



Ordinary Meeting of Council

Tuesday, 28 April 2015 at 7:00pm

Agenda

Ordinary Meeting of Council

Tuesday, 28 April 2015 at 7:00pm
to be held at the Moonee Valley Civic Centre

TO:

Members: Cr Narelle Sharpe Mayor

Cr Cam Nation

Cr Jan Chantry

Cr Shirley Cornish

Cr Jim Cusack

Cr Paul Giuliano

Cr Nicole Marshall

Cr John Sipek

Cr Andrea Surace

Officers: Mr Neville Smith Chief Executive

Mr Tony Ball Director Community Services

Mr Dale Monk Acting Director Corporate Services

Mr Gil Richardson Acting Director City Works & Development

Mr Anthony Smith Acting Director Environment & Lifestyle

Ms Yvonne Hansen Manager Governance & Local Laws

Business:

1. Opening

2. Apologies

3. Confirmation of Minutes

Ordinary Meeting of Council held on Tuesday, 24 March 2015.

4. Declarations of Conflict of Interest

5. Presentations

5.1 Welcome to Timor - Leste delegation

6. Petitions and Joint Letters

7. Public Question Time

8. Reports by Mayor and Councillors

File No. FOL/14/1249

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

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Recommendation

That reports by the Mayor and Councillors be received.

9. Reports

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NEVILLE SMITH
Chief Executive

8. REPORT BY MAYOR AND COUNCILLORS

8.1 Report by Mayor, Councillor Sharpe

4 March 2015	Attended Teddy Bears Picnic Event in Clarinda Park, Essendon Officiated Opening at Crown Street Café Launch at Crown Street Stables, Flemington Officiated at Citizenship Ceremony at Clocktower Centre, Moonee Ponds
5 March 2015	Officiated at International Women's Day Breakfast hosted by Mayor and Councillors, Moonee Valley City Council Attended meeting with Essendon Shop Owner with Manager Strategic & Statutory Planning Attended Public Transport Providers Meeting Attended meeting with resident Attended Victorian Local Government Association Delegates Dinner
6 March 2015	Attended meeting with resident in relation to planning issue Attended meeting Essendon Senior Italian Citizens Club representative Attended meeting with President, Moonee Ponds Traders Group
10 March 2015	Attended meeting with Strathmore resident Hosted school visit by St Therese's Primary School Grade 4 students Chaired Public Forum and Councillor Briefing Chaired Special Council Meeting in relation to Victorian Electoral Commission Submission
11 March 2015	Attended photo opportunity at Sam Merrifield Library to send off poppies as part of 5000 Poppies Campaign Attended Consultation Briefing and Meeting in relation to 973-975 Mt Alexander Road, Essendon
12 March 2015	Attended meeting with representative from Ryan's Bus Company with Manager Technical Services and Officers Attended Twilight Music in the Park at Canning Reserve Attended Essendon Junction Activity Centre Structure Plan/External Working Meeting

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| 13 March 2015 | Attended Women in Melton High Tea Event |
| 16 March 2015 | Attended meeting with President Strathmore Football Club

Chaired Councillor Budget Workshop

Opened Central Registration Service Information Evening |
| 17 March 2015 | Meeting with Moonee Ponds Traders, Director Environment & Lifestyle and Officers

Attended International Women’s Day debriefing meeting with Officers

Chaired Councillor Workshop |
| 18 March 2015 | Opened “Start the Switch Summit” at Clocktower Centre

Meeting with Save Moonee Ponds representatives with Deputy Mayor and Chief Executive

Meeting with Advanced Leadership participant

Chaired Consultation Briefing and Meeting in relation to 992 Mt Alexander Road, Essendon |
| 19 March 2015 | Guest Speaker at Keilor East RSL Group

Attended Harmony Day Lunch at Bowes Avenue Community Centre

Attended meeting with resident in relation to pool pump issue with Director Corporate Services

Attended launch of Union Road Community Hub Opening

Attended Airport West Activity Centre Structure Plan Review Community Reference meeting |
| 20 March 2015 | Attended North West Blue Light event at Wingate Avenue Community Centre, Ascot Vale

Attended National Day of Action Against Bullying Event - Bully Zero Foundation at Essendon Airport

Attended 58 th Battalion Memorial Service and Luncheon at Moonee Ponds

Launched new drop off and pick up signage strategy at Essendon North Primary School |
| 21 March 2015 | Attended Cystic Fibrosis fundraising day |
| 22 March 2015 | Officiated at 2015 Moonee Valley Colour Fest Run event at Aberfeldie Athletics Track

Officiated at Mediterranean Fiesta at Centreway Plaza

Attended annual Henley on the Maribyrnong hosted by Essendon Rowing Club |

23 March 2015	Attended Boeing Reserve Master Plan Workshop No. 2
24 March 2015	Attended meeting with representatives of Italian Community of Keilor Association (ICKA) Club with Acting Director Corporate Services Attended meeting with journalist and sub-editor of The Leader Newspaper Chaired Ordinary Meeting of Council
25 March 2015	Attended opening of Braybrook Community Hub Attended National Playgroup Week Picnic in the Park, Maribyrnong Attended 2015 AFL Victoria Season launch Attended Community Forum on “Say No to Family Violence” at East Keilor Attended Essendon District Football League Season Launch
26 March 2015	Attended Arts West Event at Newport Meeting with Essendon Football Club Representative and Chief Executive Attended information session in relation to Section 84Y Agreement with local vet clinics and animal welfare organisations
27 March 2015	Meeting with Edenvale Manor Representatives Hosted Women in Business Luncheon at Flemington
28 March 2015	Attended Annual Thanksgiving Breakfast Attended Aberfeldie Park Wetland Design Information Session Attended Maribyrnong Football Club Season Launch Attended “Frozen” movie in Debneys Park, Flemington
29 March 2015	Attended Councillor Budget Workshop Attended 2015 Mayoral Charity Bowls Club Event
2 April 2015	Attended meeting with Director City Works & Development in relation to Tilba Street, Aberfeldie Attended meeting with Mayor, Cr Sophie Ramsay of Melton Shire Council, representatives from Work Place Connect and City of Moonee Valley Chief Executive

8.2 Report by Deputy Mayor, Councillor Nation

4 March 2015	Attended launch of Crown Street Café at Crown Street Stables, Flemington Attended Citizenship Ceremony at Clocktower Centre, Moonee Ponds
5 March 2015	Attended International Women's Day Breakfast hosted by Moonee Valley City Council, Civic Centre, Moonee Ponds
6 March 2015	Attended meeting with resident regarding tree replacement program and parking issues in Heritage Street, Moonee Ponds
10 March 2015	Attended school visit by St Therese's Primary School Students at Civic Centre, Moonee Ponds Attended Community Grants Capital Assessments meeting Attended Public Forum Attended Special Council Meeting Attended Councillor Briefing
12 March 2015	Attended meeting with Cr Surace
14 March –	Leave of Absence from Council
17 March 2015	
18 March 2015	Meeting with Chief Executive, Director Corporate Services, Mayor and Community Group
20 March 2015	Represented Moonee Valley City Council by laying wreath at 58/32 Memorial Service at 58 th Battalion Cenotaph, Moonee Ponds
21 March 2015	Attended planning application site visit, Deakin Street, Essendon Attended planning application site visit, Dennis Avenue, East Keilor
22 March 2015	Attended the Moonee Valley Colour Fest Run event at Aberfeldie Athletics Track Officiated presentations and started the 400m and 800m events at the Moonee Valley Colour Fest Run event at Aberfeldie Athletics Track Attended Mediterranean Fiesta at Centreway Plaza, East Keilor
26 March 2015	Attended meeting with resident regarding the potential launch of an environmental project in Moonee Valley
27 March 2015	Attended Women in Business Lunch at Flemington

29 March 2015	Attended Councillor Budget Workshop
30 March – 7 April 2015	Leave of Absence from Council

8.3 Report by Councillor Chantry

4 March 2015	Attended International Women's Day Cocktail event hosted by Danny Pearson MP, Member for Essendon at Moonee Ponds Bowling Club
5 March 2015	Attended International Women's Day Breakfast hosted by Mayor and Councillors, Moonee Valley City Council
10 March 2015	Attended Public Forum and Councillor Briefing Attended Special Council Meeting in relation to Victorian Electoral Commission Submission
11 March 2015	Attended Consultation Briefing and Meeting in relation to 973-975 Mt Alexander Road, Essendon
14 March 2015	Attended site visit with resident in Browning Street, Moonee Ponds
15 March 2015	Attended site visit with resident in relation to 992 Mt Alexander Road, Essendon
16 March 2015	Attended Councillor Budget Workshop
17 March 2015	Attended Community Grants – Minor Grants Meeting with fellow Councillors, Director Environment & Lifestyle and Manager Leisure & Open Space Planning Attended Councillor Workshop
18 March 2015	Visited Melbourne Town Hall to acknowledge Remembrance Day poppy volunteers Attended Consultation Briefing and Meeting in relation to 992 Mt Alexander Road, Essendon
20 March 2015	Attended 58/32 Memorial Service at 58 th Battalion Cenotaph, Moonee Ponds
22 March 2015	Visited the Incinerator Gallery to view VCE Artwork Attended annual Henley on the Maribyrnong hosted by Essendon Rowing Club
23 March 2015	Attended Boeing Reserve Master Plan Workshop No 2
24 March 2015	Attended Ordinary Meeting of Council
25 March 2015	Attended Essendon District Football League Season Launch

28 March 2015	Attended Annual Thanksgiving Breakfast at Essendon Football Club
29 March 2015	Attended Councillor Budget Workshop Attended 2015 Mayoral Charity Bowls Club Event
30 March 2015	Attended Anzac Centenary co-ordinating community committee meeting
1 April 2015	Attended Moreland Rotary Club to discuss Strathmore Men's Shed
7 April 2015	Chaired Councillor Workshop

8.4 Report by Councillor Cornish

4 March – 7 April 2015	Verbal Report
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8.5 Report by Councillor Jim Cusack

4 March 2015	Attended Crown Street Café launch at Crown Street Stables, Flemington Attended Citizenship Ceremony at Clocktower Centre, Moonee Ponds
5 March 2015	Attended International Women's Day Breakfast hosted by Mayor and Councillors, Moonee Valley City Council
10 March 2015	Attended Public Forum and Councillor Briefing Attended Special Council Meeting in relation to Victorian Electoral Commission Submission
11 March 2015	Attended LeadWest Board Meeting at Sunshine Hospital, St Albans Attended Moonee Valley Interfaith Network Meeting
12 March 2015	Attended March Summer "Twilight Music" event
14 March 2015	Attended Racecourse Road and Pin Oak Crescent Pop Up event
16 March 2015	Attended Wingate Avenue Committee Meeting Attended Councillor Budget Workshop
18 March 2015	Attended Consultation Briefing and Meeting in relation to 63 – 69 Buckley Street, Moonee Ponds
19 March 2015	Attended launch of Union Road Community Hub
24 March 2015	Attended Executive Leader Forum – Initiation to Leading

	in Gender Equity at Victoria University Convention Centre
	Meeting with Director Corporate Services in relation to Community Engagement & Learning Portfolio
	Attended Meeting with Progress Kindergarten Representatives
	Attended Ordinary Meeting of Council
25 March 2015	Attended Community Forum on “Say No to Family Violence” at Penleigh & Essendon Grammar School
29 March 2015	Attended Councillor Budget Workshop
7 April 2015	Attended Councillor Workshop

8.6 Report by Councillor Paul Giuliano

4 March –	Verbal Report
7 April 2015	

8.7 Report by Councillor Nicole Marshall

4 March 2015	Attended Flemington Rotary Club Breakfast Attended Crown Street Café Launch at Crown Street Stables, Flemington Attended International Women’s Day Cocktail event hosted by Danny Pearson MP, Member for Essendon at Moonee Ponds Bowling Club
5 March 2015	Attended International Women’s Day Breakfast hosted by Mayor and Councillors, Moonee Valley City Council
10 March 2015	Attended meeting with Director City Works & Development, Manager Strategic & Statutory Planning and Officers to discuss Engagement Draft Housing Issues & Opportunities Paper with Attended Public Forum and Councillor Briefing Attended Special Council Meeting in relation to Victorian Electoral Commission Submission
11 March 2015	Attended Consultation briefing and meeting in relation to 12 Browning Street, Moonee Ponds
16 March 2015	Attended Councillor Budget Workshop
17 March 2015	Attended Community Grants Minor Grants Meeting Attended Councillor Workshop
18 March 2015	Attended Consultation Briefing and Meeting in relation to

	63 – 69 Buckley Street, Moonee Ponds
19 March 2015	Attended launch of Union Road Community Hub
22 March 2015	Attended Henley on the Maribyrnong hosted by Essendon Rowing Club
24 March 2015	Attended Meeting with Progress Kindergarten Representatives
	Attended Ordinary Meeting of Council
27 March 2015	Attended Farnham Street Committee of Management meeting
29 March 2015	Attended Councillor Budget Workshop
7 April 2015	Attended Councillor Workshop
Throughout reporting period	Attended meetings with residents and business owners regarding issues of concern

8.8 Report by Councillor Sipek

5 March 2015	Attended Victorian Local Government Association Delegates Dinner
10 March 2015	Attended Community Grants Capital Assessments meeting
	Attended Public Forum and Councillor Briefing
16 March 2015	Attended meeting with Maribyrnong Park Tennis Club members, Maribyrnong Park Bowls Club members, Manager Leisure & Open Space Planning and Officers
	Attended Councillor Budget Workshop
17 March 2015	Attended Councillor Workshop
19 March 2015	Attended East Keilor Leisure Centre Community Reference Group Meeting
22 March 2015	Attended Mediterranean Fiesta at Centreway Plaza
	Attended Henley on the Maribyrnong hosted by Essendon Rowing Club
24 March 2015	Attended Ordinary Meeting of Council
26 March 2015	Attended Victorian Local Government Association Strategy Meeting

27 March 2015	Attended Victorian Local Government Association Strategy Meeting
	Attended Victorian Local Government Association Board Meeting
28 March 2015	Attended Annual Thanksgiving Breakfast at Essendon Football Club
	Attended Avondale Heights Football Club Family Day season launch
	Attended Maribyrnong Park Football Club “Turning on the Lights” family day
29 March 2015	Attended Councillor Budget Workshop
	Attended 2015 Mayoral Charity Bowls Club event
2 April 2015	Attended on-site meeting with Niddrie resident
4 April 2015	Attended Avondale Heights Soccer Club first home game
7 April 2015	Attended Councillor Workshop

8.9 Report by Councillor Surace

5 March 2015	Attended International Women’s Day Breakfast hosted by Mayor and Councillors, Moonee Valley City Council
10 March 2015	Attended Community Grants Capital Assessments meeting
	Attended Public Forum and Councillor Briefing
	Attended Special Council Meeting in relation to Victorian Electoral Commission Submission
12 March 2015	Attended meeting with fellow Councillor, Deputy Mayor Cam Nation
	Attended Ausland Residents meeting at Milleara Road, Avondale Heights
	Attended meeting with residents regarding traffic issues
	Attended March Summer “Twilight Music” event at Canning Reserve
16 March 2015	Attended Community Safety Stakeholders Forum
	Attended Councillor Budget Workshop
17 March 2015	Attended Community Grants Minor Grants Meeting
	Attended Councillor Workshop
22 March 2015	Attended Mediterranean Fiesta
24 March 2015	Attended Ordinary Meeting of Council

25 March 2015	Attended Council's Environment Forum (Planting the Seed – Connecting our Children with Nature")
28 March 2015	Attended Annual Thanksgiving Breakfast at Essendon Football Club
29 March 2015	Attended Councillor Budget Workshop
1 April 2015	Attended Metropolitan Transport Forum
7 April 2015	Attended Councillor Workshop

REPORTS

- 9.1** **1048-1060 Mt Alexander Road, Essendon (Lot 1 TP181883G & Lot 1 PS 30632) Construction of a multi storey building accommodating dwellings and a ground floor shop, construction of fencing exceeding 1.2 metres in height, reduction in the car parking requirements, waiver of the loading bay requirement along with alteration of access to a road in a Road Zone, Category 1.**

File No: MV/810/2014
Author: Principal Town Planner
Directorate: City Works & Development
Ward: Buckley

Proposal	<ul style="list-style-type: none">• Seven storey building (23.16 metres in height)• Ground floor shop (61 square metres)• 95 dwellings (33 x 1 bedroom, 57 x 2 bedroom & 5 x 3 bedroom)• 114 car spaces & 28 bicycle spaces
Applicant	Essendon Joint Venture Pty Ltd
Owner	Mt Alexander Road Essendon Pty Ltd & Maress Property Pty Ltd
Planning Scheme Controls	<ul style="list-style-type: none">• Commercial 1 Zone (C1Z)• Design and Development Overlay – Schedule 3 (DDO3)
Planning Permit Requirement	<ul style="list-style-type: none">• Clause 34.01-4 (Buildings & Works)• Clause 43.02-2 (Buildings & Works & Fences)• Clause 52.06-3 (Reduction of car parking)• Clause 52.07 (Waiver of loading and unloading requirements)• Clause 52.29 (Alteration of access to a road in a Road Zone, Category

	1)
Car Parking Requirements (Clause 52.06)	Required :121 car spaces Provided : 114 car spaces
Bicycle Requirements	Required : 29 bicycle spaces Proposed : 38 bicycle spaces
Restrictive Covenants	N/A
Easements	N/A
Site Area	1,997 square metres
Number Of Objections	32
Consultation Meeting	N/A

Executive Summary

- This application seeks planning approval for the construction of a multi-storey building accommodating a ground floor shop and 95 apartments along with a reduction in the car parking requirements and waiver of the loading bay requirements. It also seeks to alter vehicle access arrangements to Mt Alexander Road.
- The site is located within the North Essendon Activity Centre, an area highlighted under Plan Melbourne.
- The application was advertised and 32 objections were received. Concerns regarding neighbourhood character, building height and scale, parking and traffic were the main issues.
- Shortly following public notice, the permit applicant lodged an application for review with the Victorian Civil and Administrative Tribunal (VCAT) against Council's Failure to decide the application within the prescribed statutory time frame. A compulsory conference hearing (mediation) has been scheduled for 11 May 2015 with a four day hearing to commence 25 May 2015.
- The application was externally referred to VicRoads and Public Transport Victoria who raised no objection subject to conditions. Internally, the application was referred to Engineering Services Unit, Traffic and Transportation Unit, the Environmental Sustainable Officer, Property Services and the Operations Department. Conditional support to the application was provided.
- This assessment report finds that the development demonstrates an appropriate level of compliance with the relevant State and Local Planning policies within the Moonee Valley Planning Scheme.

Subject to conditions requiring improved transitioning to the adjoining properties to the north, it is submitted that the addition of the building will provide a positive contribution to the Mt Alexander road skyline.

- It is therefore recommended that Council advise VCAT and parties associated with the upcoming proceedings that if it were in a position to decide the application a Notice of Decision to Grant a Permit would have been issued.



Figure 1 (Aerial view of the subject site)

Recommendation

That 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 MV810/2014 - 1048-1060 Mt Alexander Road, Essendon (Lot 1 TP181883G & Lot 1 PS 30632) Construction of a multi storey building accommodating dwellings and a ground floor shop, construction of fencing exceeding 1.2 metres in height, reduction in the car parking requirements, waiver of the loading bay requirement, along with alteration of access to a road in a Road Zone, Category 1 - that the decision would have been to issue a Notice of Decision to grant a Permit.

1. Before the 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) Apartments 301, 401 and 501 to be setback a minimum of 4.5 metres from the northern boundary.
 - b) Any internal modifications as a result of condition 1a).

- c) The roof plan must graphically show, and be accompanied by a note stating, the specific roof area in square metres the rainwater from which it is to be collected into a nominated rainwater tank with its capacity clearly noted. All roof areas, tank volumes and numbers of toilets the tank is connected to must be consistent with the information provided in the submitted and approved STORM report.
- d) The site/ground floor plan must graphically show the correct volume and location of any rainwater tanks. Each rainwater tank must be accompanied by a note stating the specific roof area in square metres from which the rainwater is being harvested into that rainwater tank. The number of toilets connected to the rainwater tank must also be nominated. All roof areas, tank volumes and numbers of toilets the tank is connected to must be consistent with the information provided in the submitted and approved STORM report
- e) The clear allocation of storage for each apartment.
- f) The allocation of two car spaces for Apartment 307.
- g) The provision for pedestrian visibility splays in accordance with Clause 52.06-8 (Design standards for car parking) of the Moonee Valley Planning Scheme.
- h) Detailed fencing elevations along Mt Alexander Rd and Cliff Allison Reserve.

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 commencement of the development (other than constituted solely by the breaking up of a concrete floor only to the extent necessary to test soil conditions underneath), either:
 - a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the Environment Protection Act 1970; or
 - b) An Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must make a Statement in accordance with Section 53Z of the Act that the environment conditions of the land are suitable for the use and development that are the subject of this permit.

Should the Responsible Authority conclude it necessary it may, at the cost of the permit holder, obtain a peer review of environmental site assessment and/or certificate or statement of environmental audit.

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the Environment Protection Act, before the use is occupied all management measures of the site assessment or conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance

with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional. The Statement is to confirm that the site is suitable for occupation by the proposed use and development.

If the management measures of the site assessment or the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the use is occupied the owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

A memorandum of the Agreement must be entered on the Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

4. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
5. 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.
6. 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.

- 7. A minimum 30 days prior to any building or works commencing, all WSUD Design 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.
- 8. 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.

- 9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 10. The area set aside for parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must be to the satisfaction of the Responsible Authority:
 - a) Be provided and completed prior to the commencement of the use hereby permitted;
 - b) Thereafter be maintained;
 - c) Be made available for such use at all times and not used for any other purpose;

- d) Be properly formed to such levels that it can be used in accordance with the endorsed plan;
 - e) Be drained and sealed with an all weather seal coat; and
 - f) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
11. All obsolete and unnecessary vehicle crossings must be removed and reinstated to footpath, nature strip and kerb and channel, to the satisfaction of the Responsible Authority.
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. 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.
14. 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.
15. A Council barrel drain (minimum 300mm dia RC RRJ) will need to be constructed to the front of 1042 Mt Alexander Road (approx. 55m) reach the approved point of discharge. Engineering Design Plans prepared by a qualified Civil Engineer must be submitted to and approved by the Responsible Authority prior to the commencement of any building or works (including drainage).
- 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.
16. The Sustainability Management Plan prepared by 'F2 Design, dated November 2014 to be implemented and appropriately managed during the construction of the proposed building.
17. Buildings or works must not be commenced 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 prepared by John Patrick Pty Ltd, dated 20 September 2014 but modified to show:

- a) The *Gleditsia triacanthos* (Honey Locust) replaced with *Pistacia chinensis* (Chinese Pistachio)

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

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

VicRoads Conditions

19. 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 building hereby approved.
20. 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 commencement of the use hereby approved.
21. Prior to the occupation of the buildings hereby approved, any road assets within the road reserve at the front of the site must be re-located to the satisfaction of and at no cost to the Roads Corporation or the Responsible Authority. Road assets must be located a minimum of 1 metre clear of any structures, crossovers and any other road assets.

End of VicRoads Conditions

22. 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 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 Engineering Services Unit regarding legal point of discharge, new crossings, building over easements, erection of hoarding etc.

- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- 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.
- 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 Engineering Services Unit and 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 the property boundary line must be made within the property boundary.
- Should any activity occur above 123.5 Australian Height Datum (e.g. cranes during construction) approval will be required from Essendon Airport).

VicRoads Notes

- The proposed development requires the construction of a crossover and 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.
- The proposed development may require the relocation of road assets. This constitutes works within the Mt Alexander Road reserve and separate approval under the Road Management Act for this activity is required from VicRoads (the Roads Corporation).

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the east side of Mount Alexander Road, one lot south of the intersection with Sturt Street in Essendon. The site is located within the North Essendon Activity Centre and shares a rear interface with Cliff Allison Park.

The site is triangular in shape, with a frontage to Mount Alexander Road of 55.8 metres, a frontage to Cliff Allison Park of 13 metres and a depth of approximately 57 metres. The site area is approximately 1,997 square metres.

The site has a gradual fall from north to south and currently contains a series of vacant buildings associated with the former Essendon Garden and House Centre.

Existing buildings on the site include a covered pergola on the northern boundary and a single storey retail and office building sited close to the southern property boundary. The site is currently in a state of disrepair.

Vehicle access is provided via two crossovers to Mt Alexander Road.



Application Site (1048-1060 Mt Alexander Rd)

The surrounding area comprises a mix of land uses but is primarily residential on the eastern side of Mount Alexander Road and commercial on the western side, opposite the subject site.

Established development in the surrounding area is generally one or two storeys in height, with more recent multilevel residential development of up to five storeys emerging along the main boulevard.

More proximate to the site, the adjoining property to the north (1064-1066 Mt Alexander Rd) is currently under construction for a five storey residential apartment building. Land immediately to the south (1044-1046) additionally features two recently constructed five storey apartment buildings.

1.2 Proposal

The application proposes the construction of a seven storey building accommodating 95 apartments and a ground floor shop. The proposal can be summarised as follows;

Table 1

No of dwellings	95 apartments <ul style="list-style-type: none">• 33 (one bedroom)• 57 (two bedroom)• 5 (three bedroom)
Retail	61 square metres
No of car spaces	114 spaces
Max Building Height	23.16 metres

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

2. Background

2.1 Relevant Planning History

- Planning permit MV/17322/2005 was issued in 2006 allowing for the construction for a two storey building accommodating six dwellings. The permit was not acted upon and has since expired.
- Planning Application MV/560/2011 initially sought planning approval for a nine storey building, however, following considerable objection the application was amended to a seven storey building accommodating 81 dwellings and 94 car spaces. Ultimately, the application was refused in January 2015 on the following grounds;
 - The proposal fails to meet the design objectives contained within Schedule 3 of Clause 43.02 (Design and Development Overlay) of the Moonee Valley Planning Scheme as it fails to incorporate environmentally sustainable initiatives.
 - The proposal fails to provide sufficient car parking as required under Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme and is expected to lead to an increased pressure for on street parking within the surrounding area to an unacceptable degree.
 - The original permit applicant and owners of the property are no longer connected to the current permit application.

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
- Clause 18 Transport

Local Planning Policy Framework

- Clause 21.01 Municipal Profile – Moonee Valley Today
- Clause 21.03 Vision – Moonee Valley Tomorrow
- 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 21.09 Transport and Access
- 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 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.
- Clause 52.34 Bicycle Facilities
- Clause 52.35 Urban Context Report and Design Response for Residential Development of Four or More Storeys
- Clause 52.36 Integrated Public Transport Planning

General Provisions

- Clause 65 Decision Guidelines

2.3 Referrals

External

- VicRoads
No objection, subject to conditions.
- Public Transport Victoria
No objection.

Internal

- Engineering Services Unit
No objection, subject to standard conditions.
- Traffic and Transportation Unit
No objection.
- Operations
No objection.
- Property Services
No objection.
- ESD
No objection, subject to standard conditions.
- Open Space
No objection, subject to a condition requiring replacement tree species.

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

2.5 Consultation Meeting

As the application is the subject of an upcoming VCAT Application for Review, a Consultation Meeting has not occurred.

However, a compulsory conference meeting has been scheduled for 11 May 2015, for all parties associated with matter. In the event the mediation proceedings do not settle, the matter has been listed for a four day hearing commencing 25 May 2015.

3. Discussion

3.1 State Planning Policy Framework

The proposal is considered to comply with the relevant provisions of the State Planning Policy Framework.

Clause 15.01-2 of the State Planning Policy Framework (Urban Design Principles) provides the main assessment tool for residential development not covered by Clause 55 (ResCode). The objective of the Clause is:

- To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

It is considered that the proposal generally complies with the objectives and strategies as contained within the design principles of Clause 15.01-2. The majority of these design principles are further expanded in Section 3.2 (Local Planning Policy Framework).

The proposal appropriately responds to Clause 16.01 as it relates to increasing the supply of housing in existing urban areas by facilitating increase housing yield in appropriate locations, including under-utilised urban land and to provide for a range of housing types to meet increasingly diverse needs.

The proposal will incorporate a retail use on the ground level showing consistency with the objectives at Clause 17 (Economic Development). The retail activity will provide additional facilities for existing residents and workers within the Activity Centre as well as future residents.

Clause 18.01-2 includes a strategy to encourage higher land use densities and mixed use developments near tramways and principal bus routes. Mt Alexander Road caters for both bus and tram services. As such, the site is considered a suitable candidate for a higher and more intensive redevelopment.

3.2 Local Planning Policy Framework

The proposal complies with Clause 21.04 (Sustainable Environment) through the use of ecological sustainable design principals as highlighted within the submitted Sustainable Management Plan.

The site was previously used as a plant nursery and as such there may be potential for land contamination. Relevant strategies contained at Clause 21.04-6 (Potentially Contaminated Land) seek to ensure that potentially contaminated land is identified, appropriately tested and remediated and managed to a standard suitable for the intended nature of development. A condition of any approval issued can adequately address this aspect.

The proposal accords with objectives of Clause 21.04-7 (Waste) as it relates to encouraging the use of recycling and achieving best practice in waste minimization. A waste management plan was submitted with the application which adequately addresses the provisions of the Clause.

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. Under the policy considerations the site is within an area deemed appropriate to accommodate 'High to Substantial Housing Intensification'.

Council's Housing Strategy seeks to encourage housing within the Municipality which not only accommodates population projections, but also addresses a variety of specific housing needs and issues related to affordability, household size, diversity of choice, impact on urban character, environmentally sustainable design and access to services and facilities. The proposal contributes to the objective of housing diversity by

providing a mix of dwelling sizes in various configurations which will cater for the increasingly diverse needs of future residents.

It is submitted that the proposed development appropriately responds to the strategies of Clause 21.06 (Built Environment). Clause 21.06-4 (Urban Design) sets out the objective and strategies for new developments 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'.

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 generally 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 site is located within the North Essendon Activity Centre which is a nominated activity Centre under Plan Melbourne. Clause 21.07-3 (North Essendon Activity Centre) highlights the area as a linear retail centre, including the commercial core of Mt Alexander Road and extending outwards to include a small amount of established residential land on the periphery. The Vision is 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 Strategy of the Clause is to ensure that the area is developed in accordance with the North Essendon Activity Centre Structure Plan 2011.

More specifically, the site is highlighted within the area nominated as 'Intensify Commercial Area' which seeks to support a range of land uses within buildings of up to 5 storeys (18 metres) in height. It also notes the adjoining sensitive residential interfaces.

It is submitted the proposed design is contemporary and responds well to the location and context. The building massing and overall height is commensurate to the size of the site, being in the order of 1,997 square metres. Further the commercial zoning, adjoining 5 storey apartment building sites, main road context and rear park interface lends support of a more intensive redevelopment on this site. Whilst the proposal exceeds the preferred height preference by two storeys or 5.16 metres, it is considered that the addition of the building will appropriately integrate with the surrounding context.

The proposal displays an acceptable degree of visual interest and design articulation with an adequate transition of built form to adjoining residential properties and to the main road frontage. The proposed built form will maximise visual interest from various viewpoints and will not impose unreasonable amenity impacts to interfacing residential properties.

Accordingly, it is submitted that the proposal appropriately responds to the location and context.

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

The redevelopment of this disused site will result in an improved streetscape interface through an appropriately designed building with proportions that relate to the width and status of Mt Alexander Rd.

The ground floor provides for an active frontage offering a combination of landscaping, individual dwelling access as well as stair/ramp access to the shop and main entry lobby. The frontage treatment is clearly articulated with the main building entrance highlighted through varied materials above (glazing) and woven metal mesh screen to the south of the entrance. The elevated nature of the entry will enable views down to the streetscape. A feature landscape wall and provision for visitor bike racks with complementary planting provides for additional visual interest at the streetscape level.

Setbacks and Site Coverage / Building Envelope

The proposed built form is contemporary in design and the proposed setbacks are considered to be acceptable. Relevant objectives associated with these design elements seek to ensure that siting of new development responds to the context of the site including the neighbourhood character.

More prescriptive setback requirements are dictated under the relevant Design and Development Overlay that applies to site. Further discussion in this regard can be found within Section 3.3 of this report.

Building Height and Silhouette

The height requirements are dictated under the relevant Design and Development Overlay that applies to site. Further discussion in this regard can be found within Section 3.3 of this report.

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 clearly visible from Mt Alexander Road, highlighted via a recessed entry feature. The corridor widths are provided at a minimum 1.6 metres extending out to 2.2 metres adjacent to the lift areas allowing for sufficient ease of movement within the building. Bin chutes are located at each level allowing for convenient waste disposal for residents.

Access within the basement levels is clear with provision for centrally located lifts and stairwell access to the upper levels.

Storage spaces are provided within the basement levels, although it is not clear as to whether all 95 apartments are afforded with storage. In addition, access to a number of storage areas appears constrained. This aspect has been addressed via the inclusion of Condition 1(e).

On-site Amenity and Liveability / Building Layout and Design

The proposal has been designed to accommodate a range of dwelling sizes and types comprising a predominately mix of one and two bedroom dwellings of varying sizes and configurations. Larger dwellings including a three bedroom dwelling are provided at the uppermost level.

In a general sense, the layouts of the dwellings provide an appropriate level of amenity for future occupants. All bedrooms are afforded with natural daylight access and residents will be afforded with generous sized open plan living opportunities with reasonable solar access to living areas along with private balcony areas at a minimum of 8 square metres.

Off-site Amenity

From the outset, it should be noted that whilst abutting land uses are used for residential purposes, these are located within the Commercial 1 Zone. The purpose of the Commercial 1 Zone is to encourage vibrant mixed use commercial centres, with residential uses at densities complementary to the role and scale of the commercial centre. As highlighted, the North Essendon Activity Centre is nominated activity centre under Plan Melbourne.

Having regard to the above, it is a common acceptance that residents residing within commercial zones cannot expect the same degree of amenity as those living within residential zones.

In addition, residents living in such areas are afforded with a level of amenity that is linked with high levels of accessibility and the vitality of an activity centre location.

The property to the south at 1046 Mt Alexander Road comprises a five storey residential building and contains a number of north facing windows and balconies that face the subject site. The properties at 4-8 Sturt St range in height from 2-4 storeys and contain south facing windows and balconies that face the site. The adjoining property at 1062-1064 Mt Alexander Road is currently under construction for a five storey residential building and will be largely devoid of windows/balconies that will have an outlook to the subject site.

In a general sense, the overall bulk and scale of the building has been managed through the composition of the building form which provides articulation of upper floors so that they are more recessive when viewed from the street, the park and adjoining properties. It must also be acknowledged that the site sits amongst apartment buildings with two immediate adjoining properties containing 5 storey buildings. The building has also been tempered by virtue of its 'L' shape design which provides for

additional setbacks from the remaining adjoining properties to the north (2-10 Sturt Street). Notwithstanding, further refinements will be required and will be discussed in Section 3.3 of this report.

The potential for overlooking has been managed through the orientation of the building, and where necessary, screening of windows and balconies. Sectional diagrams have been submitted with the application which seek to further articulate screening and setbacks from abutting properties. At uppermost levels, separation distances of up to 9 metres are achieved.

The shadow diagrams prepared by the project architect indicate that the shadows cast will largely fall on Mount Alexander Road through the morning hours and will start to overshadow abutting property to south (1046 Mt Alexander Rd) in the afternoon.

The extent of overshadowing to Cliff Allison Reserve is largely confined to the gravel car park.

Given the orientation of the site, coupled with the strategic vision which seeks to intensify the built form along this corridor, the extent of overshadowing is deemed acceptable.

Overall, it is considered that the development is appropriately designed so as to minimise unreasonable off-site amenity impacts.

Parking, Traffic and Access

See 'Clause 52.06 (Car Parking)' within Section 3.4 of this report.

Landscaping and Fencing / Open Space and Landscape Design

A landscape plan was submitted as part of the application which details landscaping around the perimeter of the building. The plan includes a variety of tree species capable of growing up to 15 metres in height.

In addition, a green wall is to be erected facing Mt Alexander Road allowing for self-clinging climbing plants to grow through and adhere to the outside of the wall. Council's Landscape Architect has reviewed the plans and has raised no objection aside from replacing the Gleditsia trees with Chinese Pistachio. This aspect has been addressed via the inclusion of Condition 17(a).

Further, it is noted the development provides for private access to the Cliff Allison Reserve via a central internal corridor through the building leading to outdoor footpath at the rear. Whilst this is welcomed in part, it is noted that strategic objectives for the area as detailed within the Essendon North Activity Centre Structure Plan seek to improve pedestrian connectivity to the Cliff Alison Reserve. The plans do not provide for public through access.

Notwithstanding, the site is proximate to Sturt Street, located 70 metres to the north which provides for both vehicle and pedestrian connection to the Reserve. An additional pedestrian link is provided 100 metres to the south adjacent to the apartment building 1028 Mt Alexander Road. As such, the strategic vision for the area is not considered to be unreasonably compromised.

Environmental Sustainability

Clause 21.04 of the Moonee Valley Planning Scheme recognizes that sustainability principles will be applied at all levels ranging from higher densities near rail to minimised car usage and greenhouse gases; to the increased reliance on bike paths; down to specific requirements for domestic measures such as water tanks. A Sustainability Management Plan (SMP) was submitted with the application details energy efficiency initiatives to be adopted into the development.

Clause 22.03 relates to Water Sensitive Urban Design. A STORM Assessment was submitted within the SMP which achieves a rating of 101% through the incorporation of a 14,000 litre water tank served by a roof catchment area in the order of 1240 square metres.

The incorporation of the measures identified within the SMP together with water sensitive urban design have been addressed via the inclusion of Conditions 1(c), 1 (d) and 16.

3.3 Compliance with Clause 43.02 (Design and Development Overlay)

The subject site is located within Precinct C-1 of DDO3.

An assessment against the defined setbacks of the DDO3, precinct C1 is as follows:

Design Response to DDO3 – C1 Requirements				
	DDO3 – C1	Proposal		
Preferred Maximum Height	18 metres (five storeys)	23.16 metres (seven storeys)		
Front Setback	A 0.00 minimum setback (the front boundary line) with the wall to be no greater than 8 metres in height. Built form above 8 metres must be set back a minimum of 2 metres, plus 0.7 metres for every metre of height above 11.5 metres.	<u>Front Setback Requirements</u>		
		Level	Required	Proposed
		Ground	0m	3.4m
		1	0m	2-2.98m
		2	2m	2-2.98m
		3	2.7m	2-2.98m
		4	4.8m	2.9-4.56m
		5	6.9m	3.3-4.5m
		6	9m	7.5-9.8m
		From the outset, it should be		

		<p>noted the proposed setbacks are varied due to the angled nature of the façade. For the most part, the minimum setbacks are associated with the balconies linked to the centrally located apartments which represent a marginal width in the context of a broad 55 metre frontage.</p> <p>The ground and first floor are in excess of the setback requirements. Levels 2 and 3 are generally in line with the requirements.</p> <p>Levels 4 to 5 do not meet the preferred setback requirements due to the angled nature of the façade.</p> <p>At uppermost level, the building achieves a front setback of up to 9.8 metres which is in excess of the requirements.</p> <p>Overall, it is submitted that the frontage appropriately articulated and the design meets the intent of the Overlay objectives.</p>																								
<p>Where the rear of the lot abuts public open space:</p>	<p>A 3 metre minimum setback to the property boundary adjacent to public open space, with the wall to be no higher than 14.5 metres in height.</p>	<p style="text-align: center;"><u>Rear Setback Requirements</u></p> <table border="1"> <thead> <tr> <th>Level</th><th>Required</th><th>Proposed</th></tr> </thead> <tbody> <tr> <td>Ground</td><td>3m</td><td>2.9m</td></tr> <tr> <td>1</td><td>3m</td><td>2.3m</td></tr> <tr> <td>2</td><td>3m</td><td>2.3m</td></tr> <tr> <td>3</td><td>3m</td><td>2.3m</td></tr> <tr> <td>4</td><td>3.35m</td><td>2.3m</td></tr> <tr> <td>5</td><td>5.1m</td><td>6.9m</td></tr> <tr> <td>6</td><td>7.06m</td><td>12.9m</td></tr> </tbody> </table> <p>The proposal provides a minimum 2.3 metre setback to the rear boundary with wall at 1</p>	Level	Required	Proposed	Ground	3m	2.9m	1	3m	2.3m	2	3m	2.3m	3	3m	2.3m	4	3.35m	2.3m	5	5.1m	6.9m	6	7.06m	12.9m
Level	Required	Proposed																								
Ground	3m	2.9m																								
1	3m	2.3m																								
2	3m	2.3m																								
3	3m	2.3m																								
4	3.35m	2.3m																								
5	5.1m	6.9m																								
6	7.06m	12.9m																								

		metres in height which slightly falls short of the 3 metre minimum requirement. This is considered acceptable as it represents only a short breadth of wall. The presentation to the park presents a curvature design which is viewed as a positive feature.
	Each additional 1 metre of built form above 14.5 metres must be set back a minimum of a further 0.7 metres from the rear boundary line.	<p>The balcony of Level 4 protrudes into the required setback at 2.3 metres from the boundary however the building line in excess of the requirement at 6.9 metres.</p> <p>Levels 5 and 6 are in excess of the requirements.</p> <p>Overall, it is submitted that the rear interface is acceptable in light of the curved design and upper floor building recession.</p>
Specific Guidelines	<p>Any part of a front fence that exceeds 1.2 metres in height should be 50% transparent.</p> <p>Landscaping is the preferred screening method over 1.2 metres for a front fence.</p> <p>Where buildings front open space, fences should be 50% transparent and be limited to 1.2metres in height.</p> <p>Where a side boundary abuts a residential property, employ generous setbacks for buildings above 3 storeys.</p>	<p>Front fencing at ground level comprises angled architectural walls on the site frontage, with 1.5 metre high vertical metal batten screens behind the planter boxes, which provide for some degree of privacy to ground floor dwellings fronting Mt Alexander Rd. This is considered an appropriate response given the arterial road status of Mt Alexander Rd.</p> <p><u>North Boundary Setbacks</u></p> <p>At lower levels, side setbacks are predominately 3 metres. The only exception is immediately adjacent to 1062-1064 Mt Alexander Rd where the side setback reduces to 1.5 metres given the adjoining blank wall interface.</p> <p>Above the third storey the development is setback predominately 3 metres and steps back 4.6 metres towards</p>

		<p>the rear upper levels increasing to between 5.7 and 7.2 metres at the uppermost level. An increase in the side setbacks adjacent to the properties at 2-4 Sturt St is required. (see discussion below)</p> <p><u>South Boundary Setbacks</u></p> <p>At lower levels side setbacks are predominately 3 metres, the only exception are Apartments 13 & 113 which range between 1 and 2.5 metres.</p> <p>Above the third storey, the development is setback a minimum of 4.5 metres from the southern boundary and progressively steps back above the third storey with setbacks of 7.5 metres increasing to 9 metres at the upper level.</p> <p>The setbacks are considered acceptable.</p>
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Further discussion is provided below;

Preferred Maximum Height

- The proposed development exceeds this preferred height with a podium height fronting Mount Alexander Road of four storeys (14 metres) and an overall height of seven storeys (23.16 metres). From the outset, it is important to highlight that the site does not satisfy the 'Key Site' criteria of the Mount Alexander Road Corridor Urban Design Guidelines. This is because vehicle access cannot be achieved either via a side street or via a rear lane (where access is not more than 25 metres from the laneway entry). As such, exceeding the preferred height of DDO3 for Precinct C-1 cannot be technically justified on the grounds of Key Site criteria. The question then remains as to whether the height exceedance (5.16 metres above that preferred for this precinct) is considered acceptable. It is considered that having regard to the surrounding context, coupled with the nature of the proposed design, the height of the building is appropriate for the following reasons; Whilst the two adjoining properties are both five storeys in height, providing a seven storey building in this location will provide visual interest through variation in building heights along the main boulevard. It is noted the upper levels of building are appropriately recessed and offer alternate design treatments from the lower levels;
- The building is located in an area where five storey buildings are preferred. As such, the increasing setbacks to all boundaries to the

uppermost levels provide appropriate transitioning to adjoining properties. The visual impact of a seven storey building sitting amongst five storey buildings either side is therefore somewhat lessened, particularly from a streetscape perspective;

- The proposed design of the building is quite striking and holds relatively high architectural merit. The overall form of the building presents a highly articulated sculptural facade which seamlessly steps away from the boundaries as a fluid recessive form.

This idea activates the facade and simultaneously alleviates the visual bulk of the building, which is an important consideration for the successful integration of the development within the existing context.

- Urban design advice sought on a previous Planning Application MV/560/2011 which initially sought a nine storey building suggested a reduction in the height to between six to seven storeys in order to better transition to adjoining properties. The current scale of the proposal accords with this recommendation.
- The site represents one of the largest land parcels on the eastern side of Mt Alexander Road with a site area marginally short of 2000 square metres and a site frontage in the order of 56 metres. As such, it is considered that a more intensive and taller built form can be comfortably absorbed given the sheer size of the site.

Having regard to the above considerations, it is submitted that the seven storey height of the proposal is acceptable.

Precinct Specific Guidelines

Whilst there are no prescriptive side boundary setback requirements under the Schedule, policy suggests that where the side boundary abuts a residential property, the design should have regard to the scale of the adjoining property providing for generous setbacks for building elements above 3 storeys. In a general sense, the proposal is considered acceptable with regard to side boundary setbacks. The 'L' shaped configuration has been designed to reduce the impacts of the building particularly when viewed from the immediately adjoining properties to the north along Sturt Street. Notwithstanding, specific issue is raised with respect to the adjoining interface with 2-4 Sturt Street. In this regard, the proposal maintains a 3 metre side setback for up to six storeys with only the uppermost level offering a degree of recession. The property at 2-4 Sturt Street is a two storey residential building that is setback in the order of 2 metres from the common boundary. It is submitted that the proposal will present as a harsh interface in this respect in light of the height and breadth of the wall.

Having regard to the policy, it is recommended that Apartments 301, 401 and 501 are modified to provide a minimum side setback of 4.5 metres from the northern boundary as a means of offering building relief and appropriate transitioning to the adjoining two storey scale at 2-4 Sturt Street. This aspect has been addressed via the inclusion of Condition 1(a).

Fencing

In addition, Section 2 of the Overlay prescribes that a permit is required to construct both a front fence and a fence that abuts public open space where it exceeds 1.2 metres in height. As discussed, the front fencing along Mt Alexander Road is considered acceptable and offers a degree of permeability and complementary landscaping that will enhance the streetscape.

At the rear, the landscape plan prescribes a 1.5 metre high landscaped wall in combination with a 1.5 metre high timber paling fence. The height of the wall appears to differ on the architectural drawings which specify up to 1.8 metres. To ensure consistency, this aspect has been addressed via the inclusion of Condition 1(h). Overall, it is submitted that the fencing treatments are appropriate.

3.4 Compliance with Clause 52.06 (Car Parking)

Table 2

Use (dwellings)	Required	Provided
Dwellings 33 x 1 bedroom 57 x 2 bedroom 5* x 3 bedroom *(includes 4 apartments with studies that are separate rooms counted as a bedroom)	100	107
Residential visitors	19	6
Shop	2	1
Total	121	114

As discussed under Section 2.3 of this report, Council's 'Traffic and Transportation Unit' have raised no objection to the application. A Traffic Impact Assessment, prepared by Traffix Group, was submitted with the application which provides a detailed traffic engineering assessment of the parking and traffic aspects associated with the proposed development.

The proposal seeks a reduction in the parking requirements by 14 spaces comprising 13 residential visitor spaces and 1 shop space. It is noted that the proposal provides in excess of the resident parking requirement with a surplus of 7 (unallocated) spaces in this regard. The reduction in car parking is supported by both State and Local Planning Policy which seeks to encourage alternative transport use such as walking, public transport and cycling in the planning and design of new developments.

Council's Engineers have reviewed the traffic assessment provided by the applicant and consider that the provision for 114 on-site car spaces is appropriate based on the location of the site to surrounding public transport hubs and the commercial services offered within the North

Essendon Activity centre. A condition of approval, Condition 1(f), will require the clear allocation of two spaces associated with one of the three bedroom apartments. As an aside, it is noted that the applicant has submitted a Sustainable Travel Plan within the SMP report which seeks to reduce the number of single occupancy journeys taken by residents via the promotion of public transport usage, car sharing, walking and/or cycling. This approach is consistent with the policy objectives contained at Clause 21.09-1 (Transport Modes). Car parking will be provided within two basement levels accessed via a 6.1 metre width accessway/crossover via Mt Alexander Road. To address pedestrian sight lines, a condition of approval will require the proposal to comply with the requirements of Clause 52.06-8. The current plans reveal a wall on the southern boundary of the accessway at the exit point which may pose as an obstruction. This aspect has been addressed via the inclusion of Condition 1(g).

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

Clause 52.07 triggers loading and unloading requirements for the retail component of the development. The shop proposed is 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 to drop off goods. Further, Council's Traffic Engineers have raised no objection to the waiver of this requirement.

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

The application includes modifications to existing access arrangements along Mt Alexander Road. Accordingly, the application was referred to VicRoads for comment pursuant to Section 55 of the Planning and Environment Act 1987. As discussed above, VicRoads have raised no objection subject to the inclusion of conditions.

3.7 Compliance with Clause 52.34 (Bicycle Facilities)

The development requires a minimum of 29 bicycle spaces, triggering 19 resident spaces and 10 visitor spaces. There is no bicycle parking requirement associated with the shop.

The proposal provides 38 bicycle spaces, comprising 28 wall mounted spaces within Basement 1 for residents and 10 bicycle spaces provided externally at ground level for visitors.

The proposed bicycle parking arrangements exceed the statutory requirements.

3.8 Objections

Table 4

Issue	Officer Response
The proposal is at odds with the existing character of the area and fails to respond to the surrounding context	As highlighted within the above assessment, the proposed height and scale of the proposal is acceptable given the location of the site within the Essendon North Activity Centre.
The proposal is in excess of the recommended five storey height limit as indicated within the local structure plan	An assessment on this aspect has been addressed within Section 3.3 of this report.
There is considerable development currently occurring within the area resulting in traffic and parking pressures. Approval of this application will only exacerbate the current conditions.	Council's Traffic and Transportation Unit have considered the application and are satisfied with the proposed parking provisions and anticipated traffic generation.
The proposal provides insufficient visitor parking	As per above.
Waiver of loading bay requirements is inappropriate	This aspect has been addressed in Section 3.5 of this report.
The proposal will lead to unreasonable amenity impacts on the surrounding properties through visual bulk, overlooking and overshadowing	<p>As highlighted, a condition of any approval issued will require additional side boundary setbacks for levels 3, 4 and 5 as a means of offering relief to the adjoining properties at 2-4 Sturt Street.</p> <p>Overlooking has been appropriately managed and the degree of overshadowing is deemed acceptable.</p>
The proposal cannot claim the 'Key Site' criteria as referenced within the DDO3	This has been acknowledged and addressed in Section 3.3 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 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.

Accordingly, it is recommended that Council inform VCAT and parties associated with the proceedings that it supports the proposal in line with the conditions contained within the Recommendation.

APPENDIX A

Location of objectors

PO Box 29, NORTH ESSENDON VIC 3041
20 Marco Polo Street, ESSENDON VIC 3040
20 Marco Polo Street, ESSENDON VIC 3040
PO Box 878, HORSHAM VIC 3402
PO Box 785, ELTHAM VIC 3095
PO Box 785, ELTHAM VIC 3095
PO Box 785, ELTHAM VIC 3095
PO Box 785, ELTHAM VIC 3095
PO Box 785, ELTHAM VIC 3095
PO Box 277, KEW VIC 3101
14 Marco Polo Street, ESSENDON VIC 3040
14 Marco Polo Street, ESSENDON VIC 3040
4 Marco Polo Street, ESSENDON VIC 3040
22 Marco Polo Street, ESSENDON VIC 3040
22 Marco Polo Street, ESSENDON VIC 3040
1032 Mt Alexander Road, ESSENDON VIC 3040
4 Marco Polo Street, ESSENDON VIC 3040
210/1044-1046 Mt Alexander Road, ESSENDON VIC 3040
23 Marco Polo Street, ESSENDON VIC 3040
Level 4, 136 Exhibition Street, MELBOURNE VIC 3000
403/1044-1046 Mt Alexander Road, ESSENDON VIC 3040
23 Braemar Street, ESSENDON VIC 3040
93 Glass Street, ESSENDON VIC 3040
3 Glen Street, ESSENDON VIC 3040
403/1044-1046 Mt Alexander Road, ESSENDON VIC 3040
413/1044-1046 Mt Alexander Road, ESSENDON VIC 3040
10 Marco Polo Street, ESSENDON VIC 3040
1122 Mt Alexander Road, ESSENDON VIC 3040
18 Carnarvon Road, STRATHMORE VIC 3041
52 William Street, MOUNT WAVERLEY VIC 3149
69 Chichester Drive, TAYLORS LAKES VIC 3038
7 Barcelona Avenue, KEILOR VIC 3036

9.2 544 Mt Alexander Road, Ascot Vale (Lot 1 on TP665469V) - Buildings and works, on premises liquor licence, internally illuminated signage, reduction in car parking and waiver of loading bay and bicycle requirements associated with a restaurant in a DDO3.

File No: MV/870/2014
Author: Senior Town Planner
Directorate: City Works & Development
Ward: Myrnong

Proposal	<ul style="list-style-type: none">• Construct or carry out works to include a new front entrance and rooftop mezzanine terrace.• Sale and consumption of liquor on the premises.• Use of the land as a restaurant for 100 patrons.• Display internally illuminated signage.• Reduction in car parking requirements.• Waive the requirement for loading bay and bicycle facilities.
Applicant	Tract Consultants
Owner	Conelmo Pty Ltd
Planning Scheme Controls	Commercial 1 Zone Design and Development Overlay (DDO3)
Planning Permit Requirement	Clause 43.02-2 - Construct or carry out works. Clause 52.05-1 – Display internally illuminated business identification signage. Clause 52.06-3 – Reduce the number of car parking spaces required. Clause 52.07 – Waive the requirement for loading bay facilities.

	Clause 52.27 – Use land to sell or consume liquor. Clause 52.34 – Waive the requirement for bicycle spaces.
Car Parking Requirements (Clause 52.06)	Required – 40 car spaces Provided – 0 car spaces
Bicycle Requirements	Required – 4 spaces (2 for staff & 2 for visitors) Provided – 0 spaces
Restrictive Covenants	None
Easements	Party wall easement
Site Area	255m ²
Number Of Objections	25
Consultation Meeting	4 February 2015

Executive Summary

- The application seeks planning approval for buildings and works, sale and consumption of liquor on premises, display of internally illuminated business identification signage, reduction in car parking requirements and waiver of loading bay and bicycle facility requirements associated with a restaurant to cater for 100 patrons in a Design and Development Overlay area.
- The site is approximately 255m² in area and for the most part is built to all title boundaries. A single storey commercial building occupies the site and is currently vacant. A laneway runs along the rear title boundary delineating the subject site from a General Residential Zone to the east.
- The application was advertised and received 25 objections. The key concerns raised related to traffic impacts and associated car parking and access issues, noise, overlooking, waste management, anti-social behaviour and the appropriateness of another restaurant in this commercial area.
- A Consultation Meeting was held on 4 February 2015, attended by Councillor Nicole Marshall, objectors and Council's Planning Officer. No resolution was achieved at this meeting.

- The application was externally referred to VicRoads and Victoria Police who had no objection to the proposal, subject to conditions. Internally the proposal was referred to Council's Engineering Services Unit, Traffic and Transportation Unit, Environmental Health Unit and Enforcement Investigations Unit. Conditional support to the application was provided by each internal referral.
- 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/870/2014 for buildings and works, sale and consumption of liquor on premises, display of internally illuminated business identification signage, reduction in car parking requirements and waiver of loading bay and bicycle facility requirements associated with a restaurant in a Design and Development Overlay area at 544 Mt Alexander Road, Ascot Vale (Lot 1 on TP665469V), 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) Deletion of the mezzanine/terrace/rooftop level and associated terrace level window.

- b) A notation on plans to state a maximum of 63 patrons.
- c) The street front entrance to be setback at least 1m to allow a transitional ramp from the footpath to the Finished Floor Level (FFL) within the building.
- d) Proposed bicycle hoop rail shown on plans.
- e) Garbage storage shown on the plans.

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. The sale and consumption of liquor must occur only between the hours of:
 - a) Monday to Saturday (excluding ANZAC Day and Good Friday) 7am to 11pm;
 - b) Sunday 10am to 11pm;
 - c) Good Friday and ANZAC Day 12 noon to 11pm;unless these hours are varied with the written consent of the Responsible Authority.
4. Liquor for consumption off the premises must not be sold at any time.
5. No more than 63 patrons may be present on the land at any one time without the written consent of the Responsible Authority.
6. The amenity of the area must not be detrimentally affected by the use of land through the transportation of materials, goods or commodities to or from the land, to the satisfaction of the Responsible Authority.
7. The location and details of the signage shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.
8. The advertising signage and any related panel must be constructed and maintained to the satisfaction of the Responsible Authority.
9. Bunting, streamers and festooning must not be displayed.
10. The signage permitted must only contain an advertisement which provides or supplies information relating to the business conducted on the land to the satisfaction of the Responsible Authority.
11. The loading and unloading of goods from any vehicles must only be carried out within the designated loading bays along Mt Alexander Road and must not disrupt the circulation and parking of vehicles, pedestrian circulation or access.
12. Goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.
13. All bottles and cans must not be emptied into the rubbish bins after 10.00 pm and not before 8:00am.
14. Prior to the commencement of the development, a Waste Management Plan must be submitted to and approved to the satisfaction of the Responsible

Authority. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and must include but not be limited to showing and detailing that the bin storage areas are sufficient to cater for the amount of waste that will be produced and provide the following:

- a) What type of bins will be used on the land;
- b) Where these bins will be stored including details of screening and ventilation;
- c) Who will be responsible for taking bins in and out for collection and where this will occur;
- d) How recycling materials will be dealt with and collected;
- e) Hours of bin collection;
- f) Access routes for private waste collection vehicles that do not rely on reversing movements if private waste collection is utilised.

Once submitted and approved the plan must be implemented to the satisfaction of the Responsible Authority.

15. 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.
16. The amenity of the area must not be detrimentally affected by the use of land, through:
 - 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.

17. The cooking exhaust system must be provided with a filter system and appropriately sited to eliminate cooking odours, fumes and smoke to the satisfaction of the Responsible Authority.

Start VicRoads conditions

18. The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25cd/m², throughout the driver's approach to the advertising sign.
19. Signage must not have a flashing background, flashing text or flashing images.

End VicRoads conditions

20. Noise emitted from the premises 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.
21. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.
22. 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

- A liquor licence must be obtained from the Victorian Commission for Gambling and Liquor Regulation in accordance with the provisions of the Liquor Control Reform Act 1998.
- The premise must comply with the Public Health and Wellbeing Act 2008 and Food Act 1984 (where applicable) and associated Council Local Laws. Council's Environmental Health Unit should be contacted on 9243 8888 regarding these requirements and any other required applications.
- Staff of the restaurant and the patrons are not eligible for parking permits in accordance with Council Parking Permit Policy.
- A road occupancy permit may be required.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the eastern side of Mt Alexander Road in Ascot Vale. The land is zoned Commercial 1 and is affected by a Design and Development Overlay – Schedule 3 (DDO3). The site is irregular in shape with a frontage to Mt Alexander Road. The site is approximately 255m² and is relatively flat with no discernible fall. The existing building is facing onto Mt Alexander Road and has roller door access to a Right of Way (ROW) along the rear eastern title boundary. The existing building comprises a single storey brick shop with a galvanised flat roof.

A permit was previously granted for an educational centre or art school on the subject site of which the details are further discussed in Section 2.1 – Relevant Planning History. The land is described in Certificate of Title Volume 08576 Folio 234 as Lot 1 on Title Plan 665469V. There is no restrictive covenant affecting the land.



Figure 2 - Application Site (544 Mt Alexander Road) – View east taken from Mt Alexander Road.

The surrounding area is predominantly commercial land with well-established commercial businesses operating off Mt Alexander Road. Land to the east abutting the rear ROW is residential zoned land. The site fronts an arterial road (Mt Alexander Road) and the No. 59 tram route operates along the road medium. The site is within walking distance to four bus routes (504, 505, 404 and 472).

The site is located within close proximity to numerous local businesses including shops, hairdressing saloons and restaurants. The Moonee Ponds Activity Centre is located approximately 800m to the northwest of the subject site.

1.2 Proposal

The proposal seeks planning permission for buildings and works, advertising signage, the sale and consumption of liquor and waiver of car parking requirements, loading and unloading and bicycle requirements in association with the redevelopment and use of the existing building as a restaurant.

Table 1

Use proposed	Restaurant ('as of right') and sale and consumption of on premises liquor
Buildings and works	External works to include a new front entrance and construction of a rooftop mezzanine terrace at the rear of the building.
No. of patrons	100
No. of car spaces	None
Reduction required (car spaces)	40
No. of bicycle spaces	None
Reduction required (bicycle spaces)	4 (2 for staff & 2 for patrons)
Loading bay	None
No. of staff	10
Signage	Internally illuminated Jimmy Grants cross (0.8m ²) Non-illuminated Jimmy Grants logo (0.3m ²) Internally illuminated lettering 'Jimmy Grants Loves You' (2.2m ²)

The hours of operation proposed for the restaurant, including hours for the sale and consumption of liquor are:

- 7am to 11pm Monday to Saturday & Sunday 10am to 11pm (mezzanine closes 10pm)
- 12pm – 11pm on public holidays (mezzanine closes 10pm)

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

2. Background

2.1 Relevant Planning History

MV/756/2012/A for use of the land as an educational centre (art school), reduction in car parking requirements and sale and consumption of liquor on the premises was approved on 1 March 2013.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 11 Settlement

Clause 17 Economic Development

Local Planning Policy Framework

Clause 21.01	Municipal Profile
Clause 21.03	Vision
Clause 21.06	Built Environment
Clause 21.08	Economic Development
Clause 22.04	Licensed Premises Policy

Zoning

Clause 34.01	Commercial 1 Zone
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Overlay

Clause 43.02	Design and Development Overlay (DDO3)
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Particular and General Provisions

Clause 52.05	Advertising Signs
Clause 52.06	Car Parking
Clause 52.07	Loading and Unloading of Vehicles
Clause 52.27	Licensed Premises
Clause 52.34	Bicycle Facilities
Clause 65	Decision Guidelines

2.3 Referrals

External

- VicRoads

No objection subject to conditions as follows;

- The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25cd/m², throughout the driver's approach to the advertising sign.
- Signage must not have a flashing background, flashing text or flashing images.

- Victoria Police

No objection

Internal

- Engineering Services Unit

No objection, subject to standard conditions and one specific condition as follows;

- The street front entrance must be set back at least 1.0m to allow a transition ramp from the footpath to the FFL within the building.
- Traffic and Transportation Unit

No objections, subject to conditions and notes as follows;

- Applicant must provide bicycle parking requirement as per Clause 52.34 (Bicycle Facilities) of the Moonee Valley Planning Scheme. Bicycle parking spaces need to be shown on the plan in accordance with the standards.
 - Applicant requires displaying of non-illuminated business identification signage. Signs shall not be animated, reflective, or flashing. Signs must be installed to ensure no glare towards motorists and pedestrians.
 - Applicant has proposed to place garbage bins for collection from the kerb side at Mt Alexander Road. Applicant must specify whether the waste removal is carried out by a private contractor or Council's garbage truck. Garbage storage needs to be shown on the plan. Applicant needs to submit a waste management plan which includes relevant details.
 - Staff of the restaurant and the patrons are not eligible for parking permits in accordance with Council Parking Permit Policy.
 - Environmental Health Unit
 - No objections, subject to standard conditions
 - Enforcement Investigations Unit
- No objection

2.4 Public Notification of the Application

Pursuant to Section 52 of the Planning and Environmental 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, 25 objections were received from properties contained within **Appendix B** of this report.

The assessment of the objections received is at Section 3.9 of this report.

2.5 Consultation Meeting

A Consultation Meeting was held on 4 February 2015, attended by Councillor Nicole Marshall, objectors, a representative of the applicant and Council's Planning Officer. No resolution was achieved at this meeting.

3. Discussion

3.1 State Planning Policy Framework

The relevant State Planning Policy Framework clauses are considered to be met. In accordance with the objectives of Clause 17 (Economic Development) of the Moonee Valley Planning Scheme the proposal is considered to contribute to the economic well-being of this area. Use of the land as a restaurant will strengthen the economic potential of this section of Mt Alexander Road.

3.2 Local Planning Policy Framework

It is considered that the proposal complies with the relevant policies of the Local Planning Policy Framework. The proposed on premises liquor licence in association with a restaurant is located within an active precinct of shops, restaurants and other food and drink premises and the use of the land for the sale and consumption of alcohol is intended to improve the services and consumer options already provided along this part of Mt Alexander Road. The subject site is located in an area identified as a commercial zone, therefore the on premises sale and consumption of liquor and restaurant use is appropriate in this instance. In accordance with the objectives of Clause 21.08 (Economic Development) the proposal will enhance the economic viability of the site and will further promote the diversity of choice for consumers alike in the immediate area.

The proposal is considered to adhere to the objectives within Clause 22.04 (Licensed Premises) of the Moonee Valley Planning Scheme. Situated within a commercial precinct the licensed premise is in an appropriate location and trading hours proposed are similar to those of other licensed premises. The subject site is in close proximity to other similarly established restaurant uses along Mt Alexander Road that are considered to effectively manage the amenity conflicts between licensed premises and other uses. The proposal will contribute to this commercial area providing reasonable commercial opportunities for the trading of licensed premises.

It should be noted that as the site's location is in close proximity to a General Residential Zone, consideration to the amenity of residents abutting the rear laneway was a high priority of this assessment. To negate against potential amenity impacts as a result of the proposed use, a condition on any future permit issued will require the deletion of the proposed mezzanine and open rooftop terrace and associated terrace window. This will ensure the future use is contained within the existing building envelope reducing any potential amenity impacts such as noise, light spill and overlooking.

3.3 Compliance with Clause 43.02 (Design and Development Overlay)

The site is subject to the provisions of the Design and Development Overlay, Schedule 3 (DDO3) and is situated within Precinct G of this overlay.

Buildings and works proposed will revitalise and activate the existing building along the Mt Alexander Road corridor enhancing the existing streetscape. Whilst the proposed external works to the rear incorporate a mezzanine and rooftop level and only increase the overall height of this section by 1.3m, as discussed in Section 3.2 it is proposed that these external works be deleted. There are no proposed changes to side or rear setbacks.

Although proposed external works adhere to DDO guidelines, due to potential amenity impacts to residents along Sydney Road as a result of the proposed use, a condition on any future permit issued will require the

deletion of the proposed mezzanine level and open rooftop. This will enclose the building, negating amenity impacts and will maintain existing built form along the rear section of this site.

Proposed works to the front façade are considered to be an appropriate design response when considering the Urban Design Guidelines of the Mt Alexander Road Design and Development Overlay.

3.4 Compliance with the decision guidelines of Clause 52.05 – Advertising Signs

Pursuant to the requirements of Clause 52.05 a planning permit is required within Category 1 commercial areas where the total advertising area of all internally-illuminated signs exceed 1.5m². As the shop front internally illuminated signage amounts to 3m² across the shop frontage it is not exempt from planning permit requirements.

It is considered that the signage is of good and appropriate design and compatible with the building on which the signage is proposed and is consistent with existing business identification signage in the area. The size, location and design/colours of signs are considered appropriate and enable the identification of the building's use without being excessive.

It is not anticipated that the proposed signage will impact on safety in the area. It is considered that the proposed business identification signage is of an appropriate design and scale, will not adversely impact on the character of the area and meets the decision guidelines as stipulated in Clause 52.05-3.

3.5 Compliance with Clause 52.06 (Car Parking)

Pursuant to Clause 52.06 of the Moonee Valley Planning Scheme, a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5. Pursuant to Clause 52.06-3 Council can approve the full or partial reduction of required on-site car parking spaces.

Table 1 of Clause 52.06-5 identified that a total of 40 car spaces are required for the restaurant to accommodate 100 patrons. Given there is no existing provision of car spaces on-site a reduction of 40 car spaces is proposed.

A car parking demand assessment was carried out by Cardno Traffic Consultants who identified that continued use of on-street parking opportunities to accommodate the restaurant can occur without causing loss of convenience to the surrounding land uses.

It is considered that given the sites location within a commercial precinct along a main arterial road and proximity to on-street parking, public transport and taxi ranks, a total reduction of the car spaces required is considered appropriate in this instance.

The reduction in car parking requirement was referred to Council's Traffic and Transport Unit who had no objection to the proposed reduction, subject to conditions. The site is highly accessible for pedestrian traffic

and during the day will attract lunch trade from surrounding businesses within walking distance. During the evening patrons, not availing of public transport, will have increased access to on street parking which will have become increasingly available after business hours.

Given the above justification, Council is satisfied that the requirements of Clause 52.06 have been met in this instance, with the surrounding area being able to accommodate the potential increase of traffic and or car parking resulting from the issuing of this permit. It should be noted that a condition on any future permit issued will require the deletion of the proposed mezzanine level and open rooftop to mitigate against potential amenity impacts to abutting residents. This will in turn reduce the capacity of the restaurant to 63 patrons further reducing car parking requirements.

3.6 Compliance with the decision guidelines of Clause 52.07 – Loading and Unloading of vehicles

The purpose of this clause is to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effects on traffic flow and road safety. Clause 52.07 requires a loading bay with a minimum area of 27.4m² but also states that a permit may be granted to waive this requirement if the land area is insufficient. The subject site is almost entirely occupied by the existing building and the provision of a dedicated on-site loading area to service the restaurant is not feasible nor practical. The applicant has stated that loading and unloading of commercial vehicles will take place off Mt Alexander Road. A condition on any future permit issued will ensure that loading and unloading of vehicles will take place in designated loading zones along Mt Alexander Road in close proximity to the site and not off the ROW in order to protect residential amenity.

3.7 Compliance with the decision guidelines of Clause 52.27 – Licensed Premises

The application is assessed in accordance with the relevant Decision Guidelines set out in Clause 52.27 of the Moonee Valley Planning Scheme, which require consideration of the following:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the area.

As indicated in Sections 3.1 and 3.2 of the report the relevant provisions of the State and Local Planning Policy Framework have been assessed and the application is considered to comply.

The proposal for a liquor licence in association with the restaurant will contribute to the provision of choice and convenience associated with dining/leisure based businesses within this designated commercial zone. It is not envisaged that the proposed use will generate detrimental amenity impacts on surrounding sensitive uses as most patrons will incorporate their purchase of liquor as part of dining on the premises. The nature of the application, whilst being a liquor licence, is to be conducted with the primary use as a restaurant premises and will not result in an increase in the number of patrons attending the area or congregating for alcohol related activities, and will not as a consequence contribute to amenity issues associated with anti-social behaviour.

It should be noted that pursuant to Practice Note 61 – Licensed Premises: Assessing cumulative impact, proposals for a licensed premises open after 11pm requires an assessment to explain cumulative impact of a licensed premises on the surrounding area. As the proposal does not operate after 11pm and the consumption of liquor is secondary to the serving of food a cumulative impact assessment was not required in this instance.

The proposal is considered to be appropriate for the site and precinct as a whole. The hours of operation are typical to those approved for activities and uses of this type and are similar to operational hours of surrounding commercial and licensed premises. The proposal in this respect would therefore not detrimentally affect the amenity of the surrounding area. The use will enhance the vitality of an already established commercial street frontage. The inclusion of a liquor licence will be appropriate to the proposed operation.

It is not anticipated that the proposal will generate adverse amenity impacts in the surrounding sensitive areas. To further negate any potential for amenity impacts a condition on any future permit issued will require the deletion of the proposed mezzanine level and open rooftop. This will enclose the building, negating amenity impacts and will maintain the proposed use within the existing enclosed structure.

3.8 Compliance with the decision guidelines of Clause 52.34 – Bicycle Facilities

As described above in Section 1.2 of this report a total of 4 bicycle spaces (2 for employees and 2 for visitors/patrons) are required pursuant to the provisions of Clause 52.34-3 (Bicycle spaces).

There is no provision for bicycle facilities on site as part of the planning application submitted and therefore a complete waiver of bicycle spaces is required. It should be noted however that a bicycle hoop will be provided in front of the restaurant to accommodate bicycle parking spaces for staff and patrons. It is considered acceptable to waive the requirement for bicycle spaces onsite in this instance given the provision of facilities

directly outside the premises as well as the location of the site along Mt Alexander Road and high accessibility of the site to pedestrians and public transport users. It is considered that the majority of patrons and staff will utilise the established public transport modes along Mt Alexander Road to access the site or come from surrounding businesses which are within walking distance to the restaurant.

3.9 Objections

Table 4

Issue	Officer Response
Traffic concerns (car parking/access/safety)	This is considered acceptable as discussed within Section 3.5.
Amenity Impacts to surrounding residents	<p>To negate against potential amenity impacts as a result of the proposed use a condition on any future permit issued will require the deletion of the proposed mezzanine and open rooftop terrace and associated terrace window. This will ensure the future use is contained within the existing building envelope reducing any potential amenity impacts such as noise, light spill and overlooking.</p> <p>As discussed in Section 3.6 loading and unloading of vehicles will not take place within the rear ROW but rather off designated loading bays along Mt Alexander Road. This will prevent any amenity concerns with respect to unloading of vehicles within the rear laneway in close proximity to the abutting residential areas.</p>
Waste management concerns	A condition on any future permit will require the provision of a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority
Liquor licensing and subsequent anti-social behaviour	This is considered acceptable as discussed in Section 3.7.
Appropriateness of an additional restaurant use	This is considered acceptable as discussed in Section 3.2. The subject site is located in an area identified as a Commercial 1 Zone. The use of the land as a restaurant is an 'as of right' use under this zoning and is considered appropriate in this instance.
Property values	Property values are not the subject of this planning assessment.

Heritage Overlay concerns	The subject site is not within a Heritage Overlay and no Heritage Overlays surround the site. Notwithstanding, works proposed do not significantly alter the existing structure.
Inadequate notification process	Pursuant to Section 52 of the Planning and Environmental Act 1987, the application was advertised by mail to adjoining and surrounding properties with two notices erected onsite. Notification procedures met the requirements of the Act and Council protocols.

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, Commercial 1 Zone, Design and Development Overlay and the relevant Particular and General Provisions of the Moonee Valley Planning Scheme.

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

APPENDIX B

OBJECTORS PROPERTIES
29 Sydney Street, Ascot Vale VIC 3032
9 Sydney Street, Ascot Vale VIC 3032
33 Sydney Street, Ascot Vale VIC 3032
19 Sydney Street, Ascot Vale VIC 3032
7 Sydney Street, Ascot Vale VIC 3032
21 Sydney Street, Ascot Vale VIC 3032
27 Sydney Street, Ascot Vale VIC 3032
3 Sydney Street, Ascot Vale VIC 3032
39 Sydney Street, Ascot Vale VIC 3032
33 Sydney Street, Ascot Vale VIC 3032
1B Sydney Street, Ascot Vale VIC 3032
7 Bank Street, Ascot Vale VIC 3032
9 Bank Street, Ascot Vale VIC 3032
3 Bank Street, Ascot Vale VIC 3032
5 Bank Street, Ascot Vale VIC 3032
29 Fenton Street, Ascot Vale VIC 3032
15 Fenton Street, Ascot Vale VIC 3032
3 Fenton Street, Ascot Vale VIC 3032
9 Fenton Street, Ascot Vale VIC 3032
3 Fenton Street, Ascot Vale VIC 3032
22 Warratah Street, Ascot Vale VIC 3032
4 Warratah Street, Ascot Vale VIC 3032
12 Warratah Street, Ascot Vale VIC 3032
2/542 Mt Alexander Road, Ascot Vale VIC 3032
18 Ormond Road, Ascot Vale VIC 3032

- 9.3** **11-17 Holmes Road, Moonee Ponds (Land in PC104247 and Lot 8 on PS011397) - Partial demolition of the existing building. Buildings and works in a Heritage Overlay area for the purpose of a four storey building accommodating dwellings, a supermarket and reduction in car parking and loading/unloading requirements.**

File No: MV/457/2014
Author: Principal Town Planner
Directorate: City Works & Development
Ward: Myrnong

Proposal	<ul style="list-style-type: none">• Retention of the existing façade• Construction of a four storey building• Supermarket (370m²)• 15 Dwellings• Reduction in car parking• Reduction in loading/unloading
Applicant	V&A Russo C/- G2 Urban Planning
Owner	V&A Russo
Planning Scheme Controls	<ul style="list-style-type: none">• Activity Centre Zone (ACZ1)• Heritage Overlay (HO307)
Planning Permit Requirement	Clause 37.08-5 - Buildings and Works Clause 43.01-1 - Demolition, Buildings and Works Clause 52.06 - A Reduction in Car Parking Clause 52.07 - Reduction in Loading/ Unloading
Car Parking Requirements (Clause 52.06)	Requires: 14 spaces Provided: 8 car spaces

Bicycle Requirements	Requires: 3 spaces Provided: 9 spaces
Restrictive Covenants	Covenant 1295513 – does not affect the proposal
Easements	N/A
Site Area	543.53m ²
Number Of Objections	20
Consultation Meeting	10 December 2014

Executive Summary

- An application has been lodged with Council seeking planning approval for the partial demolition of the existing building and construction of a four storey building containing a supermarket and 15 dwellings. The application also seeks approval for a reduction in the statutory parking and loading/unloading requirements.
- The site is affected by a Heritage Overlay (HO307) and is also located within Moonee Ponds Activity Centre Zone (ACZ1) – Precinct E.
- It must also be noted that the existing site is benefitted by a live planning permit, MV/20944/2010, which allows for the construction of a similarly designed four storey building which includes a basement, supermarket, offices and dwellings.
- The site has an area of 543.53m² and is located on the corner of Holmes Road and Newhall Avenue in Moonee Ponds. The site is currently occupied by a two level building comprising of a ground floor supermarket. No parking or loading facilities are provided.
- The application was advertised and received 20 objections from a number of properties on Newhall Avenue and Learmonth Street. The concerns raised relate to the proposal being an overdevelopment, traffic, amenity and the development being out of character with the surrounding area.
- A Consultation Meeting was held on 10 December 2014, attended by Councillor Cusack, Councillor Marshall, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting. However, on 2 February 2015 the applicant submitted revised "for discussion purposes" plans in an attempt to address some of the concerns raised.
- The revised plans, labelled Issue B (**refer Appendix B – separately circulated**), show changes to the layout and design of the building. The changes result in the number of dwellings being reduced from 15 to 11 and alterations to the materials and finishes of the second and third floors.

- The application was internally referred to Council's Heritage Advisor, Engineering Services Unit, Traffic and Transportation Unit, Waste Management Unit and Environmental Sustainable Development (ESD) Officer. Conditional support to the application was provided.
- This assessment report finds that, subject to conditions, 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/457/2014 for the partial demolition of the existing building, buildings and works in a Heritage Overlay area for the purpose of a four storey building accommodating dwellings, use of the land for a supermarket and reduction in car parking and loading/unloading requirements at 11 – 17 Holmes Road, Moonee Ponds (Land in PC104247 and Lot 8 on PS011397), 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 number of dwellings reduced from 15 to 11 in accordance with the plans prepared by Bill Jacobs Pty Ltd, TP04-TP08 and all Revision B and received by Council on 5 January 2015.

- b) Any external modifications in accordance with the plans prepared by Bill Jacobs Pty Ltd, TP04-TP08 and all Revision B and received by Council on 5 January 2015.
- c) The eastern elevation to be innovatively treated by either a green façade, a green wall or alternative treatment to the satisfaction of the Responsible Authority with the following notations:
 - i) The treatment of the eastern wall must not impact on the operation of the Council Car Park at 1-9 Holmes Road.
 - ii) The treatment of the eastern wall must not encroach more than 400mm into the airspace of the adjoining land at 1-9 Holmes Road.
 - iii) The treatment of the eastern wall must include a maintenance schedule and notation that all features must be maintained by the developer/land owner at 11-17 Holmes Road.
 - iv) A notation that all eastern wall treatments can be removed at any time at the discretion of Council.
- d) The residential entry to be modified to provide a more prominent entry feature.
- e) The provision of skylights for the living areas associated with Dwellings 2 and 3.
- f) The balconies associated with Dwellings 2 and 3 increased to a depth of 2m.
- g) The wall behind the front façade and facing the balconies of Dwellings 2 and 3 to be exposed brickwork.
- h) The storage areas resized to a minimum of 4m³ and renumbered to accord with 11 dwellings.
- i) The provision of planter boxes along the southern alignment of the balconies associated with Dwellings 4 and 5. The planter boxes must contain plants capable of screening views to the habitable room north facing windows of 1 Newhall Avenue in accordance with the objective of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
- j) The balconies associated with Dwellings 4 and 5 increased in depth to accommodate Condition 1(i).
- k) An alterations as a result of Condition 4.
- l) A roof plan which graphically shows all roof areas, both treated by WSUD and untreated.
- m) Each rainwater tank to be noted to state, on all relevant plans.
 - i) The capacity of the rainwater tank;
 - ii) Whether a mechanically, fully charged or gravity fed system is proposed;
 - iii) Number of toilets connected to the rainwater tank, as detailed on the revised STORM report;

- iv) The roof catchment area collected to the specific rainwater tank, as detailed on the revised STORM report.
- n) The windows to the internal hallways to be operable to allow for natural ventilation.
- o) West facing habitable room windows to be provided with operable sun shading devices to mitigate heat load.
- p) The internal light court to be treated in a light reflective colour.
- q) The bedroom 2 wall associated with Dwelling 9 to be setback from the light court to ensure the light court is clear to the sky.
- r) The hall/stairwell door on the second and third level's to be constructed from glass.
- s) A notation that the verandah on Council's car park and east facing window associated with the ground floor supermarket can be removed at any time at the discretion of Council.
- t) The provision of 'no standing' signage along the ground floor southern wall of the building (ROW).
- u) Any alteration to the plans as a result of the Acoustic Assessment required by Condition 17.
- v) Any alteration to the plans as a result of the revised Waste Management Plan in accordance with Condition 18.
- w) Any alteration to the plans as a result of the revised Sustainable Management Plan in accordance with Condition 19.

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. Before the use of the land starts, the Owner must enter into an Agreement under Section 173 of the Planning and Environment Act 1987 satisfactory 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) The verandah constructed on Council's car park at 1-9 Holmes Road, Moonee Ponds can be removed at any time at the discretion of Council's Property Unit.
 - b) The supermarket window facing onto Council's car park at 1-9 Holmes Road, Moonee Ponds must be blocked up, with no cost to Council at the request of Council's Property Unit.
 - c) The wall treatment along the eastern elevation and required by condition 1(c) can be removed at any time at the discretion of Council's Property Unit.

- d) Liability and maintenance of those parts of the development projecting into air space under the care and management of Council and disclaiming any right or intention to make or cause to be made at anytime any claim or application relating to adverse possession of the land.

The owner of the property to be developed must pay all Council's reasonable legal costs and expenses of this Agreement, including preparation, execution and registration on title.

- 4. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with condition 1. The STORM assessment must achieve a minimum of 100% to comply with Clause: 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
- 5. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 6. The materials, colours, decoration and/or finishes to be applied to the exterior of the building or works as described on the drawings or schedules endorsed to this permit must not be altered without the consent of the Responsible Authority.
- 7. 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.
- 8. At least 30 days before the building or works commence, a Construction and Site Management Plan (CSMP) must be submitted to and approved by the Responsible Authority. The CSMP must include details of the construction activity proposed and the site and environmental management methods to be used during the construction of the development. The CSMP must include:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers' 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 prevention of contamination which must be in the form of a detailed statement or report which outlines all 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) Arrangements for chemical storage;
 - l) Noise and vibration control;
 - m) Risk assessment;
 - n) Works timetable; and

- o) Number of workers expected to work on the site at any one time.
- p) When approved, the CSMP will be endorsed and will form part of this permit.

The development must be carried out in accordance with the endorsed CSMP and the provisions, requirements and recommendations of the endorsed CSMP must be implemented and complied with 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. All piping and ducting, excepting for gutters and rainwater downpipes, above the ground floor storey of the building must be concealed to the satisfaction of the Responsible Authority.
- 12. 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.
- 13. Prior to the commencement of the development, a Car Parking Management Plan prepared by an appropriately qualified traffic consultant must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must include:
 - a) Details as to how the car stackers are to be regularly maintained and serviced.
 - b) In the case where the car stackers becoming non-operational, details of time frames and measures to be undertaken to reinstate the car stackers back to working order.
 - c) Details as to what measures will be undertaken in the event that the stackers are not operational, so not to provide any additional on-street parking demand.

The Car Parking Management Plan must be to the satisfaction of the Responsible Authority. Once submitted and approved the plan must be implemented to the satisfaction of 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. Before the building approved by this permit is occupied, a Water Sensitive Urban Design Maintenance Plan must be submitted to and approved by the Responsible Authority. The Water Sensitive Urban Design Maintenance Plan must detail future operational and maintenance arrangements for all water sensitive urban design features (WSUD features) and measures shown on the endorsed Water Sensitive Urban Design Report and the matters set out below:
- a) Who will conduct inspections, what the inspections must involve and the frequency of inspections;
 - b) Details of the processes involved in cleaning WSUD features and when cleaning must occur; "as installed" design details and diagrams, including a sketch of how any WSUD feature which comprises a system operates; and
 - c) A report by the author of any STORM or MUSIC model set out within the endorsed Water Sensitive Urban Design Report (or by a suitably qualified person to the satisfaction of the Responsible Authority). This report must confirm that the WSUD features detailed in the endorsed Water Sensitive Urban Design Report (including as modelled by STORM or MUSIC) have been fully constructed, connected and implemented in accordance with the endorsed Water Sensitive Urban Design Report.

When approved, the Water Sensitive Urban Maintenance Plan will be endorsed and will form part of this permit.

The provisions, requirements and recommendations of the endorsed Water Sensitive Urban Design Maintenance Plan must be implemented and complied with 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. 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.
18. Prior to the commencement of the development, the applicant shall submit an amended Waste Management Plan to the Responsible Authority for approval. The Waste Management Plan shall refer to the endorsed plans and 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.

19. Before the development commences an amended Sustainability Management Plan (SMP) that outlines proposed design initiatives must be submitted to and approved by the Responsible Authority. The amended Sustainability Management Plan (SMP) shall refer to the endorsed plans. Upon approval the SMP will be endorsed as part of this planning permit and the development must incorporate the sustainable design initiatives outlined in the endorsed SMP to the satisfaction of the Responsible Authority. The SDA must be generally in accordance with the SMP submitted with the application, but modified to include:
 - a) Details of where mechanical ventilation from bathrooms and kitchen exits.
 - b) A written commitment to using low V.O.C paints, adhesives, sealants, floor coverings and pressed wood products.
 - c) The provision of natural clothes drying facilities for each dwelling.
 - d) The provision of 4 star WELS rated shower heads.
 - e) The provision of 5 star WELS rated W.C’s.
 - f) The provision of 6 star WELS rated hand basin and sink sets.
20. Prior to the occupation of any buildings and works approved under this permit, a report from the author of the Sustainability Management Plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainability Management Plan have been implemented in accordance within the approved documentation.
21. This permit will expire if:
 - a) The development does not start within two (2) years of the date of issue of this permit, or
 - b) The development is not completed within four (4) years of the date of issue of this permit.

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

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council’s Technical Services Department regarding legal point of discharge, new crossings, building over easements etc.

- This property is located within a Heritage Overlay control area. Planning permission is required for any additional works to the site in accordance with Clause 43.01 of the Moonee Planning Scheme.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- No on street parking permits will be provided to the occupiers of the subject site.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the south east side of Holmes Road and Newhall Avenue, Moonee Ponds. The site comprises what was originally three separate double storey brick buildings attached partly at both the ground and upper levels. It is estimated that these buildings were constructed in the 1930's. A garage is located to the rear of each of the buildings, with access from the Right of Way.

Presently the three buildings are used as a supermarket at the ground level, with the internal walls having being removed between the three buildings and a residence and vacant area located at the upper level of the buildings. The site is void of any vegetation.

The site has a frontage of 17.985m and a depth of 30.480m with a site area of approximately 548.18 square metres.



Figure 2 - Application Site (11-17 Holmes Road, Moonee Ponds)

The subject site is contained within Moonee Ponds Activity Centre and is noted as being part of Precinct E (Holmes). The surrounding area to the east, west and north is comprised of predominantly Activity Centre zoned land. This land is similarly contained within Precinct E of the MPACSP and HO307. The land to the south falls outside the Activity Centre Zone and is zoned residential. This

land is also affected by a Heritage Overlay, HO236. The built form within the surrounding area responds to its underlying zoning and overlay controls, with land to the south developed with single residential dwellings on large blocks of land and land to the east, west and north developed with a mix of commercial buildings ranging between 1 and 3 storeys in height. Many of the commercial buildings are also located within the same Heritage Overlay as the subject site.

The subject site is located less than 80m from Moonee Ponds Train station and approximately 500m from Moonee Ponds Junction which includes both tram and bus interchanges.

1.2 Proposal

The proposal seeks to partially demolish the existing buildings on site and construct a four storey building comprising of a supermarket and dwellings. A reduction in the statutory car parking and loading/unloading requirements is also sought. The proposal as advertised can be summarised as follows:

Table 1

No of dwellings	15
No of car spaces	8
Max Building Height	13.2m (excluding services)
Site Coverage	100%
Permeability	0%

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

Revised Plans

Following on from the Consultation Meeting and the referral responses, the applicant submitted revised plans in an attempt to show how the concerns raised in relation to the reduction in car parking and number of dwellings could be addressed through modifications.

In summary the revised plans incorporate the following changes:

- Reduction in the number of dwellings from 15 to 11.
- Internal alterations.
- External alterations to balconies, materials and finishes.

The revised plans were not re-advertised as the revised plans generally reduce the built form of the advertised proposal and reduce windows etc. The revised plans also reduce the number of dwellings on site while maintaining the proposed eight car spaces. The revised plans are generally in accordance with the proposal as advertised and are not considered sufficient enough (considering the internal nature) to require a formal amendment to the application. Furthermore, it is acknowledged that should the decision result in a VCAT appeal it is likely that the applicant will depend on the Advertised Plans and therefore has not sought to amend the application at this stage. The revised plans give comfort that a reduction in the number of dwellings can be achieved on site through conditions on any permit issued.

Refer to **Appendix B - Revised Plans** (separately circulated)

2. Background

2.1 Relevant Planning History

Planning Permit MV/20944/2010 was issued on 16 July 2012 and allows for the partial demolition of the existing building and buildings and works in a Heritage Overlay area for the purpose of a four storey building accommodating offices, use of the land for a supermarket and dwellings and a reduction in car parking and loading/unloading requirements. The existing permit is still live and works are required to commence prior to 16 July 2016.

A comparison between the approved development MV/20944/2010 and the current proposal is set out in Section 3.9 of this report.

2.2 Amendment C100 – Activity Centre Zone (ACZ1)

Amendment C100 (gazetted on 30 March 2015) among other things seeks to introduce the Activity Centre Zone for land within the Moonee Ponds Activity Centre boundary. In relation to the subject site it seeks to:

- Locate the subject site in precinct 5B – Holmes – Transitional Office and Residential.
- Implement a preferred maximum building height of 11 metres.
- Development with retail uses at ground level is preferred along Holmes Road.
- Development should seek to include pedestrian and cycling links to the Railway Station and adjacent precincts to the east, where appropriate.

An assessment of the proposal against the Activity Centre Zone (ACZ1) is carried out in section 3.3 below.

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
Clause 18	Transport

Local Planning Policy Framework

Clause 21.01	Municipal Profile – Moonee Valley Today
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 21.09	Transport
Clause 22.03	Stormwater Management (Water Sensitive Urban Design)

Zoning

Clause 37.08	Activity Centre Zone
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Overlay

Clause 43.01	Heritage Overlay
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Particular and General Provisions

Clause 52.06	Car Parking
Clause 52.07	Loading/Unloading
Clause 52.34	Bicycle Parking
Clause 65	Decision Guidelines.

2.3 Referrals

External

N/A

Internal

- Engineering Services Unit
No objection subject to standard conditions.
- Traffic and Transportation Unit
It is noted that Council's Traffic and Transportation Unit raised some concerns with the provision of car parking as proposed within the advertised plans. Following a number of objections and the Consultation Meeting the applicant decided to amend the proposal to reduce the number of dwellings. The amended application was referred to Council's Traffic and Transportation Unit and no objection was received to the revised parking provision.
- Environmental Sustainable Development (ESD) Officer.
No objection, subject to conditions.
- Heritage Advisor
No objection to the revised plans (**Appendix B** – separately circulated).
- Waste Management
Requires an amended Waste Management by way of condition on any permit issued.

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 several site notices erected on site for 14 days.

As a result of this procedure, 20 objections were received from the properties contained within **Appendix C** 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 10 December 2014, attended by Councillors Cusack and Marshall, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting. However, and revised plans were submitted to Council on 5 January 2015 to show that some of the concerns raised could be addressed by conditions on any permit issued. (**Refer Appendix B - Revised Plans** – separately circulated).

3. Discussion

3.1 State Planning Policy Framework

The majority of State Planning Policy Framework Clauses are considered to be met. For the large part State Planning seeks to provide zoned and serviced land for housing, employment, recreation, commercial and community facilities and infrastructure. The subject site is located within an Activity Centre Zone and is in a location that is envisioned to be a focus for high-quality development, activity and living for the whole community. Further to this, the strategies of Clause 11.01-2 (Activity Centre Planning) and Clause 18.01-2 (Transport system) include, encouraging a diversity of housing types at higher density in and around activity centres, near railway stations, transport interchanges and tramways.

State Planning Policy also seeks to conserve places of heritage significance and Clause 15.03 (Heritage) encourages development that respects places with identified heritage values and creates worthy legacy for future generations as well as supporting adaptive reuse of heritage buildings.

3.2 Local Planning Policy Framework

The Local Planning Policy Framework at Clause 21.01 (Municipal Profile) notes that the projected population growth for Moonee Valley will be concentrated in infill developments such as Valley Lakes and Ascot Chase, as well as around Moonee Ponds, a designated Activity Centre within Plan Melbourne. Further to this, Clause 21.05 (Housing) outlines that a diversity in housing is required across the municipality to reflect expected changes in demographics.

Among other things Clause 21.06-4 (Built Environment - Urban Design) notes that there is increased importance on achieving high quality architecture and urban design outcomes of open spaces. Clause 21.06-4 also seeks to achieve contemporary development that is innovative, legible and designed in a manner

that responds to its location and context. It is considered that the proposed development responds to this objective in the following manner:

- The development provides sufficient articulation and visual interest when viewed from all public interfaces. Conditions are to be included on any permit issued to require the eastern wall to be innovatively treated through a series of treatments in consultation with Council's Urban Designer.

The wall is likely to be exposed for an extended period of time as Council has not formulated any plans to develop the car park site and innovative treatment of this wall through public art, a green façade or detailed articulation will create an interesting feature within the Activity Centre and will provide a real net community benefit to the area.

- As previously mentioned the subject site is located within Moonee Ponds Activity Centre. While the MPACSP outlines a preferred height of 2-3 storeys for this site it is considered that the proposed development responds to the built form and urban design characteristics of its strategic context and location. The subject site is a corner site and the largest site on the southern side of Holmes Road which is in private ownership. The site does not directly abut any residential interfaces and the proposed development seeks to retain and refurbish a substantial volume of the existing heritage building. From a planning context perspective it is considered that the site displays a number of attributes which support the proposed building height of four storeys.
- It is also considered that the context of the site within a Heritage Overlay requires any future development of the land to be well setback from the front façade and therefore the likelihood of future development and refurbishment can be risked by enforcing strict maximum building heights within areas affected by a Heritage Overlay. There is considered to be a net community benefit achieved through the retention and refurbishment of the existing heritage building. In addition to this, the proposed development portrays the same maximum building height and similar setbacks as already approved by Planning Permit MV/20944/2010.
- The development provides a robust four storey development with the additions to the heritage building clearly differentiated from the original built form. The uppermost level is lightweight and will be viewed as roof from a distance.
- When viewed from the streetscape the proposal will provide a suitably articulated corner development to the existing commercial strip and will continue to match the street wall height of the property to the west.
- The visual and physical links will also be strengthened by the incorporation of a centralised commercial entry along Holmes Road and a residential foyer entry feature at ground level along Newhall Avenue. Each entrance is accessible from street level. However it is considered that further treatment is required to the residential entrance to the building to provide a more prominent feature. This can be achieved through conditions on any permit issued.

- At the main street level (Holmes Road), the development is transparent and allows for passive views into and out of the commercial space, while the secondary street interface (Newhall Ave) correctly continues to be the secondary interface to the building, providing a suitable transition into the residential area to the south.
- Given the location and positioning of south facing balconies, innovative screening measures can be achieved to ensure there are no opportunities for direct overlooking. Furthermore the bulk of the building is clearly recessive from the residentially zoned land to the south, ensuring that the building is respectful to this sensitive interface.
- All parking is located to the rear of the building and the car stackers are suitably screened by roller doors which will replace the existing rundown and dishevelled outbuildings.
- As discussed below under section 3.4, Clause 43.01 (Heritage Overlay), subject to conditions, it is considered that the development incorporates sufficient articulation, façade variation and mix of colours and materials to ensure an acceptable outcome is achieved.
- Overall the proposed development presents articulated building forms along both the side and rear boundaries of the subject site and the building is provided with a sense of openness to the street with the amount of glazing and opportunities for passive views from both the commercial and residential uses on site.

While it is considered that the development achieves the above mentioned objectives of Clause 21.05 (Housing) and 21.06-4 (Urban Design), it is also noted that an acceptable balance must be reached which includes ensuring that the relevant objectives and strategies of Clause 21.06-2 (Heritage) are addressed. The proposal's response to the relevant objectives and strategies of Clause 21.06-2 (Heritage) are discussed below in Section 3.4.

It is acknowledged that the development is located within an Activity Centre and Clause 21.07 encourages residential growth within the Activity Centre. It is the vision of Clause 21.07-1 to develop the area into one of the region's most vibrant, pedestrian-centric, culturally diverse and historic areas. It is considered that the current proposal responds to this key vision by providing a development which maintains an existing heritage building, while providing an interesting well-articulated addition which will not overwhelm the heritage building.

The Moonee Ponds Activity Centre Structure Plan (as adopted by Council) is the long-term development plan for MPAC which sets out the vision and future direction of the Activity Centre. In relation to the built form it is acknowledged that the proposed development exceeds the preferred height of 2-3 storeys by providing a 4 storey building height. However, it is considered that the proposed height of the development is considered acceptable when considering the surrounding context, the MPACSP and the zoning and overlay controls, this is discussed further above under Clause 21.06-4 (Urban Design). In terms of land uses the proposed development adequately responds the Structure Plan by continuing the ground floor use as supermarket and providing dwellings above.

Finally, it is noted that the proposal, as advertised, complies with Clause 22.03 Stormwater Management (WSUD) as the STORM assessment achieves the goals (100% rating) required by Clause 22.03. However an amended STORM assessment will be required to be reflective of the revised proposal.

The relevant design requirement conditions could be placed on any permit issued in accordance with this policy and amended plans required to reflect any conditions which may affect the STORM rating.

3.3 Compliance with Clause 37.08 (Activity Centre Zone)

The continued use of the ground floor as a supermarket responds to the underlying zoning of the land and is appropriately an as of right use within the zone. As the residential entry at ground level relates only to the foyer entry the use of the land for dwellings is also an as of right within the zone.

Overall it is considered that the proposed development is responsive to the decision guidelines of Clause 37.08-9 and the proposal provides a suitable urban design response to this corner site as discussed above in Section 3.2. Furthermore, the development accommodates suitable storage area for waste management and storage for the supermarket. Subject to conditions, the development also provides a suitable layout for future residents to ensure internal amenity is benefited by natural lighting to shared spaces and corridors as well as all habitable rooms.

The subject site is located within sub-precinct 5B in the Activity Centre Zone. The table below sets out both the precinct wide objectives and the objectives for sub-precinct 5B and the developments design response to those objectives.

Table 2

Precinct Objectives	Design Response
Provide a zero metre front setback from the street for the first 11 metres in height.	The development provides a 9.5m street wall in lieu of the preferred 11m. This non-compliance is considered acceptable given the retention of the heritage building.
To provide for small scale office and retail development and medium density housing.	The development maintains a small scale commercial use at ground level while providing for medium density housing above.
To encourage the development of significant community facilities within Sub-precinct 5B.	The development does not include a community facility, however the development provides a façade to Council's car park which will ensure that any future development of Council's land is not adversely affected.
To maintain a built form scale that is respectful of adjoining residential areas.	As discussed within Sections 3.1-3.4 of this report the development is separated from the residential zone to the south by a 3.6m wide ROW. Furthermore the development has been designed to sensitively transition down to the residential area.

To improve east/west connections through the precinct.	Subject to conditions the development will be required to provide an east facing façade which adds value to the public realm resulting in an improved experience for those travelling east/west through the precinct.
Development along Holmes Road and Norwood Crescent should locate retail uses on the ground floor, where appropriate.	Complies.
Any redevelopment of the property located at 1-9 Holmes Road should include community uses, such as a recreation facility or place of assembly.	The development will not impact on this potential.
Preferred Building Height (excluding basement) – 11 metres	The proposed development provide a maximum building height of 13.2 metres, exceeding the preferred height by 2.2 metres. This non-compliance has been discussed in detail above within Section 3.2 of this report. It should also be noted that a development of 11 metres would likely exceed the 2-3 storey preferred height within the MPACSP.

It is also noted that a proposal of this nature, for a four storey building within an Activity Centre Zone, will inadvertently result in a number of non-compliances when assessed against the standards of ResCode.

The proposal is considered to generally comply with the provisions of Clause 55 as set out in the assessment table (refer to **Appendix D** of this report). A full ResCode assessment can be found on file. Where non-compliances with the ResCode standards have been identified it is considered that the proposal responds to the relevant ResCode objective and the decision guidelines of Clause 55, as discussed below:

Table 3

Res Standard	Code	Response
<u>Site Layout and Building Massing</u> Clause 55.03-1 (Standard B6) Street Setback. Clause 55.03-2 (Standard B7)		The height, street setbacks, site coverage and permeability associated with the proposed development has been discussed previously under Section 3.2 of this report and while the development fails to comply with the standards of these requirements it is considered that the development responds adequately to the outlined objectives.

<p>Building Height, Clause 55.03-3 (Standard B8) Site Coverage, Clause 55.03-4 (Standard B9) Permeability. Clause 55.03-5 (Standard B10) Energy Efficiency.</p>	<p>It is noted that three of the 11 dwellings proposed are provided with a sole southern aspect.</p> <p>Whilst a percentage of dwellings within apartment buildings are often afforded with southern aspect only, the constraints of the site within a Heritage Overlay also limits the opportunities for north facing open spaces and windows. It is also noted that the north facing windows of Dwellings 2 and 3 are provided with outlook to an external wall (the existing heritage façade). While the wall is provided with windows through, there will be limited opportunity for solar penetration through to the internal rooms. It is considered that the provision of skylights for the living areas will assist in providing additional daylight access and hence improve the energy efficiency of the dwelling.</p>
<p><u>Amenity Impacts</u> Clause 55.04-1 (Standard B17), Side and rear Setbacks. Clause 55.04-2 (Standard B18), Walls on Boundaries.</p>	<p>The proposed development responds to the majority of the off-site amenity criteria of ResCode with the exception of Walls on Boundaries and Side and Rear Setbacks.</p> <p>The extent of walls on boundaries and setbacks are considered appropriate for a commercial property that does not directly abut any residentially zoned land (Separated by ROW). It is not considered that the location or heights of the proposed boundary walls will impact to an extent which is not expected within a Commercial 1 Zone with good access to public transport facilities.</p> <p>It is also noted that the development will not unreasonably impact on any adjoining secluded open spaces through overshadowing or overlooking given the distance of all windows and balconies being in excess of 9m.</p>
<p><u>On Site Amenity Impacts</u> Clause 55.05-2 (Standard B26), Dwelling Entry. Clause 55.05-5 (Standard B29), Solar Access. Clause 55.05-6 (Standard B20), Storage.</p>	<p>The proposed development provides an acceptable level of amenity for future residents with all dwellings provided with in excess of 8m² secluded open space by way of balconies. Furthermore it is noted that all dwellings are afforded with unobstructed outlooks (no buildings opposite).</p> <p>As discussed previously it is considered that the development would benefit from a more defined residential entry. This will be achieved by way of condition on any permit issued.</p> <p>It is also noted that three of the 11 balconies are</p>

	located on the southern side of the development, another two are located behind the heritage façade which is to be retained. The remaining six balconies are provided with unobstructed northern or western solar access. It is considered that solar access and usability of the balconies associated with dwellings 2 and 3 can be improved by increasing the depth of the balconies to 2m. While direct solar access to the entire balconies will not be achieved the dwellings will be provided with suitable daylight penetration and an interesting outlook to the rear brickwork of the heritage façade. It is also noted that each dwelling is provided with storage which will likely be less than 6m ³ per dwelling. A condition will be placed on any permit issued to require the storage to be a minimum of 4m ³ which is considered acceptable in this instance considering the generous sized balconies associated with the majority of dwellings.
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3.4 Compliance with Clause 43.01 (Heritage Overlay)

The subject site is located within a Heritage Overlay (HO307) and therefore a planning permit is required for the partial demolition of the existing building and the construction of the new development. It is also noted that the subject site is noted as being significant within the Statement of Significance for HO307.

The partial demolition of the existing building is considered acceptable as the sections of the building proposed for demolition do not contribute to the overall significance of the precinct and the refurbishment of the building will ensure appreciation of the precinct is enhanced. It is also noted that the extent of demolition proposed is less than allowed by the approved planning permit (MV/20944/2010).

It is noted that area to the south is also covered by a Heritage Overlay (HO326) and therefore the additional built form must be sympathetic and integrate with the surrounding heritage buildings.

Council's Heritage Advisor has reviewed the proposal and considers the demolition to be appropriate. Council's Heritage Advisor also reviewed the proposal in the context of the previously approved development and has no objection to the development.

It is acknowledged that the development will be entirely visible from within the Heritage Overlay, however it is considered that the visibility of the development will not result in an unacceptable impact on the significance or intactness of the existing heritage area or adjoining heritage areas. It is argued that the proposed development has been designed to ensure that the development does not compromise the adjoining heritage buildings and is respectful to the building when viewed from within the Heritage Overlay.

It is considered that the development staggers away from the heritage interface along Newhall Avenue by providing a visual recession and use of modern materials which is respectful to the significance of the Heritage Overlay.

It is considered that the proposed built form responds to the objectives and strategies of Clause 21.05-4 (Heritage) by restoring the existing heritage building and providing an addition which is clearly different than the existing built form. While the development will be visible from Newhall Avenue, Holmes Road and Puckle Street, the addition will be visually recessive to the existing built form and responsive to the nearby heritage properties. The development incorporates a mansard roof design with balconies and windows cut within it, which is integral in ensuring the roof form blends into the heritage skyline when viewed from a distance.

Overall it is considered that the proposal provides an acceptable outcome when considering the decision guidelines of Clause 43.01 and the proposal ensures that reasonable setbacks are achieved from the retained built form of the existing heritage shops.

3.5 Compliance with Clause 52.06 (Car Parking)

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

Table 4

Use	Required	Provides
Supermarket (Reduction in Floor Area)	0	0
Dwellings	15	8
Visitors	3	0
Total	18	8

The existing supermarket is provided with a floor area of 440m². The use of the ground floor supermarket will continue to operate when the proposed buildings and works are completed albeit with a reduced floor area of 370m². As the supermarket is an existing use and the floor area is not sought to increase as a result of the development the requirements of Clause 52.06 are not applicable.

The advertised application sought approval for 15 dwellings. Following the Consultation Meeting and initial referral comments from Council's Traffic and Transportation Unit the applicant provided revised plans for discussion purposes (**Appendix B** – separately circulated). The revised plans show how the development can be reduced to 11 dwellings in lieu of 15 should Council be of mind to grant a permit. As mentioned within Section 2.4 of this report Council's Traffic and Transportation Unit have reviewed the revised plans and have no objection to the proposed reduction in car parking for 11 dwellings, resulting in the following allocation of car spaces:

Table 5

Use	Required	Provides
Supermarket (Reduction in Floor Area)	0	0
Dwellings	11	8
Visitors	2	0
Total	13	8

The Traffic Impact Assessment submitted with the application and prepared by Traffix Group includes a Car Parking Demand Assessment as required by Clause 52.06 (Car Parking). The assessment includes an assessment of the car ownership data for Moonee Ponds (2011 Census). The census results reveals that in relation to two bedroom apartments, 23% of existing residents do not own a car and 56% own at least one car. Taking into account the existing trends for car ownership it would be expected that 2.5 dwellings will not own a car, while 6 of the dwellings will own at least one car. The revised development (**Appendix B** – separately circulated) provides for 8 residential car spaces and for 3 dwellings to be without a car space. It is important to note that the census statistics relate to the entire suburb of Moonee Ponds rather than just the Activity Centre area. Therefore the census area takes into account areas which are less serviced by public transport and which are likely to be more dependant of a private vehicle for travel than the subject site.

Moonee Valley Planning Scheme provides general support for reduced provisions of car parking in areas well serviced by public transport. Relevant planning policies encourage a more sustainable and compact city that reduces dependence on the use of cars for travel. This is to be achieved by concentrating activities that generate high numbers of trips into highly accessible locations that are well serviced by alternate travel modes, particularly public transport. Planning policies also seek to limit car use by restricting on-street car parking in highly congested areas that are accessible by other modes of travel. In addition to this, Clause 21.09 (Transport) among other things seeks to reduce the negative impacts extensive private vehicle usage is having on the municipality, including congestion and pollution and includes objectives to reduce private vehicle usage throughout the municipality.

In responding to the criteria of Clause 52.06-6 it is clear that future residents of the development will be afforded with a wide range of services right on their door step. Visitors to the commercial premises would remain unchanged and they will continue to be accommodated within the surrounding street network. Visitors to the residential component of the development will generate a maximum demand of two car spaces as estimated by the Traffic Impact Assessment carried out by Traffix Group. These two visitors can easily be accommodated within the various restricted parking options within the immediate area and therefore the impact of the proposal on short-term parking

spaces would be negligible as supported by the traffic surveys carried out as part of the application.

On-street and public parking in the area is limited and largely time restricted. Future residents without an on-site car space will not be provided with parking permits and therefore on-street parking within the area will not be viable for future residents who are not provided with on-site parking.

Overall it is considered that the development presents an opportunity to reduce car ownership and private vehicle usage within the Activity Centre and a parking reduction in the residential component of the development should be conditionally supported as outlined within Table 4 above.

3.6 Compliance with Clause 52.07 (Loading/Unloading)

Clause 52.07 requires the loading and unloading requirements be considered prior to any buildings and works being constructed for the sale of goods. The existing supermarket operates from the site without a designated loading area, this is to remain unchanged, albeit, the floor area of the supermarket will be reduced. Loading currently occurs from the street. There have been no noted issues regarding this in the past and Council's Traffic and Transportation Unit have no objection to this continuing. Given the small floor area associated with the supermarket it is considered that the use is likely to continue as a neighbourhood convenience store rather than a large scale commercial premises. Furthermore, given the retention of the existing heritage building and walls adds a constraint to the site, it is considered acceptable that the requirement for on-site loading/unloading should be waived (reduced to zero).

It is noted that the proposal includes a roller door access to the rear ROW which would likely be used for loading. This is also similar to the existing layout. Conditions on any permit issued will ensure that vehicles do not stand or load from the rear ROW. The operator of the supermarket will be advised to contact Council's Traffic and Transportation Unit separately should a designated on-street loading bay be required.

3.7 Compliance with Clause 52.34 (Bicycle Parking)

Under the provisions of this policy, the proposed development is not required to provide bicycle facilities for the supermarket component of the development. Based on the revised plans (**Appendix B** – separately circulated) two bicycle spaces associated with 11 dwellings and one bicycle space for visitors is required. This is a total requirement of three bicycle spaces on-site. The proposed development provides a total of nine bicycle spaces on-site, which exceeds the requirements of this clause. It is considered that the bicycle parking is accessible for all residents and visitors can access with permission of residents. Furthermore, the provision of additional spaces is a suitable way of facilitating the use of sustainable transport for future buildings users.

3.9 Comparison of existing proposal to the approved development

As mentioned within Section 2.1 of this report, Planning Permit MV/20944/2010 was issued on 16 July 2012 and allows for the partial demolition of the existing building and buildings and works in a Heritage Overlay area for the purpose of a four storey building accommodating offices, use of the land for a supermarket and dwellings and a reduction in car parking and loading/unloading

requirements. For ease of comparison, the following table highlights the various differences between the current application and the previously approved development:

Table 6

Level	MV/20944/2010	Existing (including revisions) Application proposed
Basement	16 car spaces	N/A
Ground	Supermarket – 400m ²	Supermarket – 370m ² 8 car spaces
First Floor	Offices - 443m ²	5 Dwellings
Second Floor	Offices – 268m ²	3 Dwellings
Third Floor	2 Dwellings	3 Dwellings
Rear Setback Second Floor	2.8m	1.75m
Rear Setback Third Floor	4m	4.7m
Height	13.2m	13.2m
Car spaces	16	8
Car spaces required by the Planning Scheme	26	13
Reduction in spaces	10	5

While the existing planning permit MV/20944/2010 remains active and will not be affected by the outcome of this current development it is considered useful to compare the application before Council and the one currently approved.

As can be seen from the above comparison the height of the proposed development has not changed from the existing approved development and all setbacks and floor plates remain the same with the exception of the rear setback which shows a minor variation. The majority of changes are internal and change the nature of the use. While the basement level including parking has been removed, the requirement to provide parking has been reduced as a result of the change in land use. The ground floor will continue to include the supermarket, although slightly reduced in size. The loading /unloading facility has previously been discussed under Section 3.6. The three levels above ground now provide dwellings in an area which is well serviced by public transport.

The built form remains consistent with the built form previously approved by Council and the current application allows the opportunity to aesthetically treat the east facing wall which was previously untreated. It must also be noted that the extent of demolition has been reduced, particularly along the eastern elevation.

Overall it is considered that while the existing application before Council will have no bearing on the existing permit to develop the land. Subject to conditions, the existing application will be an improved urban design outcome compared to the existing approved plans.

3.10 Objections

Table 7

Issue	Officer Response
Bulk, Scale and Height Out of Character with area	As discussed within Sections 3.1 and 3.2 of this report.
Mix of uses	As discussed within Section 3.2 of this report a mix of uses is encouraged by the Moonee Valley planning Scheme.
Parking	As discussed within Section 3.5.
Loss of complete cover along streetscape	The proposed canopies are considered an acceptable urban design response to the Activity Centre Zone and Heritage Overlay. The new canopies replace an existing canopy with no heritage value and will provide a single canopy to each individual historic shopfront. Furthermore, Council's Heritage Advisor has not raised concerns with this element of the design.
Supermarket parking, loading and unloading	As discussed within Sections 3.5 and 3.6 of this report.
Will set precedent	Each application is assessed on its merits. Including the current application as discussed within Sections 3.1 – 3.9.
Overlooking	Subject to conditions, the proposal fully complies with the overlooking requirements of 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 and the relevant General and Particular Provisions of the Moonee Valley Planning Scheme. In light of the above, the proposed development is considered to be appropriate subject to conditions as outlined within the above recommendation.

APPENDIX C

Location of Objectors Properties

11 Learmonth Street, MOONEE PONDS VIC 3039
11 Learmonth Street, MOONEE PONDS VIC 3039
2 Learmonth Street, MOONEE PONDS VIC 3039
10 Learmonth Street, MOONEE PONDS VIC 3039
2 Learmonth Street, MOONEE PONDS VIC 3039
2 Learmonth Street, MOONEE PONDS VIC 3039
5 Learmonth Street, MOONEE PONDS VIC 3039
5 Learmonth Street, MOONEE PONDS VIC 3039
9 Learmonth Street, MOONEE PONDS VIC 3039
9 Learmonth Street, MOONEE PONDS VIC 3039
15 Newhall Avenue, MOONEE PONDS VIC 3039
10 Newhall Avenue, MOONEE PONDS VIC 3039
7 Newhall Avenue, MOONEE PONDS VIC 3039
9 Newhall Avenue, MOONEE PONDS VIC 3039
8 Newhall Avenue, MOONEE PONDS VIC 3039
12 Newhall Avenue, MOONEE PONDS VIC 3039
3 Newhall Avenue, MOONEE PONDS VIC 3039

APPENDIX D

Clause 55 of the Moonee Valley Planning Scheme

Two or more dwellings on a lot and residential buildings (Commercial 1)

Where there is non-compliance, see section 3.3 in report.

Title and Objective	Complies with Standard	Compliance with Objective
<i>B1 - Neighbourhood Character</i>	✓	✓
<i>B 2 - Residential Policy</i>	✓	✓
<i>B 3 - Dwelling Diversity</i>	✓	✓
<i>B 4 - Infrastructure Objectives</i>	✓	✓
<i>B 5- Integration with the Street Objective</i>	✓	✓
<i>B6 - Street Setback Objective</i>	X	✓
<i>B7 - Building Height Objective</i>	X	✓
<i>B8- Site Coverage Objective.</i>	X	✓
<i>B9- Permeability Objectives</i>	X	✓
<i>B10 - Energy Efficiency Objectives</i>	X	✓
<i>B 11 - Open Space Objective</i>	✓	✓
<i>B 12- Safety Objective</i>	✓	✓
<i>B 13 - Landscaping Objectives</i>	✓	✓
<i>B 14 - Access Objectives</i>	✓	✓
<i>B 15 Parking Location Objectives</i>	✓	✓
<i>B 16 - Parking Provision Objectives</i>	<i>Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 3.5 of the report.</i>	
<i>B 17 - Side and Rear Setbacks Objective</i>	X	✓
<i>B 18 - Walls on Boundaries Objective</i>	X	✓
<i>B 19 - Daylight to Existing Windows Objective.</i>	✓	✓
<i>B 20 - North-facing Windows Objective</i>	✓	✓
<i>B 21 - Overshadowing Open Space Objective</i>	✓	✓
<i>B 22 - Overlooking Objective</i>	X	✓ (subject to conditions)
<i>B 23 - Internal Views Objective</i>	✓	✓

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

✓ - complies

x – non-compliance

N/A- not applicable

9.4 71 Waltham Street, Flemington (Lot 1 on TP 534673E) - Partial demolition and construction of an extension to a dwelling on a lot less than 300sqm and in a Heritage Overlay area

File No: MV/638/2014
Author: Statutory Planner
Directorate: City Works & Development
Ward: Myrnong

Proposal	Partial demolition and construction of an extension to a dwelling
Applicant	POINT ARCHITECTS
Owner	Gabriel Notarianni
Planning Scheme Controls	General Residential Zone Heritage Overlay Schedule 24 (HO24) Environmental Significance Overlay Schedule 2 (ESO2)
Planning Permit Requirement	Clause 32.08-3 – Extend a dwelling on a lot of less than 300sqm Clause 43.01-1 – Demolition works, construct a building and construct or carry out works
Restrictive Covenants	None
Easements	Party wall easements
Site Area	191.04m ²
Number Of Objections	16
Consultation Meeting	21 January 2015

Executive Summary

- The application seeks planning approval for partial demolition works and the construction of an extension (consisting of a ground and upper floor) on a lot less than 300 square metres and in a Heritage Overlay area. There are no proposed works within the Environmental Significance Overlay area.
- The site has an area of approximately 191 square metres and is located on the northern side of Waltham Street.
- The application was advertised and 16 objections were received. Concerns were raised relating to building materials; visual impact; precedent; amenity impacts; party wall; mitigation of stormwater runoff; insufficient secluded private open space and incorrect advertised plans.
- A Consultation Meeting was held on 21 January 2015, attended by Councillor Marshall, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting. However, revised plans (**Appendix D** – separately circulated) were submitted to Council on 2 March 2015 to clarify the extent of visual bulk when viewed from the streetscape.
- The application was internally referred to Council's Environmental Sustainable Development (ESD) Officer and Heritage Adviser. Conditional support to the application was provided.
- The assessment report finds that the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme, and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.



Figure 1 – Aerial photograph of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/638/2014 for Partial demolition works and construction of an extension to a dwelling on a lot less than 300sqm and in a Heritage Overlay area at 71 Waltham Street, Flemington (Lot 1 on TP 534673E), 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 maximum and average height of the additional western boundary wall reduced to comply with Clause 54.04-2 of the Moonee Valley Planning Scheme.
 - b) All boundary fences at the rear of the dwelling to be a minimum of 1.8 metres in height.
 - c) The east facing upper floor hallway windows to be notated as having a minimum sill height of 1.7 metres above finished floor level.
 - d) Correct details of the adjoining dwelling in terms of the following:
 - i) The kitchen and dining room of the adjoining property at No. 69 Waltham Street.
 - ii) The full length of the adjoining boundary wall at No. 69 Waltham Street.
 - iii) The open slatted pergola to the north of the kitchen and dining room at the adjoining property at No. 69 Waltham Street.

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

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. A minimum 30 days prior to any building or works commencing, a Construction 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.

4. A minimum 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
- a) Inspection frequency;
 - b) Cleanout procedures;
 - c) As installed design details/diagrams including a sketch of how the system operates; and
 - d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

5. Prior to the issued of an Occupancy Permit, all boundary walls must cleaned and finished to the satisfaction of the Responsible Authority.
6. The materials, colours, decoration and/or finishes to be applied to the exterior of the building or works as described on the drawings or schedules endorsed to this permit must not be altered without the consent of the Responsible Authority.
7. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.

8. The privacy screens/obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the building.
9. Prior to the commencement of the development (including the construction of crossovers), a management plan prepared by a qualified arborist must be submitted to the Responsible Authority for approval. The management plan must provide recommendations and set out actions required to minimise damage to the health of the existing street tree at 71 Waltham Street, Flemington as a consequence of the proposed development. Once considered satisfactory and approved by the Responsible Authority, the management plan will be endorsed under the planning permit. Once endorsed the findings of the management plan must be undertaken to the satisfaction of the Responsible Authority and all approved works supervised by a qualified arborist as they relate to the street tree(s). All costs and responsibilities associated with the commissioning of the management plan, the undertaking of the report's findings and arborist supervision must be borne by the permit holder.
10. The existing street tree must not be removed or damaged as a result of the permitted development.
11. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
12. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
13. 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.

- This property is located within a Heritage Overlay control area. Planning permission is required for any additional works to the site in accordance with Clause 43.01 of the Moonee Valley Planning Scheme.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and or easement. Council will not accept any modifications to existing levels within any road reserve or easement.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the northern side of Waltham Street, approximately 42 metres west of Wellington Street. The site is irregular in shape with a frontage of 5.92 metres and a maximum depth of 31.25 metres, yielding an area of 191.04 square metres.



Figure 2 – Subject Site (71 Waltham Street, Flemington)

The subject land is occupied by a single storey attached brick terrace dwelling with a hipped roof form. The existing dwelling is set back by a minimum of 3.11 metres from Waltham Street. There is no vehicle access to the site. A large street tree is located to the south-east of the dwelling, within the road reserve at Waltham Street. This tree is protected by the Environmental Significance Overlay Schedule 2 (ESO2). The land is relatively flat.

The surrounding area is comprised of predominantly residential zoned land used and developed for residential purposes. It is also noted that

Waltham Street and its surrounds is affected by a Heritage Overlay (HO24). The built form within the vicinity is predominantly single and double storey, Victorian, Edwardian and Inter-war style dwellings.

1.2 Proposal

It is proposed to partially demolish the rear of the existing dwelling (including a rendered brick outbuilding) and to construct a double storey addition. The proposal, as advertised, can be summarised as follows:

Table 1

No of dwellings	1 (extension)
Max Building Height	6.72 metres (proposed first floor)
Site Coverage	65.95%
Permeability	30.29%
Materials	<ul style="list-style-type: none">• Upper floor façade – Euroclad ‘Anthra’ black metal cladding (or similar)• Ground floor façade – Melbourne brick ‘Ivory’ architectural brick finish• Detailing – Render ‘Colorbond Surfmist’• Window frames – Colorbond ‘Surfmist’

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

It is noted that a 3D render of the proposed addition was received by Council on 2 March 2015 following the Consultation Meeting held on 21 January 2015. The revised plan seeks to clarify the visual bulk of the proposal when viewed from the streetscape (refer to **Appendix D** Plans – separately circulated).

It should be noted that there are no proposed works to the front of the dwelling within the Environmental Significance Overlay area.

2. Background

2.1 Relevant Planning History

No historical planning applications are relevant to the subject site.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

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

Local Planning Policy Framework

Clause 21.01	Municipal Profile – Moonee Valley Today
Clause 21.02	Key Issues and Influences
Clause 21.03	Vision
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
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Overlays

Clause 42.01	Environmental Significance Overlay (ESO2)
Clause 43.01	Heritage Overlay, Schedule 24 (HO24)

Particular and General Provisions

Clause 54	One Dwelling on a Lot
Clause 65	Decision Guidelines

2.3 Referrals

External

Not applicable.

Internal

- ESD Officer:

No objection subject to standard conditions.
- Heritage Adviser:

No objection.

2.4 Public Notification of the Application

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

As a result, sixteen (16) objections were received from the properties contained within **Appendix A** of this report.

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

2.5 Consultation Meeting

A Consultation Meeting was held on 21 January 2015, attended by Councillor Marshall, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting. However, revised plans were submitted to Council on 2 March 2015 to clarify the visibility of the proposal from Waltham Street.

3. Discussion

3.1 State Planning Policy Framework

The relevant State Planning Policy Framework clauses are considered to be met. State Planning provisions seeks to encourage high quality urban design and architecture which respects and doesn't simply copy historic precedents in areas of heritage significance. It is also an objective of State Planning provisions to provide for a range of housing types to meet increasingly diverse needs and it is considered that the proposal satisfies this objective.

3.2 Local Planning Policy Framework

The proposal complies with Clause 21.05 (Housing) by 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 Policy Guidelines of Clause 21.06-2 - Heritage state that upper storey additions to heritage places where *“the higher section is hidden from the street, such as behind an existing parapet wall or where impractical located to minimise the impact on the streetscape”* and *“the higher section is setback at least the depth of the two rooms from the front wall of the dwelling to ensure the preservation of the existing historic ridge line and chimney, if the existing building is a terrace style or attached house”* are encouraged. The proposal is for partial demolition works to the rear of the dwelling and the construction of an extension (including an upper floor). The proposed upper floor extension will be setback by approximately 10.3 metres (incorporating two rooms) from the front building line. Further, due to the flat roof form of the upper floor addition it is considered that the proposal has been both designed and located to minimise the impact on the streetscape in accordance with local policy guidelines. It is therefore considered that the proposal will complement and respect the character of the existing building and will not detrimentally impact on the view of the building from the streetscape.

The proposed development responds to the strategies of Clause 21.06-4 (Urban Design). A number of the objectives and strategies appear to overlap with those contained within neighbourhood character precincts profile and ResCode and therefore the key concepts of Clause 21.06-4 (Urban Design) are discussed below in Sections 3.3 and 3.6 of this report.

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 (subject to conditions).

3.3 Neighbourhood Character Guidelines

The subject land is identified as being within character area ‘Inner Urban 1’ precinct as set out under the Neighbourhood Precinct Profiles 2012, with the preferred character statement as follows:

New developments will contribute to the consistent building definition by complementing the siting and appearance of period dwellings in low garden settings.

The use of lighter finishes will contribute to the traditional palette of materials. Consistent front and side setbacks will respect the existing siting patterns along the streets, while low or permeable front fences will retain views to dwellings and front gardens. Garages and carports will be non-existent to retain the continuous, uninterrupted footpaths and solid building edge to the streets.

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

Table 2

Siting and Building Envelope	It is considered that the upper floor extension is appropriately setback from the street frontage and that overall the siting of the extension results in a building envelope which is similar to other developments on small lots within the immediate area.
Built Form	<p>The first floor extension has been sited and designed in order to minimise its impact on the streetscape, and therefore it is considered that the proposal is respectful of the heritage character of the existing dwelling and streetscape.</p> <p>Well-articulated on each elevation.</p> <p>Two storey height responsive to the predominant heights within the street.</p> <p>Flat roof form which aids in obscuring the addition from the streetscape.</p>
Design Detail	<p>Euroclad black metal cladding to the upper floor addition.</p> <p>‘Ivory’ coloured brickwork proposed to the ground floor level of the addition.</p> <p>Whilst the proposed colour scheme represents a contrast to the heritage features of the existing dwelling it is recognised that the black metal cladding has been selected to blend in with the existing slate roof.</p>
Landscaping	As this is an application for an extension to the rear of the existing dwelling, it is considered that the proposal will have no impact on the front landscaping of the property.

3.4 Compliance with Clause 42.01 (Environmental Significance Overlay Schedule 2)

As discussed above in Section 1.1 of this report, this application does not propose any works within the area of the subject site affected by the Environmental Significance Overlay (ESO2) area. As such, an assessment of the proposal against the decision guidelines of this overlay is not required in this instance.

3.5 Compliance with Clause 43.01 (Heritage Overlay Schedule 24)

The decision guidelines set out in Clause 43.01-4 that are appropriate to this application are as follows:

- The proposal is in accordance with relevant State and Local Planning Policy Framework as discussed in sections 3.1 and 3.2.
- The proposal will not unreasonably affect the natural or cultural significance of the place as it is for the construction of a first floor extension to the rear of the existing dwelling thereby maintaining the heritage significance of the dwelling facade. It is considered that the proposal will not unreasonably impact on the significance of the dwelling in terms of its appearance from Waltham Street, as the visibility of the proposed addition is minimised by virtue of its siting and design. This is illustrated by the revised 3D render of the proposed addition (**Appendix D** – separately circulated) which demonstrates the most visible aspect of the addition when viewed from the south-east of the site through the adjoining laneway. The upper floor of the addition has been designed so as not to mock the existing built form of the dwelling and the streetscape. The absence of a roof structure and the angled wall on the southern façade of the addition reduce the visibility of the extension, whilst the proposed black metal cladding creates a blending effect with the existing slate roof of the dwelling. The proposal is therefore an acceptable outcome for these reasons.
- The statement of significance applicable to the subject site refers to the Wellington Street precinct in Flemington and this site is covered by HO24. The existing dwelling at 71 Waltham Street is listed as a contributory building within this precinct. The statement of significance refers to the following relevant characteristics of the area as significant:

Consistency of scale (one or two storey), form, siting and materials and detailing (face brick or render with iron or tiled hip or gabled roof, verandah with cast iron or timber detailing) of the dwellings.

Original front fences.

Absence of vehicle accommodation within the front setbacks.

As discussed above, whilst the proposed addition (at the upper floor) represents a departure from the prevailing building fabric of the Heritage precinct, the proposal is considered acceptable because it has been sited and designed to have minimal impact on the above listed significant features of the existing dwelling. The application does not propose to alter any of the existing significant features of the dwelling such as the front fence, verandah, front setback and roof form (for the front two rooms in accordance with Local Planning Policy Guidelines). Further, the extent of demolition proposed is

reasonable as it will not affect any of the significant features of the existing dwelling.

It is also noted that the existing dwelling is attached to No. 69 Waltham Street, a dwelling which has a matching façade to the subject site and which is also listed as a contributory building within the HO24 precinct. The two dwellings share a hipped roof form across the Waltham Street façade which separates beyond the first room of each building. The proposed addition to No. 71 Waltham Street is situated behind the first two rooms of the dwelling and therefore does not impact or alter the shared roof form of the two dwellings. For this reason as well as those discussed above it is not considered that the proposal will unreasonably impact on the adjoining dwelling at No. 69 Waltham Street in terms of significance in the heritage precinct.

- The proposal is considered to be in keeping with the consistency of scale, form and siting of the dwellings in this area as it is for an upper floor extension to the rear of the existing dwelling thereby maintaining all of the significant features to the main dwelling facade. Additionally, it is noted that the form and detail of the proposed addition represents an appropriate design response which differentiates itself from the existing dwelling stock whilst also minimising visual impact on the streetscape. Furthermore, the proposal will have no impact on the existing front fence and the proposal does not seek to introduce vehicle access to the front of the site.
- As expanded further below in Section 3.5 of this report, it is considered that the bulk of the proposed extension will not result in unreasonable detrimental amenity impacts on the adjoining properties and it is also determined that the proposal will not adversely affect the significance of the heritage place in terms of location, bulk, form or appearance.
- It is not considered that the partial demolition works proposed with this application will affect the significance of the heritage place. Further, the proposed works are contained entirely to the rear of the site and will have minimal impact on the character of Waltham Street.

3.6 Clause 54 (ResCode) Assessment

Table 3

Res Code Standard	Response
Clause 54.03-3	The proposal provides a site coverage of 65.95%, which exceeds the requirement of this standard. It is noted that the surrounding area is characterised by small lots with large building footprints and high site coverage and the proposal therefore meets the objective. The variation is considered acceptable in this instance.
Standard A5	
Site Coverage	

<p>Clause 54.04-1</p> <p>Standard A10</p> <p>Side and Rear Setbacks</p>	<p>The proposed extension provides a side setback on the western elevation (upper floor) of 500 – 565 mm in lieu of the required 1.936 metres. At the eastern elevation (upper floor) the proposed setbacks of 850mm and 1.11 metres fall short of the standard which requires 1.96 and 1.93 metres respectively.</p> <p>It is considered that due to the narrow width of the lot it would not be feasible to further reduce the width of the upper floor in order to accommodate the required setbacks. The reduced side setbacks (and boundary walls) are characteristic of this particular area due to the small lot sizes. The typology of this particular area of Flemington can be described as an inner-urban setting where dwellings and other buildings can be reasonably expected to be located within close proximity to one another, and it is therefore determined that the reduced setbacks are not unreasonable in terms of visual bulk. Furthermore, as demonstrated on the provided shadow diagrams, the proposed addition does not unreasonably overshadow the adjoining properties and therefore the proposed setbacks do not result in excessive material detriment. A variation to the standard in this instance is therefore considered appropriate as the proposal responds to the objective of the clause.</p>
<p>Clause 54.04-2</p> <p>Standard A11</p> <p>Walls on Boundaries</p>	<p>The additional wall on the western boundary does not comply with the standard in terms of total length, average and maximum wall heights.</p> <p>In terms of length, the new boundary wall will only be approximately 2 metres longer than the existing when taking into account the demolition of the rendered outbuilding to the rear. This is considered an acceptable outcome subject to alterations to the wall height discussed below.</p> <p>It is considered that the proposed additional wall can accommodate the</p>

	height requirements of the standard (average wall height of not more than 3.2 metres and maximum wall height of not more than 3.6 metres) and a condition on any permit issued will therefore require the height of this wall to be reduced accordingly.
Clause 54.04-6 Standard A15 Overlooking	<p>All boundary fencing at the rear of the dwelling must be a minimum of 1.8 metres in height in order to comply with the standard. A condition of any permit issued will therefore require the provision of fencing as such to be notated on the ground floor plan.</p> <p>At the upper floor, the east facing hall windows must be notated as having raised sill heights of at least 1.7 metres above the finished floor level.</p>
Clause 54.05-1 Standard A16 Daylight to New Windows	The west facing windows to bedroom 3 and the study are only provided with 500 mm of outdoor space clear to the sky in lieu of the 1 metre required by this standard. As discussed above, it is not considered feasible to further setback the upper floor of the dwelling in order to meet this standard (and standard A10 – side and rear setbacks). However, the proposal is considered to be compliant with the objective of this clause as the height of these windows (being at the first floor level and with raised sills) will ensure that these habitable rooms receive adequate natural light.

3.7 Objections

Table 4

Issue	Officer Response
Black metal cladding inappropriate in a heritage area	As discussed above in Sections 3.2 and 3.5 of this report, the use of black metal cladding at the upper floor of the proposed extension is considered to be an acceptable design response. Additionally, the application was referred to Council's Heritage Adviser who raised no objections to the proposal.

The addition will be visually dominant and visible from the street.	As discussed above in Sections 3.2 and 3.5 of this report, the visibility of the proposal from Waltham Street is considered acceptable in terms of its impact on the heritage precinct.
Precedent	This is not a valid planning consideration. It is noted that Council assesses each planning application on its own merits.
Overlooking/privacy	This is considered acceptable, subject to the inclusion of a condition on any permit granted, as discussed within Section 3.6 of this report.
Overshadowing/solar access	The proposed development meets the requirements of Clause 54.04-5 (Overshadowing Open Space) of the Moonee Valley Planning Scheme.
Side setbacks non-compliant with ResCode	As discussed above in Section 3.6 of this report the reduced side setbacks are considered acceptable in this instance as they meet the objective of Clause 54.04-1 (Side and Rear Setbacks) of the Moonee Valley Planning Scheme.
Impact of construction on the adjoining party wall	<p>As discussed above in Section 3.5 of this report, the proposed extension does not impact on the adjoining dwelling where the two properties share a hipped roof. It is not therefore considered that access to the adjoining property would be required for construction.</p> <p>Additionally, as discussed in the recent VCAT Order (12 August 2014) for 23A Mantell Street, Moonee Ponds, protection of and access to the adjoining property during construction is controlled by Building Control Act and is not a valid planning consideration.</p> <p>It is further noted that the party wall is protected by a party wall easement.</p>
Mitigation of additional stormwater runoff	The standard drainage condition relating to the discharge of water will be included on any permit issued. Further stormwater runoff details are to be clarified with Council's Technical Services Unit prior to construction.
Insufficient provision of secluded private open space.	The proposal provides sufficient private open space (including secluded private open space) in accordance with Clause 54.05-2 (Private Open Space) of the Moonee Valley Planning Scheme.

The advertised plans show incorrect details of the existing dwelling and adjoining property	<p>A condition of any permit issued will require the applicant to amend all relevant plans to show the correct details of the adjoining property in terms of the following:</p> <ul style="list-style-type: none">• The kitchen and dining room of the adjoining property at No. 69 Waltham Street has been incorrectly shown as a verandah.• The full length of the adjoining boundary wall at the adjoining property at No. 69 Waltham Street is not correctly shown.• An open slatted pergola exists to the north of the kitchen/dining room at the adjoining property at No. 69 Waltham Street.
The dwelling is an architectural pair with No. 69 Waltham Street.	As discussed above in Section 3.5 of this report it is considered that the impact of the proposal on the adjoining dwelling in terms of its heritage significance is acceptable.

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

APPENDIX A

Location of Objectors Properties

46 Waltham Street, Flemington
53 Waltham Street, Flemington
57 Waltham Street, Flemington
69 Waltham Street, Flemington
7/79 Wellington Street, Flemington
109 Wellington Street, Flemington
111 Wellington Street, Flemington
113 Wellington Street, Flemington
26 Brighton Street, Flemington
28 Brighton Street, Flemington
33 Brighton Street, Flemington
1/92 Farnham Street, Flemington
4 Broad Oak Close, Kent, England - United Kingdom

APPENDIX B

Clause 54 of the Moonee Valley Planning Scheme

One dwelling on a lot (Clause 54 and Schedule to the General Residential Zone).

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

Title and Objective	Complies with Standard	Compliance with Objective
<i>A1 – Neighbourhood Character</i>	✓	✓
<i>A2 – Integration with the Street</i>	N/A	N/A
<i>A3 – Street Setback</i>	N/A	N/A
<i>A4 – Building Height</i>	✓	✓
<i>A5 – Site Coverage</i>	X	✓
<i>A6 – Permeability</i>	✓	✓
<i>A7 – Energy Efficiency</i>	✓	✓
<i>A8 – Significant Trees</i>	N/A	N/A
<i>A10 – Side and Rear Setbacks</i>	X	✓
<i>A11 – Walls on Boundaries</i>	✓ (condition)	✓
<i>A12 – Daylight to Existing Windows</i>	X	✓
<i>A13 – North-facing Windows</i>	N/A	N/A
<i>A14 – Overshadowing Open Space</i>	✓	✓
<i>A15 – Overlooking</i>	✓ (condition)	✓
<i>A16 – Daylight to New Windows</i>	X	✓
<i>A17 – Private Open Space</i>	✓	✓
<i>A18 – Solar Access to Open Space</i>	✓	✓
<i>A19 – Design Detail</i>	✓	✓
<i>A20 – Front Fences</i>	N/A	N/A

✓- complies

x – non-compliance

N/A- not applicable

9.5 3 Wood Street, Strathmore (Lot 15 PS 010839) - Construction of three dwellings

File No: MV/428/2014
Author: Senior Town Planner
Directorate: City Works & Development
Ward: Buckley

Proposal	Three double storey dwellings
Applicant	Archsign Pty Ltd
Owner	Deochand and Peta Soorkia
Planning Scheme Controls	General Residential Zone
Planning Permit Requirement	Clause 32.08-4 – Construction of two or more dwellings on a lot
Car Parking Requirements (Clause 52.06)	Required = 6 spaces Provided = 6 spaces
Bicycle Requirements	N/A
Restrictive Covenants	None
Easements	Yes, a 1.83 metre wide drainage and sewerage easement
Site Area	742 square metres
Number Of Objections	13
Consultation Meeting	10 December 2014

Executive Summary

- The application seeks planning approval for the construction of three double storey dwellings.
- The site has an area of approximately 743 square metres and is located on the west side of Wood Street, Strathmore. The site subject is located within an area characterised by residential built form.
- The application was advertised and 13 objections were received. Concerns were raised relating to neighbourhood character, overdevelopment, amenity impacts, traffic/car parking, pedestrian safety, infrastructure capacity, creating a precedent, tenanted dwellings and devaluation of property.
- A Consultation Meeting was held on 10 December 2014 and was attended by Mayor Sharpe, objectors, the applicant and Council's Planning Officer. No resolution was reached.
- The application was internally referred to Council's Environmental Sustainable Development (ESD) Officer, Engineering Services Unit and Traffic and Transportation Unit. Conditional support to the application was provided.
- This assessment report finds that the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.



Figure 1 - Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/428/2014 for the construction of three dwellings at 3 Wood Street, Strathmore (Lot 15 on PS 010839), 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) Dwelling 2 to incorporate a north facing window to the study.
 - b) Dwelling 3 to incorporate a south facing window to the living area.
 - c) The southern boundary to have a minimum 1.8 metre high fence, tapered down to 1.2 metres within the front setback of Dwelling 1.
 - d) The western boundary fence to have a minimum height of 1.9 metres.
 - e) The removal of the outline of the existing dwelling from the front (east) elevation.
 - f) A cross-section of the rain garden showing the lining detail.
 - g) The south facing kitchen and living room window of Dwelling 2, which abut the internal accessway, is to be double glazed.

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

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. A minimum 30 days prior to any building or works commencing, a Site Management Plan must be submitted to and approved by the Responsible Authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) A statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems.

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

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

4. A minimum 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures.

The program must include, but is not limited to:

- a) Inspection frequency;

- b) Cleanout procedures;
- c) As installed design details/diagrams including a sketch of how the system operates; and
- d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

- 5. 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.
- 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. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 8. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.
- 9. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan(s) must be to the satisfaction of the Responsible Authority:
 - a) Be provided and completed prior to the commencement of the use hereby permitted;
 - b) Thereafter be maintained;
 - c) Be made available for such use at all times and not used for any other purpose;
 - d) Be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - e) Be drained and constructed with a permanent trafficable surface (concrete, asphalt, paving).
- 10. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent

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

11. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
12. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
13. 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.
14. The development must be provided with external lighting capable of illuminating access to each car parking space, vehicular accessway, pedestrian accessways and pedestrian entrances. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.
15. Before the development starts, or any trees or vegetation removed, a landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) Plans to accord with Condition 1 of this permit;
 - b) Any landscaping within the visibility splays in accordance with Clause 52.06 of the Moonee Valley Planning Scheme to have a maximum height of 900mm;
 - c) A survey of all existing vegetation, abutting street trees, natural features and vegetation;
 - d) Buildings outbuildings and trees in neighbouring allotments that would affect the landscape design;
 - e) Planting on the land comprising trees and shrubs capable of:
 - i) Providing a complete garden scheme.
 - ii) Softening the building bulk.
 - iii) Providing at least one canopy in the front setback of Dwelling 1. Selected canopy tree must be capable of reaching a mature minimum height of 4 metres.

- iv) Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.
- f) The proposed design features such as paths, paving, lawn and mulch;
- g) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
- h) The use of drought tolerant species;
- i) All trees on the land that are proposed to be removed or destroyed.
- j) The use of non-invasive plant species which will ensure that existing infrastructure assets are not damaged by root systems.

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

- 16. 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.
- 17. The existing street tree(s) or vegetation must not be removed or damaged as a result of the permitted development.
- 18. This permit will expire if:-
 - a) The development does not start within two (2) years of the date of issue of this permit, or
 - b) The development is not completed within four (4) years of the date of issue of this permit.

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

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, new crossings, building over easements, etc.
- No on street parking permits will be provided to the occupiers of the subject site.
- All 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.

- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$

1. Introduction

1.1 Subject Site and Surrounds

The subject property is located on the 3 Wood Street, Strathmore. The site is irregular in shape with a frontage of 16.15 metres and a maximum depth of 49.21 metres. The site area is 742 square metres. There is a 1.83 metre wide drainage and sewerage easement along the western (rear) boundary. There are no restrictions noted on the certificate of title. The subject site currently accommodates a double storey weatherboard/rendered dwelling with a pitched tiled roof.



Figure 2 View of the subject site, 3 Wood Street, Strathmore

The surrounding land is within a General Residential Zone. Residential developments in proximity of the subject site are varied, with a mixture of single dwellings on large allotments and multi-unit developments. Although it is noted that Wood Street itself has not experienced any significant redevelopment. External materials are a mixture of brick, render and weatherboard finishes in differing colours. Building frontages vary from single to double frontages. Roof forms in the area are predominantly hipped with some examples of gabled-ended roofs. It must also be noted that the site abuts a Design and Development Overlay Schedule 3 for Bulla Road where three storey development is anticipated.

1.2 Proposal

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

Table 1

No of dwellings	3 (one x four bedroom and two x three bedroom dwellings)
No of car spaces	6
Max Building Height	8.1 metres
Site Coverage	44%
Permeability	29%

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

2. Background

2.1 Relevant Planning History

Not applicable.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 11 Settlement

Clause 15 Built Environment and Heritage

Clause 16 Housing

Local Planning Policy Framework

Clause 21.01 Municipal Profile

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

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

N/A

Internal

- Engineering Services Unit.
No objection, subject to conditions.
- Traffic and Transportation Unit.
No objection.
- ESD
No objection, subject to conditions.

2.4 Public Notification of the Application

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by mail to adjoining and surrounding properties with one sign erected along the site frontage.

As a result, 13 objections were received from the properties contained within **Appendix B** of the report.

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

2.5 Consultation Meeting

A Consultation Meeting was held on 10 December 2014 and was attended by Mayor Sharpe, the applicant, objectors and Council's Planning Officer. No resolution was achieved at the meeting.

3. Discussion

3.1 State Planning Policy Framework

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

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

3.2 Local Planning Policy Framework

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

The proposed development responds to the strategies of Clause 21.06-1 (Neighbourhood Character) and Clause 21.06-4 (Urban Design). A number of the objectives and strategies appear to overlap with those contained within the neighbourhood character precinct profiles and ResCode and therefore the key concepts of Clauses 21.06-1 (Neighbourhood Character) and 21.06-3 (Urban Design) are discussed below in Sections 3.3 and 3.6.

The proposal achieves a 100% STORM assessment and therefore meets Clause 22.03 Stormwater Management (WSUD) of the Moonee Valley Planning Scheme. A condition of any permit issued will require additional design details with respect to the proposed lining to the rain garden.

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

3.3 Neighbourhood Character Guidelines

The subject land is identified as being within character area 'Garden Suburban 6' within the Moonee Valley Neighbourhood Precinct Profiles 2012. The Preferred Character Statement for the Garden Suburban 6 precinct is as follows:

"New development will contribute to the character of this area with established gardens, simple design details and consistent siting to ensure they do not dominate the streetscape."

Buildings will be articulated with recesses, porch areas, large windows and setbacks to complement the pattern of the traditional dwellings. The use of light finishes will maintain the existing palette of materials.

Buildings will be located from the front boundary at a distance similar to these on adjoining properties, while consistent side setbacks will provide space for landscaping and planting. Low or permeable front fences will allow view of vegetation in gardens from the street".

It is considered that the development provides a suitable response to the preferred character statement, as follows:

Table 2

Siting and Building Envelope	Dwelling 1 requires minimum setback of 7.2 metres. The dwelling incorporates a street setback of 6.5 metres which is less than the average setback of the adjoining dwellings by 0.7 metres. This is considered justifiable in this case as the 6.5 metre setback will be consistent with the setback of the adjacent property to the south. Dwelling 1 is setback from the south boundary which maintains the rhythm of spacing of buildings within the immediate streetscape and allows for meaningful
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	<p>landscaping opportunities.</p> <p>The building envelope ensures that only one dwelling presents directly to the street with the remaining dwellings being located at the rear of the site. This ensures that the streetscape presentation is maintained.</p>
Built Form	<p>The overall building height of the development does not exceed the 9 metre height requirement of ResCode with the double storey form limited to 8.1 metres which is characteristic of the double storey dwellings throughout Wood Street.</p> <p>The development adopts a contemporary form of architecture, repeating proportions and the scale of surrounding development in the immediate vicinity. The dwellings include a variety of materials on both levels to provide appropriate levels of articulation, ensuring visual interest to the front and side elevations. This enables the development to comfortably absorb a modern double storey dwelling facing the street and double storey dwellings at the rear, without it looking dominant in its setting, while respecting the character of the area.</p> <p>The setbacks respond to the streetscape character of the area and ensures landscaping and an active frontage is achieved. The façade has been provided with proportionate windows and design detail to provide an articulated frontage to the development.</p> <p>In addition the upper floors of Dwelling 2 and 3 to the rear have been provided with articulated finishes and varied use of render and cladded materials.</p> <p>This reduces the built form to the adjoining properties and ensures the upper floors are not a dominant feature to the adjoining secluded private open spaces.</p>
Design Detail	<p>The proposed development incorporates a mix of brick, rendered and matrix cladding finishes. The finishes are considered to be characteristic of the surrounding area and of more recent infill developments within the area. The combined use of materials also softens the overall built form as discussed above.</p> <p>The proposed development also has windows provided along street front to ensure surveillance to the street is achieved.</p> <p>The roof form is hipped and includes overhanging eaves and reflects the predominant roof forms of the original housing stock in the street.</p>
Landscaping	<p>The development is set off the south side boundary to the street and is provided with landscaped front yards</p>

	<p>and side setbacks.</p> <p>The design of three dwellings allows adequate landscaping to be provided within the front setback, along the southern boundary line and between the dwellings. A landscape plan has not been provided for assessment. Therefore a condition will be placed on any issued permit requiring a landscape plan to be provided by a suitably qualified person.</p> <p>A 1.1 metre high brick and wrought iron front fence is proposed. This is considered to be an appropriate fence type in terms of height and materials in the context of the surrounding area.</p>
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3.4 Compliance with Clause 52.06 (Car Parking)

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

Table 2

Use	Required	Provided
3 Dwellings (1x4 bedrooms 2x3 bedrooms)	6	6
Visitors	0	0
Total	6	6

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

Furthermore it is considered that all car spaces and accessways have been designed in accordance with the requirements of Clause 52.06.

3.5 Clause 55 (ResCode)

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

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

Table 3

Res Code Standard	Response
Clause 55.03-1 (Standard B6 - Street Setback)	<p>As discussed above in Section 3.3 the proposal requires a setback of 7.2 metres and is provided with a 6.5 metre setback.</p> <p>A variation of 0.7 metres is considered acceptable as it provides a transition between the 6.5 metre setback at 1 Wood Street and</p>

	<p>the 7.9 metre setback to number 5 Wood Street. In the context of Wood Street, it can be identified that dwellings fronting the street do have varied front setbacks from 6.2 metres to over 9 metres. Given the variation in setbacks along the street, it is considered that the proposed setback of 7.2 can be easily absorbed into the street.</p>
<p>Clause 55.03-5 (Standard B10 - Energy Efficiency)</p>	<p>To increase solar access into the living area of Dwelling 3, a condition will be included for an additional window to be added along the ground floor, southern elevation. This will increase daylight into the room and make appropriate use of daylight while reducing fossil fuel usage.</p>
<p>Clause 55.03-8 (Standard B13 - Landscaping)</p>	<p>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.</p>
<p>Clause 55.03-10 (Standard B15 - Parking Location)</p>	<p>There are a total of four habitable room windows adjacent to the common accessway.</p> <p>The south facing kitchen room window and living room window associated with Dwelling 1 has not been provided with a minimum 1 metre setback as per the above standard.</p> <p>A variation in the standard is considered appropriate in this instance given the anticipated low level of vehicle movements. In addition the windows are to be provided with a minimum 1.7 metre high sill height to reduce vehicle noise to future residents.</p> <p>To further protect the future residents of Dwelling 1 from vehicular noise, a condition will be included in the permit for these windows to be double glazed.</p>
<p>Clause 55.04-5 (Standard B22 - Overlooking)</p>	<p>Potential overlooking has been identified along the ground floor of Dwelling 1, associated with the south facing kitchen window. To ensure no overlooking from this window and the window required for the living room associated with Dwelling 3, a condition will be included a 1.8 metre high fence to be constructed along the</p>

	<p>southern boundary.</p> <p>In addition to the above, a 1.5 metre high paling fence exists along part of the western boundary. To prevent overlooking a condition will be included for the 1.5 metre high section of the western boundary fence to have a minimum height of 1.9 metres. This is to prevent overlooking and match the height of the existing fence along this boundary.</p> <p>The remaining habitable room ground floor windows are screened via existing 1.9 metre high perimeter fences or windows with a minimum sill height of 1.7 metres.</p> <p>Along the first floor level, all habitable room windows are 1.7 metres above Finished Floor Level or provided with fixed obscure glass to 1.7 metres above Finished Floor Level.</p>
<p>Clause 55.05-3 (Standard B27 - Daylight to New Windows)</p>	<p>A review of the above standard has identified that the study associated with Dwelling 2 will not receive direct daylight, with the window directly adjacent to the porch.</p> <p>A condition will be included for a north facing window to be incorporated along the north elevation to ensure daylight into the study.</p>

3.6 Objections

Table 4

Issue	Officer Response
Neighbourhood Character	<p>The development presents three dwellings in Wood Street with one located to the street frontage and two located in an attached form at the rear of the site. Whilst no other site in the street has been developed with more than one dwelling on the land, urban consolidation is encouraged in areas which is serviced by existing infrastructure. The site is located within an area where incremental infill development is expected to occur. The provision of three dwellings on the land is considered a reasonable incremental increase of dwellings on the site given its size and high level of compliance with ResCode.</p> <p>The presentation to the street with one dwelling will reflect the dwelling pattern in the street. The dwelling is well articulated and provided with recesses, porch areas, large windows and</p>

	<p>setbacks which are reflective of the dwelling forms in the street.</p> <p>The two storey built form is provided with smaller upper floor footprints, which along with the use of articulation and varied materials provides an appropriate design response as discussed in Section 3.3 of this report.</p> <p>It is considered that scale of development has addressed any off site amenity impacts and reduces the bulk when viewed from the adjoining properties and the streetscape.</p>
Traffic congestion, street parking and pedestrian safety	<p>Wood Street is able to cater to the additional traffic movements per day generated by the six cars proposed for the site. Council's Traffic and Transportation Unit have reviewed the proposed development and raised no objection. Pedestrian visibility is maintained with the introduction of a visibility splay for the proposed crossover and along the south boundary. Side paling fences are limited to 1 metre adjacent to the north boundary.</p>
Amenity impacts (i.e. overlooking, overshadowing and noise)	<p>As shown on the shadow diagram plans, the shadow diagrams do fall across the secluded private open space of the adjacent properties. The areas still receive a minimum of 5 hours sunlight between 9am and 3pm at 22 September in accordance with Standard 55.04-5 (Overshadowing).</p> <p>Ground floor overlooking is addressed by existing 1.9 metre high perimeter fencing and conditions requirement of a 1.8 metre high fence along the southern elevation.</p> <p>Habitable room windows are 1.7m above finished floor level or provided with fixed obscure glass to 1.7 metres above finished floor level.</p> <p>Noise levels are not expected to be more than residential noise.</p>
Drainage/water retention (Potential flooding as a result of increased hard surfacing)	<p>The proposed development has been reviewed by Council's Engineering Services Unit, who have raised no objection to the proposed development, subject to conditions.</p>
Potential damage to infrastructure within the easement	<p>Any damage to the infrastructure within the easement during the construction stage must be repaired by the owner/occupier in accordance with the asset providers' requirements.</p>

Possibility of dwellings being rented	This is not considered a valid planning ground and cannot be substantiated. The Tribunal has previously stated in <i>Owen v Casey CC</i> [2005] VCAT 1134 (7 June 2005): “Rental properties. There was a concern raised that some or all of the units may become rental properties. It is not acceptable from a planning point of view to limit development on the basis of the "type of people" that may become residents of the area. There is no basis on which it can be assumed that new residents to an area will not have an interest or commitment to their neighbourhood”.
Precedent	Each application must be assessed on its merits in accordance with the Moonee Valley Planning Scheme. Being the first of a development type in a street is not a reason in itself to refuse an application as such this is not considered a valid planning argument.
Devaluation of properties	This is not considered a valid planning argument and cannot be substantiated.

4. Human Rights

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

5. Conclusion

The application has been assessed according to the relevant provisions of the SPPF, LPPF and the relevant General and Particular Provisions of the Moonee Valley Planning Scheme. In light of the above, the proposed development is considered to be appropriate.

APPENDIX B

262 Woodland Street, STRATHMORE VIC 3041
7 Wood Street, STRATHMORE VIC 3041
7 Wood Street, STRATHMORE VIC 3041
12 Wood Street, STRATHMORE VIC 3041
12 Wood Street, STRATHMORE VIC 3041
260 Woodland Street, STRATHMORE VIC 3041
2 Wood Street, STRATHMORE VIC 3041
1 Wood Street, STRATHMORE VIC 3041
PO Box 426, NIDDRIE VIC 3042
14 Wood Street, STRATHMORE VIC 3041
16 Wood Street, STRATHMORE VIC 3041
5 Wood Street, STRATHMORE VIC 3041
8 Wood Street, STRATHMORE VIC 3041

APPENDIX C

Clause 55 of the Moonee Valley Planning Scheme

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

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

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

<i>B 22 - Overlooking Objective</i>	✓ (subject to condition)	✓
<i>B 23 - Internal Views Objective</i>	✓	✓
<i>B 24 - Noise Impacts Objectives</i>	✓	✓
<i>B 25 - Accessibility Objective</i>	✓	✓
<i>B 26 - Dwelling Entry Objective</i>	✓	✓
<i>B 27 - Daylight to New Windows Objective</i>	✓ (subject to condition)	✓
<i>B 28 - Private Open Space Objective</i>	✓	✓
<i>B 29 - Solar Access to Open Space Objective</i>	✓	✓
<i>B 30 - Storage Objective</i>	✓	✓
<i>B 31 - Design detail objective</i>	✓	✓
<i>B 32 - Front Fences Objective</i>	✓	✓
<i>B 33 - Common Property Objectives</i>	✓	✓
<i>B 34 - Site Services Objectives</i>	✓	✓

✓ - complies

x – non-compliance

N/A- not applicable

9.6 40 Hall Street, Moonee Ponds (PC 354406J) - Construction of a multi-storey building comprising retail and dwellings, reduction in the car parking and loading bay requirements

File No: MV/779/2014
Author: Principal Town Planner
Directorate: City Works & Development
Ward: Myrnong

Proposal	<ul style="list-style-type: none"> • 16 storey building (49.2 metres in height) • Two ground floor retail tenancies (437m²) • 162 apartments (67 x 1 bedrooms & 95 x 2 bedrooms) • 137 car spaces & 58 bicycle spaces
Applicant	Moonee Ponds Pty Ltd
Owner	Burwood Developments Pty Ltd
Planning Scheme Controls	<ul style="list-style-type: none"> • Activity Centre Zone – Schedule 1 (Moonee Ponds Activity Centre)
Planning Permit Requirement	<ul style="list-style-type: none"> • Clause 37.08-5 (Construction of buildings and works) • Clause 52.06-3 (Reduction of car parking spaces) • Clause 52.07 (Reduction of loading and unloading requirements)
Car Parking Requirements (Clause 52.06)	Required : 211 car spaces Provided : 137 car spaces
Bicycle Requirements	Required : 50 bicycle spaces Provided : 58 bicycle spaces
Restrictive Covenants	Yes, covenants are not breached
Easements	Yes, E-1 in favour of MMBW, Gas & Fuel Corporation, Telecom Australia & City of Essendon; E-2 in favour of Gas & Fuel Corporation

Site Area	2388 square metres (Stage 1 area)
Number Of Objections	Notice not required

Executive Summary

- The application seeks planning approval for the construction of a multi-storey building accommodating two ground floor retail tenancies and 162 apartments along with a reduction in the car parking and loading bay requirements on the former Readings Site.
- The site is specifically identified in the Moonee Ponds Structure Plan as the Readings site and is located between Hall, Homer, Everage and Margaret streets. The overall site is made up by a number of separate titles. For most part, the site is vacant of built form and is currently in use as a public car park.
- The vision for the overall site is to provide for an integrated high quality mixed use environment that improves and enhances connections to Moonee Ponds Train Station and the public transport interchange. The vision is articulated within an adopted Development Plan that has been initiated via Amendment C147. The Amendment seeks to apply a Development Plan Overlay – Schedule 1 on the site in order to guide future development through the establishment of design and development principles.
- More recently, the land was the subject of a rezoning from a Commercial 1 Zone to the Activity Centre Zone as initiated via Amendment C100.
- The current application represents Stage 1 of the redevelopment of this large land holding with the first tower to be constructed in the south eastern corner covering an area of approximately 2388 square metres.
- The application was externally referred to Public Transport Victoria who raised no objection. Internally, the application was referred to the Strategic Planning Unit, Council's Urban Designer, Engineering Services Unit, Traffic and Transportation Unit, Environmental Sustainable Officer, Property Services, Operations Department and Open Space and Urban Design. Conditional support to the application was provided.
- This assessment report finds that the development demonstrates an appropriate degree of compliance with the majority of State and Local Planning Policies within the Moonee Valley Planning Scheme. It is submitted that the proposal will positively contribute to the revitalisation of the centre as a compact, vibrant and walkable core.
- It is therefore recommended that Council issue a Planning Permit.



Figure 1 – Aerial view of the subject site (area to be developed highlighted in red)

Recommendation

That Council issue a Planning Permit in relation to Permit Application No. MV/779/2014 for the construction of a multi-storey building accommodating retail and dwellings, reduction in the car parking and loading bay requirements at 40 Hall Street, Moonee Ponds (PC 354406J) subject to the following conditions;

1. Before the 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 widening of Aspen Street to accommodate two way traffic movements associated with the Stage 1 development.
 - b) Detailing of the shared vehicle/pedestrian zone extension from Aspen Street along with any recommendations as detailed within a Road Safety Audit.
 - c) The columns and car parking spaces within the ground and basement levels to accord with the Australian Standards.
 - d) Any design modifications as detailed within the Wind Assessment prepared by MEL Consultants, dated November 2014.
 - e) Revisions to the Landscape Design Report prepared by Oculus as required by condition 21.
 - f) Revised loading bay arrangements generally in accordance with the plans prepared by GTA Consultants, dated 24 February 2015
 - g) The provision of 300mm trench grates at the entrance of the basement.

- h) Provision for a minimum of 65 bicycle spaces..
 - i) Demonstration as to how the full extent of the mezzanine floor surface will grade and drain to the raingarden located at the north eastern corner.
 - j) The roof plan must graphically show, and be accompanied by a note stating, the specific roof area in square metres the rainwater from which is to be collected into a nominated rainwater tank with its capacity clearly noted. All roof areas, tank volumes and numbers of toilets the tank is connected to must be consistent with the information provided in the submitted Sustainable Management Plan prepared by Lucid Consulting Australia, dated November 2014.
 - k) The site/ground floor plan must graphically show the correct volume and location of any rainwater tanks. Each rainwater tank must be accompanied by a note stating the specific roof area in square metres from which the rainwater is being harvested into that rainwater tank. The number of toilets connected to the rainwater tank must also be nominated. All roof areas, tank volumes and numbers of toilets the tank is connected to must be consistent with the information provided in the submitted Sustainable Management Plan prepared by Lucid Consulting Australia dated, November 2014.
 - l) Details of any temporary fencing around the perimeter batter zone.
- 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 commencement of construction or carrying out of works, the Owner must enter into an Agreement under Section 173 of the Planning and Environment Act 1987 satisfactory 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) The owner shall provide a contribution towards the upgrading of Hall Street in accordance with the Hall Street Streetscape Plan.
 - b) Liability and maintenance of those parts of the development projecting into air space under the care and management of Council and disclaiming any right or intention to make or cause to be made at any time any claim or application relating to adverse position of the land. The owner of the property to be developed must pay all Council's reasonable legal costs and expenses of this Agreement, including preparation, execution and registration on title.
 - 4. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

5. 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.
6. A minimum 30 days prior to any building or works commencing, a Construction & Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers vehicles and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation
 - i) Management of onsite stormwater and contamination: a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems
 - j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
 - k) Chemical storage;
 - l) Noise and vibration;
 - m) Risk assessment;
 - n) Works timetable; and
 - o) Number of workers expected of work on the site at any one time.

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

7. A minimum 30 days prior to any building or works commencing, all WSUD Design Details, such as cross sections &/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.
8. 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 & 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.

- 9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 10. The area set aside for parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must be to the satisfaction of the Responsible Authority:
 - a) Be provided and completed prior to the commencement of the use hereby permitted;
 - b) Thereafter be maintained;
 - c) Be made available for such use at all times and not used for any other purpose;
 - d) Be properly formed to such levels that it can be used in accordance with the endorsed plan;
 - e) Be drained and sealed with an all weather seal coat; and
 - f) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
- 11. The loading and unloading of vehicles (including waste collection) and the delivery of goods to and from the land must:
 - a) Only be carried out within the designated loading bay on the land; and
 - b) Must not disrupt the circulation and parking of vehicles, pedestrian circulation or access,to the satisfaction of the Responsible Authority.
- 12. Before the commencement of the use signs must be erected in association with the car parking hereby provided, allowing for the identification of the car park, to the satisfaction of the Responsible Authority.
- 13. All obsolete and unnecessary vehicle crossings must be removed and reinstated to footpath, nature strip and kerb and channel, to the satisfaction of the Responsible Authority.
- 14. 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.

15. 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.
16. A drainage function layout plan for the site (existing car park) must be submitted for further consideration. A drainage report on the existing network must be determined to understand the hydraulic capacity. The drainage functional design plan must be prepared by a suitably qualified person(s) and submitted to and approved by the Responsible Authority.
17. 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.
18. The Sustainability Management Plan prepared by 'Lucid Consulting Australia' dated November 2014 to be implemented and appropriately managed during the construction of the proposed building.
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 & review.

- c) A plan showing 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. Buildings or works must not be commenced 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 prepared by Oculus within the Landscape Design Report dated 20 November 2014 but modified to show:

- a) Removal of the raised brick seating element adjacent to Hall Street;
- b) Provision for a lighting scheme;
- c) An appropriate irrigation system;
- d) Any traffic engineering requirements associated with the shared zone
- e) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
- f) Any other modifications as required by Condition 1.

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

21. Prior to the commencement of the development, the applicant shall submit a Waste Management Plan to the Responsible Authority for approval. 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.

22. This permit will expire if one of the following circumstances applies:

- a) The development is not commenced within three (3) years from the date of issue of this permit; or
- b) The development is not completed within five (5) 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 Engineering Services Unit regarding legal point of discharge, new crossings, building over easements, erection of hoarding etc.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- 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.
- 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 Engineering Services Unit and to the satisfaction of the Responsible Authority.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located in the south eastern corner of the former Readings site. The land to be developed covers an area of 2388 square metres with a maximum depth of 50 metres. The site has a frontage to Hall Street of approximately 49 metres and a frontage to Aspen Street of approximately 7 metres.

The subject site is vacant of buildings and is currently being used as a public car park. Access to the car park is via a crossover on Hall Street.

The land is encumbered by two restrictive covenants one of which prohibits the establishment of a supermarket without the prior written consent of the registered proprietor or proprietors of benefitting land. The other prohibits the erection of any out houses/back premises or conversion of the land into a backyard. The proposal is not in breach of these restrictions.



Figure 2 – Application site (40 Hall Street, Moonee Ponds)

The subject site is located within the Moonee Ponds Activity Centre. Land in the area is generally used for a combination of retail, office and service business uses with interspersed residential. The built form is highly varied, ranging from single storey shops along Hall Street, double-storey Victorian retail terrace buildings to the south on Puckle Street, and a 10-storey recently constructed residential development at 19 Hall Street to the east of the site. Mirvac's Moonee Ponds Central Shopping Centre is located to the east of the site. Land to the immediate east comprises a series of shops and offices ranging from single to three storeys in scale.

1.2 Proposal

The application proposes the construction of a multi-storey mixed use building containing ground floor retail and dwellings. The proposal can be summarised as follows;

Table 1

No of dwellings	162 apartments; <ul style="list-style-type: none">• 67 (one bedroom)• 95 (two bedroom)
Retail	437m ² <ul style="list-style-type: none">• 207m² (Tenancy 1)• 230m² (Tenancy 2)
No of car spaces	137 spaces <ul style="list-style-type: none">• 5 retail spaces

	<ul style="list-style-type: none">• 132 resident spaces
Max Building Height	49.2 metres

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

2. Background

2.1 Relevant Planning History

The site has an extensive history and a review of Council's historical files reveals that a number of planning permits have been issued for the land. More notable history is detailed as follows;

- Amendment C135 was introduced into the Moonee Valley Planning Scheme on 11 October 2013 as a means of deleting the outdated Development Plan Overlay- Schedule 1 (DPO1) applicable to the former Readings Site. The original DPO1 sought a building scale of 3-4 storeys incorporating food court/restaurants, approximately 7,400 square metres of retail floor space, 12 cinemas and two levels of car parking (one basement and another semi basement) incorporating 489 car spaces.

The removal of the former DPO1 was necessary in order to align with the revised strategic direction for the area as dictated under the current Moonee Ponds Activity Centre Structure Plan.

- Planning Permit MV/25/2011 was issued by Council on 29 June 2012 for works associated with the use of the land as a temporary carpark. The permit was amended further on two occasions as a consequence of minor alterations to the carpark layout.

On 18 November 2013 the permit was amended a third time allowing for the carpark to operate for a total period of three years, in lieu of the originally approved two year period.

- Planning Permit MV/18416/07 was approved by Council on 28 May 2007 for the use of the land for temporary site sheds for construction purposes.
- The Development Plan for the Reading Landholding was approved and a plan was endorsed under the Development Plan Overlay- Schedule 1 on 10 February 2000.
- Planning Permit ES 9080 issued on the 13 May 1998 for a place of assembly (12 cinemas), family entertainment centre, retail and restaurant development and associated car parking.

2.2 Other Relevant Considerations

Amendments C100 & C155

Amendments C100 & C155 were introduced into the Moonee Valley Planning Scheme on 30 March 2015.

Amendment C100 implements the Moonee Ponds Activity Centre Structure Plan through the introduction of the Activity Centre Zone (Schedule 1) for the centre.

Under the Schedule, the subject site is located in Precinct 2D which nominates a preferred building height of 50 metres.

Amendment C155 rezones land to the west of Moonee Valley Racecourse from Comprehensive Development Zone to Activity Centre Zone, including the land as Precinct 9 in Schedule 1 to the Activity Centre Zone.

Amendment C134

At the Ordinary Meeting of Council on 24 June 2014, Council resolved to support Amendment C134 – Planning Scheme Review, which among other things proposed a new Municipal Strategic Statement (MSS) and deletion of Clause 22.01 (Residential development of four or more storeys).

Amendment C134 was introduced into the Moonee Valley Planning Scheme on 5 March 2015. An assessment against the newly formed Local Planning Policy Framework is provided in Section 3.2.

Amendment C147

At the Ordinary Meeting on 23 September 2014, Council resolved to prepare, adopt and approve Amendment C147 into the Moonee Valley Planning Scheme by applying and inserting a new Development Plan Overlay – Schedule 1 for the land at 40 Hall Street and 34-36 Margaret Street, Moonee Ponds.

The Amendment was initiated following interest to commence development of the former Readings site and as a means of providing a statutory mechanism to guide the future redevelopment of land in an integrated manner.

Subsequently, the Development Plan was prepared by Urbis and was presented to the Council for consideration in October 2014.

Under the proposed Plan, the future development of the site incorporates the following;

- A variety of building heights across the site, ranging from 6-26 levels
- Two (2) new north/south pedestrian/cycling links through the site;
- Ground floor retail uses along the Hall Street, Everage Street and part of the Homer Street frontages;
- Ground floor community use along the Everage Street frontage;
- New public open space with a minimum size of 600m² and frontage to Homer Street;
- An area of private open space for future residents within the central area of the site;
- Basement parking across the site; and

- Setbacks above podium level along Hall and Everage Streets.

The proposed Development Plan was assessed against the proposed Schedule 1 and was deemed to comply with the objectives, requirements and decision guidelines which Council had previously endorsed.

In light of the above, Council resolved to adopt the Development Plan for the site, excluding drainage and traffic matters, at its Ordinary Meeting on 28 October 2014.

While this amendment is yet to be approved by the Minister for Planning, it has been adopted by Council and can therefore be considered a 'seriously entertained' document.

As an aside, it should be noted that in the absence of a formally approved Development Plan under the Overlay, the proposed Schedule enables the consideration of the first stage of development provided it does not exceed 25% of the entire site. It is submitted that the current application is within this limitation and will not compromise the future integrated development of the site.

2.3 Planning Policies and Decision Guidelines

State Planning Policy Framework

Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 17	Economic Development
Clause 18	Transport

Local Planning Policy Framework

Clause 21.01	Municipal Profile – Moonee Valley Today
Clause 21.03	Vision – Moonee Valley Tomorrow
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 21.09	Transport and Access
Clause 22.03	Stormwater Management (Water Sensitive Urban Design)

Zoning

Clause 37.08	Activity Centre Zone – Schedule 1 (Moonee Ponds Activity Centre)
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Particular Provisions

Clause 52.06 Car Parking

Clause 52.07 Loading and Unloading of Vehicles

Clause 52.34 Bicycle Facilities

Clause 52.35 Urban Context Report and Design Response for Residential Development of Four or More Storeys

Clause 52.36 Integrated Public Transport Planning

General Provisions

Clause 65 Decision Guidelines

2.4 Referrals

A summary of both external and internal referrals is provided below;

External

- Public Transport Victoria
No objection

Internal

- Engineering Services Unit
No objection subject to conditions
- Traffic and Transportation Unit
The Unit raised the following matters;
 - The separation of pedestrians and vehicles is the preferred outcome and the shared zone along the entry to the car park is not supported;
 - The road pavement of Aspen Street is not wide enough to accommodate two way traffic;
 - Potential widening of the Aspen/Everage Street intersection and pedestrian refuge to be explored;
 - The applicant should undertake a proper analysis to investigate a pedestrian facility to assist pedestrians/cyclists heading north/south along the pedestrian connection from Hall Street when crossing vehicles enter/exit the car park. A road safety audit of the proposed pedestrian facility is recommended;
 - Loading/Unloading should be accommodated within the ground level of the building;
 - All car parking spaces to be designed in accordance with the Australian Standards or the Planning Scheme. The installation of car stackers should be considered to reduce the proposed extent of car parking reductions;

These matters are discussed in further detail throughout Section 3 of this report.

- Strategic Planning
No objection.
- Urban Designer
 - Generally supportive of the building design;
 - The paving pattern within the public realm should reflect the program occurring and the insitu banding of exposed aggregate has limited impact on the changing condition between pedestrian and vehicle movement. Particularly as vertically aligned. Horizontal patterning would indicate a change in circumstance for pedestrians moving through the space.
 - The transition between Hall Street and the laneway environment is crowded and clear pedestrian movements between the street and primary residential entry should be provided whilst accommodating outdoor seating for the commercial spaces.
 - Council's preference is for a central linear vegetation scheme to draw pedestrians through the space in lieu of built up garden beds to the east of the site. More like a forecourt design the proposed scheme seeks to screen the existing single storey building to the east through vegetation of varying scales. The plan limits the future development potential and active interface of this site.
- Open Space
 - Lighting of the laneways should be provided on the plans
 - Ensure urban design of the public realm provides clear pedestrian movements between the street and primary residential entry
 - Use predominately asphalt paving with minimal bluestone pitcher/paver detail.
 - The location of the bicycle parking would be more appropriate closer to the Hall Street intersection.
- Waste
Onsite collection of waste is strongly advised.
- ESD
No objection, subject to conditions.
- Property Services
No objection subject to conditions.

2.5 Public Notification of the Application

Pursuant to Clause 37.08-8 the buildings and works component of the application is exempt from the notice and review requirements of the Act as the proposed height of the building does not exceed the preferred height limitation (50 metres) as prescribed within Clause 5 of the Schedule to the Zone.

With respect to the reduction in car parking requirements, Clause 52.06-4 states that an application is exempt from the notice and review requirements if the application is also under another provision of the planning scheme and in respect of all other permissions sought, the application is exempt from the notice requirements. In this case, the proposal also seeks a reduction in the loading and unloading requirements pursuant to Clause 52.07. As there are no exemptions to notice and review that apply to this Clause, Council must be satisfied that there is no material detriment on surrounding properties/persons as a consequence of the reduction.

Having regard to the above, Council's Traffic and Transportation Unit have reviewed the proposal loading/unloading provisions submitted by the permit applicant following a request to relocate the loading area to within the building. The plans are deemed to be satisfactory and the area set aside for loading can adequately serve its intended purpose.

In light of the above matters, the application was not advertised.

3. Discussion

3.1 State Planning Policy Framework

The relevant State Planning Policy Framework clauses are considered to be met. For the large part State Planning objectives seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. While current State policy no longer categorises activity centres in the same manner as the past, it is clear that Moonee Ponds (a principal activity centre in the former State policy framework) is a higher order centre. It is State policy to "build up" activity centres as a focus for high quality development, activity and living. It is expected that such centres will provide for different types of housing, including forms of higher density housing, as well as business, shopping and working.

Policy for Metropolitan Melbourne requires that planning must consider as relevant Plan Melbourne: Metropolitan Planning Strategy. Moonee Ponds is identified as an existing activity centre and can be regarded as an area where change is expected and directed. Plan Melbourne clearly expects existing and future activity centres to accommodate higher density housing and it is submitted that Moonee Ponds is a locality where housing opportunity and choice is to be realised.

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. The objective of the Clause is:

- To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

It is considered that the proposal complies with the objectives and strategies as contained within the design principles of Clause 15.01-2.

The following design principles must be regarded under this clause. (Note: the majority of these design elements cover the decision guidelines for a building and works application under the Activity Centre Zone, the Guidelines for Higher Density Residential Development along with Objective 2 and strategies contained at Clause 21.06-4 (Urban Design).

Context

- Development must take into account the natural, cultural and strategic context of its location.
- Planning Authorities should emphasise urban design policies and frameworks for key locations or precincts.
- A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.

A description of the pattern of development has largely been addressed within this report and accompanying plans.

The site is within an Activity Centre Zone and is not affected by any planning overlay controls. The site is located within Precinct B (Hall/Homer) under the Moonee Ponds Activity Centre Structure Plan (MPACSP) and is within the core retail area consisting of the Hall/Homer, Puckle and Young Precincts as well as in close proximity to a variety of public transport services.

The MPACSP identifies Precinct B (Hall/Homer) as becoming the 'new face' of retail offer for the centre, expanding on the existing retail, office and entertainment uses and also providing new residential apartments. A major feature of this precinct will be Hall Street, serving as a key link between Moonee Ponds Railway Station and the Mt Alexander Road Public Transport Interchange.

The site is also identified within Precinct 2D under the Activity Centre Zone (Schedule 1), initiated via the recent introduction of Amendment C100. The preferred maximum height for buildings within this part of the precinct is 50 metres (16 storeys). Various objectives and guidelines of the 2D Precinct seek the following;

- To enable taller and more intense built form and to enhance the pedestrian experience of Hall Street as a major movement link connecting the station with the public transport interchange;

- To provide for active north/south and east/west connections;
- Upper level setbacks should be provided to ensure solar access to the southern footpath at the equinox.

As an aside, it should also be noted that the adopted Development Plan under Amendment C147 envisages building heights along the north side of Hall Street East between 15-17 storeys.

The building is proposed to extend to a height of 49.2 metres, measured to the top of the communal terrace (excluding lift overrun) which is within the parameters of the adopted strategic vision for the area.

The public realm

- The public realm, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced.

New development is encouraged to take these factors into account and respond in a positive manner. The proposal represents a contemporary building design which will enhance the presentation of the site when viewed from the surrounding context.

At ground floor the building incorporates extensive glazing to the Hall Street thereby ensuring an active frontage.

The residential entrance is located on the eastern side of the building directly accessible via the public space area. The entry is in the order of 5 metres wide is recessed into the building and will be highlighted with coloured glazing.

At upper levels, the proposal provides for external facing balconies/windows which will ensure an improved degree of visual amenity and interest along with providing greater surveillance of Hall Street and beyond and the public domain.

With respect to the pedestrian link to the east of the building, the intention is to ultimately transfer ownership of this space to Council. Under the adopted Development Plan, the pedestrian link is to extend further north to provide access to Homer Street. The current proposal represents the first stage of this proposed linkage.

Throughout the course of the application, Council's Open Space Unit and Urban Designer have been involved with the detailing phase of the link. Whilst modifications have occurred since the initial lodgement, a number of concerns still remain outstanding as detailed within the internal referrals section above (see Urban Designer and Open Space comments).

The primary concern revolves around Council's preference for a central linear vegetation scheme in lieu of the raised garden beds up against the adjoining building to the east. There are two sides to consider in this matter. On one hand, the provision for the central linear scheme would assist to draw pedestrians through the space whilst on the other, the current scheme assists to soften the existing blank wall façade on the adjoining property the east thus improving the current interface.

For the most part, it is submitted that the detailing within the public space is appropriate. The current scheme provides for an acceptable urban design outcome that will positively complement the building and enhance the public realm. As there are no immediate plans to develop the adjacent property, it is considered that the current proposed vegetation scheme is appropriate. In the event the adjoining property were to be developed this area could be revisited by Council to enable an active frontage.

In addition to the above, a preference for predominately asphalt paving with minimal bluestone pitcher/paver detail was recommended. The current scheme provides a mix of both. The use of bluestone is more concentrated within the shared vehicle/pedestrian zone. As this area is subject to further review by Council's Traffic and Transportation Unit conditions will require further investigation of hardscape treatments in this regard.

With respect to the preference for horizontal concrete banding, it is considered the current patterning is acceptable. In this regard the applicant has submitted the following;

'The proposed vertical arrangement of paving strips is a deliberate way of bringing the eye (and consequently the body) from Hall Street through the link. It is a kind of invitation. The option of rotating these bands 90 degrees should not be entertained as this has the potential to be mis-read as a pedestrian crossing and will undermine the principles of the shared zone which, in order to function properly, cannot make implied hierarchies between cars and pedestrians'.

The response to this aspect is considered appropriate.

It has been suggested that location of the bicycle parking would be more appropriate closer to the Hall Street intersection. Notwithstanding, it is considered that the current location adjacent to the Aspen Street intersection is appropriate as any relocation further toward Hall Street would detract from the open transitioning that is sought for this space.

Matters surrounding lighting and the removal of a raised brick seating element to unclutter the transition between Hall Street and the laneway are resolved via the inclusion of conditions 1e) and 20.

With respect to wind impacts, an appraisal of the likely wind conditions has been undertaken by MEL Consultants. The firm have carefully considered the form and exposure of the building and have recommended a series of modifications (including some temporary measures) which seek to mitigate the wind impact. The recommendations include; A 3 metre wide canopy along the Hall Street frontage;

- Temporary hoarding to the west;
- Either a rounded (Levels 1-4) or staggered (Levels 1,3,5 and 7) at the south western corner of the building;
- Additional landscaping within the private open space area on the Mezzanine Level;

- Trees on the east, west and northern edges of the site;
- Additional trees along Hall Street.

In response to the above, the applicant has submitted informal revised plans for information purposes to demonstrate the building form and layout implications for a rounded Levels 1-4. As a consequence minor internal reconfiguration would be required with no change to apartment yield. It is submitted that wind recommendations are addressed via the inclusion Condition 1d).

Safety

- New development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time

The proposal provides for balconies along with large windows which overlook Hall Street and abutting laneway thereby providing for a safe urban environment for the surrounds and the proposed building. Furthermore, secure access is to be provided within the proposed car parking area creating a safe and secure environment for all occupants of the building.

Landmarks, views and vistas

- Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.

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.

Pedestrian spaces

- Design of the relationship between buildings and footpaths and other pedestrian spaces, including the arrangement of adjoining activities, entrances, windows, and architectural decoration, should enhance the visual and social experience of the observer.

Under the Moonee Ponds Activity Centre Structure Plan Hall Street is envisaged as a primary pedestrian corridor linking the bus interchange in the east with Moonee Ponds Station to the west. This is reflected in the DPO which seeks to widen the footpath along its northern edge proximate to the review site. The proposal has responded through provision of a 1.8m ground floor setback with the solid external framing of the podium canter levered over the highly glazed ground and mezzanine structure providing a sense of enclosure to the pedestrian realm. This setback will allow for a spill out from the commercial tenancies and generally a more spacious pedestrian environment at the base of the proposal. Council's anticipated Hall Street public realm works are designed primarily to the south side of the street (to maximise northern light) and the proposal complements this strategy.

Consolidation of sites and empty sites

- New development should contribute to the “complexity” and diversity of the built environment.

The site is currently being utilised as an at grade car park. The proposal will result in a new development that will positively contribute to the diversity of the surrounding built environment as well as achieving the strategic vision for the area.

Light and Shade

- Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade. This balance should not be compromised by undesirable overshadowing or exposure to the sun.

The shadow diagrams provided with the application prepared by Plus Architecture illustrate the shadows that will occur as a result of this development. These shadow diagrams demonstrate that there will be additional overshadowing cast over Hall Street throughout the day at the Equinox.

On balance, due to the site’s location within the Moonee Ponds Activity Centre, it is considered that the proposed shadow impacts will not have a detrimental impact on the operation, amenity or functionality of the public realm for pedestrians. It is also noted, that the proposed height of the building is in accordance with the height identified in the MPACSP for this precinct. The level of shadow cast is what would be expected of buildings of this height, which is supported by the Structure Plan.

Energy and resource efficiency

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

Multi-storey construction is generally conservative of heat through shared walls and floors. Further, the location of the development within the MPAC will reduce the reliance on motor vehicles associated with daily shopping and community needs.

The applicant submitted a Sustainable Management Plan, prepared by Lucid Consulting with the application which details energy efficiency initiatives to be adopted into the development. The assessment identifies the development has achieved room layouts that promote natural ventilation and maximised natural daylight to living areas. The layout also removes the need for air conditioning during a vast majority of the year by controlling thermal loads in both summer and winter design conditions. The report submits that this arrangement is predominantly achieved with high performance glazing, external solar shading devices, suitable ratios of glazing fenestration to facade area and sufficiently sized window/door openings to promote natural ventilation.

Council’s ESD officer has reviewed the proposal and has made a number of recommendations primarily addressing water efficiency aspects.

The incorporation of the measures identified within the SMP together with water sensitive urban design can be adequately resolved via conditions of any approval issued.

Architectural quality

- New development should aspire to the high standards in architecture and urban design.
- Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.

In a broad sense, the design response will provide a well-appointed corner form that is appropriately orientated on the site and provides the opportunity for the desired north-south pedestrian link. The notion of a double height glass box with floating tower above creates distinction between the frontage elements and this strategy is supported.

The overall form presents a roughly L shaped footprint with the northern element stepping down to 5 and 4 storeys with a roof top terrace. This provides a sense of transition to future development to the north. When viewed from the north this intermediate element clad in a darker black frame breaks up the full height appreciation of the elevation.

The building is presented to Hall Street as a sculpted rectilinear form with a double height glazed element at street level and a 5 storey podium above before the sculptured skin recedes to reveal the rising tower above. The overall design aesthetic provides a perforated 'skin' draped over the form and unites the building over the rising elevations. The curved retraction of the skin from podium to tower creates a distinct urban element and the desired iconic form. There is enough variance in external balcony proportions and detailing to ensure the form is read as both unified and as the desired podium and rising tower.

Landscape Architecture

- Recognition should be given to the setting in which buildings are designed and the integrating role of landscape architecture
- Planning authorities should emphasise urban design policies and frameworks for key locations or precincts.

Landscaping has been detailed within the plans prepared by Oculus with various aspects highlighted throughout the overall design as follows;

- A widened footpath to Hall Street which will incorporate new paving and street trees;
- A new pedestrian zone to the east which additionally serves as a shared zone at Aspen Street. This area is proposed to include a mix of paving types and trees, as well as a landscape buffer along the eastern edge of the zone;
- A communal terrace area to the north west of the building at the mezzanine level and a communal terrace area at Level 5. These

areas will comprise a mix of trees and planters, timber decking and custom seating;

- A roof terrace comprising mass planting.

Overall, it is considered that the proposal is well resolved. The communal areas associated with the building are considered to be appropriately integrated, functional and will meet the outdoor demands of the residents. As discussed previously, further conditions will be required to resolve various aspects within the pedestrian link. Subject to these conditions, the proposal will achieve the objectives of this design standard.

With respect to the remainder of relevant State Policy, it is submitted that the proposal accords with Clause 16 (Housing) which encourages increasing the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations. The proposal achieves this objective by providing a high density residential development on a large site that is currently used as a car park within the Moonee Ponds Activity Centre. This Clause also encourages housing diversity and seeks to provide a range of housing types to meet increasingly diverse housing needs. The dwellings proposed will cater to the diverse population and provide additional housing product in a location that is highly accessible.

The proposal will incorporate retail uses on the site, showing consistency with the objectives at Clause 17 (Economic Development) which encourage development which 'meet the communities' needs for retail, entertainment, and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities'. The commercial uses will provide additional facilities for existing residents and workers within the Activity Centre as well as future residents. The proposed development will also provide new housing with direct access to established retail and community facilities.

The proposal also meets the objectives of Clause 18 (Transport), by providing a development accessible by a range of public transport services ensuring a sustainable and responsible development that can capitalise on existing infrastructure which accords with the direction of the SPPF. In addition, the proposed pedestrian link to the east of the site provides safe, convenient and direct pedestrian access and has the potential to be extended through the site to the north with future development.

3.2 Local Planning Policy Framework

The proposal complies with Clause 21.04 (Sustainable Environment) through the use of ecological sustainable design principals as highlighted within the submitted Sustainable Management Plan. In addition, a waste management plan has been initially prepared although it will require further refinement to capture the relocation of the loading bay arrangements. This has been addressed via the inclusion of condition 1f).

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. Under the policy considerations the site is within an area deemed appropriate to accommodate 'High to Substantial Housing Intensification'.

Council's adopted Housing Strategy seeks to encourage housing within the Municipality which not only accommodates population projections, but also addresses a variety of specific housing needs and issues related to affordability, household size, diversity of choice, impact on urban character, environmentally sustainable design and access to services and facilities. The proposal contributes to the objective of housing diversity by providing a mix of dwelling sizes in various configurations which will cater for the increasingly diverse needs of future residents.

The proposed development responds to the strategies of Clause 21.06 (Built Environment). For the reasons articulated throughout this assessment, it is submitted that the proposal represents a contemporary development that is innovative, legible and designed in a manner that responds to the location and context.

Clause 21.07 (Activity Centres) highlights the objective to both strengthen and consolidate the role of the Moonee Ponds Activity Centre as the principal shopping and commercial precinct in the City. In achieving the objective, the policy seeks to ensure that residential development does not detract from the viability of existing commercial activity. It is clear that this proposal will positively contribute to the overarching vision for Moonee Ponds. It continues to expand upon the retail activity of Hall Street and seeks to provide an appropriate level of residential development that can take advantage and strengthen the existing commercial services of the Centre.

Under Clause 21.08 (Economic Development) Moonee Ponds has been highlighted as an 'Employment Node' within the Economic Development Plan. The proposal provides for additional employment opportunities with the provision of two retail tenancies at ground level. The proposal accords with the various objectives embedded within the Clause.

Clause 21.09 (Transport and Access) seeks to reduce environmental impact and improve access to sustainable modes of transport. It also seeks to provide choices for movement of people and goods whilst ensuring these choices provide sustainable outcomes. It is considered that the proposal has struck an appropriate balance with respect to the provision of on-site parking thereby encouraging the use of alternative modes of transport. Matters pertaining to car parking are further addressed in Section 3.3 of this report. Overall, it is submitted that the proposal achieves the objectives of the Clause.

A MUSIC assessment was provided as part of the Sustainable Management Plan which provides for an integrated storm water management strategy thus complying with the objectives of Clause 22.03 Stormwater Management (WSUD). As highlighted previously, conditions 1i) – 1k) will require water efficiency matters to be addressed in line with the comments received by Council's ESD officer.

3.3 Compliance with Clause 52.06 (Car Parking)

Table 2

Use	Required	Proposed
Retail (437m ²)	17	5
Dwellings; 67 x 1 bedroom 95 x 2 bedroom	162	132
Visitors	32	0
Total	211	137

Provision of car spaces

Overall it is considered appropriate to reduce the requirement for on-site car parking to 137 car spaces given the context of the site. The subject site is located with excellent access to alternative means of transport. Moonee Ponds train station is located approximately 170 metres west of the site whilst the Moonee Ponds bus terminal and Tram Routes 59 & 82 are located approximately 220 metres east of the subject site. Additionally, one (1) 'car share' space is located near the Moonee Ponds train station. Car share vehicles can be hired when required, and will provide residents of the proposed apartments an additional transport option. Further, it is anticipated that a large proportion of the customers associated with the retail tenancies will come from people visiting multiple places within the precinct.

The reduction in car parking is supported by both State and Local Planning Policy which seeks to encourage alternative transport use such as walking, public transport and cycling in the planning and design of new developments.

Council's Engineers have reviewed the traffic assessment provided by the applicant and consider that the provision for 137 on-site car spaces is appropriate based on the location of the site to surrounding public transport hubs and the commercial services offered within the Moonee Ponds Activity centre.

Parking Layout

Car parking will be provided both at ground and within two basement levels below. Whilst the spaces and access aisles accord with the relevant requirements, Council's Traffic and Transportation Unit have noted that the columns locations are not in accordance with the standard. This aspect has been addressed via Condition 1c).

Traffic generation

The proposed development is anticipated to generate approximately 37 vehicle movements in any peak hour, including 11 entry and 26 exit movements during the weekday AM peak hour and 19 entry and 18 exit movements during the weekday PM peak hour.

Whilst there has been some debate surrounding traffic generation rates, Council's Traffic and Transportation Unit have ultimately accepted the calculations for Stage 1, however, it is noted that the further review of the generation rates would be required as part of the traffic considerations associated with the Development Plan.

Shared Zone & Aspen Street

Vehicle access to the building will be provided via Aspen Street and through a vehicle/pedestrian 'Shared Zone' as detailed on the drawings. As highlighted previously, Council's Traffic and Transportation Unit have raised a number of matters regarding this zone with pedestrian safety at the forefront of the concerns. Further refinements and detailing of the Shared Zone are addressed via Condition 1b).

Whilst the Unit have agreed in principal to the vehicle/pedestrian access arrangements, further detailing of the shared area will be required as part of any conditions of approval.

With respect to Aspen Street, the Unit have noted the road pavement width is currently insufficient to accommodate two way traffic. Car parking is also noted along the northern side of the street.

In light of the above, Condition 1a) will require the widening of Aspen Street to facilitate two way movements into the proposed building. It should also be noted that further upgrades to Aspen Street, such as kerb flaring at the intersection with Everage Street, may be required as part of future stages.

3.4 Compliance with Clause 52.07 (Loading/Unloading)

Clause 52.07 triggers loading and unloading requirements for the retail component of the development. Initially, the application proposed a loading area within the pedestrian zone which sparked pedestrian safety concerns by Council's Traffic and Transportation Unit.

In response, the permit applicant has submitted informal revised plans that provide for a relocated loading bay within the ground floor level of the building. The loading bay is proposed at a width of 3.9 metres, a length of 6.4 metres and will have a height clearance of 3.05 metres. Whilst these dimensions slightly fall short of the loading bay requirements, Council's Traffic and Transportation Unit are satisfied with the revised arrangements.

3.5 Compliance with Clause 52.34 (Bicycle Facilities)

The development attracts a bicycle parking requirement of 50 spaces, including 33 employee/resident spaces and 17 visitor/shopper spaces. The application proposes a total of 58 spaces which is in excess of the requirements. With respect to the visitor bicycle parking, it is noted that 18 spaces are provided along the eastern side of the pedestrian walkway and will provide an easily accessible bicycle parking option.

Whilst the proposal accords with the requirements, it is considered that in light of the car parking reduction sought further opportunities for bicycle

parking should be provided for the residents. Condition 1h) will therefore require a minimum of 65 bicycle spaces.

3.6 Other Matters

Streetscape Contributions

As a separate matter, Council endorsed the draft Hall Street Streetscape Plan at its Ordinary Meeting held on 17 August 2010.

Implementation of the Hall Street Streetscape Upgrade will be carried out in 5 stages (over an estimated five years) to minimise the impact of construction works on traffic flow and traders. The Hall Street streetscape plan establishes a clear vision for improving Hall Street, based on the framework established in the endorsed Moonee Ponds Activity Centre Structure Plan. The MPAC Structure Plan is committed to ‘facilitating population growth...in attractive medium to high density housing’, and ensuring that ‘...new development interacts with the public realm and provides a positive experience at street level for all users.’ Similarly, a priority of the Hall Street Streetscape Plan is to improve the pedestrian link between the Moonee Ponds railway station and Mt Alexander Road public transport interchange.

The total capital cost is currently estimated at \$1,455,000 (excluding GST)

A condition of any approval issued will require the permit applicant to enter into a Section 173 Agreement with the required contribution essentially based on the formula below:

Total Cost of Proposed Hall Street Works	\$1,455,000
Divided by	
Total Private Frontage to Hall Street (in metres)	737.19m
Equals	\$1,973* per metre of Private Frontage

*This figure would be subject to CPI/BPI and excludes GST.

The site has a frontage to Hall Street in the order of 49.17 metres and would therefore attract a contribution figure in the order of \$97,012. The contribution would be independent to the open space contribution. It is noted that this requirement was placed as a condition of approval for the redevelopment of 19 & 19A and 33-35 Hall Street, Moonee Ponds.

Building projections

As highlighted previously, one of the recommendations of the Wind Assessment is provide a 3 metre wide canopy along the Hall Street frontage. It should be noted that the ground floor of the building is setback 1.8 metres from the Hall Street front boundary and therefore any extent of canopy projection would be generally consistent with the adjoining properties to the immediate east of the development.

The 3 metre canopy projection, in combination with a number of other design modifications, is required to improve the walking comfort for pedestrians.

In light of the above, conditions of approval will require the applicant to enter into a Section 173 Agreement which essentially seeks to is to indemnify Council against any claims arising from the existence of the projection. Further, Council's Property Services Unit has raised no objection to the proposal.

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 Moonee Valley Planning Scheme.

It is considered that the proposal accords with the overarching objectives of the MPAC Structure Plan, State and Local planning policy, achieves an appropriate urban design outcome and positively contributes to the Moonee Ponds skyline and the intended vision as detailed within Council's adopted Development Plan for the site.

Further, the proposed reduction in the car parking requirements is considered acceptable and appropriate having regard to the existing public transport opportunities and commercial services located within close proximity of the site.

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

9.7 Strathmore Children's Centre Redevelopment - Stage 2

File No: FOL/12/1047
Author: Coordinator Kindergarten Services
Directorate: Community Services
Ward: Buckley

Purpose

This report provides background information and seeks approval to relocate Strathmore Heights and Strathmore Community Kindergartens at the end of the 2017 calendar year and to amalgamate these two services into a new kindergarten as part of stage two of the redevelopment of Strathmore Children's Centre in the Loeman Street Precinct.

Executive Summary

- Current local and international research supports an integrated service delivery model. Positive outcomes for families, children and staff are increased as they provide an integrated approach to health and wellbeing.
- Strathmore Heights Kindergarten has been providing kindergarten services to the local community for approximately 50 years. Over the past few years the demand on the centre has declined with utilisation being on average 58%.
- MVCC plays an important role in the delivery of kindergarten within the municipality. MVCC provides 63% of all four year old sessional kindergarten places. Of the three providers in the Strathmore/Strathmore Heights area two are Council run.
- The current Strathmore Heights Kindergarten building is nearing the end of its usable life and would need considerable and costly maintenance works to continue operating in the near future.
- The Strathmore area was identified as a prime location to develop an integrated facility. The Loeman Street precinct is a significant destination for locals with a range of leisure activities and community support services for residents.
- Stage one of the Strathmore Children's Centre redevelopment increased childcare places from 35 to 76 and consolidated two stand-alone Maternal & Child Health centres into the one facility. Planning of the redevelopment was designed to include a 66 place double unit sessional kindergarten and family room as stage two of the development.

Recommendation

That Council:

1. Relocate the Strathmore Community Kindergarten program at the end of the 2017 calendar year from its current location.

2. Relocate the Strathmore Heights Kindergarten program at the end of the 2017 calendar year from its current location.
3. Amalgamate Strathmore Community and Strathmore Heights Kindergartens into the one facility as part of stage two of the Strathmore Children's Centre Redevelopment at 1-5 Term Street, Strathmore. Operation of this service to commence in January 2018.

Background

MVCC plays an important role in the delivery of four year old Kindergarten within the municipality. There are currently 1,057 available four year old places with MVCC providing 668 of these. This represents 63% of the available places. There are currently three Kindergartens servicing the Strathmore/Strathmore Heights area. Two of these are Council run with the third, St Aidans being community based. Strathmore Heights is the only Kindergarten located north of the Freeway in the Strathmore/Strathmore Heights area. The Strathmore Heights Kindergarten building is nearing the end of its life and would require significant investment to continue operating kindergarten programs from this building.

Discussion

In 2011 Strathmore was identified as a prime location for an integrated facility, and in December 2012 stage one of the redeveloped Strathmore Children's Centre was opened in Max Johnston Reserve located in Loeman Street, Strathmore. The redeveloped facility currently provides child care and integrated kindergarten to around 160 families and Maternal & Child Health Services to around 600 families. Max Johnston Reserve is also the current location for Strathmore Community Kindergarten which shares a separate building with Strathmore Theatre Arts Group.

The community precinct in Loeman Street is a significant destination for locals. The precinct currently provides both formal and informal leisure activities and community support services for residents. These include tennis and lawn bowls facilities, a theatre group, kindergarten, Maternal & Child Health Services, childcare and a community park and playground. Over recent years Council, in partnership with a stakeholder reference group, has developed a strategic plan for improving the precinct to ensure it meets the needs of the community now and into the future. These plans were finalised in 2013 following community consultation. Plans for the precinct aim to increase community capacity and include two reconfigured bowling greens, two additional tennis courts, provision of open space, provision of additional car parking, and a new kindergarten as stage two of the Strathmore Children's Centre redevelopment.

Stage one of the children's centre redevelopment increased the child care places from 35 to 76. Stage one also included the relocation of two Maternal & Child Health centres to this site. Council allocated \$1.2 million in the 2010/11 budget with a further \$500,000 received from the Department of Education and Early Childhood Development (DEECD) towards the stage one redevelopment.

The planning of stage one was designed to include a co-located 66 place sessional kindergarten as stage two of this project. A family room for parent groups and meetings is also part of the stage two works. This will expand the integrated services currently available at the centre. The kindergarten is to be located on the former

VicRoads depot site at 1-5 Term Street Strathmore. This site is adjacent to the redeveloped children's centre. The kindergarten will be a dual unit kindergarten with two rooms both with a capacity of 33 children.

With the opening of the new kindergarten, Strathmore Heights and Strathmore Community Kindergarten programs in their current locations will be in excess to Councils kindergarten delivery needs in the Strathmore area. These programs would be moved to the new facility at the beginning of the 2018 kindergarten year.

Strathmore Heights Kindergarten has been providing kindergarten for approximately 50 years. The kindergarten was originally incorporated in 1966 and included a parent committee of management. With Council now managing the kindergarten it has been de-incorporated and the parent committee is now a Parents and Friends Group. The current function of this involved group is to assist in raising funds for additional educational resources, providing some feedback on operations and coordinating social functions for the families.

The Strathmore Community Kindergarten was established in the 1970s in a redeveloped community hall. Whilst the building is structurally sound, it is unable to meet current children's services requirements. The cost of the extensive renovations that would be required to remedy this would not provide a practical return to Council. In addition, the current facility is shared with a community based theatre group and as identified in the Loeman Street precinct plan in 2013, is better placed for broader community use.

Operationally both kindergartens have the capacity for two four year old groups and one three year old group. In the Strathmore Heights program utilisation has been consistently low over the past three years. Of the current available 56 four year old places only 32 places are filled. This represents 57% utilisation for the four year old program.

The below table represents both the total utilisation as well as the number of local residents utilising the Strathmore Heights Kindergarten over the past three years. The table indicates that the number of local residents (Strathmore/Strathmore Heights) utilising the service has been decreasing over the past three years. The table also indicates that for the past three years there has not been the demand to operate two four year old groups.

Table 1: Strathmore Heights Utilisation

Year	Available 4 year old places	Places Filled	Utilisation %	Number of local families	Local Family percentage
2015	56	32	57%	20	62.5%
2014	56	28	50%	18	64%
2013	56	38	67%	26	68%

Table 2: Utilisation of other MVCC sessional kindergartens

Kindergarten	Available 4 year old places	Places Filled	Utilisation %
Airport West	56	49	87.5
Avondale Heights	84	72	85.7
Beaver Street	56	46	82.1
Coronation	56	55	98.2
Keilor East	56	56	100
Lincolnville	28	24	85.7
Milleara Gardens	56	50	89.2
Montgomery Park	56	52	92.8
North Essendon	56	51	91
Strathmore Community	56	49	87.5

Current research figures indicate that the population projection of four year olds in the Strathmore Heights precinct is expected to decrease by 7% between 2015 and 2030. It is the only precinct in the municipality that is projected to have a decrease in the number of four year olds. Currently the number of Council kindergarten places is approximately equal to the number of four year olds residing in the Strathmore Heights area. Utilisation is low due to another provider in the same area. By 2030 it is estimated that there will be a surplus of 19 Council places in this precinct based on current operational models. This surplus would increase to 31 places if the two existing facilities in the precinct were used to their maximum potential.

While utilisation is low there is a strong community and family connection to Strathmore Heights Kindergarten. Residents have been vocal around saving the kindergarten and are keen to see the kindergarten stay. Currently it is seen as having a positive impact on community connectedness, knowing their neighbours and assisting with positive physical and mental health.

Within the consultation held, and feedback received to date, the issue of walking to kindergarten vs driving has been raised. The issue relates not only to residential proximity to the kindergarten but the health and wellbeing of children. Some families are concerned that as they would no longer be able to walk their child to kindergarten this would have a negative impact on their child's health.

The programs offered in all Council Kindergartens meet the National Quality Framework which includes providing physical activities for all children that are both planned and spontaneous and are appropriate for each child. All children's health and wellbeing needs including physical, rest and relaxation are programmed for daily.

These programs provide wide opportunity for children to be active and mobile throughout each day contributing to each child's health and wellbeing.

There are currently some playgroups operating at nearby Boeing reserve. There is scope for additional playgroups to be run from this facility. As the importance of

connection to neighbours and community is important providing additional playgroups from the Boeing Reserve site would assist in achieving this connectedness and community feel.

Integrated Services for young children and their families

Integrating services refers to the process of building connections between services of different types to create a system that is more comprehensive and cohesive, as well as services being more accessible and more responsive to the needs of clients.

During recent years, families have become more diverse. Family circumstances have changed significantly in the ways in which families are raising their children and parenting young children has become a more complex and more stressful task for many families. There is also an increase in families with complex problems. These changes have also made it more difficult for traditional early childhood and family support services to meet the needs of all families promptly and effectively.

Traditionally the difficulties take many forms:

- Services have difficulty providing cohesive support to all eligible families.
- Services have difficulty tailoring their services to meet families' diverse needs and circumstances.
- Families have difficulty finding out about and accessing the services they need.
- Services are funded on the basis of outputs rather than outcomes.
- Services are typically treatment rather than prevention or promotion-focused, and cannot respond promptly to emerging needs.
- The service system does not maintain continuous contact with families of young children during the early years.

As a result of these issues, governments and service providers across Australia and the developed world have decided that early childhood and family support service systems need to be configured as a more effective support to young children and their families.

At the **service delivery level**, degrees of collaboration range from co-existence (services operating independently) to full integration (services amalgamating to form a new entity).

The development of Moonee Valley City Council Integrated Hub Centres has focused on building new premises for co-located maternal child health and child and family services. Integrating services has ensured they are more accessible to families and more responsive to child and family needs.

Benefits of Integrated Children's Services in Moonee Valley for families have been:

- Families have increased access to information.
- Increased collaboration between service areas of council's Family & Children's Services – promoting joint planning and service delivery.
- Fewer families who are socially isolated or who are not making use of appropriate child and family support services.

- Problems with parenting and family functioning has been recognised earlier, and appropriate support has been provided more promptly. This moves towards a more preventative focus rather than a treatment focus.
- Families receive help that addresses all aspects of their needs in a cohesive and family holistic approach.

Benefits of Integrated Children's Services in Moonee Valley for staff have been:

- Cohesive multi-disciplinary staff teams, thereby reducing physical and social isolation experienced at standalone centres.
- A shared philosophy and working practices across the range of services.
- Professional advice and collaboration in order to seek best outcomes for families, providing a responsive and flexible approach to community needs.
- Appropriate accommodation buildings and resources.
- A strategy for monitoring and evaluating services and identifying on going challenges.
- Allows staff to become experts in their local community and to have the flexibility and autonomy to address these needs, this leads to increased staff satisfaction and being able to provide a more holistic and individualised service to families.

Amalgamating Strathmore Heights and Strathmore Community Kindergartens with the existing services at Strathmore Children's Centre will further strengthen Council's commitment to providing an integrated approach to working with families from birth through to school age to improve health and wellbeing outcomes.

Cost of keeping Strathmore Heights

The current Strathmore Heights Kindergarten building is nearing the end of its usable life. The building does not currently meet the required DDA compliance and does contain asbestos as part of the building materials. While the asbestos is in good repair and currently poses no health risks it would have an impact on the completion of future upgrade works. Overall the current building would need to be demolished and rebuilt.

Initial estimates to replace the building are in the vicinity of \$1.8M. This amount is comparative with building a new double unit kindergarten. This estimate has been made without any detailed drawings or site investigation. It is also estimated that the build time for the new building would be between 12 to 18 months. The program at Strathmore Heights would need to be relocated for this period of time.

In the 2011 infrastructure plan Strathmore Heights was rated as the worst kindergarten for condition and was rated fifth worst for function. Strathmore Community Kindergarten was rated third worst for condition and fourth worst for function. Given the condition and function scores of these two kindergartens, combining them into one modern purpose built kindergarten would have long term economic savings for Council. Long range maintenance costs would be reduced while providing increased integrated services for children and families.

The relocation of the existing Strathmore Heights kindergarten program to the Loeman Street precinct redevelopment may free up this site for disposal, which could offset the capital expenditure of the new kindergarten facility.

Consultation

Consultation around the development of a new kindergarten was undertaken with a broad range of users. Council wrote to the then current preschool users in the Strathmore/ Strathmore Heights precinct in 2012 and a public meeting was held with these families in November 2012.

In March 2013 Council wrote to all residents in the Strathmore/Strathmore Heights precinct and sought feedback on this issue via a survey (approximately 3,000 surveys were sent out) and 212 were returned. The Strathmore Heights Reference group was formed from expressions of interest sought, as part of this survey.

The Reference Group is made up of Strathmore/Strathmore Heights Kindergarten families and staff, as well as other stakeholders and members of the public – business owners and other residents. The terms of reference were developed for the group on 6 August 2013. Reference group meetings were held throughout 2013.

A petition against the closure of Strathmore Heights Kindergarten was tabled at the Council Meeting on 23 July 2013 which contained 205 signatures. The petition was referred for consideration.

A public meeting was held on 26 February 2015 to discuss the proposed planning scheme amendment (Amendment C150) related to a restrictive covenant on the land, so that the kindergarten can be built. Feedback or objections to the proposal were due to Council by 5pm on Friday 13 March 2015. No objections were received.

Implications

1. Legislative

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

2. Council Plan / Policy

The development of a double unit kindergarten on the Term Street site and the closure of Strathmore Heights and Strathmore Community Kindergartens links strongly with Council Plan. In particular achieving Theme 1 *“Friendly and Safe, A community where people feel connected and safe”* Strategic Objective 4 *“Deliver high quality contemporary community services that are good value for money”*.

The development of the Term Street site will help deliver the Moonee Valley Early Years Plan 2014-22. In particular Theme 3 Partnerships, Strategic objective 2 *“Co-ordinate and align services and facilities that encourage an integrated and responsive approach”*.

3. Financial

Budget to undertake building works for the double unit kindergarten on the Term Street site has been allocated for the 16/17 budget. The amount allocated is \$3.5 million. Building works will be completed in 2017 to allow for the opening of the new Kindergarten at the beginning of the 2018 kindergarten year. The

budget also allows for upgrade works to be undertaken on the outside play areas.

4. Environmental

The closure of Strathmore Heights and Strathmore Community Kindergartens will have limited to no impact on the environment. The proposed new kindergarten will provide a modern building that includes design for reduced energy usage, improved water conservation, reduce waste generation and improvements to biodiversity through extensive planting in the new outdoor spaces.

Conclusion

The consolidation of Strathmore Heights and Strathmore Community Kindergartens as part of the Strathmore Children's' Centre redevelopment will provide increased integrated services for families in a modern facility. The infrastructure of the current kindergartens needs considerable ongoing costly maintenance, consolidation of the two kindergartens will provide improved financial benefits for Council. This project is in line with Councils strategic direction to deliver high quality contemporary community services that are good value for money.

**9.8 Draft Essendon Junction Activity Centre Structure Plan -
Endorsement for Community Consultation**

File No: FOL/11/788
Author: Senior Strategic Planner
Directorate: City Works & Development
Ward: Buckley

Purpose

This report relates to the Draft Structure Plan prepared for the Essendon Junction Activity Centre and recommends that Council consult with the community on the Draft Structure Plan. This report also recommends that Council endorse the revised *Essendon Junction Grade Separation Feasibility Study Report Stage 1 and 2*, which has been updated during the preparation of the Draft Structure Plan.

Executive Summary

- Essendon Junction is designated as a Neighbourhood Activity Centre in Clause 21.07-5 of the Moonee Valley Planning Scheme.
- Essendon Junction is also designated as an Urban Renewal Area under the State Government's Planning Strategy *Plan Melbourne*.
- A draft Structure Plan has been prepared to provide Council, landowners and the community with a vision and direction for the future development and public infrastructure improvements within the centre over the next 20 years.
- The draft Structure Plan also recommends a number of short, medium and long-term projects to be completed over the next 20 years.
- The intersection of the Craigieburn Railway Line and Buckley Street is one of the State Government's top 50 priority level crossings for grade separation.
- The Draft Structure Plan aligns with Council's preferred option of a rail under road grade separation.
- The Draft Structure Plan is at a stage where consultation is needed to ensure that community and other stakeholder feedback is incorporated into the plan.

Recommendation

That Council:

1. Endorse the *Draft Essendon Junction Activity Centre Structure Plan*, circulated separately as **Appendix A**, for community consultation. Images/artist impressions to be finalised and inserted into the document by Council Officers following endorsement.

2. Endorse the revised *Essendon Junction Grade Separation Feasibility Study Report Stage 1 and 2*, circulated separately as **Appendix B**, for advocacy purposes.
3. Provide a copy of the revised *Essendon Junction Grade Separation Feasibility Study Report Stage 1 and 2* to The Honourable Daniel Andrews - Premier of Victoria, The Honourable Jacinta Allan - Minister for Public Transport, The Honourable Luke Donnellan – Minister for Roads and Road Safety, Mr Danny Pearson – Member for Essendon, Mr Ben Carroll – Member for Niddrie and the Chief Executive of the Level Crossings Removal Authority.

Background

Neighbourhood Activity Centres and Urban Renewal Areas, such as Essendon Junction, are expected to accommodate an appropriate level of residential and commercial growth considering their access to services and public transport. This is part of both the State Government's and Council's overall plan to have a well-connected network of Activity Centres which are a focus for high-quality development, activity and living for the whole community.

A Structure Plan provides Council, landowners and the community with a vision and direction for the future development of the respective activity centre over the next 20 years. It is used in considering planning applications for new development and improvements to roads, footpaths, community facilities and services and open space in the respective activity centre. It guides changes to land use, building types, accessibility and public spaces and ensure long term sustainability and improvements to the centre.

A Structure Plan ensures that future development meets the needs of local residents and businesses, and provides a sustainable future for the centre.

The preparation of the Draft Essendon Junction Activity Centre Structure Plan involved several years of strategic planning work, stakeholder consultation and further investigation into the potential grade separation of the Craigieburn Railway Line and Buckley Street.

The following provides a brief overview of the work done to date:

2011

Council commenced the Structure Plan process for the Essendon Junction Activity Centre and engaged urban design consultants Hansen, transport consultants Cardno, and economic consultants Essential Economics to undertake analysis to inform the eventual background report. An external working group was also formed at the commencement of the project, comprising of residents and traders. Their feedback helped identify many of the issues and opportunities contained in the background report.

2012

At its Ordinary Meeting on 21 August, 2012, Council endorsed the Essendon Junction Structure Plan Background Report for the purposes of community consultation, which occurred for a period of 6 weeks in October-November 2012.

This consultation period included:

- Community/Stakeholder bulletin mailed to all occupiers, traders and landowners within and around the study area.
- Community drop in sessions at the Ukrainian Club Hall in Russell Street.
- A series of interactive 'Enquiry by Design' workshops targeting key stakeholders, community groups and the broader community.

Approximately 52 residents and stakeholders attended the various consultation activities and a total of 17 written submissions were received. The community feedback received through this consultation has been used to guide the development of the draft Structure Plan for the centre.

2013

A significant issue raised during the above consultation was the need for a grade separation of the Craigieburn Railway Line and Buckley Street, including support for a rail under option.

During the community consultation in late 2012, VicTrack had recently completed an engineering feasibility assessment of various grade separation options for the Buckley Street level crossing at that time, which identified a preferred option of road under rail. This position conflicted with community feedback and raised significant concerns with Council officers regarding negative urban design, economic and amenity impacts. Given this, it was decided to put the structure plan process on hold to analyse the grade separation issue in more detail.

At its 28 May 2013 Ordinary Meeting, Council resolved to commence a feasibility analysis of rail under grade separation options to inform the preparation of the draft Structure Plan for the Essendon Junction Activity Centre.

Council subsequently engaged GHD Pty Ltd in September 2013 to prepare this study, deferring the preparation of the Structure Plan until its completion.

2014

The *Essendon Junction Grade Separation Feasibility Study Report Stage 1 and 2* was completed in May 2014. At its 27 May 2014 Ordinary Meeting, Council endorsed the study and resolved to continue with the structure planning process based on the principles outlined in the study.

Due to the delays in the process, Council engaged Hansen Partnership, Cardno and Essential Economics to update their reports according to the grade separation study, Plan Melbourne, the Residential Zones Reform and current data. A progress update on the structure plan process was discussed at the August 2014 Councillor Workshop.

A further workshop was then held with the external working group in December 2014, in addition to workshops with an internal working group (Council officers) and a Project Management Group (representatives from key state agencies) in November 2014. The principles of the draft plan were discussed at the December 2014 Councillor Workshop. The feedback from these targeted consultations helped inform a first version of the draft structure plan.

It is important to note that during the November workshop with the Project Management Group, it was raised that Council's grade separation study may not

comply with Public Transport Victoria's (PTV) operational requirements. PTV then provided Council with a list of those operational requirements which to respond to. GHD Pty Ltd were subsequently engaged to revise the grade separation study to align with the relevant operational requirements, as specified by PTV.

2015

In early 2015 the draft structure plan was further refined, including the preparation of 3D modelling for visual and analysis purposes.

Additional workshops presenting the draft structure plan were held with all working groups in January/February 2015, followed by another progress update at the February Councillor Workshop. Also, at the request of the External Working Group, another workshop was held with them in March 2015 to discuss issues raised at the February workshop. The Enquiry by Design Summary is attached to this report at **Appendix C** (separately circulated).

Discussion

The vision for the Essendon Junction Activity Centre is

Essendon Junction will be a great place to live and work a vibrant destination to visit, with attractive streetscapes and a seamless transport interchange.

The Junction will be the cultural and entertainment heart of Essendon, offering an integrated network of streets with innovative developments complementing the existing heritage.

The Plan provides Council, landowners and the community with a vision and direction for the future development and public infrastructure improvements within the centre over the next 20 years. See Appendix A (separately circulated) for details of the draft Structure Plan. The draft Structure Plan has been developed based on the following principles, which were developed in consultation with Council's External Working Group, as well as from consultation on the Background Report in 2012/13:

Structure	<ul style="list-style-type: none">• Recognise and respect the role of the Essendon Neighbourhood Activity Centre within the broader activity centre hierarchy of Moonee Valley.• Ensure unity between different parts of the centre and improve links between fragmented commercial precincts.
Uses	<ul style="list-style-type: none">• Provide a broader range of destination activities and attractions to encourage people to come and spend money in the centre.
Development	<ul style="list-style-type: none">• Celebrate the village feel of Essendon, acknowledging the need for higher development on the VicTrack land and in Napier Street.• Protect important heritage assets.• Determine areas for substantial change and residential

	<p>neighbourhoods for modest change.</p> <ul style="list-style-type: none"> • Ensure high quality architecture and development outcomes throughout the centre.
Facilities	<ul style="list-style-type: none"> • Develop and advance a central focal point for the centre - a meeting place, town square or pedestrian plaza. • Consider rationalisation/improvement of the station precinct and Russell Street. • Take advantage of the benefits provided by local institutions and schools whilst carefully managing their future growth/expansion. • Transform the station precinct into a seamless transport modal interchange.
Movement	<ul style="list-style-type: none"> • Overcome the barriers to movement within the centre and improve accessibility. • Encourage a more active street life and improve surveillance/safety. • Provide better cycling and walking links across the centre including the use of pedestrian plazas and pedestrian priority areas.
Traffic	<ul style="list-style-type: none"> • Overcome the impacts of through traffic and improve accessibility. • Address the conflict between the commuter car parking on the VicTrack land and demand for commuter parking on residential streets.
Amenity	<ul style="list-style-type: none"> • Green the area and undertake streetscape improvements.
ESD	<ul style="list-style-type: none"> • Ensure environmentally-sustainable design throughout the centre.

The draft Structure Plan also recommends a number of short, medium and long-term projects to be completed over the life of the plan, which cover the relevant infrastructure, advocacy and strategic policy needed for the centre.

The outline of the draft structure plan ensures that the document can be easily read and understood by the community, and is structured as follows:

- **Section 1 – Introduction** states why a structure plan is needed, as well as what a structure plan is.
- **Section 2 – Context** includes the locational context of the activity centre, key characteristics of the centre, demographics and other relevant statistics which help inform the recommendations of the plan.
- **Section 3 – History** outlines the background of the area, including significant historical events in the region which impacted on the development of the centre.

- **Section 4 – Vision** specifies an overall vision for the centre which the initiatives within the plan aim to achieve.
- **Section 5 – Principles** includes the principles which were developed with the external working group and other stakeholders during consultation on the Background Report in 2012/13. These have guided the development of the structure plan.
- **Section 6 – Centre Wide Provisions** details the objectives for the centre as a whole, as well as strategies to achieve those objectives. These apply to more than one precinct.
- **Section 7 – Precinct Provisions** describes each precinct in detail as well as the vision and initiatives relevant to the precinct.
- **Section 8 – Implementation Plan** includes a detailed table of all the actions required of Council to complete in order to achieve the vision for the centre, including responsibilities, timeframes and each actions relation to other relevant Council strategies.

In order to demonstrate compliance with recently raised PTV operational requirements, the *Essendon Junction Grade Separation Feasibility Study Report Stage 1 and 2* has been revised to incorporate a new Addendum – Option 4, which describes compliance with each requirement and includes revised drawings to show the new option. Some of the more significant changes include an increase in platform lengths from 160 metres to 230 metres and the provision of straight platforms.

In terms of the draft structure plan, the content of the Grade Separation Study has been incorporated into the document through centre-wide strategy 10a as well as a dedicated description of the potential rail grade separation within Section 6 – Centre Wide Provisions. The draft structure plan has been developed to highlight the potential opportunities that arise from the preferred rail under grade separation, but does not rely on this option nor preclude other grade separation options from occurring.

Consultation

As has been explained earlier in this report, ongoing consultation has been a key focus in the development of the Draft Essendon Junction Activity Centre Structure Plan, including the following:

- Targeted consultation with selected traders and residents throughout the process via the External Working Group.
- Community consultation on the Background Report in late 2012 – early 2013.
- Targeted consultation with all relevant departments of Council via the Internal Working Group.
- Targeted consultation with key State Government Agencies via the Project Management Group.

Extensive community consultation is proposed for the draft structure plan in June/July 2015. This is proposed to include (as a minimum):

- Information posted to all stakeholders, including residents, businesses, community groups, schools, trader groups and Government Agencies.
- Adverts in local newspapers and Council publications.
- Interactive information on Council's website and social media accounts.
- Information made available at all Council facilities.
- Targeted consultation for key stakeholders, such as trader groups and schools.
- A community forum.
- An open day/shopfront (information display with Council officers to answer questions).

It must also be mentioned that concurrent to the consultation of the draft structure plan, Council officers would continue to advocate to the relevant State Government Agencies for the preferred rail under grade separation option to occur.

Implications

1. Legislative

There are no legislative or human rights implications associated with this report.

2. Council Plan / Policy

The recommendations contained within this report accord with Strategic Objective 1 of the 2013-17 Council Plan, which is to *"Ensure there is clear direction for growth and proactive management of development in the city."*

3. Financial

Funding for the proposed consultation and advocacy work are accommodated for in the Strategic Planning and Transport Unit's budget for these projects.

4. Environmental

The recommendations contained in this report will not result in any adverse environmental impacts.

Conclusion

It is considered that the *Draft Essendon Junction Activity Centre Structure Plan* and revised *Essendon Junction Grade Separation Feasibility Study Report Stage 1 and 2* provide a coordinated vision for the Essendon Junction Activity Centre. The consultation undertaken so far has helped form a draft structure plan which balances State Government policy, other relevant Council strategies and initiatives, and the views of the working groups. It is a clear and realistic plan, which seeks to focus on implementable actions that are likely to be completed within the life of the plan (20 years).

Further community consultation will assist in better refining the plan according to the recommendations and views of the community and other key stakeholders.

9.9 Planning Scheme Amendment C151 - Updates to the LSIO and SBO

File No: FOL/15/182
Author: Strategic Planner
Directorate: City Works & Development
Ward: Municipal

Purpose

To seek authorisation from the Minister for Planning, to prepare and exhibit Amendment C151, which proposes to update the Land Subject to Inundation Overlay and Special Building Overlay as requested by Melbourne Water.

Executive Summary

- Melbourne Water have requested that Council undertake a planning scheme amendment to update the Land Subject to Inundation Overlay (LSIO) and Special Building Overlay (SBO).
- The LSIO and SBO are Victoria Planning Provisions (VPPs), which aim to ensure land subject to flooding and overland flow is developed in a way that minimises the risk of damage to properties.
- Melbourne Water have developed advanced methods of mapping and modelling to determine land susceptible to flooding.
- The update of the existing LSIO and SBO boundaries will ensure that drainage issues are accurately identified at an early stage in the development process through the Moonee Valley Planning Scheme.
- This report provides the necessary justification to formally request the Minister for Planning for authorisation to update the planning scheme maps for the LSIO and SBO.
- A copy of the explanatory report is included as **Appendix A**.
- A copy of the updated LSIO planning scheme maps have been included as **Appendix B** – (separately circulated). A copy of the updated SBO planning scheme maps have been included as **Appendix C** – (separately circulated).

Recommendation

That Council:

1. Seek authorisation from the Minister for Planning to prepare Moonee Valley Planning Scheme Amendment C151 which amends the planning scheme maps to update the boundaries of the LSIO and SBO.

2. Subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C151 in accordance with Section 19 of the *Planning and Environment Act 1987*.
3. Refer submissions received to an independent Panel in accordance with Section 23(1)(b) of the *Planning and Environment Act 1987*, if submissions are received which request to change the amendment and they are not resolved.
4. Work with Melbourne Water to ensure their flood mapping is updated following the completion of the Aberfeldie Main Drain Project and commence a planning scheme amendment to implement any flood mapping changes.

Background

Floods in Victoria are usually caused by heavy or prolonged rainfall, which can result in either 'mainstream flooding' or 'stormwater flooding'. These two types of flooding are the basis of the flood zone and overlays in the planning scheme.

Special Building Overlay

During severe storms in urban areas, land can be affected by overland flows. These occur when the rainfall runoff exceeds the capacity of the piped drainage system and no provision has been made for overland flows. This is called stormwater flooding. The Special Building Overlay (SBO) identifies areas affected by stormwater flooding in planning schemes.

Land Subject to Inundation Overlay

Heavy rainfall produces surface runoff which flows into streams and rivers. When there is a large amount of runoff, water overflows the river banks onto adjacent low lying land, causing flooding. This is called mainstream flooding. The Land Subject to Inundation Overlay (LSIO) identifies areas affected by mainstream flooding in the planning scheme.

The boundaries of these overlays is determined by Melbourne Water and are both based on the extent of flooding that would result from a 1 in 100 year storm event.

The provisions of the SBO and LSIO require that particular development and works require a planning permit and consent from Melbourne Water to ensure that new development is protected from flooding and does not cause a significant rise in flood levels or flow velocities which may adversely affect other properties.

Discussion

Melbourne Water has approached Moonee Valley City Council to undertake a Planning Scheme Amendment to update the current LSIO and SBO boundaries.

Melbourne Water has developed more advanced methods of mapping and modelling to determine land susceptible to flooding and overland flow.

Amendment C151

As a result of this new mapping and modelling, a planning scheme amendment is required to update the planning scheme maps within the Moonee Valley Planning Scheme.

A copy of the updated LSIO planning scheme maps has been included in **Appendix B** – (separately circulated). A copy of the updated SBO planning scheme maps has been included in **Appendix C** – (separately circulated).

These updates have resulted in properties:

- removed from one of the overlays;
- included in one of the overlays;
- having a boundary change to one of the overlay boundaries; or
- a partial removal or addition.

The number of properties and how they are affected by the amendment are included below in Table 1.

Table 1: Properties affected by Amendment C151

Change	LSIO – Properties affected	SBO – Properties affected
New addition	54	284
Full removal	152	313
Addition to existing	95	352
Partial removal	42	307
Overlay boundary change	82	282
Total	425	1538

Importantly, Amendment C151 does not propose to alter the existing planning permit requirements in the Moonee Valley Planning Scheme for the LSIO and SBO. Further, pursuant to Section 55 of the *Planning and Environment Act 1987*, Council will continue to consider the requirements of Melbourne Water for proposed development of land in a LSIO and SBO.

Aberfeldie Main Drain Upgrade

There are some properties that will be affected by both the Aberfeldie Main Drain upgrade and Amendment C151. These properties will be well informed through both processes and how this will affect them.

Melbourne Water has allocated funds towards the upgrade of the Aberfeldie Main Drain, with construction of a new duplicate Melbourne Water Main Drain at an estimated cost of \$24 million.

Melbourne Water has identified a preferred route for the Aberfeldie Main Drain. This involves the construction of approximately 1.5km of new Melbourne Water Main Drain from Forrester Street south through the Aberfeldie Catchment to the Maribyrnong River at the existing outfall.

The completion of the Aberfeldie Main Drain upgrade will result in the reduction of the SBO in some locations along the Aberfeldie Catchment in the future. This is not dealt with as part of this amendment.

Melbourne Water will undertake a separate planning scheme amendment once the Aberfeldie Main Drain upgrade is complete to update the SBO boundaries. This will only result in the SBO being reduced in some locations. As any future amendment

following the completion of the Aberfeldie Main Drain upgrade will only be removing properties, Melbourne Water will request that the amendment not require an exhibition period. Residents will be advised once the SBO has been removed or reduced from their property.

Council will send a letter to Melbourne Water to ensure that this future amendment is undertaken following the completion of the Aberfeldie Main Drain upgrade. It is acknowledged that it is in Melbourne Water's best interest to undertake the amendment to remove these properties. Melbourne Water is a referral authority under Clause 44.05-5 of the Special Building Overlay where any application must be referred to Melbourne Water (relevant floodplains management authority). Undertaking an amendment to update the SBO will ensure that Melbourne Water only receives applications that have a potential flooding impact.

Consultation

There is recommended to be widespread consultation with the community, including direct notification to those proposed to be affected by the mapping updates to the LSIO and SBO. Where any property is affected by a change to the LSIO and SBO, those landowners affected will be directly notified as part of the exhibition process.

Key aspects of the community consultation program include:

- Exhibition period of approximately five weeks;
- Letters to all landowners proposed to be affected by a change in the LSIO and SBO;
- Question and Answer sheet will be distributed with letters;
- Notices in local papers;
- Information displayed in the Civic Centre and local libraries;
- Information sessions; and
- Information on the Council, Melbourne Water and the Department of Environment, Land, Water and Planning websites.

Melbourne Water will be available through the exhibition period to answer technical questions that residents may have, and to meet with residents to discuss concerns that they may have.

Implications

1. Legislative

Planning Scheme Amendment C151 is consistent with Ministerial Direction of the form and content of a planning scheme under Section 7(5) of the *Planning and Environment Act 1987*. The preparation of the Amendment is also in accordance with Section 4 of the *Planning and Environment Act 1987*.

2. Council Plan / Policy

The recommendations contained within this report accord with Strategic Objective 3.1 to '*Ensure there is clear direction for growth and proactive management of development in the city.*'

3. Financial

There are no relevant financial considerations to this report. The cost of the preparation of the Amendment will be borne by Melbourne Water as they have requested the Amendment.

4. Environmental

The proposed Amendment is expected to deliver positive environmental outcomes through providing updated and accurate overlays to consider and respond to potential flooding issues and require consent for works from Melbourne Water.

Conclusion

Amendment C151 seeks to update the LSIO and SBO boundaries within the Moonee Valley Planning Scheme through the planning scheme maps.

Consultation will be undertaken for the proposed updates to the LSIO and SBO to ensure all landowners are aware of the proposed updates and provided with an opportunity to provide input into the process.

APPENDIX A

Planning and Environment Act 1987

MOONEE VALLEY PLANNING SCHEME AMENDMENT C151 EXPLANATORY REPORT

Who is the planning authority?

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

The Amendment has been made at the request of Melbourne Water.

Land affected by the Amendment

The Amendment applies to:

Change	LSIO – Properties affected	SBO – Properties affected
New addition	54	284
Full removal	152	313
Addition to existing	95	352
Partial removal	42	307
Boundary change	82	282
Total	425	1538

Areas affected by this Amendment are shown on the attached maps which form part of this amendment.

What the amendment does

The Amendment proposes to update the boundaries of the Land Subject Inundation Overlay (LSIO) and Special Building Overlay (SBO) in the Moonee Valley Planning Scheme.

The Amendment proposes to:

- Delete and add Planning Scheme maps 2SBO, 5SBO, 6SBO, 7SBO, 8SBO, 10SBO, 11SBO, 12SBO, 14SBO, 15SBO, 2LSIO, 3LSIO, 4LSIO, 5LSIO, 6LSIO, 8LSIO, 9LSIO, 10LSIO, 11LSIO, 12LSIO, 13LSIO, 14LSIO, 16LSIO to apply the updated Land Subject to Inundation and Special Building Overlays.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to update the existing boundaries of the SBO and the LSIO in the Moonee Valley Planning Scheme.

The SBO and LSIO are Victoria Planning Provisions (VPPs), which affect certain properties throughout Victoria and aim to ensure that land subject to flooding and overland flow is developed in a way that minimises the risk of damage to properties.

The boundaries of the overlays, as illustrated in the Planning Scheme, are determined by Melbourne Water and were first identified with the introduction of the new format Moonee Valley Planning Scheme in 1999.

The provisions of the SBO and LSIO require that particular development and works require a planning permit and consent from Melbourne Water (relevant floodplain management authority) to ensure that new development is protected from flooding and does not cause any significant rise in flood levels or flow velocities, which may adversely affect other properties.

Importantly, the amendment **does not** propose to alter the existing planning permit requirements in the Moonee Valley City Council Planning Scheme for the SBO or LSIO. Further, pursuant to Section 55 of the *Planning and Environment Act 1987*, Council will continue to consider the requirements of Melbourne Water for proposed development of land included in a SBO or LSIO.

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

Section 4 of the *Planning and Environment Act 1987* incorporates the following relevant objectives:

“to establish a system of planning schemes based on municipal districts to be the principal way of setting out objectives, policies and controls for the use, development and protection of land;” (Section 4(2)(b))

“to enable land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;” (Section 4(2)(c))

“to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;” (Section 4(2)(d))

“to facilitate development which achieves the objectives of planning in Victoria and planning objectives set up in planning schemes;” (Section 4(2)(e))

The proposed amendment will positively implement the objectives of planning in Victoria by providing for accurate planning overlay controls that ensure that water management issues are considered during the development process.

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

The proposed amendment is expected to deliver positive environmental outcomes through requiring particular development works for land affected by an SBO or LSIO to consider and respond to potential drainage issues and require consent for the works from Melbourne Water.

Further, the update of the existing SBO and LSIO boundaries in the Moonee Valley Planning Scheme will ensure that drainage issues are accurately identified at an early stage in the development process through the planning process. This will avoid the potential for timely and costly modifications to buildings, as well as damage to buildings, in the event of a flood or overland flow.

Therefore, it is considered that the amendment supports positive social, economic and environmental outcomes.

Does the Amendment address relevant bushfire risk?

The subject site is not located within a Bushfire Management Overlay and is not within a Designated Bushfire Prone Area.

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

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

Ministerial Direction No.9 - Metropolitan Strategy

Direction 9 requires that Planning Scheme Amendments must have regard to the Metropolitan Strategy (*Plan Melbourne*). The proposed amendment is considered to be consistent with the relevant directions and initiatives of Plan Melbourne and Clause 12 of the State Planning Policy Framework as discussed below.

The amendment is consistent with Minister's Direction No. 9 – Metropolitan Strategy pursuant to Section 12 of the *Planning and Environment Act 1987*, that requires planning authorities to have regard to the Metropolitan Strategy (*Plan Melbourne*).

The amendment supports the following directions of Plan Melbourne.

Direction 5.5 is to integrate whole-of-water-cycle management to deliver sustainable and resilient urban development, in order to, amongst other things, "*minimise the impact of flooding*".

The amendment will enable Council and Melbourne Water to better manage development on land that is subject to flooding and help protect Melbourne's water quality.

By improving and implementing better flood shape modelling, Council and Melbourne Water can better plan for future flood impacts, and can reduce through planning permit applications, the impacts of flooding within the municipality.

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

The proposed amendment has been assessed against the objectives of the State Planning Policy Framework and is considered to be consistent with the principles of State Policy, in particular:

Clause 15.02 (Floodplain Management) of the State Planning Policy directs that:

Flood risk must be considered in the preparation of planning schemes and land use planning decisions to avoid intensifying the impacts of flooding through inappropriately located uses and developments.

Land affected by flooding including high hazard floodway areas, as verified by the relevant floodplain management authority should be shown on planning scheme maps.

State Planning Policy places a clear onus on Councils to ensure that flooding and drainage information is clearly shown in planning schemes and taken into consideration a part of the planning process. The proposed amendment will assist in the achievement of this intention.

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

The proposed amendment is consistent with Moonee Valley City Council's commitment to integrated water management. The Local Planning Policy Framework of the Moonee Valley Planning Scheme outlines objectives, strategies and policies that are relevant to flooding as follows:

- Clause 21.10-2 (Integrated Water Management)

The proposed amendment, to update the SBO and LSIO boundaries in the Moonee Valley Planning Scheme will enable Council and Melbourne Water to better manage future development on land subject to these overlays.

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

The amendment proposes to retain the existing SBO and LSIO in the Moonee Valley Planning Scheme and update their boundaries to include some additional properties and remove some existing properties. It is considered that these overlays are the appropriate mechanism within the Victoria Planning Provisions to consider flooding and overland flow in a proposed development.

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

The proposed amendment does not propose to alter the existing Section 55 (*Planning and Environment Act 1987*) referrals that require Melbourne Water's consent as part of a proposed development on land affected by the SBO or LSIO control.

Importantly, the proposed amendment was requested by Melbourne Water, which is the relevant statutory planning authority for flooding and overland flow matters.

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

There are no relevant requirements of the Transport Integration Act 2010.

Resource and administrative costs

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

The costs afforded to Council in association with the proposed amendment will be minimal, as Melbourne Water will pay for all required statutory costs relating to the administration of the proposed amendment.

Further, it is not expected that Council Officer workload will increase significantly as a result of the proposed amendment and therefore, additional staff resources are unlikely to be required.

Where you may inspect this Amendment

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

- Moonee Valley City Council, 9 Kellaway Avenue, Moonee Ponds
- Moonee Valley City Council website www.mvcc.vic.gov.au
- Melbourne Water website www.melbournewater.com.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 .

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **14 August 2015**.

A submission must be sent to Moonee Valley City Council, Strategic Planning Department, PO Box 126, Moonee Ponds VIC 3039.

Panel hearing dates

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

- directions hearing: week commencing 19/10/15
- panel hearing: week commencing 9/11/15

9.10 **Planning Scheme Amendment C144 - Heritage Overlay Review**

File No: FOL/14/330
Author: Strategic Planner
Directorate: City Works & Development
Ward: Municipal

Purpose

The purpose of this report is for Council to adopt Amendment C144, which implements the Heritage Overlay Review (2014) and updates the Permit Exemptions Policy, and submit the Amendment to the Minister for Planning for approval.

Executive Summary

- Council engaged David Helms Heritage Planning and Management (the consultant) in 2012 to undertake a review of 17 precincts and 22 places included in the Heritage Overlay (HO) of the Moonee Valley Planning Scheme which have incorrect or incomplete heritage citations.
- A copy of the Heritage Overlay Review (2014) (the Review) is included in **Appendix A** – (separately circulated).
- Within the Review there were some recommended statutory changes which require a planning scheme amendment (Amendment C144) including:
 - Amending the boundaries of some precincts;
 - Applying HO131 to the Moonee Ponds West Primary School;
 - Amending planning scheme maps;
 - Adding the Heritage Overlay Review (2014) as a reference document in the Moonee Valley Planning Scheme; and
 - Changing the names of some precincts and minor corrections within the HO Schedule.
- A review has also been undertaken of the existing Permit Exemptions Policy which is proposed to include all Heritage Overlay precincts within the Permit Exemptions Policy. The updated Permit Exemptions Policy has been included in **Appendix B** – (separately circulated).
- On 27 May 2014, Council resolved to seek authorisation from the Minister for Planning to prepare Amendment C144, and to refer any submissions to a independent Panel.
- Council commenced exhibition of the Amendment on 4 September 2014, with the notification period ending on 10 October 2014.

- Seven (7) submissions were received during the exhibition period. The submissions and further correspondence is included in **Appendix C**.
- On 28 October 2014 Planning Panels Victoria advised that the Minister for Planning had appointed a two person panel to consider submissions to this Amendment.
- The Panel hearing for Amendment C144 was held on 9 February 2015.
- The Panel Report was received on 25 February 2015.
- After consideration of all submissions, the Panel recommended that the Amendment should be adopted, subject to minor wording changes.
- A copy of the amendment documentation incorporating proposed changes as recommended by the Panel is attached in **Appendix D** – (separately circulated).

Recommendation

That Council:

1. Adopt the Heritage Overlay Review (2014).
2. 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 C144 to the Moonee Valley Planning Scheme, in accordance with the revised Permit Exemptions Policy and amendment documentation included in **Appendix B** and **Appendix D** – (separately circulated).
3. Pursuant to Section 31(1) of the *Planning and Environment Act 1987*, submit Amendment C144 to the Moonee Valley Planning Scheme to the Minister for Planning for approval.

Background

In 2012, a desktop analysis was undertaken of all heritage citations within the Moonee Valley Planning Scheme. This analysis found that there were 17 precincts and 22 individual places that were incomplete or contained incorrect information.

David Helms Heritage Planning and Management was engaged to review the precincts and individual places and prepare the Heritage Overlay Review (2014). This consultant has extensive experience in conducting heritage studies as well as a good knowledge of the study area.

The purpose of this work was to:

- Update research and fieldwork specifically to provide the additional information;
- Update the existing heritage place or precinct citations in the Heritage Management Electronic System (HERMES) database, as required; and
- Identify and recommend any statutory changes arising as a result of the review.

Heritage Overlay Review (2014)

The Review recommends some technical changes to the Heritage Overlay Schedule and Heritage Overlay maps. It identified that Council's Schedule to the Heritage

Overlay is inconsistent in its naming of precincts and some suburb names are incorrect. The precinct names have been amended to ensure that it correctly describes the precinct. The proposed new Schedule to the Heritage Overlay has been included in **Appendix D** – (separately circulated).

The Review also recommends some minor changes to existing precincts and individual places where there are anomalies. These have been summarised below in Table 1. An overview of these changes and why they are proposed has been included in **Appendix E**.

Table 1: Summary of changes to Heritage Overlays

Heritage Overlay	Proposed Change
HO8 Mt Alexander Road/Crawford Street, HO10 Mt Alexander Road/The Strand, HO136 2-20 Robinson Street	Transfer 810-816 Mt Alexander Road and 12 Crawford Street from HO8 to HO10. Remove 824-830 Mt Alexander Road and 29 Robinson Street from HO8. Transfer 17 Robinson Street from HO8 to HO136. Extend HO136 to the rear of 818-822 Mt Alexander Road (ie not in HO86) and 9-15 Robinson Street.
HO12 & HO13 Holmes Road Residential	Combine HO12 and HO13 to create one precinct and delete HO13.
HO17 Dickens Street	Extend HO17 to the bluestone laneway adjacent to 1 Dickens Street.
HO18 Bayview Terrace HO36 2-8 Bayview Terrace	Transfer 8 Bayview Terrace from HO18 to HO36.
HO119 5 Victoria Street	Relocate HO119 from 3-5 Victoria Street, Flemington to 5 Victoria Street, Moonee Ponds.
HO24 Wellington Street HO25 Racecourse Road	Transfer the north side of Racecourse Road (2-72 Pin Oak Crescent) from HO24 to HO25.
HO140 Coronet Street	Extend HO140 to the whole of the bluestone laneways adjacent to 1, 4 & 46 Coronet Street, Flemington.
HO131	Apply a new HO number to Moonee Ponds West Primary School, 150 Athol Street, Moonee Ponds.
HO45 183 Cashmere Street	Remove interior controls from HO45.
HO178 8 Dickens Street	Relocate HO178 from 6 Dickens Street to 8 Dickens Street, Moonee Ponds.

Permit Exemptions Policy

The Permit Exemptions Policy was first introduced into the Moonee Valley Planning Scheme as part of Amendment C109 (Heritage Precincts Review) approved in April

2013. The Permit Exemptions Policy is an incorporated document within the Moonee Valley Planning Scheme. The Permit Exemptions Policy sets out the permit exemptions for minor buildings and works in specific Heritage Overlay precincts that meet particular criteria.

As part of the Heritage Overlay Review, the consultant undertook further work to review all heritage precincts currently within the Planning Scheme. These precincts have been reviewed to ensure they have correct and up to date information and they are now all proposed to be included in the Permit Exemptions Policy. This will provide Council with a Permit Exemptions Policy that has a complete and up to date list of heritage precincts where exemptions apply. An updated copy of the Permit Exemptions Policy has been included as **Appendix B** – (separately circulated).

Planning Scheme Amendment C144

Amendment C144 implements the draft Heritage Overlay Review (2014) by:

- Applying a new number (HO131) to the Moonee Ponds West Primary School.
- Amending the Local Planning Policy Framework, Clause 21.06 (Built Environment) to add Heritage Overlay Review (2014) as a reference document at subclause 21.06-8 (Reference Documents).
- Amending the Schedule to the Heritage Overlay, to make changes to the naming of the precincts and correct anomalies included in **Appendix D** - (separately circulated).
- Deleting HO8 and HO13.
- Amend the boundary of existing Heritage Overlays HO10, HO12, HO136, HO17, HO18, HO178, HO119, HO24, HO25, HO36, HO140 and HO28 to update and correct anomalies.
- Amend planning scheme maps 11HO, 12HO and 15HO.
- Amending the Schedule to Clause 81.01 – Incorporated Documents to update 'Permit Exemptions Policy – Moonee Valley Review of HO Precincts 2013' and rename it to 'Permit Exemptions Policy – Moonee Valley Heritage Overlay Precincts'.

The amendment documentation has been included in **Appendix D** – (separately circulated).

Discussion

On 27 May 2014, Council resolved to seek authorisation from the Minister for Planning to prepare Amendment C144. The Amendment was on exhibition from 4 September 2014 to 10 October 2014.

Submissions Received

During the exhibition period a total of seven (7) submissions were received.

Following exhibition, Council resolved two (2) submissions. A copy of the submissions received are included in **Appendix C**. Prior to exhibition at its 27 May 2014 Ordinary Meeting, Council resolved to refer all unresolved submissions directly to an independent Panel.

The Panel Process

On 16 October 2014 Council formally requested an independent Panel to consider the submission received in respect of Amendment C144. On 28 October 2014, Planning Panels Victoria advised that the Minister for Planning had appointed a two person panel. The Panel members appointed for this panel hearing were Lester Townsend (chair) and Ray Tonkin.

A directions hearing was held at Council offices on 1 December 2014.

A Panel hearing for Moonee Valley Planning Scheme Amendment C144 was held at Council's Civic Centre on 9 February 2015. The Panel hearing was attended by Council officers and legal representatives, expert witnesses, the Panel members and two submitters. The Panel considered all submission received.

The Panel Report

A full copy of the Panel Report was received on 25 February 2015 and is included in **Appendix F** – (separately circulated).

The Panel Report outlines the details of the amendment, planning context and key issues, including the strategic basis for the amendment. An updated copy of the Permit Exemptions Policy and amendment documentation incorporating the Panel's recommendations is included in **Appendix B** and **Appendix D** – (separately circulated) respectively.

The following two submission were resolved and addressed in the Panel Report.

271, 273, 275, 277 Ascot Vale Road, Moonee Ponds HO16) and 283 Ascot Vale Road, Moonee Ponds (HO226)

The submission opposed the heritage status applied to these properties. The submission states that none of the dwellings are considered to be 'contributory' or 'significant'.

Prior to the Panel hearing, correspondence was received from the submitter advising that they wish to withdraw their submission to Amendment C144 and no longer wish to be heard at the Panel hearing.

26 Cooke Street (HO2)

The submission objected to the heritage status of the property being 'contributory'. Research was undertaken by Lovell Chen Architects and Heritage Consultants on behalf of the landowner. This information was provided to Council prior to the Panel hearing. The research showed that the house was built in 1953 which is outside the period of significance.

Council accepted this and provided the submitter with a letter advising that the submission was resolved and the property has been changed to 'non-contributory'.

The Panel members inspected the property and agreed with Council's proposal to re-grade 26 Cooke Street to 'non-contributory'.

When inspecting the property, the Panel members observed other properties that appeared to be new or date from the same period of 26 Cooke Street. Following the Panel hearing, the consultant undertook further site inspections of these properties. His findings were that the heritage status of 27 and 29 Wright Street should also be changed to 'non-contributory'. These mapping changes were accepted and also

recommended by the Panel and have now been undertaken by Council. The updated Permit Exemptions Policy has been included in **Appendix B** – (separately circulated).

The following five unresolved submissions were addressed in the Panel Report.

26-28 Flemington Street, Travancore (HO23)

The owner of a property neighbouring 26-28 Flemington Street submitted that this property had been omitted from HO23 and should be included as part of Amendment C144.

The property was the subject of a previous submission to the Significant Tree Review (Amendment C130). Amendment C130 applied Schedule 2 to the Environmental Significance Overlay (ESO2) to significant trees throughout the municipality. This submission highlighted the significance of the trees located at 26-28 Flemington Street. At the Panel hearing for Amendment C130 the Panel found:

“...in the event that individual trees or groups of trees on this site are considered significant, the ESO is an appropriate tool for application in protecting those trees.”

These trees were part of Council’s yearly review of the Significant Tree Register and are now part of Amendment C149 to apply to apply the ESO2 which is on exhibition until Friday 17 April 2015. The Panel for Amendment C144 agreed with this approach and were satisfied that the appropriate planning mechanisms are being put in place to protect these trees.

South Street and East Street, Ascot Vale (HO21) and Ailsa Street, Ascot Vale (HO22)

The submission is generally supportive of the Amendment. The submission requests the review of the heritage status for 68 South Street from ‘non-contributory’ to ‘contributory’. Further assessment was undertaken of this property by the consultant. Although the property is likely from the same period of significance for the precinct, the dwelling has been significantly altered and therefore is below the threshold of what would be considered ‘contributory’. Council submitted that the property should remain as ‘non-contributory’. The Panel agreed with this, and did not recommend any changes.

Hoddle Street Precinct (HO301)

The owner of a property located within the Hoddle Street Precinct seeks better protection of the centre plantation as it provides value to the greening of the suburb.

Council proposed to strengthen the wording within the heritage citation to identify the centre plantation as significant. The Panel agreed with this approach by Council. The particular wording of the heritage citation was discussed at length during the Panel hearing. The following has been recommended by the Panel:

“Modify the citation for HO301 to recognise the significance of the median. Do not refer to it as a ‘grassed’ median.”

Changes have subsequently been made to the heritage citation.

Fishbourne house: 31-43 Puckle Street, Moonee Ponds (HO14)

The owners of this property oppose the 'contributory' heritage status for the site, as its Victorian element has been modified, concealed and is not readily visible from the public realm.

The Panel agreed with Council's recommendation that the subject site remain graded as 'contributory'. The Panel concluded that the buildings are instrumental in developing an understanding of the development of Puckle Street, initially as a mixed commercial and residential area, but subsequently as a commercial area that incorporated elements of the earlier residential dwellings.

Wintringham Housing Estate (HO28)

The submission opposed the inclusion of 1 Little Princes Street and 136 Mt Alexander Road, Flemington in HO28. As both of these properties are 'non-contributory' it is submitted that they should be removed from HO28.

Council agreed that 1 Little Princes Street should be removed from HO28. This recommendation was made at the Panel hearing. The Panel supported this recommendation.

Council submitted that 136 Mt Alexander Road should remain in HO28. This recommendation was made at the Panel hearing. The Panel supported this recommendation.

There is a valid permit for the demolition and redevelopment of the property at 136 Mt Alexander Road. The Panel agreed that this property remains a gateway site to the precinct and it is important that any future development of the site should be considered and assessed as part of HO28.

During the Panel hearing an error was found in the heritage citation. The statement "What is significant?" should refer to Criterion D as well as Criterion A, as the precinct is representative of the housing built during the late nineteenth and early twentieth centuries. The minor wording change has been recommended by the Panel, and appropriate amendments have been made to the heritage citation.

Consultation

Notice of the Amendment was given in accordance with Section 19 of the *Planning and Environment Act 1987*. Notice was given to each Prescribed Minister. Letters were also sent to all landowners affected by the Amendment including those precincts proposed to be part of the Permit Exemptions Policy.

The Amendment was made available for inspection at the Moonee Valley City Council offices, all local libraries, the Moonee Valley City Council website and the Department of Environment, Land, Water and Planning website. Public notices appeared in the Moonee Valley Leader, Moonee Valley Weekly and the Government Gazette on 1, 2 and 4 September 2014 respectively.

The closing date for submissions was Friday 10 October 2014. Seven (7) submissions were received and two were subsequently resolved.

Implications

1. Legislative

Planning Scheme Amendment C144 is consistent with Ministerial Direction of the form and content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*. The preparation of the Amendment is also in accordance with Section 4 of the *Planning and Environment Act 1987*.

2. Council Plan / Policy

The recommendations contained within this report accord with Strategic Objective 3.1 to '*Ensure there is clear direction for growth and proactive management of development in the City*' and Strategic Objective 3.2 to '*Facilitate the provision of a broad range of safe, accessible and sustainable transport modes across the municipality.*'

3. Financial

There are no relevant financial considerations to this report. The cost of the preparation of the Amendment has been borne by Council through the Strategic Planning budget.

4. Environmental

There are no further relevant environmental considerations to this report.

Conclusion

The Amendment was widely exhibited from 4 September 2014 until 10 October 2014. An independent Panel considered all submissions to the Amendment, and supported the Amendment subject to minor changes.

This report recommends that Council adopt the Amendment subject to these minor mapping changes to the Permit Exemptions Policy and wording updates to the amendment documents.

Once adopted, the Amendment would be sent to the Minister for Planning with a request for approval.

APPENDIX E

Amendment C144 – Overview of Proposed Changes

Heritage Overlay	Proposed Change	Reason
HO8, HO10, HO136	Transfer 810-816 Mt Alexander Road and 12 Crawford from HO8 to HO10	810-16 Mt Alexander Road and 12 Crawford street are visually separated from HO8 and more logically form a continuation of HO10.
	Remove 824-830 Mt Alexander Road and 29 Robinson Street from HO8	
	Transfer 17 Robinson Street from HO8 to HO136	The balance of HO8 are of mixed style and integrity and do not form a cohesive precinct. Therefore HO8 is proposed to be deleted.
	Apply HO136 to the rear of 818-822 Mt Alexander Road (ie not in HO86) and 9-15 Robinson Street.	
	Delete HO8	
		<p>The part of St Monica's complex with HO8 contains the former Infants School is in good condition and has relatively high degree of external integrity and should be included with HO136.</p> <p>The other parts of St Monica's complex outside of HO8 are the Former Parish Hall and Girls School also contribute to the St Monica's historic development and still retain original form and detailing.</p> <p>HO136 will therefore be a small precinct, where the various building contributes to the historic development of St Monica's as the centre of the Catholic Parish.</p>
HO12 & HO13	Combine these two precincts and delete HO13	HO12 and HO13 should be one precinct as originally assessed, as they have a similar history (development during the late Victorian boom era) and have common characteristics (generally late Victorian villas and houses).

Amendment C144 – Overview of Proposed Changes

HO17	Apply HO17 to the bluestone laneway adjacent to 1 Dickens Street	Following a site inspection the bluestone laneway adjacent to 1 Dickens Street was identified as a contributory element.
HO18 & HO36	Transfer 8 Bayview Terrace from HO18 to HO36	No. 8 Bayview Terrace forms part of the terrace which is HO36.
HO119	Apply HO119 to 5 Victoria Street, Moonee Ponds Remove HO119 from 3-5 Victoria Street, Flemington	A mapping error where HO119 was applied incorrectly to 3-5 Victoria Street, Flemington rather than 5 Victoria Street, Moonee Ponds.
HO24 & HO25	Transfer the north side of Racecourse Road (2-72 Pin Oak Crescent) from HO24 to HO25	It is more logical for a single Hermes place record and HO number to apply to the precinct which includes Racecourse Road and the commercial properties along Pin Oak Crescent.
HO28	Remove 1 Little Princes Street	It is non-contributory on the edge of the precinct.
HO140	Apply HO140 to the whole of the bluestone laneways adjacent to 1, 4 & 46 Coronet Street, Flemington	Following a site inspection the bluestone laneway adjacent to 1, 4 & 46 Coronet Street was identified as contributory elements.
HO131	Apply a new HO to Moonee Ponds West Primary School, 150 Athol Street, Moonee Ponds	The 19 th Century school building has been assessed and found to be of local significance and a new Heritage Overlay created.
HO45	Remove interior controls from HO45	The interior of the house is not significant.
HO23, HO9 & HO301	Add tree controls	Tree controls are in the Heritage Citations.
HO178	Apply HO178 to 8 Dickens Street, Moonee Ponds Remove HO178 from 6 Dickens Street, Moonee Ponds	A mapping error where HO178 was applied incorrectly to 6 Dickens Street, Moonee Ponds rather than 8 Dickens Street, Moonee Ponds.

Precincts to be included in the Permit Exemptions Policy

- HO2 – Glass Street
- HO5 – Vida Street & Knight Street
- HO6 – Woods Hill Estate
- HO7 – Riverview Estate (Leslie Road)
- HO10 – Mt Alexander Road & The Strand
- HO11 – Tennyson Street
- HO12 – Holmes Road Residential
- HO14 – Puckle Street
- HO16 – Ascot Vale Road & Maribyrnong Road
- HO17 – Dickens Street
- HO19 – Fenton Street
- HO21 – South Street & East Street
- HO22 – Ailsa Street
- HO23 – Travancore
- HO25 – Racecourse Road
- HO28 – Mt Alexander Road & Flemington Street
- HO140 – Coronet Street
- HO301 – Hoddle Street
- HO305 – Francis Street
- HO306 – Glen Street
- HO307 – Holmes Road & Norwood Crescent
- HO309 – Learmonth Street & Winchester Street
- HO316 – Steele Street
- HO325 – Laura Street
- HO326 – Newhall Avenue

9.11 Amendment C143 - Heritage Overlay Ascot Vale Housing Commission Estate (part)

File No: FOL/14/324
Author: Senior Strategic Planning Officer
Directorate: City Works & Development
Ward: Myrnong

Purpose

The purpose of this report is to advise Council on the recommendations of the Independent Panel (the Panel) appointed by the Minister for Planning to hear submissions with regards to Moonee Valley Planning Scheme Amendment C143 (Heritage Overlay Ascot Vale Housing Estate).

This report also seeks adoption of Amendment C143.

Executive Summary

- Council consulted on the draft Moonee Valley Thematic Places Heritage Study 2012-13 from 23 October 2013 until 31 March 2014. All affected property owners were notified of this study.
- Following consultation, the draft Moonee Valley Thematic Places Heritage Study 2012-13 was divided into two parts to simplify the viewing and implementation of the study.
- It is the second part of the study, the Moonee Valley Post-War Thematic Precincts Heritage Study 2012-14 that is the focus of this report. The implementation of this study is via Amendment C143. This Amendment refers only to the proposed application of the Heritage Overlay to part of the Ascot Vale Housing Estate and not the other precincts originally identified within the study.
- The first part of the study, the Moonee Valley Heritage Places Study 2012-14 has been implemented via Amendment C142.
- At its Ordinary Council meeting on Tuesday 22 April 2014, Council resolved to seek Ministerial Authorisation to prepare and publically exhibit Moonee Valley Planning Scheme Amendment C143 along with Amendment C142.
- On 29 April 2014, Council received an email from the Department of Environment, Land, Water and Planning (DELWP) that it could prepare Amendment C143 without authorisation after 13 May 2014.
- The Amendment was formally exhibited from 5 June to 11 July 2014, with all affected property owners notified of this Amendment. Letters were also sent to Prescribed Ministers.

- One submission was received from the Department of Human Services (as property owner) in relation to Amendment C143.
- As the Amendment was not recommended to be changed to satisfy this submission, Council resolved at its meeting on 26 August 2014, to refer this submission (along with the submissions to Amendment C142) to an Independent Panel.
- On 15 September 2014 Planning Panels Victoria advised that a one person panel had been appointed under section 153 of the *Planning and Environment Act 1987*.
- The Panel Hearing for Amendment C143 (as well as Amendment C142) was held on 13 November 2014.
- The Panel recommended that both Amendments be adopted with minor changes. The changes were subsequently made to C142 (Heritage Places Study 2012-14) and this Amendment was adopted by Council on 27 January 2015. A copy of the Panel Report for Amendment C142 and C143 is provided in **Appendix A** (separately circulated).
- Amendment C143 was not referred to Council at the same time due to the additional work required in preparing a Permit Exemptions Policy for the Ascot Vale Housing Commission Estate. A copy of the final Permit Exemptions Policy is provided in **Appendix B** (separately circulated). This policy outlines various minor works which would not require a planning permit under the Heritage Overlay. This Permit Exemptions Policy was prepared in conjunction with the Department of Human Services.
- In addition to the preparation of a Permit Exemptions Policy for the site, the Panel also recommended that one precinct between Dunlop Avenue, Ascot Vale Road and Wingate Avenue no longer be included in the precinct as it was geographically detached from the remaining area proposed to be included in the Heritage Overlay. A copy of the revised Planning Scheme map is included in **Appendix C** (separately circulated). The Moonee Valley Post-War Thematic Precincts Heritage Study 2012-14 has also been updated to include a revised map. A copy of the relevant pages which refer to the Ascot Vale Housing Commission Estate have been included in **Appendix D** (separately circulated) to this report.

Recommendation

That Council:

1. Having complied with Part 3, Division 1 and 2 of the Planning and Environment Act 1987, and in accordance with Section 29(1), adopt Moonee Valley Planning Scheme Amendment C143. The revised Amendment will incorporate all changes recommended by the Panel, as per pages 21 and 22 of the Panel Report provided in **Appendix A** (separately circulated) and Permit Exemptions Policy provided in **Appendix B** (separately circulated). The revised Amendment C143:
 - a) Applies the Heritage Overlay to part of the Ascot Vale Housing Commission Estate.

- b) Introduces a Permit Exemptions Policy for the Ascot Vale Housing Commission Estate and makes subsequent changes to the Heritage Overlay Schedule and Clause 81.01.
- 2. Pursuant to Section 31(1) of the Planning and Environment Act 1987, submit Moonee Valley Planning Scheme Amendment C143 to the Minister for Planning for approval.

Background

Draft Moonee Valley Thematic Places Heritage Study 2012-13

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

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

Following consultation, to make the viewing and the implementation of the study easier it was divided into two parts. The first part being the Moonee Valley Thematic Places Heritage Study 2012-14, which includes the individual places of significance along Mt Alexander Road and one precinct, Levien Street, Essendon. The second part being the Moonee Valley Post-War Thematic Precincts Heritage Study 2012-14, which includes the identified heritage post-war precincts.

Amendment C143

The Council resolution on 22 April 2014 was to only proceed in pursuing the application of the Heritage Overlay for part of the Ascot Vale Housing Commission Estate.

Specifically, Amendment C143 proposes to update the Schedule to Clause 43.01 (Heritage Overlay) to introduce a new Heritage Overlay to part of the Ascot Housing Commission Estate in Ascot Vale, and amend the relevant Planning Scheme Map (15HO) accordingly, as shown in **Appendix C**.

Discussion

Submission received

One submission was received in relation to Amendment C143 during the exhibition period from the Department of Human Services.

The Panel Process

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

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

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

Summary of conclusions and recommended changes

The Panel concluded that amendment C143 was supported by relevant policy and that the heritage study was sufficiently rigorous to justify the amendment.

The Panel did make some recommendations in relation to the exhibited amendment. These are outlined on page 22 of the Panel Report. A copy of the Panel Report for this amendment is provided in **Appendix A** (separately circulated) to this report. The changes recommended by the Panel are as follows:

- In Amendment C143 amend map 15HO to remove the part of HO372 that is bounded by Dunlop Avenue, Ascot Vale Road and Wingate Avenue, east of Rothwell Street, Ascot Vale. This map is shown in **Appendix C**.
- Correct the Moonee Valley Post War Thematic Precincts Heritage Study 2012-14 to identify the south west building of Area A, as marked in Figure 1 of this report to be a contributory not significant building. The relevant section of this report is shown in **Appendix D** (separately circulated).

In addition, while no draft Incorporated Plan (Permit Exemptions Policy) was presented to the Panel the Panel agreed with Council and the Department of Human Services that in principle this may be a useful tool to manage works within the areas identified in the proposed overlay.

Permit Exemptions Policy for the Ascot Vale Housing Commission Estate

Given the panel discussions, Council has worked with the Department of Human Services to develop a Permit Exemptions Policy for the Ascot Vale Housing Commission Estate.

The final Permit Exemptions Policy for the Ascot Vale Housing Commission Estate has been provided in **Appendix B** (separately circulated) to this report.

The Permit Exemptions Policy will make the process of managing the Heritage Overlay on the site easier for all parties. It will omit minor works which do not impact on the heritage value of the Estate from requiring a planning permit.

For example, the replacement of balustrades and screens (provided these meet the guidelines within the policy), replacement of fences and resurfacing of existing paths and driveways would not require a planning permit.

Consultation

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

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

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

Implications

1. Legislative

Amendment C143 is consistent with Ministerial Direction of the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*.

2. Council Plan / Policy

Amendment C143 relates to Theme 3 (Sustainable Living) in the Council Plan 2013-2017. More specifically Strategy 3 within Strategic Objective 1 to 'identify gaps in heritage controls and implement new heritage overlays where warranted'.

3. Financial

Any remaining costs to finalise Amendment C143 will be funded through the Strategic Planning operational budget.

4. Environmental

Applying the Heritage Overlay to part of the Ascot Vale Housing Commission Estate will have a positive environmental impact in that it will protect places of historical significance.

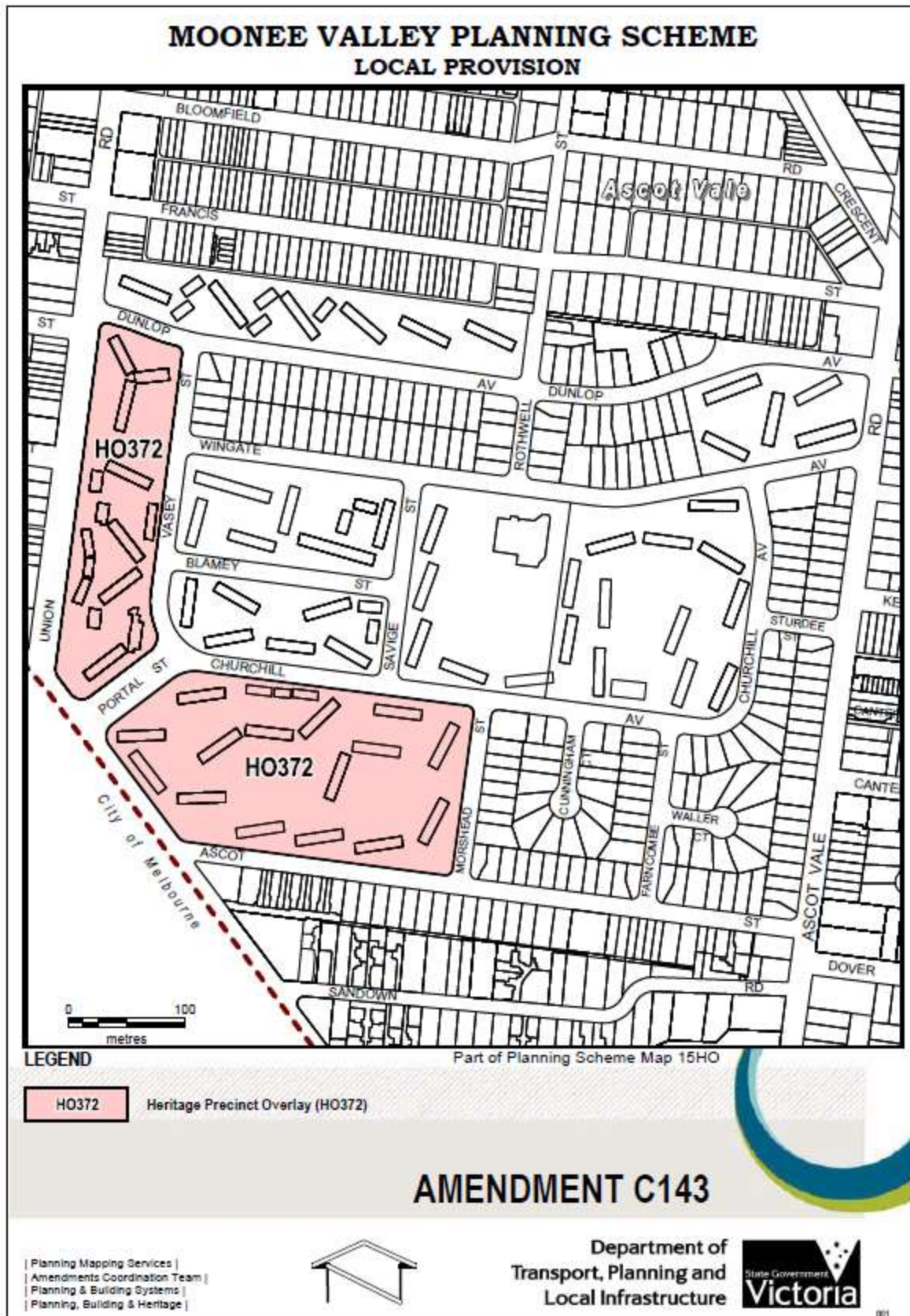
Conclusion

Amendment C143 seeks to apply the Heritage Overlay to part of the Ascot Vale Housing Commission Estate as recommended in the Moonee Valley Post-War Thematic Precincts Heritage Study 2012-14.

The Panel for Amendment C143 has recommended adoption of this Amendment with some minor changes. It is recommended that Council adopt the Amendment with these changes.

In addition to these changes a Permit Exemptions Policy has been prepared for the estate which exempts minor works from requiring a planning permit. This will mean less work for both Council in assessing and the Department of Human Services in undertaking, minor works which will not impact on the heritage value of the estate.

APPENDIX C



9.12 Proposed Budget 2015/16

File No: FOL/15/73801
Author: Manager Finance
Directorate: Corporate Services
Ward: Municipal

Purpose

To adopt a Proposed Budget for the 2015/16 financial year and invite public submissions.

Executive Summary

- In accordance with Section 127 of the Local Government Act 1989 (the Act) and Regulation 8 of the Local Government (Planning and Reporting) Regulations 2014 (the Regulations), Council is required to commence the statutory process to adopt the Proposed Budget for 2015/16 (**Appendix A** – separately circulated).
- The proposed budget recognises the importance of setting a clear direction for the future, achieving measurable objectives, encouraging community input and being financially responsible.
- The budget proposal is for a 5.0% rate increase for 2015/16.
- The budget proposes no new borrowings.

Recommendation

That Council:

1. Adopt in principle the Proposed Budget 2015/16 as per **Appendix A** (separately circulated) as its budget for the 2015/16 financial year as required by the Local Government Act.
2. Authorise the Chief Executive to:
 - a) Give public notice of the preparation of the Proposed Budget in accordance with the Act;
Make available for public inspection the information required by Regulation 9 of the Local Government (Planning and Reporting) Regulations 2014 and invite submissions under Section 223 of the Act.
3. Consider any submissions received on the proposed Budget 2015/2016 (if required) at a Committee of Whole of Council, to be held on Tuesday 2 June commencing at 6.00pm

Background

The Proposed Budget 2015/16, outlining all external influences including economic conditions is attached to this report (**Appendix A** – separately circulated). The proposed budget seeks to balance the competing demands for Council services and infrastructure, and the community's capacity to pay, using prudent financial management principles to ensure financial sustainability. The proposed budget is expected to deliver recurrent surpluses in order to fund capital works. Council proposes no new borrowings.

The proposed 5.0% rate increase for the 2015/16 year will enable Council to continue to deliver a vast range of services and projects to its community as highlighted in the Proposed Budget 2015/16.

The proposed budget includes operating expenditure of \$134.4 million. The Council will commit significant funding to support various services for individuals and families in our community including:

- Home care, personal care and respite care to older and frail aged adults and people with a disability;
- Childcare, kindergarten and maternal and child health;
- Enhancing and supporting Council's Community Grants Program;
- Business support and networking programs;
- Community meals to residents homes;
- Maintain roads, parks footpaths, bike paths, drains, sporting fields and community buildings;
- Provide planning and building services, waste and recycling collections, and run a variety of environmental programs.

The proposed budget includes a capital works program of \$30.9 million. This includes a conservative estimate of works to be carried over from the 2014/15 financial year of \$6.4 million. The highlights of the capital program include:

- \$7.6 million invested in the development and renewal of Council facilities including:
 - \$2.6 million for Ascot Vale Leisure Centre Aquatics renewal;
 - \$0.3 million on The Incinerator Gallery renewal works and
 - \$0.9 million for improvements at Lebanon Reserve Pavilion, Strathmore;
- \$3.8 million allocated to local roads;
- \$1.5 million invested in drainage;
- \$3.0 million invested in open space, including \$0.7 million for the Airport West Green Spine project.

The proposed budget and Council's financial plan achieve these levels of service and investment in community infrastructure by:

- Providing for an operating surplus of \$9.2 million. Excluding capital grants and contributions, the underlying result, which is a measure of financial sustainability, is anticipated to be a surplus of \$8.3 million.
- No new borrowings.

The 2015/16 budget has been developed through a comprehensive review process. The Councillors together with staff rigorously analysed available information and financial data to ensure the budget delivers Council's objectives and financial plans.

The budget sets clear directions for the delivery of Council programs and builds upon the main financial and operational strategies previously established. The exhaustive analysis of the information provided and the review process undertaken to establish the budget for 2015/16 have produced a financially responsible budget that will continue to assure Council's long-term financial strength.

The budget is a major component in ensuring the accountability of Council's operations and in line with good governance it forms part of the public accountability process and reporting that includes:

- The Council Plan
- The Strategic Resource Plan
- The Annual Budget
- Internal and External Audit
- Annual Report

Fees and charges have generally been increased by between 4% and 6%. Some fees are fixed by legislation while others are set on a user pays basis. The impact of GST on fees and charges has also been included.

The Budgeted Standard Statements are included in **Appendix A** (separately circulated).

Submissions

In releasing the proposed Annual Budget for public consideration, Council seeks community feedback. Public comment and submissions are encouraged and close 5pm, Wednesday, 27 May 2015. Submissions will be heard on Tuesday, 2 June 2015.

The Proposed 2015/16 Annual Budget will be placed on exhibition at the Civic Centre, Flemington Community Centre, Municipal libraries located at Flemington, Avondale Heights, Moonee Ponds, Ascot Vale and Niddrie, as well as on Council's website.

Consultation

This budget was developed through a rigorous process of consultation and review. Furthermore, as per above, submissions from the public are encouraged.

Implications

1. Legislative

The budget has been set in accordance with Section 127 of the Local Government Act (1989).

2. Council Plan / Policy

The Proposed Annual Budget 2015/16 contributes to Theme 5: Excellence in governance – dynamic, effective and accountable.

3. Financial

Council has prepared the proposed budget in accordance with the principles of sound financial management and its adoption will ensure long term financial viability.

4. Environmental

There are no environmental issues associated with this report.

Conclusion

The proposed budget presents Council's immediate and long-term financial strategy and links the actions set out in the Council Plan.

It also identifies the capital works and services the community can expect from Council during the 2015/16 financial year and the Strategic Resource Plan Projection Years (2016/17 to 2018/19). The Proposed 2015/16 Annual Budget ensures ongoing security of Council's long-term financial position.

Council has prepared the proposed budget in accordance with the principles of sound financial management and its adoption will ensure long term financial viability.

9.13 Investment Policy 2015

File No: FOL/12/773
Author: Manager Finance
Directorate: Corporate Services
Ward: Municipal

Purpose

To present to Council the Investment Policy 2015 for adoption.

Executive Summary

The Investment Policy 2015 establishes parameters to guide Council's investment decisions.

In recognising the support and contribution Bendigo Bank's Community Branches within the municipality provide to the community, the Investment Policy provides additional guidance to those financial institutions that are active and supportive of the sustainability and development of our community.

The Audit Committee endorsed the policy at its meeting of 23 February 2015.

Recommendation

That Council adopts the Investment Policy 2015 provided as **Appendix A** - separately circulated.

Background

With developments in financial markets, and Council's proactive approach to risk management, a review of the Investment Policy was deemed prudent.

The review of the Investment Policy also provides the opportunity for Council to continue to recognise the support that community based financial institutions provide to our community.

Discussion

The Investment Policy 2015 provides guidance on the effective and responsible utilisation of Council's cash funds. Particular emphasis is directed towards investment decisions that limit unnecessary exposure to risk and optimise return on investment whilst ensuring sufficient liquidity for Council's ongoing operating commitments.

Community involvement is important and shows a financial institutions commitment to inclusion and sustainability. Such commitment can be shown through community stakeholder partnerships, social accountability charters, philanthropic support to community organisations or the operation of sustainability committees.

Council will acknowledge those financial institutions that are active and supportive of Council within the community in terms of financial support for various activities and programs.

In recognition of its support of the Moonee Valley Community, Bendigo Bank and its associated community branches within the municipality will be provided with a 0.05% per annum margin on quoted investment rates on all investment vehicles deemed appropriate under the Investment Policy 2015.

The mark up of changes between the adopted Investment Policy 2013 and the Investment Policy 2015 is provided as **Appendix B** – separately circulated.

Consultation

The Investment Policy 2015 was endorsed by Council's Audit Committee.

Implications

1. Legislative

The *Local Government Act 1958* establishes objectives, functions and responsibilities of Council to achieve best outcomes for the local community.

2. Council Plan / Policy

The Investment Policy 2015 contributes to Council Plan Strategic Objective 2: *Build a culture of governance that instils a high level of community respect and confidence in Council decision-making.*

3. Financial

The Investment Policy 2015 provides guidance on the appropriate investment of Council funds.

4. Environmental

There are no environmental impacts.

Conclusion

The Investment Policy 2015 will support the organisation in the investment of Council's cash holdings.

9.14 Draft Riverside Golf & Tennis Centre Master Plan

File No: FOL/14/451
Author: Manager Leisure & Open Space Planning
Directorate: Environment & Lifestyle
Ward: Myrnong

Purpose

To endorse the Draft Riverside Golf and Tennis Centre (RGTC) Master Plan for community consultation.

Executive Summary

- The Draft RGTC Master Plan has been developed in consultation with the community and stakeholders. (Copy of the Plan provided as **Appendix A** – separately circulated).
- The Draft RGTC Master Plan is a strategic document that will guide the development and management of RGTC over the next ten years.
- The Draft RGTC Master Plan recommends short to long term priorities to increase participation rates in golf, tennis and netball whilst improving the cycling connection to the Maribyrnong River trail.
- The Draft RGTC Master Plan makes recommendations to improve course safety and reduce the number of errant golf balls exiting the facility.

Recommendation

That Council:

1. Endorse the Draft Riverside Golf and Tennis Centre Master Plan for community consultation.
2. Receive a further report documenting the consultation outcomes.

Background

RGTC is a multi-use sporting precinct located within the suburb of Ascot Vale. It sits in a picturesque location within the Maribyrnong River corridor and forms part of Fairbairn Park. The RGTC Master Plan follows on from the Fairbairn Park Master Plan which was developed in August 2013.

Facilities located at RGTC include a 9-hole golf course, driving range, tennis courts, netball courts, mini golf, high ropes challenge course, golf pro shop and restaurant/function centre.

RGTC is home to the Essendon Golf Club, Veterans Golf Club and Essendon Women's Golf Club, all of which provide valuable social connection and community

engagement opportunities. RGTC is a popular centre attracting 83,000 visits annually to the golf, netball and tennis facilities alone. RGTC is managed by Leisure Management Services (LMS) and is under contract until 2021.

The Master Plan responds to the opportunities arising from a comprehensive review and analysis of the centre. The Master Plan establishes a clear vision for the centre and has the ability to meet the changing needs and aspirations of the community. The opportunity to develop this plan in consultation with LMS means a collaborative approach to planning for the centre and that any proposals by LMS to further improve the centre are in line with the agreed vision. The plan is aligned with the objectives and principles of Council's Leisure Strategy 2013-2023 and Sports Development Plan 2014-2023.

Discussion

The Draft Master Plan provides recommendations to improve service delivery and safety at the Riverside Golf and Tennis Centre. The plan aims to increase social and organised sporting opportunities within the facility by improving netball, tennis and golf facilities while also developing a gateway to the Maribyrnong River Trail to increase cycling and pedestrian access.

A snap shot of some of the issues identified in the Issues and Opportunity Report include the following:

Environment and facilities

- Melbourne Water limitations on further development and challenges regarding provision of additional infrastructure.
- Aging driving range facility, poor orientation of driving range and lack of definition of end of driving range (resulting in a risk to public wandering across and into the driving range).
- Lack of clear administration buildings to service the driving range, tennis/netball and mini-golf.

Connections and access

- Poor sense of arrival to all users.
- Poor signage.
- Vehicle movement/access conflicts with pedestrians and bicycle usage utilising the Maribyrnong River trail.

Golf Course layout and condition

- Poor tee complexes including uneven surfaces, poor turf coverage and tee areas inappropriately designed to manage desired golf play.
- Poor vegetation management including removal of dead trees and stumps.

Golf Course Safety – Errant Golf Balls

- Constrained site for golf course (14 hectares) resulting in concerns of errant golf balls.
- Extensive fencing and netting to address errant golf balls.

The Master Plan recommends implementing the following:

- A new multi-purpose building providing change facilities (netball and tennis), multi-purpose rooms, facility administration/retail space to be attached to an upgraded driving range facility.
- Increased number of multi-lined compliant netball courts with dedicated spectator and player seating.
- Investigations into future safety screens throughout the golf course to increase safety and reduce errant balls leaving the facility.
- Improvements to the driving range outfield and safety netting to reduce the risk of errant golf balls intersecting with the Maribyrnong River Trail or Fairbairn Park.
- Improved bike connection to Maribyrnong River Trail and implementation of a way-finding strategy to improve bike safety and increase visitation to the Riverside precinct.
- Investigate suitable water supply to reduce the reliance on potable water to irrigate RGTC.
- Ongoing tree planting and revegetation throughout RGTC.
- Upgrade to adjacent play space.
- Expanded outdoor hospitality area located at the restaurant/function centre.

The Draft Master Plan provides a clear vision for the future service provision and improvements to existing facilities to ensure RGTC continues to offer a variety of leisure options for the community.

Consultation

Extensive consultation has been undertaken to better understand relevant behaviours, opinions and aspirations of current patrons and the immediate local community.

Consultation methods to date have included:

- An internal stakeholder workshop with relevant Council Officers.
- A household survey of community members and facility users resulting in 291 valid responses. Survey was available online, in hard copy and delivered to 500 households surrounding the facility.
- Community information session held onsite on 6 December 2014.
- Engagement with key external stakeholders including facility managers, Leisure Management Services (LMS), Essendon Golf Club representatives, Veterans Golf Club and Melbourne Water.
- Key sporting bodies including Netball Victoria, Tennis Victoria, Golf Australia, Golf Victoria, Victorian Golf League.

Draft Master Plan Consultation

Consultation on the draft Master Plan will be held with the community and key stakeholders from 11 May until 12 June as follows:

- The Master plan will be on display at:
 - Riverside Golf and Tennis Centre in the Restaurant / Café and at various locations across the site itself

- Council Offices in Citizen Service Centre, 9 Kellaway Drive, Moonee Ponds
- Council website
- A feedback form will be available on the Council website, at information sessions and at the centre.
- Officers and consultants will be at Riverside Golf and Tennis Centre on Saturday 23 May, at key locations across the site, encouraging visitors to provide feedback on the Master Plan.
- A mail out to local residents within 500 metres of Riverside Golf and Tennis Centre, advising them of the consultation and promoting the 23 May opportunity to discuss the Master Plan.

Implications

1. Legislative

The implementation of recommended actions in the draft master plan will continue Councils commitment to the Health and Wellbeing Plan.

The recommended actions within the Draft Master Plan adheres to the Human Rights Charter, Section 12; Freedom of Movement and Section 18; Taking Part in Public Life by meeting current building code requirements guided by the Disability Discrimination Act 1992.

2. Council Plan / Policy

Implementation of the Draft Master Plan will contribute to the Council Plan 2013-17, Theme 1: Friendly and Safe, A community where people feel connected and safe.

Strategic objective 2: Green, clean and beautiful, Make the city more attractive through maximising opportunities for greening the public realm.

Strategic Objective 4: Vibrant and Diverse, Facilitate and encourage access to diverse, affordable and enjoyable leisure and learning opportunities.

3. Financial

There are no direct financial implications from this report with proposed actions requiring further planning. Future actions from operational implementation plans will be referred to the Council Annual Budget process.

4. Environmental

The implication of the recommended actions within the Draft Master Plan will assist Council to achieve the targets established within the Health and Wellbeing Plan and the Environmental Sustainability Plan particularly in regard to the regeneration of vegetation on the golf course. There are no perceived negative impacts on the environment proposed in this Master Plan.

Conclusion

The Draft RGTC Master Plan has been developed in consultation with the community and stakeholders. The Master Plan is a strategic document that provides a vision and will guide the development and management of RGTC over the next ten years.

The Draft Master Plan recommends short to long term priorities to increase participation rates in golf, tennis and netball whilst improving the cycling connection to the Maribyrnong River trail. The Master Plan makes recommendations to improve course safety and reduce the number of errant golf balls exiting the facility.

Consultation on the Draft Master Plan is required with the community to test support for the vision and to bring back to Council for consideration to adopt.

9.15 **Moonee Ponds Special Rate Intention to Declare**

File No: FOL/14/552
Author: Manager Economic Development & City Sustainability
Directorate: Environment & Lifestyle
Ward: Myrnong

Purpose

To seek endorsement by Council to commence the intention to declare the Special Rate and Charge Scheme for the marketing and promotion of the Moonee Ponds business precinct.

Executive Summary

- Following direct consultation with Moonee Ponds property owners and occupiers within the scheme area, Council have been able to gauge support for renewal, future direction as well as improvements for Council's collection of the proposed Special Rate and Charge Scheme.
- The proposed Special Rate and Charge calculation for the Moonee Ponds business precinct will be declared with a combination of 20 per cent fixed Special Charge and 80 per cent Special Rate based on Capital Improved Value (CIV).
- Properties not located on Puckle Street will have their rate component discounted by 20 per cent as outlined in (**Appendix A** - separately circulated).
- The business precinct will raise \$160,000 in the first year and increase in \$10,000 increments for a four year period from 1 July 2015 to 30 June 2019. The scheme will in total collect \$700,000 over the four year period.
- The special rate scheme will apply to commercial properties within the boundaries of the Moonee Ponds business precinct outlined in (**Appendix A - Schedule 1**:- separately circulated).
- This report proposes that Council give notice of its intention to declare the Special Rate and Charge Scheme by way of declaration for the Moonee Ponds business precinct. Through the statutory process Council will seek submissions and objections from business and property owners liable to pay the Special Rate and Charge (**Appendix A - Schedule 2**:- separately circulated). Council will receive submissions from these parties up to the close of business on Wednesday 27 May 2015.

Recommendation

That Council:

1. Commence the statutory process under the Local Government Act 1989 (the Act) to re-introduce by way of renewal a Special Rate and Charge to and for the properties within the Moonee Ponds business precinct.
2. Note the Special Rate and Charge will raise a total amount of \$160,000 in the first year and increase in \$10,000 increments for a four year period from 1 July 2015 to 30 June 2019.
3. In accordance with sections 163(1A) and 163B(3) of the Act, authorises public notices be given in The Age, Weekly Review Moonee Valley and the Moonee Valley Leader of the intention of Council to declare at its Ordinary Council Meeting to be held on 23 June 2015, in accordance with the proposed declaration of Special Rate and Charge in the form of the attachment to this resolution (copy provided in **Appendix A – Schedule 1** – separately circulated) such Special Rate and Charge will be for the purpose of defraying expense to be incurred by Council to be used for the purposes of the appointment of a part-time Shopping Centre Coordinator, promotional, advertising, marketing, business development and other incidental expense, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Moonee Ponds business precinct.
4. Authorises in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners and the occupiers of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of Special Rate and Charge, advising of the intention of Council to declare the Special Rate and Charge at its Ordinary Council Meeting to be held on 23 June 2015, the amount for which the property owner or the occupier (being a person who as a condition of a lease under which the person who occupies the property is required to pay the Special Rate and Charge) will be liable, the basis of the calculation and distribution of the Special Rate and Charge and notifying such persons that submission and/or objections in writing in relation to the Proposed Declaration of Special Rate and Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act.
5. Advises the Moonee Ponds Rate Levy Association of the matters specified in paragraphs 1, 2 and 3 of this resolution.
6. Appoints and authorises a Committee of Whole of Council to hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submissions.
7. Authorises the Chief Executive or his nominated representative:
 - a) To carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and section 163(1A), (1B) and (1C) and sections 163B and 223 of the Act; and
 - b) To prepare a funding agreement between Council and the Moonee Ponds Rate Levy Association to formalise the administrative operations of the

Special Rate and Charge, to ensure that at all times, and as a precondition to any payment of funds, Council is, and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Rate and Charge in accordance with its obligations under the Local Government Act 1989 to do so.

8. Requests that the agreement specified in paragraph 6(b) of this resolution is to be subsequently submitted to Council for approval and sealing.

Background

The Special Rate and Charge Scheme has been operating since 1994 in the Moonee Ponds business precinct and it is considered that the services provided from the proceeds of the Special Rate and Charge provide special benefit to the rated businesses and properties. The current Moonee Ponds special rate agreement will expire 30 June 2015

The services that have been provided from the proceeds of the Special Rate and Charge, all being marketing-related, have been designed to benefit the commercial and business properties and land in the Moonee Ponds business precinct. The Moonee Ponds business precinct Special Rate and Charge currently raises \$156,000 annually.

It is considered that each rateable property and each business included in the Moonee Ponds business precinct and required to pay the Special Rate and Charge, will receive a special benefit because the viability of the business precinct as a commercial, retail and professional area will be enhanced through economic activity. On this basis, the whole of the proposed Special Rate and Charge will be levied against the retail, commercial and professional business properties that are located in the scheme area.

Discussion

The Moonee Ponds business precinct boundary for the Special Rate and Charge will remain unchanged, this decision has been based on feedback from consultation undertaken. All properties being used for commercial, retail or professional purposes within the designated boundary will incur a special rate charge.

It is proposed that the scheme will collect \$160,000 in the first year of the Special Rate and Charge, with an increase of \$10,000 each year for the duration of the scheme. Over the four year period of the scheme \$700,000 will be collected from the Moonee Ponds business precinct.

Year 1 - \$160,000	Year 2 - \$170 000
Year 3 - \$180 000	Year 4 - \$190 000

To provide consistency between the Special Rate and Charge schemes that apply throughout other precincts in Moonee Valley, it is proposed to declare a combination of 20 per cent fixed special charge and 80 per cent special charge based on Capital Improved Value (CIV). Businesses not located on Puckle Street will have their rate component discounted by 20 per cent.

The 20 per cent fixed component represents a fair and equitable distribution of the funds ensuring all properties contribute to the core marketing of the precinct. The 80

per cent component will recognise that most of the benefit from the Special Rate and Charge will be distributed in accordance with CIV. A list of rated properties are outlined in (copy provided in **Appendix A – Schedule 2**: - separately circulated).

There are currently eight major business within the Moonee Ponds business precinct who have their Special Rate Charge capped at the maximum rate amount of \$3,000. Through consultation it became apparent that raising this cap to \$5,000 would more fairly reflect the size and profitability of these long standing Moonee Ponds anchor tenants.

Consultation

In October 2014, a survey was sent to all business and property owners within the Moonee Ponds business precinct seeking feedback on the current rate and whether or not they support its renewal. Overall, 38 per cent of respondents indicated support for the rate. However, this varied by location with higher levels of support on Puckle Street and very low levels of support amongst businesses on Mt Alexander Road.

In February 2015 local Moonee Ponds businesses met for a workshop to contribute to the future vision for the Moonee Ponds business precinct, as well as provide comment on the pending renewal of the Moonee Ponds Special Rate and Charge Scheme. In attendance were approximately 20 Moonee Ponds traders including members of the Moonee Ponds Rate Levy Association (MPRLA), who currently manage the rate.

Businesses attending the workshop were in agreement to continue the Special Rate and Charge Scheme and not change the boundary. Feedback also indicated interest in creating a more equitable rate with a fixed rate component, not just based on the CIV value of the property. Further comment advocated for a higher financial cap on major businesses contributing eg. Mirvac and Moonee Valley Racecourse.

Property and/or business owners who are affected by the Special Rate and Charge Scheme who wish to lodge an objection or make a submission on the scheme, must have their written submission lodged with Council by 5pm on Wednesday 27 May 2015. Council will consider written or verbal submission/s at a Section 223 Committee hearing scheduled for 6pm on Tuesday 2 June 2015.

Implications

1. Legislative

Section 163 of the Local Government Act 1989 states that Council must determine a number of matters when considering a new Special Rate or Charge:

- a) The purpose of the Special Rate or Charge or a combination of both.

In the case the defraying of any expenses relating to a specific function (marketing and promotion of Moonee Ponds business precinct). This must be of special benefit to the persons required to pay the special rate or special charge.

- b) The total amount of the Special Rate and/or Charge to be levied.

The total cost of implementing this rate would include:

- The annual amount \$160,000 in the first year of the scheme rising each subsequent year by \$10,000, for the remainder of the scheme for the Moonee Ponds business precinct.
- Council's own administrative costs in relation to the scheme including the renewal process and on-going administration. The practice in previous schemes is for Council to not recover its administrative costs from liable properties, and to only levy those costs incurred by the Association. It is proposed that this practice continue for the proposed scheme. It needs to be emphasised that Council's contribution (around \$20,000 for the renewal process and \$20,000 annually for administration) in providing its own resources towards the benefit of the Moonee Ponds Business Precinct (which could otherwise be recouped from benefiting properties) is not inconsiderable.

The Act provides that Council must calculate the above amount in accordance with the following formula:

$$R \times C = S$$

R is the total 'benefit ratio' which is the percentage of the total cost that Council determines is able to be levied. It takes into account whether there are properties Council believes will derive a 'special benefit' and are to be levied, and others which also receive such a benefit but which aren't to be levied (such as non-commercial community facilities).

Council must also determine if there is a clear, direct and tangible 'community benefit' provided by the scheme that cannot be rated to the shops. This must be attributed to, and paid for, by Council.

C is the total cost of the scheme. **S** is the maximum amount that can be levied.

With regard to the 'benefit ratio', it is considered that all the properties shown on the map and detailed in the list annexed to the attached proposed declaration as outlined in (**Appendix A** – separately circulated), will receive a special benefit through increased economic activity. There are no rateable properties identified within this area which should not be levied the rate. Also, it is considered that there are no separate 'community benefits' that can be measured which might accrue from the existence of the scheme. Any benefits to people visiting the businesses in the centre will accrue to the businesses themselves.

Therefore, the total maximum amount that can be levied on liable property owners would be 100 per cent of the total cost of the scheme.

Council needs to specify the methodology it will use in determining how the payment of the Rate is to be apportioned amongst the benefiting properties. In this instance, it is proposed that all properties will pay a 20 per cent fixed special charge and 80 per cent special charge based on CIV properties not located on Puckle Street will have their rate component discounted by 20 per cent.

2. Council Plan / Policy

Theme 4: Vibrant and diverse

Strategic objective 1: Support economic growth and development in the municipality.

The renewal of Special Rate and Charge Scheme in Moonee Ponds is an important tool to support traders and achieve economic growth in this valuable shopping precinct.

Economic Development Strategy 2014

Economic theme 1: Active precincts for all.

3. Financial

The renewal of the Special Rate and Charge Scheme is accounted for in the operational budget.

4. Environmental

The renewal of the Special Rate and Charge Scheme will have no negative impact on the environment. Growing the Moonee Ponds business precinct supports local residents to shop locally which in turn can reduce the environmental impact caused through travel.

Conclusion

The renewal for the Moonee Ponds Special Rate and Charge Scheme has the support and endorsement of the Moonee Ponds Rate Levy Association. It is considered that all of the commercial, retail and professional properties in the Moonee Ponds business precinct will derive a special benefit from the expenditure of Special Rate and Charge funds and the viability of the business precinct as a commercial and retail centre will be further enhanced.

The intention to declare a Special Rate and Charge by way of renewal invites public comment and provides Council the opportunity to review the proposed rate in light of public submissions, before its ultimate declaration.

9.16 2014/15 Community Grants - Round 2

File No: FOL/14/389
Author: Coordinator Sport and Recreation
Directorate: Environment & Lifestyle
Ward: Municipal

Purpose

This report recommends funding allocations for the second round of the 2014/15 Community Grants Program.

Executive Summary

- Round two of the 2014/15 Community Grants Program will support community groups and individuals to deliver and participate in projects and activities.
- Grants were open from 2 February 2015 until 2 March 2015. The program was widely promoted.
- General support offered to applicants included four community information sessions and an e-newsletter with grant writing tips. Tailored support was also available, including the provision of interpreters and opportunities to discuss projects directly with council officers. Approximately 50 people attended information sessions, and more than 40 groups and individuals contacted council officers to discuss their applications.
- A total of 61 applications were received from community groups and individuals across the 5 available categories, requesting a total \$185,164.
- All applications were initially reviewed and assessed by Council officers.
- Two assessment panels comprised of Councillors, directors and relevant managers. Panels assessed applications against the funding criteria.
- A total of 48 applications, which represents 80 per cent of all applications, are recommended for funding, totalling \$164,314 of the available pool of \$216,208.

Recommendation

That Council:

1. Awards the second round of grants to organisations and individuals for the specified amounts recommended by the assessment panels (copy of assessment provided in **Appendix A**).
2. Notes that applicants will be advised of the outcome of their applications.

Background

The 2014/15 Community Grants Program ('the program') demonstrates Council's commitment to community wellbeing by directly supporting local groups, organisations and individuals to provide services and participate in activities that benefit the Moonee Valley community.

At its Ordinary Meeting for March 2014, Council resolved that the Chief Executive review the various grant programs in operation and provide advice on the consolidation of these programs for 2014/15.

In 2014/15 the timelines and communications for 10 grant categories across Council were brought into alignment. This includes grants offered by the following departments:

- Community Planning and Development
- Arts and Culture
- Economic Development and City Sustainability
- Leisure and Open Space Planning
- Finance

Consistent with the stage one review changes, the community grant categories are available in two rounds (closing in August 2014 and March 2015), as shown in Table 1.

This structural change is the first part of a two stage review. The second stage of the review has commenced, and involves a broader in-depth review of the program.

Table 1

Category	Description	Maximum grant	Available
Minor grants			
Social Support	Provide agreed social and recreational activities	\$1,000	round 1 only
Community Initiative Support	Develop individuals and community groups within Moonee Valley community, which supports a key objective of the Council Plan 2013-17: Vibrant and diverse – creating opportunities for all	\$300	round 1 and 2
Sports and recreation grants			
Individual Initiative Funding Scheme	Acknowledge personal and financial commitments in achieving the best results in sports and recreation or arts and culture with contribution towards the cost of participating in recreational activities.	\$300	round 1 and 2
Youth Equity Sports	Support young people in Moonee Valley to engage in organised sport, particularly those from disadvantaged families.	\$200	round 1 and 2

Category	Description	Maximum grant	Available
Sports and recreation grants			
Dick Reynolds Youth Sports Scholarship	Advance the successful applicant's sporting career and assist with covering the following costs: <ul style="list-style-type: none"> • event attendance fees • travel costs and accommodation • training and coaching • equipment • other necessary costs 	\$1,000	round 2 only
Project grants			
Community Development	Projects contributing to Moonee Valley as a vibrant and diverse, friendly and safe place, providing opportunities for all.	\$5,000	round 1 only
Arts, Culture and Events	Arts, cultural and heritage activities that encourage the development of and participation in Moonee Valley's cultural life.	\$5,000	round 1 only
Sustainable Environment	Community initiatives that protect or enhance the environment.	\$5,000	round 1 only
Capital works and equipment grants			
Recreation Capital Works Funding Scheme	Assistance to community groups and sports clubs to renovate existing facilities, or to construct new facilities to meet the current and future sporting, cultural and recreational requirements of the Moonee Valley community.	\$60,000	round 1
Community Capital Support	Support community groups within the Moonee Valley community that provide services to the community to enhance social inclusion, health, mental health and wellbeing, community safety, community participation, sport and recreation.	\$10,000	round 1 and 2

Discussion

Promotion of the community grants program

The program was widely promoted by various methods, including:

- A direct mail out of the community grants brochure, which included information on the grants available in rounds one and two.
- 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:

- Four information sessions which were held at different venues in Moonee Valley during the day and evening with approximately 50 attendees. Interpreters were available on request.
- All requests for support in developing project ideas and completing application forms were accommodated. More than 40 individuals and/or groups discussed grants with council officers in person or over the phone.

Assessment panel

Evaluation of applications was undertaken by three separate assessment panels. The panels comprised nominated Councillors, directors and relevant managers, as detailed below:

- Project grants assessment panel
There were no project grants available in round two, therefore this panel did not meet.
- Minor grants assessment panel
The minor grants assessment panel met on 17 March 2015 and assessed applications in all categories with a maximum grant of \$1,000 or less (Community Initiative Support, Individual Initiative Funding Scheme, Dick Reynolds Youth Sports Scholarship and Youth Equity Sports).
- Capital works and equipment grants assessment panel
The capital works and equipment grants assessment panel met on 10 March 2015 and assessed applications in the Community Capital Support Grants category.

All applications were pre-evaluated by council officers to provide advice to the assessment panels on eligibility and the relative merit of the applications. All review panel members registered any conflict of interest relating to any specific application. Recommendations are based on consensus about how well applications met specific assessment criteria.

Summary of applications received:

A total of 61 applications were received from community groups and individuals across the 5 available categories, requesting a total of \$185,164.

The total funding pool remaining after round one was \$217,175. The available funds, applications received and recommendations are summarised in Table 2. The organisations and individuals recommended for funding are detailed in **Appendix A**.

Summary of recommendations by category

Table 2

	Applications received	Applications recommended	Funding requested	Funding available	Funding recommended
Community initiative support	12	11	\$3,500	\$6,900	\$3,200
Individual initiative support	6	4	\$1,800	\$2,050	\$1,050
Youth equity sports	12	12	\$1,960	\$5,000	\$2,160
Dick Reynolds Scholarship	9	1	\$1,000	\$1,000	\$1,000
Community capital support	22	20	\$176,904	\$202,225	\$156,904
Total	61	48	\$185,164	\$217,175	\$164,314

All unsuccessful applicants will be provided with the opportunity to meet with Council officers who can advise them about alternative funding options and support them to strengthen their approach to seeking funding. A small number of applications were deemed ineligible for funding.

Consultation

Four 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.

Implications

1. Legislative

The 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.’*

3. Financial

The 2014/15 budget for the community grants available in round two is \$217,175. This is distributed through the following categories:

- Community initiative support grants \$6,900
- Individual initiative funding scheme \$2,050
- Youth equity sports grants \$5,000
- Dick Reynolds youth sports scholarship \$1,000
- Community capital support grants \$202,225

4. Environmental

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

Council's community grants program is one of the most important ways in which Council partners with the community to strengthen participation and deliver projects that contribute to enhanced social inclusion outcomes. The 2014/15 program has consolidated grants communications, guidelines and timelines as the first stage of a two stage review. The second stage of the review will consist of an in-depth analysis of the grants Council offers and its administrative processes.

APPENDIX A

Applicants recommended for 2014/15 Community Grants Program funding

Community Initiative Support grant applicants recommended for funding		Amount
1	Circolo Pensionati Italiano Di East Keilor	\$300
2	Essendon Prostate Cancer Support Group	\$300
3	Circolo Pensionati Italiano Di Ascot Vale	\$300
4	Greek Senior Citizens club of Airport West and Districts	\$300
5	Peter Gibbs	\$300
6	Circolo Pensionati Italiano Di Niddrie	\$300
7	Flemington Association Inc	\$300
8	Thomas Wilson	\$300
9	Moonee Valley Toy Library Inc	\$200
10	Essendon Theatre Company	\$300
11	Avondale Heights Grandparents Playgroup	\$300
Total recommended for Community Initiative Support		\$3,200

Individual Initiative Funding applicants recommended for funding		Amount
1	Ria Thompson – Rowing National Championships in Penrith	\$300
2	Emily Rogers – Synchronised Swimming championships in Russia	\$300
3	Dallas Jones – Ultimate Frisbee championships in the UAE	\$300
4	Emma Abfalter – Athletics Junior Championships in Sydney	\$150
Total recommended for Individual Initiative Funding Scheme		\$1,050

Community Capital Support Grant applicants recommended for funding			
No	Organisation	Project	Amount
1	FC Strathmore	Strathnaver Reserve fencing	\$10,000
2	Greek Community Keilor and District Inc	Kitchen and communication equipment	\$3,500
3	St Georges Anglican Church	Organ Renovation Project	\$2,400
4	North West Wolves Rugby League Club	AJ Davis Shelters	\$10,000
5	Ascot Vale Trugo Club	Extension of court pavilion	\$4,150

Continued ...

Community Capital Support Grant applicants recommended for funding			
No	Organisation	Project	Amount
6	Friends of Maribyrnong Valley Incorporation	Pine posts	\$9,976
7	St Vincent de Paul Netball Club	Goal post safety padding	\$3,406
8	Maribyrnong Park Sports Club	Solar panels	\$10,000
9	Essendon Royals Soccer Club	Goals and container	\$10,000
10	Farnham Street Neighbourhood Learning Centre	New Student Management System	\$10,000
11	Essendon Hockey Management Association	Awning Project	\$10,000
12	Moonee Valley Masters Inc	Gym equipment	\$8,500
13	Strathmore Tennis Club	New fencing	\$10,000
14	Essendon Doutta Stars Football Club	Goal posts	\$8,569
15	Ascot Kindergarten	Scooter and bike rack	\$1,035
16	Enable Inner West	Disability sports equipment	\$10,000
17	Strathmore Community Garden	Pergola blinds	\$8,000
18	Essendon Science Club	Trailer project	\$9,250
19	Doutta Stars Cricket Club	Replacement kitchen cupboard and bench tops	\$8,818
20	Golden Fish Synchronised Swimming Club	PA system	\$9,300
Total recommended for Community Capital Support			\$156,904

Dick Reynolds Youth Sport Scholarship recommended for funding		Amount
1	Ria Thompson - Rowing	\$1,000
Total recommended for Dick Reynolds Youth Sport Scholarship		\$1,000

Youth Equity Sports grant recommended for funding		Amount
1	Tyson Cook – St Christopher’s Basketball Club	\$80
2	Christian Galtieri – St Christopher’s Basketball Club	\$80
3	Mohamed Amin Abdulkarim – Newmarket Phoenix	\$200
4	Jamali Awale – Newmarket Phoenix	\$200
5	Omar Mohamed – Newmarket Phoenix	\$200
6	Hayley Sibbald – Strathmore Tennis Club	\$200
7	Enis Yavuz – St Christopher’s Basketball Club	\$200
8	Madalena La Bruna – Essendon Royals & St Vincent’s Netball Club	\$200
9	Emily Decis – St Christopher’s Basketball Club	\$200
10	Elise Decis – St Christopher’s Basketball Club	\$200
11	Jackson Decis – Strathmore Football Club	\$200
12	Roman Gaston – St Christopher’s Basketball Club	\$200
Total recommended for Youth Equity Sports		\$2,160

9.17 Status of Projects Delayed by Proposed East West Link

File No: FOL/14/204
Author: Manager Leisure & Open Space Planning
Directorate: Environment & Lifestyle
Ward: Municipal

Purpose

The purpose of this report is to provide a status of projects delayed by proposed East West Link (EWL).

Executive Summary

- As a result of the potential impact of the EWL, Council had not progressed a range of projects within the Myrnong Ward. One project, Travancore Park shared path duplication was on hold within the Capital Works Program, others that were in the planning and design phase had also been deferred.
- However, on 15 April 2015, the Government announced they have reached an agreement with the EWL Project Company and the East West Link project will not proceed.
- Negotiations with the State Government in relation to land tenure in and around the EWL project area and the proposed CityLink/Tullamarine Freeway Widening project (CTW) are ongoing but do not impact on Travancore Park and the design of the shared path will now commence.

Recommendation

That Council receive and note the report on the status of projects delayed by the proposed East West Link.

Background

This report is in response to the Notice of Motion No. 2014/24 – Status of Projects Delayed by Proposed East West Link – tabled at the Ordinary Meeting of Council on Tuesday 16 December 2014 that:

1. Identifies all Myrnong Ward based projects postponed due to the previous Government's decision to pursue development of the East West Link.
2. Includes at a minimum:
 - a) details of these projects;
 - b) status report;
 - c) Council's previous commitments to progress these projects including budget allocations;

- d) revised timeline (indicative) for roll out; and
- e) consideration within the 2015/16 budget.

Discussion

Capital Works Program

In researching the Notice of Motion Request it was identified that there was only one project on hold within the Capital Works Program due to the East West Link project. This project is the design documentation and construction for the duplication of the Moonee Ponds Creek Shared Path as it moves through Travancore Park. This project was identified after consultation with the community on the Feasibility and Options Study for Travancore Park which included the preparation of a concept plan for the park.

The Moonee Ponds Creek Shared path forms part of Melbourne's Principal Bicycle Network. The duplication of the shared path was a measure to resolve significant user conflict arising from high commuter traffic, recreation cyclists and local pedestrians using both the path and the local parks.

The 2013/14 capital works budget included funding of \$140,000 for the design documentation phase and commencement of construction. Meetings were held with Myrnong Ward Councillors in March and it was agreed that officers would investigate if the design documentation of the shared path project could recommence.

On 15 April 2015, the Government announced they have reached an agreement with the EWL Project Company and the East West Link project will not proceed. Negotiations with the State Government in relation to land tenure in and around the EWL project area and the proposed CityLink/Tullamarine Freeway Widening project (CTW) are ongoing but do not impact on Travancore Park. The design of the shared path will now commence with construction funding referred to in the 2015/16 capital works program for consideration.

Planning for projects in the vicinity of Travancore Park, such as Moonee Ponds Creek Linear Park Master Plan and progressing with actions out of the Walking and Cycling Strategy have also been impacted by the major freeway projects, East West Link and CityLink Tullamarine Widening project.

Projects from the Walking and Cycling Strategy include Action Package 1 – Enhance Moonee Ponds Creek Path:

- Improvements to the Moonee Ponds Creek trail specifically:
 - Mount Alexander Road Underpass
 - Mount Alexander Road to CityLink Entry Ramp Underpass
 - CityLink Underpass near Ormond Road
 - CityLink Underpass near Ormond Park
 - CityLink Underpass near Dean Street
- Flemington Bridge Station bridge connection.

Council is advocating for legacy outcomes from these projects, which includes recreation, public open space and shared paths improvements. In addition the

proposed CTW widening may potentially also impact projects given the requirements to access the freeway during construction.

Once the final project design of the CTW is finalised and negotiations with Government authorities have matured, Council will be in position to progress projects further.

Following the winding up of the Linking Melbourne Authority, Council officers are seeking discussions with the relevant state government departments to commence the process of restoring the status of Council land previously divested from Council and which are currently Crown land temporarily reserved for the purposes of the EWL pursuant to section 4(1) of the *Crown Land (Reserves) Act 1978*.

Facility Planning

The East West Link proposal has delayed planning for some projects which are in the very early stages and have not progressed beyond being identified for future planning in the relevant plans.

A Community Infrastructure Needs Assessment for the Flemington Community Centre was underway when the East West Link announcement was made. This project was re-scoped to inform the submission of the East West Link proposal.

The results of this planning now informs the Precinct Planning for the Community Facilities Plan. Further planning is required however this will be guided by the Community Facilities Plan and the Service Plan preparation process. Therefore whilst the work undertaken remains relevant it now forms part of a broader Council process to strategically plan for community facilities and services.

Operationally, oval resurfacing works had been identified for the Ormond Park AFL sports field and were not planned for. These works will now be reviewed against other sports field refurbishment priorities.

Ormond Park is home to two sports pavilions, both which are included within the Sports Pavilion Redevelopment Plan. These pavilions are not identified as high priority and are not planned for refurbishment or replacement within the four year planning cycle and therefore do not appear in Council's Capital Program.

Consultation

In researching the information contained in this report consultation has been undertaken with Myrning Ward Councillors and the relevant Council officers.

Implications

1. Legislative

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

2. Council Plan / Policy

Council Plan 2013-17, Theme Green, clean and beautiful; A sustainable environment for future generations. Strategic Objective 3: Lift the level of functionality and sustainability of the municipality.

3. Financial

There are no direct financial implications from this report.

4. Environmental

There are no direct environmental implications from this report.

Conclusion

As a result of Council's Notice of Motion 2014/24, consultation was undertaken with relevant officers regarding any deferred projects as a result of the proposed East West Link project. One project, Travancore Park shared path duplication was on hold within the Capital Works Program, but given the recent Government announcement to cancel the East West Link project, can now proceed. No other Capital Works projects have been deferred and planning for other projects within the Myrnong Ward are only in the very initial planning phase.

9.18 Draft LGBTIQ Action Plan (2015-17)

File No: FOL/13/1002
Author: Community Planning Officer
Directorate: Community Services
Ward: Municipal

Purpose

To present Council's draft LGBTIQ Action Plan which details Council's committed actions over 2015 to 2017 to improve access and equity for Moonee Valley's lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) community members.

Executive Summary

- In 2014, Council adopted the Diversity, Access and Equity Policy with the goal to "support an inclusive city that respects the human rights of all its citizens, celebrates their diversity and promotes their participation in all aspects of community life".
- The draft LGBTIQ Action Plan supports the implementation of the Diversity, Access and Equity Policy by addressing access and equity for our lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) community members.
- The draft LGBTIQ Action Plan has been developed based on consultation with community members. This has included a community survey, two discussion evenings and a dedicated LGBTIQ working group made up of ten people who have met three times in 2014 and 2105.
- The draft LGBTIQ Action Plan commits to deliver actions over two years across a number of Council departments and are based around the themes and policy commitments of the Diversity, Access and Equity Policy.
- The draft LGBTIQ Action Plan will be on public consultation from 29 April to 22 May 2015. This consultation coincides with activities for International Day Against Homophobia, Biphobia, Intersexism and Transphobia.
- Once adopted, the LGBTIQ Action Plan will be reviewed annually and updated accordingly. Following the two year implementation program, the action plan will undergo a more extensive review, with priorities for the following two years identified and actions developed to address these priorities.
- A two year implementation program was identified as an achievable and meaningful timeline to achieve change and address priorities identified during the consultation for this action plan.

Recommendation

That Council adopt the draft LGBTIQ Action Plan for public consultation from 29 April to 22 May 2015.

Background

Moonee Valley's Diversity, Access and Equity Policy was adopted by Council on 25 March 2014. The goal of the policy is to "support an inclusive city that respects the human rights of all its citizens, celebrates their diversity and promotes their participation in all aspects of community life".

Included in this policy is a commitment to address specific areas of diversity including the following action plans:

- Disability Action Plan (adopted in 2014)
- Multicultural Action Plan (under development)
- LGBTIQ Action Plan

These action plans will help to implement the commitments of the Diversity, Access and Equity Policy. A complementary document is Council's Reconciliation Policy with commitments to the respect, recognition and representation of Aboriginal and Torres Strait Islander peoples.

In 2014, Council undertook a series of consultation activities to assist Council in identifying the priorities for the LGBTIQ Action Plan. Consultation included a discussion evening coinciding with International Day Against Homophobia held on 15 May 2014, a community survey from 12 May to 23 June 2014 and a follow up discussion evening on 8 October 2014. At these discussion evenings, participants identified the need for a specific working group to help guide the action plan.

The LGBTIQ Working Group was established with Expressions of Interest (EOIs) sought from community members. A total of 10 people were recruited with diverse representation. This working group met three times in 2014 and 2015 and helped guide the development of the action plan. This working group also had input into the upcoming activities for International Day Against Homophobia, Biphobia, Intersexism and Transphobia.

Discussion

In recent years, Council has undertaken a number of activities to recognise and celebrate our LGBTIQ community. This includes partnerships with other councils, recognising International Day Against Homophobia, Midsumma activities and recent consultation for our action plan.

Council has been an active partner of GoWest, an initiative established by Hobsons Bay City Council and includes representation by the six councils of Melbourne's western region, along with Melbourne City Council.

Council recognises that there continues to be barriers for members of our community and that not everyone enjoys the same opportunities. Addressing these barriers is a key aim of the draft action plan.

Consultation

A series of external consultation activities were undertaken including two discussion evenings – one on 15 May 2014 with 30 participants and a follow up on 8 October 2014, a community survey with 49 participants and a dedicated working group with 10 members who met three times in 2014 and 2015.

Internal consultation was also undertaken with relevant Council departments, particularly those that are partnering on the implementation of this action plan including: Aged and Disability; Arts and Culture; Communications; Family and Children's Services; Human Resources; Library and Learning; and Leisure and Open Space.

Implications

1. Legislative

Commonwealth and Victorian legislation protects the rights of the LGBTIQ community members. This includes the *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill* (2013) (Cth) and the *Fair Work Act 2009* (Cth) as well as the *Equal Opportunity Act 2010* (Vic) which identifies 18 protected attributes including Lawful Sexual Activity, sexual orientation and gender Identity.

The Victorian Charter of Human Rights and Responsibilities also includes a number of protections including freedom of expression; your right to protection of families and children; and the right to take part in public life. This action plan specifically helps to uphold the human rights of our LGBTIQ community members.

2. Council Plan / Policy

The Council Plan includes Theme 4: Vibrant and diverse, opportunities for all which identifies that Council is to “facilitate and encourage access to diverse, affordable and enjoyable leisure and learning opportunities” and to “ensure all council services cater for the diverse community within the city”.

3. Financial

There are no budgetary or funding considerations as a result of this report.

4. Environmental

Any action identified in the LGBTIQ will ensure compliance with Council's City Sustainability Policy.

Conclusion

Council's Diversity, Access and Equity Policy details Council's commitment to improve access and equity for our community. The draft LGBTIQ Action Plan helps to acknowledge and celebrate the diversity in our community, while also helping to address access and equity. Through this action plan Council aims to make Moonee Valley an even safer, more vibrant and diverse community and provides opportunities for all.

9.19 101 Arcade Way, Keilor East - Proposed Sale of Property

File No: PR36989
Author: Coordinator Property Services
Directorate: Corporate Services
Ward: Rose Hill

Purpose

To seek Council approval to sell the property at 101 Arcade Way, Keilor East in accordance with section 189 of the *Local Government Act 1989* (“the Act”).

Executive Summary

- Council resolved at its meeting on 25 November 2014 to commence statutory procedures under section 189 of the Act, giving notice of its intention to sell its property at 101 Arcade Way, Keilor East shown in **Appendix A.**
- The property was previously used as a sub-regional Planned Activity Group (PAG) adult respite centre but ceased to operate in late 2013. The property has remained vacant ever since and is now surplus to Council requirements.
- Public notices appeared in local newspapers on 4 February 2015 and notices were placed in-situ. The submission period closed on 4 March. 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, resolve to sell the property known as 101 Arcade Way, Keilor East and described as Lot 457 on Plan of Subdivision 13092 on Certificate of Title Volume 8200 Folio 984.
2. Authorise the Chief Executive to prepare the property for sale and execute all relevant contract and transfer documents on behalf of Council.

Background

The sub regional PAG adult respite service has not operated at the property since late 2013 and the service agreement with Brimbank City Council is now void. The property has been vacant ever since and is deemed surplus to Council requirements.

Council resolved at its meeting on 25 November 2014, to commence statutory procedures under section 189 of the Act, giving notice of its intention to sell its property at 101 Arcade Way, Keilor East shown in **Appendix A.**

Public notices appeared in the Moonee Valley Leader and Moonee Valley Weekly on 4 February 2015 and notices were placed in-situ. The submission period closed on 4 March. No written submissions were received to the proposal.

The property comprises one lot and is shown on Plan of Subdivision 13092 and contained on Certificate of Title Volume 8200 Folio 984. The land area is approximately 760m² and is zoned GRZ, is included in the Garden Court 4 Overlay and in the Melbourne Airport Environs Overlay, which restricts development to one dwelling per 300m².



Subject site: Planning Information

Discussion

Given that the sub-regional PAG adult respite service has not operated at the subject property since late 2013 and clients previously using services at this centre have been re-accommodated, it is considered appropriate to dispose of Council's property at 101 Arcade Way, Keilor East as the property is now surplus to Council's requirements.

The principle terms and conditions of the sale will be as follows:

- Sale by public auction.
- The sale price be payable by a deposit of 10 percent with the balance payable within 60 days of the date of sale, or as agreed with the purchaser before acceptance of offer, when the purchaser shall be entitled to vacant possession.
- The purchaser is liable to pay GST in respect of the land being transferred to that party.
- The usual terms and conditions for the sale of land and any other terms and conditions required by Council.

Consultation

Council gave public notice in the Moonee Valley Leader and Moonee Valley Weekly on 4 February 2015 and notices were placed in-situ. The submission period closed on 4 March. No written submissions were received to the proposal.

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

The proposal supports Strategic Objective 3:

“Lift the level of functionality and sustainability of the municipality’s infrastructure.” and Strategy 2: “Allocate discretionary capital funds according to priorities determined through long term service planning, precinct planning and actions identified within asset management plans.”

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

Council has obtained a valuation based on the following considerations:

- the land area is approximately 760m² and is zoned GRZ with a Garden Court 4 Overlay and is within the Melbourne Airport Environs Overlay.
- the land has a 1.83m wide drainage and sewerage easement along the rear boundary.

Since Council proposes to prepare the property for public auction, it is prudent that the valuation remain commercial in confidence.

4. Environmental

Council obtained an Asbestos Building Materials Assessment report by Prensa dated January 2014. Non-friable asbestos exists in fibre cement sheeting in a few areas which is typical of dwellings built in the 1970s. The risk is assessed at P4 priority rating. This means that whilst the items were identified containing asbestos material, they did not require any immediate abatement measures unless building refurbishment, maintenance or demolition works are undertaken. The Report will be disclosed as part of the contract of sale.

Conclusion

Since the subject property is no longer required for municipal use and deemed surplus to Council requirements, it is appropriate to dispose of the property and realise capital investment.

APPENDIX A



Location Photo: 101 Arcade Way Keilor East

9.20 Electoral Representation Review 2015 - Response to VEC Preliminary Report

File No: FOL/14/929
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal

Purpose

This report has been prepared in response to the Preliminary Report released by the Victorian Electoral Commission (VEC), concerning the 2015 Moonee Valley City Council Electoral Representation Review. This report seeks endorsement of Council's response submission to the Preliminary Report.

Executive Summary

- Council lodged a preliminary submission with the VEC on 11 March 2015.
- On 8 April 2015, the VEC released its Preliminary Report which proposes one option for the electoral structure of Moonee Valley City Council.
- Council has an opportunity to formally respond to the VEC's Preferred Option as outlined in its Preliminary Report.

Recommendation

That Council:

1. Endorse the Response Submission to the Victorian Electoral Commission - Electoral Representation Review (provided as **Appendix A**).
2. Submit its Response Submission via the online submission form no later than 5pm, 6 May 2015.
3. Appoint the Mayor or delegate to present Council's submission at the Public Hearing to be held at the Moonee Valley Civic Centre on Thursday, 14 May 2015.

Background

At its meeting held 10 March 2015, Council resolved to submit a preliminary submission to the VEC's Electoral Representation Review for Moonee Valley City Council. Council's submission recommended:

1. That the number of Councillors representing Moonee Valley voters remains at 9.
2. That the municipality continue to be subdivided into three multi-member wards.

3. That Niddrie be annexed from Buckley Ward to Rose Hill Ward, effectively altering the boundary between the two wards and removing any current and potential breach with the legislative equality requirement.
4. That minor realignments be made to the top and bottom ends of Airport West to address the VEC's guideline to 'following clear lines'.

Discussion

The Moonee Valley City Council representation review commenced on Wednesday 11 February 2015 which involved a series of public notices, media coverage and a public information session to outline the review process. As a result, the VEC received six submissions with five of the six submissions supporting the current structure of three three-councillor wards.

In response to the submission process, the VEC have prepared a Preliminary Report which includes a preferred option for the electoral structure. In this regard, the VEC considers that:

- a) Nine is the appropriate number of councillors for Moonee Valley City Council.
- b) The current structure of three three-councillor wards is best able to provide fair and equitable representation for the voters of Moonee Valley City Council.
- c) Niddrie be transferred from Buckley Ward to Rose Hill Ward, Essendon West be transferred from Rose Hill Ward to Buckley Ward, and that there be minor adjustments to ward boundaries to follow the Tullamarine Freeway.

Council now has an opportunity to make a submission to the VEC in response to the preferred option. Response submissions to the Preliminary Report need to address the model proposed by the VEC and must be received by the VEC by 5.00 pm on Wednesday 6 May 2015. As such, Council officers have prepared a response submission (provided as **Appendix A**) that is considered to best meet the needs of voters whilst considering existing arrangements.

Whilst it is pleasing to note that the VEC's preferred option (for the most part) is reflective of Council's original submission, it does differ slightly with the proposal to transfer Essendon West to Buckley Ward. This element of the VEC's preferred option is not supported and a detailed analysis and rationale addressing why it is not supported has been provided in the response submission.

Following the closure for response submissions, a public hearing will be held at 6.30 pm on Thursday 14 May 2015 in the Council Chamber, with people being able to speak at the hearing should they have requested to do so in their submission.

A final report containing the VEC's recommendation to the Minister for Local Government is scheduled for release on Wednesday 3 June 2015.

Once again, whilst timelines have not made it easy for Council to obtain community input into Council's response submission, it is anticipated that the tabling of this report and Council's submission will inform the community of Council's position.

Consultation

Councillors have been consulted in the preparation of Council's submission.

Implications

1. Legislative

This report is presented to Council in accordance with Division 2 of the Local Government Act 1989.

The Human Rights Charter protects people's right of Entitlement to participate in public life (including voting).

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its strategic objective of a dynamic, effective and accountable organisation through excellence in governance.

3. Financial

The cost of the review has been estimated at approximately \$42,500.

4. Environmental

There are no environmental implications relating to this report.

Conclusion

In responding to the VEC's Preliminary Report and Preferred Option for Moonee Valley City Council, Council officers have prepared a response submission (provided as **Appendix A**) that is considered to best meet the needs of voters and the municipality.

APPENDIX A

Moonee Valley City Council Electoral Representation Review 2015

Response Submission Submitted by Moonee Valley City Council

This submission is made on behalf of Council. Further, Council registers its interest in speaking to its submission at the Public Hearing to be held at the Moonee Valley Civic Centre on Thursday, 14 May 2015.

Council in its initial submission maintained that Moonee Valley's current electoral structure meets the requirements as set out in section 219D of the Local Government Act 1989 in relation to achieving fair and equitable representation for all electors.

VEC Preferred Option

Moonee Valley City Council consist of nine councillors elected from three three-councillor wards, with modified ward boundaries.

1. Number of Councillors

Council acknowledges that the VEC in its Preliminary Report notes that there appears to be no reason to alter the number of councillors. The VEC considers that nine is the appropriate number of councillors for Moonee Valley City Council.

This preferred option supports Council's submission to retain 9 Councillors.

2. Electoral Structure

Council acknowledges the VEC comments in its Preliminary Report where it is referenced that *"In light of the defects of the single-councillor ward model, and the lack of any appetite for change, the VEC did not consider it to be a viable option for this review. The VEC considers that the current structure of three three-councillor wards is best able to provide fair and equitable representation for the voters of Moonee Valley City Council"*.

This preferred option supports Council's submission to retain three multi-member wards.

3. Ward Boundaries

a) Transferring Niddrie from Buckley Ward to Rose Hill Ward

Council acknowledges that the VEC agrees in its Preliminary Report with transferring the suburb of Niddrie from Buckley Ward to Rose Hill Ward and also with the suggested minor changes to align the boundary with the Tullamarine Freeway.

The VEC's preferred option supports Council's submission.

b) Transferring Essendon West from Rose Hill Ward to Buckley Ward

- i) Council, in its preliminary submission proposed the annexure of Niddrie primarily to remove any current or potential breach with the legislative equality requirements and importantly as a low impact option for the community.
- ii) In terms of the annexing of Niddrie, in its Preliminary Report, the VEC states that “under the current boundaries, Niddrie projects rather awkwardly into Rose Hill Ward. The change provides a tidier boundary and the new Hoffmans Road boundary is a clear one”.

The VEC's preferred option to transfer Essendon West to Buckley Ward is not supported by Council as it fails to offer any compelling reasons.

When applying the rationale as presented in points b i) and b ii) above, together with considering a low impact option for the community, Council presents the following conclusions:

- a) Transferring Essendon West to Buckley Ward does not provide significant benefit or improvement in terms of the legislative 10% deviation threshold (legislative equality requirements) and does not present a low impact option for the community.
- b) A protrusion on Rose Hill Ward will still remain (or still exist) as Essendon West will project into Rose Hill Ward.
- c) By retaining Essendon West in Rose Hill Ward, a stronger boundary (or clear line) will exist as it will consist entirely of Hoffmans Road. By transferring Essendon West to Buckley Ward, the boundary becomes significantly jagged and convoluted (that is the boundary will incorporate Hoffmans Road, Rosehill Road, Steele Creek Reserve, Maribyrnong River and Afton Street).
- d) That “*small part of Essendon West*” as described on page 18 of the VEC's Preliminary Report is already separated due to significant geographical features (Afton Street Reserve/LA Moon Reserve). This is a minor separation. Transferring Essendon West into Buckley Ward will not necessarily unite Essendon West as a “whole suburb” as the geographical separation cannot be removed.
- e) Given Essendon West and Niddrie are only separated by Rosehill Road, it may be considered that a link between the two suburbs exists and there is no evidence to support that Essendon West has closer links with Essendon and Aberfeldie to the east.

9.21 **Report on Assemblies of Council**

File No: FOL/09/1245
Author: Manager Governance & Local Laws
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 March 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 March 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 of a dynamic, effective and accountable organisation through excellence in governance.

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.

APPENDIX A

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 10 March 2015 at 6.31pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Narelle Sharpe, Cam Nation, Jan Chantry, Shirley Cornish, Jim Cusack, Nicole Marshall and John Sipek.

Officers:

Neville Smith	Chief Executive
Tony Ball	Director Community Services
Bryan Lancaster	Director City Works & Development
Anthony Smith	Director Corporate Services
Scott Widdicombe	Director Environment and Lifestyle
Henry Bezuidenhout	Manager Strategic and Statutory Planning
Adam Boyle	Manager Community Planning & Development
Sue Hecker	Manager Leisure & Open Space
James Martin	Manager Communications & Corporate Planning
wTim Mileham	Coordinator Leisure Facilities and Projects
Mel Lorback	Senior Leisure Facilities Officer

CONFLICT OF INTEREST DISCLOSURES

Councillor Marshall declared a Conflict of Interest in Item 1.

Councillor Nation declared a conflict of Interest in Item 4.

MATTERS CONSIDERED

1. Events Area Boundary Review
2. Draft Moonee Valley Housing Issues and Opportunities Paper
3. Draft Five Mile Creek Reserve Master Plan
4. East Keilor Leisure Centre Feasibility Study Draft Concept Plan
5. Street Lighting Update - LED Lighting for the final stage of the project
6. Early Years a Reference Group
7. Grants Review Follow-up Discussion
8. Lincoln Park, 66-68 Lincoln Road, Essendon
9. 2015 ALGA National General Assembly of Local Government
10. 23 - 27 Dennis Avenue, Keilor East
11. 53 Deakin Street, Essendon
12. Electoral Representation Review 2015
13. Items of a general nature raised by Councillors and Officers.

RECORD COMPLETED BY

Anthony Smith Director Corporate Services

RECORD OF ASSEMBLY OF COUNCILLORS

Monday 16 March 2015 at 6.29 pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Narelle Sharpe, Jan Chantry, Jim Cusack, Nicole Marshall and John Sipek.

Officers:

Neville Smith	Chief Executive
Tony Ball	Director Community Services
Bryan Lancaster	Director City Works & Development
Anthony Smith	Director Corporate Services
Scott Widdicombe	Director Environment and Lifestyle
Dale Monk	Manager Finance

CONFLICT OF INTEREST DISCLOSURES

Nil.

MATTER CONSIDERED

1. 2015/16 Budget
2. Items of a general nature raised by Councillors and Officers.

RECORD COMPLETED BY

Anthony Smith	Director Corporate Services
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RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 17 March 2015 at 6.38pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Narelle Sharpe, Jan Chantry, Shirley Cornish, Nicole Marshall, John Sipek and Andrea Surace.

Officers:

Neville Smith	Chief Executive
Tony Ball	Director Community Services
Bryan Lancaster	Director City Works & Development
Anthony Smith	Director Corporate Services
Henry Bezuidenhout	Manager Strategic and Statutory Planning
James Martin	Manager Communications & Corporate Planning
Carey Patterson	Manager Building, Health & Property Services
Lisa Dunlop	Coordinator Strategic Planning
Gary Mills	Coordinator Property Management
Anabel Adler	Strategic Policy Officer
Christina Collia	Strategic Policy Officer

CONFLICT OF INTEREST DISCLOSURES

Nil.

MATTERS CONSIDERED

1. Airport West Activity Centre Structure Plan Review
2. Essendon District Football League
3. Essendon Cricket Club
4. Treadwell Road, Niddrie
5. 1 - 15 Strathaird Street, Strathmore
6. 3 - 9 Shuter Street, Moonee Ponds
7. Items of a general nature raised by Councillors and Officers

RECORD COMPLETED BY

Anthony Smith Director Corporate Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 24 March 2015 at 6.32pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Narelle Sharpe, Jan Chantry, Shirley Cornish, Jim Cusack, Paul Giuliano, Nicole Marshall, John Sipek and Andrea Surace.

Officers:

Neville Smith	Chief Executive
Tony Ball	Director Community Services
Bryan Lancaster	Director City Works & Development
Dale Monk	Acting Director Corporate Services
Anthony Smith	Acting Director Environment & Lifestyle
Henry Bezuidenhout	Manager Strategic and Statutory Planning
Sue Hecker	Manager Leisure & Open Space Planning
James Martin	Manager Communications & Corporate Planning
Troy Delia	Acting Manager Governance & Local Laws
Tim Mileham	Coordinator Leisure Facilities & Projects

CONFLICT OF INTEREST DISCLOSURES

Councillor Marshall declared a Conflict of Interest in Item 4.

Councillor Nation declared a Conflict of Interest in Item 5.

MATTERS CONSIDERED

1. 53 Deakin Street, Essendon
2. 23 - 27 Dennis Avenue, Keilor East
3. Draft Moonee Valley Housing Issues and Opportunities Paper
4. Events Area Boundary Review
5. East Keilor Leisure Centre Feasibility Study Draft Concept Plan
6. Draft Five Mile Creek Reserve Master Plan
7. Early Years a Reference Group
8. Lincoln Park, 66-68 Lincoln Road, Essendon - Expressions of Interest for Community Use
9. 2015 ALGA National General Assembly of Local Government
10. Report on Audit Committee
11. Report on Assemblies of Council
12. Cost Shifting and Grant Reduction.

RECORD COMPLETED BY

Dale Monk Acting Director Corporate Services

RECORD OF ASSEMBLY OF COUNCILLORS

Sunday 29 March 2015 at 9.13am at the Werribee Park

PRESENT

Councillors:

Narelle Sharpe, Cam Nation, Jan Chantry, Shirley Cornish, Jim Cusack (9.50am), Nicole Marshall, John Sipek and Andrea Surace.

Officers:

Neville Smith	Chief Executive
Tony Ball	Director Community Services
Bryan Lancaster	Director City Works & Development
Dale Monk	Acting Director Corporate Services
Anthony Smith	Acting Director Environment & Lifestyle
Damian Hogan	Acting Manager Finance
James Martin	Manager Communications & Corporate Planning

CONFLICT OF INTEREST DISCLOSURES

Nil.

MATTERS CONSIDERED

1. 2015/16 Budget.

RECORD COMPLETED BY

Dale Monk Acting Director Corporate Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday, 7 April 2015 at 6.30pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Jan Chantry, Shirley Cornish, Jim Cusack, Paul Giuliano, Nicole Marshall, John Sipek and Andrea Surace.

Officers:

Neville Smith	Chief Executive
Adam Boyle	Acting Director Community Services
Bryan Lancaster	Director City Works & Development
Dale Monk	Acting Director Corporate Services
Anthony Smith	Acting Director Environment & Lifestyle
Henry Bezuidenhout	Manager Strategic and Statutory Planning
James Martin	Manager Communications & Corporate Planning
Lisa Dunlop	Coordinator Strategic Planning
Gary Mills	Coordinator Property Services
Vera Mitrovic-Misic	Coordinator Projects & Approvals

CONFLICT OF INTEREST DISCLOSURES

Nil.

MATTERS CONSIDERED

1. Request for Purchase of Council Land
2. Essendon Football Club
3. Heritage process for consideration of demolition applications
4. Items of a general nature raised by Councillors and Officers.

RECORD COMPLETED BY

Anthony Smith Acting Director Environment & Lifestyle

RECORD OF ASSEMBLY OF COUNCILLORS

Monday, 13 April 2015 at 6.30pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Narelle Sharpe, Cam Nation (7.16pm), Jan Chantry, Shirley Cornish, Jim Cusack, Nicole Marshall, John Sipek and Andrea Surace.

Officers:

Neville Smith	Chief Executive
Tony Ball	Director Community Services
Bryan Lancaster	Director City Works & Development
Dale Monk	Acting Director Corporate Services
Anthony Smith	Acting Director Environment & Lifestyle
James Martin	Manager Communications & Corporate Planning
Damian Hogan	Acting Manager Finance

CONFLICT OF INTEREST DISCLOSURES

Nil.

MATTERS CONSIDERED

1. 2015/16 Budget
2. Items of a general nature raised by Councillors and Officers.

RECORD COMPLETED BY

Dale Monk Acting Director Corporate Services

9.22 Report on Advisory Committees

File No: FOL/14/1256
Author: Manager Governance & Local Laws
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 February 2014.

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 December 2014:

- a) Municipal Emergency Management Planning Committee held 13 November 2014 (**Appendix A**);
- b) Strategic Planning Advisory Committee held 20 November 2014 (**Appendix B**);
- c) Integrated Waterways Advisory Committee held 21 November 2014 (**Appendix C**);
- d) Disability Reference Group held 1 December 2014 (**Appendix D**);
- e) Liquica District Partnership Working Group held 11 December 2014 (**Appendix E**);
- f) ANZAC Centenary Advisory Committee held 12 January 2015 (**Appendix F**);
- g) Early Years Reference Group held 10 February 2015 (**Appendix G**);
- h) ANZAC Centenary Advisory Committee held 16 February 2015 (**Appendix H**).

Background

Council at its Statutory Meeting on 5 November appointed representatives to Advisory Committees, up to the month of October 2015.

Minutes from these meetings are presented to Council for information purposes.

Discussion

Minutes from the following Advisory Committee Meeting Minutes are presented to Council in accordance with section 80A(2)(a) of the *Local Government Act 1989*:

- a) Municipal Emergency Management Planning Committee – 13 November 2014

- b) Strategic Planning Advisory Committee – 20 November 2014
- c) Integrated Waterways Advisory Committee – 21 November 2014
- d) Disability Reference Group – 16 December 2014
- e) Liquica District Partnership Working Group – 11 December 2014
- f) ANZAC Centenary Advisory Committee – 12 January 2015
- g) Early Years Reference Group – 10 February 2015
- h) ANZAC Centenary Advisory Committee – 16 February 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 during the reporting period.

Implications

1. Legislative

There are no legislative implications in receiving this report.

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its strategic objective of a dynamic, effective and accountable organisation through excellence in governance.

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.

APPENDIX A



Municipal Emergency Management Planning Committee
Thursday, 13 November 2014
Held at the Council Chamber, 9Kellaway Ave, Moonee Ponds
Meeting Commenced at 17.35pm

Minutes of Meeting

Attendance:

Name	Organisation
Greg Mulcahy MERO	MVCC
Cr Jan Chantry	MVCC
Hugh McCarry	MVCC
Tony Ball	MVCC
Sarina Gioffre	MVCC
Alison Tuxworth	SES
Sandra Faoro	SES (Essendon)
Frank Armstrong	DHS/DOH
Jade Cubela	Red Cross
Emma Allen	Red Cross
Guy McCrorie	MFB
Ian Jones	VicPol
Richard Lodder	St. John
Peter Clark	VCC EM
Craig Timberlake	Department of Human Services

Apologies:

- Jim Karabinis

Welcome:

- Welcomed all to the meeting and introductions included
 - Emma Allan – Red Cross
 - Craig Timberlake - Department of Human Services Flemington

Minutes from Previous Meeting:

- Minutes were accepted by the committee from the previous meeting.

Actions Arising From The Previous Meeting:

- All actions from previous meeting were completed.

Correspondence

- Sandbags – Protocol from SES - what to do with sandbags after they have been exposed to flood waters.
- Updated copies of MEMP distributed to the Committee.
- 26th Nov – MEMP Plan audited.
- Section 3.2 to be endorsed.

Review of MEMP

- Top 10 risks to Moonee Valley as part of the CERA process.
- Part 9 – contact directory updated
- Part C – hard copy for the distribution to the committee.
- MEMP was endorsed by the Committee, moved by Frank Armstrong and Ian Jones. Positive feedback received.
- The updated MEMP will be submitted to the Council meeting of 25th November.

Agency Reports

St John Ambulance - Richard Lodder

- Melbourne Airport night time exercise 19th June.
- Local events at Cox Plate and Spring Carnival.
- Internal fire season training for staff.

Vic Police - Ian Jones

- 4 arrests made at the Spring Carnival.
- Broadmeadows Evacuation team formed - Stuart Dunston, Steve Kehaghis and Shane Kerley.

Metropolitan Fire Brigade - Guy McCrorie

- Exercise Essendon and Tullamarine Airport drill 3 Dec.
- Control Centre which serves Kangaroo Ground, Gisborne and Epping will now be relocated to Craigieburn.
- Opening of the new Fire Station in Epping.

State Emergency Service (Essendon) - Sandy Faoro

- Safety Community Award was awarded to Council.
- Minimal callouts since last meeting.
- 7 new members.

- Involved in a few exercises since last meeting.

State Emergency Service (Regional) - Alison Tuxworth

- Fairly quiet since last meeting.
- 22,000 jobs.
- Even when the weather is not creating requests for assistance, we still seem to receive a lot of calls to assist police, with tasks from missing persons, crimes scene searches, lighting for various reason etc.

Department of Human Services - Frank Armstrong

- Preseason briefing CFA in Port Melbourne.
- Audit in Brimbank/Melton since last meeting.
- MEMP Meetings will be changed to include 4 council as a shared risk/shared resources.
- Metro trains introduced icy poles on hot days to train users.

Red Cross - Jade Cubela

- 6 house fires attended.
- Holland flats call out and to thank all agencies for support – 9 units involved.
- The State Manager is now Angela Sutherland.
- Review of incident forms and possibly be updated.
- 7 new recruits in Avondale Heights and Essendon Airport.

VCC - Peter Clarke

- Still training more people and encouraging all faiths
- All good.

Essendon Airport / Essendon Fields - Phil Gregory

- Thanked all the agencies for help during exercises.

Department of Human Services (Federal DHS Centrelink)

- Funds available for Natural disaster.
- Kinglake in recent years.

Doutta Galla Community Health - Michelle Bourke

- No report

Moonee Valley City Council - Greg Mulcahy/Tony Ball/Hugh McCarry

- Exercise Noah 20th November – MECC Sunshine, Avondale Heights. The panel should be congratulated for the work completed on the exercise. Alpha and Bravo shifts roster completed.
- Great support from schools with 50 children attending.
- Fire Management Plan – Greenvale –new committee will be formed
- Parks Victoria – Fire emergency team formed
- Updated of the quick reference card completed

- Melbourne Fire Brigade – new access to risk and chemical fire. What risk is there to the Community?

Community Safety Register

- No report

General Business:

- Co-health upgrading of register and the migration of data.
- Last meeting of the year. Thanked the Committee and will roll new dates for 2015 early next year.
- MEMP Meeting in May 2015 will be held at the SES Building in Bruce St.
- Cr Jan elected another year as chairperson.
- MEMP report has received positive feedback.

Close of Meeting at 1900

2015 MEMPC meeting dates starting at 5:30pm are:
Thursday 12 February
Thursday 14 May
Thursday 13 August
Thursday 12 November

APPENDIX B



Strategic Planning Advisory Committee

Minutes

MEETING #1

held Thursday, 20 November 2014 at 6.00pm Council Chambers (Level 2),
Moonee Valley City Centre, 9 Kellaway Ave, Moonee Ponds

Attendees	Cr Nicole Marshall Cr Narelle Sharpe Adam Wojcik Anastasia Georgiou Andrew Gunter Charles Sowerwine Chris Macdonald Kristen Bell Maria Loiacono Paul Bird Peter Burke Peter Leyden Senka Sestan Steven Zebic Bryan Lancaster Henry Bezuidenhout Lisa Dunlop Bridget Maplestone Belinda Boerkamp	Chairperson Deputy Chairperson Community member Community member Community member Community member Community member Community member Community member Community member Community member Community member Community member Community member Community member Director, City Works & Development Manager, Strategic & Statutory Planning Coordinator, Strategic Planning Principal Planner, Strategic Planning Planning Engagement Officer (Minute taker)
Presenters	David Brown Paul Beatty	General Manager Victoria, Macroplan Senior Planning Manager, Macroplan
Apologies	Cr Shirley Cornish Cr Andrea Surace Jennifer Nola	Deputy Chairperson Deputy Chairperson Community member

Welcome

Chair Cr Marshall opened the meeting at 6.05pm and welcomed members.

Apologies

Chair noted apologies for Cr Shirley Cornish, Cr Andrea Surace and Jennifer Nola.

Declaration of Conflict of Interest

To be discussed at the next meeting.

ACTION: MVCC to circulate a copy of the conflict of interest guide and form and all members to fill in and bring along to the next meeting.

1. Items

1.1 Welcome and purpose of the meeting

Cr Marshall explained that in her capacity as the land use planning portfolio holder, she had asked for the Strategic Planning Advisory Committee to be established. The committee will be a valuable addition to Council's existing work and will help enhance existing strategic planning projects and identify emerging planning issues.

ACTION: *No action required, information only*

1.2 Introductions

Each member provided a short introduction and outlined their key planning interests and reasons for becoming involved in the advisory committee.

A range of interests both professional and personal were listed among the members. This included affordable housing, transport planning, well designed public spaces, good design, community engagement, social justice and planning, water sensitive urban design and environmentally sustainable development, and health and wellbeing and planning.

Community members represent various suburbs across the municipality.

ACTION: *No action required, information only*

1.3 Role of the Strategic Planning Advisory Committee

B Lancaster gave an overview of the role and purpose of the advisory committee and key pressures and issues facing the municipality, including affordable housing and transport services.

The advisory committee will be involved in discussing Strategic Planning projects, including the review of the Moonee Valley Housing Strategy. An initial report on a proposed process and principles for the review is being put to Council at its December meeting.

The committee will also have a focus on assisting Council Officers to better engage with the community. Sometimes Council is criticised of not consulting adequately and at other times for over-consultation.

The committee will not be involved in or discuss any individual development applications. The committee has no direct budget allocation

and members are not allowed to speak with the media over items raised in the committee meetings.

The Committee will follow the general consensus principle when determining its preferred position on matters under discussion. All members are entitled to have a say.

The terms of reference were distributed to the committee at the end of the meeting.

ACTION: *If attendees have any questions on the role of the committee they can contact Lisa Dunlop.*

1.4 State plans for Melbourne and impact on Moonee Valley

David Brown and Paul Beatty from MacroPlan gave a presentation on Plan Melbourne and wider demographic changes across Melbourne and Moonee Valley.

ACTION: *MVCC to circulate a copy of the presentation to all members.*

1.5 Group discussion

There was a discussion on the presentation and broader strategic planning issues affecting Moonee Valley. Topics raised and responses included:

- *Potential changes to state government and what this will mean for larger developments including the Moonee Valley Racecourse, Flemington Racecourse and the Residential Zones.*

Should there be a change in government Council is unsure of what planning policies a new government may introduce.

In relation to the Moonee Valley Racecourse, substantial resources have gone into the process. Discussions are continuing with Moonee Valley Racecourse officers on the development of a memorandum of understanding.

Flemington Racecourse is only in the early stages. The Minister for Planning is the Responsible Authority for planning decisions. Council has requested that the Minister for Planning appoint an advisory committee similar to the Moonee Valley Racecourse to oversee its assessment.

In regards to the residential zones regardless of any changes to state government, the Housing Strategy still needs to be updated. There are gaps that need to be filled.

- *Assumptions surrounding population growth and what role Council can have in managing this*

Population growth is occurring across Melbourne and State policy allows for growth. There is demand with people wanting to live in the municipality and Moonee Valley has seen an increase in multi-storey developments in recent years with more young professionals.

Council needs to have strategic justification for any planning policies.

- *Council's input in the delivery of, and advocating for, transport particularly in relation to Melbourne Airport and*

additional stations

Council has an advocacy role and it has an Integrated Transport Plan. In relation to Melbourne Airport, one option in relation to public transport and the airport is to extend the 59 tram line through Gladstone Park to the Airport.

- *What role Council can have in the design of dwellings including apartment sizes, as well as providing a diversity of dwellings*

Council has a limited role in this, as there are no specific tools available for Councils to require a diversity of dwellings. This is an issue across Victoria. The State Government are looking at tools in relation to the design of apartments, for example in relation to size and orientation. With the existing planning control tools available in the planning scheme this would be difficult to implement. Currently, the City of Moreland and the City of Melbourne are looking at minimum design standards for apartments and this is something Moonee Valley could consider in the future.

- *Discussion around housing, housing capacity analysis, residential zones and their application*

Council's review of the Housing Strategy is only in the initial stages. Currently some work is being undertaken on a housing capacity analysis.

- *Heritage considerations need to be taken into consideration in relation to building heights. Noted.*

ACTION: *No action required, discussion only*

1.6 Introduction to planning and current strategic planning projects

L Dunlop gave an overview of the planning scheme and how strategic planning studies are implemented through planning controls. She outlined recently completed and current planning scheme amendments and other projects.

ACTION: *MVCC to circulate a copy of the presentation and the 2014 Planning Scheme Review Report to all attendees.*

1.7 Discussion on wider communication of the work of the committee

This item will be discussed further at the next meeting. B Lancaster noted that the minutes of all Advisory Committee meetings are submitted for consideration at Ordinary Council meetings.

ACTION: *To be discussed at the next meeting.*

1.8 Future Advisory Committee meetings

A draft meeting schedule and potential topics was distributed. Committee members were asked to provide feedback on topics they would like to see discussed. A suggestion was made that it would be useful for community members to present on what things they would like to see come out of the committee.

ACTION: *Committee members to provide feedback to Lisa Dunlop by email on list of potential topics for discussion, including the meeting format.*

2. General Business

No general business items were raised.

3. Close of Meeting / Next Meeting

Chair Cr Marshall thanked everyone for coming. The meeting closed at 8.00pm. The next meeting will be on Thursday, 19 February at 6pm – 7.30pm.

APPENDIX C



Moonee Valley Integrated Waterways Advisory Committee

Minutes

MEETING #8

**Friday, 21 November 2014 at 9am in the Council Chambers,
Moonee Valley Civic Centre, 9 Kellaway Avenue, Moonee Ponds**

Attendees	Cr Shirley Cornish	Chairperson, Rose Hill Ward
	Cr Nicole Marshall	Myrnong Ward
	David Galloway	Acting River Health Officer, Melbourne Water (Proxy for Jesse Barrett)
	Elaine Brogan	RivCel
	Frank Kinnersley	Friends of the Moonee Ponds Creek
	Mark Roberts	Friends of Napier Park
	9.45am departure	
	9.20am arrival	
	9.55am departure	
	Tony Smith	Moonee Ponds Creek Co-ordination Committee
Invited Guests	Virginia Moylan	Friends of Five Mile Creek
	Mark Hammett	Manager, Parks and Gardens
	Michelle Gooding	Conservation Officer, Parks and Gardens
	Kimberley Cooper	Conservation Programs Officer, Parks and Gardens
	Deb Gaehl	Executive Assistant, E&L (minute taker)
Apologies	Christine Collia	Senior Strategic Planner
	Colin Harris	Senior External Projects Manager
	Venta Slizys	Coordinator Open Space & Urban Design
	Jesse Barrett	Melbourne Water (River Health Officer)
	Peter Somerville	Friends of Maribyrnong Valley
	Scott Widdicombe	Director, Environment and Lifestyle
	Stuart Lacey	Friends of Afton Street (Coordinator)
	Sue Hooper	Friends of Steele Creek

Order of Business

Welcome

Chair Cr Cornish opened the meeting at 9.05am and welcomed members and guest speakers, with special welcome to Cr Nicole Marshall who was appointed as deputy to this Advisory Committee at Council's Statutory meeting on 5 November. Cr Marshall represents the Myrnong Ward where Moonee Ponds Creek is situated.

Welcome to new members to this meeting: Kimberley Cooper, Conservation Programs Officer in the Parks and Gardens department; and David Galloway from Melbourne Water, Acting River Health Officer.

Apologies

Apologies recorded for Jesse Barrett, Peter Somerville, Scott Widdicombe, Stuart Lacey and Sue Hooper.

1. Declarations of Conflict of Interest

None recorded.

2. Confirmation of Previous Minutes

Moved by Elaine Brogan, seconded by Frank Kinnersley that the Minutes of the Moonee Valley Integrated Waterways Advisory Committee Council held on Friday, 21 September 2014 be confirmed.

Items with Guest Speakers

3. Five Mile Creek Master Plan

Venta Slizys, Coordinator Open Space & Urban Design advised committee that community feedback for the draft Five Mile Creek Master Plan was being gathered and a community consultation held on Saturday 15 November received a good turnup. Feedback is due by Friday 5 December. All feedback will form the draft master plan which will be presented to Council to then go out for community consultation in March 2015. The master plan is a ten year plan that covers land management and gives direction.

Feedback comments have included: better pathways access, retaining natural character (many people very fond of park as it is); removal of weed species; better access to water; dog off-lead park.

Virginia Moylan commented that the rubbish has been horrendous with a lot of litter coming downstream after rain events. Litter could be alleviated by the installation of a trap at Pascoe Vale Road, and these ideas and comments should be provided in the "Have Your Say" feedback, requesting that litter catchment is addressed.

Mark Hammett advised generally every 3 weeks the park is cleaned, though it does vary seasonally.

9:20am *Tony Smith arrived*

Frank Kinnersley noted that there is a conflict on the pathway between park users and cyclists.

Cr Cornish would like to see the unnamed streets and laneways near Lionsville named. These are pretty close to Moreland Council's boundary. She will consider raising a Notice of Motion on this matter.

Tony Smith raised concern about the base level of the Moonee Ponds Creek at the confluence with Five Mile Creek, that it was running lower, and for Melbourne Water to activate some planning in conjunction with community regarding the water levels of the river.

ACTION: *Invite Venta Slizys to provide an update to the meeting when the draft master plan has been written.*

4. **Moonee Ponds Creek Master Plan / East West Link**

Venta Slizys advised committee that the **Moonee Ponds Creek Master Plan** is proceeding and a brief is being prepared for a consultant to commence the plan, that it will be an information gathering/research project to start with but will be determined by the outcome of the East West Link project.

An overview was given to committee by Colin Harris, Senior External Projects Manager on the focus of the **East West Link project** and its impacts. Currently waiting outcome of the election and Council action lodged in Supreme Court before master plan can be finalised.

9:45am *Mark Roberts left meeting for another appointment.*

On 20 November 2014 Council lodged action in Supreme Court re East West Link with a focus on the Minister for Planning's process.

An important component of the change was that previously there was no net loss of open space; and nothing specific about where open space will be replaced. Three issues regarding Ormond Road off-ramp and effect on Debneys Park and Moonee Ponds Creek.

Cr Marshall highlighted that there was no consultation, basis or rationale in relation to the changes proposed by the Minister and Council has not been able to negotiate an outcome because of this. Council is taking legal action against the Minister for Planning's decision making process as it changes the face of Moonee Valley. This is different to the court action being taken by Moreland Council and Yarra Council.

9:55am *Virginia Moylan left meeting for another appointment.*

Council's community protest is being held at 4pm on Monday 24 November 2014 in Debneys Park.

ACTION: *Add Moonee Ponds Creek Master Plan and East West Link as a standing item on the agenda.*

5. Maribyrnong River Design Guidelines

Christine Colia, Senior Strategic Planner spoke regarding the Maribyrnong River Design Guidelines. A letter was sent to the Minister for Planning, no formal response received as yet, no action has occurred, except interim planning controls have been introduced.

DDO1 covers entire length of river, under review.

DDO2 for properties that abut the river, expires in 2016. Working with Melbourne Water to review to implement/expand. DDO2 has been endorsed by Council. Seeing major developments along the waterways. A copy of Schedule 2 to the design and development overlay (Moonee Valley Planning Scheme) circulated at meeting.

Cr Cornish summarised that if we don't receive any feedback or response by the end of the 1st quarter 2015 that she will put up a new Notice of Motion, and take the opportunity to tighten up the interface of the waterways.

Meeting discussed if new master plans could be incorporated into our planning scheme, incorporating planning controls, which would then hold more weight with Melbourne Water. Master plans are reference documents.

ACTION: *Committee to discuss what they would like to see the Councillors do with a proposed Notice of Motion at the next IWAC meeting. Committee to consider the pros and cons of the process of incorporating master plans with the planning scheme, and discuss if it can be done?*

6. Flemington Racecourse

Colin Harris gave an overview on the "Flemington Life" development (1,100 dwellings; 38 stories, 3 towers). Redevelop private land adjacent to Flemington. Minister for Planning is the planning control, Minister has not responded to application, which is now on hold. This project crosses boundaries with two Councils.

Council has written to Minister requesting that key issues go through an advisory committee like Moonee Valley Racecourse, as well as writing to the Minister of Local Government re re-establishing boundaries, with a report to go to Council in the future.

ACTION: *No action, information only.*

10:20am Guest presenters (Venta, Colin and Christina) then left the meeting.

7. Actions Arising from Previous Minutes and Summary of Actions

7.1 Parkland adjacent to 24 Craig Street, East Keilor/Steele Creek

Michelle Gooding and Mark Hammett provided a briefing update, this matter is currently sitting with Council's Planning Enforcement team.

Action: *Michelle Gooding to continue with an update as issues progress.*

7.2 Urban Ecology Strategy

Michelle Gooding distributed printed copies of the Council endorsed Urban Ecology Strategy to the committee.

ACTION: *No action, information only.*

8. M102 Upgrade

Mark Hammett provided an overview of Melbourne Water's M102 project, as outlined in map provided at meeting. The work associated with this project is a combination of both underground and open cut work. A very big project, in all 6.6 kms. The project has called for tenders which are being assessed, Melbourne Water will be undertaking door knocks as part of their consultation process and expect to break ground in late January/early February 2015.

Comments and concerns raised at meeting include:

- There will be significant traffic problems on Keilor Road for some time.
- Shared paths. Challenges with existing community use.
- A list of green assets that will be affected by this project will be provided to Parks during the week of 14 December, this will identify the likely impact on vegetation, and the re-instatement works required to compensate for same.
- Frank Kinnersley raised to replace the foot bridge at Rosehill Road.

David Galloway said there was a shift at Melbourne Water (MW) toward increased customer focus and that MW are opening up more of their land for public use. Which could provide some connectivity opportunities for the community via shared pathways.

ACTION: *Invite Melbourne Water to attend next meeting to deliver an update.*

9. Grants and Funding

The Green Army project has commenced with Kim Cooper leading, they will be with MVCC for six months and will focus on reserves along the Maribyrnong River.

The 20 million trees funding application includes 300,000 trees for the Maribyrnong Valley over 3 years.

Friends of Steele Creek have applied for a CMA grant focusing on works within the Parks Victoria managed area surrounding the confluences of Steele Creek with the Maribyrnong River.

Friends of Moonee Ponds Creek and Friends of Maribyrnong Valley have successfully acquired MV Community Grants for revegetation projects.

Melbourne Water grants: Friends of Moonee Ponds Creek and Friends of Maribyrnong Valley applications are being assessed, with decisions being made in mid December.

Corridors of Green grants (larger amounts) - MVCC and Melbourne Water are working together.

ACTION: *No action, information only. Agenda item for next meeting.*

10. General Business

10.1 Naming of the Maribyrnong River Centenary Plaque

Elaine Brogan queried why the Naming of the Maribyrnong River Centenary plaque looks like a cemetery plaque, and mentioned she has to remove the rubbish from the hole in the plaque used for flowers.

ACTION: *Parks & Gardens to fill in the flower hole on the plaque.*

10.2 Historic document – Strathnaver Reserve

Elaine Brogan presented for interest to the committee a historic document on Strathnaver Reserve waterways.

ACTION: *Michelle Gooding to scan and then return original to Elaine.*

10.3 Solomon's Ford at end of Canning Street

Tony Smith raised the historical importance of this crossing point and that there is a lot of pedestrian traffic. Suggested interpretative signs be considered at this location.

Michelle Gooding advised that a pedestrian crossing is proposed for the Brimbank-Valley View estate, though she is not sure where it will be located.

ACTION: *Mark Hammett to confirm the status of an audit of interpretative signs (such as those at Solomon's Ford) due to be undertaken throughout the municipality.*

10.4 Future planning needs

Cr Cornish put a request out for committee members to think about what we need in terms of staffing, planning, operations.

ACTION: *Committee members to provide ideas and suggestions to 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, 20th February 2015 at 9am.**

Confirmed Meeting Schedule for 2015

Friday 20 February

Friday 22 May

Friday 21 August

Friday 20 November

APPENDIX D



Moonee Valley City Council Disability Reference Group Minutes

4.30 – 6.00 pm, Monday 1 December 2014

Moonee Valley Civic Centre, 9 Kellaway Ave, Moonee Ponds, Committee Room

Attendance:	Cr. Shirley Cornish(Cr.SC)	Chairperson, MVCC
	Cr Jim Cusack (Cr.JC)	Councillor MVCC
	Jim Karabinis (JK)	Manager Aged & Disability Service
	Maria Weiss (MW)	Coordinator Healthy Aging & Disability
	Carmel Boyce (CB)	Policy Officer MVCC
	Heidi Peart (HP)	Metro Access Officer
	Karina Viksne (KV)	Coordinator Family & Children's Planning
	Vincenza Fazzalori (VF)	Resident
	Ruth Kyne (RK)	Resident
Apologies:	Cr. Nichole Marshal (Cr. NM)	Councillor MVCC
	Tony Ball (TB)	Director Community Services
	Lisa Greenfield (LG)	Local Resident (representing Carers Victoria)
	Sam Kolasa (SK)	State Manager Client Services Care Connect
	Greg Francis (GF)	Resident
	Florence Kingsley-Matthews (FKM)	Resident
Minute Taker:	Rose-Marie McQueen (RM)	Administration Officer Community Services

1. Welcome

Cr Cornish welcomed the Committee to the meeting.

2. Attendance and Introductions

Cr Cornish welcomed and introduced Cr Jim Cusack and Karina Viksne. A round table introduction was conducted for Councillors, residents and staff.

3. Conflict of interest

None

4. Confirmation of record from previous meeting

Minutes from Disability Reference Group held on 29 September 2014 was moved by VF and second by RK.

5. Correspondence

MW attended an Ordinary Council meeting and presented the LGPro Certificate Finalist award for recognition of “outstanding program project” (grant based) “Opening Doors Film Project”.

Invitation to VDAC was disseminated by email with the minutes from the previous meeting to the entire Disability Reference Group, RSVP closes today.

Cr Cornish self-nominated to attend the meeting of the Advisory Committee, MW to RSVP on behalf of Cr Cornish, in CR Cornish’s absence a proxy will be nominated.

6. Reports/ Discussion

6.1. Moonee Valley Early Years Consultation (KV)

KV: Presented the MEYP to Council, it has been in consultation last few months.

- Final MEYP draft will be adopted by Council at the end of this year.
- All plans link – to Council plans including DAP
- Vulnerable families, families with children who have disabilities
- Accessibility and an integrated approach have been included in action plans ensuring we are working together to obtain a collaborative approach

Cr JC: Advocacy for children in the community commencing pre-birth to 12 years of age, Mothers who experience difficult pregnancies who then may have a child born with a disability, affirms the importance of the MEYP bridging the gap and strengthening partnerships.

6.2. Disability Actin Plan (CB)

CB: Presented the DAP 2014-2023, incorporating internal planning, scoping and an employment plan.

The development of such plans resulted in the need for a Community Forum “The Future of Housing for People with a Disability” of which the outcomes are detailed in conjunction with the NDIS to assist Moonee Valley City Council develop a frame work and pathway to assist people with a disability obtain housing in the community.

Citizen Services and IT have Corporate Accessible Communication Standards to ensure all are inclusive.

If not, a mention of what adjustments they can and will make to ensure we are accessible to all.

Reasonable adjustments can and will be made, in keeping with the standards, documenting what is already in place and identifying the gaps and what strategies can be in place.

A New Aquatic Plan e.g. a hoist from the change room to the pool is a reasonable adjustment and is a better solution rather than an interim one.

Cost of adjustments may be by Grants or Grants and Subsidies

Disability Access and Inclusion, how it impacts on areas and profiles the sort of initiative we are looking for within our city, how we lead the way as being inclusive and supporting the community is included in the plan.

Cr C: Through the DAP, any actions coming out of “Best Practice” any recommendations made come into the plan which have already been endorsed by Council and Council is required to look at the plan annually for compliance requirements.

CB: Agreements with service providers in Council who work on street scapes who look at ways to recognise the mutual dependence the residents have on certain areas, this type of initiative would then require assistance from Council to progress.

JK: Service plans are specific to Disability, the 10 year service plan is what we are working off at present. Disabilities are focused on in all areas of Council.

A commitment is there, our advocacy is there and we continue to improve, the staff are committed and Moonee Valley City Council has a continual strategy for improvement to the Disability Sector.

6.3. International Day of People with a Disability (HP)

- 17 Stall holders
- Show bags
- IPAD has been donated by RENDINA real-estate
- Hockey come and try this week end
- Handouts provided

Cr C: Advised the group to request more funds if required, request for additional funds to be included in the budget 2015. Cr C, requested a running sheet of events be sent to the Committee to take to their respective organisations.

Feedback from the Public Forum last year -

Kangan Batman Tafe are filming the speech – Cr Cornish requested we obtain with permissions a version and replay the speech at the LEGO movie screening night.

6.4. Housing for People with a Disability (CB)

Housing draft of the transcript was disseminated to the group.

Report will go out after International Day of People with a Disability

Seventeen hundred day Action Plan – reporting annually each year – a committee should be formed being, a subcommittee of this group.

CB: Requested a possible Agenda Item to discuss the notion of a Sub Committee being formed.

Cr C: The findings from the consultation, to be part of the Council Housing Strategy, requested CB look for the connection between the two.

Housing Strategy - Affordable Housing Strategy, it is required that Council be briefed prior to any recommendations be made from these strategies.

Housing Cr JC Housing options, carer's needs proximity to public transport, key headings overall housing strategy are designed to bring people on board. Council need to be clear and ensure we articulate well, what the needs are and how we can translate a way for the people concerned to understand the needs

Cr Cornish, requested as a Standing Agenda Item, The Future of Housing for People with a Disability – Incorporate NDIS

The group to come back to start working on the document.

Cr Cornish would rather add new member to the group rather than form a new committee.

Concerns were raised this item will take a long time to discuss and not get the full attention in this forum.

Cr Cu requested we include the item and have the discussions in this forum first to see how it fares.

Terms of Reference:

Wintringham advisory committee would be suitable to attend. CoHealth or a Housing Advocacy Representative.

6.5. Crown Street Stables – Update (MW)

- A letter drop underway
- Hall for hire increasing community
- WASH utilising the venue
- Social Enterprise – Café'
- Tenure Agreement – being developed

Cr Cu suggested a small letter drop in the surrounding streets as it is well worth letting the public know how well the space is being utilised. Good news story for the community and will encourage community usage.

500 Meter perimeter of the budding should suffice as this is where the clientele will be sourced from. This is a high level community engagement which includes the Government Housing residents.

JK: Requested the working group to do an over view of outreach the item to be included in the next Crown Street meeting.

Cr C suggested a disability update page on the Webb for us, to be updated monthly with the opening of Crown Street Stables Café' and the services provided.

Webb page to have a branding

Action: JK to follow up with Coms for branding

6.6. Moonee Valley Respite Proposal (MW)

Standing respite option proposal, funding was received, MW to head the proposal of how we can utilise the funds for respite opportunities of facilities that are currently in use, a coms plan is to be drafted.

We use our Federal funding to assist our clients use the facilities currently in use and to be sourced in the broader community.

5 Facilities have been accepting of partnering with Council in this initiative.

A demonstrated need is required to assist moving providers on board.

80k will assist create a virtual respite facility and a great opportunity for Council, we have the opportunity to lift the bar on quality of care.

Cr Cornish thanked MW very much for this opportunity -

Action: MW to scope more broadly and develop a model.

MW to present at the next Disability Reference Group Meeting

Council Advocacy is and agenda item, providing feedback to TB

An enquiry was made for funds be used to subsidise in house respite care in 101 Arcade Way

MW: The house as it stands is at end of life, the recommendations stated that the house be sold as its location and state is not fit for purpose.

Cr C: Readdressed the group sating, we are an advisory group and must keep to the terms of reference and not work autonomously, and all initiatives must be presented to Council for consideration.

Agenda item for February 2015

Where Council could allocate funds to assist with the respite plan.

7. Review of DRG terms of reference

Deferred

8. General business

VF Home- group organisation – they serve the community offering urgent accommodation in the Eastern- Northern Suburbs (handouts provided)

Home Ground Services – provide housing support – and rely on other housing providers to source the housing.

Cr Cornish requested:

Agenda Item: On how Home Ground Services Can support the Future of Housing of People with a

Disability, CB to find the click between the two and report back at the next DRG meeting.

VF handed out a brochure for perusal - Missed Business – How to attract more customers to your business by providing better access.

Cr Cu – plan put forward on Health for – to Council

DHS roll out of Services Connect to raise at ext. meeting to see what Council is doing in this respect.

Learning Board - for and agenda item regarding what our community is doing in reject to prevention alcohol and drugs how people with disabilities feel safe in the community.

9. Next Meeting – Monday 16 February 2015

10. Close of Meeting 6.20 pm

APPENDIX E



Liquiçá District Partnership Working Group

Minutes

Thursday 11 December, 2014 at 5.00pm at Moonee Valley Civic Centre
9 Kellaway Ave, Moonee Ponds

Attendees	Tony Ball (Chair)	Director, Community Services
	Bruce Henry	Friends of Liquiçá
	Rosa Pereira	Friends of Liquiçá
Apologies	Cr Jim Cusack	Myrnong Ward Councillor
	Kathy Byrne	Friends of Liquiçá
	Joan Heard AM	Friends of Liquiçá

Order of Business

Welcome

The Chairperson welcomed all attendees to the meeting.

1. Confirmation of Previous Minutes

Minutes from meeting held Wednesday 16 April 2014 were presented.

2. Declarations of Conflict of Interest

There were no declarations of Conflict of Interest.

3. Items

3.1 Proposed Projects

Model through trusted NGO is to be explored. Need to be confident that \$ gets to agreed projects.

Possible projects include:

- Alternative Technology Association – solar and water.
- Programs that allow volunteer participation/student exchange noting the need for volunteers abroad would require a place to stay and the associated support.

Richard Brown, formerly from Moreland Council was Liquiçá worker maybe a resource.

Action: Other involved persons to be identified.

It was identified that a whole of West opportunity may be viable. Circulate to other Councils to seek joined up responses. Not necessarily cash but skills transfer, etc.

Action: Set up a meeting of Council's who can mentor East Timorese.

Timor Leste Day Function in 2015 – Dinner and music? Other ideas to be explored.

Council has recently joined with other Councils and the State Government in signing a uniform 'municipal agreement' of support with Timor Leste in their ambition to develop a local government structure in their country.

3.2 Friends of Liquiçá Items

There were no items raised by the Friends of Liquiçá.

4. General Business

It is considered that a planned approach is required to fund sustainable projects in Liquiçá.

5. Next Meeting

The date of the next Liquiçá District Partnership Working Group meeting is to be advised

APPENDIX F



Anzac Centenary Community Co-ordinating Committee

Minutes

MEETING #3

Monday, 12 January 2015

Moonee Valley Civic Centre, 9 Kellaway Avenue, Moonee Ponds

5pm	Photo Shoot	(meet at Cenotaph in Queens Park)
6pm	Meeting	(Committee Room)
Attendees	Cr Jan Chantry	Chairperson
	Cr Jim Cusack	(Sub)
	Bob Chalmers	President Essendon Historical Society
	Elaine Brogan	Essendon Historical Society
	Judy Maddigan	Essendon Historical Society
	Everette Reynolds	58/32 Infantry Battalion Association Ltd
	Gavin Comport	General Manger, Keilor East RSL (proxy for Bill Laker, President Keilor East RSL)
	Trevor Sinclair	Bendigo Bank Board Member / Former Mayor Moonee Valley City Council
	Jane Canaway	2014 Moonee Valley Citizen of the Year / Freelance Journalist and Editor
	Yvonne Kernan	2013 Moonee Valley Citizen of the Year
	Robyn Harris	15 th Essendon Sea Scouts
	Maria Tence	Acting Director Environment and Lifestyle
	Angela Walter	Manager, Communications and Corporate Planning
Apologies	Barry Gough	Former Mayor City of Essendon
	Bill Laker	President, Keilor East RSL
	Ange Kenos	Notified of late arrival – Secretary, Essendon RSL

Order of Business

Welcome

The Chairperson welcomed all attendees to the meeting and thanked everyone for making themselves available for the photo shoot.

1. Notice of Motion to Council and Funding

A Council report had been prepared in response to the ANZAC Notice of Motion. This report would be presented at the next Councillor Briefing Tuesday 20 January and would become available when it is published on Council's website on Friday prior to Council's Ordinary meeting scheduled for 27 January 2015.

2. Council Meeting Dates

20 January 2015 for Councillor Briefing
27 January 2015 for Ordinary Meeting.

3. Moonee Valley Centenary badge for branding of events

A Walter presented the concept that would badge all centenary events.

All present approved the design but requested to correct the male figure to ensure the soldier's hat is crouched to the left side not the right side as shown as this is incorrect. Suggestion was made to swap the nurse and soldier's positions around. Also to check that the instrument is represented correctly (perhaps not looking like a bugle).

4. Final Events Calendar

A Walter went through the status of the events calendar and ensured that details were correct. She also requested that she urgently requires the details of upcoming events so that this information can populate the calendar and be promoted. These details are due to her by Tuesday 2 February 2015.

5. Status of all events

A Walter went through the inventory of events updating their status in regards to funding as well as confirming whether they were proceeding.
All projects were updated on the project spreadsheet, see Attachment 1.

6. Allocation of Council funds and Council run events and activities

Executive officers of Council met to discuss which of the many worthwhile activities could be supported by Council noting that there wasn't any allocation in the 2014/15 budget for such activities. Given the array of projects the following were selected:

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

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

7. Allocation of Council Officer

As the above projects require Council resources, it will be necessary to appoint a Council staff member to ensure their delivery as well as to act as a resource in supporting other identified projects. \$10,000 will be allocated for this purpose.

8. Other Business

Clarification needed from Mr Kenos as to the status of his nominated project.

9. Close of Meeting / Next Meeting

The meeting closed 7.45pm

Next Meeting - Monday 16 February 2015, 6.00pm.

APPENDIX G



Early Years Reference Group

Minutes

Tuesday, 10 February 2015 at 10.30 a.m. at Moonee Valley Civic Centre,
9 Kellaway Ave, Moonee Ponds

Attendees

Cr Narelle Sharpe	Chair, Councillor Moonee Valley
Jo Southwell	co-health
Helen Cooney	Caroline Chisholm Pregnancy Support
Dick Verwey	Department Education and Training
Hayley Robinette	Baptcare Family Services
Cath Healy	Playgroup Victoria
Judy Maguire	Department Education and Training
Michele Leonard	Moonee Valley City Council
Karina Viksne	Moonee Valley City Council
Jennifer McCurry	Moonee Valley City Council

Apologies

Cr Nicole Marshall	Deputy Chair, Councillor Moonee Valley
Debbie Williams	Parent Representative
Anne Butterworth	Department Education and Training
Donna Margrie	Noah's Ark Early Childhood Intervention
Rosie Dymus	Playgroup Victoria

Order of Business

Welcome

Cr Narelle Sharpe welcomed members to the meeting.

1. Noting of previous minutes

Meeting on 16 December 2014.

2. Declarations of Conflict of Interest

No conflicts were presented.

3. Items

3.1 EYRG parent representatives – membership

Nominations to fill the vacant parent representative position closed on 30 January 2015. Two parent nominations were presented to the EYRG. Both are Moonee Valley residents with children attending local early years services, have a commitment to contributing to their community and progressing the interests of children and families in Moonee Valley. Additional parent representatives may be nominated to Advisory Committees. The group endorsed to recommend to Council the two nominations, bringing the parent representation to three on the EYRG. The proposed amendment to the current Terms of Reference was tabled and discussed – see attached. Suggestions included: lower case for ‘children and family services sector’, Indigenous, Torres Strait Islander, culturally specific agencies.

3.2 Western Region Children and Youth Area Partnership

Moonee Valley City Council was approached to participate in a working group facilitated by Jo Chambers to engage families in the co-design of programs - not to duplicate consultation. The group will be kept informed of progress.

Action: Contact Karina if you have any contributions or ideas.

3.3 Moonee Valley Festival – Sunday 22 February

The Moonee Valley Early Years Plan (MVEYP) 2014-22 will be launched at the Councillor Breakfast on Sunday 22 February and copies of the plan will be available. Four children who participated in the camera activity will be interviewed by Cr Narelle Sharpe at the Children’s Stage midday with a mini launch of the MVEYP.

Action: The group to consider agencies combining for 2016 Moonee Valley Festival activity/stall.

3.4 Moonee Valley Early Years Plan (MVEYP) 2015-16 Action planning

The action planning of MVEYP will be based on a financial year. The evaluation framework and identification of baseline data is being explored.

Action: Agencies consider their data sets to assist with guiding the baseline evaluation and strengthen the evidence base for programs and activities over the life of the plan.

4. General Business

4.1 Member updates

Caroline Chisholm Society

The Home Handyman program will progress to the next stage. The current lease will expire in February 2016 and there is pressure to find a new site.

Department Education and Training (previously Department Education and Early Childhood Development)

Flexible Support Packages rolling out smoothly. Anne Butterworth has been appointed as Manager Access, Participation and Performance, in the Access, Participation and Performance Branch. The kindergarten funding platform has changed. There are now three ministers connected with the new Department of Education and Training. The structure of regions is currently under question. Discussion held about ChildFIRST and agreed on an update via presentation from Anglicare at an upcoming meeting.

Action: Invite Kay (Anglicare Yarraville) to attend meeting and present on ChildFIRST

Baptcare

The current lease extends until 2016. Will run groups in Flemington.

cohealth

New organisational structures are being established. New Director has been appointed and Di Couch is Director for Community and Aged. There is strong advocacy for marginalised groups.

Playgroup Victoria (PV)

Events: Melbourne Museum (March 19); National Playgroup Week March 23-27 with combined playgroup day on 27 March (Brimbank, Maribyrnong and Moonee Valley). The current focus of PV is to: support and resource playgroups, utilise Tax Concession Charity (TCC) status obtained to apply for philanthropic submissions, work with consultants to increase support to vulnerable groups and work with Council's partnership grant and staff. Discussed applying a transition model to build capacity within vulnerable groups over two year period. Raised a Vietnamese group in Avondale Heights as a viable option for the model.

Action: Cath to forward the model document for inclusion in minutes.

Action: Jennifer to forward information about support needs of Vietnamese parents in Avondale Heights.

Moonee Valley City Council

Currently conducting kindergarten and childcare reviews and Family Services audit. Building departmental capacity, Early Years plan, Action Plan and Maternal and Child Health and considering ways to engage

parents. Significant work on facilities, service planning and maintenance.
Positive Parenting forum this week.

5. Close of Meeting / Next Meetings

14 April 2015, 10:30am-12:00pm, Council Chambers

APPENDIX H



Anzac Centenary Community Co-ordinating Committee

Minutes

MEETING #4

Monday, 16 February 2015

Moonee Valley Civic Centre, 9 Kellaway Avenue, Moonee Ponds
at 6pm in Committee Meeting Room (Level 2)

Attendees	Cr Jan Chantry	Chairperson – Buckley Ward
Leave @ 7pm	Cr Andrea Surace	(Sub) – Rose Hill Ward
Late arrival	Cr Jim Cusack	(Sub) – Myrnong Ward
	Rev Alan Colyer	Anglican Parish of St Thomas
	Ange Kenos	Secretary, Essendon RSL
Late arrival @ 6.20pm	Barry Gough	Former Mayor City of Essendon
	Bill Laker	President, Keilor East RSL
Leave @ 7.25pm	Bob Chalmers	President Essendon Historical Society
	Elaine Brogan	Essendon Historical Society
	Everett Reynolds	58/32 Infantry Battalion Association Ltd
	Gavin Comport	General Manger, Keilor East RSL
	Jane Canaway	2014 Moonee Valley Citizen of the Year / Freelance Journalist and Editor
Leave @ 7.25pm	John Hills	Essendon Historical Society
	Judy Maddigan	Local Historian
	Robyn Harris	15 th Essendon Sea Scouts
	Trevor Sinclair	Bendigo Bank Board Member / Former Mayor Moonee Valley City Council
	Yvonne Kernan	2013 Moonee Valley Citizen of the Year
	Scott Widdicombe	Director Environment and Lifestyle
	Maria Tence	Manager Arts and Culture
	James Martin	A/Manager, Communications & Corp Planning
Apologies	Angela Walter	Manager, Communications & Corporate Planning

Order of Business

Welcome

The Chairperson welcomed all attendees to the meeting.

Apologies

None received.

1. Confirmation of Previous Minutes

Moved by Yvonne Kernan, seconded by Trevor Sinclair that the Minutes of the ANZAC Centenary Community Co-ordinating Committee (#3) held on Monday, 12 January 2015 be confirmed.

2. Declarations of Conflict of Interest

None recorded.

3. Actions arising from previous minutes

Nil – there are no carry forward items.

4. Update on funding status of all events

4.1 Successful funding from Federal Government to The 58/32 Infantry Battalion Association Inc. (table letter received)

Ev Reynolds reported \$18K received – half of what is needed. 32nd Battalion deleted. World War II deleted.

Proceed to plan for installation.

ACTION: *Scott Widdicombe to liaise with Ev Reynolds re location, size etc for the installation.*

5. Update on development of all events

ACTION: *Update calendar with dates for events and forward with Minutes.*

5.1 MVCC ANZAC Commemorations

- Service to be held at St Thomas' Anglican Parish at 2pm
- Brass band outside St Thomas and marches group to Cenotaph instead of around cenotaph
- Marquee set up in the sunken garden in Queens Park
- Expecting 200 people
- Chairs to be placed around Cenotaph
- Other options to be considered due to high costs of equipment in park and lack of budget

- Afternoon tea and alcohol discussed but all present agreed to have alcohol available
- Service: 3rd Military Band and service
- Additional costs of options will need to be approved by Executive

ACTION:

- (a) *Rev Colyer to discuss process with Jackie Di Giorgio and RSL's*
- (b) *Scott Widdicombe to seek Executive approval for the additional costs.*

5.2 Women Caring for Veterans of War, Inc.

- Unveiling of sculpture
- Invite Women's Council of RSL
- Who is paying for unveiling?

ACTION: *Further discussion at next meeting re installation and unveiling.*

5.3 History of Battalion put on Council's standard signage replacing current Avenue of Honour signage

- 5 panels @ \$3K each: Major William Scurry, Major General Harold 'Pompey' Elliott, The Battle of Jutland in the North Sea, 58th Battalion, VC Winners (Wark & Moon). Interpretation to be installed by 8 November 2015.
- Suggestions of plaques to be placed on homes signifying people of historical significance – Does Council do this? Is the Ted Baillieu's heritage fund available for this purpose?
- Names of locals who have made significant contribution to the community placed in Community Honour Roll – what is the process and is this still being done?

ACTION: *Scott Widdicombe to investigate process for Community Honour Roll.*

6. Update or changes for ANZAC events on Calendar of Events

6.1 Completion of Event Details form to be completed and returned to Angela Walter as soon as possible (emailed to Committee 16 Jan & 12 Feb)

Committee requested to complete forms and forward ASAP.

6.2 Pompey Elliott Service and Lunch – Friday 20 March 2015

Service and Memorial on Pascoe Vale Road, followed with lunch at Brass Tavern.

There will be parking available for 50 cars at Battalion barracks/depot.

School students from Keilor College to bring in photo of Pompey and give speech.

The following items require assistance in providing:

- Seating: delivery and pick up of 100 seats needed for the event.
- Assistance around the Barracks to be cleaned ready for the event, if needed.
- Council's outdoor microphone and lectern to be used, if needed.

ACTION: *Action items to be coordinated through Scott Widdicombe – refer to action list.*

6.3 ANZAC Commemoration Ceremony (Cenotaph)

Discussed in item 5.1

6.4 ANZAC function at The Clocktower

ACTION:

- (1) *MVCC staff to dust and polish Honour Boards at The Clocktower.*
- (2) *RSVP's received were low, please confirm attendance to Maria Tence.*

7. PR and Media Report

7.1 Communication Notes (prepared by Angela Walter)

Maria Tence ran through the notes prepared by Angela Walter of activities.

The Committee gave a Vote of Thanks to Angela Walter for her work and planning.

7.2 Street Signs

Discussion raised by John Hills regarding two street naming projects

- (a) List of names of local people of significance to be provided to Governance for the naming of future streets.
- (b) Sentence to be placed on existing street names connected to WWI explaining connection to WWI.

ACTION: *Council officer to work with Essendon Historical Society (EHS) to develop explanatory sentence and work with depot staff to produce new street signs.*

7.3 Lone Pine Trees

Two trees are being donated for ceremonial plantings.

Query if a tree could be planted at Victory Park – suggested this could be done the WW1 sculpture is unveiled.

ACTION: *Scott Widdicombe to liaise with Council's Parks & Gardens team re planting of a Lone Pine tree at Victory Park.*

8. Other Business

8.1 Schools – ANZAC events

Cr Jan Chantry requested that Council write to schools for them to advise what event they are holding for ANZAC.

ACTION: *James Martin to liaise with Councillor Support office to send letters and receive responses and update events calendar on Council's website.*

8.2 Remembrance Day – Wednesday 11th November

(a) Check with Jackie Di Giorgio which schools are invited to Remembrance Day.

(b) Churches to be invited to ring their bells at 11am on Remembrance Day.

(c) Request to Yarra Trams for the trams to either stop at 11am for one minute silence OR to ring their bell at 11am.

ACTION:

(a) *Maria Tence to check with Jackie re schools at Remembrance Day.*

(b) *James Martin to draft letter for Mayor inviting churches to ring their bells on Remembrance Day.*

(c) *James Martin to draft letter for CE to sign re Tram services on Remembrance Day.*

8.3 VC Winners

Cr Cusack suggested that VC Medal of Cameron Baird medals may be brought to Melbourne to display in Libraries.

ACTION: *Cr Cusack to investigate the opportunities for display in Moonee Valley.*

9. Date of Next Meeting

Monday 30 March 2015, 6pm.

The meeting closed 8.15pm.

9.23 Establishment of a Special Committee for the Appointment of the Position of Chief Executive Officer

File No: FOL/10/795
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal

Purpose

The purpose of this report is to establish a Special Committee of the Whole Council to facilitate the appointment/re-appointment of the position of Moonee Valley City Council Chief Executive Officer.

Executive Summary

- The contract of employment of the incumbent Chief Executive Officer expires on 14 November 2015 and it is therefore required that Council begins considering the next steps in relation to this position.
- Section 86 of the Local Government Act 1989 (the Act) allows Council to establish a “Special Committee” of the Council which may be delegated some of its powers, duties or functions of the Council.
- To assist Council in the carrying out of the powers and responsibilities set out in section 94 of the Act, it is considered appropriate that a Special Committee of the Whole Council be established.

Recommendation

That Council:

1. Establish the ‘Appointment of the Chief Executive Officer Special Committee’ as a Committee of the Whole Council, with delegated authority, as set out in the Instrument of Delegation, provided as **Appendix A.**
2. Sign and seal the Instrument of Delegation for the ‘Appointment of the Chief Executive Officer Special Committee’.

Background

Section 94(1A) of the Local Government Act 1989 requires Council to make a permanent appointment to the position of the Chief Executive Officer as soon as is reasonably practicable after a vacancy in the position occurs.

Council on 28 September 2010, appointed Mr Neville Smith as the Chief Executive Officer for a period of five years, effective from Monday, 15 November 2010.

In accordance with the requirements under the Act, Council is required to resolve to seek the reappointment of Mr Smith to the position of Chief Executive Officer or should Council choose not to re-new Mr Smith's contract, it may choose to begin the process of appointing a new Chief Executive Officer.

Discussion

Given that the contract of employment of the incumbent Chief Executive Officer expires on 14 November 2015, it is timely that Council begins consideration of the position.

To aid in the carrying out of the powers and responsibilities set out in section 94 of the Act (provided as **Appendix B**), it is considered appropriate that a Special Committee of the Whole Council be established.

Under section 86 of the Act, a Council may establish a "Special Committee" of the Council. These Special Committees have a specific statutory role. The distinctive feature of a Special Committee is that, under the Act, the Council may delegate some of its powers, duties or functions to a Special Committee. A delegation of powers, duties or functions must be done by an "instrument of delegation" which will specify the nature of the delegation and any qualifications, time limit or reporting conditions. While the Act excludes certain powers from being able to be delegated, the evaluation of the position of the Chief Executive Officer is not one of those exclusions (section 86(4)).

Section 94 of the Local Government Act 1989 (the Act) outlines Council's responsibilities in relation to making an appointment to the position of Chief Executive. The establishment of a Special Committee to deal with section 94 of the Act will allow Council to appoint or reappoint a Chief Executive in accordance with the provisions contained within that section.

Consultation

Given the procedural nature of this report, no consultation is required.

Implications

1. Legislative

This report has been prepared in accordance with various provisions of the *Local Government Act 1989*, specifically section 86 – Special Committees of Council and section 94 – The Chief Executive Office.

This report does not have any direct Human Rights implications.

2. Council Plan / Policy

The role of the Chief Executive Officer is crucial to the Council's ability to effectively deliver each of the Strategic Objectives contained in the Council Plan 2013-17.

3. Financial

This report does not have any direct financial implications.

4. Environmental

This report does not have any direct environmental implications.

Conclusion

This report establishes the framework and mechanism to enable an effective appointment or reappointment of Council's Chief Executive Officer. It is considered appropriate that Council establish the Appointment of the Chief Executive Officer Special Committee to undertake this role.

APPENDIX A

MOONEE VALLEY CITY COUNCIL

INSTRUMENT OF DELEGATION

Appointment of the Chief Executive Officer Special Committee

Moonee Valley City Council delegates to the Special Committee established by resolution passed on 28 April 2015 and known as the “Appointment of the Chief Executive Officer Special Committee” (“the Special Committee”), the powers, duties and functions set out in the Schedule and declares that:

The Delegation:

1. comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
2. is subject to any conditions and limitations set out in the schedule;
3. must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
4. remains in force until Council resolves to vary or evoke it.

The **COMMON SEAL** of the **MOONEE VALLEY CITY COUNCIL** was hereto affixed in the presence of -

Councillor

Chief Executive

Date: _____

SCHEDULE

Duties

To exercise Council's powers and perform Council's duties and functions under Section 94 of the *Local Government Act 1989* and undertake all necessary steps relating to the appointing or reappointing of a Chief Executive Officer.

Quorum

The quorum for the Appointment of the Chief Executive Officer Special Committee, which is established as a Committee of the Whole Council, is set at five (5) members.

Meeting Dates / Frequency

Meetings of the Special Committee will be held as required.

Reporting Requirements

Nil.

APPENDIX B

LOCAL GOVERNMENT ACT 1989 - SECT 94

The Chief Executive Officer

- (1) A Council must appoint a natural person to be its Chief Executive Officer.
- (1A) The Council must make a permanent appointment to the position of Chief Executive Officer as soon as is reasonably practicable after a vacancy in the position occurs.
- (2) The Chief Executive Officer is a member of Council staff.
- (3) A Council may only appoint a person to be its Chief Executive Officer after it has invited applications for the position in a notice in a newspaper circulating generally throughout Victoria and has considered all applications received by it that comply with the conditions specified in the notice.
- (4) Subsection (3) does not apply if—
 - (a) in the 6 months immediately before the person's contract as Chief Executive Officer is due to expire, the Council passes a resolution to reappoint that person as its Chief Executive Officer; and
 - (b) at least 14 days before the resolution is passed, public notice was given of the intention to put the resolution; and
 - (c) the public notice contained—
 - (i) a statement that the passing of the resolution would result in the reappointment of the Chief Executive Officer without the position being advertised; and
 - (ii) any other details required by the regulations.
- (4A) Subsection (3) also does not apply if a Council appoints a person to act as its Chief Executive Officer for a period of not more than 12 months.
- (5) A Council must not remunerate in any way a person who has filled the Chief Executive Officer's position on an acting basis for 12 months for anything the person does in respect of that position after that 12 month period (unless the person is appointed after the Council has complied with subsection (3)).
- (6) If a Council passes a resolution to reappoint a person as its Chief Executive Officer without advertising the position, the Council must make details of the person's proposed total remuneration as Chief Executive Officer under the new contract available for public inspection within 14 days after the passing of the resolution.

- (7) A contract of employment as Chief Executive Officer between a Council and a person is void if it is made—
- (a) in circumstances that are contrary to this section; or
 - (b) while a current contract of employment as Chief Executive Officer with the person exists and that current contract is not due to expire for at least another 6 months (regardless of whether or not the Chief Executive Officer's position has been readvertised); or
 - (c) before a general election for a term that continues after the general election and the contract of employment was entered into following a variation made to the Chief Executive Officer's then current contract of employment that reduced its term.

10. Notice of Motion

10.1 Notice of Motion No. 2015/07

Title: Railway Stations at Keilor East and Airport West
From: Cr Surace
Ward: Municipal
File No: FOL/14/1258

It is my intention that at the Ordinary Meeting of Council to be held on 28 April 2015, to move that Council write to The Honourable Daniel Andrews, Premier of Victoria, The Honourable Jacinta Allan, Minister for Public Transport, Mr Danny Pearson, Member for Essendon, and Mr Ben Carroll, Member for Niddrie, advocating that any future Melbourne Airport rail link should be along the Flemington Link Corridor with train stations at Airport West and East Keilor.

Officer's Comments

1. Council's Integrated Transport Plan (2008) has a Policy that Council supports the Melbourne Airport Rail Link and an action that states that Council advocate to the State Government for an extension of the Flemington Racecourse line with provision for future railway stations at East Keilor and Airport West.
2. The current Melbourne Airport Rail Link route contained in various planning schemes is the Albion east route, running on Moonee Valley's western boundary and utilising the Albion – Jacana rail corridor.
3. The previous government confirmed their support for this route following completion of *The Melbourne Airport Rail Link – Alternative Alignments Study November 2012* and announcing in 2014 the Melbourne Rail Link project including a link to Melbourne Airport.
4. Given the Government announcement on Thursday 16 April 2015 regarding the Melbourne Metro Rail Project on a different alignment and excluding a link to Melbourne Airport it is considered timely Council write to the Government advocating Council's position.
5. Trips to and from the Melbourne Airport are growing rapidly with 30million passengers passing through each year and this number is expected to double to 64 million a year by 2033.
6. According to Melbourne Airport's 2008 Ground Transport Plan, 1276 (11.6%) and 1032 (9.4%) of Melbourne Airport's staff reside in Moonee Valley and Brimbank respectively.
7. Melbourne Airport staff numbers are expected to increase from 14,300 in 2013 to 23,000 in 2033.
8. Findings from the Moonee Valley Community Survey indicate train use to get around, by suburb, in Keilor East (27%) and Airport West (18%) is

understandably low compared with for example Flemington (49%), Ascot Vale (38%) and Essendon (35%).

9. The residential catchment around Keilor East and Airport West within Moonee Valley and Brimbank without access to a train station is significant, further justifying Council's position.

10.2 Notice of Motion No. 2015/08

Title: Gum Trees in Keilor East
From: Cr Sipek
Ward: Municipal
File No: FOL/14/1258

It is my intention that at the Ordinary Meeting of Council to be held on 28 April 2015, to move that Council requests the Chief Executive prepare a report after the completion of upcoming scheduled tree inspections in Keilor East, investigating the possible removal of unsafe, unsuitable or inappropriate gum trees in the suburb.

Officer's Comments

Council undertakes a robust inspection of trees within the municipality. Every street tree within the municipality is inspected at least every two years as part of our routine tree maintenance and inspection program thus ensuring they remain as safe as practically possible and present minimal risk to public and property.

Council's tree maintenance and inspection program is guided by its Tree Management Strategy and the Ten Year Tree Planting Implementation Plan. These two documents articulate our approach as to how trees are managed and replaced, including street tree upgrades, infill planting and tree removals identified from routine inspections.

The street trees in Keilor East were last inspected in May/June of 2013 and therefore the next inspection is scheduled to commence in June 2015.

Council has removed over 105 large eucalyptus trees in Keilor East over the last 20 years as a result of regular inspections. These trees were removed due to being dead/dying, deemed unsafe, unsuitable, or having caused (or the potential to cause) property damage.

10.3 Notice of Motion No. 2015/09

Title: Buckley Street Level Crossings

From: Cr Nation

Ward: Municipal

File No: FOL/14/1258

It is my intention that at the Ordinary Meeting of Council to be held on 28 April 2015, to move that the Chief Executive Officer write to The Honourable Daniel Andrews, Premier of Victoria, The Honourable Jacinta Allan, Minister for Public Transport, Mr Danny Pearson, Member for Essendon, and Mr Ben Carroll, Member for Niddrie, to:

1. Note the correspondence received from The Honourable Jacinta Allan, Minister for Public Transport & Employment, on 19 February 2015, and the correspondence received from Mr Danny Pearson, Member for Essendon, on 23 January 2015, in response to a Notice Of Motion raised at the Ordinary Meeting of Council held on 16 December 2014 regarding the Buckley Street level crossing;
2. Note Council's initial satisfaction with the Government's intention to commit to work towards 'fixing the Buckley Street level crossing';
3. Note the community's expectation that the Buckley Street Grade Separation will be prioritised by the Victorian Government ahead of Grade Separation projects in other municipalities, given the extensive election campaigning by Mr Danny Pearson, Member for Essendon, and Mr Ben Carroll, Member of Niddrie, in a lead up to the Victorian Election 2014, where it was promised that "only Labor would fix the Buckley Street level crossing";
4. Seek clarification of exactly where the Buckley Street Grade Separation is ranked within the list of fifty level crossings earmarked for removal as part of the Project 10,000 plan;
5. Seek clarification if it is the Government's intention to commit funds in the 2015-16 State Budget to the Buckley Street Grade Separation; and
6. Seek clarification if it is the Government's intention to undertake this project within this current term of Government.

Officer's Comments

- Subsequent to the Minister's letter dated 19 February 2015, Council officers have been in contact with VicRoads resulting in a bus tour (including VicRoads and local State and Federal Members of Parliament) on Thursday 9 April.
- During the bus tour MVCC re-iterated its preference for a rail under road solution and it was agreed to approach the Grade Separation Authority in relation to identifying potential timing of Buckley St in their program.

- Council officers are currently preparing an enhanced advocacy agenda on a number of issues including Buckley St grade separation and will be workshopped with Councillors in May.

10.4 Notice of Motion No. 2015/10

Title: Residential Zones

From: Cr Nation

Ward: Municipal

File No: FOL/14/1258

It is my intention that at the Ordinary Meeting of Council to be held on 28 April 2015, to move that the Chief Executive write to the Honourable Premier of Victoria, Daniel Andrews, the Honourable Richard Wynne, Planning Minister, Mr Danny Pearson, Member for Essendon, and Mr Ben Carroll, Member for Niddrie, to:

1. Note the correspondence received from the Honourable Richard Wynne, Planning Minister, on 31 March 2015, in response to the Notice of Motion raised on 16 December 2014 regarding Moonee Valley City Council's proposed Residential Zones (Amendment C137 to the Moonee Valley Planning Scheme – Application of New Residential Zones);
2. Note the content of the letter which outlines that the Residential Zones Standing Advisory Committee had recommended Council undertake further strategic work before the reformed Residential Zones were to be implemented;
3. Note that following this recommendation from the Residential Zones Standing Advisory Committee in September 2014, the now elected State Government pledged during the Victorian State Election in October 2014 to 'apply Moonee Valley City Council's proposed Residential Zones plan, while a widespread review of the system was undertaken';
4. Enquire why it now appears, based on the correspondence referenced above, that this pledge will not be acted upon;
5. Advise that while Council on 16 December 2014 endorsed a process to update the Moonee Valley Housing Strategy, it should be noted that this process will take considerable time to develop, consult, and approve, and that Moonee Valley residents do expect protection from overdevelopment in their suburban streets (through the application of our proposed Residential Zones) in the interim, based on the election pledge outlined above;
6. Note the concern in our community regarding the urgency for certain areas of the municipality to have the most restrictive Neighbourhood Residential Zone applied, as opposed to the General Residential Zone which currently applies across most of the municipality;
7. Note the further concern in our community that our neighbouring municipality of Moreland has already received verbal confirmation from the Minister of Planning regarding the implementation of their recommended new Residential Zones.
8. Note that should the Government decide to honour their election pledge to 'apply Moonee Valley City Council's residential zones plan, while a widespread review of the system was undertaken', that the Government:

- a) Inform council when the proposal as outlined in Amendment C137 to the Moonee Valley Planning Scheme – Application of New Residential Zones, endorsed by Council at its meeting on 25 February 2014, will be implemented in place of the current General Residential Zone which was applied across the municipality by the former State Government on 1st July 2014;
 - b) The process and timeframe of gazetting such changes; and
 - c) The procedures for notifying residents who will be affected by the change.
9. Note that Council would consider the above a satisfactory outcome while Council reviews the Moonee Valley Housing Strategy, and the State Government undertakes a state-wide review of the application of the Residential Zones.

Officer's Comments

The intent of the Notice of Motion is noted and the following specific comments are made for further consideration and possible changes to the NOM:

Point 6

Point 6 is worded in a manner that creates the impression that there is a general consensus amongst the community that the NRZ should apply.

It is worth noting that Council received 380 submissions into the draft Amendment C137. This does not include petitions. A number of landowners were unhappy with the proposed zoning of their properties.

Point 7

In response to the comment that verbal confirmation was received from Moreland City Council regarding the approval of their Residential Zones, the Statutory Planning Unit followed up with the DEWLP and received verbal feedback that Moreland's zones will not be approved in its current form.

Point 9

Given the Housing Strategy review has commenced, this approach may create unrealistic expectations and be challenging to further amend zones following the completion of the Housing Strategy review.

General

The following general comments are considered relevant:

- The Standing Advisory Committee was very clear that the zones as proposed by Council lack strategic justification and does not respond to the challenges facing Council.
- The Committee was clear on the need for a review of the current Housing Strategy to better inform the implementation of any future Residential Zones.

10.5 Notice of Motion No. 2015/11

Title: WA Aboriginal communities under threat of closure
From: Cr Cusack
Ward: Municipal
File No: FOL/14/1258

It is my intention that at the Ordinary Meeting of Council to be held on 28 April 2015, to move that Council write to:

1. The Federal Minister for Indigenous Affairs, The Honourable Nigel Scullion, the Western Australian Premier, the Honourable Colin Barnett MEd MLA, local Federal Ministers and Victorian Senators, protesting the forced closure of Aboriginal communities in Western Australia.
2. The Australian Local Government Association, the Municipal Association of Victoria and Victorian Local Governance Association seeking a statement of opposition to the forced closures.
3. Peak national and state Aboriginal organisations involved in promotion of Reconciliation notifying them of our support for those Aboriginal communities under threat and representatives of these communities.

Officer's Comments

Though dealing with matters outside the municipality, this is an advocacy motion that is in line with Council's Reconciliation Policy and is therefore supported by Officers.