



Ordinary Meeting of Council

Monday, 19 September 2016 at 7.00pm

Agenda

Ordinary Meeting of Council

Monday, 19 September 2016 at 7.00pm
to be held at the Moonee Valley Civic Centre

TO :

Members:

| | |
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| Cr Andrea Surace | Mayor |
| Cr Paul Giuliano | |
| Cr Jan Chantry | |
| Cr Shirley Cornish | |
| Cr Jim Cusack | |
| Cr Nicole Marshall | |
| Cr Cam Nation | |
| Cr Narelle Sharpe | |
| Cr John Sipek | |

Officers:

| | |
|--------------------|---|
| Mr Bryan Lancaster | Chief Executive Officer |
| Ms Gail Conman | Director City Services |
| Ms Natalie Reiter | Director Planning & Development |
| Mr Anthony Smith | Director Corporate & Community Services |
| Mr James Martin | Acting Director Organisational Performance |
| Mr Petrus Barry | Manager Statutory Planning |
| Mr Troy Delia | Acting Manager Legislative Services & Support |

Business:

1. Opening

2. Apologies

3. Confirmation of Minutes

Ordinary Meeting of Ordinary held on Tuesday, 23 August 2016.

4. Declarations of Conflict of Interest

5. Presentations

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BRYAN LANCASTER
Chief Executive Officer

REPORTS BY MAYOR AND COUNCILLORS

Recommendation

That reports by the Mayor and Councillors be received.

8.1 Report by Mayor, Councillor Surace

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| 4 August 2016 | Attended MAV's Metropolitan Dinner at the Sheraton, Melbourne |
| 5 August 2016 | Attended briefing meeting with Chief Executive Officer and Arts and Culture Officer regarding 2016 Spirit of Moonee Valley event Attended VIP Event hosted by Economic Development Australia at Parliament House, Melbourne Opened "The Hunch" Exhibition at the Incinerator Gallery, Moonee Ponds |
| 9 August 2016 | Attended meeting with representatives from Moonee Ponds Bowling Club, Moonee Ponds Italian Club, Councillor Paul Giuliano, Manager Building, Health and Property Services and Property Services Officer to discuss on going issues between the two clubs Chaired Public Forum and Councillor Briefing |
| 10 August 2016 | Attended Court House Recovery Committee meeting held at Danny Pearson's, MP office |
| 12 August 2016 | Attended 2016 Kokoda Project Breakfast at Moonee Valley Racing Club |
| 13 August 2016 | Officiated at the 2016 Spirit of Moonee Valley Event at the Clocktower Centre, Moonee Ponds |
| 14 August 2016 | Attended Annual Vietnam Veterans Service and Luncheon held at the East Keilor RSL |
| 16 August 2016 | Attended meeting with Chief Executive Officer at Maribyrnong City Council with Mayor McDonald and Chief Executive Officer, Stephen Wall Chaired Councillor Workshop |
| 18 August 2016 | Attended BreastWest "Night of Nights" at Moonee Valley Racing Club |
| 20 August 2016 | Hosted Mayoral Charity Community Race day at Moonee Valley Racing Club |
| 21 August – 6 September 2016 | Leave from Council |

8.2 Report by Councillor Giuliano

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| 9 August 2016 | Attended meeting with representatives from Moonee Ponds Bowling Club, Moonee Ponds Italian Club, Mayor, Councillor Andrea Surace, Manager Building, Health and Property Services and Property Services Officer to discuss on going issues between the two clubs Attended Tenders Committee meeting Attended Public Forum and Councillor Briefing |
| 13 August 2016 | Attended 2016 Spirit of Moonee Valley Event held at the Clocktower Centre, Moonee Ponds |
| 14 August 2016 | Attended Annual Vietnam Veterans Service and Luncheon held at the East Keilor RSL |
| 15 August 2016 | Attended St Kinnord Street, Aberfeldie resident's meeting held in the Council Chambers |
| 16 August 2016 | Attended Councillor Workshop |
| 17 August 2016 | Attended Consultation briefing and meeting in relation to 86 Glass Street, Essendon application |
| 22 August 2016 | Participated in photo opportunity for Helping Hands Shelf Life Project |
| 23 August 2016 | Attended meeting with representatives from Moonee Ponds Bowling Club, Moonee Ponds Italian Club, Manager Building, Health and Property Services to further discuss on going issues between the two clubs Chaired Ordinary Meeting of Council |
| 26 August 2016 | Attended Moonee Valley City Council's Leaders in Business Breakfast held at Ascot House, Ascot Vale |
| 27 August 2016 | Attended Essendon Junction "Winter Wonderland" event and Amendment C159 Consultation held in Russell Street, Essendon |
| 30 August 2016 | Attended on site meeting with resident in Glass Street, Essendon |
| 3 September 2016 | Attended Victorian Baptist Netball Association Grand Final at Aberfeldie Primary School Attended Salt Water Challenge Regatta hosted by Essendon Rowing Club |
| 6 September 2016 | Chaired meeting with Moonee Ponds Italian Club representatives, Manager Building, Health and Property Services and Executive Assistant to the Mayor and Councillors Chaired Councillor Workshop |

8.3 Report by Councillor Chantry

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| 4 August 2016 | Attended MAV's Metropolitan Dinner at the Sheraton, Melbourne |
| 5 August 2016 | Attended Exhibition Opening "The Hunch" at the Incinerator Gallery |
| 11 August 2016 | Chaired Metropolitan Emergency Management Planning meeting |
| 13 August 2016 | Attended Justice of the Peace training development day held in Collingwood Attended 2016 Spirit of Moonee Valley Event held at the Clocktower Centre, Moonee Ponds |
| 16 August 2016 | Attended Arts and Culture Councillor Portfolio meeting Attended Councillor Workshop |
| 17 August 2016 | Attended Consultation briefing and meeting in relation to 86 Glass Street, Essendon application |
| 22 August 2016 | Chaired Arts and Culture Community Advisory Committee meeting |
| 24 August 2016 | Chaired Australian Labor Party Branch meeting, Moonee Ponds |
| 23 August 2016 | Attended Ordinary Meeting of Council |
| 27 August 2016 | Attended Essendon Junction "Winter Wonderland" event and Amendment C159 Consultation held in Russell Street, Essendon |
| 1 September 2016 | Attended the Funeral of former Mayor, Cr Monica Hayes |
| 3 September 2016 | Attended the Annual General Meeting and unveiling of new greenhouse at Strathmore Community Gardens Attended Victorian Baptist Netball Association Grand Final at Aberfeldie Primary School |
| 4 September 2016 | Visited residents in First Avenue, Strathmore regarding traffic concerns |
| 6 September 2016 | Attended Councillor Workshop |

8.4 Report by Councillor Cornish

3 August – 6 September 2016 Verbal Report

8.5 Report by Councillor Cusack

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| 3 August 2016 | Attended Consultation briefing and meeting in relation to 90 Farnham Street, Flemington application |
| 5 August 2016 | Attended Exhibition Opening “The Hunch” at the Incinerator Gallery |
| 7 August 2016 | Attended 125 th Anniversary Mass at St Brendan’s Parish, Flemington |
| 8 August 2016 | Attended meeting with Ascot Vale resident regarding traffic issues in Fenton Street |
| 9 August 2016 | Attended Tenders Committee meeting Attended Public Forum and Councillor Briefing |
| 13 August 2016 | Attended 2016 Spirit of Moonee Valley Event held at the Clocktower Centre, Moonee Ponds |
| 17 August 2016 | Attended Housing for People with an Intellectual Disability – Question and Answers Forum held at Kellaway Avenue Neighbourhood Centre |
| 20 August 2016 | Attended “All about solar: Buyers Checklist” Civic Area Attended Mayoral Charity Community Race day at Moonee Valley Racing Club |
| 22 August 2016 | Attended Arts and Culture Community Advisory Committee meeting |
| 23 August 2016 | Attended Ordinary Meeting of Council |
| 27 August 2016 | Attended 60 th Birthday Celebrations and Opening of the Greens hosted by Moonee Valley Bowls Club |
| 3 September 2016 | Attended Victorian Baptist Netball Association Grand Final at Aberfeldie Primary School |
| 6 September 2016 | Attended State Government’s Funding Announcement regarding Flemington Housing Estate Attended Councillor Workshop |

8.6 Report by Councillor Marshall

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| 3 August 2016 | Attended meeting held at the Hockey Club, Ascot Vale Attended Quarterly Community Consultative Group meeting Attended Consultation briefing and meeting in relation to 90 Farnham Street, Flemington application |
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| 4 August 2016 | Attended meeting with Representative from the Essendon Historical Society |
| 5 August 2016 | Attended Exhibition Opening “The Hunch” at the Incinerator Gallery |
| 9 August 2016 | Attended Public Forum and Councillor Briefing |
| 13 August 2016 | Attended 2016 Spirit of Moonee Valley Event held at the Clocktower Centre, Moonee Ponds |
| 15 August 2016 | Attended Audit Committee Meeting |
| 16 August 2016 | Attended Councillor Workshop |
| 18 August 2016 | Attended Farnham Street, Flemington Annual General Meeting |
| 20 August 2016 | Attended Mayoral Charity Community Race day at the Moonee Valley Racing Club |
| 23 August 2016 | Attended Ordinary Meeting of Council |
| 27 August 2016 | Attended Essendon Junction “Winter Wonderland” event and Amendment C159 Consultation held in Russell Street, Essendon |
| | Attended Victorian Baptist Netball Association Junior Tournament at Aberfeldie Primary School |
| 29 August 2016 | Attended meeting with Director Planning and Development and City Planning Officer to discuss Strategic Planning Advisory Committee survey |
| 6 September 2016 | Attended State Government’s Funding Announcement regarding Flemington Housing Estate |
| | Attended Councillor Workshop |

Throughout reporting period – Attendances at planning application sites and meetings with residents in relation to issues of concern

8.7 Report by Councillor Nation

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| 9 August 2016 | Attended meeting with Director Planning and Development, Technical Services Officer and Transport Engineering Officer in regards to the progress of the implementation of the Dean Street Local Area Traffic Management Study and the Holmes Road Local Area Traffic Management Study |
| | Attended Tenders Committee meeting |
| | Attended Public Forum |
| | Attended Councillor Briefing |

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| 13 August 2016 | Attended 2016 Spirit of Moonee Valley Event held at the Clocktower Centre, Moonee Ponds |
| 15 August 2016 | Attended Audit Committee Meeting |
| 16 August 2016 | Attended Councillor Workshop |
| 18 August 2016 | Attended BreastWest “Night of Nights” at the Moonee Valley Racing Club |
| 20 August 2016 | Attended Mayoral Charity Community Race Day at the Moonee Valley Racing Club |
| 21 August 2016 | Attended Planning Application site visit in Dudley Street, Essendon North Attended Planning Application site visit in Glass Street, Essendon Attended Planning Application site visit in Craig Street, East Keilor Attended Planning Application site visit in Mt Alexander Road, Moonee Ponds |
| 22 August 2016 | Attended meeting with objector in regards to Planning Application in Craig Street, East Keilor |
| 23 August 2016 | Attended Ordinary Meeting of Council |
| 25 August 2016 | Chaired Moonee Valley Young Peoples’ Coalition meeting |
| 26 August 2016 | Attended and Officiated at Moonee Valley City Council’s Leaders in Business Breakfast at Ascot House, Ascot Vale Attended and Officiated at “Wear It Purple Day” Staff Morning Tea to support LGBTIQ Youth at the Civic Centre, Moonee Ponds |
| 5 September 2016 | Attended Helping Hands Mission Community Pantry Launch at Fullarton Road, Airport West |

8.8 Report by Councillor Sharpe

3 August – 6 September 2016 Verbal Report

8.9 Report by Councillor Sipek

3 August – 6 September 2016 Verbal Report

REPORTS

9.1 19-21 Matthews Avenue, Airport West (Lots 7 and 8 on Plan of Subdivision 026084) - Construction of ten dwellings and a reduction in car parking requirements

File No: FOL/16/130
Author: Principal Statutory Planner
Directorate: Planning & Development
Ward: Rosehill

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|--|--|
| Planning File No. | MV/136/2016 |
| Proposal | Construction of seven triple storey dwellings and three double storey dwellings and a reduction in car parking requirements |
| Applicant | ARG Planning P/L |
| Owner | PA Neagle, WR Jones and K Brundell |
| Planning Scheme Controls | General Residential Zone Part Design and Development Overlay, Schedule 9 (DDO9) (affects only 21 Matthews Avenue) |
| Planning Permit Requirement | Clause 32.04-8 – to construct two or more dwellings on a lot. Clause 52.06-3 – to reduce the number of car parking spaces required. |
| Car Parking Requirements (Clause 52.06) | Required: 13 car spaces Proposed: 13 car spaces |
| Bicycle Requirements | Not applicable |
| Restrictive Covenants | None |

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| Easements | A 1.83 drainage and sewerage easement is located on the western (rear) boundary. |
| Site Area | 1177m ² |
| Number Of Objections | 15 |
| Consultation Meeting | 20 JULY 2016 |

Executive Summary

- The application seeks approval for the construction of seven triple storey dwellings and three double storey dwellings and the reduction in the visitor car parking requirements.
- This site is identified within the Airport West Activity Centre Structure Plan as having the purpose to “[e]mphasise local gateways at Matthews Avenue/Fullarton Street with attractive three storey built form”. It is the only site within this precinct containing two separate titled allotments.
- The development is a high quality design response which takes advantage of its strategic context and surrounding attributes. The development incorporates contemporary architectural detailing and gradual setbacks on the upper levels in response to the sensitive interfaces on the side and rear boundaries.
- The application was internally referred to Council’s Engineering Services Unit, Traffic and Transportation Unit, Environmental Sustainable Design (ESD) Officer and Arborist. Conditional support to the application was provided.
- As the application features a height of 79.99 metres, Australian Height Datum (AHD), it does not require a planning permit under the provisions of the Design and Development Overlay (Schedule 9 – *Essendon Airport – Obstacle Height Area No. 2*) which has a trigger for buildings and works that are more than 80 metres AHD in height. It is noted the Essendon Airport was notified of the application who provided no objection.
- The application attracted 15 objections with concerns primarily relating to building height, neighbourhood character, loss of on-street parking, insufficient on-site parking provision and off-site impacts.
- Subject to further design modifications, this assessment report demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme.
- It is therefore recommended Council issue a Notice of Decision to Grant a Planning Permit.

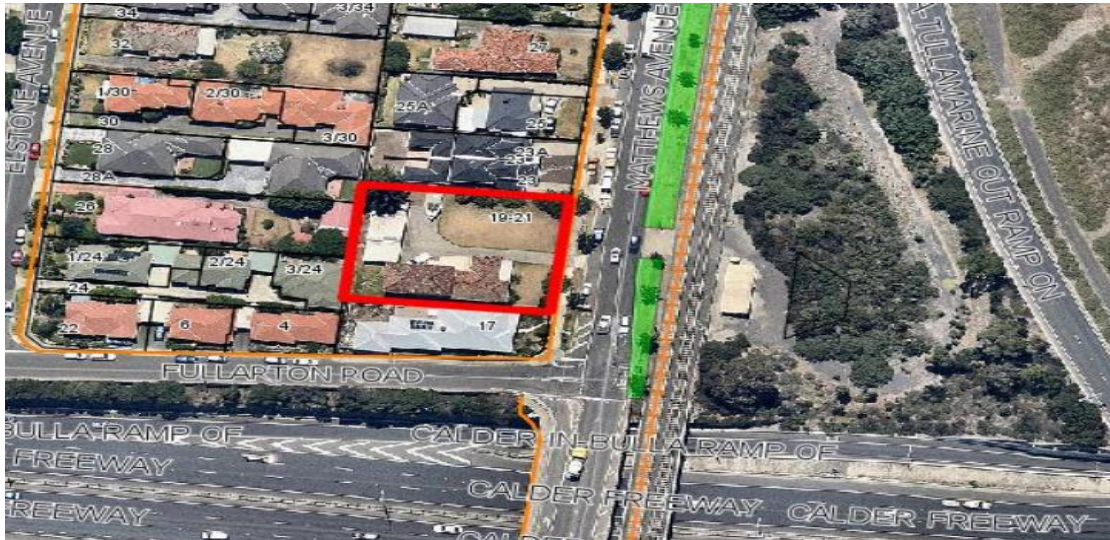


Figure 1: Aerial photo of the subject site and surrounds

Recommendation

That Council, with respect to an Application for Review against Council's failure to decide the application within the prescribed time, 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, the decision would have been to issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/136/2016 for the construction of ten dwellings and a reduction in car parking requirements at 19-21 Matthews Avenue, Airport West (Lots 7 and 8 on Plan of Subdivision 023084), subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale and three copies must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) Defined pedestrian/shared zone within the vehicle accessway and additional pedestrian accessways provided to the proposed visitor car space and on the west (rear) boundary, connecting to the proposed pedestrian accessways and the shared accessway.
 - b) Lowered sill heights of 1.4 metre minimum above floor level to the ground floor windows adjacent to the entries to Dwellings 8 and 9, facing the communal open space.
 - c) The proposed accessway to be widened from 4.8 to 5.5 metres with an associated widening of and alignment to the proposed crossover.
 - d) Fixed obscure glazing to a height of 1.7 metre above floor level or an increased 1.7 metre sill height above the floor level in accordance with Clause 55.04-6 (Overlooking objective) of the Moonee Valley Planning Scheme to the following windows:
 - i). The south-facing, first floor (kitchen/dining) window of Dwelling 8.
 - ii). The south-facing, first floor (Bed 2) windows of Dwellings 9 and

10.

iii). The west-facing first floor (kitchen/dining) window of Dwelling 10.

- e) Additional screening or a free standing screen abutting the southern boundary fence, with a height measuring at least 1.7 metres above the finished ground floor level of Dwellings 8, 9 and 10, spanning between the eastern edge of Dwelling 8 and the rear (western) boundary.
- f) Any resultant modifications to the building or glazing materials and associated notations arising from the acoustic report required by Condition 17.
- g) Additional design or landscape elements to improve the appearance and landmark of the pedestrian entries on each side boundary.
- h) Corrections to the notated sizes/areas of the balconies in Dwellings 1 to 6, complying with the required minimum 8sqm provision.
- i) Notated dimensions, including heights, of the internal storage areas to comply with the required 6 cubic metre volume.
- j) The storage area of Dwelling 8 to be 1.5 to 1.8 metres above finished floor level high to avoid any impact to a parked car.
- k) Details on the floor plans and elevations of any site services within the balconies, etc and their location, size and any screening.
- l) A schedule of all external material and finishes. The schedule must show the material, colour (including colour samples) and finishes of all external walls, roof, fascias, windows frames, fences and paving.
- m) Pedestrian visibility splays in accordance with Clause 52.06 of the Moonee Valley Planning Scheme and any subsequent modifications to the proposed front fences adjacent to the proposed accessway.
- n) Notation to state the provision of 300mm wide trench gates in front of each garage door.
- o) Notation to state the planting of a new street tree at the front of Dwelling 1 to the satisfaction of the Responsible Authority.
- p) Notation to state that the kerb and channel to be re-constructed and re-levelled to the satisfaction of the Responsible Authority.
- q) Notation to state that the concrete footpath to be re-constructed and re-levelled to the satisfaction of the Responsible Authority.
- r) Lighting along the pedestrian accessways, the visitor car space and the shared accessway.
- s) The internal access doors at the garages of Dwellings 1 to 5 and 7 to open outwards, not inwards into the parking area.
- t) Notation to state: *“The rainwater from total roof area of XXXm² is to be collected and discharged via a mechanically pumped or fully charged or gravity fed system (applicant to select type of system) into a XXXXL capacity rainwater tank which is to be connected to all toilets for toilet flushing”.*

- u) All Built Environment Sustainability Scorecard (BESS) treatment measures and associated notations to be shown on the relevant plans in accordance with the approved BESS report.
- v) Any modifications as a result of the recommendations on the amended Waste Management Plan as required by Condition 21.
- w) A separate, full copy of the STORM report (that is not incorporated as part of the approved BESS report).
- x) Direction signage and linemarking of the visitor car space.

When approved, these plans will be endorsed and will form part of this permit.

2. Except with the prior written consent of the Responsible Authority, the layout of the land 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.
3. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) (relating to the WSUD treatment measures) nominated in the approved and complying STORM report), such as cross sections and/or specifications for the permeable paving, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approved by the Responsible Authority.
4. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers 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.

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.

5. A minimum of 30 days prior to any building or works 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 completing and commissioning of all WSUD Response treatment measures written by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or licensed company. This report must be to the satisfaction of the Responsible Authority and must confirm that all WSUD treatment measures specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

6. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
7. Before the buildings are approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking objective) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

All privacy screens and other measures to prevent overlooking as shown on the endorsed plans must at all times be maintained to the satisfaction of the Responsible Authority.

8. Before the buildings approved by the permit are occupied, boundary fencing is to be constructed in accordance with endorsed plans to the satisfaction of the Responsible Authority.
9. Before the buildings approved by this permit are occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:

- a) constructed;
- b) available for use in accordance with the endorsed plans;
- c) properly formed to such levels and drained so that they can be used in accordance with the endorsed plans; and
- d) finished with a permanent trafficable surface (such as concrete, asphalt or paving),

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

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

- e) be maintained and made available for such use; and
- f) not be used for any other purpose,

to the satisfaction of the Responsible Authority.

10. Before the buildings approved by this permit are occupied, concrete vehicular crossing(s) must be constructed to suit the proposed driveway in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossing must be removed and the area reinstated to footpath, nature strip and kerb and channel 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 prior written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.

11. The existing street located to the north of the proposed crossover must not be removed or replaced without the prior written consent of the Responsible Authority. Any replacement tree planted must be to the satisfaction of the Responsible Authority. All costs associated with the removal and replacement of the street tree must be borne by the permit applicant and the street tree replacement must be completed to the satisfaction of the Responsible Authority before the buildings approved by this permit are occupied.
12. Before the existing street tree situated to the north of the proposed crossover is removed, the applicant must advise the Responsible Authority of the method of removal and safety measures to be implemented. The removal of the tree must be undertaken to the requirements and satisfaction of the Responsible Authority.
13. The existing street tree to be removed must be replaced with an advanced tree which is at least 2 metres high at the time of planting and of a species and condition to the satisfaction of the Responsible Authority. Before the development starts, the applicant must provide details to the satisfaction of the Responsible Authority of the replacement tree including:

- a) method of mulching and mounding;
- b) the species of the replacement planting;
- c) the size of planting and its maturity; and
- d) the location of the replacement planting.

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

- 14. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.
- 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. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

Before the development starts, a Drainage Layout Plan, including computations and manufacturer's specifications, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must depict an on-site stormwater detention drainage system to be installed on the land.

When approved, the Drainage Layout Plan will form part of this permit.

The on-site stormwater detention drainage system must be installed and the provisions, recommendations and requirements of the endorsed Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.

- 17. Before the development starts, an acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The acoustic report must be prepared by an acoustics consultant with suitable qualifications to the satisfaction of the Responsible Authority and must detail noise attenuation measures required to all habitable rooms within the development to ensure minimal noise impacts external to the development.

When approved, the acoustic report will be endorsed and will form part of the permit.

The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

18. 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 cause to any person within or beyond the land.
19. Before the development starts, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and three copies must be provided. The amended landscape plan must be generally in accordance with the application but modified to show:
 - a) Plans to accord with Condition 1 of this permit;
 - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
 - c) The use of drought tolerant species;
 - d) The provision of at least two canopy trees within the front setback which are able to achieve a minimum mature height of 4 metres;
 - e) Features such as paths, paving and accessways;
 - f) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems;
 - g) All planting abutting the accessway and land frontage to having a maximum mature height of no more than 900mm in accordance with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme; and
 - h) An appropriate irrigation system.

When approved, the amended landscape plan will be endorsed and will form part of this permit.

Landscaping in accordance with the endorsed landscaping plan and schedule must be completed before the building is occupied.

20. Before the buildings approved by this permit are occupied, all landscaping (all trees, shrubs and lawn) must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
21. Before the development starts, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants".

When approved, the Waste Management Plan will be endorsed and will form part of this permit.

The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

22. 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 make a written request to the Responsible Authority to extend the expiry date.

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry 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 the development starts, the permit holder must contact Moonee Valley City Council regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land 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 $C=0.80$.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line 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.
- Before the development starts, separate approval must be obtained from the Moonee Valley City Council in relation to the proposed removal and replacement of the nominated street tree. Please contact Council on 9243 888 to speak with Council's Arborist.
- No on street parking permits will be provided to the occupiers of the land.
- Should any activity and buildings and works (including television antenna and flagpole) occur above 80.00 metres Australian Height Datum, separate planning approval from the Responsible Authority as well as written approval from the Essendon Airport will be required.

- Should any construction activity occur above 80.00 metres Australian Height Datum (eg cranes) approval will be required from Essendon Airport.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the western side of Matthews Avenue, approximately 15 metres north of Fullarton Road. It comprises two separate title allotments and features a regular shape, with a width of 31.70 metres, a depth of 37.12 metres and a total area of approximately 1,177 square metres.

A 1.83 metre wide drainage and sewerage easement is situated along the western (rear) boundary.

The topography of the site is generally flat.

A double storey brick and weatherboard dwelling occupies the site which is built adjacent to the southern boundary. A large outbuilding or garage is built adjacent to the western (rear) boundary. A large private open space is situated on the northern half of the site.

Vehicle access to the site is obtained from an existing single-width crossover located at the centre of the site frontage. A moderate level of landscaping along the front and northern boundaries of the site includes a tall Norfolk pine tree at the northwestern corner. A 1.4 metre high steel tubular front fence is provided directly on the southern half of the frontage and a 1.4 metre high solid colourbond front fence is provided on the northern half. There are two street trees and a power pole situated on the naturestrip abutting the front boundary.



Figure 2: Subject site at 19-21 Matthews Avenue, Airport West

The surrounding land is within a General Residential Zone. The Design and Development Overlay affects No. 21 Matthews Avenue (the northern lot of the site) and the surrounding properties to the north and northwest.

The site is situated at the southeastern corner of the Airport West Activity Centre, bounded by Matthews Avenue to the east and Fullarton Road to the south.

The residential area provides a varied neighbourhood character where the built form ranges between single storey and double storeys. The dwelling typology consists of single detached dwellings and a range of medium density housing. Notably, existing unit developments abut the site on the northern boundary at No. 23 Matthews Avenue and the rear boundary at No.'s 24 and 28 Elston Avenue. While the built form within the immediate vicinity is very much eclectic, with no strong urban character, there is a strong presence of increased dwelling densities as well as new, contemporary developments nearby.

The tram route no. 59 (Airport West – Flinders Street) is opposite the site to the east, running parallel to Matthews Avenue. The Tullamarine Freeway and the Calder Freeway interchange and Essendon Fields, including Essendon Airport, are located further east of the site. The Niddrie Community Hub and the Keilor Road intersection are located further south.

1.2 Proposal

It is proposed to construct ten dwellings and to reduce the car parking requirements.

The proposal as advertised, proposal can be summarised as follows:

Table 1

| | |
|---------------------|---|
| No. of dwellings | Ten |
| No. of car spaces | 12 resident car spaces <i>plus</i> one visitor car space. The proposal is seeking to reduce the required second visitor car space. |
| Max Building Height | 8.99 metres |
| Site Coverage | 52% |
| Permeability | 47% |

Refer to **Appendix A** Plans.

2. Background

2.1 Relevant Planning History

There is no relevant planning history identified for the land.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

| | |
|-----------|--------------------------------|
| Clause 9 | Plan Melbourne |
| Clause 11 | Settlement |
| Clause 15 | Built Environment and Heritage |
| Clause 16 | Housing |
| 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 – Moonee Valley Tomorrow |
| Clause 21.04 | Sustainable Environment |
| Clause 21.05 | Housing |
| Clause 21.06 | Built Environment |
| Clause 21.07 | Activity Centres |
| Clause 22.03 | Stormwater Management (Water Sensitive Urban Design) |

Zoning

| | |
|--------------|--------------------------|
| Clause 32.08 | General Residential Zone |
|--------------|--------------------------|

Overlays

| | |
|--------------|---|
| Clause 43.02 | Design and Development Overlay, Schedule 9 (DDO9) |
|--------------|---|

Particular and General Provisions

| | |
|--------------|--|
| Clause 52.06 | Car Parking |
| Clause 55 | Two or More Dwellings on a Lot and Residential Buildings |
| Clause 65 | Decision Guidelines |

2.3 Referrals

External

- Essendon Airport (Section 52)
No objection.

Internal

- Engineering Services Unit
No objection subject to standard conditions.
- Traffic and Transportation Unit
No objection subject to the standard conditions and the following non-standard conditions:
 - Provide a second visitor car parking space.
 - The existing crossover to be modified and widened from 4.8 to 5.5 metres. (Refer to Condition 1c.)
 - Require the overhead storage area within the garage of Dwelling 8 to be 1.5 to 1.8 metres above the floor level so as to no impact a parked vehicle. (Refer to Condition 1j.)
 - Provide pedestrian visibility splays adjacent to the proposed accessway opening in accordance with Clause 52.06. (Refer to Condition 1m.)
 - Require the internal access doors to the garages of Dwellings 1 to 5 and 7 to open outwards, not inwards into the parking area. (Refer to Condition 1s.)
- ESD Officer
No objection subject to standard conditions.
- Council's Arborist
No objection subject to standard conditions.
- Waste Management
No objection to the submitted original Waste Management Plan. A permit condition will require an amended Waste Management Plan based on the Appendix A Plans. (Refer to Conditions 1v and 21.)

2.4 Public Notification of the Application

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

15 objections were received. (Refer to **Appendix C**).

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

2.5 Consultation Meeting

A Consultation Meeting held on 20 July 2016 was attended by Councillors Surace and Sipek, the applicant, the objectors 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 objectives are considered to have been satisfied by the proposal. Notably, the site is located within an identified Activity Centre of Airport West which is provided with strong strategic support under 'Plan Melbourne: Metropolitan Planning Strategy' and Clauses 11, 15, 16 and 18 which all seek to build up activity centres and increase the residential demand. The policy framework objectives also broadly encourage consolidation of urban allotments in locations which can provide for housing diversity and take advantage of existing public transport and community and commercial services.

The site offers an opportunity for redevelopment considering its size and location within the Airport West Activity Centre, specifically in a residential area which already features a range of dwelling densities. The approval of this proposal will increase the supply of housing within this area and provide housing diversity with good access to a range of public transport routes, including a tram stop situated approximately 130 metres to the north (servicing tram route no. 59 – Airport West to Flinders Street), and bus route no. 477 (Essendon to Gladstone Park), and the Council-owned Niddrie Community Hub which is situated approximately 80 metres to the south.

The site is also within walking distance to the Keilor Road Activity Centre comprising a commercial strip of shops, offices, food and drink premises and a Council-owned library which are situated approximately 230 metres to the south. The site is located approximately 700 metres to the Essendon Airfields commercial area and 2 kilometres away from the Airport West Shopping Centre. Within this context, the site is suitably located to take advantage of existing facilities which can be accessed by future residents.

3.2 Local Planning Policy Framework

The proposal complies with Clause 21.04 (Sustainable Environment) through the use of ecological sustainable design principles as highlighted within the submitted Built Environment Sustainability Scorecard (BESS) assessment. It is acknowledged Council's ESD Officer has requested the BESS measures to be shown on the submitted plans. These matters will be addressed as a permit condition on any approval to be issued together with any relevant design measures of the BESS assessment. (Refer to Condition 1u.)

The proposal accords with objectives of Clause 21.04-4 (Waste) as it relates to encouraging the use of recycling and achieving best practice in waste minimisation. A revised waste management plan based on the advertised plans will be required as a condition of approval. (Refer to Conditions 1v and 21.)

The proposal complies with Clause 21.05 (Housing) by being located in the Airport West Activity Centre which features accessibility to public

transport, community services, commercial and retail precincts. It is noted the site is also located proximate to the Keilor Road Activity Centre, which is also serviced with public transport and a commercial/retail strip.

The proposed development generally responds to the strategies of Clause 21.06 (Built Environment). A number of the objectives and strategies appear to overlap with those contained within the neighbourhood character precinct profiles and ResCode, and therefore, the key concepts of Clause 21.06 are discussed below in Section 3.3.

The proposal is also consistent with the Structure Plan and policy guidelines of Clause 21.07 (Activity Centres). As stated, the site is situated within an identified “gateway” location with a preferred height of three storeys. The proposal provides a three storey height which graduates down to a two storey height at the rear boundary. It incorporates an attractive, contemporary design which would contribute to the character of Matthews Avenue. Further discussion on the overall design and layout will be provided in Section 3.3.

The proposal generally complies with Clause 22.02 (Stormwater Management) and meets the required on site stormwater treatment as demonstrated by achieving more than 100%, using the STORM tool. However, the ESD Officer has identified the submitted STORM report has been merged into the BESS report and has requested a full and separate copy of the STORM report and the relevant annotations to be added to the plans. These matters, together with the relevant design requirements, will be addressed as conditions on any approval issued in accordance with this policy. (Refer to Condition 1w)

3.3 Neighbourhood Character Guidelines

The site is located in the ‘Central Residential 2’ precinct, which has the following preferred character statement:

“New developments in this precinct may be diverse in architectural styles, but will retain a cohesive appearance due to a consistency in siting, articulation, use of finishes and strong garden settings.

Building articulation will be achieved through the use of recesses, windows and setbacks to complement the verandah and porch areas of the traditional dwellings. Lighter finishes and materials will contribute to the palette of the traditional period buildings. Consistent front and side setbacks will provide space for formal landscaping, while low or permeable front fences will retain the openness of the streetscape.”

It is considered the development provides a suitable response to the preferred character statement of the Central Residential 2 precinct within the Neighbourhood Precinct Profiles as follows:

Table 2

| Element | Response |
|------------------------------|---|
| Siting and Building Envelope | <p>The site offers a redevelopment opportunity for an increased level of residential density considering its Activity Centre context, allotment size and gateway location.</p> <p>The development is a high quality design which responds well to the immediate residential area by comprising two building pods that are separated by a central, shared vehicle accessway. These pods acknowledge the neighbouring building proportions, roof forms and height by sensitively graduating to a combination of single storey and double storey heights and incorporating varying materials and privacy screening on the outer edges.</p> <p>The development provides for two dwellings at the site frontage to appear prominently which complements the scale, spacing and pattern of neighbouring dwellings.</p> <p>The proposed front setbacks are respectful and consistent with the adjoining dwellings' setbacks, offering landscaping opportunities to the street and adding to the garden character to the wider area.</p> <p>The central, shared accessway minimises the visibility of garages from the public realm to some extent. The internal facades of the development are articulated with stepped setbacks, a variety of decorative finishes and treatment, and cantilevering balconies to enhance the internal appearance of the development, reducing the impact of the garages at a pedestrian level.</p> <p>The development provides adequate setbacks on the side and rear boundaries, measuring 1.5 to 3 metres in width at ground level, which would serve as landscaped buffers and pedestrian access. These areas would help relieve the overall bulk and mass of the development on these interfaces as well as establish a buffer between the site and adjoining dwellings.</p> |

| | |
|---------------|---|
| Built Form | <p>As stated, the proposed three storey height is supported by the Airport West Activity Centre Structure Plan.</p> <p>While the three storey built form is highly prominent, it graduates down to a two storey form on the northern and western boundaries, and even to a single storey form on the southern boundary, where both existing dwellings and private open spaces adjoin. Added with the proposed boundary setbacks, the height transition on these interfaces responds positively to the immediate character.</p> <p>The gradual, increased recessing of the upper floors also provides for articulation and minimises the impact of bulk and mass on the external elevations.</p> <p>The design has incorporated design techniques in minimising the overall impact of the height to the street and adjoining properties, including:</p> <ul style="list-style-type: none">- integrating the second floor within a raked flat roof form;- featuring a white-coloured banding element to the front façade of the first floor to visually recede the appearance of the second floor;- adopting a subdued colour palette of mostly grey and white tones; and- treating the facades with a mixture of face brickwork, render and various cladding materials to enhance fenestration. |
| Design Detail | <p>The development presents a contemporary design, reflective of current architectural trends. While it is visibly different to the established yet varied style of nearby dwellings, the development characterises innovative and interesting elements which would visually enhance the nearby residential streetscape, including raked and flat roof forms, large glazed panels, rendered finishes, and banded and fin walls. Indeed, all elevations of each building pod are appropriately composed to reflect a positive</p> |

| | |
|-------------|--|
| | <p>design outcome and to visually enhance the existing residential streetscape.</p> <p>The front façade of the development comprises large glazed areas on each level and first floor balconies which will facilitate passive surveillance towards Matthews Avenue and provide a sense of visual permeability into the building from the public realm.</p> <p>The shared accessway will be constructed from permeable paving to reduce its visual impact. Not only will the permeable paving assist in achieving the WSUD requirements, they will also soften the overall appearance of the accessway and contribute to a “greening” effect as the selected paving material can allow the growing of grass in between the gaps.</p> |
| Landscaping | <p>As the Advertised Plans did not contain a detailed landscape plan, a permit condition will require the submission of such a plan which would include the provision of canopied trees and improved design/landscaping elements to better mark the pedestrian accessways on the street frontage. (Refer to Condition 19.)</p> <p>It is acknowledged there is an existing Norfolk Pine tree at the northwest corner of the site which is proposed to be removed. There are no planning controls affecting this tree nor are they are tree-related controls affecting the surrounding area. As this tree is not regarded as a native tree to the immediate area, the removal of this tree is considered satisfactory.</p> <p>Opportunities are provided in the front setback area of the development to offset the loss of the pine tree through the replacement planting of two to three canopied trees. These new trees can contribute to the landscape quality of the site as well as enhance the overall streetscape appearance of the development.</p> <p>The proposed 1.5 metre high semi-transparent front fence is considered to generally match the existing front fence heights nearby. The design of the front fence will complement the modern appearance of the development as</p> |

| | |
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| | <p>well as allow for views into the garden settings of the site.</p> <p>Council's Arborist did not object to the proposed removal and replacement of the street tree. Permit conditions will alert the applicant to notify Council of additional requirements prior to the removal and replacement of the existing street tree. (Refer to Conditions 10, 11, 12 and 13.)</p> |
|--|--|

3.4 Compliance with Clause 52.06 (Car Parking)

Despite the proposed reduction to the visitor car space requirement, the proposal is considered to provide sufficient car parking as set out in the table below:

Table 3

| Dwelling | Requires | Provides |
|--|----------|---|
| 10 dwellings (9 x 2 bedrooms and 1 x 3 bedrooms) | 11 | 12 (Dwelling 8 provides 2 car spaces in lieu of the required 1 car space) |
| Visitor car parking | 2 | 1 |
| Total | 13 | 13 |

As discussed under Section 2.3 of this report, Council's Traffic and Transportation Unit have required, amongst other conditions, the provision of a second visitor car space.

Although the proposed single visitor car space does not comply with the required amount of two visitor car spaces, it is considered there are appropriate reasons to support the reduction in visitor parking, as follows:

- Having regard to the contextual location of the site, it is acknowledged the site is adequately serviced with public transport, including tram route no. 59 and bus route no. 477. Both visitors and residents can easily access these public transport services as an alternative to a private car which would lessen the parking demand; and
- There is an adequate supply of on-street parking on Matthews Avenue, immediate to the residential properties, where there are no parking restrictions. The required second car space can be suitably offered on Matthews Avenue without impacting on the existing demand for on-street parking.

As recommended by the Traffic and Transportation Unit, additional modifications to the design in respect to the shared accessway, the internal garages, and pedestrian visibility splays, will be required to ensure safety and functionality on the site and will be conditional on any approval to be issued. (Refer to Conditions 1c, 1j, 1m and 1s.)

3.5 Clause 55 Assessment

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

The following points of exception, which currently result in variations to the standards of Clause 55, can be further addressed with permit conditions to ensure compliance:

Table 4

| Res Code Standard | Response |
|--|---|
| Clause 55.03-6 (Standard B11 – Open Space) | The submitted plans currently show no connection between the shared accessway and the pedestrian accessways along the rear boundary and from the visitor car space. This matter can be resolved by way of modifying the plans to designate a pedestrian/shared zone in the vehicle accessway and additional pedestrian access on the rear boundary and at the visitor car space, creating well-defined pedestrian access throughout the site. This modification will be required via a permit condition. (Refer to Condition 1a.) |

| | |
|--|---|
| <p>Clause 55.03-7 (Standard B12 – Safety)</p> | <p>Ground floor surveillance from a proposed window adjacent to the entries of Dwellings 8 and 9 towards the proposed communal area is considered to be insufficient. However, this can be resolved by way of modifying the window sill heights in these dwellings to a maximum of 1.4 metres above the floor level, enabling improved surveillance of this common area. (Refer to Condition 1b.)</p> <p>In addition, another modification would be required involving the installation of lighting at the visitor car space and along the pedestrian accessways and the shared accessway to ensure these areas are appropriately lit at night. (Refer to Condition 1r.)</p> <p>These modifications will be treated as permit conditions which would enhance the safety and security of the entire development.</p> |
| <p>Clause 55.03-8 (Standard B13 – Landscaping)</p> | <p>Refer to discussion in Section 3.3.</p> |
| <p>Clause 55.04-6 (Standard B22 – Overlooking)</p> | <p>The following windows are not shown with any privacy screening however, it is considered that a permit condition can be imposed to ensure compliance with the standard:</p> <ul style="list-style-type: none"> - The south-facing (kitchen/dining) first floor window of Dwelling 8, - The south-facing (Bed 2) first floor windows of Dwellings 9 and 10, - The west-facing (kitchen/dining) window of Dwelling 10 and - The south-facing ground floor windows of Dwellings 8 to 10. <p>Such treatments will require either fixed obscure glazing to a height of 1.7 metres above floor level, increased sill heights of 1.7 metres above floor level, or increased fence heights on the site boundary which would all comply with the standard. (Refer to Conditions 1d and 1e.)</p> |

| | |
|--|--|
| Clause 55.04-8 (Standard B24 – Noise Impacts) | In light of the nearby Essendon Airport and the traffic noise of Matthews Avenue, a detailed noise attenuation report would be required to protect the amenity of future residents. (Refer to Conditions 1f and 17.) |
| Clause 55.05-2 (Standard B26 – Dwelling Entry) | A permit condition will require the provision of improved landscaping opportunities or design elements to improve the appearance and identity of the pedestrian accessways on the front boundary. Suggestions could include an arbour or additional landscape treatments at these entries. (Refer to Condition 1g.) |
| Clause 55.05-4 (Standard B28 – Private Open Space) | The submitted plans show incorrect notations of the balcony sizes of Dwellings 1 to 6. A permit condition will require this to be addressed with the corrected notated balcony sizes to be depicted, complying with the required 8 square metre minimum provision. (Refer to Condition 1h.) |
| Clause 55.05-6 (Standard B30 – Storage) | A permit condition will require notated dimensions to be shown on plan for the internal storage areas within all garages to ensure compliance with the required 6 cubic metre volume. (Refer to Conditions 1i and 1j.) |
| Clause 55.06-4 (Standard B34 – Site Services) | <p>A permit condition will require the plans to be amended to show the location of any site services, including air conditioning units, and any associated screening within the balconies. (Refer to Condition 1k.)</p> <p>Permit notations will alert the applicant / permit holder that for any buildings and works above 80 metres AHD, a separate planning approval will be required from Council as well as approval from the Essendon Airport, in accordance with the Design and Development Overlay provisions.</p> |

3.6 Objections

A response to the objections is provided in the table below

Table 5

| Issue | Officer Response |
|---|---|
| Neighbourhood character and three storey height impacts | <p>As stated in Sections 3.2, 3.3 and 3.5 of this report, the proposal and its three storey height are considered to meet the overall intent of the relevant neighbourhood character objectives contained within Clauses 21.06 (Central Residential 2) and 55.02 (ResCode).</p> <p>The proposed three storey height on the site is also encouraged by the Airport West Structure Plan. The proposal provides for adequate transition in height with adjoining dwellings through the incorporation of contemporary design detailing and adequate setbacks to all floor levels which graduate in depth as the floor level rises. These treatments are evident on all elevations, creating interesting façades whilst responding positively with the existing residential streetscape.</p> |
| Site layout and building massing | As above and refer to discussion in Section 3.3 of this report. |
| Stormwater and drainage | It is considered perceived concerns on stormwater and drainage can be easily addressed through standard permit conditions issued on any approval. |
| On-site and off-site amenity impacts | As stated in Section 3.5, the Clause 55 assessment reveals compliance, with the exception of variations which can be further addressed with modifications by way of permit conditions. Such variations that will be addressed include improving privacy screening to minimise overlooking into surrounding properties, and improving internal amenity of future occupants by way of enabling pedestrian access throughout the site |
| Car parking and traffic | As stated in Section 3.4 of this report, the proposed number of car parking spaces on the site is considered supportable in light of the available public transport routes and on-street parking spaces nearby. It is considered that the proposal will not result in an adverse impact to the traffic conditions of the surrounding area. |

| | |
|---|---|
| Non-compliance with the Moonee Valley Planning Scheme | As highlighted in the preceding sections of this discussion, the proposal does achieve compliance with the Moonee Valley Planning Scheme in the areas of policy objectives of State and Local Planning Policy Frameworks, the planning controls and relevant particular provisions. |
| Property devaluation | This issue is not considered a valid planning argument to refuse the application upon. |

3.7 Design and Development Overlay, Schedule 9

The northern half of the site – 21 Matthews Avenue – is affected by a Design and Development Overlay, Schedule 9 which pertains to the “Essendon Airport – Obstacle Height Area No. 2”.

The provisions of this Overlay exempts a planning permit being required for buildings and works (including television antenna and flagpole) which are less than 80 metres Australian Height Datum (AHD) in height. Should the buildings and works exceed the height limit, a planning permit is then required.

In this case, the submitted plans illustrate an overall height of 79.99 metres AHD which is under the height limit; indeed, a planning permit is not required for the proposal under the Overlay.

It is acknowledged the Essendon Airport was notified of the proposal via Section 52 of the Act and no objection was received. In addition, a letter from the Essendon Airport was submitted with the lodgement of the application which confirmed that the proposed maximum building height of 79.99 metres AHD is below the Prescribed Airspace for Essendon Airport.

4. Human Rights

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

5. Conclusion

The application has been assessed against the relevant provisions of the State and Local Planning Policy Frameworks, the zoning and overlay controls, the relevant Particular and General Provisions and the design guidelines at Clause 65 of the Moonee Valley Planning Scheme. In addition, consideration has been given to the requirements of Section 60(1B) of the *Planning and Environment Act 1987* with respect to the number of objections received, and it is determined that the proposal would not have a significant social effect.

In light of the above, the proposed development is deemed worthy for support, subject to conditions as outlined within the above recommendation.

Appendices

Appendix A: Appendix A - Plans

Appendix B: Appendix B - Clause 55 Assessment

Appendix C: Appendix C - Objector List.



19-21 MATTHEWS AV, AIRPORT WEST

TOWN PLANNING APPLICATION
PROPOSED 12 RESIDENTIAL DWELLINGS

| | |
|------|-------------------------------|
| TP01 | NEIGHBORHOOD DESCRIPTION PLAN |
| TP02 | DESIGN RESPONSE PLAN |
| TP03 | GROUND FLOOR PLAN |
| TP04 | FIRST FLOOR PLAN |
| TP05 | SECOND FLOOR PLAN |
| TP06 | ELEVATIONS |
| TP07 | ELEVATIONS |
| TP08 | SHADOW DIAGRAMS |
| TP09 | 3D VIEWS |
| TP10 | 3D VIEWS |
| TP11 | 3D VIEWS |

PLANNING DEPARTMENT

17 MAY 2016

DATE RECEIVED
MOONEE VALLEY CITY COUNCIL

YOUR DESIGN GROUP Pty Ltd

SUITE 1, 5 BAY STREET, PORT MELBOURNE 3207

Ph: 1300 - 035 - 740

info@yourdesigngroup.com.au
www.yourdesigngroup.com.au

| ISSUE | AMENDMENT | DATE |
|-------|---------------|----------|
| A | TP SUBMISSION | 07/03/16 |
| B | RFI - 1/04/16 | 11/05/16 |

PROJECT:

PROPOSED DWELLINGS
AT: 19-21 MATTHEWS AV, AIRPORT WEST

| DESIGNED: | SCALES: | DATE: | JOB No.: |
|-------------|------------|--------------|----------|
| JM | NTS | MAR 2016 | YDG-092 |
| SHEET SIZE: | SHEET NO.: | DRAWING No.: | |
| A1 | 1/11 | TP00 | |

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LEGEND

- 1 ACCESS TO BUS SERVICE RUNS ALONG MATTHEWS AV. 120M
- 2 ACCESS TO TRAM SERVICE RUNS ALONG MATTHEWS AV. 140M
- 3 ACCESS TO WEST KEILOR ROAD SHOPPING STRIP 250M
- 4 ACCESS TO DFO ESSENDON 1.3KM
- 5 PROXIMITY TO WEATHER STATION PARK, APPROX. 530M
- 6 LOCATION TO CBD APPROX. 10.3KM
- 7 ACCESS TO NIDDRIE PRIMARY SCHOOL APPROX 1.00KM
- 8 ADJACENT OPEN SPACES TO BE PROTECTED FROM OVERVIEWING
- 9 PROPERTIES HAVE SET BACK BETWEEN 6.8M TO 8.9M
- 10 MOST PROPERTIES HAVE 1.7M TO 1.8M BRICK OR STEEL FENCE

DOUBLE STOREY DWELLINGS

SINGLE STOREY DWELLINGS



#1



#2



#3



#4



#5

PLANNING DEPARTMENT

17 MAY 2016

DATE RECEIVED
MOONEE VALLEY CITY COUNCIL

YOUR DESIGN GROUP
PTY LTD

SUITE 1, 5 BAY STREET, PORT MELBOURNE 3207
PH: 1300 - 035 - 740
info@yourdesigngroup.com.au
www.yourdesigngroup.com.au

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| ISSUE | AMENDMENT | DATE |
|-------|---------------|----------|
| A | TP SUBMISSION | 07/03/16 |
| B | RPI - 1/04/16 | 11/05/16 |



PROJECT:
PROPOSED DWELLINGS
AT: 19-21 MATTHEWS AV, AIRPORT WEST

DRAWING TITLE:
NEIGHBORHOOD DESCRIPTION PLAN

| DESIGNED: | SCALES: | DATE: | DRAWING No.: |
|-------------|-----------|--------------|--------------|
| JM | 1:300 | MAR 2016 | YDG-092 |
| SHEET SIZE: | SHEET NO: | DRAWING No.: | |
| A1 | 2/11 | | TP01 |



LEGEND

1. PROPOSED UNIT 1
2. PROPOSED UNIT 2
3. PROPOSED UNIT 3
4. PROPOSED UNIT 4
5. PROPOSED UNIT 5
6. PROPOSED UNIT 6
7. PROPOSED UNIT 7
8. PROPOSED UNIT 8
9. PROPOSED UNIT 9
10. PROPOSED UNIT 10
11. PROPOSED DRIVEWAY
12. USE EXISTING CROSSOVER



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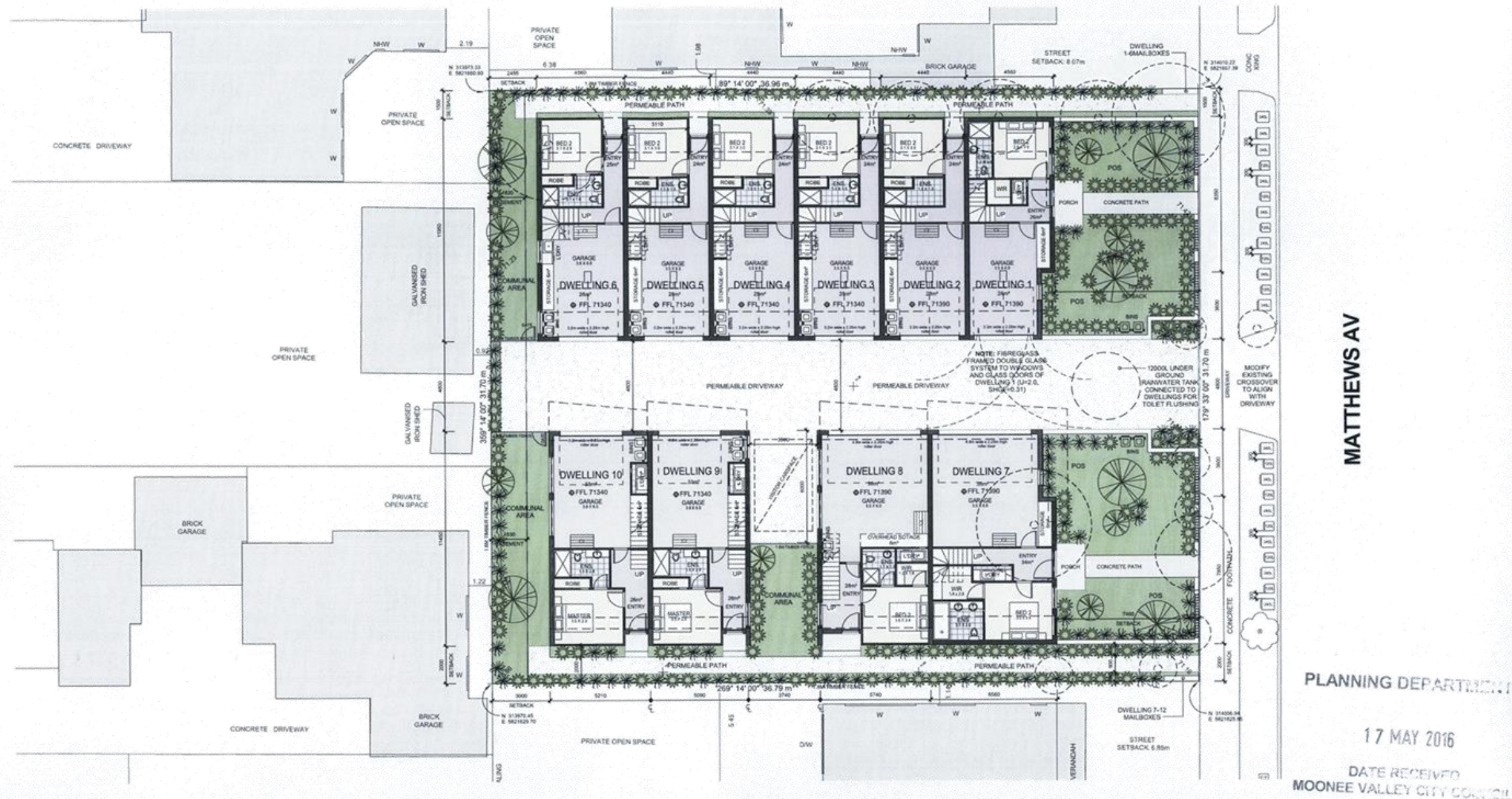
| ISSUE | AMENDMENT | DATE |
|-------|---------------|----------|
| A | TP SUBMISSION | 07/03/16 |
| B | RPI - 1/04/16 | 11/05/16 |



PROJECT: PROPOSED DWELLINGS
 AT: 19-21 MATTHEWS AV, AIRPORT WEST

DRAWING TITLE: DESIGN RESPONSE PLAN

DATE RECEIVED: 17 MAY 2016
 MOORE VALLEY CITY COUNCIL
 SCALE: A1 = 1:300 A3 = 1:600
 SHEET SIZE: A1
 SHEET NO: 3/11
 DRAWING No: TP02



| AREA SCHEDULE | DWELLINGS 1 | DWELLINGS 2-5 | DWELLINGS 6 | DWELLINGS 7 | DWELLINGS 8 | DWELLINGS 9-10 | AREAS |
|---------------|--------------------|--------------------|-------------------|--------------------|--------------------|--------------------|---------------------------------------|
| GROUND FLOOR | 26 m ² | 34 m ² | 25 m ² | 34 m ² | 38 m ² | 25 m ² | TOTAL BUILDING AREA 659m ² |
| FIRST FLOOR | 27 m ² | 38 m ² | 36 m ² | 58 m ² | 53 m ² | 48 m ² | SITE 1189 m ² |
| SECOND FLOOR | 23 m ² | 29 m ² | 30 m ² | 39 m ² | 40 m ² | 32 m ² | SITE COVERAGE 51.63% |
| GARAGE | 26 m ² | 28 m ² | 26 m ² | 38 m ² | 38 m ² | 33 m ² | COMMON DRIVEWAY 320 m ² |
| PORCH | 4 m ² | 1 m ² | 1 m ² | 4 m ² | 3 m ² | 2 m ² | HARD SURFACE AREA 30 m ² |
| BALCONY | 12 m ² | 8 m ² | 8 m ² | 17 m ² | 10 m ² | 9 m ² | PERMEABILITY 45.96% |
| POS | 89 m ² | | 24 m ² | 88 m ² | | | |
| TOTAL | 128 m ² | 127 m ² | 96 m ² | 191 m ² | 172 m ² | 118 m ² | |
| | 13.77 squares each | 13.68 squares each | 10.34 squares | 25.55 squares each | 18.51 squares each | 12.89 squares | |

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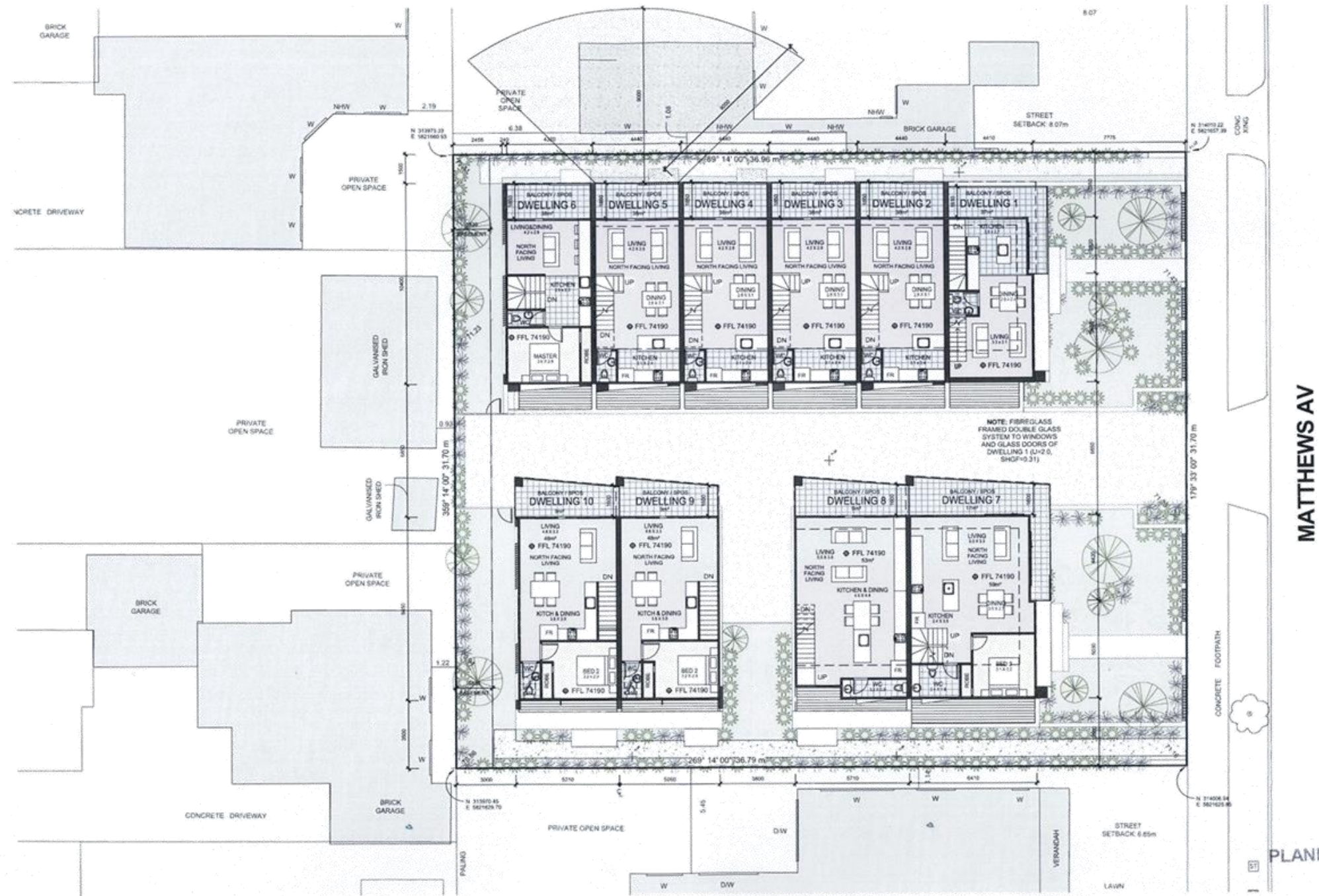
| ISSUE | AMENDMENT | DATE |
|-------|---------------|----------|
| A | TP SUBMISSION | 07/03/16 |
| B | RPI - 1/04/16 | 11/05/16 |



PROJECT: PROPOSED DWELLINGS
 AT: 19-21 MATTHEWS AV, AIRPORT WEST

DRAWING TITLE: GROUND FLOOR PLAN

| DESIGNED | SCALES | DATE | JOB No. |
|----------|----------------|-----------------|-------------------|
| JM | 1:100 | MAR 2016 | YDG-062 |
| | SHEET SIZE: A1 | SHEET NO: 04/11 | DRAWING No.: TP03 |



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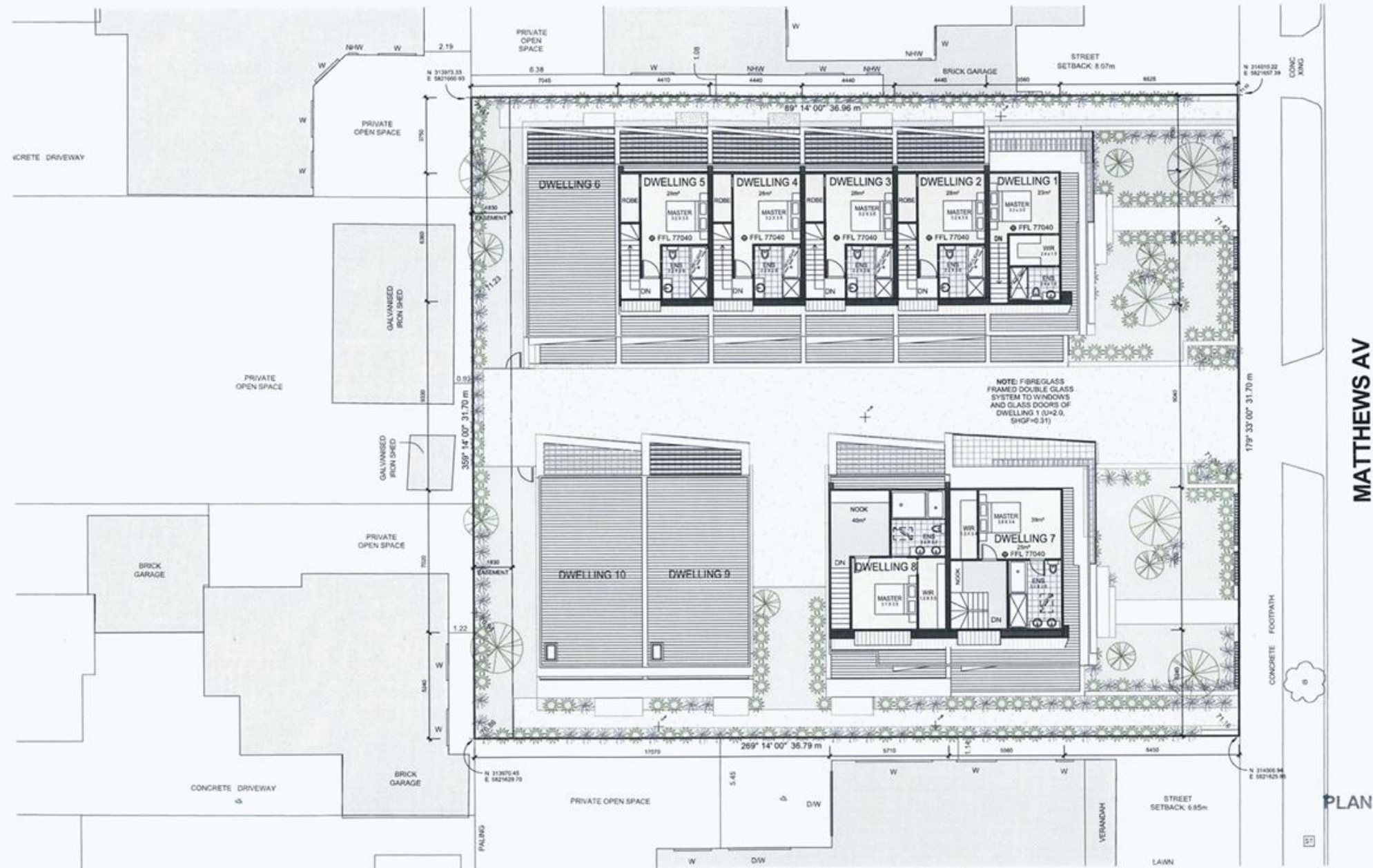


PROJECT: PROPOSED DWELLINGS
 AT: 19-21 MATTHEWS AV, AIRPORT WEST

DRAWING TITLE: FIRST FLOOR PLAN

| DESIGNED | SCALES | DATE | DRAWN |
|------------|-----------|-------------|---------|
| JM | 1:100 | MAR 2016 | YDG-012 |
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| A1 | 5/11 | TP04 | |

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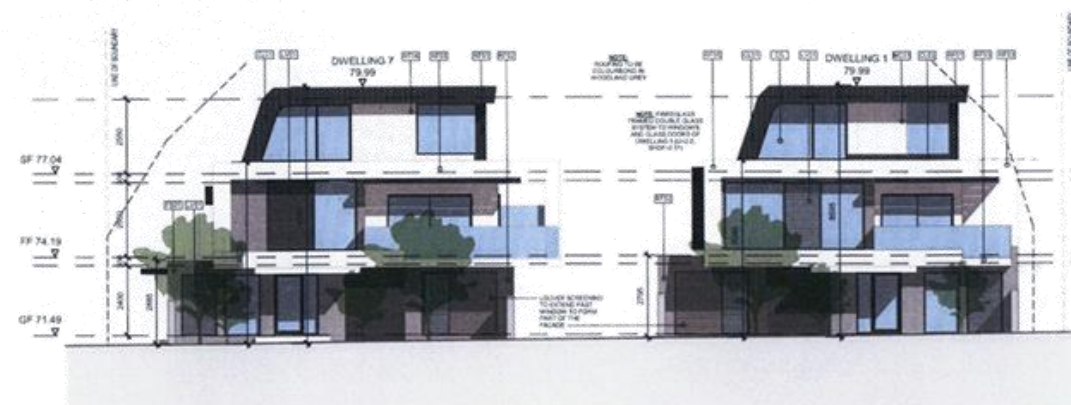
| ISSUE | AMENDMENT | DATE |
|-------|---------------|----------|
| A | TP SUBMISSION | 07/03/16 |
| B | RPI - 1/04/16 | 11/05/16 |



PROJECT: PROPOSED DWELLINGS
AT: 19-21 MATTHEWS AV, AIRPORT WEST

DRAWING TITLE: SECOND FLOOR PLAN

| DESIGNED: | SCALES: | DATE: | JOB No.: |
|-------------|------------|--------------|----------|
| JM | 1:100 | MAR 2016 | YDG-092 |
| SHEET SIZE: | SHEET NO.: | DRAWING No.: | |
| A1 | 6/11 | TP05 | |



EAST ELEVATION



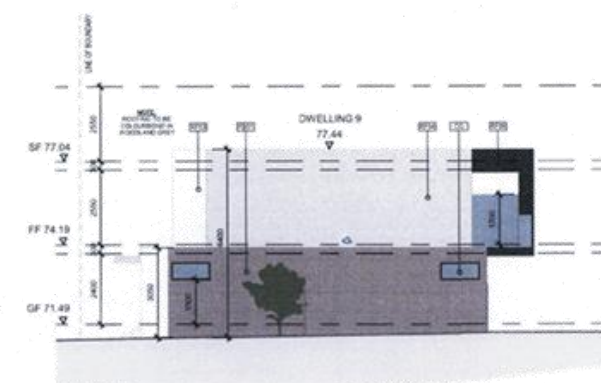
NORTH ELEVATION



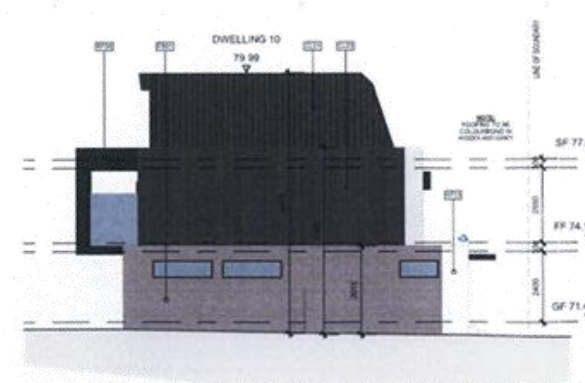
SOUTH ELAVATION



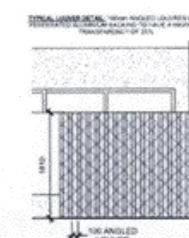
WEST ELEVATION



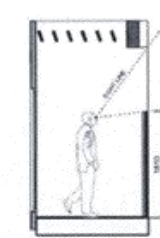
INTERNAL EAST ELEVATION



INTERNAL WEST ELEVATION



LOUVRE ELEVATION



LOUVRE SECTION

| MATERIALS LEGEND | | | |
|------------------|--------------------------|------|-------------------------|
| F001 | FACE BRICK | RF03 | WHITE RENDER FINISH |
| CL01 | WIDE VERTICAL CLADDING | RF04 | LIGHT RENDER FINISH |
| CL02 | HORIZONTAL CLADDING | RF05 | OFF WHITE RENDER FINISH |
| CL03 | NARROW VERTICAL CLADDING | LV01 | LOUVRES |
| RF01 | DARK RENDER FINISH | MC01 | METAL CLADDING |
| RF02 | MEDIUM RENDER FINISH | PA01 | POWDERCOATED ALUMINIUM |
| | | CG | CLEAR GLAZING |
| | | | OBSCURED GLAZING |

PLANNING DEPARTMENT

17 MAY 2016

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DESIGNED: JIM SCALES DATE: MAR 2016 YDG-052

SHEET SIZE: A1 SHEET NO: 7/11 DRAWING No: TP06

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| A | TP SUBMISSION | 07/03/16 |
| B | RF1 - 1/04/16 | 11/05/16 |

PROJECT: PROPOSED DWELLINGS
 AT: 19-21 MATTHEWS AV, AIRPORT WEST

DRAWING TITLE: ELEVATIONS

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EAST ELEVATION & STREETScape



INTERNAL NORTH ELEVATION



INTERNAL SOUTH ELEVATION



EAST FENCE ELEVATION



PERMEABLE PAVING
 APPLIED TO:
 - COMMON DRIVEWAY
 - COMMON PATHS

| MATERIALS LEGEND | | | |
|------------------|--------------------------|------|-------------------------|
| FB01 | FACE BRICK | RF03 | WHITE RENDER FINISH |
| CL01 | WIDE VERTICAL CLADDING | RF04 | LIGHT RENDER FINISH |
| CL02 | HORIZONTAL CLADDING | RF05 | OFF WHITE RENDER FINISH |
| CL03 | NARROW VERTICAL CLADDING | LV01 | LOUVERS |
| RF01 | DARK RENDER FINISH | MC01 | METAL CLADDING |
| RF02 | MEDIUM RENDER FINISH | PA01 | POWDERCOATED ALUMINIUM |
| | | CG | CLEAR GLAZING |
| | | | OBSOURED GLAZING |

PLANNING DEPARTMENT

17 MAY 2016

| | | | | |
|----------------------------|----------|------------|-----------|--------------|
| DATE RECEIVED | DESIGNED | SCALE | DATE | DRAWN |
| MOONEE VALLEY CITY COUNCIL | JM | 1:100 | MAR 2016 | YDG-052 |
| | | SHEET SIZE | SHEET NO. | DRAWING No.: |
| | | A1 | 05/11 | TP07 |

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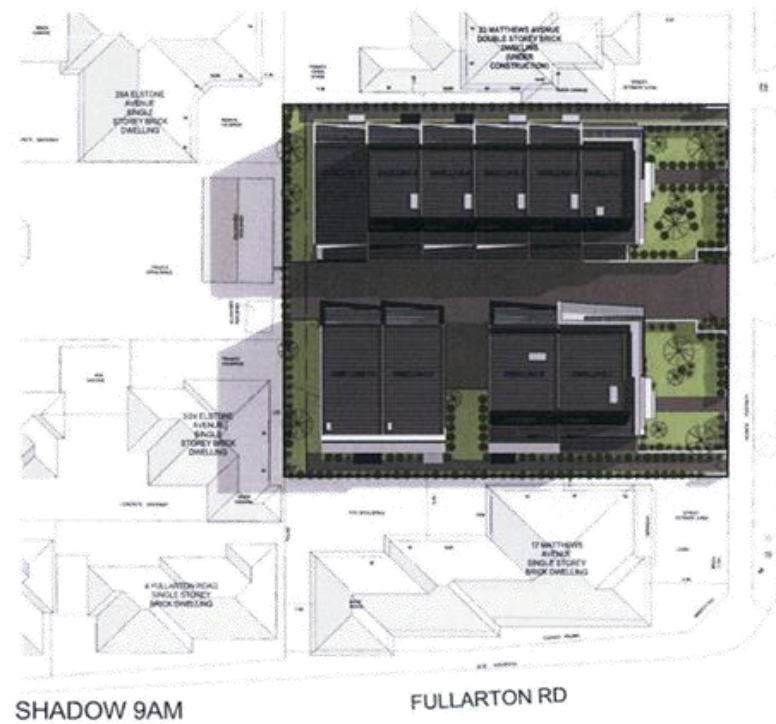
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| A | TP SUBMISSION | 07/03/16 |
| B | RPI - 1/04/16 | 11/05/16 |

PROJECT: PROPOSED DWELLINGS
 AT: 19-21 MATTHEWS AV, AIRPORT WEST

DRAWING TITLE: ELEVATIONS

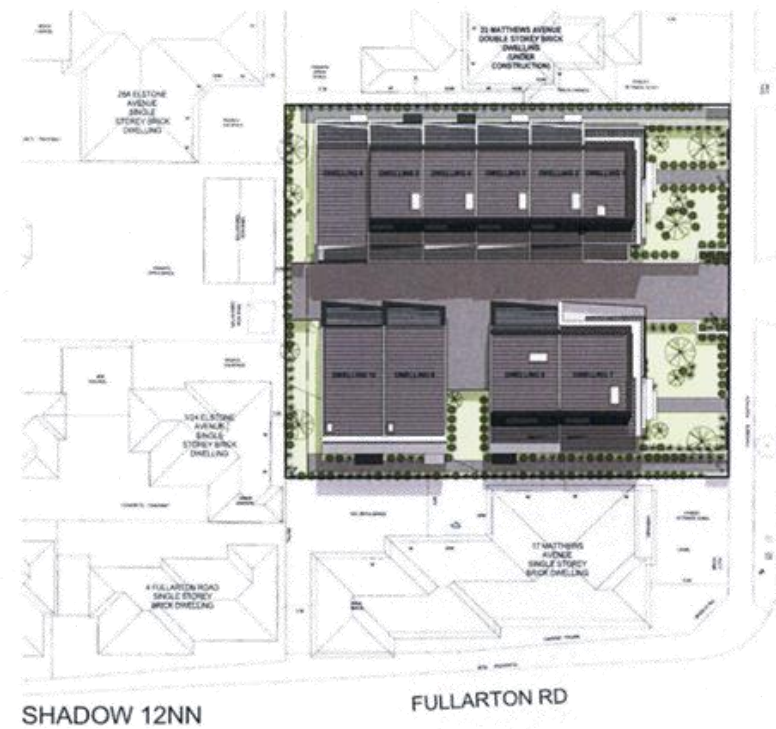
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SHADOW 9AM



SHADOW 10AM



SHADOW 12NN



SHADOW 3PM

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PROJECT:
 PROPOSED DWELLINGS
 AT: 19-21 MATTHEWS AV, AIRPORT WEST

DRAWING TITLE:
 SHADOW DIAGRAMS

| DESIGNED | SCALES | DATE | JOB No. |
|------------|-----------|-------------|---------|
| JM | 1:250 | MAR 2016 | YDG-092 |
| SHEET SIZE | SHEET NO. | DRAWING No. | |
| A1 | 09/11 | TP08 | |

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DESIGNED: **SEAN** DATE RECEIVED: **17 MAY 2016**
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SHEET SIZE:
A1

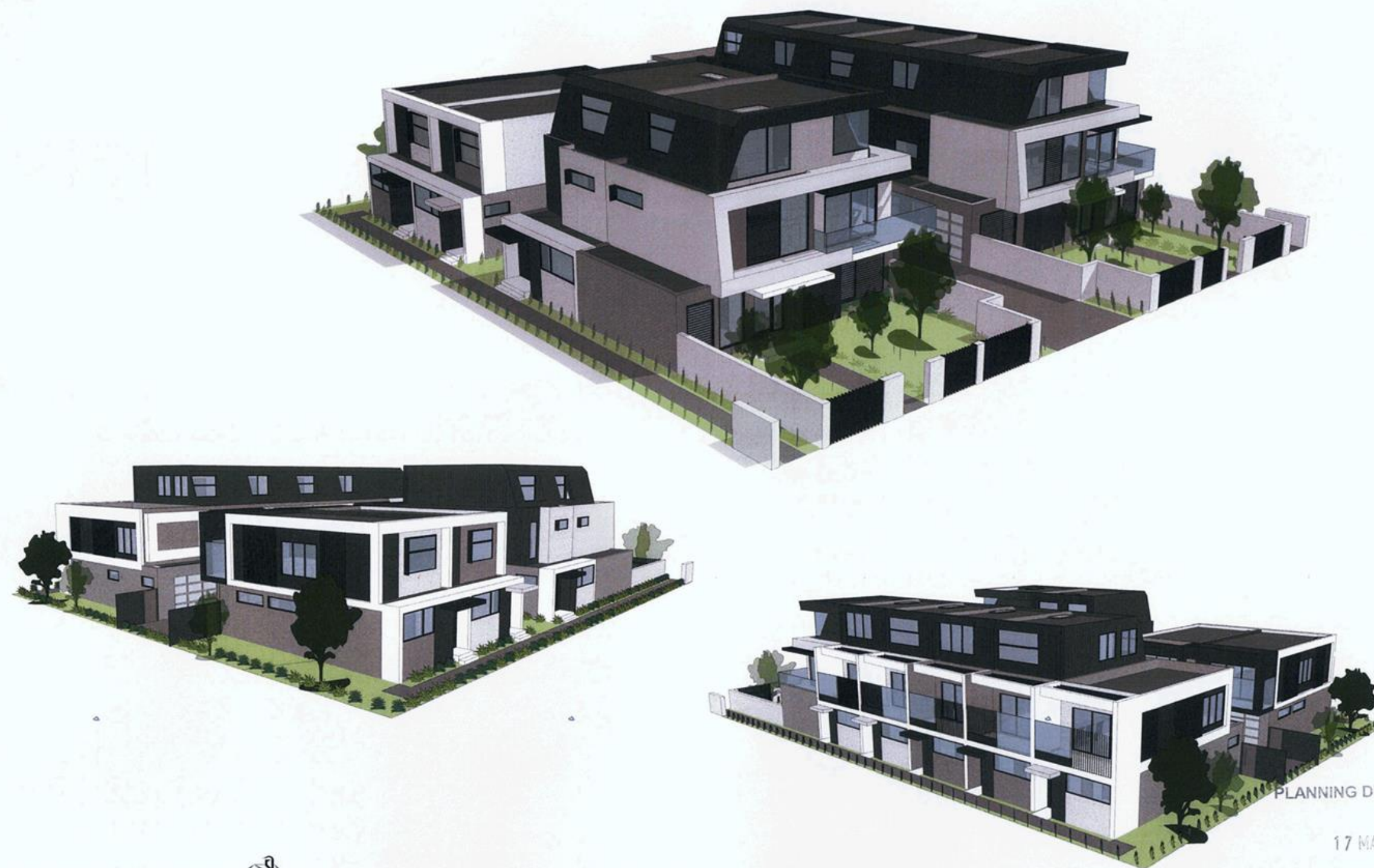
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10/11

DRAWING No.:
TP09

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PROPOSED DWELLINGS
AT: 19-21 MATTHEWS AV, AIRPORT WEST

3D VIEWS



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PROJECT

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PROPOSED DWELLINGS
 AT: 19-21 MATTHEWS AV, AIRPORT WEST

3D VIEWS

DESIGNED

SEALING

DATE RECEIVED

JM

NTS

MAR 2016

YDG-092

SHEET SIZE:

A1

SHEET NO:

11/11

DRAWING NO:

TP10

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| B | RPI - 1/04/16 | 11/05/16 |

PROJECT :
 PROPOSED DWELLINGS
 AT: 19-21 MATTHEWS AV, AIRPORT WEST

DRAWING TITLE :
 3D VIEWS

| DESIGNED | SCALES | DATE | JOB No. |
|------------|-----------|-------------|---------|
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| A1 | 12/12 | TP11 | |

17 MAY 2016

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PLANNING DEPARTMENT

APPENDIX B

Clause 55 of the Moonee Valley Planning Scheme

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

| Title and Objective | Complies with Standard | Complies 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> | ✓ | ✓ |
| <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> | ✓ subject to permit condition | ✓ |
| <i>B 12- Safety Objective</i> | ✓ subject to permit condition | ✓ |
| <i>B 13 - Landscaping Objectives</i> | ✓ subject to permit condition | ✓ |
| <i>B 14 - Access Objectives</i> | ✓ subject to permit condition | ✓ |
| <i>B 15 - Parking Location Objectives</i> | ✓ | ✓ |
| <i>B16 – Parking Provision</i> | Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking discussion in report | |
| <i>B 17 - Side and Rear Setbacks Objective</i> | ✓ | ✓ |
| <i>B 18 - Walls on Boundaries Objective</i> | N/A | N/A |
| <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 permit condition | ✓ |
| <i>B 23 - Internal Views Objective</i> | ✓ | ✓ |
| <i>B 24 - Noise Impacts Objectives</i> | ✓ subject to permit condition | ✓ |

ITEM 9.1 - APPENDIX B

| | | |
|--|-------------------------------|-----|
| <i>B 25 - Accessibility Objective</i> | ✓ | ✓ |
| <i>B 26 - Dwelling Entry Objective</i> | ✓ subject to permit condition | ✓ |
| <i>B 27 - Daylight to New Windows Objective</i> | ✓ | ✓ |
| <i>B 28 - Private Open Space Objective</i> | ✓ subject to permit condition | ✓ |
| <i>B 29 - Solar Access to Open Space Objective</i> | Partial ✓ | ✓ |
| <i>B 30 - Storage Objective</i> | ✓ subject to permit condition | ✓ |
| <i>B 31 - Design detail objective</i> | ✓ | ✓ |
| <i>B 32 - Front Fences Objective</i> | ✓ | N/A |
| <i>B 33 - Common Property Objectives</i> | ✓ | ✓ |
| <i>B 34 - Site Services Objectives</i> | ✓ subject to permit condition | ✓ |

✓ - complies
x – non-compliance
N/A- Not Applicable

**List of Objectors for MV/136/2016 at
19-21 Matthews Avenue, AIRPORT WEST**

Objector's Mailing Address

| |
|---|
| 17 Matthews Avenue, AIRPORT WEST VIC 3042 |
| 25 Matthews Avenue, AIRPORT WEST VIC 3042 |
| 25A Matthews Avenue, AIRPORT WEST VIC 3042 |
| 27 Matthews Avenue, AIRPORT WEST VIC 3042 |
| 29 Matthews Avenue, AIRPORT WEST VIC 3042 |
| 31 Matthews Avenue, AIRPORT WEST VIC 3042 |
| 31A Matthews Avenue, AIRPORT WEST VIC 3042 |
| 1/35 Matthews Avenue, AIRPORT WEST VIC 3042 |
| 37 Matthews Avenue, AIRPORT WEST VIC 3042 |
| 1/24 Avenue, AIRPORT WEST VIC 3042 |
| 3/24 Elstone Avenue, AIRPORT WEST VIC 3042 |
| 26 Elstone Avenue, AIRPORT WEST VIC 3042 |
| 27 Elstone Avenue, AIRPORT WEST VIC 3042 |
| 28A Elstone Avenue, AIRPORT WEST VIC 3042 |
| 473 Keilor Road, NIDDRIE VIC 3042 |

- 9.2** **199-203 Union Road, Ascot Vale (Lot 1 TP846865E) - partial demolition of the existing building, external painting, construction of a multi-storey building to accommodate a ground floor shop (supermarket), use of the land for a childcare centre along with dwellings along with a waiver of the loading bay requirements**

File No: FOL/16/130
Author: Principal Planner/Appeals Advocate
Directorate: Planning & Development
Ward: Myrnong

| | |
|--|--|
| Planning File No. | MV/467/2015 |
| Proposal | Partial demolition of the existing building; Construction accommodating five storeys; Ground floor supermarket (823m ²); Childcare Centre (120 children); 13 Dwellings (7 x 1 bedroom and 6 x 2 bedroom); Provision for 34 onsite car spaces; On-street loading; |
| Applicant | Clarke Planning P/L |
| Owner | Buyo Pty Ltd |
| Planning Scheme Controls | Commercial 1 Zone Heritage Overlay (HO26) |
| Planning Permit Requirement | Clause 34.01-1 (Use of the land for a childcare centre) Clause 34.01-4 (Buildings and Works) Clause 43.01-1 - (Demolition and construction of a building and external painting) Clause 52.07 (Waiver of loading and unloading requirements) |
| Car Parking Requirements (Clause 52.06) | N/A – Exempt pursuant to Clause 52.06-3 |

| | |
|------------------------------|--|
| Bicycle Requirements | Required: 8 Provided: 39 |
| Restrictive Covenants | Covenant 0127244 – Prohibition on the sale, storage or manufacture of spirituous or fermented liquors. The proposal is not in breach of the restriction. |
| Easements | N/A |
| Site Area | 984 square metres |
| Number Of Objections | 12 |
| Consultation Meeting | 23 March 2016 |

Executive Summary

- This planning application seeks approval for partial demolition of the existing building, conversion of its ground floor plate to a shop/supermarket, a child care centre at first and second floor along with two new recessed levels above, accommodating 13 dwellings. The building will be a total of 5 storeys. These uses will be serviced by a newly designed car park over 2 levels containing 34 car parking spaces.
- The site is 984 square metres and is located on the corner of Union Road and The Parade in Ascot Vale. The site currently accommodates a commercial building known as 'Happy Receptions'.
- The application was advertised and twelve objections were received. The concerns raised related to neighbourhood character and visual bulk, off-site amenity impacts, car parking/traffic, waste and construction management, property devaluation, precedent and loading provisions.
- The application was internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit, Waste Projects Officer, Urban Designer, Environmental Sustainable Design (ESD) Officer, Heritage Advisor, Economic Unit, Property Services Unit and Family and Children's Services. Conditional support to the application was provided.
- A Consultation Meeting was held on 23 March 2016, attended by Councillors Marshall and Cusack, objectors, the applicant and Council's Planning Officer. No resolution was achieved at the meeting.
- In response to the various issues raised, the permit applicant amended the application pursuant to Section 57A of the *Planning and Environment Act 1987* on 30 June 2016. The amendment involved the deletion of one dwelling (14 to 13) and subsequent internal modifications to the apartment layouts, restricting the capacity of the childcare centre to 100 children prior to 9am, along with restrictions to waste collection and loading. The amendments were not required to be re-advertised as the extent of changes did not constitute further detriment.

- This assessment report finds the proposal demonstrates an adequate level of compliance against the relevant policies and provisions of the Moonee Valley Planning Scheme and provides an overall net community benefit. Accordingly, it is recommended a Notice of Decision to Grant a Permit be issued subject to conditions.

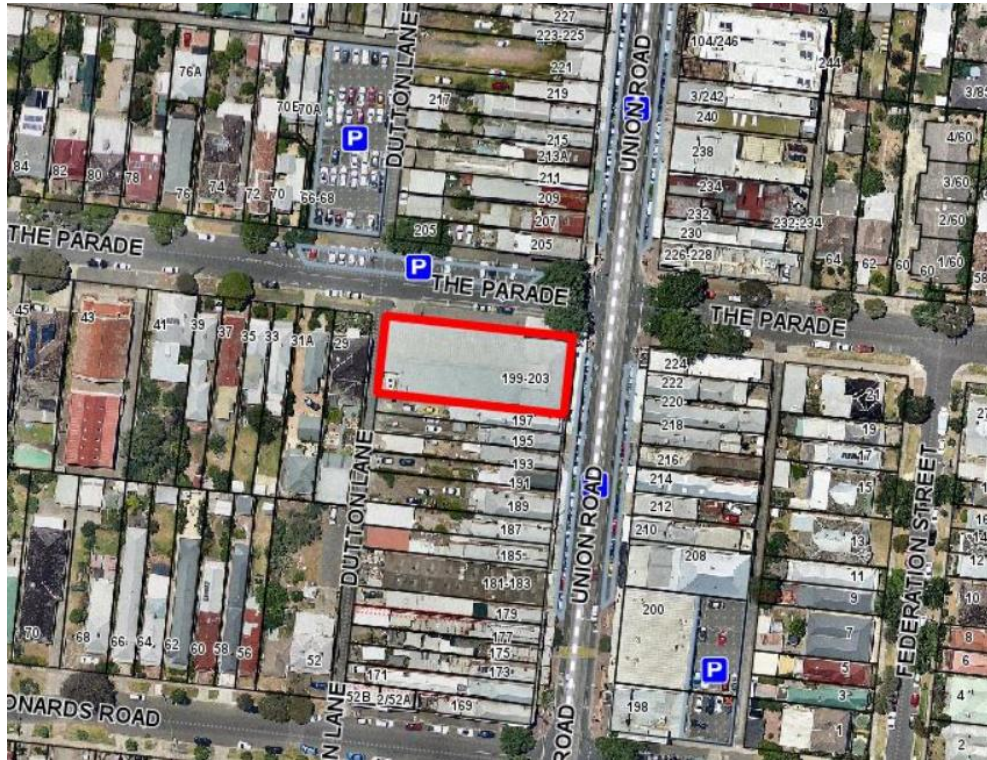


Figure 1: Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/467/2015 for the partial demolition of the existing building, external painting, construction of a multi-storey building to accommodate a ground floor shop (supermarket), use of the land for a childcare centre along with dwellings and a waiver of the loading bay requirements at 199-203 Union Road, Ascot Vale (Lot 1 TP846865E), subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and 3 copies must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The two on-street car spaces to the east of the vehicle access converted to a loading zone for the hours of 9am – 10pm, Monday – Friday;
 - b) The provision of 300mm trench grates located at the entrance of the basement;

- c) Window openings to not project more than 500mm beyond the northern title boundary;
- d) Deletion of the internal balustrade within the terrace area associated with Apartment 3.06;
- e) Demonstration on the plans as to how the rainwater runoff is to be:
 - i) Collected from any nominated impervious surface area; and
 - ii) Distributed to the nominated sized and located rain garden/infiltration strip/buffer strip (i.e. is it gravity fed or pumped and show the grading of the paved area).
- f) A roof plan which graphically shows;
 - i) The specific roof area in square metres of the rainwater catchment area discharging into the nominated stormwater treatment, with the Water Sensitive Urban Design (WSUD) treatment capacity clearly and correctly annotated; and
 - ii) The details must be consistent with the information provided in the approved complying STORM Rating Report.
- g) The restoration works as described within the Heritage Assessment prepared by Bryce Raworth, dated October 2015 under 'Potential Restoration Works'.

When approved, these plans will be endorsed and will form part of this permit.

- 2. Except with the prior written consent of the Responsible Authority, the layout of the land 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.
- 3. Before the building approved by this permit is occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 4. 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.
- 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, all WSUD Design Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
- 7. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:

- a) Hours of construction;
- b) Parking and traffic movement of all workers 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;
- m) Risk assessment;
- n) Works timetable; and
- o) Number of workers expected to work on the site at any one time.

When approved, the CSMP will be endorsed and will form part of this permit.

8. 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 treatment measures written by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or licensed installing/commissioning plumber, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all WSUD treatment measures 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 plans must not be altered or modified without the prior written consent of the Responsible Authority.
10. Parking areas, loading bays and access lanes must be kept available for these purposes at all times to the satisfaction of the Responsible Authority.
11. Before the building approved by this permit is occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:

- a) constructed;
- b) available for use in accordance with the endorsed plans;
- c) properly formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- d) finished with a permanent trafficable surface (such as concrete, asphalt or paving); and
- e) line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the ground,

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

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

- f) be maintained and made available for such use; and
- g) not be used for any other purpose.

to the satisfaction of the Responsible Authority.

12. Before the use starts, 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. Before the building approved by this permit is occupied, concrete vehicular crossing must be constructed to suit the proposed driveway in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossings must be removed and the area reinstated to footpath, nature strip and kerb and channel 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 prior written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.

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

15. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

Before the development starts a Drainage Layout Plan, including computations and manufacturer's specifications, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must depict an on-site stormwater detention drainage system to be installed on the land.

When approved, the Drainage Layout Plan will form part of this permit.

The on-site stormwater detention drainage system must be installed and the provisions, recommendations and requirements of the endorsed Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.

16. Before the development starts, a Drainage Layout Plan, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must include computations and location of stormwater outlets and legal points of discharge.

When approved the Drainage Layout Plan will form part of this permit.

The provisions, recommendations and requirements of the endorsed Drainage Layout Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

17. Noise emitted from the land must not exceed the permissible noise levels determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1).
18. Prior to the commencement of buildings and works the Sustainable Management Plan (SMP) prepared by SBE dated 12 October 2015 is to be modified to reflect the correct number of dwellings and submitted to the Responsible Authority for approval. Once approved the SMP is to be implemented and appropriately managed during construction of the proposed building.
19. Except with the prior written consent of the Responsible Authority, not more than 100 children associated with the child care centre may be present on the land prior to 9am with a maximum of 120 children thereafter.
20. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of 6.30am to 7.30pm Monday to Friday (other than public holidays).

21. 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; and
 - d) Presence of vermin,or in any other way to the satisfaction of the Responsible Authority.
22. The provisions, recommendations and requirements contained in the arborist report prepared by Molloy Arboriculture Pty Ltd, dated 13 October 2015, must be implemented and complied with to the satisfaction of the Responsible Authority.
23. The provisions contained within the Waste Management Plan, prepared by Leigh Design dated 30 May 2016, must be implemented and complied with to the satisfaction of the Responsible Authority.
24. The 'Potential Restoration Works' as described within the Heritage Assessment prepared by Bryce Raworth, dated October 2015 must be implemented and complied with to the satisfaction of the Responsible Authority.
25. This permit will expire if:
 - a) the development does not start within two (2) years of the date of issue of this permit, or
 - b) the development is not completed within four (4) years of the date of issue of this permit.

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

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry 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.
- This land is located within a Heritage Overlay control area. Planning permission is required for any additional works to the land in accordance with Clause 43.01 of the Moonee Valley Planning Scheme.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land (other than those which, under the Moonee Valley Planning Scheme are exempt from the need for a planning permit).
- No on-street parking permits will be provided to the occupiers of the land.
- Before the development starts, the permit holder must contact Moonee Valley

City Council regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.

- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the corner of Union Road and The Parade in Ascot Vale.

The site is rectangular in shape with a frontage of 20.12 metres and a depth of 48.77 metres. The site area is approximately 984 square metres.

There are no easements noted on the Certificate of Title, however, there is a covenant present, which precludes the sale of liquor. The proposed development will not contravene the restrictive covenant.

The site currently accommodates a brick and rendered building constructed to all of the site boundaries. The site was originally constructed as a theatre in 1924 and has been used as a reception centre (Happy Receptions) since 1980 and accommodates a total of 18 on-site car spaces within the basement.



Application Site (199-203 Union Road, Ascot Vale)

Land along both sides of Union Road is within a Commercial 1 Zone with abutting areas within a General Residential Zone.

The surrounding character of the area is accurately described within the town planning report accompanying this application in the following manner:

- Along Union Road to the north and south and also opposite is a mix of 1 and 2 storey retail buildings, which vary considerably in character. More contemporary development, including shop top forms of greater height at 3-4 stories are evident within the activity centre on several lots further to the south, whilst development at 4-5 stories is evident within the same activity centre along Maribyrnong Road to the north just west of its intersection with Union Road;
- To the north of the site is the pairing corner to Union Road and The Parade intersection and consists of a two storey shop facing Union Road. To the rear of the building is a mix of paling fencing, ad-hoc car parking and a small public park with seats and two plane trees. Beyond this site is then a public car park, which is within the residential zone and caters to the activity centre, before the residential properties then commence further to the west;
- Along The Parade parallel parking is provided on the south side of the street, adjacent to the subject site, containing a loading bay along with 3 other car spaces;
- On the north side of The Parade parking is at 90 degrees with 15 spaces provided;
- The lot abutting to the immediate south contains a 2 storey shop with an at-grade car parking area to the rear; and
- To the rear of the site is a bluestone laneway, named Dutton Lane, which runs south through to the next interesting road with Union Road and serves as a point of access to the retail spine of Union Road. The immediate abuttal is with 29 The Parade, which contains a rendered two storey dwelling. The dwelling is constructed to the laneway boundary for its full height and length. Two windows face this lane, one at ground floor and the other at first floor level.

1.2 Proposal

The proposal includes partial demolition of the existing building, use of the ground floor for the purpose of a shop/supermarket, a child care centre at first and second floor, along with two new levels to the building accommodating dwellings. The building will be a total of 5 storeys and will accommodate two levels of basement parking. The original proposal can be summarised as follows;

Table 1

| | |
|---------------------|---|
| No of dwellings | 14 Dwellings (7 x 1 bedroom and 6 x 2 bedroom) |
| Supermarket | 823 square metres |
| Child care centre | 120 children (with a limitation on not more than 100 children prior to 9am) |
| No of car spaces | 34 car parking spaces within two basement levels accessed via The Parade |
| Max Building Height | 20.6 metres |
| Site Coverage | 100% |
| Permeability | 0% |

Refer **Appendix B** Section 57A Plans (separately circulated)

It is noted that these plans were lodged with Council on 30 June 2016 under Section 57A of the *Planning and Environment Act 1987*. The key modifications to the proposal from the initial advertised plans included:

- The deletion of a dwelling at the uppermost level (14 to 13) along with modifications to the apartment layouts to improve internal daylight access;
- A restriction on the 120 place childcare centre by way of no more than 100 children prior to 9am;
- The provision for a 12 metre long on-street loading bay (within the confines of two car spaces) along with a restriction on loading applicable to the second car space from 6pm to 10pm only. Outside these loading times the second car space will remain as a public space; and
- All waste to be via a private collection and only in the evening period (between 7pm – 10pm), meaning no bins to be placed on the street;

Public notification of the amended plans was not required as the modifications did not constitute further unreasonable detriment.

The advertised plans initially received by Council, for comparative purposes, can be found at **Appendix C** – Original Advertised Plans (separately circulated)

2. Background

2.1 Relevant Planning History

The following planning permits have been issued:

- Planning Permit MV/3085/1980 – Reception Hall;
- Planning Permit MV/8673/1996 – Use of the existing premises as a Place of Assembly and Reception Rooms. It is noted that conditions prescribing not more than 300 seats/patrons to be on the site at any one time; and
- Planning Permit MV/12291/2000 – Alterations and additions to the front of the Reception Centre.

2.2 Planning Policies and Decision Guidelines

State Planning Policy Framework

| | |
|--------------|--------------------------------|
| Clause 10.04 | Integrated Decision Making |
| Clause 11 | Settlement |
| Clause 15 | Built Environment and Heritage |
| Clause 16 | Housing |
| Clause 17 | Economic Development |

Local Planning Policy Framework

| | |
|--------------|--|
| Clause 21.01 | Municipal Profile |
| Clause 21.02 | Key Issues and Influences |
| Clause 21.03 | Vision |
| Clause 21.04 | Sustainable Environment |
| Clause 21.05 | Housing |
| Clause 21.06 | Built Environment |
| Clause 21.07 | Activity Centres |
| Clause 21.08 | Economic Development |
| Clause 21.10 | Social and Physical Infrastructure |
| Clause 22.03 | Stormwater Management (Water Sensitive Urban Design) |

Zoning

| | |
|--------------|-------------------|
| Clause 34.01 | Commercial 1 Zone |
|--------------|-------------------|

Overlays

| | |
|--------------|-------------------------|
| Clause 43.01 | Heritage Overlay (HO26) |
|--------------|-------------------------|

Particular and General 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 Five or More Storeys |
| Clause 65 | Decision Guidelines |

2.3 Referrals

External

N/A

Internal

- Engineering Services Unit

No objection subject to standard drainage and engineering conditions.

- Traffic and Transportation Unit

No objection subject to a condition requiring the provision of a 12 metre long loading zone (9am – 10pm, Monday – Friday) to accommodate service vehicles loading/unloading goods to businesses within the area.

- Urban Designer

No objection subject to the following refinements;

- The relationship between residential dwellings particularly the east and west facing balconies at level 3 requires refinement to avoid screening and overlooking of the lower levels;
- Whilst the design of deep, single aspect apartments is at the threshold of acceptability, the orientation of terraces perpendicular to the frontage is less acceptable. The location of skylights above (if open to the sky) will ensure adequate daylight and environmental quality to these important outdoor areas. However, the width of these terraces at 1.6 metres is tight in terms of providing a useable occupation space. It would be preferred if the 1 bedroom dwellings at level 4 could be rationalised from 4 to 3 to provide greater and well oriented balconies with the potential if residual space remains that it could be utilised for a common area for residents; and
- The shared lift and stair facilities also detracts from the sense of residential address for residents and it would be preferable for the residents to have a dedicated circulation core particularly as the child care use will be high frequency across the day.

Planner's Comments

It should be noted that the above comments were based on the initial design scheme. As highlighted, the plans were amended following public notice of the application. It is submitted that the modifications to the proposal, which include additional planter box screening, reconfiguration of the apartment layout to enable greater daylight access to the lower level apartments along with greater security access

to the child care component, satisfactorily address the urban designer's comments.

- Heritage Advisor

No objection subject to the following:

- The adoption of the 'Potential Restoration Works' as specified within the Heritage Report prepared by Bryce Raworth Pty Ltd, dated October 2015;

- Waste Projects Officer

No objection.

- Parks

No objection subject to the implementation of the measures identified within the arboricultural assessment

- Environmental Sustainable Design (ESD) Officer

No objection

- Economic Development

No objection.

- Property Services

No objection

- Family and Children Services

Formal approval will be required from the Department of Education and Training.

2.4 Public Notification of the Application

Pursuant to Section 52 of the *Planning and Environment Act 1987*, the application was advertised by way of mail to the surrounding properties along with the erection of three notice boards on site for 14 days.

As a result, twelve (12) objections were received from the properties contained within **Appendix A** of this report.

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

2.5 Consultation Meeting

A Consultation Meeting was held on 23 March 2016, attended by Councillors Marshall and Cusack, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.

In a bid to respond to some of the issues raised at the meeting, the permit applicant amended the application pursuant to Section 57A of the *Planning and Environment Act 1987*. Primarily, the modifications were aimed at addressing matters pertaining to waste collection, loading associated with the supermarket and restriction on children numbers within the childcare centre. These aspects will be discussed in further detail later within this report.

3. Discussion

3.1 State Planning Policy Framework

The relevant State Planning Policy Framework clauses are considered to be met. State Planning objectives broadly seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. It is State Policy to “build up” activity centres as a focus for high quality development, activity and living. It is expected 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 planning must consider, as relevant, ‘Plan Melbourne: Metropolitan Planning Strategy’. Union Road, Ascot Vale is identified as an existing activity centre and can be regarded as an area where change is expected and directed. Plan Melbourne clearly anticipates existing and future activity centres to accommodate higher density housing and increased commercial opportunities and it is submitted that Union Road is a locality where intensification is to be realised.

Aside from the policy directions for intensification within this context, the site is located within a Heritage precinct where policy objectives call for the conservation and enhancement of heritage places. In this regard, Clause 10.04 (Integrated decision making) highlights the following:

- ‘Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations’.

It is submitted that this proposal strikes an appropriate balance between fulfilling objectives of desired activity centre intensification as well as appropriate preservation of the heritage fabric. In addition, the proposal brings a range of net community benefits, which are further expanded within Section 3.7 of this report.

The proposal has been assessed against the relevant provisions of the State Planning Policy Framework and is considered, on balance, to respond favourably.

Clause 15.01-2 – Urban Design Principles of the State Planning Policy Framework provides the main assessment tool for residential development not covered by Clause 55. 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 minimizing detrimental impact on neighbouring properties.

It is submitted the proposal responds appropriately to 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.

3.2 Local Planning Policy Framework

The proposal is supported by a Sustainable Management Plan, which identifies ecological sustainable design principles to be utilised within the development, with Council's ESD Officer generally supportive of the proposal subject to conditions 1e) and 1f) in the Recommendation.

The proposal is supported with a Waste Management Plan, encouraging the use of recycling and achieving best practice in waste minimisation. The submitted plan adequately addresses the provisions of Clause 21.04-7 – Waste. The proposal will be serviced by private waste collection, which is deemed appropriate for the size and estimated waste generation rates for the development. In addition, the plan identifies collections to occur within the evening period between 7pm-10pm, which is considered acceptable. Condition 23 has been included to ensure compliance with the provisions contained within the Plan.

The provision for housing on the subject site responds appropriately to Clause 21.05 (Housing). The proposal provides increased housing opportunities to meet growing population needs as well as a diversity of housing choice. This proposal allows higher density housing development to make better use of the existing infrastructure as well as support the local businesses within the area. The site is also within the Union Road Activity Centre, a number of public open space areas allowing the occupants convenient access to public services and community facilities.

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.

Clause 21.06-2 – Heritage acknowledges the importance of Moonee Valley's heritage places and identifies the importance of protecting and conserving heritage assets. Further discussions regarding heritage issues are expanded within Section 3.3 of this report.

The objectives and strategies within Clause 21.06-4 – Urban Design relate to buildings of five storeys or more. 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 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. Furthermore, these aspects also address the decision guidelines contained within the Commercial 1 Zone. The following assessment is provided:

Context and Building Design/Urban Context

A description of the subject site and the proposal has been provided within this report with accompanying documentation, which accurately details the context of the site. The proposal has favourable attributes that lend support for the scale proposed given its good access to a range of services including public transport, retail opportunities and community facilities.

The site is located within the Union Road Activity Centre, which is a nominated Activity Centre under Plan Melbourne. No approved structure plan exists for this Activity Centre.

Whilst it is acknowledged the predominant scale of the strip centre is 1-2 storey, this site is not the average single fine grain shop front. Recent infill forms indicate that on appropriate sites, a scale of 3-5 storeys can successfully integrate with the existing fabric. Along the nearby Maribyrnong Road, near the intersection with Union Road, these higher scaled developments have integrated into the urban fabric of the street wall with upper levels recessed. Further south along Union Road, forms of 3-4 storeys are additionally evident.

The site is considered suitable for a mixed use development as it is a considerable size, with preferred long-side orientation to the north, dual street frontages and spatial separation via the laneway to the rear. It is also clear redevelopment is supported by planning policy subject to a Heritage assessment.

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

The proposal will provide an active frontage to Union Road with the inclusion of shop/supermarket tenancy. The proposed full height windows provide activation to both the Union Road and The Parade street frontages.

The proposal also seeks to retain the theatre façade and incorporate a series of refurbishment works aimed at restoring the key heritage features of the building to their original architectural state. Accordingly, the response to the streetscape is considered appropriate.

The architectural expression is bold and well defined with the northern elevation referencing the fine grain frontages along Union Road. The strong grid of framing elements surrounding levels 1-3 provide an appropriate treatment to relieve what could easily be a bland side elevation. In this regard, it is submitted the proposal offers improved architectural and amenity outcomes by replacing the existing blank wall with an articulated active façade.

Setbacks and Site Coverage/Building Envelope

The proposal is considered acceptable with respect to its setbacks.

The existing Ascot Vale theatre building represents a large insertion in the urban fabric with the parapet height line to the rear in the order of 16.7 metres above the natural ground level of the rear laneway facing the surrounding residential neighbourhood akin to a 5 storey form of a largely blank brick building face. The proposed additional height is some 4.2

metres, although the rear composition, comprising recessed elements, window frames and projecting balcony combine to form a more intricate expression of the built form. The rear two uppermost levels provide setbacks ranging from 2.9 – 4.9 metres. As such, the extent of rear boundary wall height will reach 14.9 metres, representing a reduction of 1.8 metres from the present conditions.

Along The Parade, the two upper levels have been setback in the order of 1.8 to 2.3 metres from the three storey street wall below. These levels are punctuated with balconies and internal recesses aimed at maximising daylight access to apartments.

From Union Road, the new works are setback in the order of 8.1 metres thereby ensuring the new additions successfully integrate within the existing heritage streetscape.

Overall, the setbacks are deemed to be acceptable.

Building Height and Silhouette

The proposal is five storeys in scale and will reach a maximum height of 20.6 metres. As highlighted, the site presently accommodates a landmark building with an existing height of 16.7 metres measured to the roof apex. There is no structure plan in place otherwise dictating preferred building heights for the Centre. As noted, there are a number of larger sites within the commercial precinct that accommodate building heights of 3-5 storeys.

It is submitted the height of the proposal is acceptable within the existing context. The site has limited immediate sensitive interfaces with the existence of commercial properties to the north, east and south. To the west, the site is separated by a laneway, which provides a natural buffer to the abutting residential property. As highlighted, the uppermost levels of the building have been tapered back towards Union Road so as to provide an appropriate transition to the residential area to the west.

Internal Circulation, Space and Building Adaptability/Circulation and Services

The proposal provides appropriate dwelling amenity and liveable spaces for future occupants.

Internal corridors are afforded with daylight access and range in width between 1.8-2.2 metres enabling ease of movement throughout.

At ground, the entry to the building will be clearly visible from Union Road via an existing entry point associated with the reception centre, which leads to a 2.4 metre wide internal shared corridor.

Access within the basement levels is clear with provision of a central lift and stairwell access points to the upper levels. Storage spaces for each apartment are included and can be easily accessed.

On-site Amenity and Liveability/Building Layout and Design

The proposal has a range of dwelling sizes and types with a mix of one and two bedroom dwellings of varying configurations.

The proposal provides an acceptable level of internal amenity with no bedrooms relying on borrowed light. As highlighted, the application was amended following public notice resulting in layout changes to the apartments. These changes resulted in the deletion of one dwelling, enabling the creation of greater void areas at the uppermost level and providing increased opportunities for daylight access to the apartments on the level below.

The majority of the apartments are afforded with a northerly aspect and an open outlook with no requirements for screening. Apartments 3.07 and 4.06 are west facing and include 10 square metre internal light courts to provide sufficient daylight access to the bedrooms.

All terrace areas are directly accessible via the living areas and range in size from 8 to 58 square metres in excess of relevant requirements.

Off-site Amenity

As highlighted, the site has limited sensitive interfaces with abuttals to three roads and another commercial property.

The only sensitive residential interface lies beyond the laneway to the west which includes two habitable room windows on the boundary. This dwelling currently shares an interface with a 16.7 metre high blank boundary wall. The proposed west elevation demonstrates a slight reduction in the height of the boundary wall along with a greater variance in materials from the existing building. In all, it is submitted the proposal will not cause unreasonable material detriment upon this residential property beyond the present conditions.

With respect to overlooking, the majority of the apartments face towards The Parade, thereby eliminating the need for any screening measures. With respect to west facing apartments (3.07 and 4.06), no overlooking into the rear open space is possible given the elevated nature of these apartments.

Shadow diagrams have been submitted with the application which highlight the extent of the impacts will not be unreasonably beyond the shadows cast by the existing building. In essence, by 11am, no residential property to the west will be impacted by the proposal.

Overall, the development is appropriately designed to minimize unreasonable off-site impacts.

Parking, Traffic and Access

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

Environmental Sustainability

Local Planning Policy recognises the role of sustainability in all new development. As highlighted, the proposal is supported by a Sustainability Management Plan providing details regarding energy efficiency initiatives to be adopted into the development; Council's ESD Officer raised no objections to the proposal.

The proposed childcare centre will provide an opportunity for a community facility to be located within Moonee Valley to meet a shortfall currently experienced in the municipality. As the population density increases with the number of developments within Moonee Valley, the demand for childcare facilities will also increase. Council's Economic Development Unit has indicated Moonee Valley has a shortage of community facilities in the shape of both aged care facilities and childcare facilities. This proposal, in combination with the ground floor supermarket, provides an ideal opportunity to not only provide a facility that is needed within the municipality, but also an employment generating use, supported through Clause 21.08 (Economic Development) and Clause 21.10 (Social and Physical Infrastructure) of the Moonee Valley Planning Scheme.

Clause 22.03 Stormwater Management has been addressed as a STORM Assessment was submitted with the Sustainability Management Plan which demonstrates a rating of 103%. A 25,000 litre water tank will be included within the basement level which will collect rainwater off the roof. The collected water will be used for toilet flushing to the apartments and childcare centre.

3.3 Clause 43.01 (Heritage Overlay)

The subject site is included within the Union Road Heritage Overlay Precinct identified as HO26 within the Schedule to the Heritage Overlay. It is noted the residential properties to the west of the subject land are not affected by the Overlay.

The statement of significance is as follows:

“The Union Road precinct in Ascot Vale is a commercial area comprising shops, commercial premises and associated residences built in the period from c.1885 to c.1930. The precinct comprises single and double storey Boom-era shops, characterised by masonry construction embellished with rendered ornamentation, interspersed with representative examples of inter-war shops including a Moderne row that curves around the Maribyrnong Road corner. Two particularly ornate buildings - the Union Hotel and the shop at No.169 - form prominent bookends at either end of the precinct. The following elements contribute to the significance of the precinct....the former New Ascot Cinema at 199 Union Road....”

“Key attributes that contribute to the significance of this precinct include: -

- The consistency of scale (one or two storey), form, siting (built to the front and side setback), and original materials and detailing (face brick or render with iron or tiled hip or gable roof, concealed behind a parapet) of the contributory buildings;*
- the high degree of intactness to the late nineteenth century and early-mid-twentieth century development dates with contributory buildings that typically survive with their presentation to the street of the upper facade being largely intact;*
- road alignments and allotment patterns resulting from the nineteenth century subdivision;*

- *the absence of vehicle accommodation including driveways and crossovers;*
- *the original or early shopfronts at Nos. 179 and 246-48 Union Road”.*

The existing building on the subject site was constructed in 1924 for Essendon Theatres Limited and was designed by local architect V G Cook. The 1,700 seat theatre functioned as a cinema until c. 1980 when it was converted into a reception centre.

A full history and description of the building is provided within the Heritage Assessment prepared by Bryce Raworth.

Having regard to the decision guidelines of the Heritage Overlay, coupled with the objectives and strategies contained at Clause 21.06-2 (Heritage) it is submitted that the extent of demolition and the new works to the building are acceptable for the following reasons:

- The proposal retains the front section of the former theatre, which represents the most significant and visible portion of the building thereby maintaining the existing streetscape presentation;
- The ground floor of the existing façade has been substantially altered and the removal of the non-original fabric for the installation of a more contemporary shopfront is deemed acceptable. The retention of the pilasters will assist in maintaining a historic reference;
- Sections of the north and south side walls will be retained, which will ensure the building maintains a three-dimensional form within the Union Road and The Parade streetscape. The depth of the retention along the northern elevation will include all of the decorative elements with the extent of demolition largely concentrated towards the existing blank wall façade which holds limited heritage value;
- Whilst the roof fabric is to be entirely demolished, views are largely obscured by the parapet of the building along with established street trees. Accordingly, its removal is deemed acceptable;
- With respect to the new additions, the proposal adopts a bold modern expression in a manner that establishes an appropriate contrast to the existing heritage place;
- The first three levels of the development are generally located within the confines of the existing building envelope in terms of their setbacks and overall scale. Whilst they will not be read from Union Road, the new levels will bring about considerable change from the existing blank wall presentation along The Parade. As highlighted previously, the existing blank wall façade to The Parade holds limited heritage value and the ‘activation’ along this elevation is considered to result in an improved urban design outcome; and
- The two uppermost levels of the building are setback from the street boundaries and will read as visually recessive. At Union Road, the new levels are setback in the order of 8.1- 8.8 metres from the

existing front building line. At this distance, the new additions do not obscure any element that contributes to the heritage significance of the building. Along The Parade, the two uppermost levels are further recessed ensuring that they do not appear as an obtrusive addition.

Additional documentation has been submitted with the application as part of the Section 57A Amendment indicating a sightline diagram at Drawing TP 2.08. In addition, perspective views have been included that adequately depict the manner in which the new additions will sit within the streetscape at various vantage points. The end result is a recessive form that does not overwhelm the existing heritage place. Policies at both a state and local level strongly encourage the intensification of development on a site such as this which is within the boundaries of a higher order activity centre, with direct abuttal to a tram route and on a corner site. The realisation of such policies with any reasonable or appropriate level of development will create a very different building form to that which currently exists. Accordingly, it is submitted that the proposal has struck an appropriate balance between competing policy objectives of urban intensification and heritage preservation.

Lastly, Council's Heritage Advisor has recommended the implementation of the works described as 'Potential Restoration Works' within the Heritage Assessment prepared by Bryce Raworth. Accordingly, this has been captured as part of Conditions 1g) and 24. Further, as some of these works may require external painting, the permit preamble has been altered to reflect this additional permit trigger pursuant to the requirements of the Heritage Overlay.

Overall, it is submitted the proposal adheres to the decision guidelines of the Heritage Overlay and will not detract from the significance, character or appreciation of the heritage area.

3.4 Compliance with Clause 52.06 (Car Parking)

The car parking supply for the development comprises two basement levels accessed via The Parade. The upper basement car park is proposed as a shared arrangement for use by staff and parents of the childcare centre and customers of the supermarket. The lower basement car park is reserved for the apartments and 6 staff spaces for the childcare centre. Further details on the parking arrangements are provided below:

Table 2

| Use | Required | Proposed |
|---|----------|-----------|
| Dwellings <ul style="list-style-type: none">• 7 x 1 bedroom• 6 x 2 bedroom | 13 | 14 |
| Residential Visitors | 2 | 0 |
| Supermarket (824m ²) | 41 | 6 (staff) |

| | | |
|---------------------------------|----|--|
| Childcare Centre (120 children) | 26 | 14 (located on upper basement carpark and will also accommodate supermarket customers) |
| Total | 82 | 34 |

Parking Provision

Notwithstanding the parking requirements highlighted above, Clause 52.06-3A of the Moonee Valley Planning Scheme states that a permit is not required if:

- The number of car parking spaces required under Clause 52.06-5 for a new use is less than or equal to the number of car parking spaces required under Clause 52.06-5; and
- The number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.

As highlighted within Section 2.1, the Planning Permit in place for the existing reception centre specifies a maximum number of 300 patrons/seats on the site at any one time. This equates to a statutory parking requirement of 90 spaces based on a parking requirement of 0.3 spaces per patron for a Place of Assembly. It is noted the current proposal attracts a lesser parking requirement of 82 spaces.

In light of the above, a planning permit is not required for a parking waiver for the proposal given the following:

- The number of car parking spaces required for the proposal is less than the existing use; and
- The onsite car parking provision is being increased from 18 to 34.

As referenced under Section 2.3 of this report, Council's Traffic and Transportation Unit has raised no objection to the proposed development subject to revised, dedicated on-street loading provisions.

With regard to traffic generation, the report prepared by Ratio Pty Ltd indicated up to 190 vehicle movements during the AM peak hours and approximately 254 vehicle movements at the PM peak hours. As highlighted, the permit applicant has since indicated a willingness to restrict the number of children to not more than 100 prior to 9am as a means of reducing AM peak period. Accordingly, Condition 19 has been included restricting the intensity prior to 9am.

3.5 Clause 52.07 (Loading and Unloading of Vehicles)

Clause 52.07 triggers the loading and unloading requirements for the supermarket component of the development. Accordingly, loading for the

supermarket is proposed to occur via an 8.8 metre long Medium Rigid Vehicle.

The proposed loading arrangements are sought to be provided within the car parking spaces located immediately adjacent to the site along The Parade. At present, there are four public car parking spaces (1hr restrictions between 9am-6pm, Monday to Fridays) along with a 6 metre long loading zone (9am-6pm Monday to Friday).

The application seeks to relocate the positioning of the spaces such that the loading space is located closest to the vehicle access to the development. In addition, it is proposed to have the abutting car space to the loading bay be made a double length (12 metre) loading space between the hours of 6pm – 10pm.

Council's Traffic Engineers have reviewed the loading arrangements along with the requirements of the supermarket utilising the 8.8 metre service vehicle for the loading/unloading of goods. Accordingly, the Engineers have recommended the first two bays (12 metres long) east of the proposed vehicle access to be converted into a Loading Zone (9am-10pm, Monday to Friday). This modification will enable the loading zone to meet the minimum requirements for on-street loading zones and will additionally provide a usable loading zone to service 8.8m vehicles catering to other businesses within the area. The loading zone will also cater for waste vehicles.

In light of the above, condition 1a) has been included.

Access to the loading space has been adequately demonstrated within the swept path assessment provided within the Traffic Impact report. Accordingly, no objection has been raised with respect to loading access/egress.

3.6 Clause 55.34 (Bicycle Spaces)

The development attracts a bicycle parking requirement of 8 spaces. The application proposes a total of 39 spaces within the basement levels, which is in excess of the requirements.

3.7 Other matters

Street Tree

A well-established street tree is located within the footpath immediately adjacent to the existing building.

An arboricultural assessment, prepared by Molly Arboriculture Pty Ltd, was submitted with the application in light of the proposed extent of basement and building canopy works.

The tree has been identified as a *Platanus x acerifolia* (London Plane) with a height of 15 metres and a canopy spread of 10 metres.

In essence, the assessment concludes the following:

- The subject tree is a juvenile specimen that displays the typical vigour and form of the species;

- The proposed extent of basement construction will not have a long term adverse effect on the tree's vigour;
- Works to enable the retention of the front façade of the building along with the recladding of the canopy will require some minor pruning of the tree; and
- The amount of root loss and canopy loss is well within the tolerance of the species with the tree exhibiting good structural integrity.

Whilst the consulting arborist has not recommended any tree protection fencing, there are a series of recommendations within the report that have been included as part of Condition 22.

Further, Council's Parks and Gardens have raised no objection to the application and concur with the recommendations contained within the arboricultural report.

Drawing Error

The drawing error relates to the outdoor terrace associated with Apartment 3.06 which depicts an internal dividing balustrade. This is a drawing error and Condition 1d) has been included, which will require its deletion from the plan.

Childcare land use

Pursuant to Clause 34.01-1 (Table of Uses) a permit is required to use the land for the purpose of a childcare centre given the ground floor access is to be shared with the dwellings.

For the reasons highlighted throughout this assessment, it is submitted the inclusion of a childcare centre within the current commercial context is appropriate.

The requirements for childcare centres are regulated via the Department of Education and Training. Ultimately, separate approval will be required for the proposed 120 child placement.

From a high level review, the proposal provides for a total of 600 square metres of outdoor play space along with an additional 240 square metres of active play areas, which combined account for 7 square metres per child. In addition, each child is afforded with 3.25 square metres of indoor area. The above provisions are generally in accordance with the relevant requirements embedded within the Education and Care Services National Regulations.

Council's Family and Children Services Department has reviewed the proposal and acknowledged the above regulations, noting a separate approval will be required.

Net Community Benefit Analysis

It is submitted this proposal brings with it some significant benefits, namely the achievement of State and Local housing policy, by providing additional housing and a contemporary redevelopment of land in an activity centre

location close to a range of services and facilities, including fixed light rail public transport.

Council's Economic Development Unit have indicated the proposed child care facility would meet the current and projected shortfall in Long Day Care placements in the precinct. This increase in supply would ease the current demand for services in the precinct. Childcare facilities are also destinations in shopping precincts and can attract consumers into a precinct on a regular basis, which in turn has a strong economic impact for the local precinct.

Supermarkets are commonly regarded as anchor tenants in shopping precincts that attract complementary retail and other services. Many of these retail uses already exist in Union Road, and with the introduction of a mid-line supermarket to support the local community, it would reduce the economic leakage to the larger retail centres that have a full-line supermarket, thereby having a positive flow-on economic impact to the Union Road Shopping precinct.

The provision for a loading bay directly alongside the development, at a length 12 metres, will serve to accommodate the loading/unloading requirements of surrounding businesses thereby assisting with the overall ease of movement within this pocket of the activity centre.

Finally, the retention of key heritage features of the building ensures the existing Union Road streetscape presentation is largely maintained.

Overall, it is considered the proposal produces an appropriate outcome for the area.

3.8 Objections

A response to the objections received, is provided in the table below.

Table 3

| Issue | Officer Response |
|--------------------------|---|
| Neighbourhood Character | This is considered acceptable. See Section 3.2 and 3.3. |
| Height, bulk and scale | This is considered acceptable. See Section 3.2. |
| Off-site amenity impacts | This is considered acceptable. See Section 3.2. |
| Car Parking/Traffic | Council's Traffic Engineers have raised no objection with respect to the on-site parking provisions and anticipated traffic generation. |

| | |
|--|--|
| Waste Management | A waste management plan has been submitted with the application detailing the provision for collection via a private service provider. The on-site provisions and collection arrangements have been reviewed by Council's Traffic and Transportation Unit and Operations Units both who have raised no objection on this aspect. Conditions of approval will require the implementation of the Waste Management Plan, which includes provision for evening collection. |
| Loading provisions associated with the supermarket | A condition of approval has been included requiring the provision of a 12 metre long on-street loading bay that will service both the development and surrounding businesses. |
| Childcare centre (lack of pick up/drop off) | Given the nature of a childcare centre, it is expected parents would accompany their children directly to/from the centre. As such, the absence of a pick up/drop off point is not considered detrimental to the proposal. |
| Construction Management | Condition 7 has been included to manage construction activities. |
| Property devaluation | The potential for property devaluation is not within the realms of town planning consideration. |
| Precedent | Each application is to be assessed on its individual merits. |

4. Human Rights

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

5. Conclusion

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

Additionally, consideration has been given to the requirements of Section 60(1B) of the *Planning and Environment Act 1987* with respect to the number of objections received, and it is determined that the proposal would not have a significant social effect.

Appendices

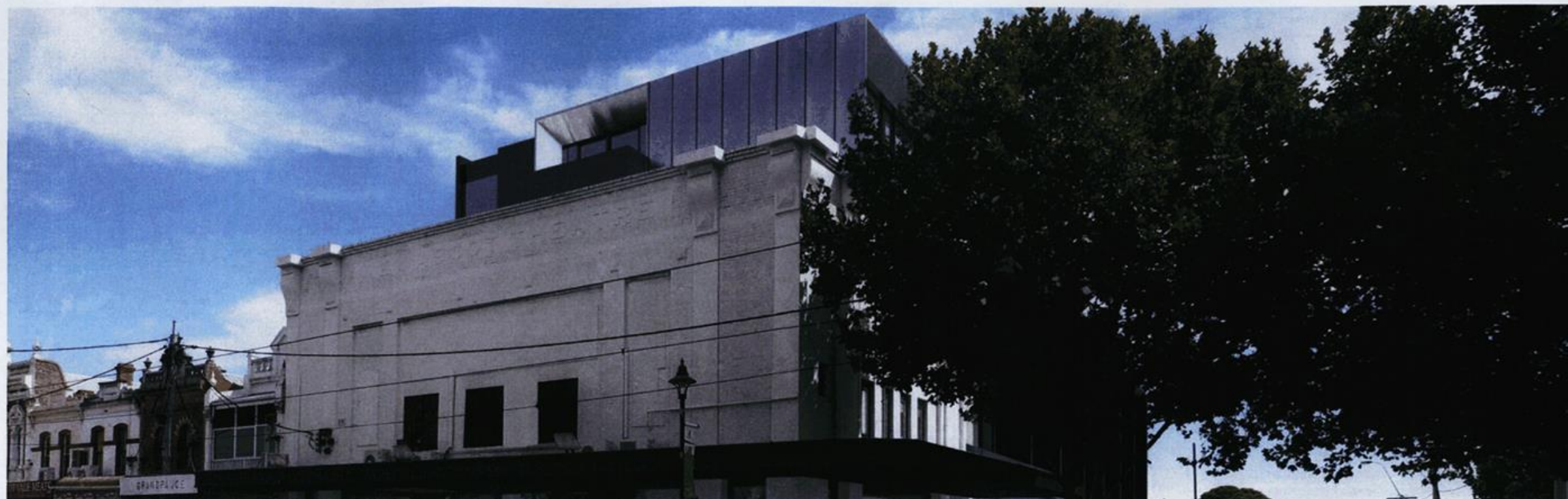
Appendix A: Appendix A - Location of Objector's Properties

Appendix B: Appendix B - Section 57A Plans (separately circulated)

Appendix C: Appendix C - Original Advertised Plans.

Location of Objector's Properties

| |
|---|
| 210 Union Road, ASCOT VALE VIC 3032 |
| 72 The Parade, ASCOT VALE VIC 3032 |
| 1 Brown Avenue, ASCOT VALE VIC 3032 |
| 17 The Parade, ASCOT VALE VIC 3032 |
| 78 The Parade, ASCOT VALE VIC 3032 |
| 41 The Parade, ASCOT VALE VIC 3032 |
| 2 Roxburgh Street, ASCOT VALE VIC 3032 |
| 2 Bayview Terrace, ASCOT VALE VIC 3032 |
| 29 The Parade, ASCOT VALE VIC 3032 |
| 185 Union Road, ASCOT VALE VIC 3032 |
| 76 The Parade, ASCOT VALE VIC 3032 |
| 124-126 Maribyrnong Road, MOONEE PONDS VIC 3039 |



199-203 UNION ROAD, ASCOT VALE
TOWN PLANNING
OCTOBER 2015

SUBJECT
Mixed-Use Development

SITE
199-203 Union Road, Ascot Vale

APPLICANT
Cera Stribley Architects

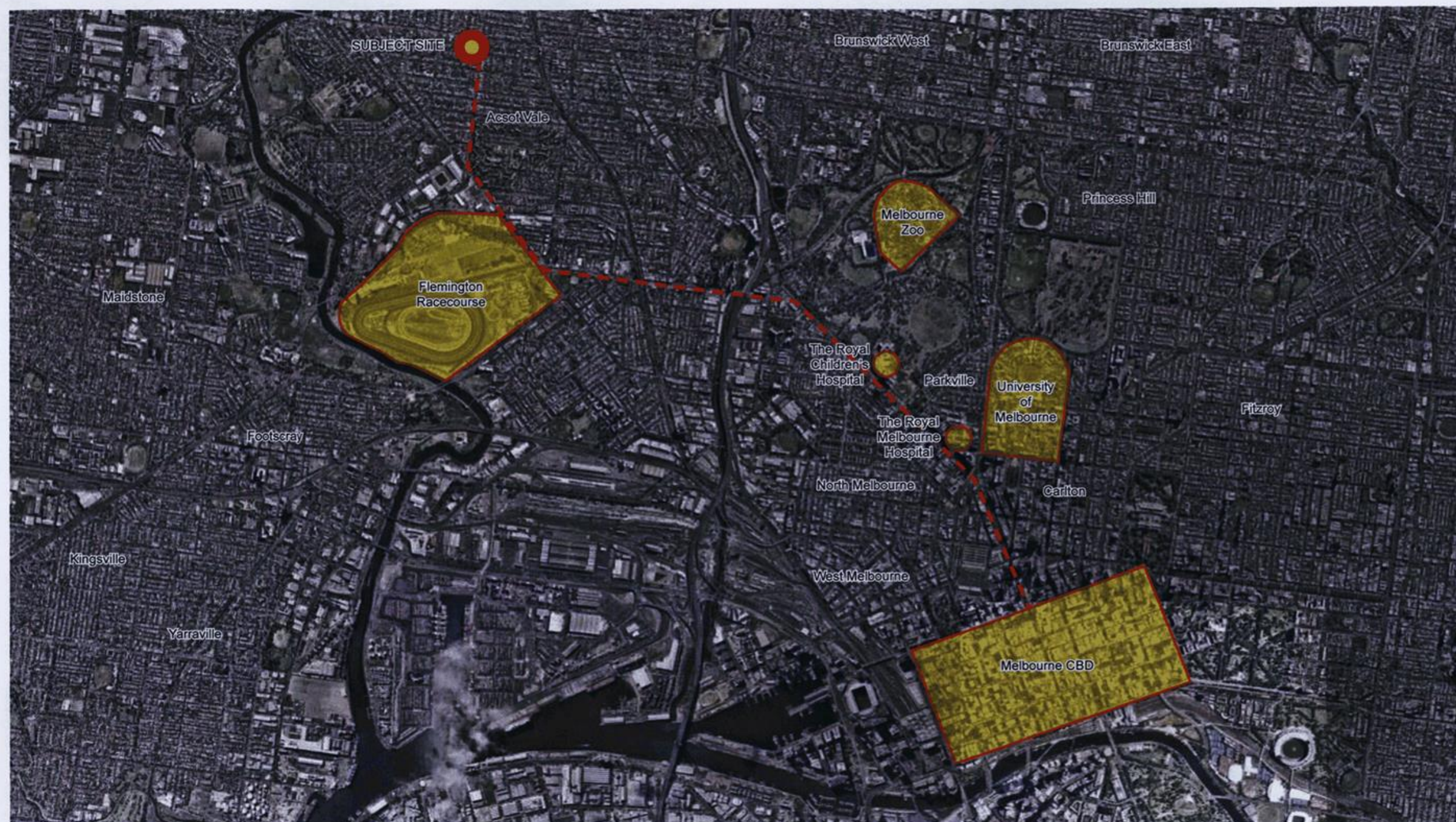
RESPONSIBLE AUTHORITY
City of Moonee Valley

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TITLE SHEET

| | | | | | |
|-----------------------------|--------------------------------|-----|--------------------------|--|--|
| TOWN PLANNING REPORT | | | SECTIONS | | |
| 001 | LOCALITY MAP | 300 | SECTION A-A & B-B | | |
| 002 | SITE CONTEXT | 301 | SECTION C-C | | |
| 003 | SITE SURVEY | | | | |
| 004 | SITE ANALYSIS | | | | |
| 005 | STREET VIEWS 01 | | SHADOW ANALYSIS | | |
| 006 | STREET VIEWS 02 | 500 | SHADOW ANALYSIS 1 | | |
| 007 | STREET VIEWS 03 | 501 | SHADOW ANALYSIS 2 | | |
| 008 | DESIGN RESPONSE | 502 | SHADOW ANALYSIS 3 | | |
| 009 | FORM MASSING 01 | | | | |
| 010 | FORM MASSING 02 | | | | |
| | | 600 | ARTIST IMPRESSION | | |
| | | 601 | ARTIST IMPRESSION 1 | | |
| | | 602 | ARTIST IMPRESSION 2 | | |
| | | | ARTIST IMPRESSION 3 | | |
| PLANS | | | SCHEDULE | | |
| 100 | EXISTING SITE PLAN | | MATERIAL SCHEDULE | | |
| 101 | EXISTING BASEMENT PLAN | | | | |
| 102 | EXISTING GROUND FLOOR PLAN | | | | |
| 103 | DEMOLITION PLAN - BASEMENT | 700 | | | |
| 104 | DEMOLITION PLAN - GROUND FLOOR | | | | |
| 105 | PROPOSED SITE PLAN | | | | |
| 106 | PROPOSED BASEMENT 02 PLAN | | | | |
| 107 | PROPOSED BASEMENT 01 PLAN | | | | |
| 108 | PROPOSED GROUND LEVEL PLAN | | | | |
| 109 | PROPOSED LEVEL 01 PLAN | | | | |
| 110 | PROPOSED LEVEL 02 PLAN | | | | |
| 111 | PROPOSED LEVEL 03 PLAN | | | | |
| 112 | PROPOSED LEVEL 04 PLAN | | | | |
| 113 | PROPOSED ROOF PLANN | | | | |
| ELEVATIONS | | | | | |
| 200 | EXISTING ELEVATIONS 1 | | | | |
| 201 | EXISTING ELEVATIONS 2 | | | | |
| 202 | DEMO ELEVATIONS 1 | | | | |
| 203 | DEMO ELEVATIONS 2 | | | | |
| 204 | PROPOSED ELEVATION 1 | | | | |
| 205 | PROPOSED ELEVATION 2 | | | | |
| 206 | PROPOSED ELEVATION 3 | | | | |
| 207 | PROPOSED ELEVATION 4 | | | | |

0.01 LOCALITY MAP

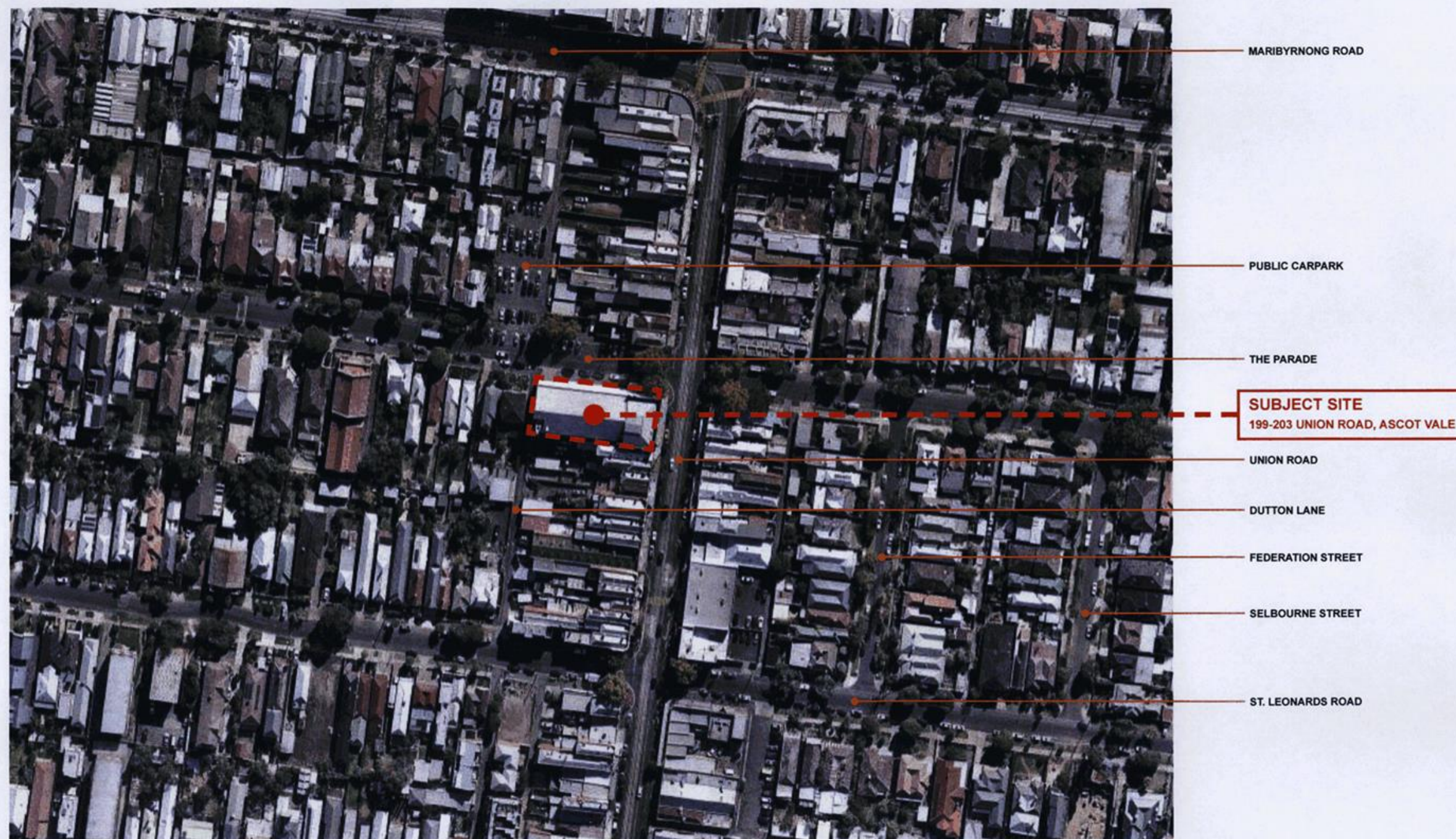


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0.02 SITE CONTEXT

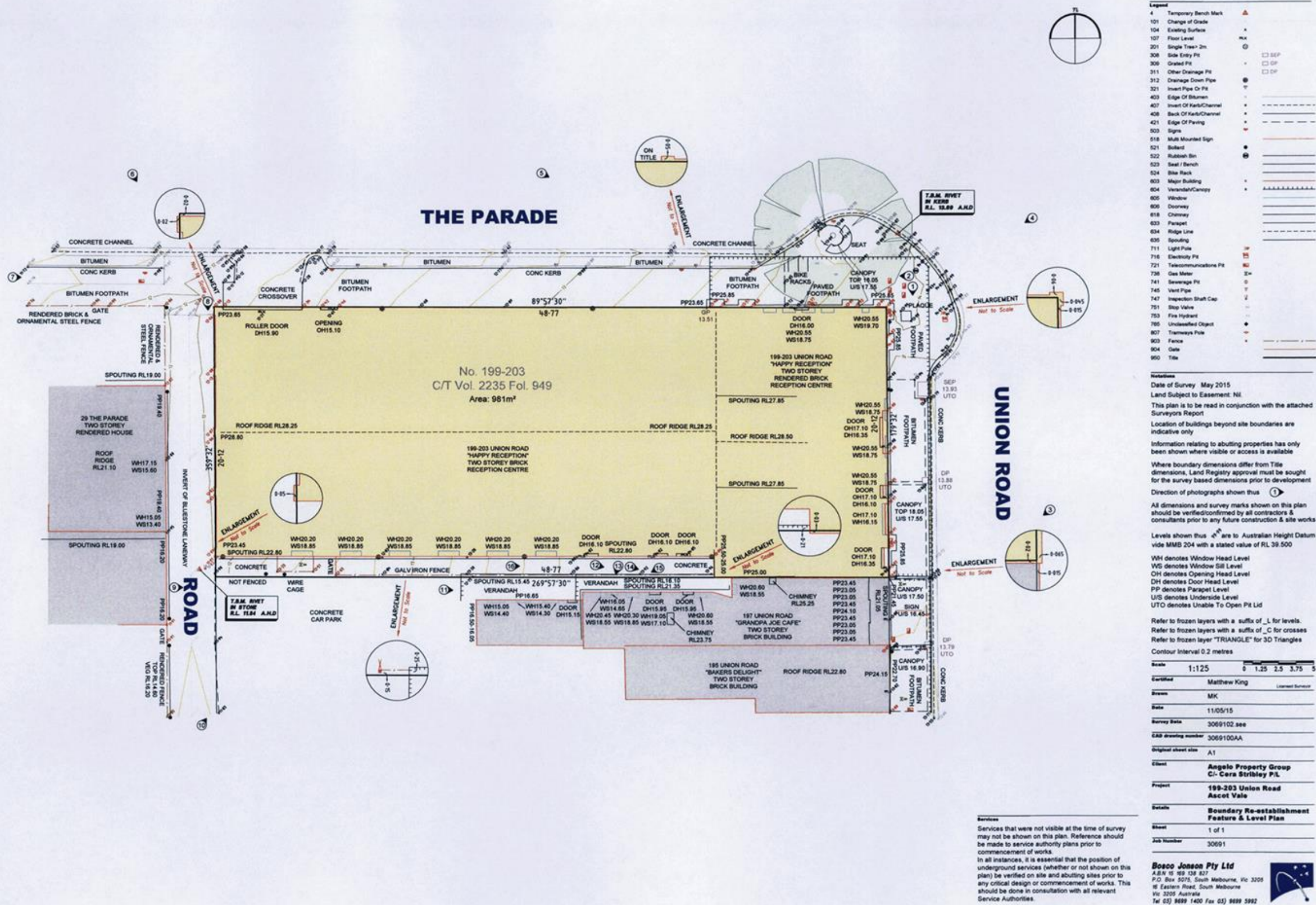


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0.04 SITE ANALYSIS



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0.05 STREET VIEWS 01



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0.06 STREET VIEWS 02



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0.07 STREET VIEWS 03



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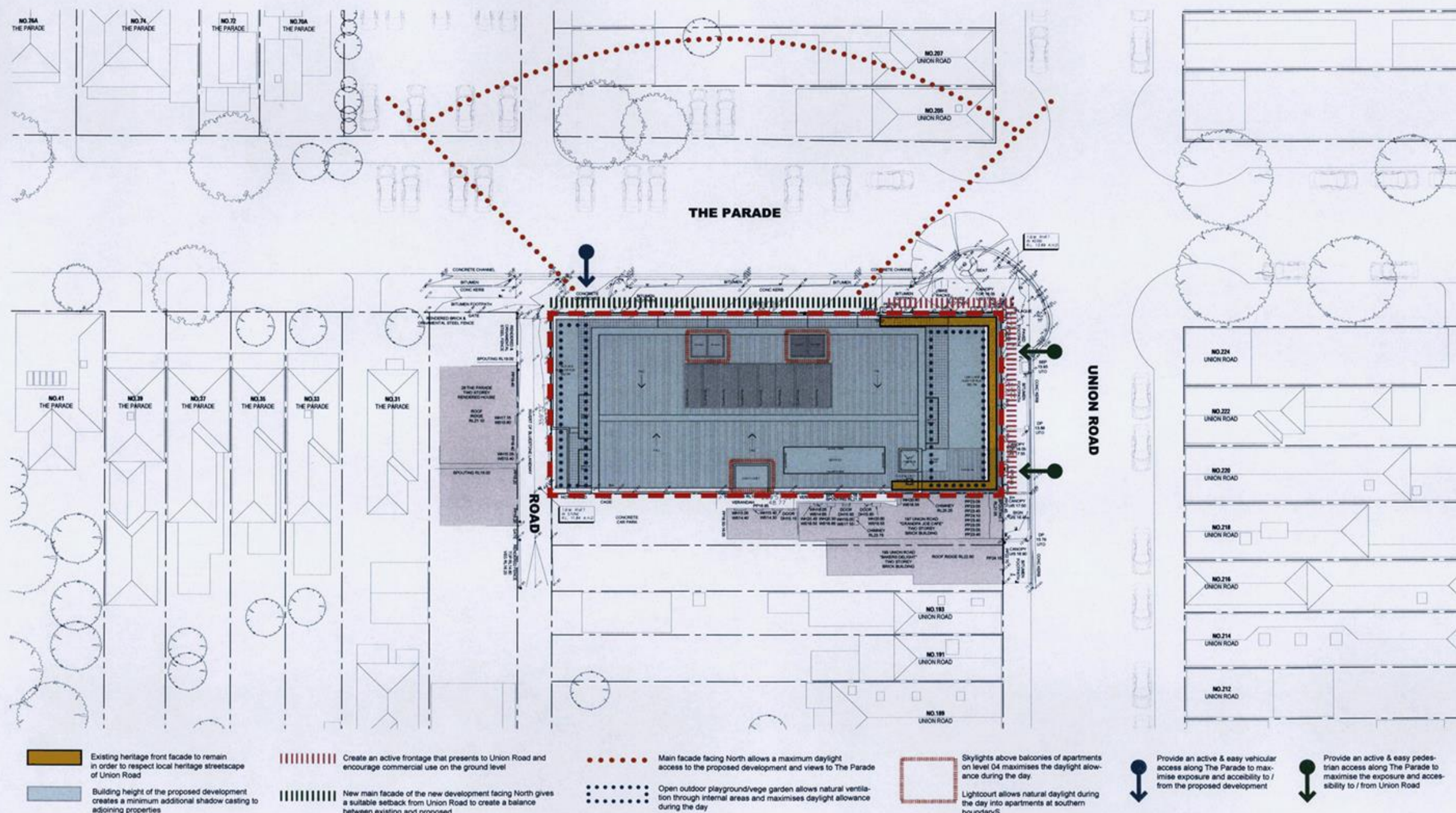


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0.08 DESIGN RESPONSE

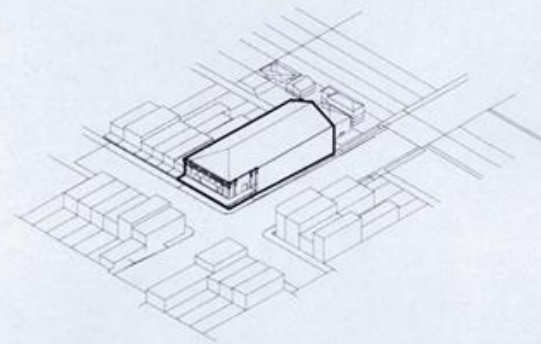


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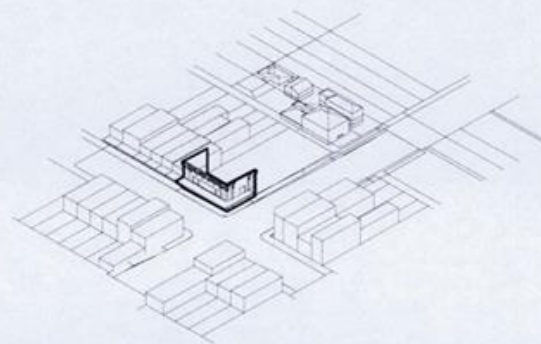
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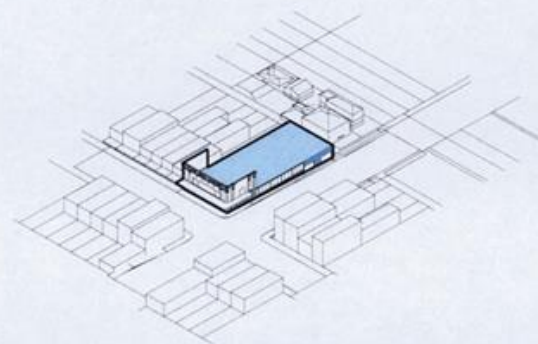
0.09 FORM MASSING 01



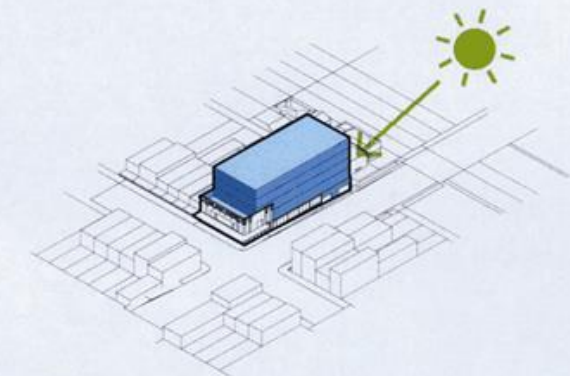
Existing site contains the Essendon Theatre building built in 1924. The building's use was converted from theatre to a reception centre 35 years ago (1980) to which the original theatre facade was retained along Union Road.



The proposal aims to demolish the existing building yet retain the existing and original theatre facade that fronts Union Road and the corner of The Parade.

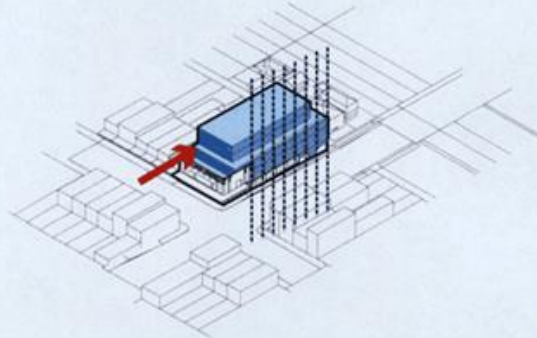


Infill ground floor with convenience styled supermarket that activates both the Union Road interface and the Parade interface (which is currently a blank brick wall) through its proposed use of glazing.

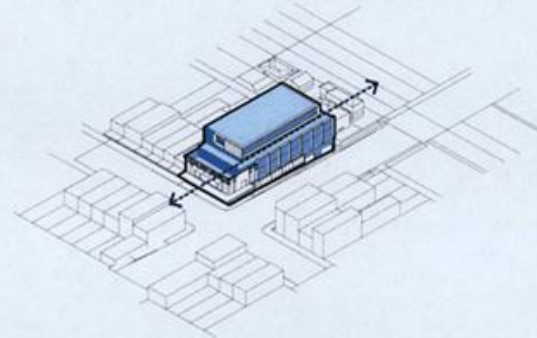


Proposed four levels above ground floor. Level 01 to be taken to the heritage facade to ensure 'facadism' is not a result of the proposal however level's 2-4 will be setback from the front boundary to ensure the heritage facade remains visually dominant to the street. The wider section of the development is to orient to the north to ensure greater passive solar outcomes.

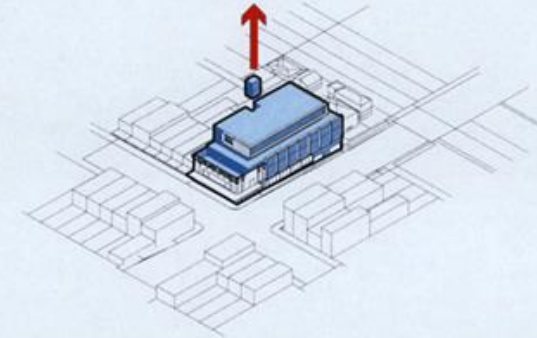
0.10 FORM MASSING 02



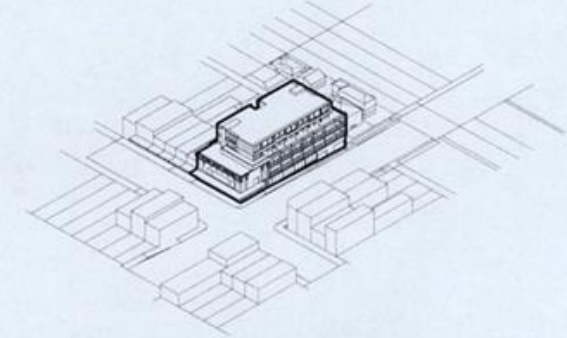
Break up the visual bulk of the proposed development by setting back the building above the height of the existing heritage parapet. The scale and rhythm of the heritage vertical elements is reinstated across the proposed facade to create that relationship between old and new.



The upper two floor is proposed to be articulated with a sense of horizontally. This is differentiate from the vertical elements of the podium and thus read as a lighter element.



Proposed four levels above ground floor. Level 01 to be taken to the heritage facade to ensure 'facadism' is not a result of the proposal however level's 2-4 will be setback from the front boundary to ensure the heritage facade remains visually dominant to the street.



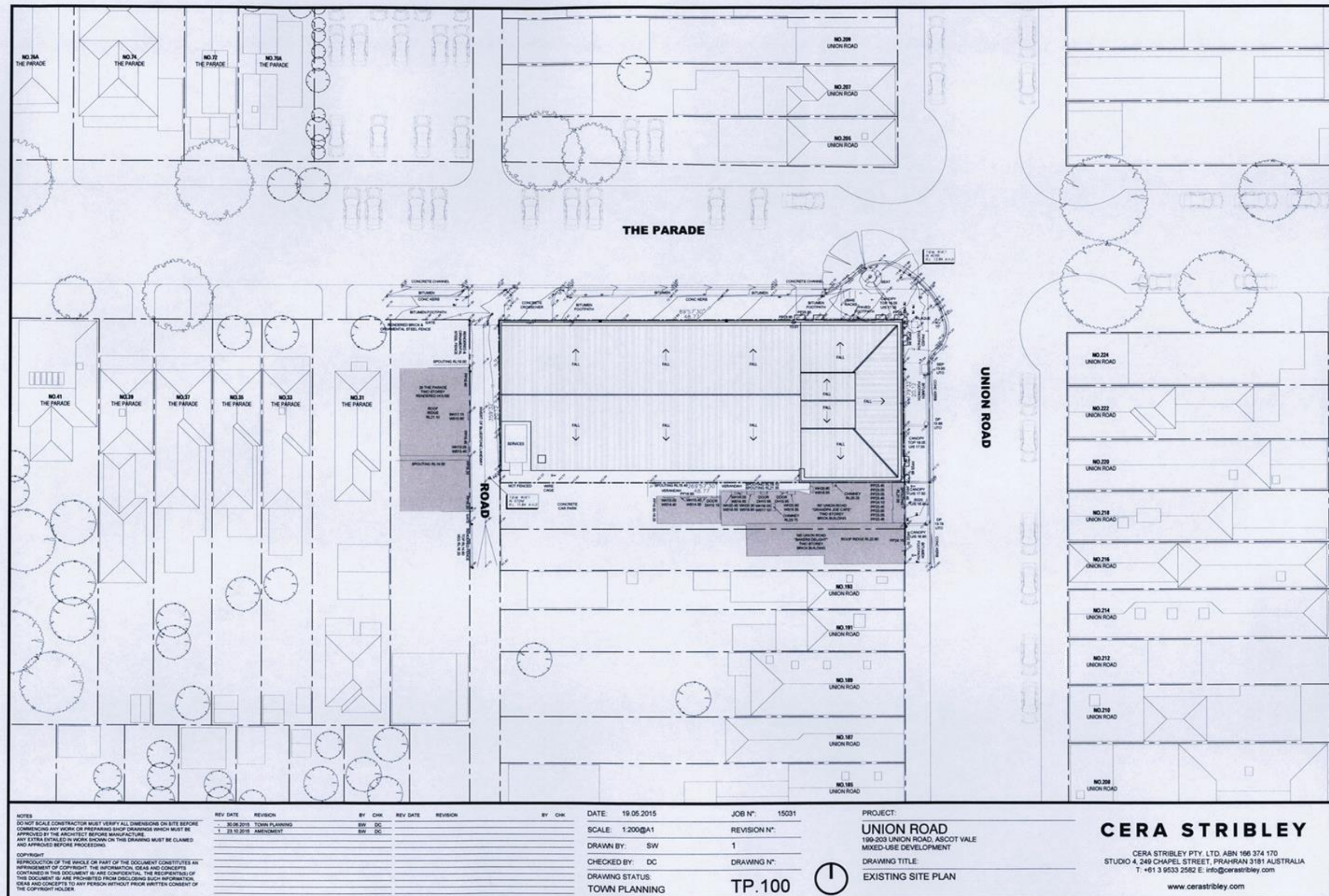
The resulting mixed-use proposal aims to provides a range of uses to the community, retail, childcare and housing whilst maintaining the distinct character of the Union Road Precinct.

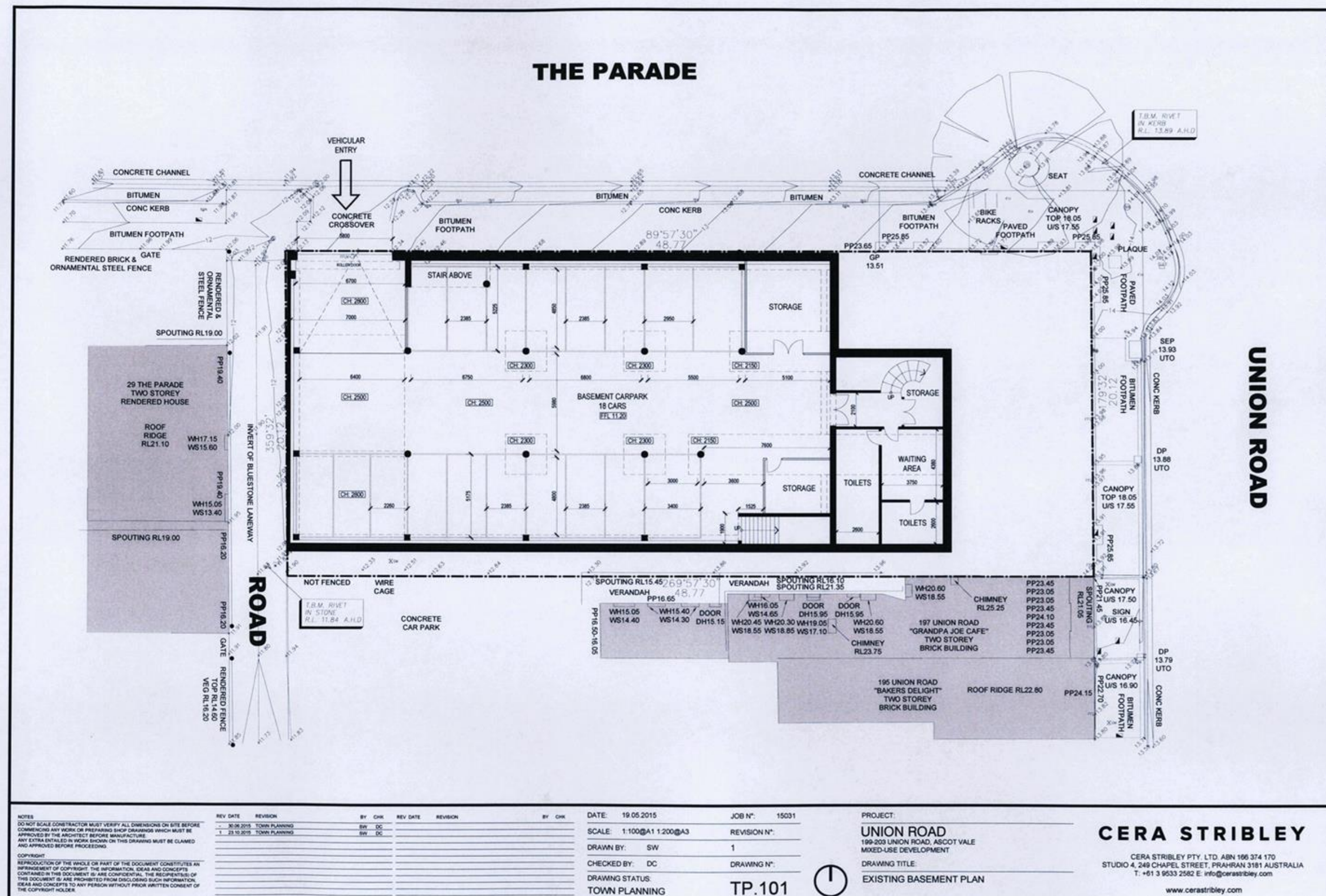
ARCHITECTURAL DRAWINGS

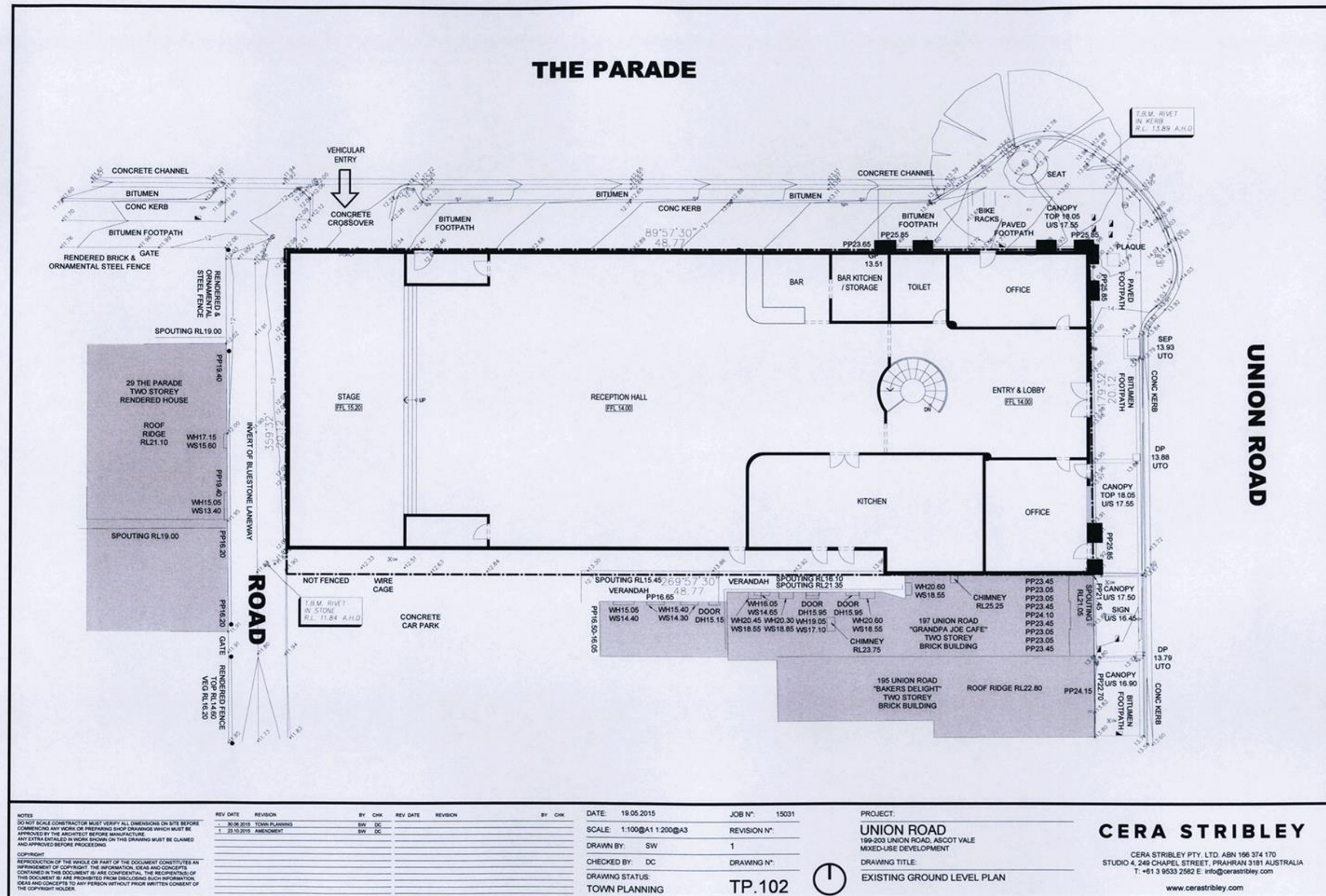
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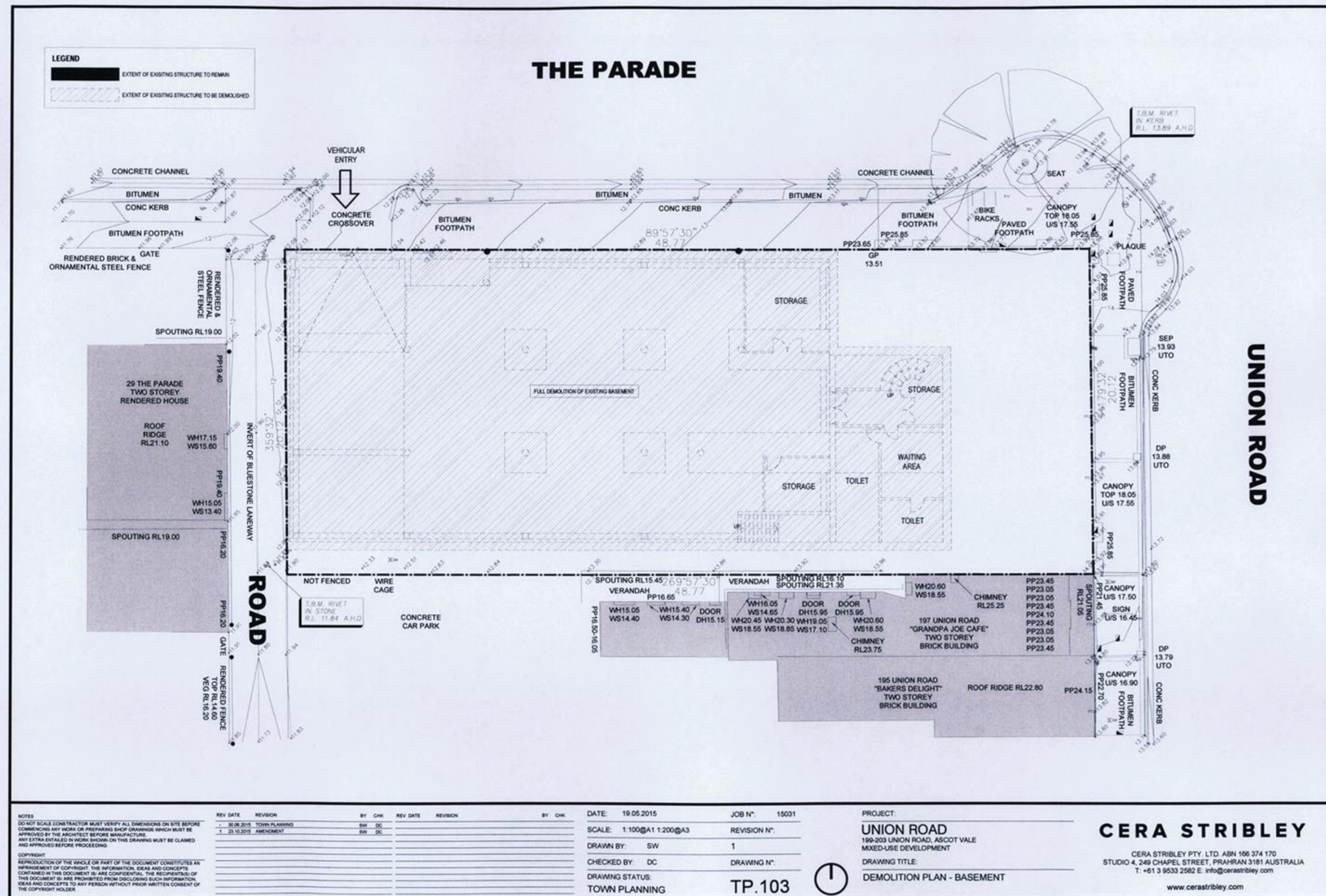
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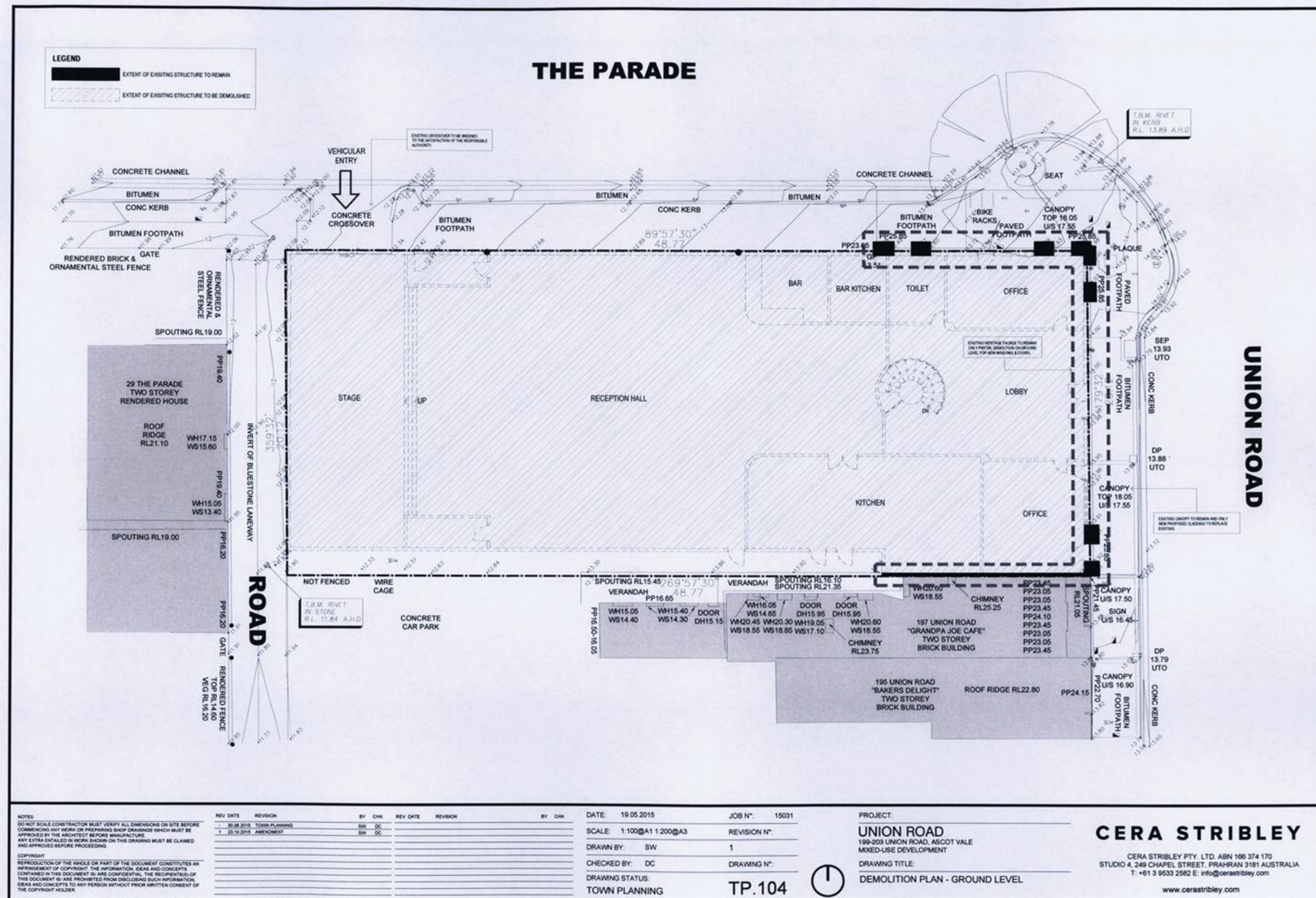
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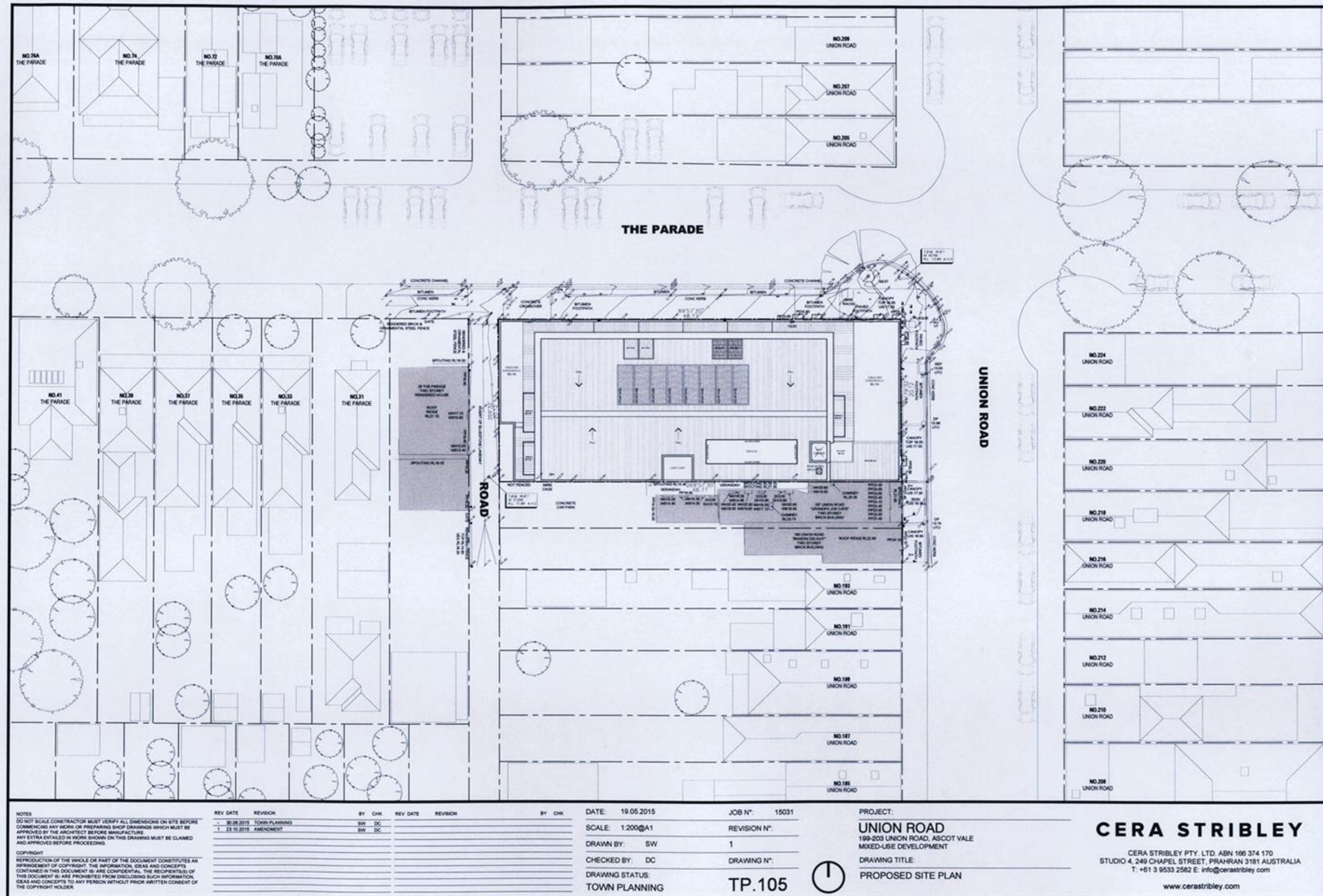


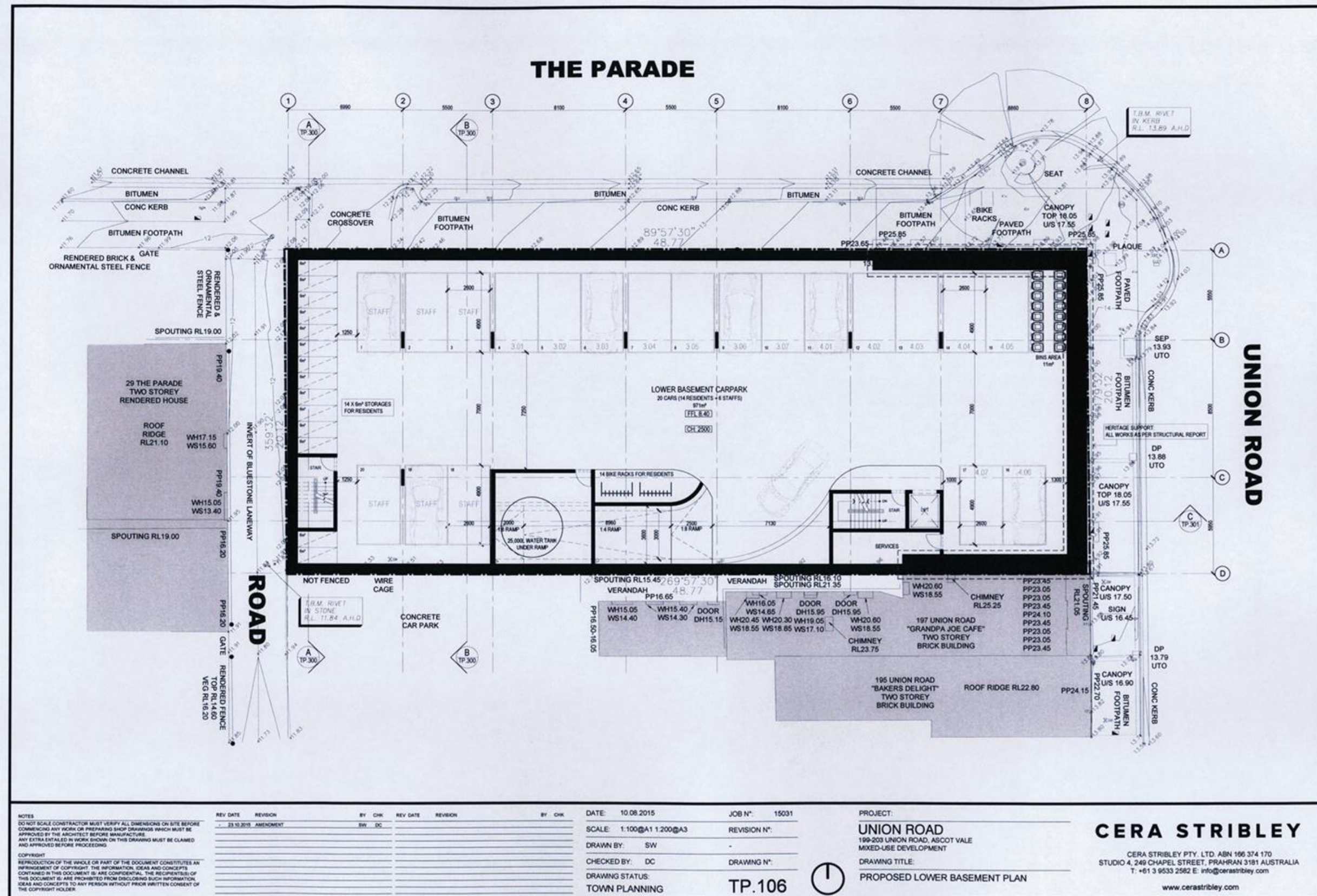


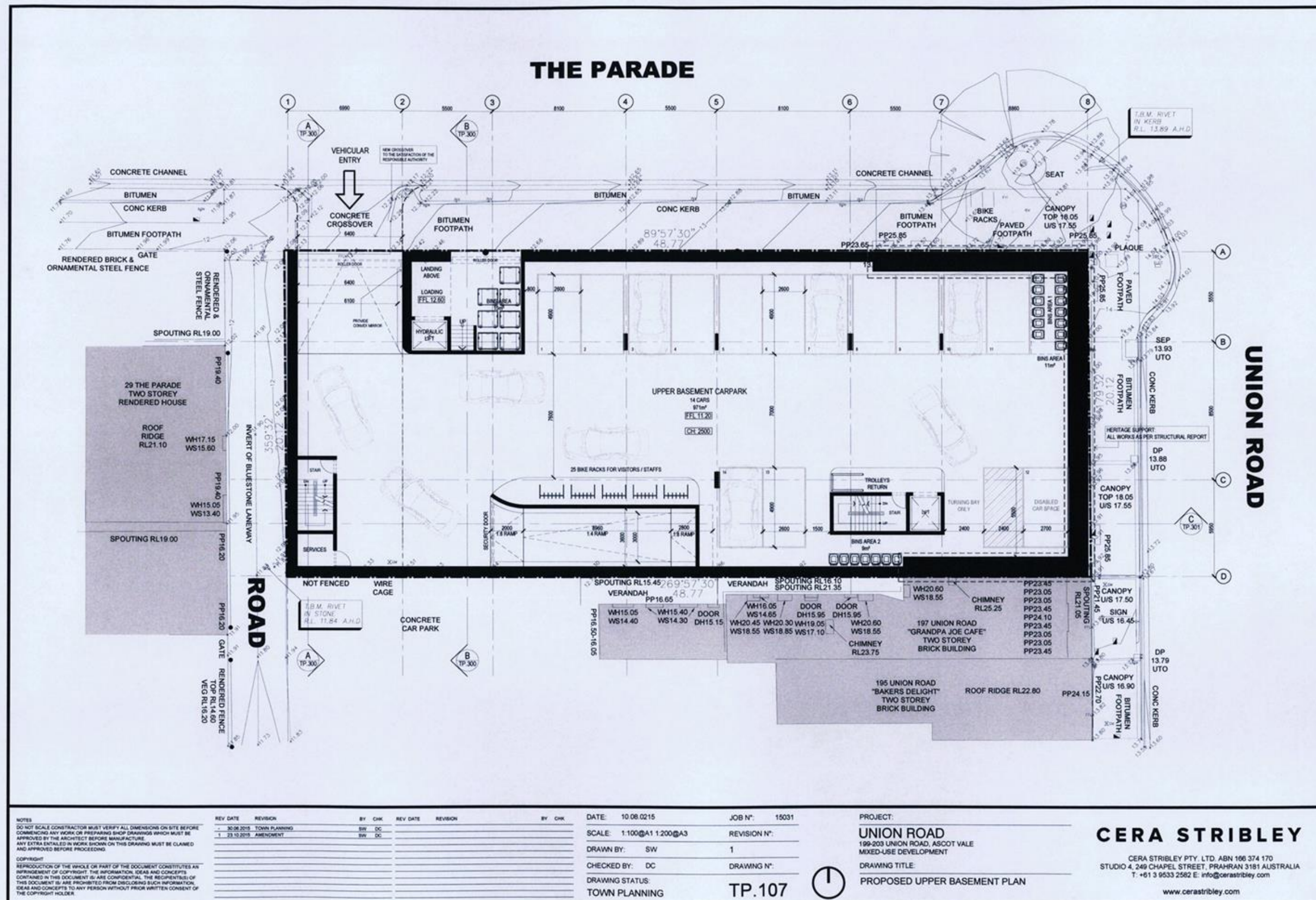


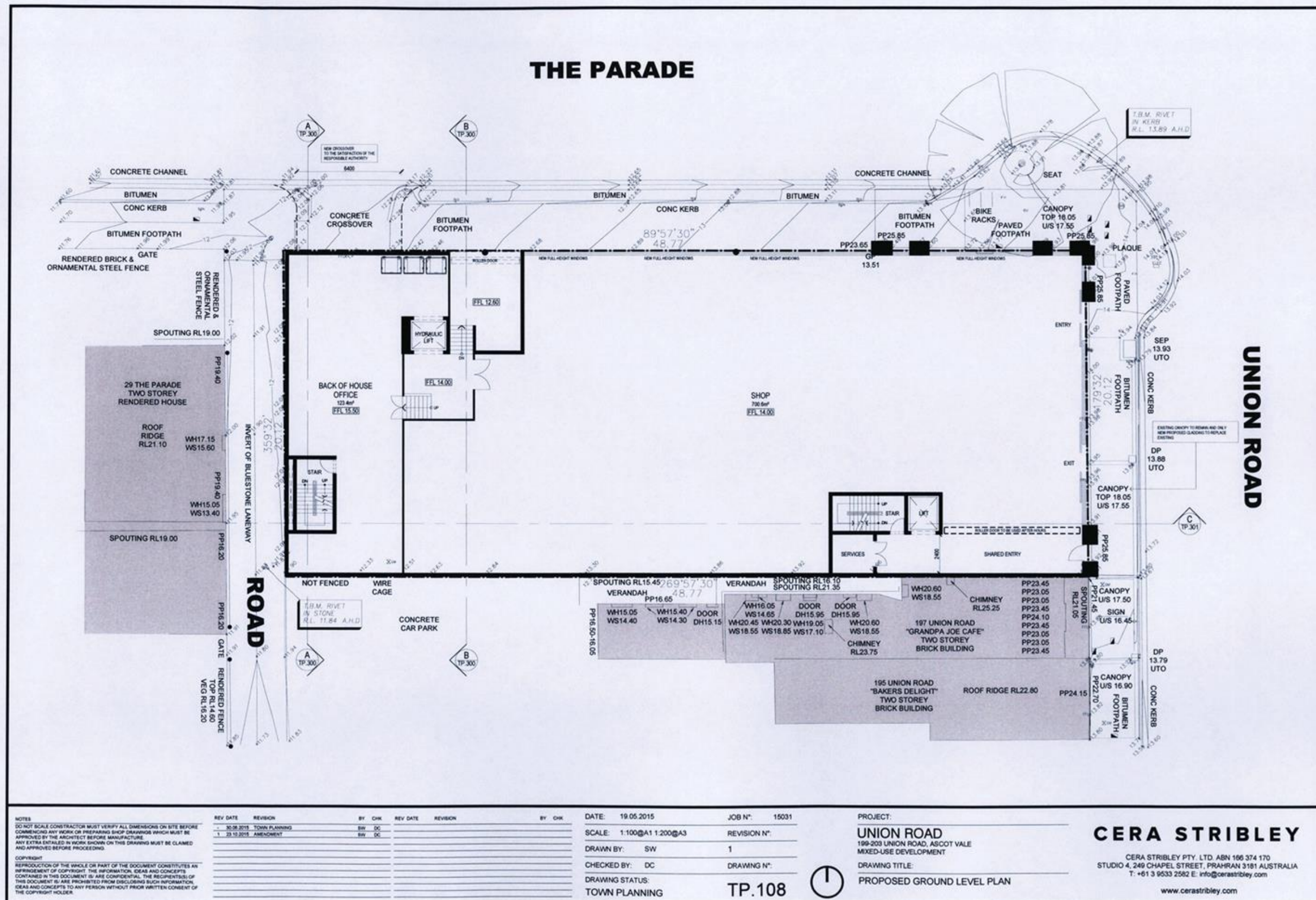


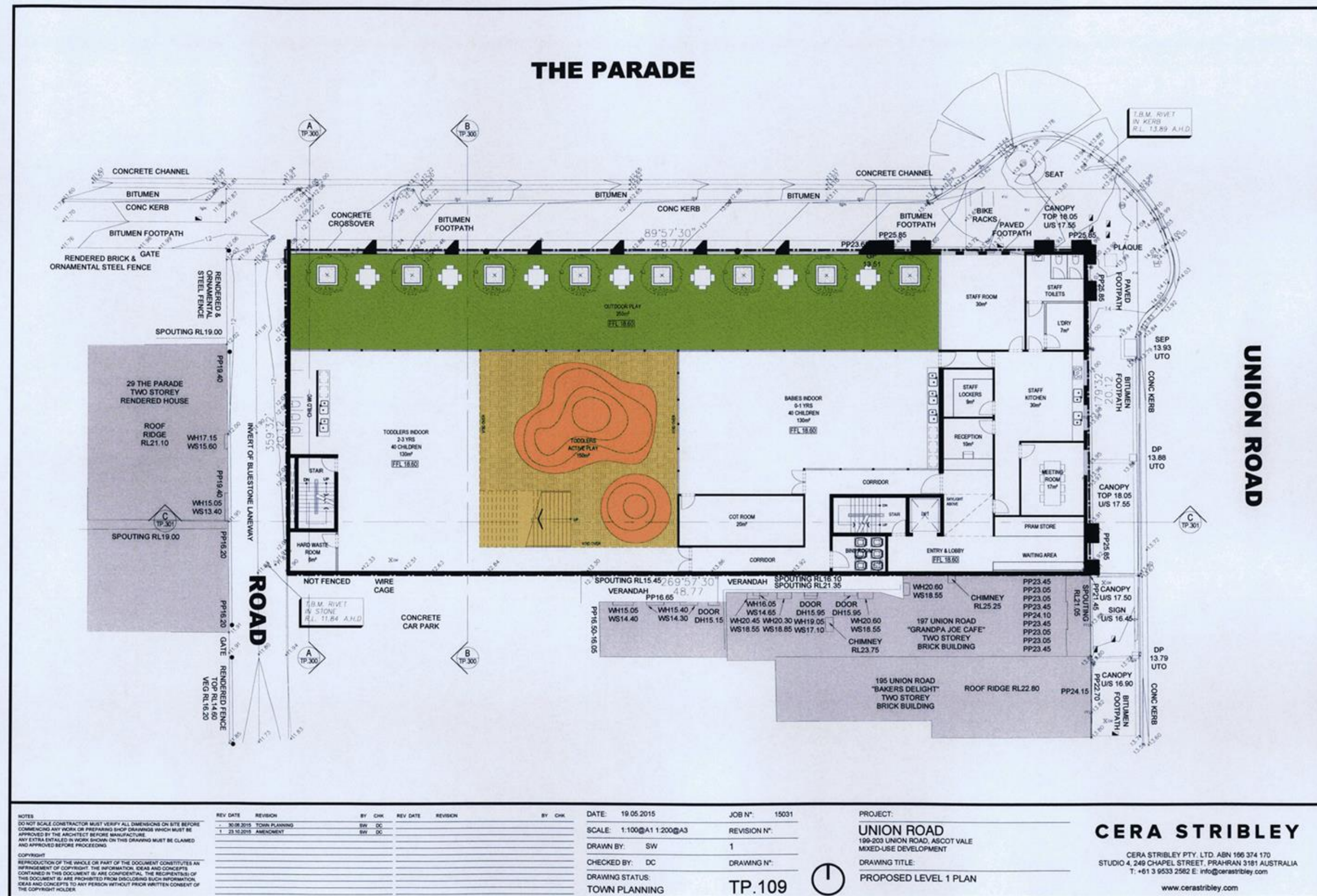


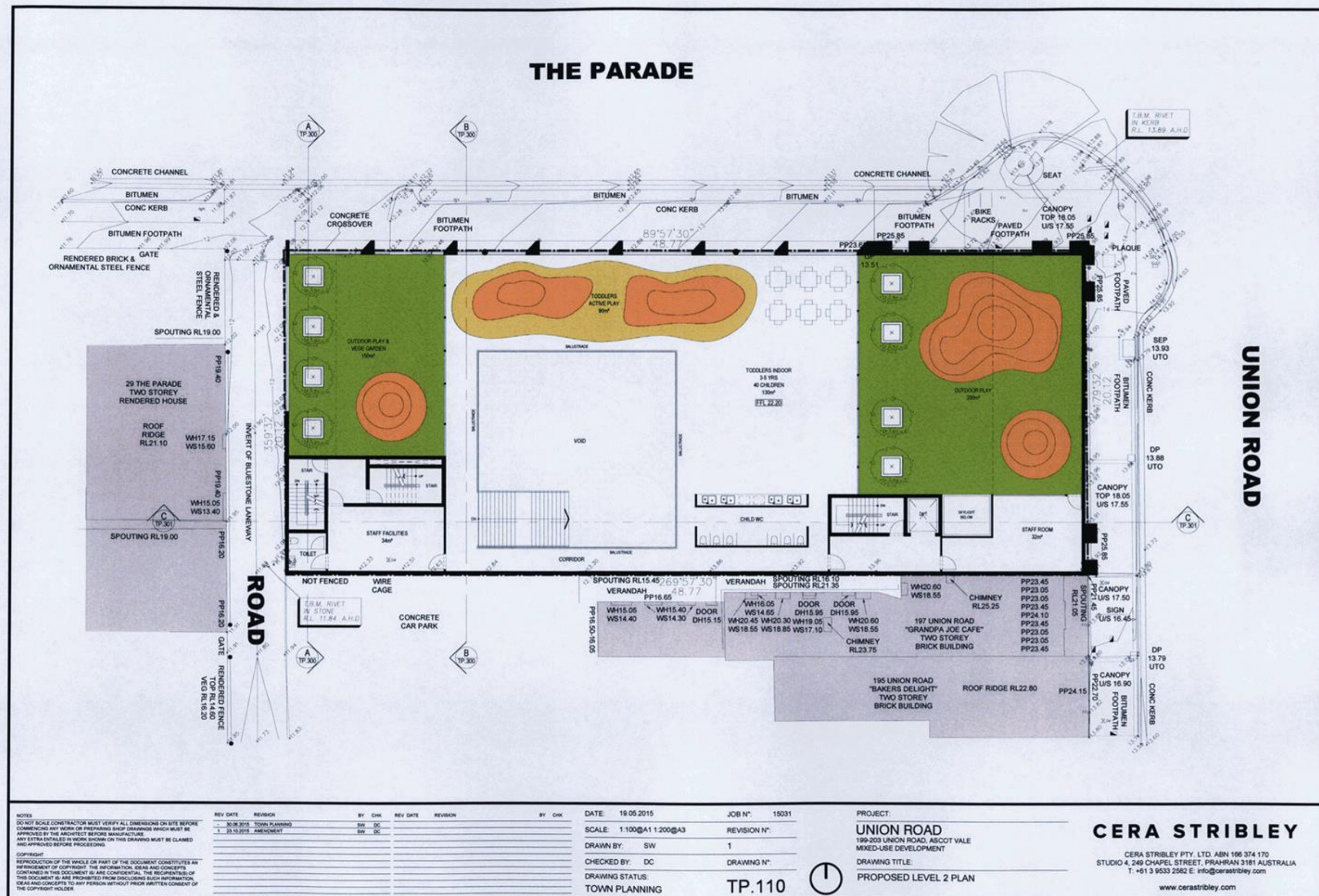


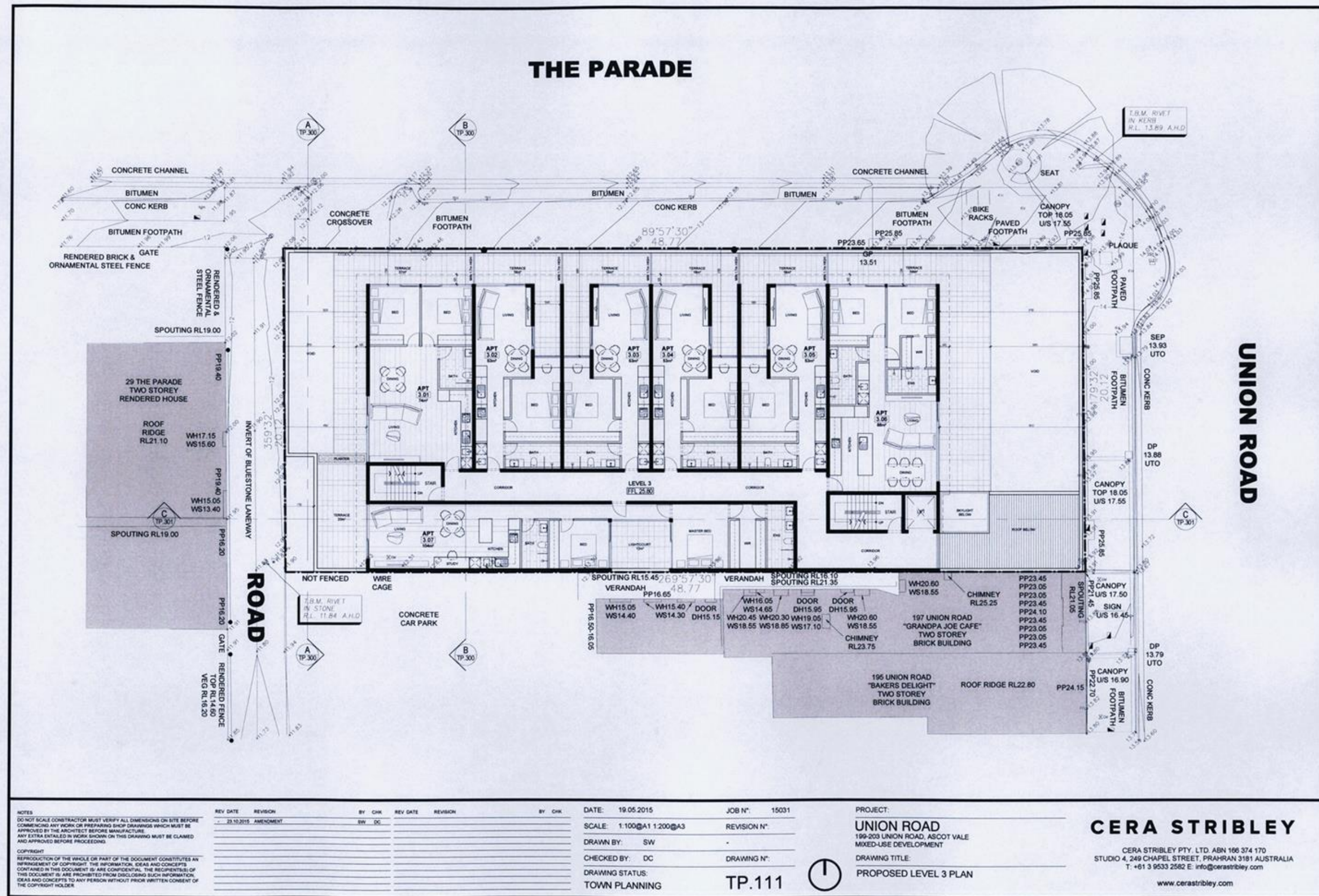


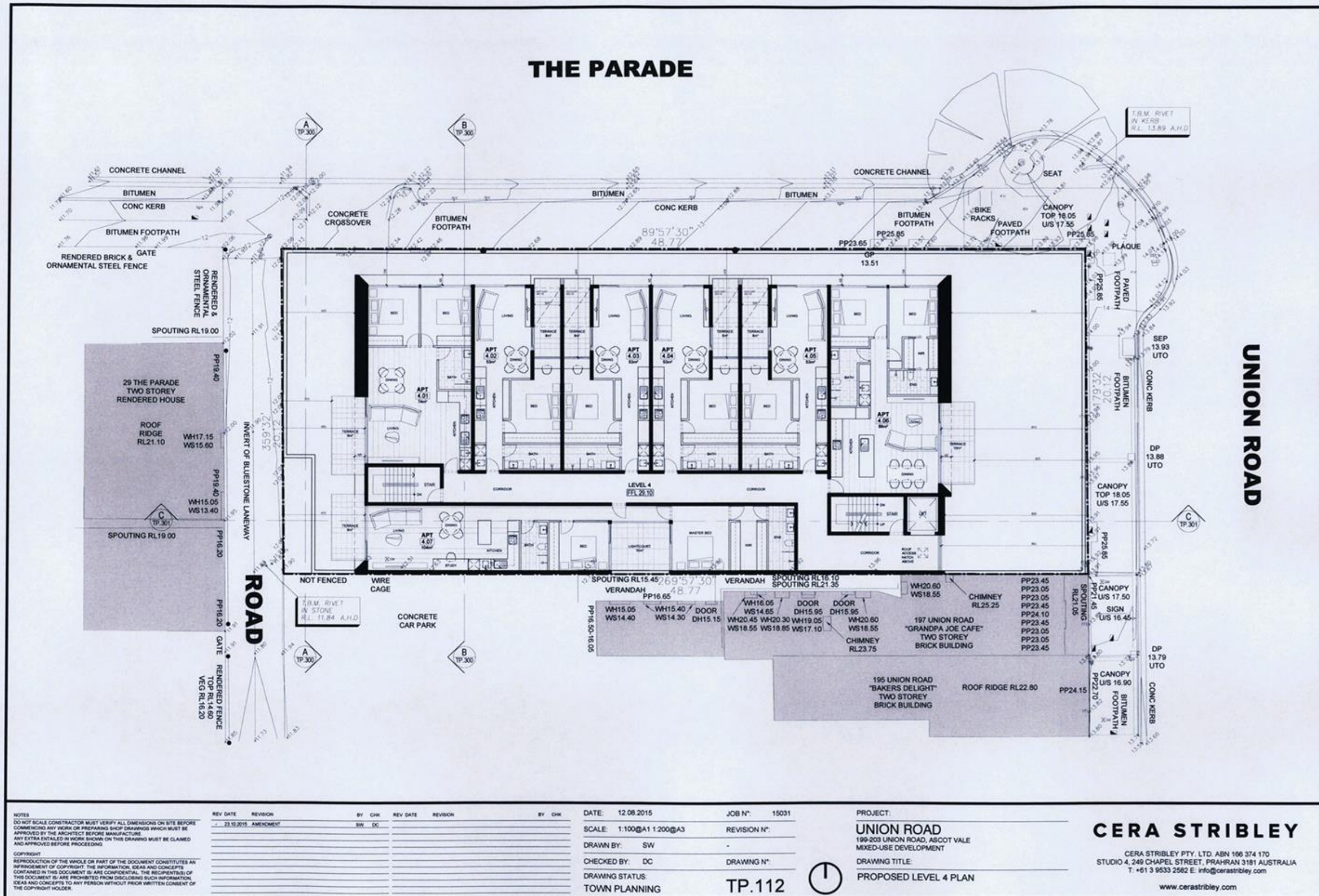


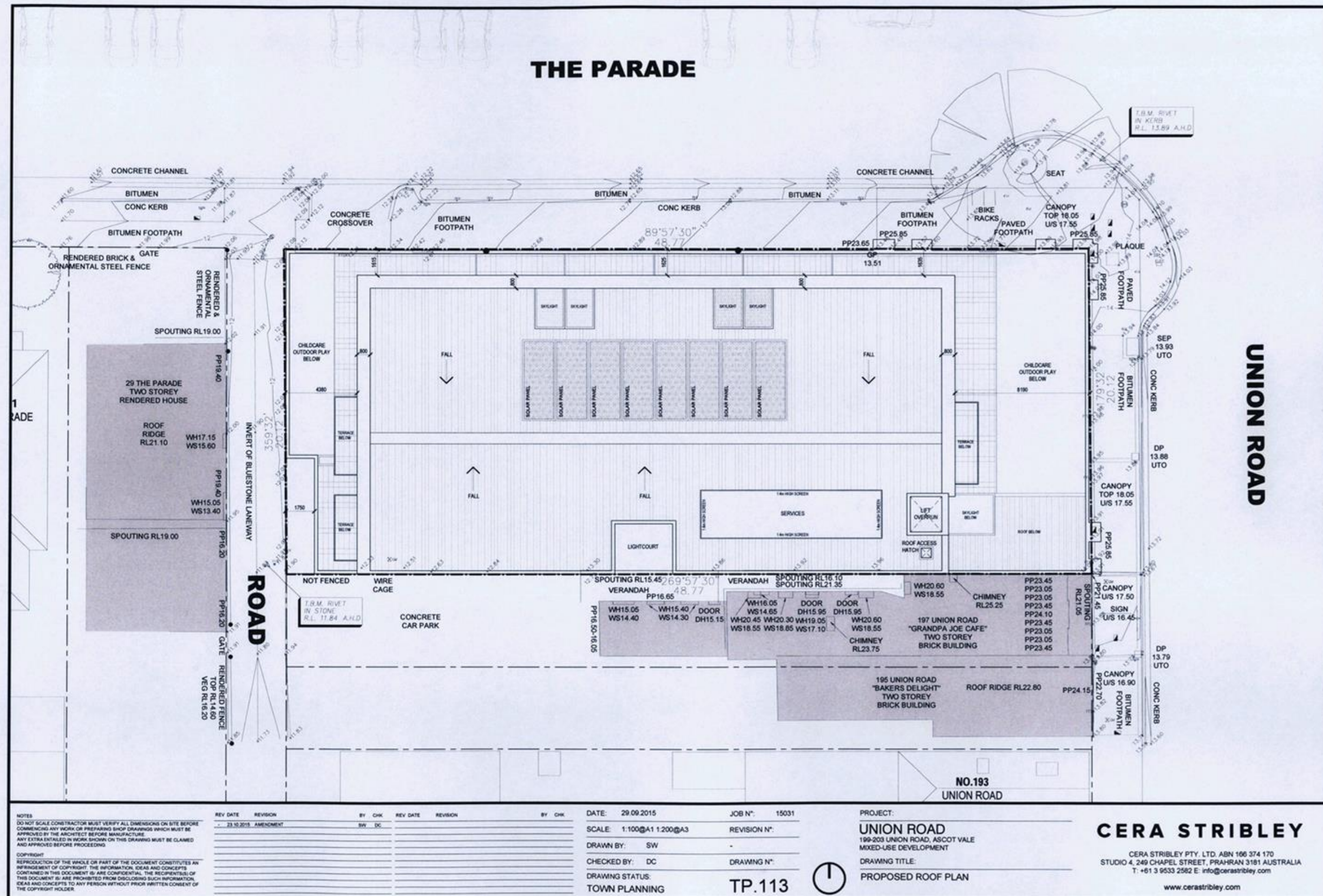


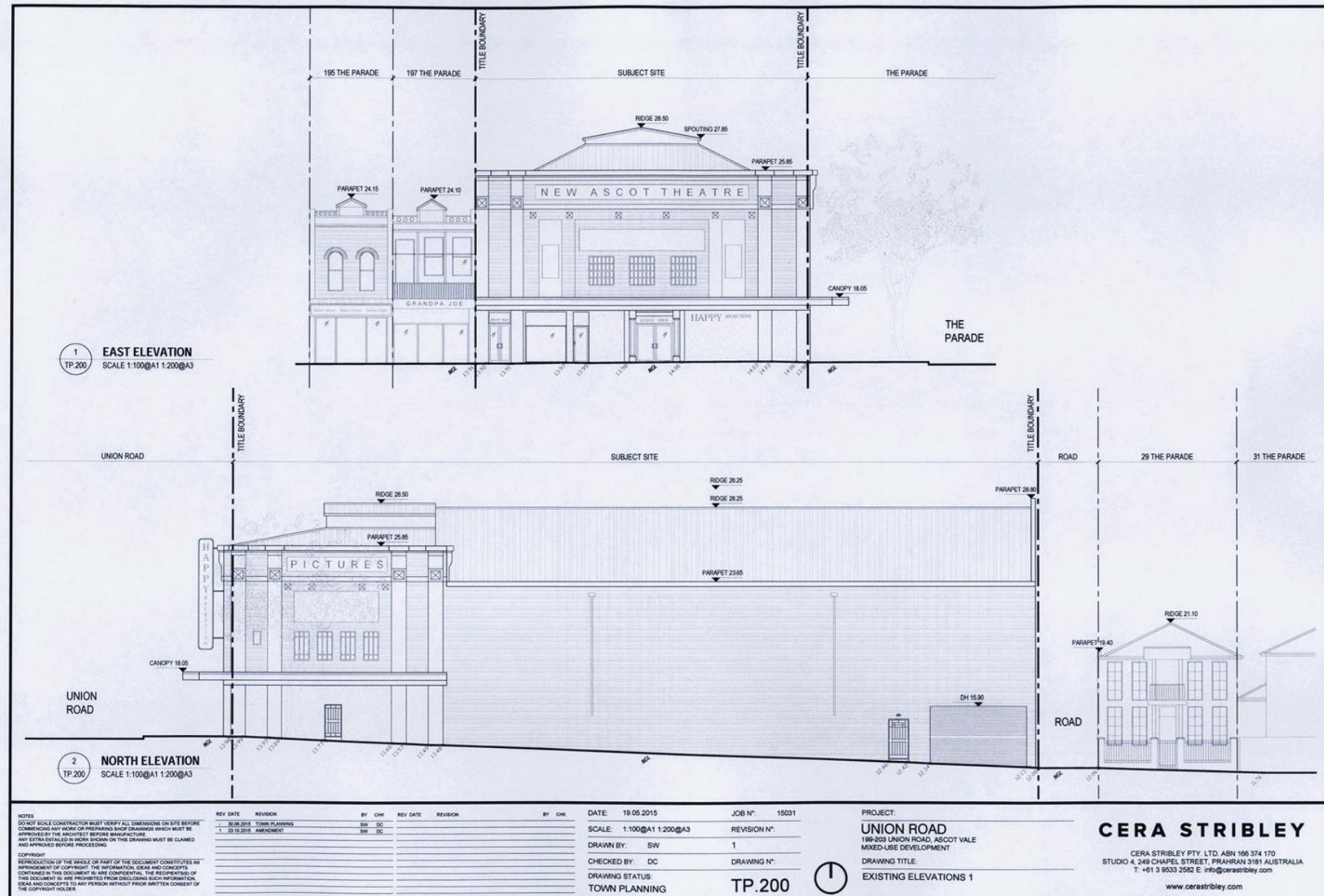


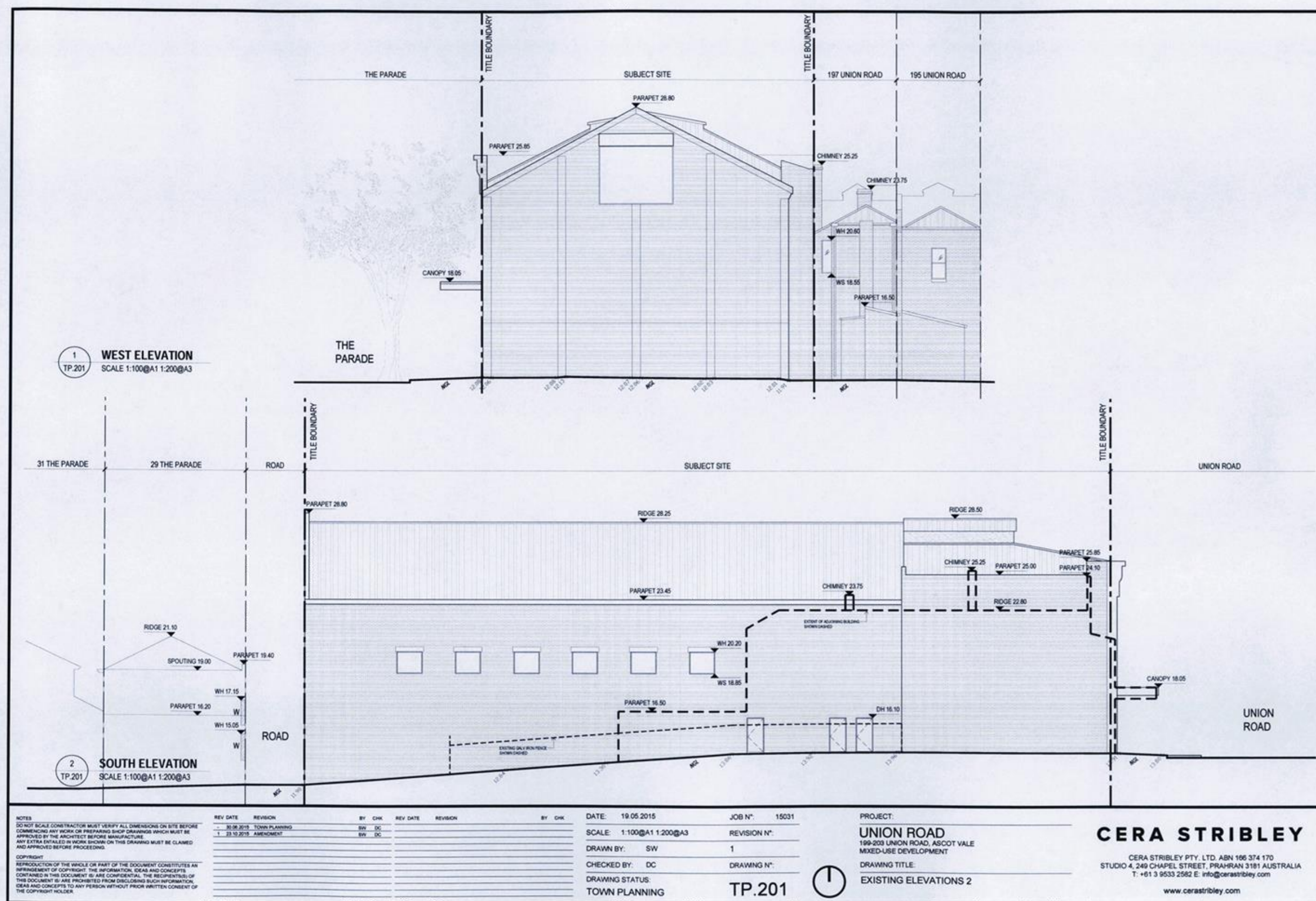


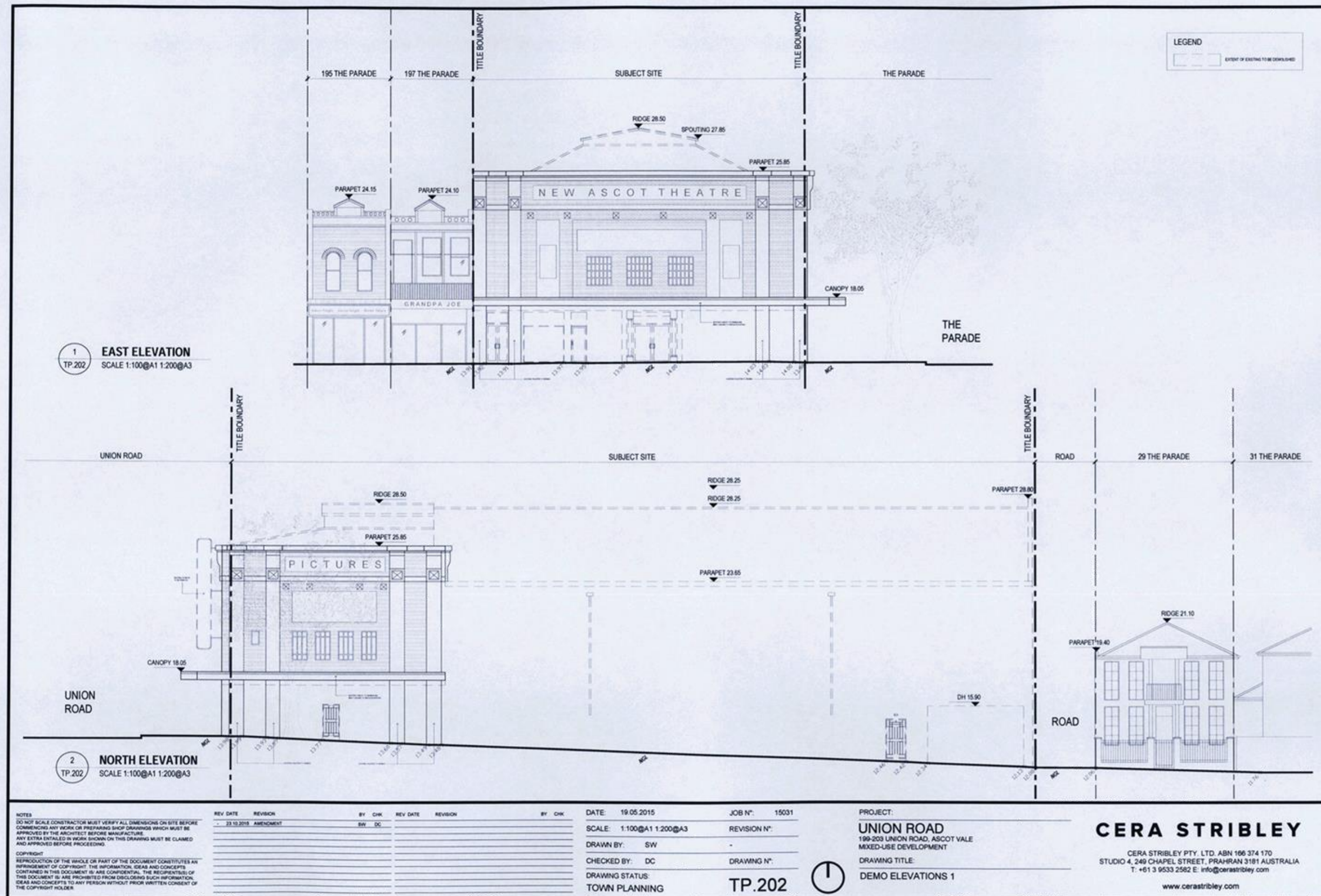


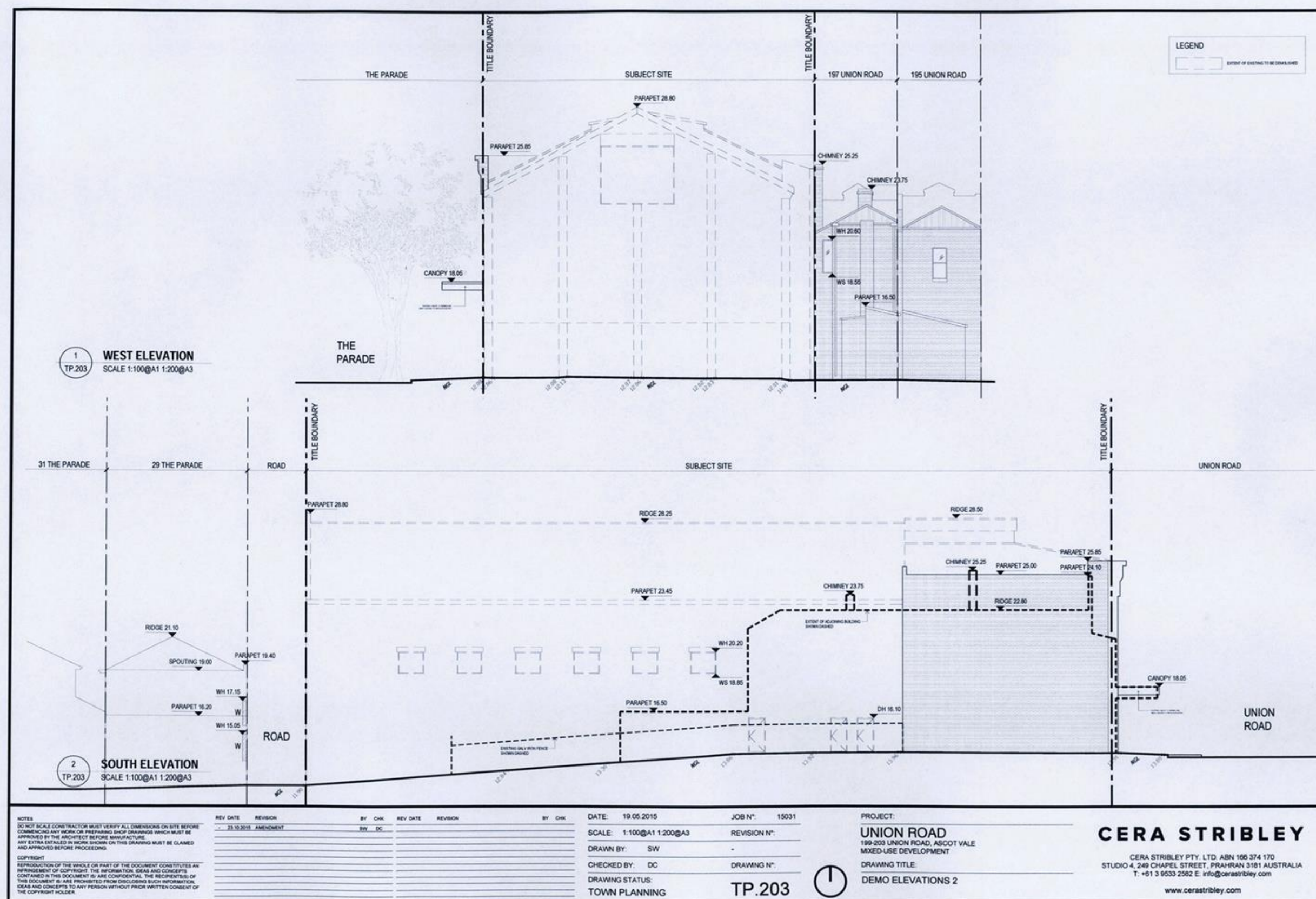


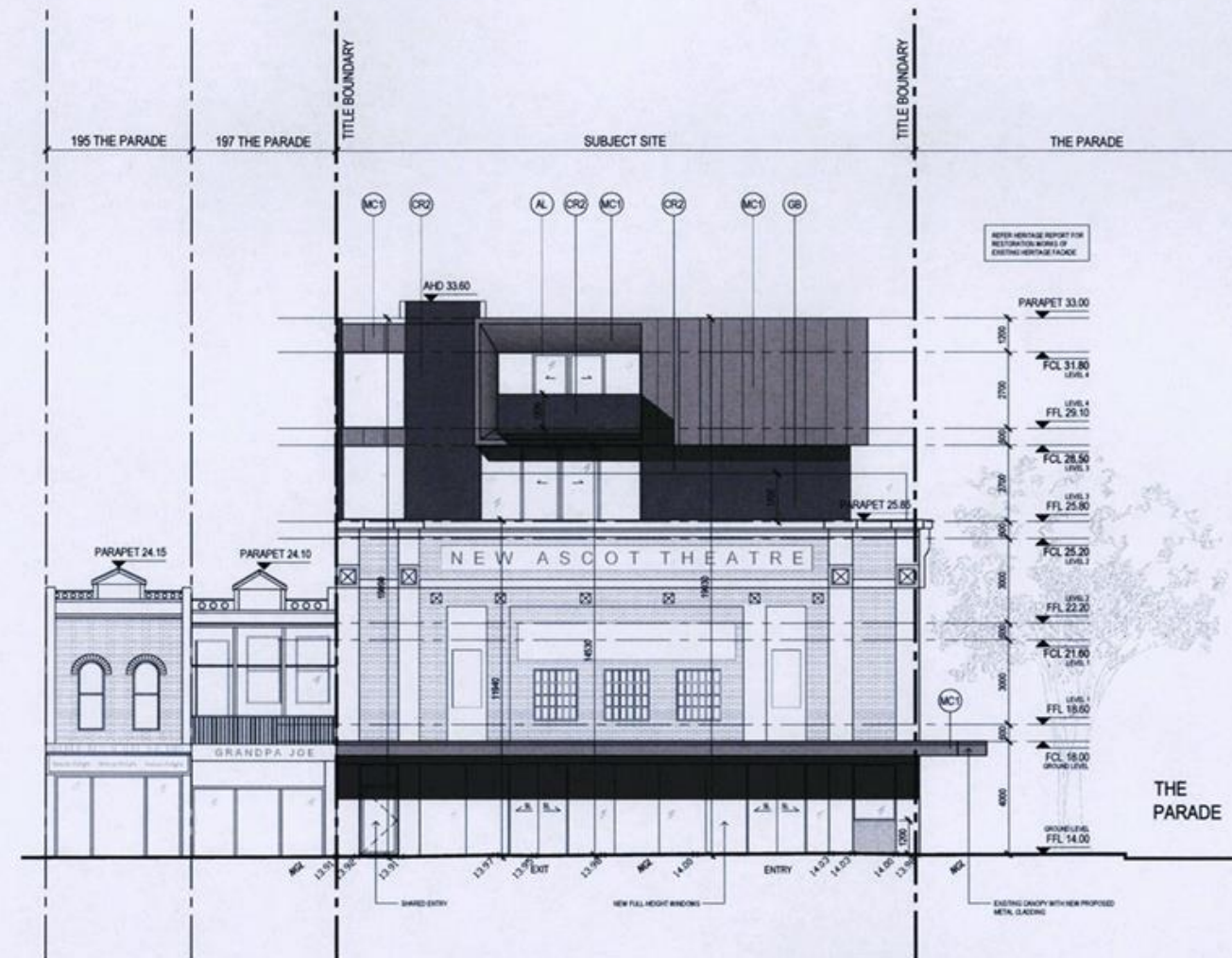












1 EAST ELEVATION (UNION ROAD)
TP.204 SCALE 1:100@A1 1:200@A3

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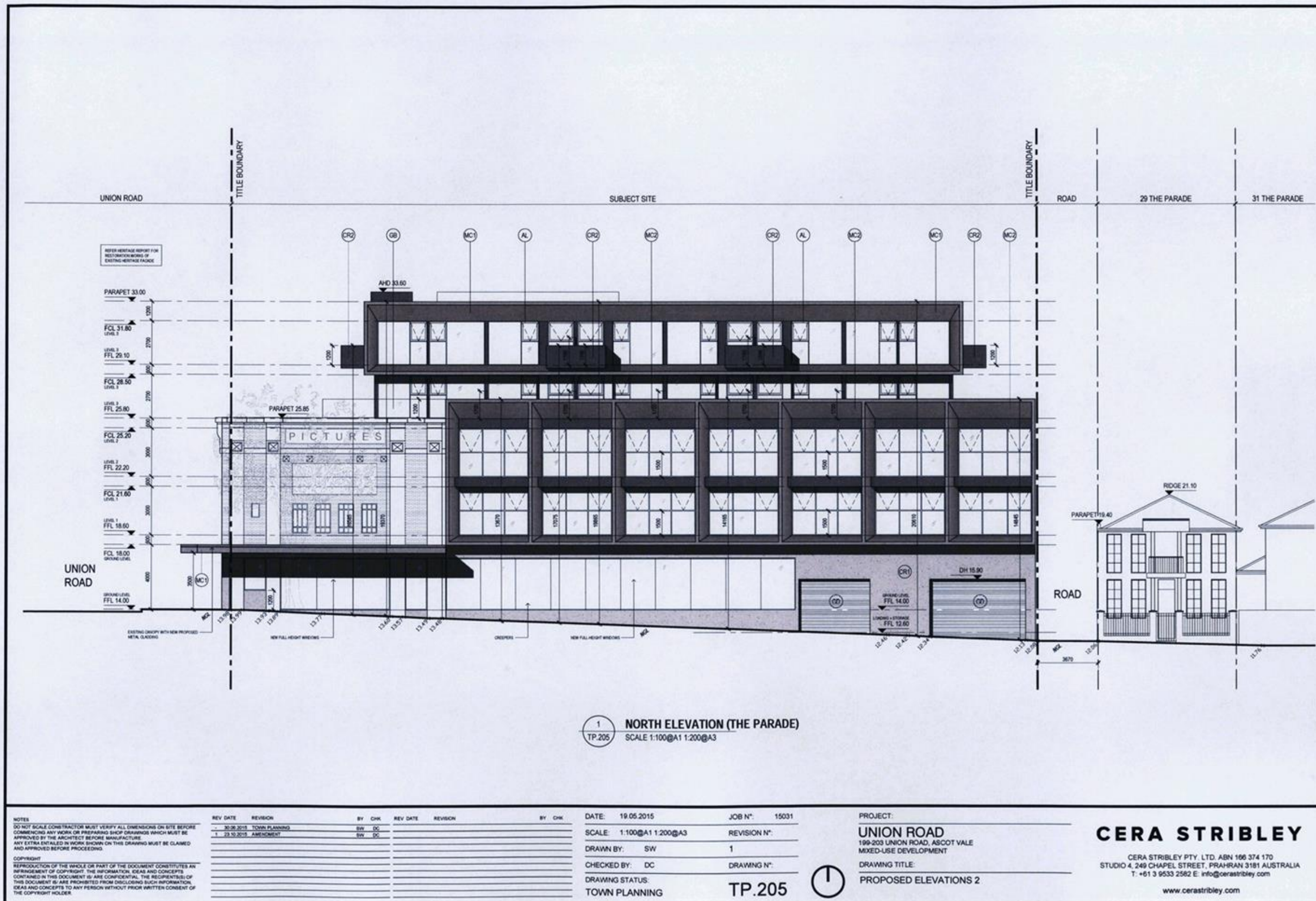
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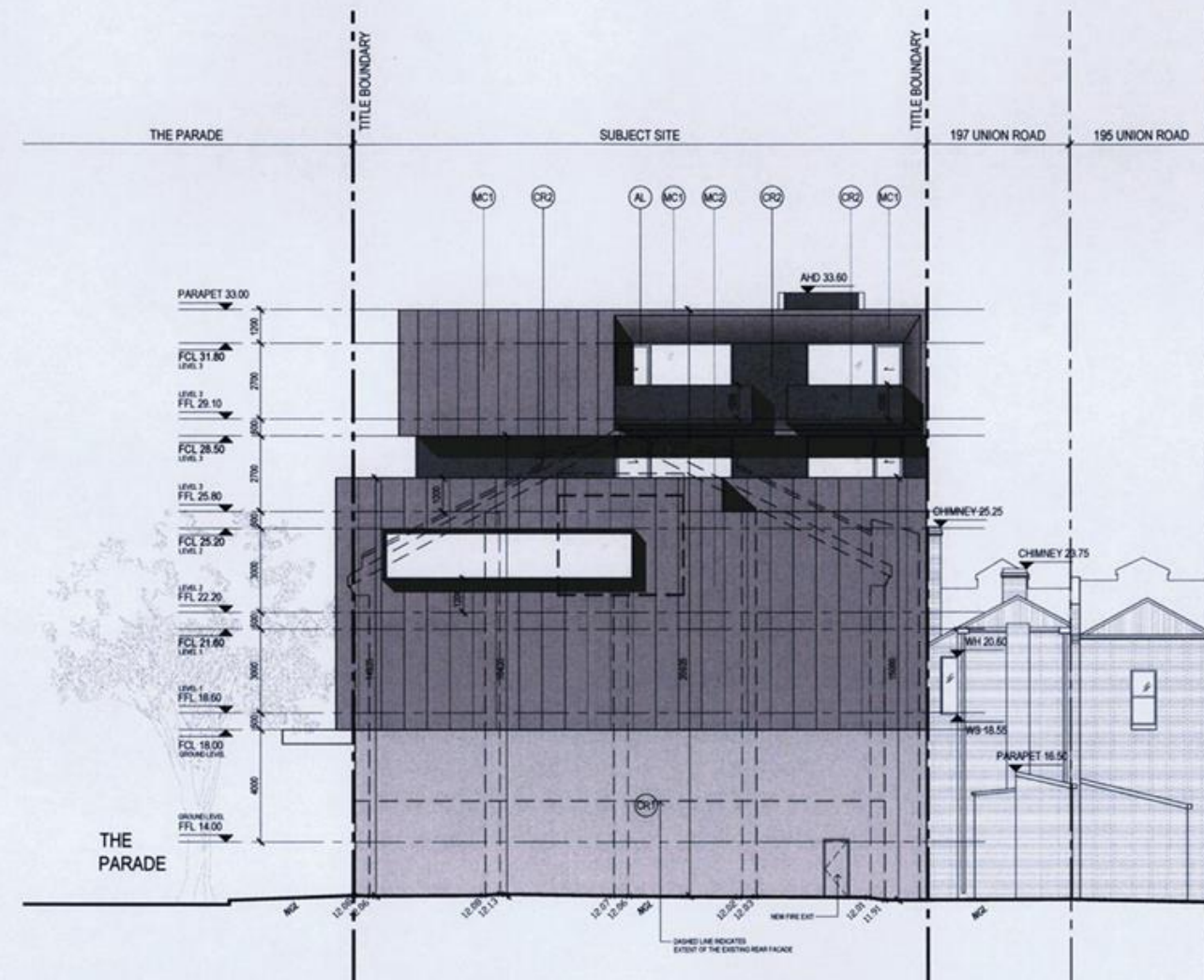
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CHECKED BY: DC DRAWING N°:
DRAWING STATUS: TP.204
TOWN PLANNING



PROJECT:
UNION ROAD
199-203 UNION ROAD, ASCOT VALE
MIXED-USE DEVELOPMENT
DRAWING TITLE:
PROPOSED ELEVATIONS 1

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CERA STRIBLEY PTY. LTD. ABN 166 374 170
STUDIO 4, 249 CHAPEL STREET, PRAHRAN 3181 AUSTRALIA
T: +61 3 9533 2582 E: info@cerastribley.com
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1 WEST ELEVATION (ROAD)
SCALE 1:100@A1 1:200@A3

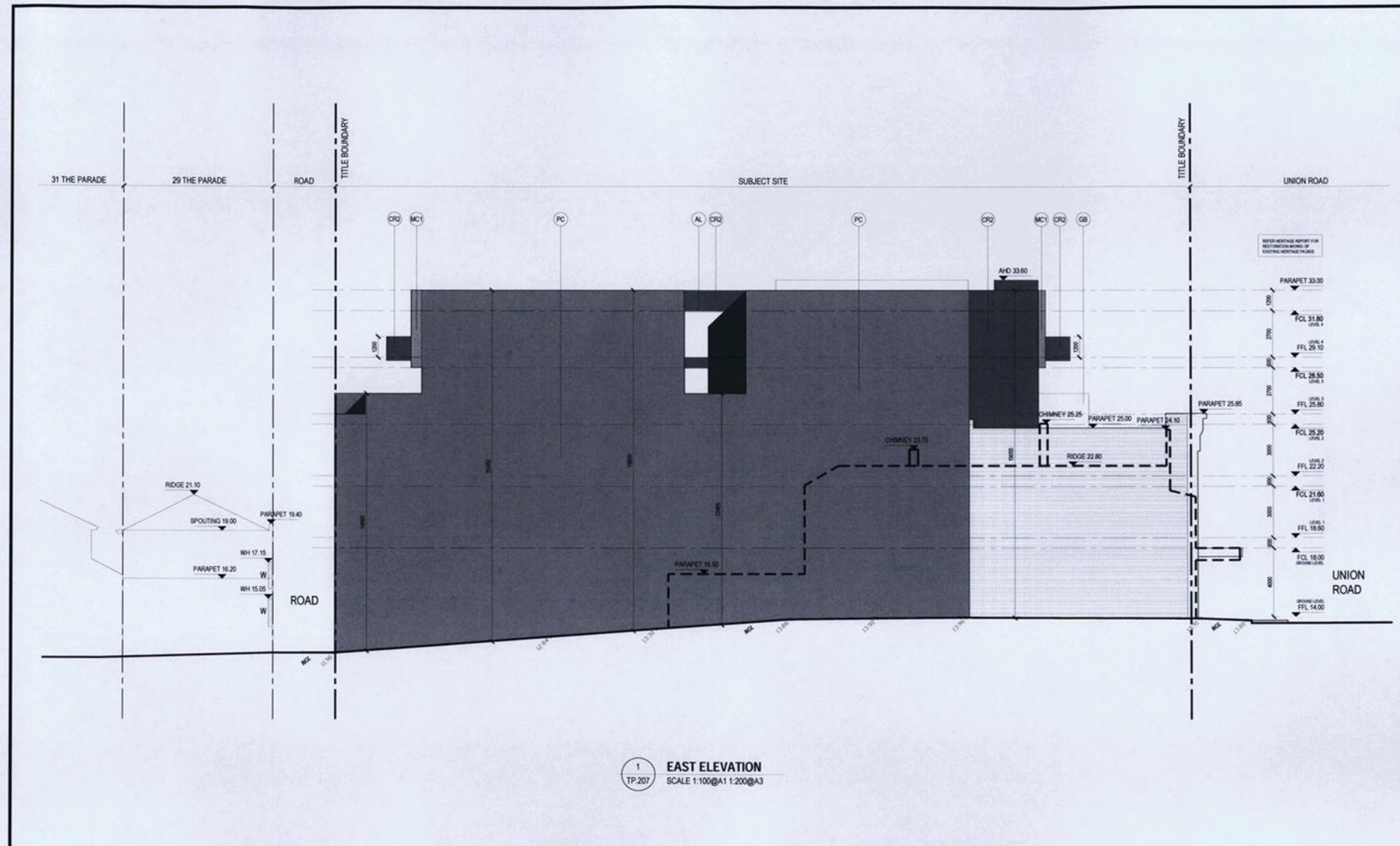
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DRAWN BY: SW
CHECKED BY: DC DRAWING N°:
DRAWING STATUS: TP.206
TOWN PLANNING

PROJECT:
UNION ROAD
199-203 UNION ROAD, ASCOT VALE
MIXED-USE DEVELOPMENT
DRAWING TITLE:
PROPOSED ELEVATIONS 3

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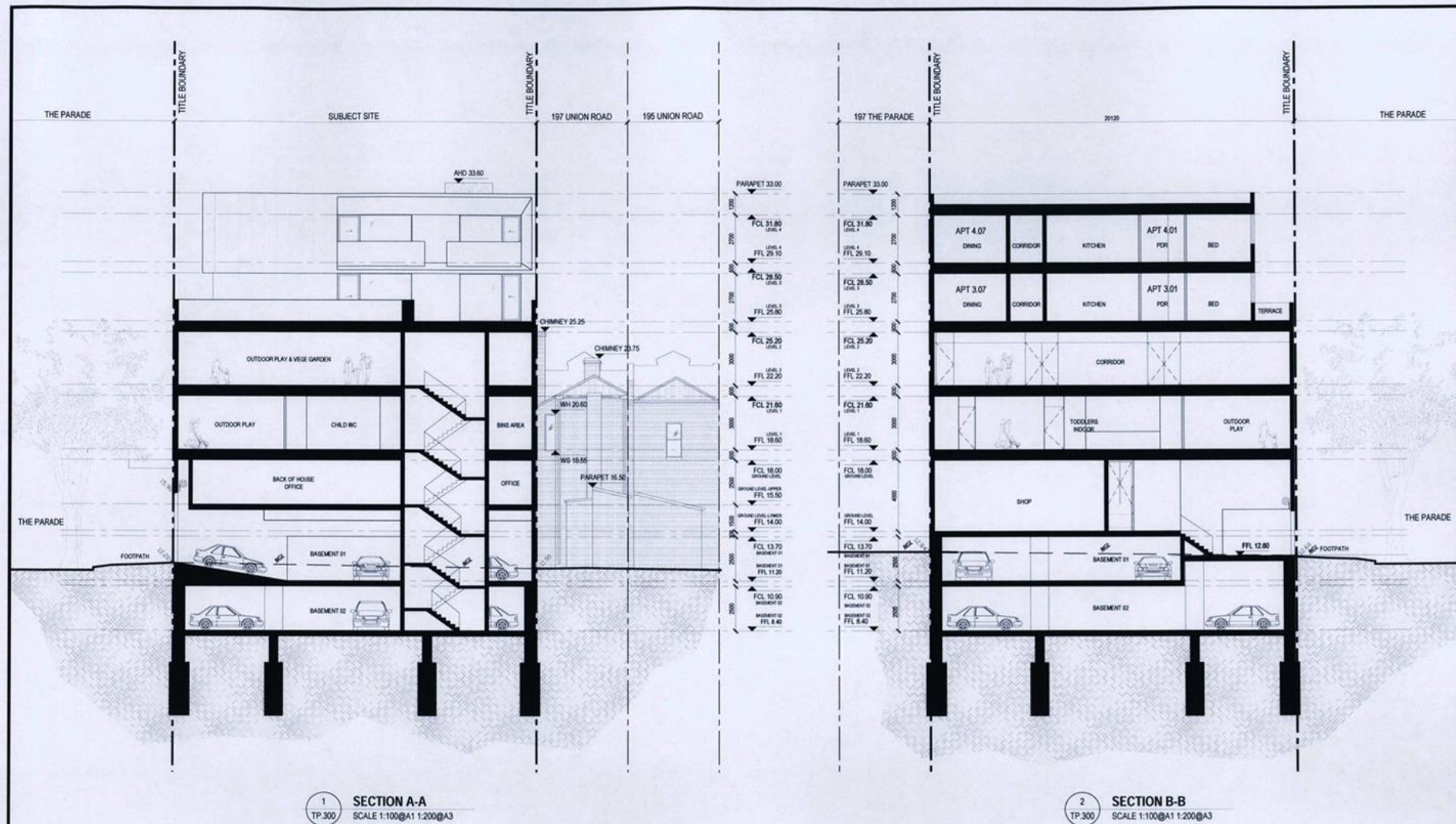
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 DRAWN BY: SW
 CHECKED BY: DC DRAWING N°:
 DRAWING STATUS: TP.207
 TOWN PLANNING



PROJECT:
 UNION ROAD
 199-203 UNION ROAD, ASCOT VALE
 MIXED-USE DEVELOPMENT
 DRAWING TITLE:
 PROPOSED ELEVATIONS 4

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 STUDIO 4, 249 CHAPEL STREET, PRAHRAN 3181 AUSTRALIA
 T: +61 3 9533 2582 E: info@cerastribley.com
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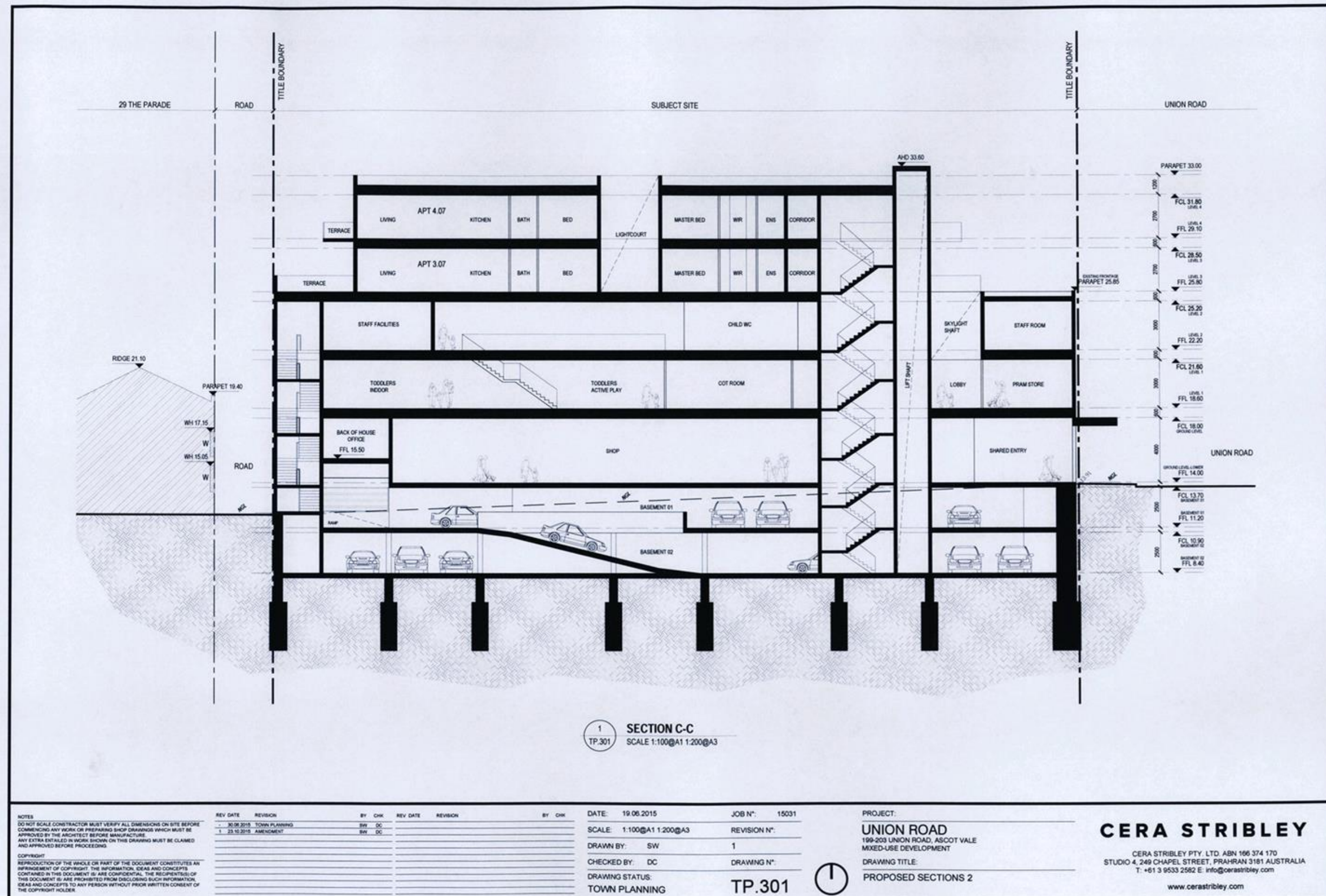
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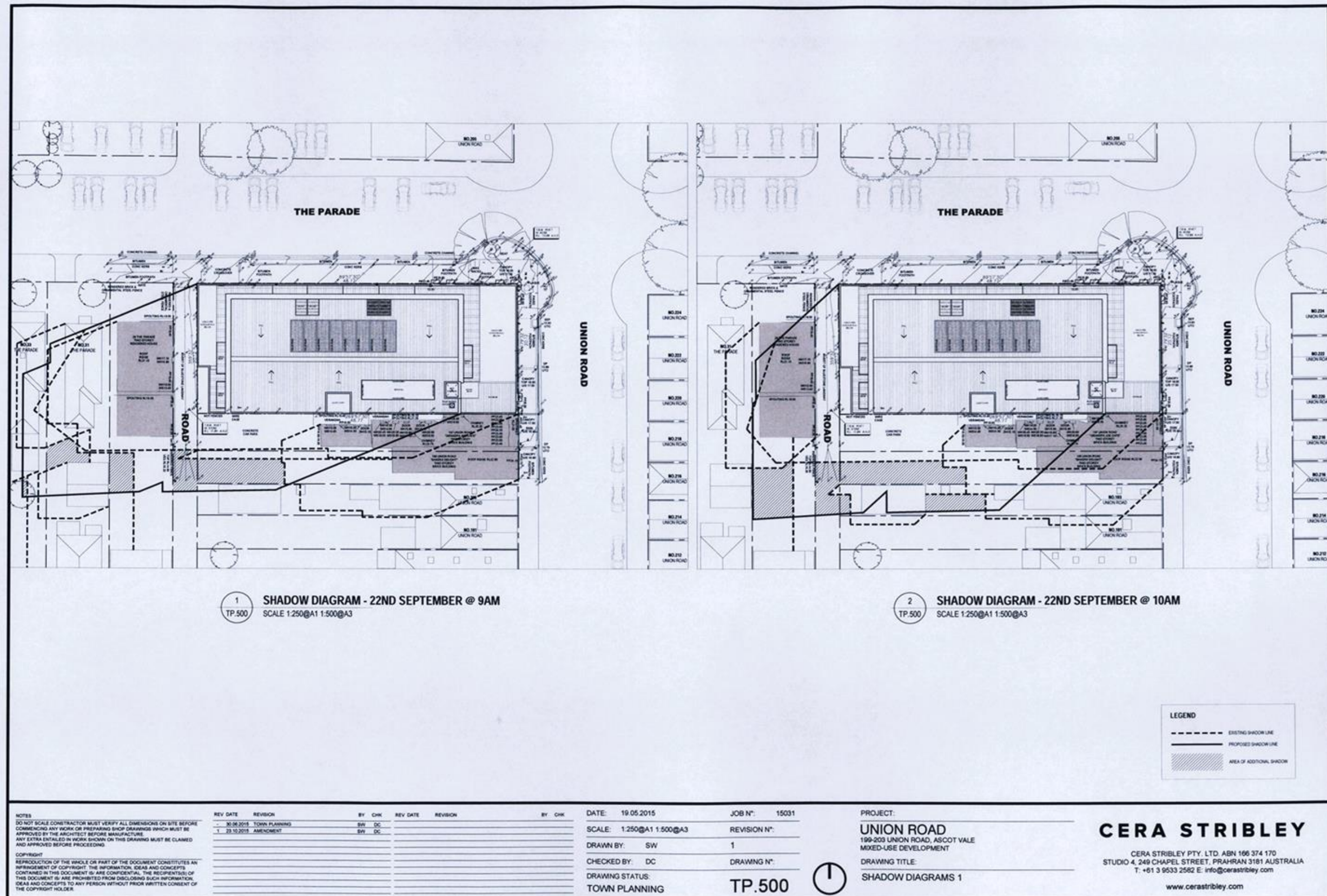
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| 2 | 23.10.2015 | TP | DC | | | | |

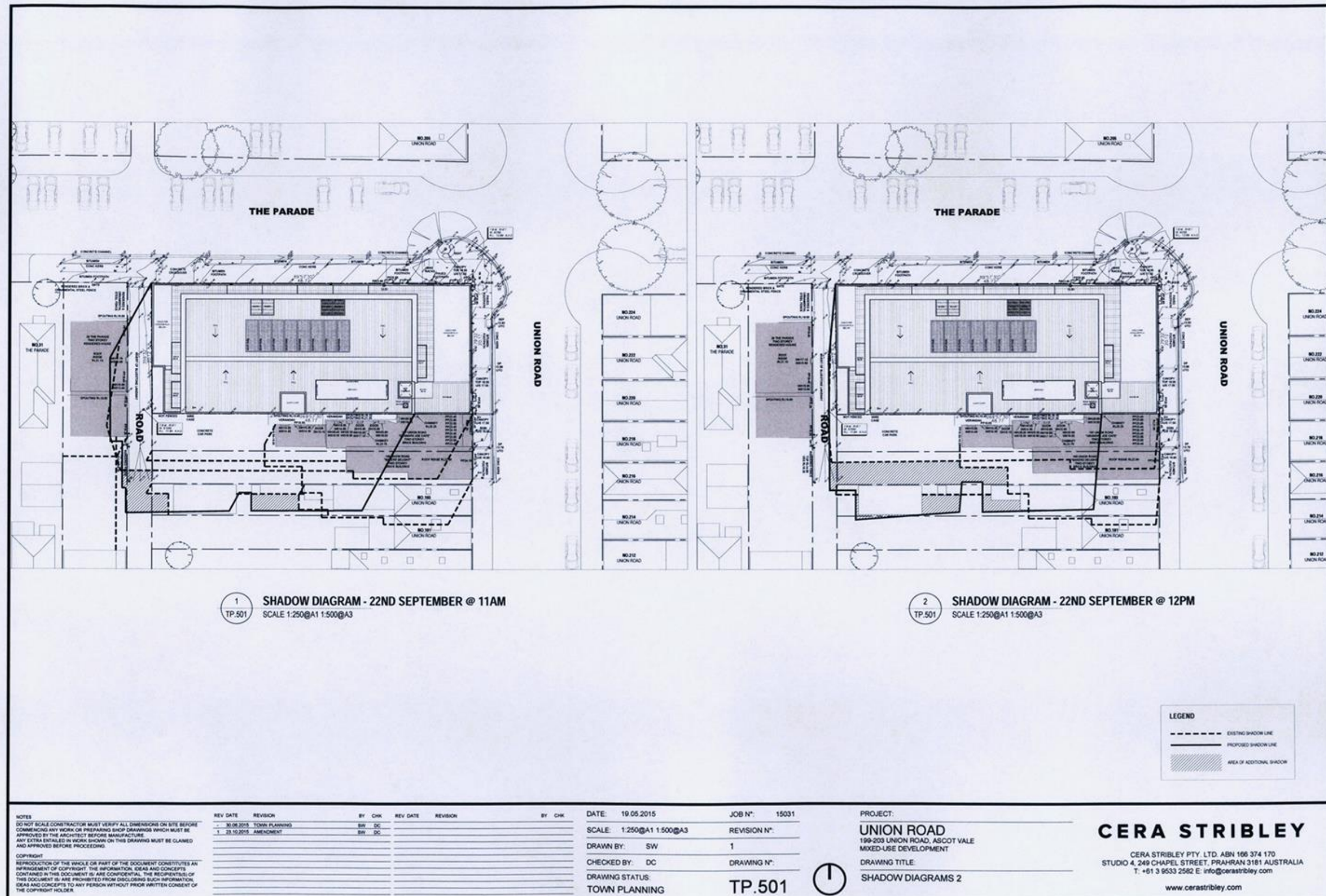
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REVISION N°: 1
DRAWING N°: TP.300

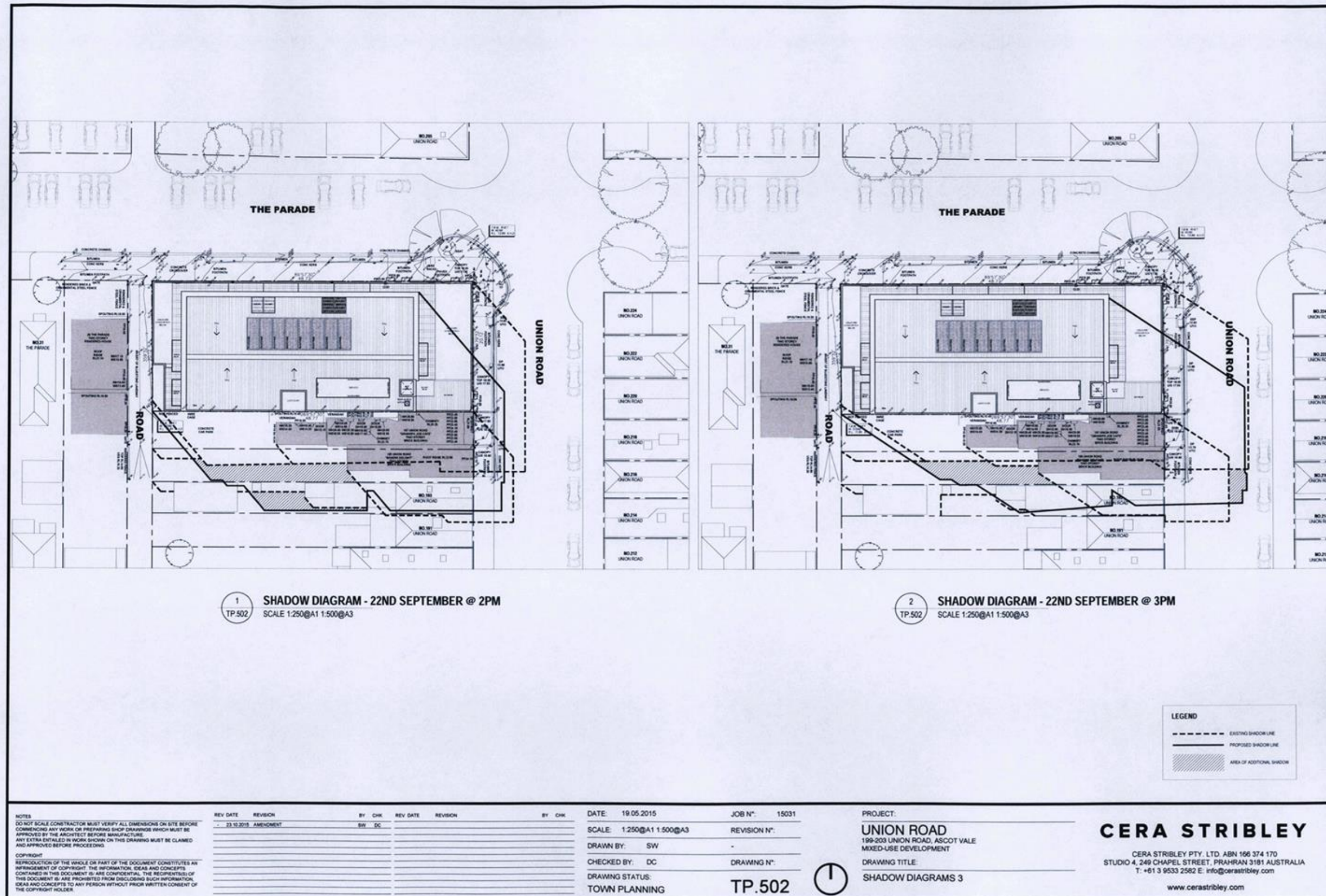
PROJECT:
UNION ROAD
199-203 UNION ROAD, ASCOT VALE
MIXED-USE DEVELOPMENT
DRAWING TITLE:
PROPOSED SECTIONS 1

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STUDIO 4, 249 CHAPEL STREET, PRAHRAN 3181 AUSTRALIA
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6.00 SCHEMATIC VIZUALISATION



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6.01 SCHEMATIC VIZUALISATION



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6.02 SCHEMATIC VIZUALISATION



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TOWN PLANNING

7.00 MATERIAL SCHEDULE



MC1
EXTERNAL METAL
CLADDING
COLOUR-LIGHT GREY



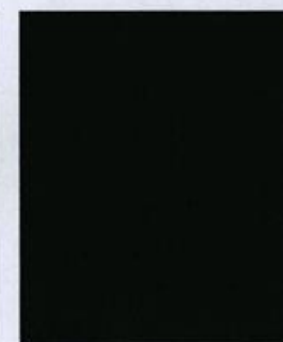
MC2
EXTERNAL METAL
CLADDING
COLOUR-CHARCOAL



CR1
CONCRETE RENDER.
COLOUR-NATURAL



CR2
CONCRETE RENDER.
COLOUR-CHARCOAL



PC
PRECAST CONCRETE
PANELS.
COLOUR-BLACK



AL
ALUMINIUM WINDOWS/
DOORS.
COLOUR-DARK GREY



GD
STEEL GARAGE ROLLER
DOOR.
COLOUR-DARK GREY



GB
FRAMELESS GLASS
BALUSTRADE

9.3 29-35 St Kinnord Street, Aberfeldie (Lots 20 & 22 Block D on PS 002016) - Construction of a single storey addition to be used in association with an existing kindergarten

File No: FOL/16/130
Author: Senior Statutory Planner
Directorate: Planning & Development
Ward: Buckley

| | |
|--|--|
| Planning File No. | MV/169/2013/A |
| Proposal | Amendment to previously issued planning permit to allow 55 children on the land at any one time in lieu of 26 and subsequent reduction in car parking requirements |
| Applicant | BPA Children's Services |
| Owner | Anglican Diocese of Melbourne |
| Planning Scheme Controls | General Residential Zone Environmental Significance Overlay Schedule 2 |
| Car Parking Requirements (Clause 52.06) | Required: 7 spaces Provided: 2 spaces Existing credit: 5 spaces |
| Bicycle Requirements | Not applicable |
| Restrictive Covenants | None |
| Easements | None |
| Site Area | 3,420sqm |
| Number Of Objections | 10 |
| Consultation Meeting | 22 June 2016 |

Executive Summary

- This application seeks to amend Planning Permit MV/169/2013, which was issued by Council for the construction of a single storey addition to be used in association with an existing kindergarten issued on the 20 February 2014.
- The kindergarten is located at 29-35 St Kinnord Street, Aberfeldie. The site includes the St Andrew's Anglican Church and Hall, two single storey kindergarten buildings, play equipment and two tennis courts. The land is within a General Residential Zone and is partially affected by Schedule 2 to the Environmental Significance Overlay which relates to a significant tree located within the rear yard of an adjoining property to the east.
- Condition 1(a) of the current permit ties the kindergarten to a maximum student number of 26 on the land at any one time. This limit on numbers was imposed on the permit after it was determined that the kindergarten has existing use rights (pursuant to Section 97N of the *Planning and Environment Act 1987*) for a maximum of 26 children. Existing use rights were formalised on 16 January 2014.
- The amendment submitted for consideration seeks to increase the maximum permissible number of children on the land at any one time from 26 to 55. This is as a result of recent changes to the Education and Care Services National Regulations which decreased staff-to-child ratios for kindergartens from 1:15 to 1:11.
- The amendment generates a requirement for 7 additional car parking spaces to be provided on the subject site, based on a net increase of 29 children. Two car parking spaces are provided on the site and as such a reduction in car parking requirements is sought.
- The application was referred internally to Council's Traffic and Transportation Unit for comment on the proposed reduction in car parking requirements. Conditional support was provided.
- The application was advertised and 10 objections were received. Concerns were raised relating to a lack of on-street car parking in the street and traffic and safety issues as well as devaluation of property. A major concern raised by nearby and adjoining residents relates to the operation of 'Gymbaroo' classes from the Church Hall throughout the week, which creates a high demand for on-street car parking.
- A Consultation Meeting was held on 22 June 2016, attended by Councillor Giuliano, objectors, the permit applicants and Council's Planning Officer. Whilst no resolution was achieved at this meeting, the objectors and Councillor Giuliano have engaged in further discussions regarding traffic management in the street to explore potential solutions such as imposing parking restrictions.
- The main issue for consideration is whether St Kinnord Street is capable of accommodating the demand for car parking generated by the proposed increase in child numbers at the kindergarten, given the existing issues faced in the street.
- This assessment report finds the amendment 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 Amend a Planning Permit is issued, subject to additional and modified conditions.

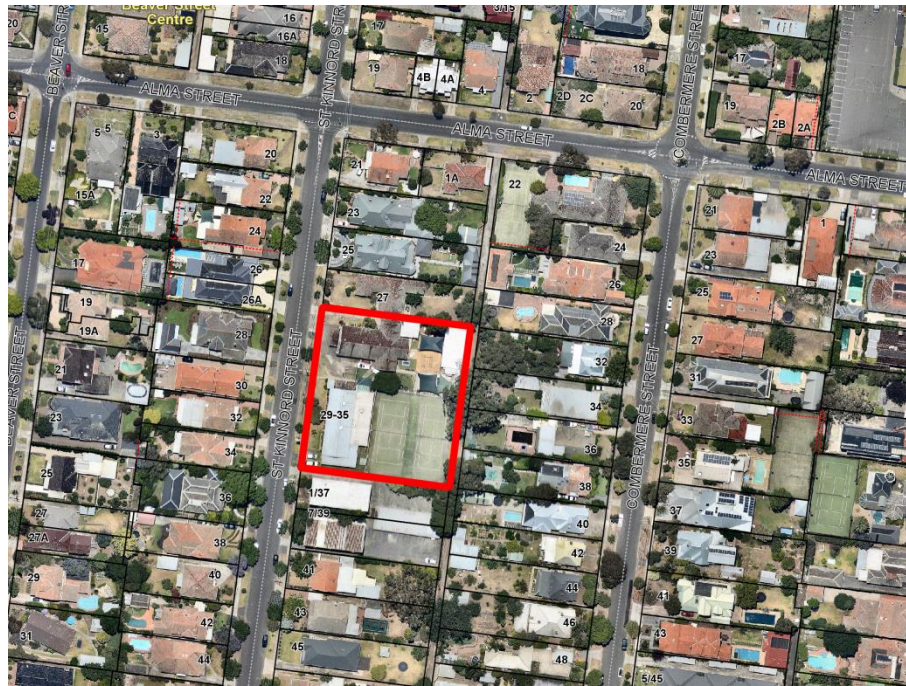


Figure 1: Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant an Amended Planning Permit in relation to Planning Permit Application No. MV/169/2013/A for the construction of a single storey addition to be used in associated with an existing kindergarten at 29-35 St Kinnord Street, Aberfeldie (Lots 20 & 22 Block D on PS 002016) in accordance with the following:

The following alterations to the Planning Permit:

- The preamble amended to read – “Construction of a single storey addition to be used in associated with an existing kindergarten and reduction in car parking requirements”.
- Condition 1(a) amended to read – “A notation to indicate not more than 55 children are to be present on the land at any one time”.
- New Condition 8 - “Except with the prior written consent of the Responsible Authority a minimum window of 30 minutes between all individual class starting and finishing times must be maintained”.
- New Condition 9 – “Except with the prior written consent of the Responsible Authority, no more than 55 children may be present on the land at any one time”.
- Existing Condition 8 renumbered to be Condition 10.

The inclusion of the following note:

- This permit has been amended to alter the preamble and conditions pursuant to Section 72-76B of the *Planning and Environment Act 1987* on *inset date Permit is generated*.

A copy of the original Permit MV/169/2013 can be found at **Appendix D** (separately circulated).

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the eastern side of St Kinnord Street, Aberfeldie and approximately 67 metres south of Alma Street. The site is rectangular in shape with a 60.96 metre frontage facing St Kinnord Street, with a maximum depth of 56.38 metre and encompasses an approximate area of 3,420 square metres.

The site currently has an existing church in the north-western portion of the frontage facing St Kinnord Street which has been constructed as a double storey brick building with a slate gable roof form. The eastern and southern portions of the land are used as part of the existing kindergarten with an associated playground. The kindergarten has been existing on the land for over 40 years.

In addition to the church and kindergarten activities on the land, it is noted the church hall is also used as a 'Gymbaroo' ('Gymbaroo' is an extra-curricular, activity based program which runs classes for pre-schoolers and infants) facility on weekdays. It has previously been established upon Council investigations that the operation of the Gymbaroo sessions from the church hall is an as of right use on the land.

Vehicle access to the land is obtained from an existing crossover in the north-western corner along St Kinnord Street. There is no significant landscaping or vegetation on the land. As discussed above, the land is partially affected by Schedule 2 to the Environmental Significance Overlay, which relates to a significant tree located within the rear yard of an adjoining property to the east.



Figure 2 – 29-35 St Kinnord Street, Aberfeldie

The surrounding land is within a General Residential Zone. Residential developments in proximity of the subject site is varied, with a mixture of single dwellings on large allotments and some multi-unit developments.

1.2 Proposal

The application concerns an amendment to the previously approved planning permit MV/169/2013 issued on 20 February 2014 for the construction of a single storey addition to be used in association with an existing kindergarten. The amendment relates to:

- An increase in the maximum number of children allowed to be present on the land at any one time in association with the kindergarten from 29 to 55 (net increase of 29), requiring an amendment to Condition 1(a) of the existing permit.
- A subsequent reduction in car parking requirements of 7 car spaces (29 X 0.22). It is noted that the site has existing use rights for 26 children.
- No additional buildings and works are proposed.

The kindergarten has advised it would seek to run classes as per the following timetable (which is subject to slight changes based on enrolment numbers):

Table 1

| Day | Time | Class | Anticipated no. of children (<i>current enrolments - capacity</i>) |
|------------------|------------------|-------------------|---|
| Monday | 8:00am – 12:00pm | 4 y.o. Red Group | 28 - 33 |
| | 12:30pm – 4:30pm | 4 y.o. Blue Group | 28 - 33 |
| Tuesday | 8:30am – 2:00pm | 4 y.o. Red Group | 28 - 33 |
| | 9:30am – 12:30pm | 3 y.o. groups | 22 - 22 |
| Wednesday | 8:30am – 2:00pm | 4 y.o. Blue Group | 28 - 33 |
| | 9:30am – 12:30pm | 3 y.o. groups | 22 - 22 |
| Thursday | 8:30am – 2:00pm | 4 y.o. Blue Group | 28 - 33 |
| | 9:30am – 12:30pm | 3 y.o. groups | 22 - 22 |
| Friday | 8:30am – 2:00pm | 4 y.o. Red Group | 28 - 33 |
| | 9:30am – 12:30pm | 3 y.o. groups | 22 - 22 |

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

It should be noted that the applicant has provided an updated Car Parking Occupancy Survey including a survey of car parking vacancies in the surrounding area after 2:30pm. This report was submitted after the advertising period has commenced. Refer **Appendix C** (separately circulated).

2. Background

2.1 Relevant Planning History

Council's records indicate the following Planning History on the subject site:

Table 2

| App No. | Proposal | Outcome | Date |
|-----------------|--|----------|----------|
| MV/169/2013 | Construction of a single storey addition to be used in association with an existing kindergarten | Approved | 22/01/14 |
| MV/20687/2009/A | Buildings and works to an existing church in a Residential 1 Zone | Approved | 07/07/11 |
| MV/20687/2009 | Buildings and works to an existing church in a Residential 1 Zone | Approved | 05/08/10 |

Other than MV/169/2013, there is no planning history on the subject site associated with the kindergarten. As previously discussed in this report, the kindergarten has existed at the site for over 40 years and has operated as such under existing use rights. This was formalised on 16 January 2014 when a Certificate of Compliance for the use of the land as a kindergarten with no more than 26 children at any one time was issued pursuant to Section 97N(1)(a) of the *Planning and Environment Act 1987*.

2.2 Planning Policies and Decision Guidelines

State Planning Policy Framework

- Clause 11 Settlement
- Clause 19 Infrastructure

Local Planning Policy Framework

- Clause 21.01 Municipal Profile
- Clause 21.02 Key Issues and Influences
- Clause 21.03 Vision
- Clause 21.05 Housing
- Clause 21.09 Transport

Particular and General Provisions

- Clause 52.06 Car Parking
- Clause 63 Existing Uses
- Clause 65 Decision Guidelines

2.3 Referrals

Internal

- Traffic and Transportation Unit
No objection subject to the following non-standard condition:
If the kindergarten is proposing to amend the three and four year old children's timetable, the starting/finishing times must not overlap and

there must be a minimum of 30 minutes between the starting and finishing times for the three and four year old children.

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 displayed on site for 14 days, fronting St Kinnord Street.

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

2.5 Consultation Meeting

A Consultation Meeting was held on 22 June 2016, attended by Councillor Giuliano, objectors, the permit applicants and Council's Planning Officer. Whilst no resolution was achieved at this meeting, the objectors and Councillor Giuliano have engaged in further discussions regarding traffic management in the street to explore potential solutions such as imposing parking restrictions. This is being explored as a means of mitigating some of the existing concerns that residents of the street have with regards to traffic management.

3. Discussion

3.1 State Planning Policy Framework

The relevant State Planning Policy Framework clauses are considered to be met. The amendment generally complies with Clause 19.02-2 (Infrastructure – Education Facilities) in that it will allow the site to continue to provide child care services for the local community.

3.2 Local Planning Policy Framework

In terms of Local Policy, the proposed amendment is considered to achieve compliance with the relevant strategies. In a broad sense, the continued use of the land as a kindergarten, with the provision to enrol a larger number of children, is consistent with the objectives and strategies of Clauses 21.03 and 21.05-4 (Vision and Non-residential Uses in Residential Zones) of the Moonee Valley Planning Scheme (MVPS). A kindergarten is considered a compatible use in a residential zone and an increase in child numbers at the site represents a greater opportunity to service the local community and contribute to Council's broad goals relating to sustainability (encouraging active transport) and equity and access (locating essential services within proximity to neighbourhoods). The key consideration, therefore, is whether the associated amenity impacts with an increase in child numbers, and subsequently an increased demand for car parking in the street, is an acceptable outcome for the area.

An overarching strategy of Clause 21.05-4 (Non-residential Uses in Residential Zones) of the MVPS is to ensure that a non-residential use

does not detract from the amenity of existing residential uses in the area in terms of noise, traffic and car parking (amongst others). Whilst an increase in child numbers at the site would be expected to result in extra noise in the street, this is not considered to be an unacceptable outcome – kindergarten classes will be running exclusively during daylight hours (refer to Table 1), where noise from children playing or being dropped off/picked up is likely to be the least disruptive to the neighbourhood.

With respect to car parking and traffic impacts it is submitted that the proposed amendment is also appropriate. A further discussion of the impact of the proposed reduction in car parking spaces is provided below in Section 3.3 of this report.

The proposal also satisfies the objectives and strategies of Clause 21.09 (Transport) of the MVPS. Clause 21.09 broadly seeks to prioritise public and active transport in the municipality over the use of private motor vehicles by discouraging new developments, which would significantly increase private motor vehicle congestion. It is not considered the required car parking reduction of 7 car spaces represents a significant increase to vehicle congestion. Further, the site is considered to be easily accessible to nearby residential properties by walking or cycling.

3.3 Compliance with Clause 52.06 (Car Parking)

Pursuant to Clause 52.06 of the Moonee Valley Planning Scheme, before an increase to an existing use by the measure specified in Column C of Table 1 can occur the car parking spaces required under Clause 52.06-5 must be provided on the land. The measure specified in Column C of Table 1 of Clause 52.06-5 for a kindergarten (child care centre) is the number of children on the land at any one time. This amendment seeks to increase the total number of children on the site at any one time by 29 (to a maximum of 55) and as such a reduction of 7 spaces is sought. The kindergarten currently has provision for 2 car spaces, which are generally used by staff. As these spaces are already being utilised they have not been deducted from the requirement for 7 spaces for the purposes of assessment.

In support of the reduction in car parking, the applicant has submitted a car parking occupancy survey and report prepared by Solution Traffic Engineers. This report discusses parking surveys carried out on Monday 29 February 2016 (8:30am, 9:30am, 10:30am, 12:30pm, 1:30pm & 2:30pm); Wednesday 2 March 2016 (8:30am, 9:30am, 10:30am, 12:30pm, 1:30pm & 2:30pm); and Monday 11 April 2016 (7:30 am, 8:30am, 2:30pm, 3:30pm, 4:30pm & 5:00pm).

The study area of the survey incorporated car parking spaces within walking distance to the subject site (a radius of approximately 250 metres). The report found there was no less than 170 vacant parking spaces available within the survey area during all of the dates and times surveyed. Further, the report found there was a minimum of 54 vacant parking spaces on St Kinnord Street (between Park Crescent and Alma Streets – both sides of the street counted) during all of the dates and times surveyed. It is considered more realistic to expect that parents are likelier

to park on St Kinnord Street than in the surrounding streets and, as such, the vacancy rate on St Kinnord Street should take precedence above the rest of the area studied. It can therefore be concluded, based on these surveys, that the surrounding area can easily absorb the additional car parking demand that may be generated by the proposal.

Council's Traffic and Transportation Unit have reviewed the application, including the car parking occupancy survey and report prepared by Solution Traffic Engineers. No objection to the proposal was raised subject to a condition on any amended permit issued requiring that there is no overlap between the start and finish times of separate 3 and 4 year old classes. It is required this is achieved by ensuring a minimum window of 30 minutes between the starting and finishing times of these classes. As demonstrated in Table 1 of this report, the Kindergarten has designed a timetable which can accord with this requirement. Nonetheless, it will be included as a condition of any amended permit issued to ensure that the minimum 30 minute window is maintained in the future when the timetable may change.

It is further considered that the implementation of the minimum 30 minute window to the class timetable will ensure that the volume of traffic using St Kinnord Street and occupying on street-car parking spaces is minimised despite the increase in student numbers allowed on the site at any one time. As also demonstrated in Table 1 of this report, all class starting and finishing times are not in conflict with any other class which means that a maximum of 33 children will be accessing/leaving the site at any one time (based on the current proposed timetable and maximum capacity per class). This is only a maximum of 7 more children being dropped off/picked up than are currently allowed on the site as per Condition 1(a) of the existing permit.

Finally, a review of the most current timetable information for the Gymbaroo which operates from the church hall has found that the surveys produced by Solution Traffic Engineers have also captured times when parents/guardians are picking up/dropping off children for Gymbaroo. Based on the information available (on the Gymbaroo website), there will be some times of conflict when Gymbaroo classes are overlapping with the kindergarten. This is considered to be out of the scope of control of the planning scheme and it is not considered appropriate to include conditions on any amended permit related to the Gymbaroo timetable. This is because the kindergarten and the Gymbaroo are separate activities which are not affiliated with each other.

It is therefore, determined that the car parking and traffic impacts associated with this amendment are acceptable in this instance.

3.4 Compliance with Clause 63 (Existing Use Rights)

Clause 63.12 (Decision Guidelines) states that a Responsible Authority must consider the extent to which compliance can be achieved with all scheme requirements which can be reasonably met before deciding on an application. This assessment report has considered the compliance of the

amended proposal against these and other requirements of the scheme (such as Clause 52.06) and finds that the outcome is acceptable as discussed throughout Section 3.

3.5 Compliance with Clause 65 (Decision Guidelines)

This application for an amended planning permit has been assessed against the relevant sections of the Decision Guidelines of Clause 65.01 of the Moonee Valley Planning Scheme. The application is considered to satisfy the decision guidelines of Clause 65, as these have generally been considered above and throughout Section 3 of this report.

3.6 Objections

A response to the objections is provided in the table below

Table 3

| Issue | Officer Response |
|---|--|
| Car parking and traffic issues in the street and operation of 'Gymbaroo' at the site (on-street car parking already being utilised for this business) | This is considered to be acceptable as discussed in Section 3.3 of this report. |
| Original notice displayed at the site was incorrect | This was rectified and it is confirmed that notice requirements have been fulfilled. |
| Devaluation of property | This is not a valid planning consideration. |

4. Human Rights

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

5. Conclusion

The application has been assessed against the relevant provisions of the State Planning Policy Framework, Local Planning Policy Framework, zoning controls, the relevant Particular and General Provisions, and the decision guidelines at Clause 65 of the Moonee Valley Planning Scheme. Additionally, consideration has been given to the requirements of *Section 60(1B) of the Planning and Environment Act 1987* with respect to the number of objections received, and it is determined the proposal would not have a significant social effect.

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

Appendices

Appendix A: List of objector's properties

Appendix B: Advertised plans and reports (separately circulated)

Appendix C: 29-35 St Kinnord Street Aberfeldie - Updated Parking Demand Report
(separately circulated)

Appendix D: 29-35 St Kinnord Street, Aberfeldie - Existing Planning Permit
(separately circulated).

Location of objector's properties

| |
|----------------------------------|
| 22 St Kinnord Street, Aberfeldie |
| 23 St Kinnord Street, Aberfeldie |
| 24 St Kinnord Street, Aberfeldie |
| 25 St Kinnord Street, Aberfeldie |
| 26 St Kinnord Street, Aberfeldie |
| 28 St Kinnord Street, Aberfeldie |
| 30 St Kinnord Street, Aberfeldie |
| 34 St Kinnord Street, Aberfeldie |
| 36 St Kinnord Street, Aberfeldie |
| 45 St Kinnord Street, Aberfeldie |

**9.4 320 Ascot Vale Road, Moonee Ponds (Lot 1 on TP 607044J) -
Use of the land as restaurant, sale and consumption of liquor
and a reduction in car parking requirements**

File No: FOL/16/130
Author: Senior Statutory Planner
Directorate: Planning & Development
Ward: Myrnong

| | |
|--|--|
| Planning File No. | MV/619/2015 |
| Proposal | Use land as a restaurant Reduction of 39 car parking spaces Sale and consumption of liquor (restaurant and café license) Reduction of 1 bicycle space |
| Applicant | Ascot Food Store C/- G2 URBAN PLANNING |
| Owner | P Mammoliti & N Vetro |
| Planning Scheme Controls | Activity Centre Zone Schedule 1 |
| Planning Permit Requirement | Clause 37.08-2 – Use of the land as a restaurant in Precinct 7D Clause 52.06-3 – Reduce the number of car parking spaces required under Clause 52.06-5 Clause 52.27 – Use of the land for the sale and consumption of liquor Clause 52.34-2 – Reduce the number of bicycle spaces required under Clause 52.34-3 |
| Car Parking Requirements (Clause 52.06) | Required – 39 car spaces Proposed – 0 car spaces |

| | |
|------------------------------|---|
| Bicycle Requirements | Required – 1 bicycle space Proposed – 0 bicycle spaces |
| Restrictive Covenants | None |
| Easements | None |
| Site Area | 352.74 square metres |
| Number Of Objections | 49 |
| Consultation Meeting | 2 December 2015 |

Executive Summary

- The application was originally lodged seeking permission for the sale and consumption of liquor in association with the existing café known as the 'Ascot Food Store'.
- The 'Ascot Food Store' currently operates from 7:00am to 4:00pm every day. It is proposed to increase those hours to 11:00pm.
- The café currently operates with existing use rights to use the building as a Food and Drink Premises. Council is satisfied that the current use fits within this definition.
- No buildings and works are proposed.
- The site is located on the north-eastern corner of Ascot Vale Road and Montgomery Street, Moonee Ponds within the southern edge of the Moonee Ponds Activity Centre (MPAC). The land is zoned Activity Centre Zone Schedule 1 (ACZ1) and is located within sub-precinct 7D which consists mainly of land used for residential purposes. No overlays affect the site.
- The application was initially advertised in August 2015 and received 40 objections. Concerns were raised relating to car parking and traffic, disturbance and noise, proposed hours of operation, anti-social behaviour, sale and consumption of liquor on the footpath, devaluation of property values and cumulative impact of licensed venues in the area.
- A Consultation Meeting was held on 2 December 2015, attended by Councillors Marshall and Cusack, objectors, the permit applicant and Council's Planning Officers. No resolution was achieved at this meeting.
- Following the Consultation Meeting the permit applicant was advised by Council's Planning Officers that the proposal would transform the current use from a Food and Drink Premises to a Restaurant due to an overall increase in the intensity of the use.
- Consequently, the applicant amended the application pursuant to Section 57A of the *Planning and Environment Act 1987* on 26 May 2016 to change the use

of the land to a Restaurant and reduce the associated car parking requirement of 39 spaces.

- The application was subsequently re-advertised in June 2016 upon the submission of the 57A Amendment. An additional 9 objections were received and similar issues were raised.
- The application was externally referred to Victoria Police who raised no objections. Internally the application was referred to the Traffic and Transportation Unit who also raised no objections subject to a condition of any permit issued restricting the premises to a maximum of 99 seats.
- The main issues for consideration are whether the subject site is appropriately located for the proposal given its proximity to residential uses and whether the traffic and car parking impacts are acceptable.
- This assessment finds that a restaurant and associated liquor license is an acceptable non-residential activity in this area given its location in the Activity Centre and general compliance with Council's Housing Strategy for non-residential uses in residential areas, subject to some conditions.
- The traffic and car parking impacts of the proposal are also considered to be acceptable based on a review of car parking occupancies in the vicinity of the site. Additionally, although the Restaurant use imposes a much higher car parking requirement than a Food and Drink Premises, there is no increase proposed for the number of seats provided on site, and as such, patronage is not anticipated to increase substantially.
- Overall the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme and recommends a Notice of Decision to Grant a Planning Permit is issued, subject to conditions.

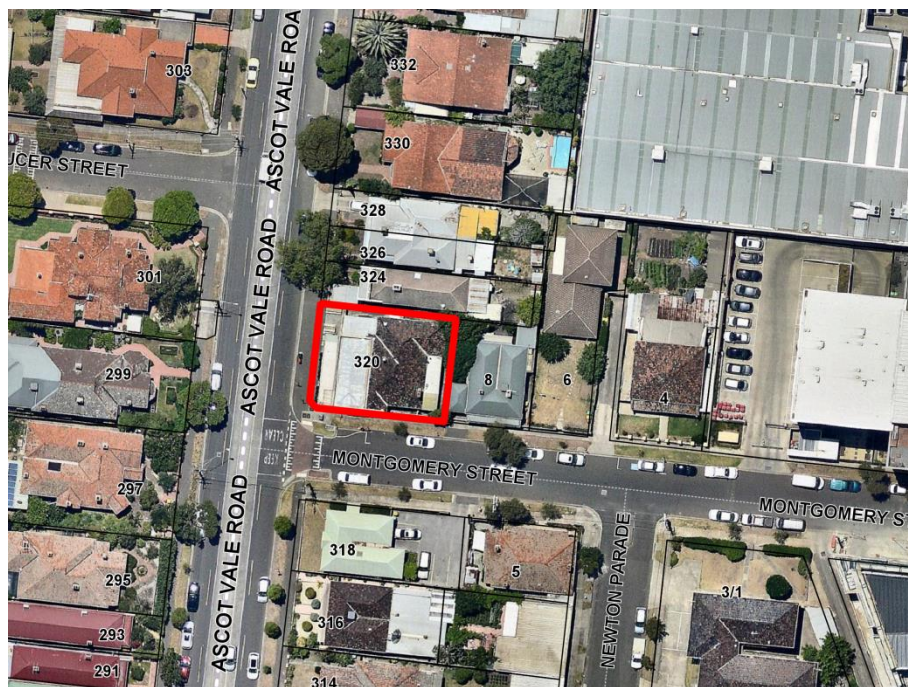


Figure 1: Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/619/2015 for the use of the land as restaurant, sale and consumption of liquor and a reduction in car parking requirements at 320 Ascot Vale Road, Moonee Ponds (Lot 1 on TP 607044J) in accordance with the following:

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and 3 copies must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The red-line area reduced to only encompass patron seating areas and liquor storage areas,
 - b) An appropriate waste storage area, and
 - c) The provision of at least 1 bicycle parking space which is accessible to staff and patrons.

When approved, these plans will be endorsed and will form part of this permit.

2. Except with the prior written consent of the Responsible Authority, the layout of the land 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.
3. Except with the prior written consent of the Responsible Authority, no more than 99 seats are to be made available to the public on the land at any time.
4. The use of the land and the sale of liquor must only occur between the hours of:
 - a) Monday to Saturday: 7:00am to 11:00pm;
 - b) Sunday: 10:00am to 11:00pm; and
 - c) Good Friday and ANZAC Day: 12 noon to 11:00pm,unless these hours are varied with the written consent of the Responsible Authority.
5. The outdoor seating area must only be used between the hours of:
 - a) Monday to Saturday: 7:00am to 9:30pm;
 - b) Sunday: 10:00am to 9:30pm; and
 - c) Good Friday and ANZAC Day: 12 noon to 9:30pm,unless these hours are varied with the written consent of the Responsible Authority.
6. Liquor for consumption off the premises must not be sold at any time.
7. 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.
8. 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.

9. Before the use commences, except with the prior written consent of the Responsible Authority, the owner of the land must, to the satisfaction of the Responsible Authority, display a sign at all exit points of the building requesting patrons be quiet when leaving the land after 10:00pm.
10. 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.
11. No emptying of bottles and/or rubbish into bins may occur on the premises after 10:00pm.
12. Upon the commencement of the use hereby permitted, 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; or
 - e) In any other way,to the satisfaction of the Responsible Authority.
13. A person must not deliver articles or goods of any description so that the delivery noise is audible in a habitable room in any residential premises regardless of whether any door or window is open outside the hours of:
 - a) 7:00am to 7:00pm Monday to Saturday.
14. This permit will expire if:-
 - a) The use does not start within (2) years of the date of this permit, or
 - b) The use is discontinued for a period of two (2) years.Before the permit expires or within six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- A liquor license must be obtained from the Victorian Commission for Gambling and Liquor Regulation in accordance with the provisions of the *Liquor Control Reform Act 1998*.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the north-eastern corner of Ascot Vale Road and Montgomery Street, Moonee Ponds. The site is rectangular in shape with a frontage to Ascot Vale Road of 16.36 metres and a frontage to Montgomery Street of 21.56 metres, encompassing an area of approximately 352.74 square metres.

The site has a single storey brick dwelling with a shop-front conversion to Ascot Vale Road. This building was historically used as a Food and Drinks Premises and currently operates as the 'Ascot Food Store' (café).

Vehicle access to the site was previously obtained from an existing crossover on Ascot Vale Road, however, it appears this is no longer used. There is no significant landscaping or vegetation on the land.



Figure 2 – 320 Ascot Vale Road, Moonee Ponds

The surrounding area has a mix of uses, zones and built form. Land to the north and east of the subject site is in the Activity Centre Zone (Schedule 1), in sub-precincts 7C, 7E and 7D. Land to the south and west of the site is within the General Residential Zone, with land to the west also affected by a Heritage Overlay. Ascot Vale Road is a nominated Road Zone, Category 1.

1.2 Proposal

The proposal, as it was originally advertised, can be summarised as follows:

Table 1

| | |
|--------------------------------------|---|
| Proposed hours of operation (liquor) | Sunday – <ul style="list-style-type: none"> • 10:00am – 11:00pm Good Friday and ANZAC Day – <ul style="list-style-type: none"> • 12:00pm – 11:00pm Any other day – <ul style="list-style-type: none"> • 7:00am – 11:00pm |
| Existing hours of operation | 7:00am – 4:00pm every day |
| Proposed Red line area | 352.74 square metres (entire site) |
| No. of seats | <ul style="list-style-type: none"> • 51 indoors • 48 outdoors As per existing conditions |
| No. of staff | 5 – 16 (as per existing conditions) |

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

After the initial application and a Consultation Meeting, the permit applicant was advised the current planning scheme definition of Food and Drink Premises was no longer applicable to the proposal, and instead, the proposal is best defined as a Restaurant. As a result, the application was amended pursuant to Section 57A of the *Planning and Environment Act 1987*. The amendment changes the use of the land from a Food and Drink Premises (existing use – café) to a Restaurant which requires a permit in this sub-section of the Activity Centre Zone Schedule 1. A subsequent reduction in the car parking requirement was also applied for and the use of the land also triggers a reduction in the bicycle parking requirement. The amended proposal, as advertised, can be summarised as follows:

Table 2

| | |
|--|---|
| Proposed hours of operation (restaurant) | As per the proposed licensed hours |
| No. of seats | As per the proposed licensed area |
| No. of staff | 5 – 16 (as per existing conditions) |
| Car parking | <ul style="list-style-type: none"> • Required – 39 • Proposed – 0 |
| Bicycle parking | <ul style="list-style-type: none"> • Required – 1 • Proposed - 0 |

Refer **Appendix C** 57A Plans (separately circulated).

2. Background

2.1 Relevant Planning History

Council's records indicate Planning Permit MV/2120/1976 was approved on 24 February 1976 for a pizza and coffee shop.

It should also be noted that a Certificate of Compliance for the use of the land as a Food and Drink Premises (which incorporates the café use) was issued by Council on 23 January 2014 pursuant to Section 97N(1)(a) of the *Planning and Environment Act 1987*.

2.2 Planning Policies and Decision Guidelines

State Planning Policy Framework

| | |
|-----------|----------------------|
| Clause 11 | Settlement |
| Clause 17 | Economic Development |

Local Planning Policy Framework

| | |
|--------------|---------------------------|
| Clause 21.01 | Municipal Profile |
| Clause 21.02 | Key Issues and Influences |
| Clause 21.03 | Vision |
| Clause 21.05 | Housing |
| Clause 21.08 | Economic Development |
| Clause 21.09 | Transport |
| Clause 22.04 | Licensed Premises |

Zoning

| | |
|--------------|----------------------|
| Clause 37.08 | Activity Centre Zone |
|--------------|----------------------|

Particular and General Provisions

| | |
|--------------|---------------------|
| Clause 52.06 | Car Parking |
| Clause 52.27 | Licensed Premises |
| Clause 52.34 | Bicycle Facilities |
| Clause 65 | Decision Guidelines |

2.3 Referrals

External

- Victoria Police
No objection.

Internal

- Traffic and Transportation Unit
No objection subject to a condition on permit restricting seating numbers to 99 (Condition 3).

2.4 Public Notification of the Application

Pursuant to Section 52 of the *Planning and Environment Act 1987* the application was advertised in August 2015 by mail to adjoining and surrounding properties, with two notices displayed on site for 14 days, fronting Ascot Vale Road and Montgomery Street.

The application was re-advertised pursuant to Section 57A of the *Planning and Environment Act 1987* in June 2016, again by mail and with two notices displayed on site for 14 days.

As a result, a total of 49 objections were received from the properties contained within **Appendix A** of this report.

2.5 Consultation Meeting

A Consultation Meeting was held on 2 December 2015, attended by Councillors Marshall and Cusack, objectors, the permit applicant and Council's Planning Officers. No resolution was achieved at this meeting.

It is noted that following this meeting the applicant elected to change the proposal to include the use of the land as a Restaurant and subsequent reduction in car parking requirements, resulting in the submission of a Section 57A Amendment and the re-advertising of the proposal as discussed throughout this report.

3. Discussion

3.1 State Planning Policy Framework

The relevant State Planning Policy Framework clauses are considered to be met. The proposal generally complies with Clause 17 (Economic Development) of the Moonee Valley Planning Scheme (MVPS) by continuing and intensifying a land use which meets the community's needs in terms of entertainment in a designated activity centre area.

3.2 Local Planning Policy Framework

The proposal assists in the continuing economic development of the municipality. The restaurant component of the proposal is considered to contribute to the vibrancy and economic strength of the area.

Although the subject site and the dwellings located directly to the site's north and east are located in the Activity Centre Zone (ACZ1), Clause 37.08 (Activity Centre Zone) of the MVPS states that sub-precinct 7D of the ACZ1 should be used for residential purposes (however, it is noted that the proposed use is not prohibited by the zone). Accordingly, it is considered an assessment of the proposal against Clause 21.05-4 (Non-residential Uses in Residential Zones) of the MVPS is appropriate in this instance. The proposal is considered to be consistent with the policy. The subject site meets the Policy Guidelines of this clause as it is suitably located on a corner with access to a road in a Road Zone. The subject site is further considered to be suitable for the proposed use as it is already used for non-residential purposes, despite its zoning, and has been used as such for a number of years.

It is considered the proposal can easily comply with the Loading and Unloading of Vehicles, Amenity and Waste Collection requirements of Clause 21.05-4 through conditions on any planning permit issued. In particular, a condition of any permit issued will be imposed to require the outdoor seating area to Ascot Vale Road is only used until 9:30pm so as to reduce the potential for noise disturbance to the adjoining residential properties during evening hours (Condition 5). Furthermore, whilst the restaurant opening hour of 7:00am on most days is an hour earlier than what is recommended at Clause 21.05-4 it is considered appropriate in this instance given that this is also an existing condition.

It is an objective of Clause 21.08 (Economic Development) to create a City that is a leading destination for people to live, work, invest and prosper. One strategy to achieve this objective is to attract high value-adding businesses to the main employment nodes including local activity centre locations. It is considered the proposal will allow the subject site to continue to support the creation of employment within the municipality.

In terms of the adequacy of existing car parking and transport infrastructure to service patronage generated by the proposal, it is not considered the granting of a permit will place an unreasonable strain on these facilities. As discussed below in Section 3.4, the proposed new use at the site generates a larger car parking requirement than the existing use, however, the maximum number of patrons allowed on the site at any one time is not proposed to change. It is further considered the subject site is appropriately located in an activity centre where this particular type and intensity of use can be expected to be found. A further discussion of the appropriateness of the use at the subject site is found below in Section 3.3.

The proposal also satisfies the objectives and strategies of Clause 21.09 (Transport) of the MVPS. Clause 21.09 broadly seeks to prioritise public and active transport in the municipality over the use private motor vehicles by discouraging new developments that would significantly increase private motor vehicle congestion. It is not considered the required car parking reduction of 39 car spaces is a true reflection of the likely increase in vehicle congestion generated as a result of the proposal because patron numbers are not proposed to increase as discussed above. Further, the site is considered to be easily accessible to nearby residential properties by walking or cycling.

There are approximately 250 licensed premises within the City of Moonee Valley which provide diverse opportunities for social interaction, live music, food and entertainment. Licensed premises contribute to the vibrancy and economic strength of the municipality. However, some activities associated with licensed premises can have a negative impact on surrounding residential amenity. These negative impacts can include noise, anti-social behaviour, litter, pressure on public transport and taxi services, increased traffic and parking demand.

The majority of the decision guidelines identified in Clause 22.04 (Licensed Premises) of the Moonee Valley Planning Scheme are discussed in Section 3.5 of this report under the Clause 52.27 assessment. The assessment has found the site is suitably located within an Activity Centre Zone that encourages this type of activity, and that although the site has immediate residential interfaces and is located in what is known as a residential precinct in the Activity Centre, the type of liquor license proposed is considered to be compatible with the area. This is because the consumption of liquor will only occur in conjunction with the service of food. It is noted the nearest licensed premises (Fuji Teppanyaki at 545-547 Mt Alexander Road and Vinyl Lounge at 549 Mt Alexander Road) are located roughly 100 metres from the site and it is considered the issue of a restaurant and café license at the site will not cumulatively result in an oversaturation of licensed premises in the area. It is also noted the proposed hours of operation for the site are consistent with Clause 22.04-3. This is discussed further in Section 3.5 of this report.

In terms of outdoor areas, it is proposed to include the existing outdoor seating adjacent to Ascot Vale Road within the red-line area. In principle, the consumption of liquor in this location is not considered to be of concern in terms of additional detriment to the area as liquor is only to be sold and consumed in association with meals. Staff of the proposed restaurant will be required to be trained for the Responsible Service of Alcohol (RSA) in order to ensure patrons (both indoors and outdoors) are consuming alcohol safely and appropriately. Further, noise from the premises will be controlled through conditions of the permit whilst the layout of the proposed restaurant allows for sufficient clear lines of sight and should ensure no overcrowding from the entry. Victoria Police has been consulted on the proposal and no objection was received. It is, therefore, considered that subject to the imposition of Condition 5 on any permit issued to restrict the use of the outdoor seating area until 9:30pm (discussed above), the use of this area for the consumption of liquor at the restaurant can be supported.

A review of the plans has found the proposed layout is capable of accommodating 99 patrons as proposed by the applicant and it is noted the proposed seating layout accords with that of the existing café. In terms of patron numbers it is considered the proposal is acceptable given that no increase is proposed and also because of the relatively low risk nature of the proposed liquor license.

3.3 Compliance with Clause 37.08 (Activity Centre Zone Schedule 1)

The proposal meets the relevant decision guidelines of ACZ1 listed at Clause 37.08-9 of the MVPS as follows:

- The proposal is considered to comply with the relevant State and Local Planning Policy Framework provisions as discussed above in Sections 3.1 and 3.2 of this report.
- Although the ACZ1 states that sub-precinct 7D should be used for residential purposes, the proposal to use the subject site as a restaurant is considered to be appropriate. As discussed above in

Section 3.2 of this report, the location of the subject site accords with Council's Housing Strategy as it is located on a corner and has direct access to Ascot Vale Road, which is a designated Road Zone. Moreover, as the subject site has been used as a café for a number of years (and was previously used for various Food and Drinks Premises activities, such as a deli) it is not considered a restaurant at the site will detract from the residential amenity or feel of the area. This is also apparent given no external buildings and works to the building are required.

The two major changes to the existing operations of the café which have the most potential to impact on residential amenity, are the addition of the liquor component and the increased operating hours. It is considered the sale and consumption of liquor at a restaurant is relatively low-risk as alcohol is only to be consumed by on-site patrons and will not be purchased for off-site consumption. The increased hours of operation apply to the evenings where it is proposed to operate until 11:00pm in lieu of 4:00pm. As noted above in Section 3.2 of this report this is in line with Council's Housing Policy, which indicates a compatibility of the use with the adjoining residential properties. There is no change proposed to the opening hours.

Finally, as discussed in Section 3.2 of this report, it is determined the use of the outdoor seating area should be restricted until 9:30pm instead of 11:00pm so as to reduce the potential for noise disturbance to the adjoining and surrounding residential properties in the evenings (Condition 5).

As the ACZ1 does not prohibit a permit for non-residential uses from being granted in sub-precinct 7D, it is subsequently concluded this application is appropriately located based on the above discussion.

3.4 Compliance with Clause 52.06 (Car Parking)

Pursuant to Clause 52.06 of the MVPS, before a new use commences the car parking spaces required under Clause 52.06-5 must be provided on the land. The measure specified in Column C of Table 1 of Clause 52.06-5 for a Restaurant is the number of patrons on the land at any one time, and the requirement for car parking spaces is stated as 0.4 spaces per number of patrons. This application seeks to maintain the existing number of 99 seats and, as such, a requirement of 39 spaces is imposed (99 X 0.4). Since no parking is provided on site, the applicant seeks a full reduction of this requirement.

In support of the reduction in car parking, the applicant has submitted a car parking occupancy survey and report prepared by Traffix Group. This report discusses parking surveys carried out on Friday 8 April 2016 (3:00pm), Friday 15 April 2016 (12:30pm, 1:30pm, 7:00pm & 8:00pm) and Saturday 16 April 2016 (10:00am, 11:00am, 12:00pm, 7:00pm & 8:00pm).

The study area of the survey incorporated car parking spaces within walking distance to the subject site (a maximum distance of approximately 300 metres). The report found that a minimum vacancy of 33 parking

spaces was available within the survey area during all of the dates and times surveyed. The minimum vacancy was reported on Saturday 16 April at 10:00am when parking in nearby residential streets is available to residential permit holders only. It is important to note that the Ascot Food Store was operating during this time. Although the figure of 33 vacant spaces is below the reduction of 39 spaces sought, the availability of these spaces indicates a capacity in the local area to accommodate the use. This conclusion is made as both the existing and proposed uses on the land are or will be restricted by the number of seats in the building. Although it is considered unlikely, it follows any increase in patronage to Ascot Food Store as a result of this application can be easily absorbed by the area given the minimum vacancy of 33 spaces.

A comparison of the existing and proposed use in terms of the car parking requirement of Clause 52.06-5 further supports the above contention. The existing Food and Drink Premises use has a shortfall of 8 car parking spaces based on the requirement of 4 spaces per 100sqm of leasable floor area ($[214.5\text{sqm} / 100] \times 4$). As no parking is currently provided, the net change between the Food and Drink Premises and Restaurant uses is 31 car spaces – this difference can be accommodated by the area at all of the times and dates surveyed.

Council's Traffic and Transportation Unit has reviewed the application, including the car parking occupancy survey and report prepared by Traffix Group. No objection to the proposal was raised, subject to a condition on any permit issued capping the restaurant to 99 seats.

It is, therefore, determined the car parking and traffic impacts associated with this amendment are acceptable in this instance.

3.5 Compliance with Clause 52.27 (Licensed Premises)

The proposal meets the relevant decision guidelines set out in Clause 52.27 of the Moonee Valley Planning Scheme as follows:

- The proposal complies with the relevant State and Local Planning Policy Framework as discussed above in Sections 3.1 and 3.2 of this report.
- The proposal, in association with an existing café/restaurant, is considered to be appropriate for the site and area as a whole. The site is located within the ACZ1, and although it is surrounded by residential properties, its location is considered to be acceptable as discussed above in Sections 3.2 and 3.3 of this report.

Taking into account the zoning and location of the subject site and the existing operation of the Ascot Food Store as a café, it is considered the proposal will not detrimentally affect the amenity of the surrounding area. Whilst there are two licensed premises within the vicinity of the subject site, it is considered the proposal will have minimal detrimental amenity impacts as the two nearby premises are likely to cater to a different customer base along Mt Alexander Road.

With respect to the potential social impacts associated with a licensed premises of this nature being located proximate to

residential uses, it is considered the proposal is also acceptable. As alcohol is to be served exclusively with food, it is not envisaged the approval of this application will result in any significant change to the Ascot Food Store's customer base – the restaurant will continue to be a destination for food rather than for entertainment or nightlife like a bar or tavern. It is, therefore, considered the risk for anti-social behaviour occurring in the area associated with patrons of the Ascot Food Store is relatively small, and this conclusion is supported by Victoria Police who raised no objections to the proposal.

It should be noted that all staff employed by Ascot Food Store who are involved in the serving of liquor to patrons are required to attend mandatory Responsible Service of Alcohol training, which educates staff and licensees about issues such as problems associated with excessive consumption of alcohol, legal requirements for alcohol consumption, their responsibilities as licensees and handling difficult customers (source – Victorian Commission for Gambling and Liquor Regulation website). Additionally, standard amenity conditions relating to noise levels and disposal of waste can also be imposed on any permit issued to further mitigate the impacts of the premises on the area.

A condition of any permit issued will require the red-line plan to be re-submitted showing only patron seating areas and liquor storage areas as being within the red-line area so that the consumption of liquor can be appropriately controlled at the site.

- The subject site is located at the southern boundary of the MPAC and the proposed restaurant use is considered to be compatible with the residential use. The proposed increased hours of operation, to which the sale and consumption of liquor will apply are in accordance with both Council's Housing Strategy at Clause 21.05 of the MVPS and the Licensed Premises Policy at Clause 21.04 of the MVPS. It is, therefore, considered the proposed hours of operation are appropriate to the area.
- It is proposed to have a maximum of 99 patrons on the subject site at any one time in accordance with the existing seating provision in the Ascot Food Store. The proposal, therefore, has no additional impact on the amenity of the surrounding area in terms of patron numbers.

It is considered the cumulative impact of the proposed liquor license, hours of operation and number of patrons is negligible. As discussed, a review of existing licensed premises within the vicinity of the site reveals that there is not an over-saturation of restaurant/café licenses, there is no proposed increase to patron numbers and the proposed operating hours accord with Council policy.

3.6 Compliance with Clause 52.34 (Bicycle Facilities)

Pursuant to Clause 52.34 of the Moonee Valley Planning Scheme, a new use must not commence until the required bicycle facilities and associated signage have been provided on the land.

Table 1 of Clause 52.34-3 identifies that a total of one bicycle space is required for the proposed use (restaurant with 82 square metres of floor area available to the public). The application does not propose to provide any bicycle spaces.

It is considered the site can easily accommodate the requirement of this clause and as such a condition of any permit issued will ensure that at least one bicycle space which is available to patrons is provided on the land.

3.7 Compliance with Clause 65 (Decision Guidelines)

This application for the sale and consumption of liquor associated with a restaurant and a reduction in car parking requirements has been assessed against the relevant sections of the Decision Guidelines of Clause 65.01 of the Moonee Valley Planning Scheme. The application is considered to satisfy the decision guidelines of Clause 65, as these have generally been considered above and throughout Section 3 of this report.

3.8 Objections

A response to the objections received is discussed below.

Table 2

| Issue | Officer Response |
|--|--|
| Traffic and car parking | This is considered to be acceptable as discussed in Section 3.4 of this report. |
| Amenity impacts – safety, noise, crime, damage/graffiti, pollution | As discussed in Sections 3.2, 3.3 and 3.5 of this report and below it is considered the nature of the existing café use, its location on Ascot Vale Road, the nature of the proposed use, standard amenity condition controls for noise and waste, and legislated requirements for Responsible Service of Alcohol training for staff of the Ascot Food Store are all contributing factors, which are considered to minimise the impact of the proposal on the amenity of the area. It should be noted the perception that the approval of this application will result in increased crime in the area is not a valid planning consideration and that as Victoria Police has not objected to the application, that the proposal is acceptable in this regard. |
| Ascot Vale Road is free of alcohol – ‘dry zone’ | There is no planning policy in place which would prohibit a business on Ascot Vale Road from obtaining a liquor license, subject to Town Planning approval. Although Ascot Vale Road, like much of Essendon, Moonee Ponds, Ascot Vale and Flemington is located within an alcohol restricted zone, this restriction is limited to the consumption of alcohol in the public realm and does not affect licensed venues or the sale of liquor. It is |

| | |
|--|--|
| | considered that the alcohol restricted zone will in fact help to mitigate any potential impacts of the proposed licensed premises on the area as it makes the consumption of alcohol on the street a criminal offence. Further, as the license proposed does not include provision for BYO or takeaway of liquor, the potential for conflict with the 'dry zone' is minimal. |
| Oversaturation of licensed venues | This is considered to be acceptable as discussed in Section 3.5 of this report. |
| A restaurant use is not in accordance with sub-precinct 7D of the ACZ1 | As noted in Section 3.3 of this report the ACZ1 does not prohibit the use of land with sub-precinct 7D as a restaurant. For the reasons discussed in Section 3.3 of this report it is considered appropriate in this instance to allow the proposed use. |
| Notice of application for a planning permit sign not correctly displayed | This was rectified and it is confirmed that notice requirements have been fulfilled. |
| Devaluation of property | This is not a valid planning consideration. |
| No consultation with residents regarding transformation of the premises to a café (Ascot Food Store) | <p>As outlined in Section 2.1 of this report, the site has existing use rights for the operation of a Food and Drink premises. This was issued in accordance with Section 97N(1)(a) of the <i>Planning and Environment Act 1987</i> on 23 January 2014. There is no legislated requirement for the public exhibition of an application under Section 97N of the <i>Planning and Environment Act 1987</i> as this section deals exclusively with existing uses on the land. Council is satisfied that the current operations of the Ascot Food Store can be defined as a 'café', which is a land use that fits most appropriately under the umbrella of a Food and Drink Premises. It is considered that the key differences between a Food and Drink Premises (café) and a Restaurant are that a restaurant generally operates for a larger portion of the day and includes dinner time meals. A café is more typically inclined to operate at breakfast and lunch/late lunch hours and generally includes a larger focus on take-away food and drink. Whilst the proposal does not indicate any change with respect to the take-away aspect of the business, Council is satisfied that the increased operating hours proposed and the addition of a liquor license, transforms the use from a Food and Drink Premises to a Restaurant.</p> <p>It is, therefore, considered by Council the existing use is operating lawfully from the land and that the</p> |

| | |
|--|---|
| | proposed changes to the intensity of this use have been assessed against the correct provisions 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, zoning controls, the relevant Particular and General Provisions, and the decision guidelines at Clause 65 of the Moonee Valley Planning Scheme. Additionally, consideration has been given to the requirements of Section 60(1B) of the *Planning and Environment Act 1987* with respect to the number of objections received, and it is determined the proposal would not have a significant social effect.

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

Appendices

Appendix A: 320 Ascot Vale Road, Moonee Ponds - List of objectors properties

Appendix B: 320 Ascot Vale Road, Moonee Ponds - Advertised Plans (separately circulated)

Appendix C: 320 Ascot Vale Road, Moonee Ponds - Amended Advertised Plans (separately circulated).

Location of objector's properties

| |
|---------------------------------------|
| 279 Ascot Vale Road, Moonee Ponds |
| 293 Ascot Vale Road, Moonee Ponds |
| 297 Ascot Vale Road, Moonee Ponds |
| 298 Ascot Vale Road, Moonee Ponds |
| 299 Ascot Vale Road, Moonee Ponds |
| 301 Ascot Vale Road, Moonee Ponds |
| 302 Ascot Vale Road, Moonee Ponds X 2 |
| 303 Ascot Vale Road, Moonee Ponds |
| 304 Ascot Vale Road, Moonee Ponds |
| 305 Ascot Vale Road, Moonee Ponds |
| 309 Ascot Vale Road, Moonee Ponds |
| 311 Ascot Vale Road, Moonee Ponds |
| 312 Ascot Vale Road, Moonee Ponds |
| 314 Ascot Vale Road, Moonee Ponds |
| 318 Ascot Vale Road, Moonee Ponds |
| 326 Ascot Vale Road, Moonee Ponds |
| 330 Ascot Vale Road, Moonee Ponds |
| 340 Ascot Vale Road, Moonee Ponds |
| 1 Chaucer Street, Moonee Ponds |
| 3 Chaucer Street, Moonee Ponds |
| 5 Chaucer Street, Moonee Ponds |
| 6 Chaucer Street, Moonee Ponds |
| 7 Chaucer Street, Moonee Ponds |
| 9 Chaucer Street, Moonee Ponds |
| 10 Chaucer Street, Moonee Ponds |
| 11 Chaucer Street, Moonee Ponds |
| 12 Chaucer Street, Moonee Ponds |
| 13 Chaucer Street, Moonee Ponds |
| 15 Chaucer Street, Moonee Ponds |
| 21 Chaucer Street, Moonee Ponds |
| 24 Chaucer Street, Moonee Ponds |
| 4/1 Montgomery Street, Moonee Ponds |
| 5/1 Montgomery Street, Moonee Ponds |
| 4 Montgomery Street, Moonee Ponds |
| 6 Montgomery Street, Moonee Ponds |
| 8 Montgomery Street, Moonee Ponds |
| 8 Newton Parade, Moonee Ponds |
| 10 Newton Parade, Moonee Ponds |
| 13 Newton Parade, Moonee Ponds |
| 19 Newton Parade, Moonee Ponds |
| 7 Browning Street, Moonee Ponds |
| 10 Browning Street, Moonee Ponds |
| 16 Sandown Road, Ascot Vale |
| 2/45-47 Sandown Road, Ascot Vale |
| 22 Harold Street, Ascot Vale |
| 7 Anton Grove, Flemington |
| 2/86 Barkly Street, Brunswick East |
| 22 Tyrell Crescent, Fawkner |

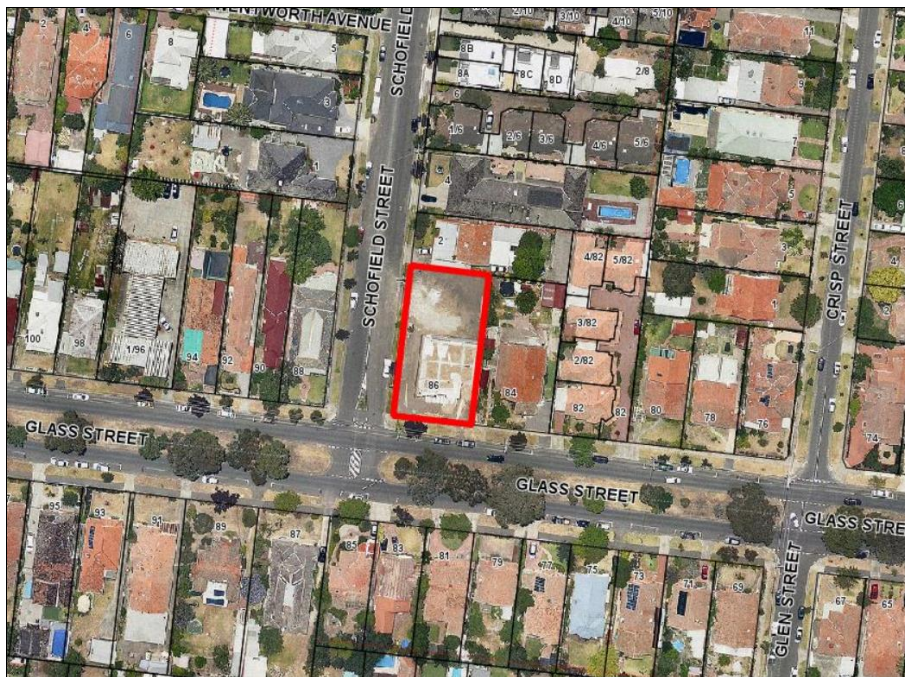
9.5 86 Glass Street, Essendon (Lot 1 TP680221Y) - Construction of two dwellings to the rear of an existing dwelling

File No: FOL/16/130
Author: Principal Statutory Planner
Directorate: Planning & Development
Ward: Buckley

| | |
|--|---|
| Planning File No. | MV/22/2016 |
| Proposal | Three dwellings (two double storey dwellings to the rear of an existing double storey dwelling) |
| Applicant | Architectural Plans & Permits |
| Owner | Ayhan Varol |
| Planning Scheme Controls | General Residential Zone No overlays |
| Planning Permit Requirement | Clause 32.08-4 – Construction of two or more dwellings on a lot |
| Car Parking Requirements (Clause 52.06) | Required: 6 car spaces Provided: 6 car spaces |
| Restrictive Covenants | None |
| Easements | None |
| Site Area | 943 square metres |
| Number Of Objections | 24 |
| Consultation Meeting | 17 August 2016 |

Executive Summary

- The application seeks planning approval for the construction of two dwellings to the rear of an existing dwelling.
- The site has an area of 943 square metres and is located on a corner on the northern side of Glass Street and the eastern side of Schofield Street, Essendon. The site comprises a double storey rendered dwelling, with basement, currently under construction and nearing completion.
- The application was advertised and 24 objections were received. The concerns raised related to neighbourhood character, bulk/scale, overdevelopment, site coverage, permeability, setbacks from Schofield Street, side and rear setbacks, lack of landscaping, lack of private open space, overlooking, overshadowing, daylight to existing windows, increased traffic, on-street car parking, extent of crossovers, safety regarding pedestrians, increased stormwater runoff, height and design of 2.4m fence, existing dwelling not compliant with building regulations, removal of existing tree along Glass Street, impacts on existing trees at No.2 Schofield Street, inadequate advertising and errors within reports.
- A Consultation Meeting was held on 17 August 2016, attended by Councillors Giuliano, Chantry and Sharpe, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.
- The application was internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit, Environmental Sustainable Design (ESD) Officer and Arborist. Conditional support to the application was provided.
- This assessment report finds 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/22/2016 for the construction of two dwellings to the rear of an existing dwelling at No.86 Glass Street, Essendon (Lot 1 TP680221Y), subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and 3 copies must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The rendered brick western and southern boundary fence for the existing dwelling reduced to a maximum of 2.0 metres in height along Schofield Street up to the front building line (living room), with narrow articulated recesses to increase visual interest, and then taper down to a maximum of 1.5 metres in height, three metres from the front property boundary along Glass Street.
 - b) The proposed swimming pool for the existing dwelling deleted or relocated further north within the secluded private open space area of this dwelling as a result of Condition 1.a).
 - c) The overall height, finished floor levels and wall heights of Dwelling 3 lowered by a minimum of 0.30 metres.
 - d) The Natural Ground Level (NGL) correctly shown on all elevation plans.
 - e) The northern elevation plan to clearly and correctly show the north-facing walls associated with Dwelling 3.
 - f) The First Floor Plan to correctly show the ground floor layout of Dwelling 2.
 - g) Internal elevation plans for Dwellings 2 and 3.
 - h) The proposed double crossover along Schofield Street reduced to a maximum width of 5.50 metres along this property boundary.
 - i) The provision of pedestrian visibility splays on the Ground Floor Plan in accordance with the requirements of Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.
 - j) A notation on all floor and elevation plans stating “for full Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD) requirements also refer to the endorsed STORM Rating Report and STEPS Report”.
 - k) All external paving on the Ground Floor Plan annotated as being permeable, except for the driveways for Dwellings 2 and 3, in accordance with the approved STORM Rating Report.
 - l) A roof plan which graphically shows the correct number of toilets the rainwater tank is connected to, in accordance with the approved STORM Rating Report.

- m) The Ground Floor Plan to show all WSUD treatment measures and annotations as per the Roof Plan and approved STORM Rating Report.
- n) The extent, size and grading of impervious surfaces draining to the buffer strips, with demonstration of how the water from these impervious surfaces will be collected. This must be consistent with the information provided in the approved STORM Rating Report.
- o) The provision of 300mm trench grates at the bottom of each garage.
- p) A schedule of all external materials and finishes for Dwellings 2 and 3 in colour. The schedule must show the materials, colours (including colour samples) and finishes of all external walls, roofing, fascias, garage doors, window frames, fences and paving.

When approved, these plans will be endorsed and will form part of this permit.

- 2. Except with the prior written consent of the Responsible Authority, the layout of the land 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.
- 3. Amended STORM Rating Reports must be submitted for Dwellings 2 and 3 simultaneously with the submission of amended plans in accordance with Condition 1. Each STORM Rating Report must demonstrate the correct 'allotment size' and obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
- 4. A minimum 30 days prior to any building or works commencing, all WSUD details (relating to the WSUD treatment measures nominated in the approved and complying STORM Rating Report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
- 5. A minimum 30 days prior to any building or works commencing, a WSUD Site Management Plan must be submitted to and approved by the Responsible Authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) A statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems.

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

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

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

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

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

- 7. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 8. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 9. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

All privacy screens and other measures to prevent overlooking as shown on the endorsed plans must at all times be maintained to the satisfaction of the Responsible Authority.

- 10. Before the buildings approved by this permit are occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Available for use in accordance with the endorsed plans;
 - c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans; and
 - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving),

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

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

- e) Be maintained and made available for such use; and
 - f) Not be used for any other purpose,
- to the satisfaction of the Responsible Authority.

11. Before the buildings approved by this permit are occupied, concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossing(s) must be removed and the area reinstated to footpath, nature strip and kerb and channel 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 prior written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.

12. The existing street trees at the front of the site along Glass Street and Schofield Street must not be removed or damaged as a result of the permitted development, except with the prior written consent of the Responsible Authority.
13. The existing street tree already removed along Glass Street must be replaced with an advanced tree which is at least 2 metres high at the time of planting and of a species (*Eucalyptus Leucoxylon* 'Rosea' *Megalocarpa*) and condition to the satisfaction of the Responsible Authority. Before the development starts, the applicant must provide details to the satisfaction of the Responsible Authority of the replacement tree including:
- a) method of mulching and mounding;
 - b) the species (*Eucalyptus Leucoxylon* 'Rosea' *Megalocarpa*) of the replacement planting;
 - c) the size of planting and its maturity; and
 - d) the location of the replacement planting.

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

14. All structures within the pedestrian visibility splays at each vehicle access point must be at least 50% visually permeable pursuant to Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.
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. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

Before the development starts a Drainage Layout Plan, including computations and manufacturer's specifications, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable

qualifications to the satisfaction of the Responsible Authority and must depict an on-site stormwater detention drainage system to be installed on the land.

When approved, the Drainage Layout Plan will form part of this permit.

The on-site stormwater detention drainage system must be installed and the provisions, recommendations and requirements of the endorsed Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.

17. Before the buildings approved by this permit are occupied, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
18. The development must be provided with external lighting capable of illuminating access to each 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 land.
19. Before the development starts, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and 3 copies must be provided. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:
 - a) Plans to accord with Condition 1 of this permit;
 - b) The provision of a minimum of two canopy trees within the front setback of the existing dwelling facing Glass Street, which are able to achieve a minimum mature height of 4 metres;
 - c) The provision of additional landscaping, comprising tall thin trees (i.e. Italian Pencil Pines), in front of the west facing meals room window of Dwelling 2;
 - d) The provision of additional landscaping, comprising tall thin trees (i.e. Italian Pencil Pines), adjacent to the eastern property boundary and driveway of the existing dwelling facing Glass Street;
 - e) All planting abutting the accessways and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme; and
 - f) Provision of a replacement street tree (*Eucalyptus Leucoxylon* 'Rosea' *Megalocarpa*) at the front of the property along Glass Street.

When approved, the amended landscape plan will be endorsed and will form part of this permit.

Landscaping in accordance with the endorsed landscaping plan and schedule must be completed before the building is occupied.

20. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
21. Prior to the commencement of buildings and works, the STEPS Report (Base Project ID:33310 dated 30 May 2016) is to be modified with a minimum project sustainability score of 250/500 and submitted to the Responsibility Authority for approval. Once approved, the STEPS Report is to be implemented and appropriately managed during construction of the proposed buildings to the satisfaction of the Responsible Authority.
22. 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 make a written request to the Responsible Authority to extend the expiry date.

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry 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 the development starts, the permit holder must contact Moonee Valley City Council regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- No on-street parking permits will be provided to the occupiers of the land.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculation: $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- Before the development starts, separate approval must be obtained from the Moonee Valley City Council in relation to the proposed replacement of the nominated street tree along Glass Street. Please contact Council on 9243 8888 to speak with Council's Arborist.

- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is a corner site located on the northern side of Glass Street and the eastern side of Schofield Street, Essendon. The site is regular in shape with a frontage to Glass Street of 22.10 metres and a maximum depth of 42.67 metres, resulting in a total area of 943m².

The land has an approximate 0.80 metre fall from the south-west of the site to the north-east.

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

The site comprises a double storey rendered dwelling, with basement, currently under construction and nearing completion. Vehicle access is obtained from an existing crossover to the north-west along Schofield Street. There is no significant landscaping or vegetation on the subject site, which was cleared prior to construction commencing on-site. There is one street tree located at the front of the site along Glass Street, noting that one street tree was removed during construction, and two street trees located at the side of the site along Schofield Street.



Figure 2 – Subject site (No.86 Glass Street, Essendon)

The surrounding area is predominantly residential zoned land used and developed for residential purposes. The surrounding built form is predominantly single and double storey, with examples of multi-dwelling developments and three storey apartment buildings nearby. While the built form in the immediate vicinity is predominantly traditional in style and character, including brick, render and weatherboard dwellings with pitched tiled or metal roofing, there are examples of two and three storey flat roofed apartment buildings along this section of Glass Street as well as an emergence of new and contemporary developments nearby.

1.2 Proposal

It is proposed to construct two double storey dwellings to the rear of an existing (currently under construction and nearing completion) double storey dwelling. The proposal, as advertised, can be summarised as follows:

Table 1

| | |
|-----------------------|--|
| No. of dwellings | Three (1 x 5 bedrooms and 2 x 3 bedrooms) |
| No. of car spaces | Complies (minimum of six provided on-site) |
| Max. building height | 8.03 metres (existing dwelling excluded) |
| Overall site coverage | 56.74% (total site) |
| Overall permeability | 26.46% (total site) |

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

2. Background

2.1 Relevant Planning History

No relevant planning history has been identified for the land.

A Building Permit (BS-U 27714 20150606/0) was issued on 1 December 2015 by MKT Building Surveyors Pty Ltd for the 'construction of detached dwelling (1ai)'. This dwelling is double storey in height, with a basement level, comprises five bedrooms and is currently under construction and nearing completion.

A Report and Consent (39345/2015) was approved under Regulation 427(1) of the *Building Regulations 2006*, on 20 May 2015 to allow the proposed fence to exceed 1 metre in height above the footpath within 9 metres of a point of intersection of street alignments. However, as a Report and Consent for this fence has not been issued in accordance with regulations 424(3) and 425(3) of the *Building Regulations 2006*, Council has since revoked the consent granted on 20 May 2015.

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 21.02 Key Issues and Influences

Clause 21.03 Vision

Clause 21.04 Sustainable Environment

Clause 21.05 Housing

Clause 21.06 Built Environment

Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning

Clause 32.08 General Residential Zone

Particular and General Provisions

Clause 52.06 Car Parking

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

Clause 65 Decision Guidelines

2.3 Referrals

External

- Not applicable.

Internal

- Engineering Services Unit

No objection subject to standard drainage and engineering conditions.

- Traffic and Transportation Unit

No objection subject to the provision of pedestrian visibility splays in accordance with Clause 52.06-8 (Design Standards for Car Parking) and the double width crossover/accessway being a maximum of 5.5 metres in width along the Schofield Street property boundary.

- Environmental Sustainable Design (ESD) Officer

- An updated and correct STORM Rating Report is required (allotment size on each report is too large), with the inclusion of associated Water Sensitive Urban Design (WSUD) notations and conditions on any permit granted. The Sustainable Tools for Environmental Performance Strategy (STEPS) report needs to achieve a minimum project sustainability score of 250/500 and is to be amended as a condition on any permit granted accordingly. References to design commitments within the STEPS report are also to be shown on the plans as a condition on any permit granted.

- Arborist

No objection subject to a replacement street tree, species *eucalyptus leucoxylon* 'rosea' *megalocarpa*, being provided along Glass Street.

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, twenty-four (24) objections were received from the properties detailed at **Appendix A** of this report.

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

2.5 Consultation Meeting

A Consultation Meeting was held on 17 August 2016, attended by Councillors Giuliano, Chantry and Sharpe, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.

3. Discussion

3.1 State Planning Policy Framework (SPPF)

The relevant State Planning Policy Framework clauses are considered to be met. For the large part State Planning objectives seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. The subject site is approximately 210 metres from the North Essendon Activity Centre and approximately 270 metres from the Principal Public Transport Network (PPTN). The site is also located within proximity of local businesses, public reserves and public transport options. The location of the subject site is considered to lend support for a more intensive form of residential development.

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

3.2 Local Planning Policy Framework (LPPF)

The proposal generally complies with the objectives and strategies of Clause 21.04 (Sustainable Environment) through the use of ecologically sustainable design principles, as highlighted within the submitted STEPS report. However, the STEPS report is to achieve a minimum project sustainability score of 250/500, with references to such design commitments to be shown on the plans, and these are to be conditions on any permit granted. Furthermore, all dwellings will need to meet the minimum six star energy efficiency rating as required by the National Construction Code (NCC), which is considered suitable. As mentioned earlier, Council's ESD Officer recommended the submission of an updated and correct STORM Rating Report with the inclusion of associated WSUD notations, and these are to be included as conditions on any permit granted accordingly.

The proposed development accords with the objectives of Clause 21.04-7 (Waste) and can be adequately catered for by Council's waste collection services.

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.

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

The proposal generally complies with Clause 22.03 Stormwater Management (Water Sensitive Urban Design) and meets the required on-site stormwater treatment as demonstrated by achieving at least 100% on the STORM Rating Report. However, as mentioned earlier Council's ESD Officer recommended corrections to the STORM Rating Report, which are to be done through conditions on any permit granted. The relevant WSUD requirements, including stormwater treatment measures and relevant annotations, are to also be included as conditions on any permit granted in accordance with this policy.

3.3 Neighbourhood Character Guidelines

The subject land is identified as being within character area 'Garden Suburban 3'.

The preferred character statement for this particular precinct is as follows:

"New developments will contribute to the predominant siting and finishes of the precinct, and be located in well-maintained garden settings.

Front façade articulation will be achieved through the use of recesses to complement the verandah and porch areas of the traditional dwellings. The use of lighter finishes will complement the palette of materials used in traditional buildings. Consistent front and side setbacks will reinforce the existing rhythm of the built form, while low or permeable front fences will retain the open appearance of the streets."

It is considered that the development (two dwellings to the rear of the existing dwelling) provides a suitable response to the preferred character statement of Garden Suburban 3 within the Neighbourhood Character Precinct Profiles 2012 as follows:

Table 2

| | |
|------------------------------|---|
| Siting and Building Envelope | <p>Has a street setback of 3.0 metres from Schofield Street (side street), which complies with the requirements of Clause 55.03-1 (Street Setback).</p> <p>Is a corner site and, as a result, is set off one side boundary when viewed from each streetscape. The development also allows for a 1.0 metre setback between the existing and proposed dwellings for more than half the depth of the site. This space between the dwellings is to be landscaped with tall thin trees (i.e. Italian Pencil Pines) to soften the built form and provide an improved sense of spacing along Schofield Street.</p> |
|------------------------------|---|

| | |
|-------------------------------|---|
| | Building envelope similar to other medium density style developments within the immediate area, particularly along Schofield Street. |
| Built Form | <p>A mix of traditional and modern elements complementing the mix within the streetscape and surrounding area.</p> <p>Well-articulated on each elevation.</p> <p>Double storey height is responsive to existing and emerging building heights within the immediate vicinity.</p> |
| Design Detail | <p>A mix of brick, render cladding and pitched tiled roofing, which is considered to be characteristic of traditional and more contemporary infill developments in the area. Proposed colours are predominantly reds, creams and greys, which contribute to the streetscape and complement the predominant palette of colours and materials in the area.</p> <p>Windows have been provided along Schofield Street to ensure surveillance of the street is achieved.</p> |
| Landscaping and front fencing | <p>The development is provided with landscaped front and rear private open space areas.</p> <p>No front fence is proposed for the two dwellings along Schofield Street, which complements this streetscape as a number of properties along Schofield Street do not contain front fencing. However, the nominated 2.4 metre high rendered brick boundary fence for the existing dwelling along Schofield Street and part of Glass Street is not low or permeable in design and would not retain the open appearance of the streetscape. This fence should be reduced in height to a maximum of 2.0 metres along Schofield Street up to the front building line (living room), with narrow articulated recesses to increase visual interest, and then taper down to a maximum of 1.5 metres in height, three metres from the front property boundary. The height of 2.0 metres along Schofield Street is similar to other side boundary fences within the area, while also allowing suitable privacy to the secluded private open space area along this side boundary. The height of 1.5 metres along Glass Street, and returning for three metres along Schofield Street, will complement the height of other front fences along Glass Street. While this is higher than the nominated maximum of 1.2 metres under the 'Garden Suburban 3' precinct profile, the additional height is considered acceptable in this instance as it would only be for a distance of approximately 5.0 metres along Glass Street. The rendered brick design of this fence is</p> |

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| | considered to complement the style of the existing dwelling as well as other masonry fences nearby. However, the narrow articulated recesses would help reduce the visual impact of the higher expansive section along Schofield Street, while also providing some articulation similar to other high timber paling and corrugated metal side boundary fences. Therefore, subject to modification, the front and side boundary fencing is considered appropriate in this instance and is to be a condition on any permit granted accordingly. |
|--|---|

3.4 Compliance with Clause 52.06 (Car Parking)

The proposal provides sufficient car parking as set out in the table below:

Table 3

| Use (dwellings) | Required | Provided |
|---|----------|-------------------------|
| Three dwellings (1 x 5 bedrooms and 2 x 3 bedrooms) | 6 | Complies (minimum of 6) |
| Residential visitors | 0 | 0 |
| Total | 6 | Complies (minimum of 6) |

As discussed under Section 2.3 of this report, Council's 'Traffic and Transportation Unit' has no objection to the proposed development, subject to the inclusion of conditions on any permit granted.

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

3.5 Clause 55 (ResCode) Assessment

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

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

Table 4

| ResCode Standard | Response |
|---|--|
| Clause 55.02-1 (Standard B1) Neighbourhood Character | As discussed under Sections 3.2 and 3.3 of the report, it is generally considered that the proposal is appropriate as it responds to the site and the surrounding area, subject to modification. |

| | |
|--|---|
| Clause 55.03-8 (Standard B13) Landscaping | There is one street tree located at the front of the site along Glass Street (noting that one street tree was removed during construction) and two street trees located at the side of the site along Schofield Street, which are to be retained. The street tree that was removed along Glass Street during construction is to be replaced as a condition on any permit granted. |
| Clause 55.04-1 (Standard B17) Side and Rear Setbacks | The minor non-compliances of 0.06 metres at the ground floor level and 0.04-0.07 metres at the first floor level along the northern property boundary result from proposed Dwelling 3 being raised approximately 0.60-0.70 metres above natural ground level along this boundary. Considering there are no significant site constraints or slope to the land, which is relatively flat, these non-compliances are not warranted or acceptable. Dwelling 3 is to be reduced in height by a minimum of 0.30 metres, to allow compliance with this standard, and this is to be a condition on any permit granted accordingly. |
| Clause 55.04-2 (Standard B18) Walls on Boundaries | <p>The northern boundary wall has a length of approximately 9.10 metres and a maximum height of approximately 3.80 metres, which does not meet the height requirements of this standard. As discussed above, considering the land is relatively flat and there are no significant site constraints, the northern boundary wall height is considered excessive and does not respect the streetscape or neighbourhood character. The northern boundary wall is to be reduced in height by a minimum of 0.30 metres, along with the rest of Dwelling 3 as required under Standard B17, to allow compliance with the objective of this standard. While this would still result in a non-compliance, a 3.5 metre high wall abutting an existing boundary wall of similar height with no direct amenity impacts, is considered acceptable in this instance.</p> <p>The eastern boundary wall associated with the existing dwelling nearing completion has a length of approximately 6.90 metres and has been built to an average height of approximately 3.58 metres and a maximum height of approximately 3.96 metres above natural ground level, which does not comply with the height requirements of this standard. While the same principle would normally apply to the eastern boundary wall as the northern boundary wall, the eastern boundary wall has already been constructed and a decision needs to be made as to whether the additional height of 0.36-0.38 metres is significant enough to warrant demolition. While there would</p> |

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| | certainly be visual impacts on the streetscape, this would be mitigated somewhat by having a new boundary fence and existing outbuilding adjacent to this wall. The inclusion of tall thin trees (i.e. Italian Pencil Pines) in front of this wall, as indicated on the plans, could also help soften the visual impact of this wall on the streetscape and this is to be a condition on any permit granted accordingly. Importantly, this wall is well set back from existing habitable room windows and the secluded private open space area of No.84 Glass Street and, therefore, would not significantly impact on the amenity of occupants within this dwelling. Therefore, it is considered that significant material detriment will not be made to warrant demolition and the existing eastern boundary wall can remain at its current height in this instance. |
| Clause 55.04-6 (Standard B22) Overlooking | Given the primary living areas of Dwelling 3 appear to be raised 0.54-0.89 metres above natural ground level, there is overlooking potential from the ground floor north and east facing habitable room windows. As discussed earlier, this dwelling should be lowered a minimum of 0.30 metres in order to meet the requirements of this standard and also comply with the provisions of Standards B17 and B18. This is to be a condition on any permit granted. |
| Clause 55.05-1 (Standard B25) Accessibility | The entries to proposed Dwellings 2 and 3 could potentially be accessed by all future residents including people with limited mobility. However, this could be improved by the lowering of Dwelling 3 closer to natural ground level by a minimum of 0.30 metres, as discussed earlier under Standards B17, B18 and B22. This is to be a condition on any permit granted accordingly. |
| Clause 55.06-2 (Standard B32) Front Fences | The nominated 2.4 metre high rendered brick fence associated with the existing dwelling is to be modified as discussed under Section 3.3 of this report. No front fence is proposed for Dwellings 2 and 3, which is considered suitable to the site and the streetscape. |

3.6 Objections

A response to the objections is provided as follows:

Table 6

| Issue | Officer Response |
|-------------------------|---|
| Neighbourhood character | This is considered acceptable, subject to modification, as discussed within Section 3.3 of this report. |

| | |
|--|--|
| Height, bulk and scale | This is considered acceptable, subject to modification, as discussed within Sections 3.3 and 3.5 of this report. Importantly, the proposed development, subject to the inclusion of conditions, meets the height and setback requirements of Clause 55 (ResCode) and does not present excessive visual bulk accordingly. |
| Overdevelopment / site coverage / permeability | This is considered acceptable as discussed within Sections 3.2, 3.3 and 3.5 of this report. The proposed development meets the requirements of Clause 55.03-3 (Site Coverage) and Clause 55.03-4 (Permeability). It is noted that the planning report submitted with the application incorrectly refers to a site coverage of 65.86% when the overall site coverage is actually 56.74%. |
| Setback from Schofield Street | The proposed Dwellings 2 and 3 are each set back a minimum of 3.0 metres from Schofield Street, which complies with the requirements of Clause 55.03-1 (Street Setback). |
| Side and rear setbacks | The proposed development, subject to the lowering of Dwelling 3 by a minimum of 0.30 metres as a condition on any permit granted, meets the setback requirements of Clause 55.04-1 (Side and Rear Setbacks). |
| Lack of private open space / lack of landscaping | Each dwelling is provided with a minimum of 40m ² of secluded private open space in accordance with the requirements of Clause 55.05-4 (Private Open Space) and provide adequate opportunities for landscaping. It is noted that a professional landscape plan with increased landscaping will form a condition on any permit granted, as discussed within Sections 3.3 and 3.5 of this report. |
| Overlooking | The proposed development, subject to the lowering of proposed Dwelling 3 by a minimum of 0.30 metres, meets the requirements of Clause 55.04-6 (Overlooking) as discussed within Section 3.5 of this report. |
| Overshadowing | The proposed development meets the requirements of Clause 55.04-5 (Overshadowing Open Space). |
| Daylight to existing windows | The proposed development meets the requirements of Clause 55.04-3 (Daylight to Existing Windows). |

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| Car parking / traffic / extent of crossovers / safety regarding pedestrians | This is considered acceptable as discussed within Sections 2.3 and 3.4 of this report. While the proposed development meets the requirements of Clause 55.03-9 (Access), Council's Traffic and Transportation Unit requires the double width crossover along Schofield Street to be a maximum of 5.50 metres in width and this is to be a condition on any permit granted. Pedestrian visibility splays are also required for each accessway, to maximise pedestrian visibility, and this is to be a condition on any permit granted accordingly. |
| Increased stormwater runoff | Council's Engineering Services Unit has no objection to the proposed development, subject to the inclusion of conditions on any permit granted as discussed within Section 2.3 of this report. It is noted Council's ESD Officer also had no objection to the STORM Rating Report and Water Sensitive Urban Design response, subject to the inclusion of conditions on any permit granted as discussed within Sections 2.3 and 3.2 of this report. |
| Height and design of 2.4m fence | The nominated 2.4m high fence for the existing dwelling is not considered appropriate and is to be modified as discussed within Section 3.3 of this report. |
| Existing dwelling not compliant with building regulations | While this is typically not a planning issue and is dealt with under the relevant building legislation, some aspects associated with the existing dwelling (including the eastern boundary wall and front/side boundary fence) have been included within the assessment of this planning application as a result of compliance issues raised since the building permit was approved and planning application lodged with Council. |
| Removal of existing street tree along Glass Street | This street tree is to be replaced through conditions on any permit granted, as discussed within Sections 2.3 and 3.5 of this report. |
| Impacts on two existing trees along the southern boundary of No.2 Schofield Street | These existing trees are not subject to any overlays under the Moonee Valley Planning Scheme (i.e. Environmental Significance Overlay, Vegetation Protection Overlay, etc.). Furthermore, these trees are not considered to be particularly significant to warrant an arborist report or tree protection zone measures, particularly given the development would not result in any significant excavation along this property boundary that could cause significant detriment to the root system and health of these trees. It is noted that proposed Dwelling 3 is set back |

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| | from these existing trees, and not built up to the property boundary adjacent to these trees, which is considered acceptable in this instance. |
| Advertising inadequate | Two notices were placed on-site for 14 days and advertising letters were sent to the owners and occupiers of all adjoining and surrounding properties in accordance with Section 52 of the <i>Planning and Environment Act 1987</i> , as discussed within Section 2.4 of this report. Twenty-four objections were received as a result of this process, which indicates that the extent of advertising was adequate in this instance. It is noted that no evidence or photos have been provided to Council to support this claim, and therefore, the extent of advertising is considered acceptable and in accordance with the requirements of the Act. |
| Errors within the documentation | These are noted and were considered in the final assessment of the application. |

4. Human Rights

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

5. Conclusion

The application has been assessed against the relevant provisions of the State Planning Policy Framework, Local Planning Policy Framework, zoning controls, the relevant Particular and General Provisions, and the decision guidelines at Clause 65 of the Moonee Valley Planning Scheme. Additionally, consideration has been given to the requirements of Section 60(1B) of the *Planning and Environment Act 1987* with respect to the number of objections received, and it is determined that the proposal would not have a significant social effect.

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

Appendices

Appendix A: Objectors

Appendix B: Clause 55 (ResCode) Assessment Table

Appendix C: Advertised Plans (separately circulated).

Location of Objector's Properties

| |
|--|
| 2 Glen Street, ESSENDON VIC 3040 |
| 2 Schofield Street, ESSENDON VIC 3040 |
| 22 Robb Street, ESSENDON VIC 3040 |
| 45a Glass Street, ESSENDON VIC 3040 (X2) |
| 52 Bulla Road, STRATHMORE VIC 3041 (X2) |
| 65 Glass Street, ESSENDON VIC 3040 (X2) |
| 69 Glass Street, ESSENDON VIC 3040 |
| 71 Glass Street, ESSENDON VIC 3040 |
| 77 Glass Street, ESSENDON VIC 3040 (X2) |
| 81 Glass Street, ESSENDON VIC 3040 (X2) |
| 83 Glass Street, ESSENDON VIC 3040 |
| 84 Glass Street, ESSENDON VIC 3040 |
| 85 Glass Street, ESSENDON VIC 3040 (X2) |
| 88 Glass Street, ESSENDON VIC 3040 (X2) |
| 89 Glass Street, ESSENDON VIC 3040 (X2) |
| 93 Glass Street, ESSENDON VIC 3040 |

Clause 55 of the Moonee Valley Planning Scheme

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

Where there is non-compliance, or modification required, see Section 3.5 of this report.

| Title and Objective | Complies with Standard | Complies with Objective |
|---|---|--------------------------------|
| <i>B1 - Neighbourhood Character</i> | ✓ (subject to conditions) | ✓ (subject to conditions) |
| <i>B2 - Residential Policy</i> | ✓ | ✓ |
| <i>B3 - Dwelling Diversity</i> | N/A | N/A |
| <i>B4 - Infrastructure Objectives</i> | ✓ | ✓ |
| <i>B5 - Integration with the Street Objective</i> | ✓ | ✓ |
| <i>B6 - Street Setback Objective</i> | ✓ | ✓ |
| <i>B7 - Building Height Objective</i> | ✓ | ✓ |
| <i>B8 - Site Coverage Objective</i> | ✓ | ✓ |
| <i>B9 - Permeability Objectives</i> | ✓ | ✓ |
| <i>B10 - Energy Efficiency Objectives</i> | ✓ | ✓ |
| <i>B11 - Open Space Objective</i> | N/A | N/A |
| <i>B12 - Safety Objective</i> | ✓ | ✓ |
| <i>B13 - Landscaping Objectives</i> | ✓ (subject to conditions) | ✓ (subject to conditions) |
| <i>B14 - Access Objectives</i> | ✓ | ✓ |
| <i>B15 - Parking Location Objectives</i> | ✓ | ✓ |
| <i>B16 - Parking Provision Objectives</i> | Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 3.4 of the report. | |
| <i>B17 - Side and Rear Setbacks Objective</i> | ✓ (subject to conditions) | ✓ (subject to conditions) |
| <i>B18 - Walls on Boundaries Objective</i> | X | ✓ (subject to conditions) |
| <i>B19 - Daylight to Existing Windows Objective</i> | ✓ | ✓ |
| <i>B20 - North-facing Windows Objective</i> | N/A | N/A |
| <i>B21 - Overshadowing Open Space Objective</i> | ✓ | ✓ |
| <i>B22 - Overlooking Objective</i> | ✓ (subject to conditions) | ✓ (subject to conditions) |

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

✓ - complies

X - non-compliance

N/A - not applicable

9.6 Alf Pearce Reserve Fenced Dog Park Design

File No: FOL/16/130
Author: Coordinator Open Space & Urban Design
Directorate: Planning & Development
Ward: Buckley

Purpose

To endorse the design of the fenced dog park at Alf Pearce Reserve for consultation.

Executive Summary

- The Domestic Animal Management Plan was endorsed in July 2014, which included the action to 'investigate the possible introduction of a dog only park'.
- Council's Local Laws unit undertook a Dog Only Park Feasibility Study and associated consultation which identified Alf Pearce Reserve, Cliff Whitworth Reserve, Ian J McWilliams Park and Collier Park as potential sites for a fenced dog park.
- A municipal wide survey was conducted to seek feedback on which of the four sites above was the preferred location for a fenced dog park. Through community consultation, Alf Pearce Reserve was identified as the preferred location.
- The dog park trial at Alf Pearce Reserve commenced in December 2015 and consultation to determine support for a permanent dog park was undertaken from 22 April to 13 May 2016.
- The result of the consultation showed support for a permanent fenced dog park at Alf Pearce Reserve and the decision to retain the dog park at Alf Pearce was made at the Ordinary Council Meeting on the 24 May 2016.
- A draft design was created with review from specialist consultant, Paws4Play.

The design is provided in **Appendix A** (separately circulated)

Recommendation

That Council undertake further consultation to confirm the final design of the fenced dog park in Alf Pearce Reserve for construction.

Background

Fenced dog areas are becoming more sought after within the community, as they provide social connection and physical benefits to the community. Dogs Parks are often contested spaces given they are a designated area assigned for one particular use within public open space. Hence, thorough community consultation was required to ensure the best possible outcome.

Moonee Valley City Council does not currently have an adopted position or policy in regard to fenced dog parks, however a number of off-leash areas exist within Moonee Valley reserves, including:

- Aberfeldie Park, The Boulevard, Aberfeldie
- JH Allan Reserve, Park Drive, Keilor East
- Boeing Reserve (northern end only), Boeing Road, Strathmore Heights
- Cross Keys Reserve (Eastern end only), Bridge Street, Essendon
- AJ Davis Reserve, Fullarton Road, Airport West
- Fairbairn Park, Woods Street, Ascot Vale
- Spring Gully Reserve, Keilor Road, Keilor East
- Thompson Street Reserve, Thompson Street, Avondale Heights
- Travancore Park, Mooltan Street, Flemington.

The Domestic Animal Management Plan endorsed in July 2014 included the action to 'investigate the possible introduction of a dog only park'. Council's Local Laws unit undertook a Feasibility Study which identified four parks which may be suitable for a fenced dog park. Community consultation was undertaken, through which Alf Pearce Reserve was identified as the preferred site within the municipality.

A six month trial for the fenced dog park was undertaken from December 2015 to May 2016. Community consultation on the trial was undertaken from the 22 April to the 13 May 2016, which established the community's position to retain the fenced dog park.

Further consultation with the surrounding community was undertaken on the draft design to determine the final design of the fenced dog park.

Discussion

A fenced dog park provides a secure area for the community and their pets. The design of the dog park can provide stimulation for the dog through exploration of natural elements, such as planting, logs and rock and through interaction with other dogs.

It can also provide a social setting for interaction between dog owners and decrease dog behaviour problems by preventing boredom and subsequent destructive behaviours, such as digging and barking.

Given the potential benefits, the design for the proposed park was created in consultation with specialist consultant, Paws4Play and includes the following elements to provide a sensory experience and complement the existing landscape setting:

- **Run About Area.** This area will comprise of a low maintenance gravel surface to withstand high use and will include drainage to prevent ponding and muddy patches. It includes a shelter, various seating opportunities for dog owners, drinking fountain, bins, dog waste bags and garden beds with shade trees.
- **Time Out Area.** There will be a separate area for older and smaller dogs to recuperate from the larger fenced area. This will include seating, double access entry, bins, dog waste bags, internal access gate, drinking fountain, garden beds and shade trees.
- **Agility Area.** The agility area will include training equipment, seating and screen planting to provide a quieter space for owners to train their dogs.
- **Dry Creek Bed.** This landscape feature is designed to direct flow of movement, provide elements for dogs to explore and provide informal seating and shade.
- **Bushland Walk.** The area to the north of the site will buffer noise, provide shade to the seating area and provide a different surface type for dogs to explore.
- **Rocky Escarpment.** The use of rocks and landform is designed to provide an informal seating area and to provide grade variation for dogs to increase agility and confidence in uneven height conditions.
- **She Oak Forest.** The area to the north of the site will buffer noise from the freeway through dense planting and will improve amenity to the northern pathway.

The design will complement the existing landscape setting of Alf Pearce Reserve with the use of natural materials, garden beds, fencing and buffer planting.

In accordance with Victorian legislation, the Domestic Animals Act 1994, Council requires all dogs to be under effective control by their owners in all public spaces, including fenced dog parks. All dogs need to be trained to respond to their owner when called and owners will be required to dispose of dog waste thoughtfully.

Consultation

The decision to retain the dog park at Alf Pearce Reserve was made at the Ordinary Meeting on the 24 May.

The draft design was distributed to the community, within a 500m radius of the Reserve, for comment in July 2016 and feedback was invited from 11 July until the 5 August 2016. The local community was invited to a public session held at Alf Pearce Reserve on Saturday 23 July 2016.

Approximately 50 people attended the drop-in Community Session on Saturday 23 July 2016, this was a mix of dog park users and residents within the area. Written feedback included a total of 26 emails and two fliers.

Feedback received resulted in some changes to the design, including a new location for the agility and time out area. Location of entrances, maintenance access and pathways were also reconsidered for the final design.

The feedback received on the draft design fell broadly into the following categories:

- Increased running area for dogs
- Increased kick-about area outside dog park
- Additional seating
- Provision of public toilet.

A summary of the consultation during the draft design phase is included in this report as **Appendix B** (separately circulated).

Parking concerns of surrounding residents have been identified throughout the consultation and management of parking in the streets surrounding Alf Pearce Reserve. The parking can be addressed by installing signage and line marking to reinforce legal parking areas. The exact signage and line marking changes would be the subject of future consultation with adjacent properties.

The design of the dog park has been prepared taking into consideration the community feedback received, together with internal stakeholder feedback, specialist advice and relevant Council policy and directions.

Further consultation will be undertaken with the community to confirm the final layout.

Implications

1. Legislative

Any built works undertaken as part of the fenced dog park will be subject to relevant Australian Standards and Local Laws.

2. Council Plan / Policy

In presenting this report to Council, it is achieving its Strategic Objective to Build a community where people feel safe in both public and private spaces in accordance with Council Plan 2013-2017 Theme 1: Friendly and safe - A community where people feel connected and safe.

3. Financial

Following the further consultation and upon finalisation of the layout, detailed costings will be undertaken and referred to Council for adoption and inclusion within the Capital Works Program.

4. Environmental

The Alf Pearce Reserve dog park provides a designated area for dog owners to engage in a social, active leisure activity. By containing the park with a fence, it's expected the impacts of dog waste would be managed and the dogs less likely to access surrounding reserves. A dedicated dog park with many visitors also provides social pressure to encourage dog walkers to collect and dispose of dog waste appropriately.

Conclusion

The Domestic Animal Management Plan endorsed in July 2014 included the action to 'investigate the possible introduction of a dog only park'. Council's Local Laws unit undertook a Dog Only Park Feasibility Study and consultation which highlighted Alf Pearce Reserve as the preferred location for a fenced dog park. Consultation was undertaken with local residents to determine support for a six month trial. The trial results showed support for a permanent fenced dog park.

The dog park has been designed with review from specialist consultants and consultation with the community has been undertaken.

The Alf Pearce dog park design includes natural materials and agility equipment, which is designed to decrease dog behaviour problems by preventing boredom. The park is designed to provide the community and their dogs a secure environment and social setting for positive interaction, whilst providing an integrated landscaped setting to the existing open space. The design will be presented to the community for further feedback and consultation.

Appendices

Appendix A: Alf Pearce Reserve Dog Park Concept Plan (separately circulated).

Appendix B: Alf Pearce Reserve Dog Park Design - Consultation Summary
(separately circulated).

9.7 Debneys Park Update

File No: FOL/16/130
Author: Coordinator Open Space & Urban Design
Directorate: Planning & Development
Ward: Myrnong

Purpose

To report on the Debneys Meadows Primary School's request for changes to the fencing and subsequent changes to junior play space and shared pathway within Debneys Park.

Executive Summary

- Debneys Meadows Primary School five year shared use agreement with Council to use the north-west corner of the park for recess and lunch times, expired in 2015. The School has proposed relocation of the fencing and playspace, as part of renegotiating their shared use agreement.
- Council Officers have prepared a plan in consultation with Debneys Meadow Primary School, which outlines new location of fencing and junior playspace for consultation. This draft design is provided in **Appendix A** (separately circulated). The opportunity to improve the shared pathway has been highlighted as part of this new proposal.

Implementation within the 2016/17 Capital Works Program.

Recommendation

That Council:

1. Approve the draft design for fencing relocation, shared pathway and junior playspace at Debneys Park.
2. Undertake consultation to inform the community of the design inclusive of the playspace, shared pathway and fence.
3. Request an additional financial contribution from the State Government for the improvements which will benefit the broader community.
4. Consider the shortfall of funding to be referred to the 2016/17 Capital Works Program.

Background

Debneys Meadow Primary School is located within the north-west corner of Debneys Park. The Primary School had a five year lease agreement to use a portion of Council's public open space during recess and lunch times, which expired in 2015.

The school currently experiences safety issues with the existing fence arrangement, which is partially open to the public, providing an unclear boundary between park

users and students. The existing shared pathway and junior playspace are located within the designated fenced area, creating a conflict point.

The school has requested the following to be considered by Council:

- Existing fence be replaced with a higher fence with lockable gates and for gates to be locked all week.
- Confirmed that the existing play equipment adjacent to the school is not essential within the fenced area or as part of their school activities.
- The adjacent seating area be removed and / or relocated due to undesirable activities.

A site investigation and design have been undertaken and the proposal has been submitted to the Debneys Meadow Primary School with the following recommendations:

- Install school fence (1.5m high) in a new alignment to create separation between school and the shared pathway.
- The shared pathway is adjacent to the school and realignment of this will provide better bicycle and pedestrian movement into and through the park and reduce conflict between users.
- Relocate play area to the larger playspace, south of Debneys Park to provide toddler and junior play.
- Provide two entrances with gates that are closed only during school hours and is managed by the school to ensure that the community can use it after hours and during the weekend.
- Retain seating area for users of circuit pathway but redesign and reorientate the seating to focus views into the broader parkland and away from the school.

Discussion

Council's Open Space Strategy 2009, highlights gaps within open space network for the suburbs of Moonee Ponds, Flemington and Essendon.

Removal of open space for the broader community to access and enjoy, needs to be considered when reviewing shared used agreements for public open space.

The proposal to realign the fencing and maintain community access to the space during after school hours will ensure that both community and school can benefit from these changes.

The proposed shared path re-alignment will improve sightlines and remove the existing conflict and safety concerns between path users and those entering and exiting the school area as shown in **Appendix B** (separately circulated).

The existing playspace will also be removed to eliminate similar conflict between the shared path users and playspace users. A new junior play area will be more appropriately located within the large play precinct in the eastern area of the Park as shown in **Appendix A** (separately circulated). The large play precinct does not currently provide for junior play.

The new junior play opportunities as outlined in **Appendix C** (separately circulated) will include the following features:

- A basket swing
- An in ground trampoline
- Rockers and spinner
- Musical elements
- Colourful rubber surfacing
- Natural play elements

Consultation

Once the proposal is approved by Council, the local community will be informed through the installation of signage on site, outlining the proposed changes.

A letter will also be send to residents within a 500m radius to inform the adjoining properties and residents within the immediate vicinity.

Implications

1. Legislative

Any built works undertaken as part of fencing, shared pathway and playspace relocation will comply with the relevant Australian Standards.

2. Council Plan / Policy

In presenting this report to Council, it is achieving its Strategic Objective to:

- Build a community where people feel safe in both public and private spaces in accordance with Council Plan 2013-2017 Theme 1: Friendly and safe - A community where people feel connected and safe.

3. Financial

Preliminary costings for the proposal have been undertaken and the budget implications are as follows:

| Item | Cost |
|--|---|
| Junior Playspace | Approximately: \$110,000.00 Currently have \$70,000 dedicated to this item in the Playspace Plan Implementation |
| Fencing | Approximately: \$35,000 |
| Shared pathway realignment, including bollards, lighting works and landscape remediation works, such as planting and lawn. | Approximately: \$120,000 |

The Department of Education and Training have funds of \$24,000 to contribute to the new fencing, additional funding may be required by the Department to cover the full cost.

Given the benefits will be for the broader community, Council will request State Government for an additional financial contribution to help fund the improvements

due to the direct benefit of the school and adjacent housing estate, as well as the broader community.

Any shortfall of funding will be referred to the Capital Work Program.

4. Environmental

Improvements to the shared pathway will increase safety and amenity for cyclists and pedestrians, creating a suitable alternative to car use. The shared pathway route is identified in the Travel Smart Maps as a principle off-road shared pathway.

Conclusion

Debneys Meadows Primary School five year shared use agreement with Council to use the north-west corner of the park for recess and lunch times, expired in 2015. The School has proposed relocation of the fencing as part of renegotiating their shared use agreement. The existing shared pathway and junior playspace are located within the existing fenced area, creating a conflict point.

Council has prepared a plan in consultation with Debneys Meadow Primary School, which outlines new location of fencing, junior playspace and shared pathway. The proposal provides a safer environment for both school students and shared pathway users and improved amenity for the broader community and this will be subject to further consultation with the immediately affected community.

Appendices

Appendix A: Debneys Park Site Plan (separately circulated)

Appendix B: Debneys Park Fence Realignment Plan for Debney Meadows
(separately circulated)

Appendix C: Debneys Park Proposed Junior Playspace Location and Design
(separately circulated) .

9.8 24 Craig Street, Keilor East - Parking Supply Options

File No: FOL/16/130
Author: Traffic & Transport Engineer
Directorate: Planning & Development
Ward: Rosehill

Purpose

This report provides information on options for the residential car parking for 24 Craig Street, Keilor East and recommends discussions with the Body Corporate and key stakeholders regarding an option to provide four car parking spaces on part of Council's Steele Creek Drive Reserve for use by visitors to 24 Craig Street, Keilor East.

Executive Summary

- Planning Permit MV/17581/2005 was issued in November 2006 for the construction of 35 dwellings including 14 residential visitor car parking spaces at 24 Craig Street, Keilor East (**Appendix A**).
- The developer was required to provide 7 residential visitor car parking spaces, in line with the Planning Scheme. The applicant provided an additional 7 residential visitor car parking spaces (total 14 visitor car spaces).
- In December 2011 Council issued the Statement of Compliance and Certification to the developer subject to the developer completing the remaining works which included the construction of the residential visitor car parking.
- Occupancy permits were issued and residents began to occupy dwellings in July 2013.
- In November 2013, due to road site limitations (road widths) and the location of 7 residential visitor car parking spaces causing difficulty for residents accessing their garages, the developer contacted Council with a preliminary plan to potentially remove 7 visitor car parking spaces (**Appendix B**).
- In March 2014, due to the site constraints, the developer contacted Council to relocate 2 residential visitor car spaces adjacent to the hammerhead at the end of the cul-de-sac (**Appendix C**). Council did not support the relocation of the car spaces and requested the developer engage an appropriate engineer to ensure the 2 residential visitor car spaces are provided.
- The developer experienced financial difficulty and was unable to fulfil the residential visitor car parking requirements of the development in line with the Planning Scheme requirements. The residential development now has 5 residential visitor car parking spaces and is short 2 residential visitor car parking spaces, required by the Planning Scheme.

- In July 2015 the Owners Corporation met with Council and raised concerns with the lack of residential visitor car parking spaces for the residential development.
- In June 2016 Council commenced exploring options to assist with the shortfall of residential visitor car parking spaces at 24 Craig Street, Keilor East. The preferred option is Option 3a.

parking spaces.

Recommendation

That Council:

1. Endorse discussions with the Body Corporate 24 Craig Street, Keilor East and key stakeholders regarding an option to provide four car parking spaces for use by visitors to 24 Craig Street, Keilor East on part of Council's Steele Creek Drive Reserve as shown in **Attachment F**.
2. Temporarily fence off the area required to provide four car spaces to prevent further encroachment into the Reserve.
3. Receive a further report outlining the outcomes of the discussions and, if supported, the process for implementing the four car parking spaces.

Background

November 2006

A planning permit MV/17581/2005 was issued in November 2006 for the construction of 35 dwellings including 14 residential visitor car parking spaces at 24 Craig Street, Keilor East (**Appendix A**). The applicant was required to provide 7 residential visitor car parking spaces, in line with the Planning Scheme. The applicant provided an additional 7 residential visitor car parking spaces (total 14 visitor car parking spaces).

December 2011

In December 2011 Council issued the Statement of Compliance and Certification to the developer subject to the developer completing the remaining works which included the construction of the residential visitor car parking.

July 2013

Occupancy permits issued and residents began to occupy dwellings in July 2013.

November 2013

In November 2013, due to the site limitations (road widths) and the location of 7 residential visitor car parking spaces (car spaces 6-12) causing difficulty for residents accessing their garages, the developer contacted Council with a preliminary plan to potentially remove 7 visitor car parking spaces. Therefore, the development would have a remaining 7 residential visitor car parking spaces in line with the minimum Planning Scheme requirements (**Appendix B**).

March 2014

In March 2014, due to the site constraints, the developer contacted Council to relocate car spaces 13 and 14 for the visitors adjacent to the hammerhead at the end of the cul-de-sac (**Appendix C**). Council did not support the relocation of car spaces 13 and 14 and requested the developer engage an appropriate engineer to create/design a method in which the retaining wall could be constructed for car space 13, which included the widening of the entrance into the car parking space. In addition car parking space 14 needed to be completed with a suitable barrier/railing to be installed to protect vehicles/driver/passengers entering/exiting the car parking space. The developer did not complete the appropriate works for car parking spaces 13 and 14 and they were not installed. Shortly after the developer experienced financial difficulty and was unable to fulfil the residential visitor car parking requirements of the development in line with the Planning Scheme requirements.

July 2015

The Owners Corporation met with Council in July 2015 and raised concerns with the lack of residential visitor car parking spaces for the residential development. They raised concerns that the proposed development has a shortage of 9 residential visitor car parking spaces (car spaces 6 -14) due to the sites constraints. The site now only has 5 residential visitor car parking spaces, 2 car parking spaces short of the minimum Planning Scheme requirements (**Appendix D**). Council has explored options to assist with the shortfall of residential visitor car parking spaces for the residential development.

Currently there is a vacant parcel of Council land (reserve) which is unfenced and being used illegally by the residents and visitors of the 24 Craig Street development to assist with the overflow of parking which cannot be accommodated on the internal road due to the nature of the road.

The Owners Corporation contacted Council requesting to use a section of the reserve adjacent to dwelling 21 to provide residential visitor car parking spaces.

Discussion

Council has explored various options to increase residential visitor car parking for 24 Craig Street, Keilor East residential development as follows:

Table 1 - Various Options to address residential visitor car parking

| Option | Description | Advantages | Disadvantages |
|--------|-------------|--|---|
| 1 | Do Nothing. | No cost to Council or Body Corporate if left unfenced. Provides parking option for Visitors /Residents. | Does not address current issue of cars parking on reserve. Detrimental to amenity. Mud & gravel tracked onto internal road. |

| | | | |
|-----------|--|---|---|
| 1A | Installation of fence limiting access to Council land. | No encroachment onto Council Reserve. No consultation with other stakeholders beyond Body Corporate required. Low cost. | Development is 2 residential visitor car spaces short of min Planning Scheme requirements. Residents /visitors experiencing difficulty parking when visiting friends and family. Not supported by Body Corporate of 24 Craig St. |
| 2 | Body Corporate to investigate possible locations onsite for extra visitor parking with suitable signage/line marking (in vicinity of current unfenced access point to Council reserve). | Cost effective, does not impact Council or external residents. The 2 residential visitor car parking spaces to be accommodated and development will meet minimum requirements of the Planning Scheme. | Limited space available to provide parking. Access grades steep. |
| 3 | Investigate possibility of using portion of the Council reserve for visitor parking with suitable agreement with the Body Corporate or sale of part of the land. | Residents of 24 Craig Street development to either enter into a lease agreement with Council for the carpark or possibly the sale of the land. Body Corporate to pay for the construction of the car park. Additional 10 car parking spaces for residents and resident visitors to the 24 Craig Street private development. Address parking issues raised by Body Corporate. | Further consultation/ investigation and approval required by the community and all relevant stakeholders which may not support the proposal and use of the land. Expectation/ precedence of future developments for use of Council land for private use. |
| 3a | Investigate possibility of using small portion of the Council reserve (next to the boundary) for visitor parking with suitable agreement with the Body Corporate or sale of part of the land. | Residents of 24 Craig Street development to either enter into a lease agreement with Council for the carpark or possibly the sale of the land. Body Corporate to pay for the construction of the car park. Additional 4 car parking spaces for residents and resident visitors to the 24 Craig Street private development. (Cover shortfall of 2 visitor spaces with 2 additional spaces). | Further consultation/ investigation and approval required by the community and all relevant stakeholders which may not support the proposal and use of the land. Expectation/ precedence of future developments for use of Council land for private use. |
| 4 | Investigate possibility of using Council land to provide two carparks one accessed via 24 Craig Street and second accessed via Talus Court as part of the Stage 5 Valley Lake development. Two carparks will have a common footpath between them and can be used by both developments for visitor parking with suitable agreement with the Body Corporate or sale of part of the land. | Residents of 24 Craig Street development to either enter into a lease agreement with Council for the carpark or assist in the purchase and construction cost of the carpark. Body Corporate to pay for the construction of the car park accessed via Craig Street. Provide 12 car parking spaces giving the opportunity for the community of Keilor East to utilise the Steele Creek walking path from Talus Court and to form a recreational area to activate the open space. Additional 10 car parking spaces for residents and resident visitors to the 24 Craig Street private development. Improved amenity through revegetation or introduction of BBQ/play space/path access. | Possible extra cost when construction commences. Further consultation/ investigation and approval required by the community and all relevant stakeholders which may not support the proposal and use of the land. Expectation of future developments for use of Council lands for private purpose. Site grades may limit opportunity for improvements. |

Option 3 is presented in **Appendix E** and Option 3a is presented in **Appendix F**.

Option 4 is presented in **Appendix G**.

Option 3a would provide an additional 4 car parking spaces for residents and resident visitors to the 24 Craig Street residential development exceeding the requirements of the Planning Scheme with an additional 2 car parking spaces.

Consultation

Consultation is recommended to be undertaken with the Body Corporate and key stakeholders including Friends of Steele Creek.

Implications

1. Legislative

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

2. Council Plan / Policy

In presenting this report to council, council is achieving its Strategic Objective to Enhance the look and feel of the city through good design in accordance with Council Plan 2013-2017 Theme 1: Sustainable living - Clear direction for growth and development of the city.

This report has considered objectives of the following Council documents:

- Moonee Valley Municipal Parking Strategy 2001; and
- Moonee Valley Planning Scheme.

3. Financial

The temporary fencing is estimated at \$500 and can be accommodated within the operating budget.

4. Environmental

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

Conclusion

Council officers have committed to assisting the developer and residents of the residential development in finding a solution to the shortfall in residential visitor car parking.

The report has explored the advantages and disadvantages for options that have been considered in addressing the shortage of residential visitor car parking for the 24 Craig Street, Keilor East residential development, and recommends consultation on option 3A.

Appendices

Appendix A: Approved layout including 14 residential visitor car parking spaces

Appendix B: Proposed layout of 7 residential visitor car parking spaces 6-12

Appendix C: Proposed layout - Relocation of 2 residential visitor car parking spaces

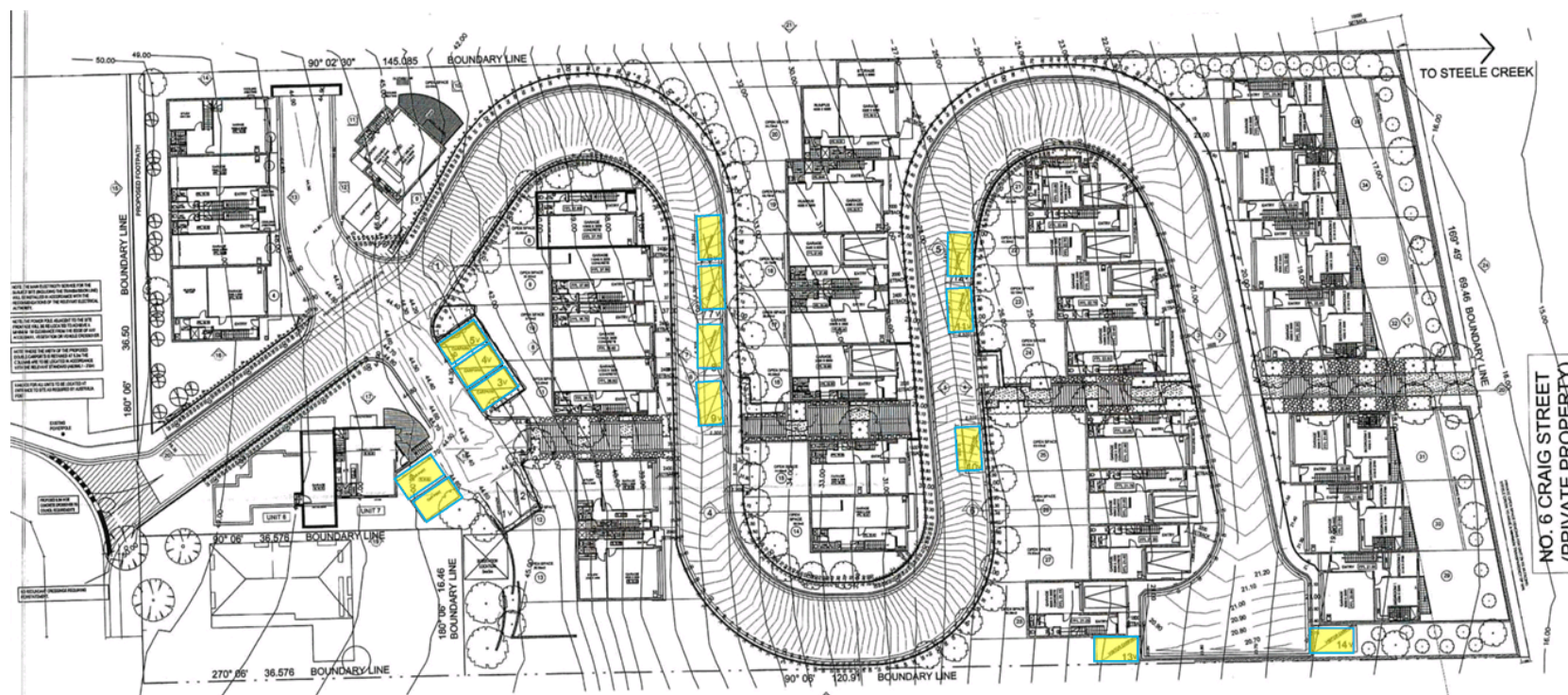
Appendix D: Current layout including 5 residential visitor car parking spaces 1-5

Appendix E: Option 3 - Council enter into agreement with Body Corporate to provide car park on Council Reserve

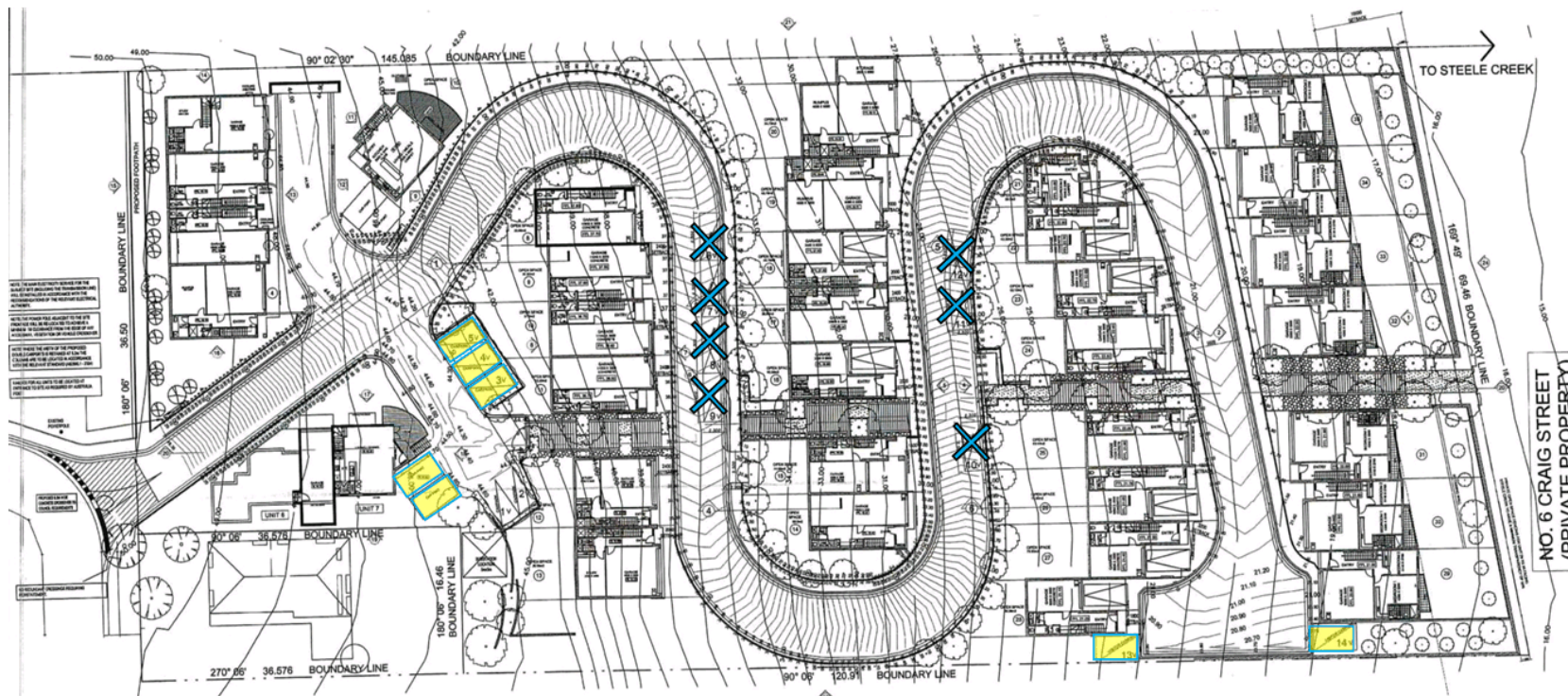
Appendix F: Option 3a - Council enter into agreement with Body Corporate to provide car park on Council Reserve

Appendix G: Option 4 - On Council Reserve provide two car parks one via Craig Street and other via Talus Court.

Appendix A – Approved layout including 14 residential visitor car parking spaces



Appendix B – Proposed layout of 7 residential visitor car parking spaces 6-12
(Requested by Developer – November 2013)



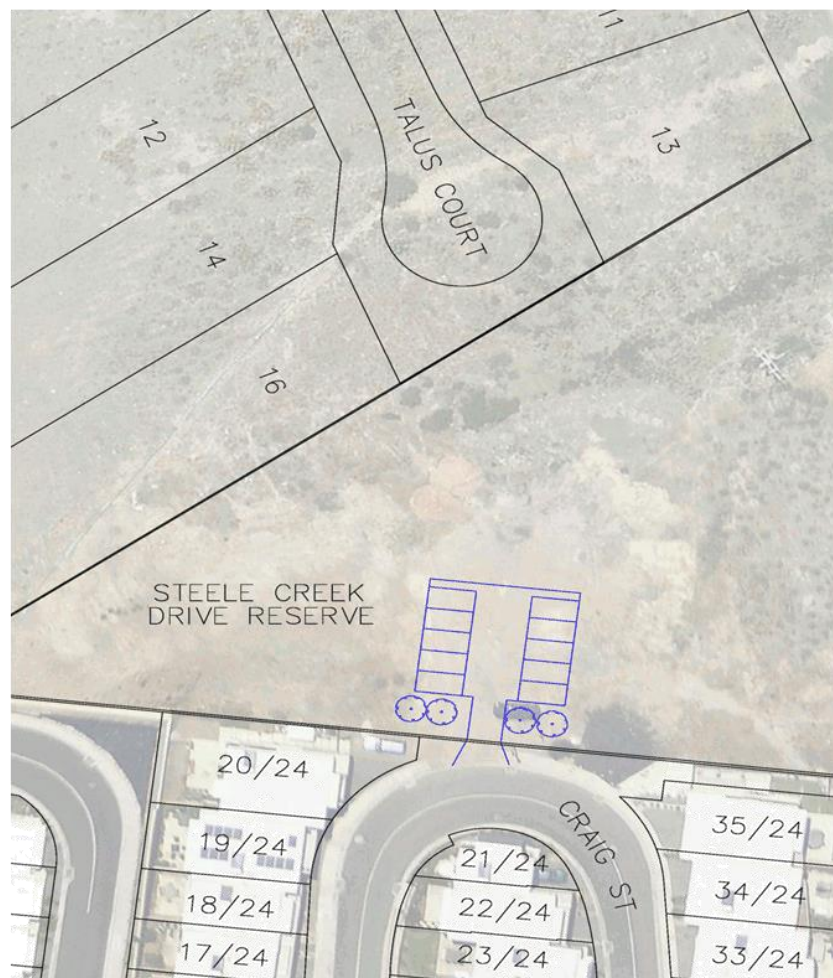
Appendix C – Proposed layout - Relocation of 2 residential visitor car parking spaces 13-14
(Requested by Developer – March 2014)



Appendix D – Current layout including 5 residential visitor car parking spaces 1-5



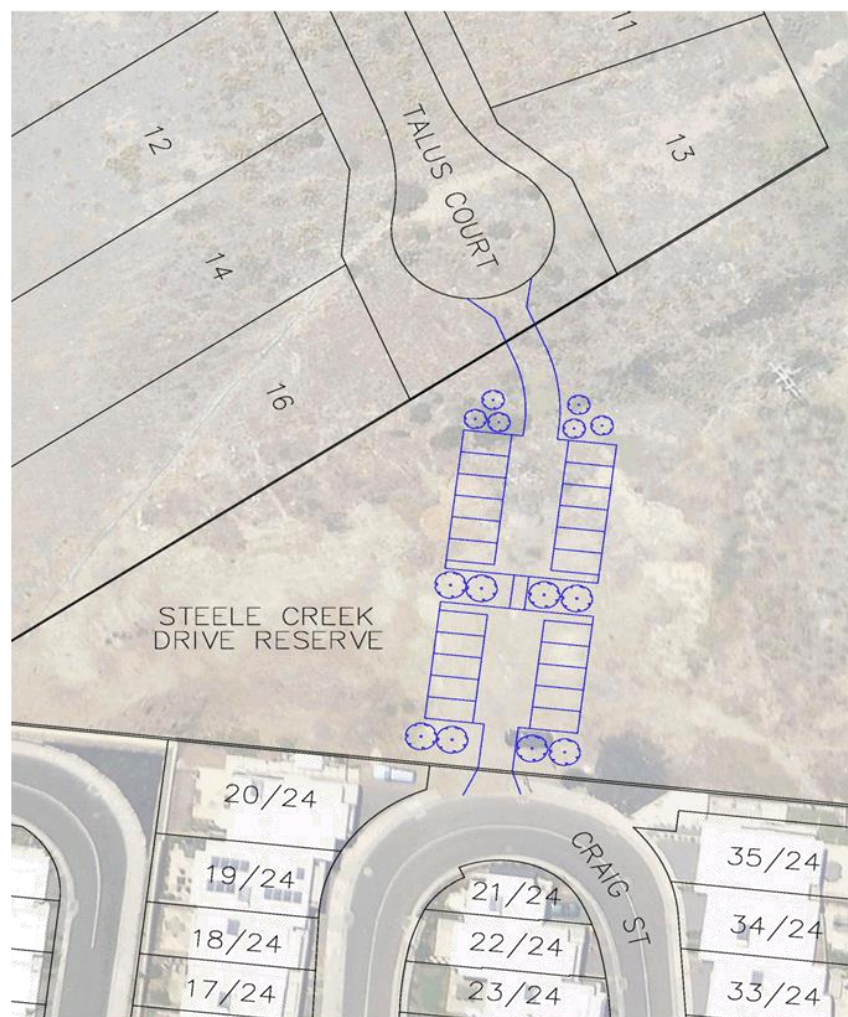
Appendix E – Option 3 - Council enter into agreement with Body Corporate to provide car park on Council Reserve



Appendix F – Option 3a - Council enter into agreement with Body Corporate to provide car park on Council Reserve



Appendix G – Option 4 – On Council Reserve provide two car parks one via Craig Street and other via Talus Court



9.9 Kent Street Traffic Management Study

File No: FOL/16/130
Author: Senior Traffic & Transport Engineer
Directorate: Planning & Development
Ward: Myrnong

Purpose

This report provides the results of the community consultation for the Kent Street Traffic Management Study.

Executive Summary

- Since the completion of the Flemington Hill Traffic & Parking Study in 2013, community concerns have been raised in relation to traffic, road safety and speeding in Kent Street.
- Kent Street is a Council road, but currently forms part of the Victorian Over Dimensional (OD) Route Network for permitted loads (i.e. over-sized and over-weight vehicles) and as such, the installation of further traffic management devices has not been considered prior to this study as any changes to the network or installation of traffic management devices need approval from VicRoads.
- VicRoads has advised they are currently in the process of reviewing the OD Network and have informally advised Council the future removal of Kent Street from the OD Network is supported.
- The Kent Street Traffic Management Study commenced in September 2015.
- The study area is generally bound by Mt Alexander Road, South Street, Clissold Street, Ascot Vale Road, Canterbury Street, Farnham Street and Wellington Street (presented in **Appendix A**).
- The study area covers approximately 1,200 properties and although the study area includes streets in the immediate vicinity, it is primarily focussed on Kent Street.
- The study area is predominantly residential with only a small pocket of commercial properties around Mt Alexander Road. Additionally, there are 4 schools in the nearby vicinity.
- The study has involved extensive consultation with the local community via questionnaires, surveys and circulars to identify local traffic issues.
- A Working Group was formed to assist Council officers with the development of the draft Traffic Management Plan at three (3) stages of the study process.

- The Working Group comprised members of the local community including traders, residents, Myrnong Ward Councillors, Council officers and consultants from Traffix Group.
- A Draft Traffic Management Plan was developed by the consultants with input from the Working Group.
- A questionnaire was circulated within the study area in July 2016 to seek feedback on the Draft Traffic Management Plan.

Management Plan.

Recommendation

That Council:

1. Adopt the Kent Street Traffic Management Plan as presented in **Appendix B**, noting the threshold treatments proposed for Queens Avenue and Pin Oak Crescent will not be raised but will be level with the existing road surface.
2. Refer the works within the Traffic Management Plan to future Capital Works Budget for funding consideration, noting the Queens Avenue / Pin Oak Crescent works will be constructed in the 2016/17 financial year.
3. Advise residents and traders within the Kent Street Traffic Management Study area of the outcome of this report.
4. Advocate to VicRoads for the removal of Kent Street from the Over-Dimensional Route Network and funding opportunities for the installation of traffic signals at Mt Alexander Road and Kent Street.

Background

Since the completion of the Flemington Hill Traffic & Parking Study in 2013, community concerns have been raised in relation to traffic, road safety and speeding in Kent Street.

Kent Street is a Council road, but currently forms part of the Victorian Over-Dimensional (OD) Route Network for permitted loads (i.e. over-sized and over-weight vehicles) and as such, the installation of further traffic management devices has not been considered prior to this study; any changes to the network or installation of traffic management devices need approval from VicRoads.

VicRoads has advised they are currently in the process of reviewing the OD Network and have informally advised Council the future removal of Kent Street from the OD Network is supported. Council wrote to VicRoads in July 2016 seeking an update on the status of the review of the OD Route.

The Kent Street Traffic Management Study commenced in September 2015 and the study area is generally bound by Mt Alexander Road, South Street, Clissold Street, Ascot Vale Road, Canterbury Street, Farnham Street and Wellington Street (**Appendix A**). It comprises approximately 1,200 properties, with predominantly residential use.

There are a number of factors in the vicinity potentially impacting on the traffic along Kent Street. These include:

- Flemington Primary School
- St Brendan's Catholic Primary School
- Ascot Vale Primary School
- Mt Alexander College
- CityLink
- Major events at the Royal Melbourne Showgrounds and Flemington Racecourse
- Geography – Kent Street is a direct connection between Mt Alexander Road and Ascot Vale Road.
- Craigieburn Railway Corridor – The design for the Craigieburn Railway Corridor Bicycle Shimmy Scheme at the intersections of Queens Avenue and Pin Oak Crescent at Kent Street (**Appendix C**).

The study process involves a number of steps typical of Local Area Traffic Management (LATM) studies, with the following tasks undertaken to date:

October 2015:

Council appointed an independent consultant (Trafix Group) to assist in the development of the Kent Street Traffic Management Study.

October 2015:

Every property occupier and landowner in the Kent Street study area was invited to provide feedback to Council on issues, concerns and opportunities related to traffic and safety along Kent Street. This was undertaken in the form of a circular and included a questionnaire.

Nominations were sought from residents, traders and stakeholders to act as community volunteers on the Working Group.

The most significant issues raised by residents regarding traffic and safety conditions along Kent Street are presented in the table below.

Table 1: Summary of Traffic identified by Community

| Issue | Detail |
|---|---|
| Safety Concerns | 52% of responses safety concerns as a 'major' problem. |
| Irresponsible Driving | 42% of responses identified irresponsible driving as a 'major' problem. |
| Traffic Volume | 41% of responses identified traffic volume as a 'major' problem. |
| Note: The above figures provide only a summary of the responses and do not sum to 100%. | |

November 2015:

A Working Group was appointed and the first Working Group Meeting was held to discuss community feedback and all identified issues and opportunities.

February 2015:

The second Working Group Meeting was held to discuss the development of the Draft Traffic Management Plan. All feedback was considered and the consultants then updated the Draft Traffic Management Plan.

June 2016

Council adopted the Draft Traffic Management Plan (**Appendix B**) for consultation after several amendments were made following further pedestrian counts.

July 2016

Consultation of Draft Traffic Management Plan is undertaken.

September 2016

The third Working Group meeting was held and discussed the community responses and the detailed design for the Craigieburn Railway Corridor Bicycle Shimmy at the intersections of Queens Avenue and Pin Oak Crescent at Kent Street.

The Working Group endorsed the Kent Street Traffic Management Plan (**Appendix B**) noting the threshold treatments proposed for Queens Avenue and Pin Oak Crescent will not be raised but level with the existing road surface.

Discussion

A draft Traffic Management Plan was prepared by Traffix Group to address the main issues for the Kent Street local area in consultation with the Working Group and Council officers.

The objectives of the Draft Traffic Management Plan included reducing the incidence and potential for vehicle and pedestrian crashes in the area, improving the safety of local streets by reducing traffic speeds and discouraging through traffic from using Kent Street. This included developing proposals that addressed traffic concerns raised by the community, while maintaining adequate levels of accessibility for local residents, local businesses and emergency services, and maximise the safety benefits.

The Working Group considered a range of traffic management treatments and information was presented to the Working Group on the advantages and disadvantages of suitable treatments and locations.

Community Responses to Draft Traffic Management Plan

Overall, there was strong support for the Draft Traffic Management Plan, with 64% of respondents in full support, 32% partial support and 4% no support. Of the approximately 1,200 questionnaires distributed, 122 responses were received.

At least 74% support was received for each of the three proposed slow points and at least 87% support was received for each of the two pedestrian refuges.

Community responses to the draft TMP are summarised in **Appendix D**.

Consultation

Extensive consultation has been undertaken with the property occupants and owners throughout the course of the study. The establishment and meeting of the Working Group has provided further insight into the community's concerns.

The final questionnaire was circulated to the study area to determine the level of support for the Draft Traffic Management Plan and notification of the outcome of this report will be sent to the study area.

Implications

1. Legislative

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

2. Council Plan / Policy

The undertaking of Local Area Traffic Management studies are in line with the 2013-2017 Council Plan and will contribute to Theme 3 (Sustainable Living) and Strategic Outcome 3.2 (Facilitate the provision of a broad range of safe, accessible and sustainable transport modes across the municipality).

3. Financial

Works within the Traffic Management Plan will be referred to future Capital Works Budget for funding consideration, noting the Queens Avenue / Pin Oak Crescent works will be constructed in the 2016/17 financial year.

4. Environmental

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

Conclusion

Given the extensive consultation undertaken for the Kent Street Traffic Management Study to manage the community's concerns, and with the strong support received, it is recommended Council adopt the Kent Street Traffic Management Plan as presented in Appendix B, noting the threshold treatments proposed for Queens Avenue and Pin Oak Crescent will not be raised but level with the existing road surface.

Appendices.

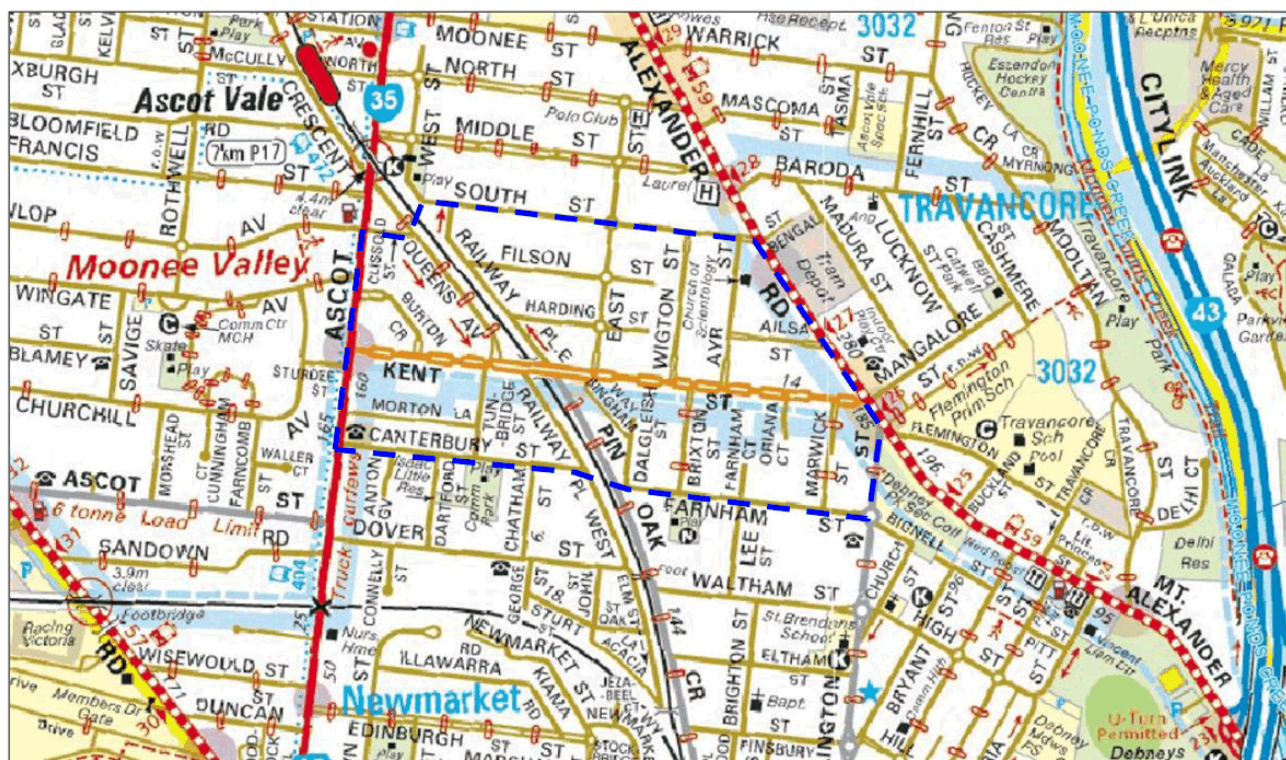
Appendix A: Study Area

Appendix B: Traffic Management Plan

Appendix C: Craigieburn Railway Corridor Kent Street Plan

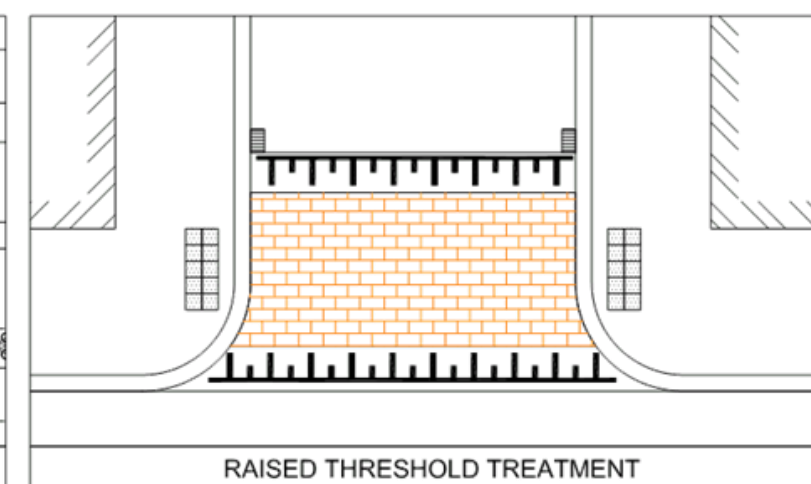
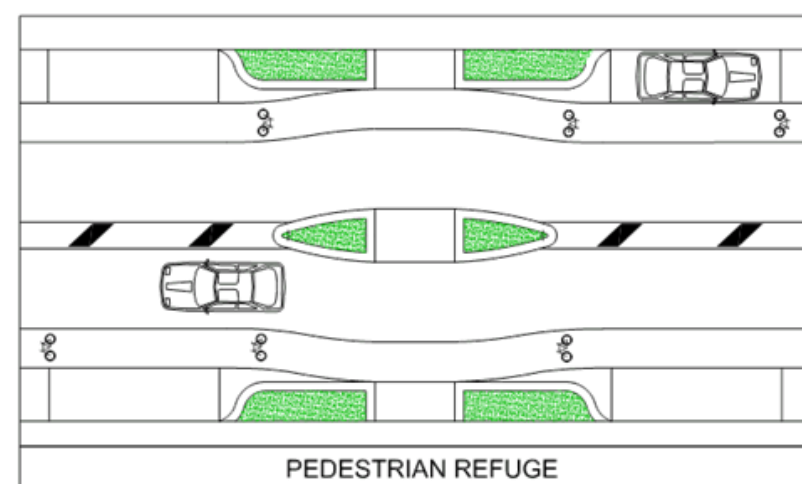
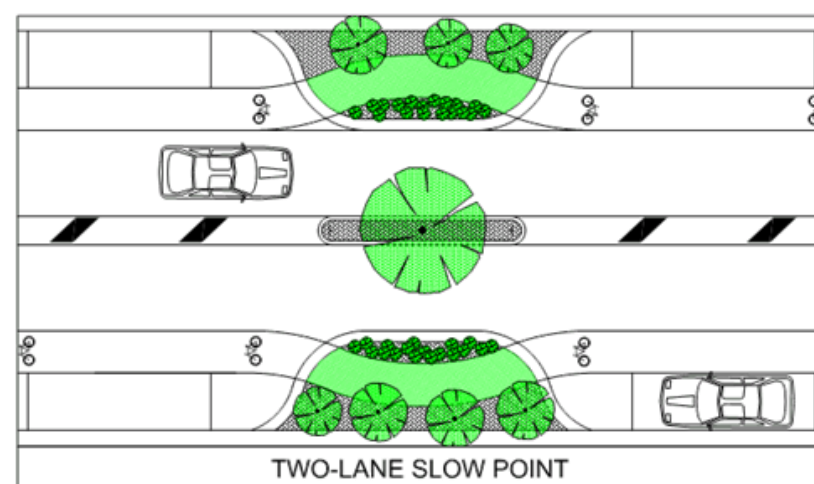
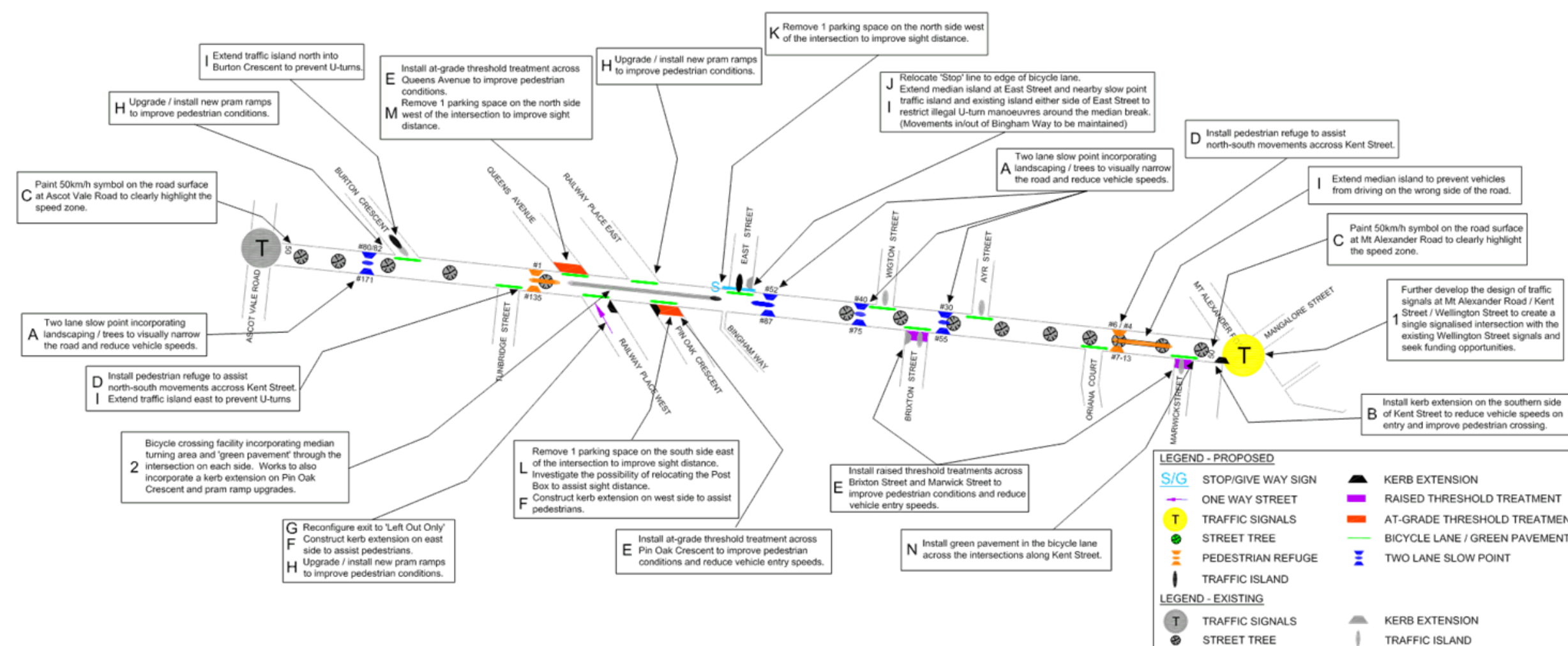
Appendix D: Circular Responses.

APPENDIX A



Study Area: Kent Street Traffic Management Study

KENT STREET LOCAL TRAFFIC MANAGEMENT STUDY FINAL TRAFFIC MANAGEMENT PLAN



Kent Street Traffic Management Study
Street By Street Summary



| Treatment # | Description | Support from Properties in Kent Street | | | | | |
|-------------|---|--|----|---|----|--------------------------------|---|
| | | Number Responding | Y | N | X | Number Preference Stated (Y+N) | Percentage Support for Treatment (Y ÷ Number Preference Stated) |
| Ai | Install two lane slow point on Kent Street outside #30 and #55 Kent Street | 35 | 25 | 7 | 3 | 32 | 78% |
| Aii | Install two lane slow point on Kent Street outside #40 and #75 Kent Street | 35 | 23 | 8 | 4 | 31 | 74% |
| Aiii | Install two lane slow point on Kent Street outside #52 and #87 Kent Street | 35 | 24 | 7 | 4 | 31 | 77% |
| Aiv | Install two lane slow point on Kent Street outside #80-82 and #171 Kent Street | 35 | 27 | 5 | 3 | 32 | 84% |
| B | Install kerb extension on the south side of Kent Street at Mt Alexander Road | 35 | 27 | 4 | 4 | 31 | 87% |
| Cl | Paint 50km/h symbol on road surface on Kent Street outside #30 and #55 Kent Street | 35 | 30 | 2 | 3 | 32 | 94% |
| Cii | Paint 50km/h symbol on road surface on Kent Street outside #40 and #75 Kent Street | 35 | 30 | 2 | 3 | 32 | 94% |
| Di | Install pedestrian refuges (with bicycle separation devices) on Kent Street outside #6/#4 and #7-13 Kent Street | 35 | 27 | 4 | 4 | 31 | 87% |
| Dii | Install pedestrian refuges (with bicycle separation devices) on Kent Street outside #1 Queens Avenue and #135 Kent Street | 35 | 27 | 3 | 5 | 30 | 90% |
| Ei | Install raised pedestrian crosswalks at Marwick Street at Kent Street | 35 | 26 | 5 | 4 | 31 | 84% |
| Eii | Install raised pedestrian crosswalks at Brixton Street at Kent Street | 35 | 27 | 5 | 3 | 32 | 84% |
| Eiii | Install raised pedestrian crosswalks at Pin Oak Crescent at Kent Street | 35 | 28 | 4 | 3 | 32 | 88% |
| Eiv | Install raised pedestrian crosswalks at Queens Avenue at Kent Street | 35 | 27 | 4 | 4 | 31 | 87% |
| Fi | Install kerb extensions on the west side of Pin Oak Crescent at Kent Street | 35 | 28 | 3 | 4 | 31 | 90% |
| Fii | Install kerb extensions on the east side of Railway Place West at Kent Street | 35 | 28 | 3 | 4 | 31 | 90% |
| G | Reconfigure Railway Place West to be 'left out only' at Kent Street | 35 | 29 | 3 | 3 | 32 | 91% |
| Hi | Upgrade or install new pram ramps on Railway Place East at Kent Street | 35 | 32 | 1 | 2 | 33 | 97% |
| Hii | Upgrade or install new pram ramps on Burton Crescent at Kent Street | 35 | 30 | 3 | 2 | 33 | 91% |
| Ii | Extend islands along Kent Street to the east of East Street | 35 | 27 | 6 | 2 | 33 | 82% |
| Iii | Extend islands along East Street at Kent Street | 35 | 27 | 4 | 4 | 31 | 87% |
| Iiii | Extend islands along Kent Street to the west of East Street | 35 | 17 | 1 | 17 | 18 | 94% |
| Iiv | Extend islands along Kent Street between Marwick Street | 35 | 27 | 5 | 3 | 32 | 84% |
| Iv | Extend islands along Burton Crescent at Kent Street | 35 | 24 | 7 | 4 | 31 | 77% |
| J | Relocate 'Stop' line on East Street at Kent Street to the edge of the bicycle lane | 35 | 29 | 2 | 4 | 31 | 94% |
| K | Remove one parking space on the northern side of Kent Street to the west of East Street | 35 | 23 | 8 | 4 | 31 | 74% |
| L | Remove one parking space on the southern side of Kent Street to the east of Pin Oak Crescent | 35 | 23 | 8 | 4 | 31 | 74% |
| M | Remove one parking space on the northern side of Kent Street to the west of Queens Avenue | 35 | 23 | 8 | 4 | 31 | 74% |
| N | Install green pavement in the bicycle lane across the intersections along Kent Street | 35 | 29 | 3 | 3 | 32 | 91% |

Note: N = Do Not Support, Y = Support, X = No Preference Stated

| Overall Support - Traffic Management Plan | No. Responses | Percentage |
|---|---------------|------------|
| Full Support | 72 | 64.3% |
| Part Support | 36 | 32.1% |
| No Support | 4 | 3.6% |
| No Response | 10 | - |
| Total | 122 | - |

9.10 Local Area Traffic Management Studies - Implementation Status

File No: FOL/16/130
Author: Traffic & Transport Engineer
Directorate: Planning & Development
Ward: Municipal

Purpose

To provide an update on the implementation of the recently completed 5 local area traffic management plans and recommends a revised Local Area Traffic Management study program.

Executive Summary

- The Local Area Traffic Management (LATM) study program involving 2 studies per year was developed as part of the 2011 Municipal Parking Strategy. Five studies have since been completed but a number of adopted treatments are yet to be implemented 'on the ground' (**Appendix A**).

adopted traffic treatments.

Recommendation

That Council:

1. Note the implementation status of the traffic management plans for the Fletcher, St Therese's, Dean, Holmes and Buckley Park local areas as shown in **Appendix A**.
2. Adopt the revised Local Area Traffic Management study program as shown in **Appendix B** noting Valley Lake (Area 2A) commencing in 2017/18.

Background

In December 2011, Council adopted the Municipal Parking Strategy including a local area traffic management (LATM) study implementation program involving 2 studies per year. The program has been reviewed a number of times, largely due to the impact of external projects such as the now abandoned East West Link, CityLink – Tullamarine Freeway Widening (CTW) and Flemington Racecourse proposed development.

The following studies have been completed:

1. 2013/14 – Fletcher
2. 2013/14 – St Therese's
3. 2014/15 – Holmes
4. 2014/15 – Dean

5. 2015/16 – Buckley Park

Newmarket LATM study was not conducted in 2015/16 due to CTW and the need to implement approved traffic management treatments in the Flemington Hill area. Allocated funds were utilised to complete the Kent Street Traffic Management Study in 2015/16.

Discussion

The implementation status of the traffic management plans for the Fletcher, St Therese's, Dean, Holmes and Buckley Park local areas is shown in **Appendix A**. Proposed works on local roads (Council responsibility) and arterial roads (VicRoads responsibility) have been separated. Projects are at various stages with a number yet to be implemented 'on the ground'. Key implementation delays include:

- Design preparation
- Additional consultation is required between approval date of traffic management plan and when works are ready for implementation
- Consultation on the final design and objections from residents
- Approvals from various agencies such as VicRoads, Public Transport Victoria, Yarra Trams and local bus operators
- Approvals from service authorities such as Jemena and City West Water
- Contractor capacity to construct projects
- Implications of land developments on treatments such as the Caydon development in Moonee Ponds and Moonee Valley Racecourse and associated Integrated Transport Plan.

In order to allow projects to be progressed more efficiently, it is recommended only one LATM study be conducted per year for the current and next 2 financial years. A revised Local Area Traffic Management study program is shown in **Appendix B**.

The recommended workplan anticipates continuing with Essendon North in 2016/17 as it is next to the recently completed Buckley Park LATM and there are a number of traffic and parking issues in this area partly due to recent developments on Keilor Road, while delaying Valley Lake (Area 2A) from 2016/17 to 2017/18 and subsequently delays to remaining areas.

The program can be reviewed as required and in the meantime, operational traffic and parking issues will continue to be investigated.

Budgeted resources will be reallocated to design completion, obtaining relevant approvals and advocacy particularly for the arterial road projects.

Consultation

No consultation is required as part of this report.

Implications

1. Legislative

There are no legislative implications associated with this report.

2. Council Plan / Policy

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

3. Financial

The 2016/17 Operating Budget includes \$85,000 for consultancy support to complete the Valley Lake (Area 2A) local area traffic management study. It is proposed to allocate this funding to complete outstanding designs for the adopted LATMs.

4. Environmental

There are no environmental implications associated with this report.

Conclusion

The Local Area Traffic Management study program involving 2 studies per year was developed as part of the 2011 Municipal Parking Strategy. Five studies have since been completed but a number of adopted treatments are yet to be implemented 'on the ground'. In order to allow projects to be progressed more efficiently, it is recommended only one LATM study be conducted per year for the current and next 2 financial years and resources be reallocated to deliver the current adopted traffic treatments.

Appendices

Appendix A: Local Area Traffic Management Implementation Status

Appendix B: Revised Local Area Traffic Management Implementation Program.

| LOCAL AREA TRAFFIC MANAGEMENT (LATM) STUDIES IMPLEMENTATION | | | | |
|--|-----------|-------------|--|--|
| Project | 2016/17 | 2017/18 | Status 2016/17 | Comments |
| Fletcher Local Area Traffic Management | | | | |
| Local Roads | | | | |
| Brewster Street, Essendon - Modification to Central Median (\$40,000) | Design | Construct | 009 - Design completed | The immediately impacted community and stakeholders will need to be engaged in 16/17. This project will then be referred to 2017/18 Capital Works Program for funding opportunities. |
| Napier Crescent, Essendon - Zebra Crossing and Upgrade to Flashing Lights (\$50,000) | Design | Construct | 009 - Design completed | The immediately impacted community and stakeholders will need to be engaged in 16/17. This project will then be referred to 2017/18 Capital Works Program for funding opportunities. |
| Napier Crescent, Essendon - Kerb Extensions and additional Arrow Signal Lantern at Brewster St (\$60,000) | Design | Construct | 009 - Design completed | The immediately impacted community and stakeholders will need to be engaged in 16/17. This project will then be referred to 2017/18 Capital Works Program for funding opportunities. |
| Fletcher Street, from Mt Alexander Rd to Forbes St - Various pedestrian, road safety, parking, public transport, roundabout improvement measures and 40kph speed zone electronic signs | Design | Construct | 008 - Design/planning only project is underway | Design underway. The immediately impacted community and stakeholders will then need to be engaged in 16/17. This project will then be referred to 2017/18 Capital Works Program for funding opportunities. |
| Glass Street, between Napier Street and Mt Alexander Road - Linemarking Improvement Works at Median Openings x 3 | Install | - | 014 - Upgrade project, works have been completed | Works completed. |
| Glass Street, between Napier Street and Mt Alexander Road - Installation of Flat Top Road Humps x 3 | Construct | - | 012 - Upgrade project, tender phase is underway | To be constructed in 2016/17. Community notification letter sent 29/07/16. |
| Brewster Street / Grice Crescent, between Glen Street and Mackay St - Installation of Flat Top Road Humps x 1 | Construct | - | 012 - Upgrade project, tender phase is underway | To be constructed in 2016/17. Community notification letter sent 29/07/16. |
| Albion Street - Installation of RRPMS at Lawson Street | Install | - | 014 - Upgrade project, works have been completed | Works completed. |
| Napier St, between Woodland St and Fletcher St - Installation of 50km/h speed zone signage (with speed zone to 40km/h from Raleigh St to Fletcher St) | Install | - | 001 - Project has not commenced | To obtain approval by VicRoads and be installed in 2016/17. |
| Napier Crescent, between Pascoe Vale Rd and Napier St - Installation of Flat Top Road Humps x 2 | Install | - | 012 - Upgrade project, tender phase is underway | To be constructed in 2016/17. Community notification letter sent 29/07/16. |
| Arterial Roads | | | | |
| Pascoe Vale Road at Fletcher Street, Essendon - Public Transport Priority (\$20,000) | Design | Construct | 001 - Project has not commenced | Project Brief to be prepared for traffic signal remodelling. |
| Woodland Street, Strathmore - Central Medians, Kerb Extensions near St Vincent De Paul Primary (\$20,000) | Design | Construct | 008 - Design/planning only project is underway | The immediately impacted community and stakeholders will need to be engaged in 16/17. This project will then be referred to 2017/18 Capital Works Program for funding opportunities. |
| Woodland Street & Napier Street, Strathmore - Signal phasing changes (\$15,000) | Design | Construct | 001 - Project has not commenced | Project Brief to be prepared for traffic signal remodelling. |
| Woodland Street, Strathmore - Kerb Extensions near Napier St (\$13,000) | Design | Construct | 009 - Design completed | The immediately impacted community and stakeholders will need to be engaged in 16/17. This project will then be referred to 2017/18 Capital Works Program for funding opportunities. |
| Moreland Rd / Pascoe Vale Rd / Brewster St - Design of modification to signal phasing at Moreland Rd / Pascoe Vale Rd to assist bus and vehicles to turn right out of of Brewster St | - | Design | 001 - Project has not commenced | It is proposed to design and further investigate these projects in 2017/18. |
| Woodland Street - Design of on-road bicycle lanes from Bulla Rd to Napier St | - | Design | 001 - Project has not commenced | |
| Mt Alexander Rd / Keilor Rd / Lincoln Rd / Bulla Rd - Concept plan and feasibility review for traffic signals | - | Investigate | 001 - Project has not commenced | |
| Mt Alexander Rd / Leake St - Concept plan to upgrade zebra crossing (south-east leg) to Pedestrian Operated Signals | - | Design | 001 - Project has not commenced | |
| Buckley St / Mt Alexander Rd - Investigate increasing of pedestrian crossing times and ensure minimal impact on bus movements | - | Investigate | 001 - Project has not commenced | |

| LOCAL AREA TRAFFIC MANAGEMENT (LATM) STUDIES IMPLEMENTATION | | | | |
|--|---------|-----------|--|--|
| Project | 2016/17 | 2017/18 | Status 2016/17 | Comments |
| St Therese's Local Area Traffic Management | | | | |
| Local Roads | | | | |
| Edward Street and Thistle Street, Essendon - Threshold Treatment / Speed Cushion (\$50,000) | Design | Construct | 008 - Design/planning only project is underway | The immediately impacted community and stakeholders will need to be engaged in 16/17. This project will then be referred to 2017/18 Capital Works Program for funding opportunities. |
| Florence Street, Essendon - Speed Management Treatment (\$30,000) | Design | Construct | 008 - Design/planning only project is underway | The immediately impacted community and stakeholders will need to be engaged in 16/17. This project will then be referred to 2017/18 Capital Works Program for funding opportunities. |
| Rose Street, Essendon - Splitter Island at Shamrock St (\$15,000) | Design | Construct | 009 - Design completed | The immediately impacted community and stakeholders will need to be engaged in 16/17. This project will then be referred to 2017/18 Capital Works Program for funding opportunities. |
| Washington Street, Essendon - Two Road Humps and Threshold Treatment at Buckley St (\$40,000) | Design | Construct | 008 - Design/planning only project is underway | The immediately impacted community and stakeholders will need to be engaged in 16/17. This project will then be referred to 2017/18 Capital Works Program for funding opportunities. |
| Richardson Street, Essendon - Two Road Humps (kerb outstands) and convert parking to 90 degree angle parking | Design | Construct | 001 - Project has not commenced | The immediately impacted community and stakeholders will need to be engaged in 16/17. This project will then be referred to 2017/18 Capital Works Program for funding opportunities. |
| Arterial Roads | | | | |
| Buckley St / Lincoln Road Traffic Signal Review (\$30,000) | - | Design | 001 - Project has not commenced | On hold - due to outcome of VicRoads/TAC road safety proposal for Waverley Street. Review of Traffic Signals moved to 2017/18. |
| Lincoln/Miller Street - Upgrade crossing treatments - Design | Design | Construct | 009 - Design completed | Design underway. The immediately impacted community and stakeholders will then need to be engaged in 16/17. This project will then be referred to 2017/18 Capital Works Program for funding opportunities. |
| Dean Local Area Traffic Management | | | | |
| Local Roads | | | | |
| Local roads between Buckley St, Pascoe Vale Rd, Queens Park and Mt Alexander Rd - Installation of 40km/h speed zone area | - | - | 014 - Upgrade project, works have been completed | Works completed. |
| Dean St / Pattison St - Trimming of trees to improve sight distance for right turning vehicles, if this cannot be achieved install 'No Right Turn' | - | - | 014 - Upgrade project, works have been completed | Works completed. |
| Wilson St / Thomas St / Capulet St - Raised Intersection Pavement | - | - | 002 - Project has been deferred | On hold - due to Moonee Valley Racecourse Development. |
| Fanny St - Extension of footpath on east side (adjacent to reserve) - Design | Design | Construct | 001 - Project has not commenced | Design to be undertaken in 2016/17 and the immediately impacted residents, community and stakeholders will be engaged in 16/17. |
| Wilson St - Installation of electronic 40km/h speed zone, modification to school crossing to incorporate a raised platform (Design) | Design | Construct | 001 - Project has not commenced | Design to be undertaken in 2016/17 and the immediately impacted residents, community and stakeholders will be engaged in 16/17. |
| Stuart St / Dean St - Raised Threshold (Design) | - | - | 002 - Project has been deferred | On hold - due to Moonee Valley Racecourse Development. |
| Dean St / Pattison St - Improve intersection layout and improve connectivity to Moonee Ponds Creek Trail (Design) | - | - | 002 - Project has been deferred | On hold - due to Moonee Valley Racecourse Development. |
| Pattison St, between Ormond Rd and Dean St - Investigate parking, bicycle and other linemarking options and investigate road hump incorporating a zebra crossing to improve access to Ormond Park (Design) | Design | Construct | 001 - Project has not commenced | Design to be undertaken in 2016/17 and the immediately impacted residents, community and stakeholders will be engaged in 16/17. |
| Stuart St / Ormond Rd - Raised Threshold (Design) | Design | Construct | 001 - Project has not commenced | Design to be undertaken in 2016/17 and the immediately impacted residents, community and stakeholders will be engaged in 16/17. |
| Ngarveno St / Ormond Rd - Raised Threshold (Design) | Design | Construct | 001 - Project has not commenced | Design to be undertaken in 2016/17 and the immediately impacted residents, community and stakeholders will be engaged in 16/17. |

| LOCAL AREA TRAFFIC MANAGEMENT (LATM) STUDIES IMPLEMENTATION | | | | |
|--|-----------|-------------|--|--|
| Project | 2016/17 | 2017/18 | Status 2016/17 | Comments |
| Mt Alexander Rd / Addison St - Raised Threshold (Design) | Design | Construct | 001 - Project has not commenced | Design to be undertaken in 2016/17 and the immediately impacted residents, community and stakeholders will be engaged in 16/17. |
| McNae St / Dean St / McPherson St - Raised Threshold at McNae St, Pedestrian Operated Signals to replace the existing school crossing, installation of 'Keep Clear' linemarking for right turn vehicles from Dean St into McPherson St, realign pram ramps on the McPherson St | Design | Construct | 002 - Project has been deferred | On hold - due to Moonee Valley Racecourse Development. |
| McPherson St St, between Dean St and Buckley St - Installation of 40 km/h speed zone and sharrows at roundabouts | Install | - | 001 - Project has not commenced | To obtain approval by VicRoads and be installed in 2016/17. |
| Salisbury Street, between Tennyson Street to Capulet Street - Installation of Road Hump x 1 | Construct | - | 012 - Upgrade project, tender phase is underway | To be constructed in 2016/17. Community notification letter sent 29/07/16. |
| McPherson Street, between Buckley Street to Salisbury Street - Installation of Road Hump x 1 | Construct | - | 012 - Upgrade project, tender phase is underway | To be constructed in 2016/17. Community notification letter sent 29/07/16. |
| Blair Street / Kernan Street / Robinson Street local roads - Installation of 40km/h speed zone area | Install | - | 014 - Upgrade project, works have been completed | Works completed. |
| Wilson Street, between Capulet Street and Juliet Street - Modify school speed zone to apply at school peaks only | Install | - | 001 - Project has not commenced | To obtain approval by VicRoads and be installed in 2016/17. |
| Pattison Street, between Holberg Street to Steele Street - Installation of Road Hump x 1 | Construct | - | 012 - Upgrade project, tender phase is underway | To be constructed in 2016/17. Community notification letter sent 29/07/16. |
| Local roads south of Dean Street and between Pattison Street, Ormond Rd and Mt Alexander Road - Installation of 40km/h speed zone area | Install | - | 001 - Project has not commenced | To obtain approval by VicRoads and be installed in 2016/17. |
| Arterial Roads | | | | |
| Pascoe Vale Rd / Buckley St - Feasibility study into improving safety and operation of intersection | - | Investigate | 001 - Project has not commenced | It is proposed to design and further investigate these projects in 2017/18. |
| Mt Alexander Rd / Ormond Rd / Maribymrong Rd - Development of options to improve intersection safety | - | Design | 001 - Project has not commenced | |
| Holmes Local Area Traffic Management | | | | |
| Local Roads | | | | |
| Holmes Rd - Improve parking, bicycle and pedestrian access across and along Homes Rd as part of bicycle lane review | - | - | 014 - Upgrade project, works have been completed | Works completed. |
| Sussex St / Holmes Rd / Lennox St - Relocate school crossing to east of Sussex St | - | - | 014 - Upgrade project, works have been completed | Works completed. |
| Smith St - Introduction of one-way from Railway Cr to Marshall St, widening of footpath between ROW and Margaret St and modification of parking to suit one-way arrangement (Design) | Design | Construct | 011 - Upgrade project, consultation & design phase is underway | In process of reconsulting residents. |
| Eddy St - Raised pedestrian crosswalks on southern approach and installation of linemarking to identify correct turning lanes (Design) | - | - | 002 - Project has been deferred | On hold - due to construction management plan for 40 Hall Street will impact on the construction of this project, which should be held off until construction works are completed or heavy vehicles access is reduced. |
| Holmes Rd / Puckle St Level Crossing - Conduct investigation into intersection operation with a view to improving signal phasing (Design) | - | - | 002 - Project has been deferred | On hold - due to construction management plan for 40 Hall Street will impact on the construction of this project, which should be held off until construction works are completed or heavy vehicles access is reduced. |
| Athol St / Laura St - Improvement safety works at intersection (Design) | Design | Construct | 009 - Design completed | Design underway. The immediately impacted community and stakeholders will then need to be engaged in 16/17. This project will then be referred to 2017/18 Capital Works Program for funding opportunities. |
| Leslie Rd / Stanley St - Island Modification, linemarking and signage upgrades to improve intersection safety, including No Entry Signage (Design) | Construct | - | 011 - Upgrade project, consultation & design phase is underway | To be constructed in 2016/17. Community notification letter sent 10/08/16. |
| Laneway, between Riverview Road and Leven Street - Realign entrance at Leven Street to improve safety and install two additional road humps at ROW entrances | Construct | - | 011 - Upgrade project, consultation & design phase is underway | To be constructed in 2016/17. Community notification letter sent 10/08/16. |

| LOCAL AREA TRAFFIC MANAGEMENT (LATM) STUDIES IMPLEMENTATION | | | | |
|--|-------------|-------------|--|--|
| Project | 2016/17 | 2017/18 | Status 2016/17 | Comments |
| Puckle Street Activity Centre - Installation of 40km/h speed zone area | Install | - | 011 - Upgrade project, consultation & design phase is underway | To obtain approval by VicRoads and be installed in 2016/17. |
| Margaret Street, from Taylor Street to Park Street (Review ability of buses to negotiate Margaret Street roundabout) | Investigate | Construct | 001 - Project has not commenced | Design to be undertaken in 2016/17 and the immediately impacted residents, community and stakeholders will be engaged in 16/17. |
| Sherbourne Street - 40km/h speed zone and signage and linemarking | Install | - | 011 - Upgrade project, consultation & design phase is underway | VicRoads approval obtained. Community notification letter sent 10/08/16. To be installed. |
| Sherbourne Street - Installation of 2 x Road Humps | Install | - | 012 - Upgrade project, tender phase is underway | To be constructed in 2016/17. Community notification letter sent 10/08/16. |
| Derby Street, between York Street to Grace Street - Removal of Traffic Islands | Remove | - | 012 - Upgrade project, tender phase is underway | To be removed in 2016/17. Community notification letter sent 18/07/16. |
| Derby Street, between Sussex Street to Mantell Street - Installation of Road Humps x 3 | Construct | - | 012 - Upgrade project, tender phase is underway | To be constructed in 2016/17. Community notification letter sent 18/07/16. |
| Mantell Street / Ardmillan Road - Installation of contrasting road surface on Ardmillan Road approaches and installation of another stop sign on west approach | Install | - | 012 - Upgrade project, tender phase is underway | Final letter sent to residents 19/7/16. |
| Taylor Street, between Eddy Street and Mt Alexander Road - Installation of Road Hump x 1 | Construct | - | 002 - Project has been deferred | On hold - due to construction management plan for 40 Hall Street will impact on the construction of this project, which should be held off until construction works are completed or heavy vehicles access is reduced. |
| Park Street, between Parry Street to Mt Alexander Road - Replace Existing Rubber Speed Cushions x 3 | Install | - | 012 - Upgrade project, tender phase is underway | To be constructed in 2016/17. Community notification letter sent 18/07/16. |
| Sherbourne St / Inglebrae Ct - Installation of painted traffic island and signage | Install | - | 011 - Upgrade project, consultation & design phase is underway | The immediately impacted community and stakeholders will need to be engaged in 16/17. |
| Lorraine Street - Installation of Road Humps x 3 | Install | - | 011 - Upgrade project, consultation & design phase is underway | Design to be undertaken in 2016/17 and the immediately impacted residents, community and stakeholders will be engaged in 16/17. |
| Stanley Street / Sherbourne Street / Leslie Road local roads - Installation of 40km/h speed zone area | Install | - | 011 - Upgrade project, consultation & design phase is underway | VicRoads approval obtained. Community notification letter sent 10/08/16. To be installed. |
| Stanley Street - Installation of Road Humps x 2 | Construct | - | 011 - Upgrade project, consultation & design phase is underway | Design to be undertaken in 2016/17 and the immediately impacted residents, community and stakeholders will be engaged in 16/17. |
| Laneway, between Riverview Road and Leven Street - Installation of pedestrian warning signage at exit onto Riverview Road | Install | - | 011 - Upgrade project, consultation & design phase is underway | VicRoads approval obtained. Community notification letter sent 10/08/16. To be installed. |
| Arterial Roads | | | | |
| Scott St / Buckley St - Investigate options to improve safety of right turning vehicles into Scott St from Buckley St (Design) | Design | Construct | 001 - Project has not commenced | Design to be undertaken in 2016/17 and the immediately impacted residents, community and stakeholders will be engaged in 16/17. |
| Orford St - Investigate pedestrian crossing options to access Maribymong Park (Design) | Design | Construct | 001 - Project has not commenced | Design Brief to be prepared for pedestrian crossing options. |
| Maribymong Rd / Ascot Vale Rd - Investigate reducing tram / vehicle conflict issues | - | Investigate | 001 - Project has not commenced | It is proposed to design and further investigate this project in 2017/18. |
| Waverley St / Park St - Explore future intersection improvements | - | Investigate | 001 - Project has not commenced | On hold - due to outcome of VicRoads/TAC road safety proposal for Waverley Street. Review of Traffic Signals moved to 2017/18. |
| Waverley St / Buckley St / Lincoln Rd - Investigate options to improve intersection operation with a view to providing dedicated left turn lanes | - | Investigate | 001 - Project has not commenced | On hold - due to outcome of VicRoads/TAC road safety proposal for Waverley Street. Review of Traffic Signals moved to 2017/18. |

| LOCAL AREA TRAFFIC MANAGEMENT (LATM) STUDIES IMPLEMENTATION | | | | |
|---|-----------------------------|---------|--|---|
| Project | 2016/17 | 2017/18 | Status 2016/17 | Comments |
| Buckley Park Local Area Traffic Management | | | | |
| Local Roads | | | | |
| Design of treatments proposed for Buckley Park Traffic Management Plan and implementation of Parking Management Plan | Design and Install projects | - | 001 - Project has not commenced | Consultation and works to be undertaken in 2016/17. |
| Forrester Street, between Hedderwick Street and McCracken Street - Hatched Linemarking Improvement near Road Narrowings x 8 | Install | - | 001 - Project has not commenced | |
| Roberts Street at Spencer Street, Market Street and Forrester Street - Installation of 'Stop' signs on both sides of Roberts Street x 6 | Construct | - | 001 - Project has not commenced | |
| Hoffmans Road at Spencer Street - Removal of 1 parking space south of Spencer Street | Construct | - | 001 - Project has not commenced | |
| Lincoln Road at Woolley Street - Removal of 1 parking space north of Woolley Street | Install | - | 001 - Project has not commenced | |
| Hedderwick Street at Buckley Street - Installation of 'No Stopping' signs on west side of Hedderwick Street | Install | - | 001 - Project has not commenced | |
| Hedderwick Street at Jacka Street - Installation of statutory 'No Stopping' signs in Hedderwick Street | Install | - | 001 - Project has not commenced | |
| Forrester Street at Elder Parade - Installation of 'Stop' sign and linemarking in Forrester Street | Install | - | 001 - Project has not commenced | |
| King Street / Collins Street - Installation of statutory 'No Stopping' signs at intersection | Install | - | 001 - Project has not commenced | |
| Nimmo Street at Forrester Street - Installation of 'Stop' signs and linemarking in Nimmo Street | Install | - | 001 - Project has not commenced | |
| Cooper Street / Spencer Street - Installation of Zebra Crossings on western approaches | Install | - | 001 - Project has not commenced | |
| Cooper Street / Market Street - Installation of Zebra Crossings on western approaches | Install | - | 001 - Project has not commenced | |
| Market Street / Collins Street - Adjust pram ramp alignment | Install | - | 001 - Project has not commenced | |
| Market Street / Hedderwick Street - Adjust pram ramp alignment | Install | - | 001 - Project has not commenced | |
| McCarron Parade / Thomson Street - Adjust pram ramp alignment | Install | - | 001 - Project has not commenced | |
| Spencer Street Car Park - Installation of one-way arrow linemarking | Install | - | 001 - Project has not commenced | |
| Nimmo Street - Installation of 90 degree angled linemarking | Install | - | 001 - Project has not commenced | |
| Forrester Street / Hedderwick Street - Linemarking of faded hold lines at intersection | Install | - | 001 - Project has not commenced | |
| Market Street / Hedderwick Street - Linemarking of faded hold lines at intersection | Install | - | 001 - Project has not commenced | |
| Forrester Street - Installation of threshold treatment at Hoffmans Road | Construct | - | 011 - Upgrade project, consultation & design phase is underway | |

| LOCAL AREA TRAFFIC MANAGEMENT (LATM) STUDIES IMPLEMENTATION | | | | |
|--|-------------|-----------|---------------------------------|--|
| Project | 2016/17 | 2017/18 | Status 2016/17 | Comments |
| Cooper Street - Installation of flat-top road humps x 5 and installation of raised school crossing x 1 | - | Construct | 001 - Project has not commenced | Consultation and works to be undertaken in 2017/18. |
| Hedderwick Street - Installation of watts profile road humps x 5 | - | Construct | 001 - Project has not commenced | |
| King Street - Installation of watts profile road humps x 6 | - | Construct | 001 - Project has not commenced | |
| Braemar Street - Installation of watts profile road humps x 1 | - | Construct | 001 - Project has not commenced | |
| McCracken Street - Installation of watts profile road humps x 2 | - | Construct | 001 - Project has not commenced | |
| Woolley Street / McCracken Street - Review roundabout for smooth bus operation | Investigate | Design | 001 - Project has not commenced | Feasibility study to be undertaken in 2016/17 and the immediately impacted residents, community and stakeholders will be engaged in 17/18. |
| Woolley Street - Installation of threshold treatment at Lincoln Road | Investigate | Design | 001 - Project has not commenced | |
| Bradshaw Street / Market Street - Flatten out Bradshaw Street approach ramps and remove piano key linemarking and remove solid square linemarking inside raised platform | Design | Construct | 001 - Project has not commenced | Design Brief currently being prepared. Design to be undertaken in 2016/17 and the immediately impacted residents, community and stakeholders will be engaged in 16/17. |
| Mary Street / Cooper Street - Review roundabout for smooth bus operation | Design | Construct | 001 - Project has not commenced | |
| Lincoln Road / Woolley Street - Remove existing kerbing on southwest corner for smooth bus operation | Design | Construct | 001 - Project has not commenced | |
| Deakin Street - Installation of threshold treatment at Keilor Road | Design | Construct | 001 - Project has not commenced | |
| McCracken Street - Installation of threshold treatment at Keilor Road and Buckley Street | Design | Construct | 001 - Project has not commenced | |
| Hedderwick Street - Installation of threshold treatment at Keilor Road and Buckley Street | Design | Construct | 001 - Project has not commenced | |
| Market Street - Installation of threshold treatment at Hoffmans Road | Design | Construct | 001 - Project has not commenced | |
| Spencer Street - Installation of threshold treatment at Hoffmans Road | Design | Construct | 001 - Project has not commenced | |
| Mary Street - Installation of threshold treatment at Hoffmans Road | Design | Construct | 001 - Project has not commenced | |

| LOCAL AREA TRAFFIC MANAGEMENT (LATM) STUDIES IMPLEMENTATION | | | | |
|--|-------------|-------------|--|--|
| Project | 2016/17 | 2017/18 | Status 2016/17 | Comments |
| Arterial Roads | | | | |
| Hoffmans/Forrester - Upgrade crossing treatments (Construction) | Construct | - | 011 - Upgrade project, consultation & design phase is underway | Consultation and works to be undertaken in 2016/17. |
| Woolley Street / Lincoln Road - Consult with VicRoads / PTV regarding bus priority options to assist bus right-turn movements | Investigate | Design | 001 - Project has not commenced | Feasibility study to be undertaken in 2016/17 and the immediately impacted residents, community and stakeholders will be engaged in 17/18. |
| Keilor Road at Deakin Street - Installation of green bicycle lane pavement marking on Keilor Road | Design | Construct | 001 - Project has not commenced | Design Brief currently being prepared. Design to be undertaken in 2016/17 and the immediately impacted residents, community and stakeholders will be engaged in 16/17. |
| Keilor Road near Bradshaw Street - Consult with VicRoads to relinemark crossing near Bradshaw Street | Install | - | 001 - Project has not commenced | Consultation and works to be undertaken in 2016/17. |
| Buckley Street - Consult with VicRoads regarding linemarking options along Buckley Street to define lanes and improve traffic flow | Install | - | 001 - Project has not commenced | Consultation and works to be undertaken in 2016/17. |
| Keilor Road - Investigate option of Pedestrian Operated Signals east of McCracken Street. Investigate suitability of pedestrian path from McCracken Street to existing signals on Keilor Road | - | Investigate | 001 - Project has not commenced | It is proposed to design and further investigate these projects in 2017/18. |
| Keilor Road / Lincoln Road / Bulla Road / Mt Alexander Road - Continue development of signalised intersection to replace roundabout with VicRoads / PTV and seek funding opportunities | - | Investigate | 001 - Project has not commenced | |
| Buckley Street / Hoffmans Road - Liaise with VicRoads for improvement to existing right-turn crash movements from Buckley Street into Hoffmans Road | - | Investigate | 001 - Project has not commenced | |
| Buckley Street / Cooper Street - Liaise with VicRoads for improvement to existing signals showing crash pattern from west to south. Consider installation of additional traffic lantern for eastbound traffic | - | Investigate | 001 - Project has not commenced | |
| Hoffmans Road / Keilor Road - Consult with VicRoads for 'give-way to pedestrians' lanterns for turning traffic into Keilor Road. Relinemark pedestrian crossing areas and install directional linemarking on Hoffmans Road | - | Investigate | 001 - Project has not commenced | |

Revised LATM Implementation Program

| Local Area Traffic Management Precinct | Adopted Priority (July 2015) | Proposed Priority (September 2016) |
|--|------------------------------|------------------------------------|
| Fletcher | Completed | Completed |
| St Therese's | Completed | Completed |
| Dean | Completed | Completed |
| Holmes | Completed | Completed |
| Buckley Park | Completed | Completed |
| North Essendon | 2016-17 | 2016-17 |
| Valley Lake (Area 2A) | 2016-17 | 2017-18 |
| Airport West | 2017-18 | 2018-19 |
| Travancore | 2017-18 | 2019-20 |
| Newmarket | 2018-19 | 2019-20 |
| Union | 2018-19 | 2020-21 |
| Doncaster | 2019-20 | 2020-21 |
| Valley Lake (Area 2B) | 2019-20 | 2021-22 |
| Boulevard | 2020-21 | 2021-22 |
| Napier Park | 2020-21 | 2022-23 |
| Milleara West | 2021-22 | 2022-23 |
| West Essendon | 2021-22 | 2023-24 |
| Mascoma | 2022-23 | 2023-24 |
| Pavilions | 2022-23 | 2024-25 |
| Avondale East | 2023-24 | 2024-25 |
| Rosehill Park | 2023-24 | 2025-26 |
| Avondale Heights | 2024-25 | 2025-26 |

9.11 Bluestone Laneways

File No: FOL/16/130
Author: Senior Strategic Planner
Directorate: Planning & Development
Ward: Municipal

Purpose

This report responds to Notice of Motion No. 2016/14, which requested a report exploring the options for protecting and conserving Moonee Valley's bluestone laneways, kerbs and channels.

Executive Summary

- At its Ordinary Meeting on 24 May 2016, Council resolved to support a Notice of Motion that requested a report which explores options for protecting and conserving the City of Moonee Valley's bluestone laneways, kerbs and channels. The Motion required the report address without limitation, the following matters:
 - The most appropriate mechanisms to achieve the ongoing protection and conservation of Laneways, including where appropriate, amendment to the Moonee Valley Planning Scheme; and
 - How to ensure that any development which seeks to utilise a Laneway does not damage or compromise the Laneway and is otherwise appropriate in light of the constraints associated with Laneways.
 - The viability of reinstating bluestone laneways that have been concreted or asphalted over.
- Moonee Valley has many bluestone laneways throughout the municipality which were constructed during the 19th century, primarily for servicing properties without reticulated sewerage and in some instances providing an overland function for stormwater drainage. Today these same laneways are seen as an opportunity for vehicle access and to facilitate development.
- These laneways should, however, also be recognised and valued for the important contribution they make to the heritage of Moonee Valley and the character of older urban areas. Hence the need for a comprehensive policy.
- A number of key issues have been identified ranging from damage and maintenance to heritage significance and future uses. It has also been confirmed Council's current approach to laneway management has tended to be fragmented. These issues are documented in more detail within the report.
- A review of policies from other Councils indicates a variety of approaches are used to address laneway issues and although very informative, none of the policies can serve as a blueprint in addressing the issues relevant to Moonee Valley.

- A range of options have been identified aimed at protecting bluestone laneways and these alternative options are discussed in detail within the body of this report.

Recommendation

That Council:

1. Include in Council's future work plan the preparation of a laneway policy to protect bluestone laneways and specifically acknowledge the heritage contribution of Moonee Valley's bluestone laneways, kerbs and asphalt footpaths.
2. Integrate preparation of a laneway policy into the Neighbourhood Character Study review.
3. Continue to address protection for laneways, kerbs and asphalt footpaths as part of all Construction Management Plans.
4. Strengthen Council's internal procedures to:
 - a) Acknowledge that bluestone laneways are an important community asset and contribute to neighbourhood character; and
 - b) Ensure Council works are only undertaken in laneways after proper consideration of their community value and neighbourhood contribution.
5. Continue to apply Council's engineering standards for repairing bluestone kerbs and asphalt footpaths.
6. Prepare engineering standards for the laying of bluestone pitchers in laneways and make them publically available as per standards for other engineering works.
7. Resolve to consider the reinstatement of existing bluestone laneways in situations where they have been resurfaced on a case by case basis and as situations arise.

Background

Moonee Valley has many bluestone laneways throughout the municipality which were constructed during the 19th century, primarily for servicing outdoor toilets provided at the rear of properties without reticulated sewerage. The laneways also provided an overland function for stormwater drainage. Today these same laneways are highly valued for the important contribution they make to the heritage of Moonee Valley and the character of older urban areas.

Bluestone laneways are typically three metres wide and constructed with pitchers laid on a pervious base. Use of the laneways declined after the Second World War as the municipality was progressively serviced with reticulated sewerage. However the laneways have become popular again for their heritage character and their use has been adapted to provide vehicle access to the rear of residential and commercial properties. Their use as overland stormwater drains still continues. In the period before their 'revival', some of the bluestone laneways were 'modernised' and either replaced or resurfaced with concrete or asphalt.

Council is responsible for maintaining and cleaning bluestone laneways. Council is also responsible for approving development adjacent to the laneways in commercial zones, in heritage areas and on residential lots less than 500m² in size.

Discussion

Key Issues

The key issues to consider are the following:

- Council values its laneways as important community assets, which contribute to Moonee Valley's heritage and urban character. Although a number of the laneways are included in a Heritage Overlay, the importance of bluestone laneways, bluestone kerbs and asphalt footpaths is not specifically acknowledged in any Council policy or the Moonee Valley Planning Scheme.
- Lack of clear planning policy has meant that laneway issues are being considered on a case by case basis which can lead to inconsistencies across the municipality.
- Laneways are coming under increasing pressure to be used for providing rear access to apartment developments and sometimes the primary address for infill development.
- Use of laneways as a primary address can create problems for the emptying of garbage bins, street lighting and access by emergency vehicles such as fire and ambulance.
- Increasing use of bluestone laneways means they are being increasingly damaged and sometimes inappropriately repaired. Past problems associated with ensuring developers repaired any laneway damage have been addressed by changes to the procedures associated with Construction Management Plans. The new processes are still being refined but will address many of the past problems.
- Laneways were designed to accommodate horse and cart traffic. They were not designed to accommodate heavy construction vehicles or multiple vehicle trips. (Although the Planning Scheme cites traffic capacity as being 300 trips per day for laneways less than 5.5 m wide, some laneways in Moonee Valley are considered to be operating at capacity.)
- While Council's concerns regarding damage and overuse of laneways is legitimate, these concerns require formality to appropriately guide development throughout the City.
- Bluestone pitches are problematic for people using bikes, wheelchairs, mobility scooters, walking aids and prams. They are also a tripping hazard for pedestrians, particularly for people who are vision impaired.
- Bluestone laneways often need repair due to wear and tear and damage caused by heavy construction and/or delivery vehicles.
- Bluestone is expensive to repair.

- Some original bluestone laneways have been resurfaced with asphalt and possibly concrete, however there is no comprehensive list of laneways which have been treated in this way.
- Laneway policies for other Councils are not common and are generally not useful for Moonee Valley. Policies are either directed towards activating laneways in commercial areas or specifying engineering standards for the laying of bluestones.

Existing Policies and Controls

At present laneway protection is dealt with through a number of policies and actions, however each policy tends to deal with one separate laneway issue rather than presenting a holistic and comprehensive management approach.

- Moonee Valley Planning Scheme:
The Planning Scheme does not currently include planning policy, advice or guidelines in regard to laneways.
- Council policies and practices:
Council has several policies which impact management of laneways, however none address heritage issues. Existing policies and practices are:
 - Right of Way Access for Abutting Development Proposals Policy:
This was endorsed by Council in July this year and specifies laneway setbacks for new development and instances requiring preparation of traffic reports to address access and movement. However, the policy does not have any status within the Planning Scheme and will only be given limited (if any) weight by VCAT as part of planning appeal hearings. The policy in its current form is not suitable for inclusion within the Planning Scheme, as it only focuses on traffic movement and does not include other planning issues such as neighbourhood character, heritage or place making.
 - Temporary Road Closures and Occupancy Policy:
Council's Local law requires a permit for 'occupation' of a laneway in association with an adjoining construction site. This includes using a laneway by a crane, some large delivery vehicles and for undertaking concrete pours. Any damage to laneways must be repaired.
 - Council Asset Protection Policy:
This policy ensures the protection of assets including lanes, drains and footpaths. An asset protection permit is issued, the condition of existing assets verified before development commences and an inspection conducted when the development is completed. Any damage is required to be repaired.

- **Standard Drawings:**
Council currently has specific engineering standards for repair and laying of bluestone kerbs and asphalt footpaths. (Similar standards are currently being prepared for bluestone laneways. However they have not yet been considered by Council and are therefore not available to the general public at this stage.)
- **Permit Conditions:**
Standard conditions are imposed on planning permits to require the preparation of Construction Management Plans (CMPs) to protect laneways and footpaths during the construction phase.
- **Construction Management Plans:**
All developments abutting laneways require preparation of a CMP. Plans typically address issues such as public safety, traffic, loading and unloading, litter, pollution, dust and noise. CMP's are also used to protect asphalt footpaths, bluestone laneways, kerbs and channels, especially from the damage caused by heavy construction vehicles. However in practice it has sometimes proved difficult for Council to recover the cost of laneway repairs, especially when a laneway is used to access multiple construction sites.

In July this year, Council endorsed changes to improve the CMP process and address past problems. The Planning Intervention Officer is responsible for ensuring compliance with the CMP and infringement notices are issued when appropriate. These new processes are still being refined but are expected to address many of the past problems associated with damage to laneways.

Approaches Used by Other Councils

A review of approaches adopted by other Councils has not revealed any laneway policies applicable to residential areas. The investigated policies are concerned with 'activating' laneways in commercial areas and/or encouraging their use for vehicle access. Boroondara, Port Phillip and City of Melbourne policies establish a laneway 'hierarchy'. However a number of Planning Schemes include an acknowledgment of the important heritage contribution made by bluestone laneways and asphalt footpaths, and specifically encourage their retention. This approach is lacking in the Moonee Valley Planning Scheme but could be introduced. The objectives of some policies used by other Council's may also be useful if Moonee Valley decides to prepare its own laneway planning policy under the Planning Scheme.

A summary of the policies from other Councils is provided below:

Boroondara

The Boroondara Planning Scheme does not include any specific laneway policy, although it does encourage rear access where available. The Council does have a 'laneway strategy' which is only relevant to laneways in retail areas. The strategy includes a laneway hierarchy but specifically excludes laneways in residential areas. Although the Strategy does not currently have any status under the Planning Scheme and there is no current plans to amend its status, this may change in the future.

Maribyrnong

The Maribyrnong Planning Scheme does not include specific laneway policy guidelines, although it does support ‘use of laneways’ and ‘appropriate laneway development’. The general stand-alone Heritage policy in the Maribyrnong Planning Scheme includes encouraging “retention and reinstatement of bluestone kerbs, gutters and asphalt footpaths”. These elements are also specifically recognised as important streetscape elements in some Maribyrnong Heritage Overlays.

City of Melbourne

The Melbourne Planning Scheme (clause 21.06) includes general reference to protecting and enhancing the character and function of laneways. Clause 22.20 provides Council’s local policy for ‘activating’ laneways. Although it is titled: “CBD Laneways”, the policy explicitly applies to all laneways. The policy is based on the premise that the central city laneway network is a valued and vital part of the city and provides insight into evolution of the City’s built form. Laneways in the CBD are assessed as being either class 1, 2 or 3, based on their connectivity role, their contribution to city ‘views’, the architectural character of abutting buildings and the level of activity in the laneway.

The objective of the policy is to:

- Increase activity and laneway character;
- Discourage the closure of class 3 laneways.

The policy does not provide any specific guidelines for laneways in residential areas such as Carlton.

Moreland

The Moreland Planning scheme does not include any specific laneway policy, although the general Heritage policy contained in the Planning Scheme includes the following provisions:

- Ensuring vehicle accommodation does not dominate heritage places;
- Discouraging new vehicle crossovers at the front boundary where this is not a feature of the heritage place or where rear laneway access exists;
- Encouraging the reconstruction of kerb, channel and footpaths;
- Recognising that rear laneways are appropriate for vehicle access.

Moreland also has a laneway policy outside the Planning Scheme. The policy celebrates the historic and cultural significance of bluestone laneways, requires that laneways be maintained and that the laying of bluestones comply with specified technical standards which take into account the principles of the Burra Charter. There are no plans to incorporate the policy into the planning scheme. The Strategy essentially applies to Council works rather than the general public.

Port Phillip

The Port Phillip Planning Scheme (both the MSS and the general Heritage Policy under clause 22) includes objectives for laneway protection and a reference document: Heritage Kerbs, Channels and Laneways Guideline (2006). Port Phillip Council also has a Laneways Strategy (2011) which aims to promote activity in laneways close to or within Activity Centres. Although the Strategy is not in the Planning Scheme, it is currently used to inform the preparation of Structure Plans

which then form part of the Planning Scheme. The Strategy classifies laneways as being either:

- Destination laneways;
- Active Laneways;
- Connecting Laneways; or
- Residential laneways.

Classification is based on zoning, heritage significance, connectivity, interface sensitivities, physical attributes and abutting buildings. The policy largely ignores laneways in residential areas. Some of the policy objectives may be relevant to Moonee Valley if Council decides to prepare its own laneway policy.

The Laneway Strategy may be incorporated into the Planning Scheme sometime in the future, although a decision has not been made at this stage. Port Phillip is also in the process of reviewing its Planning Scheme and the Laneway Strategy may be used to strengthen the Schemes existing laneway provisions.

Stonnington

The Stonnington Planning Scheme does not include any specific laneway policy and the only reference to laneways is through the MSS which encourages vehicle rear access. The Neighbourhood Character policy of the Planning Scheme also encourages rear access wherever possible.

Yarra

The Heritage Overlay applies to most of the Yarra municipality and provides some protection to laneway character and the way in which laneways are used or developed. The Council also has a specific policy which addresses retention of existing laneways, enhancement of their amenity and design of adjacent development. The policy encourages vehicle access from rear laneways in preference to street frontages. Traffic reports are required in some situations to demonstrate that a laneway can safely accommodate the increased levels of traffic expected as a result of a particular development.

The policy also provides that:

- Access must not be obstructed to other properties;
- The laneway must meet emergency vehicle access requirements; and
- All laneway upgrades which improve access to a particular development will be funded by the developer.

Council's policy regarding roadway construction is a reference document in the Scheme.

The table below provides a summary of the different approaches to laneways taken by some other Councils and a comparison with Moonee Valley.

Table 1: Laneway policies of other Councils

| Council | MSS policy advice | Stand-alone Laneway Policy | Part of stand -alone general Heritage Pol | Laneway Strategy (outside PS) | Policy relevant to laneways in res areas |
|---------------|-------------------|----------------------------|---|-------------------------------|--|
| Boroondara | No | No | No | Yes | No |
| Maribyrnong | Limited | No | Limited | No | No |
| Melbourne | Limited | Yes | No | No | No |
| Moreland | No | No | No | Yes | Limited |
| Moonee Valley | No | No | No | Limited | Limited |
| Port Phillip | Limited | No | Limited | Yes | No |
| Stonnington | No | No | No | No | No |
| Yarra | No | Yes | No | No | Yes |

Options for the on-going protection of laneways

The following options can be considered for the on-going protection of Moonee Valley's laneways:

- Retain the current practice of considering laneways on a case by case basis.
This option is likely to result in inconsistent decision making and uncertainty for applicants and affected property owners.
- Assess development proposals against Council's existing policy adopted in July: 'Right of Way Access for Abutting Development Proposals'.
This policy has no status under the planning scheme, will be given limited weight by VCAT and does not protect laneway character. The policy is also difficult to justify strategically and is therefore unlikely to be approved by the Planning Minister if subject to a planning scheme amendment.
- Retain all existing bluestone laneways in all parts of the City.
This would be costly, assumes that all bluestone laneways have heritage significance and retention is desirable in all cases.
- Retain bluestone laneways in Heritage Overlays only.
This is not based on any empirical investigation at this stage.
- Allow laneways abutting commercial zones (outside HO's) to be repaired in materials other than bluestone.

- Investigate protection of laneway character by incorporating it into the brief for review of the Neighbourhood Character Study which is proposed to be undertaken later this year.

This work is already included in the 2016/2017 work program and the brief can be easily expanded to include examination of laneways. No additional budget would be required.

- Include reference in the Municipal Strategic Statement section of the Moonee Valley Planning Scheme (Clause 21.06) to specifically acknowledge the important heritage contribution made by bluestone laneways, kerbing and asphalt footpaths.

A number of Planning Schemes for other municipalities already make this acknowledgement and this approach is considered to have definite merit.

- Prepare a new laneway policy for inclusion in the Moonee Valley Planning Scheme.

This new work would include: Preparing an Issues and Opportunities paper together with an inventory of laneways in Moonee Valley (private and publicly owned). Where necessary, this may involve a field survey of laneways and research into the historical background, physical attributes and functions of lanes (including pedestrian and vehicle access

It is anticipated a new policy would also include strategies for conserving laneways and address issues such as heritage, traffic capacity and prevention of damage. The policy would provide guidelines for:

- Vehicle access from rear laneways for new developments, including specifying minimum street width and restrictions on access from laneways which are also cul de sacs;
- Situations requiring a traffic impact report to demonstrate that an affected laneway can safely accommodate predicted traffic generated by a proposed development;
- Possible disposal and closure of laneways where warranted;
- Laneway upgrades and developer contributions;
- Potential laneway enhancement projects.

Summary

Preparation of a laneway policy would be an important piece of work and is recommended in order to properly address Council's concerns. The policy could be used to provide advice to applicants for planning proposals and help guide decision making. If the policy is also incorporated into the Planning Scheme, it could be used to support Council submissions to VCAT for planning appeal hearings.

Officers recommend expanding the scope of the Neighbourhood Character Study review to include examination of laneways, and amending the Planning Scheme to recognise the heritage importance of bluestone laneways and asphalt footpaths.

Options for preventing laneway damage

The following options are proposed for preventing damage to Moonee Valley's laneways:

- Including conditions on planning permits to specifically require that laneway damage be repaired to Council's satisfaction.

This option is already addressed through the standard planning permit condition requiring preparation of CMPs for all laneways sites. Additional permit conditions are not considered necessary. It is noted that enforcing repair of laneway damage is sometimes difficult due to the problems associated with attributing damage to a particular laneway development;

- Requiring a 'bond' to be lodged for laneways and footpaths affected by construction.

Bonds under this system would be refunded when a development has been completed, the laneway inspected and any damage suitably repaired to Council's satisfaction. Further work will be required to determine the effectiveness of this option.

- Strengthening Council's internal procedures to:
 - Acknowledge bluestone laneways are an important community asset and contribute to neighbourhood character
 - Ensure Council works are only undertaken in laneways after proper consideration of their community value and neighbourhood contribution
 - Continue to apply Council's technical standards for the repair of bluestone kerbs and asphalt footpaths
 - Prepare Council specifications for repairing bluestone laneways
 - Apply Council's new updated procedures and requirements for CMPs in relation to bluestone laneways and asphalt footpaths.

It is considered on-going protection for Council's bluestone laneways would be best achieved through a combination of internal procedures, technical standards and the recent improvements to the CMP process.

Cost of reinstatement

It is difficult to estimate the cost of reinstating bluestone laneways that have been resurfaced. There are approximately 86 km of laneways in Moonee Valley, but there have been no surveys to determine the proportion of resurfaced bluestone laneways. In some cases, the existing bluestones may have been retained in situ, but in other cases the bluestones may have been removed, in which case the bluestone would need to be replaced. The costs below have been supplied by Council's Technical Services department.

Table2: Reinstatement Costs

| Item | Cost |
|---|--|
| Relaying bluestone: | \$214 - \$225/m ² |
| Laying new bluestone: | \$265/m ² |
| Removing asphalt to reveal bluestone: | \$7/m ² |
| Removing concrete to reveal bluestones: | Not known (but impractical and more expensive than removal of asphalt) |

Consultation

During the preparation of this report, the following Council departments were consulted:

- Statutory Planning
- Technical Services

Implications

1. Legislative

In developing this report, the following legislation was considered:

- *Planning and Environment Act 1987 (Vic)*
- *Moonee Valley Planning Scheme*

2. Council Plan / Policy

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

3. Financial

Additional funding will be required either for expanding the scope of the Neighbourhood Character Study review to include examination of bluestone laneways, and preparing a Planning Scheme amendment to recognise the importance of laneways. An estimate of costs will be requested from the Consultant appointed to undertake the Character Study work.

Budget would also need to be allocated for preparing the type of laneway policy detailed in this report.

4. Environmental

There are no relevant environmental considerations to this report.

Conclusion

Moonee Valley has many bluestone laneways throughout the municipality which were constructed during the 19th century, primarily for servicing properties without reticulated sewerage and in some instances providing an overland function for stormwater drainage. Today these same laneways are seen as an opportunity for vehicle access and to facilitate development.

At its Ordinary Meeting on 24 May 2016, Council resolved to support a Notice of Motion that requested a report which explores options for protecting and conserving the City of Moonee Valley's bluestone laneways, kerbs and channels.

Council's laneway concerns are likely to be best addressed through a laneway policy for inclusion in the Moonee Valley Planning scheme to protect bluestone laneways and also strengthening Council's internal procedures and continue to apply Council's engineering standards for repairing bluestone kerbs and asphalt footpaths.

Appendices

Nil.

9.12 Moonee Ponds Bowling Club - Exercise of Lease Option

File No: FOL/16/130
Author: Property Consultant
Directorate: City Services
Ward: Myrnong

Purpose

To advise that Moonee Ponds Bowling Club Inc. (MPBC) seeks to exercise its option for a further three year term under the current lease.

Executive Summary

- Council has a lease with MPBC for occupancy of the lease premises at Queens Park, Moonee Ponds.
- MPBC have exercised their final three year option on the lease, which will expire on 9 August 2019.
- Essendon Italian Pensioners Group (EIPG) use the bowling club facilities for club meetings and social events.
- In 2006, an agreement between Council, MPBC and EIPG was struck allowing EIPG to use the MPBC facilities free of charge. Council agreed to make an annual contribution to MPBC to the value of \$5,000 to offset the lost income from the hire of the areas in question.
- Council will continue to fund the \$5,000 per annum amount payable to EIPG for the final three years of the lease through Council's Community Funding (Grants) area.

EIPG vehicle will be allowed to access the park on its nine nominated days.

Recommendation

That Council:

1. Notes that Moonee Ponds Bowling Club has exercised its option for a final three year lease for occupancy and use of bowling club land at Queens Park, Moonee Ponds, expiring on 9 August 2019.
2. Notes that for the final three year lease extension option, the amount of \$5,000 per annum (the amount payable to MPBC) will be paid through Council's Community Funding (Grants) area, subject to an application being made each year.
3. Agrees that the Essendon Italian Pensioners Group caterer be provided with access for one (1) nominated vehicle to Queens Park reserve, via the Mt Alexander Road entry gate, for the purpose of transporting food and equipment for the functions held on nine nominated Sundays in accordance with the lease requirements.

Background

Council has a lease with MPBC for occupancy of the leased premises at Queens Park, Moonee Ponds as shown in **Appendix A**. The lease commenced on 10 August 2010 and expired on 9 August 2016. MPBC has advised Council that it wishes to exercise its final option for a further three year term. The lease will expire on 9 August 2019 with no further options.

The lease premise forms part of Crown Land which has been permanently reserved as a site for Public Park and Public Recreation by Order in Council dated 8 September 1964. The Moonee Ponds (Queens Park) Land Act 1971 controls the use and gives authority over the reserve land known as Queens Park. Council is the appointed Committee of Management for Queens Park and has authority to enter into any lease of land and building at Queens Park, not exceeding 21 years. The current lease was subject to approval by the Governor in Council.

Discussion

Discussions have also focused on formalising arrangements with Essendon Italian Pensioners Group (EIPG) for continuing use of the bowling club facilities for EIPG meetings and social events.

In 2006, an agreement between Council, MPBC and EIPG was struck allowing EIPG to use MPBC facilities free of charge. Council agreed to make an annual maintenance contribution to MPBC to the value of \$5,000. The agreement commenced 1 July 2005 and continues to the present date.

The agreement provides occupancy terms for the EIPC as follows:

- The use of MPBC billiard room on a tri-weekly basis (Monday, Tuesday and Friday) between the hours of 12 noon to 4pm.
- Access to the Burke and Wills Function Room, on a rent free basis, during the agreed hours of operation.
- Use and occupancy of the billiards and card room and Burke and Wills function room on nine Sundays each calendar year of the term.
- The financial cost borne by MPBC was to be offset by an agreed value of maintenance and/or capital works undertaken by Council up to an amount of \$5,000 per annum. The scope of funding was to be reflective of that allocated during the 2004/05 financial year (\$5,000).

There have been concerns relating to the ongoing vehicle access arrangements to Queens Park reserve. The restriction on vehicle access within the park is part of a risk management strategy that is being applied to all operators and lease holders within Queens Park. In particular it aims to remove or reduce the conflict and concerns relating to vehicle movements within the park area adjacent to MPBC, the children's playground and pedestrian walkways.

Agreement has been reached with approval being given to EIPG to have vehicle access over Queens park reserve via the Mt Alexander Road entry gate for the purpose of a caterer's vehicle transporting food and equipment for functions held on nine nominated Sundays during the calendar year.

Consultation

MPBC has had a number of meetings in recent times with EIPG to ensure current and future access arrangements are agreed to in relation to the use of the facility on the agreed dates under the existing lease. Any further use of the facility will be subject to normal hire arrangements and charges that MPBC has adopted for the hire of its venue.

It is not proposed that Council will provide any further assistance to MPBC for the subsidised hire of its venue to EIPG or other community groups.

In future, any requests of this nature should be referred to the Community Funding (Grants) process.

Implications

1. Legislative

MPBC have exercised their final option of the lease and this will expire on 9 August 2019.

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to: Facilitate and encourage access to diverse, affordable and enjoyable leisure and learning opportunities in accordance with Council Plan 2013-2017 Theme 1: Vibrant and diverse - Opportunities for all.

3. Financial

For the final three year lease extension option, the amount of \$5,000 will be paid through Council's Community Funding (Grants) area, with a requirement that the payment continue for the balance of the lease term (three years) on the basis that the club make an application each year.

The rental under the lease is \$628 per annum plus GST.

4. Environmental

There are no environmental implications specific to the proposed lease. It should be noted that the current and future lease of the premises is integrated in the Queens Park Master Plan.

Conclusion

Moonee Ponds Bowling Club has taken up the final three year option on the existing lease agreement. This will ensure the lease in its current form will terminate in August 2019.

Depending on the continued ongoing usage of the club by Essendon Italian Pensioners Group on a rent free basis, Moonee Ponds Bowling Club will be able to apply through Council's Community Funding area for the amount of \$5,000 in accordance with the existing lease management agreement.

Over the remaining lease term, Council will continue to monitor the existing use arrangements to assist in determining future lease requirements.

Appendices

Appendix A: Attachment A - Moonee Ponds Bowling Club.

Attachment A



**9.13 Recommissioning of the Water Fountain opposite the
Clocktower Centre, Moonee Ponds**

File No: FOL/16/130
Author: Manager Infrastructure Services
Directorate: City Services
Ward: Myrnong

Purpose

To provide Council with an estimated cost to recommission the Mt Alexander Road Water Fountain.

Executive Summary

- At the Ordinary Meeting of Council held on 22 March 2016, Council requested that a report be provided, outlining the costs to recommission the Mt Alexander Road Water Fountain.
- This fountain, which is located within the Mt Alexander Road median immediately outside the Clocktower Centre, was opened in 1985 during a 50th anniversary celebration of The Rotary Club of Essendon.
- As the fountain had suffered substantial leakage problems for some time, it was decommissioned in January 2007. This coincided with the introduction of state wide water restrictions.
- Since that time, the fountain structure has been used for a drought tolerant floral garden, the placement of an annual community Christmas tree and a temporary public art installation program.
- Council's Water Strategy applies a Sustainable Water Hierarchy which prioritises conserving and reusing water and states that drinking quality water should be used sparingly and directed towards higher order uses, such as human consumption. Also, through the strategy Council commits to incorporating water sensitive urban design into its landscape works.
- In the next year, Public Transport Victoria (PTV) has plans to upgrade the bus interchange adjacent to the fountain area to improve access and install public toilets.
- Any changes to the fountain area should be considered in conjunction with PTV's plans and should incorporate water sensitive urban design elements and other public benefits from landscape improvements that would expand the scope, such as providing a shaded, cool space in a heavily urbanised environment.
- It is also noted that at the Ordinary Meeting of Council held on 24 November 2015, Council resolved to re-install a Christmas tree annually between November and January at the fountain site, commencing in 2016.

Recommendation

That Council:

1. Note the report.
2. Carry out further scoping of options for the fountain area considering:
 - a) Public Transport Victoria's plans to upgrade the adjacent bus interchange in the next year;
 - b) Inclusion of water sensitive urban design elements and other potential improvements to the fountain area, such as providing a shaded, cool space in a heavily urbanised environment; and
 - c) Application of the Sustainable Water Hierarchy to ensure the use of the most appropriate water source.
3. Refer the proposal for consideration in the capital works program for 2017/18.

Background

The fountain, which is located within the Mt Alexander Road median, was opened on 28 March 1985 during a 50th anniversary celebration of The Rotary Club of Essendon.

Over time, substantial leakage problems and state wide water restrictions resulted in the decommissioning of the fountain in January 2007.

Since then, the fountain structure has been used for a drought tolerant floral garden, the placement of an annual community Christmas tree and a temporary public art installation program.

In 2011 Council adopted its Water Strategy, which applies a Sustainable Water Hierarchy to guide appropriate use of various water sources and makes commitments to incorporate water sensitive urban design into its landscape works. The hierarchy prioritises conserving and reusing water and states that drinking quality water should be used sparingly and directed towards higher order uses, such as human consumption.

The Sustainable Water Hierarchy was developed during a decade of drought and water restrictions, to reflect the community's expectations about valuing scarce drinking water and maximising the use of alternative sources, such as rain and stormwater.

In the next 12 months, Public Transport Victoria (PTV) has plans to upgrade the bus interchange adjacent to the fountain area to improve access and install public toilets.

In consideration of recommissioning the fountain, it should also be noted that at the Ordinary Meeting of Council held on 24 November 2015, Council resolved to re-install a Christmas tree annually between November and January at the fountain site, commencing in 2016.

Discussion

This discussion considers:

- Constraints to recommission the fountain and Christmas tree installation.
- The Sustainable Water Hierarchy, water sensitive urban design and other environmental considerations such as energy usage.
- Cost estimates; capital and operating.

Constraints to recommissioning the fountain and Christmas tree installation

As Public Transport Victoria (PTV) has plans to upgrade the adjacent bus interchange in the near future, any works proposed for the fountain area should be considered in conjunction with these plans.

A preliminary examination of the fountain structure and its remaining components since it was decommissioned indicate that all fountain components, including the hydraulics and electrics, would need to be replaced.

In addition, a consulting engineers report undertaken in June 2014 described the structure as deficient in design for a water retaining structure, indicating that the leaking of the structure may have been due to the connection detail of the concrete floor and wall.

Due to the age of the fountain structure and the exposure of the internal surface to moisture for over 30 years, a further structural assessment of the structure should be undertaken without the soil within the structure. Should the structure itself remain sound, it is expected that the recommissioning of the fountain would include provision of a water proof fibreglass membrane within the concrete structure.

In addition to assessing the structure and the components, Council has resolved to use this site for a 10 metre high Christmas tree from November to January each year. Hence, the design of the fountain structure would need to be modified to accommodate the Christmas tree. Design options would include:

- Draining the fountain between November and January each year in order to secure the Christmas tree to the base of the fountain.
- Designing the fountain to allow for the Christmas tree to be mounted at a level above the water line of the fountain, allowing water jets to function outside the perimeter of the Christmas tree during while it is in place.

Sustainable Water Hierarchy

Water

In determining the water resource options for this proposal, Council's Water Strategy 2011 includes a Sustainable Water Hierarchy to assist in determining the most appropriate water source. The table below outlines how the hierarchy is relevant to this matter.

| Item No. | Sustainable Water Hierarchy | Comment |
|----------|-------------------------------------|--|
| 1. | Conserve water | Based on previous usage, it is estimated that the fountain would consume 1,200,000 litres per year or over 3,200 litres per day. The average water consumption of an individual is 160 litres per day, or 58,400 litres per year. The fountain would consume water equivalent to that used by 20 people. |
| 2. | Rainwater harvesting | <p>In theory, rainwater could be harvested from the roof of the Clocktower Centre. However this would have significant site constraints and is not considered feasible or cost effective for the following reasons:</p> <ul style="list-style-type: none"> - Due to roof drainage layout and limited capacity of downpipes, a limited roof area catchment could be harvested, meeting only around a quarter of the fountain's needs. - Major site constraints to provide an effective sized water tank (at least 50,000L, possibly underground), pump and filtration components. - A pipe connection would be needed from the Clocktower to the fountain by either an open cut of Mt Alexander Road or boring under the road. |
| 3. | Stormwater harvesting | Any stormwater water harvesting from surrounding streets would require tank storage and pump infrastructure, as well as filtration and ultra violet treatment prior to use. This option would have major site and cost constraints and is not considered feasible or cost effective. |
| 4. | Grey water diversion | Not applicable. |
| 5. | On-site waste water recycling | Not applicable. |
| 6. | Waterway sourcing | Not applicable. |
| 7. | Larger scale wastewater recycling | Not applicable. |
| 8. | Mains water | Mains water is a valuable resource that ideally, and in accordance with Council's Sustainable Water Hierarchy, should be reserved for uses that require drinking water quality, such as human consumption. |
| 9. | Groundwater (bore water extraction) | Not applicable. |

In line with commitments in Council's Water Strategy, any proposed works should incorporate water sensitive urban design elements and other public benefits from landscape improvements that would expand the scope, such as providing a shaded, cool space in a heavily urbanised environment.

Electricity

The power consumption cost for the fountain and lights is estimated at \$2,000 per year.

Cost Estimate, Capital and Operating

The estimated capital and operating costs for a recommissioned water fountain are shown in **Table 1**.

Table 1- Cost estimate, capital and operating

| Item No | Item | Estimate |
|----------|---|------------------|
| 1 | CAPITAL | |
| a. | Design, pipes & valves, pumps and pit covers, nozzles and manifolds, lights, wind sensor controls | \$100,000 |
| b. | Waterproof membrane | \$15,000 |
| c. | Electrical control | \$10,000 |
| d. | Contingency (20%) Design of water jets to accommodate Christmas tree structure Structure for Christmas Tree Structural integrity of fountain | \$20,000 |
| e. | Rain or Stormwater Harvesting Not recommended due to site constraints set out in Sustainable Water Hierarchy table above – limited roof catchment and downpipe capacity, need for large tank, pump and under road pipe connections). | |
| | Estimated Capital Cost | \$145,000 |
| 2 | OPERATING | Per annum |
| a. | Power for pump and lighting | \$2,000 |
| b. | Water use | \$1,600 |
| | Estimated Annual Operating Cost | \$3,600 |

Consultation

There has been no community consultation regarding the recommissioning of the water fountain nor has there been any request from the community to recommission the fountain.

The proposed changes to the bus interchange will involve stakeholder engagement.

Implications

1. Legislative

There are no legislative issues that impact on the recommendation in this report.

2. Council Plan / Policy

Theme 3 of the Council Plan 2013-17 “*Sustainable living - Clear direction for growth and development of the city*” has an overarching strategic objective “*to Protect and enhance the quality and scale of open space for conservation and community enjoyment*”.

It is likely that the recommissioning of the water fountain would attract community concern around the benefit of the water feature and its energy consumption.

3. Financial

Further scoping work of options is recommended in order to determine accurate financial costs.

4. Environmental

Any proposed works should apply the Sustainable Water Hierarchy to determine the most appropriate water use; incorporate water sensitive urban design elements and other public benefits from landscape improvements, such as providing a shaded, cool space in a heavily urbanised environment; and consider the additional energy usage of options like desalinated drinking water.

Conclusion

At the time the fountain was first commissioned, the structure complemented the streetscape and surrounding public space. Since the fountain was decommissioned, this space has been used for other purposes and Public Transport Victoria has plans to upgrade the adjacent bus interchange in the next year.

Further scoping work should be carried out to determine appropriate water sensitive urban design elements and other potential improvements to the fountain area, such as providing a shaded, cool space in a heavily urbanised environment. Such works should be in line with Council’s Sustainable Water Hierarchy to ensure the use of the most appropriate water source.

Appendices

Nil.

9.14 Update of the Strathmore Children's Centre Redevelopment – Stage 2

File No: FOL/16/130
Author: Manager, Family & Children Services
Directorate: Corporate & Community Services
Ward: Buckley

Purpose

To seek approval to introduce a progressive consolidation of Council's Strathmore sessional kindergarten programs, commencing with the relocation of Strathmore Heights Kindergarten to Strathmore Community Kindergarten. The Loeman Street precinct review would then guide the new timelines for the relocation of Strathmore Community Kindergarten to the Stage 2 Strathmore Children's Centre redevelopment.

Executive Summary

- Council resolved on the 28 April 2015 to relocate both Strathmore Heights and Strathmore Community Kindergarten at the end of 2017 to the redeveloped Stage 2 Strathmore Children's Centre from 2018.
- Due to emerging information from Council's long term facility planning, it is proposed to reconsider the timing of the Stage 2 Strathmore Children's Centre and introduce a progressive consolidation of Strathmore Heights and Strathmore Community Kindergarten.
- It is proposed the review of the Loeman Street precinct plan guide the new timelines for the relocation of Strathmore Community Kindergarten to the Stage 2 Strathmore Children's Centre redevelopment.
- Due to the new information, it is proposed to update Strathmore service users and local families of the changes, including the extension of the planning permit beyond 9 September 2017.

Recommendation

That Council:

1. Approve the revised relocation of Strathmore Heights Kindergarten to Strathmore Community Kindergarten from January 2018.
2. Approve the extension of the relocation timeframe for Strathmore Community Kindergarten to Stage 2 Strathmore Children's Centre, following the review of the Loeman Street precinct plan.
3. Review the Loeman Street precinct plan to guide the timelines for the Stage 2 Strathmore Children's Centre redevelopment at 1-5 Term Street, Strathmore.
4. Request an extension of the expiry date for the commencement of construction and use in relation to the planning permit (MV/37/2014) for 1-5 Term Street, Strathmore, due to expire on the 9 September 2017.
5. Disseminate information to service users and the local community of the changes.

Background

At the Ordinary Council meeting held 28 April 2015, Council resolved to:

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 the Strathmore Community and Strathmore Heights Kindergartens into the one facility as part of Stage 2 Strathmore Children's Centre Redevelopment at 1-5 Term Street, Strathmore with this service to commence from January 2018.

This resolution was based on the Moonee Valley Early Years Infrastructure Plan (adopted by Council 19 April, 2011) to complete Stage 2 of Council's vision to establish an Integrated Children's Centre in Strathmore and consolidate four stand-alone, ageing Council facilities (Lincoln Rd and Strathmore Maternal and Child Health Centres and Strathmore Heights and Strathmore Community Kindergartens). Stage 1 of the Strathmore Children Centre was opened in December 2012 and currently provide child care and integrated kindergarten to around 160 families and maternal and child health services to around 600 families.

Council Community Facility Planning commenced in 2014 to develop a long term plan to 2030 to guide future provision, design and management of community facilities across Moonee Valley. The Community Facility Planning Framework guides Council planning, priorities and investment in community facilities.

In late 2015 using the Community Facility Planning Framework, the Family and Children's Services Service Infrastructure Profile (SIP) considered current and future service needs and facility supply and demand. New information emerged that identified the Strathmore area would experience an oversupply of sessional kindergarten places by 2030 (approx. 60 places or two groups).

In addition it identified across Moonee Valley, Strathmore would experience the highest undersupply of long day care places (approx. 240 places or two child care centres).

Discussion

Council's 28 April 2015 resolution was based on completing Stage 2 of Council's vision to establish an Integrated Children's Centre in Strathmore and consolidate four stand-alone, ageing early years' facilities by December 2017.

New information has emerged during Council's Community Facility Planning to reconsider the proposed timing for Stage 2. For Strathmore, the new information includes the emerging sessional kindergarten and long day care data and deferral of Council capital funds for the Stage 2 redevelopment from the current to future budgets. As part of Council's Community Facility Planning, it is also proposed to review the Loeman Street precinct plan which was originally developed in 2013 following community consultation.

Strathmore Heights and Strathmore Kindergarten facilities

Council's infrastructure assessment (in 2011) out of 12 four year old sessional kindergarten facilities, Strathmore Heights Kindergarten was rated as the worst kindergarten for condition and fifth worst for function, and Strathmore Community Kindergarten as the 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 integrated centre would have long term economic savings for Council. Long term maintenance and utility costs would be reduced while providing progressive integrated early years services for children and families.

In noting that Strathmore Heights Kindergarten is now near the end of its useable life and to accommodate the changed timelines from the 2015 Council resolution to Stage 2 Strathmore Children's Centre redevelopment, the recommendation remains to cease operations of Strathmore Heights Kindergarten from its current location at the end of 2017.

In considering the projected registrations for Strathmore Heights Kindergarten and relocation to Strathmore Community Kindergarten in 2018, analysis of three and four year old kindergarten registrations (Figures 1 and 2) for the Strathmore area for 2016/17 indicates a waitlist for 2018. However, the opportunity exists to explore increasing three and four year old kindergarten places or groups in non-Council services and/or in neighbouring centres.

Figure 1 - Analysis of four year old kindergarten

| Strathmore/Strathmore Heights area | 2016 | 2017 | 2018 |
|---|-------------|-------------|-------------|
| Sessional kindergarten places available | 126 | 135 | 111 |
| Enrolment / places required based on current demand | 116 | 116 | 116 |
| Vacancies / -Wait list | 10 | 19 | -5 |

Available places 2016:

- Strathmore Heights (30)
- Strathmore Community Kindergarten (60),

- St Aidans (36)

Available places 2017

- Strathmore Heights (30)
- Strathmore Community Kindergarten (60)
- St Aidans (45)

Available places for 2018

- Strathmore Community Kindergarten (66)
- St Aidans (45)

2017/2018 are indicative numbers based on 2016 data

Figure 2 – Analysis of three year old kindergarten

| Strathmore/Strathmore Heights area | 2016 | 2017 | 2018 | 2018 |
|--|-------------|-------------|-------------|-------------|
| Sessional kindergarten places available | 88 | 66 | 44 | 66 |
| Enrolment/ places required based on current demand | 78 | 78 | 78 | 78 |
| Vacancies/ -Wait list | 10 | -12 | -34 | -12 |

Available places 2016:

- Strathmore Heights (22)
- Strathmore Community Kindergarten (22)
- St Aidans (44)

Available places 2017:

- Strathmore Heights (22)
- Strathmore Community Kindergarten (22)
- St Aidans (22)

Available places 2018:

- Strathmore Community Kindergarten (22)
- St Aidans (22) / (44)

2017/2018 are indicative numbers based on 2016 data

Consultation

It is proposed to provide an update of the changes to service users and staff at Strathmore Heights Kindergarten, Strathmore Community Kindergarten and Strathmore Children's Centre, together with local residents (Attachment 1 Communications Plan). Further consultation will be undertaken during the Loeman Street precinct plan review to inform the timelines to relocate Strathmore Community Kindergarten to the Stage 2 Strathmore Children's Centre redevelopment.

Implications

1. Legislative

The Moonee Valley Planning Scheme permit for 1-5 Term Street, Strathmore, for the 'use and development of land for the purpose of a child care centre' was issued on the 9 September 2015. The permit is due to expire on 9 September 2017. An extension can be granted if the development is not commenced within this timeframe.

2. Council Plan/Policy

Progressing the Stage 2 redevelopment links strongly with the Council Plan. In particular to achieve Theme 1 *'Friendly and Safe, A community where people feel connected and safe'*, and Strategic objective 4 *'Deliver high quality contemporary community services that are good value for money.'*

Since 2011, Council has endorsed the Moonee Valley Early Years Infrastructure Plan, respective reports and decisions to strategically plan for and realise the vision for an Integrated Children's Centre in Strathmore, support community planning for the Max Johnson/Loeman Street precinct planning and consolidate outdated and ageing infrastructure.

With Strathmore Heights Kindergarten facility reaching the end of its usable life, it is recommended to progress with the 28 April 2015 Council resolution to relocate this program from its current location. Together with the developing Family and Children's Services SIP data, the updated review of the Loeman Street precinct plan is proposed to guide the timelines of the Stage 2 Strathmore Children's Centre redevelopment and relocation of the Strathmore Community Kindergarten.

3. Financial

Relocation of Strathmore Heights Kindergarten to Strathmore Community Kindergarten will consolidate two operational facilities inclusive of utilities and maintenance costs to one location. For up to three years, this temporary relocation is deemed to be a minor risk.

In April 2015, \$3.5 million was allocated in Council's 16/17 capital budget to undertake building works for Stage 2 on the Term Street site. The amount allocated was based on cost plans at the time. It also allowed for upgrade works to be undertaken on the outside play areas. Building works were expected to be completed in 2017 to allow for the opening of Stage 2 at the beginning of the 2018 calendar year. A revised cost plan to open at the beginning of 2019 for the same works is now \$4.2 million.

While the opportunity to consolidate the two stand-alone kindergartens and ageing facilities to the one site will reduce long term maintenance costs, with the developing municipal wide precinct planning, emerging Family and Children's Services SIP data and review of the Loeman Street precinct plan, it is proposed to consider the timelines for the Stage 2 Strathmore Children's Centre and relocation of Strathmore Community Centre as part of Loeman Street precinct review. External funding opportunities will continue to be explored as they become available.

4. Environmental

In realising the vision to consolidate four stand alone, ageing Council facilities (two maternal and child health and two kindergartens) to the one site, Council's environmental footprint will be significantly reduced. The Loeman Street precinct review is expected to consolidate the future directions and timelines for the relocation of the Strathmore Community Kindergarten. Stage 2 of Strathmore Children's Centre is proposed to 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.

Relocation of Strathmore Heights Kindergarten to Strathmore Community Kindergarten as a progressive option would consolidate operational and maintenance costs from three to two locations.

Conclusion

Introducing the progressive consolidation of Council's Strathmore sessional kindergarten programs, responds to the emerging information of supply and demand for children's services across Moonee Valley and Council's long term facility planning. It is a manageable short term option to allow for the Loeman Street precinct review to be undertaken. Extending the planning permit will allow for the timely progress of the revised timelines and to relocate Strathmore Community Kindergarten to the Stage 2 Strathmore Children's Centre redevelopment.

Appendices

Nil.

**9.15 Moonee Valley Early Years Plan 2014-22 - Action Plan
Progress Report 2015-16.**

File No: FOL/16/130
Author: FC&S Strategic Planning Advisor
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

To inform Council on the progress of the Moonee Valley Early Years Plan 2014-22 through the Action Plan Progress Report 2015-16 and Action Plan 2016-17.

To provide Council with information about the Victorian Child Friendly Cities and Communities Charter (The Charter) and seek endorsement for Moonee Valley City Council to become signatory to The Charter.

Executive Summary

- Council adopted the *Moonee Valley Early Years Plan 2014-22* (MVEYP) at its Ordinary Meeting held 16 December 2014.
- The MVEYP is supported through the delivery of annual Action Plans, Progress Reports and the facilitation of the Early Years Reference Group (EYRG).
- The MVEYP Action Plan Progress Report 2015-16, at **Appendix A** (separately circulated) documents the annual progress of actions.
- The majority of actions for 2015-16 were completed with a small number to be continued into 2016-17.
- The MVEYP Action Plan 2016-17, at **Appendix B** (separately circulated) supports the ongoing implementation of the MVEYP 2014-22.
- Over five years, Council's two Early Years Plans have actioned the Rights of the Child and a Child Friendly City.
- The Victorian Child Friendly Cities and Communities Charter at **Appendix C** is a key action of the MVEYP.
- The Child Friendly Cities and Communities Toolkit that assists agencies to implement child friendly cities initiatives is at **Appendix D** (separately circulated).

Recommendation

That Council:

1. Receive and note the MVEYP Progress Report on the implementation of the Action Plan 2015-16 and the Action Plan for 2016-17.
2. Endorse and become a signatory to the Victorian Child Friendly Cities and Communities Charter.
3. Notify the Victorian Local Government Association (VLGA) and Victorian Child Friendly Cities and Communities Network of Moonee Valley City Council's commitment to The Charter.

Background

The Municipal Association of Victoria (MAV), in partnership with the Department of Education and Training (DET), recognise Local Government as best placed to develop Municipal Early Years Plans. These plans effectively develop, support and deliver quality early years services across Victoria.

Council endorsed the *Moonee Valley's Early Years Plan 2014-22* (MVEYP) at its Ordinary meeting on 16 December 2014. The MVEYP is supported by annual Action Plans and the Early Years Reference Group. The MVEYP commits to developing actions plans to facilitate alignment with Council's key plans and strategies. Guided by community engagement and evidence based practise, the action plans evidence commitment to reporting on progress achieved.

A guiding principle of the MVEYP is the Rights of the Child and a Child Friendly City (CFC). Council is a member of the Victorian Chapter of the Asia Pacific Child Friendly Cities and Communities Network (CFCN) that works locally to strengthen child friendly initiatives and advance children's rights. The CFCN and the VLGA worked in partnership to produce the Victorian Charter for Child Friendly Cities and Communities (The Charter) in 2013 (**Appendix C**). The Charter was officially launched in 2014. The Charter was developed with and for Victorian Local Government and organisations and includes a set of principles to raise the profile and rights of children in local communities.

The Charter is aligned with State, National and International protocols that embrace the UN Convention of the Rights of the Child (UNCRC) 1990, UNICEF's Building Blocks for Developing a Child Friendly City 2004 and the Victorian Charter of Human Rights and Responsibilities 2006. The Charter is supported by a Toolkit (**Appendix D** separately circulated). The toolkit allows for interpretation and implementation at a local level to enhance participation of children in community life.

Discussion

The Early Years Reference Group

The Moonee Valley Early Years Reference Group (EYRG) is an advisory committee of Council. The role of this group is to create and maintain strategic partnerships between early years organisations and build service delivery capacity. The EYRG strategically oversees the implementation of the MVEYP through regular meetings undertaking action planning review. The EYRG recently participated in action planning for MVEYP 2016-17.

The MVEYP Action Plan Progress Report 2015-16

The purpose of this report is to ensure accountability to Council and the community in progressing the objectives for the MVEYP to achieve outcomes for children and families. The Action Plan Progress Report reviews the status of all actions, indicating those completed for 2015-16 and those progressing into 2016-17.

Appendix A (separately circulated) comprises the MVEYP Action Plan Progress Report 2015-16 to illustrate achievements of the MVEYP for thematic areas: People, Places and Partnerships.

Some of the highlights from the first year of implementation of the MVEYP include:

- Rights of the Child was the theme for the 2015 Children's Week activities. The activities included a Junior Council meeting at Council, facilitated by the Mayor and attended by 44 children from eight schools.
- Sixteen Council early childhood centres achieved 'Exceeding National Quality Standards' ratings.
- Kids Safe Victoria 'Do not leave children in cars' campaign was launched and signage installed in all early years services and primary schools in Moonee Valley.
- 'Count Me In' project delivered in partnership a children's summit for over 90 children from six local schools using an arts based approach encouraging positive mental health.
- Increased children's participation in Council planning: Riverside Park where three local schools participated in consultation and Grade 5-6 children participated in design workshop to model the plans for the park.
- Literacy was profiled in Education Week with three key forums attracting parents, educators enhancing coordinated transition efforts in early childhood and school.
- Milleara Integrated Learning and Development (MILD) Centre for children was selected to represent best practice with staff and children were featured in a state-wide DET training video.
- Flemington Street Children's Centre participated in the Victorian Advancing Children's Learning Study implementing the Abecedarian Approach Australia (3a) achieving enhanced educational and learning outcomes for children.
- Masters of Teaching candidates increased mentoring teacher skills in knowledge of theory and practice through 21 placements that enhanced staff access to contemporary theory, practice and pedagogy.
- Children's dental health checks greatly increased with key partnership with Cohealth to address concerns for the number of caries in children birth to 5 years.

The MVEYP Action Plan 2016-17

Appendix B (separately circulated) comprises the MVEYP Action Plan 2016-17 which highlights key actions that maximise children's learning, health, safety and well-being. The identified priorities continue to support children and families, and recognise the partnerships across Moonee Valley to achieve implementation of the MVEYP 2014-22.

The Rights of the Child and a Child Friendly City

The Victorian Child Friendly Cities and Communities Charter (The Charter) recognises the need to increase participation by children in decision making processes:

- Freedom for children to experience environments that consider their needs.
- Respect and dignity for children to express their individual opinions, participate in and contribute to decisions about their communities.
- Equitable access to supportive environments and services for children regardless of gender, ethnicity, religion or ability.

Currently, twelve Victorian metropolitan and regional councils have endorsed the Charter. Three additional Councils have referenced The Charter in their early years and children's plans and action plans. Council has embraced CFC principles over five years through the implementation of two early years plans and action plans. The MVEYP Action Plan 2014-22, the Council Plan 2013-17 and the Moonee Valley Public Health and Wellbeing Plan 2013-17 all include seeking Council endorsement of the Victorian Child Friendly Cities and Communities Charter.

Consultation

The MVEYP Action Plan 2015-16 was developed in consultation with Council departments and the EYRG. Council sought to engage children on civic issues and valued their opportunity to voice opinion and make meaningful contribution.

Ongoing consultation with all levels of Government, schools, private and community service providers and the community will continue as a key success indicator for action planning moving forward into 2016-17.

Implications

1. Legislative

The UN Convention on the Rights of the Child, Article 31, outlines that children have a right to participate fully in cultural and artistic life, play and be safe in an environment where wellbeing is being promoted.

The UNICEF Child Friendly Cities Initiative values the importance of children influencing local decisions to walk safely on the street, meet friends and play. The Child, Youth and Family Act 2005 and the Child Wellbeing and Safety Act 2005 prioritises the best interests of the child.

The Victorian Charter of Human Rights and Responsibilities Act 2006 refers to taking part in public life, freedom of movement and protection of families and children and rights of liberty and security Article 17 (1) and (2) and Article 18.

2. Council Plan/Policy

Moonee Valley's Council Plan 2013-17 Theme 1.2.3 is to 'Review the UNICEF Child Friendly Cities framework and develop a plan to implement components that would enhance participation in community life by children and young people'. The Public Health and Wellbeing Plan 2013 - 17 Theme 1.1.4 is to 'Enhance participation in community life by children and young people across all Council areas reflecting the UNICEF Child Friendly Cities framework'.

The Moonee Valley Early Years Plan (MVEYP) 2014-22 embeds Moonee Valley's commitment to the UN Convention on the Rights of the Child and being a Child Friendly City.

3. Financial

There are no direct financial implications from this report. Future actions from the MVEYP Action Plan will be referred to the Council Annual Budget process.

4. Environmental

There are no direct environmental implications from this report. Future actions implemented through the MVEYP will be consistent with Council's City Sustainability Policy.

Conclusion

This progress report of the Moonee Valley Early Years Plan 2014-22 (MVEYP), informs some key outcomes of actions implemented to meet strategies. The progress report indicates that the majority of actions are complete with some to be achieved in 2016-17.

The Action Plan 2016-17 will advance actions that consolidate achieving the strategies of the MVEYP. Progressing actions is achieved through collaboration with key stakeholders within Council and the early years sector, such as partnership with the Early Years Reference Group.

Signing the Victorian Child Friendly Cities and Communities Charter strengthens Council's commitment to progressing a child friendly Moonee Valley. It aligns Council's major plans and strategic directions with national and international protocols to increase participation by children and contribute to decision making processes. Endorsing the Charter and becoming a signatory supports Council's efforts to provide equitable access, safety, health and child friendly environments that build community strength.

Appendices

Appendix A: Moonee Valley Early Years Plan - Action Plan - Progress Report 2015-16 (separately circulated)

Appendix B: Moonee Valley Early Years Plan 2016 - 17 Action Plan (separately circulated)

Appendix C: Charter - Victorian Child Friendly Cities and Communities Charter 2013

Appendix D: Toolkit - Child Friendly Cities and Communities 2014 (separately circulated).

Victorian Child Friendly Cities and Communities Charter

This Victorian Charter for Child Friendly Cities and Communities has been developed specifically for local governments, organisations and individuals to take action. The Charter is a statement of the principles and actions that underpin the right to be considered *child friendly*.

The Charter is consistent with state, national and international protocols and embraces rights that are embedded in the Convention of the Rights of the Child (1990), the Chiba Declaration for a Child Friendly Asia Pacific (2009), UNICEF's Building Blocks for Developing a Child Friendly City (2004) and the Victorian Human Rights and Responsibilities Charter 2006.

Recognising the need for increased participation by children in decision-making forums and creating child friendly environments, we support the following principles:

- **Freedom for children to experience environments that consider their needs**
- **Respect and dignity for children to express their individual opinions, participate in and contribute to decisions about their communities and their wellbeing**
- **Equitable access to supportive environments and services for children regardless of gender, ethnicity, religion or ability**



Connecting Communities
Strengthening Democracy

9.16 Councillor-Community Dispute Resolution Policy

File No: FOL/16/130
Author: Coordinator Legislative Services
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

The purpose of this report is to present the Councillor-Community Dispute Resolution Policy for adoption by Council.

Executive Summary

- The policy provides a process for resolving disputes between a Councillor and a member of the community, in a manner that is consistent with the General Councillor Conduct Principles contained in Section 76BA of the Local Government Act 1989.
- The policy is applicable to any dispute with a Councillor that has been reported by a community member, which would not normally be subject to the Misconduct provisions or any other offence under the Local Government Act 1989, or any other relevant legislation.

Recommendation

That Council adopt the Councillor-Community Dispute Resolution Policy (provided as **Appendix A**) and that a copy of the adopted Policy be made available on Council's website.

Background

The current Councillor Code of Conduct does not provide a mechanism for resolving disputes that may arise between a Councillor and member of the general community. Therefore, Council has identified that a policy is required for resolving any such disputes.

Discussion

At its Meeting of 24 May 2016, Council adopted Notice of Motion 2016/12, which requested that the Chief Executive Officer prepare a policy setting out a process for dealing with disputes between Councillors and members of the community.

As such, the proposed policy presented for Council consideration provides an effective and ethical process for resolving disputes between a Councillor and a member of the community, in a manner that is both fair and equitable. Importantly, the policy encourages Councillors and community members to try and resolve matters before commencing any formal process under the policy.

However, in the event a dispute does remain unresolved following any informal resolution process, the policy provides an avenue for community members to formalise their complaint in writing and have the dispute facilitated by the Chief Executive Officer. Should the matter remain unresolved following the facilitated discussions with the Chief Executive Officer, the matter can be referred to Dispute Resolution Centre of Victoria for mediation.

It is important to note that should the subject of the dispute be found to constitute misconduct under the Local Government Act 1989, the policy requires that the matter be referred to the Councillor Conduct Panel Registrar. Conversely, if the matter is found to relate to an apparent offence under the Local Government Act 1989, the matter will be referred to the relevant Minister and not be the subject of an application to a Councillor Conduct Panel.

Consultation

Councillors have been consulted during the development and preparation of the Councillor-Community Dispute Resolution policy.

Implications

1. Legislative

This report and associated policy has been developed in accordance with the Local Government Act 1989 and the Charter of Human Rights and Responsibilities Act 2006.

2. Council Plan / Policy

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

3. Financial

There are no direct financial implications resulting from the adoption of this report.

4. Environmental

There are no environmental implications resulting from the adoption of this report.

Conclusion

The Councillor-Community Dispute Resolution policy contributes to, and strengthens the foundations of the collaborative spirit between elected representatives and members of the community, whilst providing a fair and ethical process for resolving any disputes that may arise between a Councillor and a member of the community.

Appendices

Appendix A: Councillor-Community Dispute Resolution Policy.

| | |
|---------------------|---|
| POLICY TITLE | Councillor – Community Dispute Resolution Policy |
| POLICY TYPE | Council |
| DIRECTORATE | Corporate & Community Services |

1. Background

The current Councillor Code of Conduct does not provide a mechanism for resolving disputes that may arise between a Councillor and member of the general community. Therefore, Council has identified that a policy which outlines a process for resolving any such disputes is required.

2. Purpose

The purpose of this policy is to provide an effective and ethical process for resolving disputes between a Councillor and a member of the community, in a manner that is consistent with the General Councillor Conduct Principles contained in Section 76BA of the Local Government Act 1989.

3. Scope

This policy is applicable to any complaint made by a community member about a dispute with a Councillor, which would not normally be subject to the Misconduct provisions or any other offence under the Local Government Act 1989, or any other relevant legislation.

Any dispute between Councillors, or between a Councillor and a Council Officer must be dealt with under the Internal Resolution Procedure contained within the Councillor Code of Conduct.

4. Definitions

Chief Executive Officer means the Chief Executive Officer of Moonee Valley City Council or their appointed representative.

Council Officer means any full-time and part-time Council officer, and temporary employee, contractor and consultant whilst engaged by the Council.

Councillor means an elected member of Moonee Valley City Council.

Councillor Code of Conduct means a Code of Conduct that has been prepared and adopted by Council in accordance Section 76C of the Local Government Act 1989.

Member of the Community means any person other than a Councillor or Council Officer, that lives, works or regularly participates in community activities within the City of Moonee Valley.

Misconduct means repeated contravention of any of the General Councillor Conduct Principles contained in Section 76BA of the Local Government Act 1989.

5. Responsibility

Any complaints made by a community member about a dispute with a Councillor will be referred to the Chief Executive Officer, who will make a determination with respect to matters of policy interpretation or implementation.

6. Legislation

This policy has been prepared in accordance with the Local Government Act 1989.

7. Policy

7.1 Before commencing any formal dispute resolution process under this policy, the Councillor/s who are parties to a dispute with a member of the public, will endeavour to resolve the dispute in a courteous and respectful manner, recognising that they have been elected to represent the best interests of the people of Moonee Valley.

- 7.2 In the event that the parties cannot resolve the dispute, the resolution process will be that on receipt of formal notification of the dispute in writing, the Chief Executive Officer will initiate a meeting to facilitate discussions between the parties. This is to be undertaken with the Chief Executive Officer remaining impartial and not taking a position on the matter of contention. This meeting must be undertaken within 7 days of the dispute being reported or on a date agreeable to both parties.
- 7.3 If the community member does not wish to participate in this meeting, the matter will be considered settled, unless the matter is deemed to be Misconduct or an offence under the Local Government Act 1989.
- 7.4 If the relevant Councillor does not wish to participate in the meeting with the aggrieved member of the public, or if at such meeting the complaint is not resolved, the matter shall be referred to the Dispute Settlement Centre of Victoria for mediation.
- 7.5 If through application of this process, the matter is deemed to be Misconduct, it will be referred by Councils Principal Conduct Officer to the Councillor Conduct Panel Registrar in accordance with the Local Government Act 1989.
- 7.6 If the dispute relates to an apparent offence under the Local Government Act 1989 it should be referred to the Local Government Investigations and Compliance Inspectorate and not be the subject of an application to a Councillor Conduct Panel.

8. Consultation

This policy has been prepared in consultation with Councillors and Council's Chief Executive Officer.

9. Related Documents

Essential

- Local Government Act 1989
- Councillor Code of Conduct

General

- Council Plan 2013-2017

**9.17 Independent Member Appointments to Councils Audit
Advisory Committee**

File No: FOL/16/130
Author: Acting Manager Finance
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

The report recommends that Council appoint two existing audit committee members to ensure that during the Council election period the committee is comprised of a majority of independent members.

Executive Summary

Council's Audit Committee plays an important role in the governance framework of the organisation and provides an independent source of assurance and advice on key aspects of the Council's operations.

Recommendation

That Council:

1. Appoint Mr David Ashmore as an independent member of the Audit Committee for a period of three months to 28 February 2017.
2. Appoint Mr David Nairn as an independent member of the Audit Committee for a period of five months to 28 February 2017.

Background

The Audit Committee is an independent advisory committee of Council, established in accordance with Section 139 of the Local Government Act 1989.

At its Statutory Meeting held 24 November 2015, Council appointed a third Councillor to the Audit Committee. Council's Audit Committee prior to this appointment, comprised 3 Independent Members and two Councillors. Following a change to the composition of the Committee, an additional independent member was appointed and the Charter revised. The Audit Committee now consists of seven members, four independent members and three Councillors. The Committee must always comprise a majority of independent members.

Discussion

Mr. David Nairn's term on the Audit Committee is due to expire on 30 September 2016. Mr. David Ashmore's term on the Audit Committee is due to expire on 30 November 2016. The next Audit Committee will be held on 14 November 2016, with the meeting after that scheduled on or around for 20 February 2017.

By extending the term of the two independent committee members to 28 February 2017, it ensures the composition of independent members remains at four until the appointment of Councillor members to the Committee, following the Council elections.

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

The *Local Government Act 1989* prescribes that Council must establish an Audit Committee and that such committee be advisory in nature.

2. Council Plan / Policy

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

3. Financial

Independent members are paid an annual allowance of \$8,000 (\$2,000 per quarter).

4. Environmental

There are no environmental implications resulting from this report.

Conclusion

At the Ordinary Meeting of Council held 24 November 2015, Council adopted the Audit Committee Charter. The Charter provides, through a resolution of Council, that existing external members may be reappointed without the need to invite applications by public advertisement.

Appendices

Nil.

9.18 Report on Assemblies of Council

File No: FOL/16/130
Author: Coordinator Legislative Services
Directorate: Corporate & Community 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 Officer ensures that the written record of an Assembly of Councillors is, as soon as practicable, reported at an Ordinary Meeting of the Council, and incorporated in the minutes of that Council meeting.

Recommendation

That Council receive and note the written records of Assembly of Councillors, provided as **Appendix A**, received since the last report to Council in August 2016.

Background

In accordance with Section 80A (1) & (2) of the Act, the Chief Executive Officer is to ensure that a written record of an Assembly of Councillors is, as soon as practicable, reported at an Ordinary Meeting of the Council; and incorporated in the minutes of that Council meeting.

Furthermore, the written record of an Assembly of Councillors is both kept for a period of 4 years after the date of the Assembly; and made available for public inspection at the offices of the Council, for a period of 12 months after the date of the Assembly.

Discussion

Section 76AA of the Act defines an Assembly of Councillors as a meeting of an Advisory Committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:

- a) the subject of a decision of the Council; or
- b) subject to the exercise of a function, duty or power of the Council, that has been delegated to a person or committee but does not include a meeting of the Council, a Special Committee of the Council, an Audit Committee established

under section 139, a club, association, peak body, political party or other organisation.

Section 80A (1) and (2) of the Act provides that:

1. At an Assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of —
 - a) the names of all Councillors and members of Council staff attending;
 - b) the matters considered;
 - c) any conflict of interest disclosures made by a Councillor attending under subsection (3); and
 - d) whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.
2. The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable —
 - a) reported at an Ordinary Meeting of the Council; and
 - b) incorporated in the minutes of that Council meeting.

Records of Assemblies of Councillors, held since the last report to Council in August 2016, are provided as **Appendix A**.

Consultation

All Council staff have been informed of Council's obligations under the Act.

Implications

1. Legislative

This report is presented to Council in accordance with Section 80A of the Act. As this is a mandatory reporting requirement, there are no Charter of Human Rights implications for Council.

2. Council Plan / Policy

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

3. Financial

There are no financial implications resulting from the presentation of this report.

4. Environmental

There are no environmental implications resulting from the presentation of this report.

Conclusion

Council has an obligation under Section 80A(2)(a) & (b) of the Act, to present all records of Assemblies of Councillors to an Ordinary Meeting of Council. By receiving and noting this report, Council is ensuring compliance with this provision.

Appendices

Appendix A: Record of Assemblies of Council

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 16 August 2016 at 6.37 pm, at the Moonee Valley Civic Centre

PRESENT

Councillors:

Andrea Surace, Paul Giuliano, Jan Chantry, Shirley Cornish, Nicole Marshall, Narelle Sharpe, John Sipek

Officers:

| | |
|-----------------|--|
| Bryan Lancaster | Chief Executive Officer |
| Anthony Smith | Director Corporate & Community Services |
| Natalie Reiter | Director Planning & Development |
| Kendrea Pope | Director Organisational Performance |
| Gail Conman | Director City Services |
| Carey Patterson | Manager Building, Health & Property Services |
| Yvonne Hansen | Manager Legislative Services & Support |
| Troy Watson | Manager Arts, Culture & Libraries |
| Kate McCaughey | Acting Manager Community Planning |
| Venta Slizys | Coordinator Landscape & Urban Design |
| Jackie Zombolas | Coordinator Youth Services |
| Rachael Fry | Youth Engagement Office |
| Tim Mileham | Acting Coordinator Strategic planning |

CONFLICT OF INTEREST DISCLOSURES

Nil

MATTERS CONSIDERED

1. Moonee Ponds Bowling Club - Proposed New Lease
2. Amendment C164 - Permanent Heritage Overlay controls for sites identified in the Heritage Study 2015
3. Lowther Hall - Proposed new Master Plan
4. Niddrie Library & Multi Purpose Community Hub Site Analysis
5. Service Infrastructure Profiles
6. Master Plans
7. Councillor - Community Dispute Resolution Policy
8. Items of a general nature raised by Councillors and Officers

RECORD COMPLETED BY

Anthony Smith Director Corporate and Community Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 23 August 2016 at 6.26 pm, at the Moonee Valley Civic Centre

PRESENT

Councillors:

Paul Giuliano, Jan Chantry, Shirley Cornish, Jim Cusack, Nicole Marshall, Cam Nation, John Sipek, Narelle Sharpe,

Officers:

| | |
|-----------------|--|
| Bryan Lancaster | Chief Executive Officer |
| Anthony Smith | Director Corporate & Community Services |
| Natalie Reiter | Director Planning & Development |
| Kendrea Pope | Director Organisational Performance |
| Carey Patterson | Manager Building, Health & Property Services |
| Yvonne Hansen | Manager Legislative Services & Support |
| Petrus Barry | Manager Statutory Planning |
| Emily Chiles | Council Business Officer |

CONFLICT OF INTEREST DISCLOSURES

Cr Nation provided written notification to the Chief Executive Officer regarding an indirect conflict of interest in Item 9.14, East Keilor Leisure Centre Feasibility Study and was not present for any discussion on this item.

MATTERS CONSIDERED

1. East Keilor Leisure Centre Feasibility Study
2. 46 Mangalore Street, Travancore
3. 12 Craig Street, Keilor East
4. 495 Mt Alexander Road, Moonee Ponds
5. Notice of Motion Report relating to correspondence sent to Ministers and Members of Parliament - State and Federal

RECORD COMPLETED BY

Anthony Smith Director Corporate and Community Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 6 September 2016 at 6.35 pm, at the Moonee Valley Civic Centre

PRESENT

Councillors:

Paul Giuliano, Jan Chantry, Shirley Cornish, Jim Cusack, Nicole Marshall

Officers:

| | |
|--------------------|---|
| Bryan Lancaster | Chief Executive Officer |
| Anthony Smith | Director Corporate & Community Services |
| Natalie Reiter | Director Planning & Development |
| Henry Bezuidenhout | Manager City Planning |
| Jim Karabinis | Manager Aged & Disability Services |
| Kate McCaughey | Acting Manager Community Planning |
| Michele Leonard | Manager Family & Children's Services |
| Christina Collia | Strategic Policy Officer |

CONFLICT OF INTEREST DISCLOSURES

Nil

MATTERS CONSIDERED

1. Service Infrastructure Profiles: Aged and Disability Services, and Family and Children's Services
2. Debneys Park Update
3. Airport West Activity Centre Structure Plan Review - Key Directions and Preferred Options
4. Bluestone Laneways
5. Items of a general nature raised by Councillors and Officers

RECORD COMPLETED BY

Anthony Smith Director Corporate and Community Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 13 September 2016 at 6.26 pm, at the Moonee Valley Civic Centre

PRESENT

Councillors:

Andrea Surace, Paul Giuliano, Jan Chantry, Jim Cusack, Nicole Marshall, Cam Nation (6.53 pm), Narelle Sharpe, John Sipek

Officers:

| | |
|-----------------|---|
| Bryan Lancaster | Chief Executive Officer |
| Anthony Smith | Director Corporate & Community Services |
| Natalie Reiter | Director Planning & Development |
| Gail Conman | Director City Services |
| James Martin | Acting Director Organisational Performance |
| Petrus Barry | Manager Statutory Planning |
| Michele Leonard | Manager Family & Children Services |
| Gil Richardson | Manager Technical Services |
| Troy Delia | Coordinator Legislative Services |
| Karina Viksne | Coordinator Family & Children Services Planning |
| Kosta Smirnis | Coordinator Technical Services |
| Sarah Schwager | Communications Media Officer |

CONFLICT OF INTEREST DISCLOSURES

Nil

MATTERS CONSIDERED

1. Pascoe Vale Road and Wiseman Court Drainage Project
2. Montague Street, Moonee Ponds - Boardwalk Replacement Options
3. Notice of Motion - Bluestone Laneways
4. Moonee Ponds Bowling Club - Exercise of Lease Option
5. Proposed Purchase 1 - 15 Strathaird Street, Strathmore - Update
6. Council Office Accommodation - Lease of Level 1/641 Mt Alexander Road, Moonee Ponds
7. Councillor - Community Dispute Resolution Policy
8. Independent Member Appointments to Council's Audit Advisory Committee
9. Moonee Valley Early Years Plan 2014 - 22 - Action Plan Progress Report 2015- 16
10. Update of the Strathmore Children's Centre Redevelopment - Stage 2
11. Debneys Park Update
12. Alf Pearce Reserve Fenced Dog Park Design
13. Local Area Traffic Management Studies - Implementation Status
14. 24 Craig Street, Keilor East - Parking Supply Options
15. Kent Street Traffic Management Study
16. 19 - 21 Matthews Avenue, Airport West
17. 199 - 203 Union Road, Ascot Vale
18. 29 - 35 St Kinnord Street, Aberfeldie
19. 320 Ascot Vale Road, Moonee Ponds

- 20. 86 Glass Street, Essendon
- 21. Fairbairn Park (Middle) New Pavilion Tender Evaluation
- 22. Items of a general nature raised by Councillors and Officers

RECORD COMPLETED BY

Anthony Smith Director Corporate and Community Services

9.19 Report on Advisory Committees

File No: FOL/16/130
Author: Coordinator Legislative Services
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

To present the minutes of Council's Advisory Committee meetings received since the last report to Council in August 2016.

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 August 2016:

- a) Municipal Emergency Management Planning Committee held on 12 May 2016 (**Appendix A**);
- b) Moonee Valley Young Peoples' Coalition Meeting held on 26 May 2016 (**Appendix B**); and
- c) ANZAC Centenary Community Coordinating Committee held on 6 June 2016 (**Appendix C**)

Background

Council at its Statutory Meeting held 4 November 2015, appointed representatives to Advisory Committees, up to the month of October 2016.

Minutes from these meetings are presented to Council for information purposes.

Discussion

Minutes from the following Advisory Committee Meetings are presented to Council in accordance with section 80A(2)(a) of the *Local Government Act* 1989:

- a) Municipal Emergency Management Planning Committee held on 12 May 2016 (**Appendix A**);
- b) Moonee Valley Young Peoples' Coalition Meeting held on 26 May 2016 (**Appendix B**); and
- c) ANZAC Centenary Community Coordinating Committee held on 6 June 2016 (**Appendix C**)

Consultation

The nature of this report does not require any consultation to be undertaken, but rather the coordination and compilation of minutes of the meetings held.

Implications

1. Legislative

These minutes are presented to Council in accordance with sections 80A(2)(a) of the *Local Government Act 1989* .

2. Council Plan / Policy

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

3. Financial

There are no financial implications resulting from the presentation of this report.

4. Environmental

There are no environmental implications resulting from this report.

Conclusion

Advisory Committees allow for a more efficient and effective process of understanding specific areas, prior to being considered by Council.

Appendices

Appendix A: Municipal Emergency Management Planning Committee - 12 May 2016

Appendix B: Moonee Valley Young Peoples' Coalition - 26 May 2016

Appendix C: ANZAC Centenary Community Coordinating Committee - 6 June 2016



Municipal Emergency Management Planning Committee

Thursday, 12 May 2016
Held in the Committee Room,
9 Kellaway Ave, Moonee Ponds
Meeting Commenced at 17.30pm

Minutes of Meeting

Attendance:

| Name | Organisation | Email |
|-----------------|-------------------|----------------------------------|
| Cr Jan Chantry | MVCC | JChantry@mvcc.vic.gov.au |
| Craig Medcalf | MVCC | C.Medcalf@mvcc.vic.gov.au |
| Hugh McCarry | MVCC | HMcCarry@mvcc.vic.gov.au |
| Jim Karabinis | MVCC | JKarabinis@mvcc.vic.gov.au |
| Craig Perry | MVCC | CPerry@mvcc.vic.gov.au |
| Kosta Smirnis | MVCC | KSmirnis@mvcc.vic.gov.au |
| Alison Tuxworth | VicSes | Alison.tuxworth@sesvic.gov.au |
| Peter Clark | VCC EM | peterbeclark@gmail.com |
| Bruce Missen | VCC EM | brucemissen@hotmail.com |
| Ian Jones | VicPol | ian.r.jones@police.vic.gov.au |
| Brett Murphy | VicPol | brett.murphy@police.vic.gov.au |
| Richard Lodder | ST John Ambulance | richard.lodder@police.vic.gov.au |
| Phil Gregory | Essendon Airport | pg@ef.com.au |

1. APOLOGIES:

Jan Chantry MVCC
Michele Leonard – MVCC
Sandy Faoro – SES
Frank Armstrong – DHS
Guy McCrorie - Ess

2. WELCOME:

- Presentation by Kelly Heffer on Climate change to the Committee (copy attached)
 - Half day Workshop to be arranged at a later date.

3. MINUTES FROM PREVIOUS MEETING:

- Accepted by the Committee - Ian Jones moved and Alison Tuxworth seconded.
- Change of meeting time for MEMPC preferred time is 10-12. Most committee members agreed for a morning meeting.
- Emergency Management Officer advertised.

4. ACTIONS ARISING FROM THE PREVIOUS MEETING:

- Exercise Gumboots briefing will be attached to the minutes.
- English St Bridge – Works
- EMV – Next Thursday Jim/Craig/Bryan

5. CORRESPONDENCE

- State Government Funding – CFA boundaries
- Vic Roads Citylink toll widening
- Trial MFB software
- NW Collaboration information DVD
- Review of MEMP should be reviewed by Emergency Management Officer..

6. REVIEW OF MEMP

- Feedback to the Committee

7. AGENCY REPORTS

St John Ambulance

Richard Lodder

- 2000 Volunteers State wide
- First aid relief
- Missing persons Merrijig
- Conference in July.

Vic Police

Brett Murphy

- Debrief for agencies.
- Fires in Hume and Somerton tip illegal fire
- Huge consequence for the community.
- Illegal dumping ground, industrial waste – bio hazard and risk
- Mary Creek poisoning.

- Enforcement notices
- Hume constant problem – EPA
- Land being used as dumping ground for dump material.
- Cheap land attracts dumping grounds.

Ian Jones

- Quiet 3 months
- Only strong winds

Metropolitan Fire Brigade

Guy McCrorie

- Hume community leaders, EM Issues
- CERA workshop – small workshop group
- Email CERA items to all the committee.

State Emergency Service (Essendon)

Sandy Faoro

Nil report

State Emergency Service (Regional)

Alison Tuxworth

- Exercise Gumboots 29 Feb night time.
- CERA workshop identified risks.
Report handed out to the committee
- Searches not unusual.
- Flood Management plan –17 Feb
5 year flood plan
- Essendon Airport workshop.

Department of Human Services

Sara Coward

- Recovery/Response for WYE River
- Different teams in the West and one in the North
- New Director in Health
- Fires – personal hardships program with debit cards

- Guidelines review now underway
- Banyule Council - Exercise
- Worldwide IBM challenge
- Communication during emergencies.

Red Cross

- Nil report

VCC EM

Brian Missen

- Recovery outreach
- Volunteers CFA – tour police air wing
- Fire Fighting weekend
- MFB/SES Burnley rescue demonstration

Essendon Airport / Essendon Fields

Phil Gregory

- *Open Day in May was successful*
- *Vic Rods – Emergency access while Freeway widening*
- *Exercise in Oct.*
-

Centrelink (Federal DHS Centrelink)

- No report

Moonee Valley City Council

Craig Medcalf

- BBRAP CFA/MFB workshop was hard work
- CERA Workshop
- Struggling to attend all meetings - new EM Officer appointed.
- NW Collaboration – meeting challenging

- Government funding Community health/Residential care

Hugh McCarry

- Conference calls for Hume Fires
- All issues regarding environment
- Several meetings attended
- CERA workshop
- Drainage Maintenance budget.

Kosta Smirnis

- Flood management plans updated joint exercise.
Should be completed within 2 months
- 500 vulnerable locations - Aberfeldie main drain
- IT hacking into systems
- Closer look to see how people can access
- Drainage lines are cleaned regularly
- 2 years drainage budget

Community Safety Register

- Next Meeting

8. GENERAL BUSINESS

- Flemington Racecourse running events which are attracting 15,000 patrons, impacts the community including safety.
- We assist with traffic management but more involvement is required due to security issues.
- Victoria Police have a high involvement to the events.

9 OTHER BUSINESS

- Plan the year ahead to update the MEMP Plan.

- Close of Meeting at 19.20

2016 MEMPC meeting dates starting at 5:30pm are:

Thursday 11 February 2016

Thursday 12 May 2016

Thursday 11 August 2016

Thursday 10 November 2016

Distribution list

| | | | |
|-----------------|------------------|--|--------------|
| Craig Medcalf | MVCC | cmedcalf@mvcc.vic.gov.au | 0407833409 |
| Cr Jan Chantry | MVCC | jchantry@mvcc.vic.gov.au | |
| Hugh McCarry | MVCC | hmccarry@mvcc.vic.gov.au | 0413 835042 |
| Tony Ball | MVCC | tball@mvcc.vic.gov.au | 0412 381182 |
| Kosta Smirnis | MVCC | ksmirnis@mvcc.vic.gov.au | 0413 835020 |
| Jim Karabinis | MVCC | jkarabinis@mvcc.vic.gov.au | 0413 835012 |
| Sarina Gioffre | MVCC | sgioffre@mvcc.vic.gov.au | 0413 835158 |
| Guy McCrorie | MFB | gmcclorie@mfb.vic.gov.au | 0457 409331 |
| Graeme Ware | EAPL | gware@essport.com.au | 0425 548233 |
| Brett Murphy | Vic Pol | brett.murphy@police.vic.gov.au | 0407 692 047 |
| Richard Lodder | St. John | richard.lodder@police.vic.gov.au | 0406 393 650 |
| Frank Armstrong | DHS | frank.armstrong@dhs.vic.gov.au | 0412 262 501 |
| Alison Tuxworth | VIC SES | alison.tuxworth@ses.vic.gov.au | 0417 306 015 |
| Sandy Faoro | SES Essendon | faoro@live.com | 0432 426 664 |
| Phil Gregory | Essendon Pty Ltd | pgregory@essport.com.au | 0458 888 983 |
| Peter Clark | VCC EM | peterbeclark@gmail.com | 0414 560 575 |
| Bruce Missen | VCC EM local | brucemissen@hotmail.com | |
| Anthony Mair | DoHS | Anthony.mair@humanservices.gov.au | 0425 813 628 |
| Melissa Meaker | DoHS | Melissa.meaker@humanservices.gov.au | 0419 164 842 |



Young Peoples' Coalition

Minutes

Thursday, 26 May 2016 at 9.00am – 11.00am at Moonee Valley Civic Centre, 9
Kellaway Ave, Moonee Ponds

Attendees

| | |
|----------------------|--|
| Cr Cam Nation | Moonee Valley City Council |
| Jackie Zombolas | Coordinator Youth Services |
| Adam Boyle | Manager Community Planning |
| Jonno McCutcheon | Youth Planner |
| Jill Kilpatrick | Victoria Police |
| David Adamson | Essendon Keilor College |
| Wayne Haworth | Mount Alexander College |
| Kate Dullard | Penleigh and Essendon Grammar School |
| Alison McRoberts | Headspace |
| Rachel Grant | Orygen Youth Health |
| Rhonda Collins | Latitude |
| Michael Farrelly | Kangan Institute |
| Veronica Snook | MMV Local Learning and Employment Network |
| Sarah Mason (Guest) | University of Melbourne |
| Tim O'Connor (Guest) | University of Melbourne |

Order of Business

Welcome

Chair greeted Coalition members and welcomed the group.

Apologies

Cr Narelle Sharpe, Moonee Valley City Council

Brendan Lacota, Moonee Valley Legal Service

Colleen Bergin, Youth Now

Jazz Bir, MacKillop Family Services

Adam Densley, Melbourne City Mission

Rita Moses, Headspace

Representative, CoHealth

Representative, Department of Health and Human Services

Representative, Department of Education

1. Confirmation of Previous Minutes

Previous meeting held Thursday, 25 February 2015. Confirmation of minutes motion moved and carried. Minutes to be forwarded to Council.

2. Declarations of Conflict of Interest

Nil declarations of interest.

3. Items

3.1 Moonee Valley Young Peoples' Committee update

Ms Zombolas gave a brief update on the Committee and its progress to date.

Committee has 15 members representing a variety of different age groups and neighbourhoods in Moonee Valley. Committee currently mapping priorities and has identified four major areas of focus – employment, transport, mental health and disability advocacy.

Committee also assisting with the surveying elements of the Monitoring and Evaluation Framework (MEF) and will advise on content and ways to engage young people in the survey.

3.2 Monitoring and Evaluation Framework (MEF) Workshop

Mr McCutcheon gave a quick update on the framework's progress to date.

Coalition comments from the previous meeting were consolidated and addressed in the draft framework.

Ms Mason and Mr O'Connor from University of Melbourne have been contracted to undertake a professional review of the draft.

Each representative was asked to give a quick overview of what evaluation practices they already undertake:

- Kate Dullard [Penleigh and Essendon Grammar] – Most evaluation is done in-house and benchmarked against other schools.
- Michael Farrelly [Kangan Institute] – Kangan also focuses on internal reviews and evaluations.
- Racheal Grant [Orygen Youth Health] – As a mental health service provider, Orygen reports to the Department Health who set KPIs and accreditation standards. Individual teams do evaluation at a program level.
- Wayne Haworth [Mount Alexander College] – The College collects statistical data and other information through face-to-face meetings. Mr Haworth noted that evaluation should be constant, that statistical data is important but cannot tell us everything, and that success can be measured in many forms.
- David Adamson [East Keilor College] – The Department of Education requires schools to report on a number of evaluation measures. Government schools work within a framework set by the Department but also undertake further, investigative evaluation that's more qualitative and needs based independently.
- Adam Boyle [Moonee Valley City Council] – Local governments have historically focused on output-oriented evaluation (annual plans, traffic light reporting, etc...). Mr Boyle noted his excitement at looking into long-term outcomes focused evaluation.
- Rhonda Collins [Latitude] – Accreditation processes undertaken every 4 years, through the process' fitness for purpose can be a stumbling block and does not fully capture the number of influencers contributing to youth homelessness. Ms Collins noted the importance of ongoing evaluation.
- Alison McRoberts [Headspace] – Headspace has had a number of independent evaluations, and continue collect a large amount of data.
- Veronica Snook [MMVLLEN] – MMVLLEN starting to focus more and more on evaluation (ie: What worked well? What did not work well? What should change next time?).
- Jill Kilpatrick [Victoria Police, Moonee Ponds] – Victoria Police has a strong culture of statics-based evaluation. It can be challenging for branches to communicate the success of programs on-ground, especially when the way programs / services are offered in different areas vary, depending on local needs.
- Jackie Zombolas and Jonno McCutcheon [Moonee Valley City Council] – Building on Mr Boyle's comments, Council finds it challenging to evaluate

population health and wellbeing trends because of the large amount of variables and influences impacting these trends.

Ms Mason and Mr O'Connor led the Coalition through an independent workshopping activity.

Action 1: Council to forward University of Melbourne workshopping activity findings to Coalition members when available

Mr McCutcheon clarified that the framework is expected to be complete in 2 months and that the first rollout of the survey / reporting process is scheduled for December to inform June Action plan.

The framework will be presented to the Coalition at its August meeting.

3.3 Coalition priority planning

Ms Zombolas led the Coalition through an exercise in rating the areas of significance under the general themes in the Action Areas.

The three most outstanding themes identified were mental health, education settings and community participation and involvement.

- Mental health encapsulates mental wellbeing and wellness, also mental illness.
- Education settings includes the experience in education settings, but is also about cultivating lifelong learning habits. There is a strong link between education setting and mental health.
- Community participation and engagement relates strongly to young aq person's sense of identity and belonging.

Ms Collins noted that Thrive Action Area 6: Supportive Systems and Environments, underpins all of the areas and in many ways is the focus of the Coalition.

Members noted the value in expanding the Nest Framework to Early Years planning and Children's Services for a clearer level of consistency.

Action 2: Representative from Children's Services to be invited to Coalition meetings where possible and appropriate.

Action 3: Coalition members to bring information and data relevant to the three focus areas to the next meeting. The three areas are:

- 1. Mental health*
- 2. Education settings*
- 3. Community participation and involvement*

4. General Business

No further business items were raised.

5. Close of Meeting / Next Meeting

Chair thanked Coalition members and closed the meeting.

The next meeting is scheduled for Thursday, 25 August 2016.

Monday, 6 June 2016
Minutes – Anzac Centenary Community Coordinating Committee – Meeting #11



Anzac Centenary Community Coordinating Committee

Minutes

Meeting #11

Monday, 6 June 2016 at 6pm
Committee Room, Moonee Valley Civic Centre
9 Kellaway Avenue, Moonee Ponds

| | | |
|-------------------------|--------------------|---|
| Attendees | Cr Jan Chantry | Chair, Buckley Ward |
| | Cr Jim Cusack | (Sub chair) – Myrnong Ward |
| | Bob Chalmers | President, Essendon Historical Society |
| | Everette Reynolds | 58/32 Infantry Battalion Association Ltd |
| | John Hills | Essendon Historical Society |
| | Judy Maddigan | Local Historian |
| Council officers | Gil Richardson | Acting Director City Services (minutes) |
| | Troy Watson | Manager Arts, Culture and Libraries (minutes) |
| | James Martin | Acting Manager Communications and Customer Service |
| Guests | Sankar Nadeson | Project Co-ordinator - Moonee Ponds Memorial Streets - From Community to Country |
| | Susan McLaine | Coordinator Learning and Community Programs, MVCC |
| Apologies | Alana Stevens | Executive Assistant City Services |
| | Bill Laker | President, Keilor East RSL |
| | Elaine Brogan | Friends of Sandy |
| | Barry Gough | Former Mayor City of Essendon |
| | Cr Shirley Cornish | (Sub chair) – Rose Hill Ward |
| | Danny Bilaver | Governance Officer, MVCC |

Monday, 6 June 2016
Minutes – Anzac Centenary Community Coordinating Committee – Meeting #11

Order of Business

Welcome

Meeting opened at 6.05pm.

Chair Cr Jan Chantry welcomed all attendees to the meeting.

Apologies

Noted as above.

1. Confirmation of Previous Minutes

Moved by Judy Maddigan seconded by Bob Chalmers that the Minutes of the Anzac Centenary Community Coordinating Committee (#10) held on Monday, 21 March 2016 be confirmed with no changes.

2. Declarations of Conflict of Interest

Nil.

3. Guest presentation - Moonee Ponds Memorial Streets - From Community to Country

Sankar Nadeson made a presentation to the committee regarding the Moonee Ponds Memorial Streets - From Community to Country project he is coordinating on behalf of Essendon RSL.

An application for funding has been made to the State Government's *Victoria Remembers Grants Program* for the project, which will engage with the community to create memorials to be displayed within the Puckle Street, Moonee Ponds area. An accompanying app will also be developed as part of the project. A similar project has been run in the City of Brimbank. This project requires support of the local Council, including future maintenance of the permanent memorial installations.

Essendon RSL will be funding 15 per cent of the total project cost of \$60,000. The project would take six to eight months to complete, if approved.

4. Guest presentation - Writing the war exhibition

Susan McLaine made a presentation (*distributed with minutes*) to the committee regarding the Writing the war exhibition which will be hosted by Avondale Heights Library and Learning Centre from 10 March to 30 April 2017. The exhibition includes letters, diaries and photo albums which tell the stories of seven individuals serving overseas and at home during World War I. Additional programming is planned for Moonee Valley Libraries to further engage the community, particularly children and teenagers, with the exhibition and World War I history.

5. Key actions arising from previous minutes

5.1 Street signs - additional names

James Martin advised that following the successful launch of Anzac street signs in Ascot Vale and Essendon, posts were made on Council's social media advising of further Anzac related street names, including Halsey and Parer Roads in Airport West. John Hills suggested that Keilor Historical Society may be able to assist with further investigation.

James also advised that Council's Governance team have been working on a separate project investigating possible future Anzac street names. Essendon Historical Society have provided some suggestions as part of this project.

ACTIONS:

Monday, 6 June 2016
Minutes – Anzac Centenary Community Coordinating Committee – Meeting #11

- James Martin to make contact with Keilor Historical Society regarding Anzac street names in the Airport West area.
- Gil Richardson to seek further information on the street names project Governance is working on and provide update to the committee.
- Alana Stevens to list item on agenda for next meeting.

5.2 Victoria Cross commemorative pavers update

Gilbert Richardson advised that the State Government's Victoria Cross commemorative pavers project is progressing, and circulated an image of a sample paver around the table. Timings for the provision of pavers and additional names are yet to be advised by the Veterans Branch.

5.3 Scurry Court proposal

ACTION: Alana Stevens to list item in agenda for next meeting.

5.4 Council support for events in 2016/17

To be discussed under item 7.

5.5 Rosie statue – update

Gilbert Richardson advised that Rosie II has been ordered and will include additional features to prevent vandalism/theft, including a 2 metre high concrete plinth base, internal steel rods and a sand slurry filling for additional strength. Council will be seeking funding (up to \$4,000) through the Federal Government's *Saluting Their Service* grants, which would contribute to the cost of these additional security features. Council will also investigate the possibility of applying for further funding for improved security lighting for the area around Rosie II, through the State Government's Department of Justice and Regulation.

ACTION: Gilbert Richardson to apply for funding for Rosie II security features and investigate further funding for security lighting.

5.6 Search for the Essendon High School cannon

Bob Chalmers advised there has been no update in the search for the missing cannon.

6. Events recently held

It was noted that the following events have been held since the committee last met:

- Moonee Valley Brass concert - 10 April 2016
- Anzac Day 2016 services - 17 April 2016
- Launch of Anzac street signs - 18 April 2016
- Film screening - Why Anzacs - 19 April 2016
- Anzac Day Talk - The City of Essendon Regiment - 20 April 2016

7. Upcoming event / project status updates

• **Music in War Time concert series**

Judy Maddigan advised the final concert of the series will be held on 16 September at the Clocktower Centre.

ACTIONS:

- Troy Watson to investigate ticketing cost being charged to organisers
- James Martin to advertise concert in Valley View

Monday, 6 June 2016
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- **58/32 Infantry Battalion Association Inc. memorial in Queens Park**

Ev Reynolds provided a handout with details of the memorial tablet and unveiling ceremony, which will be held on Saturday, 8 October. Council's Operations department will be assisting in preparing the site for the tablet installation, including garden beds, footings etc.

The Battalion request Council's support with invitations, programs, seating, MC, advertising, audio and catering.

Cameo Memorials, who are constructing the tablet, have generously covered the cost of increasing the size of the memorial from what was originally planned, to the value of around \$6,000.

ACTIONS:

- Troy Watson to liaise with Ev Reynolds around event requirements.
- Troy Watson to arrange letter of thanks to Cameo Memorials, to be signed by committee chair Cr Chantry.

- **Queens Park Memorial Wall**

Gilbert Richardson provided a copy of the names to be printed on the wall and requested feedback from the committee within two weeks.

Judy Maddigan suggested including clarification that the list is of service men from the City of Essendon as per the municipal boundaries in 1914. The list was sourced from the Australian War Memorial Honour Roll. Judy also suggested leaving some space for any names that may have been inadvertently missed. Would need to determine how names might be added after the wall has been installed.

ACTION: Committee members to provide comments on list of names by 30 June 2016.

It was agreed that Council's Anzac Centenary Community Coordinating Committee budget for 2016/17 would be spent on supporting the unveiling events for the 58/32 Infantry Battalion Association Inc. memorial and the Queens Park Memorial Wall.

8. Other Business

8.1 Ideas from resident – ceremonies at Victory Park and Queens Park

Gilbert Richardson advised that suggestions had been made by an Ascot Vale resident for the Cenotaphs in Queens Park, Moonee Ponds and Victory Park, Ascot Vale, including:

- Planting of poppies and rosemary
- The installation of small white crosses, as were previously featured in Victory Park

The committee agreed the installation of crosses was not supported, as it was believed the previous crosses in Victory Park had been stolen in the 1970s.

The planting of poppies and rosemary will be referred to Council's Urban Design and Parks and Gardens teams, for consideration in reference to the master plans for the parks.

ACTION: Gilbert Richardson to pass planting suggestion on to Urban Design / Parks and Gardens.

8.2 Western Front tour – Bob Prewett

Ev Reynolds advised that Major Bob Prewett, Vice President of the 58/32 Infantry Battalion Association Inc., will be departing for his trip to France to visit battle sites along the Western Front on 15 July. This will include a visit to Fromelles, where he will present a gift (framed photograph) on behalf of the Anzac Centenary Community Advisory Committee.

8.3 Community History Awards

Monday, 6 June 2016
Minutes – Anzac Centenary Community Coordinating Committee – Meeting #11

Troy Watson advised that entries for the Victorian Community History Awards 2016 are now open.

ACTION: Troy Watson to submit entry for Anzac Street Signs project under the Historical Interpretation Award category.

8.4 Moonee Ponds Memorial Streets - From Community to Country

The committee agreed that it does not support the Moonee Ponds Memorial Streets - From Community to Country project (as per presentation - item 3.) The project outcomes are considered to be already delivered through a number of Council and Anzac Centenary Community Coordinating Committee programs and events.

ACTION: Gilbert Richardson to advise Sankar Nadeson that support will not be provided for the Moonee Ponds Memorial Streets - From Community to Country project.

8.5 Missing Crosses

ACTION: Judy Maddigan to follow up with Keilor East RSL regarding missing crosses.

9. Date of next meeting

Meeting schedule for 2016:

- Monday, 12 September, 6pm-8pm
- Monday, 5 December, 6pm-8pm

The meeting closed at 8.05pm

NOTICES OF MOTION

10.1 Notice Of Motion No. 2016/24 - Edinburgh Street Heritage Precinct

File No: FOL/16/130
From: Councillor Nicole Marshall
Ward: Myrnong

Take notice that at the Ordinary Meeting of Council to be held on 19 September 2016 it is my intention to move:

That Council requests the Chief Executive Officer to prioritise work to achieve a Heritage Overlay over the relevant area of the Edinburgh Street Flemington Precinct with a view to having this Overlay in the Planning Scheme within the next 18 months.

Officer Comments

The community nominated the Edinburgh Street Precinct for protection in the Heritage Gap study 2014. The area comprises Edwardian, Interwar and Victorian properties. Since the Heritage gap Study work was completed, a number of identified properties have been lost in this precinct as the protection work had not been completed.

Officers agree it is extremely important to expedite the Heritage program to ensure further aspects of Moonee Valley's rich heritage are not lost. As such, work to put in place a Heritage Overlay over the relevant area of the Edinburgh Street Flemington Precinct will be run concurrently with the next tranche of work from the Heritage gap study, namely the inter-war period work.

10.2 Notice Of Motion No. 2016/25 - Development of Policy for Dog Parks

File No: FOL/16/130
From: Councillor Nicole Marshall
Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 19 September 2016 it is my intention to move:

That Council requests the Chief Executive Officer to prepare a policy to guide the future development of Dog Parks.

Officer Comments

The introduction of Moonee Valley's first dedicated dog park has involved significant engagement with the community about an appropriate location as well as the opportunities for what a dog park may involve. Through the process it has become clear there are more basic versions of dog parks in some municipalities while other locations include elements to provide a more sensory experience for the dogs. With the learnings achieved over the past 12 months, there is now an opportunity to develop a policy to guide future planning.

10.3 Notice Of Motion No. 2016/26 - Open Space Contribution Update Report

File No: FOL/16/130
From: Councillor Nicole Marshall
Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 19 September 2016 it is my intention to move:

That Council requests the Chief Executive Officer to prepare a report for the November 2016 Ordinary Meeting outlining the available Open Space Contribution monies by precinct and an indication of projects underway or planned for this Council term to expend these funds.

Officer Comments

The City of Moonee Valley collects Open Space Contributions as part of Amendment C98. Expenditure of this fund is monitored through our finance team who provide monthly reports. These accruals are adjusted at the end of each financial year based on projects which have been delivered using the Open Space Reserve (OSR). In recent years, accrued income has exceeded expectations. Officers are constantly drawing from the accrual for open space project delivery through the Capital Works Program and have plans in place for the expenditure of accrued funds over the next two (2) years. Open Space projects drawing on the OSR are acknowledged as being paid for from this reserve in the budget, ensuring absolute transparency.

10.4 Notice Of Motion No. 2016/27 - New Residential Zones

File No: FOL/16/130
From: Councillor Jan Chantry
Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 19 September 2016 it is my intention to move:

That Council requests the Chief Executive Officer to prepare a report for the November 2016 Ordinary Meeting detailing the plethora of work undertaken by the last Council to put in place the Neighbourhood Residential Zone throughout much of the City of Moonee Valley. This report should highlight the work Councillors undertook with Michael Buxton and the work prepared by SGS Consultants which resulted in the preparation of Amendment C137. The Panel Report which considered Amendment C137 did not support the proposed 68-70% coverage by Neighbourhood Residential Zone, and allowing dwelling growth within activity centre areas. The Report recommended Council undertake further strategic work, including a more detailed Housing Strategy, to justify how we apply the new residential zones. Subsequent to that work, Council adopted a process for preparing a new Housing Strategy and Officers have undertaken much of the base work to inform the implementation of the new zones.

In late 2015 the Minister for Planning appointed the Managing Residential Development Advisory Committee to report on the application of the new zones and recommend improvements to the zones themselves. Following the release of the Committee's Report, Moonee Valley City Council will be able to progress the work undertaken to date. It should be noted Officers are also working on Moonee Valley 2040 (MV2040) which will include significant opportunities for engagement with the community and MV2040 will reflect the community's desires for how they want to live in Moonee Valley into the future.

Officer Comments

Officers are currently organising the engagement program for Moonee Valley 2040. MV2040 will be the product of continuous and extensive community engagement which commenced in 2012 with Moonee Valley 2035. The next stages are expected to include the following wide range of engagement tools and opportunities: postcards, social media forums, Council's website, communications in Valley View and workshops, offering people an opportunity to 'Describe your perfect day in your ideal future Moonee Valley'. We will use the power of storytelling and narrative to capture people's stories in many forms. Future editions of Valley View will be used to share information about the preparation of MV2040 and seek feedback from the community at various stages. Community workshops will also be used to sense test ideas and assist officers to develop options for consideration by the community and Councillors.

As part of the engagement process, a short Visioning Paper will be prepared to guide those groups and individuals that want to be more intensely involved in development of Moonee Valley 2040. The Visioning Paper will be designed to prompt thinking about how people would like Moonee Valley to look in 2040 and how they would ideally be living in an moving about the City in the future by posing a broad set of questions such as ‘what kind of housing should be built in Moonee Valley?’ and ‘what will be keys to Moonee Valley’s future prosperity?’. The Visioning Paper will be presented for consideration early next year. Feedback from the community and stakeholders during the engagement process will then be brought together in a ‘Draft MV2040’ paper, to be released in June 2017 together with the Council Plan.

CONFIDENTIAL REPORTS

Closure of meeting to public

Recommendation

That Council resolve to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to discuss the following matters:

12.1 Pascoe Vale Road / Wiseman Court - Drainage project

Item 12.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (f) legal advice.

12.2 Moonee Ponds - Boardwalk Replacement Options

Item 12.2 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (h) other matter.

12.3 Fairbairn Park (Middle) New Pavilion Tender Evaluation

Item 12.3 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (d) contractual matters.

12.4 Proposed Purchase 1-15 Strathaird Street, Strathmore - Update

Item 12.4 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (h) other matter.

12.5 Council Office Accommodation - Lease of Level 1/641 Mt Alexander Road, Moonee Ponds

Item 12.5 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (d) contractual matters.