



Ordinary Meeting of Council

Tuesday, 22 March 2016 at 7.00pm

Agenda

Ordinary Meeting of Council

Tuesday, 22 March 2016 at 7.00pm
to be held at the Moonee Valley Civic Centre

TO :

Members: 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

Mr Anthony Smith Director Corporate & Community Services

Mr Henry Bezuidenhout Acting Director Planning & Development

Mr Gil Richardson Acting Director City Services

Ms Yvonne Hansen Manager Legislative Services & Support

Business:

1. Opening

2. Apologies

3. Confirmation of Minutes

Ordinary Meeting of Council held on Tuesday, 23 February 2016 and the Special Meetings of Council held on Tuesday, 22 December 2015 and Tuesday, 8 March 2016.

4. Declarations of Conflict of Interest

5. Presentations

6. Petitions and Joint Letters

7. Public Question Time

8. Reports by Mayor and Councillors

Written and verbal reports presented to the Council by the Mayor and Councillors5

9. Reports

- 9.1 Proposed Budget 2016/17 15
- 9.2 11 Mooltan Street, Travancore (Lot 1 TP592810T) - Construction of a residential aged care facility, buildings and works in an Environmental Significance Overlay (ESO2) and a reduction in car parking requirements 19
- 9.3 12 Butler Street, Essendon (Lot 1 and 2 on Title Plan 256130U) - Construction of four dwellings in a Special Building Overlay area 48
- 9.4 8 Ida Street, Niddrie (Lot 484 PS 010094) - Construction of three dwellings 77
- 9.5 54 Mary Street, Essendon (Lot 173 Block D on LP 3151) - Construction of four dwellings 97
- 9.6 222-226 Buckley Street, Essendon (Lot 1 PS24250) Use and development of the land for a four-storey building comprising 2 shops and 25 apartments, associated parking reduction, waiver of the loading bay requirements, construction of a building in a Special Building Overlay and works in a Road Zone Category 1 118
- 9.7 21-23 Norwood Crescent, Moonee Ponds (Lots 1 & 2 LP25566) - Use and development of the land for a six storey building comprising 31 dwellings, an office and a reduction in car parking requirements 138
- 9.8 1 Melfort Avenue, Essendon (Lot 9 PS012260) - Use and development of the land for the purpose of a childcare and display of business identification sign 164

| | | |
|------------|--|-----|
| 9.9 | Airport West Activity Centre Structure Plan Review - Draft Issues and Opportunities - Community Consultation Key Findings Report..... | 166 |
| 9.10 | Draft Heritage Study 2015 | 183 |
| 9.11 | Election Period Policy | 191 |
| 9.12 | Delegations of Council..... | 208 |
| 9.13 | Ascot Vale Trugo Club - Maribyrnong Park Moonee Ponds - Proposed Lease..... | 216 |
| 9.14 | Graffiti Management Policy Implementation Update..... | 224 |
| 9.15 | Report on Assemblies of Council..... | 241 |
| 9.16 | Report on Tenders and Contracts Awarded | 249 |
| 9.17 | Report on Advisory Committees | 251 |
| 10. | Notices of Motion | |
| 10.1 | Notice of Motion No. 2016/3 - Safe Schools Coalition Program..... | 281 |
| 10.2 | Notice of Motion No. 2016/4 - Canning Street Bridge | 283 |
| 10.3 | Notice of Motion No. 2016/5 - Mt Alexander Road Water Fountain | 284 |
| 10.4 | Notice of Motion No. 2016/6 - Conservation of Extremely Rare or Unique Properties of Potential Heritage Significance in the City of Moonee Valley | 285 |
| 10.5 | Notice of Motion No. 2016/7 – Maribyrnong Defence Site | 286 |
| 11. | Urgent Business | |
| 12. | Confidential Reports | |
| | Council will resolve that the meeting be closed to members of the public pursuant to Section 89(2) of the Local Government Act 1989 to discuss a matter which the Council considers would prejudice the Council or person/s. In accordance with the Victorian Civil and Administrative Tribunal Act 1989, Council is required to give/not give consent on a matter, and Council must do so confidentially. | |
| 12.1 | 40 Hall Street & 34-36 Margaret Street, Moonee Ponds - Consideration of VCAT Amended Plans | 288 |
| 13. | Close of Meeting | |

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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| 10 February 2016 | Attended photo opportunity at Sam Merrifield Library with The Leader Newspaper regarding the Million Stars Project Attended social group at St Peter's Primary School, Keilor East Attended on site meeting with resident in Marshall Street, Flemington Attended meeting with residents regarding 40 Fullarton Road, Airport West proposed planning application |
| 11 February 2016 | Attended on site meeting with Chief Executive Officer, Acting Director Planning and Development, Cr Paul Giuliano, Cr Narelle Sharpe and representatives from Doutta Galla Bowling Club regarding loss of car parking space around the Bowling Club |
| 12 February 2016 | Attended Melbourne Transport Forum meeting Attended meeting with Acting Director City Services and representatives from Essendon United Soccer Club Opened Summer In The Valley Event – Twilight Music in the Park at Woodlands Park, Essendon Attended Ascot Vale Italian Club "Valentine's Dinner" at Ascot Vale Neighbourhood Centre, Ascot Vale |
| 16 February 2016 | Attended meeting with Acting Director City Services, Sports and Recreation Officers and representatives from Keilor East Netball Club Attended meeting with Acting Director Planning and Development, Manager Community Planning and representatives from African Community Development Network of Australia Attended on site visit with Chief Executive Officer to Flemington Library Attended on site visit with Chief Executive Officer to Flemington Children's Centre |

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| | Attended on site visit with Chief Executive Officer to Ascot Vale Library |
| | Chaired Councillor Workshop |
| 17 February 2016 | Attended on site meeting with Avondale Heights resident |
| | Chaired meeting with representatives from various bowls clubs to discuss upcoming Mayoral Bowls Tournament |
| 19 February 2016 | Attended Western Region Mayoral Luncheon hosted by Melton City Council |
| | Participated in judging panel for finalists of Fireworks Art Exhibition |
| | Opened Fireworks Opening at the Incinerator Gallery |
| | Opened Moonee Valley 2016 Relay for Life Event at Aberfeldie Athletics Track |
| 21 February 2016 | Participated in Maribyrnong/Moonee Valley Community Cricket Cup Event at Fairbairn Park, Ascot Vale |
| 23 February 2016 | Attended Local Government Level Crossing removal project workshop held by Metropolitan Transport Forum |
| | Chaired Ordinary Meeting of Council |
| 24 February 2016 | Attended on site meeting with resident regarding development in Mooltan Street, Travancore |
| | Attended on site meeting with resident in Keilor East |
| 26 February 2016 | Attended meeting with Acting Director Planning and Development and resident regarding Roberts Road, Airport West application |
| | Attended meeting with Acting Manager Technical Services and resident regarding permit issues in Mt Alexander Road, Essendon |
| 28 February 2016 | Officiated at Moonee Valley Festival in Queens Park, Moonee Ponds |
| 1 March 2016 | Hosted St Monica's Primary School, Grade 6 students School's Governance Program |
| | Attended lunch with Chief Executive Officer, Editor and Reporter from The Leader newspaper |
| | Attended meeting with Chief Executive Officer, Manager Infrastructure Services and representatives from the East Keilor Football Club |

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| | Attended meeting with Chief Executive Officer and Terry Bramham |
| | Chaired Councillors Workshop |
| 4 March 2016 | Attended Opening of Wingate Men's Shed at Wingate Avenue, Ascot Vale |
| 5 March 2016 | Attended Annual Dinner Dance hosted by Epirotic Federation of Oceania |
| 6 March 2016 | Opened Paddock to Plate event at Flemington Farmers Market, Flemington |
| 7 March 2016 | Attended meeting with Acting Manager City Planning and resident to discuss planning application for Woods Street, Avondale Heights |
| | Attended meeting with Acting Manager City Planning and residents to discuss planning application for Sapphire Street, Niddrie |
| 8 March 2016 | Hosted International Women's Day breakfast held in the Council Chambers |
| | Attended meeting with Manager Legislative Services and Support |
| | Attended assembly at Mt Alexander College, Flemington for International Women's Day |
| | Attended meeting with Chief Executive Officer, Acting Director Planning and Development, Chairman and Chief Executive of Moonee Valley Racing Club |

8.2 Report by Councillor Giuliano

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| 11 February 2016 | Attended on site meeting with Chief Executive Officer, Acting Director Planning and Development, Mayor, Cr Andrea Surace, Cr Narelle Sharpe and representatives from Doutta Galla Bowling Club regarding loss of car parking space around the Bowling Club |
| 16 February 2016 | Attended meeting with Acting Manager City Planning to discuss Market Street, Essendon application |
| | Attended meeting with representatives from Moonee Ponds Italian Club |
| | Attended meeting with resident to discuss sporting club rooms concerns |
| | Attended Councillor Workshop |

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| 17 February 2016 | Chaired briefing and consultation meeting in relation to 275 Buckley Street, Aberfeldie planning application Chaired briefing and consultation meeting in relation to 14 Banchory Street, Essendon planning application |
| 18 February 2016 | Attended Clifton Park Advisory Group meeting |
| 19 February 2016 | Attended meeting with Director Corporate and Community Services and resident regarding health and safety issue Attended Moonee Valley 2016 Relay for Life Event at Aberfeldie Athletics Track Attended Fireworks Opening at the Incinerator Gallery |
| 23 February 2016 | Attended meeting with Acting Director Planning and Development and Environmental Division Sales Manager from Company – AKS Attended meeting with Acting Manager City Planning to discuss planning issues Attended Tenders Committee Meeting Attended Ordinary Meeting of Council |
| 26 February 2016 | Attended Essendon Airport/Essendon Fields/Moonee Valley Council Working Group meeting |
| 28 February 2016 | Attended Moonee Valley Festival in Queens Park, Moonee Ponds |
| 1 March 2016 | Attended meeting with Acting Director Planning and Development and Acting Manager City Planning to discuss planning application for 275 Buckley Street, Aberfeldie Attended Councillor Workshop |
| 2 March 2016 | Attended briefing and consultation meeting in relation to 4 Kernan Street, Strathmore planning application Attended briefing and consultation meeting in relation to 81 Rose Street, Essendon planning application |
| 8 March 2016 | Chaired Tenders Committee meeting Chaired Public Forum and Councillor Briefing Chaired Special Meeting of Council |

8.3 Report by Councillor Chantry

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| 11 February 2016 | Attended Meeting with Resident of Lebanon Street, Strathmore |
| 14 February 2016 | Attended Meeting with Resident at 273 Buckley Street, Aberfeldie in relation to town planning application |
| 16 February 2016 | Attended Councillor Workshop |
| 17 February 2016 | Attended briefing and consultation meeting in relation to 275 Buckley Street, Aberfeldie planning application Attended briefing and consultation meeting in relation to 14 Banchory Street, Essendon planning application |
| 18 February 2016 | Participated in phone conference – Arts and Culture Councillor Portfolio meeting |
| 20 February 2016 | Attended Meeting with Residents in Puckle Street, Moonee Ponds in relation to Town Planning issues |
| 21 February 2016 | Participated in Maribyrnong/Moonee Valley Community Cricket Cup Event at Fairbairn Park, Ascot Vale |
| 22 February 2016 | Chaired Arts and Culture Community Advisory Committee meeting |
| 23 February 2016 | Attended meeting with Manager Community Planning and resident to discuss local concerns Attended Ordinary Meeting of Council |
| 26 February 2016 | Attended Essendon Airport/Essendon Fields/Moonee Valley Council Working Group meeting |
| 28 February 2016 | Attended Moonee Valley Festival in Queens Park, Moonee Ponds |
| 2 March 2016 | Attended briefing and consultation meeting in relation to 4 Kernan Street, Strathmore planning application Attended briefing and consultation meeting in relation to 81 Rose Street, Essendon planning application |
| 3 March 2016 | Meeting with resident in Price Street, Essendon |
| 7 March 2016 | Attended International Women's Day event hosted by Danny Pearson, MP held at Moonee Ponds Bowling Club |
| 8 March 2016 | Attended International Women's Day breakfast held in the Council Chambers |

Attended Public Forum and Councillor Briefing

Attended Special Meeting of Council

8.4 Report by Councillor Cornish

10 February – 8 March 2016 Verbal Report

8.5 Report by Councillor Cusack

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| 10 February 2016 | Attended Council Information Session – Flemington Racecourse Public Exhibition at Flemington/Kensington Bowls Club |
| 13 February 2016 | Attended Council Information Session – Flemington Racecourse Public Exhibition at Flemington Community Centre |
| 14 February 2016 | Attended on site meeting with Cr Nicole Marshall and representative from Maribyrnong Bowls Club |
| 16 February 2016 | Attended Councillor Workshop |
| 17 February 2016 | Attended Showgrounds Quarterly Community Consultative Group meeting Attended briefing and consultation meeting in relation to 147-149 The Parade, Ascot Vale planning application |
| 18 February 2016 | Attended Kent Street Traffic Management Study – Working Group meeting |
| 19 February 2016 | Attended Fireworks Opening at the Incinerator Gallery |
| 23 February 2016 | Attended Tenders Committee Meeting Attended Ordinary Meeting of Council |
| 25 February 2016 | Attended City Link Widening discussion meeting |
| 28 February 2016 | Attended Moonee Valley Festival in Queens Park, Moonee Ponds |
| 1 March 2016 | Attended Councillor Workshop |
| 2 March 2016 | Attended Welcome Family Dinner hosted by Flemington Street Children's Centre Attended briefing and consultation meeting in relation to 432-442 Mt Alexander Road, Ascot Vale |
| 4 March 2016 | Attended Opening Wingate Men's Shed at Wingate Avenue, Ascot Vale |
| 6 March 2016 | Attended Paddock to Plate event at Flemington Farmers Market, Flemington Attended Essendon Community Garden Working Bee |

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| 7 March 2016 | Attended Member for Essendon International Women's Day Celebration Moonee Ponds Bowls Club |
| 8 March 2016 | Attended International Women's Day breakfast held in the Council Chambers Attended Public Forum and Councillor Briefing Attended Special Meeting of Council |

8.6 Report by Councillor Marshall

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| 10 February 2016 | Attended Council Information Session – Flemington Racecourse Public Exhibition at Flemington/Kensington Bowls Club |
| 11 February 2016 | Chaired Strategic Planning Advisory Committee meeting |
| 13 February 2016 | Attended Council Information Session – Flemington Racecourse Public Exhibition at Flemington Community Centre |
| 14 February 2016 | Attended on site meeting with Cr Jim Cusack and representative from Maribyrnong Park Bowls Club |
| 16 February 2016 | Attended Councillor Workshop |
| 17 February 2016 | Attended Quarterly Showgrounds Community Consultative Group meeting Attended briefing and consultation meeting in relation to 147-149 The Parade, Ascot Vale planning application |
| 18 February 2016 | Attended Kent Street Traffic Management Study – Working Group meeting |
| 19 February 2016 | Attended Fireworks Opening at the Incinerator Gallery |
| 22 February 2016 | Attended Audit Committee meeting |
| 23 February 2016 | Attended Ordinary Meeting of Council |
| 26 February 2016 | Attended Integrated Waterways Advisory Committee meeting Attended Farnham Street meeting |
| 28 February 2016 | Attended Moonee Valley Festival in Queens Park, Moonee Ponds |
| 1 March 2016 | Attended Councillor Workshop |
| 2 March 2016 | Attended briefing and consultation meeting in relation to 432-442 Mt Alexander Road, Ascot Vale planning application |

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| 4 March 2016 | Attended Grand Opening of Wingate Men's Shed at Wingate Avenue, Ascot Vale |
| 5 March 2016 | Opened Launch of McCall Reserve in Flemington |
| 6 March 2016 | Attended Flemington Green Ninja tree planting, Flemington |
| 7 March 2016 | Attended International Women's Day event hosted by Danny Pearson, MP held at Moonee Ponds Bowling Club |
| 8 March 2016 | Attended Public Forum and Councillor Briefing Attended Special Meeting of Council |

8.7 Report by Councillor Nation

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| 16 February 2016 | Attended Councillor Workshop |
| 17 February 2016 | Attended Launch of Stand Up Event and CGU's Move in May held at The Glasshouse in Olympic Park, Melbourne |
| 20 February 2016 | Site visit regarding a planning application in Princess Street, Flemington Site visit regarding a planning application in Melfort Street, Essendon |
| 21 February 2016 | Attended Junior Tournament Presentation of the Maribyrnong/Moonee Valley Community Cricket Cup Event at Fairbairn Park, Ascot Vale Participated in Maribyrnong/Moonee Valley Community Cricket Cup 'Councillor Match' at Fairbairn Park, Ascot Vale Participated in Maribyrnong/Moonee Valley Community Cricket Cup Tournament at Fairbairn Park, Ascot Vale |
| 22 February 2016 | Attended Audit Committee meeting |
| 23 February 2016 | Attended Young People's Coalition briefing with Cr Narelle Sharpe, Acting Director Planning & Development, Manager Community Planning and Coordinator Youth Services. Attended Ordinary Meeting of Council |
| 24 February 2016 | Attended on site meeting with resident, Mayor Andrea Surace and Acting Manager Statutory Planning in relation to development in Mooltan Street, Travancore |
| 25 February 2016 | Chaired Moonee Valley Young People's Coalition meeting at the Civic Centre |

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| 1 March 2016 | Attended meeting with resident in regards to improvements to Rosehill Park for Petanque Players |
| 2 March 2016 | Attended briefing in relation to 432-442 Mt Alexander Road, Ascot Vale Attended consultation meeting in relation to a planning application at 432-442 Mt Alexander Road, Ascot Vale |
| 4 March 2016 | Attended Go West Festival and Farmers Market at the Boathouse, Moonee Ponds |
| 6 March 2016 | Attended Paddock to Plate event held at Flemington Farmers Market, Flemington |
| 8 March 2016 | Attended International Women's Day breakfast held at the Civic Centre Attended Tenders Committee Meeting Attended Public Forum Attended Special Meeting of Council Attended Councillor Briefing |

8.8 Report by Councillor Sharpe

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| 11 February 2016 | Attended meeting with representatives of Pound Reform Alliance Attended on site meeting with Chief Executive Officer, Acting Director Planning and Development, Mayor, Cr Andrea Surace and representatives from Doutta Galla Bowling Club regarding loss of car parking space around the Bowling Club |
| 12 February 2016 | Attended Summer In The Valley event – "Twilight Music in the Park" at Woodlands Park, Essendon |
| 16 February 2016 | Attended Councillor Workshop |
| 17 February 2016 | Attended Bully Zero Australia Foundation Board Meeting |
| 21 February 2016 | Attended Farmers Market held in Lincoln Park, Essendon |
| 22 February 2016 | Attended Audit Committee meeting |
| 23 February 2016 | Attended Young People's Coalition pre brief meeting Attended Ordinary Meeting of Council |
| 26 February 2016 | Attended Essendon District Football League's new office Celebration |

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| 28 February 2016 | Attended Moonee Valley Festival in Queens Park, Moonee Ponds |
| 3 March 2016 | Chaired Public Transport Providers meeting |
| 4 March 2016 | Attended Go West Melbourne food and wine festival at the Boathouse |
| 6 March 2016 | Attended Paddock to Plate event held at Flemington Farmers Market, Flemington |
| 8 March 2016 | Attended International Women's Day Luncheon held in the Docklands |
| | Attended Public Forum and Councillor Briefing |
| | Attended Special Meeting of Council |

8.9 Report by Councillor Sipek

10 February – 8 March 2016 Verbal Report

REPORTS

9.1 Proposed Budget 2016/17

File No: FOL/16/130
Author: Coordinator Management Accountant
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

To adopt a Proposed Budget for the 2016/17 financial year and invite public submissions.

Executive Summary

- In accordance with Section 127 of the Local Government Act 1989 (the Act) and Regulation 8 of the Local Government (Planning and Reporting) Regulations 2014 (the Regulations), Council is required to commence the statutory process to adopt the Proposed Budget 2016/17 (**Appendix A** – separately circulated).
- The Proposed Budget recognises the importance of setting a clear direction for the future, achieving measurable objectives, encouraging community input and being financially responsible.
- The Budget proposes a 2.5% increase to rate income for 2016/17.
- The Budget proposes no new borrowings.
- The Proposed Budget contains no loans as they were paid out in 2015/16 financial year.

Recommendation

That Council:

1. Adopt in principle the Proposed Budget 2016/17 as per **Appendix A** (separately circulated) as its budget for the 2016/17 financial year as required by the Local Government Act.
2. Authorise the Chief Executive Officer to:
 - a) Give public notice of the preparation of the Proposed Budget 2016/17 in accordance with the Act;
 - b) Make available for public inspection the information required by Regulation 9 of the Local Government (Planning and Reporting) Regulations 2014 and invite submissions under Section 223 of the Act.
 - c) Extinguish Council's loan no. 204 - NAB by no later than 30 June 2016.

3. Consider any submissions received on the Proposed Budget 2016/2017 (if required) at a Special Committee of Council, comprising all Councillors, to be held on Tuesday 10 May 2016 commencing at 6.00 pm at Moonee Valley City Council, 9 Kellaway Avenue, Moonee Ponds.

Background

The Proposed Budget 2016/17, outlining all external influences including economic conditions is attached to this report (**Appendix A** – separately circulated). The proposed budget seeks to balance the competing demands for Council services and infrastructure, and the community's capacity to pay, using prudent financial management principles to ensure financial sustainability. The proposed budget is expected to deliver recurrent surpluses in order to fund capital works. Council proposes no new borrowings.

The proposed 2.5% increase to rate income for the 2016/17 year will enable Council to continue to deliver a vast range of services and projects to its community as highlighted in the Proposed Budget 2016/17. Council's proposed Rating Strategy comprises the removal of the Non-Residential Vacant Differential.

The Proposed Budget includes operating expenditure of \$141.5 million. The Council will commit significant funding to support various services for individuals and families in our community including:

- Home care, personal care and respite care to older and frail aged adults and people with a disability;
- Childcare, kindergarten and maternal and child health;
- Business support and networking programs;
- Community meals to resident's homes;
- Maintain roads, parks footpaths, bike paths, drains, sporting fields and community buildings;
- Provide planning and building services, waste and recycling collections, and run a variety of environmental programs.

The Proposed Budget includes a capital works program of \$29.3 million. This includes a conservative estimate of works to be carried over from the 2015/16 financial year of \$4.3 million. The highlights of the capital program include:

- \$6.6 million invested in the development and renewal of Council facilities including:
 - \$3.8 million for Fairbairn Park Pavilion improvements;
 - \$0.4 million on Clocktower Centre Chilled Water Plant replacement and
 - \$0.4 million for the completion of renewal and upgrade works at Ascot Vale Leisure Aquatics Centre;
- \$5.4 million allocated to local roads;
- \$1.1 million invested in drainage;

- \$5.4 million invested in open space, including \$0.6 million on the Playground Renewal Program.

The proposed budget and Council's financial plan achieve these levels of service and investment in community infrastructure by:

- Providing for an operating surplus of \$9.2 million. Excluding capital grants and contributions, the underlying result, which is a measure of financial sustainability, is anticipated to be a surplus of \$7.1 million.
- No new borrowings.

The Proposed 2016/17 Budget has been developed through a comprehensive review process. The Councillors together with staff rigorously analysed available information and financial data to ensure the budget delivers Council's objectives and financial plans.

The budget sets clear directions for the delivery of Council programs and builds upon the main financial and operational strategies previously established. The exhaustive analysis of the information provided and the review process undertaken to establish the budget for 2016/17 have produced a financially responsible budget that will continue to assure Council's long-term financial strength.

The budget is a major component in ensuring the accountability of Council's operations and in line with good governance it forms part of the public accountability process and reporting that includes:

- The Council Plan
- The Strategic Resource Plan
- The Annual Budget
- Internal and External Audit
- Annual Report

Fees and charges have generally been increased by between 4% and 6%. Some fees are fixed by legislation while others are set on a user pays basis. The impact of GST on fees and charges has also been included.

The Budgeted Standard Statements are included in **Appendix A** (separately circulated).

Submissions

In releasing the Proposed Annual Budget for public consideration, Council seeks community feedback. Public comment and submissions are encouraged and close 5pm, Friday, 29 April 2016. Submissions will be heard on Tuesday, 10 May 2016.

The Proposed 2016/17 Annual Budget will be placed on exhibition at the Civic Centre, Flemington Community Centre, Municipal libraries located at Flemington, Avondale Heights, Moonee Ponds, Ascot Vale and Niddrie, as well as on Council's website.

Consultation

This budget was developed through a rigorous process of consultation and review. Furthermore, as per above, submissions from the public are encouraged.

Implications

1. Legislative

The budget has been set in accordance with Section 127 of the Local Government Act 1989.

2. Council Plan / Policy

The Proposed Annual Budget 2016/17 contributes to Theme 5: Excellence in governance – dynamic, effective and accountable.

3. Financial

Council has prepared the proposed budget in accordance with the principles of sound financial management and its adoption will ensure long term financial viability.

4. Environmental

There are no environmental issues associated with this report.

Conclusion

The Proposed Budget presents Council's immediate and long-term financial strategy and links the actions set out in the Council Plan.

It also identifies the capital works and services the community can expect from Council during the 2016/17 financial year and the Strategic Resource Plan Projection Years (2016/17 to 2019/20). The Proposed 2016/17 Annual Budget ensures ongoing security of Council's long-term financial position.

Council has prepared the proposed budget in accordance with the principles of sound financial management and its adoption will ensure long term financial viability.

Appendices

Appendix A: Draft 2016-17 Annual Budget (separately circulated)

9.2 11 Mooltan Street, Travancore (Lot 1 TP592810T) - Construction of a residential aged care facility, buildings and works in an Environmental Significance Overlay (ESO2) and a reduction in car parking requirements

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

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| Planning File No. | MV/627/2015 |
| Proposal | <ul style="list-style-type: none"> • Construction of a part single, part double storey residential aged care facility comprising six lodging rooms • Buildings and works in an Environmental Significance Overlay (ESO2) • Reduction of one car parking space |
| Applicant | Wintringham C/- Message Consultants |
| Owner | Wintringham |
| Planning Scheme Controls | <ul style="list-style-type: none"> • General Residential Zone • Environmental Significance Overlay Schedule 2 (ESO2) |
| Planning Permit Requirement | Clause 32.08-4 – Construct a residential building Clause 42.01 – Construct a building or construct or carry out works Clause 52.06-3 – Reduction in car parking requirements |
| Car Parking Requirements (Clause 52.06) | Required: 1 car space Provided: 0 car spaces |
| Bicycle Requirements | Required: 0 bicycle spaces Provided: 0 bicycle spaces |
| Restrictive Covenants | Yes, Covenant 1592837 prevents the quarrying of the land |
| Easements | Yes, a 0.11 metre wide party wall easement |
| Site Area | 370 square metres |
| Number Of Objections | 20 |
| Consultation Meeting | 27 January 2016 |

Executive Summary

- The application seeks planning approval for the construction of a part single, part double storey residential aged care facility comprising six lodging rooms, buildings and works in an Environmental Significance Overlay (ESO2) and a reduction of one car parking space.
- The site has an area of approximately 370 square metres and is located on the western side of Mooltan Street, Travancore. The site comprises an existing single storey brick dwelling.
- The application was advertised and 20 objections were received. The concerns raised related to use not being appropriate, overdevelopment, neighbourhood character, visual bulk, design, height, heritage impacts, demolition of half the existing maisonette, car parking, traffic, internal amenity, non-compliances with ResCode, overshadowing, access to sunlight/daylight, overlooking, noise, side and rear setbacks, blocking views, light spillage, reduction in garden space, loss of habitat/wildlife, lack of emergency access, accessibility, construction impacts, large staff/laundry rooms, inconsistency with VCAT cases, errors within documentation, reduction in property values and lack of community engagement.
- A Consultation Meeting was held on 27 January 2016, attended by Councillor Cusack, Councillor Marshall, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting. However, revised floor and section plans dated 2 February 2016 (refer **Appendix D, E & F**) showing relocation of the staircase from the southern property boundary towards the northern property boundary were submitted to Council on 3 February 2016 to address some of the concerns raised.
- The application was internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit, Environmental Sustainable Development (ESD) Officer and Arborist. Conditional support to the application was provided.
- This assessment report finds that the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme, and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.



Figure 1 – Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/627/2015 for the construction of a residential aged care facility, buildings and works in an Environmental Significance Overlay (ESO2) and a reduction in car parking requirements at No.11 Mooltan Street, Travancore (Lot 1 TP592810T), subject to the following conditions:

1. Before the development starts, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* which provides for the following:

- a) Operation and management of the proposed residential aged care facility, including the provision of staff, waste management and emergency management procedures, to be done in conjunction with the operation and management of McLean Lodge located at No.1 Little Princes Street, Travancore.

The owner of the land, or other person in anticipation of becoming the owner of the land must pay all costs and expenses (including legal expenses) of, and incidental to, the agreement (including those incurred by the Responsible Authority).

2. 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) Relocation of the staircase and laundry/cleaners cupboard in accordance with revised plan TP03, TP05 and TP06 dated 2 February 2016.

- b) The south facing walls associated with bedroom 3 and the ensuite for bedroom 4 modified to comply with the setback requirements of Clause 55.04-1 (Side and Rear Setbacks) and Clause 55.04-3 (Daylight to Existing Windows) of the Moonee Valley Planning Scheme.
- c) The south facing walls associated with bedroom 3, the ensuite for bedroom 4 and the lift modified to comply with the setback requirements of Clause 55.04-4 (North-facing Windows) of the Moonee Valley Planning Scheme.
- d) The upper floor 'external covered walkway/balcony' screened in accordance with the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
- e) A roof plan which graphically shows:
 - i) All roof areas, both treated by WSUD and untreated.
 - ii) The specific roof area in square metres of the rainwater catchment area discharging into the nominated stormwater treatment, with the WSUD treatment capacity clearly annotated.
 - iii) Water tank volumes and numbers of toilets the water tanks are connected to.

The details must be consistent with the information provided in the approved complying STORM Rating Report.
- f) Each rainwater tank to be noted to state on all relevant plans:
 - i) The capacity of the rainwater tank.
 - ii) Whether a mechanically, fully charged or gravity fed system is proposed.
 - iii) Number of toilets connected to the rainwater tank, as detailed on the STORM Rating Report.
 - iv) The roof catchment area collected to the rainwater tank, as detailed on the STORM Rating Report.

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

- 3. 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.
- 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 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 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.

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

The WSUD Maintenance Program may form part of a broader Maintenance

Program that covers other aspects of maintenance such as a Builder's User's Guide or a Building Maintenance Guide.

7. Before the building approved by this permit is occupied, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
8. Service units, including air conditioning units, must not be located on any of the balcony/terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
9. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
10. Before the building approved by this permit is occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed 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.

11. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
12. 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.
13. The development must be provided with external lighting capable of illuminating access to 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.
14. All security alarms or similar devices installed on the land must not emit any noise which is audible beyond the boundary of the land and must be designed in accordance with the relevant Australian Standard and must be connected to a security monitoring service.
15. Prior to the commencement of buildings and works, the Arboricultural Impact Assessment prepared by 'Tree Logic' dated 28 July 2015 is to be resubmitted to the Responsible Authority for endorsement. The provisions, recommendations and requirements of the Arboricultural Impact Assessment must be implemented and complied with to the satisfaction of the Responsible Authority. All works in the endorsed Arboricultural Impact Assessment must be supervised by an arborist with qualifications to the satisfaction of the Responsible Authority.
16. The existing street trees (*Platanus x acerifolia*) must not be removed or damaged as a result of the permitted development.
17. 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 2 of this permit.
- b) The location and details of Tree Protection Zones as per the Arboricultural Impact Assessment prepared by Tree Logic (28 July 2015).

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.

18. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
19. Immediately upon the discovery of any Aboriginal cultural material, works must cease and Aboriginal Affairs Victoria must be notified of the discovery.
20. 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.
21. This permit will expire if:
 - a) The development does not start within two (2) years of the date of issue of this permit, or
 - b) The development is not completed within four (4) years of the date of issue of this permit.

Before the permit expires, or within six (6) months afterwards, the owner or occupier of the land may 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 the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- 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 staff, residents or visitors in this development will be entitled to on-street parking permits.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and or easement. Council will not accept any modifications to existing levels within any road reserve or easement.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the western side of Mooltan Street, Travancore. The site is irregular in shape with a frontage to Mooltan Street of 8.60 metres and a maximum depth of 49.71 metres resulting in a total area of approximately 370m².

The land has an approximate 2.50 metre fall from the west of the site to the east.

A 0.11 metre wide party wall easement exists to the south-west of the site, adjoining the side property boundary.

The site comprises a single storey semi-attached brick dwelling, forming part of a maisonette, and associated outbuildings. The existing dwelling has a minimum front setback of 4.70 metres. There are no vehicle crossovers at the front of the site along Mooltan Street. While a number of large trees exist on the subject site, there is no significant or protected vegetation on the subject site. There is one significant street tree (*Platanus x acerifolia* – London Plane) located to the south-east of the site along Mooltan Street.



Figure 2 – Subject site (No.11 Mooltan Street, Travancore)

The surrounding area is comprised of predominantly residential and commercial zoned land used and developed for residential and commercial purposes. The built form within the vicinity is predominantly single and double storey, with examples of multi-storey and multi-dwelling developments evident nearby. While the built form found within the immediate vicinity is predominantly traditional in style and character, comprising of brick and render dwellings with pitched tiled roofing, there is an emergence of new and contemporary developments nearby, particularly along and within close proximity of the Mt Alexander Road corridor.

1.2 Proposal

It is proposed to construct a part single, part double storey residential aged care facility with a reduction of one car parking space. The proposal, as advertised, can be summarised as follows:

Table 1

| | |
|----------------------|-------------|
| No. of lodging rooms | 6 |
| No. of car spaces | 0 |
| Max. building height | 6.42 metres |
| Site coverage | 65% |
| Permeability | 27% |

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

It is noted that revised floor and section plans dated 2 February 2016 (refer **Appendix D, E & F**) were received by Council on 3 February 2016 following the Consultation Meeting held on 27 January 2016. The revised plans demonstrate

relocation of the staircase from the southern property boundary (adjacent to the secluded private open space of No.9 Mooltan Street) towards the northern property boundary (adjacent to the driveway associated with No.13 Mooltan Street). The revised plans also demonstrate relocation of the laundry/cleaners cupboard as a result of the staircase relocation. The revised floor and section plans address some of the concerns raised and are to be included as conditions on any permit granted accordingly.

2. Background

2.1 Relevant Planning History

11 Mooltan Street, Travancore

Planning Permit application CM/16493 was lodged with Council circa 1990 to convert a house to a four bedroom Elderly Persons Hostel.

1 & 2 Little Princes Street, Travancore (McLean Lodge) – associated with 11 Mooltan Street, Travancore

Planning Permit MV/817/2014 was approved on 2 April 2015 for ‘alterations and additions to an existing aged care facility within a Heritage Overlay area’.

Planning Permit MV/14581/2001 was approved on 13 August 2001 for ‘construction of verandah to existing Aged Care Facility’.

Planning Permit MV/10425 was approved on 11 November 1998 for ‘first floor addition to existing aged care hostel in UC area’.

Planning Permit CM/15836 was approved on 26 July 1990 for ‘the erection of single storey buildings for use as an elderly person hostel comprising 18 bedrooms, including 2 staff rooms and associated parking in accordance with the attached endorsed plans (sheets 1-5)’.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

| | |
|-----------|--------------------------------|
| Clause 11 | Settlement |
| Clause 15 | Built Environment and Heritage |
| Clause 16 | Housing |
| Clause 19 | Infrastructure |

Local Planning Policy Framework

| | |
|--------------|--|
| Clause 21.01 | Municipal Profile |
| Clause 21.02 | Key Issues and Influences |
| Clause 21.03 | Vision |
| Clause 21.04 | 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

Overlays

Clause 42.01 Environmental Significance Overlay Schedule 2 (ESO2)

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 conditions and the inclusion of a Construction Management Plan (CMP) on any permit granted.
- Traffic and Transportation Unit
The waiver of one car space is considered acceptable at this time. However, given the existing parking demand and the parking pressures in the surrounding streets, it should be noted that no further parking waivers will be considered for this site in the future. No staff, residents or visitors in this development will be entitled to on-street parking permits and this is to be included as a note on any permit granted.
- Environmental Sustainable Development (ESD) Officer
No objection to the STORM Rating Report, subject to the inclusion of associated WSUD notations and conditions on any permit granted (refer to Conditions 2.e and 2.f).
- Arborist
No objection to the Arboricultural Impact Assessment (dated 28 July 2015) or the Tree Protection Zone specifications for the two London Plane trees along Mooltan Street, as long as these requirements are maintained as a minimum (refer to Conditions 15 and 17.b).

2.4 Public Notification of the Application

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

As a result, twenty (20) objections were received from the properties contained within **Appendix A** of this report.

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

2.5 Consultation Meeting

Consultation Meeting was held on 27 January 2016, attended by Councillor Cusack, Councillor Marshall, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting. However, revised floor and section plans dated 2 February 2016 (refer **Appendix D, E & F**) showing relocation of the staircase from the southern property boundary towards the northern property boundary were submitted to Council on 3 February 2016 to address some of the concerns raised.

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 70 metres from the Principal Public Transport Network (PPTN) and is located within close proximity of numerous local businesses, public reserves, schools and public transport options. The location of the subject site is considered to lend support for a more intensive form of residential development.

With regard to Clause 15.03-2 (Aboriginal Cultural Heritage), a report prepared by 'Andrew Long & Associates Pty Ltd' concludes that the activity area in its entirety has been subject to Significant Ground Disturbance and that a Cultural Heritage Management Plan (CHMP) is not required in this instance.

The proposal contributes to the objective and strategies of Clause 16.01-1 (Integrated Housing) by providing for additional aged care housing to meet the needs of the local community. The proposed development complies with the objective and strategies of Clauses 16.02-3 (Residential Aged Care Facilities) by providing appropriate accommodation to meet both existing and future needs. The design and location of the residential aged care facility contributes to housing diversity and choice, and is an appropriate use in an established residential area with access to existing services and public transport. It is important to recognise that such aged care facilities are different to dwellings in their purpose and function, and will have a different built form (including height, scale and mass) accordingly. However, it is noted that the proposed development has been designed to comply with the preferred character statement of the 'Garden Suburban 5' precinct profile as discussed in detail within Section 3.3 of this report. Therefore, the proposed development is deemed to have a high level of compliance with the objective and strategies of Clause 16.02-4 (Design and Location of Residential Aged Care Facilities).

The proposed development contributes to the objective and strategies of Clause 19.02-1 (Health Facilities) by integrating a residential aged care facility as part of a larger existing facility within the local community. Importantly, consideration

has been given to demographic trends, as well as existing and future demands associated with residential aged care housing and facilities within the broader community.

3.2 Local Planning Policy Framework (LPPF)

The proposal complies with the objectives and strategies of Clause 21.04-2 (Urban Ecology) through the retention and protection of significant street trees, the retention of a number of established trees towards the front and rear of the site and the provision of various garden beds throughout the site. Therefore the proposed development is considered to contribute towards the protection and enhancement of natural assets while maintaining and enhancing flora and fauna diversity and supporting urban ecosystems within the municipality.

The proposed development accords with the objectives and strategies of Clause 21.04-7 (Waste) as it will utilise the existing waste collection and disposal services of McLean Lodge through a direct pedestrian link to the rear of the site. This is to be appropriately managed through conditions on any permit granted (refer to Conditions 1 and 20).

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 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. The relevant WSUD notations and conditions will therefore be placed on any approval issued in accordance with this policy.

3.3 Neighbourhood Character Guidelines

The subject land is identified as being within character area 'Garden Suburban 5'.

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

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

Buildings will be articulated with recesses and setbacks to complement the pattern of the traditional dwellings. The use of lighter finishes will maintain the existing palette of materials. Buildings will be setback from the front boundary at a distance similar those on adjoining properties, while consistent side setbacks

will allow space for landscaping and planting. Low or permeable front fences will provide views of the vegetation in gardens from the street.”

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

Table 2

| | |
|------------------------------|--|
| Siting and Building Envelope | <p>Has a street setback which complements the setbacks found within the immediate streetscape. It is noted that the proposed street setback is consistent with that of the existing dwelling currently on site.</p> <p>Is set off the north-eastern (side) property boundary by a minimum of 1.73 metres across the site frontage. While the open pedestrian walkway encroaches within this side setback, it maintains an adequate level of transparency and therefore spacing between buildings along the streetscape.</p> <p>Siting and proposed building envelope complements the siting of the existing dwelling, particularly towards the front of the site, as well as other existing dwellings. While two smaller ancillary building structures are proposed towards the rear of the site, these have been located adjacent to existing buildings and away from the southern property boundary in order to minimise amenity and visual impacts on adjoining properties.</p> |
| 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>Part single, part double storey height is responsive to existing and emerging building heights within the immediate vicinity. A number of existing double storey buildings can be found along Mooltan Street, with even higher built forms located within close proximity of the Mt Alexander Road corridor. It is noted that double storey buildings are not uncommon within residential areas, and the design of the roof form aims to reduce visual bulk while maintaining a consistent built form scale along Mooltan Street.</p> |
| Design Detail | <p>A mix of brickwork (including recycled or similar brickwork from the existing dwelling) and lightweight timber materials which are considered to be characteristic of traditional dwellings in the area. Proposed colours are predominantly browns, reds and greys, which contribute to the streetscape and complement the predominant palette of materials in the area.</p> <p>Low profile contemporary pitched roofing reduces visual bulk to the streetscape and adjoining properties while respecting predominant pitched roof styles within the immediate vicinity. It is noted that the roof form also incorporates eave/roof</p> |

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| | <p>overhangs visible along all elevations, which also complements the use of eaves and verandahs within the locality.</p> <p>Windows have been provided along the street front to ensure surveillance of the street is achieved.</p> |
| Landscaping and front fencing | <p>The development is set off one side boundary and is provided with a landscaped front yard and side setbacks, including the retention of established trees towards the front and rear of the site.</p> <p>The existing low brick front fence is to be retained along the streetscape to ensure views of the front garden are maintained.</p> |

3.4 Compliance with Clause 32.08 (General Residential Zone)

The construction of a residential building (residential aged care facility) requires a planning permit under Clause 32.08-4 (Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings). As discussed within Sections 3.3 and 3.7 of this report, the proposed development is considered to be a good design outcome for the site and surrounding area. It is noted that the use of the site for a residential aged care facility is a Section 1 use within the General Residential Zone and does not require a planning permit accordingly.

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

The Environmental Significance Overlay Schedule 2 (ESO2) affects the eastern section of the subject site addressing Mooltan Street. This overlay relates to the existing street trees (*Platanus x acerifolia* – London Plane) along Mooltan Street. As discussed within Section 2.3 of this report, the recommendations within the Arboricultural Impact Assessment (dated 28 July 2015) are to be required and managed through conditions on any permit granted (refer to Conditions 15 and 17).

3.6 Compliance with Clause 52.06 (Car Parking)

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

Table 3

| Unit | Requires | Provides |
|-------------------|----------|----------|
| Six lodging rooms | 1 | 0 |
| Total | 1 | 0 |

As discussed under Section 2.3 of this report, Council's Traffic and Transportation Unit have no objection to the reduction of one car space. However, given the existing parking demand and the parking pressures in the surrounding streets, it should be noted that no further parking waivers will be considered for this site in the future. No staff, residents or visitors in this

development will be entitled to on-street parking permits and this is to be included as a note on any permit granted.

It is important to note that residents will most likely be from lower socio-economic backgrounds and highly unlikely to own a vehicle, visitor car parking demands are expected to be minimal and no additional staff or staff car parking demands will occur as a result of the proposed development. It is also considered to be impractical to provide on-site car parking given the relatively small size of the site, narrow width of the site frontage and need to protect the existing and significant street trees along Mooltan Street. Furthermore, the construction of a single width crossover across the site frontage to provide one car space on-site would result in the removal of one on-street car space, which would better serve the needs of the proposed development and nearby properties.

With regard to the reduction in car parking requirements, the subject site is located approximately 70 metres from the No.59 tram route and approximately 530 metres from Flemington Bridge Railway Station which provide alternate modes of transport to and from the subject site. It is also noted that there are numerous on-street car spaces available nearby that can be utilised by both residents and visitors, with occupancy rates of 18-22% (90-92 car spaces available) observed at various times on Thursday 7 May 2015. This would all help offset the single car parking space not being provided for on-site and is considered acceptable accordingly.

With regard to traffic generation, no on-site car parking is proposed in association with the development and accordingly any traffic impacts will be evenly spread over the nearby road network. Traffix Group are satisfied that the level of traffic generated by the proposed development will be low and will have a negligible impact on the operation and safety of Mooltan Street and the surrounding road network.

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

3.7 Clause 55 (ResCode) Assessment

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

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

Table 4

| ResCode Standard | Response |
|---|--|
| Clause 55.03-1 (Standard B6) Street Setback | <p>The proposed development is proposed to be set back a minimum of 4.60-6.10 metres from the Mooltan Street frontage.</p> <p>Under this standard the required front setback should be a minimum of 7.05 metres. Therefore the proposal does not comply with the</p> |

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| | <p>requirements of this standard.</p> <p>While the proposal does not comply with the quantitative requirements of this standard, the proposed front setback is essentially the same as that of the existing dwelling and therefore respects prevailing setbacks along the streetscape. The proposed front setback also complements other front setbacks along this section of Mooltan Street, which typically range from 2.80 to 7.20 metres.</p> <p>In addition to the above, the use of recycled bricks from the existing dwelling (or similar) would respect and complement the existing neighbourhood character and minimise potential visual impacts. The retention of the existing street tree, front garden area and two established trees within the front setback would also respect the existing character while meeting preferred character and softening the built form from Mooltan Street.</p> |
| Clause 55.03-3 (Standard B8) Site Coverage | <p>The proposed site coverage is 65%, which exceeds the maximum requirement of 60%.</p> <p>However, as much of the site coverage is attributed to the extensive shared pedestrian walkway and raised communal terrace area, which are open and visually permeable areas that don't provide excessive visual bulk, the additional 5% of site coverage is considered acceptable in this instance. Furthermore, the proposal provides for good landscaping and permeability on site, which further mitigate any potential impacts resulting from the additional site coverage. Importantly, aged care facilities also provide a different purpose and function to dwellings and cannot be expected to meet all the requirements of ResCode as a result.</p> |
| Clause 55.03-5 (Standard B10) Energy Efficiency | <p>The orientation of this site is ideal for this particular development. Four lodging rooms, the communal living/dining/kitchen area and raised communal terrace area have been located to the north of the building to make appropriate use of solar energy. While two of the lodging rooms do not have north facing windows, they each have windows orientated to make appropriate use of daylight.</p> <p>The proposed development has also been sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced, subject to the relocation of the southern staircase (refer Appendix D, E & F) and compliance with the setback requirements of</p> |

| | |
|--|--|
| | Standards B19 and B20 (refer to Conditions 2.a, 2.b and 2.c). |
| Clause 55.04-1 (Standard B17) Side and Rear Setbacks | <p>It is noted that there is a non-compliance with the north facing wall towards the front of the site, as this wall encroaches on the setback requirements of this standard by 0.12 metres. This is due to the slope of the land towards the front of the site. This non-compliance, for a length of approximately 2.4 metres, is considered to be minor in nature and would be imperceptible from the street and adjoining properties. Furthermore, this minor non-compliance would not result in any significant overshadowing or amenity impacts to the adjoining property to the north and is considered acceptable in this instance.</p> <p>There is a non-compliance with the south facing wall associated with bedroom 3 and the ensuite for bedroom 4, as these walls encroach on the setback requirements of this standard by 0.177 metres for bedroom 3 and 0.687 metres for the ensuite for bedroom 4. These non-compliances would impact on the outlook, amenity and enjoyment of the adjoining property to the south, particularly with regard to existing north facing habitable room windows and the secluded private open space area. Therefore, these wall sections are to be modified to comply with the setback requirements of this standard as a condition on any permit granted (refer to Condition 2.b).</p> <p>It is noted that the relocation of the staircase and laundry/cleaners cupboards as shown on revised plans (refer Appendix D, E & F) comply with the setback requirements of this standard and are considered acceptable changes accordingly (refer to Condition 2.a).</p> |
| Clause 55.04-2 (Standard B18) Walls on Boundaries | The northern boundary walls would have a total length of 12.40 metres (maximum of 19.14 metres allowed), which meets the length requirements under this standard. The bedroom 1 wall section would have a maximum average height of approximately 3.07 metres, which meets the height requirements under this standard. While the bedroom 2 wall section would have a maximum average height of 4.85 metres and doesn't meet the height requirements of this standard, this wall is located to the south of No.13 Mooltan Street and abuts an existing boundary wall of similar length and therefore would not cause any significant or |

| | |
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| | <p>material detriment to the amenity of the adjoining property to the north. Therefore, the northern bedroom 2 wall is considered acceptable in this instance.</p> <p>The western boundary wall would have a length of 5.90 metres and a maximum average height of approximately 3.60 metres. While this wall does not meet the height requirements under this standard, it abuts an existing boundary wall of similar length associated with McLean Lodge and is considered acceptable accordingly.</p> <p>The southern boundary wall would have a length of 9.80 metres (maximum of 19.93 metres allowed) and a maximum average height of 5.15 metres, which meets the length requirement of this standard but does not meet the height requirement. However, as this wall abuts an existing wall of similar length and height, the additional height would not cause any significant or material detriment to the amenity of the adjoining property to the south. Therefore, the southern boundary wall height is considered acceptable in this instance.</p> |
| Clause 55.04-3 (Standard B19) Daylight to Existing Windows | <p>The southern walls associated with bedroom 3 and the ensuite for bedroom 4 exceed 3.0 metres in height but are not set back from existing habitable room windows at least 50% of the height of these proposed walls (i.e. 2.35 metres). This is a non-compliance of 0.15 metres for the bedroom 3 wall and 0.65 metres for the bedroom 4 ensuite wall. Such non-compliances restrict daylight access to existing habitable room windows associated with No.9 Mooltan Street, thereby impacting on the amenity and enjoyment of this property. Therefore, these wall sections are to be modified to comply with the setback requirements of this standard as a condition on any permit granted (refer to Condition 2.b).</p> |
| Clause 55.04-4 (Standard B20) North-facing Windows | <p>The southern walls associated with bedroom 3, the ensuite for bedroom 4 and the lift do not meet the setback requirements of this standard. The bedroom 3 and bedroom 4 ensuite walls are required to be set back 1.66 metres from the southern property boundary (non-compliance of 0.51 metres and 1.02 metres respectively) while the lift is required to be set back 2.26 metres from the southern property boundary (non-compliance of 0.42 metres). Such non-compliances restrict</p> |

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|---|--|
| | solar access to the existing north facing habitable room windows associated with No.9 Mooltan Street, thereby impacting on the amenity and enjoyment of this property. Therefore, these wall sections are to be modified to comply with the setback requirements of this standard as a condition on any permit granted (refer to Condition 2.c). |
| Clause 55.04-6 (Standard B22) Overlooking | There is overlooking potential from rear sections of the raised terrace/walkway area into existing secluded private open space areas associated with No.9 Mooltan Street and No.13 Mooltan Street. These sections of the raised terrace/walkway are to be screened in accordance with the requirements of this standard as a condition on any permit granted (refer to Condition 2.d). |

3.8 Objections

Table 5

| Issue | Officer Response |
|---|--|
| Use not appropriate to residential area | It is noted that a residential aged care facility use is an 'as-of-right' use within a General Residential Zone, as discussed within Sections 3.1 and 3.4 of this report, and is therefore considered acceptable to the site and surrounding area. |
| Overdevelopment / site coverage | The proposed development is considered acceptable as discussed within Sections 3.1, 3.2, 3.3 and 3.7 of this report. |
| Neighbourhood character / visual bulk / external design | This is considered acceptable as discussed within Sections 3.1, 3.2 and 3.3 of this report. |
| Height | This is considered acceptable as discussed within Section 3.3 of this report. The proposed development also meets the height requirements of Clause 55.03-2 (Building Height). |
| Impacts on heritage character | The site itself is not subject to a Heritage Overlay. Furthermore, the site is not directly adjacent to or opposite a heritage property or precinct, and therefore there would not be any significant impacts (visual or otherwise) on the heritage character of properties located further along Mooltan Street to the north. |
| Demolition of half the existing maisonette | It is noted that the attached dwellings at No.9 and No.11 Mooltan Street are not subject to a Heritage Overlay, and therefore each separate property owner can demolish the existing buildings/structures within their property boundaries without the need for a |

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| | planning permit. Importantly, each property owner has the right to develop their own property, subject to the relevant legislation. The structural integrity of the existing dwelling at No.9 Mooltan Street is typically dealt with through the building permit process and is subject to the relevant building legislation accordingly. Such matters are reiterated in the VCAT Order for 23A Mantell Street, Moonee Ponds (Jontian Group v Moonee Valley CC [2014] VCAT 987). |
| Car parking / traffic issues | This is considered acceptable as discussed within Sections 2.3 and 3.6 of this report. |
| Internal amenity compromised for future residents | This is considered acceptable as discussed within Section 3.7 of this report and the relevant standards of Clause 55 (ResCode). |
| Non-compliance with a significant number of standards within Clause 55 (ResCode) | This is generally considered acceptable, subject to modification, as discussed within Section 3.7 of this report and the relevant standards of Clause 55 (ResCode). |
| Overshadowing / reduction in access to sunlight and daylight | The proposed development meets the requirements of Clause 55.04-5 (Overshadowing Open Space). However, the proposed development does not meet the requirements of Clause 55.04-3 (Daylight to Existing Windows) or Clause 55.04-4 (North-facing Windows) and is to be modified accordingly, as discussed within Section 3.7 of this report. |
| Overlooking / privacy | The proposed development meets the requirements of Clause 55.04-6 (Overlooking), subject to the inclusion of conditions on any permit granted as discussed within Section 3.7 of this report. |
| Noise | It is considered that the noise emitted from the development would be similar to that of other nearby developments in the area and it is not expected that the noise emitted will significantly affect surrounding properties. Furthermore, it is noted that there are specific Local Laws and EPA noise guidelines that control nuisance and excessive noise within residential areas, which are applicable to all residential properties. |
| Side and rear setbacks | This is considered acceptable, subject to modification, as discussed within Section 3.7 of this report. |
| Outlook / blocking views | It is commonly held that no one owns a view. However, the proposed development does not present excessive visual bulk or detrimentally impact on outlook as discussed within Sections 3.1, 3.2 and 3.3 of this report. |

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|---|---|
| Increase in artificial light / light spillage | All lighting proposed on site is to be suitably baffled to prevent light spillage on adjoining properties and this is to be a condition on any permit granted. |
| Reduction in open garden space / loss of habitat and wildlife | The proposed development is considered to have adequate garden space, and retains a number of existing trees on site, which is considered acceptable as discussed within Sections 3.2 and 3.3 of this report. The proposed development also meets the requirements of Clause 55.03-8 (Landscaping). |
| Lack of access for emergency services | <p>It is noted that the building permit process goes through a fire safety review against the relevant regulations, and requires review and approval from the Metropolitan Fire Brigade (MFB). Any requirements from the MFB must be met by the developer during the building permit process.</p> <p>With regard to ambulance access, it is Wintringham's experience at McLean Lodge that ambulance callouts are not a regular occurrence. In the case of rapid response emergency callouts, ambulances will be directed to the Mooltan Street address while all other callouts will be directed to the McLean Lodge entry off Little Princes Street.</p> |
| Accessibility / poor access between floors | The proposed development meets the requirements of Clause 55.05-1 (Accessibility). Furthermore, both staircase and lift access is proposed for this relatively small scale residential building, which is considered acceptable to the purpose and function of the site. |
| Construction impacts | A Construction and Site Management Plan will be required as a condition on any permit granted in order to minimise potential construction impacts on surrounding properties. |
| Need for large staff room and full laundry separate to McLean Lodge | The staff meeting room and laundry cupboard are not considered to be excessive in size to the main purpose and function of this residential aged care facility, and are considered to be ancillary services accordingly. |
| Inconsistent with VCAT cases | These cases are noted. However, it is also noted that each planning application needs to be assessed on its own merits and level of compliance with the Planning Scheme. The proposal currently before Council is deemed to have a high level of compliance with the relevant planning policies within the Moonee Valley Planning Scheme, subject to modifications as discussed throughout this report. |
| Errors within documentation | These are noted and were considered in the final assessment of the application. |

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|---|---|
| Reduction in property values | This is not a valid planning consideration. |
| Lack of community engagement by Wintringham | This is not a valid planning consideration. However, it is noted that the planning application was advertised in accordance with Section 52 of the <i>Planning and Environment Act 1987</i> . |

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.

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

Appendices

Appendix A: List of Objectors

Appendix B: Clause 55 (ResCode) Assessment Table

Appendix C: Advertised Plans (separately circulated)

Appendix D: Revised Plan TP03

Appendix E: Revised Plan TP05

Appendix F: Revised Plan TP06

Location of Objector's Properties

| |
|--|
| C/- Flemington Association Incorporated, PO Box 509, FLEMINGTON VIC 3031 |
| 15/5-7 Mooltan Street, TRAVANCORE VIC 3032 |
| 71 Mooltan Street, TRAVANCORE VIC 3032 |
| 57-59 Mooltan Street, TRAVANCORE VIC 3032 |
| 10/5-7 Mooltan Street, TRAVANCORE VIC 3032 |
| 116 Mooltan Street, TRAVANCORE VIC 3032 |
| 13 Mooltan Street, TRAVANCORE VIC 3032 |
| 26 Mooltan Street, TRAVANCORE VIC 3032 |
| 34 Mooltan Street, TRAVANCORE VIC 3032 |
| 1/30-32 Mooltan Street, TRAVANCORE VIC 3032 |
| 9/5-7 Mooltan Street, TRAVANCORE VIC 3032 |
| 60 Mooltan Street, TRAVANCORE VIC 3032 |
| 124 Mooltan Street, TRAVANCORE VIC 3032 |
| 25 Mooltan Street, TRAVANCORE VIC 3032 |
| 14 Mooltan Street, TRAVANCORE VIC 3032 |
| 70 Mooltan Street, TRAVANCORE VIC 3032 |
| 10 Mooltan Street, TRAVANCORE VIC 3032 |
| 27 Mooltan Street, TRAVANCORE VIC 3032 |
| 12/5-7 Mooltan Street, TRAVANCORE VIC 3032 |
| 9 Mooltan Street, TRAVANCORE VIC 3032 |

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 3.7 of this report.

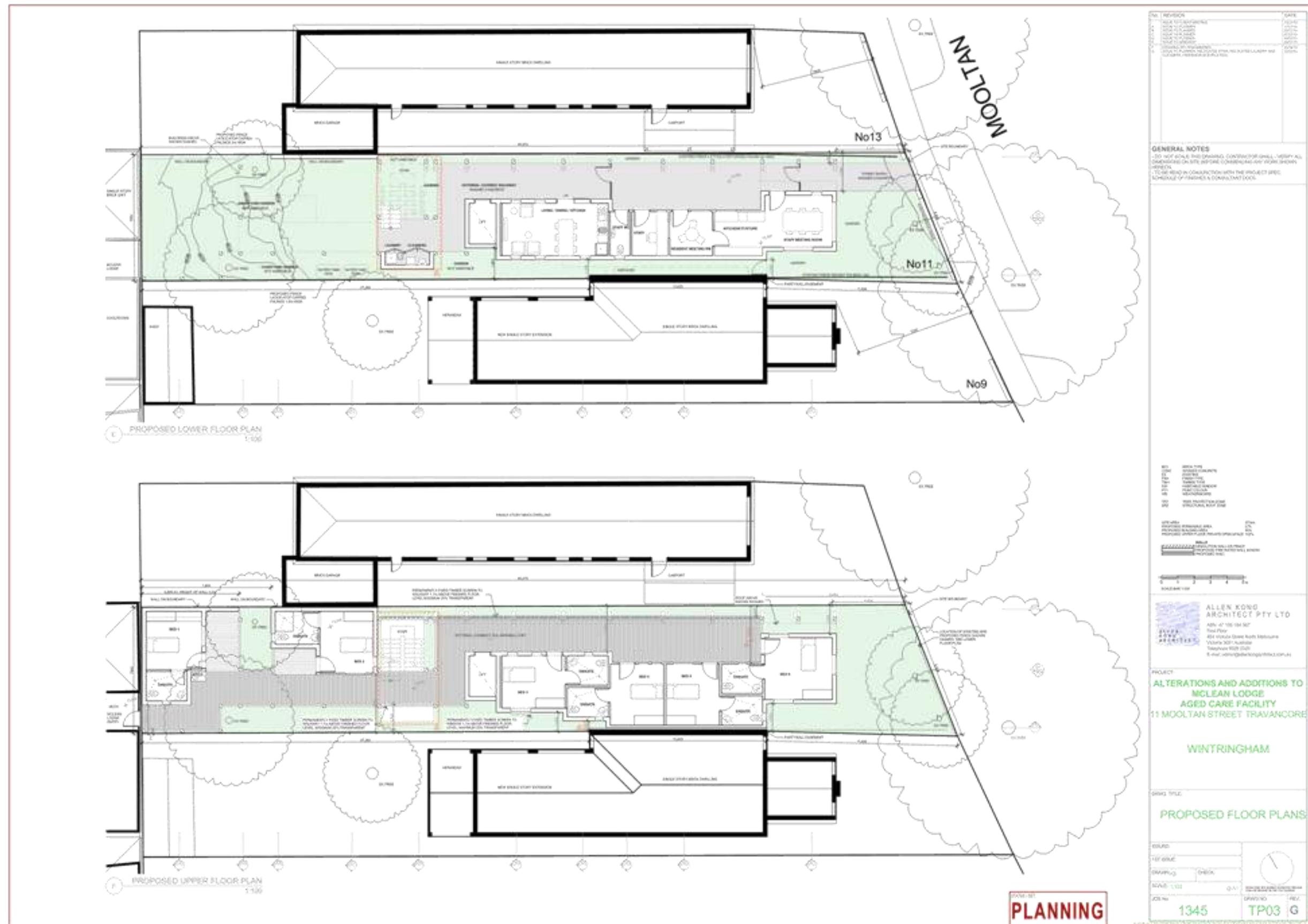
| Title and Objective | Complies with Standard | Complies with Objective |
|---|---|--------------------------------|
| <i>B1 - Neighbourhood Character</i> | ✓ | ✓ |
| <i>B2 - Residential Policy</i> | ✓ | ✓ |
| <i>B3 - Dwelling Diversity</i> | N/A | N/A |
| <i>B4 - Infrastructure Objectives</i> | ✓ | ✓ |
| <i>B5 - Integration with the Street Objective</i> | ✓ | ✓ |
| <i>B6 - Street Setback Objective</i> | X | ✓ |
| <i>B7 - Building Height Objective</i> | ✓ | ✓ |
| <i>B8 - Site Coverage Objective</i> | X | ✓ |
| <i>B9 - Permeability Objectives</i> | ✓ | ✓ |
| <i>B10 - Energy Efficiency Objectives</i> | ✓ (subject to conditions) | ✓ (subject to conditions) |
| <i>B11 - Open Space Objective</i> | ✓ | ✓ |
| <i>B12 - Safety Objective</i> | ✓ | ✓ |
| <i>B13 - Landscaping Objectives</i> | ✓ | ✓ |
| <i>B14 - Access Objectives</i> | N/A | N/A |
| <i>B15 - Parking Location Objectives</i> | N/A | N/A |
| <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 3.6 of the report. | |
| <i>B17 - Side and Rear Setbacks Objective</i> | X | ✓ (subject to conditions) |
| <i>B18 - Walls on Boundaries Objective</i> | X | ✓ |
| <i>B19 - Daylight to Existing Windows Objective</i> | ✓ (subject to conditions) | ✓ (subject to conditions) |
| <i>B20 - North-facing Windows Objective</i> | ✓ (subject to conditions) | ✓ (subject to conditions) |
| <i>B21 - Overshadowing Open Space Objective</i> | ✓ | ✓ |
| <i>B22 - Overlooking Objective</i> | ✓ (subject to conditions) | ✓ (subject to conditions) |

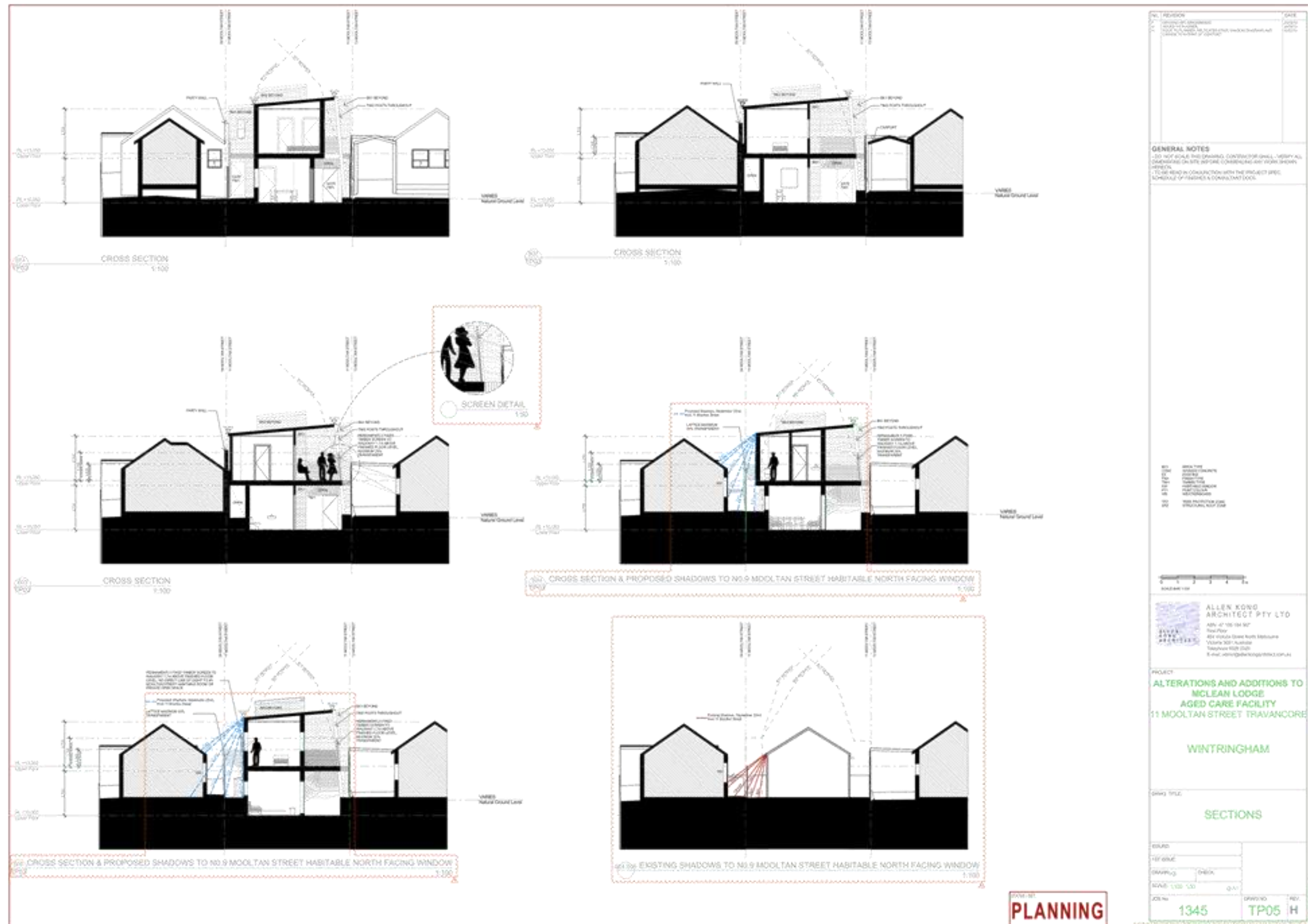
| | | |
|---|-----|-----|
| <i>B23 - Internal Views Objective</i> | ✓ | ✓ |
| <i>B24 - Noise Impacts Objectives</i> | ✓ | ✓ |
| <i>B25 - Accessibility Objective</i> | ✓ | ✓ |
| <i>B26 - Dwelling Entry Objective</i> | ✓ | ✓ |
| <i>B27 - Daylight to New Windows Objective</i> | ✓ | ✓ |
| <i>B28 - Private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

✓ - complies

X - non-compliance

N/A - not applicable







**9.3 12 Butler Street, Essendon (Lot 1 and 2 on Title Plan 256130U)
- Construction of four dwellings in a Special Building Overlay
area**

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

| | |
|------------------------------------|---|
| Planning File Ref | MV/525/2015 |
| Proposal | Construction of four (three double and one single storey) dwellings in a Special Building Overlay area |
| Applicant | Mavi Designs Pty Ltd |
| Owner | Gary Vance and Irene Patricia Ashton |
| Planning Scheme Controls | General Residential Zone Special Building Overlay |
| Planning Permit Requirement | Clause 32.08-4 – Construction of two or more dwellings Clause 44.05-1 – Construct a building or construct or carry out works |
| Car Parking Requirements | Required: 8 spaces Provided: 8 spaces |
| Restrictive Covenants | None |
| Easements | Yes – ‘BL’ Easement (1.83 metres drainage and sewage to the rear of the subject site) <u>Note:</u> BL relates to the ‘blue shaded’ area on the original title. |
| Site Area | 850 square metres |
| Number Of Objections | 14 |
| Consultation Meeting | 18 November 2015 |

Executive Summary

- The application seeks planning approval for the construction of four (one single and three double) storey dwellings in a Special Building Overlay area.
- The site has an area of approximately 880 square metres and is located on the northern side of Butler Street. The site currently comprises of a single storey weatherboard dwelling with a gable-hipped roof form.
- The application was advertised and as a result 14 objections were received. The concerns raised related to a cumulative impact of development within the area, demolition of the existing dwelling, overdevelopment of the site, double storey form, excessive building footprint, amenity impacts (visual bulk, noise, overshadowing and privacy compromised), removal of vegetation, traffic (increase street car parking demand, inadequate parking for Dwelling 4, inadequate turning circles, service and emergency access to Butler Street, no visitor space provided and no on-street parking permits), devaluation of house prices, construction disturbance and safety concerns for residents.
- A Consultation Meeting was held on 18 November 2015, attended by Deputy Mayor Giuliano, Councillor Sharpe, Councillor Chantry, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.
- The application was externally referred to Melbourne Water under Section 55 and VicTrack under Section 52 of the Planning and Environment Act 1987. Conditional support to the application was provided.
- The application was internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit, Environmental Sustainable Development (ESD) Officer. Conditional support to the application was provided.
- This assessment report finds that the proposal demonstrates an adequate level of compliance against 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 MV/525/2015 for the construction of four dwellings within a Special Building Overlay area at No.12 Butler Street, Essendon (Lot 1 and 2 on Title Plan 256130U), 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) Any changes to the plans as required by Melbourne Water (Conditions 20 to 24).
 - b) The following setbacks provided:
 - i) The northern first floor wall of Dwelling 2 to be set in by 500mm;
 - ii) The southern first floor wall of Dwelling 3 to be set in by 500mm;
 - iii) The northern first floor wall of Dwelling 3 to be set in by 500mm;
 - c) Any internal modification as a result of Condition 1b).
 - d) The provision of 300mm wide trench grates at the bottom of each garage.
 - e) The garage associated with Dwelling 4 to be set off the eastern boundary by 300mm or the permit holder to demonstrate an acceptable overland flow path.
 - f) Adequate turning circles for the vehicles associated with Dwelling 4 in accordance with the Australian Standards and to the satisfaction of the Responsible Authority.
 - g) The provision of a west facing window to Bedroom 1 associated with Dwelling 1 in accordance with Clause 55.03-5 (Energy Efficiency), Clause 55.04-6 (Overlooking) and Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme.
 - h) The following notations on the Ground Floor Plan associated with:
 - i) The west facing ground and first floor windows associated with Dwelling 3; and
 - ii) The north and west facing ground floor windows associated with Dwelling 4;to be a minimum double glaze in accordance with Clause 55.04-8 (Noise Impacts) of the Moonee Valley Planning Scheme.
 - i) The location of lighting along the common driveway.
 - j) Clearly notate all 'FOB' windows to be 'fixed or openable to a maximum 0.15 metres and to a height of 1.7 metres above Finished Floor Level in accordance with Clause 55.04-6 (Overlooking) and Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme.

- k) The following treatment measures shown on the relevant plans:
 - i) The site and location of the buffer strip(s) and the grading of impervious surfaces draining to it;
 - ii) The buffer strip setback 300mm from any building and boundary, to be fully lined with an impervious liner and have its overflow/aggie drain connected to the Legal Point of Discharge;
 - iii) The total roof area draining to each treatment measure; and
 - iv) All areas noted as permeable which are not identified on the STORM report;

In accordance with the submitted and correct STORM report.

- l) All STEPS treatment measures and associated notation shown on the relevant plans. The notations must be consistent with the information provided within a correct STEPS report.

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 plans and must not be altered or modified.
- 3. 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 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.
- 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 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.

6. Before the buildings approved by this permit are occupied, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
7. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.
8. 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 building approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed 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 tree(s) or vegetation must not be removed or damaged as a result of the permitted development.

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

- a) The nature strip and street tree located within the Butler Street frontage of the land must be barricaded out using portable cyclone fencing for the duration of the development. Costs of such fencing must be borne by the developer and/or permit holder;
- b) No pruning of the nature strip and street tree located within the (insert street name) frontage of the land is to be undertaken by any party other than Moonee Valley City Council; and

- c) No building materials are to be stacked and/or dumped on any nature strip during construction.
- 14. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
- 15. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

Before the development starts a Drainage Layout Plan, including computations and manufacturers 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 building/s approved by this permit are occupied, all boundary fencing is to be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
- 17. 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.
- 18. Before the development starts, and before any trees or vegetation are removed a landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan and schedule must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale and 3 copies must be provided. The landscape plan and schedule must be generally in accordance with the landscape plan submitted with the application but modified to show:
 - a) In accordance with Condition 1;
 - b) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design;
 - c) Planting on the land comprising trees and shrubs capable of:
 - i) Providing a complete garden scheme;
 - ii) Softening the building bulk;

- iii) Providing some canopy capable of reaching a mature minimum height of 4 metres; and
- iv) Minimising the potential of any overlooking between habitable rooms of adjacent dwellings;
- d) The proposed design features such as paths, paving, lawn and mulch;
- e) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
- f) The use of drought tolerant species;
- g) The provision of additional garden beds along the eastern and western boundaries to soften the appearance of the built form;
- h) Lighting along the common driveway;
- i) All trees on the land that are proposed to be removed or destroyed; and
- j) The use of non-invasive plant species which will ensure that existing infrastructure assets are not damaged by root systems.

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

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

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

MELBOURNE WATER CONDITIONS

20. The dwellings must be constructed with finished floor levels a minimum of 300mm above the applicable flood level which is a minimum 31.19 metres to Australian Height Datum (AHD).
21. The garages must be constructed with finished surface levels a minimum of 150mm above the applicable flood level which is a minimum of 31.04 metres to Australian Height Datum (AHD).
22. Prior to the commencement of works a separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

Contact Asset Services on telephone 9679 6614 for Melbourne Water's connection requirements, including payment of appropriate fees.

23. Prior to the issue of an Occupancy Permit, a certified survey plan showing finished floor levels (as constructed) reduced to the Australian Height Datum (AHD) must be submitted to Melbourne Water. The Plan must demonstrate that the floor levels have been constructed in accordance with the Melbourne Water requirements.
24. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

END MELBOURNE WATER CONDITIONS

25. This permit will expire if:
 - a) The development does not start within two (2) years of the date of issue of this permit; or
 - b) The development is not completed within four (4) years of the date of issue of this permit.

Before the permit expires, or within six (6) months afterwards, the owner or occupier of the land may 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 the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- An Asset Protection Permit must be obtained from Council prior to the commencement of works to ensure that Council assets in the vicinity of the works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the land.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.

- Council will not accept any modifications to existing levels within the road reserve or to any Right Of Way. Any change in levels to match existing surface levels along property boundary lines must be made within the property boundary.
- 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.

MELBOURNE WATER NOTES

- The applicable flood level for the property is 30.89 metres to Australian Height Datum (AHD).
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 256590.

END MELBOURNE WATER NOTES

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the northern side of Butler Street approximately 145 metres west of Pascoe Vale Road. The site is generally regular in shape with the exception of the rear boundary which follows the rear easement orientation. The site has a frontage to Butler Street of 15.24 metres and a maximum length of 56.04 metres along the eastern boundary. The site has a total area of approximately 850 square metres.

The land has an approximate 4 metre fall from the front of the site to the rear. A considerable 2 metre fall to the land is located within the northern 10 metres of the site.

There appears to be no restrictions on the Certificate of Title. The Title identifies an L-shaped easement following the rear property boundary and is 1.83 metres wide which contains drainage and sewerage assets.

The site comprises of a single storey weatherboard dwelling with a gable end pitched roof form. The existing dwelling has a front setback of 7.2 metres from the front property boundary. The site presents with a picket front fence including a pedestrian and vehicle gate. A carport for sheltered vehicle parking on the site is located on the western boundary approximately 18 metres from the front property boundary via a single width crossover.

Landscaping across the site includes a maintained garden within the front setback and green space within the rear setback. There is no significant landscaping identified on the subject site. There is a recently planted small street tree located centrally within the Butler Street naturestrip.



Figure 2: Subject site (No.12 Butler Street, Essendon)

The surrounding area is comprised of predominantly residential zoned land and used and developed for residential purposes. The character of the area can be characterised as a fairly traditional streetscape with some infill development emerging. Dwellings within Butler Street are generally single or double storey. It is noted that some single level dwellings present with a double storey height due to the generous pitched roof forms. The roof forms within the streetscape are a mixture of hipped and gabled with predominantly tiled or metal roofing. The building materials which are present within the street are a mixture of brick, weatherboard and rendered finishes in differing colours.

Vehicle parking within Butler Street is restricted along both sides of the roadway however is varied including 4 hour parking, permit parking, no parking and waste collection controls.

The land directly to the north and further west of the subject site is owned by VicTrack catering for the Craigieburn Line. It is noted that Glenbervie Train Station is located approximately 250 metres south-west of the subject site.

The land directly to the north of the subject site is Commercial 2 Zoned land used and developed for commercial purposes along Pascoe Vale Road.

1.2 Proposal

The proposal is for the construction of four (one single and three double) storey dwellings in a Special Building Overlay area. The proposal can be summarised as follows:

Table 1

| | |
|----------------------|---------------------------------------|
| No. of dwellings | 4 x 3 bedrooms |
| No. of car spaces | 8 |
| Max. Building Height | 8.2 metres above Natural Ground Level |

| | |
|---------------|-----|
| Site Coverage | 46% |
| Permeability | 27% |

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

2. Background

2.1 Relevant Planning History

There is no planning history for the subject site.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

- Clause 11 Settlement
- Clause 13.02 Environmental Risks (Floodplains)
- Clause 15 Built Environment and Heritage
- Clause 16 Housing

Local Planning Policy Framework

- Clause 21.01 Municipal Profile
- Clause 21.03 Vision
- Clause 21.04 Sustainable Environment
- Clause 21.05 Housing
- Clause 21.06 Built Environment
- Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning

- Clause 32.08 General Residential Zone

Overlay

- Clause 44.05 Special Building Overlay

Particular and General Provisions

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

2.3 Referrals

External Referrals

Melbourne Water

- Referred to Melbourne Water under Section 55 of the Planning and Environment Act 1987. They did not object to the proposal subject to standard conditions and the following non-standard conditions:
 - The dwelling must be constructed with finished floor levels a minimum of 300mm above the applicable flood level which is a minimum of 31.19 metres to Australian Height Datum (AHD). (Refer to Condition 1a) and Condition 20).

- The garages must be constructed with finished surface levels a minimum of 150mm above the applicable flood level which is a minimum of 31.04 metres to Australian Height Datum (AHD). (Refer to Condition 1a) and Condition 21).
- Prior to the commencement of works a separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system. Contact Assets Services on telephone 9679 6614 for Melbourne Water's connection requirements, including payment of appropriate fees. (Refer to Condition 1a) and Condition 22).
- Prior to the issue of an Occupancy Permit, a certified survey plan showing finished floor levels (as constructed) reduced to the Australian Height Datum must be submitted to Melbourne Water. The Plan must demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements. (Refer to Condition 1a) and Condition 23).
- Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways. (Refer to Condition 1a) and Condition 24).

VicTrack

- Referred to as an adjoining property owner under Section 52 of the Planning and Environment Act 1987 and they did not object to the proposal.

Internal Referrals

Engineering Services Unit

- No objection subject to standard engineering and drainage conditions and the following non-standard conditions:
 - The provision of 300mm wide trench grates at the bottom of each garage. (Refer to Condition 1d)
 - The garage associated with Dwelling 4 to be set off the eastern boundary by 300mm or the permit holder to demonstrate an acceptable overland flow path. (Refer to Condition 1e)

Traffic and Transportation Unit

- No objection subject to standard traffic conditions and the following non-standard condition:
 - Adequate turning circles for the vehicles associated with Dwelling 4 in accordance with the Australian Standards and to the satisfaction of the Responsible Authority. (Refer to Condition 1f)

Environmental Sustainable Design (ESD) Officer.

- No objection subject to standard ESD conditions and the following non-standard conditions:
 - All STEPS treatment measures and associated notation shown on the relevant plans. The notations must be consistent with the information provided within a correct STEPS report. (Refer to Condition 1l);
 - The following treatment measures shown on the relevant plans:
 - The site and location of the buffer strip(s) and the grading of impervious surfaces draining to it;
 - The buffer strip setback 300mm from any building and boundary, to be fully lined with an impervious liner and have its overflow/aggie drain connected to the Legal Point of Discharge;
 - The capacity of each rainwater tank; and
 - All areas noted as permeable which are not identified on the STORM report;

In accordance with the submitted and correct STORM report. (Refer to Condition 1k).

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 consecutive days.

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

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

2.5 Consultation Meeting

A Consultation Meeting was held on 18 November 2015, attended by Deputy Mayor Giuliano, Councillor Sharpe and Councillor Chantry, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.

3. Discussion

3.1 State Planning Policy Framework

The relevant State Planning Policy Framework clauses are considered to be met. For the large part, the State Planning objective seek to encourage urban consolidation in locations which take advantage of existing and community services. It is considered the proposal responds to Clause 15 (Built Environment and Heritage) and Clause 16 (Housing) and the subject site is located within close proximity of schools, local businesses and public transport. 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 density by providing a mix of dwelling sizes in various configurations which will cater for the increasingly diverse needs of future residents.

It is considered the proposal meets the objective of Clause 13.02 (Floodplains) whereby the built form allows for the continuation of overland flood paths, subject to Condition 1a) on any issued planning permit.

3.2 Local Planning Policy Framework

The proposal complies with Clause 21.04 (Sustainable Environment) through the use of ecological sustainable design principals as highlighted within the submitted STEPS v5.0 report 2015-08-10 14:18:38 base ID 30174. The relevant notations will be required on any issued planning permit as per Condition 1l).

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

The proposal complies with Clause 22.03 – Stormwater Management (Water Sensitive Urban Design) and meets the required on-site stormwater treatment as demonstrated by achieving at least 100% on the STORM Rating Report. All relevant water treatment measure notations will be required by way of Conditions 1k) on any issued planning permit.

3.3 Neighbourhood Character Guidelines

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

It is considered that the development provides a suitable response to the preferred character statement of Garden Suburban 3 within the Neighbourhood Character Precinct Profiles 2012 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 form 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.’

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

Table 2

| | |
|------------------------------|--|
| Siting and Building Envelope | 1. The development proposes four dwellings in tandem across the length of the site with minimal boundary development. It is considered that each dwelling is well sited on the property to ensure the on |
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| | <p>and off site amenity of properties are maintained.</p> <p>2. Sites presenting single and multiple dwellings within the immediate context share a similar building footprint size and ratio to the proposed development. As a result, it is considered that the built form is appropriate within the Butler Street context.</p> <p>The first floor level of Dwelling 1 has been appropriately setback from the ground floor footprint. At this level, the dwelling is setback 7 metres from the front property boundary. It is considered that the built form is appropriately articulated and designed to Butler Street.</p> <p>3. The setback of the built form from the front property boundary is considered characteristic of the surrounding area. Furthermore, it is noted that the development is adequately set off both the east and west property boundaries within the streetscape to ensure the rhythm and spacing of built form is maintained.</p> <p>4. It is considered that the spacing between dwellings at the upper floor levels are limited, particularly between Dwelling 2 and 3 and the transition between Dwelling 3 and 4. It is considered the distance between the first floor levels of Dwelling 2 and 3 is minimal and located at a key vantage point of the site when viewed from adjoining properties. As a result, Condition 1b) should be placed on any issued planning permit to increase the separation by 1 additional metre. This can be provided by reducing the southern setback of Dwelling 3 by 500mm and the northern setback of Dwelling 2 by 500mm. As a result, internal modification will be required to the layout of the dwellings.</p> <p>5. Furthermore, it is considered that the connection between the single storey Dwelling 4 form and the first floor level of Dwelling 3 is sheer, visually dominant and does not provide an acceptable transition. It is considered Condition 1b) should be placed on any issued planning permit to provide a minimum 500mm setback to the northern wall of Dwelling 3 allowing for better articulation when viewed from the adjoining properties. As a result, internal modification will be required to the layout of Dwelling 3.</p> |
| Built Form | <p>6. The tandem arrangement of dwellings on the site is considered practical and makes use of the extensive length of the site. Furthermore, it allows the appearance of one single dwelling from the streetscape to be maintained.</p> <p>7. The overall height of the development is a double</p> |

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|---------------|---|
| | <p>storey which is characteristic of the prevailing form and heights found within the surrounding context. It is noted that No.5, 7, 13 and 16 Butler Street are some examples of double storey forms within the streetscape supporting the application.</p> <p>8. The development appropriately provides a single storey form for Dwelling 4, being to the rear of the site to ensure openness is maintained within the rear yard-scapes of properties.</p> |
| Design Detail | <p>The development has the ability to provide appropriate levels of articulation across the built form at key vantage points of the development such as the front elevation and at the rear yard-scapes of the two adjoining property. It is noted that articulation is provided by way of ground floor roof forms and eaves, material variation and colour variation from ground to first floor level.</p> <p>Windows across the development presenting to Butler Street and the adjoining properties are large to break up the appearance of blank walls.</p> <p>The development presents pitched hipped roof forms for each dwelling which is characteristic of the surrounding area.</p> <p>The garages on the site and associated with each dwelling are located behind Dwelling 1 and accessible via a common driveway to ensure their dominance is reduced within the Butler Street roadway. One crossover to Butler Street is proposed to maintain access which is reflective of properties within Butler Street.</p> |
| Landscaping | <p>9. The development allows for meaningful landscaping to be provided within the front, side and rear setbacks of the site include the planting of a mature tree within the front setback of Dwelling 1. Condition 18 will be placed on any issued planning permit to ensure a Landscape Plan is provided by a suitably qualified person or firm.</p> <p>The provision of a picket 1.2 metre high front fence will maintain views to and from the site and achieve a high level of passive surveillance to Butler Street.</p> |

3.4 Compliance with Clause 52.06 (Car Parking)

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

Table 3

| Unit | Required | Provides |
|----------------------|----------|----------|
| 4 (x3 bedrooms) | 8 spaces | 8 spaces |
| Residential visitors | 0 spaces | 0 spaces |
| Total | 8 spaces | 8 spaces |

Clause 52.06 of the Moonee Valley Planning Scheme specifies a car parking rate of two car spaces for each three or more bedroom dwelling. The provision of eight car spaces for the development has been provided. No visitor car parking is required for four dwellings on a lot under this clause. With the referral comments that have been provided in Section 2.3 of this report the garage associated with Dwelling 4 is to be to the Australian Standards and set off the eastern boundary by 300mm for floodplain management. As a result the car parking layout will comply with Clause 52.06 of the Moonee Valley Planning Scheme subject to Condition 1f) placed on any issued planning permit.

The advertised plans demonstrate adequate pedestrian visibility splays on either side of the common driveway in accordance with Clause 52.06 of the Moonee Valley Planning Scheme.

3.5 Clause 43.05 – Special Building Overlay

The development is considered compliant with the relevant State and Local Policy with regards to the environment. There is no local floodplain development plan applicable to the subject site. As mentioned previously in Section 2.3 of this report, Melbourne Water has no objection to the proposal subject to the garage associated with Dwelling 4 to be set off the eastern boundary by 300mm to allow for overland flow paths to not be compromised as per Condition 1e) on any issued planning permit.

Overall, it is considered that the proposal meets all relevant policies, zoning provisions, overlay provisions and particular and general provisions of the Moonee Valley Planning Scheme in relation to the flood effected land.

As such, it is considered that the proposed design is responsive to the site constraints and will mitigate any future risk associated with the overland flooding.

3.6 Clause 55 – Two or more dwellings on a lot

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

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

Table 4

| ResCode Standard | Response |
|----------------------------------|---|
| Clause 55.02-1 (Standard B1 0 | 10. It is considered that the spacing between dwellings at the upper floor levels are limited, particularly between Dwellings 2 and 3 and |

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| Neighbourhood Character) | <p>the transition between Dwellings 3 and 4. It is considered the space between the first floor levels of Dwellings 2 and 3 is minimal and located at a key vantage point of the site. As a result, Condition 1b) should be placed on any issued planning permit to increase the separation by 1 additional metre. This can be provided by reducing the southern setback of Dwelling 3 by 500mm and the northern setback of Dwelling 2 by 500mm. As a result, internal modification will be required to the layout of the dwellings.</p> <p>11. Furthermore, it is considered that the connection between the single storey Dwelling 4 form and the first floor level of Dwelling 3 is sheer, visually dominant and does not provide a good transition. It is considered Condition 1b) should be placed on any issued planning permit to provide a minimum 500mm setback to the northern wall of Dwelling 3 allowing for better articulation when viewed from the adjoining properties. As a result, internal modification will be required to the layout of Dwelling 3.</p> |
| Clause 55.03-1 (Standard B6 – Street Setback) | <p>The required setback of the development is 7.72 metres from the front property boundary as the average of the two adjoining property setbacks.</p> <p>The proposed setback of the development is 6.03 metres and encroaches the allowable setback by 1.69 metres.</p> <p>The linear setback of properties No.7 and No.24 Butler Street can be considered as the neighbourhood character comparison for this application. The front setback of dwellings within the section are setback between 4.8 metres and 8.4 metres from the front property boundary. It is noted that No.14 Butler Street setback distance is the greatest of all properties and forms the calculation of the standard requirement for the proposed development.</p> <p>In this instance, it is considered the proposed front setback of 6.03 metres is generally in keeping with the prevailing setback character within the streetscape and will respond appropriately to its immediate context. It is considered the front setback is respectful of</p> |

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| | the surrounding area and in turn makes appropriate use of the site. It is therefore concluded that the proposed front setback should be supported in this instance. |
| Clause 55.03-5 (Standard B10 – Energy Efficiency) | 12.Dwelling 1 is located toward the south of the site with a shared party wall along its northern orientation. Therefore the dwelling cannot achieve north facing windows at the ground or upper levels. The dwelling is compensated by way of providing an east facing window to Bedroom 2 and a west facing window to the living/meals area and bedroom 3. It is considered that Bedroom 1, being the master bedroom of the dwelling should receive adequate solar access by way of the provision of a west facing window in addition to the southern window presenting to the street. This can be achieved by way of Condition 1g) placed on any issued planning permit. |
| Clause 55.03-8 (Standard B13 – Landscaping) | 13.A Landscape Plan has not been provided as part of this application to date and therefore Condition 18 will be placed on any issued planning permit stipulating that such a plan must be provided, which is prepared by a suitably qualified person or firm. It is considered that there is adequate area across the site, including the front setback, rear yards and along the common driveway to allow for planting to occur. |
| Clause 55.03-10 (Standard B15 – Parking Location) | 14.The development proposes windows along the common driveway which are double glazed to ensure the objective of this standard have been met. |
| Clause 55.04-2 (Standard B18 – Walls on Boundaries) | <p>The maximum height of the eastern boundary wall at 3.8 metres above Natural Ground Level exceeds the standard requirement by 200mm. It is identified that the slope of the land, at the point of Dwelling 4 drops approximately 2 metres from south to north over the course of 10 metres. As a result, the garage associated with Dwelling 4 has a finished floor level following the land terrain at its entrance point and therefore requires a high eastern boundary wall as a result of the fall of the land.</p> <p>15.It is noted that the eastern boundary wall is 3.6 metres or less in height for the majority</p> |

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| | <p>of the wall. The non-compliant wall is for the rear 1 metre of the garage and considered to have minimal detrimental impact on the adjoining property known as No.10 Butler Street. The location of the wall does not abut the dwelling or any habitable room windows of the adjoining property and is set deeply into the secluded private open space area and therefore is considered to be limited in visibility from the adjoining residence.</p> |
| <p>Clause 55.04-6 (Standard B22 – Overlooking)</p> | <p>The development proposes habitable room windows along the eastern and western elevations of each dwelling which have the potential to overlooking the adjoining properties secluded private open space areas and habitable room windows.</p> <p>It is noted that the first floor east and west facing habitable rooms windows of the development note 'FOB' glass to the relevant windows and assumed to mean 'fixed obscure'. It is considered Condition 1j) should be placed on any issued planning permit to clearly notate all 'FOB' windows to be 'fixed or openable to a maximum 0.15 metres to a height of 1.7 metres above Finished Floor Level in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.</p> |
| <p>Clause 55.04-7 (Standard B23 – Internal Views)</p> | <p>It is identified that that the west facing Bedroom 3 window associated with Dwelling 2 has the potential to overlook the private open space of Dwelling 3 within a 45 degree angle of the window edged. It is considered Condition 1j) should be placed on any issued planning permit to ensure the 'FOB' window be correctly noted to be 'fixed or openable to a maximum 0.15 metres to a height of 1.7 metres above Finished Floor Level in accordance with Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme.</p> |
| <p>Clause 55.04-8 (Standard B24 – Noise Impacts)</p> | <p>The subject site abuts VicTrack land including the Craigieburn Line. It is noted that Glenbervie Train Station is located approximately 250 metres south-west of the subject site.</p> <p>It is noted that while trains will generally be travelling at low speeds when approaching</p> |

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| | <p>and departing the local train station, the noise levels produced by a train or associated infrastructure will be heard from the internal spaces of the proposed dwellings, particularly the rear dwellings on the site which face the VicTrack land.</p> <p>As a result, it is considered Condition 1h) should be placed on any issued planning permit to include double glazing to the north and west facing windows of Dwelling 4 and the west facing windows at ground and first floor level associated with Dwelling 3. These conditions will ensure the internal spaces of the dwellings are protected from the external noise source.</p> |
| Clause 55.05-4 (Standard B28 – Private Open Space) | <p>The private open space area for Dwelling 2 does not meet the standard requirement of 40 square metres. The proposal provides a total of 37.9 square metres and therefore has a shortfall of 2.1 square metres. It is considered that the dwelling provides a generous secluded private open space area with a 6.35 metre width and 3.8 metre depth. The space is considered to provide adequate open space for reasonable recreation and service needs for the residents of this dwelling. In this instance it is considered that the development meets the objective of this clause and should be supported.</p> |

3.7 Objections

Table 5

| Issue | Officer Response |
|---|---|
| <p>Neighbourhood Character:</p> <ul style="list-style-type: none"> • Demolition of existing dwelling • Period homes compromised; • Visual dominance from adjoining properties; • Single storey streetscape; and | <p>It is noted that the proposal is to delete the existing dwelling on the site which is not assessed under this planning permit application. A Section 29a – Demolition Consent will be required by the owner of the land to delete the existing dwelling from the land. It is noted that the site is not identified with Council's Heritage Gap Study.</p> <p>For the majority of the proposal, it is considered the double storey form is appropriately designed, however in relation to the aspects of the development which present to the adjoining property secluded private</p> |

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| <ul style="list-style-type: none"> Poor architectural style. | <p>open space areas it is considered modification to the design is required. It is considered Condition 1b) should be placed on any issued planning permit to reduce the dominance and amount of built form when viewed from adjoining properties.</p> <p>It is noted that Butler Street presents with a range of single and double storey dwellings within the streetscape. Furthermore, there are examples of single storey dwellings with high pitched roof form which present with an overall height not dissimilar to a double storey dwellings. As a result, it is considered the proposal of a double storey development is responsive to the existing and emerging character of the surrounding area.</p> <p>It is considered that the style of the proposed dwellings are characteristic of the emerging character and appropriately respond to the precinct profile statement of Neighbourhood Character – Garden Suburban 3.</p> <p>See Section 3.3 of this report for further discussion and analysis.</p> |
| <p>Site Layout and Building Massing:</p> <ul style="list-style-type: none"> Removal of existing trees; and Excessive hard surface. | <p>The proposal requires the removal of various trees across the site including large mature trees within the northern section of the site. None of the vegetation is identified as significant and therefore do not require approval by Council for their removal. It is noted that Condition 18 will be placed on any issued planning permit to ensure meaningful landscaping is provided across the site in accordance with Clause 55.03-8 (Landscaping) of the Moonee Valley Planning Scheme.</p> <p>The development proposes a total site coverage of 46% and total site permeability of 27% which comply with the standard requirements of Clause 55.03-3 (Site Coverage) and Clause 55.03-4 (Permeability) of the Moonee Valley Planning Scheme. As a result, it is considered that the extent of hard surface across the site is reasonable.</p> |
| <p>Amenity Impacts:</p> <ul style="list-style-type: none"> Overshadowing; | <p>The development has been assessed against Clause 55.04-5 (Overshadowing) of the Moonee Valley Planning Scheme and</p> |

| | |
|---|---|
| <ul style="list-style-type: none"> • Privacy compromised; and • Noise. | <p>considered to comply with the standard requirements. It is considered that the shadows cast by the development will not be unreasonable.</p> <p>The development has been assessed against Clause 55.04-6 (Overlooking) and Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme as discussed in Section 3.6 of this report.</p> |
| <p>Traffic:</p> <ul style="list-style-type: none"> • Inadequate turning circles for the dwellings; • Inadequate parking on site; • No visitor car parking on site Street parking at capacity; • No parking permits should be issued to the residents of the development; and • Butler Street isn't wide enough for emergency and service vehicles. | <p>Council's Traffic and Transportation Unit have reviewed the proposal and are satisfied with the turning circles associated with Dwellings 1, 2 and 3. It is identified that inadequate turning circles are provided for Dwelling 4 and Condition 1f) should be placed on any issued planning permit to ensure the development is modified to allow vehicles associated with Dwelling 4 to enter and exit the site in a forwards direction.</p> <p>The development has been assessed against Clause 52.06 of the Moonee Valley Planning Scheme as outlined within Section 3.4 of this report. It is concluded that the development provides sufficient on-site parking. It is noted that no visitor car space is required for a four dwelling development under Clause 52.06 of the Moonee Valley Planning Scheme.</p> <p>It is noted that in the instance that a planning permit is issued for the proposed development, the residents of the site will not be eligible for permit parking within the street.</p> <p>Council's Traffic and Transportation Unit are in the process of addressing the Butler Street traffic concerns for service vehicles, emergency vehicles and private vehicles to access properties.</p> |
| <ul style="list-style-type: none"> • Overdevelopment of the site; and • Density of 1 dwelling per 300 square metres. | <p>As a result of the assessment carried out under Neighbourhood Character – Garden Suburban 3, Clause 52.06 and Clause 55 of the Moonee Valley Planning Scheme within the body of this report, it is concluded that the proposal of four dwellings can be catered for on the subject land.</p> <p>It is noted that the residential zones were assessed by the Minister of Planning in 2014 and as a result zoned the subject site General</p> |

| | |
|--|---|
| | Residential Zone where no density controls applies. |
| Accumulative development within Butlers | <p>Council must consider the application MV/525/2015 for four dwellings at No.12 Butler Street as an individual application under the requirements of the Planning and Environment Act 1987 and Moonee Valley Planning Scheme. Council must consider each application on its own merit.</p> <p>It is noted that Council have appropriately assessed the application regarding traffic and built form concerns as outlined within this report and recommendation.</p> <p>A Construction Management Plan will be required as per Condition 4 on any issued planning permit to control the construction process.</p> |
| Construction: <ul style="list-style-type: none">• Safety• Disturbance | This is not a consideration under the Planning and Environment Act 1987. It is noted that the construction and site management processes will be controlled under the Victorian Building Authority and Environment Protection Authority Victoria. |
| Devaluation of properties | This is not a consideration under the Planning and Environment Act 1987. |
| Health of old creek to the north compromised | It is noted that the land to the north and further to the west of the subject site is owned and managed by VicTrack. It is identified that a Special Building Overlay is identified within the northern portion of the subject site and within the land to the north of the site. As a result, Melbourne Water have reviewed the proposed development and do not object to the works. See Section 2.3 of this report for further details. |
| Drainage Issues | Council's Engineering Services Unit and Melbourne Water have reviewed the development and are satisfied. See Section 2.3 of this report. |
| Non-compliance with Building Regulations 2006 | This is not a consideration for Planning Permit Application MV/525/2015. It is noted that the application is assessed under the Planning and Environment Act 1987. |

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.

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: Advertised Plans (separately circulated)

Appendix B: Objector List

Appendix C: Clause 55 Assessment

Objector List

| |
|--|
| 4/2a Butler Street, ESSENDON VIC 3040 |
| 10 Butler Street, ESSENDON VIC 3040 |
| 17 Butler Street, ESSENDON VIC 3040 |
| 11 Butler Street, ESSENDON VIC 3040 (x2) |
| 13 Butler Street, ESSENDON VIC 3040 (x2) |
| 15 Butler Street, ESSENDON VIC 3040 |
| 17 Butler Street, ESSENDON VIC 3040 |
| 5 Butler Street, ESSENDON VIC 3040 (x2) |
| 190b Napier Street, ESSENDON VIC 3040 |
| PO Box 56, NORTH ESSENDON VIC 3041 |
| PO Box 56, NORTH ESSENDON VIC 3041 |

Clause 55 of the Moonee Valley Planning Scheme

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

Where there is non-compliance, see Section 3.6 of the report.

| Title and Objective | Complies with Standard | Complies with Objective |
|--|--|-------------------------|
| B1 - Neighbourhood Character | ✓ subject to condition | ✓ subject to condition |
| B 2 - Residential Policy | ✓ | ✓ |
| B 3 - Dwelling Diversity | N/A | N/A |
| B 4 - Infrastructure Objectives | ✓ | ✓ |
| B 5- Integration with the Street Objective | ✓ | ✓ |
| B6 - Street Setback Objective | X | ✓ |
| B7 - Building Height Objective | ✓ | ✓ |
| B8- Site Coverage Objective. | ✓ | ✓ |
| B9- Permeability Objectives | ✓ | ✓ |
| B10 - Energy Efficiency Objectives | ✓ subject to condition | ✓ subject to condition |
| B 11 - Open Space Objective | ✓ | ✓ |
| B 12- Safety Objective | ✓ | ✓ |
| B 13 - Landscaping Objectives | ✓ subject to condition | ✓ subject to condition |
| B 14 - Access Objectives | ✓ | ✓ |
| B 15 - Parking Location Objectives | ✓ subject to condition | ✓ subject to condition |
| B16 – Parking Provision | Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 3.4 | |
| B 17 - Side and Rear Setbacks Objective | ✓ | ✓ |
| B 18 - Walls on Boundaries Objective | x | ✓ |

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

✓ - complies

x – non-compliance

N/A- not applicable

9.4 8 Ida Street, Niddrie (Lot 484 PS 010094) - Construction of three dwellings

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

| | |
|--|---|
| Planning File No. | MV/445/2015 |
| Proposal | Construction of three double storey dwellings |
| Applicant | Taag Developments C/- Eminent Design |
| Owner | Shaun Spicer and Vicki Spicer |
| Planning Scheme Controls | General Residential Zone |
| Planning Permit Requirement | Clause 32.08-4 – Construction of two or more dwellings |
| Car Parking Requirements (Clause 52.06) | Required – 5 car spaces Proposed – 5 car spaces |
| Bicycle Requirements | N/A |
| Restrictive Covenants | Yes 1306499, relating to excavations of materials for the purpose of foundations. The proposed development does not affect the proposal |
| Easements | None |
| Site Area | 650 square metres |
| Number Of Objections | 13 |
| Consultation Meeting | 27 January 2016 |

Executive Summary

- The application seeks planning approval for the construction of three double storey dwellings.
- The site has an area of approximately 650 square metres and is located on the north side of Ida Street, Niddrie. The subject site is located within an area characterised by residential built form.
- The application was advertised and 13 objections were received. Concerns were raised relating to neighbourhood character, excessive built form, dwelling density, off-site amenity impacts (overlooking, overshadowing, and noise), non-compliance with State, Local, Zoning and Clause 55 objectives, traffic/car parking, emergency vehicle access, previous VCAT decisions along Ida Street, landscaping and the devaluation of properties.
- A Consultation Meeting was held on 27 January 2016 and was attended by Councillors Giuliano, Chantry and Sharpe, objectors, the applicant and Council's Planning Officer. No resolution was reached.
- The application was internally referred to Council's Environmental Sustainable Development (ESD) Officer, Engineering Services Unit and Traffic and Transportation Unit. Conditional support to the application was provided.
- This assessment report finds that the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.



Figure 1 - Aerial photo of subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/445/2015 for the construction of three dwellings at 8 Ida Street, Niddrie (Lot 484 PS 010094), subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The installation of double glazed windows to all ground floor habitable room windows adjacent to the common driveway.
 - b) The provision of acoustic fencing along the northern, eastern and western boundaries.
 - c) The provision of a 1.8 metre high internally dividing fence between the secluded private open spaces associated with Dwellings 1 and 2.
 - d) The location of letterboxes in accordance with Clause 55.06-4 (Site Services) of the Moonee Valley Planning Scheme.
 - e) The tandem car space associated with Dwelling 1.
 - f) All BESS treatment measures and associated notations to be shown on the relevant plans as required by Condition 6.
 - g) Each rainwater tank to be noted to state, on all the ground floor plan:
 - i. “The rainwater from all dwellings roof areas nominated is to be collected and discharged via a mechanically pumped OR fully charged OR gravity fed system (select system) into the selected rainwater tank which is to be connected to toilets for toilet flushing”, in accordance with the approved STORM report.
 - h) The infiltration sand to have the following information provided:
 - i. Show graphically the size in m².
 - ii. If the raingarden is located on a boundary against an adjacent neighbouring building dimension the raingarden with a minimum 300mm setback from the building.
 - iii. Show graphically the extent, size and grading of the impervious catchment area draining to WSUD treatment measure, demonstrate how the rainwater is collected from this area and discharged into the buffer/infiltration strip/pit or in-ground raingarden (i.e. is it gravity fed or does it require a pump system).
 - iv. Provide a note equivalent to “The rainwater from the impervious paved area nominated to be collected & discharged into buffer/infiltration strip/pit or in-ground raingarden, to be fully lined with an impervious liner and have its overflow/aggie drain connected to the stormwater system”, in accordance with the approved STORM report.

Once approved these plans become the endorsed plans 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 WSUD Details, such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.
4. A minimum 30 days prior to any building or works commencing, a Site Management Plan must be submitted to and approved by the Responsible Authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) A statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater system.

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

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

5. A minimum 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) Inspection frequency.
 - b) Cleanout procedures.
 - c) As installed design details/diagrams including a sketch of how the system operates.
 - 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.
6. Prior to or simultaneously to the submission of Condition 1 plans, the submission of an amended BESS report providing a correct assessment against;
 - a) Urban ecology;
 - b) Transport; and
 - c) Internal Environmental Quality.
7. The development must incorporate the sustainable design initiatives outlined in

the endorsed Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority.

8. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction 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 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. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
11. Prior to the issue of an Occupancy Permit, all new boundary fencing as shown on the endorsed plans must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
12. The existing street trees along Ida Street or vegetation must not be removed or damaged as a result of the permitted development.
13. 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.

14. 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.

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 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 manufacturers 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. 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.
18. Before the development starts, or any trees or vegetation removed, an amended landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) Plans to accord with Condition 1 of this permit.
 - b) Deletion of the three Allistemon Kingspark Special "Bottle Brush" trees from the secluded private open spaces of Dwellings 1, 2 and 3.

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

19. 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.

20. This permit will expire if:

- a) The development does not start within two (2) years of the date of issue of this permit, or
- b) The development is not completed within four (4) years of the date of issue of this permit.

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

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, new crossings, building over easements, etc.
- No on street parking permits will be provided to occupiers of the subject site.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All 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.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the north side of Ida Street, Niddrie. The site is rectangular in shape with a frontage of 15.24 metres to Ida Street and a boundary length of 42.67 metres, resulting in a total area of 650 square metres.

The land has an approximate 0.9 metre fall from the rear of the site to the front.

There are no easements present on the subject site. There is however a restrictive covenant present on the Certificate of Title relating to the excavations of materials except for the purpose of foundations for any buildings to be erected on site. The proposed development will not contravene the restrictive covenant.

The site comprises of a single storey weatherboard dwelling with a minimum front setback of approximately 9 metres.

Vehicle access to the site is obtained from an existing crossover located within the south-east corner. There is no significant landscaping or vegetation on the subject site. There is no front fence or infrastructure located within the nature strip space fronting the subject site, there is however a street tree present.



1. Figure 2 - Subject site 8 Ida Street, Niddrie

The surrounding area is comprised of predominantly residential zoned land used and developed for residential purposes. The character of the area can be described as transitional, with a mix of predominantly single storey, with some examples of double and multi-dwelling developments beginning to occur. Roof forms within the streetscape are a mix of gable and hipped with predominantly tiled roofs, with some dwellings incorporating metal roofs. The building materials present within the street are a mixture of brick, weatherboard and rendered finishes in differing colours.

1.2 Proposal

It is proposed to construct three double storey dwellings. The proposal, as advertised, can be summarised as follows:

Table 1

| | |
|---------------------|-------------------------------------|
| No of dwellings | Three (2x3 bedroom and 1x2 bedroom) |
| No of car spaces | 5 |
| Max Building Height | 7.6 metres |
| Site Coverage | 45% |
| Permeability | 25% |

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

2. Background

2.1 Relevant Planning History

There is no planning history which is relevant to the assessment of this application.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

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

Local Planning Policy Framework

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

Zoning

- Clause 32.08 General Residential Zone

Particular and General Provisions

- Clause 52.06 Car Parking
- Clause 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.
- Environmental Sustainable Development Officer
 - No objection subject to the submission of an amended BESS report (refer Condition 6).

2.4 Public Notification of the Application

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

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

2.5 Consultation Meeting

A Consultation Meeting was held on 27 January 2016 and was attended by Councillors Giuliano, Chantry and Sharpe, the applicant, objectors and Council's Planning Officer. No resolution was achieved at the meeting.

The applicant did agree however that should Council issue a permit, acoustic fencing will be provided along both side boundaries (refer condition 1b) along with the removal of landscaping/large canopy trees within the secluded private open spaces of each dwelling.

3. Discussion

3.1 State Planning Policy Framework

The relevant State Planning Policy Framework clauses are considered to be met. The policy framework objectives seek primarily to encourage the consolidation of urban allotments in locations which take advantage of existing commercial and community services and public transport. The framework also seeks to ensure planning provides for housing diversity, the provision for supporting infrastructure as well as ensuring new housing has access to services. This includes walkability to Activity Centers, public transport, schools and open spaces.

The subject site is located relatively close to reserves, schools, arterial roads and public transport in the form of the 475 bus along Hoffmans Road, allowing residents to make use of these services. The site location is therefore considered to meet the State Planning Policy Framework for more intense residential development.

3.2 Local Planning Policy Framework

Subject to the submission of an amended Built Environment Sustainability Scorecard (BESS) report the proposal is deemed to comply with Clause 21.04 (Sustainable Environment) through the use of ecological sustainable design principals as highlighted within the submitted BESS assessment.

Any relevant design measures will therefore be placed on any approval issued.

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

The 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 the Clause appear to overlap with those contained within neighbourhood character precinct profiles and ResCode and therefore the key concepts of Clause 21.06 are discussed below in Section 3.3.

The proposal complies with Clause 22.03 Stormwater Management (WSUD) and meets the required on site stormwater treatment as demonstrated by achieving 100%, or greater, using the STORM tool. However, a condition is required on any issued planning permit to suitably notate drawings showing required WSUD measure information.

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

3.3 Neighbourhood Character Guidelines

The subject land is identified as being within character area 'Garden Suburban 6'. The precincts preferred character statement states that:

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

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

It is considered that the development provides a suitable response to the preferred character statement of the Garden Suburban 6 within the Neighbourhood Precinct Profiles 2012 as follows:

| | |
|------------------------------|---|
| Siting and Building Envelope | <p>The proposal is setback 7.7 metres from Ida Street. This is considered to be in keeping with the neighbourhood character and consistent with other setbacks in the immediate vicinity.</p> <p>A 3.5 metre side setback is provided along the eastern boundary. This setback ensures no boundary to boundary development, which maintains the rhythm of spacing between dwellings and allows for landscaping along the side boundary.</p> <p>The proposed building envelope of the development is similar to other medium density style developments within the street, which is experiencing an increase in this type of development. Examples of this emerging trend can be found at 2, 12 and 31 Ida Street.</p> |
| Built Form | <p>The proposed dwellings incorporate more traditional elements which is considered to complement the</p> |

| | |
|---------------|--|
| | <p>surrounding area.</p> <p>The two storey built form is considered to be an appropriate design response, with the proposal incorporating three double storey dwellings. The dwellings are sufficiently setback from the surrounding secluded private open spaces, with limited off-site amenity impacts to adjacent properties.</p> <p>The proposed development incorporates spacing along the upper floors, reducing the overall built form as the development presents to adjoining properties and ensuring no continuous built form. This is particularly noticeable towards the rear dwelling, where a 4 metre setback has been provided towards the adjoining secluded private open spaces. A 1.8 metre setback is provided along parts of the western boundary, but is considered acceptable given the non-sensitive driveway interface.</p> <p>The proposed development provides meaningful articulation and is responsive to the built form in the locality. Combined with the varied use of fenestration, colours and materials, it is considered that the built form is sufficiently recessed to an appropriate level.</p> <p>The garage associated with Dwelling 1 is setback behind the front façade, ensuring it is not a dominant feature to the street.</p> <p>Roof forms are pitched with eaves presenting to the street for each dwelling.</p> |
| Design Detail | <p>A mix of brick, rendered and timber finishes are proposed and considered to be characteristic of more recent infill developments in the area.</p> <p>Windows provided towards the street to ensure surveillance to the street is achieved.</p> |
| Landscaping | <p>The development is set off the eastern side boundary to the street and is provided with landscaped front yard to assist in breaking up the built form. Additional landscaping is also provided along the accessway to soften the impact of the concrete driveway towards the street.</p> <p>No front fence is proposed as part of this application. A review of the surrounding area has identified that a number of properties along Ida Street do not have front fences and as such is considered an acceptable design response.</p> |

3.4 Compliance with Clause 52.06 (Car Parking)

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

Table 2

| Unit | Requires | Provides |
|--|----------|----------|
| 3 Dwellings (2x3 bedroom and 1x2 bedroom) | 5 | 5 |
| Residential Visitors | N/A | N/A |
| Total | 5 | 5 |

As discussed under Section 2.3 of this report, Council's 'Traffic and Transportation Unit' have no objections to the proposed development. The proposal provides the required number of car parking spaces and pedestrian visibility splays as outlined within Clause 52.06.

3.5 Clause 55 Assessment

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

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

Table 3

| Res Code Standard | Response |
|--|--|
| Clause 55.03-8 (Standard B13 – Landscaping) | <p>A landscape plan has been submitted and does adequate space for landscaping including the planting of canopy trees.</p> <p>At the Consultation Meeting held on the 27 January 2016, it was agreed to remove some landscaping, being the bottle brush species from within the private open space of all dwellings. This was due to a medical condition of the adjoining neighbours and to reduce leaves falling onto the adjoining driveways (refer Condition 18b).</p> <p>The orange blossom are considered acceptable given the location along the driveway, away from adjoining properties.</p> |
| Clause 55.03-10 (Standard B15 – Parking Location) | <p>A total of three habitable room windows adjacent to the common accessway (Living Room window of Dwelling 1 and the two Study Room windows of Dwelling 3) have not been provided with a minimum 1 metre setback as per the above standard. Although it must be noted that these windows have been provided with a sill height above 1.4 metres of the Natural Ground Level.</p> <p>To reduce the impact of vehicular noise to residents, a condition will be included for the installation of double glazed windows (refer</p> |

| | |
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| | Condition 1a). Given the low scale of development and associated traffic volumes within the subject site, it is considered that a variation in the standard is acceptable in this instance. |
| Clause 55.04-7 (Standard B23 – Internal Views) | To prevent internal overlooking between the secluded private open spaces of Dwellings 1 and 2, a condition will be included for the installation of a 1.8 metre high fence (refer Condition 1c). |
| Clause 55.06-4 (Standard B34 – Site Services) | To ensure the provision of site services to all dwellings, a condition will be included for letter boxes to be provided in accordance with the above standard (refer Condition 1d). |

3.6 Objections

Table 4

| Issue | Officer Response |
|-------------------------|--|
| Neighbourhood character | <p>The development has been assessed against all of the relevant design provisions, neighbourhood character and residential policy objectives pursuant to Clause 21.06 (Garden Suburban 6 Design Guidelines) and 55.02 of the Moonee Valley Planning Scheme. The assessment has concluded that the proposed development is generally compliant with the relevant design principles and neighbourhood character provisions.</p> <p>The overall design of the dwellings does incorporate character elements that are found within the immediate area, such as hipped roofs. To reduce the overall built form, this development proposes a design response where the majority of the upper floor levels are appropriately setback from the adjoining property boundaries. The dwellings also are fully compliant with front, side and rear setbacks.</p> <p>Furthermore, as stated above, the development uses a variation of colours such as brickwork, rendered and timber finishes to break up the built form but at the same time complement the existing neighbourhood to attempt to have the proposed development blend in without mimicking the existing built environment.</p> <p>It is therefore considered that the design and built form does incorporate character elements into the design to comply with the relevant Clauses of the Planning Scheme.</p> |
| Dwelling density | The proposal satisfies the requirements of Clause |

| | |
|-------------------------|--|
| | <p>55 in respect to site coverage, setbacks, permeability, car parking, and private open space provisions and therefore the proposal is not considered to be an over development of the site. State Government Policy, particularly Plan Melbourne, as well as Council Policy supports higher densities in areas with good access to public transport and other services.</p> <p>Given the size of the site, its location in an urban environment and its proximity to public transport the level of development proposed is appropriate and consistent with State and Local Planning Policy Frameworks.</p> |
| Car parking and traffic | <p>The proposed development satisfies Clause 52.06 of the Moonee Valley Planning Scheme in respect to the provision of car parking. The development provides for appropriate on-site car parking relative to the number of bedrooms in the proposed dwellings.</p> <p>Council's Traffic and Transportation Unit have assessed the proposal and has raised no concerns regarding the impact of the proposal on the surrounding traffic network. The increased traffic movement associated with the additional dwellings on the site is considered acceptable and can be readily accommodated in the surrounding street network.</p> <p>Existing traffic and parking problems in the area cannot be addressed through the current application, nor should the burden of relieving these existing problems be imposed on the developer of the subject land.</p> |
| Overlooking | <p>The proposed development meets the requirements of Clause 55 relating to overlooking. It incorporates screening measures to ensure that the privacy of adjoining properties is maintained.</p> |
| Overshadowing | <p>The application has been assessed against the relevant overshadowing objective/standard, pursuant Clause 55.04-5 (overshadowing) of the Moonee Valley Planning Scheme. This assessment requires that daylight to an adjoining private open space not be reduced by at least 75% or 40 square metres to receive a minimum of 5 hours daylight between 9am and 3pm on 22 September.</p> <p>An assessment of the extent of overshadowing into adjoining properties open space has shown that they will receive the minimum amount of daylight on</p> |

| | |
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| | September 22 and therefore comply with the above standard. |
| Noise | <p>Concerns have been raised regarding the potential noise generated from the dwellings after occupancy. The consideration of this planning application is confined only to the construction of the dwellings. The residential use of the dwelling/s does not require a planning permit and is not a planning matter.</p> <p>Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Any future issues of amenity, if they arise should be pursued as a civil matter.</p> <p>To provide some relief to adjoining properties, the applicant has agreed to provide acoustic fencing along the northern, eastern and western boundaries.</p> |
| Compliance with State, Local, Zoning and Clause 55 provisions | The application has been assessed against all of the relevant State, Local, Zoning and Clause 55 provisions. Subject to conditions relating to Water Sensitive Urban Design and Clause 55, the proposed development has exhibited a high level of compliance with all of the relevant objectives, standards and guidelines. |
| Ability of emergency vehicles to access properties along Ida Street | <p>Concerns have been raised in relation to restricted access to emergency vehicles as a result of the narrowness of Ida Street and cars parked along both sides of the street.</p> <p>As stated above the application has been reviewed by Council's Traffic and Transportation Unit, who have no objections. Further it must be noted that parking along both sides of the street is an existing condition, with no clearway in place. Given the existing street conditions, it is not considered that the proposed development will result in further restricted access.</p> |
| Precedent set by VCAT | <p>In the VCAT decision for 19 Ida Street, the Tribunal refused the application primarily in relation to solar access to the living areas and overshadowing.</p> <p>A review of the current proposal has identified that all dwellings will receive sufficient solar access to all habitable room windows and any overshadowing into adjoining properties will be fully compliant with Clause 55.</p> |
| Devaluation of property | The potential devaluation of properties is not a decision guideline which is contained within the Planning Scheme or Planning and Environment Act |

| | |
|---------------|---|
| | 1987. Furthermore there is no evidence to suggest the proposal will result in property devaluation. Council can therefore not consider the potential devaluation of properties in this application. |
| Landscaping | Refer to Section 3.5 (Landscaping) of report. |
| Fence heights | <p>It has been requested that both side boundary fences within the front setback of Dwelling be increased in height to 1.8 metres in lieu of the proposed 900mm fences.</p> <p>This is not considered an appropriate response for the following reasons;</p> <p>Firstly under Clause 52.06 (Car Parking) pedestrian visibility splays are required for sight visibility, which require low front fences.</p> <p>Secondly, Council's preferred character statement for the area encourages low front fencing. This is to ensure surveillance to the street and for the provision of garden areas which are visible, thus creating better visual amenity to residents and visitors.</p> |

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 design 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 affect.

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

Appendices

Appendix A: 8 Ida Street, Niddrie - Plans (separately circulated)

Appendix B: List of Objectors Properties - MV/445/2015

Appendix C: Clause 55 assessment - MV/445/2015

List of Objectors Properties

| |
|------------------------------------|
| 25 Ida Street, NIDDRIE VIC 3042 |
| 24 Ida Street, NIDDRIE VIC 3042 |
| 23 Ida Street, NIDDRIE VIC 3042 |
| 7 Vaynor Street, NIDDRIE VIC 3042 |
| 3 Vaynor Street, NIDDRIE VIC 3042 |
| 22 Ida Street, NIDDRIE VIC 3042 |
| 21 Ida Street, NIDDRIE VIC 3042 |
| 473 Keilor Road, NIDDRIE VIC 3042 |
| 52 Garnet Street, NIDDRIE VIC 3042 |
| 6 Ida Street, NIDDRIE VIC 3042 |
| 2/10 Ida Street, NIDDRIE VIC 3042 |
| 1/10 Ida Street, NIDDRIE VIC 3042 |
| 5 Ida Street, NIDDRIE VIC 3042 |

Clause 55 of the Moonee Valley Planning Scheme

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

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

| Title and Objective | Complies with Standard | Complies with Objective |
|---|--|--------------------------------|
| <i>B1 - Neighbourhood Character</i> | ✓ | ✓ |
| <i>B 2 - Residential Policy</i> | ✓ | ✓ |
| <i>B 3 - Dwelling Diversity</i> | N/A | N/A |
| <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> | N/A | N/A |
| <i>B 12 - Safety Objective</i> | ✓ | ✓ |
| <i>B 13 - Landscaping Objectives</i> | ✓ subject to condition | ✓ |
| <i>B 14 - Access Objectives</i> | ✓ | ✓ |
| <i>B 15 - Parking Location Objectives</i> | x | ✓ |
| <i>B16 – Parking Provision</i> | Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under | |

| | Section 3.3 of the report. | |
|---|-------------------------------|-----|
| <i>B 17 - Side and Rear Setbacks Objective</i> | ✓ | ✓ |
| <i>B 18 - Walls on Boundaries Objective</i> | ✓ | ✓ |
| <i>B 19 - Daylight to Existing Windows Objective.</i> | ✓ | ✓ |
| <i>B 20 - North-facing Windows Objective</i> | ✓ | ✓ |
| <i>B 21 - Overshadowing Open Space Objective</i> | ✓ | ✓ |
| <i>B 22 - Overlooking Objective</i> | ✓ | ✓ |
| <i>B 23 - Internal Views Objective</i> | ✓ subject to condition | ✓ |
| <i>B 24 - Noise Impacts Objectives</i> | ✓ | ✓ |
| <i>B 25 - Accessibility Objective</i> | ✓ | ✓ |
| <i>B 26 - Dwelling Entry Objective</i> | ✓ | ✓ |
| <i>B 27 - Daylight to New Windows Objective</i> | ✓ | ✓ |
| <i>B 28 - Private Open Space Objective</i> | ✓ | ✓ |
| <i>B 29 - Solar Access to Open Space Objective</i> | ✓ | ✓ |
| <i>B 30 - Storage Objective</i> | ✓ | ✓ |
| <i>B 31 - Design detail objective</i> | ✓ | ✓ |
| <i>B 32 - Front Fences Objective</i> | ✓ | ✓ |
| <i>B 33 - Common Property Objectives</i> | N/A | N/A |
| <i>B 34 - Site Services Objectives</i> | ✓ subject to condition | ✓ |

✓ - complies

x – non-compliance

N/A- Not Applicable

9.5 54 Mary Street, Essendon (Lot 173 Block D on LP 3151) - Construction of four dwellings

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

| | |
|------------------------------------|--|
| Planning File No. | MV/213/2015 |
| Proposal | <ul style="list-style-type: none">• Four three-bedroom dwellings• Double storey in height |
| Applicant | Armsby Architects P/L |
| Owner | Alexander and Josephine Pulitano |
| Planning Scheme Controls | General Residential Zone |
| Planning Permit Requirement | Clause 32.08 – Construct two or more dwellings |
| Car Parking Requirements | Required: 8 spaces Provided: 9 spaces |
| Restrictive Covenants | None |
| Easements | None |
| Site Area | 845 square metres |
| Number Of Objections | 11 |
| Consultation Meeting | 18 November 2015 |

Executive Summary

- The application seeks planning approval for the construction of four double storey dwellings at 54 Mary Street, Essendon, located on the north-western corner of the intersection with Deakin Street.
- The site is generally rectangular in shape with a splayed frontage of 19.81 metres and an area of approximately 845 square metres. The site was occupied by a single storey weatherboard dwelling which has recently been demolished, leaving the land vacant.
- The application was advertised and 11 objections were received. The concerns raised related to neighbourhood character, visual bulk and scale, overdevelopment, off-site amenity impacts, traffic and parking impacts, pedestrian safety, waste collection and infrastructure impacts.
- A Consultation Meeting was held on 18 November 2015 which was attended by Councillors Chantry, Giuliano and Sharpe as well as 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, Arborist and Environmentally Sustainable Design (ESD) Officer. Conditional support to the application was provided.
- This assessment report finds that the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme, and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.



Figure 1 – Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/213/2015 for the construction of four dwellings at 54 Mary Street, Essendon (Lot 173 Block D on LP 3151), subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The first floors of Dwellings 2 and 3 set back an additional metre each from the implied internal boundary, for a total internal setback of 4 metres;
 - b) The upper floor balconies of Dwellings 3 and 4 set back at least 1 metre behind the ground floor building line, or deleted so that the first floor living areas are set back at least 1 metre behind the ground floor building line;
 - c) The deletion of Balcony 2 of Dwelling 1, with Bedroom 1 set back at least 8 metres from Mary Street;
 - d) The incorporation of lighter coloured finishes;
 - e) The garages of Dwellings 3 and 4 reduced to single garages with a tandem car space, along with subsequent internal reconfigurations and increased landscaping within each front yard;
 - f) The deletion of the terrace area within the front setback of Dwelling 1, to be replaced within a continuation of the lawn area and additional canopy tree planting;
 - g) The setback of the ground floor wall of Dwelling 4 from the western boundary to comply with Standard B17 of Clause 55.04-1 (Side and Rear Setbacks) of the Moonee Valley Planning Scheme;
 - h) The setback of the first floor wall and balcony of Dwelling 4 from the northern boundary to comply with Standard B17 of Clause 55.04-1 (Side and Rear Setbacks) of the Moonee Valley Planning Scheme;
 - i) The feature eave along the northern wall of Dwelling 4 to project no more than 500mm to ensure it is an allowable encroachment under Standard B17 of Clause 55.04-1 (Side and Rear Setbacks) of the Moonee Valley Planning Scheme;
 - j) The garages of Dwellings 2 to 4 set back at least 5.4 metres from Deakin Street;
 - k) The crossover of Dwelling 3 provided with a minimum distance of at least 6.9 metres between the crossovers of Dwellings 2 and 4;
 - l) Any changes as a result of Conditions 3 and 4;
 - m) A notation stating that the development is to be constructed in accordance with the approved Sustainable Design Assessment as per Condition 7.

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

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. Amended STORM assessment reports must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM assessments must obtain a minimum of 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, such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.

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

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

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

- n) Risk assessment;
- o) Works timetable; and
- p) Number of workers expected of work on the site at any one time.

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

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

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

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

7. Before the development commences, an amended Sustainable Design Assessment (SDA) that outlines proposed design initiatives must be submitted to and approved by the Responsible Authority. The amended SDA shall refer to the endorsed plans. Upon approval the SDA will be endorsed as part of this planning permit and the development must incorporate the sustainable design initiatives outlined in the endorsed SDA to the satisfaction of the Responsible Authority. The SDA must be generally in accordance with the SDA submitted with the application, but modified to include:
- a) Any changes as a result of Conditions 3 and 4.
8. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
10. The privacy screens/obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the buildings.
11. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of

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

12. The street tree at the south-western corner of the site must not be relocated or replaced without the written consent of the Responsible Authority. Any replacement is to be to the satisfaction of the Responsible Authority. All fees associated with the relocation or replacement of the street tree must be borne by the permit applicant and must be undertaken prior to the issue of an Occupancy Permit to the satisfaction and requirements of the Responsible Authority
13. Prior to the relocation or replacement of the existing street tree, the applicant shall advise the Responsible Authority of the method and safety measures to be implemented. The relocation or replacement of the tree must be undertaken to the requirements and satisfaction of the Responsible Authority.
14. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
15. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
16. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
17. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.
18. Before the development starts, or any trees or vegetation removed, an amended landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) Any changes as a result of Conditions 1, 3 and 4.

- b) Additional lawn and canopy tree planting within the front yards of Dwellings 1, 3 and 4.
- c) Additional planting in the rear service yard of Dwelling 4 to provide a visual buffer between the neighbouring secluded open space area to the west.

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

- 19. 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.
- 20. This permit will expire if:
 - a) The development does not start within two (2) years of the date of issue of this permit, or
 - b) The development is not completed within four (4) years of the date of issue of this permit.

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

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, new crossings, building over easements, etc.
- An Asset Protection Permit must be obtained from Council prior to commencement of works to ensure that Council assets in the vicinity of the works are not damaged during construction.
- No on street parking permits will be provided to occupiers of the subject site.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5\text{mins}$, 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.
- 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.
- Council will require an easement R1 over the splay at the south-eastern corner of the site as part of any future subdivision application.

1. Introduction

1.1 Subject Site and Surrounds

The subject land is located on the northern side of Mary Street, Essendon. The site is rectangular in shape and located on the corner of Mary and Deakin Streets, with a frontage of 19.81 metres and a secondary frontage of 42.67 metres, yielding an overall site area of approximately 845 square metres. There are no covenants, easements or other restrictions that affect the land. A dilapidated single storey weatherboard dwelling previously occupied the site but has recently been demolished, leaving the site vacant. A single width crossover located at the north-eastern corner of the land. There are two street trees located within the Mary Street road reserve.



Figure 2 – Subject Site (54 Mary Street, Essendon)

The surrounding area is comprised of predominantly residential zoned land used and developed for residential purposes. The built form within the vicinity is predominantly single and double storey, with examples of multi-dwelling developments evident nearby. While the built form found within the immediate vicinity predominantly comprises of brick and weatherboard dwellings with pitched tiled roofing, there is a strong emergence of new and contemporary developments nearby featuring prominent two storey

forms and varied architectural styles. Examples of this can be seen immediately to the west at 56 Mary Street, as well as newly constructed dwellings to the north at 58 and 59 Deakin Street and further south at 52 Deakin Street.

1.2 Proposal

It is proposed to construct four double storey dwellings each containing three bedrooms.

The proposal can be summarised as follows:

Table 1

| | |
|---------------------|----------|
| No of dwellings | 4 |
| No of car spaces | 12 |
| Max Building Height | 8 metres |
| Site Coverage | 54.44% |
| Permeability | 33.5% |

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

2. Background

2.1 Relevant Planning History

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

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

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

Local Planning Policy Framework

- Clause 21.01 Municipal Profile
- Clause 21.03 Vision
- Clause 21.04 Sustainable Environment
- Clause 21.05 Housing
- Clause 21.06 Built Environment
- Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning

- Clause 32.08 General Residential Zone

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

2.3 Referrals

External

N/A

Internal

- Engineering Services Unit
No objection subject to standard conditions and the following non-standard permit note:
 - Council will require an easement R1 over the splay at the south-eastern corner of the site as part of any future subdivision application.
- Traffic and Transportation Unit
No objection subject to the following conditions:
 - Crossovers to be designed in accordance with Council standards. (Condition 11)
 - Garages to Dwellings 2 to 4 set back at least 5.4 metres from the street. (Condition 1 j)
 - The crossover of Dwelling 3 realigned to provide a distance of at least 6.9 metres between the crossovers of Dwellings 2 and 4. (Condition 1 k)
 - All crossovers to be 3 metres in width. (Already met, no condition required)
- Arborist
No objection subject to standard conditions.
- Environmentally Sustainable Design (ESD) Officer
No objection subject to submission of amended STORM assessments and standard conditions.

2.4 Public Notification of the Application

Pursuant to Section 52 of the Planning and Environment Act 1987 the application was advertised by mail to adjoining and surrounding properties, with notices displayed on site for 14 days. As a result, eleven (11) objections were received from the properties contained within **Appendix A** of this report. These objections are discussed at Section 3.6 of this report.

2.5 Consultation Meeting

A Consultation Meeting was held on 18 November 2015 which was attended by Councillors Chantry, Giuliano and Sharpe as well as objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.

3. Discussion

3.1 State Planning Policy Framework

The relevant State Planning Policy Framework clauses are considered to be met. For the large part State Planning objectives seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. The subject site is located within proximity of schools, local businesses and public transport options namely Bus routes 465 and 475 and Tram route 59 further north. The location of the subject site is considered to lend support for a more intensive form of residential development. The proposal contributes to the objective of housing diversity by providing a mix of dwelling sizes in various configurations which will cater for the increasingly diverse needs of future residents.

3.2 Local Planning Policy Framework

The proposal complies with the requirements of Clause 21.04-3 (Ecologically Sustainable Development) as demonstrated through the use of ecological sustainable design principals included within the submitted Sustainable Design Assessment Report (STEPS).

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

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

The proposal complies with Clause 22.03 (Stormwater Management – Water Sensitive Urban Design) by providing adequate on-site stormwater treatment subject to the submission of amended STORM assessments achieving a minimum 100% rating. Conditions requiring the submission of amended STORM assessments, as well as the standard design conditions, will be placed on any permit issued as described under Section 2.3 of this report (Conditions 1 m, 3 to 6)

3.3 Neighbourhood Character Guidelines

The subject land is identified as being within character area Garden Suburban 6, which sets out the following preferred character statement:

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

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

It is considered that the development provides a suitable response to the preferred character statement and design guidelines of the Garden Suburban 6 Precinct as follows:

Table 2

| | |
|------------------------------|--|
| Siting and Building Envelope | <p>Elements of the siting and massing of the proposed development is considered to be an appropriate response to the existing and preferred character of the immediate area, as well as the opportunities and constraints of the site.</p> <p>The proposal provides staggered setbacks to the street frontage which are generally acceptable in relation to the character of setbacks nearby. The mass of the development has been focussed along the western boundary which abuts a larger built form of the neighbouring dwelling at 56 Mary Street. In doing so, increased street setbacks are provided, particularly along the eastern boundary to Deakin Street.</p> <p>However, it is considered that a greater level of internal separation between Dwellings 2 and 3 should be provided at upper floor level. This would maintain the character of spacing between built form which is seen throughout Deakin Street. A condition of permit will require that the first floors of these dwellings are set back an additional metre each from the implied internal boundary, for a total internal setback of 4 metres. (Condition 1 a)</p> <p>This results in a more site responsive building envelope that achieves an appropriate balance between managing the visibility of the corner location while avoiding visual and amenity impacts on sensitive interfaces.</p> |
| Built Form | <p>The built form of the proposed development somewhat responds to the existing and preferred character of the area. Through the use of combined roof forms and considered façade treatments, the general design theme gives the impression of two dwellings as it presents to each streetscape. Multi storey built form is articulated through a combination of materials and roof forms,</p> |

| | |
|---------------|---|
| | <p>balconies, varied setbacks and partial excavation. The development is situated away from visually sensitive interfaces. The proposed roof terraces are completely contained within the roofline. Subject to a condition as discussed above, the dwellings are provided with a suitable level of separation.</p> <p>It is considered that the massing of the first floor component of the development is unnecessarily bulky and does not provide a suitable response to the built form along each streetscape. The prominent corner element of Dwellings 1 and 2 at the south-eastern corner of the site is a suitable response. However, the remainder of the first floor element presents a continuous mass which does not acknowledge the prevailing pattern of built form seen within the two street interfaces that the subject land connects.</p> <p>The upper floor setbacks of Dwellings 3 and 4 are considered to require greater recession from the ground floor building line as they present to the street. A condition of permit will require that the upper floor balconies of each dwelling are set back at least 1 metre behind the ground floor building line, or deleted so that the first floor living areas are set back 1 metre behind the ground floor building line. (Condition 1 b).</p> <p>Further, the south-western corner of the first floor of Dwelling 1 results in an unnecessary visual intrusion within the streetscape. Through the deletion of the balcony associated with the bedroom of Dwelling 1, a setback of 8 metres could be provided instead of the current 6.07 metres. (Condition 1 c).</p> <p>The changes discussed above will be imposed as conditions of permit to achieve a more appropriate transition in built form as building setbacks increase to the north and west along each street.</p> |
| Design Detail | <p>Generally, the proposal incorporates modern and traditional design elements referencing the character of built form within the streetscape and the surrounding area. The selected building materials, setbacks, roofing, detailing, articulation, building height and width are appropriate within the surrounding context and are consistent with the existing and preferred character of the area.</p> <p>It is considered that the incorporation of lighter colour finishes is necessary to better integrate the development with its immediate context and address the preferred character statement for the precinct. A condition of permit will address this matter. (Condition 1 d).</p> <p>The presence of three double garages to Deakin Street is</p> |

| | |
|-------------------------------|---|
| | not considered characteristic of the streetscape as well as the preferred character for the area, which seeks to limit the dominance of car parking structures. A condition of permit will require the garages of Dwellings 3 and 4 to be converted into single car garages with tandem car spaces, along with subsequent internal reconfigurations and increase in landscaping within the front yards. (Condition 1 e). |
| Landscaping and front fencing | <p>Opportunities for landscaping throughout the site are considered to be generally acceptable, however there is some concern with the extent of paving within the front yard of Dwelling 1.</p> <p>It is considered appropriate to delete this paved 'terrace' area to allow for a continuation of the lawn coverage and potentially more canopy tree planting. This will achieve a more consolidated garden presentation to the streetscape. It is also considered that there is opportunity to provide planting within the rear service yard of Dwelling 4 which will soften the visual impact on the neighbouring property to the west. (Conditions 1 f and 18).</p> <p>In requiring the reduction of the garages to Dwellings 3 and 4 discussed above, there will be a requirement to increase the amount of landscaping provided within the front setback of these dwellings. (Condition 1 e).</p> <p>A condition of permit will require the submission of amended plans to address these issues. (Condition 18).</p> <p>The provision of a concrete block and metal picket front fence is an appropriate response to each streetscape.</p> |

3.4 Clause 52.06 (Car Parking)

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

Table 3

| | Requires | Provides |
|------------------------------|----------|----------|
| Four three-bedroom dwellings | 8 | 9 |
| Total | 8 | 9 |

The design of car parking and access facilities achieves compliance with the requirements of Clause 52.06-8 of the Moonee Valley Planning Scheme. As stated in Section 2.3 of this report, Council's Traffic and Transportation Unit had no objection to the application subject to conditions.

As mentioned in Section 3.3, the garages of Dwellings 3 and 4 will be reduced to single garages with tandem car spaces as a condition of permit. Another condition will ensure that the design of the accessways and parking spaces complies with Clause 52.06-8.

3.5 Clause 55 (ResCode)

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

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

Table 4

| ResCode Standard | Response |
|---|--|
| Clause 55.02-1 (Standard B1) Neighbourhood Character | The proposal is considered to be an acceptable response to the character of the area, subject to the modifications discussed at Section 3.3 of this report. |
| Clause 55.03-1 (Standard B6) Street Setback | <p>The required setback for Dwelling 1 is 7.67 metres from Mary Street, and 2 metres from Deakin Street. Dwellings 2 to 4 are required to be set back 3 metres from Deakin Street.</p> <p>The development has a minimum setback of 6.07 metres from Mary Street to the front wall of Dwelling 1, increasing to 6.55 and further to 7.5 metres.</p> <p>The side wall of Dwelling 1 and the front walls of Dwellings 2 and 3 are set back at least 4 metres from Deakin Street.</p> <p>As such, there is a shortfall from the requirements of the standard for the front wall of Dwelling 1 from Mary Street.</p> <p>A variation is considered to be acceptable in this instance, having regard to the location of the site at a corner and the character of built form in the immediate surrounds. The siting of the development as it relates to the street is considered to respond to the pattern of built form within the streetscape. The setback provided is within the range of setbacks seen in the surrounding area, which vary from 5 to 10 metres.</p> <p>Subject to conditions as discussed under Section 3.3, Dwelling 1 provides an articulated façade that steps away from the street at the south-western corner, which provides for a suitable transition to the adjoining property to the west. The sections of non-compliance would primarily be located at the south-eastern corner of Dwelling 1, where a more robust and prominent built form is considered an appropriate outcome.</p> <p>It is therefore considered that the proposal meets</p> |

| | |
|---|---|
| | the objective of this clause. |
| Clause 55.03-8 (Standard B13) Landscaping | <p>The landscape plan submitted demonstrates that the development will be capable of providing an acceptable level of landscaping throughout the site, both within the front setback and within the secluded open space areas of each dwelling.</p> <p>As discussed under Section 3.3, a condition of permit will require the submission of an amended landscape plan which will provide for canopy tree planting within the front setback of each dwelling as well as for planting in the rear yard of Dwelling 4 (Condition 18).</p> |
| Clause 55.04-1 (Standard B17) Side and Rear Setbacks | <p>The proposed development provides side and rear setbacks as follows:</p> <p><u>Western boundary</u></p> <p>Ground Floor Wall Height – 2.9 metres Required Setback – 1 metre Proposed Setback – 880mm</p> <p>First Floor Wall Height – 6.9 metres Required Setback – 1.99 metres Proposed Setback – 2 metres</p> <p><u>Northern boundary</u></p> <p>Ground Floor Wall Height – 2.9 metres Required Setback – 1 metre Proposed Setback – 1.78 metres</p> <p>First Floor Wall Height – 4.1 to 6 metres Required Setback – 1.15 to 1.99 metres Proposed Setback – 1.1 to 1.78 metres</p> <p>Areas of non-compliance exist at the ground floor wall of Dwelling 4 in proximity to the western boundary, and the first floor wall and balcony of Dwelling 4 from the northern boundary. Conditions of permit will require that these areas are set back in accordance with the standard. (Conditions 1 h and i).</p> <p>A condition of permit will also require that the feature eave along the northern wall Dwelling 4 is no greater than 500mm in width to ensure that it qualifies as an allowable encroachment under the standard. (Condition i).</p> |

3.6 Objections (Discussion)

Table 5

| Issue | Officer Response |
|--|--|
| Neighbourhood character Visual bulk and scale | As discussed within Sections 3.2, 3.3 and 3.5 of this report, the design of the proposed dwellings is considered to have an adequate level of compliance with the preferred neighbourhood character. |
| Overdevelopment | This is considered acceptable as discussed within Sections 3.2, 3.3 and 3.5 of this report. |
| Traffic and parking impacts Pedestrian safety | As detailed in Sections 3.4 of this report, both the requirements of Clause 52.06-8 will be met. The proposal provides on-site car parking in excess of what is required by the Scheme. The design of car parking and access facilities satisfies the relevant design standards of the scheme, and as such it is not considered that there would be any unreasonable safety impacts as a result of the development. As noted at Section 2.3 of this report, Council's Traffic and Transportation Unit had no objection to the proposal subject to conditions. |
| Off-site amenity impacts | As discussed under Section 3.5 of this report, the proposal meets the relevant objectives and standards of ResCode relating to noise, overshadowing, overlooking and other amenity impacts. |
| Waste collection | The provision of bins meets the requirements of Clause 55.06-4 (Site Services) of the Scheme. |
| Infrastructure impacts | The proposed development meets the requirements of Clause 55.02-4 (Infrastructure) of the Scheme. Council's Engineering Services Unit has no objection to the proposed number of dwellings. Any necessary infrastructure upgrades on the subject site will need to be undertaken by the applicant where required. |

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: 54 Mary Street, Essendon - Objector List

Appendix B: 54 Mary Street, Essendon - ResCode Assessment

Appendix C: 54 Mary Street, Essendon - Plans (separately circulated)

Location of Objectors

| |
|--|
| 61 Mary Street, ESSENDON VIC 3040 |
| 2/40 Murray Street, YARRAVILLE VIC 3013 |
| 15/841 Park Street, BRUNSWICK VIC 3056 |
| 3/60 Deakin Street, ESSENDON VIC 3040 |
| 50 Mary Street, ESSENDON VIC 3040 |
| 55 Mary Street, ESSENDON VIC 3040 |
| 54 Deakin Street, ESSENDON VIC 3040 (x3) |
| 52 Mary Street, ESSENDON VIC 3040 |
| 55 Deakin 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, see section 3.5 in report.

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

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

✓ - complies

x – non-compliance

N/A- not applicable

9.6 222-226 Buckley Street, Essendon (Lot 1 PS24250) Use and development of the land for a four-storey building comprising 2 shops and 25 apartments, associated parking reduction, waiver of the loading bay requirements, construction of a building in a Special Building Overlay and works in a Road Zone Category 1

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

| | |
|--|---|
| Planning File No. | MV/377/2015 |
| Proposal | <ul style="list-style-type: none">• Construction of a four storey building (maximum height 15.6 metres)• Two ground floor shops (178 m2)• 25 apartments (25 x 2 bedrooms)• 31 car spaces located at basement and ground level and accessed via the rear laneway. |
| Applicant | Buckley St Development C/- Terrain Consulting Group |
| Owner | Buckley Street Investments Pty Ltd |
| Planning Scheme Controls | Commercial 1 Zone/Road Zone Special Building Overlay |
| Planning Permit Requirement | <ul style="list-style-type: none">• Clause 34.01-1 – Use of the land for dwellings• Clause 34.01-4 (Buildings & Works)• Clause 36.04-2 (Buildings & Works)• Clause 44.05 (Special Building Overlay)• Clause 52.06 (Reduction in car parking requirements)• Clause 52.07 (Waiver of loading bay requirements) |
| Car Parking Requirements (Clause 52.06) | Requires: 37 spaces Provides: 31 spaces |
| Bicycle Requirements | Requires: 8 |

| | |
|------------------------------|-------------------|
| | Provides: 8 |
| Restrictive Covenants | None |
| Easements | None |
| Site Area | 836 square metres |
| Number Of Objections | One |
| Consultation Meeting | N/A |

Executive Summary

This application seeks planning approval for a four storey mixed use building comprising two ground floor retail tenancies with 25 apartments. Car parking will be contained at basement and ground level accommodating a total of 31 vehicles.

The site comprises a total area of 836 square metres and is located on the corner of Buckley Street and Lincoln Road, Essendon. The southern portion of the site is affected by the Special Building Overlay.

The application was advertised and one objection was received. The concerns related to visual bulk and the car parking reduction sought.

The application was externally referred to both VicRoads, due to the canopy projection within the Road Zone, and to Melbourne Water. No objection was received. Internally, the application was referred to Council's Engineering Services Unit, Traffic and Transportation Unit, Property Services and the Environmental Sustainable Development (ESD) Officer. Conditional support to the application was provided.

This assessment report finds that the proposal demonstrates an adequate level of compliance against the relevant policies and provisions of the Moonee Valley Planning Scheme. Accordingly, it is recommended that Council issue a Notice of Decision to Grant a Permit 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/377/2015 for the use and development of the land for a four-storey building comprising 2 shops and 25 apartments, associated parking reduction, waiver of the loading bay requirements, construction of a building in a Special Building Overlay and works in a Road Zone Category 1 at 222-226 Buckley Street, Essendon (Lot 1 PS 24250), subject to the following conditions:

1. Before the use and development starts, amended plans (three copies) must be submitted and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show;
 - a) All west facing habitable room windows to have vertical sun shading/screening;
 - b) A notation specifying the rainwater tank is to be connected to all residential dwellings toilets to reflect the STORM report;
 - c) The provision for north facing 3kW solar photovoltaic system on the roof;
 - d) Notation to indicate double glazing to all dwellings;
 - e) A notation in accordance with Condition 3b).
 - f) Greater design/material variation along the ground floor Lincoln Road elevation.

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

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. Prior to commencement of construction or carrying out of works, the Owner must enter into an Agreement under Section 173 of the Planning and Environment Act 1987 satisfactory to the Responsible Authority. That agreement must be registered on the title to the land, be free of cost to the Responsible Authority (by the Owner paying the costs and expense of negotiation, preparation, execution and registration of the Agreement and the Section 181 Application) and include provisions that:
 - a) Liability and maintenance of those parts of the development projecting into air space under the care and management of Council and disclaiming any right or intention to make or cause to be made at any time any claim or application relating to adverse position of the land. The owner of the property to be developed must pay all Council's reasonable legal costs and expenses of this Agreement, including preparation, execution and registration on title;

- b) The construction of a nature strip, inclusive of tree planting, along Lincoln Road for the area abutting the site to be designed and constructed to Council's satisfaction with all associated costs to be borne by the permit holder.
- 4. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 5. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
 - a) a description of previous land uses and activities on the land;
 - b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act 1970* (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

If the assessment required by condition 5 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority at the cost of the Permit Holder.

- 6. If the assessment required by condition 5 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the Environment Protection Act 1970 (EP Act) must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
 - a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or
 - b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),and the Certificate or Statement must be provided to the Responsible Authority.

7. If, pursuant to Condition 6, a Statement is issued;
 - a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
 - b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions);
 - c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
 - d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the responsible authority pursuant to section 173 of the *Planning and Environment Act 1987* (Agreement). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
 - e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the responsible authority).
8. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
9. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers vehicles and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;

- h) Environmental management and waste minimisation;
- i) Management of onsite stormwater and contamination: a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;
- j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
- k) Chemical storage;
- l) Noise and vibration;
- m) Works timetable; and
- n) Number of workers expected of work on the site at any one time.

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

- 10. A minimum 30 days prior to any building or works commencing, all WSUD details, such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.
- 11. A minimum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to;
 - a) inspection frequency;
 - b) cleanout procedures;
 - c) as installed design details/diagrams including a sketch of how the system operates; and
 - d) a report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

- 12. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 13. The area set aside for parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must be to the satisfaction of the Responsible Authority:
 - a) Be provided and completed prior to the commencement of the use hereby permitted;

- b) Thereafter maintained;
 - c) Be made available for such use at all times and not used for any other purpose;
 - d) Be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - e) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
14. All obsolete and unnecessary vehicle crossings must be removed and reinstated to footpath, nature strip and kerb and channel, to the satisfaction of the Responsible Authority.
15. Council will not accept any modifications to existing levels within the road reserve or to any Right Of Way (R.O.W). Any change in levels to match existing surface levels along property boundary line must be made within the property boundary.
16. Building or works must not be constructed over any easement without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.
17. Prior to the commencement of buildings and works, detailed engineering drawings to show the re-construction of part of the R.O.W. are to be submitted to and approved by the Responsible Authority. The R.O.W. is to be surveyed and designed by a qualified surveyor/civil engineer respectively. The plans are to indicate, existing surface levels, proposed surface levels and re-construct the existing bluestone on a concrete bedding to the satisfaction of the responsible authority.
- Re-construction of the R.O.W. as specified in this permit must be satisfactorily completed upon the issue of an Occupancy Permit for the approved development. The R.O.W. is to be constructed and properly drained to the satisfaction of the Responsible Authority.
18. 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.
19. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
20. The Sustainability Management Plan (SMP) prepared by 'Efficient Energy Choices' dated 19 August 2015 amended as follows;

- a) Amended STEPS assessment to require a 3kW p/v system and correct number of toilets as specified within the SMP and STORM reports.
- b) Amended SMP requiring star rating for dwellings to be 7 Stars as per the Energy and STEPS reports.

Upon approval of the SMP, the development must be implemented and appropriately managed during the construction of the proposed building.

21. Before the use of the land commences, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include, but is not limited to, the following:
- a) A description of the location in the context of alternate modes of transport and objectives for the Green Travel Plan;
 - b) Outline Green Travel Plan measures for the development including, but not limited to:
 - (i) Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;
 - (ii) Include a minimum of one Myki pass (of at least \$20 value) and registration information per bedroom for each dwelling within the household welcome pack;
 - (iii) Bicycle parking and facilities available on the land; and
 - (iv) Monitoring.
 - c) A plan showing the bicycle parking areas to be provided for use by residents.

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

22. Before the development starts, a 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'.
23. Before the development starts, and before any trees or vegetation are removed, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The 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 landscape plan must be generally in accordance with the plans submitted with the application but modified to show:
- a) Plans to accord with condition 1;

- 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 tolerate species; and
- d) An appropriate irrigation system.

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

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

Melbourne Water Conditions

- 24. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- 25. Shop 1 and Shop 2 must be constructed with ground floor levels set no lower than 20.55 metres to Australian Height Datum (AHD).
- 26. The entrance to the basement must be set no lower than 20.55 metres to AHD.
- 27. Prior to the issue of a Certificate of Occupancy, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

End of Melbourne Water Conditions

VicRoads Conditions

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

End of VicRoads Conditions

- 29. This permit will expire if one of the following circumstances applies;
 - a) The development is not commenced within two (2) years from the date of issue of this permit; or
 - b) The development is not completed and the use is not commenced within four (4) years from the date of issue of this permit.

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

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.

- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, new crossings, building over easements etc.
- A permit must be obtained from Council for all vehicular crossings.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the subject site.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and to the satisfaction of the Responsible Authority.

VicRoads Notes

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

Melbourne Water Notes

- Preliminary land and flood level information available at Melbourne Water indicates that the above property is subject to overland flooding from the Holmes Road Main Drain. For a storm event with a 1% chance of occurrence in any one year, the applicable flood level for the property is 20.25 metres to Australian Height Datum (AHD).

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 257138.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the north side of Buckley Street, at the corner of Buckley and Lincoln Road, Essendon. The land is rectangular in shape with a frontage to Buckley Street of 19.66 metres and a depth of 42.67 metres equating to a total site area in the order of 836 square metres. The land is relatively flat with a 1.05 metre drop from the north-west to the south-east corner.

There are no restrictions or easements on the Certificate of Title.

The site is currently occupied by a single storey concrete warehouse/shop with a galvanised iron roof that is used as a mattress shop.

Vehicle access to the site is provided via an existing crossover from Lincoln Road. Additionally, the site is afforded with legal access to the adjacent 3.6 metre wide bluestone laneway which serves a number of commercial and residential properties.



Figure 2 – Subject Site (222-226 Buckley Street, Essendon)

The pattern of development in this part of Buckley Street can be described as contemporary and robust, with heights varying from between one to four storeys, comprising a mix of commercial and residential uses. There is a three storey building located opposite the site to the west accommodating a total of ten apartments with a commercial use at ground level. Further to the north are three double storey brick dwellings that are accessed via Lincoln Road and the abutting laneway. To the east are a series of single storey commercial buildings and to the south, opposite the site, several three storey commercial buildings. Land further to the south east of the site, at 193 Buckley Street, is currently under construction for mixed use six storey building.

The commercial area extends to the northern and southern side of Buckley Street between Waverley Street and Clarinda Road and contains a mix of retail and office land uses. Areas abutting to the north and south are within the General Residential Zone. A number of bus services operate along Buckley Street which include Route 465 (Keilor Park), Route 468 (Highpoint Shopping Centre) and Smart Bus Route 903 (Altona/Mordialloc). The site is located approximately 800m west of the Essendon Station precinct, 450 metres west of St Columba's College and 350 metres north of Clarinda Park. Buckley Street is a designated Road Zone – Category 1.

1.2 Proposal

The application proposes the construction of a four storey building comprising basement car parking, ground floor retail and parking with apartments above. Additionally, the application seeks a waiver of the loading bay requirements, reduction in visitor and retail parking requirements along with works within a Special Building Overlay and within the Road Zone. The proposal can be summarised as follows;

Table 1

| | |
|----------------------|--|
| Retail area | 178 square metres |
| No of dwellings | 25 (25 x 2 bedrooms) |
| No of car spaces | 31 (29 residential spaces and 2 retail spaces) |
| No of bicycle spaces | 8 spaces |
| Max Building Height | 15.6 metres |
| Site Coverage | 100% |

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

2. Background

2.1 Relevant Planning History

Planning Application MV/277/2014 sought the construction of a four storey building comprising 20 dwellings and ground floor retail. The application lapsed on 16 October 2014.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

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

Local Planning Policy Framework

| | |
|--------------|---------------------------|
| Clause 21.01 | Municipal Profile |
| Clause 21.02 | Key Issues and Influences |
| Clause 21.03 | Vision |
| Clause 21.04 | Sustainable Environment |
| Clause 21.05 | Housing |
| Clause 21.06 | Built Environment |
| Clause 21.07 | Activity Centres |

| | |
|--------------|--|
| Clause 21.08 | Economic Development |
| Clause 22.03 | Stormwater Management (Water Sensitive Urban Design) |

Zoning

| | |
|--------------|-------------------|
| Clause 34.01 | Commercial 1 Zone |
| Clause 36.04 | Road Zone |

Overlay

| | |
|--------|--------------------------|
| Clause | Special Building Overlay |
|--------|--------------------------|

Particular and General Provisions

| | |
|--------------|--|
| Clause 52.06 | Car Parking |
| Clause 52.07 | Loading and Unloading of Vehicles |
| Clause 52.34 | Bicycle Facilities |
| Clause 55 | Two or more dwellings on a lot and Residential Buildings |
| Clause 65 | Decision Guidelines |

2.3 Referrals

External

- Melbourne Water (Section 55)
No objection subject to Conditions 24-27.
- VicRoads (Section 52)
No objection subject to Condition 28.

Internal

- Engineering Services Unit
No objection subject to standard drainage and engineering conditions including the re-construction of the bluestone laneway for the area abutting the site to the north.
- Traffic and Transportation Unit
No objection subject to standard condition (Condition 21) and a further specific condition requiring the provision for a Green Travel Plan. Further, it was highlighted that the development entrance must be designed to make clear vehicles egressing the site do not have priority.
- Property Services
No objection subject to the inclusion of a Section 173 Agreement as means of addressing liability and maintenance associated with the sun-shading projections over the rear laneway.
- Environmental Sustainable Development (ESD) Officer

Recommends the following changes;

- All west facing habitable room windows to have vertical sun shading/screening (Condition 1a);
- A notation specifying the rainwater tank is to be connected to all residential dwellings toilets to reflect the STORM report (Condition 1b);
- Amended STEPS assessment to require a 3kW p/v system and correct number of toilets as specified within the SMP and STORM reports (Condition 20a);
- Amended SMP requiring star rating for dwellings to be 7 Stars as per the Energy and STEPS reports (Condition 20b);
- The provision for north facing 3kW solar photovoltaic system on the roof (Condition 1c);
- Double glazing to all dwellings (Condition 1d).

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 the adjoining and surrounding properties, with two notices erected on the site for 14 days.

As a result, one objection was received from the following address;

- PO Box 250 Pascoe Vale South.

A response is provided in Section 3.10 of this report.

2.5 Consultation Meeting

As the application attracted less than 10 objections, a Consultation Meeting was not required pursuant to the Statutory Planning Protocols.

3. Discussion

3.1 State Planning Policy Framework

The relevant State Planning Policy Framework clauses are considered to be met. For the large part State Planning objectives seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. In this regard, the site is located within a commercial centre that is well served by public transport. The site is located approximately 800 metres west of the Essendon Station precinct which offers additional services and links to central Melbourne.

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

3.2 Local Planning Policy Framework

The proposal complies with Clause 21.04 (Sustainable Environment) through the use of ecologically sustainable design principles. It is noted that the proposed development includes a 10,000 litre rainwater tank within the basement along with a 3kW photovoltaic system on the roof which is considered suitable. Council's ESD officer is generally supportive subject to some modifications as detailed within the referral section. These have been captured as conditions within the recommendation. Further, the implementation of the Sustainability Management Plan (SMP) submitted with the application is to form a condition on any permit granted.

Clause 21.01-6 (Potentially Contaminated Land) seeks to ensure that potentially contaminated land is identified and appropriately tested. Records indicate the land was used as a petrol station up until the mid-1990s. Accordingly a condition of approval will require soil testing in order to establish any potential land contamination.

The proposed development also accords with the objectives of Clause 21.04-7 (Waste) as it integrates waste management and recycling facilities in order to achieve best practice in waste minimisation and recycling. A waste management plan was submitted with the application which details the provision for private bin collection. Council's Engineers will require a further review of the plan. This aspect can be addressed via a condition of any approval issued.

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. It is noted that the subject site is located within an area of 'moderate to high' housing intensification' which lends support for the proposed scale of development. Whilst the proposal seeks to provide solely two bedroom dwellings, the layout and size of the apartments will cater for a wide range of people. In this regard, apartment sizes vary from 64 to 88 square metres with the larger of the dwellings located at the uppermost level.

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

- The proposed development achieves visual interest and articulation along Buckley Street and Lincoln Road through the use of different materials/finishes and the provision of ground floor landscaping, windows, upper floor balconies and staggered setbacks. With respect to the ground floor presentation to Lincoln Road, the proposal includes extensive perforated screening as a means of both screening and ventilating the ground floor car park. Whilst the use of this material is considered acceptable, it is recommended that greater design variation be introduced as a means of reducing the extent of the one consistent material and provide for increased visual interest. Accordingly, Condition 1f) has been imposed.

- With regard to on-site amenity, all proposed habitable rooms have a window with direct access to daylight and no reliance on borrowed light. Balconies are directly accessible via the living areas and range between 8 square metres increasing up to 17 square metres at the uppermost level. Internal corridors are proposed at a generous width of 1.6 metres and will be naturally illuminated via a north facing window and with skylights on the uppermost level.
- While the subject site is not a large or consolidated site, the proposal would significantly enhance interactions, visual interest and passive surveillance to both Buckley Street and Lincoln Road and along the adjoining laneway to the north of the site. The proposal provides for ground floor landscaping beds as a means of softening the building at ground level. In addition, an opportunity exists to further enhance the Lincoln Road streetscape via the inclusion of nature strip and tree planting so as to reduce the current expanse of hard surfacing. The inclusion of greenery in this context will complement both the building and enable the extension of the existing nature strip down to the corner with Buckley Street. Conditions 1e) and 3b) have been imposed to address this aspect.
- The proposal provides an appropriate response to the built form character of the surrounding area, particularly in the context of recent emerging redevelopment, the adjoining interfaces and the unconstrained nature of the site. The setbacks from both Buckley and Lincoln Road, the overall scale, the recessed uppermost level and staggered setbacks along the eastern boundary appropriately respond to the features of the site. With respect to the residential land to the north of the laneway it is submitted that the development provides an appropriate response by including a recessed upper level that assists to graduate the development down to the two storey scale found along Lincoln Road.
- Given the development is located to the south of residential land, there will be no overshadowing impacts over nearby dwellings. With respect to overlooking, permanently fixed perforated screens have been applied, where required, in order to minimise the propensity for external views. Further, the existence of the abutting laneway to the north provides added separation from adjacent residential properties thereby reducing visual bulk impacts. Along the east boundary, the development has an interface with a non-sensitive commercial premises which is constructed along the majority of the shared boundary.
- The proposed development would present a well-integrated development with a sense of address and clearly articulated façades, with defined pedestrian and vehicle links from Lincoln Road. The proposed retail and residential components each contain a defined entry point that are afforded with shelter and an area clearly visible from the streetscape.

- The contemporary design, façade variation and high level of articulation of the proposed building will provide an attractive and interesting built form that will positively integrate the building with its surroundings. The development has been designed in a contemporary style that incorporates a range of materials and finishes and setbacks to create visual interest.
- The subject site is a corner site and is considered to highlight this corner through quality urban design, detailing and massing as it presents to Buckley Street and Lincoln Road. It also seeks to complement the corner massing associated with apartment building on the opposite corner at 228-230 Buckley Street. As such, it is considered that the proposed development is respectful of the surrounding built form, would add value to each streetscape and assist to define this particular intersection.
- The proposed development would not negatively impact on flight safety given its relatively modest height and distance from Essendon Airport.
- Overall, it is submitted that the development achieves an acceptable balance between providing increased housing opportunities and variety in housing stock with a contemporary, site responsive development that offers compact dwellings with varied layouts within the context of a neighbourhood centre, whilst respecting the surrounding built form.

Clause 21.07 (Activity Centres) is applicable in this instance and builds on the objectives and strategies of the State Planning Policies, in particular Clause 11 (Settlement). The site is identified as a 'Neighbourhood Centre' which currently fulfils a commercial and retail role and which also has the potential to fulfil a residential role. The proposal seeks to maintain the retail activity at ground level thus ensuring the viability of the centre is not diminished. Further, the provision for residential accommodation above advances the broader objectives of this neighbourhood centre.

With regard to Clause 21.08 (Economic Development), it is considered that the proposed development would contribute to and enhance the commercial viability of Buckley Street in terms of employment and business. It is noted that the proposed retail tenancy is an 'as-of-right' use within the Commercial 1 Zone.

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

3.3 Compliance with Clause 34.01 Commercial 1 Zone

Pursuant to the table of uses contained within the Commercial 1 Zone, use of the land for accommodation does not require a permit provided any frontage at ground level does not exceed 2 metres. In this case, as the frontage (entry) to the apartments exceeds 2 metres, a permit is required to use the land for the purpose of accommodation.

It is submitted that the provision of apartments above retail advances the relevant planning policies objectives which seek to provide additional housing choice within established areas afforded with a range of services. As such, the proposal is considered to meet the purpose the Zone.

3.4 Compliance with Clause 36.04 (Road Zone)

The application includes encroachments into the road reserve by way of a canopy projection over the footpath.

These aspects of the proposal were referred to Council's Property Services Unit and VicRoads who provided conditional support.

The proposed extent of works are considered acceptable and do no conflict with the purpose of the Road Zone.

3.5 Compliance with Clause 44.05 (Special Building Overlay)

A small portion of the south-eastern corner is affected by the Special Building Overlay. As such, the application was referred to Melbourne Water who raised no objection subject to standard conditions. It is noted that the plans accord with the relevant permit conditions imposed by the Authority resulting in no consequential alterations to the proposed building.

3.6 Compliance with Clause 52.06 (Car Parking)

Table 2

| Unit | Requires | Provides |
|---------------------------|-----------------|-----------------|
| 25 x 2 bedroom apartments | 25 spaces | 29 |
| Retail | 7 | 2 |
| Residential Visitors | 5 | 0 |
| Total | 37 | 31 |

As highlighted above, the proposal provides 29 resident spaces, four more than required, and 2 shop spaces. As such, a parking shortfall of 5 residential spaces and 5 shop spaces is required under the Clause. Council's Traffic and Transportation Unit have raised no objection to the proposed on-site parking provisions.

With regard to traffic generation, the proposal is expected to generate a total of 108 trip ends per day with up to 12 vehicle movements during the AM and PM peak periods. Traffix Group consider the level of traffic generated by the proposal to be relatively low, primarily residential in nature and will not have a detrimental impact on the abutting laneway or surrounding work networks.

With respect to access, all traffic will use the laneway to access to Lincoln Road. The proposal seeks to widen the laneway, in part, to 6.1 metres thereby enabling a two way passing area for two way traffic between the car park entrance and Lincoln Road. Council's Traffic and Transportation Unit have highlighted that the entrance treatment to the car park should

take into consideration that there are other land uses on Buckley Street and Lincoln Road that utilise the laneway. Accordingly, it has been suggested that the development entrance must be designed to make it clear that vehicles egressing the site do not have priority. It is submitted that the vehicle entrance has been designed appropriately. The proposal enables the widening of the current 3.6 wide laneway to 6.1 metres thereby providing increased ease of two way movement. Further, the proposed building is splayed at the north western corner providing for an additional area clear of visual obstructions. As the building is located adjacent to the entrance to Lincoln Road, speeds will be low and motorists will become accustomed to the typical vehicle movements.

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

Clause 52.07 triggers loading and unloading requirements for the retail premise within the proposed development. The proposed retail tenancies are relatively small and it is generally accepted that deliveries to retail premises' of this scale are delivered by a van or car. Such vehicles would utilise on-street car parking, or nearby loading zones, for short periods of time to drop off goods. Council's Traffic and Transportation Unit have no objection to this arrangement. In addition to this, it is noted that VCAT commonly waive loading and unloading requirements for small commercial tenancies similar in size to that contained within the proposed development.

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

3.8 Compliance with Clause 52.34 (Bicycle Facilities)

The application attracts a requirement of 8 bicycle spaces comprising 5 resident spaces and 3 residential visitor spaces. There are no requirements for the proposed retail component.

The application provides the required 8 bicycle spaces within the ground level of the building adjacent to the entry.

3.9 Compliance with Clause 55 (ResCode) Assessment

Given the location of the site within an established commercial zone with no immediate direct residential abutments, it is considered that an assessment against the objectives and strategies of Clause 21.06-4 (Urban Design) is more appropriate in this instance. It is noted that the relevant objectives, standards and decision guidelines of Clause 55 have been considered within Section 3.2 of this report.

3.10 Objection

Table 4

| Issue | Officer Response |
|---|---|
| The building should be setback further from the | For the most part, the building has been adequately setback from the eastern boundary between 1.5-2 metres which is consistent with the setback |

| Issue | Officer Response |
|--|---|
| eastern boundary at levels 1 and 2 to reduce building bulk and to comply with similar requirements for developments at 200-202 and 206 Buckley Street. | arrangements on similar scale approved developments. The extent of the boundary wall construction is confined to the front and rear of the property. Given the context of the site within an established commercial precinct the proposed extent of boundary construction and overall building scale is considered acceptable. Further, the development provides adequate equitable development opportunities should the immediately adjoining property to the east be redeveloped. |
| Off-street parking should be provided for shop customers given the limited supply of on-street parking. | Council's Traffic Transportation Unit have raised no objection to the proposed parking provisions. Accordingly, the proposal is considered acceptable. |

4. Human Rights

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

5. Conclusion

The application has been assessed against the provisions of the State and 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 one objection 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. Accordingly, it is recommended that the application be supported in line with the recommendation section.

Appendices

Appendix A: Plans - 222-226 Buckley St, Essendon - MV/377/2015 (separately circulated)

9.7 21-23 Norwood Crescent, Moonee Ponds (Lots 1 & 2 LP25566)
- Use and development of the land for a six storey building
comprising 31 dwellings, an office and a reduction in car
parking requirements

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

| | |
|--|--|
| Planning File No. | MV/439/2015 |
| Proposal | <ul style="list-style-type: none">• Construction of a six storey building comprising 31 dwellings and an office• Reduction in office and visitor car parking requirements |
| Applicant | MAP Architecture & Design Pty Ltd |
| Owner | Waverley Nominees Pty Ltd, John Tsinidis and Marilyn Tsinidis |
| Planning Scheme Controls | <ul style="list-style-type: none">• Activity Centre Zone (ACZ1)• No overlays |
| Planning Permit Requirement | Clause 37.08-2 – Use of the land for an office Clause 37.08-5 – Construct a building or construct or carry out works Clause 52.06-3 – Reduction in car parking requirements |
| Car Parking Requirements (Clause 52.06) | Required: 54 car spaces Provided: 45 car spaces |
| Bicycle Requirements | Required: 9 bicycle spaces Provided: 10 bicycle spaces |
| Restrictive Covenants | None |
| Easements | None |
| Site Area | 841 square metres |
| Number Of Objections | 8 |
| Consultation Meeting | Not applicable |

Executive Summary

- The application seeks planning approval for the use and development of the land for a six storey building comprising 31 dwellings, an office and a reduction in car parking requirements.
- The site has an area of 841 square metres and is located on the western side of Norwood Crescent, Moonee Ponds. The site comprises two existing single storey brick dwellings.
- The application was advertised and eight objections were received. The concerns raised related to overdevelopment, height, building design, size of one bedroom dwellings, car parking, traffic, safety, overshadowing, impacts on infrastructure/services, construction impacts, excavation impacts and outdated photos and information being submitted to Council.
- A Consultation Meeting was not held as less than 10 objections were received by Council.
- The application was externally referred to VicTrack and internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit, Waste Management Unit, Environmental Sustainable Development (ESD) Officer, Urban Designer and Arborist. Conditional support to the application was provided.
- This assessment report finds that the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme, and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.



• Figure 1 – Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/439/2015 for the use and development of the land for a six storey building comprising 31 dwellings, an office and a reduction in car parking requirements at No.21-23 Norwood Crescent, Moonee Ponds (Lots 1 & 2 LP25566), subject to the following conditions:

1. Before the use and 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) Correct title boundary dimensions on all floor plans in accordance with the Certificate of Title and associated Plan of Subdivision (LP25566).
 - b) Deletion of the notation 'Level 5' on Drawing P109 (Level 4).
 - c) A reduction in the lift overrun height by at least 0.80 metres, to a maximum of 65.10m AHD.
 - d) Provision for access to natural light and ventilation to internal pedestrian corridors on the fourth and fifth floor levels, resulting in internal modifications to Dwellings 404 and 504 or 401 and 501.
 - e) Provision for access to natural light and ventilation to exposed external stairwell and bathroom walls that are set off the northern and southern property boundaries.
 - f) All light courts on the first, second and third floor levels along the northern and southern elevations a minimum of 4.5m² in area.
 - g) All balconies associated with two bedroom dwellings a minimum of 8m² in area.
 - h) The basement vehicle access ramp provided with a passing area at the entrance at least 5m wide and 7m long.
 - i) Provision of a fully compliant pedestrian visibility splay (2.0 x 2.5 metres) on the egress side of the vehicle accessway.
 - j) Provision of a sufficient traffic management design solution (i.e. traffic light signals or similar) to advise motorists of other vehicles on the ramp.
 - k) One of the 'ST 03' storage cages reallocated to Dwelling 24.
 - l) The location and details of any basement access/security doors clearly shown on the floor and elevation plans.
 - m) The correct location and details of the existing crossover to be removed and reinstated to nature strip, kerb and channel to the satisfaction of the Responsible Authority clearly shown on the Ground Floor Plan.
 - n) The location of the existing street tree and setback dimension from the proposed crossover clearly shown on the Ground Floor Plan.
 - o) All 1.7m and/or 1.8m high internal privacy screening between balconies

clearly annotated on the floor plans.

- p) Further details of the proposed feature panel 'FP' (perforated metal picture of a gum tree image) clearly shown on the elevation plans and external finishes legend.
- q) Details (height and construction materials) of the rear boundary fence clearly shown on the Ground Floor Plan, with such fencing to be solid to a minimum height of 1.8 metres above natural ground level.
- r) The provision of 300mm trench grates at the bottom of each basement ramp.
- s) A notation on the plans that the raingardens must be set back a minimum of 300mm from a site boundary and a minimum of 300mm from a building and that the raingardens must be lined and have their overflow plumbed into the stormwater system.
- t) Demonstration on the Ground Floor Plan as to how the rainwater runoff is to be:
 - i) Collected from any nominated impervious surface area.
 - ii) Distributed to the nominated sized and located raingarden (i.e. is it gravity fed or pumped and show the grading of the paved area).
- u) A roof plan which graphically shows:
 - i) All roof areas, both treated by WSUD and untreated.
 - ii) The specific roof area in square metres of the rainwater catchment area discharging into the nominated stormwater treatment, with the WSUD treatment capacity clearly annotated.
 - iii) Water tank volumes and numbers of toilets the water tanks are connected to.
 - iv) The details must be consistent with the information provided in the approved complying STORM Rating Report.
- v) Each rainwater tank to be noted to state, on all relevant plans:
 - i) The capacity of the rainwater tank.
 - ii) Whether a mechanically, fully charged or gravity fed system is proposed.
 - iii) Number of toilets connected to the rainwater tank, as detailed on the STORM Rating Report.
 - iv) The roof catchment area collected to the rainwater tank, as detailed on the STORM Rating Report.

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 WSUD 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.

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 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) Inspection frequency;
 - b) Cleanout procedures;
 - c) As installed design details/diagrams including a sketch of how the system operates;

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

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

- 6. Before the building approved by this permit is occupied, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 7. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
- 8. 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 building approved by this permit is occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed 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 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.

11. Before the building approved by this permit is 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. Any security access door, gate or similar device controlling vehicular access to the land must be located a minimum of six metres inside the land to allow vehicles to store clear of the Norwood Crescent pavement and footpath.
13. Bicycle parking spaces, access, lockers and compounds must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.
14. 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 manufacturers 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 building approved by this permit is 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. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plan) must not be erected above the roof level of the building.
19. The plant and equipment on the roof of the building must be screened in a manner to complement the appearance of the building and be to the satisfaction of the Responsible Authority.
20. The development must be provided with external lighting capable of illuminating access to the basement entrance, each car parking space and pedestrian walkways. All car parking facilities are to be well lit in accordance with AS1680.2.1:2008. 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.
21. 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).
22. Noise levels emanating from service equipment on 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).
23. 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 the noise attenuation measures required to all habitable rooms within each dwelling to ensure minimal impacts from noise sources external to that dwelling.

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.

24. All security alarms or similar devices installed on the land must not emit any noise which is audible beyond the boundary of the land and must be designed in accordance with the relevant Australian Standard and must be connected to a security monitoring service.
25. 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 products, grit or oil.
 - d) Presence of vermin.
 - e) Or in any other way.

To the satisfaction of the Responsible Authority.

26. Prior to the commencement of buildings and works, the ESD Management Plan prepared by 'Sustainable Built Environments' Revision 4 dated 15 October 2015 is to be submitted to the Responsible Authority for approval. Once approved, the SMP is to be implemented and appropriately managed during construction of the proposed buildings.
27. Before the development starts, and before any trees or vegetation are removed, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The 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 landscape plan must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Plans to accord with Condition 1 of this permit.
 - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes botanical names, common names, pot size, mature size and total quantities of each plant.
 - c) The use of drought tolerant species.
 - d) Features such as paths, paving and accessways.
 - e) All planting abutting the vehicle accessway 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.
 - f) An appropriate irrigation system.

When approved, the 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.

28. 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.
29. The existing street tree at the front of the site along Norwood Crescent must not be removed or damaged as a result of the permitted development, except with the prior written consent of the Responsible Authority.
30. Before the development starts, a 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' and must:
 - a) Be generally in accordance with the Waste Management Plan prepared by 'Leigh Design' dated 16 June 2015.

- b) Reflect the correct number and type of dwellings and area of office space within the development.

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.

31. 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 and the use is not commenced 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 the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- 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.
- 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.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.

- Before the development starts, separate approval must be obtained from Moonee Valley City Council in relation to any proposed removal and/or replacement of the street tree. 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 and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and or easement. Council will not accept any modifications to existing levels within any road reserve or easement.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the western side of Norwood Crescent, Moonee Ponds. The site is irregular in shape with a frontage to Norwood Crescent of 23.20 metres and a maximum depth of 42.24 metres resulting in a total area of approximately 841m².

The land has an approximate 1.2 metre fall from the west of the site to the east.

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

The site comprises two single storey brick dwellings with associated outbuildings. The existing dwellings have a minimum front setback of approximately 6.5 metres for No.21 Norwood Crescent and 5.5 metres for No.23 Norwood Crescent. Vehicle access is obtained from a double width shared existing crossover to the east along Norwood Crescent. While a number of large trees exist on the subject site, there is no presence of significant or protected vegetation. There is one street tree located at the front of the site along Norwood Crescent.



Figure 2 – Subject site (No.21-23 Norwood Crescent, Moonee Ponds)

The surrounding area is comprised of predominantly activity centre zoned land used and developed for commercial and residential purposes. The subject site is located within the Moonee Ponds Activity Centre, is directly opposite Moonee Ponds Railway Station, adjoins the No.467 bus route and is within close proximity of numerous other public transport options, local businesses and schools. The built form within the vicinity is predominantly single and double storey, with examples of multi-dwelling and multi-storey developments evident nearby. While the built form found within the immediate vicinity predominantly comprises of brick or render external finishes, the broader area is very much eclectic with an emergence of new and contemporary developments nearby.

1.2 Proposal

It is proposed to use and develop the land for a six storey building comprising 31 dwellings, an office and a reduction in car parking requirements. The proposal, as advertised, can be summarised as follows:

Table 1

| | |
|-----------------------|---|
| Office area | 494 square metres |
| No. of dwellings | 31 (26 x 2 bedrooms and 5 x 1 bedroom) |
| No. of car spaces | 45 (31 resident spaces, 11 office spaces and 3 visitor spaces) |
| No. of bicycle spaces | 10 (7 resident spaces and 3 visitor spaces) |
| Max. building height | 20.4 metres (24.7 metres including lift overrun and roof terrace) |
| Site coverage | 90.60% (approximately) |
| Permeability | 3.65% (approximately) |

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

2. Background

2.1 Relevant Planning History

21 Norwood Crescent, Moonee Ponds

No relevant planning history has been identified for this allotment.

23 Norwood Crescent, Moonee Ponds

Planning Permit MV/4487/1986 was approved for psychologists consulting rooms on 22 December 1989.

Planning Permit MV/2733/1979 was approved for an office circa 1979.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

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

Local Planning Policy Framework

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

Zoning

- Clause 37.08 Activity Centre Zone

Particular and General Provisions

- Clause 52.06 Car Parking
- 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

- VicTrack
 - No objection.

Internal

- Engineering Services Unit
 - No objection subject to standard drainage and engineering conditions.
- Traffic and Transportation Unit
 - No objection subject to the widening of the entrance ramp to at least five metres to provide an opportunity for waiting/passing between the roadway and the first intersecting ramp.

Planner's comments

- The proposed vehicle accessway should meet the requirements of Clause 52.06-8 (Design Standards for Car Parking) and provide a passing area at the entrance at least five metres wide and seven metres long. Given the restricted sightlines, it is also considered that a suitable traffic light/signal system be implemented to advise motorists on all levels when vehicles are on the access ramp. These are to be conditions on any permit granted (refer to Conditions 1.h and 1.j).
- Waste Management Unit
 - No objection to the Waste Management Plan, subject to the provision of waste chutes.

Planner's comments

- The provision of waste chutes for a development of this size and scale is considered onerous, particularly when the bin storage room is located opposite the lift and stairwell for convenient access.
- Urban Design Officer
 - No objection subject to design changes to the built form, which were adequately accommodated during the further information stage.
- ESD Officer
 - No objection to the ESD Management Plan or STORM Rating Report, subject to the inclusion of standard conditions on any permit granted.
- Arborist
 - No objection subject to standard conditions.

2.4 Public Notification of the Application

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

As a result, eight (8) objections were received from the properties contained within **Appendix A** of this report.

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

3. Discussion

3.1 State Planning Policy Framework (SPPF)

The relevant State Planning Policy Framework clauses are considered to be met. For the large part State Planning objectives seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. The subject site is located within the Moonee Ponds Activity Centre under *Plan Melbourne: Metropolitan Planning Strategy*, is located directly opposite Moonee Ponds Railway Station and is within close proximity of numerous local businesses, schools and public transport options. The location of the subject site is considered to lend support for a more intensive form of residential and commercial development.

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

Landmarks, Views and Vistas

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

Heritage

The site is not subject to a Heritage Overlay and does not directly abut any properties subject to a Heritage Overlay. There are a number of heritage properties located to the south and east of the site, however the proposed development is contemporary in design and would not detract from the heritage character of these properties. The proposed development does not mimic any existing heritage characteristics found within the immediate vicinity, which is in accordance with the provisions of the Burra Charter 1999.

With regard to Clause 16.01-3, the subject site is considered to be a 'strategic redevelopment site' as it is located within an Activity Centre, abuts a train route

that forms part of the Principal Public Transport Network and is able to provide more than 10 dwellings. The proposal contributes to the objective of Clause 16.01-4 (Housing Diversity) by providing a mix of dwelling sizes in various configurations, which will cater for the increasingly diverse needs of future residents.

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

3.2 Local Planning Policy Framework (LPPF)

The proposal complies with the objectives and strategies of Clause 21.04 (Sustainable Environment) through the use of ecologically sustainable design principles, as highlighted within the submitted ESD Management Plan. 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 has no objection to the proposed development, subject to the inclusion of conditions on any permit granted.

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

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

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

Context and Building Design / Urban Context

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

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

directly opposite a train station within an Activity Centre, unencumbered by a heritage overlay or sensitive interfaces to the north and south.

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

The front façade would make a positive contribution to Norwood Crescent and help integrate the development with the street and assist to enhance the experience for pedestrians. The inclusion of a ground floor office and lobby area, with extended patio, provides for a reasonably active frontage at the street level which is consistent with the design objectives of the policy. It is also noted that there would be a significant increase in fenestration, passive surveillance and public safety to the site as a result of the proposed development. The incorporation of balconies at the upper floor levels provides appropriate articulation of the building façade and maximises opportunities for visibility and passive surveillance. In addition to this, all vehicle and pedestrian entries are well defined and clearly identifiable from the public realm.

Car parking for the development is proposed to be contained within three basement levels with a single access point from Norwood Crescent. It is considered that the provision of a single vehicle accessway can be comfortably absorbed along this streetscape, noting that it is also proposed to remove and reinstate the existing double width crossover. The design of the basement ramp will also obscure views of the car parking area, allowing the articulated built form to be the main focal point of the proposed development. Therefore, car parking would be adequately concealed from Norwood Crescent, allowing the proposed development to address the streetscape with a more active frontage.

Setbacks and Site Coverage / Building Envelope

The objectives for this design element seek to ensure that the siting of new development responds to the context of the site and does not adversely affect the preferred neighbourhood character, including off-site amenity impacts. The proposed site coverage and setbacks are considered to be acceptable to the activity centre setting of the site and the requirements of Schedule 1 to the Activity Centre Zone (ACZ1).

While the four storey podium is built up to the front and side property boundaries, this provides an acceptable response to the opportunities and constraints of the site, including zoning requirements. In particular, an 11 metre high (3-4 storey) street wall to Norwood Crescent is acceptable under the ACZ1. While the proposed development exceeds the street wall height by 2.85 metres, the generous ground level setbacks and staggered first, second and third floor level setbacks provide interesting design variation and articulation across the façade while minimising visual bulk. This is considered to be an acceptable alternative treatment to the quantitative setback requirements of the ACZ1 in this instance. It is noted that the ACZ1 does not provide for side or rear setback requirements, thereby allowing development to be built up to these property boundaries.

The design response to provide a 1.55 metre rear setback at ground level, approximately 4.5 metres at the first, second and third floor levels and approximately 5.3 metres at the fourth and fifth levels helps reduce potential visual bulk and amenity impacts on the existing residential building to the west.

The provision of two light courts along each of the northern and southern (side) property boundaries at the first, second and third floor levels with increased setbacks of approximately 2-3 metres at the fourth and fifth levels generally allow for equitable development opportunities to adjoining properties directly to the north and south. However, it is considered that these light courts should be increased in size (i.e. 4.5m² in area) in order to improve internal amenity and equitable development opportunities, particularly given the proposal exceeds the preferred building height of sub-precinct 5A (14 metres) within the ACZ1. This is to be included as a condition on any permit granted accordingly (refer to Condition 1.f).

The proposed development has a site coverage of approximately 90.60%, which is considered acceptable to a site within an Activity Centre Zone. This is also considered acceptable given the extent of properties with a high level of site coverage within the Moonee Ponds Activity Centre.

Building Height and Silhouette

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

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

The ACZ1 provides guidance on heights for the subject site, with a preferred building height of 14 metres for sub-precinct 5A. While the proposed development exceeds this height by approximately 5.70-6.40 metres (not including the lift overrun or roof terrace), the location of this site directly opposite a train station with limited encumbrances lends itself to a higher level of development. Furthermore, the proposed development demonstrates an urban design benefit through a well resolved design response, high quality architecture and suitable setbacks from adjoining properties, subject to conditions as discussed earlier. The proposed roof terrace is also considered to be a positive addition to the development that provides for active uses to building users while providing a positive contribution to the skyline. It is noted that Council's Urban Designer supports the height of the proposed development, as referenced within Section 2.3 of this report. However, it is considered that the lift overrun should be reduced in height to minimise visual impacts from longer range views and maintain a positive contribution to the skyline. A reduction in the lift overrun height by 0.80 metres, to a height of 65.1m AHD in lieu of 65.9m AHD, is considered appropriate in this instance and is to be included as a condition on any permit granted accordingly (refer to Condition 1.c). Therefore, subject to modification, the proposed height and silhouette of the building meets the objectives of this design element and is considered appropriate in this instance.

Internal Circulation, Space and Building Adaptability / Circulation and Services

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

The entry point to the building will be easily identifiable from within the basement car parking levels, with a centrally located lift and stairwell providing access to the upper levels. A separate pedestrian access point, in the form of a shared lobby area, is provided along the Norwood Crescent frontage. The provision of lift and stair access in conjunction with a lobby/foyer area at the front entrance will allow for ease of movement, including the movement of furniture, emergency access and escape.

The development generally provides an adequate and efficiently designed parking layout that will ensure safe vehicle movements. As discussed within Section 2.3 of this report, Council's Traffic and Transportation Unit has no objection to the proposal subject to the widening of the entrance ramp to at least five metres (refer to Condition 1.h). This is considered acceptable as discussed within Section 2.3 of this report.

In terms of storage space, all dwellings have been provided with 6.3m³ of storage space within the basement levels, subject to one of the 'ST 03' storage cages being allocated to Dwelling 24 as a condition on any permit granted (refer to Condition 1.k). This proposed storage arrangement is considered adequate to cater for the storage needs of dwellings within a residential building that do not rely on private garden areas for open space.

Provision for waste storage is included within Basement Level 1 by way of a common bin storage area for all residents and the occupiers of the office. Council's Waste Management Unit has no objection to the waste management plan as outlined within Section 2.3 of this report. Therefore the waste management plan is to form a condition for endorsement on any permit granted.

On-Site Amenity and Liveability / Building Layout and Design

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

In a general sense, the layout of each dwelling provides an appropriate level of amenity for future occupants. Residents will be afforded with generous sized open plan living opportunities with good fenestration and access to daylight, subject to the light courts along the northern and southern property boundaries being a minimum of 4.5m² in area as a condition on any permit granted. It is noted that all habitable rooms (living areas and bedrooms) have direct access to daylight, which is considered to be a good design outcome allowing for a high level of internal amenity for each dwelling. However, it is considered that all bathroom and stairwell walls that are set off their respective property boundaries, along with the internal pedestrian corridors on the fourth and fifth floor levels, should provide for direct natural light and ventilation. This higher level of internal amenity to the upper floor levels would help justify the merits of the additional height exceeding the preferred building heights of the ACZ1 and

is to be conditioned on any permit granted accordingly (refer to Conditions 1.d and 1.e).

Each dwelling is provided with a balcony area ranging from 6m² to 14m², which is not considered acceptable given these balconies are associated with two bedroom dwellings and the site is not located within close proximity of any public reserves. While the proposed development provides for a modest communal roof terrace for additional leisure and recreational options, this is not considered adequate in size to help offset the private open space needs of occupants within two bedroom dwellings. Therefore, all balconies associated with two bedroom dwellings should be increased in size to a minimum of 8m² as a condition on any permit granted (refer to Condition 1.g).

The proposed development has been designed to limit internal overlooking to lower-level dwellings directly below and within the same development, where possible. While there is some minor internal overlooking potential, this would not significantly or detrimentally impact on the amenity of any future occupants as they would be aware of this upon inspecting/purchasing a dwelling. Therefore, the proposal is considered acceptable in this instance.

The proposed development is to minimise the transmission of noise within the development, including from external sources such as the adjoining railway line, through the provision of an acoustic engineering report as a condition on any permit granted (refer to Condition 23).

Off-Site Amenity

There would not be any overlooking potential to existing dwellings from the proposed development. While ResCode is not applicable in this instance, it is noted that the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme have been met.

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

The proposed development would minimise the transmission of noise to adjoining properties through the inclusion of suitable conditions on any permit granted (refer to Conditions 21-24).

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

Parking, Traffic and Access

See comments provided by Council's Traffic and Transportation Unit within Section 2.3 of this report in addition to 'Clause 52.06 (Car Parking)' within Section 3.4 of this report.

Landscaping and Fencing / Open Space and Landscape Design

The subject site currently has limited permeability and does not contain any significant landscaping or vegetation. The proposed development would have approximately 90.60% site coverage, which is considered acceptable to a site within an Activity Centre area. However, there is provision for some landscaping

opportunities at the front of the site addressing Norwood Crescent, including the provision of a new street tree, and along the rear property boundary which is considered suitable to the zoning and context of the site. Planting details of the proposed landscaping and street tree are to be submitted to Council, and this is to be a condition on any permit granted (refer to Condition 27).

Environmental Sustainability

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

The waste management plan is considered to be acceptable, as discussed earlier, and is to form a condition for endorsement on any permit granted accordingly (refer to Condition 30).

The proposed development has incorporated many Environmentally Sustainable Design initiatives, including the provision of a 15,000 litre rainwater tank in the basement for the re-use of stormwater within the development. Furthermore, all habitable living areas and bedrooms would have windows with direct access to daylight. However, access to natural daylight and ventilation should be improved to internal pedestrian corridors, bathrooms and the stairwell as discussed earlier, which would reduce reliance on mechanical ventilation and artificial lighting, thereby improving energy efficiency. These changes are to be included as conditions on any permit granted accordingly (refer to Conditions 1.d and 1.e).

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

Service Infrastructure

The proposed infill development would utilise existing infrastructure and services available on site and within the surrounding area. This is considered to be an efficient and appropriate use of available resources. Furthermore, Council's Engineering Services Unit has no objection to the proposal subject to the inclusion of conditions on any permit granted.

Clause 21.07 (Activity Centres) is applicable in this instance and builds on the objectives and strategies of the State Planning Policies, in particular Clause 11 (Settlement). The subject site is located within the Moonee Ponds Activity Centre (MPAC) as identified in Plan Melbourne. The proposed mixed-use development continues to promote commercial and residential growth within this area. The MPAC Structure Plan and Activity Centre Zone Schedule 1 have been considered in the design and assessment of the proposed development, to which there is a high degree of compliance. While the proposed building height for the subject site exceeds the preferred building height of Precinct 5A (Holmes precinct), this is considered acceptable as discussed earlier.

With regard to Clause 21.08 (Economic Development), it is considered that the proposed development would contribute to and enhance this section of Norwood Crescent in terms of employment and business. The proposed office is an appropriate use within the Activity Centre Zone, as discussed within Section 3.3 of this report. The proposal is considered acceptable accordingly.

The proposal complies with Clause 22.03 Stormwater Management (Water Sensitive Urban Design) and meets the required on-site stormwater treatment as demonstrated by achieving at least 100% on the STORM Rating Report. The relevant WSUD requirements, including stormwater treatment measures and relevant annotations, are to be included as conditions on any permit granted in accordance with this policy.

3.3 Compliance with Clause 37.08 (Activity Centre Zone)

It is considered that the use of the land for an office is acceptable within an Activity Centre Zone. While the office frontage to Norwood Crescent exceeds two metres in width, this complements existing office uses directly to the north and south of the site along this section of Norwood Crescent and will provide an appropriate level of activation to the streetscape accordingly. Furthermore, the proposed office use provides an acceptable transition in uses along Norwood Crescent, from retail to the south near Holmes Road and offices to the north. As the proposed development is not adjacent to residential zoned land, and maintains the east/west connection through Precinct 5 of the Moonee Ponds Activity Centre, it accords with the relevant objectives of this zone.

The proposed development requires a permit under Clause 37.08-5 (Buildings and Works). As discussed within Section 3.2 of this report, the proposal is considered to be a good design outcome for the site and surrounding area.

3.4 Compliance with Clause 52.06 (Car Parking)

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

Table 2

| Unit | Requires | Provides |
|--|-----------------|-----------------|
| 31 Dwellings (26 x 2 bedrooms and 5 x 1 bedroom) | 31 | 31 |
| Office (494m ²) | 17 | 11 |
| Residential visitors | 6 | 3 |
| Total | 54 | 45 |

As discussed under Section 2.3 of this report, Council's Traffic and Transportation Unit have no objection to the proposed development, subject to the widening of the entrance to the vehicle access ramp.

With regard to the reduction in office and visitor car parking requirements, the subject site is located directly opposite the Moonee Ponds Railway Station and No.467 bus route which provide alternate modes of transport to and from the subject site. The proposed development also provides for 10 bicycle spaces which can be utilised by office staff and visitors to the proposed development. It is also noted that there is ample on-street car parking available nearby that can

be utilised by both office staff and visitors, with a substantial increase in capacity for residential visitors outside of business trading hours. Such measures would all help offset the office and visitor car parking spaces not being provided for on-site.

With regard to residential and office traffic generation, the proposed development is expected to generate approximately 26 vehicle movements during peak periods and approximately 177 daily traffic movements in total. TTM Consulting (Vic) Pty Ltd consider these volumes to be low in a traffic engineering context and therefore the proposal will have no adverse impacts on traffic conditions within the surrounding street network.

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 Compliance with Clause 52.34 (Bicycle Facilities)

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

Table 3

| Unit | Requires | Provides |
|----------------------|-----------------|-----------------|
| 31 Dwellings | 6 | 7 |
| Residential visitors | 3 | 3 |
| Office employees | 0 | 0 |
| Office visitors | 0 | 0 |
| Total | 9 | 10 |

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

3.6 Objections

Table 4

| Issue | Officer Response |
|---|--|
| Overdevelopment | This is considered acceptable as discussed within Sections 3.1 and 3.2 of this report. |
| Height not in accordance with the ACZ1 | This is considered acceptable, subject to a reduction in the lift overrun height, as discussed within Section 3.2 of this report. |
| Building design | This is considered acceptable as discussed within Section 3.2 of this report. |
| Size of one bedroom dwellings too small | The proposed one bedroom dwellings are 55-57m ² in area, which is considered to be an acceptable size for adequate internal amenity and the enjoyment of future occupants who decide to purchase/live within these dwellings. Furthermore, it is not uncommon for smaller apartments to be found opposite railway stations as they contribute to housing affordability and can provide a suitable |

| | |
|--|---|
| | housing alternative to people that cannot afford larger dwellings in established and inner-city areas (i.e. single professionals, young couples, etc.). |
| Car parking and traffic issues | This is considered acceptable as discussed within Sections 2.3 and 3.4 of this report. |
| Pedestrian safety and increased vehicle accidents | Pedestrian safety will not be significantly compromised as all vehicles will be able to egress the site in a forward direction, and pedestrian visibility splays will be provided alongside the vehicle accessway in accordance with the requirements of Clause 52.06-8 (Design Standards for Car Parking). Pedestrians will have to exercise the same level of caution approaching this vehicle accessway as with any other accessway associated with a dwelling or larger development. |
| Will create darkness and increase risk to personal safety | The proposed development will provide additional interaction, baffled lighting and passive surveillance to the site and surrounding area, thereby improving safety and security along Norwood Crescent. |
| Overshadowing | It is noted that the proposed development meets the requirements of Clause 55.04-5 (Overshadowing). This is considered acceptable as discussed within Section 3.2 of this report. |
| Impacts on existing infrastructure/services | The subject site is located within an Activity Centre, which encourages higher densities to utilise the existing infrastructure network and extensive local services available nearby. As mentioned within Section 2.3 of this report, Council's Engineering Services Unit has no objection to the proposed development subject to the inclusion of conditions on any permit granted. Any infrastructure upgrades required will need to be undertaken by the applicant in consultation with the relevant authority, where required. |
| Construction impacts, safety and noise during construction | A Construction Management Plan will be required as a condition on any permit granted in order to minimise potential construction impacts on surrounding properties. The construction of the proposed development will only be allowed during appropriate hours as stipulated under EPA legislation and Local Law guidelines. |

| | |
|---|--|
| Excavation could cause land/buildings to collapse | A building permit is required in order to assess the structural integrity of the proposed development. Any damage to surrounding properties during the construction phase is not a valid planning consideration and is controlled/managed through the building permit process. |
| Photos and information submitted to Council is outdated | This is noted and was 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: List of Objectors

Appendix B: Advertised Plans (separately circulated)

Location of Objector's Properties

| |
|--|
| 2/8 Sydenham Street, MOONEE PONDS VIC 3039 |
| 3/19 Norwood Crescent, MOONEE PONDS VIC 3039 |
| 1 Sydenham Street, MOONEE PONDS VIC 3039 |
| 7 Sydenham Street, MOONEE PONDS VIC 3039 |
| 1/16 Holmes Road, MOONEE PONDS VIC 3039 (X2) |
| 1/51 Holmes Road, MOONEE PONDS VIC 3039 |
| 5 Sydenham Street, MOONEE PONDS VIC 3039 |

9.8 1 Melfort Avenue, Essendon (Lot 9 PS012260) - Use and development of the land for the purpose of a childcare and display of business identification sign

File No: FOL/16/130
Author: Team Leader Statutory Planning
Directorate: Planning & Development
Ward: Buckley

Purpose

To seek a correction to the resolution made at the Ordinary Meeting of Council held 23 February 2016 (Minute No. 2016/06) relating to a planning application for 1 Melfort Avenue, Essendon.

Recommendation

That Council issue a Planning Permit in relation to Planning Permit Application MV/668/2015 for the use and development of the land for the purpose of a childcare centre and display of business identification signage at No. 1 Melfort Avenue, Essendon (Lot 9 PS012260) subject to the conditions as stipulated within the resolution made at the Ordinary Meeting of Council held 23 February 2016 (refer Minute No. 2016/06).

Background

At its Ordinary meeting held on 23 February 2016 Council resolved to “*Issue a Notice of Decision to Grant a Planning Permit*” in relation to a planning application at 1 Melfort Avenue, Essendon for the use and development of the land for the purpose of a childcare centre and display of business identification signage. Given the nature of this application, a planning permit should have been issued without having issued a ‘*Notice of Decision*’ in the first instance.

Discussion

Under Section 63 of the Planning & Environment Act 1987 and subject to section 64A, once it has decided in favour of an application, the responsible authority must issue the permit to the applicant if no one has objected under Section 57 or if notice of the decision to grant the permit is not required to be given to objectors under section 64.

In this instance, the planning application did not receive any objections to the application and as such, the wording as resolved on 23 February 2016 (Minute No. 2016/06) “*Issue a Notice of Decision to Grant a Planning Permit*” is not technically correct. As such, a “Planning Permit” needs to be issued, rather than a “Notice of Decision to Grant a Planning Permit.”

The conditions merits of the assessment and the content of the Council Report remain unaltered.

Conclusion

To ensure compliance with its obligations under the Planning & Environment Act 1987 it is recommended that Council amend the resolution concerning Planning Permit Application MV/668/2015 for the use and development of the land for the purpose of a childcare centre and display of business identification signage at No. 1 Melfort Avenue, Essendon (Lot 9 PS012260) (refer Minute No. 2016/06).

Appendices

Nil

9.9 Airport West Activity Centre Structure Plan Review - Draft Issues and Opportunities - Community Consultation Key Findings Report

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

Purpose

To inform Council of the outcomes of community consultation for the Airport West Activity Centre Structure Plan Review, draft Issues and Opportunities Report and to outline the expected progression of the Review.

Executive Summary

- In 2002 Airport West was identified as a Principle Activity Centre in the former metropolitan planning strategy, “Melbourne 2030”; now referred to as an Activity Centre following the introduction of “Plan Melbourne” in 2014. A Structure Plan for the centre was prepared and adopted by Council in 2008.
- Council committed to undertake a review of the existing Structure Plan following a State Government announcement in 2014 that the Metropolitan Planning Authority will prepare a new framework plan for Airport West and Essendon Fields to support its transition into a new aviation and employment precinct.
- Once completed, the revised Structure Plan will provide a long term vision for future growth and development within Airport West. It will be used to guide major changes to land use, built form, transport, community services and facilities and open space within the centre over a 20 year timeframe.
- At its meeting on 14 July 2015, Council resolved to endorse the first phase of the Structure Plan review, the draft Issues and Opportunities Report, for public exhibition for a period of four weeks.
- The draft Report underwent extensive community consultation between 15 August and 17 September 2015. Response options included completing a survey, making a written submission, attending drop in and/or information session and making comments on an online interactive map.
- Council received feedback from over 500 Airport West residents, landowners, stakeholders, community groups and other members of the public.
- The draft Issues and Opportunities Report Community Consultation Key Findings Report provides a summary of the feedback received (**Appendix A** – separately circulated).

- Some changes have been made to the draft Issues and Opportunities Report following consultation. A summary of these changes is provided in the discussion section of this report.
- The final version of the Airport West Activity Centre Structure Plan Review Issues and Opportunities Report is provided in **Appendix B** (separately circulated).
- The community feedback received will be used to inform the development of the draft revised Structure Plan and Urban Design Guidelines, which will involve additional consultation.

Recommendation

That Council:

1. Adopt the Airport West Activity Centre Structure Plan Review Issues and Opportunities Report as provided in **Appendix B** (separately circulated).
2. Note the Airport West Activity Centre Structure Plan Review, draft Issues and Opportunities Community Consultation Key Findings Report as provided in **Appendix A** (separately circulated).

Background

In 2002, Airport West was identified as a Principle Activity Centre in the former metropolitan planning strategy, “Melbourne 2030”. In 2014, the State Government introduced a new metropolitan planning strategy, “Plan Melbourne”. Under Plan Melbourne, all former principle and major activity centres are now referred to as “activity centres”.

Activity centres are a focus for housing, commercial, retail, community uses, employment, transport, leisure, open space, entertainment and other services. They are places where people shop, work, meet, relax and live.

Council’s role is to develop a long term plan which provides a framework for accommodating anticipated increases in the level of activity in the centre, including the needs of people living, working and visiting the area. This long term plan is called a ‘Structure Plan’.

A Structure Plan for the centre was prepared with extensive input from the community and adopted by Council in 2008. However, following a State Government announcement in 2014 that the Metropolitan Planning Authority will prepare a new framework plan for Airport West and Essendon Fields to support its transition into a new aviation and employment precinct, Council committed to undertake a review of the existing Structure Plan.

To this end, the review process will consider how the activity centre can be integrated within the wider Essendon Technology Precinct urban renewal project. It will also take into account the significant demographic and socio-economic changes and trends that have occurred in Airport West and the wider region since 2008.

In addition, Council’s 2014 Planning Scheme Review and Municipal Strategic Statement both identify the need for built form guidelines for the Airport West Activity Centre. The review process will therefore include the preparation of design guidelines.

It is considered that these guidelines will provide greater certainty for Council, the community and developers in the consideration of new development within the centre.

Once completed, the revised Structure Plan will provide a long term vision for future growth and development within Airport West. It will be used to guide major changes to land use, built form, transport, community services and facilities and open space within the centre over a 20 year timeframe.

Stage 1: Draft Issues and Opportunities Report

The revision of the Airport West Activity Centre Structure Plan commenced in late 2014. The review is being undertaken in two stages: stage one is the preparation of a draft Issues and Opportunities Report.

The draft Issues and Opportunities Report (August 2015) sets out a detailed overview of the study area and analysis of the identified key issues under the themes of economic activity, land use, built form and urban design, access and movement, community services and facilities, heritage, open space, environmental sustainability and suburb identity. It also highlights the anticipated opportunities for further investigation that will be undertaken during the later development of the revised Structure Plan.

At its meeting on 14 July 2015, Council resolved to:

1. Endorse the Airport West Activity Centre Structure Plan Review draft Issues and Opportunities Report for public exhibition for a period of four weeks.

The feedback received will be used to assist the development of the revised draft Structure Plan to ensure it considers the expectations and aspirations of the community and stakeholders. The revised Structure Plan will be the subject of a second round of community consultation in the second half of 2016.

Discussion

Community Consultation

The objectives of community engagement on the draft Issues and Opportunities Report were:

- To inform the community of Council's intention to review the Airport West Activity Centre Structure Plan.
- To understand the views of a variety of community members and stakeholders on the matters raised in the draft Issues and Opportunities Report relating to planning for the future of the activity centre.
- To reach a broad range of people with a connection to, or interest in, the study area.

To meet these objectives, a comprehensive consultation program of community engagement was carried out over a four week period between 15 August and 17 September 2015. Table 1 shows all consultation activities and the related participant numbers.

Over 5,000 members of the community were directly engaged during the consultation period; summary brochures and hard copy surveys (**Appendix C** and **Appendix D** – separately circulated) were distributed with 5,374 letters posted to Airport West

residents, landowners, business owners, other relevant stakeholders and community groups.

Table 1: Consultation Activity and Participants

| Consultation Activity | Participant Numbers |
|---|---|
| Survey in two formats: <ul style="list-style-type: none"> • Hardcopy • Online | 416: <ul style="list-style-type: none"> • 385 hardcopy • 31 online |
| Detailed written submissions | 7 |
| Drop in sessions (x4) | 20 (approximately) |
| Information session (Italian) | 11 |
| Information session (Greek) | 70 (approximately) |
| Website page views – Airport West Activity Centre Structure Plan Review page | 533 total views: <ul style="list-style-type: none"> • 184 mobile site • 349 desktop site |
| Interactive map | 90 total views: <ul style="list-style-type: none"> • 1 comment • 33 ‘agrees’ • 4 ‘disagrees’ |
| Summary brochures delivered to all residents, landowners and business owners in the study area | 5,374 |

The summary brochure set out key background information and the identified issues and opportunities, plus information about how to participate in the consultation process. The survey form on the future of Airport West, available online and in hardcopy, sought feedback on the key consultation themes (20 questions) and demographic information (10 questions), including a final open question to allow for any other comments.

Drop in sessions were held for members of the public to informally discuss the Draft Issues and Opportunities Report with a Council officer. Background information was available for viewing and community members were given the opportunity to complete the survey. Approximately 20 people attended these sessions across the following dates:

- Thursday 27 August 2015, 3.45-5pm - Ratcliff Community Hall
- Saturday 29 August 2015, 12 noon-2pm - Ratcliff Community Hall
- Saturday 5 September 2015, 12 noon-2pm - Ratcliff Community Hall
- Wednesday 9 September 2015, 3pm-7pm - Bowes Avenue Community Centre

Information sessions for the two largest culturally and linguistically diverse (CALD) communities in Airport West also took place. Airport West is home to very active Italian and Greek senior citizens groups who meet on a regular basis. The sessions

provided an opportunity to provide information, answer questions, generate discussion and receive feedback from participants in a culturally appropriate format with the aid of interpreters. Sessions were held on the following dates:

- Italian session: Wednesday 2 September 2015 – Ratcliff Community Hall (11 attendees).
- Greek session: Thursday 3 September 2015 – Ratcliff Community Hall (70 attendees).

An online interactive map was also available via the Council's website. It enabled the community to easily visualise the locations of the identified issues and opportunities for discussion; respondents could choose to 'agree', 'disagree' or make comments.

As well as the targeted engagement, the following communications were utilised to create awareness of the consultation:

- Public notification: Advertorials were published in the Moonee Valley Leader on 17, 24, 31 August and 7 September 2015, to advise the community of the consultation period.
- Website: Information on the project was made available online via Council's website, including links to documents, surveys and an interactive map.
- Social media: Regular updates on the project and promotion of the online survey and interactive map were made via Council's social media accounts.
- Information at Council facilities: Copies of the draft Issues and Opportunities Report were available for viewing, while summary brochures and surveys were made available for hardcopy collection from Council's Civic Centre, Niddrie and Sam Merrifield Libraries as well as Bowes Avenue Community Centre.

Community Feedback

Overall, Council received feedback from over 500 Airport West residents, landowners, stakeholders, community groups and other members of the public. This includes 425 survey responses, seven detailed written submissions, feedback received at CALD information sessions and the interactive map comments.

The draft Issues and Opportunities Report – Community Consultation Key Findings Report (**Appendix A** – circulated separately) provides a summary of all feedback received. However, the summary does not evaluate the merits of the consultation feedback. Council will evaluate all responses and consider them in the development of the Structure Plan.

The key findings are outlined below:

Housing

There are mixed views amongst the community on how to accommodate the expected population growth in Airport West of 1,400 people over the next 20 years. A higher proportion (45 per cent) of survey respondents believe growth should be restricted to *lots of subdivision into more one/two storey houses across the majority of the suburb*. However, support was also split between opting for a spread of 3-4 floor storey apartments/ townhouses (25 per cent), or tall apartment blocks in specific locations (24 per cent).

Suggested locations for accommodating housing growth typically included:

- Along or near Matthews Avenue
- Near Westfield Shopping Centre
- Within or adjacent to the industrial/commercial area
- Areas close to public transport
- Along or near Keilor Road

Some respondents specifically recommended replacing industrial land uses with higher density residential development. However, 33 per cent of survey respondents stated that there are no appropriate locations for higher density development in Airport West, whereas 15 per cent said any area would be ok.

The respondents who did not wish to see any population growth accommodated within the suburb commonly cited the negative impact of development on existing residential amenity, loss of neighbourhood character and pressures on infrastructure, particularly in terms of traffic and parking.

Economic activity

When asked to indicate which services and businesses they would like to see in Airport West, many survey respondents nominated health and wellbeing services followed by shopping. Some comments suggested an expansion of the McNamara Avenue strip shopping centre for example. The return of the Australian Post Office to this shopping strip was also mentioned, particularly amongst the Greek and Italian senior citizens' groups. In contrast, some respondents believe that no further services are needed as Airport West, indicating that they are satisfied with current provisions in the area. Others suggested a range of additional services, including, but not limited to, the following:

- Pharmacy
- Swimming pool
- Hardware store
- Library

Some major landholders who provided detailed written submissions questioned the viability of the industrial and commercial areas, where the current zoning prohibits residential development. As such, they believe a review of land use zoning to facilitate alternative uses (i.e. residential) would be justified, such as a rezoning of the Fullarton Road industrial precinct. Two written submissions made on behalf of private property owners were received in relation to the impact of the revised Structure Plan on future developments in the area, including the impacts of alternative commercial sites upon the Westfield Shopping Centre.

Built form and urban design

Feedback suggests the most valued aspects of Airport West's character are its local parks and reserves as well as street trees and landscaping (over 70 per cent of the survey respondents rated this as 'very important'). Community feedback also noted the existing, prevailing low rise character of residential areas and houses with setbacks and front yards as a highly valued aspect of the area.

To improve the appearance of industrial and commercial areas, the majority of comments indicated strong support for general streetscape improvements, including street trees and landscaping, as well as additional public open space. In terms of general urban realm improvements, the appearance of the existing main commercial areas and landscaping in residential areas were highly rated priority areas by survey respondents. Some of the additional comments from the survey (8 per cent), also raised the need for improved upkeep of the suburb in general, stating that the physical environment suffers from visible signs of neglect.

When asked about any favoured urban design features for Airport West, most comments were fairly general. The community would generally like to see additional open space and activating public space (i.e. Westfield Shopping Centre car park), trees, pedestrian and cycling infrastructure, additional seating, improved lighting and well-designed suburb gateways/ interfaces with freeways.

Movement and transport

A large number of suggestions were made with regards to priorities for improving pedestrian and cyclist access in the area (see Figure 3). Thus indicating that there could be significant scope for such infrastructure improvements in Airport West.

The most frequently mentioned locations for improved pedestrian crossings include:

- Matthews Avenue/Fullarton Road/Keilor Road intersection
- Matthews Avenue to all tram stops
- Parer Road and Roberts Road

10 per cent of the survey comments on this topic highlighted the need to provide better opportunities to cycle via the provision of dedicated on-road bicycle lanes at various locations throughout the suburb. The most frequently mentioned locations for on-road bicycle lanes include:

- Matthews Avenue
- Moore Road
- McNamara Avenue
- Parer Road
- Roberts Road

Feedback also indicates that improved, DDA compliant footpaths are required throughout the suburb. In particular, the need to better provide for pedestrians and improve parking conditions at the Westfield Shopping Centre was reinforced. More generally, enhancing pedestrian and cycling links to and within the suburb, including over the Tullamarine Freeway to Essendon Fields was raised as an issue requiring attention.

A number of locations were identified for traffic or public transport improvements (see Figure 4). Many comments (including 15 per cent of survey respondents) raised safety issues at various intersections around the suburb. The most frequently mentioned locations were:

- Matthews Avenue and Fullarton Road
- McNamara and Roberts Road

- McNamara Avenue and Fullarton Road
- McNamara and Laurence Avenues
- King Street and Bowes Avenue
- Parer Road and Roberts Road
- Sexton Street and Westfield Drive

Additional comments requested a range of improvements for Matthews Avenue and raised congestion issues relating to school drop-off/pick-up at St Christopher's Primary School. The number of new housing units without car parking spaces was also raised.

Comments relating to public transport, including those arising from the CALD information sessions, highlighted some other areas for improvements, such as the need for new bus services, the frequency of existing bus services, links to Tullamarine Airport and the provision of a new train service to the CBD.

Figure 3: *Suggested Pedestrian and Bicycle Access Improvements*



Figure 4: Suggested Opportunities to improve traffic and public transport



Community services and facilities

From a provided list of community facilities, the top three most desired, additional community facilities selected by survey respondents were a *library* (42 per cent), *community centre* (35 per cent) and *youth services* (33 per cent). Demographic analysis indicates that library services were more popular with residents of Airport West than non-residents. Alternative suggestions included a post office, leisure centre/swimming pool and cafés.

While friendliness of staff was the most popular aspect of what makes a facility a great place to visit amongst survey respondents, the built environment aspects of car parking availability, disabled access and proximity to home were also highly rated. Expansion and/or modernisation of existing community services and facilities was also considered important, particularly by those with children, those under 50 years and English speaking.

Heritage

Survey respondents indicated that they would prefer Airport West's unique heritage be celebrated via festivals/public events and signage (82% of survey respondents in total). Out of the other survey options, *public art* was chosen by 36 per cent of the under 50s (23 per cent overall) and *heritage walk brochures* attracted more interest by those aged 50 years or over (20 per cent, 15 per cent overall).

In contrast, some respondents indicated that they do not believe there is any heritage to celebrate and therefore do not support money being spent in this way. A suburb name change was also called for under this theme.

Open space

Feedback suggested that the suburb is considered to be undersupplied with regards to public open space and that there is an urgent need for the creation of new green spaces.

The locations for new green space identified by survey respondents are shown in Figure 5. The distribution of identified locations and the comments received highlights a gap in open space distribution in the north-west of the suburb, including the Westfield Shopping Centre, as well as within residential and commercial areas. The lack of landscaping and any form of open space throughout the industrial precinct west of Matthews Avenue was also a commonly raised concern.

The extension of the green spine along Louis Street to the Westfield Shopping Centre is a clear priority for many in Airport West. Strong support was also shown for improving and maintaining existing open space to a higher standard, with many comments indicating that the suburb has been neglected in this regard.

Other common suggestions included calls for improvements around existing open spaces such as Hansen and Etzel Reserve and A.J. Davis Reserve, and for the provision of open green space in the vacant land along the Albion-Jacana freight line, adjacent to the suburb's western boundary.

Figure 5: Suggested opportunities to create new open space



Survey respondents were asked their ideas for improving the existing open spaces in Airport West. The suggestions received for each of the reserves (452 comments in total) can be grouped as follows:

- Trees and landscaping
- Removal of the concrete lining to convert creek bed to its original natural state
- Improved links to other parks and walking paths
- More / improved seating
- Outdoor exercise equipment
- Upgrade of the playground equipment
- Lighting
- Management of litter and graffiti
- Barbeque facilities
- Shade structure or gazebo
- Basketball court
- Formal creek crossing
- Surveillance cameras

Environmental sustainability

Survey respondents were asked, in terms of their local neighbourhood, how important sustainable features were to them from a provided list of options. Almost half rated *sustainable features in new buildings*, *water sensitive urban design* and *green infrastructure* as 'very important' initiatives to achieve environmental sustainability. Comparatively fewer (20%) allocated high importance to *lowering air temperature by reducing paved areas*, and 17% stated that this is 'not important at all', such views could be due to a lack of awareness of the urban heat island effect. Residents of Airport West had higher occurrences of rating *sustainable features for new buildings* as 'very important' than non-residents (49 per cent and 38 per cent respectively).

There was a general consensus from survey respondents that *rainwater collection*, *more trees*, *solar panels* and *water recycling* are the best ways to make new buildings more environmentally sustainable. The potential benefits of water recycling and porous surfaces were also recognised.

Changes to the Issues and Opportunities Report

Council received considerable feedback from the community which strongly opposed locating higher density housing around Hansen Reserve, Etzel Reserve and A.J. Davis Reserve.

In light of this feedback, it is deemed appropriate to make changes to the draft Issues and Opportunities Report as outlined in Table 2. The final Issues and Opportunities Report is provided in **Appendix B** (circulated separately).

Table 2: *Amendments to the Issues and Opportunities Report*

| Section of Report | Change | Why change is required |
|--|---|---|
| Residential Areas Built Form and Urban Design Issues and Opportunities Section 7.3.6.1 Page 67 | Opportunity 1 - delete last sentence to remove general reference to open space and replace with the following: "Encourage higher density housing in appropriate locations, near to high use destinations, community facilities and adjacent to the Green Spine." | Higher density residential development surrounding Hansen Reserve, Etzel Reserve and A.J. Davis Reserve was largely not supported in feedback received. |
| Built Form and Urban Design Opportunities Figure 35 Page 71 | Remove "opportunity for higher density housing" shown around Hansen Reserve, Etzel Street Reserve and A.J. Davis Reserve. | |
| Open Space Issues and Opportunities Section 7.7.4 Page 100 | Opportunity 5 - delete last sentence in relation to identifying sites suitable for intensification surrounding Hansen Reserve and Etzel Street Reserve. | |

Next steps

The volume and nature of responses received indicate that this is an engaged community who wish to be heard in terms of their aspirations for the future of the Airport West Activity Centre and surrounds. It will therefore be important to continue to engage this group in the second stage of the Airport West Activity Centre Structure Plan Review.

Stage two of the review will consist of the preparation of the draft Airport West Activity Centre Structure Plan and accompanying Urban Design Guidelines for community consultation. These documents will:

- Consider the community's aspirations for the area and specific feedback received during the Issues and Opportunities consultation.
- Set out the draft future directions for the opportunities highlighted for further investigation in the Issues and Opportunities Report.
- Provide greater certainty for Council, the community and developers in the consideration of new development within the centre through the inclusion of built form guidelines.

Consultation

Extensive community consultation has been undertaken as outlined in the discussion above.

Implications

1. Legislative

There are no legislative or human rights 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

Funding for the revised Structure Plan and Urban Design Guidelines and associated community consultation will be accommodated in the Strategic Planning unit's operational budget for this project.

4. Environmental

The draft Issues and Opportunities Report identifies a range of opportunities which Council could consider to improve the environmental sustainability of the Airport West Activity Centre. The community feedback received on these options will help inform revised Structure Plan which will feature environmental sustainability as a key theme in the future growth of the area.

Conclusion

Airport West is a nominated activity centre in Melbourne's metropolitan planning strategy, "Plan Melbourne". A Structure Plan for the centre was adopted in 2008. Following a State Government announcement in 2014 that the Metropolitan Planning Authority will prepare a new framework plan for Airport West and Essendon Fields, in order to support its transition into a new aviation and employment precinct, Council committed to undertake a review of the existing Structure Plan.

The first stage of the review, the development of an Issues and Opportunities Report, has now been completed. Broad community consultation on the draft Report was undertaken for four weeks between 15 August and 17 September 2015; it included hardcopy and online survey forms, written submissions, drop in and/or information sessions and an online interactive map.

Council received feedback from over 500 Airport West residents, landowners, stakeholders, community groups and other members of the public. This feedback has been summarised in the draft Issues and Opportunities Report Community Consultation Key Findings Report (**Appendix A** – separately circulated).

In light of the considerable community feedback received which strongly opposed locating higher density housing around Hansen Reserve, Etzel Reserve and the A.J. Davis Reserve, appropriate changes have been made to the draft Issues and Opportunities Report. It is recommended that Council adopt the amended final version of the Report, as provided in **Appendix B** (separately circulated).

The community feedback received will be used to inform the development of the draft Airport West Activity Centre Structure Plan and accompanying Urban Design Guidelines (UDGs). The revised Structure Plan and UDGs will be subject to further community consultation prior to adoption.

Appendices

Appendix A: Draft Issues and Opportunities Report - Community Consultation Key Findings Report February 2016 (separately circulated)

Appendix B: Airport West Activity Centre Structure Plan Review - Issues and Opportunities Report (separately circulated)

Appendix C: Airport West Structure Plan Review - Summary Review

Appendix D: Airport West Activity Centre Structure Plan - Survey Feedback Form - August 2015 (separately circulated)

Airport West Structure Plan Review

Draft issues and opportunities report
Community consultation key findings report
February 2016



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9.10 Heritage Study 2015

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

Purpose

The purpose of this report is to inform Council on the outcomes of the community consultation for the draft Heritage Study 2015, and to recommend Council adopt the final study and seek authorisation from the Minister for Planning to prepare and exhibit Amendment C164 in order to implement the findings of the Heritage Study 2015/16 into the Moonee Valley Planning Scheme.

Executive Summary

- Council adopted the Heritage Gap Study (Stage 1 study) on 25 November 2014. The Gap Study identifies places and precincts that may have heritage significance. Council also resolved on 25 November 2014 to proceed with the following high priority Stage 2 studies listed in the Heritage Gap Study:
 - Shops, commercial buildings and shopping strips
 - Interwar residential buildings and precincts
 - Transport-related places including stables
 - Industrial places and suburban infrastructure
 - Community-use buildings.
- The draft Heritage Study 2015 (Stage 2 study) provides a review of the majority of high priority places and precincts identified in the adopted Heritage Gap Study excluding interwar residential places and precincts. The draft study's overarching purpose is to identify areas that warrant application of the Heritage Overlay.
- On 27 October 2015 Council resolved to exhibit the draft study for a period of five weeks. The draft Heritage Study 2015 underwent consultation between 2 November and 11 December 2015.
- Over the consultation period, Council received feedback from 19 owners and occupiers of identified places within the study area. **Appendix A** (separately circulated) contains a summary and response to submissions. **Appendix B** details changes to the study as a result of feedback received during the consultation period.
- Changes to the draft Heritage Study can be summarised as follows:
 - Minor edits to five citations with no changes to Heritage Overlay recommendations;

- Addresses of two individual places corrected;
- Revision to the boundary of one precinct (Fisher Parade & Leonard Crescent Precinct), with associated revisions to the citation;
- Recognition that one place (Ngarveno Dairy Complex) has fallen below the threshold of local significance due to extensive demolition of structures onsite and is no longer recommended for Heritage Overlay protection; and
- Acceptance of a nomination of one additional precinct (Roxburgh Street Precinct) for inclusion in a future study.

Appendix C (separately circulated) contains all subsequent revised citations.

- Having considered all the feedback received during the consultation program, it is considered appropriate that Council adopt the final Heritage Study 2015/16 in **Appendix D** (separately circulated) and seek authorisation from the Minister of Planning to prepare and exhibit Amendment C164 to implement the recommendations of the study and also request the application of interim heritage controls to the sites recommended for inclusion into the Heritage Overlay.

Recommendation

That Council:

1. Adopt the Heritage Study 2015/16 Report, as revised (refer to **Appendix D** – separately circulated).
2. Seek authorisation from the Minister for Planning to prepare and exhibit Moonee Valley Planning Scheme Amendment C164 to implement the recommendations of the Heritage Study 2015/16.
3. Request that the Minister for Planning apply interim heritage controls to the sites recommended for inclusion into the Heritage Overlay.
4. Subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C164 in accordance with Section 19 of the Planning and Environment Act 1987.

Background

In 2014 Council adopted the Moonee Valley Heritage Gap Study. The Heritage Gap Study provides a comprehensive and coordinated review of existing heritage places, and the identification of new places that may have heritage significance.

The Gap Study also recommends a prioritised work program for heritage studies in the future. High priority places and precincts include the following:

- Shops, commercial buildings and shopping strips
- Interwar residential buildings and precincts
- Transport-related place including stables
- Industrial places and suburban infrastructure

- Community-use buildings

In November 2014, Council resolved to proceed with the following high priority Stage 2 studies:

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

In 2015 Council engaged heritage consultants Context Pty Ltd (the consultant) to undertake the Heritage Study 2015/16. The draft Heritage Study 2015 provides a review of the majority of high priority places and precincts identified in the Heritage Gap Study. The only high priority study not being pursued in this study is 'interwar residential buildings and precincts'. This is because the number of places in this theme is extensive and resource constraints did not allow for it to be undertaken this financial year. It is proposed that a study of interwar residential buildings and precincts be the focus of Council's next heritage study.

The draft Heritage Study 2015 contains two sections; a background report of methodologies and key findings and a section in the form of citations for buildings and places identified in the study.

Discussion

At the Ordinary Council meeting of 27 October 2015, Council resolved to endorse the draft Heritage Study 2015 for the purpose of community consultation. Information on the Study, along with draft place and precinct citations, was sent to all affected parties along with a feedback survey to allow owners opportunity to provide further information on their property's heritage. Consultation was undertaken from 2 November to 11 December 2015. Over the consultation period Council received 19 submissions from owners and occupiers of identified places within the study area.

Submissions related to the following places and precincts within the study area;

- National Instruments Company at 8-10 McIntosh Street, Airport West.
- House & Stables at 23 Brown Avenue, Ascot Vale.
- Fisher Parade & Leonard Crescent Precinct, Ascot Vale.
- St Pauls' Anglican Memorial Parish Hall at 7-9 Roxburgh Street, Ascot Vale.
- Keilor Road Precinct, Essendon & Essendon North.
- Shoeing forge at 528-532 Racecourse Road, Flemington.
- Ngarveno Dairy Complex at 33A Taylor & 51 Margaret Street, Moonee Ponds.
- Niddrie Technical School at 45 Sapphire Street, Niddrie.
- Gill Bros. Shoeing forge at 374-378 Mt Alexander Road, Travancore.

A detailed summary of each submission, along with Council officer/consultant response and recommendations is contained within **Appendix A** (separately circulated) of this report. Key issues raised in the response from submitters can be summarised as follows;

- Objection to an identified place or precinct being recommended for protection under the Heritage Overlay.
- The identified place has been significantly altered which has degraded its heritage significance.
- There are inaccuracies within the draft citation report for the identified place.
- Concerns raised regarding the potential restrictions around redevelopment opportunities.
- The identified place does not meet the criteria for heritage significance or is better represented elsewhere within the municipality.
- Perceived property devaluation.
- Full support for a Heritage Overlay being placed on identified properties within the study.

All comments and accuracy issues raised in submissions were reviewed and addressed by the consultant. In relation to the 19 submissions, the recommendations ranged from no changes to the citations, minor changes to clarify or correct errors in the citations and in one case, the removal of a place recommended for heritage overlay status and one not being relevant.

Subsequent changes to the draft Heritage Study are summarised within **Appendix B** of this report.

The revisions made to the draft study resulted in a final document referred to as the Heritage Study 2015/16 (refer to **Appendix D** – separately circulated).

The final Heritage Study 2015/16 identifies places and precincts deemed to be of local significance to the City of Moonee Valley and includes the following;

- 59 individual places;
- Four commercial precincts; and
- One group or serial listing of State Electricity Commission (SEC) electricity distribution substations.

In addition, two places have been assessed as ‘Contributory’ in a proposed extension to the existing HO26 Union Road precinct while revisions are proposed resulting in a transfer of two places from the existing HO15 Lorne Street precinct to the HO26 Union Road precinct.

Lastly, revisions are suggested to the ‘City of Moonee Valley Permit Exemptions Policy for Heritage Overlay Precincts’ namely;

- Adding the four precincts assessed by the Study to the list of precincts to which the policy applies.
- Adding four new precinct maps (see relevant citations contained within **Appendix D** – separately circulated).

Planning Scheme Amendment

The Heritage Study 2015/16 recommends that the Council formally adopt the background report and heritage citations as the basis for:

- The preparation of a Planning Scheme Amendment to implement the recommendations of the Study.
- Justification for applying interim controls while the Planning Scheme Amendment process for the permanent controls is being undertaken.
- Use in decision making when considering planning permit applications in accordance with the Heritage Overlay in those areas. Clause 43.01-4 (which provides the decision guidelines for the Heritage Overlay) requires the responsible authority to consider, amongst other things, 'Any applicable statement of significance, heritage study and any applicable conservation policy'.

The future Planning Scheme Amendment should implement the findings of the Study by:

- Making the Heritage Study 2015/16 a reference document in the Moonee Valley Planning Scheme.
- Adding the citations to the City of Moonee Valley Permit Exemptions Policy and Heritage Management Electronic System (HERMES) database. This would require the citations to be considered by Council, applicants and the Victorian Civil and Administrative Tribunal when deciding an application that affects a heritage place or precinct.
- Making the associated changes to the Heritage Overlay schedule and maps.

As such, it is considered appropriate for Council to adopt the Heritage Study 2015/16 and resolve to seek Ministerial authorisation to prepare Moonee Valley Planning Scheme Amendment C164. The amendment will be placed on exhibition, whereby owners and occupiers of affected properties will again be notified by mail and notices will be placed in local papers. During this exhibition period there will be opportunity for people to make submissions.

It is also recommended that Council request that the Minister for Planning apply interim controls to the properties proposed to be added into the Heritage Overlay while the amendment process is underway.

Consultation

The draft Heritage Study 2015 underwent consultation between 2 November and 11 December 2015. The consultation program consisted of the following:

- Letters were sent to all owners and of properties identified in the study.
- A feedback survey and reply paid envelope was attached to a factsheet mailed to all property owners.
- An aerial map and citation was included in each mail out.
- Articles were included in local newspapers (The Valley View, Moonee Valley Weekly and Moonee Valley Leader) and all information was made available Council's website.

Implications

1. Legislative

Consultation on the Draft Heritage Study 2015 does not bind or commit Council in terms of the *Planning and Environment Act, 1987* or any other statute.

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

2. Council Plan / Policy

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 Heritage Study 2015/16 has been funded in the 2015/16 financial year, with costs accommodated within the Strategic Planning operational budget.

4. Environmental

The Heritage Study 2015/16 would eventually add to the established framework for the preservation of buildings and areas of historical importance. It capitalises on opportunities for the retention of important buildings.

Conclusion

The Heritage Study 2015/16 is a key initiative to furthering the vision and objectives of the Heritage Gap Study. It is also consistent with the strategic objectives of the Council Plan.

The draft study underwent extensive community consultation between 2 November and 11 December 2015. During the consultation period Council received feedback from 19 owners and occupiers.

Having considered all the feedback received, it is recommended that Council adopt the final Heritage Study 2015/16 with the changes as outlined in this report.

It is further recommended that Council seek authorisation from the Minister for Planning to prepare and exhibit Amendment C164 in order to implement the recommendations of the Heritage Study 2015/16 and also to request that the Minister for Planning apply interim heritage controls to the sites recommended for inclusion into the Heritage Overlay.

Appendices

Appendix A: Review of Submissions (separately circulated)

Appendix B: Changes to Heritage Study post community consultation

Appendix C: Revised Citations (separately circulated)

Appendix D: Heritage Study 2015/16 - Final Document (separately circulated)

Changes to Heritage Study post Community Consultation

| Place or precinct | Change(s) made | Rationale |
|---|---|---|
| National Instruments Co. 8-10 McIntosh Street, Airport West | Update the address to 8-14 & <u>16-26</u> McIntosh Street. Minor edits to citation. | Previous address was incomplete and did not cover the entire National Instruments Company site. |
| House, Stables & Oak 23 Brown Avenue, Ascot Vale | Remove the word 'Oak' from the name of this place. Minor edits to citation. | A re-inspection of the site in January 2016 confirmed the Oak appears to have died and is in the process of being removed. |
| Fisher Parade & Leonard Crescent Precinct Ascot Vale | Remove 18 & 20 Leonard Crescent from the precinct. Add the stables at 16A Leonard Crescent to the precinct. Minor edits and reflection of the boundary changes to the citation. | There is a gabled building, which has been partially demolished, at the rear of 18 Leonard Crescent. This has the appearance of a stables block, but may have been used for other purposes. The research carried out for this precinct did not identify any horse racing connection with any of the previous owners. This re-inspection also revealed that demolition of the house and stables blocks at 20 Leonard Crescent has commenced. There is a stable block at 16A Leonard Crescent, which remains relatively intact. |
| St Paul's Anglican Memorial Parish Hall & Vicarage 7-9 Roxburgh Street, Ascot Vale | Minor edits to citation. | |
| Roxburgh Estate Precinct 11A-27 St Leonards Road, 2-16 Rothwell Street, 2-8 Roxburgh Street, 1-7 & 2-8 Brunton Street, 1-9 & 2-8 Kelvin Street, Ascot Vale | Recommendation to add this interwar residential precinct to the list of places to be assessed in the future. Hermes record created (No. 198245). | Submitter re: 7-9 Roxburgh Street noted other places of potential significance on the street. A check of records revealed that the Roxburgh Street Precinct was identified during the <i>Moonee Valley Heritage Gap Study, Stage 1 2014</i> fieldwork, but the information was mistakenly not entered into Hermes. |

| Place or precinct | Change(s) made | Rationale |
|--|--|--|
| Keilor Road Precinct Essendon & Essendon North | Describe the extent of demolition and additions in the 1970s to the former State Savings bank (9-13 Keilor Road), and clarify that this addition is not significant. | A site visit in January 2016 confirmed that the ground floor of the front façade had been demolished in relation to this addition. |
| Shoeing Forge 528-532 Racecourse Road, Flemington | Change street address from 258 Racecourse Road to 528-532 Racecourse Road in this and other citations that mention it. Remove recommendation for External Paint Controls. Minor edits to citation. | Street addressing has changed since building first identified. Paint controls are not warranted, as a permit will be required to paint a previously unpainted surface under the general HO controls. |
| Ngarveno Dairy Complex 33A Taylor Street & 51 Margaret Street, Moonee Ponds | Remove the Ngarveno Dairy Complex from the list of places of local significance. Amend the Hermes database citation for the Ngarveno Dairy to reflect the changes that have occurred. | The site was re-inspected in January 2016. Given the extent of demolition that has occurred (complete demolition of both stables buildings, demolition except for front and part of side wall of former Dairy) this place no longer meets the threshold of local significance. |
| Niddrie Technical School 45 Sapphire Street, Niddrie | Minor edits to citation. | |
| Gill Bros. Shoeing Forge 374-378 Mt Alexander Road, Travancore | Minor edits to citation. | |

9.11 Election Period 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 Election Period Policy for adoption by Council.

Executive Summary

- The purpose of the Election Period Policy is to assure the community that Council will not use public resources in election campaigning or make major/inappropriate decisions that may bind the incoming Council or influence the outcome of the election.
- For the upcoming elections, the Election Period means the period that commences at midnight at the end of Tuesday, 20 September 2016 and applies until 6pm on Saturday, 22 October 2016

Recommendation

That Council:

1. Adopts the Election Period Policy (provided as **Appendix A**) and that a copy of the adopted Policy be made available on Council's website.
2. Reschedule its Ordinary Meeting of Council to be held Tuesday, 27 September 2016 to Tuesday, 20 September 2016.
3. Cancel its Public Forum scheduled for Tuesday, 11 October 2015.

Background

Prior to the holding of a municipal election, Council enters into a 'caretaker period', preventing any action and/or making decisions which could be perceived as influencing voters, or which will have a significant effect on the incoming Council. The caretaker or election period is specified under the Local Government Act 1989 (the Act) as being 32 days prior to the election.

The caretaker provisions are intended to assure the community that Council will not use public resources in election campaigning or make major decisions that may bind the incoming Council.

In the past Council has adopted a “Pre-Election (Caretaker) Policy” to ensure that it has complied with these requirements, however there has never been any legislative requirement to have a formal policy.

In November 2015, Section 93B of the Act was gazetted, which now requires Council to have a formal “Election Period Policy” in place to ensure that Council publically explains to the community how it will conduct its business immediately prior to an election. This policy must be adopted by Council by **31 March 2016**.

Discussion

Sections 55D and 93A of the Act already prohibits Council from publishing or distributing electoral matter or making major policy decisions during the election period.

The newly gazetted Section 93B of the Act, states that the election period policy must cover three key matters:

- Preventing inappropriate decisions and misuse of resources;
- Limiting public consultation and Council events; and
- Equitable access to Council information

Whilst Council’s existing Pre-Election (Caretaker) Policy addresses these matters, there are some aspects of the policy that need to be amended for Council’s policy to be fully compliant with the legislation.

Prevention of inappropriate decision making

Decisions made by Council or a person acting under delegation by Council that would affect voting at an election or decisions that may unreasonably bind an incoming Council, cannot be made during the election period.

Council can ensure that it is prevented from making inappropriate decisions, by ceasing the conduct of its Ordinary Council meetings during the election period. This is the preferred option and is proposed in the policy. Accordingly, it is proposed to reschedule the Ordinary Council Meeting of 27 September 2016 to 20 September 2016, in order to meet this requirement.

However the policy does provide for the conduct of Special Council Meetings in exceptional circumstances. In the event that a Special Meeting of Council is required, the policy provides guidance on how to avoid inappropriate decisions.

Limits on public consultation and the scheduling of council events

It has also been deemed by the recent reform that Council must provide justification to the community for the need for public consultation and/or Council events during the election period. It is a requirement that Council outlines to the community the special circumstances making the consultation or event necessary, and how the risks of influencing the election will be mitigated or prevented.

A consideration which may be given in meeting this requirement would be to cease the conduct of consultations and events during the election period. This is considered to be the most effective option and is therefore proposed in section 7.4 of the policy.

Ensuring equitable access to council information

To ensure compliance with the requirement to “ensure equitable access to Council information” a minor inclusion has been made in section 7.6 of the policy which states: if any information is made available to one candidate, it shall be made available all other candidates in an appropriate format.

Consultation

The nature of this report does not require any consultation.

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 the Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

3. Financial

There are no financial implications associated with the implementation of this policy.

4. Environmental

There are no environmental implications associated with the implementation of this policy.

Conclusion

Caretaker provisions are intended to assure the community that Council will not use public resources in election campaigning or make major/inappropriate decisions that may bind the incoming Council or influence the outcome of the election

Adoption of this Election Period Policy enables Council to demonstrate its commitment to good governance by reaffirming its dedication to meeting its statutory obligations, whilst setting in place a framework for increased transparency and accountability.

Appendices

Appendix A: Election Period Policy

APPENDIX A



ELECTION PERIOD POLICY

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|---|--|-------------------------|--------------------------------|---------------------------|
| Directorate Corporate & Community Services | Responsible Manager Manager Legislative Services & Support | Document No 16/21252 | Approval Date 22 March 2016 | Review Date March 2020 |
|---|--|-------------------------|--------------------------------|---------------------------|

Page 1 of 13



TABLE OF CONTENTS

| | Page |
|----------------------------|------|
| 1. Background | 3 |
| 2. Purpose | 3 |
| 3. Scope | 3 |
| 4. Definitions..... | 4 |
| 5. Responsibility | 4 |
| 6. Legislation | 5 |
| 7. Policy | 5 |
| 8. Consultation | 12 |
| 9. Related Documents | 12 |

| | | | | |
|---|--|-------------------------|--------------------------------|---------------------------|
| Directorate Corporate & Community Services | Responsible Manager Manager Legislative Services & Support | Document No 16/21252 | Approval Date 22 March 2016 | Review Date March 2020 |
|---|--|-------------------------|--------------------------------|---------------------------|



| | |
|---------------------|-------------------------------|
| POLICY TITLE | Election Period Policy |
| POLICY TYPE | Council |
| GROUP | Corporate Services |

1. Background

Prior to the holding of a municipal election, Council goes into what is termed 'caretaker period' to avoid taking actions and/or making decisions which could be seen to be influencing voters or which will have a significant impact on the incoming Council.

The Local Government Act 1989 (the Act) specifically prohibits Council from publishing or distributing electoral matter or making major policy decisions during the election period. These specific restrictions should be considered the minimum legislative requirements with which Council must comply.

2. Purpose

The purpose of this policy is to build on the Act's minimum legislative requirements to enhance the transparency and accountability of the actions of Council, Councillors and officers during the election period.

The policy intends to maintain freedom of action for the incoming Council and provide operational guidance on the implementation of the policy.

3. Scope

This policy regulates the period between the last day on which nominations for that election can be received and ceases at 6.00pm on Election Day and extends to:

- 3.1 Decisions made by Council or a person acting under delegation given by Council during the election period.
- 3.2 The use of Council resources by Councillors during the election period.
- 3.3 All of Council's publications, promotion, consultations, events and media during the election period.
- 3.4 Access to Council information by Councillors and candidates during the election period.

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|--|---|--------------------------------|---------------------------------------|----------------------------------|
| Directorate Corporate & Community Services | Responsible Manager Manager Legislative Services & Support | Document No 16/21252 | Approval Date 22 March 2016 | Review Date March 2020 |
|--|---|--------------------------------|---------------------------------------|----------------------------------|



4. Definitions

Election Period means the period that commences at midnight at the end of Tuesday, 20 September 2016 and applies until 6pm on Saturday, 22 October 2016.

Electoral Matter a matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the Returning Officer for the purpose of conducting the election. Matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to or comment on:

- the election; or
- a candidate in the election; or
- an issue submitted to, or otherwise before, the voters
- in an election.

Returning Officer means the person appointed in writing by the Victorian Electoral Commission or the Council.

Inappropriate Decision means a decision made by Council or a person acting under delegation by Council that would affect voting at an election or decisions that may unreasonably bind an incoming Council, which could be deferred until after the election.

Major Policy Decision means a decision made by Council or a person acting under delegation by Council relating to:

- Remuneration, appointment or termination of a Chief Executive Officer
- Entering into a contract with a total value exceeding 1% of Council's rates revenue (based on the preceding financial year);
- Exercising entrepreneurial powers for proposals over 1% of Council's rates revenue (from the preceding financial year).

5. Responsibility

The Legislative Services & Support department is responsible for the administration of the policy guidelines.

Any issues will be referred to the Chief Executive Officer, who will make a determination with respect to matters of policy interpretation or implementation.

| Directorate | Responsible Manager | Document No | Approval Date | Review Date |
|--------------------------------|--|-------------|---------------|-------------|
| Corporate & Community Services | Manager Legislative Services & Support | 16/21252 | 22 March 2016 | March 2020 |



6. Legislation

This policy is in accordance with the:

- Local Government Act 1989
- Victorian Electoral Act 2002

7. Policy

7.1 Major Policy Decisions

Whilst the day to day operations of Council are expected to continue as normal during the election period there are certain major policy decisions that must not be made by Council, or a person acting under delegation given by the Council.

The Chief Executive Officer will generally avoid the scheduling of major policy decisions by the Council within the election period. However, in the event of exceptional circumstances, the Act does allow Council to apply to the Minister for Local Government for an exemption.

7.2 Inappropriate Decisions

Council commits to the application of the following requirements to decision making during the election period, to ensure that inappropriate decisions are prevented:

- Council will refrain from making any irrevocable decision during the election period that could potentially influence voter intentions at the forthcoming election, or could encourage candidates to use the item as part of their electioneering.
- Council will refrain from making any irrevocable decision that significantly affects the municipality during the election period;
- Council will seek approval from the Chief Executive Officer prior to making any other significant decision during the election period that may bind the incoming Council.

Given this, the Chief Executive Officer will consider the following factors in deciding whether to give approval for such decisions:

- Whether the decision is "significant"
- The urgency of the issue (can it wait until after the election?)
- The possibility of financial repercussions if it's deferred
- Whether the decision is likely to be controversial
- The best interests of the Council

| Directorate | Responsible Manager | Document No | Approval Date | Review Date |
|--------------------------------|--|-------------|---------------|-------------|
| Corporate & Community Services | Manager Legislative Services & Support | 16/21252 | 22 March 2016 | March 2020 |



7.3 Council Meetings

Ordinary Meetings of Council, Councillor Workshops, Councillor Briefings and Public Forums will not be scheduled to take place during the election period.

However if exceptional circumstances warrant, a Special Council Meeting may be called. These meetings are not to be used by Councillors as means of promotion or gaining media attention in support of an election.

7.4 Use of Council Resources

It is essential that due propriety is observed in the use of all Council resources at all times, not just during the election period. However, during the election period greater caution needs to be exercised to ensure that Council resources are not used for election purposes and also that resources are not used in a manner that could be perceived as supporting or being connected with a candidate's election campaign.

During the election period the Councillors are to have access to the resources necessary to fulfil their elected roles, provided that those resources are utilised in a manner consistent with the directions set out below:

- Council resources, including offices, support staff, hospitality services, mobile phones, computers, iPads and stationery will be used exclusively for normal Council business during the election period and will not be used in connection with any election campaign.
- Reimbursements of Councillors' out-of-pocket expenses during the election period will only apply to costs that have been incurred in the performance of normal Council duties and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign. In the case of claims that cover a combination of Council and electoral business, the Chief Executive Officer may approve a partial reimbursement to cover Council activities.
- No Council logos, letterheads, or other Moonee Valley branding will be used for, or linked in any way to, a candidate's election campaign.
- 'Meet Your Councillor Sessions' will not be held by the Council after 1 July in the year of a general municipal election.
- General correspondence addressed to Councillors will be answered as usual. However, Councillors will only sign the necessary minimum correspondence during the election period and correspondence relating to significant, sensitive or controversial matters will be referred to the Chief Executive Officer.
- No staff, including support staff to the Mayor and Councillors, will be asked to undertake any tasks connected directly or indirectly with a candidate's election campaign.

| Directorate | Responsible Manager | Document No | Approval Date | Review Date |
|--------------------------------|--|-------------|---------------|-------------|
| Corporate & Community Services | Manager Legislative Services & Support | 16/21252 | 22 March 2016 | March 2020 |



Officers are required to exercise appropriate discretion when allocating resources to Councillor requests during the election period. In any circumstance where the use of Council resources might be construed as being related to a candidate's election campaign, advice can be sought from the Chief Executive Officer.

7.5 Publications, Promotions and Media

Communication with the public is an important function of the Council and a legitimate way of promoting the Council's activities and services. During the election period it is important for officers to ensure that the Councillors have access to Council's communication resources to enable them to fulfil their elected roles, however Council's communication resources will not be used in support of a Councillor's election campaign.

Section 55D of the Act specifies that Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer.

Council further commits to the following standards during the election period:

- No Council staff member will make any public statement that could be construed as influencing the election. This does not include statements of clarification that are certified by the Chief Executive Officer.
- Where a publicity campaign is deemed necessary for a Council service or function it will be certified by the Chief Executive Officer. In any event, Council publicity during the election period will be restricted to promoting normal Council activities.
- Any requests for media advice or assistance from Councillors during the election period will be channelled through the Chief Executive Officer. In any event, no media advice or assistance will be provided by officers to Councillors in relation to election campaign matters, or in regard to publicity that involves specific Councillors.
- Councillors will not use their position as an elected representative or their access to officers and other Council resources to gain media attention in support of an election campaign.

The following sets out how this policy will work in practice for Moonee Valley:

a) Council Spokesperson

The role of spokesperson for the Council during the election period will be filled by the Chief Executive Officer or another officer as delegated by the Chief Executive Officer, depending on the issue. All media releases, responses or statements will be issued from the Chief Executive Officer.

| Directorate | Responsible Manager | Document No | Approval Date | Review Date |
|--------------------------------|--|-------------|---------------|-------------|
| Corporate & Community Services | Manager Legislative Services & Support | 16/21252 | 22 March 2016 | March 2020 |



No media advice or assistance will be provided in relation to election campaign matters, or in regard to publicity that involves specific Councillors. The Mayor and Councillors are not permitted to comment officially on issues raised by the media during the election period.

b) Media Releases & Enquiries

Media releases during the election period are to promote normal services provided by the Council.

Respective Executives are responsible for reviewing the content as contained in the Media Release pertaining to their area, however the Chief Executive Officer will have final approval.

Quoting or promoting a particular Councillor/s where the content of the release relates to electoral matters is not allowed. The classification of electoral matters will be determined by the Chief Executive Officer/Returning Officer.

c) Valley View

The normal schedule production and distribution of Valley View will continue during election period however content will be closely monitored and certified by the Chief Executive Officer to ensure no electoral matter is contained within the publication.

There will be no commentary from Councillors in Valley View during the election period. This includes 'ward duty' which usually reports on activity in each ward from each Councillor. Councillor photographs are also not permitted during this time.

d) Council's Website & Social Media Platforms

Internet content regarding Councillors should be limited to names, titles, contact details, membership of special committees and other bodies to which they have been appointed by Council. The Council website will be reviewed closely prior to the start of the election period to ensure no material (including Councillor profiles and photos) that may be construed as electoral matter are included on the site.

Council will seek certification from the Chief Executive Officer prior to launching any announcements concerning new projects, policy initiative or programs on Council's social media platforms Facebook, Twitter and YouTube.

A close review prior to the start of the election period shall be undertaken to ensure material that may be construed as electoral matter are not included on these sites (ie. promotion of current Councillors and initiatives).

No political content is permitted. Councillors and staff will refrain from posting and/or responding to any political comments.

| Directorate | Responsible Manager | Document No | Approval Date | Review Date |
|--------------------------------|--|-------------|---------------|-------------|
| Corporate & Community Services | Manager Legislative Services & Support | 16/21252 | 22 March 2016 | March 2020 |



Council's Communications & Customer Services department will be responsible for the monitoring and removal of any electoral matter.

Council agenda and minutes will continue to be published during the election period as restrictions to these items do not apply.

e) Photos

Photos taken by Councillors or their family or friends or professional photos that Councillors have directly commissioned and paid for may be used in electoral material.

Photos of Councillors taken by Council staff or photographers contracted by Council during their term are not to be used in electoral material for any candidate.

f) Annual Report

The Council's Annual Report is required to be prepared and submitted to the Minister by the end of September.

Council is permitted to publish the Annual Report during the election period, however information referring to specific Councillors should be limited to names, titles, contact details, membership of special committees and other bodies to which they have been appointed. A Mayor's Message is also allowed as long as it is restricted to general Council business and not specific achievements of Councillors.

g) Brochures

Brochures distributed or made available by Council are to promote normal Council services, activities and events.

Brochures directly promoting Councillors or containing electoral matter are not permitted.

h) Advertising

Normal scheduled advertising may be run by Council during the election period i.e. general Council stories and photographs unrelated to electoral matter.

Advertising may also be run about the election process as certified by the Chief Executive Officer/Returning Officer.

Any stories, photographs and comments relating to, or that may be construed as, electoral matter are not permitted without certification. Advertising of Councillors' Meet and Greet sessions must be organised and funded independently of Council resources.

i) Council Branding And Stationery

Under no circumstances are Council letterheads, logos or branding to be included on materials, or in relation to, a candidate's election campaign.

| Directorate | Responsible Manager | Document No | Approval Date | Review Date |
|--------------------------------|--|-------------|---------------|-------------|
| Corporate & Community Services | Manager Legislative Services & Support | 16/21252 | 22 March 2016 | March 2020 |



j) Council Events

Any type of Council event that could be considered as a means of promotion or gaining media attention for Councillors in support of an election, shall not be scheduled during the election period.

k) Internal Newsletters

The publication of internal newsletters, including the noting of pre-election mode and policy, is permitted and will continue as normal during election period.

The Promotion of Councillors in internal publications is not permitted.

l) Speeches

Brief speeches referring to the specific event at which the speech is being delivered and thanking participants, is permitted.

Any reference to the Councillor's achievements or anything that could be interpreted as campaign material is not permitted.

m) Public Consultation

Public consultation (required under the Planning and Environment Act 1987 or matters subject to Section 223 of the Local Government Act 1989, and other acts of public consultation that may be required by other legislation) is prohibited.

In this regard, public consultation means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

n) Council Notices On Council Notice Boards And Reception Displays

Information regarding normal Council services, activities and events will continue to be provided during the election period.

Information directly promoting Councillors or containing electoral matter is not permitted.

o) Bulk Mail Outs

Quoting or promoting a particular Councillor/s and information relating to electoral matters is not permitted.

7.6 Certification by Chief Executive Officer

In accordance with Section 55D, it is an offence for the Chief Executive Officer to grant approval for publications relating to:

- the election;
- election candidates, including current councillors; or to
- issues which may be before the voters in an election.

| Directorate | Responsible Manager | Document No | Approval Date | Review Date |
|--------------------------------|--|-------------|---------------|-------------|
| Corporate & Community Services | Manager Legislative Services & Support | 16/21252 | 22 March 2016 | March 2020 |



All other publications (including those as outlined in 7.2 above), must be certified in writing by the Chief Executive Officer and must not be delegated to a member of Council staff.

Certification should be sought by completing the form as provided in **Appendix A** and forwarded to the Legislative Services department for retention.

7.7 Information Provision and Access

Council recognises that all election candidates have equal right to information from the Council administration that may be relevant to their election campaigns.

However, neither Councillors nor candidates will receive information or advice from officers that might be perceived to support election campaigns and there will be complete transparency in the provision of all information and advice during the election period.

It is recognised that sitting Councillors need to continue to receive information from the administration that is necessary to fulfil their elected roles. Therefore, information and briefing material prepared by officers for Councillors during the election period will relate only to:

- factual matters and/or
- existing Council services.

Information and briefing material prepared by officers during the election period will not relate to:

- policy development,
- new projects or
- matters that are the subject of public or election debate or that might be perceived to be connected with a candidate's election campaign.

All Candidates will be treated equally in terms of assistance provided as part of the conduct of the Council Election.

Election enquiries from candidates will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Manager Legislative Services & Support who may refer the request to the Chief Executive Officer or appropriate member of the Executive Team.

The Manager Legislative Services & Support will maintain an Information Request Register during the election period. The register will be a public document that records all requests for information (not otherwise generally available) by Councillors and candidates and the response given to those requests. If any information is made available to one candidate, it shall be made available all other candidates in an appropriate format.

| Directorate | Responsible Manager | Document No | Approval Date | Review Date |
|--------------------------------|--|-------------|---------------|-------------|
| Corporate & Community Services | Manager Legislative Services & Support | 16/21252 | 22 March 2016 | March 2020 |



Officers will be required to provide details of requests to the Manager Legislative Services & Support for inclusion on the register.

7.8 Misuse of Position

All Councillors will continue to adhere to Council's Code of Conduct for Councillors to ensure continued ethical and professional conduct.

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources or information in support of an election campaign.

Section 76D of the Act prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in the role of Councillor, to gain an advantage.

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](#)
- [Electoral Act 2002](#) (Vic)
[Code of Conduct for Councillors](#)

General

- [Council Plan 2013-2017](#)

| Directorate | Responsible Manager | Document No | Approval Date | Review Date |
|--------------------------------|--|-------------|---------------|-------------|
| Corporate & Community Services | Manager Legislative Services & Support | 16/21252 | 22 March 2016 | March 2020 |



APPENDIX A

Certification of Publication During the Election Period

Section 55D of the Act specifies that Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer.

In accordance with its Pre-Election Caretaker Policy, Council further commits to the following standards during the election period:

- No Council staff member will make any public statement that could be construed as influencing the election. This does not include statements of clarification that are certified by the Chief Executive Officer.
- Where a publicity campaign is deemed necessary for a Council service or function it will be certified by the Chief Executive Officer. In any event, Council publicity during the election period will be restricted to promoting normal Council activities.

The following publication is *certified by the Chief Executive Officer under Section 55D of the Local Government Act 1989*:

Name / description of document:

Signature:

Date:

Print Name:.....

Once signed, please return this form to the Legislative Services & Support department for retention.

| Directorate | Responsible Manager | Document No | Approval Date | Review Date |
|--------------------------------|--|-------------|---------------|-------------|
| Corporate & Community Services | Manager Legislative Services & Support | 16/21252 | 22 March 2016 | March 2020 |

9.12 Delegations of Council

File No: FOL/16/130
Author: Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

The purpose of this report is to update the Instrument of Delegation from Council to the Chief Executive Officer and the Instrument of Delegation from Council to Council Staff.

Executive Summary

- An Instrument of Delegation is a formal document that allows for certain duties, functions and decision-making powers to be delegated to a Council Officer or a Special Committee, as a means of reducing the operational and decision-making workload upon the Council, as it deals with other issues and matters associated with the proper and long term management of the City.
- It is appropriate that Council's Instruments of Delegation are routinely reviewed and updated accordingly to included legislative changes that occur from time to time and as part of good governance practices.

Recommendation

That Council, having undertaken a review of its delegations in accordance with Section 98 of the *Local Government Act* 1989 ("the Act"), hereby resolves that:

1. The powers, duties and functions set out in the Instrument of Delegation, provided as **Appendix A**, be delegated to the Chief Executive Officer subject to the conditions and limitations specified in that Instrument.
2. The powers, duties and functions set out in the Instrument of Delegation, provided as **Appendix B** (separately circulated), be delegated to members of the Council Staff subject to the conditions and limitations specified in that Instrument.
3. The Instruments of Delegation outlined in 1 and 2 above be signed and sealed, and shall come into force immediately upon the common seal of the Council being affixed to the Instruments and previous corresponding Instruments shall be revoked.
4. The duties and functions set out in the Instruments of Delegation outlined in 1 and 2 above must be performed and the powers set out in the instruments must be executed in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. It is noted that the Instrument of Delegation to the Chief Executive Officer includes a power of sub-delegation to members of Council staff, in accordance with Section 98(3) of the Act.

Background

An Instrument of Delegation is a formal document that allows for certain duties, functions and decision-making powers to be delegated to a Council Officer or a Special Committee, as a means of reducing the operational decision-making workload upon the Council, allowing it to increase its strategic focus and deal with the issues and matters associated with the long term management of the City.

Council may, by instrument of delegation, delegate to a member of its staff any power, duty or function of the Council under the Act or any other Act other than:

- Council's power of delegation;
- the power to declare a rate or charge;
- the power to borrow money;
- the power to approve any expenditure not contained in a budget approved by the council;
- any power, duty or function of the council under Section 223; and
- any prescribed power.

Council last reviewed its delegations at its Ordinary Meeting held 26 August 2014 to as a result of new legislation and to reflect changes in officer reporting lines.

Discussion

It is important that Council updates any Instruments of Delegation that it has in place so that changes made to legislative requirements and alterations made to the organisational reporting structure are taken into consideration.

As such, Council officers have prepared updated delegation documents that take account of legislative changes since the last delegations were prepared.

The update also undertook a further assessment of the delegations to determine whether there is a need to make further adjustments and refinements to enhance greater organisational efficiency and effectiveness, as well as incorporate any changes to organisational realignments that may have impacted on existing delegations.

Council to Chief Executive Officer

The Instrument of Delegation to the Chief Executive Officer is attached as **Appendix A**. The document remains the same as the previous instrument endorsed 26 August 2014. However, given the appointment of a new Chief Executive Officer, it is considered appropriate that Council confirms this instrument.

As with all previous delegations, the Chief Executive Officer proposes to sub-delegate a wide range of powers, duties and functions (relating to Victorian Acts of Parliament, Regulations, Local Laws and Council policies) to other members of Council staff in accordance with the philosophy of delegation of authority to the lowest competent level.

Council to Members of Council Staff

A separate Instrument of Delegation from Council to members of Council staff refers specifically to delegations under the following Acts and Regulations:

- Domestic Animals Act 1994;
- Environment Protection Act 1970;
- Food Act 1984;
- Heritage Act 1995;
- Planning and Environment Act 1987;
- Residential Tenancies Act 1997;
- Road Management Act 2004;
- Planning and Environment Regulations 2015;
- Planning & Environment (Fees) Interim Regulations 2015;
- Road Management (General) Regulations 2005; and
- Road Management (Works and Infrastructure) Regulations 2015.

The specific provisions of these Acts and Regulations require an “Instrument of Delegation” direct from the Council to the nominated members of Council staff.

This Instrument of Delegation to Council Staff is provided as **Appendix B** (separately circulated). The schedule to this Instrument of Delegation describes in each case the duty, power or function being delegated, the source of power and lists the position to which the delegation is to be conferred.

Although multiple delegations are listed for powers and functions and some duties (to ensure prompt administration can be taken during all periods of leave/absence etc.), it is generally envisaged that most delegated decisions will be exercised at the lowest “operational” area, consistent with the skill and judgement to be exercised.

The principle of organisation “line of responsibility” has also been observed i.e. that for any employee routinely exercising delegated authority, the same delegated authority is also held (and able to be exercised if required) by the relevant supervising officer if required.

Since the last update of the Instrument of Delegation to Council Staff in 26 August 2014, amendments have been made to the Planning and Environment Act 1987, Road Management Act 2014 and associated Regulations. The attached delegation has been updated to reflect the additions and retractions of various clauses in these legislations. Further, the delegation has been updated to reflect changes in officer titles and reporting realignments due to the organisational restructure.

Consultation

As this is a procedural report, it has not been necessary to undertake any specific external consultation. Internal consultation has been undertaken with the Acting Director City Services, Acting Director Planning & Development, Manager Infrastructure, Manager Building, Health & Property Services and Manager Legislative Services & Support.

Implications

1. Legislative

Section 98(1) of the Local Government Act 1989 provides that councils, by instrument of delegation, may delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act.

As this is a mandatory 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 the 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

After undertaking a review of existing Instruments of Delegation, Council Officers have prepared updated documents that reflect changes in legislation and organisational structure. Therefore it is considered appropriate that Council give favourable consideration to the recommendations contained in this report.

Appendices

Appendix A: Delegation - Council to Chief Executive Officer

Appendix B: Delegation - Council to Council Staff (separately circulated)

Moonee Valley City Council

**Instrument of Delegation
to
The Chief Executive Officer**

Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* (**the Act**) and all other powers enabling it, the Moonee Valley City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that:

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 22 March 2016;
2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts;
 - 2.4 remains in force until Council resolves to vary or revoke it;
3. the member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her; and
4. the Instrument of Delegation dated 9 September 2014 from Council to the Chief Executive Officer is hereby revoked.

The **COMMON SEAL** of the **MOONEE VALLEY CITY COUNCIL** was hereto affixed on the
with the authority of Council

Councillor

Chief Executive Officer

SCHEDULE

The power to:

1. determine any issue;
2. take any action; or
3. do any act or thing,

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing:

4. if the issue, action, act or thing is an issue, action, act or thing which involves:
 - 4.1 awarding a contract exceeding the value of \$750,000 (Inc GST);
 - 4.2 making a local law under Part 5 of the Act;
 - 4.3 approval of the Council Plan under s.125 of the Act;
 - 4.4 adoption of the Strategic resource Plan under s.126 of the Act;
 - 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council be filled;
 - 4.8 exempting a member of a special committee who is not a Councillor from being required to submit a primary return or an ordinary return under s.81 of the Act;
 - 4.9 appointment of councillor or community delegates or representatives to external organisations;
 - 4.10 the return of the general valuation and any supplementary valuations; or
 - 4.11 entering into a commercial lease;
5. if the issue, action, act or thing is an issue, action or thing which is required by law to be done by Council resolution;
6. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:

- 7.1 policy; or
- 7.2 strategy;
- adopted by Council; or
- 8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
- 9. if the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of a specific delegation to another member of Council staff.

**9.13 Ascot Vale Trugo Club - Maribyrnong Park Moonee Ponds -
Proposed Lease**

File No: FOL/16/130
Author: Coordinator Property Management
Directorate: City Services
Ward: Buckley

Purpose

To consider a request from Ascot Vale Trugo Club Inc. (AVTC) for a lease of the clubhouse (Pioneer Retreat) and Trugo court at 294A Maribyrnong Road, Moonee Ponds.

Executive Summary

- Council received a request from AVTC to enter a lease or licence for occupancy and use of the Trugo clubhouse and court.
- AVTC has been operating at the site since the 1950s.
- Currently, there are no formal occupancy arrangements in place.
- Council officers recently met with the President of AVTC to discuss a proposed lease, as well as various amenity issues at the site.

Recommendation

That Council:

1. Enter into a lease with Ascot Vale Trugo Club Inc. for occupancy and use of the Trugo clubhouse (Pioneer Retreat) and court at 294A Maribyrnong Road, Moonee Ponds for an initial term of five years and at an annual rental of \$150 commencing 1 April 2016.
2. Authorise the Chief Executive Officer to execute the lease.

Background

AVTC has recently received funding approval for the supply and installation of a shed under Council's Community Support Grant Fund. As a result of this grant, AVTC subsequently lodged planning permit application MV/796/2015 for the erection of a Colorbond steel shed situated near the Trugo court. However, planning consent cannot be given until AVTC has secured a lease for the site, as the club has been in a permissive occupancy arrangement of the current site and has no formal lease arrangement in place with Council.

AVTC wrote to Council in October 2015 seeking a lease or licence for occupancy and use of the site in Maribyrnong Park.

AVTC has been in existence at the present site in Maribyrnong Park since the early 1950s. The AVTC briefly disbanded in April 2010 with the passing of club foundation member Mr Terry Joyce and recommenced activities and competition in 2012/13. The club currently has eight active members.

The subject site consists of one court and brick clubhouse (Pioneer Retreat) in Maribyrnong Park, approximately 100 metres north of Maribyrnong Road. The court comprises an area of 50m x 30m (150m²) bounded by a cyclone wire fence. The clubhouse is a solid brick building with a fireplace and tiled roof situated approximately 50 metres from the court towards the Maribyrnong River.

There are no toilet facilities in the clubhouse and members and visitors utilise existing portable toilets.



Photo 1: Subject Site at Maribyrnong Park



Photo 2: AVTC Clubhouse and court

The 'Pioneer Retreat' was built by Essendon Rotary Club in 1938 and is considered to be socially important as a precursor to the Elderly Citizens Clubs of the late 1950s. The project highlighted the need for elderly persons clubs and this building was the first major community project of the Essendon Rotary Club which was Melbourne's

earliest suburban Rotary Club. The success of this project subsequently influenced the construction of similar buildings by other Rotary Clubs before local Councils took over the provision of this component as part of their community service for senior residents. Refer to Heritage Report **Appendix A**.

Historic facts about Trugo

Trugo is a Melbourne based sport invented in the Newport railway yards and played in the early 1920s. The game was codified in the 1930s and clubs established in inner suburban Melbourne.

Only six clubs (and eight teams) still operate. Nine clubs have disbanded in the past 40 years, including one at Queens Park, Moonee Ponds in the late 1970s. Current membership is around 60 tournament players across the whole sport. All clubs practice on Tuesdays and compete on Thursdays. There is also social practice once a week. The sport is governed by the Victorian Association of Trugo.

Discussion

Should Council agree to enter into a lease with AVTC, it may place additional financial burden on Council to remediate previously identified issues with the clubhouse and Trugo court. AVTC has limited financial capacity to contribute towards any capital improvements or significant maintenance of the facilities. AVTC has previously identified a number of amenity issues which are listed in Table 1 below.

Table 1:

| Issue | Comments | Officer Comments |
|----------------|--|---|
| Toilets | <p>The absence of proper toilets makes the future of the Trugo Club problematic. The Portaloos are completely unsatisfactory, are an eyesore and should only be used for temporary purposes. An assessment needs to be made by suitably qualified Council officers to recommend solutions. There are public toilets located in the building occupied by the Boathouse Café/Restaurant some 150 metres from the Trugo club. Unfortunately, the age profile of the Trugo community makes these toilets beyond walking distance for many players.</p> <p>The increased usage of the playground adjacent to the Trugo Club has resulted in increased demand for public toilets in the area. Additional public toilet capacity needs to be considered in future capital works program for the area.</p> | <p>Council to remove the portable toilets from the site. The lease should stipulate that club users utilise the toilet facilities at the Boathouse Café/Restaurant.</p> |

| | | |
|---|---|---|
| | In the interim, the club members need to utilise the public toilets at the Boathouse Café/Restaurant and have the Portaloos removed. | |
| Court Maintenance | The Trugo Club would welcome weekly mowing by Council staff together with removal of clippings and prunings. An automatic watering system should be installed. This will require electricity to be connected to the court. | This issue has been discussed with AVTC and the club has agreed to maintain the greens. |
| Replacement of Cyclone Fences | The Maribyrnong River Master Plan recommends replacement of the cyclone wire fence with a more sympathetic style of fence. | <p>The Maribyrnong River Master Plan recommended:</p> <ul style="list-style-type: none"> • 18.8- Replace the existing fencing around the Trugo court with more appropriate and sensitive fencing detail. <p>Council to review the condition of the perimeter fencing and any commitment to improvements within 12 months of signing a new lease.</p> |
| Clubhouse (Pioneer Retreat) | <p>The clubhouse has significant social and historic value. It was the first project instigated by Essendon Rotary Club which subsequently led to the emergence of Elderly Citizens Clubs across Melbourne.</p> <p>It appears in good condition however a more detailed assessment should be made.</p> | <p>The Maribyrnong River Master Plan recommended:</p> <ul style="list-style-type: none"> • 18.7 – Work with AVTC to explore future use of the Pioneers Retreat. <p>Council to review the need to remove the tree next to the Pioneers Retreat.</p> <p>Council to review the internal condition of the Pioneers Retreat in regard to amenities.</p> |
| Electricity to Clubhouse and Court | The electricity to the clubhouse has been cut off. Electricity needs to be reconnected as a matter of urgency. It is likely a new switchboard and wiring will be required before reconnection. Again, a proper assessment by qualified persons is necessary. There is no electricity supply to the court. | Electricity has been reconnected to the site. AVTC to pay all service fees and ongoing service utility outgoings. |
| Heating and Cooling of Clubhouse | There is none. | This issue has been discussed with the club but it is not a pressing issue. Council could consider installing heating/cooling in the |

| | | |
|---|--|---|
| | | future. |
| Telephone to Clubhouse | There does not appear to be any telephone connection to the clubhouse. | Have discussed this with the club and is no longer an issue. |
| Historical significance of the Ascot Vale Trugo Club | An assessment should be made. | Refer to Heritage Report in <u>Appendix A</u> . Council will provide directional signage to the facility from Maribyrnong Road and The Boulevard. |

Council officers met with the AVTC President on-site on 12 January 2016 to discuss the club's request for a lease or licence, examine amenity issues and inspect the club facilities.

In considering any lease with AVTC the following matters should be considered:

- The lease should be for a maximum term of 5 years to allow consideration of AVTC in the future development of a Maribyrnong Park Sports Precinct Master Plan.
- Financial status of the club in determining the rental.
- Retain the status quo (i.e. no provisioning for significant capital upgrade of the facility).

Consultation

Internal consultations have taken place with the Operations and Infrastructure departments regarding facility leisure and recreational use and maintenance and upgrade issues.

Implications

1. Legislative

There are no legislative implications.

2. Council Plan / Policy

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.

A position paper has been developed recognising boules and mallet sport activities in the City, but no further policy development is planned.

Council officers have reviewed the request in accordance with Council's Property Leasing Policy (adopted February 2016)

3. Financial

There will be some operational expenditure incurred in 2016/17 regarding minor maintenance and improvements at the site.

4. Environmental

There are no known significant environmental issues.

Conclusion

AVTC has been operating from this site for over 60 years and Council is supportive of the sport of Trugo in Moonee Valley. Therefore, it is considered appropriate to formalise a lease with the club for occupancy and use of the site.

Appendices

Appendix A: 294-300 Maribyrnong Road Moonee Ponds - Pioneer Retreat

Appendix A



Location:

294-300 MARIBYRNONG ROAD, 40-48 THE BOULEVARD, and 189-195 HOLMES ROAD, MOONEE PONDS, MOONEE VALLEY CITY

Heritage Status / Level of Significance:

Included in Heritage Overlay

Heritage Overlay Number: HO4

Listing Authority: Moonee Valley City

Precinct:

Maribyrnong Park

Statement of Significance:

Maribyrnong Park is of high local historical, social and architectural significance.

The park is historically and socially important for its strong association with the Essendon River League, one of Melbourne's earliest, community conservation groups.

Developed largely through the voluntary funds of the League, the park is historically and architecturally important as the 'home base' for the League's Improvement and beautification projects. The park was central to the activities of the organisation and many of the park's structures built through voluntary funds and labour continue to stand and the park remains a focus for local community events.

The park's pioneer Retreat built by the Essendon Rotary Club in 1938 is historically and socially important as a precursor to the elderly citizens clubs of the late 1950s. It highlighted the need for elderly persons' clubs, and this first major community project of the Essendon Rotary Club, Melbourne's earliest suburban Rotary club, influenced the construction of further similar buildings by other Rotary clubs before local councils provided this community service for the elderly.

The Pioneer Retreat has further historical and social importance as the clubrooms for the Ascot Vale Trugo Club. The few surviving clubs in Melbourne's inner suburbs share rooms and courts with other organisations; Ascot Vale is unique for occupying their own quarters.

| | |
|-----------------------------|--|
| Heritage Study / Consultant | Moonee Valley - Essendon Conservation Study, Graeme Butler, 1985 |
| Construction Date Range | 1890 - 1950 |
| Architect / Designer | |
| Municipality | MOONEE VALLEY CITY |
| Other names | |
| Hermes number | 30518 |
| Property number | |

This place/object may also be State heritage listed. Check the Victorian Heritage Database. For further details, contact the local Council or go to Planning Schemes Online

9.14 Graffiti Management Policy Implementation Update

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

Purpose

To provide Council with a six monthly progress report on actions implemented through the Graffiti Management Policy which was adopted on the 25 August 2015.

Executive Summary

- Council adopted the Graffiti Management Policy on 25 August 2015.
- The Graffiti Management Policy aims to support safety and community pride, manage the negative impacts of illegal graffiti and recognise the need for the coordinated management approach to graffiti. (Graffiti Management Policy provided as **Appendix B**).
- The delivery of the Graffiti Management Policy is an organisational wide responsibility. The Graffiti Management Working Group was established to report on the actions and outcomes of the Policy. (Implementation report provided as **Appendix A**).
- Key activities are summarised in **Appendix A**. Some of the highlights include; implementation of the Department of Justice agreement for graffiti removal once a week, increased number of graffiti reports have been recorded and prevention projects such as the Billboard Project have been implemented.

Recommendation

That Council receive and note the Graffiti Management Policy Implementation Update.

Background

The Graffiti Management Policy was adopted on the 25 August 2015. A working group has been established to seek innovative solutions to deter graffiti. The group is led by the City Planning department with representatives from Arts, Culture and Libraries, Community Planning, Infrastructure Services, Operations and Communications and Customer Service, Social Planning and Well Being.

Discussion

The delivery of the Graffiti Management Policy is an organisational wide responsibility. The actions which have occurred from August 2015 to February 2016

are outlined in **Appendix A** within this document. The actions are aimed at implementing the policy objectives and a brief summary is provided below:

Removal

- Increase in graffiti reports, allowing better response times for graffiti removal.
- The existing agreement with the Department of Justice was renewed from July 2015 for a two year period. This involves a graffiti removal team to undertake work once per week within the municipality.

Enforcement

- All graffiti removal and enforcement is managed within existing capital works and operational budgets.
- In terms of enforcement the focus has been on identifying hotspots. Discussions to be held at Council and Victoria Police meeting scheduled for the 18 March 2016 on graffiti hot spots.

Prevention and early intervention

- Public art as an effective graffiti prevention tool was delivered with projects such as the Billboard Project, Wilson Street Mural, Ascot Vale Leisure Centre and the Art Box Project.
- Promotion of Council's request for service incorporated into newsletters such as Connect and through the Council website.
- Designs of Council buildings and open space have incorporated Crime Prevention through Environmental Design (CPTED) principles, these include incorporating requirements within project design briefs and the review of the Pridham Plaza landscape upgrade through the Department of Justice grant process.
- Completion of works at McCall Reserve in Newmarket, which included furniture and play space upgrade through the Department of Justice grant.

Consultation

Internal consultation has occurred with the working group to report on the actions of the Graffiti Management Policy and provide input into the reporting template. This meeting was held on January 8, 2016.

Council departments include City Planning, Arts, Culture and Libraries, Community Planning, Infrastructure Services, Operations and Communications and Customer Service, Social Planning and Well Being.

Implications

1. Legislative

The Graffiti Management Policy was guided by the *Graffiti Prevention Act 2007* including provisions in this Act which give Council authority to remove offensive graffiti from private property and assets.

The *Charter of Human Rights and Responsibilities Act 2006* has been considered, namely Council's role in ensuring freedom, respect, equality and dignity of all residents.

2. Council Plan / Policy

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

3. Financial

The actions outlined in **Appendix A** have been funded through existing operational and capital works budgets.

4. Environmental

The Graffiti Management Policy is consistent with Council's City Sustainability Policy and assists in creating safe and vibrant public realm that complements Council's environmental and sustainability principles.

Conclusion

The implementation of Moonee Valley's Graffiti Management Policy builds on Council's existing approach to managing graffiti and provides ongoing commitment from the various departments within Council to support safety and pride in the community by creating a safe, clean and welcoming environment.

Council has undertaken a coordinated approach to deliver the Policy to address graffiti prevention and early intervention, inclusion of CPTED principles within design of buildings and public spaces and graffiti removal and graffiti enforcement to make Moonee Valley a well maintained, vibrant and welcoming place to live, work, study and recreate.

Appendices

Appendix A: Graffiti Management Policy - Implementation Report 2016

Appendix B: Moonee Valley Graffiti Management Policy 2015

Graffiti Management Policy Implementation Report 2016

| Key Tracking Statistics | |
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| <ul style="list-style-type: none"> Formal record keeping data indicates that there were 228% increase in reports of graffiti between 1 July 2015 and 31 December 2015, compared to the first half of 2015. These incidents were attended to by the Operations staff. | |
| Policy objectives | Actions to-date and implementation outcomes |
| Prevention and early intervention | |
| <p>7.1.1 Active engagement with artists and other community members to promote and provide appropriate avenues for creativity and skill development opportunities.</p> | <ul style="list-style-type: none"> Youth Services delivered the Wilson St Mural Project between November and December 2015. Led by two artists, this project provided creative exposure to new materials and skill development for eight youth participants. Youth Services and Leisure Facilities delivered the Ascot Vale Leisure Centre mural project. The mural was led by two artists with five youth participants aged between 12-24 years. The mural is painted on an internal temporary dividing wall during facility works. Intention is for all or parts of the mural to be fixed to a permanent wall when works to the facility are complete. Arts and Culture have successfully implemented the Billboard Project. The project is a new initiative from the 2015/16 budget and is in alignment with the Arts and Culture Plan 2014 - 2018 and with strategies from Council's Graffiti Management Policy. Arts and Culture consulted with Economic Development and has negotiated with local business and property owners to gain their support for the project. The images will be installed every three months until the conclusion of the pilot project in August 2016. The locations of the Billboards are: <ul style="list-style-type: none"> Coffee Addiction Café 457 Keilor Road, Wallace Mall, Niddrie Muse Hair Design 342A Keilor Road, Niddrie 7 Eleven 387 Keilor Road, Niddrie |

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| | <ul style="list-style-type: none"> - Newmarket Station Pin Oak Crescent, Flemington - Pacific House Restaurant 293-295 Racecourse Road, Pridham Plaza, Flemington |
| <p>7.1.2 Consideration of murals and commissioning of legal street art in appropriate locations that contribute to the amenity of the area and prevent illegal graffiti on the site.</p> | <ul style="list-style-type: none"> • Economic Development delivered the Art Box Project. The unit sought expressions of interest from local artists to paint 12 of Councils electrical boxes on Puckle Street. The initiative generated a number of interesting designs and submissions with internationally renowned artist Darren Munce engaged to complete the project. The project has been very successful in limiting the illegal graffiti that this style of infrastructure normally attracts with only one clean up required since its installation. • An application was submitted to the Department of Justice and Regulation for a Graffiti Prevention Grant in September 2015, however was unsuccessful. The project proposed installation of four art billboards in the Moonee Ponds Business Precinct, to reduce illegal graffiti in hot spot locations and improve the image and vitality of the activity centre. This proposal was supported by the Moonee Ponds Rate Levy Association and Moonee Ponds Chamber of Commerce. Further consideration of options for addressing graffiti in this precinct through other funding avenues will be considered in 2016. • Arts and Culture's Billboard Project is intended to contribute to the amenity of local areas and activate spaces with art. Each series of photographs is located in close proximity to each other to tell a cohesive story. See actions under 7.1.1 • Youth Services are currently scoping a mural project to be undertaken at the Rosehill Youth Park. The aim is to alleviate graffiti on the vertical walls of the skate park. Youth Services will be present at the Draft Rosehill Master Plan consultation day on the 19 March to consult with the community on the mural |

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| | proposal. |
| 7.1.3 Work with businesses and private property owners to develop and/or commission murals and legal street art in appropriate locations. | <ul style="list-style-type: none"> Economic Development have begun conversations with several businesses and Trader Associations. One example includes the Wallis Mall proposal by the Niddrie Traders to paint a mural in the mall. Arts and Culture together with Economic Development undertook negotiations with business owners and property owners for the billboard project. Agreements have been signed by all parties. Full support has been given by Public Transport Victoria for the site on Pin Oak Crescent. |
| 7.1.4 Develop a registry of approved locations and street art works in Moonee Valley to encourage protection. | <ul style="list-style-type: none"> Not yet implemented. Future action is for scoping and benchmarking for a Public Art Policy has begun through the Open Space and Urban Design unit for a future project. This will include benchmarking from surrounding Council's such as City of Melbourne and City of Port Philip to inform a consistent process for planning permit approval and consultation. Not yet implemented. Future action for the working group to develop a register to add projects and sites over a long period of time. The register will be designed to capture: <ol style="list-style-type: none"> Hot spots to identify existing problem sites. Controls for new artwork which will determine acceptable locations that are Council approved. Protection mechanisms to protect new and existing artwork. |
| 7.1.5 Community education and partnership approaches to support a coordinated response to develop solutions and opportunities for graffiti prevention, education, removal and enforcement. Council will consider opportunities to support or facilitate clean up days that enable engagement with community members, business and influential local leaders. | <ul style="list-style-type: none"> The Economic Development unit has attended each of the Trader Associations meetings to discuss opportunities to mitigate graffiti through timely removal by private property owners. They also discussed blocking access to popular graffiti spots which are consistently being targeted for example above shop verandahs. Economic Development have facilitated discussions with the Flemington Chamber of Commerce for a community partnership |

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| | <p>with the Newmarket Phoenix Soccer Club to remove illegal graffiti from the precinct. This initiative was part funded by Council and Bendigo Bank.</p> <ul style="list-style-type: none"> Community Development will encourage graffiti prevention in the community grants application. This will include encouraging new artwork to improve local environment. |
| <p>7.1.6 Urban Design Guidelines to inform built form to develop safe and welcoming spaces via implementing CPTED principles (Crime Prevention through Environmental Design). These include landscape plantings, surface finishes (i.e. texture and colour), and incorporate graffiti reduction principles in the design of buildings, walls, fences, etc.</p> | <ul style="list-style-type: none"> Not yet implemented. Future action is for criteria for CPTED to be incorporated into the Project Management Framework Open Space and Urban Design have drafted requirements for CPTED to be incorporated into project design briefs. This will include graffiti prevention measures for built form design. This document has been provided to Major Projects and Sport and Recreation to be included in their design briefs for Council facilities. Open Space and Urban Design are designing to activate spaces in renewal projects such as Pridham Plaza. This project is being evaluated through the Department of Justice grant process and includes CPTED principles. The aim is to provide an inviting space to cater for a range of uses to prevent opportunities for graffiti and vandalism. Works at McCall Reserve in Newmarket are completed and include CPTED principles as part of the Department of Justice Grant requirements. |
| <p>7.1.7 Support rapid removal of illegal graffiti to discourage the recurrence of graffiti, as it reduces exposure time of the graffiti and makes the graffiti physically easier to remove.</p> | <ul style="list-style-type: none"> Operations continue to remove offensive graffiti within 24 hours or within the day, depending on the time of the report. Whilst non offensive graffiti is removed within 48-72 hours of report. |
| <p>7.1.8 Encourage use of graffiti resistant materials or protective coatings to assist with removal.</p> | <ul style="list-style-type: none"> Major Projects currently ensure that new Council buildings, such as Aberfeldie Park Pavilion have graffiti proof coatings and where possible also incorporate materials such as timber, stone and galvanised steel to provide a textured surface not conducive to graffiti. Buildings such as the proposed Fairbairn Park Middle Pavilion |

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| | has been considered with this approach. |
| Removal | |
| 7.2.1 Removal of illegal graffiti from Council and public property. | <ul style="list-style-type: none"> Council received 15 requests for graffiti removal from public property. |
| 7.2.2 Removal of illegal graffiti on private property and assets. | <ul style="list-style-type: none"> Council received 213 requests for graffiti removal from private property. Council also provided 56 graffiti removal kits to residents. |
| 7.2.3 Council will work with traders and other private property owners to identify hotspots and options to address graffiti-related issues. Such options will include limiting access to hotspot areas (e.g. above shop fronts), prevention through commissioning of works and encouraging CPTED design principles including the use of materials to discourage graffiti. | <ul style="list-style-type: none"> Not yet implemented. Union Road has been identified within the working group with particular hotspots identified in locations within the retail area and on electrical boxes and tram poles. Future action is to propose that the Art Box Project be continued along Union Road to the affected areas in consultation with Jemena and Yarra Trams. |
| 7.2.4 In terms of reporting, community members are encouraged to report graffiti to Council if on Council property or directly to asset managers or owners as promoted on Council's website. | <ul style="list-style-type: none"> Council records indicates that there was a significant increase of graffiti reports with a 228% increase from 1 July 2015 and 31 December 2015 compared to the first half of 2015. This increase in reporting highlights the community's awareness of the issue and how to contact Council for removal. |
| 7.2.5 Council will support where available and appropriate, the utilisation of the Department of Justice's Graffiti Offenders Program (or alike programs) to place graffiti offenders within the municipality removing graffiti from allocated sites. | <ul style="list-style-type: none"> Existing agreement with the Department of Justice was extended for a two year period in July 2015. A graffiti removal team from the Department of Justice undertakes graffiti removal once per week with in the municipality. Council's Supervisor for Graffiti Removal provides the locations to the Department of Justice that are required to be cleaned. |
| Enforcement | |
| 7.3.1 Promote the Snap Solve Send phone application for community members to take photos on their smart phone of graffiti and send it directly to Council to support removal and/or build a database of graffiti. | <ul style="list-style-type: none"> Not yet implemented. Future action is for information to be sent to traders via Council's business newsletters Connect and E-Connect which go out on a quarterly basis. |

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| <p>7.3.2 Identify and liaise with Victoria Police on local graffiti hot spots to enable proactive patrols in an attempt to apprehend offenders and where appropriate re-direct to other community activities.</p> | <ul style="list-style-type: none"> • Not yet implemented. Future action is for the Graffiti Management Working Group to investigate feasibility of recording offences through mapping systems, so that hot spots can be determined. This would include providing devices to staff to capture information. • Discussion about local graffiti hot spots to occur at Council and Victorian Police meeting scheduled for 18 March 2016. |
| <p>7.3.3 Work with local business to ensure they are not selling spray cans to minors - the Graffiti Prevention Act 2007 prohibits the sale of aerosol paint containers to persons under 18 years old, unless proof is provided that it is for his or her employment.</p> | <ul style="list-style-type: none"> • Not yet implemented, Future action is for traders will continually be educated on the current legislation through the E-Connect business newsletter |

Emerging Issues / opportunities (next 6 months)

- Stamp Out Crime – Community Action & Reporting (SOCCAR) Project at Flemington and Wingate is an education and capacity-building project focused upon community reporting of crime, it will include components of community consultation and discussion about crime types, community-based action to deter crime, crime reporting (who to contact about what) and topics which can include the issue of Graffiti. Sections of the Graffiti Policy that relate to enforcement can be integrated into the education content of the SOCCAR project.
- Public Safety Infrastructure Fund Project- Pridham Plaza, Flemington aims to improve amenity and increase perceptions of safety at the Racecourse Road shopping strip through a safety-focused landscape redesign.
- Crime Statistics Agency- provide localised, customised crime data upon request. This data might be used to inform Council about emerging crime reporting trends in the municipality and offender profiles.
- Community Safety Program 2015-2020 identifies four Action Areas, two of which are quite relevant to graffiti prevention and management. The two actions are Safe Places (places that feel safe and encourage active use) and Resilient Communities (communities which have the support, knowledge and confidence to be active contributors to their own safety). There is an opportunity to incorporate messages that promote and activate the Graffiti Policy with the promotion of the Community Safety Program.

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| POLICY TITLE | Graffiti Management Policy |
| POLICY TYPE | Council |
| DIRECTORATE | Environment & Lifestyle Directorate |

1. Background

Moonee Valley City Council's goal is to create a community that is vibrant and diverse; clean, green and beautiful; sustainable; and friendly and safe. Through a strategic prevention and early intervention graffiti management approach, Council aims to reduce negative impacts and ongoing costs associated with removal and enforcement of illegal graffiti and to promote a sense of safety and pride in our community.

2. Purpose

The Graffiti Management Policy outlines Council's commitment to:

- 2.1 Support safety and pride in the community through promoting a safe, clean and welcoming environment where people feel confident and safe.
- 2.2 Ensure an effective, coordinated and proactive approach to graffiti management through prevention, education, removal and enforcement.
- 2.3 Support a whole of community, multifaceted approach through:
 - 2.3.1 Prevention and early intervention by: eliminating illegal graffiti before it occurs, education campaigns, implementing urban design principles that reduce opportunities for graffiti and enabling street art where appropriate.
 - 2.3.2 Removal of illegal graffiti through creating partnership projects with local traders, community groups, service providers and other levels of government and by empowering residents through use of removal kits.
 - 2.3.3 Enforcement via proactive monitoring measures of graffiti to reduce illegal graffiti offences.

3. Scope

This Policy defines Council's approach to illegal or offensive graffiti and the associated removal and responses within the capacity of Council's General Purpose Local Law and the *Graffiti Prevention Act 2007*. It also outlines Council's approach to graffiti prevention including street art and murals in appropriate locations to activate and create vibrant urban spaces in Moonee Valley.

4. Definitions

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| Graffiti | <p>Defined in the <i>Graffiti Prevention Act 2007</i>, to “write, draw, mark, scratch or otherwise deface property by any means so that the defacement is not readily removable by wiping with a dry cloth.”</p> <p>It can include spraying, writing, scratching or slashing an identifying mark or symbol on someone else’s property without their consent.</p> <p>Materials commonly used to do graffiti include spray cans, felt tip markers, any form of paint or sharp instruments.</p> |
| Illegal graffiti | <p>Placing graffiti on someone else’s property without their consent is a criminal offence under the <i>Graffiti Prevention Act 2007</i>.</p> |
| Offensive graffiti | <p>Obscene in nature and has the potential to cause offence to the community or certain groups within the community. In particular, it often includes defamatory remarks about race and gender and includes offensive words, phrases or graphics.</p> |
| Tagging | <p>Style of calligraphy writing that depicts the initials or nickname of the person responsible.</p> |
| Throw-ups | <p>‘Fat’ bubble style outline of a word (usually a tag name) drawn quickly.</p> |
| Crew tagging | <p>The tag represents the name of a crew of graffiti writers rather than an individual.</p> |
| Political or social comments | <p>Slogans used to show concern about particular issues</p> |
| ‘Piece’ | <p>Generally a more complex work involving some form of ‘artistry’. They are usually a highly stylized and colourful version of a tag or crew name</p> |
| Mural | <p>A mural is any piece of artwork painted or applied directly on a wall, ceiling or other large permanent surface. A distinguishing characteristic of mural painting is that the architectural elements of the given space are harmoniously incorporated into the art.</p> |
| Stencilling | <p>Pre-formatted template placed on the wall or footpath and sprayed over with a spray can (There is an emerging problem of private organisations paying graffers to spray stencils or their logo for advertising purposes).</p> |
| Stickering | <p>Placing stickers on structures.</p> |

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| Postering | Involves gluing posters to structures. |
| Street art | Refers to artistic work implemented with the permission of the person/authority who owns the surface/wall where the artwork is located, and with the permission of Council. |
| Illegal Street art | Refers to artistic work implemented without the permission of the person/authority who owns the surface/wall where the street artwork is located. (Particular identified sites may also require approval by Council where heritage and or signage controls are stipulated in the Planning Scheme). |
| Graffiti Prevention Act 2007 | The Act is to reduce the incidence of graffiti by creating graffiti-related offence; and providing search and seizure powers for members of the police force and providing power for a Council to enter private property for the purpose of removing graffiti. |
| Crime Prevention Through Environmental Design (CPTED) | A planning approach to deter illegal behaviour through the design of the built environment that address perceptions of safety and fear of crime. CPTED has been used extensively to reduce incidences of graffiti. |

5. Responsibility

The implementation of this policy is managed via an organisation wide approach, with coordination managed via the Streetscape Working Group, whose membership comprises management and operational staff from each of Council's Directorates.

In relation to graffiti, the Streetscape Working Group is responsible for:

- Coordinating the implementation of the policy and its review in a consultative and collaborative process at identified periodic intervals; and
- Annually planning and advocating for new initiatives and continuous improvement responses to resource graffiti management.

The development, implementation and evaluation of approaches and processes are the responsibility of several service Departments inclusive of Arts & Culture, Economic Development & City Sustainability, Leisure & Open Space Planning, Parks & Gardens, Infrastructure, Operations, Governance & Local Laws, Community Planning & Development and Citizen and Information Services.

All Council Officers and Council contractors are responsible for implementation and/or adherence to this policy.

6. Legislation

The aim of the *Graffiti Prevention Act 2007* is to reduce the incidence of graffiti by creating graffiti-related offence, providing search and seizure powers for members of the police force and providing power for a Council to enter private property for the purpose of removing graffiti.

Graffiti Prevention Act 2007 adopts a zero-tolerance approach towards graffiti and focuses on policing and enforcement. Offences included in the Act are:

- Marking graffiti meaning “a person must not mark graffiti on property if the graffiti is visible from a public place unless the person has first obtained the express consent of the owner, or an agent of the owner, of the property to do so”¹
- Marking offensive graffiti meaning “a person must not mark graffiti that is visible from a public place if the graffiti, or any part of the graffiti, would offend a reasonable person”.
- Possessing a prescribed graffiti implement which states that “A person must not, without lawful excuse, possess a prescribed graffiti implement— (a) on property of a transport company; or (b) in an adjacent public place; or (c) in a place where the person is trespassing or has entered without invitation.”

The *Graffiti Prevention Act 2007* also carries significant penalties, including up to 2 years’ imprisonment and a fine of up to \$26,428.

7. Policy

Council recognises that illegal graffiti (such as tagging) can contribute to poor perceptions of safety. In other contexts, commissioned or authorised street art can play a role in creating vibrancy and diversity in an area.

Different organisations have varying approaches to graffiti management depending on the community’s tolerance to graffiti as contributing to the urban and social character of a community. However, councils generally hold a zero tolerance to tagging, offensive graffiti and illegal murals, stickering and posterage.

Positive effects of legal graffiti/street art expressions include:

- Opportunities for artists to develop their skill and creativity;
- Opportunity for community to experience the artistic work of others;
- Contribution to the vibrancy of an area; and
- Creation of local identity, pride and character of local neighbourhoods via supported legal street art forms.

Negative impacts include:

¹ Graffiti Prevention Act 2007 – Sect 5:
http://www5.austlii.edu.au/au/legis/vic/consol_act/gpa2007217/s5.html

- Economic impacts associated with the removal of illegal graffiti;
- Contributing to poor perceptions of safety; and
- Contributing to a reduction in local pride via views of cleanliness and the quality of the physical environment.

The objective of this policy is to support safety and community pride, manage the negative impacts of illegal graffiti and recognise the need for a coordinated management approach to graffiti through:

- prevention and early intervention
- removal, and
- enforcement.

7.1 Prevention and early intervention

Whilst there is no definitive best-practice approach to graffiti management, there is general agreement that illegal graffiti will never be eliminated and therefore, graffiti management rather than eradication is the most practical and reasonable approach.

Council acknowledges that one of the effective strategies in illegal graffiti prevention is active engagement and development of partnerships to create a broader approach to the management and removal of graffiti across the municipality.

Council recognises the role community education plays in empowering our community to appreciate and respond to impacts and opportunities associated with graffiti. Council will provide the following local graffiti prevention strategies:

- 7.1.1 Active engagement with artists and other community members to promote and provide appropriate avenues for creativity and skill development opportunities.
- 7.1.2 Consideration of murals and commissioning of legal street art in appropriate locations that contribute to the amenity of the area and prevent illegal graffiti on the site.
- 7.1.3 Work with businesses and private property owners to develop and/or commission murals and legal street art in appropriate locations.
- 7.1.4 Develop and maintain a registry of approved locations and street art works in Moonee Valley to encourage protection.
- 7.1.5 Community education and partnership approaches to support a coordinated response that develops solutions and opportunities for graffiti prevention, education, removal and enforcement.
Council will consider opportunities to support or facilitate clean up days that enable engagement with community members, business and influential local leaders.
- 7.1.6 Urban Design Guidelines to inform built form to develop safe and welcoming spaces through the implementation of CPTED principles. These include landscape plantings, surface finishes

(i.e. texture and colour), and incorporating graffiti reduction principles in the design of buildings, walls, fences, etc.

- 7.1.7 Support rapid removal of illegal graffiti to discourage the recurrence of graffiti, as it reduces exposure time of the graffiti and makes the graffiti physically easier to remove.
- 7.1.8 Encourage use of graffiti resistant materials or protective coatings to assist with removal.

7.2 Removal

Removal involves the elimination of illegal graffiti including directly by Council or empowering residents by providing graffiti removal kits.

7.2.1 Removal of Illegal graffiti from Council and public property:

Council property includes but is not limited to Council-owned buildings, parking meter, bench, waste bin, public artwork, bridge or street sign.

Council will proactively remove illegal graffiti from its property in a timely manner. Once reported, rapid removal of offensive graffiti on Council property will take place within 48 hours via its Graffiti removal team and other service contractors.

7.2.2 Removal of illegal graffiti on private property and assets:

Graffiti on private property includes a house, shop, office, factory or other building, fences, walls, garage or a private letter box.

Removal on private property and assets is reliant on property owners. For numerous reasons property owners do not always remove the graffiti promptly.

In support of private property owners and our community, Council will:

- Provide and promote graffiti removal kits to residents and businesses for removal of graffiti. These kits are available from Council's Civic Centre.
- Support community groups to access Council's graffiti removal trailer to assist with clean up days.
- Proactively use the provisions *Graffiti Prevention Act 2007* to remove offensive graffiti from private property and assets.

Council will utilise the provisions of the *Graffiti Prevention Act 2007* to remove graffiti by gaining consent from such entities through issuing of notices under Sections 18(2) and 18(3) of the *Graffiti Prevention Act 2007*.

Under the provisions of the *Graffiti Prevention Act 2007* Council can take action to remove or obliterate graffiti from private property when graffiti is deemed 'offensive in nature' or 'when it is affecting community perceptions of safety.' The removal of obscene or offensive graffiti will be fast-tracked through immediate contact with the property owner or their representative. The *Racial and Religious Tolerance Act 2001* may be used to support fast removal. The Act makes it illegal to write racist graffiti in public places.

According *Graffiti Prevention Act 2007*, Council officers will provide written notice to the owner or occupier of our intention to remove graffiti. Once consent is obtained (or once ten days has passed) Council can arrange for the graffiti to be removed. The removal of obscene or offensive graffiti will be fast-tracked through immediate contact with the property owner or their representative.

- For residents who are Pensioner Concession Card holders or who are unable to remove the graffiti themselves, Council will assist with the removal of the graffiti.

- 7.2.3 Council will work with traders and other private property owners to identify hotspots and options to address graffiti-related issues. Such options will include limiting access to hotspot areas (e.g. above shop fronts), prevention through commissioning of works and encouraging CPTED design principles including the use of materials to discourage graffiti.
- 7.2.4 In terms of reporting, community members are encouraged to report graffiti to Council if on Council property or directly to asset managers or owners as promoted on Council's website.
- 7.2.5 Council will support where available and appropriate, the utilisation of the Department of Justice's Graffiti Offenders Program (or alike programs) to assign graffiti offenders to impacted sites within the municipality, to assist with graffiti removal.

7.3 Enforcement

To deter illegal graffiti and support the apprehension of offenders, Council will:

- 7.3.1 Promote the Snap Solve Send phone application for community members to take photos on their smart phone of graffiti and send it directly to Council to support removal and/or build a database of graffiti.
- 7.3.2 Identify and liaise with Victoria Police on local graffiti hot spots to enable proactive patrols in an attempt to apprehend offenders and where appropriate re-direct to other community activities.

- 7.3.3 Work with local business to ensure they are not selling spray cans to minors - the *Graffiti Prevention Act 2007* prohibits the sale of aerosol paint containers to persons under 18 years old, unless proof is provided that it is for his or her employment.

8. Consultation

Council has undertaken consultation on a number of policies, plans and strategies, where graffiti was identified, including:

- The Council Plan 2013-17
- Moonee Valley 2035 Community Vision (MV2035)
- Public Health and Wellbeing Plan 2013 - 17
- Arts and Culture Strategy 2014 - 18
- Economic Development Strategy 2014
- Youth Engagement Plan (under development).
- Community Safety Program (under development).
- Structure plans, Master Plans and Precinct plans.

9. Related Documents

- General Purpose Local Law 2008
- *Local Government Act 1989*
- *Graffiti Prevention Act 2007*
- Arts and Culture Plan 2014 - 18
- Public Health and Wellbeing Plan 2013 - 17
- Economic Development Strategy 2014
- Open Space Asset Management Plan
- Community Safety Program (under development).
- Youth Engagement Strategy (under development).

9.15 **Report on Assemblies of Council**

File No: FOL/16/130
Author: Team Leader Council Business
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 February 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 February 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: Records of Assemblies of Council

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 16 February 2016 at 6.40 pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Andrea Surace, Paul Giuliano, Jan Chantry, Jim Cusack, Nicole Marshall, Cam Nation, Narelle Sharpe and John Sipek.

Officers:

| | |
|--------------------|---|
| Bryan Lancaster | Chief Executive Officer |
| Anthony Smith | Director Corporate & Community Services |
| Henry Bezuidenhout | Acting Director Planning & Development |
| Gil Richardson | Acting Director City Services |
| Tim Mileham | Acting Manager City Planning |
| Troy Delia | Coordinator Legislative Services |
| Christina Collia | Acting Coordinator Strategic Planning |

CONFLICT OF INTEREST DISCLOSURES

Nil.

MATTERS CONSIDERED

1. Moonee Valley Festival
2. Election Period Policy
3. Moloney Group Presentation
4. Council Meeting Cycle
5. Airport West Draft Issues and Opportunities Report - Community Consultation Key Findings
6. Items of a general nature raised by Councillors and Officers.

RECORD COMPLETED BY

Anthony Smith Director Corporate & Community Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 23 February 2016 at 6.18 pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Andrea Surace, Paul Giuliano, Jan Chantry, Jim Cusack, Nicole Marshall, Cam Nation, Narelle Sharpe and John Sipek.

Officers:

| | |
|---------------------|---|
| Bryan Lancaster | Chief Executive Officer |
| Anthony Smith | Director Corporate & Community Services |
| Henry Bezuidenhout | Acting Director Planning & Development |
| Gil Richardson | Acting Director City Services |
| Michele Leonard | Manager Aged & Disability |
| Yvonne Hansen | Manager Legislative Services & Support |
| James Martin | Manager Communications & Customer Service |
| Tim Mileham | Acting Manager City Planning |
| Vera Mitrovic-Misic | Acting Manager Statutory Planning |

CONFLICT OF INTEREST DISCLOSURES

Councillor Sharpe declared a Conflict of Interest in the report, Buckley Park Local Area Traffic Management Study.

MATTERS CONSIDERED

1. 147 - 157 Princes Street, Flemington
2. 4 Homer Street & 687 Mt Alexander Road, Moonee Ponds
3. 117 Keilor Road, Essendon
4. 1 Melfort Avenue, Essendon
5. Essendon School Precinct Localised Traffic Study
6. Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan
7. Submission to Flemington Hill and Epsom Road Advisory Committee
8. Submission to the Managing Residential Development Advisory Committee (MRDAC)
9. Planning Scheme Amendment C151 - Updating Local Flood Controls
10. Planning Scheme Amendment C162 - Heritage Overlay 41, 43 and 45 Regent Street, Ascot Vale
11. Draft Rosehill Park Master Plan
12. Kindergarten in Moonee Ponds
13. Maribyrnong River Cruises Mooring Site

RECORD COMPLETED BY

Anthony Smith Director Corporate & Community Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 1 March 2016 at 6.35 pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Andrea Surace, Paul Giuliano, Shirley Cornish, Jim Cusack, and John Sipek.

Officers:

| | |
|---------------------|--|
| Bryan Lancaster | Chief Executive Officer |
| Anthony Smith | Director Corporate & Community Services |
| Henry Bezuidenhout | Acting Director Planning & Development |
| Gil Richardson | Acting Director City Services |
| Carey Patterson | Manager Building, Health & Property Services |
| Tim Mileham | Acting Manager City Planning |
| Vera Mitrovic-Misic | Acting Manager Statutory Planning |
| Matt Spozio | Coordinator Statutory Planning |
| Christina Collia | Acting Coordinator Strategic Planning |
| Lisa Bagnati | Transport Project Officer |
| Mary Kennedy | Strategic Transport Planner |
| David Kilroe | Strategic Planner |

CONFLICT OF INTEREST DISCLOSURES

Nil.

MATTERS CONSIDERED

1. Consideration of VCAT amended plans - 40 Hall Street and 34 - 36 Margaret Street, Moonee Ponds.
2. Draft Transport Study
3. Draft Heritage Study
4. Council Interest in Land and Valuation - 1 - 15 Strathaird Street, Strathmore
5. Items of a general nature raised by Councillors and Officers.

RECORD COMPLETED BY

Anthony Smith Director Corporate & Community Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 8 March 2016 at 5.35 pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Andrea Surace, Paul Giuliano, Jim Cusack, Nicole Marshall, Cam Nation and John Sipek

Officers:

| | |
|---------------------|--|
| Bryan Lancaster | Chief Executive Officer |
| Henry Bezuidenhout | Acting Director Planning & Development |
| Gil Richardson | Acting Director City Services |
| Yvonne Hansen | Manager Legislative Services & Support |
| Tim Mileham | Acting Manager City Planning |
| Vera Mitrovic-Misic | Acting Manager Statutory Planning |
| Matt Spozio | Acting Coordinator Statutory Planning |

CONFLICT OF INTEREST DISCLOSURES

Nil.

MATTERS CONSIDERED

1. Consideration of VCAT amended plans - 40 Hall Street and 34 - 36 Margaret Street, Moonee Ponds.

RECORD COMPLETED BY

Yvonne Hansen Manager Legislative Services & Support

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday, 8 March 2016 at 7.32 pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Paul Giuliano, Jan Chantry, Jim Cusack, Nicole Marshall, Cam Nation, Narelle Sharpe and John Sipek

Officers:

| | |
|---------------------|--|
| Bryan Lancaster | Chief Executive Officer |
| Henry Bezuidenhout | Acting Director Planning & Development |
| Gil Richardson | Acting Director City Services |
| Yvonne Hansen | Manager Legislative Services & Support |
| Tim Mileham | Acting Manager City Planning |
| Vera Mitrovic-Misic | Acting Manager Statutory Planning |
| Matt Spozio | Acting Coordinator Statutory Planning |

CONFLICT OF INTEREST DISCLOSURES

Cr Marshall declared a Conflict of Interest in relation to 3-9 Shuter Street.

MATTERS CONSIDERED

1. 3-9 Shuter Street, Moonee Ponds
2. Ascot Vale Trugo Club - Maribyrnong Park Moonee Ponds - Proposed Lease
3. Election Period Policy
4. Delegations of Council
5. Graffiti Management Policy Implementation Update
6. Draft Heritage Study 2015
7. Airport West Activity Centre Structure Plan Review - Draft Issues and Opportunities - Community Consultation Key Findings Report
8. 11 Mooltan Street, Travancore
9. 12 Butler Street, Essendon
10. 8 Ida Street, Niddrie
11. 54 Mary Street, Essendon
12. 21-23 Norwood Crescent, Moonee Ponds
13. 222-226 Buckley Street, Essendon
14. 2016/17 Budget
15. Items of a general nature raised by Councillors and Officers.

RECORD COMPLETED BY

Yvonne Hansen Manager Legislative Services & Support

9.16 Report on Tenders and Contracts Awarded

File No: FOL/16/130
Author: Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

To provide a report on tenders and contracts awarded by Council's Tenders Committee since the last report was presented to Council at its meeting held 23 February 2016.

Executive Summary

This is a procedural report only.

Recommendation

That Council receive and note the report of Council's Tenders Committee and tenders variations approved at its meetings held 23 February and 8 March 2016.

Background

The Tenders Committee is a Special Committee of Council established pursuant to Section 86(1) of the Local Government Act 1989 ('the Act'), for the purpose of exercising Council's powers, functions and duties relating to the consideration of tenders received and the awarding of a contract for works, goods and services with a value of more than \$500,000, but not exceeding \$4 million.

Although the proceedings of meetings of the Tenders Committee are confidential pursuant to section 89(2) of the Act (as they relate to contractual matters), all reports of tenders awarded by the Tenders Committee provide for the inclusion of the accepted tender amount (i.e. where it does not relate to a schedule of rates contract). Importantly, once Council has received its report from the Tenders Committee, that information is published on Council's website.

Discussion

Since the last report to Council on 23 February 2016, the Tenders Committee met on 23 February and 8 March 2016 and approved the following contract variations:

| Contract | Awarded To | Date Approved | Approved Variation (exl GST) |
|---|---------------------------|------------------|---------------------------------|
| Hopetoun Children's Centre | Citadel Property Services | 23 February 2016 | \$476,104 |
| Ascot Vale Leisure Centre Redevelopment Works | McCorkell Construction | 8 March 2016 | \$325,210.51 |

| | | | |
|---|---------------------|--------------|-----------|
| Essendon Maribyrnong Park Ladies Cricket Pavilion | FIMMA Constructions | 8 March 2016 | \$124,751 |
|---|---------------------|--------------|-----------|

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

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

2. Council Plan / Policy

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

3. Financial

This report does not have any direct financial implications.

4. Environmental

There are no environmental implications resulting from this report.

Conclusion

It is recommended that Council receive and note the report.

Appendices

Nil

9.17 **Report on Advisory Committees**

File No: FOL/16/130
Author: Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

To present the minutes of Council's Advisory Committee meetings received since the last report to Council held in February 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 February 2016:

- a) Early Years Reference Group held 8 October 2015 (**Appendix A**);
- b) Municipal Emergency Management Plan Committee held 12 November 2015 (**Appendix B**);
- c) Arts & Culture Advisory Committee held 16 November 2015 (**Appendix C**);
- d) Integrated Waterways Advisory Committee held 20 November 2015 (**Appendix D**); and
- e) Early Years Reference Group held 8 December 2015 (**Appendix E**).

Background

Council at its Statutory Meeting on 4 November 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) Early Years Reference Group held 8 October 2015;
- b) Municipal Emergency Management Plan Committee held 12 November 2015;
- c) Arts & Culture Advisory Committee held 16 November 2015;
- d) Integrated Waterways Advisory Committee held 20 November 2015; and
- e) Early Years Reference Group held 8 December 2015.

Consultation

The nature of this report does not require any consultation to be undertaken, but rather the coordination and compilation of minutes of the meetings held.

Implications

1. Legislative

These minutes are presented to Council in accordance with sections 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: Early Years Reference Group - 8 October 2015

Appendix B: Municipal Emergency Management Plan Committee - 12 November 2015

Appendix C: Arts & Culture Advisory Committee - 16 November 2015

Appendix D: Integrated Waterways Advisory Committee - 20 November 2015

Appendix E: Early Years Reference Group - 8 December 2015



Early Years Reference Group Community Advisory Committee

Minutes

Tuesday, 8 December 2015, 10.30am-12.00pm at
Council Chamber, Moonee Valley City Centre, 9 Kellaway Ave, Moonee Ponds

| | | |
|------------------|-------------------|---|
| Attendees | Cr Narelle Sharpe | Chair – Councillor |
| | Dick Verwey | Department Education & Training |
| | Helen Cooney | Caroline Chisholm Society |
| | Rosie Dymus | Playgroup Victoria |
| | Deb Williams | Parent Representative |
| | Mary Pollerd | Parent Representative |
| | Michele Leonard | Moonee Valley City Council |
| | Kerryn Lockett | Moonee Valley City Council |
| | Jennifer McCurry | Moonee Valley City Council |
| Apologies | Jo Southwell | cohealth |
| | Sharne Wheaton | Noah's Ark Inclusion and Professional Support |
| | Mirna Salib | Department Education & Training |
| | Anne Butterworth | Department Education & Training |
| | Julianne Fraser | Department Education & Training |
| | Raelene Clinch | Moonee Valley City Council |
| | Karina Viksne | Parent Representative |
| | Christine Lawrey | Baptcare |
| | Hayley Robinette | |

Order of Business

Welcome

Cr Narelle welcomed Penny Ball to present and acknowledged Raelene Clinch's contribution to the EYRG.

8 December 2015

Council respectfully acknowledges the traditional custodians of this land – the Wurundjeri people of the Kulin Nation, their spirits, ancestors, elders and community members past and present.

1. Confirmation of Previous Minutes

The minutes, of meeting held 13 October, were accepted as correct.

2. Declarations of Conflict of Interest

No conflicts of interests were declared.

3. Items

3.1 Caring for our most vulnerable children (Cr. N)

In October, Bernard Geary spoke to a Western Region bi-annual forum dinner and discussed issues for children in care. Council is writing to key state Ministers and 78 Victorian Councils to encourage advocacy for children in residential care. To further discuss the issues it was suggested that DHHS (Christine Owen) be invited to a 2016 EYRG meeting.

Action: Council, on behalf of the EYRG, invite Christine Owen to a meeting of the EYRG early in 2016.

3.2 Theme 2: Places

2.2.2 – Complete Streets – Penny Ball (Sustainability and Climate Change), from 11:00am

A presentation on progressing principles for Complete Streets that involved how streets may be used more for people, such as street parties, local artists, link with business, pop up parks, age friendly streetscapes, 'play streets'. A Complete Street Kit is available and there was a suggestion that playgroups could use this.

3.2 Moonee Valley Early Years Plan (MVEYP) 2014 2015-16 Action Plan implementation and group discussion

Theme 1 People

1.2.3 – Alignment and integration with the MVEYP and Thrive (Youth Engagement Strategy) (KL)

Page 2

8 December 2015

Thrive: Strategy for Young People was launched in October 2015. Based on views of young people and service sector. It has six key action areas and has links across to the MVEYP.

Both MVEYP and Thrive plans are aligned and present opportunities that strengthen outcomes for children, young people and families.

1.3.1 – ‘Do not leave children in cars’ signage (JMc)

Council installed signage in all Council owned car-parks, Cr Narelle sent letters to all early years services and schools with information provided. All information provided by Kidsafe.

Theme 3: Partnerships

3.2.4 – Planning and design of new Western Metropolitan Community Services Hub - Caroline Chisholm (HC)

Builders have been appointed and will begin works before Christmas. Plan for new building outlined with space for leasing including two consulting rooms, six to nine open plan work stations and an open room for groups/meetings. Caroline Chisholm invited representation to the Practice Reference Group, an online consultation group.

4. General Business

4.1 Member updates: share an organisational achievement from the past year and a key opportunity or challenge in 2016.

Playgroup Victoria – achievement was obtaining establishment funding grant for Farsi-Dari (Iraqi) in Avondale Heights. Challenge is for ongoing funding for playgroups and need for supported playgroups. Also formalising model for playgroups.

Mary – FKA supporting families to engage, focussing on children's rights. New website being launched in two weeks: fka.org.au

DET – Restructure in regional department and areas divided into 5 with director per area. 2016 NDIS will roll out.

Page 3

8 December 2015

MV Toy Library – Successful in two grants with Bendigo Bank. Challenge in working on funding options.

Caroline Chisholm – Challenge is for keeping families together and advocating for less invasive policy.

MVCC – Achievement is progressing implementation of the MVEYP. Opportunities/challenges include:

- Bringing regional early years reference groups together around shared issues approximately every two years (to be discussed further).
- Connections with *Victoria the Education State* and seeking funding.
- Combining playgroups with a focus on learning.
- Actively seeking funding during period of reform.

Action: Michele to discuss with regional LG Managers about bringing regional early years reference groups together.

Cr N – confirmed that Bryan Lancaster is now fully in role of CEO.

4.2 2016 meeting dates:

Suggested quarterly meetings in the months of: March, June, September and November 2016. Times to be confirmed.

5. Close of Meeting

Meeting closed at 12:00

6. Next Meeting:

March 2016 (tbc).

MEMPC minutes of 12 November 2016



Municipal Emergency Management Planning Committee

Thursday, 12 November 2015
Held at the Council Chamber,
9 Kellaway Ave, Moonee Ponds
Meeting Commenced at 17.30pm

Minutes of Meeting

Attendance:

| Name | Organisation |
|-----------------|-------------------|
| Cr Jan Chantry | MVCC |
| Tony Ball | MVCC |
| Hugh McCarry | MVCC |
| Paul Denham | MVCC |
| John Chaplain | SES Regional |
| Sandra Faoro | SES Local |
| Frank Armstrong | DHS/DOH |
| Peter Clark | VCC EM |
| Bruce Misser | VCC EM |
| Ian Jones | VicPol |
| Jade Cubela | Red Cross |
| Richard Lodder | ST John Ambulance |

1. APOLOGIES:

Craig Medcalf - MVCC
Michele Leonard – MVCC
Kosta Smirnis – MVCC
Jim Karabinis - MVCC

2. WELCOME:

- Welcomed Bruce Misen from VCC EM.
- Cr Jan Chantry has been elected Chair for the meeting for another 12 months
- John Chaplain for Alison Tuxworth from SES while on leave
- Paul Denham – to look at the implementation of the MEMP for Council

3. MINUTES FROM PREVIOUS MEETING:

- Accepted by the committee and moved by Frank Armstrong and Ian Jones.

4. ACTIONS ARISING FROM THE PREVIOUS MEETING:

- Work on the MEMP plan required moving forward.
- Recovery and relief model
- After hours contact service

5. CORRESPONDENCE

- CFA contact list
- 2015 Bushfire handbook
- Pre fire season
- Discussion paper regional level

6. REVIEW OF MEMP

- Work needs to be completed on the plan.
- Contact list will be circulated to the committee
- MEMP to be read and reported to the other committee members
- Discussion paper will be distributed with minutes
- Contacts list will be distributed with minutes
- Committee to review each section of the MEMP
- Fire Protection Officer needs to be appointed.

7. AGENCY REPORTS

St John Ambulance

Richard Lodder

- No emergencies recently
- Major events, Cox Plate, Melbourne cup
- St. John Ambulance has lost the first aid contract at MCG
- The "big emergency website" shows current emergencies.

Vic Police

Ian Jones

- MV Events
- Helped a little at Melbourne Cup even though it was just outside the area.
- No major problems
- Essendon Airport 24 Oct Desktop exercise

MEMPC minutes of 12 November 2016

Metropolitan Fire Brigade

Guy McCrorie

Nil report

State Emergency Service (Essendon)

Sandy Faoro

- 2015 has been the quietest year SES has had
- 8 requests from the storm
- Info night 29 attendees and 8 new recruits.
- Fundraising to replace old vehicle
- Celebrating 40th Anniversary
- Attended heatwave exercise in October.

State Emergency Service (Regional)

- Melbourne Water Agreement
- Budget issues
- Storms with 230 jobs coming in
- 27th November exercise in Sunshine
- Exercise Flood plans gumboots

Department of Human Services

Frank Armstrong

- Several house fires
- Exercise at Essendon Airport
- Merl MFB headquarters
- Heatwave 19 Oct at Moonee Valley
- Multi-cultural talks regarding heatwave

Red Cross

Jade Cubela

- House fire in Roxburgh Park and Broadmeadows
- Red cross housed the families at a hotel
- Thanked DHS for their efforts
- Red Cross staff have distributed registration kits to Vic Police.

MEMPC minutes of 12 November 2016

- Form has full privacy clauses and info will not be used for other agencies if the person elects to stay private.
- Registration process (Register, Find, and Reunite) was presented to the Committee by Jade from Red Cross.

VCC EM

Peter Clarke

- Attended exercises.
- Driveway shooting
- Bruce has joined VCC Local
- MECC being tested
- VCC and Red Cross work perfectly together

Essendon Airport / Essendon Fields

Phil Gregory

Centrelink (Federal DHS Centrelink)

- No report

Moonee Valley City Council

Hugh McCarry

Paul Denham

- Hume City Council – Siege Event Exercise
- Tested Emergency generators at the depot working ok
- The Civic Centre generator test completed
- 8 September 2015 converted from Crisisworks V3 to V4
- Exercise Jule at Banyule Council
- MFB regional risk treatment plant table.
- 19 Oct Heatwave exercise at Moonee Valley
- Long term rainfall deficiencies.
- Internal heatwave meetings to increase library hours etc
- Invitations will be sent out to Crisisworks Training on 8 February 2016
- No Crisisworks Administrator
- EMLO – representing five councils

MEMPC minutes of 12 November 2016

Community Safety Register

- Is running out
- Council will need to request if they want to keep it

8. GENERAL BUSINESS

- 26 Nov Riverside Golf Club final collaboration group meeting
- Tony Ball was thanked by the committee.
- Cr Jan Chantry thanked Tony on behalf of the community for all his help.

Close of Meeting at 19.30

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

16 November 2015
Minutes – Arts & Culture Community Advisory Committee – Meeting #12



Arts and Culture Community Advisory Committee Minutes

MEETING #12

Monday, 16 November 2015 at 6pm

Committee Room, Moonee Valley Civic Centre
9 Kellaway Avenue, Moonee Ponds

| | | |
|-----------------------|--------------------|--|
| Attendees | Cr Jan Chantry | Chairperson – Buckley Ward |
| | Cr Andrea Surace | (Sub chair) – Moonee Valley Mayor, Rose Hill Ward |
| Arrived 6.23pm | Cr Jim Cusack | (Sub chair) – Myrnong Ward |
| | Paul Green | Community member |
| | Pip Grummet | Community member |
| | Shelley Abazi | Community member |
| | Anthony Smith | Acting Director Environment & Lifestyle, MVCC |
| | Trish Keenan | Acting Manager Arts and Culture, MVCC |
| | Matthew Pope | Coordinator Cultural Facilities, MVCC |
| | Alana Stevens | Acting EA Environment & Lifestyle, MVCC (minute taker) |
| Invited guests | Richard Ennis | Arts Officer - Exhibition Programs, MVCC |
| Apologies | Raelene Marshall | Community member |
| | Kay Feain | Community member |
| | Vincenza Fazzalori | Community member |
| | Frank Di Blasi | Community member |
| | Chris Clark | Community member |

16 November 2015

Minutes – Arts & Culture Community Advisory Committee – Meeting #12

Order of Business

Welcome

Chair Cr Chantry opened the meeting at 6pm and welcomed members. She congratulated Cr Andrea Surace, newly elected Moonee Valley Mayor. Introductions were made around the table.

Apologies

Chair Cr Chantry noted apologies from Raelene Marshall and Kay Feain. Chris Clark, Frank Di Blasi and Vincenza Fazzalori also did not attend.

1. Confirmation of previous minutes

Previous minutes confirmed at end of meeting

2. Declarations of Conflict of Interest

Nil.

3. Actions arising from previous minutes

3.1 Arts & Culture Plan 2014-18 – update on actions in progress or completed

Patricia (Trish) Keenan, Matthew Pope and Richard Ennis made a presentation to the committee on the Arts & Culture Plan 2014-18.

Discussion was had around the Mt Alexander Road temporary public art initiative. There are two more works remaining as part of this program, for which the team are seeking expressions of interest from artists. Funding has also been received to extend the program to a second location; outside the Avondale Heights Library and Learning Centre. Additionally, the team are working on a billboard art project, which will see them work in partnership with local businesses/ building owners to display three photographic works on the side of buildings. The first works will be by a local artist from Keilor – Michael Reid.

Cr Surace asked whether expressions of interest for the Mt Alexander Road project were being sought from local artists. Trish advised that such large pieces are not common, so they could not restrict EOIs to local artists. Cr Surace suggested she would be keen to have some pieces of public art owned by Council. Trish advised this may be a significant cost. The first artwork of the project 'Tenjen' sold to a private buyer for approx \$170,000. Trish also advised Council would be looking at developing a public art policy in the near future, and this may address the acquisition of public artwork.

Cr Cusack arrived at 6.23pm.

The committee were interested to hear about new educational activities being undertaken at both the Incinerator Gallery and the Clocktower. Over 300 primary and secondary school students have participated in education sessions at the Incinerator Gallery as part of the Incinerator Art Award exhibition, and in 2016 the Clocktower Centre will trial screening VCE films along with lectures during exam revision periods. A new Education and Community Engagement Officer has commenced within the team, and discussion was had around the possibility of her visiting schools. Cr Cusack

16 November 2015

Minutes – Arts & Culture Community Advisory Committee – Meeting #12

suggested that these educational programs were well aligned with the Learning Community Board, of which he is a member.

(Full presentation distributed with minutes)

ACTION: *For information only*

3.2 Arts & Culture Plan 2014-18 – recommendations for 2016/17

Anthony Smith introduced this item, advising that the committee's input on priorities would be taken to Council as part of the annual budget discussions. Council will be developing its 2016/17 budget earlier than usual, due to rate capping being introduced in July 2016. Rate capping will see a reduction in Council's budget of \$150 million over 10 years.

Cr Surace suggested she would like to see work commence on an acquisitions / art collection policy. Trish advised that this work was to commence in 2017/18.

Cr Cusack suggested he'd like to see more collaboration with the community, and asking people what they'd like to see or do. He'd also like to see Council be involved with opportunities outside of Moonee Valley, such as external festivals and events/programs run by other councils. Cr Cusack also suggested seeking out opportunities for cross promotion of shows and programs. Matthew Pope advised that the team have been looking at ways of further engaging audiences and ways of leveraging opportunities to promote shows, programs, activities and workshops. Pip Grummet suggested a good opportunity for cross promotion might be to record Winter Music in the Valley sessions and playing songs as Council's on hold music, or playing music/selling CDs at other Council events.

Paul Green suggested that an inhibitor for community organisations seeking to run arts and culture activities funded by Council's Community Grants was the requirement for all grant applications to have public liability insurance. Pip and Anthony advised that there were organisations who provided assistance for community groups, and Paul asked that this information be made available on Council's grants web page.

Shelley Abazi suggested that she would like to see more activities and resources in the education field. This could include more incorporation with school art programs and more historical links. Shelley would also like to see programs and activities offered to residents in aged care facilities.

Cr Cusack said he'd like to see Arts and Culture tie in more with youth culture and events, such as linking in with Youth Week events. He would also like to see recreation facilities owned by Council, such as pavilions, more welcoming for a wider range of recreation activities, including arts. Finally, Cr Cusack would like to see more opportunities for the engagement of residents with a disability in Arts and Culture activities and programs.

ACTION:

- *Pip to provide details of organisations that assist community groups in obtaining public liability insurance to Anthony Smith. Details to be distributed with the minutes.*
- *Arts and Culture team to try and match up suggestions from committee with actions within the Arts and Culture Plan and flag these as priority projects.*

16 November 2015

Minutes – Arts & Culture Community Advisory Committee – Meeting #12

4. Mt Alexander Road Temporary Public Art –Selection panel

Trish advised there is an opportunity for up to two committee members to participate on the Mt Alexander Road Temporary Public Art selection panel. The panel will meet on Wednesday, 25 November at 6pm at the Incinerator Gallery. No applications will need to be reviewed prior to this meeting.

Cr Surace nominated Raelene Marshall, who was absent from the meeting. Paul Green also nominated for the panel.

ACTION: *Raelene Marshall and Paul Green to participate in the Mt Alexander Road Temporary Public Art selection panel.*

5. Community Concert - Winter Music in the Valley – Selection panel

Trish advised there is an opportunity for up to two committee members to participate on the Winter Music in the Valley – Selection panel. The panel will meet on Monday, 30 November at 6pm at the Clocktower Centre. No applications will need to be reviewed prior to this meeting.

Cr Surace and Cr Chantry nominated for the panel.

ACTION: *Cr Surace and Cr Chantry to participate in the Winter Music in the Valley selection panel.*

6. Incinerator Art Award – Exhibition and Education Program

As per presentation for agenda item 3.1, the Arts and Culture team have commenced their first education program at the Incinerator Gallery and have received very positive feedback from teachers and parents.

ACTION: *For information only*

7. 2016 Clocktower Theatre Season

Matthew Pope provided the committee with an update on what has been scheduled for the 2016 Clocktower Theatre Season, including:

- A morning movies program
- Cabaret shows in January and February, as part of Midsumma Festival:
 - Me & Mr Jones – 30 and 31 January
 - Dolly Diamond Alive and Intimate – 6 and 7 February
- Five Morning Music shows each half of the year
- Main theatre season shows:
 - Australia Day – 11 and 12 March
 - 4000 Miles – 24 March
 - Gypsy Palace – Melbourne Chamber Orchestra – 9 April
 - Vibes Virtuoso – 22 May
 - The Boy Out of the Country – 14 June
 - The Grigoryan Brothers – 17 July

16 November 2015
Minutes – Arts & Culture Community Advisory Committee – Meeting #12

- If These Walls Could Talk – 18 September
- Kate Cebrano – 15 October
- Children's show: 52 Storey Treehouse – 19 March

8. Upcoming events

Carols in Queens Park will be held on Sunday, 13 December. Special guests will include Gary Pinto and Lisa Marie Parker.

9. General business

Pip Grummet advised she had attended the Off the Track pop up picnic event in Pin Oak Crescent, Flemington recently. She described this as a glorious event, and would love to see more local events like this run in the community.

Confirmation of previous minutes

Moved by Pip Grummet seconded by Cr Jan Chantry that the Minutes of the Arts and Culture Community Advisory Committee (#11) held on Monday, 10 August 2015 be confirmed with no changes.

10. Date of next meeting

Chair Cr Chantry thanked everyone for attending, and wished everyone a safe and happy Christmas.

The meeting closed at 7.50pm

The next meeting date will be **Monday, 22 February 2016**.

Meeting close

20 November 2015
 Minutes - Moonee Valley Integrated Waterways Advisory Committee – Meeting #13



Moonee Valley Integrated Waterways Advisory Committee

Minutes

MEETING #13

**Friday, 20 November 2015 at 9am
 Committee Room, Moonee Valley Civic Centre
 9 Kellaway Avenue, Moonee Ponds**

| | | |
|-----------------------|--------------------|---|
| Attendees | Cr Shirley Cornish | Chairperson - Rose Hill Ward |
| | Cr Paul Giuliano | (sub chair) – Deputy Mayor – Buckley Ward |
| | Cr Nicole Marshall | (sub chair) – Myrmong Ward |
| | Frank Kinnersley | Friends of the Moonee Ponds Creek |
| | Kylie Swinger | Melbourne Water |
| | Kieran Croker | Melbourne Water |
| | Peter Somerville | Friends of Maribyrnong Valley |
| | Sue Hooper | Friends of Steele Creek |
| | Tony Smith | Moonee Ponds Creek Co-ordination Committee |
| | Virginia Moylan | Friends of Five Mile Creek |
| | Craig Medcalf | Manager Operations, MVCC |
| | Kim Cooper | Conservation Program Officer, MVCC |
| | Alana Stevens | Acting EA Environment and Lifestyle, MVCC (minute taker) |
| Invited guests | Kelly Heffer | Coordinator Environment and Sustainability, MVCC |
| | Penny Ball | Senior Sustainability Officer, MVCC |
| | Tim Mileham | Acting Coordinator Strategic Planning, MVCC |
| | Colin Harris | Senior External Projects Manager, MVCC |
| Apologies | Michelle Gooding | Parks Conservation Ranger, MVCC |
| | Leigh Mitchell | Melbourne Water |
| | Stuart Lacey | Coordinator, Friends of Afton Street |
| | Mark Roberts | Friends of Napier Park |
| | Elaine Brogan | RivCel |
| | Mark Gutterson | Maribyrnong Valley Parklands Ranger in Charge, Parks Victoria |
| | Anthony Smith | Acting Director Environment and Lifestyle, MVCC |

20 November 2015
Minutes - Moonee Valley Integrated Waterways Advisory Committee – Meeting #13

Order of Business

Welcome

Chair Cr Shirley Cornish opened the meeting at 8.59am.

Cr Cornish welcomed Cr Nicole Marshall and introduced her baby son Nate. It was advised that Cr Paul Giuliano would be arriving around 10 minutes late.

Apologies

Received from Michelle Gooding, Leigh Mitchell, Stuart Lacey, Mark Roberts, Anthony Smith and Elaine Brogan. Mark Gutterson also did not attend.

1. Confirmation of previous minutes

Moved by Sue Hooper, seconded by Peter Somerville that the Minutes of the Moonee Valley Integrated Waterways Advisory Committee Council held on Friday, 9 October 2015 be confirmed.

One change noted: 3.10 Travancore bike path Master Plan and Flemington-Rail Platform Flemington Bridge Railway Station shared path

Some discussion was had around item 3.9 of the previous minutes, however it was decided there would be no change and the item would be further discussed under General Business.

ACTION: *Alana Stevens to amend minutes to reflect change.*

2. Declarations of conflict of interest

Nil

3. Invited guest presentation: Afton Street storm Water Harvesting Project

Penny Ball provided a presentation on the Afton Street Storm Water Harvesting Project, which was launched a few weeks ago.

Cr Paul Giuliano arrived 9.12am, Kylie Swingler arrived 9.14am.

Since the wetland was constructed in 2011, it has provided valuable habitat and contributed to the health of the Maribyrnong River. Council is pleased to now have the final stage of this project in place to irrigate our sports fields.

The three sports fields that will benefit from the new water recycling system are Clifton Park, Maribyrnong Park and Aberfeldie Park.

This is Moonee Valley's first stormwater harvesting project, and is also Council's largest water saving initiative, saving over 20 million litres of drinking water per year. Irrigating these fields with harvested water rather than drinking water presents a cost saving of 38%.

City West Water have developed a water security plan for Council, which investigates the best alternative water source for all open spaces across Moonee Valley. Tony Smith asked whether this document is publicly available. Penny advised that it isn't however she will check with City West Water as to whether it can be distributed to IWAC members.

ACTION: *Penny to follow up with City West Water as to whether the water security plan document can be distributed to committee members.*

20 November 2015
Minutes - Moonee Valley Integrated Waterways Advisory Committee – Meeting #13

Colin Harris arrived 9.20am.

4. Actions arising from previous minutes and summary of actions

4.1 Water Strategy review

Penny Ball provided a presentation: Towards a Water Sensitive City in 2025 - A water strategy for Moonee Valley.

The key goal of Council's Water Strategy will be to move towards being a city that is resilient to climate change. We are already on our way, having undertaken a great deal of research and work to date, including being the second Victorian city to introduce Water Sensitive Urban Design (WSUD) requirements in its Planning Scheme.

Moving forward, we need to be strategic in the way we prioritise projects.

Currently Council is in the very early stages of developing a water strategy, and will be consulting with key groups and organisations. Penny distributed feedback sheets on which members of the committee could provide their ideas and comments on what should be included in the strategy. Penny also advised that she'd be happy to visit 'Friends of groups to further discuss their ideas for the strategy.

Tony Smith suggested he'd like to see the strategy address catchment management along the whole water network, not just within Moonee Valley. With water now feeding into farm dams, the inflow into the Maribyrnong has stopped. The dams don't receive enough water for the run-off to return to the network. Kieran Croker commented that Victoria has not yet recovered from the Millennium Drought, and Penny agreed that the strategy will need to recognise that we are working in a different environment.

Peter Somerville suggested that there will need to be improved communication and coordination with Melbourne Water and the Government. Penny agreed and advised that this is already heading in a positive direction.

Tony suggested that the Catchment Management Authority be included in the list of stakeholders being consulted with in development of the strategy.

ACTION: *Water Strategy to be included as a standing item on the agenda for future committee meetings.*

Penny Ball and Kelly Heffer left the meeting at 9.43am.

4.2 Maribyrnong River Design Guidelines

Cr Cornish provided some background on this item to the committee, before handing over to invited guest Tim Mileham.

Tim advised that while there hasn't been much movement on the guidelines for a while, he has been involved in discussions with Melbourne Water and they are keen for a review of the guidelines to be undertaken. Tim will be working with Melbourne Water to get this moving, and aims to bring together representatives from all five Councils along the river to discuss this. It was noted that some Councils had previously shown a lack of interest in a review.

Cr Cornish said she was eager to get Maribyrnong Council on board, and thought perhaps she could present to a future Maribyrnong Council meeting or invite Maribyrnong Councillors along to a future IWAC meeting.

20 November 2015
Minutes - Moonee Valley Integrated Waterways Advisory Committee – Meeting #13

It was agreed that Tim would keep the committee updated on his progress working with Melbourne Water.

ACTIONS:

- *Councillor Cornish to consider options for seeking better engagement from Maribyrnong City Council.*

Cr Cornish briefly left the room at 9.57 and Cr Nicole Marshall assumed the role of chair.

Tim Mileham left the meeting at 9.59am.

4.3 Aberfeldie Main Drain project – design

Colin Harris provided the committee with a brief background on the Aberfeldie Main Drain project. Around three months ago Melbourne Water suggested that rather than have a pipe run under Aberfeldie Park and feed into the river, they would like to install a 'bubble up pit' near to the new cricket pavilion currently under construction. This raised some concerns at Council, and negotiations have been underway.

Last week Council's CEO and officers, along with Ben Carroll MP, met with Melbourne Water at Parliament House. Ben Carroll advised that his preference was for the original plan. On Monday, 16 November Melbourne Water advised Council that they would not be proceeding with their plans for a bubble up pit.

Cr Giuliano asked whether he could see a copy of the plans/designs for the Aberfeldie Main Drain project. Colin will follow this up.

Cr Cornish returned to the room at 10.03am and resumed role as chair.

Colin advised that some works will be undertaken in the area near the new Aberfeldie Park pavilion over Christmas. Work on the cricket ground won't be undertaken during the cricket season – this will commence around March 2016.

Cr Marshall left the meeting at 10.05am.

Some discussion was had around where the pipe would flow into the Maribyrnong River. It was advised this would be where the existing pipe is, near Holmes Road.

ACTION: *Colin to provide a copy of plans to Cr Giuliano.*

4.4 Opportunities to improve open space along M102

Invited guest Kieran Croker presented on Liveability at Melbourne Water.

A major restructure at Melbourne Water over the last 18 months has seen the formation of a new Liveability Planning team. The team is focused on five key areas (pillars) for providing liveability services on Melbourne Water land; Active Transport Links, Recreation, Urban Cooling, Sense of Community and Sense of Place.

Melbourne Water owns a great deal of open space across the state, some of which is available, on request, for projects that will benefit the wider community. The 'Our Space, Your Place' application (see link below) allows groups to view what land is available. Some land is available with minimal restrictions. There are also some opportunities to seek funding and support for projects.

<http://www.melbournewater.com.au/getinvolved/usemelbournewaterland/Pages/usemelbournewaterland.aspx>

Cr Giuliano left the meeting at 10.25am.

4.5 Water quality reports from Melbourne Water

Item deferred to next meeting.

ACTION: *Item to be included on agenda for next meeting.*

4.6 Five Mile Creek Master Plan – opportunities to fund WSUD initiatives

Alana Stevens read an update from Council's Urban Design team:

There is not an opportunity to fund WSUD initiatives in this year's allocated budget for the implementation of the Five Mile Creek Master Plan.

The budget for this year will be to undertake a full Cultural Heritage Management Plan. This it is quite extensive due to a significant cultural site in the Reserve. Revegetation works will be undertaken by Parks and Gardens with the remaining funds.

Cr Cornish was eager to see funding be considered for 2016/17.

ACTION: *Alana Stevens to advise Urban Design team and Director that Cr Cornish would like to see funding for WSUD initiatives considered for Five Mile Creek Master Plan implementation in 2016/17.*

4.7 Military Road development

Alana Stevens read an update from Council's Statutory Planning team:

The VCAT Hearing for 77-89 Military Road, Avondale Heights took place on 14 October. The VCAT Order affirms Council's position to support the proposal, subject to some modifications to the conditions outlined in Council's Notice of Decision.

With respect to the permit applicant's appeal against conditions:

- *The applicant, following an agreement with Council, is required to contribute \$150,000 towards the design/construction costs associated with the signalisation of Military Road/Clarendon Street.*
- *Council's requirement for a contribution of \$390,000 towards the construction cost of the adjacent piazza was overruled primarily on the basis that the applicant had fulfilled their obligations of providing contributions in the form of land (7 per cent - in excess of the requirements of 5 per cent under the Planning Scheme). It was also highlighted at the hearing that, in the absence of an approved development contributions plan or existing agreements under Section 173 of the Act concerning infrastructure contributions, there was no legal mechanism to require the contribution. This was backed by relevant case law presented to Member Bensz.*
- *Council's condition which required an Avondale Heights Community Reference Group to provide input into the landscape plan during the review process because it related to the central open space within the development, was rejected. The permit applicant, and ultimately Member Bensz, expressed quite clearly that only Council, as the Responsible Authority, may make a decision on a planning permit application pursuant to Section 61 of the Act. The Community Reference Group, to consist of Ward Councillors, nominated community representatives and Council officers, will still be established for purposes of providing input into the piazza/open space to be part of the Avondale Heights Community Precinct.*

20 November 2015

Minutes - Moonee Valley Integrated Waterways Advisory Committee – Meeting #13

- Council's condition to require a 3 metre setback for dwellings fronting Clarendon Street was upheld.
- The requirements for speed humps were accepted but reduced in number.
- The requirement for an additional footpath was overruled.

With respect to the objector's appeal against Council's decision to grant a permit, their main areas of concern were solely reduced to the proposed dwellings fronting Military Road and Clarendon Street and the development's interface with these streetscapes. Notwithstanding, the Tribunal ultimately accepted the proposed design, ordering no further changes other than increased setbacks to Clarendon Street and provision for additional landscaping along Military Road.

As directed by the Tribunal, the planning permit has been issued.

Cr Cornish said she was disappointed that there would be no reference group to look at how environmental outcomes are achieved within the development, however Council does have a reference group for the nearby Avondale Heights Community Precinct.

4.8 Blackbird Cruises mooring – proposed restaurant

Alana Stevens advised that upon investigation, it was learned that the 'proposed restaurant' at the Blackbird Cruises mooring site is a tea room which forms part of Maribyrnong City Council's [Footscray River Edge Masterplan](#) which was adopted August 2014.

Peter Somerville advised that Maribyrnong Council have proposed to relocate Blackbird Cruises to the mooring at the front of the Footscray Community Arts Centre for around 12 months while construction takes place. After this, Blackbird Cruises will operate out of a section of the café building. Construction is expected to commence around April 2016.

The committee were concerned that the design of the café appears to encroach on the river, and worried that this sets a bad precedent, as there is no setback from the river.

Cr Cornish advised she will contact Maribyrnong City Council to discuss the café and Master Plan.

Cr Cornish suggested she'd like for Moonee Valley City Council to investigate possible locations where Moonee Valley may be able to accommodate Blackbird Cruises, during the construction. Cr Cornish would even be keen for Blackbird Cruises to permanently relocate to Moonee Valley, and will put up a Notice of Motion at the February Ordinary Meeting, seeking for Council to investigate options for a mooring site.

ACTION: *Alana to provide contact details for Nigel Higgins at Maribyrnong City Council, as well as a copy of the Master Plan and artist's impression images to Cr Cornish.*

4.9 Flemington Rail Platform

Alana Stevens read an update from Council's Transport team:

Council's work on the Flemington Bridge Railway Station Shared Path Interchange Link was placed on hold due to the East West Link project.

Council has no plans in the short-term to recommence this project, however it certainly hasn't been ruled out. Most likely a review will take place, to look at whether the project

20 November 2015
Minutes - Moonee Valley Integrated Waterways Advisory Committee – Meeting #13

is feasible. This would need to take into consideration any impacts the current City Link Widening project may have on the area.

4.10 Steele Creek Bridge – morning tea

The committee was reminded that a morning tea to celebrate the official opening of the Steele Creek pedestrian bridge will be held on Monday, 23 November at 9.30am.

5. General business

5.1 Flemington Racecourse Development

Peter Somerville advised that he had received notification in the mail about a proposed development at Flemington Racecourse. He asked whether Council was aware of this and Cr Cornish advised that they were.

5.2 Nursery Bend

Tony Smith advised that there are some issues with the use of the Nursery Bend site being used for rubbish processing. Craig Medcalf advised that Council are aware of the issue and have been involved in discussions with the tenant.

ACTION: *Craig to follow up and provide an update on this issue at the next meeting.*

5.3 Craig Street, Keilor East

Following on from discussions at the previous meeting, the committee would like to see what options Council has for protecting the Steele Creek corridor from work vehicles accessing development sites in the area. While Council may place conditions on a permit restricting access, the committee would like to know how compliance would be ensured.

ACTION: *Alana to follow up with relevant Council departments and provide an update at the next meeting.*

5.4 End of year event

Cr Cornish said in previous years there used to be an end of year dinner or cocktail event held for all Council advisory committees. She would like to see this reinstated.

ACTIONS:

- *Cr Shirley to speak to Mayor about organising an event for Council advisory committee members.*
- *Post meeting action: Alana to arrange an end of year morning tea event for Integrated Waterways Advisory Committee.*

6. Meeting close and date of next meeting

Cr Cornish thanked everyone for attending.

The meeting closed at 11.13am.

The next meeting date will be **Friday, 26 February 2016.**

20 November 2015
 Minutes - Moonee Valley Integrated Waterways Advisory Committee – Meeting #13

SUMMARY OF ACTIONS FROM MINUTES OF MEETING

| Item No. | Action | Officer(s) Responsible | Timeline | Actioned Date |
|--|--|------------------------|-----------------------|---|
| ITEMS FROM MEETING #12 – 9 October 2015 | | | | |
| 4. 09/10/15 | Follow up letter to be sent to new Minister for Planning, The Hon. Richard Wynne. | Brett Luxford | By 20 Nov 2015 | In progress |
| 9. 09/10/15 | Provide a copy of Judy Maddigan's letter on the renaming of the Afton Street Footbridge to Michelle Gooding. | Elaine Brogan | By 4 Nov 2015 | 29/12/2015 |
| 17. 09/10/15 | Include Water Quality reports as standing annual item on agenda | Alana Stevens | Ongoing | Ongoing |
| 18. 09/10/15 | Include standing item on agenda, regarding Maribyrnong River Design Guidelines | Alana Stevens | Ongoing | Ongoing |
| ITEMS FROM MEETING #13 – 20 November 2015 | | | | |
| 1. 20/11/15 | Amend minutes of previous meeting to reflect change. | Alana Stevens | 20 Nov 2015 | Completed |
| 2. 20/11/15 | Check with City West Water if the water security plan document can be distributed to committee members. | Penny Ball | Prior to next meeting | To be distributed 26/02/16 |
| 3. 20/11/15 | Include Water Strategy as a standing item on the agenda. | Alana Stevens | Ongoing | 10/02/16 |
| 4. 20/11/15 | Consider options for seeking better engagement from Maribyrnong City Council on waterways issues, including the Maribyrnong River Design Guidelines | Cr Shirley Cornish | Prior to next meeting | TBA |
| 5. 20/11/15 | Provide copy of Aberfeldie Main Drain project plans to Cr Giuliano | Colin Harris | Prior to next meeting | Plans have changed since 20/11/15. To be distributed 26/02/16 |
| 6. 20/11/15 | Include item on Water Quality Reports on agenda for next meeting | Alana Stevens | Prior to next meeting | 10/02/16 |
| 7. 20/11/15 | Advise Urban Design team and Director that Cr Cornish would like to see funding for WSUD initiatives considered for Five Mile Creek Master Plan implementation in 2016/17. | Alana Stevens | Prior to next meeting | 30/11/15 |
| 8. 20/11/15 | Provide contact details for Nigel Higgins at Maribyrnong Council, copy of Footscray River Edge Masterplan and artist impression images to Cr Cornish. | Alana Stevens | 20 Nov 2015 | 20/11/2015 |

20 November 2015
 Minutes - Moonee Valley Integrated Waterways Advisory Committee – Meeting #13

| Item No. | Action | Officer(s) Responsible | Timeline | Actioned Date |
|--------------|---|------------------------|-----------------------|--------------------------------|
| 9. 20/11/15 | Follow up on issue at Nursery Bend and provide update at next meeting. | Craig Medcalf | Prior to next meeting | Update to be provided 26/02/16 |
| 10. 20/11/15 | Follow up with relevant Council departments regarding Craig Street, Keilor East and provide update at next meeting. | Alana Stevens | Prior to next meeting | Update to be provided 26/02/16 |
| 11. 20/11/15 | Speak to Mayor about organising event for Council advisory committee members | Cr Cornish | Prior to next meeting | TBA |
| 12. 20/11/15 | Organise IWAC end of year morning tea | Alana Stevens | Prior to Christmas | Deferred – to be held 26/02/16 |

14 December 2015
Minutes – Moonee Valley City Council Disability Reference Group Meeting



Moonee Valley City Council Disability Reference Group Meeting

Minutes

Held Monday 14 December 2015 at 4.00pm Crown Street Stables

40 Crown Street Flemington

Attendees:

| | |
|----------------------------|--|
| Cr Shirley Cornish (Cr.SC) | Chair, Moonee Valley City Council |
| Cr Jim Cusack (Cr.JC) | Councillor, Moonee Valley City Council |
| Tony Ball (TB) | Director, Community Services |
| Jim Karabinis (JK) | Manager Aged & Disability |
| Maria Weiss (MW) | Coordinator, Healthy Ageing & Disability |
| Carmel Boyce (CB) | Policy Officer |
| Heidi Peart (HP) | Metro Access Officer |
| Dean Alexander (DA) | General Manager of Housing, Wintringham |
| Elizabeth Perez (EP) | Program Manager, Inner North Co-Health |
| Ruth Kyne (RK) | Local Resident |
| Laurie Elliot (LE) | Local Resident |
| Greg Francis (GF) | Local Resident |
| Lisa Greenfield (LG) | Local Resident |
| Rose-Marie McQueen (RM) | Business Support Officer (Minutes) |

Apologies:

| | |
|---------------------------------|----------------|
| Vincenza Fazzalori (VF) | Local Resident |
| Florence Kingsley-Matthews (FM) | Local Resident |

Guests: Bryan Lancaster Chief Executive, Moonee Valley City Council

14 December 2015

Minutes – Moonee Valley City Council Disability Reference Group Meeting

Order of Business

Welcome

All welcome

Apologies

VF, FKM

1. Confirmation of Previous Minutes

Moved by LE, Second by DA that the minutes of the 12 October 2015 be endorsed.

2. Declarations of Conflict of Interest

Nil.

3. Items

3.1 Actions from the Previous Meeting

East Keilor Leisure Centre - Community Engagement

In order to assist determine the needs of the community for the proposed redevelopment of the East Keilor Leisure Centre – Swimming Pool it was suggested a mention be included on the Disability Newsletter. A tear off – reply paid slip could be included to assist gather information from the community.

Cr Cornish recently attended the East Keilor Reference Group meeting, a survey was conducted, 800 letters were disseminated 329 people responded, 17% agreed to a 50 metre indoor pool.

The East Keilor Leisure Centre is to remain a standard agenda item until the project is endorsed by Council.

The DRG is to be the conduit to move things along and gather information.

RK: Ballarat Leisure Centre Pool has recently undergone a redevelopment and is fit for purpose featuring the latest in accessories for people with disabilities.

Action: Tim Mileham / Peter Gaffney to present updates to the DRG regarding the East Keilor Leisure Centre at the first scheduled meeting on Monday 1 February 2016

3.2 Correspondence

Nil.

14 December 2015

Minutes – Moonee Valley City Council Disability Reference Group Meeting

3.3 Updates - International Day of People With a Disability

200 Participants and service providers attended International Day of People with a Disability awareness celebration across the municipality.

Expo; featured 15 Stallholders, 6 guest speakers, RTO and Disability Employment Services.

Photo Booth; great success, Volunteers West & MVCC, Volunteer Coordination Sponsorship Moonee Ponds Telstra – winner was a student

Inclusive Children's Fair; West Side Circus, Face painter,

NDIS; Information guest speaker, Christine Scott – VALID

Yooralla – Peter Farnham - Cobb

Recommendations for 2016;

To attract a wider scope of audience

Broaden the field and invite local organisations and services and create a partnership network to enhance the celebration

3.4 Update - Accessible Parking Review (JK)

The recommendations were adopted by Council

The need for assessable parking has been recognised, CB as the Project Leader was congratulated.

- There are 237 off and on street parking bays within the municipality
- There was a 27% response rate from the survey conducted
- The results indicate a review of how we assess the eligibility and criteria of who has a permit

Cr SC: Doctors are to be accountable for who and what criteria they approve permits for this could be raised with MAV as a whole of state review for permit holders criteria, 79 Councils vote on such a review.

4. General Business

The Chief Executive of Moonee Valley City Council, Bryan Lancaster attended the meeting today and joined the DRG members for their end of year celebration dinner at Crown Street Stables.

Cr JC, Safety Committees, DRG should have a presence at such meetings and vice versa, this would help with funding applications etc, keep everyone informed with developments regarding the improvements of facilities like East Keilor Leisure Centre

MW: Facility Based Respite we are currently 6 months into the pilot program

July – December survey data collated for a January review, the information will form part of the final review at the end of the 12 month period.

14 December 2015

Minutes – Moonee Valley City Council Disability Reference Group Meeting

DA: Wingate Birthday Celebrations for Mental Health Patients and People with Disability was a great success

5. Next Meeting 2016

Meetings for 2016 will be held on the First Monday of the month then bi-monthly

Commencing Monday 1 February 2016

4.00pm -5.30pm

Moonee Valley City Council

Monday 4 April 2016

Monday 6 June 2016

Monday 1 August 2016

Monday 3 October 2016

Monday 5 December 2016

A round table discussion was held to brainstorm possible agenda items for 2016 meetings;

Proposed Agenda Items for 2016

- East Keilor Leisure Centre
- Update on- Ascot Vale Leisure Centre
- Pilot Respite Project - update
- Community Safety – Healthy & Wellbeing Strategy DRG
- Accessible Parking – update, Notice of Motion
- Yarra Trams Funding – Junction Update
- Mid -Year Consultation with Traders
- Annual Review of the DAP
- Aberfeldie Accessible Housing – Update
- Elizabeth Perez Wintringham Presentation
- Puckle Street Super Stop - update
- Crown Street Stables Half year report
- NDIA – HP presentation for service providers
- Percentage of Single Parent Families with Children who have Disabilities

Cr. JC requested critical issues be a consideration for the agenda including items such as;

- Gender issues around disabilities

14 December 2015
Minutes – Moonee Valley City Council Disability Reference Group Meeting

- Parenting issues
- Community Health and Well Being
- Affordable Housing

Action: Cross check if the above items are in the Action Plan and which policy sits with which strategy, GLBTI

Action: JK: Send invitation to EP – Affordable Housing Presentation scheduled for the first meeting Monday 1 February 2016.

GF: Patrick Francis has recently won four awards for his art exhibitions and his work is now on display at various locations (a brochure was disseminated to the group)

- Spirit of Moonee Valley Awards- mainstream the awards for inclusion, discuss a revamp

Close of Meeting:

Chair closed the meeting 5.10.pm

NOTICES OF MOTION

10.1 Notice Of Motion No. 2016/3 - Safe Schools Coalition Program

File No: FOL/16/130
From: Councillor Cam Nation
Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 22 March 2016 it is my intention to move:

That Council write to the:

1. Prime Minister, the Hon. Malcolm Turnbull MP and the Minister for Education and Training, Senator the Hon. Simon Birmingham to request the continuation of financial support for the Safe Schools Coalition program, currently being run at Buckley Park College, Essendon Keilor College, Lowther Hall Anglican Grammar School, Mount Alexander College, Penleigh & Essendon Grammar School, Rosehill Secondary College and Strathmore Secondary College to:
 - a) Outline the importance of the program to support gender and sexual diversity within Moonee Valley's schools;
 - b) Outline Moonee Valley City Council's vision to support gender and sexual diversity through Council's Diversity, Access & Equity Policy;
 - c) Note that the Safe Schools Coalition program shares similar values and aims of Moonee Valley City Council's LGBTIQ Action Plan, which aims to support our lesbian, gay, bisexual, transgender, intersex and queer community members and their families; and
 - d) Reinforce Moonee Valley's commitment to support an inclusive city that respects the human rights of all citizens, celebrates diversity and promotes participation in community life.
2. Safe Schools Coalition Australia, and member schools within Moonee Valley City Council, outlining Council's support for the continuation of the program.

Officer Comments

The Safe School's program is an important resource for local schools in Moonee Valley to support gender and sexual diversity. The actions outlined in the Notice of Motion recognise this and closely align with Council's adopted policy position to improve access and equity for Moonee Valley's lesbian, gay, bisexual, transgender, intersex and queer community members, through the LGBTIQ Action Plan for 2015-2017. Specifically in relation to promoting participation, through this plan, Council has committed to 'promote the safe schools initiative to secondary schools in Moonee Valley and promote activities as part of this initiative.' Council's strategy for young people Thrive reinforces this commitment for Council's support of targeted initiatives for young people of diverse backgrounds, especially those who are LGBTIQ.

In direct response to the recent request from Prime Minister Malcolm Turnbull for an independent review of Safe Schools program (anticipated to be delivered to the government on Friday 11 March, 2016) and to ensure a holistic response in addressing any concerns raised by the review, Council Officers await a copy of the review when it is released publicly. Council's response letter will reinforce commitment to support an inclusive city that respects the human rights of all citizens, celebrates diversity and promotes participation in community life as outlined in our Diversity, Access and Equity Policy and dependent on timing of review findings, may address and incorporate specific responses to any issues of concern raised in review in its letter of support for Safe Schools Program.

10.2 Notice Of Motion No. 2016/4 - Canning Street Bridge

File No: FOL/16/130
From: Councillor Shirley Cornish
Ward: Rosehill

Take notice that at the Ordinary Meeting of Council to be held on 22 March 2016 it is my intention to move:

That Council write to the Minister for Public Transport, the Minister for Roads and Road Safety and all State Government Ministers in the western region, seeking to commence discussions about widening the Canning Street bridge, to accommodate a tram line to Military and Milleara Roads, Avondale Heights, and improved walking and cycling safety at the Canning Street bridge.

Officer Comments

1. Council's Integrated Transport Plan identifies the need to extend tram routes including Tram Route 57 across the Canning Street bridge into Avondale Heights.
2. In July 2015, Council endorsed an issues and opportunities paper on transport in Moonee Valley – a key finding was a high reliance on private car travel for people on or close to the Military Road corridor, most likely linked to a lack of access to high frequency public transport and in much of Avondale Heights and a lack of cycling facilities – which, as well as an accessibility issue is an equity issue given the high number of accessible parking permit holders in Avondale Heights and the higher concentration of low household incomes in parts of Avondale Heights.
3. The current Integrated Transport Plan is being reviewed and will further explore public transport improvements.
4. The Maribyrnong River Master Plan 2011 Section 19.12 recommends '*allow room on Canning Street Bridge for a potential tram extension to Buckley Street*'.

10.3 Notice Of Motion No. 2016/5 - Mt Alexander Road Water Fountain

File No: FOL/16/130
From: Councillor Paul Giuliano
Ward: Myrnong

Take notice that at the Ordinary Meeting of Council to be held on 22 March 2016 it is my intention to move:

That a report be provided to Council outlining the costs to recommission the Mt Alexander Road Water Fountain.

Officer Comments

1. The fountain located within the Mt Alexander Road median was opened in 1985 during a 50th anniversary celebration of The Rotary Club of Essendon.
2. The fountain had suffered substantial leakage problems for some time and was finally decommissioned in January 2007 due to the introduction of Stage 3 water restrictions.
3. Since mid-2014 the site has been used for a temporary public art installation program, which concludes in June 2016.
4. Council at its meeting on 24 November 2015 resolved that Council re-install a Christmas Tree annually between November to January at the old fountain site in front of the Clocktower Centre on Mt Alexander Road, Moonee Ponds, commencing in 2016.
5. Previous investigations in 2009 to recommission the fountain established:
 - a) Cost estimates (in 2009) ranged between \$72,000 and \$90,000.
 - b) Recycled water is feasible by capturing stormwater off the roof of the Clocktower Centre.
 - c) Tank location would require approval from St Thomas' Anglican Church.
 - d) Use of recycled water would need to be appropriately treated for health reasons.
6. A structural assessment undertaken in 2014 for the public art installation program indicated *'the structure is deficient in design for a water retaining structure'*.
7. As a previous estimate was obtained in 2009, further work would need to be undertaken to ascertain a more accurate cost to recommission the fountain.

10.4 Notice Of Motion No. 2016/6 - Conservation of Extremely Rare or Unique Properties of Potential Heritage Significance in the City of Moonee Valley

File No: FOL/16/130
From: Councillor Nicole Marshall
Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 22 March 2016 it is my intention to move:

That the Chief Executive Officer provide a report to Council detailing:

1. Properties, if any, within the City of Moonee Valley that have been identified by heritage studies conducted by Council as having high heritage significance and being rare or unique in nature.
2. What Council has done and can do to preserve the heritage of these properties, including any potential funding or grant opportunities that may enable this heritage to be preserved.

Officer Comments

The intent of this Notice of Motion is acknowledged. It is considered that most of this research is already available through Council's adopted Heritage Gap Study which identifies properties of potential heritage significance and provides a prioritised work program to protect those properties considered to be rare or poorly represented in Moonee Valley. Council can draw upon this Heritage Gap Study to address the intent of this Notice of Motion and provide a consolidated list of properties considered to be extremely rare or unique in nature.

In reference to Point 2 of the proposed Notice of Motion it is considered that the Heritage Gap Study and subsequent Stage 2 studies that recommend heritage overlays on identified places of heritage significance, preserves the heritage values of these properties and therefore achieves the intent of Point 2 of this Notice of Motion.

Furthermore, Council's adopted process for interim heritage controls protects properties of potential heritage significance from the immediate threat of demolition.

It is noted that limited research has been conducted into potential funding or grant opportunities to assist in heritage conservation within the City of Moonee Valley. This is an area that could be further investigated when conducting future planned heritage studies.

10.5 Notice Of Motion No. 2016/7 – Maribyrnong Defence Site

File No: FOL/16/130
From: Councillor Nicole Marshall
Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 22 March 2016 it is my intention to move:

That Council write to the following requesting an update on the status of the Maribyrnong Defence Site, including any indicative timeframes for the remediation, planning and development of the site:

1. Minister for Defence, Senator the Hon. Marise Payne;
2. Minister for the Environment, the Hon. Greg Hunt MP;
3. Minister for Defence Materiel, the Hon. Dan Tehan MP;
4. Senator the Hon. Scott Ryan;
5. Federal Member for Maribyrnong, the Hon. Bill Shorten MP;
6. Minister for Planning, the Hon. Richard Wynne MP;
7. State Member for Niddrie, Mr Ben Carroll MP;
8. Department of Defence;
9. Department of Environment, Land, Water & Planning;
10. Environment Protection Authority;
11. Places Victoria; and
12. Maribyrnong City Council.

Officer Comments

Request is supported however it is noted that some Ministers or Organisations will not be able to provide a response in relation to all matters listed in the Notice of Motion given their limited involvement.

Places Victoria is considered best placed to provide a comprehensive update.