3, it would be strongly recommended that urban design advice be sought in relation to this proposal."

Planner's comments

It is noted that external urban design advice was provided by MGS Architects, as outlined above. While this urban design advice supported the height of the proposed building, there were concerns with regard to setbacks from the eastern property boundary, which the applicant has since addressed in amended plans lodged under Section 57A of the Planning and Environment Act 1987.

- Heritage Advisor (Advertised Plans)

  No objection subject to the following conditions:

- Submit site sections and a view line diagram taken from the East side of Napier Street. The view line starts at 1650mm eye level and touches the parapets of 3 to 17 Napier Street and then will show how visible the proposed building is from this location. A view line diagram from the middle of Napier Street can also be submitted.
- Following the examination of the view line, a decision can be made on the height of the proposed building (5 storeys or less).
- Provide a full materials and colour board.

  Planner's comments

  It is noted that the above comments were based on the advertised plans and the applicant has since lodged amended plans under Section 57A of the Planning and Environment Act 1987 that address visual impacts with regard to height, bulk and massing. The podium height along the property frontage has been reduced from six and four levels to three levels so that it neatly ties in with the parapet height of the existing heritage building to the south-east. The overall building footprint and mass of the tower component has been modified and reduced, with increased setbacks from the heritage buildings to the south-east in order to enhance separation and provide additional visual relief. This provides an acceptable relationship with the existing heritage buildings to the south-east, acknowledging that the site is also an appropriate location for higher density development under the DDO3 and draft Essendon Junction Activity Centre Structure Plan.

- ESD Officer (Advertised Plans)

  No objection subject to increased setbacks from adjoining properties to allow for equitable development opportunities to these properties, and the inclusion of ESD notations and conditions on any permit granted.

  Planner's comments

  It is noted that the above comments were based on the advertised plans and the applicant has since lodged amended plans under Section 57A of

the Planning and Environment Act 1987 that address equitable development concerns for adjoining properties. In particular, the upper podium level (second floor level) and tower component provide increased setbacks from adjoining properties, allowing for equitable development opportunities and improved outlook and access to sunlight.

- Economic Development (Advertised Plans)

  No comments.

- Arborist (Advertised Plans)

  No objection subject to the proposed street tree species being Lophostemon Confertus (Queensland Box).

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, five (5) objections were received from the properties contained within **Appendix A** of this report.

A response to the objections is provided in Section 3.10 of this report.

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 the Essendon Junction Neighbourhood Activity Centre, an 'Urban Renewal Area' under *Plan Melbourne: Metropolitan Planning Strategy*, and is located on the Principal Public Transport Network. The subject site directly abuts the No.59 tram route and is located approximately 230 metres to the north-east of the Essendon Railway Station and associated bus transport interchange. The subject site is also located within close proximity of numerous local businesses, schools and communal facilities. The location of the subject site is considered to lend support for a more intensive form of residential and commercial development.

Clause 15.01-2 of the State Planning Policy Framework (Urban Design Principles) provides the main assessment tool for residential development of five or more storeys in height. It is considered that the proposal complies with the objectives and strategies as contained within the design principles of Clause 15.01-2. It should be noted that the majority of these design principles are further expanded under the design elements contained within Clause 21.06-4 (Urban Design), which will be discussed later within this report. Elements that are not specifically covered within Clause 21.06-4 are discussed as follows:

Landmarks, Views and Vistas

There are no significant monuments, landmarks or vistas in the vicinity of the site that have been identified within the Moonee Valley Planning Scheme as requiring specific protection. However, the proposed building would not significantly obscure or impact on views along the Mt Alexander Road corridor due to its elliptical tower design, good setbacks from all property boundaries above the podium component and well-recessed upper floor level. It is considered that the proposed building would enhance views and vistas along Mt Alexander Road through high quality contemporary urban design.

Heritage

The site is not subject to a Heritage Overlay. There are a number of heritage properties located to the south-east of the site, however the proposed development is contemporary in design and would not detract from the heritage character of these properties. The proposed development does not mimic any existing heritage characteristics found within the immediate vicinity, which is in accordance with the provisions of the Burra Charter 1999. It is noted that the podium height along the property frontage has been reduced from six and four levels to three levels so that it respects the parapet height of the existing heritage building directly to the south-east. The overall building footprint and mass of the tower component has also been modified and reduced, with increased setbacks from the heritage buildings to the south-east, in order to enhance separation and provide additional visual relief. This provides an acceptable relationship with the existing heritage buildings to the south-east, acknowledging that the site is also an appropriate location for higher density development under the DDO3 and draft Essendon Junction Activity Centre Structure Plan.

With regard to Clause 16.01-3, the subject site is considered to be a 'strategic redevelopment site' as it abuts a tram route that forms part of the Principal Public Transport Network and is located within an employment corridor. The subject site is also located within close proximity of Essendon Railway Station, a major modal public transport interchange. The proposal contributes to the objective of Clause 16.01-4 (Housing Diversity) by providing a mix of dwelling sizes in various configurations, which will cater for the increasingly diverse needs of future residents.

Overall it is submitted that the proposal remains consistent with, and is supported by, relevant State Planning Policies.

3.2 Local Planning Policy Framework (LPPF)

The proposal complies with Clause 21.04 (Sustainable Environment) through the use of ecologically sustainable design principles. It is noted that the proposed development includes a 14,000 litre rainwater tank and all dwellings will need to meet the minimum six star energy efficiency rating as required by the National Construction Code (NCC), which is considered suitable. As mentioned earlier, Council's ESD Officer recommended the inclusion of conditions relating to the submitted ESD Report and these are to be included on any permit granted accordingly.

The proposed development also accords with the objectives of Clause 21.04-7 (Waste) as it integrates waste management and recycling facilities in order to achieve best practice in waste minimisation and recycling. The submitted waste

management plan will be endorsed through conditions on any permit granted accordingly, as referenced in Section 2.3 of this report.

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

Clause 21.06-4 (Urban Design) sets out the urban design and built form objectives and policies for residential development of five or more storeys. To assist with the assessment are the 'Guidelines for Higher Density Residential Development' (Department of Sustainability and Environment 2004) and the 'City of Moonee Valley Design Guidelines for Multistorey Residential Buildings' (2003). A number of the policies and guidelines appear to overlap and therefore the key concepts of the documents have been grouped together to provide a more consolidated assessment against the key criteria identified across all documents. The following discussion is provided:

Context and Building Design / Urban Context

A description of the proposal has been provided within this report, along with the accompanying documentation, which accurately details the context of the site. The design response is considered to be appropriate given the size and location of the site with good access to a range of services including public transport, schools and numerous recreational and communal facilities.

The proposed design is contemporary and responds well to the site's location and context through the provision of architectural elements and an acceptable combination of materials. It is generally considered that an appropriate degree of visual interest and design articulation has been provided, with an adequate transition of built form to adjoining properties noting that the draft Essendon Junction Structure Plan allows for heights of six storeys in this location.

Streetscape and Urban Design / Street Pattern and Street-Edge Quality

The front façade would make a positive contribution to Mt Alexander Road and help integrate the development with the street and assist to enhance the experience for pedestrians. The inclusion of ground floor retail premises and a residential lobby area provides for an active frontage at the street level, which is consistent with the design objectives of the policy. It is also noted that there would be a significant increase in fenestration, passive surveillance and public safety to the site as a result of the proposed development. The incorporation of balconies at the upper floor levels provides appropriate articulation of the building façade and maximises opportunities for visibility and passive surveillance. In addition to this, all vehicle and pedestrian entries are well defined and clearly identifiable from the public realm.

Car parking for the development is proposed to be contained at the rear of the site and within the basement level with a single access point from Mt Alexander Road (service road). It is considered that the provision of a vehicle accessway utilising the existing crossover to the south-west of the site along Mt Alexander Road (service road) can be comfortably absorbed along this streetscape. The provision of a suitable vehicle access/security door will also obscure views of the car parking area, allowing the articulated built form to be the main focal point of

the proposed development. Therefore, car parking would be adequately concealed from Mt Alexander Road, allowing the proposed development to address the streetscape with a more active frontage.

Setbacks and Site Coverage / Building Envelope

The objectives for this design element seek to ensure that the siting of new development responds to the context of the site and does not adversely affect the preferred neighbourhood character, including off-site amenity impacts. The proposed site coverage and setbacks are considered to be acceptable to the commercial setting of the site and the requirements of the DDO3 and draft Essendon Junction Structure Plan, as discussed within Sections 3.4 and 3.5 of this report.

While the three storey podium is built up to all property boundaries, with the second floor level set back 1.5-2.0 metres from the eastern property boundary, this provides an acceptable response to the opportunities and constraints of the site, including zoning and overlay requirements. In particular, a 3-4 storey street wall is acceptable under the DDO3 and draft Essendon Junction Structure Plan, an existing double storey brick wall already extends along the northern property boundary and a laneway exists to the south providing a buffer between the site and existing buildings to the south.

The design response to recess the tower component from all property boundaries helps reduce potential visual bulk/mass issues while minimising amenity impacts on adjoining properties and allowing for equitable development opportunities.

The proposed development has a site coverage of 100%, which is considered acceptable to a site within a Commercial 1 Zone. This is also considered acceptable given the extent of properties with a high level of site coverage within the Essendon commercial precinct.

Building Height and Silhouette

The 'Guidelines for Higher Density Residential Development' note that appropriate building height is derived from the local context, street conditions and character objectives for an area.

As highlighted earlier, the subject site is located within an employment corridor on the Principal Public Transport Network and is considered to be a 'strategic redevelopment site' under Clause 16.01-3 (Strategic Redevelopment Sites). Such locations encourage more intensive forms of development to take advantage of existing infrastructure and services.

The DDO3 and draft Essendon Junction Structure Plan provide guidance on heights for the subject site, as discussed in detail within Sections 3.4 and 3.5 of this report. It is also noted that external urban design advice supports the height of the proposed development as discussed within Section 2.3 of this report. Therefore, the proposed height and silhouette of the building meets the objectives of this design element and is considered appropriate in this instance.

Internal Circulation, Space and Building Adaptability / Circulation and Services

The development achieves an acceptable degree of internal amenity and provides for comfortable living environments with adequate internal living spaces to meet the needs of future occupants.

The entry point to the building will be identifiable from within the basement car parking level, with a centrally located lift and stairwell access to the upper levels. A separate pedestrian access point, in the form of a residential lobby, is provided along the Mt Alexander Road frontage. The combination of lift and stair access in conjunction with a lobby/foyer area at the front entrance will allow for ease of movement, including the movement of furniture, emergency access and escape.

The development generally provides an adequate and efficiently designed parking layout that will ensure safe vehicle movements. As discussed within Section 2.3 of this report, Council's Traffic and Transportation Unit has no objection to the proposal subject to the inclusion of conditions on any permit granted. This is generally considered acceptable as discussed in detail within Section 2.3 of this report.

In terms of storage space, all dwellings have been provided with $6m^3$ of storage space either at ground floor level, within the basement car parking level or the basement mezzanine level. This proposed storage arrangement is considered adequate to cater for the storage needs of dwellings within a residential building that do not rely on private garden areas for open space.

Provision for waste storage is included at ground floor level by way of a common bin storage area for all residents and the occupiers of retail tenancy 2. Retail tenancy 1 has provision for its own separate bin storage area. Council's Engineering Services Unit has no objection to the waste management plan as outlined within Section 2.3 of this report. However, the waste management plan will need to be updated to reflect the amended plans submitted under Section 57A of the Planning and Environment Act 1987, and this is to be included as a condition on any permit granted.

<u>On-Site Amenity and Liveability / Building Layout and Design</u>

The proposal has been designed to accommodate a range of dwelling sizes and types, including different layouts and orientations. This will cater to the needs and preferences of a range of different people.

In a general sense, the layout of each dwelling provides an appropriate level of amenity for future occupants. Residents will be afforded with generous sized open plan living opportunities, with good fenestration and access to daylight. It is noted that all habitable rooms (living areas and bedrooms) have direct access to daylight, which is considered to be a good design outcome allowing for a high level of internal amenity for each dwelling.

Each dwelling is provided with a private balcony area of at least $8m^2$, which is considered acceptable.

The proposed development has been designed to limit internal overlooking to lower-level dwellings directly below and within the same development, where possible. While there is some minor internal overlooking potential, this would not significantly or detrimentally impact on the amenity of any future occupants as they would be aware of this upon inspecting/purchasing a dwelling. Therefore, the proposal is considered acceptable in this instance.

The proposed development is to minimise the transmission of noise within the development through the inclusion of suitable conditions on any permit granted.

Off-Site Amenity

There would not be any significant overlooking potential to existing dwellings from the proposed development, with the exception of overlooking from Dwellings 1.04, 1.05, 2.04 and 2.05 into the existing secluded private open space area of No.39 Napier Street to the north-east. While ResCode is not applicable in this instance, it is noted that the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme provide a useful guide to assess overlooking potential. In particular, the balcony areas for Dwellings 1.04, 1.05, 2.04 and 2.05 should be treated/screened in accordance with the requirements of Clause 55.04-6 (Overlooking) and this is to be a condition on any permit granted. Therefore, subject to this condition, the proposed development is considered acceptable.

The proposed development does not cause additional overshadowing to any adjoining secluded private open space areas due to the location/orientation of the site and proposed design response. This is in accordance with the requirements of Clause 55.04-5 (Overshadowing) of the Moonee Valley Planning Scheme.

The proposed development would minimise the transmission of noise to adjoining properties through the inclusion of suitable conditions on any permit granted.

Therefore, subject to appropriate overlooking and noise conditions on any permit granted, the proposal is considered to comply with this design element.

Parking, Traffic and Access

See comments provided by VicRoads and Council's Traffic and Transportation Unit within Section 2.3 of this report in addition to 'Clause 52.06 (Car Parking)' within Section 3.6 of this report.

Landscaping and Fencing / Open Space and Landscape Design

The subject site currently has limited permeability and does not contain any significant landscaping or vegetation. The proposed development would have 100% site coverage, which is considered acceptable to a site within a Commercial 1 Zone and Activity Centre area. However, there is provision for some landscaping opportunities at the front of the site addressing Mt Alexander Road, including the provision of a new street tree, which is considered suitable to the streetscape and would help soften the overall built form. Planting details of the proposed street tree are to be submitted to Council, and this is to be a condition on any permit granted.

Environmental Sustainability

Given the type of development and the intensive use of the site for a multi-level, multi-dwelling development, there are quite a number of inherent energy efficient design principles used in this project. These include the sharing of floors, walls and ceilings, which assist in the prevention of excessive heat gain and loss. This sharing of floors, walls and ceilings also makes efficient use of resources and building materials.

An updated waste management plan is to be submitted to Council, as discussed earlier, to ensure adequate provision for waste storage on-site and this is to be a condition on any permit granted.

The proposed development has incorporated many Environmentally Sustainable Design initiatives, including the provision of a 14,000 litre rainwater tank in the

basement for the re-use of stormwater within the development. Furthermore, all habitable living areas and bedrooms would have windows with direct access to daylight.

Lastly, it is noted that the location of the subject site offers a number of benefits, namely access to public transport, the city and other local services/facilities. Each of these factors reduce the need for additional housing on the fringes of the metropolitan area and make efficient use of existing infrastructure and services, reducing travel time/costs and thereby environmental impacts.

Service Infrastructure

The proposed infill development would utilise existing infrastructure and services available on site and within the surrounding area. This is considered to be an efficient and appropriate use of available resources. Furthermore, Council's Engineering Services Unit has no objections to the proposal subject to the inclusion of standard drainage conditions on any permit granted.

Clause 21.07 (Activity Centres) is applicable in this instance and builds on the objectives and strategies of the State Planning Policies, in particular Clause 11 (Settlement). The subject site is located within the Essendon Junction Activity Centre, which is an 'Urban Renewal Area' as identified in *Plan Melbourne*. The proposed mixed-use development continues to promote commercial and residential growth within this area. The draft Essendon Junction Structure Plan has been considered in the design and assessment of the proposed development, to which there is a high degree of compliance. While the proposed building height for the subject site exceeds the building height nominated within Precinct 3 (Core), this is considered acceptable in this instance as discussed in detail within this report.

With regard to Clause 21.08 (Economic Development), it is considered that the proposed development would contribute to and enhance the Essendon Junction Activity Centre in terms of employment and business. It is noted that the proposed shops are 'as-of-right' uses within the Commercial 1 Zone, as discussed within Section 3.3 of this report. The proposed development is considered acceptable accordingly.

The proposal generally 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. However, an updated STORM Rating Report is required to correlate with the amended plans submitted under Section 57A of the Planning and Environment Act 1987. Council's ESD Officer also recommended the inclusion of notations on the plans to correlate with the STORM Rating Report, and these are to be included as conditions on any permit granted accordingly.

3.3 Compliance with Clause 34.01 (Commercial 1 Zone)

It is considered that the use of the land for dwellings is acceptable within a Commercial 1 Zone. While the residential frontage at ground floor level exceeds 2.0 metres in width, thereby requiring a planning permit, the 2.80 metre wide residential entrance is considered acceptable as it still allows adequate street activation and integration for the proposed shops. It is noted that the proposed

shops are 'as-of-right' uses within the Commercial 1 Zone. The proposed dwelling and shop uses are in accordance with the objectives of State and Local Planning Policies within the Moonee Valley Planning Scheme, as discussed within Sections 3.1 and 3.2 of this report.

The proposed development requires a permit under Clause 34.01-4 (Buildings and Works). As discussed within Section 3.2 of this report, the proposal is considered to be a good design outcome for the site and surrounding area.

3.4 Compliance with Clause 43.02 (Schedule 3 to the Design and Development Overlay)

The subject site is located within Precinct D of the Design and Development Overlay Schedule 3 (DDO3).

Table 2

	DDO3-D	Proposed
Preferred maximum height	18 metres	26.99 metres
Front setback (up to 8 metres in height)	0 metres	0-2.35 metres (up to 10.53 metres)
Front setback (above 8 metres in height)	2 metres, plus 0.7 metres for every metre of height above 11.5 metres	2.0-11.70 metres (above 10.53 metres in height)

The maximum height of the proposed development is 26.99 metres, which exceeds the preferred maximum height of 18 metres under Precinct D of the DDO3. However, the additional height is considered to be an acceptable urban design outcome in this particular instance for the following reasons:

- The draft Essendon Junction Structure Plan allows for a higher level of built form (six storeys in lieu of five storeys) for the subject site and adjoining properties, as discussed in detail within Section 3.5 of this report.
- The generous setbacks and design of the elliptical tower component mitigate any potential visual impacts on the streetscape and surrounding properties.
- The uppermost floor level is set back 5-6 metres from all property boundaries and provides a well recessed 'cap' to the building that would not cause any significant visual impacts to the site or surrounding area.
- The subject site is a relatively large site within the Essendon commercial precinct, is located on the Principal Public Transport Network and is directly opposite the Essendon Railway Station carpark (VicTrack land) which is earmarked for a higher level of built form (12 storeys). Therefore, it is considered that the subject site can comfortably absorb a larger built form.
- The location and context of the site means that the proposed development can help provide an identifiable landmark building to the Essendon Junction Activity Centre from Mt Alexander Road.

- The proposed building height is supported through external urban design advice, as discussed within Section 2.3 of this report.

The front setback of 0-2.35 metres up to a height of 10.53 metres exceeds the 8 metre height requirement under the DDO3, but is less than the 4 storey street wall nominated within the draft Essendon Junction Structure Plan. Therefore, it is considered that the proposed three storey street wall up to a height of 10.53 metres, with minimal front setback, finds a suitable compromise between the requirements of the DDO3 and draft Essendon Junction Structure Plan.

The front setback of 2.0-11.70 metres for the elliptical tower component, above a height of 10.53 metres, does not meet the setback requirements of the DDO3 or the 5.0 metre setback nominated within the draft Essendon Junction Structure Plan. However, the 2.0-11.70 metre setback for the elliptical tower component provides a balance between the requirements of the DDO3 and draft Essendon Junction Structure Plan. This is considered to meet the intent of both front setback requirements, providing for a podium up to the street with a recessed tower above, while also allowing for an interesting building design on an irregular shaped site.

There are no relevant side or rear setback requirements under Precinct D of the DDO3.

3.5 Compliance with the draft Essendon Junction Structure Plan

The subject site is located within Precinct 3 (Core) of the draft Essendon Junction Structure Plan. While the proposed eight storey building height exceeds the nominated six storeys, the three storey podium height is less than the nominated four storeys under this draft structure plan. This is largely in response to urban design referral comments as outlined within Section 2.3 of this report. It is noted that the lower podium height respects and complements the height of existing buildings to the south-east and north-west of the site, thereby providing a positive design response to the existing streetscape character along this section of Mt Alexander Road. The proposed eight storeys, with a well recessed upper floor level, in a typically elliptical tower form responds to the opportunities and constraints of the site while providing a high quality architectural design that would contribute to the character of the area. Importantly, the additional height would not significantly obscure or impact on views along the Mt Alexander Road corridor while also minimising visual impacts on adjoining properties and heritage buildings through appropriate upper floor setbacks. Furthermore, the additional height above six storeys would not cause any significant or material detriment on the amenity of surrounding properties given the orientation, setbacks and design of the proposed building.

While the draft structure plan nominates a 5m minimum street setback above the four storey street wall, the proposed tower component provides a street setback ranging from 2m to 11.7m due to its elliptical design. This is considered to meet the intent of the street setback requirements for upper floor levels, while also allowing for an interesting building design on an irregular shaped site. Given the location and context of the site, these upper floor street setbacks are considered appropriate in achieving a balanced outcome that is suitable to the site and surrounding area. Therefore, the proposed development and design response is considered acceptable in this instance.

3.6 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
57 Dwellings (41 x 2 bedrooms and 16 x 1 bedroom)	57	57
Shops (259.2m^2)	10	5
Residential visitors	11	3
Total	78	65

As discussed under Section 2.3 of this report, Council's Traffic and Transportation Unit have no objection to the proposed development, subject to the inclusion of conditions on any permit granted.

With regard to the reduction in shop and visitor car parking requirements, the subject site directly abuts the No.59 tram route and is within easy walking distance from the Essendon Railway Station and associated bus interchange. The proposed development also provides for 20 bicycle spaces which can be utilised by shoppers and visitors to the proposed development. It is also noted that there are numerous on-street car spaces available nearby that can be utilised by both shoppers and visitors, with a substantial increase in capacity for residential visitors outside of business trading hours. Such measures would all help offset the shop and visitor car parking spaces not being provided for on-site.

With regard to traffic generation, the proposed development is expected to generate approximately 30 vehicle trips per peak hour and up to 298 vehicle trips over an entire day (as per the advertised plans). Traffix Group are satisfied that this level of traffic is unlikely to cause any significant impacts to the existing road network and can be easily and safely accommodated. It is also noted that VicRoads has no objection to the proposed development, subject to the inclusion of conditions on any permit granted as outlined within Section 2.3 of this report.

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.

3.7 Compliance with Clause 52.07 (Loading and Unloading of Vehicles)

Clause 52.07 triggers loading and unloading requirements for the shops within the proposed development. The proposed shops are relatively small and it is generally accepted that deliveries to shops of this scale are delivered by a van or car. Such vehicles would utilise on-street car parking, or nearby loading zones, for short periods of time to drop off goods. Council's Traffic and Transportation Unit have no objection to this arrangement, subject to all loading occurring before 7am. However, restricting loading times to an 'as-of-right' use would impact on the operation of these shop tenancies. It is considered that as each shop use establishes itself on site, they would naturally be able to work out appropriate loading times that allow for the efficient transfer of goods to and from their business. A loading time restriction would also be difficult to enforce and is therefore not considered appropriate in this instance. In addition to this, it is noted

that VCAT commonly waive loading and unloading requirements for small commercial premises similar to that contained within the proposed development.

In light of the above, it is considered appropriate to waive the loading bay requirements in this instance.

3.8 Compliance with Clause 52.29 (Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road)

A planning permit is required to create or alter access to a road in a Road Zone, Category 1. As this planning application proposes to alter access to Mt Alexander Road (service road), which is a Category 1 Road Zone, the application was referred to the Roads Corporation (VicRoads) under Section 55 of the Planning and Environment Act 1987. As discussed within Section 2.3 of this report, VicRoads has no objections to the proposed development subject to the inclusion of conditions and notes on any permit granted. This is considered acceptable.

3.9 Compliance with Clause 52.34 (Bicycle Facilities)

The proposal includes bicycle spaces, as set out in the table below:

Table 4

Unit	Requires	Provides
57 Dwellings	11	14
Residential visitors	6	6
Shop employees	0	0
Shop visitors	0	0
Total	17	20

As demonstrated in the table above, the proposed development complies with the requirements of this clause.

3.10 Objections

Table 5

Issue	Officer Response
Car parking and traffic issues	This is considered acceptable, subject to the inclusion of conditions on any permit granted, as discussed within Sections 2.3 and 3.6 of this report.
Building height	This is considered acceptable as discussed within Sections 3.1, 3.2, 3.4 and 3.5 of this report.
Waiver of loading requirements	This is considered acceptable as discussed within Section 3.7 of this report.
Construction impacts on surrounding properties	A Construction Management Plan will be required as a condition on any permit granted in order to minimise potential construction impacts on surrounding properties.
Using the existing development at 87	This is not a valid planning consideration as each proposal is considered on its own merits and its

Raleigh Street as a precedent	level of compliance with the Moonee Valley Planning Scheme.
Lack of aerodynamic modelling	The location, size and height of the proposed development is not considered to warrant a wind tunnel assessment, which is typically requested only for much larger developments.
Use of the private laneway to the south for pedestrian access	The proposed development does not propose to utilise this laneway for any form of pedestrian or vehicle access.
Exhaust fumes from the vertical security grates along the south-east property boundary	While it is considered that any exhaust fumes from these grates would be minimal, it is noted that the proposed development will need to comply with the relevant legislation and building regulations with regard to ventilation of car parking areas.

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

Appendices

Appendix A: Objectors
Appendix B: Floor Plans (separately circulated)
Appendix C: Elevation Plans (separately circulated)
Appendix D: Advertised Plans (separately circulated)

Location of Objectors Properties

402/1020 Mt Alexander Road, ESSENDON VIC 3040
111/87-89 Raleigh Street, ESSENDON VIC 3040
212/87-89 Raleigh Street, ESSENDON VIC 3040
103/87-89 Raleigh Street, ESSENDON VIC 3040
942-950 Mt Alexander Road, ESSENDON VIC 3040

9.8 Amendment C154 - Rezoning of 5 Treadwell Road, Niddrie

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

Purpose

The purpose of this report is to advise Council on the outcomes of the Panel hearing and recommendations for Planning Scheme Amendment C154 (5 Treadwell Road, Niddrie).

The report recommends that Council adopt the Amendment as exhibited.

Executive Summary

- Council resolved at its meeting on 16 December 2014 to seek to rezone the land at 5 Treadwell Road. Rezoning the land so that it is consistent with the adjacent Council owned land at 1-3 Treadwell Road, will better enable the sites to be consolidated in the future and a consistent use applied.
- Given the site at 1-3 Treadwell Road is zoned Commercial 1, which is consistent with its location adjacent to an arterial road within the Keilor Road Activity Centre, the zone proposed for 5 Treadwell Road is also a Commercial 1 Zone. Car parking is a Section 2 (permit required) use within the Commercial 1 Zone.
- A Commercial 1 Zone will also allow better opportunities (for Council) to provide community uses in the precinct in the future.
- To facilitate the rezoning of the land Amendment C154 was prepared.
- Amendment C154 was formally exhibited from 19 March until 1 May 2015.
- Throughout the exhibition process one submission was received to Amendment C154. This submission was opposed to the Amendment and requested the Amendment be abandoned. Reasons cited include a lack of transparency and concerns about the adverse impacts on adjoining property owners. Other concerns surrounded the disclosure of relevant documents and possible breaches of legal obligations.
- At the Ordinary Council meeting on 26 May 2015 Council resolved to request the Minister for Planning to appoint a Panel to consider the submission received in relation to Amendment C154.
- A Panel hearing was held on 13 August 2015. Both Council and the submitter presented to the Panel.
- The Panel report dated 10 September 2015 (see **Appendix A**) sets out the key issues considered by the Panel. It concludes that procedural fairness was

achieved and that the Amendment is strategically justified. It includes the recommendation that Amendment C154 be adopted as exhibited.

- Therefore, it is recommended that Council adopt Amendment C154 as exhibited and submit the Amendment to the Minister for Planning for approval.

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) of the Planning and Environment Act 1987, adopt Amendment C154 to the Moonee Valley Planning Scheme as exhibited (see amendment documentation included in **Appendix B** and **Appendix C**).
2. Pursuant to Section 31(1) of the Planning and Environment Act 1987, submit Amendment C154 to the Moonee Valley Planning Scheme to the Minister for Planning for approval.

Background

The property at 5 Treadwell Road, Niddrie was purchased by Council in 2011 with a view to providing additional public car parking spaces to relieve some of the existing demands for parking on the north side of Keilor Road, Niddrie.

At its meeting on the 22 July 2014, Council considered a report into the use of the land at 5 Treadwell Road, Niddrie.

The recommendation of the report required the various land use options be further considered and that a report be provided to Council outlining the future options relating to the property at 5 Treadwell, Road Niddrie.

This may include the use of the site as a car park until the possibility of a library or other public use are explored.

The land at 5 Treadwell Road, Niddrie is currently within the General Residential Zone. Under the General Residential Zone, car parking is a prohibited use (when not in conjunction with another permissible use).

Therefore, to enable the site to be used as a car park, the site will need to be rezoned to an appropriate zone, which enables car parking.

At the Council meeting on 16 December 2014 Council resolved to seek to rezone the land at 5 Treadwell Road.

Rezoning the land to the Commercial 1 Zone would ensure an appropriate and consistent zone applies to the site and the adjacent Council owned land at 1-3 Treadwell Road. This will better enable future site consolidation and a consistent use across the site.

Conditional on the rezoning of the site, Council also resolved on 16 December 2014 to:

1. Explore the possibility to use the existing dwelling for community purposes if feasible. This requires further exploration by Council's Building, Health and Property Services Department.
2. Make a planning permit application for a planning permit to consolidate the titles of 1-5 Treadwell Road, Niddrie.
3. Use the site as a car park until further plans or the possibility of a library or other public use are explored. This will be investigated further by Council's Building, Health and Property Services Department.

On the 19 February 2015, Council received an email from the Department of Environment, Land Water and Planning that it could prepare Amendment C154 without authorisation after 24 February 2015.

Amendment C154 was prepared and formally exhibited from 19 March until 1 May 2015.

Throughout the exhibition process one submission was received to Amendment C154. This submission was opposed to the Amendment and requested the Amendment be abandoned. Reasons cited include a lack of transparency and concerns about the adverse impacts on adjoining property owners. Other concerns surrounded the disclosure of relevant documents and possible breaches of legal obligations.

At the Ordinary Council meeting on 26 May 2015 Council resolved to request the Minister for Planning to appoint a Panel to consider the submission received in relation to Amendment C154.

Discussion

Amendment C154 proposes to rezone 5 Treadwell Road, Niddrie from a General Residential Zone to a Commercial 1 Zone.

The Amendment proposes to update planning Map 7 accordingly (see **Appendix B** for the relevant planning scheme map and **Appendix C** for the Explanatory Report).

Planning Panel Report Moonee Valley Planning Scheme Amendment C154

A Panel hearing was held on 13 August 2015. Both Council and the submitter presented to the Panel.

The Panel report dated 10 September 2015 sets out the key issues considered by the Panel in reaching its conclusions. A copy of the report is provided in **Appendix A** (separately circulated).

The Panel heard the submitter's concerns regarding a lack of transparency, procedural fairness and possible breaches of the Planning and Environment Act 1987.

The submitter contended that Council had failed to supply documents to the Panel which were relied on in its decision making regarding the Amendment. The Panel found that the confidential report withheld from the hearing was not critical in Councils consideration of the Amendment and that natural justice had been observed.

The Panel considered the following other relevant matters during the course of the hearing:

1. Planning context
2. The need for the Amendment

3. Choice of zones
4. Amenity
5. Land purchase process
6. Traffic and parking

In summary the Panel concluded that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework. The Amendment is strategically justified to allow the consolidation of the land as a strategic redevelopment site within an existing activity centre boundary and facilitate investigations for its appropriate long term use and development.

The Panel concludes that the change between the General Residential Zone and Commercial 1 Zone is not so dramatic as to prevent third party appeal rights (including use of the site for a car park) and, as such, issues regarding built form and amenity impacts will be tested through the planning permit application process.

The final recommendation of the Panel is to adopt the Amendment as exhibited.

Council Officers' response

The Panel report has considered all the relevant issues relating to the Amendment and addressed the concerns raised by the submitter. As such the Panel's recommendation to adopt the Amendment as exhibited should be supported by Council.

Consultation

Amendment C154 was formally exhibited from 19 March 2015 until 1 May 2015, with notices in the local papers and government gazette.

Letters were sent to all surrounding property owners and occupiers. Letters were also sent to the Niddrie Traders Association, PTV, VicRoads and Prescribed Ministers.

Only one objecting submission was received. This submission was referred to an independent Planning Panel which heard the submitter's concerns and reached conclusions regarding the Amendment.

A copy of the Panel's report dated 10 September 2015 has been made available to the public and the submitter.

No further consultation or notice of the Amendment is required in accordance with the Planning and Environment Act 1987.

Implications

1. Legislative

The Amendment 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

The Council Plan 2013-2017 contains the following Strategic Objective on p.16 'lift the level of functionality and sustainability of the municipalities' infrastructure'.

A strategy to achieve this objective is 'ensure infrastructure and facilities planning takes into account of major developments and demographic change'.

3. Financial

The cost of finalising the Amendment, including the approval fee will be borne through the Strategic Planning operational budget.

4. Environmental

Any potential environmental impacts resulting from a change in land use or development of the site would be considered through the planning permit application process, with measures proposed to mitigate the impact.

New development on site would be required to incorporate Environmentally Sustainable Design techniques, including Water Sensitive Urban Design.

Conclusion

The property at 5 Treadwell Road is proposed to be better utilised and, in order to do so, should be consolidated into the title of the adjacent Council property at 1-3 Treadwell Road. This will enable a consistent use across the two sites.

Amendment C154 seeks to rezone the land at 5 Treadwell Road to a Commercial 1 Zone so that it is consistent with 1-3 Treadwell Road.

Given the Planning Panel's consideration of issues raised during consultation and its final recommendation in support of the Amendment, it is appropriate for Council to resolve to adopt the Amendment as exhibited and submit it to the Minister for Planning for approval.

Appendices

Appendix A: Appendix A - 12A - Amendment C154 - Rezoning of 5 Treadwell Road, Niddrie (Separately Circulated) (separately circulated)
Appendix B: Appendix B - Amendment C154 - Rezoning of 5 Treadwell Road, Niddrie
Appendix C: Appendix C - 12C - Amendment C154 - Rezoning of 5 Treadwell Road, Niddrie

MOONEE VALLEY PLANNING SCHEME
Airport West
CALDER FWY
IRVING ST
ROSS ST
RD
ST
AV
C1Z
Niddrie
TREADWELL
GRACE
THELMA
DUDLEY ST
KEILOR RD
KEILOR RD
HOFFMANS RD
Essendon
LEGEND
C1Z COMMERCIAL 1 ZONE
Part of Planning Scheme Map 7
AMENDMENT C154
| Planning Mapping Services |
| Planning Information Services |
| Planning |
Department of Environment, Land, Water & Planning
State Government Victoria
001

Planning and Environment Act 1987

MOONEE VALLEY PLANNING SCHEME

AMENDMENT C154

EXPLANATORY REPORT

Who is the planning authority?

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

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

Land affected by the amendment

The amendment applies to the land at 5 Treadwell Road, Niddrie.

What the amendment does

The amendment proposes to rezone 5 Treadwell Road, Niddrie from a General Residential Zone to a Commercial 1 Zone.

The amendment proposes to update Planning Map 7 accordingly.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to enable a greater variety of commercial uses on the Council owned land than is currently possible under the General Residential Zone. This may include a car park in the short term and other public uses in the future.

This follows on from the rezoning of two parcels of land adjacent to the site at numbers 1-3 Treadwell Road as part of Amendment C117, which was gazetted on 10 April 2014.

This will better enable Council to consolidate the three parcels of land in the future to enable an integrated approach to any future use on the land.

The site is located within the Keilor Road Activity Centre and the existing car park at 1-3 Treadwell Road serves the commercial centre of Keilor Road.

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

The amendment implements the objectives of planning in Victoria as outlined in Section 4 of the Planning and Environment Act 1987.

The following objectives are of particular relevance to this amendment:

- 4 (1)(a) to provide for the fair, orderly, economic and sustainable use, and development of the land;
- 4 (1)(f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e)

This amendment will meet these objectives by applying the Commercial 1 Zone to the land, which will enable a greater variety of uses on the land than is allowable through the General Residential Zone.

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

The amendment will have economic benefits by allowing for better activation of land on Treadwell Road in close proximity to the core commercial area of Keilor Road. Having a consistent zone with the adjacent land at 1-3 Treadwell Road will enable Council to consider the consolidation of the three parcels of land in the future. This will create an opportunity for possible community uses on the site in the future.

There are no environmental and social effects as a result of this amendment.

Does the amendment address relevant bushfire risk?

The amendment does not present any bushfire risk as it is outside the bushfire prone area.

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

The amendment complies with *Ministerial Direction – The Form and Content of Planning Schemes.*

The amendment complies with *Minister's Direction 9 – Metropolitan Strategy*

This amendment supports liveable communities and neighbourhoods by helping to create a city of 20-minute neighbourhoods. In particular this rezoning could potentially encourage adequate local services and infrastructure and/or improve local economic opportunities depending on the future use proposed on the site.

The amendment complies with *Minister's Direction 11 – Strategic Assessment of Amendments*. All requirements to be met under the direction have been considered and met in the preparation of the amendment.

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

The amendment supports and builds on the objectives outlined within the State Planning Policy Framework particularly in regards to Settlement, and Economic Development. This includes:

Clause 11.02-3 Structure Planning –The site is within the adopted Keilor Road Activity Centre Structure Plan Boundary. The proposed rezoning will enable commercial greater variety of uses on the land and has the potential to provide for greater local employment and business activity.

Clause 17.01-1 Economic – the rezoning from residential to business proposed as part of this amendment will better enable a variety of business and employment opportunities within the local area, consistent with Clause 17.01-1.

The site is also affected by the Design and Development Overlay, Schedule 7 – Keilor Road Major Activity Centre. Any future buildings and works application for the site will have to consider the relevant design requirements of this overlay such as heights and setbacks.

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

The amendment supports the LPPF including Sustainability and Economic Development. This includes:

Clause 21.03-2 (Sustainability) by enabling a greater range of uses in the Keilor Road Activity Centre.

Clause 21.06-5 (Keilor Road Activity Area) by better accommodating a mixture of land uses in the centre to maximise opportunities for local employment and activity.

Clause 21.07-2 (Employment) any further development on the site will be compatible with the commercial precinct and will have regard to the impact that this will have on adjoining residential areas.

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

The amendment makes proper use of the Victoria Planning Provisions by ensuring the most appropriate zone for a site adjacent to the Commercial 1 Zone which would allow for sites to be consolidated in the future.

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

Relevant agencies were consulted in the preparation of the Keilor Road Activity Centre Structure Plan. Given the nature of this amendment being a single site rezoning outside of a main road, it is not considered necessary to directly consult with agencies at this stage.

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

Given the relatively minor nature of this amendment, it will not have a significant impact on the transport system.

Resource and administrative costs

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

This amendment will have minimal impacts on the resource and administrative costs of the responsible authority.

Where you may inspect this amendment

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

- City of Moonee Valley, Civic Centre, 9 Kellaway Avenue, Moonee Ponds
- Moonee Valley City Council's website www.mvcc.vic.gov.au

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

9.9 Draft Heritage Study 2015

File No: FOL/15/590
Author: Strategic Planner
Directorate: City Works & Development
Ward: Municipal

Purpose

The purpose of this report is to inform Council on the preparation of the draft Heritage Study 2015, and to seek Council's endorsement of this draft study for the purposes of community consultation.

Executive Summary

- The Heritage Gap Study was adopted by Council on 25 November 2014. The Gap Study identifies key areas and precincts that may potentially have heritage significance. Council resolved on 25 November 2014 to proceed with the high priority places and precincts listed in the Heritage Gap Study.
- The draft Heritage Study 2015 is a direct result of this resolution and seeks to undertake a review of the majority of high priority places and precincts identified in the adopted Heritage Gap Study. The Study recommends areas that are appropriate to apply a Heritage Overlay. Prior to finalising the study it is important to consult with the community.
- The draft Heritage Study 2015 is now at a stage whereby it is appropriate to undertake public consultation. This report seeks the endorsement of Council to commence public consultation to affected properties and undertake additional wider media coverage.

Recommendation

That Council endorse the draft Heritage Study 2015 for the purposes of community consultation, as detailed in **Appendix B** and **Appendix C** of this report.

Background

Council adopted the Moonee Valley Heritage Strategy on 7 June 2011. The Heritage Strategy has been developed to identify further work required to continue to protect and manage heritage places within the City of Moonee Valley.

To further an action in the Heritage Strategy, Council undertook a Thematic Environmental History (TEH) of the Moonee Valley municipality. The Moonee Valley Thematic Environmental History, adopted by Council on 18 September 2012, documents how Moonee Valley has developed and how the culture of the area has influenced the natural environment, buildings and structures. The TEH provides a context for undertaking future assessments of heritage places and identifies additional heritage places and themes.

As part of the TEH a number of places of potential cultural significance and historical themes were recommended for further research.

In August 2013 Council engaged Heritage consultants Context Pty Ltd, to undertake a Heritage Gap Study, the Heritage Gap Study provides a comprehensive and coordinated review of existing heritage places, and the identification of new places that may have heritage significance.

The Heritage Gap Study also determines which themes from the TEH are well-represented or well protected in Moonee Valley, and which ones are not. It recommends a prioritised work program for heritage studies in the future. High priority places and precincts include the following:

- Shops, commercial buildings and shopping strips
- Interwar residential buildings and precincts
- Transport-related place including stables
- Industrial places and suburban infrastructure
- Community-use buildings

This draft Heritage Study 2015 undertakes a review of the majority of high priority places and precincts identified in the Heritage Gap Study. The only high priority theme not being pursued in this study is interwar residential. This is because the number of places in this theme are extensive and resource constraints did not allow for this to be included. It is proposed that a study of interwar residential places be the focus of the next heritage study.

Discussion

Councils adopted Heritage Gap Study identifies places that are of potential heritage value under a range of themes. These themes are listed in a prioritised work program that guides which heritage studies should be undertaken in the future. This draft Heritage Study 2015 focuses on four of the high priority themes namely;

Shops, commercial buildings and shopping strips

Shopping strips, particularly in Essendon and near tram and train lines.

Transport-related places (including stables)

These places are not well represented under the Heritage Overlay, and places related to horse racing are perceived to be under threat due to development pressures.

Industrial places and suburban infrastructure

These places are not well represented under the Heritage Overlay.

Community-use buildings

These buildings have been identified because they may have social, cultural or historic significance.

The objective of undertaking the draft Heritage Study 2015 is to determine whether the commercial, transport, industrial and community use places identified warrant the application of Heritage Overlays in the Moonee Valley Planning Scheme.

The draft Heritage Study 2015 contains a background section, together with detailed analysis in the form of citations for buildings and places.

Specifically it includes the following two sections;

- Background Report **Appendix B** – (separately circulated)
- Place and Precinct Citations Report **Appendix C** – (separately circulated)

Methodology

Initial phases of the Heritage Study 2015 involved a review of earlier heritage studies and related documentation, fieldwork and preliminary research and analysis. This preliminary research resulted in a shortlist of places with potential to meet the threshold of local significance. A product of this initial research was also the identification of six new places not previously listed for consideration in the Heritage Gap Study. These 6 new places are listed below and are included in Table 1 of **Appendix A**;

- Holmes Road Main Drain Outlet to Maribyrnong River
- Doutta Galla State School No.4708, Niddrie
- Residence at 51 Margaret St associated with Ngarveno Dairy (33A Taylor Street)
- Residence at 19 Ferguson St associated with Ascot Vale Fire Station (17 Ferguson St)
- SEC electrical distribution substations serial listing – Scott St, Maribyrnong Rd, Wellington St
- Fisher Parade and Leonard Crescent Precinct, Ascot Vale

Eight places were assessed from the Heritage Gap Study and considered not to meet the threshold of local significance. They include;

- Ansett Knitting Mills, 412-422 Mt Alexander Rd, Ascot Vale
- Cardboard Container Manufacturing Co. (former), 90-92 Albion St, Essendon
- Canary island palms and pitched bluestone road, 18-20 Buckley St, Essendon
- Aberfeldie Baptist Church, 3-5 & 5A Price St, Essendon
- Essendon Cereal Mills (former), 87-89 Raleigh St, Essendon
- 58th Battalion War Memorial, 127 Pascoe Vale Rd, Moonee Ponds
- Shops, 417-419 Keilor Rd, Niddrie
- The Boulevard, Aberfeldie

The above eight properties are not being pursued in the Heritage Study 2015.

Study Recommendations

Table 1 within **Appendix A** lists places and precincts considered in this Study to be of local significance to the City of Moonee Valley and which are recommended for inclusion in the Heritage Overlay of the Moonee Valley Planning Scheme. It includes:

- 60 individual places;
- Four commercial precincts; and
- One group or serial listing of State Electricity Commission (SEC) electricity distribution substations

In addition, two places have been assessed as Contributory in a proposed **extension** to the existing HO26 Union Road precinct while revisions are proposed resulting in a **transfer** of two places from HO15 Lorne Street precinct to the HO26 Union Road precinct.

Lastly, revisions are suggested to the 'City of Moonee Valley Permit Exemptions Policy for Heritage Overlay Precincts' namely;

- Adding the four precincts assessed by the Study to the list of precincts to which the policy applies.
- Adding the four new precinct maps (see relevant citations within **Appendix C**)

It is important to note that the Study does not pursue any of the statutory changes mentioned above. These recommendations will be pursued once the draft study has been adopted.

Consultation

The draft Heritage Study 2015 is now at a stage where it is ready to be presented to the public. It is proposed to undertake a consultation exercise on its content in order to engage with the community, prior to finalising the study and preparing any future planning scheme amendment to apply Heritage Overlays.

Proposed consultation would include letters to affected land owners/occupiers and articles in The Valley View, Moonee Valley Weekly and Moonee Valley Leader, seeking written responses for a period of six weeks.

By consulting with the public at this early stage, Council will raise public awareness of the project, the importance of, and value of heritage planning controls and allow debate as to the merits or otherwise of the various inclusions in the report.

Where there are inconsistent opinions on the merits of any inclusion or particular details within the report Council will have the opportunity to address, and make revisions (if required) following the initial consultation period. Following adoption of the Study a planning scheme amendment would be prepared, and then presented to Council, after which it would go on public exhibition for a statutory period.

In preparation for the proposed consultation of this draft study, staff have reviewed responses received on previous heritage studies and amendments in order to ensure that the consultation process and program is appropriate and will be as effective as possible.

Implications

1. Legislative

Consultation on the Draft Heritage Study 2015 does not bind or commit Council in terms of the *Planning and Environment Act, 1987* or any other statute.

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

2. Council Plan / Policy

The "*Council Plan 2013-17*" has the following Strategic objective:

- "Ensure there is clear direction for growth and proactive management of development in the city"

One of the Strategies is to:

- "Identify gaps in heritage controls and implement new heritage overlays where warranted"

3. Financial

There are no significant financial implications of this report. This heritage study has been allocated funds in the 2015-16 budget as a result of a new initiative.

4. Environmental

The Heritage Study 2015 would eventually add to the established framework for the preservation of buildings and areas of historical importance. It capitalises on opportunities for the retention of important buildings.

Conclusion

Consultation on the draft Heritage Study 2015 is a key initiative to furthering the vision and objectives of the Thematic Environmental History and Heritage Gap Study. It is also consistent with the strategic objectives of the Council Plan.

Extensive consultation will be undertaken as part of the consideration of the Study and further consultation will be undertaken as part of the later formal planning scheme amendment process.

It is recommended that Council resolve to consult on the draft Heritage Study 2015. A further report will be presented following the consultation, outlining final recommendation and the form of any planning scheme amendment for Heritage Overlays.

Appendices

Appendix A: 10A - Heritage Study 2015
Appendix B: 10B - Heritage Study 2015 (Separately Circulated) (separately circulated)
Appendix C: 10C - Heritage Study 2015 (Separately Circulated) (separately circulated)

APPENDIX A

Table 1 – Places and precincts of local significance

PLACE NAME	No.	STREET	SUBURB
Commercial			
1. Shops	444-446	Mt Alexander Road	Ascot Vale
2. Shops	488-500	Mt Alexander Road	Ascot Vale
3. Shop	13	The Crescent	Ascot Vale
4. Doctor's Surgery, Dentist's Surgery & Residence	57-59	The Crescent	Ascot Vale
5. Barcaple House	116	The Parade	Ascot Vale
6. Pioneer Store	187	Buckley Street	Essendon
7. Shop	51	Fletcher Street	Essendon
8. Nielsen's Buildings	57-59	Fletcher Street	Essendon
9. Fletcher Street & Napier Street Precinct		79-87 & 94-104 Fletcher St, 4-18 & 1-25 Napier St, 914-950 Mt Alexander Rd	Essendon
10. Milk Bar	37	Glass Street	Essendon
11. Shops	349-355	Keilor Road	Essendon
12. Houses & shop	34-40	Nicholson Street	Essendon
13. Rose Street & Buckley Street Precinct		1-51 Rose St, 112-118 & 123-131 Buckley St & HO51 Essendon Railway Station	Essendon
14. Keilor Road Precinct	3-19 & 2-12	Keilor Road	Essendon and Essendon North
Transport			
15. Aberfeldie Stables (former)	47 & 49	Combermere Street	Aberfeldie
16. Rail over road bridge		Ascot Vale Road	Ascot Vale
17. Road over rail bridge		Grice Crescent, Napier Street	Essendon
18. Flemington Bridge (inbound)		Mt Alexander Road	Flemington
19. Gill Bros. Shoeing Forge (former) & residence	374-378	Mt Alexander Road	Travancore
Industry & infrastructure			
20. Holmes Road Main Drain Outlet		Holmes Road & The Boulevard	Aberfeldie & Moonee Ponds
21. National Instruments Company (former)	8-10	McIntosh Street	Airport West
22. Bluestone drain		(rear of) Brisbane Street and Ormond Road	Ascot Vale
23. House, Stables & Oak	23	Brown Avenue	Ascot Vale
24. Fisher Parade & Leonard Crescent Precinct	42-50	Fisher Parade & 16, 18, 20 Leonard Crescent	Ascot Vale

PLACE NAME	No.	STREET	SUBURB
25. Maribyrnong River Pipe Bridge		Ahern Place (south end of)	Avondale Heights
26. Cook's Blacksmith	882-884	Mt Alexander Road	Essendon
27. Five Mile Creek bluestone channel		(off) Pascoe Vale Road	Essendon
28. Newmarket Sheep & Cattle Yard Platforms		Ascot Vale Road	Flemington
29. SEC 'D' Ascot Vale Substation (former)	21	Ascot Vale Road	Flemington
30. House and stables	17	Crown Street & 6 Ascot Vale Road	Flemington
31. Shoeing forge (former)	258	Racecourse Road	Flemington
32. SEC interwar electrical substations serial listing		Ascot Vale Road	Ascot Vale
		Lincoln Rd & Leake St, Nicholson St, 200A Pascoe Vale Rd, 1A Scott St	Essendon
		Wellington Street	Flemington
		Scotia Street	Moonee Ponds
33. House, dairy & stables	41	Moore Street	Moonee Ponds
34. Ngarveno Dairy complex (former)	33A	Taylor Street & 51 Margaret Street	Moonee Ponds
35. S & E McKay Blouse Factory (former)	34	Wilson Street	Moonee Ponds
Community			
36. Aberfeldie Baby Health Centre	13	Beaver Street	Aberfeldie
37. St Andrew's Anglican Church	29	St Kinnord Street	Aberfeldie
38. Airport West Pre-school & Infant Welfare Centre	97	McNamara Avenue	Airport West
39. R.G. Ratcliff Community Centre	1A	South Road	Airport West
40. Progress Kindergarten	11	Brown Avenue	Ascot Vale
41. Ascot Vale Fire Station (former) & residence	17 & 19	Ferguson Street	Ascot Vale
42. Maribyrnong-Bagotville Hill War Memorial	2	Langs Rd	Ascot Vale
43. Ascot Vale Baby Health Centre	147	Maribyrnong Road	Ascot Vale
44. St Paul's Anglican Memorial Parish Hall & Vicarage (former)	7-9	Roxburgh Street	Ascot Vale

PLACE NAME	No.	STREET	SUBURB
45. St Mary of the Immaculate Conception Catholic Church, Presbytery & School	123	St Leonards Road and 80 Roseberry Street	Ascot Vale
46. Ascot Vale Methodist Church (former), now Seventh Day Adventist Church	43	The Parade	Ascot Vale
47. 15th Essendon Sea Scouts complex	22 & 26	Woods Street	Ascot Vale
48. West Essendon Progress Hall (former)	9-11	Bradshaw Street	Essendon
49. Essendon Church of Christ	52	Buckley Street	Essendon
50. Essendon Baptist Church	124	Buckley Street	Essendon
51. St Thérèse's Catholic Church	48A	Lincoln Road	Essendon
52. Essendon Baby Health Centre	129	Lincoln Road	Essendon
53. South Essendon Primitive Methodist Church & Halls (former)	880	Mt Alexander Road	Essendon
54. Essendon Primary School No. 483 and War Memorial	38	Raleigh Street	Essendon
55. Keilor Heights Primary School No.4877	45	Clarks Road	Keilor East
56. East Keilor Pre-School & Infant Welfare Centre	31	Mark Street	Keilor East
57. Holy Virgin's Protection Memorial Church & Famine Memorial	91	Buckley Street	Moonee Ponds
58. 1st Moonee Ponds Scout Hall	79	Clarinda Road	Moonee Ponds
59. Essendon Masonic Lodge No. 238 Hall	840	Mt Alexander Road	Moonee Ponds
60. Moonee Ponds Primary School No.3987	87	Wilson Street	Moonee Ponds
61. Niddrie Technical School (former)	45	Sapphire Street	Niddrie
62. Doutta Galla State School No.4708 (former)	36-48	Vaynor Street & Teague Street	Niddrie
63. Strathmore Community Hall	40	Loeman Street	Strathmore
64. Strathmore Presbyterian Church Complex (former)	15-19	The Crossway	Strathmore
65. Travancore Special School Toddlers' Block (former)	26-68	Flemington Street	Travancore

9.10 Planning Scheme Amendment C149 - Significant Tree Review

File No: FOL/15/590
Author: Principal Planner (Strategic Planning & Research)
Directorate: City Works & Development
Ward: Municipal

Purpose

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 C149 – Significant Trees Review.

Executive Summary

- At its meeting held on 16 December 2015, Council resolved to seek Ministerial Authorisation to prepare and publicly exhibit Moonee Valley Planning Scheme Amendment C149. At the same meeting, Council resolved to refer all unresolved submissions received during exhibition to a Panel.
- Amendment C149 is required to implement the findings of the *Moonee Valley Significant Tree Register Review 2014 (*the Review*)*.
- Specifically the amendment seeks to implement the findings of the Review. It does this by amending the Schedule 2 to the Environmental Significance Overlay (ESO) for significant trees by applying the ESO to include additional trees as identified in the Review (including each tree's respective tree protection zone), and deleting the ESO from trees which have been removed. The amendment also updates Clause 21.04 (Sustainable Environment) to refer to the most recent Review.
- Council received an email from the Department of Environment, Land, Water and Planning on 3 February 2015 indicating that it may prepare Amendment C149 without authorisation after 10 February 2015.
- Amendment C149 was formally exhibited from 12 March until 17 April 2015, with a total of 17 submissions received (one submission being subsequently withdrawn).
- The Panel hearing for Amendment C149 was held on the 16 June 2015.
- The Panel Report was received on 14 July 2015.
- After consideration of all submissions, the Panel recommended that Amendment C149 should be adopted, subject to minor changes which were proposed by Council.
- A copy of the amendment documentation incorporating all proposed changes is attached in **Appendix A** (separately circulated). A copy of the Panel Report is attached in **Appendix B** (separately circulated). A copy of the *Moonee Valley*

Significant Tree Register Review 2014 is attached in **Appendix C** (separately circulated).

- Following on from the Panel Hearing given the concerns raised by one of the submitters, Council commissioned Homewood Consulting to undertake a further risk assessment of the Peppercorn Tree (*Schinus molle*) at 20 Grace Street, Moonee Ponds (Tree Reference 205). A copy of the risk assessment is attached in **Appendix D** to this report. Having reviewed this report, Council Officers would recommend the continued inclusion of this tree in Amendment C149.

Recommendation

That Council:

1. Formally adopt the *Moonee Valley Significant Tree Register Review 2014* provided in **Appendix C** (separately circulated) to this report.
2. 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 C149 which will incorporate all changes recommended by the Panel as per page 21 of the Panel Report included in **Appendix B** (separately circulated) and in accordance with the documents included in **Appendix A** (separately circulated).
3. Pursuant to Section 31(1) of the *Planning and Environment Act 1987*, submit Moonee Valley Planning Scheme Amendment C149 to the Minister for Planning for approval.

Background

At the Ordinary Council Meeting on 24 September 2013 Council adopted the Panel recommendations for Amendment C130 and submitted the Amendment to the Minister for Planning for approval. The Amendment identified and protected a number of significant trees throughout the municipality through the application of the Environmental Significance Overlay. The approved amendment was gazetted on 19 December 2013.

Council's adopted Significant Tree Register recommends updating the register on an annual basis. Amendment C149 implements this annual review.

Moonee Valley Significant Tree Review 2014

Council appointed Homewood Consulting in July 2014 to undertake a review of 32 trees, or groups of trees. Some of the trees were nominated by members of the public who requested they be investigated since the previous assessment was undertaken in 2012. Other trees were identified for further investigation within the Panel Report associated with Amendment C130.

Assessment criteria

The review primarily included the assessment of each of the additional 32 trees, or groups of trees against the National Trust Significant Trees criteria, which includes 12 significance categories relating to:

- horticultural or genetic value
- unique location or context

- rare or localised distribution
- particularly old specimen
- outstanding size
- aesthetic value
- curious growth habitat
- historical significance
- connection to Aboriginal Culture
- outstanding example of species
- remnant vegetation
- outstanding habitat.

Outcomes

The review found that, of the 32 records:

- Twenty-one were recommended to be included because they were considered to be significant when assessed against the National Trust Significant Trees criteria.
- Eleven are considered not to have met any of the National Trust Significant Trees criteria and therefore should not be included.

Three trees and one group of trees (tree reference 113 at 25 Wingate Avenue to be updated to include six not 13 trees) had been identified as removed through recent aerial photography. These trees had either been removed without a planning permit (with enforcement action being undertaken), or may have been removed just prior to the ESO being applied, and therefore no permit was required.

The review also provides management guidelines for significant trees, including the identification of a tree protection zone (TPZ). This is an area surrounding a tree in which development should be managed in order to prevent damage to the tree and its root structure. The TPZ is calculated as 12 x diameter at breast height (trunk diameter at 1.4 metres above ground level).

The content of the 2014 Review has informed the preparation of Moonee Valley Planning Scheme Amendment C149.

Discussion

At its meeting on 16 December 2014, Council resolved to seek authorisation from the Minister for Planning, to prepare and exhibit Amendment C149. At this same meeting Council resolved to refer any submissions received to Amendment C149 to a Planning Panel in accordance with Section 23(1)(b) of the *Planning and Environment Act 1987*.

The Panel Process

On 5 May 2015 Planning Panels Victoria advised that Ms Mandy Elliot (Chair) had been appointed as the Panel under Section 153 of the *Planning and Environment Act 1987*.

A Directions Hearing was held at Council's Civic Centre on 18 May 2015.

The Panel Hearing for Amendment C149 was held at the Clocktower Centre on Tuesday 16 June 2015. Two submitters requested to be heard at the Panel (including the National Trust who were in favour of the amendment). The Panel considered all submissions received.

Key issues raised within submissions can be summarised as follows:

- How significant trees are identified.
- Extent of the tree protection zone.
- The impact on development opportunities.
- Maintenance of nominated trees.
- Other site specific issues.

The Panel Report

The Panel Report for Amendment C149 was received on 14 July 2015 and is provided in **Appendix B** (separately circulated).

The Panel was supportive of the amendment and recommends Council adopts the amendment subject to some minor modifications (as a result of a tree being removed, and changes to Council's Municipal Strategic Statement following approval of Amendment C134). Changes can be summarised as follows (summarised on page 1 of the Panel Report):

- Amend Clause 21.03 (now 21.04) Sustainable Environment to refer to the Moonee Valley Significant Tree Register Review 2014.
- Amend Tree Reference No 113 and Planning Scheme Maps 15ESO to refer to 6 instead of 13 trees at 25 Wingate Avenue, Ascot Vale (Ascot Vale Housing Estate).
- Adopt the post exhibition changes to the Amendment documentation to reflect the removal of Tree Reference No T209 at 3 Neal Street, East Keilor.

Peppercorn Tree (*Schinus Molle*) at 20 Grace Street, Moonee Ponds (tree reference 205)

There have been a number of concerns raised by property owners in Mantell Street, regarding the inclusion of the Peppercorn Tree at 20 Grace Street, Moonee Ponds.

This includes the risk associated with falling branches and the tree trunk extending over the ROW.

Following the Panel Hearing, Council commissioned Homewood Consultants to undertake a further risk assessment of this tree. The owners at 20 Grace Street, Moonee Ponds had recently appointed arborists to undertake major risk reduction pruning to reduce epicormic branches in length and weight to reduce the overall risk of the tree in the landscape.

The further risk assessment by Homewood (including two experienced arborists) indicated that using:

> *'Tree Risk Assessment Best Management Practices, all of the branches had a low risk rating.*
>
> *Regular assessment and maintenance of this tree is required to keep the tree at an acceptable level of risk in the landscape.'*

A copy of this risk assessment report is included in **Appendix D** (separately circulated).

This report has been circulated to Mantell Street Residents, as well as the owners of 20 Grace Street, Moonee Ponds.

While it is noted the tree trunk partially extends over the ROW, Council's Technical Services department has assessed and concluded that this does not impact on vehicles entering or exiting the ROW.

The purpose of this amendment is to apply an Environmental Significance Overlay to trees which are considered to meet the National Trust Significant Tree Criteria. This tree meets three of the twelve criteria.

The Planning Panel appointed to consider Amendment C149 agrees that this tree meets this criteria. Therefore, Council Officers recommend the continued inclusion of this tree in the amendment.

Consultation

Formal exhibition of Amendment C149 took place from 12 March until 17 April 2015. Exhibition consisted of:

- Public notices in the Moonee Valley Weekly, Moonee Valley Leader and Government Gazette.
- Letters to all landowners and occupiers directly affected by the amendment.
- Letters to Prescribed Ministers, Native Title Unit and VicRoads.
- Website updates.
- Advertorials in the local papers.

Implications

1. Legislative

Amendment C149 is in accordance with Section 4.1 of the *Planning and Environment Act 1987* and State Planning Policy, including Plan Melbourne.

There are no Human Rights Charter implications as a result of this Planning Scheme Amendment.

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to Make the city more attractive through maximising opportunities for greening the public realm in accordance with Council Plan 2013-2017 Theme 1: Green, clean and beautiful - A sustainable environment for future generations.

3. Financial

The assessment of new applications will be accommodated within Council's operational budget.

4. Environmental

It is crucial that, to remain current, Council's significant tree register is regularly reviewed in order for significant trees to be effectively identified and their protection monitored. This amendment will assist Council in maintaining the biodiversity of this region, including the valuable habitats for native fauna which are provided by established trees.

Conclusion

The *Moonee Valley Significant Tree Review 2014* and associated Planning Scheme Amendment C149 will assist Council in preserving the municipality's significant trees, which provide numerous benefits to the community.

The Planning Panel appointed to consider Amendment C149 was supportive of the amendment, recommending only minor changes. Therefore, it is recommended that Council adopt Amendment C149.

Appendices

Appendix A: Planning Scheme Amendment C149 - Significant Tree Review (Separately Circulated) (separately circulated)
Appendix B: Planning Scheme Amendment C149 - Significant Tree Review (Separately Circulated) (separately circulated)
Appendix C: Appendix C - Part 1 (separately circulated)
Appendix C - Part 2 (separately circulated)
Appendix C - Part 3 (separately circulated)
Appendix C - Part 4 (separately circulated)
Appendix C - Part 5 (separately circulated)
Appendix D: Appendix D (separately circulated)

9.11 Thrive: Strategy for young people

File No: FOL/15/590
Author: Youth Planner
Directorate: Community Services
Ward: Municipal

Purpose

To seek endorsement for Thrive: Strategy for young people and the first Thrive Action Plan.

Executive Summary

- Moonee Valley City Council defines 'young people' as those aged 12 to 25 years of age who live, work, study or socialise in Moonee Valley.
- Moonee Valley is currently home to 20,644 young people, which equates to approximately 17.5% of the total residential population. Between 2015 and 2025, the number of persons aged 12 to 25 is forecast to increase by 2,388 persons.
- Thrive: Strategy for young people ('Thrive') (**Appendix A** – separately circulated) has been developed to provide Council, the service sector and young people with strategies to address the needs, wants and aspirations of young people in Moonee Valley.
- Thrive was exhibited for public comment from Monday, 31 August to Sunday, 27 September 2015. No formal submissions were received on the draft during the exhibition period.
- The first Thrive Action Plan ('Action Plan') (**Appendix B** – separately circulated) has been developed to guide Council in the implementation of Thrive to June 2017.
- The Action Plan is based on the priorities identified through the Thrive consultation process, and was the focus of the 2015 Youth Summit and the August Moonee Valley Youth Network meeting.
- An extensive research exercise and community engagement process involving more than 780 young people was undertaken to inform the strategic directions of Thrive. A further 84 young people were involved in the development of the first Action Plan.
- The implementation of Thrive and the Action Plan will be supported by the creation of the Moonee Valley Young People's Coalition, which consists of Council representatives and service sector leaders (**Appendix C**) and a Young People's Committee (**Appendix D**).

Recommendation

That Council:

1. Adopt 'Thrive: Strategy for young people' as presented at **Appendix A**;
2. Endorse the first Thrive Action Plan as presented at **Appendix B**;
3. Dissolve the Youth Advisory Forum;
4. Adopt the Terms of Reference for the Moonee Valley Young People's Coalition at **Appendix C** and invite nominated organisations to appoint delegates to the Coalition; and
5. Note the establishment of the Moonee Valley Young People's Committee at **Appendix D**.

Background

Moonee Valley City Council is home to 7,415 secondary school-aged young residents (12-17 years) and 13,229 young adult residents (18-25 years). This equates to approximately 17.5% of the total residential population of Moonee Valley. Young people living elsewhere also access the many secondary schools, employment, retail precincts and leisure facilities that Moonee Valley provides.

Council takes a whole-of-organisation approach in the delivery of its Youth Portfolio, with Council's Youth Services team leading policy, participation and advocacy support for young people, specifically through three service streams:

1. Youth engagement: programs, events and cultural activities to engage young people and build civic pride.
2. Youth planning and projects: leadership development, advocacy and planning.
3. Youth counselling and individual support: counselling and case-work.

To build a solid evidence-base and community involvement in the development of the Thrive, Council undertook a comprehensive background research process and consultation program. The findings of the background research and consultation program have formed the evidence-base for Thrive.

Thrive has been drafted in careful consideration of the need to:

- Use engaging, informal language to make it a document young people understand, connect to, and see their input reflected in.
- Reference the evidence base for each strategic direction.
- Offer advice on how young people and the service sector can also contribute to Council's and the community's shared vision.

The long-term strategies of Thrive will be actioned through short-term Thrive Action Plans.

Discussion

The background research informing Thrive, investigated current and future demographic trends for young people in Moonee Valley. It found that some areas,

especially Moonee Ponds, Ascot Vale and Flemington, are expected to have an increase in young residents over the next ten years.

The research also found that while young people in Moonee Valley fare generally well in regards to physical health, education and employment, there are some areas Council and the youth service sector can strengthen, especially in regards to mental health, sexual health and employment in vulnerable communities.

An extensive consultation program was undertaken over a 6 month period where some 669 surveys from young people were collected and 118 school students participated in focus groups. Council undertook workshops and surveys with the youth service sector and engaged with Councillors and Council staff.

A draft of Thrive was exhibited for four weeks over August and September 2015 and no formal submissions were received.

The structure of Thrive is based on the Australian Research Alliance for Children and Youth (ARACY) Nest Framework. This Framework is a holistic framework that offers Council, the service sector and young people themselves opportunities for positive involvement.

In line with the Framework, the six action areas of Thrive are described below:

Thrive (Nest Framework) Action Area	**Description**
1. Being loved and safe	• Positive relationships with families, educators and the wider community • Self-esteem • Community safety
2. Having material basics	• Employment • Housing and rental affordability
3. Being healthy	• Physical, mental and sexual health
4. Learning	• Education settings (i.e. schools) • Study spaces • Life-long learning
5. Participation	• Civic participation • Community leadership
6. Supportive systems and environments	• Service sector partnerships • Young people friendly places and spaces

Thrive details the specific objectives, summary of trends and consultation findings, and the strategies that Council, the service sector and young people will use to respond within each of these six Action Areas. Thrive also specifically recognises that Council can't achieve the objectives of Thrive on its own, with each Action Area making suggestions to young people on how they can contribute to Thrive as an individual (or as support service organisation).

The approach in developing Thrive for Council, the service sector and young people themselves, has ensured all can contribute to the shared vision of a place where young people can truly thrive.

The Action Plan was the focus of the 2015 Youth Summit where 84 young people workshopped the six themes, bringing the total number of young people involved in Thrive and the Action Plan to over 860. Youth Summit participants were also asked how Council can support young people to continue to be involved in the development and review of subsequent Thrive Action Plans.

The Moonee Valley Youth Network also workshopped the Action Plan at its August meeting.

The Action Plan focuses on implementing a place-based approach to youth participation. In addition to this, the Action Plan includes the development of a new governance structure to guide and support the implementation of Thrive at a community and service sector level.

This governance structure includes a representative youth-led committee (the Moonee Valley Young People's Committee) which at times, based on issues, can act as a reference and advisory point to Council, but its primary purpose is to provide leadership development opportunities for young people.

A separate Committee of Council will also be established for leading youth service providers in Moonee Valley to coordinate planning and advocacy activities for the region (the Moonee Valley Young People's Coalition).

The Moonee Valley Young People's Coalition and the Young People's Committee will fulfil different but equally important functions. These groups will be interdependent on each other for advice and support, and hold similar responsibilities in reviewing and implementing Thrive as the Youth Advisory Forum held for the previous Youth Strategy.

Service providers involved in the previous Youth Advisory Forum will be invited to participate in the Coalition.

The young leaders involved in Youth Voice, Council's current reference group of young people, will be supported to transition in to the Young People's Committee to share their knowledge and mentoring skills with new members.

The Terms of Reference for both the Moonee Valley Young People's Coalition and Young People's Committee include the requirement to provide regular updates to Council.

Consultation

More than 780 young people and the 30 service providers were involved in the original consultation program for Thrive. The Community Planning and Development Department also conducted a Council Staff Workshop in March 2015 with 27 participants and a Senior Managers Forum Workshop in June 2015 with over 20 participants.

An update on progression and early engagement outcomes was presented at the Moonee Valley Principals Breakfast held on 28 May 2015; and an engagement workshop was conducted with Councillors on 7 July 2015.

Youth Voice were involved in each step of the drafting process.

With Council's approval, Thrive was exhibited for four weeks during August and September 2015 and received no formal submissions.

The Action Plan was the focus of this year's Youth Summit on 27 August 2015. The 84 young people involved in the Summit workshopped the six action areas of Thrive to inform the Action Plan, bringing the total number of young people involved in the development of Thrive and the Action Plan over 860.

Implications

1. Legislative

The Victorian Human Rights Charter has been considered in the development of Thrive and the Action Plan, especially *Section 18: Taking Part in Public Life*.

In seeking to achieve the best outcomes for the local community, Councils must ensure that services and facilities provided by the Council are accessible and equitable under the *Local Government Act 1989*.

2. Council Plan / Policy

In presenting this report, Council is achieving its Strategic Objective to Ensure all council services cater for the diverse communities within the city in accordance with Council Plan 2013-2017 Theme 1: Friendly and Safe - A community where people feel connected and safe, Theme 4: Vibrant and diverse - Opportunities for all, and Theme 5: Excellence in governance.

Thrive and the Action Plan also align with the objectives of Council's Public Health and Wellbeing Plan 2013-2017, especially 'safe and connected communities', 'healthy people' and 'strong governance and partnerships'.

3. Financial

Costs associated with the development of Thrive are accommodated within recurrent budget allocations.

4. Environmental

The promotion of Thrive and the Action Plan will be focussed towards online and social media to reduce printing runs.

Conclusion

Thrive: Strategy for young people has been developed to align Moonee Valley with the national best practice model and equips Council, the service sector and young people the strategies to address the needs, wants and aspirations of young people in Moonee Valley together.

The first Thrive Action Plan provides direction to Council on its role in implementing Thrive to June 2017.

Thrive and the Action Plan reflect the views of over 860 young people who live, work, study and socialise in Moonee Valley. Together, Thrive and the Action Plan provide Council with the first steps toward the long-term vision of a city where young people are celebrated and supported in all aspects of community life.

Appendices

Appendix A: Thrive: Strategy for young people (separately circulated)
Appendix B: Thrive Action Plan One (separately circulated)
Appendix C: Moonee Valley Young People's Coalition Terms of Reference
Appendix D: Moonee Valley Young People's Committee Terms of Reference

MOONEE VALLEY YOUNG PEOPLE'S COALITION
TERMS OF REFERENCE

Background

These Terms of Reference shall apply to the Moonee Valley Young People's Coalition (the Coalition).

Objective

The Moonee Valley Young People's Coalition will bring together youth sector leaders, principals, and senior policy makers to coordinate activities and strengthen advocacy efforts aligned with Thrive: Council's Strategy for young people and the Moonee Valley Advocacy Agenda.

The Coalition will guide the service sector's response to the needs of young people identified in Thrive.

The Coalition operates within a broader youth engagement framework that ensures consultation, participation and collaboration in supporting the needs of young people in Moonee Valley (See **Appendix 1**).

Role

The Coalition is to coordinate the service sector's response to the needs of young people, as identified in Thrive. The Coalition will:

- Share relevant information and research materials;
- Identify gaps and partnership opportunities in youth service provision across Moonee Valley;
- Lead a sector-wide collaborative response to service gaps through planning, policy and joint advocacy efforts;
- Participate in the development and review of Thrive Action Plans;
- Act as an Advisory Committee to Council; and
- To actively engage with the Young People's Committee on an ongoing basis.

Coalition members will not publicly comment on behalf of the group. Neither will it seek to advocate on the needs of individual organisations.

Membership

The Group will be convened by Council and shall comprise of:

- Chair – Councillor;
- Deputy Chair – Councillor;

- Other Councillors as available;
- Manager, Community Planning and Development;
- Coordinator, Youth Services;
- Delegates from key stakeholder organisations, including:
  - 1 x CoHealth
  - 1 x Maribyrnong and Moonee Valley Local Learning and Employment Network (MMVLLEN)
  - 1 x Victoria Police
  - 1 x Department of Education and Training
  - 1 x Department of Health and Human Services
  - 3 x Secondary Schools Principals
  - 2 x Mental Health service providers
  - 1 x Employment service provider
  - 1 x Latitude: Directions for Young People
  - 1 x Tertiary education provider

Council Officers and other industry guests may attend on an ex officio basis to present materials and or participate in relevant workshops.

Term of Appointment

Councillor members shall be appointed for a period, as deemed appropriate, so long as the period of appointment does not extend past the Council term.

The period of appointment for Community members shall be for the duration of the Council term during which they are appointed.

The period of appointment for professional membership shall be for the life of the Committee, or as deemed necessary by the Chairperson.

Operations

1. The Coalition shall operate in accordance with the Operating Guidelines for Council Advisory Committees.
2. Council shall formally invite each of the nominated organisations to nominate their representative onto this Coalition.
3. The Coalition has no budgetary responsibilities, decision making powers or delegated authority but serves to make recommendations for Council's consideration.
4. The Coalition shall follow the general consensus principle, when determining its preferred position on matters under discussion.

5. The Coalition shall generally meet four times per annum during the day.
6. It is anticipated that there will be consistency in attendance with the organisation of a delegate as substitute when required.
7. The Coalition will be consulted and kept informed of directions through meeting minutes and through email updates.
8. The Coalition has the authority to create smaller working groups to provide specialist advice and undertake specific activities.
9. The minutes of each meeting will be forwarded to Council for notice and action where appropriate.
10. A quorum will require 50% of Coalition members plus one additional member.

COUNCIL

Moonee Valley Young People's Committee

- Led by young people
- Capped at 15 people
- Meets once a month

Moonee Valley Young People's Coalition

- High-level representatives
- Invitation only
- Meets quarterly

MOONEE VALLEY YOUNG PEOPLE'S COMMITTEE
TERMS OF REFERENCE

Background

These Terms of Reference shall apply to the Moonee Valley Young People's Committee (the Committee).

Objective

The Young People's Committee will act as a youth-led networking, reference and advisory group of local young people to place-based project groups, Council and the Moonee Valley Young People's Coalition.

The Committee will enable young people to be involved in Council activities, to connect and exchange ideas, and will provide young community leaders with a platform to develop their skills. The Committee can also act as a reference and advisory point for Council and other relevant stakeholders.

The Committee will be supported to build their leadership competencies through training and hands-on involvement in community initiatives across Moonee Valley.

The Committee operates within a broader youth engagement framework that ensures consultation, participation and collaboration in representing the needs of young people in Moonee Valley (See **Appendix 1**).

The Committee will be a leadership pathway opportunity for young people involved in Council's youth leadership programs and place-based project groups.

Role

The role of the Committee will be to support other young people, Council and its service sector partners to implement Thrive.

The role of the Committee will be to:

- Share successes and exchange ideas around local community projects[1] as representatives of their community in line with the place based catchment model[2];
- Act as a reference and advisory point to Council through the Moonee Valley Young People's Coalition on community matters (not just matters that are specific to young people);
- Share information amongst their own peer networks; and

[1] Local community projects will be supported as part of the first Thrive Action Plan.
[2] This model is to ensure even distribution of activities and representation across the three catchments identified in the first Thrive Action Plan. This model is the basis of the Engage! Program delivered with the support of the Victorian Department of Health and Human Services.

- Participate in the review of the first Thrive Action Plan and the development of the future Action Plans, including consultation and evaluation tools.

Membership

Membership will be open exclusively to young people aged 12 to 25 who live, work, study or socialise in Moonee Valley. Members will be selected through an expression of interest process. The membership base will have a fair representation of young people from the three catchments and special consideration will be paid to people from underrepresented social and cultural backgrounds, and young people aged 18 to 25. Membership will be capped at 15.

Meetings will be facilitated by Council's Youth Services staff. Members will elect a chair and deputy chair for the 12 month term the first time the Committee meets.

Term

Members shall be appointed for a 12 month term through an annual expression of interest process. Members are eligible to be reappointed each year. Council retains the right to review, amend or alter the operations and membership of this Committee as it deems appropriate and necessary.

Operations

1. As a young people-led committee, the Moonee Valley Young People's Committee is exempt from the Operating Guidelines for Council Advisory Committees.
2. Council shall invite young people to nominate themselves for membership through an expression of interest process.
3. The Committee has no budgetary responsibilities, decision making powers or delegated authority but serves to act as a networking and leadership development platform for young people with the ability to provide recommendations and advice to Council and the Moonee Valley Young People's Coalition.
4. The Committee shall follow the general consensus principle, when determining its preferred position on matters under discussion.
5. The Committee shall generally meet a once a month during the evening for approximately 2 hours at Moonee Valley City Council's Civic Centre.
6. It is anticipated that there will be consistency in attendance among members.
7. The Committee will be consulted and kept informed of directions through meeting minutes and through email updates.
8. The Committee has the authority to create smaller working groups to provide specialist advice and undertake specific activities.

9. The minutes of each meeting will be summarised and forwarded to the Moonee Valley Young People's Coalition for notice and action where appropriate.

10. The Committee will be invited to present to Council's Public Forum a minimum of two times a year.

COUNCIL

Moonee Valley Young People's Committee

- Led by young people
- Capped at 15 people
- Meets once a month

Moonee Valley Young People's Coalition

- High-level representatives
- Invitation only
- Meets quarterly

9.12 Biannual Grants Program - Round 1

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

Purpose

To seek endorsement of the funding allocations for the first round of the 2015/16 Biannual Grants Program.

Executive Summary

- The 2015/16 Moonee Valley Grants Program supports community groups, individuals and businesses to deliver projects and activities that promote a friendly and safe, clean, green and beautiful, vibrant, diverse and sustainable community.
- At its Ordinary meeting on 23 June 2015, Council endorsed the implementation of an integrated Grant Program. The program includes:
    - a monthly program of small responsive grants
    - a biannual grant program with rounds open in July and February annually
    - an online application and assessment process
    - a Grants Advisory Panel to provide recommendations on biannual grants
- The first round of the 2015/16 Biannual Grants program were open from 9 July 2015 until 18 August 2015. The program was widely promoted.
- General support offered to applicants included three community information sessions (total of 70 attendees), an e-newsletter and information mail-out. Tailored support was also available, including the provision of interpreters and opportunities to discuss projects directly with council officers. More than 65 groups and individuals contacted council officers to discuss proposals.
- A total of 113 eligible applications were received from community groups, business and individuals, requesting a total $956,137. The total pool available for the two rounds of Biannual grants is $388,335.
- Biannual Grants were assessed by the Grants Advisory Panel comprised of three Councillors, five community members and two Council executives.
- A total of 28 applications, which represents 25 per cent of all applications, are recommended for funding, totalling $208,419 of the available pool of $388,335.
- Feedback will be provided to all unsuccessful applicants, and where appropriate, support will be provided to improve the quality, focus and alignment of future applications.

Recommendation

That Council:

1. Endorse the recommendation of the Grants Advisory Panel for allocation of the first round of Biannual Grants as presented in **Appendix A**; and
2. Notes that all applicants will be advised of the outcome of Round 1.

Background

At its Ordinary meeting on 23 June 2015, Council endorsed the implementation of an integrated Grant Program, following an extensive review process.

The 2015/16 Moonee Valley Grant Program demonstrates Council's commitment to community wellbeing by directly supporting local groups, organisations, businesses and individuals to deliver projects and participate in activities that benefit the Moonee Valley community. The program includes:

- a monthly program of small responsive grants
- Biannual grants of up to $20,000
- an online application and assessment process
- a Grants Advisory Panel to provide recommendations on Biannual funding allocations

The first rounds of the newly integrated grants program commenced in July 2015, with the first round of Biannual Grants opening on 9 July.

Biannual Grants provide funding to support projects that increase community participation and access to information, services and strengthen wellbeing and economic growth across the city.

Biannual Grants are available in three funding levels, up to $5,000, $5,001-$10,000, $10,001-$20,000, and contribute to MV2035 categories:

- Enhance the wellbeing of individuals and community groups
- Promote a clean, green and beautiful environment
- Create a vibrant and diverse city with opportunities for all
- Provide a friendly and safe community.

At its Ordinary meeting on 25 August 2015, Council appointed three Councillors and five community members to the Grants Advisory Panel. The Panel membership also includes the Director Community Services (or nominee) and the Director Environment and Lifestyle (or nominee).

Discussion

- The program was widely promoted and council officers provided direct support to applicants to document their project and utilise the online application system. Hard

copies of applications were accepted where the applicant was not able to use the online system.

Promotion of the Moonee Valley Grants program

The program was widely promoted by various methods, including:

- E-mail alerts and a direct mail out of the Moonee Valley Grants update, which included information on both Biannual and Responsive Grants available.
- Local media, Valley View, and information on Council's website.
- Brochures and posters in libraries, community centres and neighbourhood houses and other Council venues.

Support for community organisations

Support for community organisations and individuals included:

- Three information sessions held at different venues in Moonee Valley during the day and evening with approximately 70 attendees. Interpreters were available on request.
- All requests for support in developing project ideas and completing application forms were accommodated. More than 65 individuals and/or groups discussed grants with council officers in person or over the phone.

Assessment and recommendations

Applications were reviewed by Council Officers against the eligibility criteria. Council Officers also provided advice on each application in relation to the assessment criteria.

Grants Advisory Panel members made individual assessment of applications rated against the assessment criteria, using Council's online grants program. All panel members registered any conflict of interest relating to any specific application, abstaining from assessment of identified applications.

The results of these assessments were consolidated to identify a ranked priority order of applications. This also enabled identification of any scoring anomalies, and any other concern and or issue that panel members may have identified.

The panel formally convened on 1 October 2015 to discuss and finalise grant recommendations. This process enabled debate on merit, capacity and associated outcomes and impacts of all applications. Assessment also took into consideration the distribution of funding across priority areas, levels of other Council support provided to applicants.

Recommendations provided by the Panel are based on consensus about how well applications met specific assessment criteria.

Summary of applications received

A total of 117 applications were received from community groups, businesses and individuals, requesting a total of $995,637. One application was withdrawn and three were deemed ineligible during the eligibility assessment phase, and therefore

recommendations were based on the assessment of **113** applications requesting a total **$956,137**.

The total funding pool available for round one and two of the Biannual Grants program is **$388,335**.

Table 1 provides a summary of the total number of applications and associated value of funding requested and the recommended distribution of funded projects across 4 priority areas, as guided by Council's vision as documented in 'Moonee Valley Next Generation 2035. **Appendix A** provides detail of recommended applicants and grant value.

Table 1

	Applications		Grants	
Priority Areas	**Applications received**	**Applications recommended**	**Funding requested**	**Funding recommended**
1. Enhance the wellbeing of individuals and community groups	33	13	$424,223	$116,755
2. Promote a clean, green and beautiful environment	8	3	$63,114	$15,114
3. Create a vibrant and diverse city with opportunities for all	18	6	$178,441	$56,250
4. Provide a friendly and safe community.	54	6	$290,359	$20,300
Total	**113**	**28**	**$956,137.00**	**$208,419.00**

Feedback will be provided to all unsuccessful applicants, and where appropriate, support will be provided to improve the quality, focus and alignment of future applications. This may support applicants to reapply in round two of the biannual program, or identify other sources of funding external to council to support potential projects.

Many of the unsuccessful applicants were seeking operational costs to subsidise general activities of their group or organisation. Further consultation will be undertaken with these groups to identify sustainable mechanisms that can be put in place to support them outside of Council's grant program.

The scope of received applications and the assessment process, has also enabled the Panel and Council officers to identify issues of emerging need within our community and projects and groups that could be connected to improve proposed project

outcomes. This identification will now guide upcoming interventions and new work initiatives to address these needs and potential new partnership.

Consultation

Three community information sessions were held at various locations. Council officers were also available to provide support for prospective grant applicants in the preparation of their application, in person, by phone or email.

During the application process all applicants were asked to rate the use of the online system and for suggestions for improvement. In relation to ease of applications, 65% found that the online application was either Easy or Very easy, 23% said Neither and 12% said it was Difficult or Very Difficult.

Feedback on the process and suggestions for improvements will be incorporated into the second round of Biannual grants.

Implications

1. Legislative

The Grant Program is in accordance with an objective and role of Council, specified by the Local Government Act 1989, to foster community cohesion, encourage active participation and improve the overall quality of life of people in the local community.

The Charter of Human Rights and Responsibilities Act 2006 has been considered for the program. The grants actively support the right of all people to participate in community life.

2. Council Plan / Policy

The program objectives are directed by the four themes that reflect the Community Vision MV2035 – Friendly and Safe, Clean, Green and Beautiful, Sustainable Living, and Vibrant and Diverse. Specifically, the administration of the program supports Strategic Objective 1.5.4 of the Council Plan 2013-2017; '*Strengthen the capacity of local community organisations through the provision of grants, training, and other support.'*

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

3. Financial

The 2015/16 budget for two rounds of Biannual Grants is $388,335. This is comprised of the following notional budget allocations:

Economic development – business grants	$	32,000
Recreation capital	$	60,000
Active events	$	10,000
Arts and culture	$	27,500
Environment	$	15,000
Community development and support grants	$	243,835

Total	**$ 388,335**

4. Environmental

The implementation of an online process for both the grant application and assessment process has resulted in significant reduction in paper use.

Council's City Sustainability Policy has contributed to an enhanced community awareness of environmental issues. Council will continue to work with community groups and individuals to develop projects that have an environmental benefit and strong community impact.

Conclusion

The Moonee Valley Grants Program is an important way in which Council provides financial support to strengthen the Moonee Valley community. The implementation of an integrated grants program is the outcome of an in-depth analysis of Council's grants to provide greater responsiveness, transparency and accessibility.

The Biannual grants create an opportunity to support projects that increase community participation, access to information and services and strengthen wellbeing and economic growth across Moonee Valley.

Appendices

Appendix A: Recommendations - Grants Advisory Panel - Biannual Grants Round 1

Grant decision recommendations

Enhance the wellbeing of individuals and community groups through initiatives that focus on: health and wellbeing; sports and recreation; learning and education

Applicant	Project Title	Recommended Grant
1st Strathmore Scout Group	Camping Equipment Upgrade	**$2,255**
Able Australia Services	Holiday Programs for children with disabilities	**$10,000**
Airport West Tennis Club	Airport West Tennis- court 1 + 2 upgrade	**$20,000**
Buckley Park Cricket Club	Buckley Park Cricket Clubs Deck Project	**$5,000**
Doutta Stars Cricket Club Inc.	Redevelopment and Upgrade to Existing Viewing Area	**$5,000**
Moonee Ponds Bowling Club	Open Doors - Making Moonee Ponds Bowling Club more accessible	**$12,000**
North West Wolves Rugby League Club Inc.	Kitchen Refurbishment - AJ Davis Reserve	**$15,000**
Rotary Club Of Essendon North	Moonee Valley colour run	**$5,000**
United Through Football	United Through Football and Cultural Festival	**$5,000**
Victorian Skateboard Association (VSA)	All Aboard Skateboarding Sessions	**$7,500**
	Total	**$86,755**

Three applicants submitted projects that were based on the installation of solar panels. The Panel recommendations is to allocate a provisional amount of $30,000 in total for the solar panels, and for Council Officers to work with the three organisations on a combined purchase and installation process.

Applicant	Project Title	Recommended
Airport West Football Club	Solar Energy Project for the Airport West Football and Cricket Clubs	**$30,000**
Essendon Bowls Club	Solar Generation for Environmental Sustainability and Community Education	
Strathmore Bowls Club Inc.	Solar panels for Strathmore	
	Total	**$30,000**

Promote a clean, green and beautiful environment through sustainable environment initiatives that focus on: environmental improvement and enhancement; saving energy, reducing waste, innovative water solutions and protecting the environment

Applicant	Project Title	Recommended
Friends of Moonee Ponds Creek	Lawson Street Reserve Revegetation & Open Space Enhancement	**$3,230**
Friends Of Steele Creek Inc.	Connecting with your Local Natural Environment	**$4,734**
Friends of the Maribyrnong Valley Inc.	Environmental Friends Directory of Moonee Valley with Connie's Cards	**$7,150**
	Total	**$15,114**

Create a vibrant and diverse city with opportunities for all through initiatives that focus on: arts culture and heritage projects; events and celebrations; economic development including business improvement and marketing, events and start-ups.

Applicant	Project Title	Recommended
Essendon Historical Society Inc.	The local leaders in the first 100 years of municipal history	**$5,000**
Essendon Symphony Orchestra	The Snowman	**$6,250**
Niddrie Traders Association	Wallace Mall Activation Project	**$5,000**
S.M.I.T.H Theatre Productions Inc.	Into The Woods Jnr	**$15,000**
Vietnamese Community in Australia/Vic Chapter	TET Festival 2016	**$5,000**
	Total	**$36,250**

Economic Development – Business Grant

Applicant	Project Title	Recommended
New World Whisky Distillery	Cellar Door & Visitor Centre development	**$20,000**
	Total	**$20,000**

Provide a friendly and safe community through initiatives and activities that focus on: social support; promoting diversity, access and equity, and social inclusion; promoting human rights

Applicant	Project Title	Recommended
Boomerang Network	"Bonding with the Boomers".	**$4,000**
Bully Zero Australia Foundation	Moonee Valley Anti-Bullying Project	**$11,000**
Essendon Quilters Inc.	Quilts for Others	**$1,000**
Inner North West Blue Light Inc.	Social Cohesion by Local Participation Through Cultural Food	**$1,800**
Niddrie Neighbourhood Watch	Establish a New Neighbourhood Watch Group in Valley Lake Estate	**$1,000**
Rotary Club of Keilor East	Establishment of Avondale Heights Probus Club	**$1,500**
	Total	**$20,300**

9.13 Community Safety Action Plan 2015-2016

File No: FOL/15/590
Author: Community Safety Officer
Directorate: Community Services
Ward: Municipal

Purpose

To seek adoption of the Community Safety Program 2015 – 2020 **Appendix A** (separately circulated) and the Community Safety Action Plan 2015-16 **Appendix B** (separately circulated).

Executive Summary

- Building a community where people feel safe in both public and private spaces is a strategic objective of the Council Plan 2013-17.
- Since 2011, Council has delivered a strong and effective community safety program, which resulted in Moonee Valley being internationally accredited as a Pacific/Australian Safe Community in October 2014.
- The Community Safety Program 2015 – 2020 **Appendix A** (separately circulated), builds on the achievements of the first program and brings the program into alignment with the reporting and accreditation requirements of the Pan Pacific Safe Communities Network.
- The program identifies four focus areas for the delivery of targeted action to support community safety: Safe people; Safe places; Resilient communities and Program development and partnerships.
- Following endorsement by Council at its Ordinary Meeting of 28 July 2015, the draft Community Safety Program 2015 – 2020 was placed on public consultation from 30 July to 14 September 2015. The consultation was broadly promoted through communication channels and through the program's existing stakeholder networks.
- Feedback received during the course of the consultation was supportive of the structure and objectives of the program.
- Implementation of the Community Safety Program 2015 – 2020 will be supported by annual action plans – the Community Safety Action Plan 2015-16 **Appendix B** (separately circulated) outlines the projects and activities that will be implemented in the first 14 months of the program.

Recommendation

That Council:

1. Adopt the Community Safety Program 2015 – 2020 **Appendix A** (separately circulated); and
2. Endorse the Community Safety Action Plan 2015-16 **Appendix B** (separately circulated).

Background

Community Safety describes the right of all individuals living, working or visiting Moonee Valley, to go about their daily lives without fear or risk of harm and injury. Building a community where people feel safe in both public and private spaces is a strategic objective of the Council Plan 2013-17.

The International Safe Community Model, devised by the World Health Organization (WHO) and recognised by other international networks such as the Pan Pacific Safe Communities Network (PPSCN), is best practise in community safety. This model informed the development of the first Moonee Valley Community Safety Program in 2011, and resulted in Moonee Valley being internationally accredited as a Pacific/Australian Safe Community in October 2014.

Accreditation has positioned Council as a leader in Community Safety and opened access to a range of national and international networks which enrich the program.

The Community Safety Program 2015 – 2020 **Appendix A** (separately circulated), builds on the achievements of the first program and brings the program into alignment with the reporting and accreditation requirements of the PPSCN.

The program identifies four focus areas for the delivery of targeted action to support:

1. **Safe people** – Support people to be safe and to feel safe in Moonee Valley
2. **Safe places** – Design, create and maintain places that provide for safe community activity
3. **Resilient communities** – Embed frameworks and positively set determinants of safety to establish and promote Moonee Valley as a safe community
4. **Program development and partnership** – Collaborate with stakeholders and work in partnerships to share responsibility for safety

Following endorsement by Council at its Ordinary Meeting of 28 July 2015, the draft Community Safety Program 2015 – 2020 was on public consultation from 30 July to 14 September 2015.

Discussion

The safety program provides a framework for longer term planning to promote community safety and will be implemented though annual action plans. The Community Safety Action Plan 2015-16 **Appendix B** (separately circulated) outlines the projects and activities that will be implemented in the first year of the program.

The priorities for the action plan reflect a review of safety data, input from partners and key stakeholders and local, state and national policy developments. Key projects for 2015-16 include:

- Participation in a trial of the crime prevention campaign 'Dob in a Dealer' in partnership with Victoria Police and Crime Stoppers.
- Implementation of respectful relationships programs in Moonee Valley schools as part of the 'Count Me In' project in partnership with cohealth.
- An update of the Moonee Valley Household safety plan to include information and strategies appropriate for new and existing multi-occupancy developments.
- The creation of a Moonee Valley health and safety report card to track safety data and guide program action.

The implementation of the safety program is also supported through the delivery of key health and safety action plans including the Municipal Public Health and Wellbeing Plan, the Road Safety Plan, the Early Years Plan, Thrive (Youth Strategy) and other plans emanating from Aged & Disability Services and Council's Municipal Emergency Plan (MEMP).

Consultation

The Community Safety Program 2015 – 2020 was on exhibition on Council's website from 30 July until 14 September 2015.

As a part of the consultation process, the design of the program was endorsed by Associate Professor Dale Hanson, who was the certifier of Moonee Valley's Pacific/Australian accreditation.

Feedback received during consultation was supportive of the program with general informal input received via meetings and network events during the period. There were three written responses received that were supportive of the program; with suggestions for improvements including:

- Increasing the promotion and visibility of the program;
- Emphasising the contributing role of alcohol both to the issue of drug use and to violence be noted;
- That the development of programs addressing unintentional injury be mindful of the very old and the very young, groups which are often dependent on the assistance of others; and
- That data use and retention are anchored within the program both to underpin evidence-based action and for the purpose of tracking and evaluation.

This feedback has been considered in the preparation of the program and is consistent with the tenets of the Safe Community Model. Specific action to embed a data-gathering process as an annual output of the program is identified and is an inclusion within the Community Safety Action Plan 2015-16.

There are no significant changes to the program as a result of the consultation program.

The consultation was promoted broadly through advertorials in local publications and through the Community Safety Program's existing stakeholder networks, this included:

- All members of the Community Safety Stakeholder Group which includes Police, Crime Stoppers, Neighbourhood Watch, Moonee Valley Legal Services, cohealth, Red Cross, Department of Health and Human Services, Department of Justice, Women's Health West, key Council Officers and community members.
- All members of Council's internal Community Safety Reference Group – Aged & Disability, Family & Children's Services, Libraries, Operations, Business Development, Road Safety, Leisure & Open Space Planning, Flemington Community Centre, OHS, Transport.
- Eight Safety Officers from other municipalities through the LGPro Community Safety Special Interest Group, including two other accredited Safe Communities – Melbourne, Casey.
- Key agencies in Community Safety – The Victorian Safe Communities Network, and the Australian Safe Communities Foundation.

Implications

1. Legislative

Community safety is identified as a Health and Wellbeing priority and is addressed in accordance with the Municipal Public Health and Wellbeing Plan developed as a requirement of the Victorian *Public Health and Wellbeing Act 2008.*

The Community Safety Program takes a rights approach in recognising a universal right to safety. Focus Area 3, Resilient Communities notes the importance of human rights, equity and fairness in the creation of resilience that supports safe communities, in accordance with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

2. Council Plan / Policy

In presenting this report, Council is achieving its Strategic Objective to Build a community where people feel safe in both public and private spaces in accordance with Council Plan 2013-2017 Theme 1: Friendly and safe - A community where people feel connected and safe.

3. Financial

Implementation of the Community Safety Program and the Community Safety Action Plan 2015-16 are met within the current operating budget.

4. Environmental

Development of the Community Safety Program 2015 – 2020 and the Action Plan 2015-16 will prioritise the use of technology and effort will be made to minimise dependency on paper based resources.

Conclusion

Council's Community Safety Program contributes to the community vision for a friendly and safe community. Having achieved Pacific/Australian Safe Community accreditation, the Community Safety Program 2015 – 2020 builds upon the structures

and capacity of the International Safe Community Model, setting in place the processes and goal to retain international accreditation.

The Community Safety Action Plan 2015-16 is the first of five annual action plans under this program. The Action Plan identifies the activities that will be undertaken to translate the objectives of the Community Safety Program into a program of actions for the year ahead.

Appendices

Appendix A: Community Safety Program 2015-2016 (separately circulated)
Appendix B: Community Safety Action Plan 2015 - 2016 (separately circulated)

9.14 Alf Pearce Fenced Dog Park

File No: FOL/15/590
Author: Coordinator, Open Space & Urban Design
Directorate: Environment & Lifestyle
Ward: Buckley

Purpose

To seek Council's approval to undertake a six month trial of a fenced dog park at Alf Pearce Reserve.

Executive Summary

- The Domestic Animal Management Plan was endorsed in July 2014, which included the action to 'investigate the possible introduction of a dog only park'.
- Council's Local Laws department undertook a Dog Only Park Feasibility Study and associated consultation which identified Alf Pearce Reserve, Cliff Whitworth Reserve, Ian J McWilliams Park and Collier Park as potential sites for a fenced dog park.
- A municipal wide survey was conducted to seek feedback on which of the four sites above was the preferred location for a fenced dog park.
- Council Budget has an allocation of $100,000 for a fenced dog park at Collier Park. Through community consultation, Alf Pearce Reserve was identified as the preferred location. As such the budget allocated for the fenced dog park will be used on this site.
- Residents within a 500m radius of Alf Pearce Reserve were consulted on the proposed fenced dog park from 11 August to 4 September 2015.

Recommendation

That Council:

1. Undertake a six month trial of a fenced dog park at Alf Pearce Reserve from November 2015 to April 2016.
2. Receive a further report following the trial of the dog park, after further community and user consultation.

Background

The Domestic Animal Management Plan, which was endorsed in July 2014, included the action to 'investigate the possible introduction of a dog only park'. Council's Local Laws department undertook a Dog Only Park Feasibility Study which identified four parks which may be suitable for a fenced dog park. Community consultation was undertaken, through which Alf Pearce was identified as the preferred site within the municipality.

Discussion

Fenced dog areas are becoming more sought after within the community. Often these are contested spaces, given that they are a designated area within public open space assigned for one particular use. This by definition excludes other users. Discrete fenced areas for a specific user group, which exclude other members of the community, do not fit within the general principles of publicly accessible open space planning.

Currently Moonee Valley City Council does not have an adopted position or policy in regard to fenced dog parks, however a number of off leash areas currently exist within Moonee Valley reserves, including:

- Aberfeldie Park, The Boulevard, Aberfeldie
- Allan Reserve, Park Drive, East Keilor
- Boeing Reserve (northern end only), Boeing Road, Strathmore Heights
- Cross Keys Reserve (Eastern end only), Bridge Street, Essendon
- Davis Reserve, Fullarton Street, Airport West
- Fairbairn Park, Woods Street, Ascot Vale
- Spring Gully Reserve, Keilor Road, East Keilor
- Thompson Street Reserve, Thompson Street, Avondale Heights
- Travancore Park, Mooltan Street, Flemington

In accordance with Victorian legislation, Council requires all dogs to be under effective control by their owners in all public spaces. Any dogs in off-leash areas, including fenced off-leash parks, need to be trained to respond to their owner when called.

Consultation

Following the completion of a Dog Only Park Feasibility Study, Council sought community feedback from 30 March to 8 May 2015 to measure the level of support for a fenced dog park in Moonee Valley, as well as determine the community's preferred location for such a park. A total of 388 responses were received, with 96 per cent of respondents strongly supporting the introduction of a fenced dog park. Alf Pearce Reserve was identified as the preferred location by 43 per cent of respondents. Ian J McWilliams Park was preferred by 27 per cent of respondents, Collier Park was preferred by 12 per cent of respondents, Cliff Whitworth Reserve was preferred by 6 per cent of respondents and none of the four were considered preferred locations by 12 per cent of respondents.

Between 11 August and 4 September 2015 Council undertook targeted consultation with residents within a 500m radius of Alf Pearce Reserve, to gauge the level of support for a trial fenced dog park at the reserve. Approximately 610 surveys were sent to residents, from which 272 responses were received. The results found that 162 residents (59.6 per cent) supported the fenced dog park, whilst 107 (39.3 per cent) were opposed to the proposal. Three residents (1.1 per cent) were undecided.

A high proportion of responses which opposed the proposal were from residents directly adjacent to the Reserve at First Avenue and Carnarvon Road.

Concerns identified by respondents opposed to the proposed dog park included the fencing of open space, the current use of the area by local schools and the impact on existing users.

Further consultation with park users and local residents will be undertaken in March 2016, to determine the success of the trial dog park.

Implications

1. Legislative

Any built works undertaken as part of the fenced dog park will need to comply with the relevant Australian Standards.

2. Council Plan / Policy

In presenting this report to council, Council is achieving its Strategic Objective to Increase opportunities for social connection by designing services and programs that facilitate participation in accordance with Council Plan 2013-2017 Theme 1: Friendly and safe - A community where people feel connected and safe.

Note that there is no current Council plan or policy regarding fenced dog parks, hence a trial will provide necessary insight in policy development.

3. Financial

Temporary installation of the fenced dog park will be undertaken this financial year by utilising funds allocated to Collier Park within the current 2015/16 Capital Works Budget.

4. Environmental

There are no environmental benefits associated with this project.

Conclusion

The Domestic Animal Management Plan was endorsed in July 2014 which included the action to ‘investigate the possible introduction of a dog only park’. Council’s Local Laws team undertook a Dog Only Park Feasibility Study and consultation which highlighted Alf Pearce Park as the preferred location for a fenced dog park. Consultation was undertaken with local residents to determine support for a six month trial. 59.6 per cent of respondents were in favour of the trial. Further consultation will be undertaken during the trial to determine the success of and support for the project.

Appendices

Nil.

9.15 Public lighting upgrades in Moonee Valley

File No: FOL/15/590
Author: Coordinator Environment & Sustainability
Directorate: Environment & Lifestyle
Ward: Municipal

Purpose

To seek approval to fast-track the upgrade of Council owned lights in public open spaces and to provide an update on the 'Lighting the West' project to upgrade residential street lights.

Executive Summary

- In 2013, Council received $700,000 in funding from the Federal Government's Community Energy Efficiency Program (CEEP) to upgrade its street lights to more energy efficient lighting. The changeover of 5,600 lights has essentially been completed, with minor checks to be finished this month.
- The project has achieved cost savings through efficiencies in procuring the lights and achieving lower than projected installations costs. As a result, the project has $275,407 of Federal Government funding that is unspent.
- Council now has the opportunity to use these unspent funds to renew open space lighting assets, which will reduce maintenance and electricity costs as well as further cut greenhouse gas emissions. The Federal Government has agreed that the unspent CEEP funds can be reallocated in this manner.
- To access up to $275,407 of the remaining funding for this project, a co-contribution of $2 for every $1 of Federal Government funding is required. Council's contribution would be up to $550,814 which could be accommodated by the allocation of Council's carbon tax refund (up to $278,000) and a reallocation from the 2015/16 capital works budget (up to $272,814) to the project.
- Upgrading open space lights is estimated to save Council up to $18,000 each year in electricity bills plus significant additional savings through fast-tracking the renewal of ageing assets and reduced maintenance costs. It is also estimated to reduce greenhouse gas emissions by up to 100 tonnes each year.
- The Federal Government requires that all CEEP related projects be completed and fully acquitted by 23 May 2016. Given this timeframe, this project is time sensitive in terms of securing financial approval and completing the necessary procurement processes and the installation of the lights.
- The project is to be delivered by Council's Operations department and completed by May 2016.

Recommendation

That Council:

- takes up the opportunity to use the remaining Federal Government funding of up to $275,407 to upgrade Council owned lights in public open spaces.
- invests Council's carbon tax refund (up to $278,000) and reallocates funds from the 2015/16 capital works budget (up to $272,814) towards this public lighting upgrade.

Background

Current street lighting upgrades

Council has embarked on a three year program to upgrade approximately 5,600 residential street lights to more energy efficient lighting. To date Council has invested $1,047,985 in this program and has received $700,000 in funding from the Federal Government. The project forms part of the 'Lighting the West' program in partnership with Hobsons Bay, Wyndham and Maribyrnong city councils.

Public lighting accounts for 55 per cent of Council's greenhouse gas emissions and costs over $1 million per year in maintenance costs and electricity.

Moonee Valley's three stage upgrade began in September 2014 and is set to be completed by mid-October 2015. Approximately 5,600 inefficient mercury vapour street lights have been changed to T5 lights, saving Council $120,000 per year on electricity bills. These savings will rise to $250,000 per year after five years, due to lower maintenance costs and rising electricity prices. The payback period for the project has been calculated at six to eight years.

Once completed, the project will reduce Council's greenhouse gas emissions by 17 per cent (1,700 tonnes) in addition to the 35 per cent reduction that has already been achieved for Council's buildings. This project is contributing to Council's adopted target to produce zero net greenhouse gas emissions by 2020.

Council has engaged with residents about the project through household energy efficiency activities including workshops, stalls at events, footpath decals, flyers and letter box drops.

Discussion

Proposed lighting upgrades in public open spaces

The street lighting project has achieved significant cost savings through procuring the lights through a MAV tender process and achieving lower than projected installation costs. As a result, the project has $275,407 of Federal government funding that is unspent.

Council now has the opportunity to use this unspent funding to renew additional ageing lighting assets which will reduce maintenance and electricity costs as well as further cut greenhouse gas emissions.

It is proposed that the remaining funds be invested in open space lighting upgrades that were beyond the original scope of the street lighting upgrade project. The Federal Government has agreed that the unspent CEEP funds can be reallocated in this manner.

The project team has identified Council's open space light assets, such as those found around car parks and off-street pedestrian and bicycle paths, as suitable to be upgraded to T5 and LED lights for the following reasons:

- Many open space lights will need to be replaced in the next 2-5 years as they are coming to the end of their life, are starting to fail and pose an OHS risk to residents.
- This is an opportunity to standardise the types of lights used in open spaces across the municipality. Many of the current lights have parts that come from overseas and are hard to source or are no longer available.
- Upgrading decorative lights with LED technology would significantly reduce maintenance and electricity costs.

Council's project consultant, Ironbark Sustainability, has carried out a preliminary audit of Council's metered open space lighting. Based on this audit, it is expected up to 700 lights (approximately half of Council's open space lights) could be upgraded as part of this project. This is estimated to save Council up to $18,000 per year in electricity bills and contribute significant additional savings through fast-tracking the renewal of ageing assets and reduced maintenance costs. It is also estimated to reduce Council's greenhouse gas emissions by an additional 100 tonnes each year.

The exact locations and types of lights to be upgraded will be determined based on similar criteria that was used in the current street lighting project. Factors will include achieving a spread of lighting upgrades in open spaces across the municipality, logistics and accessibility of lights and the suitability of lighting technologies available.

One location currently being investigated is the lighting along the Maribyrnong River as well as other walking and cycling paths and car park lighting across the city.

By the end of October, Ironbark Sustainability will complete the detailed audit of Council's metered open space lighting and develop the full business case outlining the costs, benefits and expected savings of replacing lights identified as being suitable for replacement.

The project team will then prioritise locations for lighting upgrades with the project to be delivered by Council's Operations department and completed by May 2016.

Consultation

Officers have liaised extensively with Wyndham City Council, which is leading the overall Lighting the West project, and the Federal Government's CEEP staff regarding using the remaining funding to upgrade Council's open space lighting.
Operations and Environment and Sustainability staff have worked closely with Ironbark Sustainability on auditing Council's open space lighting, identifying lights suitable for replacement and quantifying financial and environmental benefits.

Implications

1. Legislative

No statutory or human rights considerations are required as a result of this report.

2. Council Plan / Policy

Theme 5: Excellence in Government - Strategic Objective 5: Reduce the environmental impact of Council operations.

The project will also help Council meet its commitments in the City Sustainability Policy 2013, Greenhouse Strategy 2010 and Sustainable Public Lighting Strategy 2010.

3. Financial

If Council were to use the full $275,407 of unspent Federal Government funding for the open space lighting upgrade project, a co-contribution of $550,814 would be required from Council. This amount could be accommodated through allocation of Council's carbon tax refund and savings to be identified in the 2015/16 capital works budget.

As a result of the Federal Government's repeal of the carbon pricing legislation, Council received a $278,000 carbon tax refund. The carbon tax originally incurred by Council was based on the carbon (ie. greenhouse gas) emissions associated with our electricity, gas and diesel usage and waste disposed to landfill.

The refunded amount is not presently allocated and has been transferred to consolidated cash holdings. As the proposed open space lighting upgrade will reduce carbon emissions through saving electricity, it is considered appropriate to invest the carbon tax refund in partially financing these upgrades. The project affords a nexus between the collection and use of this money and is in line with the original intent of the carbon tax to reduce greenhouse emissions.

An amount of up to $272,814 is proposed to be sourced from savings to be identified in the 2015/16 capital works budget.

The Federal Government requires that all CEEP related projects be completed and fully acquitted by 23 May 2016. Given this timeframe, this project is time sensitive in terms of securing financial approval and completing the necessary procurement processes and the installation of the lights.

Source	Amount*
Federal Government CEEP remaining funds	$275,407
Maximum amount of Council's co-contribution: Carbon Tax refund Reallocation from 2015/16 Capital Works program TOTAL Council contribution	 $278,000 $272,814 $550,814
Overall project budget	$826,221

*Actual amounts to be budgeted are to be determined after the detailed lighting audit is completed by the end of October.

4. Environmental

Once completed, the current street lighting upgrade will reduce Council's greenhouse gas emissions by a further 17 percent (1,700 tonnes) in addition to the 35 per cent reduction that has already been achieved for Council's buildings.

Upgrading Council's open space lighting would further reduce Council's greenhouse emissions by up to 100 tonnes each year.

This project is contributing to Council's target to produce zero net greenhouse gas emissions by 2020.

Conclusion

The opportunity to reallocate unspent Federal Government funds to fast-track the renewal of Council owned lights in open spaces presents a rare chance for Council to receive financial support to upgrade open space lighting assets.
Council's open space lighting assets are ageing and many require renewal in the next few years. Upgrades to open space lighting will have significant benefits to Council including:

- reduced maintenance needs and costs
- lower electricity costs
- further cuts in greenhouse gas emissions
- reduced OHS risk to residents due to failing lights
- more standardised types of lights across the municipality

It is considered appropriate to invest the carbon tax refund to partially finance these upgrades as this is in line with the original intent of the carbon tax to reduce greenhouse emissions.

Appendices

Nil.

9.16 Regional Food Kitchen - Purchase Additional Shares

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

Purpose

This report seeks Council's approval to purchase ten (10) additional shares in the Regional Food Kitchen Pty Ltd (RFK).

Executive Summary

- Moonee Valley City Council is one of 13 local government shareholders, owning a total of 24 shares within the Regional Food Kitchen.
- The Regional Food Kitchen investment comprises of the land, building and meal production facility located within the City of Hobsons Bay.
- In June 2013, Council resolved to increase its investment from 20 to 23 shares with an option provided by Regional Food Kitchen to consider further shares.
- In December 2013, Council resolved to increase its investment from 23 to 24 shares.
- In July 2015, Council provided an interest to purchase a further 10 shares on offer, being part of a parcel of shares previously held by Moreland City Council.

Recommendation

That Council authorises the Chief Executive to purchase ten (10) additional shares in the Regional Food Kitchen at a cost of $180,000.00.

Background

Moonee Valley City Council's Community Meals began operating a production kitchen and home delivery meals service in 1975, from a purpose built kitchen and dispatch facility within the Ascot Vale Neighbourhood Centre.

This service commonly known as 'Meals on Wheels' continues to provide a nutritious, appetising and culturally appropriate three course meal, delivered to resident's homes or to a community centre where meals are shared in a social setting.

Delivered meals are provided by Council staff and volunteers to residents who have no other options for supporting their nutritional needs other than having a meal delivered.

Staff and volunteers also monitor the wellbeing of residents at risk and provide timely and appropriate support when needed.

With limited menu choice, increased cost in both production and building maintenance, and ultimately increased cost to residents, Council resolved to join a number of other Councils across the State in the development of the Regional Food Kitchen and Community Chef Business models.

RFK owns the land and physical building that accommodates the food production operations. Community Chef is a subsidiary business of RFK who are responsible for the mass production of a wide range of meals allowing for a shelf life of 30 days. Community Chef produces and distributes meals to local governments on a daily basis who in turn disseminate meals to Home and Community Care (HACC) eligible residents.

Council's Ascot Vale Neighbourhood Centre is the distribution point in delivering meals. This service operates 365 days per year and is supported by Council employees and volunteers.

Discussion

Moonee Valley City Council is one of 13 local government shareholders, owning a total of 24 shares within the Regional Food Kitchen. In December 2013, Council resolved to increase its investment from 23 to 24 shares with an option provided by Regional Food Kitchen to consider further shares.

RFK has formally written to Council advising of the sale of 20 additional shares previously held by Moreland City Council. Ten shares are on offer priced at $18,000 per share. The additional revenue raised will allow RFK to expand their sales strategy into new markets, e.g. retirement villages, community health and manufacturing under a third party brand.

These shares are in the RFK component of the Business and as such are 'backed' by the land and assets owned by RFK Pty Ltd. The price proposed, which is unchanged from the original issue price, represents a low risk investment for Council in both land and capital.

Council's commitment to RFK is demonstrated by the being a shareholder, by the signing of a 10 year agreement for the supply of meals through the Meals on Wheels program, and for the supply of meals to the Crown Street Stables Café.

Council's investment will continue to support the future growth and development of this vital business and to protect its investment.

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

Section 186, Ministerial exemption from tendering for meal services have been granted to Shareholder Councils and Section 193, Ministerial approval has been given to Councils to join a company that has power to borrow means.

There are no legislative implications associated with this report.

2. Council Plan / Policy

Council's shareholding and subsequent agreement in the Regional Food Kitchen is consistent with Council's Strategic Objective of 'Friendly and Safe; Deliver high quality and contemporary community services that are good value for money'.

3. Financial

The cost for the additional shares $180,000.00, being 10 shares at $18,000.00 each, which can be accommodated within the Community Meals operating budget.

4. Environmental

Regional Food Kitchen has been designed one third smaller than a traditional kitchen, holding the same capacity with significantly less refrigerated air space. This translates to lower energy costs, a smaller carbon footprint and vastly improved work environment for staff.

The facility is low risk through the adoption of overhead rails system and reduction in use of chemicals with the use of e-water.

Council's Community Meals distribution Centre located at the Ascot Vale Neighbourhood Centre has been designed and built utilising the latest technologies and energy saving measures.

Significant energy and water savings have been achieved from that of a traditional food production kitchen in relation to washing tasks, lighting, cooling, logistics and air treatment.

Conclusion

RFK is an essential and cost effective component in Council's ability to provide meals to residents who are nutritionally at risk. Council's continued commitment as a shareholder in the RFK company will ensure not only financial sustainability but economic growth in the company and Councils investment, which will yield future financial returns for residents through capital investment and a reduced cost of meals.

Appendices

Nil.

9.17 144A Mascoma Street, Strathmore (Nursery Corner) - Proposed New Lease

File No: FOL/15/590

Author: Coordinator Property Services

Directorate: Corporate Services

Ward: Buckley

Purpose

To consider entering into a two year lease with Tim Taylor trading as "With Compliments Indoor Plant Hire" for occupation and use of the nursery corner site at 144A Mascoma Street, Strathmore.

Executive Summary

- Council acquired the property at 144A Mascoma Street, Strathmore from Hume City Council in April 2009.
- Part of the site has been leased to Tim Taylor trading as "With Compliments Indoor Plant Hire" who operate a wholesale nursery and event plant hire business.
- The lease commenced on 9 August 1996 for an initial term of three years with a three year option. The lease is currently in over holding.
- The land is zoned Public Park and Recreation Zone (PPRZ). Council is desirous of returning the site to public open space. Whilst the land is zoned PPRZ, existing use rights may apply to the land permitting the current use.
- Nursery Corner will be considered with the Moonee Ponds Creek Master plan which will be undertaken in 2015/16 and 2016/17. Council's Ten Year Capital Works program records implementation in 2018/19 and 2019/20.
- It is proposed that Council offer Tim Taylor a two year term lease commencing 1 November 2015, subject to the tenant applying for a section 97N Certificate of Existing Use Rights.
- The tenant is required to clean up the site of unsightly waste material and debris to Council's satisfaction prior to Council entering into a new lease.

Recommendation

That Council:

1. Enter into a lease with Tim Taylor trading as "With Compliments Indoor Plant Hire" ('Tim Taylor') for occupancy and use of Council's property at 144A Mascoma Street, Strathmore for a term of two years commencing 1 November, 2015 at an annual rental of $21,000 (plus GST), subject to the tenant obtaining a Section 97N Certificate of Existing Use Rights and satisfactory clean-up and maintenance of the lease site.
2. Note that the deed of lease shall be prepared and executed by the Chief Executive under his instrument of delegation.
3. Advise Tim Taylor that it will not be offering a new lease at the end of the lease term and that the lease site is to be cleared of the tenant's goods and chattels and the land reinstated to the satisfaction of Council in accordance with lease conditions.

Background

Council acquired the property at 144A Mascoma Street, Strathmore, from Hume City Council in April 2009. The property is contained on Certificate of Title Volume 7100 Folio 902 and comprises an area of approximately 17,000m^2. Refer location photo at **Appendix A**. The subject land is zoned Public Park and Recreation (PPRZ).

Part of the site comprising approximately 11,600m^2 was originally used as a plant nursery operated by the former City of Broadmeadows. Since 1996, the site has been used as a private wholesale plant nursery under a lease from Hume City Council.

The Lease to Tim Taylor commenced on 9 August 1996, for an initial term of three years, with an option of a further three years. The lease expired on 8 August 2002. The lease has since remained in over hold.

Discussion

Recently, Council established the new Strathmore Men's' Shed on a portion of the lease site. Subsequently, discussions were held with the tenant who agreed to excise approximately 1600m^2 of his lease area to accommodate the Men's' Shed facility. A revised lease plan was prepared and is shown at **Appendix B**.

Council's Leisure and Open Space Planning department developed a draft Nursery Corner Master Plan, dated July 2011. The Plan incorporates the current lease site. Nursery Corner will be considered with the Moonee Ponds Creek Master Plan which will be undertaken in 2015/16 and 2016/17.

Given, in the medium term it is planned to integrate the subject land with adjacent public open space, Council cannot commit to a long term lease of the site.

From 1996 the Tenant has had quiet enjoyment of the leased site. Further, since Council acquired the property in April 2009, Tim Taylor has predominantly met his obligations under the essential terms of the lease (aside from some general untidiness at the site) to Council's general satisfaction.

Therefore, given the tenant's good track record and the fact that Council has future plans for the site around 2018, it is proposed to offer Tim Taylor a two year lease only. The tenant has agreed to the proposed new lease term and annual rental.

Consultation

Council's Open Space and Urban Design Unit, Parks and Gardens, Operations and Strategic & Statutory Planning departments were consulted and support the proposal.

Council's Strategic & Statutory Planning department has advised the following:

> *"The land is zoned Public Park and Recreation (PPRZ) and is also affected by an Incorporated Plan Overlay (IPO5), an Environmental Significance Overlay (ESO2) and a Special Building Overlay (SBO). The land is also in an area of Aboriginal Cultural Heritage Sensitivity.*
>
> *Pursuant to the PPRZ the use of the land as a nursery requires a planning permit. There is no evidence to suggest that a permit has been issued for the current use. However from an inspection of Council's files it appears that the current use has been in operation for a period in excess of 15 years and therefore existing use rights may apply. It is recommended that the current user of the site apply for a Section 97N Certificate of Existing Use rights. The onus is on the operator to prove that the use has operated continuously for a period of 15 years on the site."*

Implications

1. Legislative

The requirements of section 190 of the *Local Government Act* 1989 do not apply to the proposed lease.

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to Protect and enhance the quality and scale of open space for conservation and community enjoyment in accordance with Council Plan 2013-2017 Theme 1: Green, clean and beautiful - A sustainable environment for future generations.

3. Financial

Council's Valuer has conducted a market rent review and determined a current market rental of $22,500 (GST excl) per annum.

However, the Valuer has taken into account the excise of approximately 1600m^2 from the original lease area and has determined a reduced market rental of $21,000 per annum or $1750 (GST excl) per month. The new market rent is a significant increase on the current rent of $15,960 (GST excl) or $1,330 (GST excl) per month.

4. Environmental

Over the past two months, Council officers have been in dialogue with the tenant regarding the current condition of the lease site and requested a clean-up of the

site of any rubbish, unnecessary stockpiles of material/debris, fallen trees and overgrown vegetation at the site.

Coincidently, Council received a letter of complaint on 26 September 2015 from concerned local residents about unsightliness and possible hazardous material on the site, requesting Council take all necessary action to have the site cleaned up and properly maintained by the tenant.

The tenant undertook site clean-up works in early October. Council officers inspected the site on Monday 5 October and can now confirm that the site has been cleaned up to Council's satisfaction. Council officers will closely monitor the site condition throughout the new lease term and require the tenant to strictly comply with maintenance provisions under the lease.

Following lease expiry, it is proposed that the land be reinstated to public open space in accordance with a future Nursery Corner Master plan.

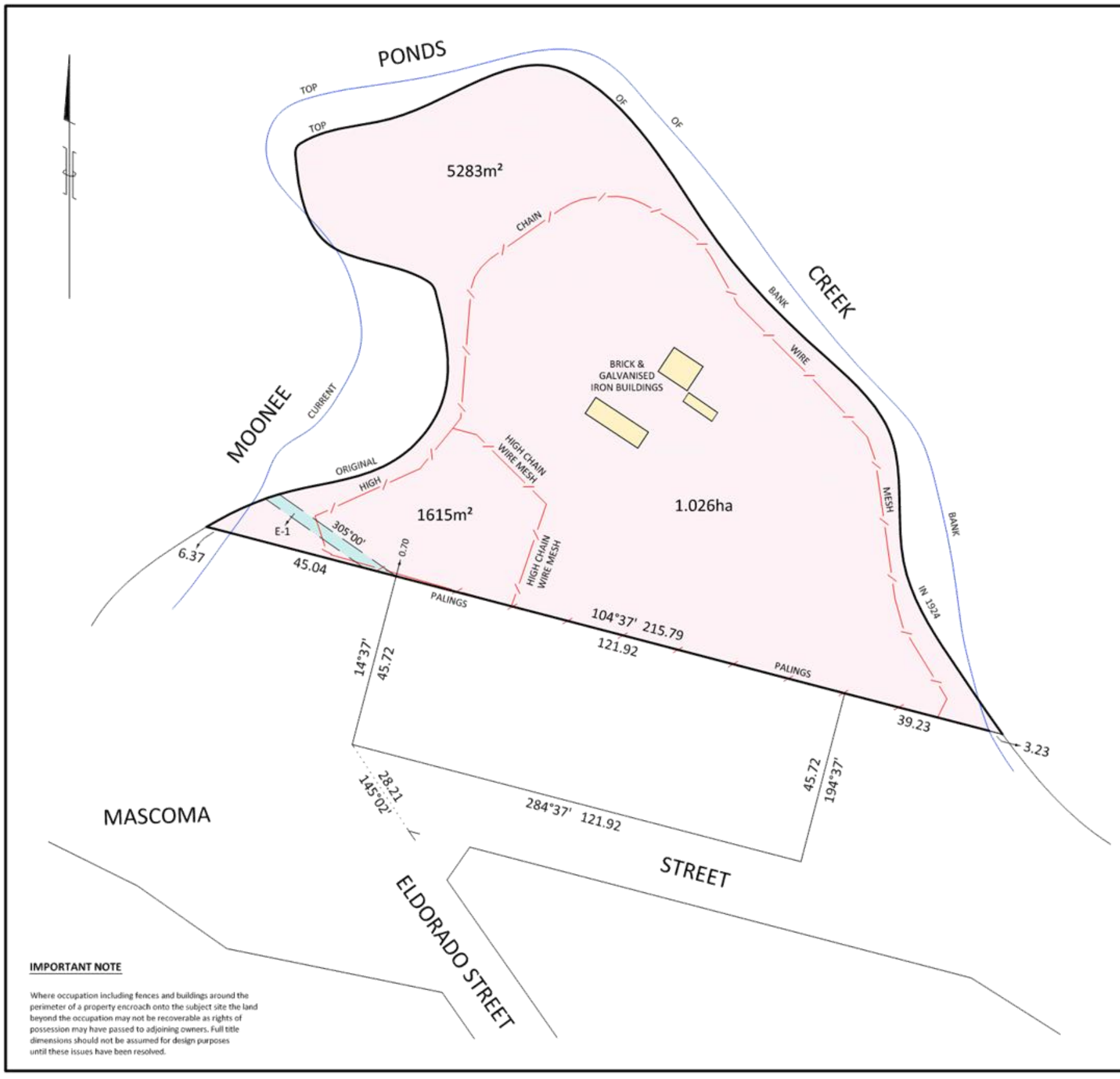
Conclusion

Whilst Council has plans for future public use of the site in the medium term, it is considered appropriate to enter into a new short term lease with the current tenant under the terms outlined in this report. This ensures that Council generates a satisfactory financial return from the site from its existing use, until such time the land is prepared for reinstatement to public open space.

Appendices

Appendix A: Location Photo
Appendix B: 144A Mascoma Street Plan of Survey (V2)

Mens Shed
MASCOMA ST
ELDORADO
MASCOMA
AV
0
50.00
100.00
meters



IMPORTANT NOTE

Where occupation including fences and buildings around the perimeter of a property encroach onto the subject site the land beyond the occupation may not be recoverable as rights of possession may have passed to adjoining owners. Full title dimensions should not be assumed for design purposes until these issues have been resolved.

NOTATIONS

LAND SUBJECT TO EASEMENT
E-1 3.05m WIDE DRAINAGE AND SEWERAGE EASEMENT.

MEASUREMENTS TO OCCUPATION NOT TO SCALE.

CERTIFICATION BY SURVEYOR

I certify that this plan correctly represents the occupation existing on the 11th May, 2015.

Licensed Surveyor

THE LAND IN THE SURVEY IS SHOWN ENCLOSED BY CONTINUOUS THICK LINES

TITLE REFS: Vol.7100 Fol.902

LAST PLAN REFS: LOTS 712 & 713 ON LP 12048

PLAN OF SURVEY, LEVELS & FEATURES

COUNTY OF BOURKE
PARISH OF DOUTTA GALLA
CROWN PORTION 23 (PART)

NUMBER OF SHEETS IN THIS PLAN: 1
NUMBER OF THIS SHEET: 1

ORIGINAL SCALE 1:1000

10 0 10 20 30 40
LENGTHS ARE IN METRES

Surveyors Ref:
15682
Version 2

VICLAND SURVEYING
INC. KEARNEY & TYRRELL SURVEYING
53 Rose Street , Essendon 3040
T 9331 4266 E admin@vland.com.au
F 9331 4366 W www.vland.com.au

9.18 68 Pin Oak Crescent, Flemington - Proposed Sale of Land.

File No: FOL/15/590
Author: Property Consultant
Directorate: Corporate Services
Ward: Municipal

Purpose

To seek Council approval to sell the land abutting 68 Pin Oak Crescent, Flemington in accordance with section 189 of the *Local Government Act* 1989 (" the Act").

Executive Summary

- Council resolved at its meeting on 14 October 2014 to commence statutory procedures under section 189 of the Act, giving notice of its intention to sell a small portion of land abutting 68 Pin Oak Crescent, Flemington shown in **Appendix A.**
- The land 1.84m^2 has been incorporated into the property at 68 Pin Oak Crescent, Flemington for over 60 years and the owner wishes to acquire the land.
- Public notices appeared in local newspapers on 2 September 2015. The submission period closed on 30 September. No written submissions were received to the proposal.

Recommendation

That Council:

1. Having completed all necessary statutory procedures under sections 189 and 223 of the *Local Government Act* 1989 and not having received any written submissions to the proposal, sell the 1.84m^2 parcel of land described as Lot 1 on Plan of Subdivision 739106N on Certificate of Title Volume 11590 Folio 105 to Dansam Investments Pty Ltd for $4,000 (GST excl.) plus all associated administrative and legal costs.
2. Authorise the Chief Executive to execute all relevant contract and transfer documents on behalf of Council

Background

The subject land forms part of Pin Oak Crescent, Flemington. Refer **Appendix A**

A small portion of this land (1.84m^2) is incorporated within 68 Pin Oak Crescent, Flemington and the land is occupied by a shop front window.

The owner maintains that in order to preserve the facade of the building and be able to achieve a sale of that particular parcel of land containing the 1.84m^2 he requires the land to be transferred from Council.

On 14 October 2014, Council approved a two lot subdivision of Council owned land contained on Certificate of Title Volume 2885 Folio 909 under section 35(8) of the *Subdivision Act 1988*, followed by the completion of statutory procedures under section 189 of the *Local Government Act 1989*, to transfer the lot containing 1.84m^2 of occupied land to the applicant.

Discussion

The subdivision has been successfully completed and Council is now the registered owner of a freehold parcel of land contained in Certificate of Title Volume 11590 Folio 105 which is incorporated within 68 Pin Oak Crescent, Flemington.

Council has completed its statutory advertising requirements and having received no submissions can now proceed to transfer the land to Dansam Investments Pty Ltd for $4,000 (GST excl.) plus all associated administrative and legal costs.

Consultation

Council gave public notice in the Moonee Valley Leader and Moonee Valley Weekly on 2 September 2015. The submission period closed on 30 September. No written submissions were received to the proposal. A valuation has been obtained.

Implications

1. Legislative

Council has acted under sections 189 and 223 of the Act regarding the proposed sale of land and all relevant statutory procedures have been complied with. Before selling any land, Council is required to obtain from a qualified person under the *Valuation of Land Act* 1960 a valuation of land which is made not more than 6 months prior to the sale of the land.

2. Council Plan / Policy

Council has acted in accordance with its Road Discontinuance and Sale of Land Policy and the Local Government Best Practice Guidelines for the Sale and Exchange of Land.

3. Financial

The land has been valued at $4,000. (GST excl.) and all administrative and legal costs will be borne by Dansam Investments Pty Ltd.

4. Environmental

There are no significant environmental implications.

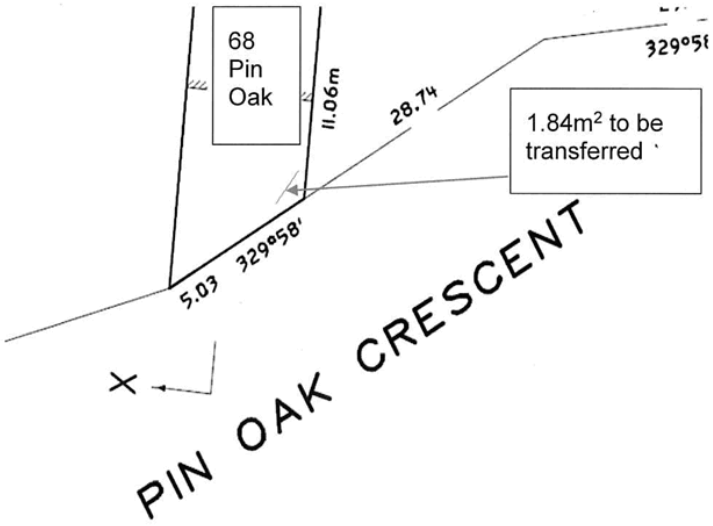
Conclusion

This process allows for the land anomaly to be resolved and for Council to obtain an amended title to Pin Oak Crescent, Flemington.

Appendices

Appendix A: 68 Pin Oak Crescent Flemington

APPENDIX A


68
Pin
Oak
11.06m
28.74
329°58'
1.84m² to be
transferred
5.03
329°58'
PIN OAK CRESCENT

9.19 Moonee Valley City Council Annual Report 2014/15

File No: FOL/15/590
Author: Corporate Planning Administration Support Officer
Directorate: Office of Chief Executive
Ward: Municipal

Purpose

The purpose of this report is to present the Annual Report 2014/15, which has been prepared in accordance with Section 31 of the *Local Government Act 1989 (*the Act) as contained in Appendix A – (separately circulated).

Executive Summary

- Council has prepared its Annual Report for 2014/15 as required under the Act. The report provides a review of Council's performance over the reporting period and includes the Financial Report and the Performance Statement.
- The Act requires Council to submit its Annual Report to the Minister for Local Government by 30 September 2015. The Annual Report 2014/15 was submitted to the Minister on 30 September 2015.
- The Act also requires that, following submission of the Annual Report to the Minister, the availability of the report be advertised for a minimum of 14 days. Public Notices were placed in the Moonee Valley Leader and The Weekly Review newspapers on 5 and 6 October 2015 respectively, and the Annual Report was made available for public viewing from 1 October 2015.
- Further, Council is required to hold a meeting to consider the Annual Report within 30 days of providing the Annual Report to the Minister for Local Government.

Recommendation

That Council adopt the Annual Report 2014/15 provided as **Appendix A** (separately circulated).

Background

Under Section 131 of the Act, all Councils are required to present an Annual Report to their community and to the Minister for Local Government. The Act and the *Local Government (Finance and Reporting) Regulations 2004* prescribe what, as a minimum, is to be included in the Annual Report covering the operations of Council for the reporting year, including:

- Review of Council's performance against the Council Plan.
- Legislative, economic or other factors impacting on performance.

- Major policy initiatives, capital works, information on the nature and range of services provided and activities undertaken.
- Results against the prescribed performance indicators and governance and management checklist.
- Details of Councillors and the administrative structure of Council, including a summary of employees.
- Report against the key activities and priorities identified in the budget.
- A set of audited financial report and performance statement.

All of these elements are contained in the Annual Report. The Annual Report presents audited statements on Council's financial performance during the financial year and its overall position as at 30 June 2015.

An important part of the democratic process is reporting back to the community on what Council has delivered with the money raised through rates, charges, fees and grants received. Accounting to Moonee Valley's citizens, businesses, service providers, community groups as well as State and Commonwealth Governments is fundamental to Council's good governance.

Discussion

- This is the second Annual Report to be delivered against the Council Plan 2013-17. Council has made good progress towards achieving the strategic objectives, strategies and strategic indicators of the four-year Council Plan.
- Council has prepared its Annual Report for 2014/15 as required under the Act. The report provides a review of Council's performance over the reporting period. It also includes the Financial Report and the Performance Statement, as adopted in principle on 25 August 2015 at Council's Ordinary Meeting, prior to being sent to the Victorian Auditor-General for certification.
- On 31 August 2015, Council received the Certified Independent Audit Report from the Victorian Auditor-General covering the Financial Report and the Performance Statement.
- In adherence with the Act, the Annual Report was submitted to the Minister on 30 September 2015.
- Following submission of the Annual Report to the Minister, the availability of the report and details of the Council Meeting at which it is to be discussed and adopted were advertised for 14 days in line with legislative requirements. Public Notices were placed in the Moonee Valley Leader on 5 October and The Weekly Review on 6 October 2015.
- The Annual Report has been available on Council's website and in hard copy from the Civic Centre and any branch of Council's libraries from 1 October 2015.
- The Act requires Council to hold a meeting to adopt the Annual Report after the 14 day public viewing period and within 30 days of submitting the report to the Minister.

Consultation

The nature of this report does not require any consultation.

Appendices

Appendix A: Moonee Valley City Council Annual Report 2014-15 (separately circulated)

9.20 Report on Audit Committee

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

Purpose

To present the unconfirmed Minutes of Council's Audit Committee Meeting held on 21 September 2015, provided as **Appendix A**.

Executive Summary

Audit Committee meetings are held quarterly or as required; and the minutes of these meetings are submitted for consideration.

Recommendation

That Council receive the unconfirmed Minutes of the Audit Committee Meeting held 21 September 2015.

Background

The Audit Committee is an Advisory Committee of Council established pursuant to Section 139 of the *Local Government Act* 1989 ('the Act').

Council's financial management is delivered through the planning of resource allocations as part of our Annual Budget. Regular quarterly monitoring and reporting through the Audit Committee facilitates:

1. The enhancement of the credibility and objectivity of internal and external financial reporting;
2. Effective management of financial and other risks, and the protection of Council assets;
3. Compliance with laws and regulations as well as use of best practice guidelines;
4. The effectiveness of the internal audit function;
5. The provision of an effective means of communication between the external auditor, internal audit staff;
6. Management and Council;

Discussion

The Act requires that the Committee report to Council on the findings and recommendations from its meetings. This report provides a summary of matters considered at the Audit Committee meeting held 21 September 2015 as follows:

1. The Audit Committee minutes of 12 August 2015, presented to Council on 22 September 2015, were confirmed by the Audit Committee without change.

2. Status of Audit Recommendation Implementation

   The Audit Committee received and noted the status of internal audit recommendations from previous Internal Audit Reports, which identified the status of management actions addressing recommendations from previous internal audit reports contained in the Internal Audit Program.

3. 2014/15 Internal Audit Status Report

   The Internal Audit Status Report, detailing the current status of the internal audit program, was noted by the Audit Committee.

4. Review of Management of Events

   In accordance with the Internal Audit Plan for 2014/15, a report into the review of Management of Events was received and noted by the Audit Committee. The report assessed the effectiveness of Council's processes for approving and managing both community and Council events to minimise the exposure of Council to risk.

5. Risk Management Update

   The Audit Committee received an update on Council's Risk Management area and the ongoing work being undertaken to embed risk into the Council's values and operational activities.

6. Municipal Monitor's Report on Darebin City Council

   The Audit Committee received and noted a report on the Minister of Local Government's appointed Municipal Monitor to Darebin City Council. The report assesses the Monitor's findings against Moonee Valley City Council's own processes.

7. Internal Audit Program 2015-16

   In accordance with the extension of the appointment of HLB Mann Judd as Council's Internal Audit Services Provider, the Internal Audit Program 2015/16 requires comment and has been prepared in consultation with Management and was adopted by the Audit Committee.

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

The Local Government Act 1989 prescribes that Council must establish an Audit Committee and that such committee will be advisory in nature.

2. Council Plan / Policy

In presenting this report to council, council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and

confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

3. Financial

This report does not have any direct financial implications.

4. Environmental

There are no environmental implications resulting from this report.

Conclusion

The Audit Committee plays an integral role in assisting Council to manage financial, compliance and other risks, it is therefore recommended that Council receive and note the unconfirmed Minutes of the Audit Committee meeting held 21 September 2015.

Appendices

Appendix A: Minutes of the Audit Committee Meeting held 21 September 2015

City of Moonee Valley

Audit Committee Meeting

Monday, 21 September 2015 at 6.00pm

Moonee Valley Civic Centre

Minutes

Report Index

The following reports were considered:

6. Reports

6.1 Status of Audit Recommendation Implementation 4
6.2 Internal Audit Status Report 2014/15 4
6.3 Review of Management of Events 4
6.4 Risk Management Update 5
6.5 Municipal Monitor's Report on Darebin City Council 5
6.6 Internal Audit Program 2015-16 5

Minutes of the Audit Committee Meeting

Monday, 21 September 2015 at 6.01pm
to be held at the Moonee Valley Civic Centre

TO:

Members:	Mr David Ashmore	Chairperson
	Mr Hugh Parkes	
	Mr Bruce Potgieter	
	Cr Narelle Sharpe	
	Cr Nicole Marshall	
Officers:	Mr Bryan Lancaster	Acting Chief Executive
	Mr Dale Monk	Acting Director Corporate Services
	Mr Danny Bilaver	Acting Coordinator Governance
Invited Guests:	Mr Mark Peters	HLB Mann Judd
	Mr Vineet Danwar	HLB Mann Judd
Guests:	Cr Paul Giuliano	

1. Apologies

Nil.

2. Confirmation of Minutes

Moved by Mr Parkes, seconded by Mr Potgieter that the Minutes of the Audit Committee Meeting held on Wednesday, 12 August 2015 be confirmed.

CARRIED

3. Declarations of Conflict of Interest

Nil.

4. Declarations of Breaches of Legislation

Nil.

Cr Paul Giuliano entered the meeting at 6.11pm.

CONFIDENTIAL

5. Chief Executive / Executive Update

The Acting Chief Executive, Mr Bryan Lancaster, provided an update to the Audit Committee on the following matters:

- Organisational culture
- Personnel matters.

Cr Paul Giuliano left the meeting at 6.24pm.

6. Reports

6.1 Status of Audit Recommendation Implementation

Author: Manager Finance

Directorate: Corporate Services

Committee Resolution

Moved by Cr Marshall, seconded by Mr Parkes that the Audit Committee notes the status of the implementation of internal audit recommendations – refer **Appendix A** (separately circulated) – in particular the 24 items cleared items in the period.

CARRIED

6.2 Internal Audit Status Report 2014/15

Author: Manager Finance

Directorate: Corporate Services

Committee Resolution

Moved by Mr Potgieter, seconded by Cr Marshall that the Audit Committee notes the status of the internal audit program - refer **Appendix A**.

CARRIED

6.3 Review of Management of Events

Author: Manager Finance

Directorate: Corporate Services

Committee Resolution

Moved by Cr Sharpe, seconded by Mr Parkes that the Audit Committee receive and note the Review of Management of Events – refer **Appendix A** (separately circulated), noting the management actions and timelines.

CARRIED

6.4 Risk Management Update

Author: Acting Manager Human Resources

Directorate: Corporate Services

Committee Resolution

Moved by Mr Potgieter, seconded by Cr Sharpe that the Audit Committee receive and note the Risk Management Update report.

CARRIED

6.5 Municipal Monitor's Report on Darebin City Council

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Committee Resolution

Moved by Mr Potgieter, seconded by Mr Parkes that the Audit Committee receive and note the Monitor's Report on Darebin City Council.

CARRIED

6.6 Internal Audit Program 2015-16

Author: Manager Finance

Directorate: Corporate Services

Committee Resolution

Moved by Cr Sharpe, seconded by Mr Parkes that the Audit Committee receives and provides commentary as to the proposed Internal Audit Program 2015/16 **Appendix A** to facilitate finalisation for adoption at the Audit Committee Meeting to be held 17 November 2015.

CARRIED

7. Other Business

The Audit Committee Chair, David Ashmore, to move the Chairperson's Report on the Audit Committee to Council from the 22 September 2015 to the 27 October 2015 Council Meeting.

8. Next Meeting

Next meeting of the Audit Committee will be held on Monday, 16 November 2015.

CONFIDENTIAL

9. Close of Meeting

The meeting concluded at 7.48pm.

DAVID ASHMORE
Chairperson

9.21 Report on Advisory Committees

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

Purpose

To present the minutes of Council's Advisory Committee meetings received since the last report to Council held in September 2015.

Executive Summary

The minutes of Advisory Committee meetings received since the last report to Council are submitted for consideration.

Recommendation

That Council receive and note the following confirmed Advisory Committee Meeting Minutes, received since the last report to Council in September 2015:

a) ANZAC Centenary Advisory Committee held 1 June 2015 (**Appendix A**);
b) Integrated Waterways Advisory Committee held 17 July 2015 (**Appendix B**);
c) Strategic Planning Advisory Committee held 30 July 2015 (**Appendix C**); and
d) Early Years Reference Group held 11 August 2015 (**Appendix D**).

Background

Council at its Statutory Meeting on 5 November appointed representatives to Advisory Committees, up to the month of October 2015.

Minutes from these meetings are presented to Council for information purposes.

Discussion

Minutes from the following Advisory Committee Meetings are presented to Council in accordance with section 80A(2)(a) of the *Local Government Act* 1989:

a) ANZAC Centenary Advisory Committee held 1 June 2015;
b) Integrated Waterways Advisory Committee held 17 July 2015;
c) Strategic Planning Advisory Committee held 30 July 2015; and
d) Early Years Reference Group held 11 August 2015.

Consultation

The nature of this report does not require any consultation to be undertaken, but rather the coordination and compilation of minutes of the meetings held.

Implications

1. Legislative

These minutes are presented to Council in accordance with sections 80(2)(a) of the *Local Government Act* 1989 .

2. Council Plan / Policy

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

3. Financial

There are no financial implications resulting from the presentation of this report.

4. Environmental

There are no environmental implications resulting from this report.

Conclusion

Advisory Committees allow for a more efficient and effective process of understanding specific areas, prior to being considered by Council.

Appendices

Appendix A: Minutes - ANZAC Centenary Advisory Committee held 1 July 2015
Appendix B: Minutes - Integrated Waterways Advisory Committee held 17 July 2015
Appendix C: Minutes - Strategic Planning Advisory Committee held 30 July 2015
Appendix D: Minutes - Early Years Reference Group held 11 August 2015

City of Moonee Valley

ANZAC Centenary Community Coordinating Committee

Minutes

MEETING #6
Monday, 1 June 2015
Moonee Valley Civic Centre, 9 Kellaway Avenue, Moonee Ponds
at 6.01pm in Committee Meeting Room (Level 2)

Attendees	Cr Jan Chantry	Chairperson – Buckley Ward
	Cr Andrea Surace	(Sub Chair) – Rose Hill Ward
	Bill Laker	President, Keilor East RSL
	Bob Chalmers	President Essendon Historical Society
	Barry Gough	Former Mayor City of Essendon
	Elaine Brogan	Friends of Sandy
	Everett Reynolds	58/32 Infantry Battalion Association Ltd
	Gavin Comport	General Manger, Keilor East RSL
	Judy Maddigan	Local Historian
	Robyn Harris	15th Essendon Sea Scouts
	Trevor Sinclair	Bendigo Bank Board Member / former Mayor Moonee Valley City Council
	Yvonne Kernan	2013 Moonee Valley Citizen of the Year
	Anthony Smith	Acting Director Environment and Lifestyle
	Maria Tence	Manager Arts and Culture
	Mark Hammett	Manager Parks and Gardens
	James Martin	Manager Communications & Corporate Planning
Apologies	Rev Alan Colyer	Anglican Parish of St Thomas
	Ange Kenos	Essendon RSL Sub Branch
	Jane Canaway	2014 Moonee Valley Citizen of the Year / Freelance Journalist and Editor
	Cr Jim Cusack	(Sub Chair) – Myrnong Ward
	John Hills	Essendon Historical Society

Order of Business

Welcome

Meeting opened at 6.01 pm.

The Chairperson welcomed all attendees to the meeting.

Apologies

Apologies received from Rev Alan Colyer, Ange Kenos, Jane Canaway, Cr Jim Cusack and John Hills.

1. Confirmation of Previous Minutes

Moved by Trevor Sinclair, seconded by Elaine Brogan that the Minutes of the Anzac Centenary Community Coordinating Committee (#5) held on Monday, 30 March 2015 be confirmed with no changes.

2. Declarations of Conflict of Interest

None recorded.

3. Actions arising from previous minutes.

3.1 The 58/32 Infantry Battalion Association Inc.

(a) Location and installation of "tablet" in Queens Park

Mark Hammet met with Ev Reynolds and agreed on the spot in Queens Park where the memorial to Pompey Elliott will be installed. It will be near the cannons and near the Lone Pine that will be planted. Ev reported that the stonemason is working on the monument and that it will be launched next year, probably in August. Because of the significance to the citizens of Essendon, this memorial will be presented to the citizens of Essendon.

ACTION: *James to amend calendar on Council's website for event.*

(b) Care of Lone Pine tree

Mark and Ev have determined the location where the Lone Pine will be planted. Because of its significance to the citizens of Essendon, a plaque will describe the meaning of the tree to the district with a dedication "In memory of the Citizens of Essendon who fought at Lone Pine".

Ev considered that some thought may need to be given to how to protect the tree whilst it strengthens, grows and becomes established.

The planting event on 8 August was discussed and agreed that Rev Colyer will be invited to officiate, and a military delegate will be invited to speak.

Anthony suggested a meeting to sort out the details and discuss the Order of Proceedings, speakers and invitations.

ACTIONS:

- *Mark to work out how to protect the tree whilst it grows.*
- *Ev to provide Mark with wording so dedication engraving for plaque for Lone Pine can be organised.*
- *Judy to ask Rev Colyer to officiate at planting of Lone Pine.*
- *Invitations to be organised and mailed by Council.*
- *James Martin to organise Communication Plan highlighting significance of the planting, speakers etc.*

3.2 Women Caring for Veterans of War, Inc.

Mark Hammett reported that he had met with Women Caring for Veterans of War Inc. to determine where the statue will be installed. He stated the statue will be delivered in June and it will be installed one week prior to the official launch on 29 August.

Maria reported that she is in the process of organising the logistics and catering for the event, starting at 11am. She will liaise with Stephanie Curry and James Martin regarding invitations and Order of Proceedings.

It was suggested that it may be a good opportunity for Essendon Historical Society members to dress in period costume.

ACTIONS:

- *Rob Chalmers to discuss participating in the event with other Essendon Historical Society members in period costume.*
- *James Martin to develop a Communications Plan to include a media release and photographs.*

3.3 Renewal and update of the Avenue of Honour signage boards

Trevor Sinclair stated that an application to the Victorian Government has been submitted and are awaiting a formal reply. Will follow up in due course if a reply isn't forthcoming.

Trevor explained that the scope of the work also involves placing panels in sequential order, updating the historical information and adding new panels.

ACTION: *Mark and Trevor to discuss further about location.*

3.4 Heritage Plaques on homes

Discussion postponed.

ACTION: *Barry Gough to follow up on what is required for discussion at next meeting.*

3.5 Street Signs

Maria said she will be holding a meeting with John Hills, Essendon Historical Society, who has done a lot of research on street names, when he returns from his European leave, next week.

ACTION: *Maria to bring wording of street name descriptions/explanations back to the Committee before sending to production.*

3.6 Remembrance Day – Wednesday, 11 November

James reported he has drafted letters to schools and churches requesting the ringing of bells. Letters will be forwarded to the Mayor for signature. He will also formulate a letter to Department of Transport seeking their collaboration in stopping the trams for Remembrance. It was discussed to request that trams could ring bells one minute prior to 11am if they cannot stop running.

ACTION: *James to follow through with the sending of the letters.*

3.7 Music in War Time

Judy reported that there are four concerts to this series, the first of which by the Essendon Symphony at the Clocktower has already occurred.

Concerts are listed on events calendar but the concerts for next year are yet to be decided. Once dates confirmed they will be passed on to James to place on Council's online calendar of events.

ACTION:

- *Judy to send James calendar of concerts once confirmed.*
- *James to amend online calendar of events.*

3.8 Canons at Kensington Town Hall

Maria said she spoke to Melbourne City Council about the missing cannons but they stated they were removed only during the Kensington Town Hall refurbishment works and the cannons themselves had been repaired. Now they are back in their usual location in front of the Kensington Town Hall.

Members of the Committee enquired about other cannons. A discussion ensued about the significance of the various cannons. It was agreed that the cannons that were located in the ground of the Essendon High School should be located, even though they were removed in the 1950s.

ACTION: *Maria to contact Essendon High School to ask if they know what happened to the cannons.*

4. Planting of Lone Pine

Discussed during item 3.1.

5. Other Business

5.1 Queens Park Cenotaph wall

Judy reported that plans for the memorial wall around the Cenotaph were progressing and would be using Council's plaque supplier to make the plaques for the names of those who died and date of death. Plaques will also recognise regiments and other units at war, not only soldiers. Judy reported that the design for the wall was in line with the Queens Park Master Plan. The plan and design references the original gate walls.

The Committee asked where the original gates to the Cenotaph are now located and why they were removed.

ACTION:

- Judy to continue discussing wall design, plaques and installation timeline with Mark Hammett and bring designs back to the committee when finalised.
- Mark to investigate the whereabouts of the original gates and report back to the Committee.

5.2 Updates on projects:

Elaine Brogan reported that the post and rail fence for the Friends of Sandy project has been postponed due the Defence Department not making land available. She said that the fall-back position is to install the memorial in the open space adjacent to the Defence land area with the installation scheduled for May 2016.

ACTION: *Committee to write to Defence Department to support Friends of Sandy project (CC Maribyrnong Council).*

5.3 Success of Keilor East RSL Anzac Service:

Members of the Committee noted the growing success of the Keilor East RSL Anzac service. Over 6,000 people attended the Hoffmans Road dawn service in 2015. There was also a school project run, through which 1400 students from 8 schools marked names of soldiers on crosses and planted them on site.

ACTION: *Committee Chair to write to RSL staff to thank them for the extra effort put into delivering a successful event for the 100th anniversary of the Anzac commemoration.*

6. Date of Next Meeting

Monday, 7 September, 6pm.

The meeting closed 7.00 pm

City of Moonee Valley

Moonee Valley Integrated Waterways Advisory Committee

Minutes

MEETING #11

Friday, 17 July 2015 at 9am in the Council Committee Room, Moonee Valley Civic Centre, 9 Kellaway Avenue, Moonee Ponds

Attendees	Cr Shirley Cornish	Chairperson, Rose Hill Ward
	Elaine Brogan	RivCel
	Frank Kinnersley	Friends of the Moonee Ponds Creek
	Jesse Barrett	Melbourne Water (Program Leader)
	Mark Roberts	Friends of Napier Park
	Peter Somerville	Friends of Maribyrnong Valley
	Sue Hooper	Friends of Steele Creek
	Tony Smith	Moonee Ponds Creek Co-ordination Committee
	Mark Hammett	Manager, Parks and Gardens, MVCC
	Michelle Gooding	Conservation Officer, Parks and Gardens, MVCC
Invited Guests	Deborah Riley	Senior Strategic Planner, Melbourne Water
	Beth McLachlan	Strategic Planner, Melbourne Water
Apologies	Kylie Swingler	Melbourne Water (Waterway and Land Officer)
	Cr Nicole Marshall	Myrnong Ward
	Stuart Lacey	Friends of Afton Street (Coordinator)
	Virginia Moylan	Friends of Five Mile Creek
	Anthony Smith	Acting Director, Environment and Lifestyle, MVCC
	Deb Gaehl	Executive Assistant, E&L (minute taker), MVCC

Order of Business

Welcome

Chair Cr Shirley Cornish opened the meeting at 9.06am.

Apologies

As noted

1. Confirmation of Previous Minutes

Moved by Elaine Brogan, seconded by Peter Somerville that the Minutes of the Moonee Valley Integrated Waterways Advisory Committee Council held on Friday, 22 May 2015 be confirmed.

2. Declarations of Conflict of Interest

None recorded.

Presentations with invited guests

3. **Melbourne Water - Presentation of Flood Management Strategy – Port Phillip and Westernport**

Beth McLachlan (Project Manager) presented a consultation on a Draft Strategy to update the 2007 version of the Flood Management Strategy. This strategy will create a framework on how to make decisions on flood management rather than place based solutions and will feed into the Victorian Flood Strategy.

New additions to this strategy include:

- Updated priority setting
- Mapping approach
- Frequent and localised floodin g
- More community engagement
- Getting the most benefit
- Urban consolidation
- Keep sharing information
- Clarity on roles

Formal submissions are encouraged and can be made via an online survey http://haveyoursay.melbournewater.com.au/your-flood-strategy

The committee encouraged Melbourne water to consider the IWAC committee as a stakeholder for such consultation, particularly at earlier stages.

ACTIONS:

- *Michelle to follow up with other council teams to ensure that council is preparing a submission and raise awareness of the IWAC committee and encourage officers to share waterway related information with IWAC.*
- *All members are encouraged to put in individual submissions*

4. Actions Arising from previous Minutes and Summary of Actions

4.1 M102 Guidelines

Michelle relayed information from Robyn Brown:

Project overview

As of Wednesday 15 July the project team had upgraded 4,452m of pipe upgrade. We have approx. 600m remaining to complete in the Moonee Valley City Council region. We expect to have all of the water main upgraded during the week of 3 August (subject to weather). We will continue to undertake tidy up and reinstatement works in August, however our visibility and impact will be considerably smaller than over the last few months.

We are in the progress of demobilising our site office from Coghlan Street and we are on track to remove ourselves from Council land which was agreed via licence agreement with reinstatement in place. We will still be working at Steele Creek for a while as the bridge works continue.

Our final stage of works will take place on Ashley Street in Maidstone. We will begin works in the area from 3 August and expect to be finished by mid to late October.

Steele Creek Pedestrian Bridge

To date we have undertaken the following activities:

- Bridge removed
- Geotechnical assessment of ground conditions completed
- Drawings are IFC
- New MW Pipe laid across the creek
- South Abutment has been poured
- Steel pedestrian bridge ordered and fabrication has commenced

Works still to be undertake with approximate timing are:

- North Abutment – next week
- Fabrication of bridge –during week of 3 Aug (3 weeks)
- Fabrication of concrete panels – during week of 3 Aug (3 weeks)
- Concrete Deck to be poured – during week of 10 Aug (4 weeks)
- Handrailing installation – during week of 10 Aug (4 weeks)
- Installation of bridge – during week of 17 Aug (5 weeks)
- Reinstatement of footpaths – during week of 17 Aug (5 weeks)
- Reinstatement of light poles - during week of 24 Aug (6 weeks)
- Electrical hook up – during week of 24 Aug (6 weeks)
- Installation of signage – during week of 24 Aug (6 weeks)

ACTION: *Michelle to advise Council support office of the committee's intention to have a bridge opening ceremony.*

4.2 Moonee Ponds Creek Linear Master Plan

Plan is currently in tender evaluation.

ACTION: *Michelle to arrange and update at the next meeting*

4.3 Aberfeldie Park Wetland Project

The construction details are being reviewed. There is no budget allocated at this stage.

ACTION: *Michelle to arrange and update at the next meeting.*

4.4 Aberfeldie Stormwater Drainage Improvement

Jesse provided a project update.

Project will address local flooding issues. There were alternatives investigated such as Vida street rain gardens and daylighting within Aberfeldie Park however these were not feasible.

Low flows will be treated by the Aberfeldie Wetland project design before they are released into the Maribyrnong River.

Melbourne Water and Council are currently revising options to minimise impact to Aberfeldie Park and the River. Vegetation loss has been minimised in line with Councils Master Plan.

ACTION: *Jesse to update at the next meeting.*

4.5 Maribyrnong River Design Guidelines

Cr Cornish advised that she has not received a response from the Minister as yet. Discussion around the purpose and review of the guidelines for planning controls. Inconsistency of planning control applications was raised as a concern.

ACTIONS:

- *Michelle to get a copy of the Notice of Motion for the next meeting.*
- *Mark Hammett to follow up with Bryan Lancaster on the status of the Notice of motion and response from the minister.*

4.6 Parkland adjacent to 24 Craig Street, East Keilor/Steele Creek

Mark Hammett advised that a letter has been sent to the body corporate of 24 Craig Street advising of Councils intention to install fencing along their Northern boundary with Council's reserve in the middle of August.

ACTION: *For information only.*

4.7 Naming of Afton Street Footbridge to E&J Livingston Bridge

Cr Cornish advised that she had received and tabled the joint letter from Judy Madigan at a previous council meeting but has not received a response as yet.

Peter Somerville provided a letter from the family which has been included in as an appendix to the minutes.

ACTIONS:

- *Michelle to follow up status of original request by Cr Cornish.*
- *Michelle to provide an update at the next meeting about the maintenance works planned for the bridge.*
- *IWAC members at the meeting to sign family letter for Cr Shirley to re-table at council.*

5. Grants and Funding

Michelle Gooding provided an update on upcoming projects

5.1 Green Army update

Round 3 application has been successful with 3 Maribyrnong River teams following up and enhancing works undertaken in Rounds 1 over 18 months commencing in September 2015.

ACTION: *For information only.*

5.2 20 Million Trees Grant

20 Million Trees joint application with Lead West was successful and launched on Wednesday last week. Partner agreements are to be signed soon and planting will commence after that. There are 30,000 trees allocated to Moonee Valley over the next 3 years.

Michelle will be in touch with friends of groups soon to seek support and joint projects.

ACTION: *For information only.*

5.3 MVCC Community Grants

Cr Cornish advised the committee members that the structure of the Moonee Valley grants has been changed and encouraged the groups to go online to investigate. http://mvcc.vic.gov.au/grants

Council is holding several information sessions. Residents, groups and local businesses are being encouraged to drop in and find out more.

Date	Time	Venue
14 July	11am-1pm	Avondale Heights Library and Learning Centre, 69-79 Military Road, Avondale Heights
20 July	2pm–4pm	Flemington Community Centre, 25 Mt Alexander Road, Flemington
30 July	6pm-8pm	Moonee Valley Civic Centre, 9 Kellaway Avenue, Moonee Ponds

ACTION: *Michelle to include details in minutes.*

5.4 ARC Linkage Grant

Moonee Valley has received a grant in partnership with Monash University and Dandenong City Council to investigate the benefits of irrigating urban reserves.

ACTION: *For information only.*

6. General Business

6.1 Heritage gaps in the Maribyrnong River Masterplan

Elaine raised concern over the gaps and inconsistencies with Heritage activities along the Maribyrnong River and requested information about the Anzac Commemorative Honour Boards.

ACTION: *No Action. Mark to continue to work with Trevor Sinclair who is chairing the project.*

6.2 5 Mile Creek Plan

Elaine requested follow-up on the 5 Mile Creek Master Plan.

Cr Cornish advised that the plan was adopted by Council in June.

Budget is yet to be allocated for the works.

ACTION: *Michelle to post hard copy of plan to Elaine.*

6.3 Medway Golf Course projects

Cr Cornish requested further information from Melbourne Water regarding improvement works at Medway golf course.

Jesse advised that works to date have included weed removal and revegetation along the river bank and remediation works after the M102 project. Greening the West projects may have also been undertaken here.

ACTION: *Michelle to seek and provide further updates to Cr Cornish.*

6.4 Melbourne Water Capital Projects

Jesse advised that Kylie Swingler has been scoping projects for the Moonee Ponds Creek as part of their Capital project delivery. The draft Moonee Ponds Creek project includes planting between Boeing Reserve and Citylink along the Creek bank and covers 9.5kms with an aim to improve amenity values.

ACTION: *Information only.*

6.5 Land acquisition overlay

Sue H requested that this issue be kept on the agenda.

ACTION: *Michelle to include on the agenda for next meeting for an update.*

6.6 5 Mile creek modelling project

Tony requested an update on the 5 Mile Creek Catchment Modelling project.

ACTION: *Michelle to include on the agenda for next meeting for an update from Penny/Jamie.*

6.7 More follow up on projects

The committee requested more diligence on updates on projects, strategies and notice of motions that have been brought to IWAC meetings.

ACTION: *No specific action*.

6.8 Social Media

Tony advised that the friends of Moonee Ponds Creek are now on social media and that it is working well for them.

ACTION: *Information only*.

6.9 Military Road development

Cr Cornish advised that this development has been endorsed by council with some unique variations including:

- Reduction of dwellings from 240, down to 130.
- 3ha of open space
- $390,000 set aside by the developer and the establishment of a reference group/committee to guide its spend on Environmental outcomes in line with council's strategies including the Environmental Sustainability Plan and Urban Ecology Strategy.

ACTION: *Michelle to include on the agenda for next meeting for an update.*

6.10 Travancore bike path Master Plan and Flemington Rail Platform

Cr Cornish advised that the Travancore Bike Path project is back in the budget after cancellation of the East West Project. Tony requested further details on implementation time-frames.

ACTION: *Michelle to provide detail to Tony and an update at the next meeting.*

Close of Meeting / Next Meeting

Chair Cr Cornish thanked everyone for coming.

The meeting closed at 10.45am

The next meeting will be on **Friday, 9 October 2015 at 9am**

SUMMARY OF ACTIONS FROM MINUTES OF MEETING

Item No.	Action	Officer(s) Responsible	Timeline	Actioned Date
	ITEMS FROM MEETING #10 – 22 May 2015			
6. 20150522	Presentation at a future IWAC meeting from Planning.	Deb Gaehl	TBC	
	ITEMS FROM MEETING #11 – 17 July 2015			
1.20150717	Michelle to follow up with other council teams to ensure that council is preparing a submission and raise awareness of the IWAC committee and encourage officers to share waterway related information with IWAC All members are encouraged to put in individual submissions	Michelle Gooding All members	Prior to close date	21/7/15
2. 20150717	M102 Steele Creek Bridge - Michelle to advise Council support office of the committee's intention to have a bridge opening ceremony.	Michelle Gooding	Prior to 17 August	21/07/15
3. 20150717	Moonee Ponds Creek Linear Master Plan - Michelle to arrange and update at the next meeting	Michelle Gooding	Prior to next meeting	21/07/15
4. 20150717	Aberfeldie Park Wetland project - Michelle to arrange and update at the next meeting	Michelle Gooding	Prior to next meeting	21/07/15
5. 20150717	Aberfeldie Stormwater drainage improvement - Jesse to update at the next meeting	Jesse Barrett	Next meeting	Reminder sent 30/09/15
6. 20150717	Maribyrnong River Design Guidelines - Michelle to get a copy of the Notice of Motion for the next meeting. Mark Hammett to follow up with Bryan Lancaster on the status of the Notice of motion and response from the minister	Michelle Gooding Mark Hammett	Next meeting	21/07/15

Item No.	Action	Officer(s) Responsible	Timeline	Actioned Date
7. 20150717	Renaming of the Afton Street Bridge to E&J Livingston Bridge Michelle to follow up status of original request by Cr Cornish Michelle to provide an update at the next meeting about the maintenance works planned for the bridge IWAC members at the meeting to sign family letter for Cr Shirley to re-table at council	Michelle Gooding Michelle Gooding All Members	Prior to next meeting	21/07/15
8. 20150717	Mvcc Grants – Michelle to include details in minutes	Michelle Gooding	Preparation of minutes	Completed 21/07/15
9. 20150717	Michelle to post hard copy of 5 Mile Creek Plan to Elaine	Michelle Gooding	Following meeting	Completed 21/07/15
10. 20150717	Medway Golf Course- Michelle to seek and provide further updates to Cr Cornish	Michelle Gooding	Prior to next meeting	29/09/15
11. 20150717	Land Acquisition overlay – Michelle to add to next agenda and remain as standing item	Michelle Gooding	Prior to next meeting	29/09/15
12. 20150717	5 Mile Creek modelling project - Michelle to include on the agenda for next meeting for an update from Penny/Jamie.	Michelle Gooding	Prior to next meeting	21/07/15
13. 20150717	Military Rd Development update to be included in next agenda	Michelle Gooding	Prior to next meeting	29/09/15
14. 20150717	Travancore bike path Master Plan and Flemington Rail Platform – Michelle to provide update to Tony and provide update at next meeting	Michelle Gooding	Prior to next meeting	29/09/15

City of Moonee Valley

Strategic Planning Advisory Committee

Minutes

MEETING #5
held Thursday, 30 July 2015 at 6.00pm
Committee Room (Level 2), Moonee Valley City Centre,
9 Kellaway Ave, Moonee Ponds

Attendees	Cr Nicole Marshall	Chairperson
	Adam Wojcik	Community member
	Anastasia Georgiou	Community member
	Andrew Gunter	Community member
	Charles Sowerwine	Community member
	Chris Macdonald	Community member
	Jennifer Nola	Community member
	Kristen Bell	Community member
	Maria Loiacono	Community member
	Peter Burke	Community member
	Peter Leyden	Community member
	Senka Sestan	Community member
	Steven Zebic	Community member
	Peter Gaffney	Acting Director, City Works and Development
	Henry Bezuidenhout	Manager, Strategic & Statutory Planning
	Dale Monk	Manager Finance
	Bridget Maplestone	Principal Planner, Strategic Planning
Apologies	Cr Narelle Sharpe	Deputy Chairperson
	Cr Shirley Cornish Cr Andrea Surace Bryan Lancaster Lisa Dunlop Paul Bird	Deputy Chairperson Deputy Chairperson Acting Chief Executive Coordinator, Strategic Planning Community member

Order of Business

1.1 Welcome

Cr Marshall assumed the role of Chairperson for the evening.

Cr Marshall opened the meeting at 6.05pm and welcomed members.

1.2 Matters arising from minutes and confirmation of minutes

Moved by Senka Sastan, seconded by Chris MacDonald that the Minutes of the Strategic Planning Advisory Committee (SPAC) held on Thursday, 16 April (meeting #5) be confirmed.

Outstanding matters from the minutes on 18 June:

- List of planning terms distributed. Committee members encouraged to provide feedback as to if there are additional items they would like added to the list.
- Examples of good design provided by Kristen Bell have been circulated. If other committee members have examples of either good or bad design encouraged to send around examples.

1.3 Discussion on topics raised in email correspondence

There was discussion among the committee over a variety of issues. This included:

- The example of Poundbury UK, which focused on the use of traditional architecture. While there have been pros and cons to development, it has become a hit and as such more affluent. Initially there was not much happening but once the shops were built this attracted people to the area.
- Discussion on neuroaesthetics and that majority of people prefer traditional architecture, also curved forms are generally more pleasing.
- Discussion about how apartments are being used. For example some apartments are being let through Airbnb, which is a problem for body corporates with carpets being overused. Other apartments are sitting empty only being used for capital gains and further other apartments are overcrowded.
- Important in assessing any new apartment development to consider how space is used. Example given of a very small apartment in France of only around 40 sqm, but plenty of windows, which makes space seem bigger. Whereas in Melbourne apartments of 40-45sqm are being built which rely on borrowed light.
- Shouldn't be constructing buildings which are not going to last. How apartments age depends on how they are built.
- Examples given of a number of European cities where allowed to build whatever people want inside provided as long as the façade is retained.
- In some areas there is a need to preserve architectural and aesthetic continuity and in other areas might be more appropriate for more modern architecture.
- This is why Heritage Gap study is so important.
- Problem with Heritage is that it creates a museum
- Reference to the Human Scale documentary.

- Important to look at the interaction between people and development.
- Further example given of France where it is necessary in most instances has to be sympathetic to existing development. In the areas where new development has been designated, they are very proactive in putting new infrastructure in.
- In Strathmore interim Heritage Overlay removed now a number of big brick fences being constructed, leading to a different feel in the street.

ACTIONS: *Cr Marshall to set up a closed group on Facebook for discussions. Note this Facebook group is to be informal, sit outside of the advisory committee and not to involve Council Officers. All formal communication around the group including meetings, agendas and minutes, must still be communicated with Council Officers via email.*

Committee to provide any suggestions about how the ideas and items discussed within the committee can be pursued

1.4 Presentation from Committee Members

Peter Leydon – Some observations from the Strategic Planning Advisory Committee Meeting Proceedings with regard to the Housing Strategy

- Important to provide a stocktake of discussions held so far from the advisory committee.
- There might be some things that can be done better than what they currently are.
- Advisory committee report for the Residential Zones indicated that the previous Housing Strategy was not very strong in spatially allocating housing growth.
- Question around how much housing the municipality needs to cater for?
- Discussion on population projections provided by State Government (VIF) and ID consulting. Both show higher population growth, which is expected to slow in future years.
- Much of the discussion in the advisory committee has revolved around apartments.
- Seems that due to the number of apartments being constructed in recent years, there is not a clear need for three storey apartment buildings across the municipality.
- Criteria for applying any future zones should be tested through the Strategic Planning Advisory Committee.
- Discussion around the Essendon Junction Activity Centre (EJAC) Structure Plan, with the station being the 17th busiest.
- Rail under road only reasonable solution.

ACTIONS: *Feedback on Essendon Junction Structure Plan to be received by Friday 21 August. Feedback forms are available to download through Councils website.*

EJAC Structure Plan to be presented at a SPAC meeting later in 2015.

Copy of presentation to be circulated.

1.5 Presentation by Dale Monk on rating of properties

- Discussion around powers Local Government has in rating properties under the *Local Government Act 1989*.
- Council currently charges a differential rate at four times the land value for vacant commercial properties.
- Council does not currently charge a differential rate for residential properties. This would potentially increase the cost of land which would be passed on to first home owners and developers.
- There are some Councils who do charge a differential rate for residential properties and then offer a rebate. However, there would be a number of issues and costs in Council going down this path including extensive officer resources and that properties are only valued every two years, with most properties not being vacant for longer than this.
- Rates are based on the characteristics of the land. Would not be able to change rates based on design of a building as this is not a characteristic of the land. Also rates are not a motivator for good design as they are a 'drop in the ocean'. There are other mechanisms to encourage good design.
- In the past Council had a differential rate for licensed venues. However, it received notification that it was not able to do this.
- If a developer on sells a piece of land with a planning permit to another developer, this then increases the cost of land. In this instance Council would undertake a supplementary valuation.
- Historically Council charged a garbage charge in all rates. Now Council ensures that this is not charged in instances where this is payed through body corporate fees.
- Council does currently offer a pensioner rebate.

ACTION: *Due to the amount of discussion around rating of properties to bring this topic back to a future SPAC meeting.*

Copy of presentation to SPAC to be circulated.

1.6 Metropolitan Planning Levy

- New Metropolitan Planning Levy introduced on 1 July 2015 to help fund the implementation of *Plan Melbourne*. Council has written to State Government to get further clarification on how this is being spent.
- It is currently not clear if this money would be spent in the municipality or not.
- As it applies to developments of over $1 million, the majority of developments would need to pay the charge.
- Council received an influx of applications before the levy was introduced.
- Discussion around whether it is worthwhile in tabling a Notice of Motion to write to State Government around spending the money from applications in Moonee Valley in the municipality.

- There may be situations, for example the Maribyrnong Defence Site, where there would be a demand on infrastructure in Moonee Valley but the development is located outside of the municipality.
- May be better to approach with a group of Councils.

ACTION: *SPAC to have a think about whether want Cr Marshall to table a Notice of Motion to write to State Government around the money obtained from development in Moonee Valley also being spent in Moonee Valley.*

1.7 Update on Housing Strategy preparation and consultation

- Consultation on the Issues and Opportunities Paper for the Housing Strategy occurred between 20 April and 5 June.
- Ability to downsize in municipality biggest issue raised in consultation.
- To investigate schedules to zones.

ACTION: *Proposed strategic criteria for applying the residential zones to be presented to a meeting later in 2015.*

Council to determine if there is data around average household size for apartments.

1.8 Topics for future meetings

- Standard agenda item around what Strategic Planning Projects are coming up
- EJAC Structure Plan
- Draft Issues and Opportunities Report for Airport West
- Airport rail link Melbourne
- Heritage and Heritage Gap Study
- Role of Neighbourhood Character and the Neighbourhood Character Overlay
- Talk from VCAT and/or Panel Member
- Junction tram works

Meeting closed at 8.10pm.

The next meeting will be on **Thursday, 17 September 6pm-7.30pm** at the Moonee Valley Civic Centre.

Early Years Reference Group
Community Advisory Committee
Minutes

Tuesday, 11 August 2015, 10.30am-12.00pm at

Committee Room, Moonee Valley City Centre, 9 Kellaway Ave, Moonee Ponds

Attendees	Cr Narelle Sharpe	Chair – Councillor
	Cr Nicole Marshall	Deputy chair - Councillor
	Helen Cooney	Caroline Chisholm Society
	Anne Butterworth	Department Education & Training
	Dick Verwey	
	Julianne Fraser	Koori Engagement
	Raelene Clinch	
	Jo Southwell	cohealth
	Sharne Wheaton	Noah's Ark Inclusion and Professional
	Mirna Salib	Support
	Rosie Dymus	Playgroup Victoria
	Christine Lawrey	Parent Representative
	Mary Pollerd	Parent Representative
	Patti Wenn	Moonee Valley City Council
	Karina Viksne	Moonee Valley City Council
	Jennifer McCurry	Moonee Valley City Council
Apologies	Michele Leonard	Moonee Valley City Council
	Deb Williams	Parent Representative
	Karina Viksne	Moonee Valley City Council

Order of Business

Welcome

Cr Narelle welcomed Julianne Fraser, Raelene Clinch, Sharne Wheaton, Mirna Salib, Patti Wenn and Anne Butterworth and acknowledged Donna Margrie's contribution to the EYRG.

Cr Narelle respectfully acknowledged the traditional custodians of this land – the Wurundjeri people of the Kulin Nation, their spirits, ancestors, elders and community members past and present.

1. Confirmation of Previous Minutes

The minutes of meeting held 9 June 2015 noted for correction: Playgroup Victoria held an initial meeting for a language enrichment program.

2. Declarations of Conflict of Interest

No conflicts of interests were declared.

3. Items

3.1 Moonee Valley Early Years Plan (MVEYP) 2014 2015-16 Action Plan implementation update

Family and Children's Services are currently finalising timeframes for MVEYP Action Plan deliverables.

Theme 1: People

1.1.4 Action – Professional Development Day July 2015

In July, Family and Children's Services held a forum for all staff from childcare, maternal and child health, kindergarten, family services and planning to focus on teamwork through a culture of community of practise. A presentation highlighted the issues of dealing with a child with autism.

1.2.4 Action – Quality Management System in place for Integrated Family Services

The first Management Review Meeting was held on 6 August 2015 and the Moonee Valley City Council Community Respite and Integrated Family Services Quality Manual was approved. Staff also received ISO training on 6 August 2015.

Theme 2: Places

2.1.2 Action – Strathmore Children's Centre

Regular meetings held with architects and an EOI was submitted on 7 August 2015. Update provided on Hopetoun Children's Centre redevelopment for DET Major Capital Grant.

Theme 3: Partnerships

3.2.1 – Service and Infrastructure planning

Consultant working to map current population, forecasts, service utilisation, demand and future needs for Council's service infrastructure.

3.3.1 – Maternal and Child Health (MCH) Facebook page

The page is awaiting approval from CEO and once approved will provide information to parents. Group discussed risk, expectations, response times and links to early years services and programs.

3.2 Reference Group Discussion and input

Theme 1: People

Action 1.1.1 Children's Week activities

The theme for October 2015 is 'Children's Rights are Human Rights', marking the 25th anniversary of Australia signing the Convention on the Rights of the Child. Playgroup Victoria recommended Council book their bus now. Requested ideas for activities be sent to Council. The UN Convention on the Rights of the Child was discussed and distributed.

Action: Council to book the Playgroup Victoria bus.

Theme 2: Places

Partner insights for incorporating Child Friendly Cities concepts in major capital works

Discussed Moonee Valley's International accreditation in the Pacific/Australian Safe Community in 2014 (displayed in Citizen Services area). The Link to documentation on Council website:

http://mvcc.vic.gov.au/for-residents/community-safety/community-safety-program.aspx

Also ideas for Moonee Valley being a Child Friendly City. The inclusion of spaces for mother's breastfeeding and an example of joint project: 'Traveller's Group' were presented.

Action: Attach relevant accreditation documentation.

Theme 3: Partnerships

Opportunities in project groups and staff representatives i.e. 3.1.2 protecting Vulnerable Children's Network

Cr Narelle reported on Council's recent submission into family violence. A woman, previously a client of IFS, now undertaking research on this topic (help seeking of women with disabled clients, raise awareness of support workers) as part of study. Michelle Leonard has participated in regional round table forums. Caroline Chisholm is the local area for localised services network. The Western Region IFS made submission within workplaces and dealing with impact of workplace violence.

Action: Distribute research project when complete

4. General Business

4.1 Member updates

co-health – First 1000 days initiative and critical importance of this timeframe. Professor Carey, Indigenous Health unit. Discussed nutrition, attachment, stable housing and long term impact of trauma for Alzheimer's in later life. A site at Braybrook Hub selected where indigenous children attend kindergarten, library, allied health, mental health, research and partnership with hospitals.

Caroline Chisholm – Auditor General completed review of expenditure in ChildFIRST and prepared May 2015 report considering investment to meet community demand. Currently working on a response to this report including request for funding for mental health and homelessness. Awaiting tender authorisation for building at 977 Mt Alexander Road.

Christine – Carer's Week raised to identify current provision of services/ programs for child carers to better meet need. Confirmed that Government has announced the provision of tertiary education support to eligible children who are carers. Disability Reference Group meeting referred to and Aged and Disability's Flexible Respite Activity Program.

Action: Support mapping of service provision to children who are carers as possible project

Playgroup Victoria – Playgroup Library Week held where book packs were given to children at Niddrie and Flemington Libraries. Confirmed Ian Potter funding enabled committee to develop outcomes framework for transition.

DET: Information sessions being arranged for Moonee Valley services.

The new Minister for Families and Children, the Hon. Jenny Mikakos MP started. School consultation finished and workshops will be delivered and programs revised for the future of early years over the next 10 years. Supported playgroups with parents on a health care card is a targeted program. Parents are being supported to ensure engagement and in transition to community playgroups. Implementation planned for July 2016. Kindergarten staff ratio changed, government providing additional support for third staff member to offer flexibility and enhanced service, smaller groups. Wanting services to operate at licensed capacity where the department has

funded capital works, to ensure all four year olds have access to 15 hours kindergarten.

Currently, VEYLDF is going through a review with consultation. Considering current policy and changes. The School Improvement Plan encouraging all programs to work together to ensure smooth transition for the child.

Action: Attach the Education State Consultation Paper with minutes

Noah's Ark – State-wide provider and applying for tender for whole state. Funding up to 7 hours/day from five years. Brochure distributed.

DET, Koori engagement – Raelene works with schools and currently rolling out professional development for school staff, developing an alphabet. Julianne works with early years and developing culturally inclusive professional development. Has received positive feedback from schools. Kindergartens acknowledged for doing good work.

Action: Consider alphabet and CD purchase for agencies

MVCC – reported on the strategies and programs listed below that are and will be on exhibition.

4.2 Community Safety Program 2015-20 on public exhibition to 14 September 2015

4.3 Youth Engagement Strategy – on public exhibition 31 August to 27 September

4.4 Community Grants - various grants: http://mvcc.vic.gov.au/about-the-council/community-development/grants-and-awards/moonee-valley-grants.aspx

5. Close of Meeting / Next Meeting

13 October 2015, 10.30am, lunch included, Council Chambers.

9.22 Report on Assemblies of Council

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

Purpose

The purpose of this report is to present to Council, the written records of Assembly of Councillors held in accordance with the provisions of Section 80A(2)(a) and (b) of the *Local Government Act* 1989 ("the Act").

Executive Summary

It is a requirement that the Chief Executive ensures that the written record of an Assembly of Councillors is, as soon as practicable, reported at an Ordinary Meeting of the Council, and incorporated in the minutes of that Council meeting.

Recommendation

That Council receive and note the written records of Assembly of Councillors, provided as **Appendix A**, received since the last report to Council in September 2015.

Background

In accordance with Section 80A (1) & (2) of the Act, the Chief Executive is to ensure that a written record of an Assembly of Councillors is, as soon as practicable, reported at an Ordinary Meeting of the Council; and incorporated in the minutes of that Council meeting.

Furthermore, the written record of an Assembly of Councillors is both kept for a period of 4 years after the date of the Assembly; and made available for public inspection at the offices of the Council, for a period of 12 months after the date of the Assembly.

Discussion

Section 76AA of the Act defines an Assembly of Councillors as a meeting of an Advisory Committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:

a) the subject of a decision of the Council; or

b) subject to the exercise of a function, duty or power of the Council, that has been delegated to a person or committee but does not include a meeting of the Council, a Special Committee of the Council, an Audit Committee established under section 139, a club, association, peak body, political party or other organisation.

Section 80A (1) and (2) of the Act provides that:

1. At an Assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of—
   a) the names of all Councillors and members of Council staff attending;
   b) the matters considered;
   c) any conflict of interest disclosures made by a Councillor attending under subsection (3); and
   d) whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.
2. The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable—
   a) reported at an ordinary meeting of the Council; and
   b) incorporated in the minutes of that Council meeting.

Records of Assemblies of Councillors, held since the last report to Council in September 2015, are provided as **Appendix A**.

Consultation

All Council staff have been informed of Council's obligations under the Act.

Implications

1. Legislative

This report is presented to Council in accordance with Section 80A of the Act. As this is a mandatory reporting requirement, there are no Charter of Human Rights implications for Council.

2. Council Plan / Policy

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

3. Financial

There are no financial implications resulting from the presentation of this report.

4. Environmental

There are no environmental implications resulting from the presentation of this report.

Conclusion

Council has an obligation under Section 80A(2)(a) & (b) of the Act, to present all records of Assemblies of Councillors to an Ordinary Meeting of Council. By receiving and noting this report, Council is ensuring compliance with this provision.

Appendices

Appendix A: Report on Assemblies of Council

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 8 September 2015 at 6.44 pm at the Moonee Valley Civic Centre

PRESENT
Councillors:
Narelle Sharpe, Paul Giuliano and John Sipek.

Officers:

Bryan Lancaster	Acting Chief Executive
Anthony Smith	Director Corporate Services
Adam Boyle	Acting Director Community Services
Brett Luxford	Acting Director Environment and Lifestyle
Gil Richardson	Acting Director City Works & Development
Henry Bezuidenhout	Manager Strategic & Statutory Planning
Sue Hecker	Manager Leisure & Open Space Planning
James Martin	Manager Communications & Corporate Planning
Craig Medcalf	Manager Operations
Gary Mills	Coordinator Property Services
Sarah Haq	Senior Open Space Planner

CONFLICT OF INTEREST DISCLOSURES

Bryan Lancaster declared a Conflict of Interest in Items 8 & 9.

MATTERS CONSIDERED

1. Draft Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan
2. Mayors for Peace
3. Draft Reconciliation Policy (2015) and draft Reconciliation Action Plan 2016 - 18
4. Proposed Licence to Grant Vehicular Access over Delhi Reserve
5. 144A Mascoma Street, Strathmore (Nursery Corner)
6. MAV State Council
7. Information Privacy Policy Review
8. Planning Scheme Amendment C157 - Heritage Overlay Rose Street, Essendon
9. Properties identified in the Heritage Gap Study in or near Activity Centres
10. 31 Hutcheon Street, Moonee Ponds
11. 11 Sovereign Way, Avondale Heights
12. 15 Ash Grove, Keilor East
13. Aberfeldie Main Drain
14. Items of a general nature raised by Councillors and Officers

RECORD COMPLETED BY

Anthony Smith Director Corporate Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 15 September 2015 at 6.42 pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Narelle Sharpe, Shirley Cornish, Jim Cusack, Paul Giuliano, Nicole Marshall and John Sipek.

Officers:

Bryan Lancaster	Acting Chief Executive
Brett Luxford	Director Environment & Lifestyle
Anthony Smith	Director Corporate Services
Henry Bezuidenhout	Acting Director City Works & Development
Adam Boyle	Acting Director Community Services
Sue Hecker	Manager Leisure & Open Space Planning
James Martin	Manager Communications & Corporate Planning
Lisa Dunlop	Coordinator Strategic Planning
Anna Psarras	Coordinator Traffic & Transport
Colin Harris	Senior External Projects Officer
Brian Labadie	Senior Strategic Planner
Mary Kennedy	Strategic Transport Planner
David Kilroe	Statutory Planner

CONFLICT OF INTEREST DISCLOSURES

Councillor Sipek declared a Conflict of Interest in Item 1.

MATTERS CONSIDERED

1. Brewster Street Parking Restrictions Review
2. Car Parking Plan for the Moonee Ponds Activity Centre
3. Moonee Ponds Tram Super Stop
4. Heritage Study 2015
5. Items of a general nature raised by Councillors and Officers

RECORD COMPLETED BY

Anthony Smith	Director Corporate Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 22 September 2015 at 6.19pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Narelle Sharpe, Shirley Cornish, Jim Cusack (6.25pm), Paul Giuliano, Nicole Marshall (6.27pm), John Sipek and Andrea Surace.

Officers:

Bryan Lancaster	Acting Chief Executive
Brett Luxford	Director Environment & Lifestyle
Henry Bezuidenhout	Acting Director City Works & Development
Adam Boyle	Acting Director Community Services
Dale Monk	Acting Director Corporate Services
Yvonne Hansen	Manager Governance & Local Laws
James Martin	Manager Communications & Corporate Planning
Danny Bilaver	Acting Coordinator Governance

CONFLICT OF INTEREST DISCLOSURES

Councillor Marshall declared a Conflict of Interest in Item 6.

Mr Lancaster declared a Conflict of Interest in Items 5 and 6.

MATTERS CONSIDERED

1. 31 Hutcheson Street, Moonee Ponds
2. 11 Sovereign Way, Avondale Heights
3. 15 Ash Grove, East Keilor
4. Brewster Street Parking Restrictions Review
5. Planning Scheme Amendment C157 - Heritage Overlay 47-51 Rose Street, Essendon
6. Properties identified in the Heritage Gap Study in or near Activity Centres
7. Aberfeldie Main Drain
8. Draft Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan
9. Draft Reconciliation Policy (2015) and draft Reconciliation Action Plan 2016-18
10. Mayors For Peace
11. Proposed Licence to Grant Vehicular Access over Delhi Reserve
12. MAV State Council - October 2015
13. Information Privacy Policy Review
14. Report on Tenders and Contracts Awarded
15. Report on Audit Committee
16. Report on Assemblies of Council
17. Report on Advisory Committees
18. Kindergarten in Moonee Ponds
19. Avondale Heights Soccer Club
20. Appointment of Independent Audit Committee Members

RECORD COMPLETED BY
Dale Monk Acting Director Corporate Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 6 October 2015 at 6.30pm at the Moonee Valley Civic Centre

PRESENT
Councillors:
Narelle Sharpe (7.19pm), Cam Nation, Jan Chantry, Shirley Cornish, Jim Cusack Paul Giuliano and John Sipek.

Officers:

Bryan Lancaster	Acting Chief Executive
Tony Ball	Director Community Services
Brett Luxford	Director Environment & Lifestyle
Anthony Smith	Director Corporate Services
Henry Bezuidenhout	Acting Director City Works & Development
Mark Hammett	Manager Parks & Gardens
Yvonne Hansen	Manager Governance & Local Laws
Sue Hecker	Manager Leisure & Open Space Planning
Michele Leonard	Manager Family & Children
James Martin	Manager Communications & Corporate Planning
Adrian Murphy	Manager Economic Development & City Sustainability
Jason Crockett	Coordinator Kindergarten Services
Kelly Heffer	Coordinator Environment & Sustainability
Tim Mileham	Coordinator Leisure Facilities & Projects
Mel Lorback	Senior Leisure Facilities Officer
Sandra Mack	Senior Sustainability Officer

CONFLICT OF INTEREST DISCLOSURES

Nil.

MATTERS CONSIDERED

1. Acting Chief Executive Discussion
2. Kindergarten Update
3. Alf Pearce Reserve Fenced Dog Park
4. Riverside Golf and Tennis Centre Master Plan
5. Public Lighting Upgrades in Moonee Valley
6. LGA Amendments (Improved Governance) Bill 2015
7. Statutory Meeting
8. Items of a general nature raised by Councillors and Officers

RECORD COMPLETED BY
Anthony Smith Director Corporate Services

10.1 Notice of Motion Report No. 2015/22 - Grants Support Program

File No: FOL/15/590

From: Councillor Cam Nation

Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 27 October 2015 it is my intention to move:

That Council:

1. Requests that the final component of the Council grant and support program (Financial Support Framework), including standardised models for future decision making for both 'Donation & Social Sponsorship' support and 'Operational & Partnership Subsidy' support, be completed and that all annual community support be consolidated into one budget centre to be reviewed as part of the Council's annual budget process;
2. Receive a report at the Ordinary Council Meeting in February 2016, articulating future options for the 2016/17 financial year for the treatment of all existing arrangements, being both 'Donation & Social Sponsorship' and 'Operational & Partnership Subsidy' support;
3. Requests that the above work completed under the Financial Support Framework be developed into a formalised Council Policy for adoption at the Ordinary Council Meeting in June 2016, and applied in the 2016/17 financial year.
4. Requests that for the 2016/17 financial year:
    a) That standardised Memorandum of Understanding templates be developed to be used for all organisations receiving direct or indirect financial support;
    b) That standardised criteria be developed for organisations accessing council facilities at either a no fee or subsidised rate;
    c) That criteria be developed detailing the eligibility of groups able to access such waivers or discounted rates;
    d) That an information sheet and assessment criteria for 'Donations & Social Sponsorship' be developed to assess all requests;
    e) That a standardised application process for community groups to access indirect support be developed;
5. Review sublet provisions, in conjunction with the processes outlined above.

Officer Comments

The intent of this motion is consistent with Council's Financial Support Framework as presented to Council earlier this year and compliments further work in providing a framework for Council in providing support to its community.

10.2 Notice of Motion Report No. 2015/23 - Lease Register

File No: FOL/15/590

From: Councillor Cam Nation

Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 27 October 2015 it is my intention to move:

That Council:

1. Undertake a review of Council's leasing policy and procedures, with a report and updated policy to be presented for endorsement at the Ordinary Meeting of Council in February 2016.
2. As part of this updated policy, request that all new leases and lease renewals be referred to Council for endorsement (multiple leases may be presented as one report), and at least four weeks prior to the signing of the lease publish a public notice of the proposed lease.
3. Ensure that all future lease agreements outline the responsibilities of Council and the relevant organisation, in regards to upkeep and maintenance of the asset.
4. Requires that the Lease Register be updated on a quarterly basis, and that the Lease Register be made available at the Civic Centre for public inspection.

Officer Comments

In relation to the Notice of Motion relating to Council's Lease Register:

1. Council offers note and agree with Point 1.
2. In relation to item 2, it is important to note that only leases triggered by S190 of the Local Government Act 1989 require public advertising. Therefore all other leases are not required to be advertised.

   It needs to be clear as to the purpose for the advertising process. Is it for public information or is it to change the current process? This should be worked through as part of the policy review identified in point 1.

   Placing the advertisements in the newspapers will incur extra costs and the same outcome could be achieved through the placing of the notice on the Council website.
3. This process is currently undertaken with all existing leases. The Council's standard lease identifies the lessee's obligations as well as the Council's responsibilities.

   New leases include a maintenance schedule as part of the lease documentation which clearly outlines responsibilities.
4. The lease register is currently a public record and available upon request. The document will be updated to ensure it is current and reflects the status of the various lease agreements in real time if possible.

10.3 Notice Of Motion Report No. 2015/24 - S173 Agreements in relation to car parking associated with new developments

File No: FOL/15/590

From: Councillor Paul Giuliano

Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 27 October 2015 it is my intention to move:

That Council's standard planning conditions be revised to include the following condition for developments incorporating multi user car parks (i.e. where a car space or lot, including storage cages and storage facilities, are separately titled):

> *Prior to the occupation of the building, the Owner must enter into an Agreement under Section 173 of the Planning and Environment Act 1987 to the satisfaction to the Responsible Authority. That Agreement must be registered on the title to the land, be free of cost to the Responsible Authority (by the Owner paying the costs and expense of negotiation, preparation, execution and registration of the Agreement and the Section 181 Application) and include provisions that:*
>
> a) *Each privately owned car space and storage unit shall be maintained and used by the occupier or a primary lot owner of the relevant property, and will not be leased or sold separately externally to parties that are non-residents or not prime lot owners of the building or the development.*
>
> *b) With Owner's consent and Responsible Authority's consent to use for purposes of maintaining or running the Building/Development.*

Officer Comments

As a standard practice under subdivision considerations, Council always ensures that car parking spaces and/or storage spaces are attached to a title of a lot (dwelling/unit).

In addition, the following condition is currently imposed on all subdivision planning permits to ensure conformity with Development planning permits;

> *Before a Statement of Compliance is issued:*
>
> *a) The development must be completed in its entirety, including all car parking and landscaping as required by Planning Permit MV/_____.*
>
> *Or*
>
> *b) The owner (or other person in anticipation of becoming the owner of the land) must enter into an Agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority which provides that the land will be developed in accordance with Planning Permit MV/_____ or any other permit issued by the Responsible Authority.*

Considering the introduction of the above measures in the last 12 months, it is not recommended that additional restrictions be imposed.

The introduction of additional 173 requirements will result in the requirement for additional resources to execute individual agreements. Given the risk associated with s173 agreements, Council will be reliant on external legal review.