



Ordinary Meeting of Council

Tuesday, 22 November 2016 at 7.00pm

Agenda

Ordinary Meeting of Council

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

TO :

Members: Cr Andrea Surace Mayor
Cr Cam Nation
Cr Samantha Byrne
Cr Jim Cusack
Cr Rebecca Gauci Maurici
Cr Richard Lawrence
Cr Nicole Marshall
Cr Narelle Sharpe
Cr John Sipek

Officers: Mr Bryan Lancaster Chief Executive Officer
Mr Anthony Smith Director Corporate & Community Services
Ms Gail Conman Director City Services
Ms Kendrea Pope Director Organisational Performance
Ms Natalie Reiter Director Planning & Development
Mr Petrus Barry Manager Statutory Planning
Ms Yvonne Hansen Manager Legislative Services & Support

Business:

1. Opening

2. Apologies

3. Confirmation of Minutes

Ordinary Meeting of Council held on Monday, 19 September 2016, the Special Meeting of Council held on Tuesday, 18 October 2016 and the Statutory Meeting of Council held on Thursday, 10 November 2016.

4. Declarations of Conflict of Interest

5. Presentations

6. Petitions and Joint Letters

7. Public Question Time

8. Reports by Mayor and Councillors

Nil.

9. Reports

- 9.1 90 Farnham Street, Flemington (Lot 1 on TP 396858G) - Construction of six dwellings and buildings and works within an Environmental Significance Overlay (ESO2).....5
- 9.2 15 Hayes Road, Strathmore (Lot 122 on LP 012299) - Construction of two dwellings.....26
- 9.3 29-35 St Kinnord Street, Aberfeldie (Lots 20 & 22 Block D on PS 002016) - Construction of a single storey addition to be used in association with an existing kindergarten.....55
- 9.4 376 Pascoe Vale Road, Strathmore (Lots 1, 2 and 3 on TP 590642Y) - Use and development of the land for a four storey building comprising a shop and dwellings, reduction to the car parking requirement, waiver of the loading bay requirement and alteration (removal) of access to a road in a Road Zone73
- 9.5 213 Union Road, Ascot Vale (Lot 1 on Title Plan 741716H) - Partial demolition, construction of buildings and works comprising a four storey building for the purposes of Student Accommodation to the rear of the existing building in a Heritage Overlay and a reduction in car parking requirements.....103
- 9.6 Amendment C132 Moonee Ponds Activity Centre Car Parking Plan - Post Panel132
- 9.7 Afton Street Stormwater Harvesting Scheme and Aberfeldie Main Drain Project – Proposed Road Discontinuances, Creation of Easements and Plan of Consolidation157

9.8	2017 Moonee Valley Festival	170
9.9	Library and Learning Strategy 2012-16.....	178
9.10	Niddrie Library – Proposed lease renewal	198
9.11	Councillor Appointments to National, State and Regional Bodies.....	202
9.12	Documents for Sealing - November 2016	204

10. Notices of Motion

Nil.

11. Urgent Business

12. Confidential Reports

12.1	Biannual Grants 2016/17 – Round 1 Recommendations	205
------	---	-----

13. Close of Meeting

BRYAN LANCASTER
Chief Executive Officer

REPORTS

**9.1 90 Farnham Street, Flemington (Lot 1 on TP 396858G) -
Construction of six dwellings and buildings and works within
an Environmental Significance Overlay (ESO2)**

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

Planning File No.	MV/1028/2015
Proposal	Six double storey dwellings, including two three-bedroom and four two-bedroom. Front fence and minor wall section within ESO.
Applicant	Sync Design P/L
Owner	Long Ridge Developments P/L
Planning Scheme Controls	General Residential Zone (GRZ1) Environmental Significance Overlay (ESO2)
Planning Permit Requirement	Clause 32.08-4 – Two or more dwellings Clause 42.01-2 – Buildings and works
Car Parking Requirements	Required: 9 spaces Provided: 9 spaces
Restrictive Covenants	None
Easements	None
Site Area	1,215 square metres
Number Of Objections	14
Consultation Meeting	3 August 2016

Executive Summary

- This application seeks approval for the construction of six dwellings and for buildings and works within an Environmental Significance Overlay (ESO2).
- The site is located on the southern side of Farnham Street with an area of approximately 1,215 square metres. A single storey brick dwelling currently occupies the site.
- A previous planning permit (MV/9/2015) was issued for the construction of four dwellings to the rear of the existing dwelling, with the four dwellings to the rear being identical in design to those proposed under the current application. The original permit remains valid, due to expire on 17 September 2017 if the approved works have not commenced. This application proposes replacing the existing dwelling with two new dwellings to complement the 4 dwellings previously approved at the rear.
- The application was advertised with 14 objections received. Concerns were raised in relation to the removal of the existing dwelling and other heritage concerns, neighbourhood character and visual bulk, street setback, overdevelopment, off-site amenity impacts, car parking and traffic impacts, social impacts and waste collection.
- A Consultation Meeting held on 3 August 2016 which was attended by Councillors Cusack and Marshall, the applicant, objectors and Council's Planning Officer. No resolution was achieved at this meeting.
- The application was internally referred to Council's Arborist, Engineering Services Unit, Environmentally Sustainable Design (ESD) Officer, Heritage Adviser, Traffic and Transportation Unit and Waste Projects Officer. Conditional support to the application was provided.
- The proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme. It proposes an appropriate intensification of residential development in a well-established area. The architectural response is considered to be an appropriate outcome in this context.
- The proposal achieves a high level of compliance with the quantifiable standards of ResCode, with four technical areas of non-compliance. Three of these are addressed through conditions of permit, with a minor 5cm variation to the minimum setback requirement considered to be acceptable.
- It is recommended that Council issues a Notice of Decision to Grant a Permit, subject to conditions.



Figure 1: Aerial photograph 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/1028/2015 for the construction of six dwellings and buildings and works within an Environmental Significance Overlay (ESO2) at 90 Farnham Street, Flemington (Lot 1 on TP 396858G), subject to the following conditions:

1. Before the development starts, amended plans must be submitted to and approved to the satisfaction of the Responsible Authority. The amended plans must be drawn to scale and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The colour of the face brickwork used at ground level to be 'recycled pressed red brick' or similar, replacing the nominated 'steel' colour;
 - b) Modifications to ensure no additional shadow is cast on the neighbouring properties to the east to comply with Clause 55.04-5 (Overshadowing) of the Moonee Valley Planning Scheme;
 - c) Full dimensions of each storage shed to comply with Clause 55.05-6 (Storage) of the Moonee Valley Planning Scheme; and
 - d) Any changes as a result of Conditions 3, 4 and 7.

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. An amended STORM assessment report 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 Water Sensitive Urban Design (WSUD) Design Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
5. A maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:

- a) A statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;

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

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

6. A maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority, which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) Inspection frequency;
 - b) Cleanout procedures;
 - c) As installed design details/diagrams including a sketch of how the system operates; 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 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 1 and 3.

The development must incorporate the sustainable design initiatives outlined in the endorsed Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority.

8. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
9. 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.
10. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
11. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
12. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

13. The provisions, recommendations and requirements contained in the approved arborist report prepared by Stem Arboriculture Pty Ltd received on 5 April 2016, in particular the protection measures required by AS 4970 2009 (Protection of Trees on Development Sites), must be implemented and complied with to the satisfaction of the Responsible Authority.
14. Before the buildings approved by this permit are occupied, the concrete vehicular crossing must be constructed to suit the proposed driveway in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossings must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the prior written consent of the responsible

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

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 subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturer's specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
17. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
18. The development must be provided with external lighting capable of illuminating access to each 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.
19. Before the development starts, or any trees or vegetation removed, a landscape plan (an electronic copy) 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 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 tolerant species;
 - d) The provision of at least two canopy trees within the front setback capable of achieving a minimum mature height of 4 metres; and
 - e) Features such as paths, paving and accessways.

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

20. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any

tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.

21. This permit will expire if:

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

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

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

Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact Moonee Valley City Council 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 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 Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.

1. Introduction

1.1 Subject Site and Surrounds

The subject property is located on the southern side of Farnham Street, approximately 70 metres west of the intersection with Wellington Street. The site is rectangular in shape with a frontage of 16.78 metres and a depth of 72.42 metres. The site has an area of approximately 1,215 square metres

and is generally flat. There are no easements, covenants or other restrictions identified on title.



Figure 2 – Subject site (90 Farnham Street, Flemington)

The subject site currently accommodates a single storey brick dwelling with a pitched roof, set back approximately 8.9 metres from the street. A single width crossover is located at the north-eastern corner of the site which leads to a driveway along the eastern boundary and garage located behind the dwelling.

The site and surrounding land are within a General Residential Zone. Residential development proximate to the subject site is varied. Older dwellings in the area are detached or semi-attached dwellings generally with a fine grain pattern of subdivision. A heritage overlay (HO24) covers many of these properties. This original built form has been significantly interrupted in the form of three and four storey walk-up apartment complexes, as well as single and double storey villa unit developments. This can be seen within the two neighbouring properties along Farnham Street: to the east is an attached row of five single storey units, and to the west is a three storey building accommodating 24 apartments.

The area has an eclectic architectural theme which is reflective of the nature of redevelopment that has occurred. Older dwellings are generally single storey with hipped roofing, with newer developments exhibiting prominent multi-storey forms with flat, skillion or hipped roofing. External materials are a mixture of brick, weatherboard and rendered finishes in a generally lighter palette of colours.

The site is located approximately 100 metres west of Mount Alexander College Secondary School, and approximately 175 metres south-west of the intersection between Wellington Street and Mt Alexander Road where a strip shopping centre and Flemington Primary School are located. The Route 59 tram travels along Mt Alexander Road, running between Airport

West and the CBD. Farnham Street is also covered by an Environmental Significance Overlay (ESO2) protecting the established boulevard of street trees. This overlay encroaches 4 metres into the site measured from the street frontage.

1.2 Proposal

It is proposed to construct six double storey dwellings, with partial works within an Environmental Significance Overlay.

The proposal can be summarised as follows:

Table 1

No of dwellings	6
No of car spaces	9
Max building height	6.99 metres
Site coverage	54.6%
Permeability	42.6%
Works in ESO	1.2 metre high metal picket front fence. North-western corner of Dwelling 1 encroaches 300mm into the ESO for a width of 5 metres (1.5m ²).

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

2. Background

2.1 Relevant Planning History

Planning permit MV/9/2015 was issued on 17 September 2015 for the construction of four dwellings to the rear of an existing dwelling and a front fence within an Environmental Significance Overlay. No plans have been endorsed under this permit.

2.2 Planning Policies and 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
<u>Zoning</u>	
Clause 32.08	General Residential Zone
Clause 42.01	Environmental Significance Overlay (Schedule 2)
<u>Particular and General Provisions</u>	
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

- Arborist
No objection.
- Engineering Services Unit
No objection subject to standard conditions.
- Environmentally Sustainable Design (ESD) Officer
No objection subject to the submission of an amended Sustainable Design Assessment (SDA), amended STORM assessment, and detailed specifications for the proposed permeable paving.
- Heritage Adviser (GAP Study)
No objection.
- Traffic and Transportation Unit
No objection subject to the following conditions:
 - Garage doors to swing away from internal car spaces.
 - Visitor car space to be clearly line marked.
- Waste Projects Officer
No objection.

2.4 Public Notification of the Application

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

As a result, fourteen (14) objections were received from the properties contained within **Appendix A** of this report. The objections are discussed at Section 3.8 of this report.

2.5 Consultation Meeting

A Consultation Meeting was held on 3 August 2016 which was attended by Councillors Cusack and Marshall, the applicant, objectors and Council's Planning Officer. No resolution was achieved at this meeting.

3. Discussion

3.1 State Planning Policy Framework

State Planning objectives seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. The proposal contributes to the objective of housing diversity by providing a mix of dwelling sizes and configurations, which will cater for the increasingly diverse needs of future residents. The subject site is located in proximity to commercial amenities, public reserves, education centres and public transport options.

Notably, the site is located approximately 175 metres south-west of the intersection between Mt Alexander Road and Wellington Street, which is occupied by Flemington Primary School, Mt Alexander Secondary College and a strip of commercial premises. The Route 59 tram travels along Mt Alexander Road and has a stop at this intersection, whilst Newmarket railway station is approximately 500 metres to the south-west, affording convenient access to the Principal Public Transport Network (PPTN).

This is considered to lend support for a more intensive form of residential development.

3.2 Local Planning Policy Framework

The proposal generally complies with the requirements of Clause 21.04-3 (Ecologically Sustainable Development) through the use of ecological sustainable design principals. Subject to a condition requiring the submission of an amended Sustainable Design Assessment (SDA), the development will suitably incorporate these design principals (Condition 7).

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 community services.

The proposed development responds to the objectives and strategies of 21.06 (Built Environment). The key concepts of this clause are assessed against the relevant Neighbourhood Character Precinct Profile Guidelines in Section 3.3.

The proposal generally complies with Clause 22.03 (Stormwater Management – Water Sensitive Urban Design) by providing adequate on-site stormwater treatment, subject to the submission of an amended STORM assessment achieving a minimum 100% rating. This will be

required as a condition of any permit issued, alongside the standard design and site management conditions. These will also address the detailed specifications required by Council's ESD Officer as set out under Section 2.3 (Conditions 3 to 6).

3.3 Neighbourhood Character Guidelines

The subject site is located within the Inner Urban 1 Precinct. The precinct profile sets out the following preferred character statement:

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

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

The proposed development is considered to accord with the preferred character of the area by achieving the following outcomes:

Table 2

Element	Response
Siting and Building Envelope	The siting and massing of the proposed development is considered to be a generally appropriate response to the existing and preferred character of the immediate area. The development presents a single dwelling with frontage to the street and also achieves a responsive built form outcome to the rear. The proposal provides street setback that is consistent with the setbacks of nearby buildings. Side and rear setbacks at each level ensure there would be no unreasonable visual or amenity impacts to neighbouring dwellings.
Built Form	<p>The built form of the proposed development generally responds to the existing and preferred character of the area. Multi storey built form is suitably articulated through modulated and recessed walls, as well as varied materials and detailing. The upper floors are provided with suitable setbacks from side and rear boundaries, exceeding ResCode requirements, to mitigate visual and amenity impacts on adjoining open space areas.</p> <p>Garaging to each dwelling is almost entirely concealed from street view, as each garage is oriented to the internal accessway. No new access point is proposed, with the development retaining the existing crossover for the shared driveway. This ensures the garaging will have a</p>

Element	Response
	<p>limited impact and visibility from the street, which is a key outcome sought by the preferred character statement.</p> <p>Overall, the siting and massing of the development provides an acceptable response to the street and its sensitive interfaces.</p>
Design Detail	<p>The development provides a contemporary design response, which take reference from the varied character of built form within the street and surrounding area.</p> <p>The development proposes a flat roof form which is an appropriate outcome in a street featuring many different roofing styles. This is demonstrated by the two neighbouring properties which are occupied by single storey units with skillion roofing to one side, and to the other a three-storey residential building finished with a flat roof. Expressed eave elements are provided on each elevation which avoids a blank cubic form, and responds to the older roofing styles seen in the area.</p> <p>The range of materials used includes brickwork, render and feature timber cladding applied to each dwelling. A palette of grey and white tones is proposed to the masonry finishes, contrasting with the natural timber finish. This is generally consistent with the preferred character of the area, however it is considered appropriate to replace the dark grey brick with a red brick at the ground floor level of each dwelling. Where brick buildings occur within the streetscape, such as the two neighbouring properties, a red brick is applied. In requiring a similar colour brick within the proposed development, a more respectful outcome will be achieved (Condition 1 a).</p>
Landscaping and front fencing	<p>Landscaping opportunities throughout the development are considered to be appropriate. The layout provides ample room for planting within the front setback, which will maintain the garden setting of the street. Planting is provided along the shared accessway and in front of each dwelling along the eastern elevation, softening the visual impact of the development to neighbouring dwellings.</p> <p>A 1.2 metre high metal picket front fence is proposed, which is compatible with the character of fencing within the street and the preferred character statement for the precinct.</p>

3.4 Clause 43.02 (Environmental Significance Overlay)

The proposal involves minor works within the Environmental Significance Overlay (ESO2) that affects the front of the site measuring four metres from

the frontage. These works involve a new 1.2 metre high steel picket fence, and a section of the ground level wall of Dwelling 1 spanning 1.5 square metres in floor area.

An arborist report submitted with the application details protection requirements within the tree protection and structural root zones of the tree. This has been reviewed and accepted by Council's Arborist. Subject to the endorsement of the arborist report and the recommendations contained within, the proposed works within the overlay are not considered to pose any risk to the health of the tree.

3.5 Clause 52.06 (Car Parking)

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

Table 3

	Requires	Provides
Two three-bedroom dwellings	4	4
Four two-bedroom dwellings	4	4
Residential visitors	1	1
Total	9	9

The proposal provides the required amount of on-site car parking. The design of car parking and access facilities achieves compliance with the requirements of Clause 52.06-8 of the Moonee Valley Planning Scheme. No conditions are required as the issues raised by Council's Traffic and Transportation Unit at Section 2.3 are addressed on the plans.

3.6 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 with corresponding assessments:

Table 4

ResCode Standard	Response
Clause 55.03-1 (Standard B6) Street Setback	<p>The neighbouring building to the west has a street setback of 3.2 metres and to the east, the neighbouring unit is set back 4.5 metres. A setback of 3.85 metres is therefore required under the standard. The development has a minimum setback of 3.8 metres to the ground floor wall of Dwelling 1.</p> <p>The minor variation of 5cm is an acceptable outcome and is consistent with other building setbacks in the street. The proposal will not pose an unreasonable visual intrusion to the streetscape. The area of non-compliance occupies a width of 5 metres across the 16.78 metre street frontage (29.8%), and is located near the neighbouring apartment building which is set back 3.5 metres from the street. Dwelling 1 has a staggered setback to the street, increasing to 4.2 metres at ground floor level and 5.2 metres at upper floor level.</p>
Clause 55.03-8 (Standard B13) Landscaping	<p>There are adequate soft soil areas allowing for landscaping throughout the development, as discussed under Section 3.3.</p> <p>A condition of permit will require the submission of a fully detailed landscape plan (Condition 19).</p>
Clause 55.04-5 (Standard B21) Overshadowing	<p>The extent of shadow cast by the proposed development over neighbouring secluded open space areas to the west and south is well within the requirements of the standard.</p> <p>There is additional overshadowing caused to two of the five secluded open space areas to the east from 2pm. As these areas currently receive less sunlight than the standard requires, no additional overshadowing should occur. A condition of permit will require modifications to ensure the development complies with this clause (Condition 1 b).</p>
Clause 55.05-6 (Standard B30) Storage	<p>Sheds with a capacity of 6 cubic metres are provided within the ground floor service yards of each dwelling.</p> <p>A condition of permit will ensure full dimensions of each shed are noted on the floor plans (Condition 1 c).</p>

3.7 Heritage GAP Study

The existing dwelling is identified under the Moonee Valley Heritage Gap Study 2015 to be investigated for potential heritage controls. Advice was sought from Council's Heritage Adviser as to whether the full demolition of the existing dwelling would be appropriate.

It was concluded there are no grounds to seek interim heritage protection in this instance. The dwelling would not meet the threshold of individual significance due to the presence of similar examples within the existing heritage precinct (HO24), as well as the isolation of the site from the heritage precinct by neighbouring infill development.

3.8 Objections

The following table provides a discussion of the concerns raised within the objections to the application:

Table 5

Issue	Officer Response
Removal of the existing dwelling Heritage concerns	In the absence of heritage controls, the demolition of the existing cannot be contemplated under this application. As discussed above, the existing dwelling was not considered to meet the threshold criteria to seek interim heritage controls. Similarly, the proposal is not considered to impact upon the significance of the surrounding heritage precinct. The presence of infill development either side of the site isolates the new dwellings from the nearest heritage buildings.
Neighbourhood character Visual bulk and scale	As discussed within Sections 3.2 and 3.3, the development is considered to represent an appropriate outcome in terms of its design, siting and massing subject to modifications.
Street setback	The setback of the development is considered to be appropriate as discussed under Section 3.6.
Overdevelopment	The development is not considered to represent an overdevelopment of the site, particularly in light of its level of compliance with the relevant provisions of the planning scheme as discussed within Sections 3.2 and 3.3.
Off-site amenity impacts	As discussed under Section 3.6, the proposal achieves an acceptable level of compliance with the relevant objectives of ResCode relating to noise, overshadowing, overlooking and other amenity impacts.

Issue	Officer Response
Traffic and parking impacts	<p>As detailed in Section 3.5, the requirements of Clause 52.06-8 are met. The proposal provides on-site car parking in accordance with the requirements of 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.</p> <p>As noted at Section 2.3, Council's Traffic and Transportation Unit had no objection to the proposal, subject to conditions.</p>
Social impacts	<p>The proposal is for a medium density residential development and it is not considered that it would contribute to any social issues within this residential context.</p>
Waste collection	<p>The provision for the storage of waste on-site complies with the relevant ResCode requirements, and the capacity for waste to be collected from the kerb is also acceptable. Council's Waste Projects Officer had no objection to the proposal, noting a Waste Management Plan would not be required.</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 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: ResCode Assessment

Appendix C: Plans (separately circulated).

Location of Objectors

17/60 Farnham Street, FLEMINGTON VIC 3031
202/370 St Kilda Road, MELBOURNE VIC 3004
67 Farnham Street, FLEMINGTON VIC 3031
8/60 Farnham Street, FLEMINGTON VIC 3031
19 Eucalypt Drive, LILYDALE VIC 3140
2 Lewis Street, FLEMINGTON VIC 3031 (Two objections)
8/60 Farnham Street, FLEMINGTON VIC 3031
3/92 Farnham Street, FLEMINGTON VIC 3031
2/92 Farnham Street, FLEMINGTON VIC 3031
195 Cashmere Street, TRAVANCORE VIC 3032
2/66 Woolton Avenue, THORNBURY VIC 3071
69 Farnham Street, FLEMINGTON VIC 3031
2/16 Bignell Street, FLEMINGTON VIC 3031

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 in report.

Title and Objective	Compliance with Standard	Compliance with Objective
<i>B1 - Neighbourhood Character Objectives</i>	✓	✓
<i>B2 - Residential Policy Objectives</i>	✓	✓
<i>B3 - Dwelling Diversity Objective</i>	N/A	N/A
<i>B4 - Infrastructure Objectives</i>	✓	✓
<i>B5 - Integration with the Street Objective</i>	✓	✓
<i>B6 - Street Setback Objective</i>	X	✓
<i>B7 - Building Height Objective</i>	✓	✓
<i>B8 - Site Coverage Objective.</i>	✓	✓
<i>B9 - Permeability Objectives</i>	✓	✓
<i>B10 - Energy Efficiency Objectives</i>	✓	✓
<i>B11 - Open Space Objective</i>	N/A	N/A
<i>B12 - Safety Objective</i>	✓	✓
<i>B13 - Landscaping Objectives</i>	✓ (Condition)	✓
<i>B14 - Access Objectives</i>	✓	✓
<i>B15 - Parking Location Objectives</i>	✓	✓
<i>B16 - Parking Provision Objectives</i>	Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 3.5 of the report.	
<i>B17 - Side and Rear Setbacks Objective</i>	✓	✓
<i>B18 - Walls on Boundaries Objective</i>	✓	✓
<i>B19 - Daylight to Existing Windows Objective.</i>	✓	✓
<i>B20 - North-facing Windows Objective</i>	N/A	N/A
<i>B21 - Overshadowing Open Space Objective</i>	✓ (Condition)	✓
<i>B22 - Overlooking Objective</i>	✓	✓
<i>B23 - Internal Views Objective</i>	✓	✓

Title and Objective	Compliance with Standard	Compliance with Objective
<i>B24 - Noise Impacts Objectives</i>	✓	✓
<i>B25 - Accessibility Objective</i>	✓	✓
<i>B26 - Dwelling Entry Objective</i>	✓	✓
<i>B27 - Daylight to New Windows Objective</i>	✓	✓
<i>B28 - Private Open Space Objective</i>	✓	✓
<i>B29 - Solar Access to Open Space Objective</i>	✓	✓
<i>B30 - Storage Objective</i>	✓ (Condition)	✓
<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

**9.2 15 Hayes Road, Strathmore (Lot 122 on LP 012299) -
Construction of two dwellings**

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

Planning File No.	MV/178/2016
Proposal	Construction of two double storey dwellings – one fronting Hayes Road and one fronting James Street
Applicant	STATION DRAFTING
Owner	Bakyan Saya
Planning Scheme Controls	General Residential Zone
Planning Permit Requirement	Clause 32.08-4 – Construct two or more dwellings on a lot
Car Parking Requirements (Clause 52.06)	Required – 4 car spaces Provided – 5 car spaces
Restrictive Covenants	No. 1556510 – does not affect the proposal
Easements	1.83 metre wide drainage and sewerage easement along rear (south) boundary
Site Area	606.2 square metres
Number Of Objections	11
Consultation Meeting	14 September 2016

Executive Summary

- This application seeks planning approval for the construction of two double storey dwellings.
- The 606.2 square metres site is located on the south-western corner of Hayes Road and James Street, Strathmore and has a single storey brick dwelling.
- The application was advertised and 11 objections were received. The concerns raised related to neighbourhood character, overdevelopment, site coverage, poor internal solar access, lack of waste storage, overlooking, overshadowing, daylight to adjoining windows reduced, visual bulk, boundary wall heights, noise, traffic and car parking and property devaluation.
- A Consultation Meeting was held on 14 September 2016, attended by Councillors Giuliano and Chantry, objectors, the applicant and Council's Planning Officer. While no formal resolution was achieved at this meeting, the permit applicant agreed to a number of conditions for changes being included on any permit issued which would respond to some of the specific concerns raised by objectors.
- The application was internally referred to Council's Engineering Services Unit and Traffic and Transportation Unit and externally referred to Public Transport Victoria. Conditional support to the application was provided.
- This assessment report finds the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme, and recommends that a Notice of Decision to Grant a Permit be issued, subject to conditions.



Figure 1 – Aerial photograph of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/178/2016 for the construction of two dwellings at 15 Hayes Road, Strathmore (Lot 122 on LP 012299) 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 an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The crossover to Dwelling 2 to be offset by 2 metres from the kindergarten (southern) boundary fence.
 - b) The accessway to Dwelling 2 realigned in accordance with Condition 1(a).
 - c) The height of the kindergarten (southern) boundary fence to be unaltered as a result of Condition 1(a).
 - d) A colours and materials schedule, demonstrating lighter colours and finishes in accordance with the preferred character statement of Council's Neighbourhood Character Guidelines 'Garden Suburban 6'.
 - e) A matching front fence to be provided to Dwelling 2.
 - f) An elevation drawing (to a scale of 1:100) of the proposed front fences.
 - g) The porch to Dwelling 2 to be lowered to less than 3.6 metres above natural ground level in accordance with Clause 55.03-1 (Street Setback) of the Moonee Valley Planning Scheme.
 - h) Either the height or the setback of the western upper floor bathroom wall of Dwelling 1 modified to comply with Clause 55.04-1 (Side and Rear Setbacks) of the Moonee Valley Planning Scheme.
 - i) The garage to Dwelling 1 to be offset from the western title boundary by 1 metre, or, the height of the boundary wall lowered to a maximum of 3 metres above natural ground level, in accordance with Clause 55.04-3 (Daylight to Existing Windows) of the Moonee Valley Planning Scheme.
 - j) The nomination of a tandem car space in front of the garage to Dwelling 1.
 - k) The provision of 600mm free standing trellis extensions to the southern and western boundary fences.
 - l) Any air conditioning units to be located at least 5 metres from the western title boundary.
 - m) All privacy screens annotated accordingly on the floor plans and elevations.
 - n) Stormwater treatment measures and notations on the Water Sensitive Urban Design Plan as follows:
 - i) Locate correctly sized rainwater tanks (if applicable),
 - ii) Locate correctly sized raingardens (if applicable),

- iii) Locate any other applicable WSUD treatment measure (to scale),
- iv) Provide associated annotations applicable to selected Water Sensitive Urban Design (WSUD) treatment measures as per the attached 'Generic WSUD Notations' information sheet.

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

2. Except with the prior written consent of the Responsible Authority, the layout of the land and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified.
3. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking Objective) 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.

4. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
5. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
6. 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.
7. A minimum 30 days prior to any building or works commencing, all WSUD Design Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
8. A minimum 30 days prior to any building or works commencing, a Site Management Plan must be submitted to and approved by the Responsible Authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) A statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems.

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

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

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

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

- 10. 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.
- 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. 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:

- a) Be maintained and made available for such use; and
- b) Not be used for any other purpose;

to the satisfaction of the Responsible Authority.

- 13. The existing street trees along Hayes Road and James Street must not be removed or damaged as a result of the permitted development.
- 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. 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.

Public Transport Victoria Conditions

- 16. The existing bus stop and associated infrastructure on Hayes Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.
- 17. The permit holder must take all reasonable steps to ensure that disruption to the bus operations along Hayes Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior.

End Public Transport Victoria Conditions

- 18. 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 an electronic copy must be provided. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:
 - a) Plans to accord with Condition 1 of this permit;
 - b) The provision of a canopy tree within the front setback of each dwelling, which are able to achieve a minimum mature height of 4 metres;
 - c) 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;

- d) The use of drought tolerant species;
- e) Features such as paths, paving and accessways;
- f) All planting abutting the accessway(s) 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;
- g) The use of non-invasive plant species, which will ensure that existing infrastructure assets are not damaged by root systems; and
- h) 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.

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

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.

Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact Moonee Valley City Council regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.
- No on-street parking permits will be provided to the occupiers of the land.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the southern side of Hayes Road, with its eastern boundary fronting James Street, Strathmore. The site is regular in shape, with a frontage to Hayes Road of 13.11 metres, a frontage to James Street of 39.93 metres and a total area of approximately 606 square metres.

The land has an approximate 1 metre fall from the south of the site to Hayes Road to the north. The site features a single storey brick dwelling with a pitched roof and a minimum front setback to Hayes Road of 7.6 metres.

A 1.83 metre wide drainage and sewerage easement exists along the south of the site adjoining the rear boundary.

Vehicle crossings to the site are located to the north-west along Hayes Road and south-east along James Street. There is no significant landscaping or vegetation on the site. There are a number of large street trees next to the site along Hayes Road and James Street.



Figure 2 – 15 Hayes Road, Strathmore

The surrounding land is within a General Residential Zone. Residential development proximate to the subject site is varied, with a mixture of single dwellings on large allotments and multi-unit developments. Examples of multi-unit developments are located at 7 and 13 Hayes Road and 28 and 54 Williamson Avenue.

The built form within the area is predominantly single and double storey, Inter-war and Post-war style dwellings with examples of Victorian, Edwardian and contemporary style infill. External materials are a mixture of brick, weatherboard and rendered finishes in differing colours. Building frontages vary from single to double frontages. Roof forms in the area are mostly hipped with some examples of gabled-ended roof forms.

The site is located adjacent to St Aidan's Kindergarten to the south and a bus stop to the north.

1.2 Proposal

It is proposed to construct two double storey dwellings on the lot, with Dwelling 1 to front Hayes Road and Dwelling 2 to front James Street. The proposal can be summarised as follows:

Table 1

No of dwellings	2 X 4 bedroom dwellings
No of car spaces	3 spaces – Dwelling 1 2 spaces – Dwelling 2
Max Building Height	8 metres
Site Coverage	55.3%
Permeability	25.4%

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

2. Background

2.1 Relevant Planning History

There is no relevant planning history that has been identified for the land.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

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

Local Planning Policy Framework

Clause 21.01	Municipal Profile
Clause 21.02	Key Issues and Influences
Clause 21.03	Vision
Clause 21.05	Housing
Clause 21.06	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

- Public Transport Victoria

No objection subject to standard conditions relating to the protection of the bus stop during construction (refer to Conditions 16 and 17).

Internal

- Engineering Services Unit

No objection subject to standard drainage and engineering conditions.

- Traffic and Transportation Unit

No objection subject to the provision of pedestrian visibility splays in accordance with Clause 52.06-8 (Design Standards for Car Parking), all infrastructure in the road reserves to be shown on the plans, crossovers must be single width, Dwelling 1 crossover to be upgraded to 3 metres and constructed in accordance with Public Transport Victoria (PTV) requirements and crossover to Dwelling 2 to be offset by 2 metres from the kindergarten fence (refer to Condition 1a).

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, 11 objections were received from the properties detailed at **Appendix A** of this report.

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

2.5 Consultation Meeting

A Consultation Meeting was held on 14 September 2016, attended by Councillors Giuliano and Chantry, objectors, the applicant and Council's Planning Officer. While no formal resolution was achieved at this meeting, the permit applicant agreed to a number of conditions being included on any permit issued to respond to some of the specific concerns raised by objectors. These include conditions relating to overlooking and additional screening and the location of any air conditioning units installed to the dwellings.

3. Discussion

3.1 State Planning Policy Framework

The relevant State Planning Policy Framework clauses are considered to be met.

3.2 Local Planning Policy Framework

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 Sections 3.3 and 3.5.

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 not all water treatment measures and relevant annotations have been shown on the plans. The relevant design requirement conditions will 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 preferred character statement for this particular precinct is as follows:

“New developments will contribute to 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 title 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.”

The development provides a suitable response to the preferred character statement of Garden Suburban 6 within the Neighbourhood Character Precinct Profiles 2012 as follows:

Table 2

Siting and Building Envelope	<p>Although front setback of Dwelling 1 to Hayes Road does not comply with Standard B6 of ResCode (refer to Section 3.5 of this report), the siting of the proposed dwelling is complementary to the prevailing setback pattern in the immediate area.</p> <p>This is a corner site and, as a result, the development is set off one side boundary when viewed from each streetscape. The development allows for a 1.0 metre setback between the proposed dwellings for the entire depth of the site.</p> <p>The building envelope is similar to other medium density style developments within the immediate area.</p>
Built Form	<p>A mix of traditional and modern elements complementing the streetscape and surrounding area.</p> <p>Well-articulated on each elevation.</p> <p>Double storey height is responsive to existing and emerging building heights within the immediate vicinity.</p>
Design Detail	<p>A mix of brick and render and pitched tiled roofing, which is considered to be characteristic of traditional and more contemporary infill developments in the area. A colour and materials schedule has not been provided at this stage. This will be required as a condition of any permit issued and colours and finishes selected must be “lighter” in accordance with the preferred character statement for Garden Suburban 6 (refer to Condition 1d).</p> <p>Windows have been provided along both street frontages to ensure surveillance of the street is achieved.</p> <p>The garages to each dwelling are setback behind the main ground floor building line.</p>
Landscaping and front fencing	<p>The development is provided with landscaped front and rear private open space areas.</p> <p>A transparent front fence is included to ensure views of the front garden are maintained – a condition of any permit issued will require the submission of an elevation drawing of the proposed fence (refer to Condition 1f). A further condition of any permit issued will require a similar fence provided to Dwelling 2 (Condition 1e).</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

Use (dwellings)	Required	Provided
Two dwellings (2 x 4 bedrooms)	4	4
Residential visitors	0	0
Total	4	4

As discussed under Section 2.3 of this report, Council's 'Traffic and Transportation Unit' has no objection to the proposed development, subject to the inclusion of conditions on any permit granted. It is noted that these conditions have already been satisfied by the permit applicant on the plans, with the exception of offsetting the crossover to Dwelling 2 by 2 metres from the kindergarten fence (refer to Condition 1a).

In addition, pursuant to Clause 52.06, pedestrian visibility splays have been provided, and it is noted that the southern boundary fence will not need to taper in height due to the setback required by Condition 1(a).

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

3.5 Compliance with 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**).

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

Table 4

Res Code Standard	Response
Clause 55.02-1 (Standard B1 – Neighbourhood Character)	<p>As discussed above in Section 3.3 of this report, a condition of any permit issued will require the submission of a colour and materials schedule demonstrating lighter colours and finishes in accordance with the preferred character statement for Garden Suburban 6 (refer to Condition 1d).</p> <p>An elevation drawing of the proposed front fence is also required (refer to Condition 1f).</p>
Clause 55.03-1 (Standard B6 – Street Setback)	<p>This standard requires a minimum setback to Hayes Road of 8.5 metres. Dwelling 1 has a minimum setback of 7.7 metres to Hayes Road. It is considered that the proposed front setback to Hayes Road does not significantly deviate from the predominant street setback pattern found in the area, as a number of examples of dwellings with similar or closer setbacks can be found in the immediate vicinity (most notably at Nos. 9, 11, 12, 13, 14, 18 & 19 Hayes Road).</p> <p>It is also considered that the main building line of the development is not inconsistent with the typical setback pattern found in Hayes Road. Additionally, the proposed setback will still enable the development to be provided with ample front and side landscaping. It is therefore considered that the proposed street setback is respectful of the existing neighbourhood character, makes efficient use of the site, and subsequently complies with the objective. A variation to the standard is acceptable in this instance. The required 2 metre setback to James Street for Dwelling 1 is met.</p>

Res Code Standard	Response
	It is noted that Dwelling 2 complies with the 3 metre setback requirement to James Street, however, a condition of any permit issued will require that the porch is less than 3.6 metres in height above natural ground level in accordance with this standard (refer to Condition 1g).
Clause 55.03-8 (Standard B13 – Landscaping)	A landscape plan has not been provided as part of this application therefore a condition will be placed on the issued permit stipulating that such a plan must be provided, which is prepared by a suitably qualified person. It is considered that there are sufficient areas for planting to occur on the subject site.
Clause 55.04-1 (Standard B17 – Side and Rear Setbacks)	The first floor to Dwelling 1 does not comply with this standard on the western elevation. The bathroom wall has a maximum height of 6.3 metres which requires a setback of 1.81 metres from the western title boundary. A 1.8 metre setback has been provided. This is considered to be a minor variation and can easily be resolved through a condition of any permit issued (refer to Condition 1h).
Clause 55.04-3 (Standard B19 – Daylight to Existing Windows)	The location of the Dwelling 1 garage on the western title boundary does not accord with this standard. The wall is opposite an adjoining habitable room window and is 3.3 metres high, requiring a setback of 1.65 metres. Only 1.4 metres is achieved. A condition of any permit issued will therefore require this garage to be offset from the western boundary by 1 metre (and subsequently converted to a single garage with a tandem car space in the accessway), or, the height of the boundary wall to be lowered to a maximum of 3 metres, which would bring the wall into compliance (refer to Condition 1i).

3.6 Objections

A response to the objections is provided as follows:

Table 5

Issue	Officer Response
Neighbourhood character – visual bulk, urban design	As discussed in Section 3.3 of this report, the proposal is considered to be consistent with the neighbourhood character guidelines for this area, subject to conditions.
Overdevelopment	<p>Well-designed infill development is encouraged by State Planning Policy, provided that suitable compliance is achieved with the Planning Scheme.</p> <p>The development has been assessed against, and is considered to achieve a high level of compliance with the provisions of the Moonee Valley Planning Scheme including the relevant design provisions, neighbourhood character and residential policy objectives pursuant to Clause 21.05 and 55.02 of the Moonee Valley Planning Scheme.</p> <p>The dwellings are well designed and sited to ensure coherency within the existing pattern of development within the area and as such will contribute positively to the area.</p>
On-site amenity (poor internal solar access and lack of waste storage)	<p>All habitable rooms to the dwellings are provided with a window and the secluded private open space areas comply with the daylight requirement of Clause 55.05-5 (Solar Access to Open Space) of the Moonee Valley Planning Scheme.</p> <p>Further, appropriate locations for rubbish bin storage have been nominated on the Ground Floor plan for each dwelling in accordance with Clause 55.06-4 (Site Services) of the Moonee Valley Planning Scheme.</p>
Overlooking	The proposal complies with the requirements of 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme, however, the permit applicant has agreed to provide 600mm trellis extensions to the boundary fences – this will be required as a condition on any permit issued (refer to Condition 1k).

Issue	Officer Response
Overshadowing	The overshadowing that will be generated as a result of the proposed development comfortably satisfies the requirements of Clause 55.04-5 of the Moonee Valley Planning Scheme.
Daylight to existing windows	The proposal will be conditioned to comply with this standard as discussed in Section 3.5 of this report.
Boundary wall heights	The heights of all proposed boundary walls complies with the requirement of Clause 55.04-2 (Walls on Boundary) of the Moonee Valley Planning Scheme.
Noise from air conditioning units	Noise impacts are considered to be in accordance with ResCode, and will need to satisfy EPA guidelines as relevant. However, the applicant has agreed to ensure that any air conditioning units are located away from the objector's interface (west) – this will be included as a condition of any permit issued (refer to Condition 1I).
Car parking and traffic impacts	<p>The proposed development provides the required on-site parking requirements for residents pursuant to Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme.</p> <p>In addition, Council's Traffic and Transportation Unit had no objection to the proposal, or inclusion of the proposed crossover.</p> <p>Any ongoing issues relating to traffic and/or parking pressures within the street need to be addressed through Council's Traffic and Transportation Unit.</p>
Tapering of southern boundary fence to 1.2m in height will compromise privacy of kindergarten playground	In response to this concern the permit applicant agreed to relocate the proposed crossover from the boundary fence in order to bypass the visibility splay requirement of Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme, which would require the fence to be lowered. Council's Traffic and Transportation Unit is supportive of this outcome as discussed in Section 2.3 of this report. A condition of any permit issued will therefore, require the crossover to Dwelling 2 to be offset by 2 metres from the kindergarten fence.

Issue	Officer Response
Demolition of existing boundary wall (southern boundary)	There are no specific planning controls that trigger an assessment of the removal of this boundary wall affecting the site. The building is located within the subject site and can be removed without a planning permit.
Property devaluation	This is not a planning consideration.

4. Human Rights

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

5. Conclusion

The application has been assessed 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: Location of objectors properties - 15 Hayes Road Strathmore - MV/178/2016

Appendix B: Clause 55 (ResCode) assessment table - 15 Hayes Road Strathmore - MV/178/2016

Appendix C: Advertised plans - 15 Hayes Road Strathmore - MV/178/2016 .

Location of objector's properties

1 Hayes Road, Strathmore
3 Hayes Road, Strathmore
4 Hayes Road, Strathmore
6 Hayes Road, Strathmore
11 Hayes Road, Strathmore
17 Hayes Road, Strathmore X 2
22 Hayes Road, Strathmore
54 Hayes Road, Strathmore
5 James Street, Strathmore
16 Williamson Avenue, Strathmore

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 the report.

Title and Objective	Complies with Standard	Complies with Objective
B1 - Neighbourhood Character	✓ (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	✓	✓
B 11 - Open Space Objective	N/A	N/A
B 12- Safety Objective	✓	✓
B 13 - Landscaping Objectives	✓ (condition)	✓
B 14 - Access Objectives	✓	✓
B 15 - Parking Location Objectives	✓	✓
B16 – Parking Provision	Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 3.4.	
B 17 - Side and Rear Setbacks Objective	✓ (condition)	✓

Title and Objective	Complies with Standard	Complies with Objective
B 18 - Walls on Boundaries Objective	✓	✓
B 19 - Daylight to Existing Windows Objective.	✓ (condition)	✓
B 20 - North-facing Windows Objective	N/A	N/A
B 21 - Overshadowing Open Space Objective	✓	✓
B 22 - Overlooking Objective	✓	✓
B 23 - Internal Views Objective	✓	✓
B 24 - Noise Impacts Objectives	✓	✓
B 25 - Accessibility Objective	✓	✓
B 26 - Dwelling Entry Objective	✓	✓
B 27 - Daylight to New Windows Objective	✓	✓
B 28 - Private Open Space Objective	✓	✓
B 29 - Solar Access to Open Space Objective	✓	✓
B 30 - Storage Objective	✓	✓
B 31 - Design detail objective	✓	✓
B 32 - Front Fences Objective	✓	✓
B 33 - Common Property Objectives	N/A	N/A
B 34 - Site Services Objectives	✓	✓

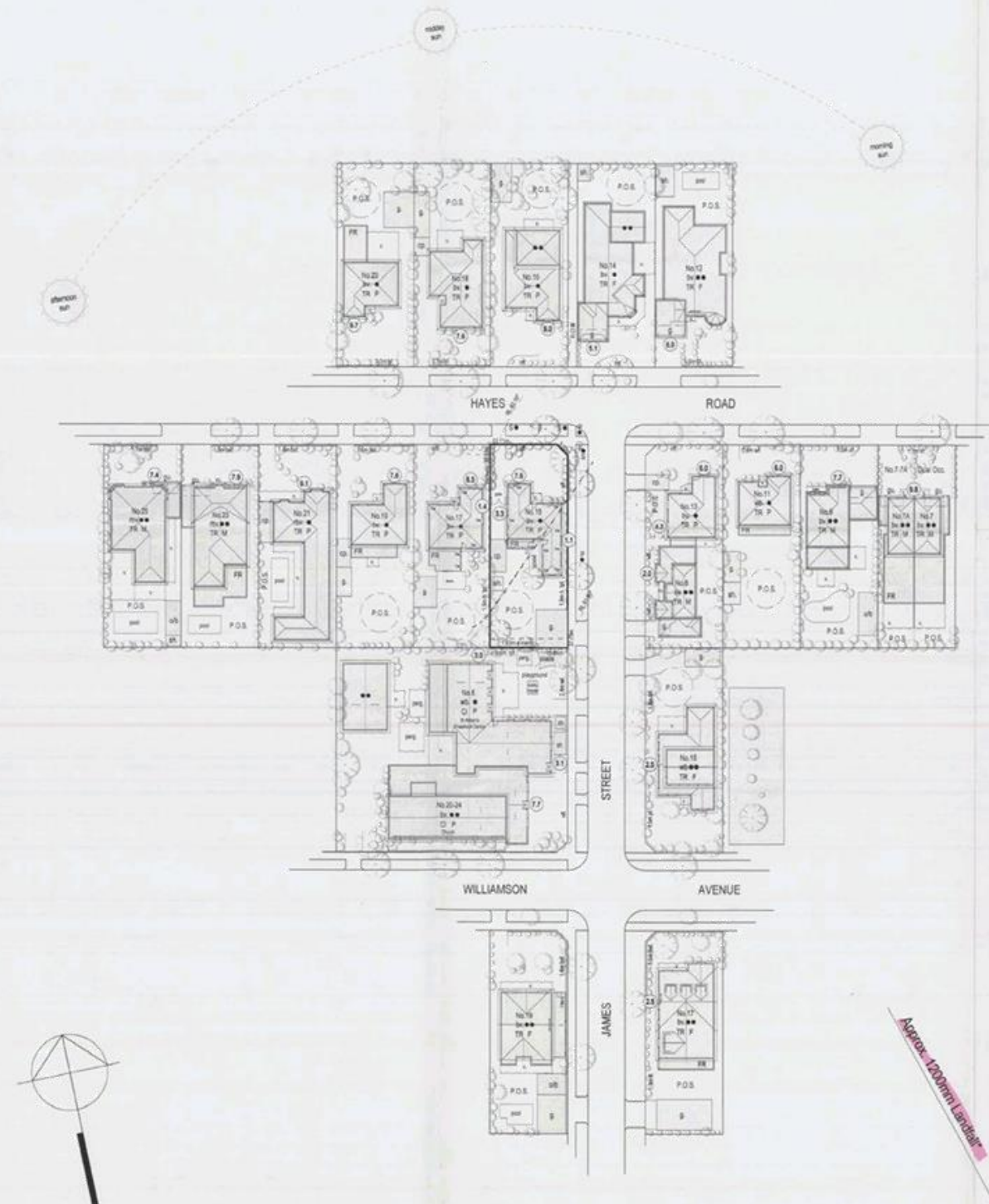
✓ - complies

x – non-compliance

N/A- not applicable

Res Code - Clause 55

NEIGHBOURHOOD AND SITE DESCRIPTION PLAN



STREETSCAPE VIEW OF THE SITE



Site 1:250

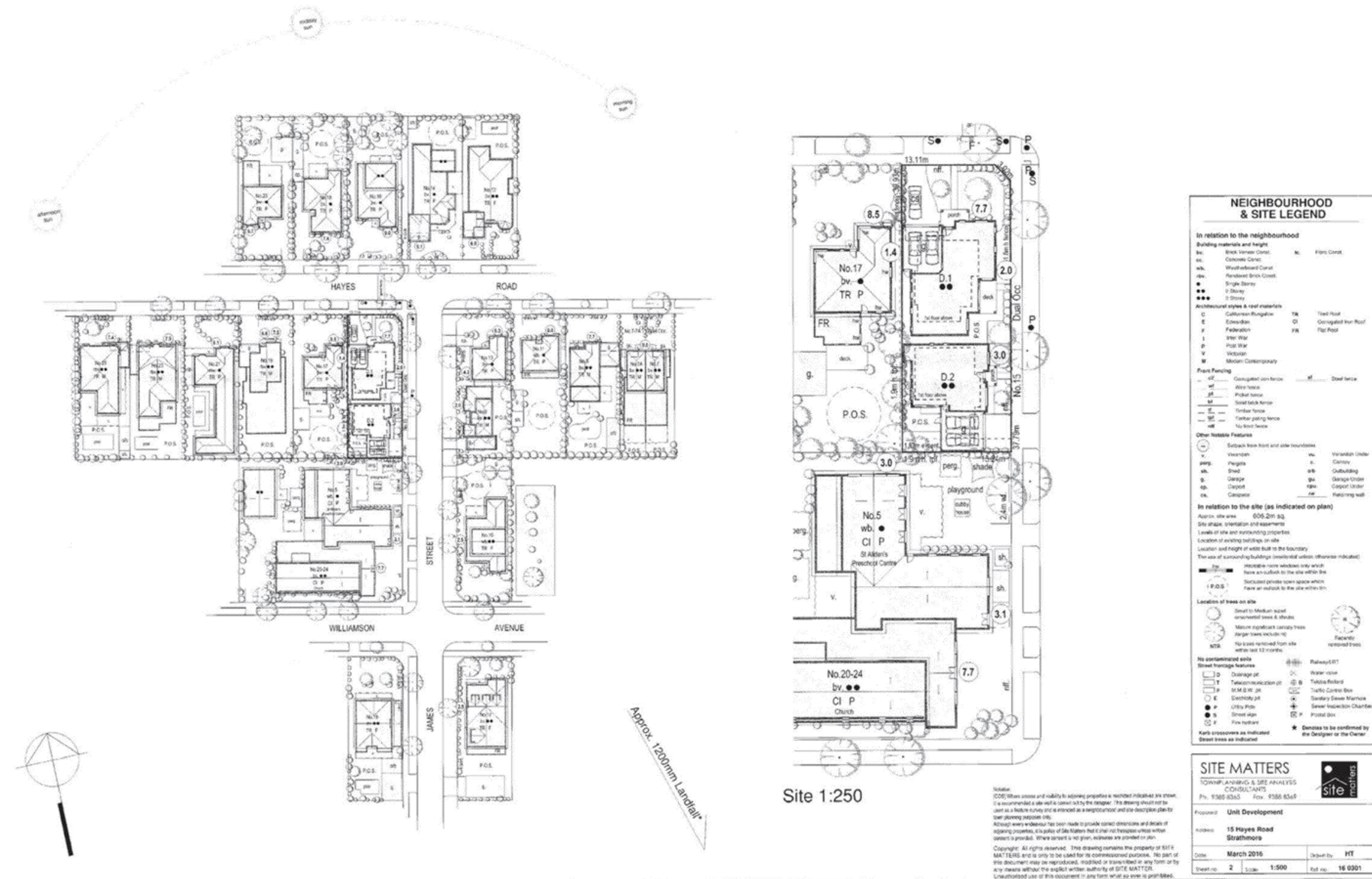
Notation:
SC20: Where access and visibility to adjoining properties is restricted, indications are shown.
It is recommended a site visit is carried out by the designer. This drawing should not be
used as a feature survey and is intended as a neighbourhood and site description plan for
town planning purposes only.
Although every endeavour has been made to provide correct dimensions and details of
adjoining properties, it is a policy of Site Matters that it shall not trespass unless written
consent is provided. Where consent is not given, estimates are provided on plan.
Copyright: All rights reserved. This drawing remains the property of SITE MATTERS and is
only to be used for the commissioned purpose. No part of this document may be reproduced,
modified or transmitted in any form or by any means without the explicit written authority of
SITE MATTER. Unauthorised use of this document in any form what so ever is prohibited.

NEIGHBOURHOOD & SITE LEGEND	
In relation to the neighbourhood	
Building materials and height	
bv.	Brick Veneer Const.
cc.	Concrete Const.
wb.	Weatherboard Const.
rb.	Rendored Brick Const.
●	Single Storey
●●	2 Storey
●●●	3 Storey
Architectural styles & roof materials	
C	California Bungalow
E	Edwardian
F	Federation
I	Inter War
P	Post War
V	Victorian
M	Modern Contemporary
TR	Tiled Roof
CI	Corrugated Iron Roof
FR	Flat Roof
Front Fencing	
off	Corrugated iron fence
wf	Wire fence
pf	Picket fence
sf	Solid brick fence
tf	Timber fence
trf	Timber paling fence
off	No front fence
sf	Steel fence
Other Notable Features	
—	Setback from front and side boundaries
v	Verandah
perg.	Pergola
sh.	Shed
g.	Garage
cp.	Carport
ca.	Canopied
vs.	Verandah Under
c.	Canopy
ob.	Outbuilding
gu.	Garage Under
cpu.	Carport Under
re.	Recessed wall
In relation to the site (as indicated on plan)	
Approx. site area 806.2m sq.*	
Site shape, orientation and easements	
Levels of site and surrounding properties	
Location of existing buildings on site	
Location and height of walls built to the boundary	
The use of surrounding buildings (residential unless otherwise indicated)	
tr	Habitat: room windows only which have an outlook to the site within 5m
P.O.S.	Decided private open space which have an outlook to the site within 5m
Location of trees on site	
Small to Medium sized ornamental trees & shrubs	
Large mature canopy trees (larger trees include NO)	
NTR	No trees removed from site within last 12 months
No contaminated soils	
Street Frontage Features	
Drainage pit	Water valve
Telecommunication pit	Traffic Control Box
M.M.B.W. pit	Sanitary Sewer Manhole
Electricity pit	Sewer Inspection Chamber
Utility Pole	Postal Box
Street sign	
Fire hydrant	
Kerbs unexcavated as indicated	
Street trees as indicated	
* Denotes to be confirmed by the Designer or the Owner	

SITE MATTERS TOWNPLANNING & SITE ANALYSIS CONSULTANTS Ph. 9388 8365 Fax. 9388 8369		
Proposed Unit Development		
Address 15 Hayes Road Strathmore		
Date May 2014	Drawn by HT	
Sheet No. 1	Scale 1:500	Ref. No. 14 0403

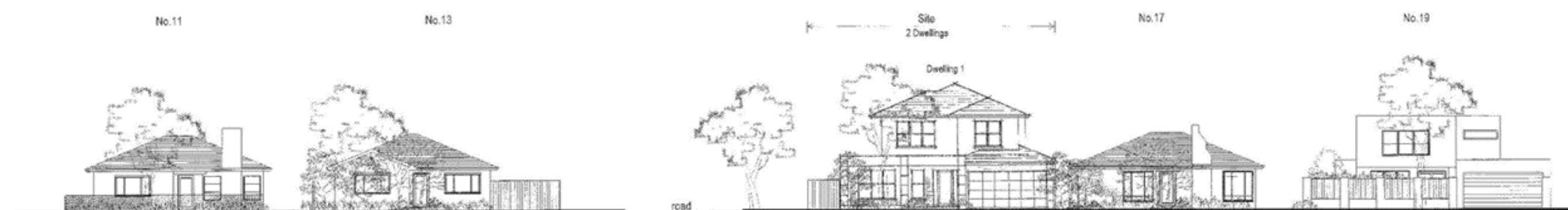
Res Code - Clause 55

DESIGN RESPONSE PLAN



Res Code - Clause 55


DESIGN RESPONSE STREETScape ELEVATION

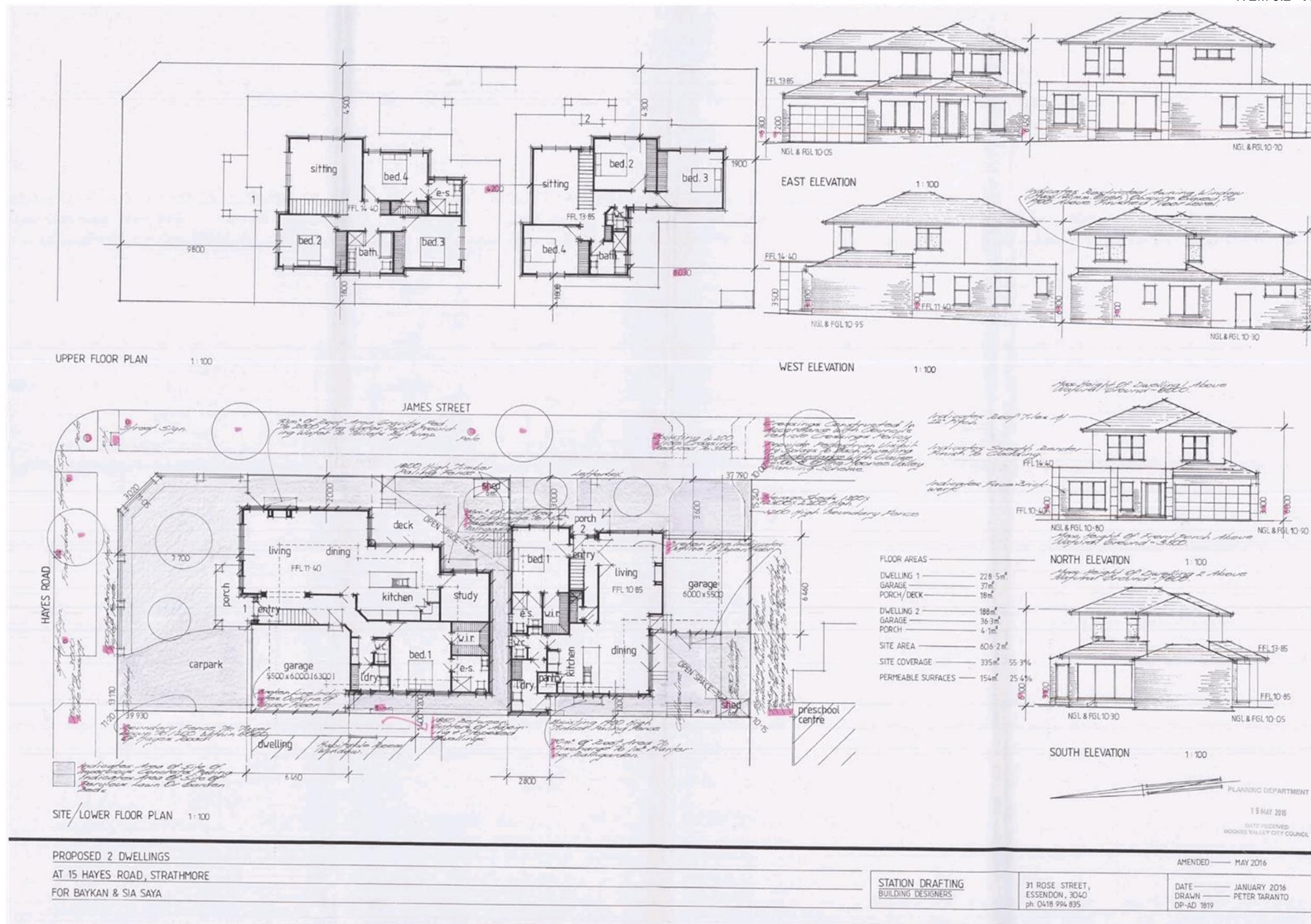


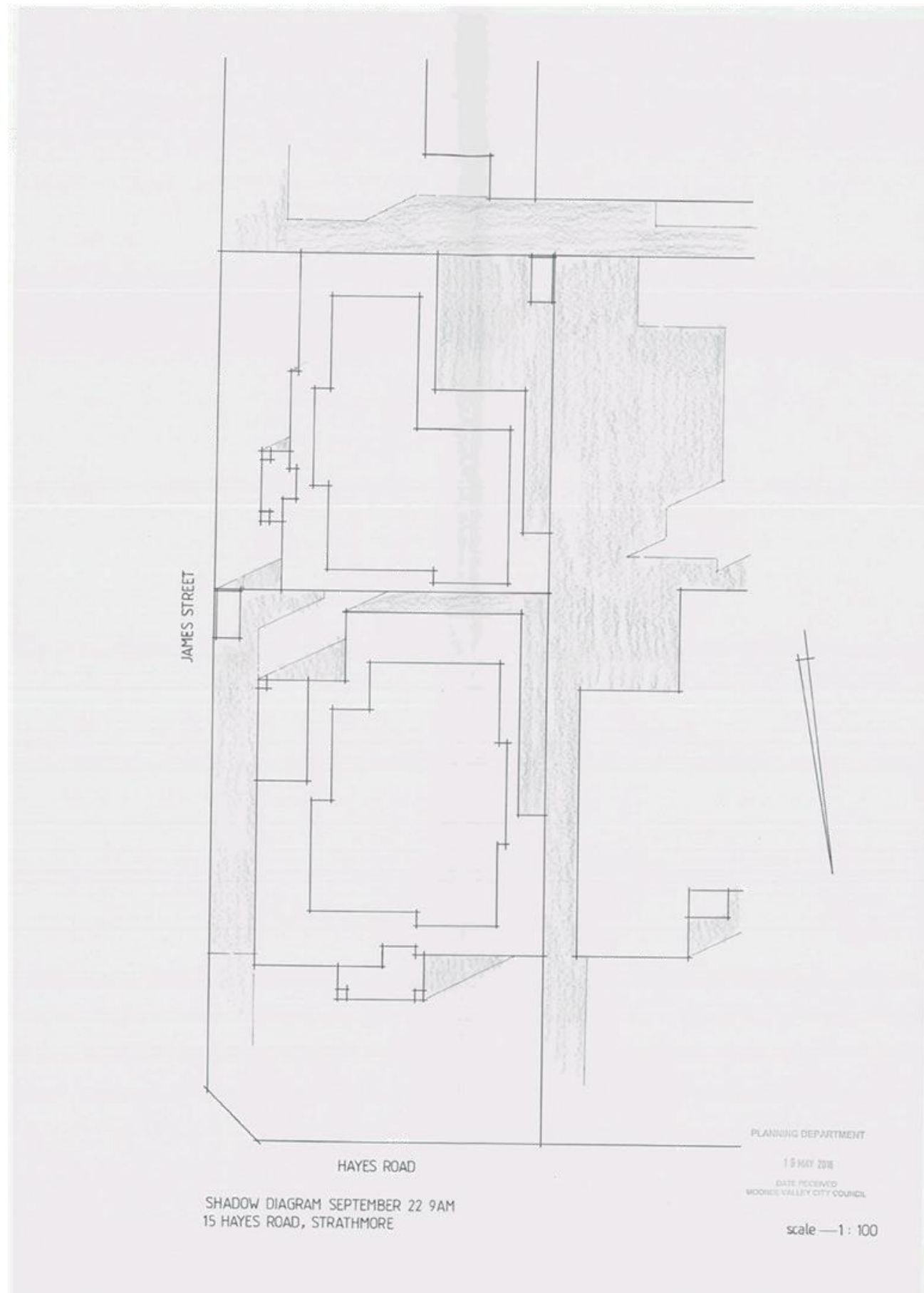
Hayes Road Elevation

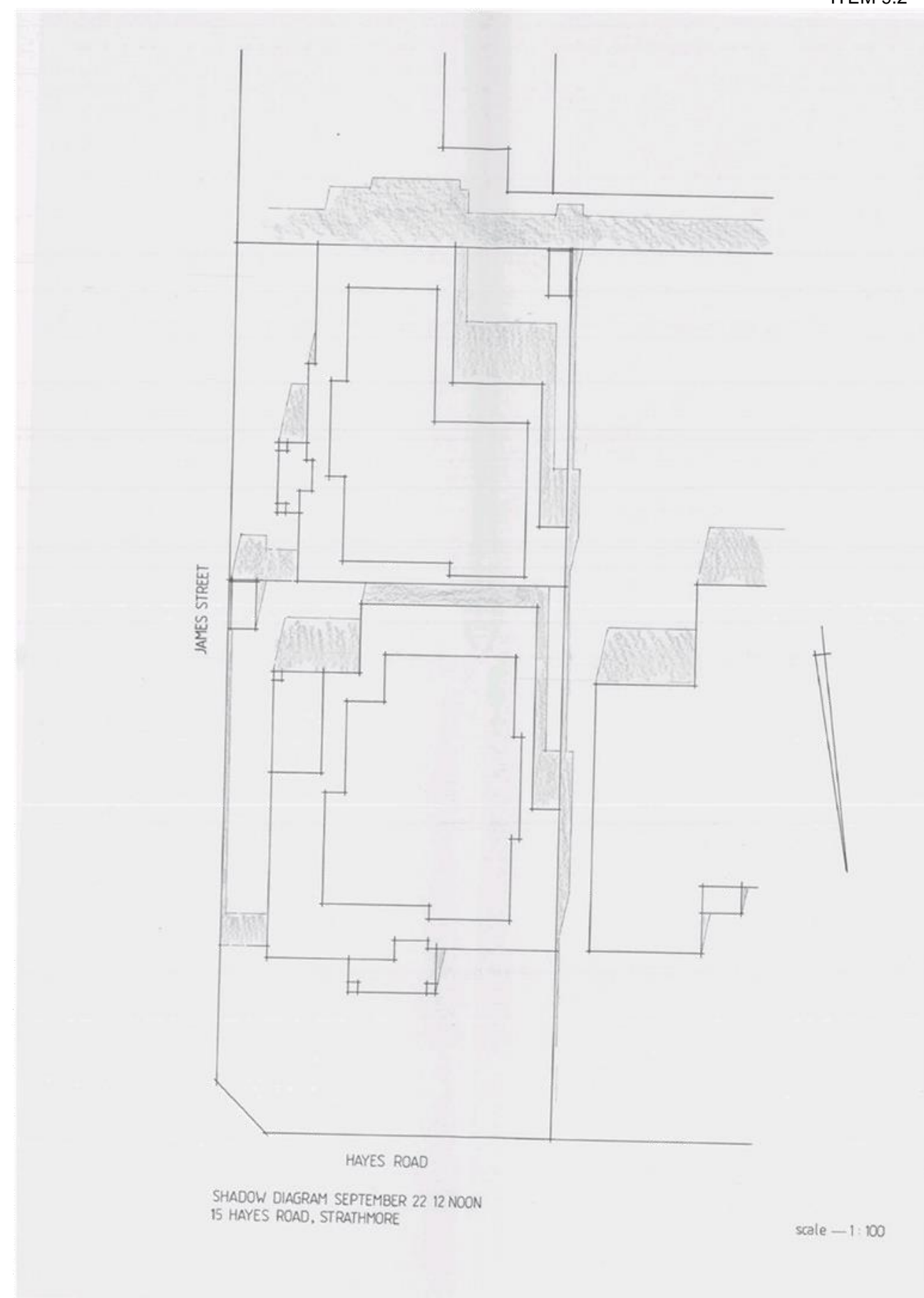


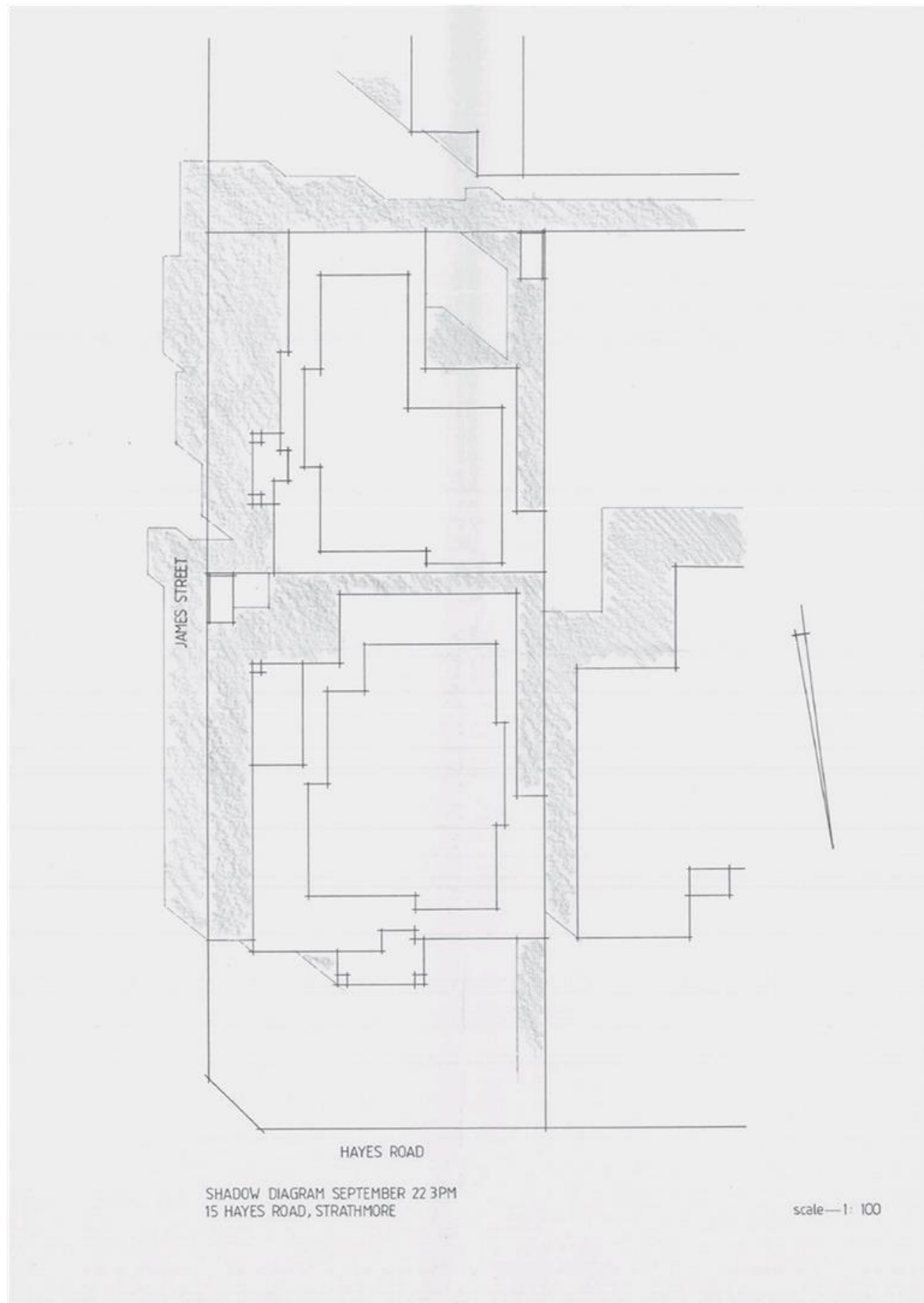
James Street Elevation

SITE MATTERS		
TOWNPLANNING & SITE ANALYSIS CONSULTANTS Ph. 9388 8365 Fax. 9388 8369		
Proposed	Unit Development	
Address	15 Hayes Road Strathmore	
Date	March 2016	Drawn by HT
Sheet no.	3	Scale 1:200 Ref. no. 16 0301





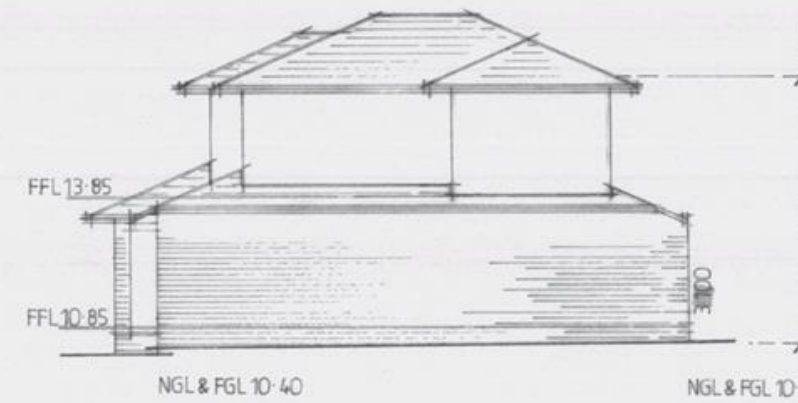






SOUTH ELEVATION
DWELLING 1

1:100



NORTH ELEVATION
DWELLING 2

1:100

PLANNING DEPARTMENT
19 MAY 2016
DATE RECEIVED
MOONEE VALLEY CITY COUNCIL

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

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

Planning File No.	MV/169/2013/A
Proposal	Amendment to previously issued planning permit to allow 55 children on the land at any one time in lieu of 26 and subsequent reduction in car parking requirements
Applicant	BPA Children's Services
Owner	Anglican Diocese of Melbourne
Planning Scheme Controls	General Residential Zone Environment Significance Overlay Schedule 2
Car Parking Requirements (Clause 52.06)	Required: 6 car spaces
Bicycle Requirements	Not applicable
Restrictive Covenants	None
Easements	None
Site Area	3,420sqm
Number Of Objections	10
Consultation Meeting	22 June 2016

Executive Summary

This application was previously considered at the Ordinary Meeting of Council held on 19 September 2016 where it was deferred until the next meeting on 22 November 2016 on the following ground:

The claimed discrepancies in the car parking survey provided by the applicant to be investigated by Council officers to reflect an accurate depiction of parking vacancies in St Kinnord Street in order for an informed decision to be made.

A comparison of the carparking occupancy survey results can be found at **Appendix E**.

- The application seeks to amend Planning Permit MV/169/2013, which was issued by Council for the 'Construction of a single storey addition to be used in association with an existing kindergarten' issued on the 20 February 2014.
- The kindergarten is located at 29-35 St Kinnord Street, Aberfeldie. The site includes the St Andrew's Anglican Church and Hall, two single storey kindergarten buildings, play equipment and two tennis courts. The land is within a General Residential Zone and is partially affected by Schedule 2 to the Environmental Significance Overlay which relates to a significant tree located within the rear yard of an adjoining property to the east.
- Condition 1(a) of the current permit ties the kindergarten to a maximum student number of 26 on the land at any one time. This limit on numbers was imposed on the permit after it was determined that the kindergarten has existing use rights (pursuant to Section 97N of the *Planning and Environment Act 1987*) for a maximum of 26 children. Existing use rights were formalised on 16 January 2014.
- The amendment submitted for consideration proposes to increase the maximum permissible number of children on the land at any one time from 26 to 55. This is as a result of recent changes to the Education and Care Services National Regulations which decreased staff-to-child ratios for kindergartens from 1:15 to 1:11.
- The application was referred internally to Council's Traffic and Transportation Unit for comment on the proposed reduction in car parking requirements. Conditional support was provided.
- The application was advertised and 10 objections were received. Concerns were raised relating to a lack of on-street car parking in the street and traffic and safety issues as well as devaluation of property. A major concern raised by nearby and adjoining residents relates to the operation of 'Gymbaroo' classes from the Church Hall throughout the week, which creates a high demand for on-street car parking.
- A Consultation Meeting was held on 22 June 2016, attended by Councillor Giuliano, objectors, the permit applicants and Council's Planning Officer. Whilst no resolution was achieved at this meeting, the objectors and Councillor Giuliano have engaged in further discussions regarding traffic management in the street to explore potential solutions such as imposing parking restrictions.
- Following the Ordinary Council Meeting held on 19 September 2016 the kindergarten, Church and Gymbaroo have entered into an agreement to ensure

that a minimum 20 minute window is maintained between the start and finish times of all kindergarten and Gymbaroo classes.

- The main issue for consideration is whether St Kinnord Street is capable of accommodating the demand for car parking generated by the proposed increase in child numbers at the kindergarten, given the existing issues faced in the street.
- This assessment report finds the amendment demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme and recommends that a Notice of Decision to Amend a Planning Permit is issued, subject to additional and modified conditions.

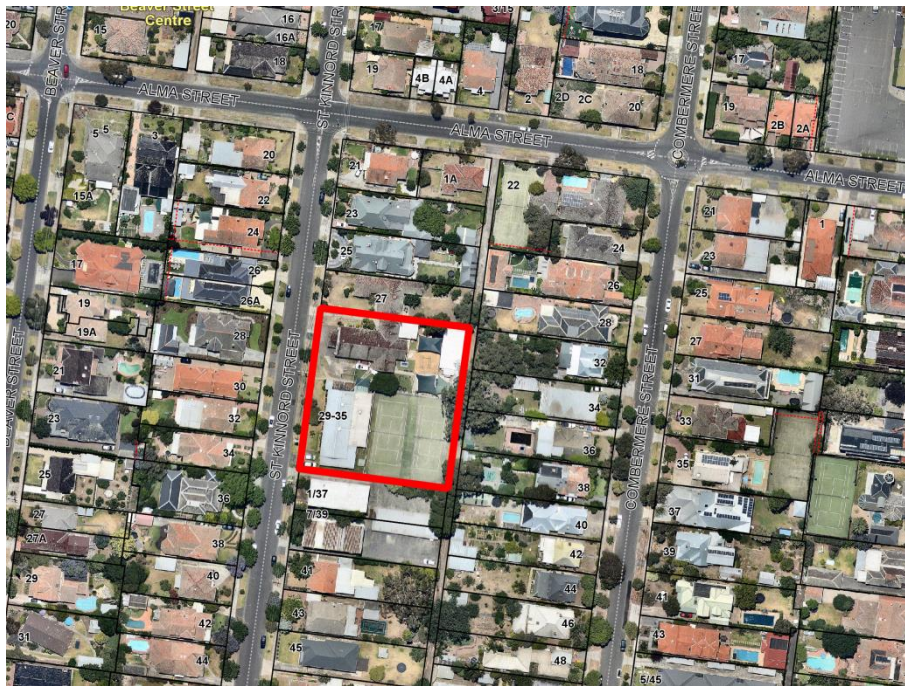


Figure 1: Aerial photo of the subject site and surrounds

Recommendation

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

The alterations to the Planning Permit:

- The preamble amended to read – “Construction of a single storey addition to be used in associated with an existing kindergarten and reduction in car parking requirements”.
- Condition 1(a) amended to read – “A notation to indicate not more than 55 children are to be present on the land at any one time”.
- New Condition 8 - “Except with the prior written consent of the Responsible Authority a minimum window of 30 minutes between all individual classes

starting and finishing times must be maintained”.

- New Condition 9 – “Except with the prior written consent of the Responsible Authority a minimum window of 20 minutes between all kindergarten and Gymbaroo starting and finishing times must be maintained”.
- New Condition 10 – “Except with the prior written consent of the Responsible Authority, no more than 55 children may be present on the land at any one time”.
- Existing Condition 8 renumbered to be Condition 11.

The inclusion of the following note:

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

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

1. Introduction

1.1 Subject Site and Surrounds

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

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

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

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



Figure 2 – 29-35 St Kinnord Street, Aberfeldie

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

1.2 Proposal

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

- An increase in the maximum number of children allowed to be present on the land at any one time in association with the kindergarten from 26 to 55 (net increase of 29), requiring an amendment to Condition 1(a) of the existing permit.
- A subsequent reduction in car parking requirements of 6 car spaces (29 X 0.22). It is noted that the site has existing use rights for 26 children.
- No additional buildings and works are proposed.

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

Table 1

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

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

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

Further, the permit applicant has circulated an updated timetable demonstrating that a minimum 20 minute window is able to be achieved between the start and finish times of all kindergarten and Gymbaroo classes. Refer **Appendix E** Plans (separately circulated).

2. Background

2.1 Relevant Planning History

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

Table 2

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

MV/20687/2009	Buildings and works to an existing church in a Residential 1 Zone	Approved	05/08/10
---------------	---	----------	----------

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

2.2 Planning Policies & Decision Guidelines

- State Planning Policy Framework
- Clause 11 Settlement
- Clause 19 Infrastructure
- Local Planning Policy Framework
- Clause 21.01 Municipal Profile
- Clause 21.02 Key Issues and Influences
- Clause 21.03 Vision
- Clause 21.05 Housing
- Clause 21.09 Transport
- Particular and General Provisions
- Clause 52.06 Car Parking
- Clause 63 Existing Uses
- Clause 65 Decision Guidelines

2.3 Referrals

Internal

- Traffic and Transportation Unit

The waiver for 6 car parking spaces for the proposed net increase in children at the kindergarten can be supported based on the parking surveys (including a separate survey undertaken by Council in August 2016) of the area and the proposed timetable for the Kindergarten/Gymbaroo (ensuring a minimum of 20 minutes gap between kindergarten and gymbaroo and a minimum of 30 minutes between kindergarten sessions).

2.4 Public Notification of the Application

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

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

2.5 Consultation Meeting

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

3. Discussion

3.1 State Planning Policy Framework

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

3.2 Local Planning Policy Framework

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

Clause 21.05-4 (Non-residential Uses in Residential Zones) of the MVPS seeks to ensure that a non-residential use does not detract from the amenity of existing residential uses in the area in terms of noise, traffic and car parking (amongst others). Whilst an increase in child numbers at the site would be expected to result in extra noise in the street, this is not considered to be an unacceptable outcome – kindergarten classes will be running exclusively during daylight hours (refer to Table 1), where noise from children playing or being dropped off/picked up is likely to be the least disruptive to the neighbourhood.

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

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

3.3 Compliance with Clause 52.06 (Car Parking)

Pursuant to Clause 52.06 of the MVPS, before an increase to an existing use by the measure specified in Column C of Table 1 can occur the car parking spaces required under Clause 52.06-5 must be provided on the land. The measure specified in Column C of Table 1 of Clause 52.06-5 for a kindergarten (child care centre) is the number of children on the land at any one time. This amendment seeks to increase the total number of children on the site at any one time by 29 (to a maximum of 55) and as such a reduction of 6 spaces is sought. The kindergarten currently has provision for 2 car spaces, which are generally used by staff. As these spaces are already being utilised they have not been deducted from the requirement for 6 spaces for the purposes of assessment.

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

The study area of the survey incorporated car parking spaces within walking distance to the subject site (a radius of approximately 250 metres). The report found there was no less than 170 vacant parking spaces available within the survey area during all of the dates and times surveyed - indicating that the surrounding area can easily absorb the additional car parking demand that may be generated by the proposal.

In addition to the car parking occupancy survey provided by the permit applicant, Council's Traffic Engineers have also undertaken parking a demand assessment of St Kinnord Street (Refer **Appendix F**). Vacancies were recorded on 3 August 2016 at 8:30am, 9:30am, 12:30pm, 1:35pm, 1:55pm and 4:30pm and the survey found that there was capacity on the street to accommodate the proposed reduction of 6 car spaces with the exception of 1:35pm where a 91% occupancy was recorded. It is important to note that there are no kindergarten classes commencing or ending at this time.

On this basis no objection to the proposal was raised based on both parking surveys of the area and the proposed timetable for the Kindergarten/Gymbaroo (ensuring a minimum of 20 minutes gap between kindergarten and gymbaroo classes and a minimum of 30 minutes between kindergarten sessions). As such, conditions on any amended permit issued will ensure that the kindergarten timetable maintains these gaps.

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

Council's Traffic and Transportation Unit had previously raised concerns relating to traffic management in the street due to the potential for conflict between the kindergarten and Gymbaroo activities on the land creating increased demand for on-street car parking. As such, the permit applicant, the Gymbaroo franchisee and the Church have entered into an agreement stipulating that a minimum 20 minute window is able to be achieved between the start and finish times of all kindergarten and Gymbaroo classes. It is considered that this agreement satisfies this concern. A condition of any amended permit issued will require that the kindergarten timetable maintains this 20 minute window.

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

3.4 Compliance with Clause 63 (Existing Use Rights)

Clause 63.12 (Decision Guidelines) states that a Responsible Authority must consider the extent to which compliance can be achieved with all scheme requirements which can be reasonably met before deciding on an application. This assessment report has considered the compliance of the amended proposal against these and other requirements of the scheme (such as Clause 52.06) and finds that the outcome is acceptable as discussed throughout Section 3.

3.5 Compliance with Clause 65 (Decision Guidelines)

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

3.6 Objections

A response to the objections is provided in the table below:

Table 3

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

4. Human Rights

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

5. Conclusion

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

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

Appendices

- Appendix A: List of objector's properties
- Appendix B: Advertised plans and reports (separately circulated)
- Appendix C: Updated Parking Demand Report (separately circulated)
- Appendix D: Existing Planning Permit
- Appendix E: Proposed timetable agreement
- Appendix F: Comparison of Parking Occupancy Survey.

Location of objector's properties

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



PLANNING AND ENVIRONMENT ACT 1987
Form 4

PLANNING PERMIT

PLANNING PERMIT NO.: MV/169/2013
PLANNING SCHEME: Moonee Valley Planning Scheme
RESPONSIBLE AUTHORITY: Moonee Valley City Council
ADDRESS OF LAND: 29-35 St Kinnord Street, ABERFELDIE
THE PERMIT ALLOWS FOR: Construction of a single storey addition to be used in association with an existing kindergarten

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

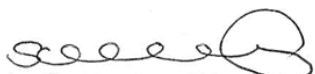
1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:

- a. A notation to indicate not more than 26 children are to be present on the land at any one time in association with the kindergarten in accordance with Certificate of Compliance CC/032/2013 issued 16 January 2014.

Once approved these become the endorsed plans of this permit.

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.

20 February 2014
Date Issued


Signature for the Responsible Authority



5. Prior to any building or works commencing, a Construction Management Plan must be submitted to and approved by the Responsible Authority detailing the construction activity proposed. The plan must include, but not be 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) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
 - j) On site stormwater contamination;
 - k) Chemical storage;
 - l) Noise and vibration;
 - m) Risk assessment;
 - n) Works timetable; and
 - o) Number of workers expected of work on the site at any one time.

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

6. 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.
7. Stormwater runoff from the development shall drain via an underground system and discharge to the kerb and channel in front of the property. If discharge to the kerb and channel via gravity is

20 February 2014
Date Issued


Signature for the Responsible Authority



not possible, the discharge to the kerb and channel in front of the property will need to be via a 'Pressurised System'. A pressurised system uses the head generated by sealed downpipes to push stormwater to the kerb and channel within the road reserve.

A rainwater tank is recommended in conjunction with the pressurised system provided the overflow from the tank is connected to an approved point of discharge. Surface grates are not to be used in conjunction with a pressurised system, consequently any paved areas, in particular driveways, should be graded so that stormwater runoff can fall over the surface of the paved area to the road reserve in front of the property. Drainage plans of the pressurised drainage layout prepared by a suitably qualified Civil Engineer are to be submitted to this department for approval.

And;

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

8. This permit will expire if:-

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

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

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

Permit Notes:

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

20 February 2014
Date Issued


Signature for the Responsible Authority

Page 3 of 4



- *All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.*
- *All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Service Unit and be to the satisfaction of the Responsible Authority.*
- *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.*

20 February 2014
Date Issued


Signature for the Responsible Authority

Page 4 of 4

	MONDAY		TUESDAY - FRIDAY		
	GYMBAROO	KINDERGARTEN	GYMBAROO	KINDERGARTEN	
8.00					
8.05					
8.10					
8.15					
8.20					
8.25					
8.30					
8.35					
8.40					
8.45					
8.50					
8.55					
9.00					
9.05					
9.10					
9.15					
9.20	9.00 - 9.45				
9.25					
9.30					
9.35					
9.40					
9.45					
9.50					
9.55					
10.00		8.00 - 12.00 4YO			
10.05					
10.10	9.50 - 10.35				
10.15					
10.20					
10.25					
10.30					
10.35					
10.40					
10.45					
10.50					
10.55					
11.00					
11.05					
11.10	10.40 - 11.40				
11.15					
11.20					
11.25					
11.30					
11.35					
11.40					
11.45					
11.50					
11.55					
12.00					
12.05					
12.10					
12.15					
12.20					
12.25					
12.30					
12.35					
12.40					
12.45					
12.50					
12.55					
1.00					
1.05					
1.10					
1.15					
1.20					
1.25					
1.30					
1.35					
1.40					
1.45					
1.50					
1.55					
2.00					
2.05					
2.10					
2.15					
2.20					
2.25					
2.30		12.30 - 4.30 4YO			
2.35					
2.40					
2.45					
2.50					
2.55					
3.00					
3.05					
3.10					
3.15					
3.20					
3.25					
3.30					
3.35					
3.40					
3.45					
3.50					
3.55					
4.00					
4.05					
4.10					
4.15					
4.20					
4.25					
4.30					

Comparison of parking occupancy survey results – 29-35 St Kinnord Street, Aberfeldie – MV/169/2013/A

	Survey author						
	Solution 1 Traffic Engineers (applicant submission)	Council					
Date	29/2/16 @ 12:30 pm	3/8/16 @8:30 am	3/8/16 @9:30 am	3/8/16 @12:30 pm	3/8/16 @1:35 pm	3/8/16 @1:55 pm	3/8/16 @4:30 pm
Parking supply on St Kinnord Street (Alma Street to Park Street)	53 car spaces*	53 car spaces	53 car spaces	53 car spaces	53 car spaces	53 car spaces	53 car spaces
Peak parking demand	27 parked cars	22 parked cars	29 parked cars	31 parked cars	48 parked cars	37 parked cars	21 parked cars
% occupancy	51%	42%	55%	58%	91%	70%	40%

*- using Council's supply assessment

9.4 376 Pascoe Vale Road, Strathmore (Lots 1, 2 and 3 on TP 590642Y) - Use and development of the land for a four storey building comprising a shop and dwellings, reduction to the car parking requirement, waiver of the loading bay requirement and alteration (removal) of access to a road in a Road Zone

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

Planning File No.	MV/1030/2015
Proposal	Four storey building with a maximum height of 15 metres 23 car spaces and retail premises (156m ²) at ground floor Eighteen dwellings above, from first to third floor (seventeen two-bedroom and one one-bedroom)
Applicant	Victor Kamal C/- Niche Planning Studio
Owner	Corrado Robertella
Planning Scheme Controls	Commercial 1 Zone (C1Z)
Planning Permit Requirement	Clause 34.01-1 – Use of the land for dwellings Clause 34.01-4 – Buildings and works Clause 52.06-3 – Car parking Clause 52.07 – Loading and unloading of vehicles Clause 52.29 – Create or alter access to a road in a Road Zone
Car Parking Requirements	Required: 26 spaces Provided: 23 spaces
Bicycle Requirements	Required: 6 spaces Provided: 6 spaces (by condition)
Restrictive Covenants	None
Easements	None
Site Area	551 square metres

Number Of Objections	7
Consultation Meeting	None held, less than ten objections

Executive Summary

- The application seeks planning approval for the construction of a four storey building comprising a shop and eighteen dwellings, a reduction in car parking requirements, a waiver of loading bay requirements and for the alteration of access to a road in a Road Zone.
- The subject site is 551 square metres located on the eastern side of Pascoe Vale Road, Strathmore and is occupied by a single storey weatherboard dwelling. A Right of Way runs along the rear boundary.
- The application was advertised and seven objections were received. Concerns were raised in relation to: traffic and car parking; use of the Right of Way; pedestrian safety; impact from loading activities; provision of disabled car spaces and facilities; overdevelopment; siting and massing; off-site amenity impacts; waste collection; and infrastructure impacts.
- Plans were formally amended on 18 August 2016 to address concerns with the proposal, primarily regarding the upper floor setback from the rear boundary and the functional layout of the ground floor.
- The application was externally referred to VicRoads, and internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit, Environmental Sustainable Design (ESD) Officer and Urban Design Officer. The requirements of each party are addressed in the amended plans or by permit conditions, where necessary.
- This assessment report finds the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme, particularly through:
 - Introducing a built form outcome appropriate to the site context in terms of height and scale, as well as a similar level of residential density to nearby development;
 - Encouraging infill proximate to public transport (150m from Strathmore Station);
 - Proximity to significant open space including Cross Keys Reserve and Moonee Ponds Creek Linear Reserve;
 - Providing a suitable level of internal amenity whilst ensuring off-site amenity impacts are acceptable.



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/1030/2015 for the use and development of the land for a four storey building comprising a shop and dwellings, reduction to the car parking requirement, waiver of the loading bay requirement and alteration (removal) of access to a road in a Road Zone at 376 Pascoe Vale Road, Strathmore (Lots 1 to 3 on TP 590642Y), subject to the following conditions:

1. Before the development starts, amended plans must be submitted to and approved to the satisfaction of the Responsible Authority. The amended plans must be drawn to scale and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The balconies of Dwellings 3.5 and 3.6 set back at least 1 metre from the northern and southern boundaries respectively, whilst maintaining compliance with Clause 55.05-4 (Private Open Space) of the Moonee Valley Planning Scheme;
 - b) First floor west-facing balconies screened to comply with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
 - c) Internal balcony screening to comply with Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme;
 - d) The provision of double glazing to all habitable room windows to comply with Clause 55.04-8 (Noise) of the Moonee Valley Planning Scheme;
 - e) The provision of six bicycle spaces in accordance with Clause 52.34 (Bicycle Facilities) of the Moonee Valley Planning Scheme;

- f) The provision of a 300mm trench grate at the bottom of the ramp to the car parking area;
- g) All ground floor walls and structures set back at least 5.5 metres from the eastern boundary of the Right of Way; and
- h) Any changes as a result of Conditions 3, 4 and 7.

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 Water Sensitive Urban Design (WSUD) Design Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
- 4. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers vehicles and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation;
 - i) Management of onsite stormwater and 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 maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) Inspection frequency;
 - b) Cleanout procedures;
 - c) As installed design details/diagrams including a sketch of how the system operates;
 - d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

6. 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 Condition 1.

The development must incorporate the sustainable design initiatives outlined in the endorsed Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority.

7. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
8. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
9. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.

10. 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 in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

11. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than storm water down pipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
12. 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.
13. Before the development starts, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a traffic consultant with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- a) details as to how the car stackers are to be regularly maintained and serviced;
 - b) details of time frames and measures to be undertaken, to reinstate the car stackers back to working order, if the car stackers becoming non-operational; and

- c) details of measures to be undertaken if the car stackers are not operational, so not to provide any additional on-street parking demand.

When approved, the Car Parking Management Plan will be endorsed and will form part of this permit. The provisions, recommendations and requirements of the endorsed Car Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

- 14. 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.
- 15. Provision must be made for the drainage of the land, including 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 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.
- 17. 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.
- 18. The development must be provided with external lighting capable of illuminating access to each 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.
- 19. 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.
- 20. 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; and

e) Or in any other way,
to the satisfaction of the Responsible Authority.

21. Before the development starts, an amended Waste Management Plan, must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the plan prepared by One Mile Grid Pty Ltd dated 22 March 2016, and must accord with Moonee Valley Council's 'Waste Management Plans – Guidelines for Applicants'.

When approved, the Waste Management Plan will be endorsed and will form part of this permit. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

VicRoads Condition

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

End VicRoads Condition

23. The on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or development.
24. 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 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 Moonee Valley City Council 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 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 Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council 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.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- The proposed development requires the 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.
- In the event that car parking spaces or storage cages are separately titled, a condition will be imposed on any future subdivision permit requiring the permit holder to enter into a Section 173 Agreement to ensure the on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or the development.

1. Introduction

1.1 Subject Site and Surrounds

The subject property is located on the eastern side of Pascoe Vale Road, approximately 15 metres south of the intersection with Wallace Crescent. The site is irregular in shape with a splayed frontage of 15.55 metres, depths of 34.67 and 37.6 metres and a rear boundary of 15.24 metres. The site area is approximately 551 square metres. There are no easements, covenants or other restrictions which affect the land. A Right of Way is located at the rear of the site running between Wallace Crescent to the north and Woodland Street to the south, providing vehicle access to properties along Pascoe Vale Road.



Figure 2 – Subject site (376 Pascoe Vale Road, Strathmore)

The subject site currently accommodates a single storey weatherboard dwelling with a hipped tiled roof, set back approximately 7.2 metres from the street. Tall hedging and screening plants are located along the street frontage behind a low brick fence. A single width crossover at the north-western corner of the site provides access to a garage located behind the dwelling.

The site is located near the northern edge of a commercial area surrounding the intersection of Pascoe Vale Road and Woodland Street. The commercial area is populated by single storey shop buildings, with a recent five storey mixed use development located approximately 50 metres to the south. Residential land is located immediately to the east, behind the Right of Way, composed of single homes and low-density unit developments. Three storey forms are present further to the north, around the intersection of Wallace Crescent and Talbot Street. Strathmore railway station is located approximately 150 metres to the south-west, with land directly opposite the site occupied by the railway reserve. The site is located approximately 180 metres north of Cross-Keys Reserve and 250 metres south-west of the Moonee Ponds Creek Linear Reserve and bike trail.

1.2 Proposal

It is proposed to construct a four storey mixed use building containing a shop and dwellings. Permission is also sought for a reduction to the car parking requirement, a waiver of the loading bay requirement and alteration (removal) of access to a road in a Road Zone.

As originally advertised, the building contained two shop tenancies and nineteen dwellings with associated car parking (Refer **Appendix B** – Advertised Plans, separately circulated).

After advertising the application was amended under Section 57A of *The Planning and Environment Act 1987* (the Act) on 18 August 2016, involving:

- Eastern (rear) setback of the third floor increased to 3.8 metres;
- Dwelling 3.6 reduced to one-bedroom (third floor);
- Dwelling G.3 deleted (ground floor);
- Amalgamation of the shops into one tenancy, with net floor area increasing from 146 to 156 square metres;
- Re-allocation of former G.3 car space to the shop tenancy;
- Dedicated residential entry lobby relocated along southern boundary, and reconfiguration of ground floor service areas; and
- Associated modifications to external detailing.

The proposal in its current form is summarised as follows:

Table 1

Retail (ground floor)	156 square metres
Dwellings (first to third floor)	18, comprising: <ul style="list-style-type: none">• 17 x 2 bedroom• 1 x 1 bedroom
No of car spaces	23, comprising: <ul style="list-style-type: none">• 18 resident spaces• 5 retail spaces• No residential visitor car spaces
Building height	15 metres to top of lift core 14.5 metres to top of third floor wall

Refer **Appendix C** – Amended Plans, separately circulated.

2. Background

2.1 Relevant Planning History

There are no historical planning applications relevant to the site.

2.2 Planning Policies and Decision Guidelines

State Planning Policy Framework

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

Clause 17 Economic Development

Clause 18 Transport

Clause 19 Infrastructure

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 21.08 Economic Development

Clause 22.03 Stormwater Management

Zoning and Overlays

Clause 34.01 Commercial 1 Zone

Particular and General Provisions

Clause 52.06 Car Parking

Clause 52.07 Loading and Unloading of Vehicles

Clause 52.29 Create or Alter Access to a Road Zone, Category 1

Clause 52.34 Bicycle Facilities

Clause 65 Decision Guidelines

2.3 Referrals

External

- VicRoads (Determining)

No objection, subject to a condition and note relating to the reinstatement of the existing crossover (Condition 22)

Internal

- Engineering Services Unit

No objection subject to standard conditions.

- Environmental Sustainable Design (ESD) Officer

Amended Sustainable Design Assessment (SDA) required.

- Traffic and Transportation Unit

No objection subject to the following conditions:

- The applicant has proposed 5 bicycle spaces not in line with the Planning Scheme requirements on the ground level, the applicant must provide a minimum of 6 bicycle spaces in line with the Planning Scheme, therefore an additional bicycle space must be provided and must ensure the bicycle racks are in accordance

with the standards. Details of bicycle racks to be provided to Council for assessment (Condition 1 e).

- Applicant to ensure any redundant vehicle crossovers on Pascoe Vale Road are to be reinstated kerb and channel to the satisfaction of the responsible authority VicRoads and in accordance with their Vehicle Crossing Policy (Condition 22).
 - Council is now acquiring land to achieve 5.5m widths for all ROW for any proposed developments proposing to access their properties from the ROW. In the case of this proposed development the applicant is required to give Council approximately 2m of their land adjacent to the ROW (Condition 1 g).
 - The applicant has given Council the manufacturer's specifications for the proposed car stackers to be installed within the proposed development. However, this does not include the time that is required for residents to access the car stacker system. Information to be forwarded to Council for assessment (Condition 13).
- Urban Design Officer
Raised concern with:
 - Bulk of upper floor level.
 - Ground floor dwelling.
 - Residents traveling through bin area to access car spaces.
 - Inadequate size of shop tenancy.
 - Entry corridor should be 1.8 metres wide.
 - Snorkel configured bedrooms to be avoided.
 - Storage should be relocated to enhance light-wells.

Planner's comments

These comments have been noted. The applicant has provided revised plans (refer **Appendix C**) which largely address these concerns, as discussed under Section 3.2.

2.4 Public Notification of the Application

Pursuant to Section 52 of the Act, the application was advertised by mail to adjoining and surrounding properties with notices displayed on site for 14 days. Seven (7) objections were received from the properties listed within **Appendix A** of this report. These are discussed under Section 3.9 of this report.

The amendments made under Section 57A of the Act were not required to be re-advertised, pursuant to Section 57B of the Act, as there would be no material detriment caused. The changes involve reductions to the scale and

intensity of the development and do not represent a substantial transformation of the original proposal.

3. Discussion

3.1 State Planning Policy Framework

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

The subject site is located within the Pascoe Vale Road Neighbourhood Activity Centre and in proximity to local businesses, schools and public transport options. The location of the subject site is considered to lend support for a more intensive form of 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) through the use of ecological sustainable design principles. Subject to a condition requiring the submission of an amended Sustainable Design Assessment (SDA), the development will suitably incorporate these principles (Condition 6).

The proposed development is considered to accord with the objectives of Clause 21.04-7 (Waste) in providing adequate waste storage. A waste management plan was initially submitted with the application however an amended plan, modified to reflect the updated layout, will be required as a condition on any permit granted (Condition 21).

Clause 21.05 (Housing) of the scheme is applicable in this instance, which has the objective of providing a variety of housing choices in appropriate locations to meet the needs of an increasingly diverse range of households. Clause 21.05 also sets out policy guidelines for three identified categories of growth, being 'High to Substantial', 'Moderate to High' and 'Slight to Moderate' housing intensification. The land is considered to fall within the category of 'High to Substantial' housing intensification. The site is located within a Neighbourhood Activity Centre and Employment Node, as identified within the Strategic Framework Plan at Clause 21.03. The Strathmore railway station (with associated bus routes) is located within walking distance of the site, providing a high degree of accessibility through alternative transport modes. It is considered that the proposed development provides for an increased opportunity to meet growing population needs as well as a diversity of housing choice in a well-established area.

The proposed development responds to the strategies of Clause 21.06 (Built Environment). Clause 21.06-4 (Urban Design) contains a number of objectives and strategies, which align with the relevant neighbourhood character guidelines. The proposal is considered to accord with the objective and strategies of this clause as follows:

- The proposed development achieves visual interest and articulation through the use of different materials/finishes and the provision of windows, upper floor balconies and an articulated awning to the street. The contemporary design will enhance the existing streetscape in a manner which is consistent with the commercial zoning of the site. The development achieves a suitable balance between respecting existing built form and responding to the emerging character of contemporary development in the wider area. The proposed colour/material palette complements the surrounding area and emerging built form.
- The proposed development is for a four storey building with full site coverage, which is acceptable in this context and consistent with its emerging character. The proposed development would have a contained and articulated built form, respectful in size and massing to existing developments along Pascoe Vale Road. There are other examples of intensified development and maximum site coverage further south along Pascoe Vale Road. With the amendments made to the massing of the upper floor, the setbacks and site coverage proposed are considered acceptable to the site and surrounding area. The increased setback of 3.8 to 4 metres at the upper floor level, coupled with the 3.5 metre wide Right of Way, provides a suitable visual buffer. This will ensure that there would be no unreasonable visual impact on the nearest residential property to the east.
- The street wall of the building has a height of 13 to 13.5 metres, which is considered to be appropriate in the context of existing and emerging built form. This is assisted by the modulation of the façade and the inset balconies to the street facing dwellings. It is noted that the recently constructed building to the south has a street wall height of over 15 metres. The scale of the proposed building to the street is therefore, considered to maintain an appropriate transition in form to the three storey built form that bookends the northern end of the street, at the intersection of Wallace Crescent and Talbot Road.
- Primary visual and physical links are to the west (front) of the site. The development includes an appropriate level of glazing and street facing balconies within the building façade, with the amalgamated shop tenancy providing a functional and attractive interface. The proposal will enhance interactions, visual interest and passive surveillance to the street. The residential and commercial entry points are readily identified within the ground floor façade of the building, with separate awnings and doors providing visual cues for both residential and commercial access. An appropriate level of shelter and passive surveillance is achieved. The width of the residential entry corridor has been increased to over 1.8 metres, and configured such that there will be no access through waste storage areas as highlighted previously by Council's Urban Design Officer.
- The proposal accommodates dwellings with differing layouts, orientation and size. This will enhance the variety of dwelling stock in the area, catering to the needs and preferences of a range of different people. The layout of each dwelling provides an appropriate level of

amenity for future occupants, particularly with the deletion of the ground floor dwelling. Dwellings are afforded with open plan living with good access to daylight. Importantly all habitable rooms have good direct access to daylight in accordance with Clause 55 requirements, provided by light-wells along the northern and southern boundaries. While the concerns raised by Council's Urban Design Officer regarding snorkel windows to bedrooms are acknowledged, the proposal is considered an acceptable outcome given that the 'snorkel' areas are not significant and are also afforded with sufficient depth from the site boundary. Similarly, the light-wells to the internal corridors are considered adequate in size despite the storage areas located alongside.

- Each dwelling is provided with a balcony area of at least 8 square metres. The balconies to each dwelling are provided with adequate internal dimensions and integrate fully with their respective living areas. There are no south-facing balconies, with each having an open outlook along the north, east or west side of the building. Each balcony has been designed to ensure a suitable level of solar access, with adequate setbacks from neighbouring properties ensuring there would be no reliance on a borrowed outlook. The splayed frontage of the site will further increase the northern outlook for all street facing balconies. This arrangement is considered capable of meeting the potential recreational and service needs of future occupants, and will contribute to an appropriate level of internal amenity.
- The east facing dwellings at the upper floor level are currently proposed to sit along the northern and southern boundaries, which is considered to unreasonably impose upon the equitable development rights of the neighbouring properties. A condition of permit will require that both balconies are set back at least one metre from their respective boundaries, and ensure that compliance with Clause 55.05-4 (Private Open Space) is maintained in doing so (Condition 1 a).
- It is not considered that there would be any unreasonable off-site amenity impacts caused by the proposed development. The requirements of ResCode have generally been met, with window and balcony screening provided by condition of permit where required. The development would result in some overshadowing of the neighbouring property to the east, although well within the amount allowed under ResCode.

The proposal generally complies with Clause 22.03 (Stormwater Management – Water Sensitive Urban Design) by providing adequate on-site stormwater treatment, demonstrated through a compliant STORM assessment achieving a minimum 100% rating. The standard design and site management conditions as recommended by Council's ESD Officer under Section 2.3 of this report (Conditions 3 to 5).

3.3 Clause 34.01 (Commercial 1 Zone)

The subject site is located within Commercial 1 Zone, under which a permit is triggered for buildings and works. This aspect of the proposal has been discussed in greater detail above.

A permit is also required for use of the land for dwellings, as the proposed residential entrance exceeds 2 metres at the street frontage as set out in the table of uses at Clause 34.01-1. It is considered that this element of the proposal meets the relevant decision guidelines of the Commercial 1 Zone. The residential lobby interface is compatible with neighbouring uses and will provide an appropriate level of activation to the streetscape. The entry lobby will be peripheral and complementary to the prominent retail frontage of the building, which is in line with the purpose of the zone.

3.4 Clause 52.06 (Car Parking)

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

Table 2

	Requires	Provides
18 Dwellings (17 x 2 bedrooms and 1 x 1 bedroom)	18	18
Retail premises (156 square metres)	5	5
Residential visitors	3	0
Total	26	23

The reduction to the car parking requirement is considered acceptable given the strategic location of the development within a Neighbourhood Activity Centre. The site is provided with excellent access to public transport options by train and bus. It is not considered that the supply of on-street parking in the area would be unreasonably affected by the shortfall of three residential visitor spaces. It is not considered that the proposed development will generate a cumulative impact or have an adverse effect on the local road network. Further, by condition of permit, the proposal will provide an adequate amount of bicycle parking space which can be utilised by residents and visitors to the building. As discussed under Section 2.3 of this report, Council's Traffic and Transportation Unit has no objection to the proposed development, subject to conditions.

3.5 Clause 52.07 (Loading and Unloading of Vehicles)

The proposed retail component is comparable in size to other commercial premises further south, and it is generally accepted that deliveries to premises of this scale are delivered by a van or car. Such vehicles would utilise available kerbside areas or on-street parking nearby for short periods of time. Council's Traffic and Transportation Unit has no objection to this arrangement. It is noted that VCAT commonly waives loading and unloading requirements for small commercial premises similar to that contained within

the proposed development. It is considered appropriate to waive the loading bay requirements in this case.

3.6 Clause 52.29 (Alter Access to a road in a Road Zone)

The proposal is considered to conditionally comply with the decision guidelines of this clause. The application was referred to the road corporation (VicRoads) which had no objection subject to the conditions outlined under Section 2.3 of this report.

3.7 Clause 52.34 (Bicycle Facilities)

Bicycle spaces are provided as set out in the table below:

Table 3

	Requires	Provides
18 Dwellings	6	5
Total	6	5

A condition of permit will require the provision of a sixth bicycle space to meet the requirements of this clause, as required by Council's Traffic and Transportation Unit (Condition 1 e). The bicycle storage area is accessible and functional, and will easily accommodate the needs of residents and visitors.

3.8 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 D** of this report).

Given the commercial zoning of the site, many ResCode objectives relating to siting and massing require variations to the standard which are typical to developments such as this. Further, the siting and massing of the proposal is discussed in greater detail under Section 3.2 of this report.

The key ResCode objectives, mainly relating to on and off-site amenity, are listed below with corresponding assessments:

Table 4

ResCode Standard	Response
Clause 55.04-6 (Standard B22) Overlooking	The site has one residential interface to the east. A condition of permit will ensure screening is provided to the east facing first floor balconies to comply with this clause (Condition 1 b). Sectional diagrams demonstrate that direct overlooking would not occur from second and third floor balcony areas.

Clause 55.04-7 (Standard B23) Internal Views	A condition of permit will ensure internal balcony screening is provided to comply with this clause (Condition 1 c).
Clause 55.04-8 (Standard B24) Noise Impacts	As Pascoe Vale Road is an arterial road and has high traffic volumes, it is considered that all habitable room windows and doors should be acoustically attenuated (i.e. double glazed) in order to reduce external noise impacts on any future residents. This is to be a condition on any permit granted (Condition 1 d).
Clause 55.05-6 (Standard B30) Storage	Each dwelling is provided with between 2.5 to 5 cubic metres of accessible and secure storage space. While this does not meet the requirements of this standard, this is considered acceptable in this instance due to the modest size of the dwellings.

3.9 Objections

The following table provides a discussion of the concerns raised within the objections to the application:

Table 5

Issue	Officer Response
Traffic and car parking Access from the Right of Way Pedestrian safety	The proposal is not considered to pose any unreasonable impact on the supply of car parking and the flow of traffic in the immediate area, as discussed within Section 3.4 of this report. The use of the Right of Way is considered appropriate, particularly given access from Pascoe Vale Road would not be practical.
Provision of disabled car spaces and facilities	The requirement for providing disabled parking spaces and other facilities would be dealt with under a building permit, should a planning permit be issued. It is noted that the size of the shop tenancy appears capable of providing disabled toilet facilities if necessary.
Overdevelopment	The development is not considered to represent an overdevelopment of the site, particularly in light of its level of compliance with the relevant provisions of the planning scheme as discussed above.

Siting and massing	This is discussed under Section 3.2.
Off-site amenity impacts	This is discussed under Sections 3.2 and 3.8.
Impact from loading activities	This is discussed under Section 3.5.
Waste collection	Waste from both the commercial and residential components of the development would be collected on-site by a private service, in accordance with an approved waste management plan.
Infrastructure impacts	It is not considered that the development would unreasonably burden existing infrastructure, noting that Council's Engineering Services Unit had no objection subject to standard conditions.

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

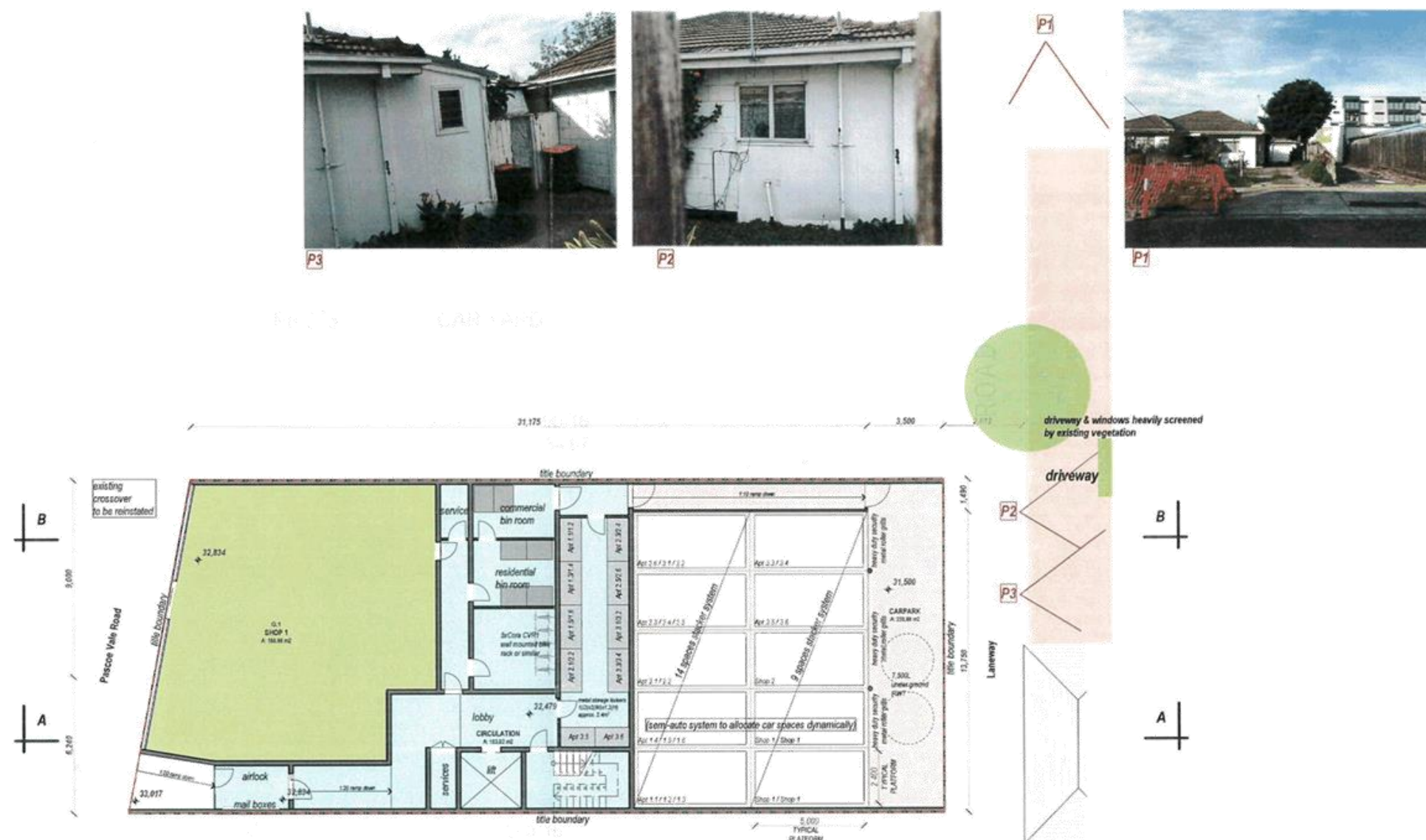
Appendix A: Location of Objectors
Appendix B: Advertised Plans (separately circulated)
Appendix C: Amended Plans
Appendix D: ResCode Assessment.

Location of Objectors

6 Wallace Crescent, STRATHMORE VIC 3041
7 Wallace Crescent, STRATHMORE VIC 3041
16 Wallace Crescent, STRATHMORE VIC 3041
18 Wallace Crescent, STRATHMORE VIC 3041
20 Wallace Crescent, STRATHMORE VIC 3041
24 Wallace Crescent, STRATHMORE VIC 3041
378 Pascoe Vale Road, STRATHMORE VIC 3041

Development Summary

Ground	Area/Bed	Car Park Provision	Storage
Shop 1	157m ²	5	
Level 1			
Apt 1.1	66m ² / 2xbed	1	G (Approx. 2.4m ²)
Apt 1.2	68m ² / 2xbed	1	G (Approx. 2.4m ²)
Apt 1.3	62m ² / 2xbed	1	G (Approx. 2.4m ²)
Apt 1.4	62m ² / 2xbed	1	G (Approx. 2.4m ²)
Apt 1.5	66m ² / 2xbed	1	G (Approx. 2.4m ²)
Apt 1.6	66m ² / 2xbed	1	G (Approx. 2.4m ²)
Level 2			
Apt 2.1	65m ² / 2xbed	1	G (Approx. 2.4m ²)
Apt 2.2	69m ² / 2xbed	1	G (Approx. 2.4m ²)
Apt 2.3	62m ² / 2xbed	1	G (Approx. 2.4m ²)
Apt 2.4	62m ² / 2xbed	1	G (Approx. 2.4m ²)
Apt 2.5	64m ² / 2xbed	1	G (Approx. 2.4m ²)
Apt 2.6	64m ² / 2xbed	1	G (Approx. 2.4m ²)
Level 3			
Apt 3.1	66m ² / 2xbed	1	G (Approx. 2.4m ²)
Apt 3.2	63m ² / 2xbed	1	G (Approx. 2.4m ²)
Apt 3.3	52m ² / 1xbed	1	G (Approx. 2.4m ²)
Apt 3.4	50m ² / 1xbed	1	G (Approx. 2.4m ²)
Apt 3.5	65m ² / 2xbed	1	G (Approx. 3.8m ²)
Apt 3.6	51m ² / 1xbed	1	G (Approx. 3.8m ²)



PLANNING DEPARTMENT

18 AUG 2016

DATE RECEIVED
MOONEE VALLEY CITY COUNCIL

376 PASCOE VALE ROAD STRATHMORE

XY FUTURE PTY LTD
TOWN PLANNING APPLICATION
GROUND FLOOR PLAN

TOWN PLANNING APPLICATION
GROUND FLOOR PLAN

201507TP201P
XY FUTURE
PTY LTD



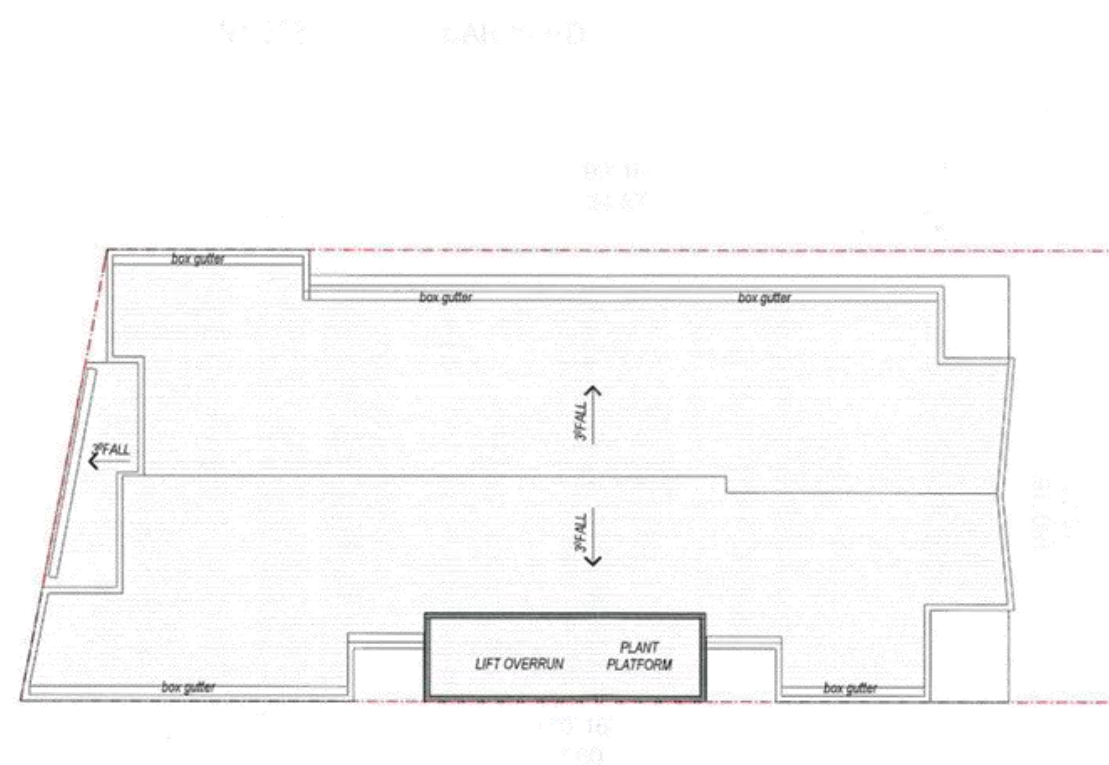
PLANNING DEPARTMENT

18 AUG 2016

DATE RECEIVED
MOONEE VALLEY CITY COUNCIL

376 PASCOE VALE ROAD STRATHMORE

TOWN PLANNING APPLICATION 201507TP204P XY FUTURE
LEVEL 3 FLOOR PLAN 4/9/2016 PTY. LTD



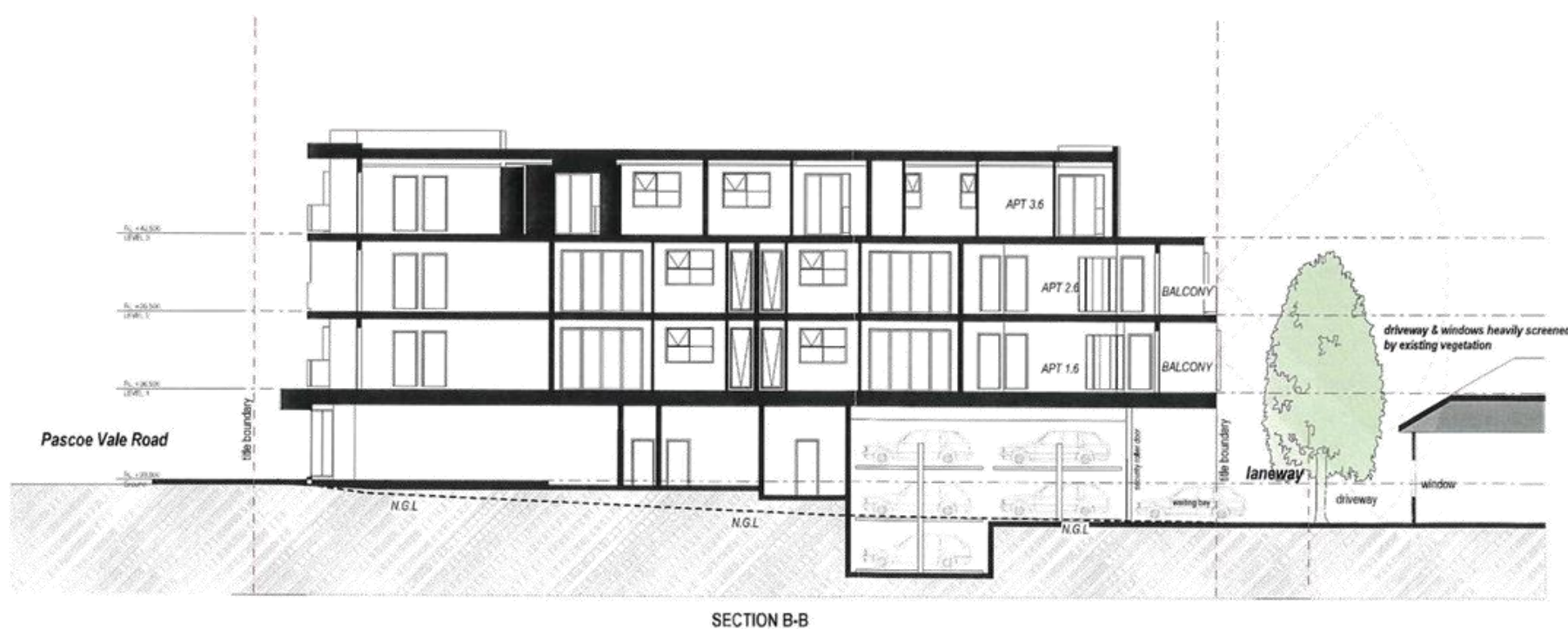
PLANNING DEPARTMENT

18 AUG 2016

DATE RECEIVED
 MOONEE VALLEY CITY COUNCIL

376 PASCOE VALE ROAD STRATHMORE

TOWN PLANNING APPLICATION 201507TP205P XY FUTURE
 ROOF PLAN PTY. LTD.



PLANNING DEPARTMENT

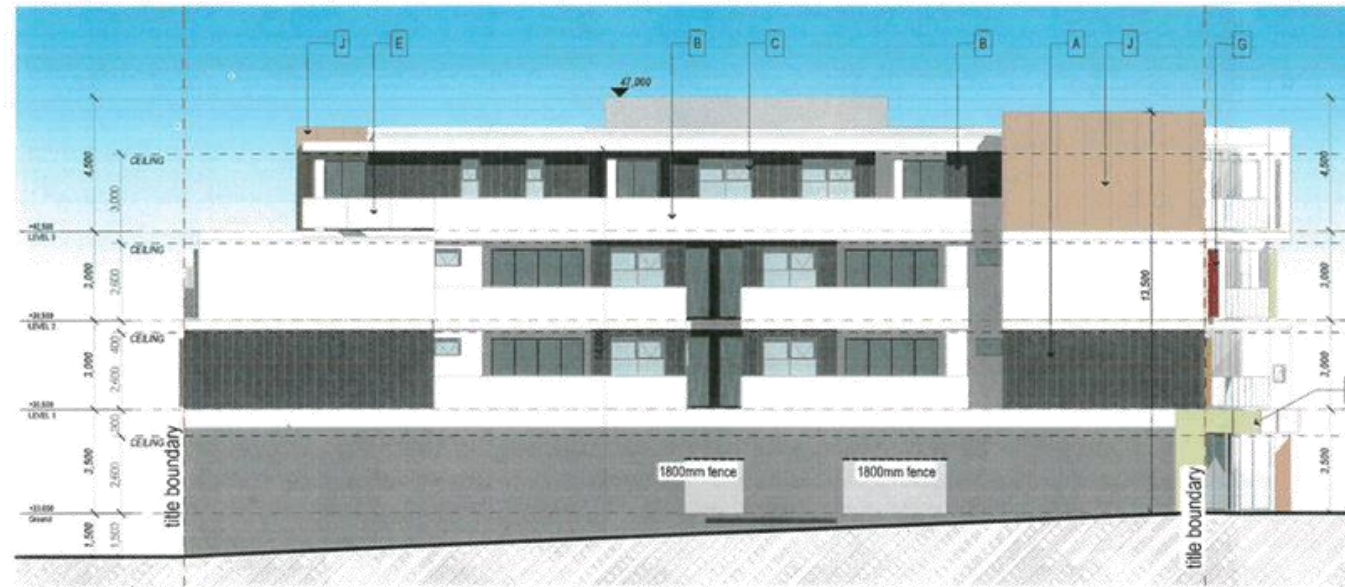
18 AUG 2016

DATE RECEIVED
 MOONEE VALLEY CITY COUNCIL

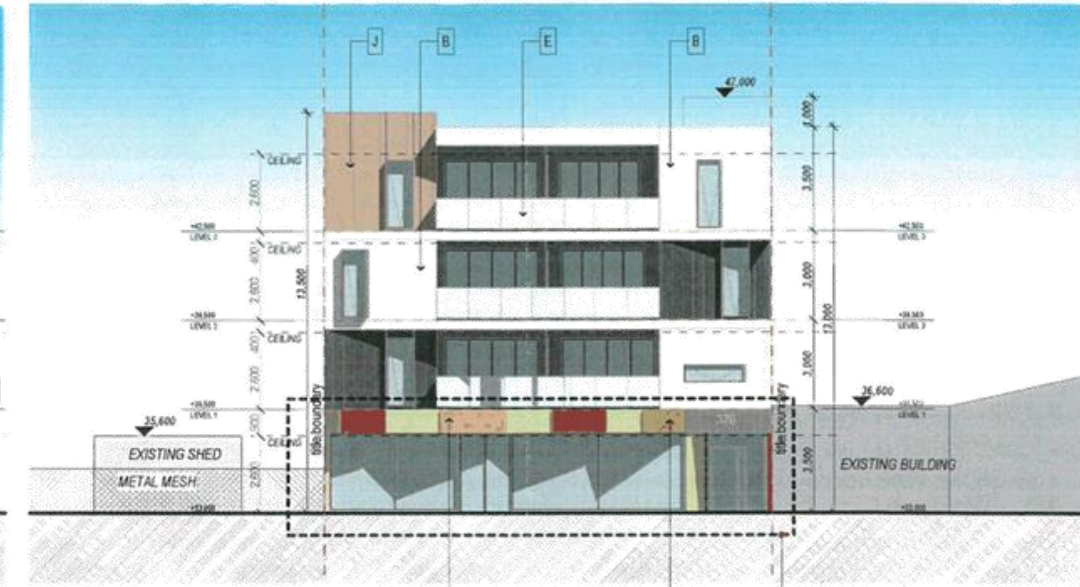
376 PASCOE VALE ROAD STRATHMORE

SYNOPSIS: A 3-STOREY RESIDENTIAL BUILDING WITH 6 APARTMENTS AND 3 CAR SPACES. THE BUILDING IS A 3-STOREY RESIDENTIAL BUILDING WITH 6 APARTMENTS AND 3 CAR SPACES. THE BUILDING IS A 3-STOREY RESIDENTIAL BUILDING WITH 6 APARTMENTS AND 3 CAR SPACES.

TOWN PLANNING APPLICATION 201507TP502P XY FUTURE
 SECTIONS PTY. LTD



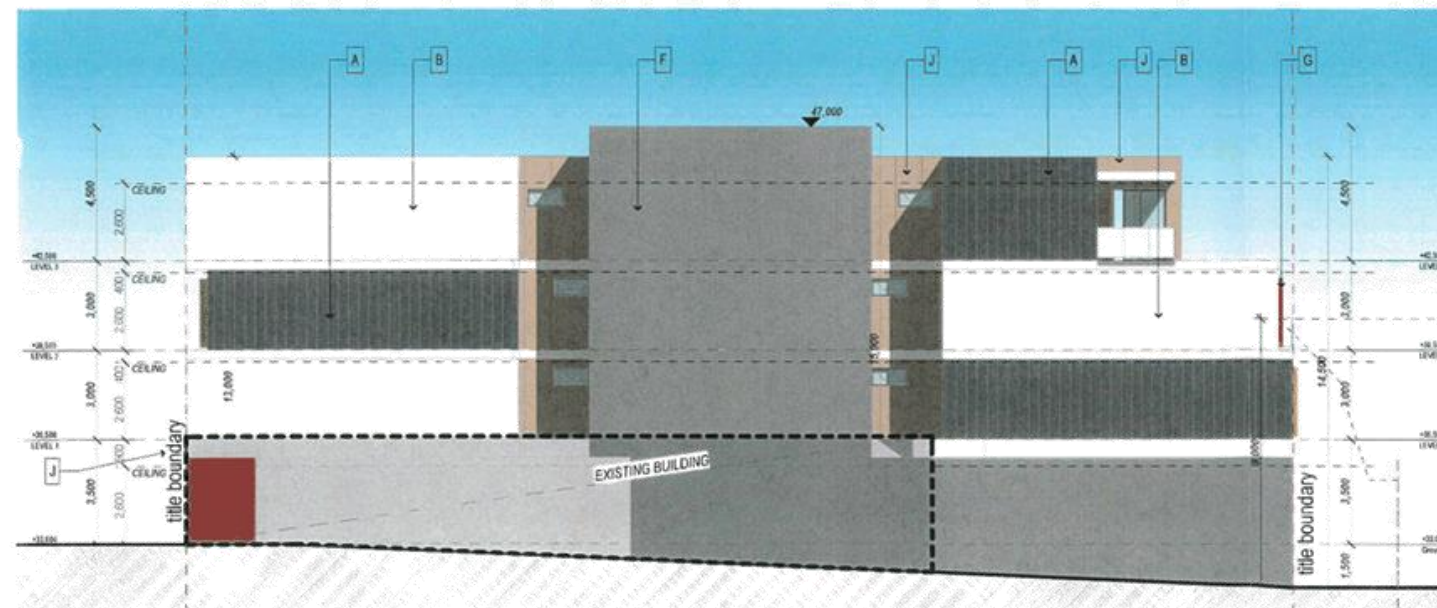
NORTH ELEVATION



WEST ELEVATION (STREETSCAPE)

EXT. FINISHES SCHEDULE

- A METAL CLADDING COLOUR DARK GRAY
- B RENDERED FINISH COLOUR WHITE
- C FC SHEET PAINTED FINISH COLOR CREAMY YELLOW
- D PAINTED FINISH SELECTED COLOUR
- E GLASS BALUSTRADE
- F NATURAL CONCRETE FINISH
- G SELECTED COLOUR METAL CLADDING
- H EXOTEC PAINTED FINISH COLOUR GREY
- I FC SHEET PAINTED FINISH SELECTED COLORS



SOUTH ELEVATION



EAST ELEVATION

PLANNING DEPARTMENT

18 AUG 2016

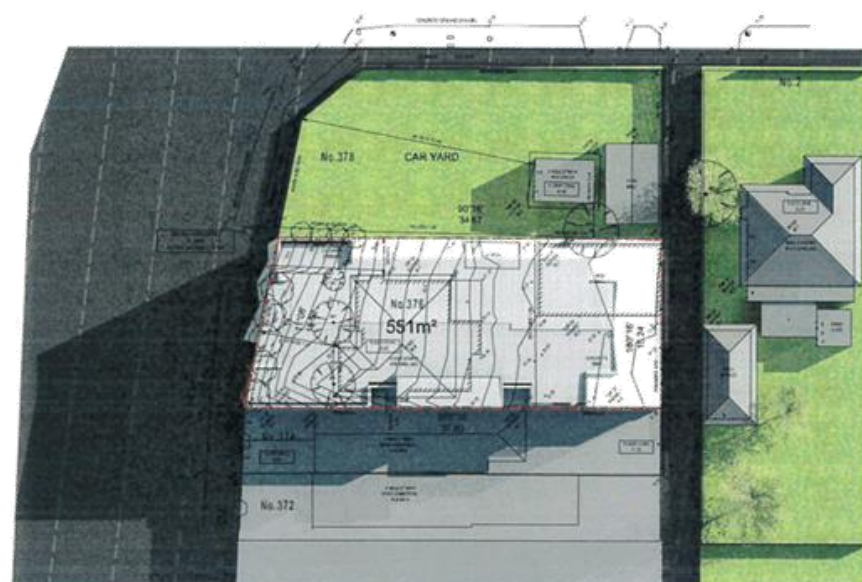
DATE RECEIVED
 MOONEE VALLEY CITY COUNCIL

376 PASCOE VALE ROAD STRATHMORE

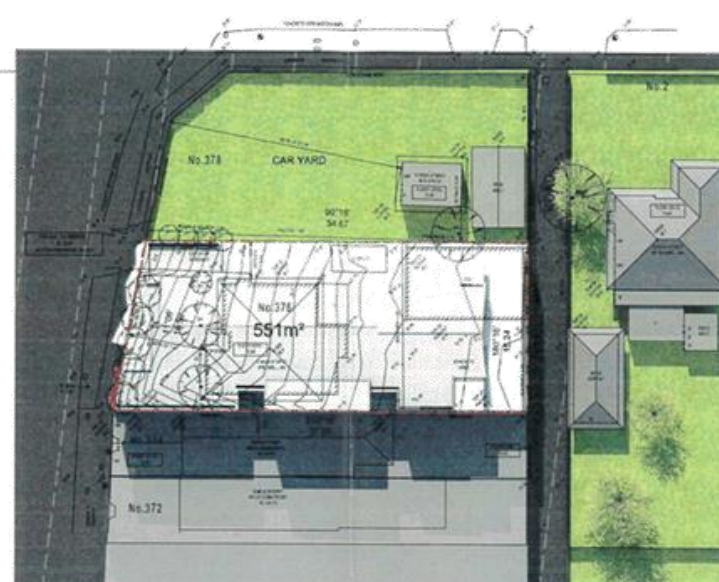
RENDERED FINISH COLOUR WHITE
 FC SHEET PAINTED FINISH COLOR CREAMY YELLOW
 PAINTED FINISH SELECTED COLOUR
 GLASS BALUSTRADE
 NATURAL CONCRETE FINISH
 SELECTED COLOUR METAL CLADDING
 EXOTEC PAINTED FINISH COLOUR GREY
 FC SHEET PAINTED FINISH SELECTED COLORS

TOWN PLANNING APPLICATION
 ELEVATIONS

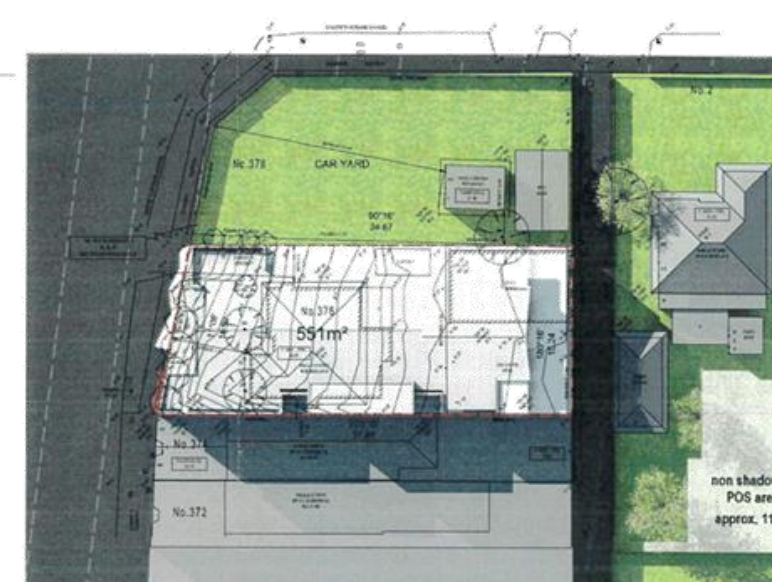
201507TP501P XY FUTURE
 PTY. LTD



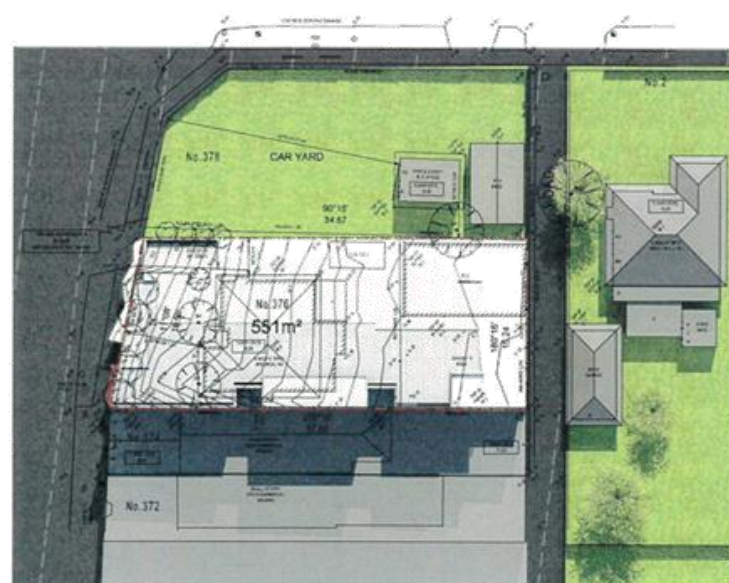
EQUINOX 9AM



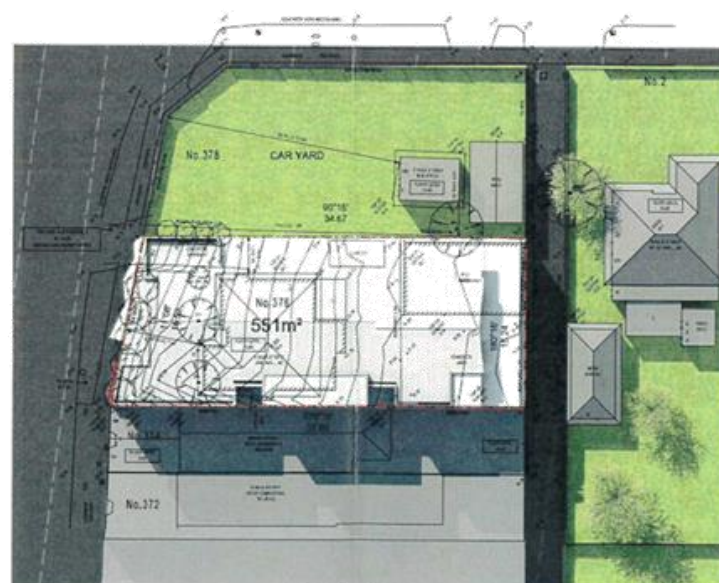
EQUINOX 1 PM



EQUINOX 3 PM



EQUINOX 12PM



EQUINOX 2 PM

PLANNING DEPARTMENT

18 AUG 2016

DATE RECEIVED
 MOONBEAM CITY COUNCIL



376 PASCOE VALE ROAD STRATHMORE

XY FUTURE PTY LTD
 201507/TP801P
 XY FUTURE PTY LTD

TOWN PLANNING APPLICATION
 SHADOW DIAGRAMS

201507/TP801P
 XY FUTURE
 PTY LTD



A



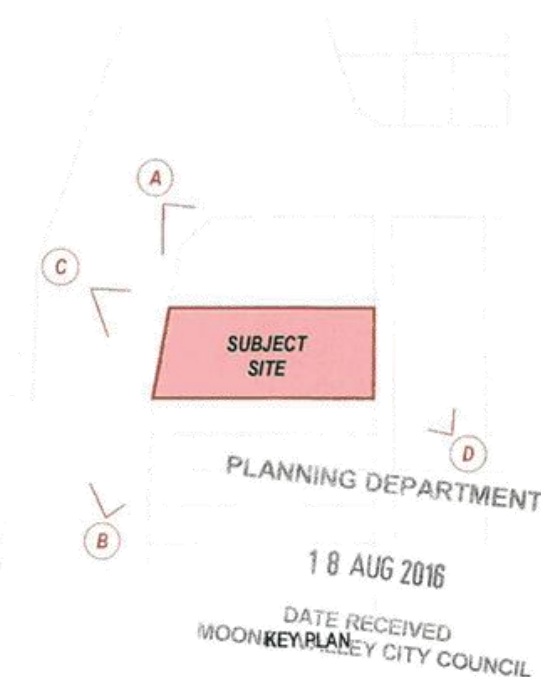
C



B



D



376 PASCOE VALE ROAD STRATHMORE

XY FUTURE PTY. LTD. 201507TP901P

TOWN PLANNING APPLICATION
 PERSPECTIVE VIEWS

201507TP901P XY FUTURE
 PTY. LTD

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 3.8 in report.

Title and Objective	Compliance with Standard	Compliance with Objective
<i>B1 - Neighbourhood Character Objectives</i>	✓	✓
<i>B2 - Residential Policy Objectives</i>	✓	✓
<i>B3 - Dwelling Diversity Objective</i>	✓	✓
<i>B4 - Infrastructure Objectives</i>	✓	✓
<i>B5 - Integration with the Street Objective</i>	✓	✓
<i>B6 - Street Setback Objective</i>	✓	✓
<i>B7 - Building Height Objective</i>	X	✓
<i>B8 - Site Coverage Objective.</i>	X	✓
<i>B9 - Permeability Objectives</i>	X	✓
<i>B10 - Energy Efficiency Objectives</i>	✓	✓
<i>B11 - Open Space Objective</i>	N/A	N/A
<i>B12 - Safety Objective</i>	✓	✓
<i>B13 - Landscaping Objectives</i>	✓	✓
<i>B14 - Access Objectives</i>	✓	✓
<i>B15 - Parking Location Objectives</i>	✓	✓
<i>B16 - Parking Provision Objectives</i>	Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 3.4 of the report.	
<i>B17 - Side and Rear Setbacks Objective</i>	X	✓
<i>B18 - Walls on Boundaries Objective</i>	X	✓
<i>B19 - Daylight to Existing Windows Objective.</i>	N/A	N/A
<i>B20 - North-facing Windows Objective</i>	N/A	N/A
<i>B21 - Overshadowing Open Space Objective</i>	✓	✓
<i>B22 - Overlooking Objective</i>	✓ (Condition)	✓
<i>B23 - Internal Views Objective</i>	✓ (Condition)	✓

Title and Objective	Compliance with Standard	Compliance with Objective
<i>B24 - Noise Impacts Objectives</i>	✓ (Condition)	✓
<i>B25 - Accessibility Objective</i>	✓	✓
<i>B26 - Dwelling Entry Objective</i>	✓	✓
<i>B27 - Daylight to New Windows Objective</i>	✓	✓
<i>B28 - Private Open Space Objective</i>	✓	✓
<i>B29 - Solar Access to Open Space Objective</i>	✓	✓
<i>B30 - Storage Objective</i>	X	✓
<i>B31 - Design Detail Objective</i>	✓	✓
<i>B32 - Front Fences Objective</i>	✓	✓
<i>B33 - Common Property Objectives</i>	✓	✓
<i>B34 - Site Services Objectives</i>	✓	✓

✓ – Complies

x – Non-compliance

N/A – Not applicable

**9.5 213 Union Road, Ascot Vale (Lot 1 on Title Plan 741716H) -
Partial demolition, construction of buildings and works
comprising a four storey building for the purposes of Student
Accommodation to the rear of the existing building in a
Heritage Overlay and a reduction in car parking requirements**

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

Planning File No.	MV/677/2015
Proposal	Partial demolition Construction of a four storey building for the purposes of Student Accommodation to the rear of the existing building Reduction in car parking requirements
Applicant	Custovic Design
Owner	TTPP P/L
Planning Scheme Controls	Commercial 1 Zone Heritage Overlay (HO26)
Planning Permit Requirement	Clause 34.01-4 – to construct a building or construct or carry out works Clause 43.01-1 – to demolish a building and to construct a building or construct or carry out works Clause 52.06-3 – to reduce the number of car parking spaces required
Car Parking Requirements (Clause 52.06)	Required – 12 car spaces Proposed – 0 car space
Bicycle Requirements	Required – 0 space for Shop use and 1 bicycle space for Student Accommodation use Proposed – 10 bicycle spaces for Student Accommodation use
Restrictive Covenants	Yes – Restriction 0142815 will not be breached by this proposal

Easements	Yes – three party wall easements affect the side boundaries toward the front (eastern) boundary
Site Area	237m ²
Number Of Objections	1
Consultation Meeting	NIL

Executive Summary

- The application seeks approval for the partial demolition, construction of buildings and works comprising a four storey building for the purposes of Student Accommodation to the rear of the existing building in a Heritage Overlay and a reduction in car parking requirements.
- The site is situated within the Union Road Activity Centre, which is serviced with tram route no's. 57 and 82.
- The existing heritage shopfront building will remain unchanged as the proposed development will wholly occur at the rear of the site. The proposed development will be oriented to and accessible from Dutton Lane and will feature a high quality design response that is reflective of nearby and approved multi-storied, mixed use developments in the area.
- The application was internally referred to Council's Heritage Advisor, Engineering Services Unit, Traffic and Transportation Unit, Property Officer and Environmental Sustainable Development Officer. Conditional support to the application was provided.
- One objection was received with concerns relating to parking and waste collection.
- This assessment report demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme.
- It is therefore, recommended that Council issue a Notice of Decision to Grant a Planning Permit.

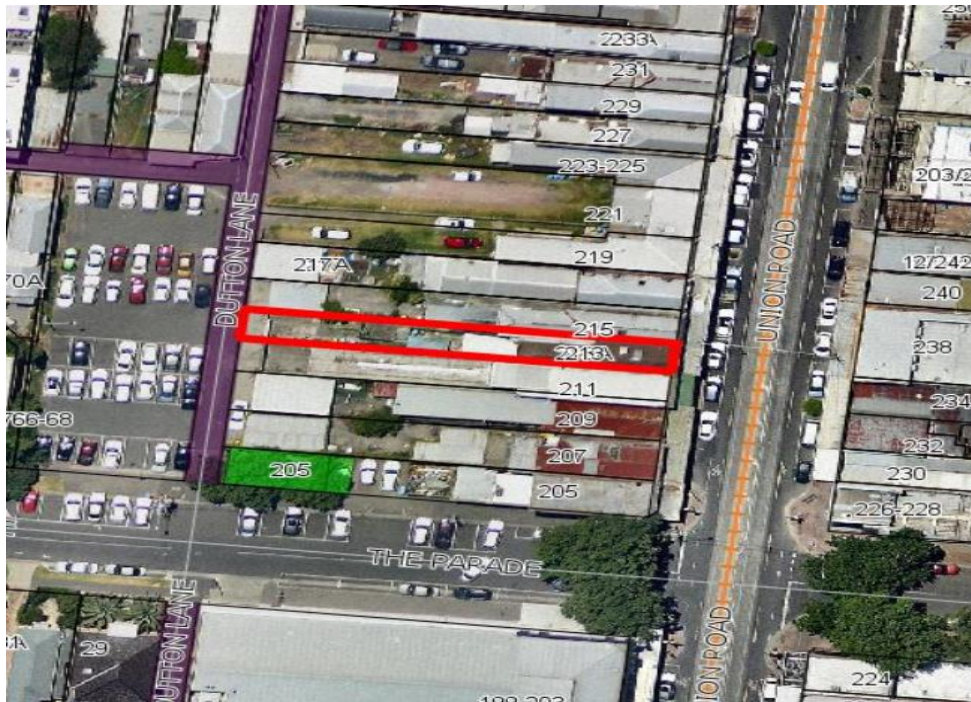


Figure 1: Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/677/2015 for the partial demolition, construction of buildings and works comprising a four storey building for the purposes of Student Accommodation to the rear of the existing building in a Heritage Overlay and a reduction in car parking requirements at 213 Union Road, Ascot Vale (Lot 1 on Title Plan 741716H), 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 an electronic copy 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) Natural ground level, finished ground level, finished floor level and total building heights measured relative to a level taken from a defined point on the footpath at the frontage of the land or in relation to Australian Height Datum (AHD);
 - b) Any modified MUSIC or STORM measures and/or annotations as per the amended MUSIC or STORM assessment required by Condition 3;
 - c) Any modified STEPS or BESS measures and/or annotations as per the amended STEPS or BESS required by Condition 4;
 - d) Any modifications as a result of the recommended findings of the Noise Attenuation Report as required by Condition 16;
 - e) Any modified Waste Management measures and/or annotations as per the amended Waste Management Plan required by Condition 17;

- f) Location of other site facilities including on the roof, such as ventilation systems and fire services (if applicable), with appropriate screening measures.
- g) Notation to state the selected obscure glazing to be fixed.

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. An amended MUSIC or STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Assessment must obtain a minimum 100% or the MUSIC report must achieve 80:45:45 using the MUSIC tool to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
4. An amended STEPS/BESS report must be submitted simultaneously with the submission of amended plans and MUSIC/STORM report in accordance with Conditions 1 and 3. The STEPS/BESS Assessment must comply with Clause 21.04 (Sustainable Environment) of the Moonee Valley Planning Scheme and must accord with the amended MUSIC/STORM report.
5. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) Details (relating to the WSUD treatment measures nominated in the approved and complying STORM or MUSIC 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.
6. At least 30 days before any buildings or works commence, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Construction Management Plan must include details of the construction activity proposed and the matters set out below:
 - 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) Protection of surrounding roads from site contamination and damage including rumble grid or wash down bay facility (or both);
 - j) Prevention of on-site stormwater contamination;

- 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 Construction Management Plan will be endorsed and will form part of this permit.

7. The development must be carried out in accordance with the endorsed Construction Management Plan and the provisions, requirement and recommendations of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
8. A minimum 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) inspection frequency;
 - b) cleanout procedures;
 - c) as installed design details/diagrams including a sketch of how the system operates; and
 - d) a report confirming completion and commissioning of all WSUD Response treatment measures written by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or licensed installing/commissioning plumber, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all WSUD treatment measures specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.
9. 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.
10. Before the building approved by this permit is occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
11. The materials, colours, decoration and/or finishes to be applied to the exterior of the building or works as described on the drawings or schedules endorsed to this permit must not be altered without the consent of the Responsible Authority
12. 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.
13. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

14. 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 in accordance with Clause 55.04-6 (Overlooking objective) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

15. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than storm water down pipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
16. The development must be provided with external lighting capable of illuminating access to the common entry of the student accommodation. 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.
17. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
18. 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 the Student Accommodation rooms.

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.

19. An amended Waste Management Plan report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The report must be amended to reflect private waste collection for the student accommodation use.

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.

20. Before the use starts, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Site Management must outline the procedures for the following:
- a) The total number of rooms available for student accommodation to be no more than 13 and the total number of student accommodated in the premises no more than 13;
 - b) Provision for at-call contact details of a suitably responsible contact person for response 24 hours a day and seven days a week, to be clearly displayed to any person entering the site;
 - c) Provision of information on community and education services, including health, counselling and cultural services;
 - d) Provision of information on local public transport and to encourage walking (eg. information on facilities within walking distance, local public transport timetables, outlets for purchase of Myki tickets, car share services etc.);
 - e) House rules regarding occupancy and behaviour of students and visitors.
 - f) Resolution process for disputes between students and complaints from persons not residing on the site;
 - g) Information on laundry facilities provided off-site;
 - h) Details of rubbish bin storage and waste collection;
 - i) Employment of a suitably qualified manager or lead tenant who is available/accommodated onsite;
 - j) The nature of the management of the complex and the contact details of the manager/lead tenant;
 - k) Critical Incident Management and Emergency and Evacuation Procedures.
 - l) Management procedures over holiday periods; and
 - m) Information for students on how to use the building effectively, efficiently and responsibly.

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

The use must be carried out in accordance with the endorsed Site Management and Complaints Plan and the provisions, recommendations and requirements of the endorsed Site Management and Complaints Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

21. Before the development starts, 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) The proposed development must be for the exclusive accommodation of students enrolled at a secondary level or tertiary level educational institution.

- b) 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).

22. This permit will expire if:

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

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

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.

Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact Moonee Valley City Council regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.
- This land is located within a Heritage Overlay control area. Planning permission is required for any additional works to the land in accordance with Clause 43.01 of the Moonee Valley Planning Scheme.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land (other than those which, under the Moonee Valley Planning Scheme are exempt from the need for a planning permit).
- No on street parking permits will be provided to the occupiers of the land.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located at No. 213 Union Road, ASCOT VALE (Lot 1 on Title Plan 741716H) and fronts onto Union Road and abuts Dutton Lane at its rear (western) boundary. The site is situated approximately 25 metres north of The Parade and is regular in shape, with a width of 5 metres, a depth of 37 metres and a total area of approximately 237 square metres.

The land has an approximate 2 metre fall from the frontage to the rear. The site is developed as a Victorian/Edwardian two storey commercial building, which contains a first floor caretaker's residence and is built on the front and side boundaries. An outdoor storage, parking area and two small outbuildings exist at the rear which is bordered with a gate and roller door, and is accessible from Dutton Lane.

No significant landscaping or vegetation on the site.

The site is zoned Commercial 1 and is subject to Schedule HO26 of the Heritage Overlay which relates to the *Union Road, Ascot Vale* precinct.



Figure 2 – 213 Union Road, Ascot Vale

The surrounding area is known as the “Union Road Activity Centre”, which provides local convenience retailing, ranging from speciality shops, offices to cafes. It also portrays a distinctive heritage expression which is described in the following Statement of Significance:

“...single storey and double storey Boom-era shops, characterised by masonry construction embellished with rendered ornamentation, interspersed with representative examples of inter-war shops including a Moderne row that curves around the Maribyrnong Road corner”.

To the west of the site, across Dutton Lane, lies a Council-owned parking lot which is accessible via The Parade.

Tram routes no.'s 57 (West Maribyrnong – Flinders Street, City) and 82 (Moonee Ponds – Footscray) service the area, with the former route travelling on Union Road.

In the broader context, residential areas are found behind the commercial spine of Union Road. These residential areas contain a variety of dwelling densities ranging from detached single storey dwellings to 1960s-1970s-style single storey and walk-up flats.

1.2 Proposal

It is proposed to partly demolish the existing building, to construct buildings and works comprising a four storey building for the purposes of Student Accommodation to the rear of the existing building in a Heritage Overlay, and to reduce car parking requirements. The proposal, as advertised, can be summarised as follows:

Table 1

No of Student Accommodation rooms	13, plus a caretaker's office
No of car spaces	0
Max Building Height	12.5 metres
Site Coverage	96%
Permeability	0%

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

The application is referred to Council for a determination as it is identified as a “major project” given the number of storeys proposed.

2. Background

2.1 Relevant Planning History

The following permit history exists:

- Planning Permit No. MV/16183/2003 issued on 5 April 2005 allowed the construction and carrying out of buildings and works for a three storey building in addition to an existing double storey building for the purposes of an additional dwelling and shop in association with an existing Laundromat and dwelling and the reduction in the car parking requirements in a Heritage Overlay.
- Planning Permit No. MV/18747/2007 issued on 3 February 2008 allowed buildings and works in a Heritage Overlay comprising construction of an addition to the existing ground floor shop and a staircase to provide independent access for the dwelling via the rear right of way.

2.2 Planning Policies and Decision Guidelines

State Planning Policy Framework

Clause 9	Plan Melbourne
Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 18	Transport

Local Planning Policy Framework

Clause 21.01	Municipal Profile
Clause 21.04	Sustainable Environment
Clause 21.05	Housing
Clause 21.06	Built Environment

Clause 21.09	Transport
Clause 22.03	Stormwater Management (Water Sensitive Urban Design)

Zoning

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

Overlays

Clause 43.01	Heritage Overlay
--------------	------------------

Particular and General Provisions

Clause 52.06	Car Parking
Clause 52.07	Loading and Unloading of Vehicles
Clause 65	Decision Guidelines

2.3 Referrals

External

N/A

Internal

- Engineering Services Unit
No objection subject to standard conditions.
- Traffic and Transportation Unit
No objection subject to standard conditions.
- Environmental Sustainable Design (ESD) Officer
No objection subject to standard conditions. (Refer to Conditions 1b, 1c, 3 and 4.)
- Heritage Officer
No objection.
- Waste Management
No objection subject to standard conditions.
- Property Services
No objection.

2.4 Public Notification of the Application

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

One objection was received from the following:

- Owner of 211 and 215 Union Road.

A response to the objection is provided in Section 3.5.

2.5 Consultation Meeting

No consultation meeting occurred.

3. Discussion

3.1 State and Local Planning Policy Context and Commercial 1 Zone

The purpose of the Commercial 1 Zone is to create vibrant mixed use commercial centres for retail, office business, entertainment and community uses. It is considered that the retention of the retail tenancy at the street frontage and the redevelopment of the remainder of the site into a multi-levelled student accommodation is considered an appropriate outcome on the site and will be consistent with the purpose of the zone. In particular, the proposed student accommodation will enhance the business viability of the site whilst offering an alternative dwelling type in the community.

A caretaker's office will be provided at the ground floor of the student accommodation building to ensure the occupants' needs and general management of the use can be effectively met. A permit condition will require the submission of a site management plan to frame the management and provision of services for the student accommodation, which would cover aspects on house rules, emergency contact and emergency procedures. (Refer to Condition 18.)

The decision guidelines of the zone relating to design and built form will be discussed in the following sections of this report.

At a broader strategic context, *Plan Melbourne: Metropolitan Planning Strategy* (Department of Transport, Planning, Land and Infrastructure, 2014) identifies the site as being situated in the "Union Road Activity Centre". The State and Local Planning Policy Frameworks has the following objectives that support redevelopment in Activity Centres:

- Clause 11.01-1 (Activity centre network) seeks to build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.
- Clause 17.01-1 (Business) seeks to encourage development, which the meet the communities' needs for retail and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.
- Clause 21.08-1 (Commercial) seeks to further investment and employment opportunities in the activity centre and to satisfy the community's needs for retail and commercial services.

There is also policy support for the proposed reduction in the car parking requirements as contained in Clause 21.09 (Transport). This policy seeks to promote the use of alternative transport and sustainable personal transport, such as walking and cycling, especially within an existing Activity Centre context, which would lessen car dependency and in turn, car parking demand. This matter will be further elaborated in Section 3.4 of this report.

Having regard to Clause 21.04 (Sustainable Environment), ecological sustainable design principals, as highlighted within the submitted STEPS assessment initially lodged with the application, will be adopted by the proposal, ensuring compliance with the objectives. However, an updated STEPS report based on the Advertised Plans will be required which will be a condition of any permit issued. (Refer to Conditions 1c and 4.)

The proposal accords with objectives of Clause 21.04-7 (Waste) as it relates to encouraging the use of recycling and achieving best practice in waste minimization. An initial waste management plan was submitted with the application which adequately addresses the provisions of the Clause. However, an updated waste management plan based on the Advertised Plans will also be required which will be a condition of any permit issued. (Refer to Conditions 1e and 17.)

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, particularly in the area of student accommodation, in a well-established area with access to public transport options and local/community services.

The proposed development responds to the strategies of Clauses 15 and 21.06 (Built Environment), namely those relating to urban design. It satisfies the objectives of urban design which seeks to encourage contemporary and innovative development which would positively contribute to the surrounding context. The proposed siting and built form will integrate with Dutton Lane, enhancing a sense of address and pedestrian activity within this streetscape. The detailing and massing are adequate, which also satisfy the overlapping objectives of Clauses 43.01 (Heritage Overlay) and 55 (ResCode); an assessment against these are discussed below in Sections 3.2 and 3.3.

The proposal generally complies with Clause 22.03 Stormwater Management (WSUD) and meets the required on site stormwater treatment as demonstrated by achieving 80:45:45 using the MUSIC tool. However, an updated MUSIC report based on the Advertised Plans will be required which will be a condition of any permit issued. (Refer to Conditions 1b and 3.)

3.2 Clause 43.01 (Heritage Overlay) Assessment

Having regard to the decision guidelines of Clause 43.01 (Heritage Overlay), the proposed development is considered satisfactory and will not adversely affect the significance of the HO26 - *Union Road, Ascot Vale* precinct. As the existing shopfronts within this precinct are regarded as significant, the proposal will retain the entire two storey shopfront building, including its front wall and decorative parapet feature.

The proposed buildings and works are to wholly occur to the rear of the existing building, including the demolition of the light-weight lean-to building and smaller outbuildings. The proposed four storey addition will provide a similar building envelope to that of neighbouring and approved mixed used developments in the wider area. The proposed addition will be setback approximately 17.5 metres from Union Road, situated directly behind the

existing rear wall to be retained. It will be constructed with contemporary materials and finishes, such as rendered walls and vertical-batten balustrades, and feature geometric/angular elements on the Dutton Lane facade, helping distinguish the old from the new.

Given the slope of the site and the shopping strip context, the proposed addition will not be visible from Union Road as it will be “lowered” behind the shopfront, involving some site cut at the centre of the site while being at grade with the existing surface levels at Dutton Lane.

Proposed skylights will be situated on the northern side of the existing roof of the shopfront building. These are required to provide light into the habitable rooms below. These skylights will be built flushed into the roof and will not negatively impact on the heritage quality of the site.

Overall, the proposed development would be respectful of the heritage significance of the area. As the Heritage Advisor has provided support, the proposal is an appropriate response to the surrounding heritage area.

3.3 Clause 55 (ResCode) Assessments

a) While the proposed Student Accommodation use is not strictly defined as a “dwelling”, the provisions of Clause 55 (ResCode) were taken into account to assess the layout and amenity of the site and surrounds. Indeed, the proposal is considered to generally comply with Clause 55 as set out in the assessment table (refer to [Appendix B](#)).

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

Table 2

ResCode Standard	Response
Clause 55.02-5 (Standard B5 – Integration with the Street)	The student accommodation building will be designed to front Dutton Lane, the rear boundary. No access is provided from Union Road or the existing commercial tenancy.
Clause 55.05-2 (Standard B26 – Dwelling Entry)	This arrangement is acceptable considering the “named” status of the laneway which will provide street numbering and postal identification for the student accommodation units. The entire front façade will provide a high degree of presentation and integration with Dutton Lane through window openings and balconies. The shared entry point is recessed by 2 metres from the title boundary which enables transitional space and personal address for future occupants.
Clause 55.03-1	The proposal presents variations to several benchmarks pertaining to building envelope

<p>(Standard B6 – Street Setback)</p>	<p>which are considered acceptable considering the immediate laneway and commercial area.</p> <p>A zero minimum street setback from Dutton Lane is proposed which technically does not comply with Standard B6 as it requires a street setback of 5.5 metres based on adjoining street setbacks. However, the variation is considered acceptable as it would visually correspond with the prevalence of high, solid fencing or gates and outbuildings which are built directly or close to the street boundary; such existing elements already create a robust appearance on the laneway.</p> <p>The upper floors of the proposal gradually setback from the laneway, with a minimum setback of 5 metres which alleviates visual impact to the laneway.</p> <p>It is envisaged that the existing commercial area will evolve over time to heights between three to four storeys.</p>
<p>Clause 55.03-2 (Standard B7 – Building Height)</p> <p>Clause 55.04-1 (Standard B17 – Side and Rear Setbacks)</p> <p>Clause 55.04-2 (Standard B18 – Walls on Boundaries)</p>	<p>A building height of 12.5 metres is proposed, which does not technically comply with the 9 metre maximum height allowed. The difference is considered acceptable in the surrounding commercial context where similar or taller heights exist or have been approved on Union Road and nearby at Maribyrnong Road.</p> <p>In addition, the proposed boundary setbacks and walls on boundaries vary from the relevant standards; new longer, taller walls are proposed on the side boundaries, with the exception of lightcourts being allocated on the southern boundary. Technical compliance with the relevant standards is not achievable nor practical due to the site constraints and size. The overall form and bulk of the development are consistent with the commercial built character where zero minimum boundary setbacks prevail. It is noted that there are no existing habitable room windows or areas that abut the site which negates the requirement to sensitively treat the building envelope, particularly the boundary walls, in light of adjoining amenity.</p>

<p>Clause 55.03-3 (Standard B8 – Site Coverage)</p> <p>Clause 55.03-4 (Standard B9 – Permeability)</p>	<p>The site coverage of 96% and the permeability coverage of 0% are considered appropriate for the site within a commercial context.</p> <p>The character of commercial properties along Union Road and the wider commercial precinct feature extensive site coverages, with most properties featuring 100% site coverage and no permeability whatsoever.</p> <p>Within this context, the visual bulk presented by the proposal is considered to be appropriate.</p>
<p>Clause 55.03-5 (Standard B10 – Energy Efficiency)</p> <p>Clause 55.05-3 (Standard B27 – Daylight to New Windows)</p>	<p>Aside from the proposed rooftop balcony, the proposed student accommodation layout does not entirely optimise on the northern orientation which is encouraged by Standard B10. Given the existing east-west alignment of the site and the nearby commercial context, full compliance with the Standard is not feasible.</p> <p>Nevertheless, most habitable rooms are afforded with openable windows clear to the sky, enabling ventilation and daylight access. It is accepted that the ground floor and second floor communal kitchen areas will feature borrowed light or skylights given these are the only rooms out of the entire development that will feature alternative openings to the sky. On balance, the proposal will provide a reasonable level of energy efficiency and daylight access for its habitable areas.</p>
<p>Clause 55.04-7 (Standard B23 – Internal Views)</p>	<p>It is acknowledged that internal views on the site, specifically between Rooms 1 and 2, Rooms 4 and 5, Rooms 7 and 8, have been minimised through the application of fixed obscure glazing at heights of 1 metre to 1.7 metres, which are considered acceptable. The 1 metre high fixed obscure glazing is considered acceptable and is limited to the outer edges of the internal-facing windows, which would still provide some privacy based on the angle/degree of the window face whilst enabling some clear outlook, enhancing amenity for the future occupant. (Refer to Condition 1g.).</p>

Clause 55.04-8 (Standard B24 – Noise Impacts)	A permit condition will be imposed to require a Noise Attenuation Report to protect residents' amenity from any external sources within the commercial context. The Report will identify any acoustic measures required to the building. (Refer to Conditions 1d and 16.).
Clause 55.05-4 (Standard B28 – Private Open Space)	Private open spaces are not provided, however, communal balconies are provided at each of the upper levels to provide amenity for all occupants. Given the nature of the student accommodation, this arrangement is considered adequate.
Clause 55.05-6 (Standard B30 – Storage) Clause 55.06-4 (Standard B34 – Site Services)	There is no storage area specified on plan which is considered acceptable given the nature of the student accommodation use, particularly the varying periods of temporary tenancy required. Each of the rooms are considered sizeable enough to accommodate one person, including providing informal and formal storage needs. A permit condition will require amended plans to be submitted showing the location and any screening, where required, of any other site services provided on the site, including substations, water metres, fire hydrants, air conditioning units, etc. (Refer to Condition 1f.).

3.4 Clause 52.06 (Car parking) and Clause 52.07 (Loading and Unloading of Vehicles)

As there is no specific parking requirement for Student Accommodation under Clause 52.06 of the Moonee Valley Planning Scheme, for the purpose of determining the car parking requirements, the “dwelling” car parking rate has been applied to the proposal.

The proposal is broken down into the following “dwelling” arrangements based upon the proposed communal kitchen arrangement, which feeds off into several rooms, as follows:

- 3 x 3-bedroom communal units (first and second floors), and
- 1 x 4-bedroom communal unit (second floor).

An assessment against the parking rate is as follows:

Table 3

Use (dwellings)	Required	Provided
-----------------	----------	----------

4 communal units (3x3 bedrooms and 1x4 bedrooms)	8 car spaces	0
Residential Visitors	1 car spaces	0
86.7m ² shop	3 car spaces	0
Total	12 car spaces	0
Loading and Unloading Requirements	1 loading bay	None

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

Clause 52.06-6 of the Planning Scheme allows for the statutory car parking requirement to be reduced, including to zero. The applicant has provided the following justification in support of the car parking reduction:

- Student accommodation is unlikely to generate any demand for resident car parking based on low car ownership statistics as they are typically lower income earners, are more reliant and capable of using alternative transport modes (walking, cycling and public transport) and have convenient access to tertiary institutions and nearby activity centres.
- Availability of on-street and off-street parking in the area.
- The inability of the site to provide on-site parking.
- The site is located in proximity to public transport services, namely tram routes on Union Road and Maribyrnong Road.
- The reduction associated with the Shop use is supported in the activity centre context where there is a strong likelihood of multi-purpose trips within Union Road, which are likely to be combined with a trip to the area in connection with the use or nearby businesses.

In respect to the loading and unloading requirements, the proposed waiver is considered acceptable in a commercial context. The loading activities associated with the shop use are considered to be minor and can easily be contained on-street which is typical for many other businesses situated nearby, especially in a shopping strip precinct.

In respect to bicycle parking, the supporting traffic report advises 1 bicycle space is required for the student accommodation use and zero bicycle space for the shop use; the submitted plans indicate two bicycle storage rooms that will have the total capacity to accommodate 10 bicycle spaces, which are more than the required amount.

3.5 Objections - Discussion

Table 4

Issue	Officer Response
Lack of car parking.	See Section 3.5 of this report.
No provision of bicycle storage.	The bicycle requirements of Clause 52.34 have been met.
Proposed building envelope is to the edge of Dutton Lane; where will rubbish bins be left for collection?	The applicant has indicated a private contractor will manage and collect waste which would ensure that bins will not be left for collection on the lane which is typical for a Council collection. A permit condition will require an updated waste management plan to ensure a private waste collection is retained based on the advertised plans. (Refer to Conditions 1e and 17.).

4. Human Rights

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

5. Conclusion

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

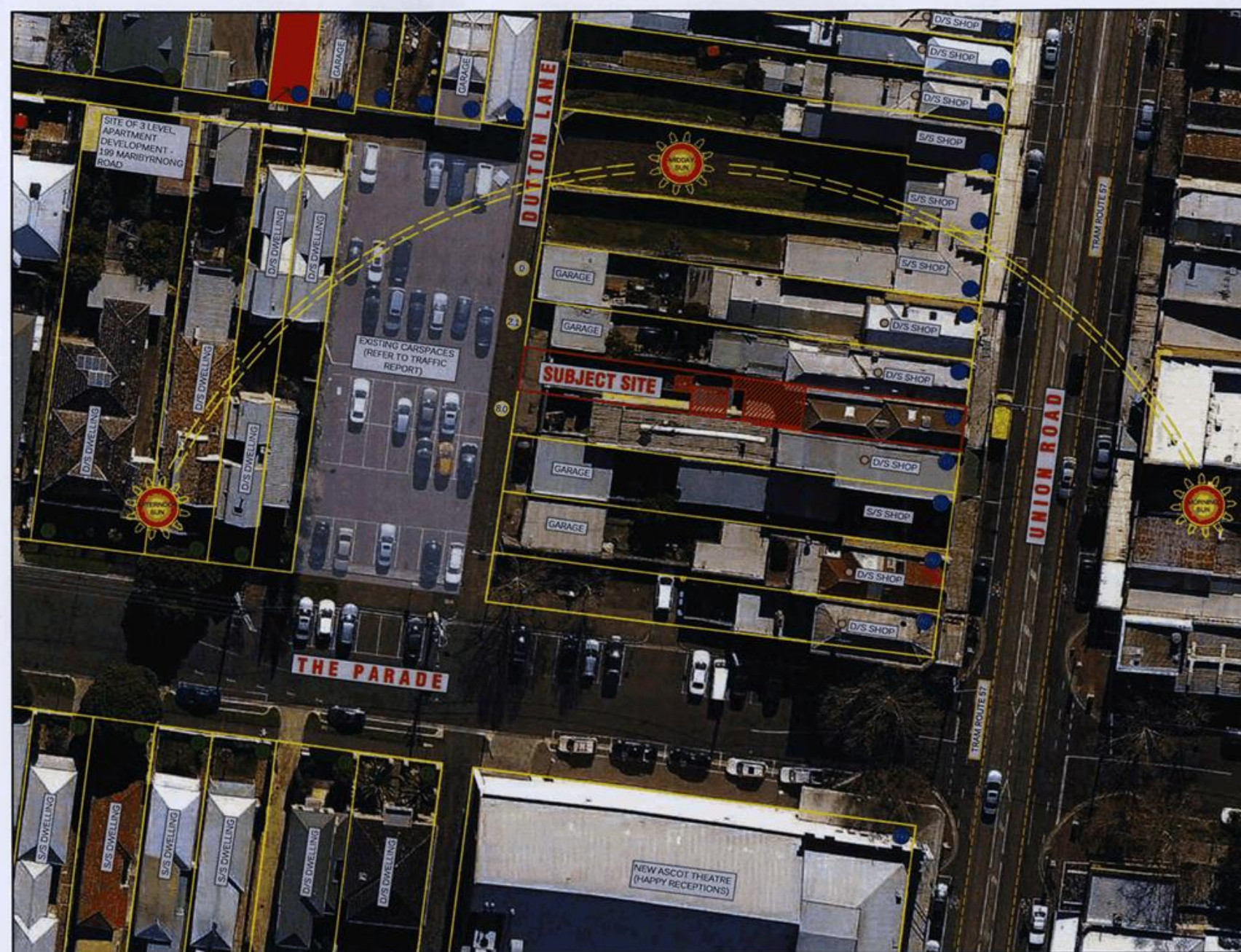
The proposed development is worthy for support, subject to the conditions outlined in the above recommendation.

Appendices

Appendix A: Advertised Plans

Appendix B: Clause 55 assessment

Appendix C: Objector list.



NEIGHBOURHOOD & SITE DESCRIPTION

SCALE 1:500
- COMMERCIAL ZONE 1 (B1Z)
- HERITAGE OVERLAY (FLOOD LEVEL)

LEGEND

- STREET NUMBER AND BUILDING WITHIN A COMMERCIAL ZONE (B1Z)
- STREET NUMBER AND BUILDING WITHIN A GENERAL RESIDENTIAL ZONE (R1Z)
- APPROXIMATE SETBACK OF BUILDING FROM STREET FRONTAGE
- INDICATES DOUBLE STOREY BUILDING WITH A SHOPFRONT TO GROUND FLOOR AND RESIDENCE OR ALTERNATIVE USE TO UPPER FLOOR.
- INDICATES BUILDING TO BE DEMOLISHED AND REMOVED
- TRAM/BUS ROUTE



EXISTING HERITAGE FACADE ALIGNING UNION ROAD



EXISTING VIEW FROM DUTTON LANE



EXISTING VIEW FROM DUTTON LANE



EXISTING VIEW FROM DUTTON LANE



PROPOSED: **STUDENT ACCOMODATION / OFFICE**
AT: **213 UNION ROAD
ASCOT VALE**
FOR: **TTPP SERVICES PTY. LTD.**

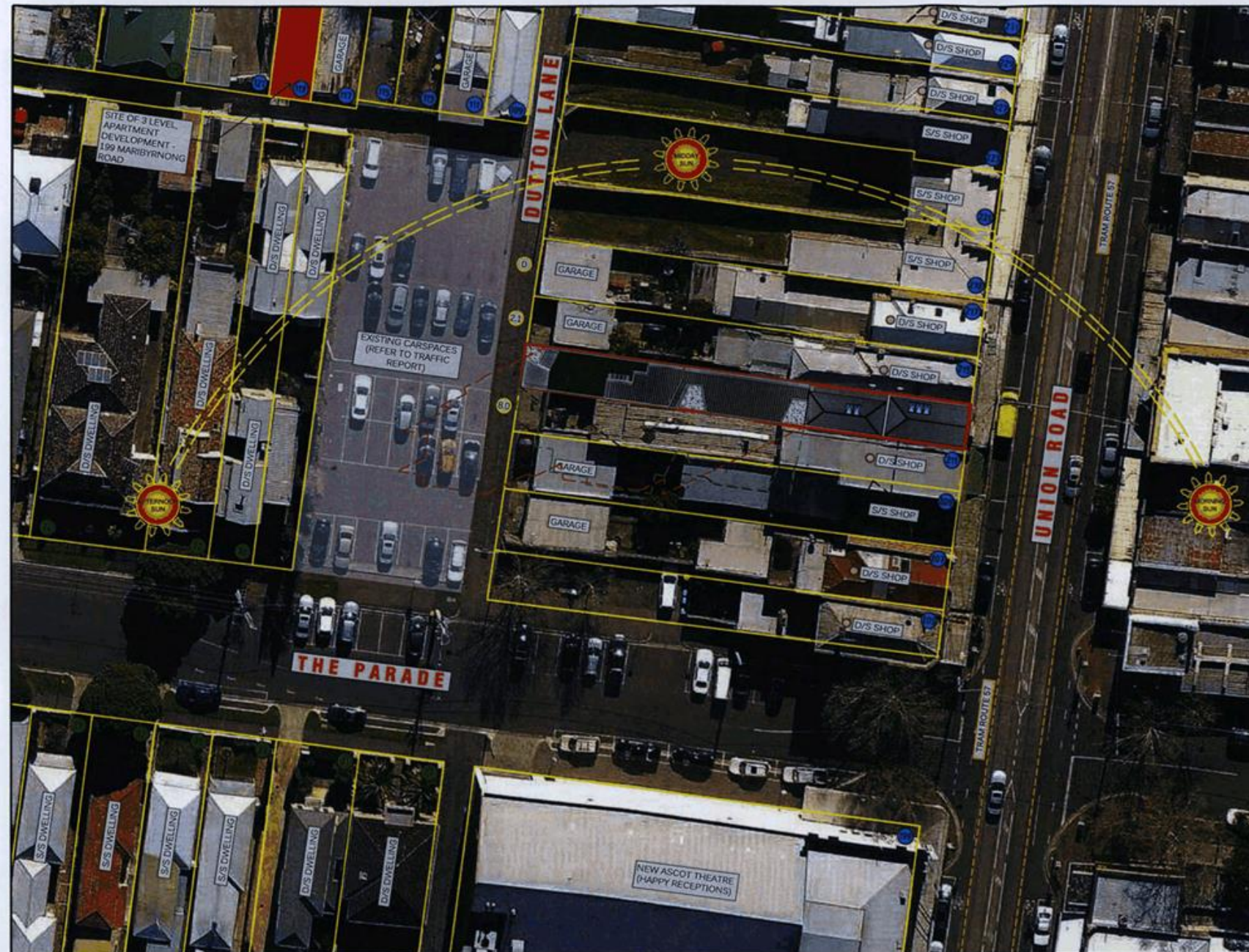
DO NOT SCALE DRAWINGS
ALL DIMENSIONS AND LEVELS TO BE CHECKED AND VERIFIED ON SITE BEFORE COMMENCING ANY WORK OR SHOP DRAWINGS.
THESE DESIGNS, PLANS AND SPECIFICATIONS AND THE COPYRIGHT THEREIN ARE THE PROPERTY OF CUSTOVIC DESIGN AND MUST NOT BE REPRODUCED OR COPIED WHOLLY OR IN PART WITHOUT THE WRITTEN PERMISSION OF CUSTOVIC DESIGN.

rev_01: TP LODGED
rev_02: RFI - DATED 22 SEP 15
rev_03: RFI - DATED 18 MAR 16
rev_04: RFI - DATED 18 APR 16
rev_05:
rev_06:

DATE:
18/04/2016
SCALE:
1:500
SHEET SIZE:
A3

DRAWING NAME:
NSD
SHEET NUMBER:
01 of 06
DRAWN BY:
G.W.
CHECKED BY:
S.C.

JOB NUMBER:
15 025



EXISTING HERITAGE FACADE ALIGNING UNION ROAD (UN-ALTERED)



PERSPECTIVE 01 (ILLUSTRATIVE ONLY)



PERSPECTIVE 02 (ILLUSTRATIVE ONLY)



PERSPECTIVE 03 (ILLUSTRATIVE ONLY)



PERSPECTIVE 04 (ILLUSTRATIVE ONLY)



DESIGN RESPONSE

SCALE 1:500
- COMMERCIAL ZONE 1 (B1Z)
- HERITAGE OVERLAY (FLOOD LEVEL)

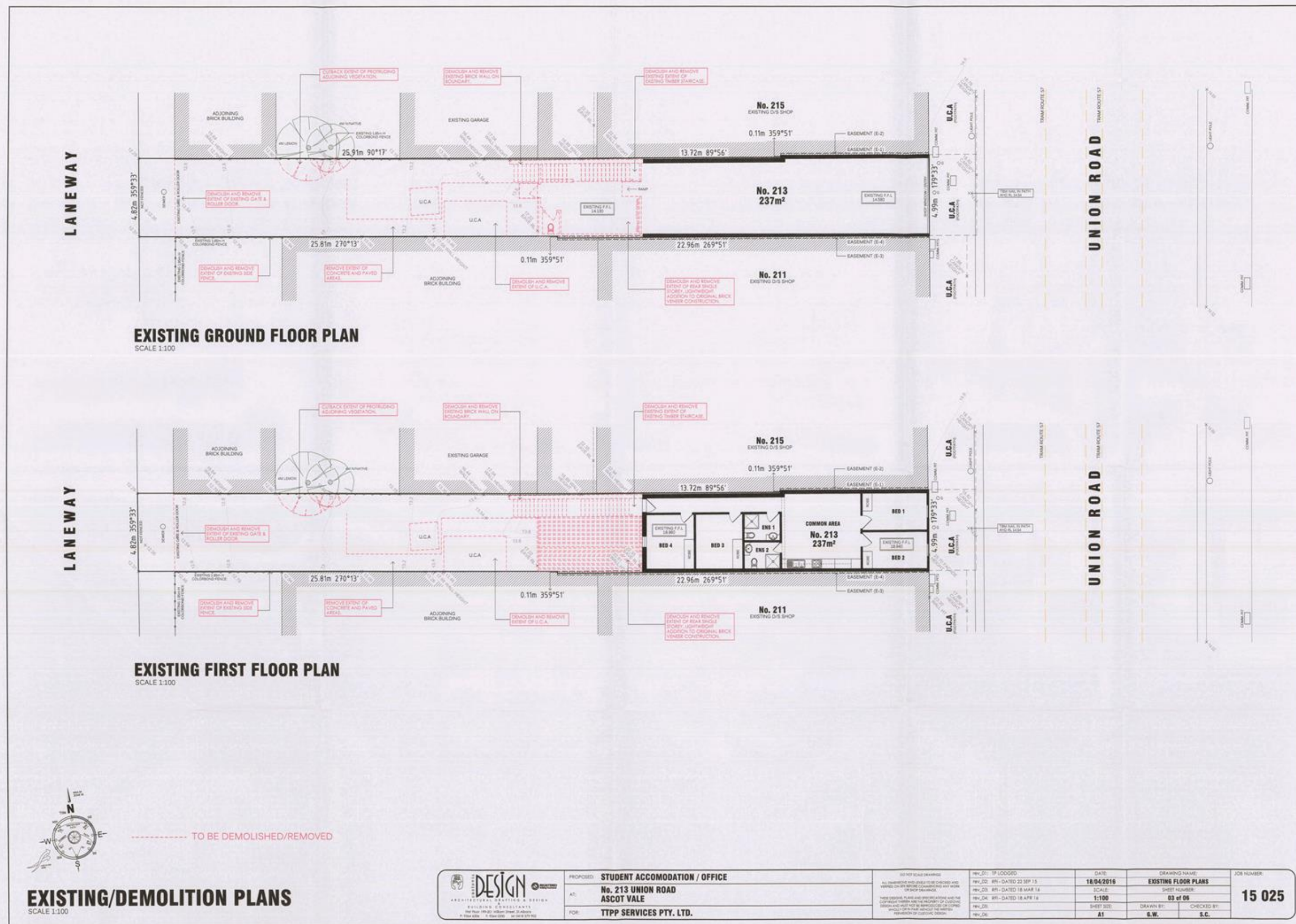


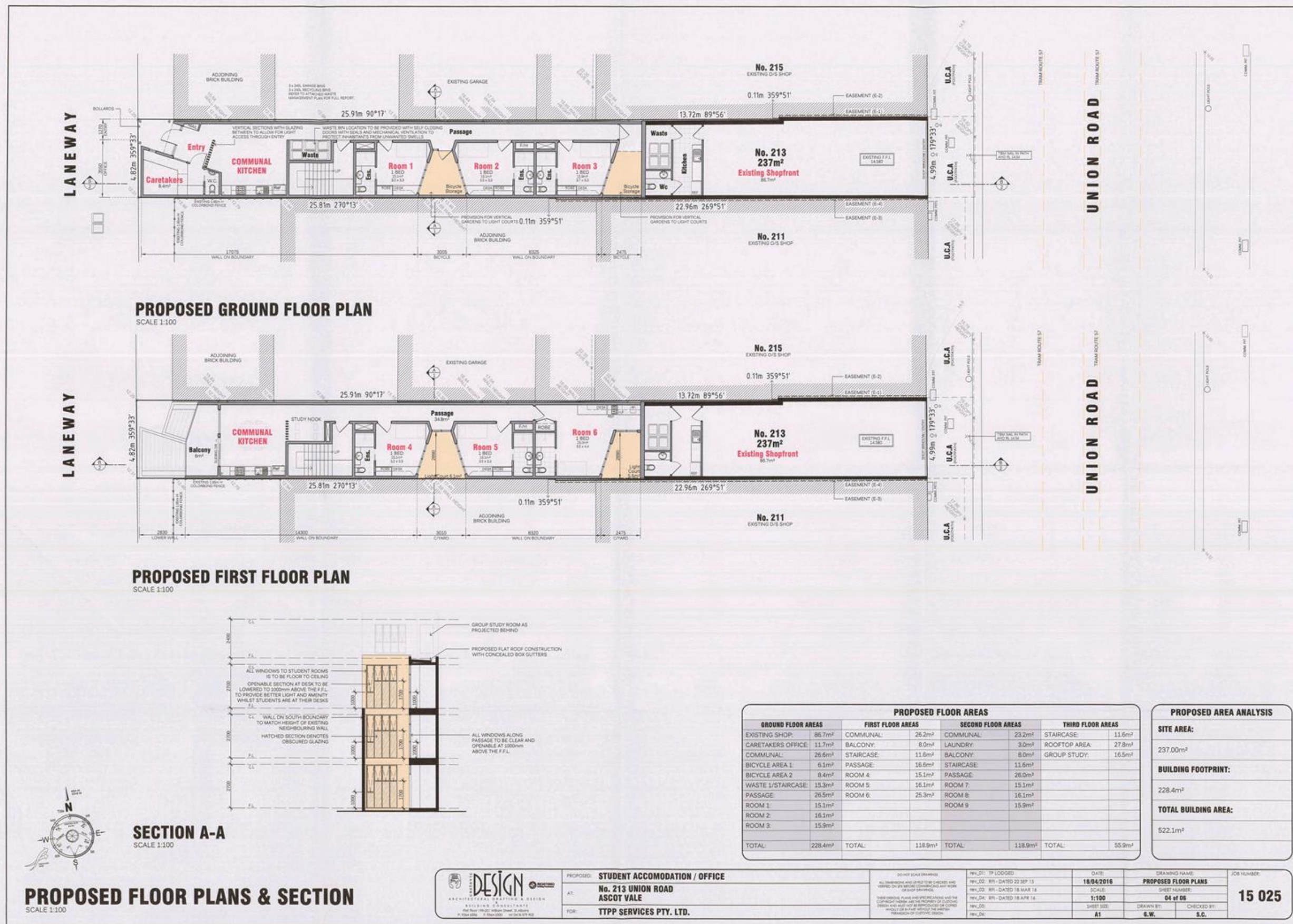
PROPOSED: **STUDENT ACCOMODATION / OFFICE**
AT: **213 UNION ROAD
ASCOT VALE**
FOR: **TTPP SERVICES PTY. LTD.**

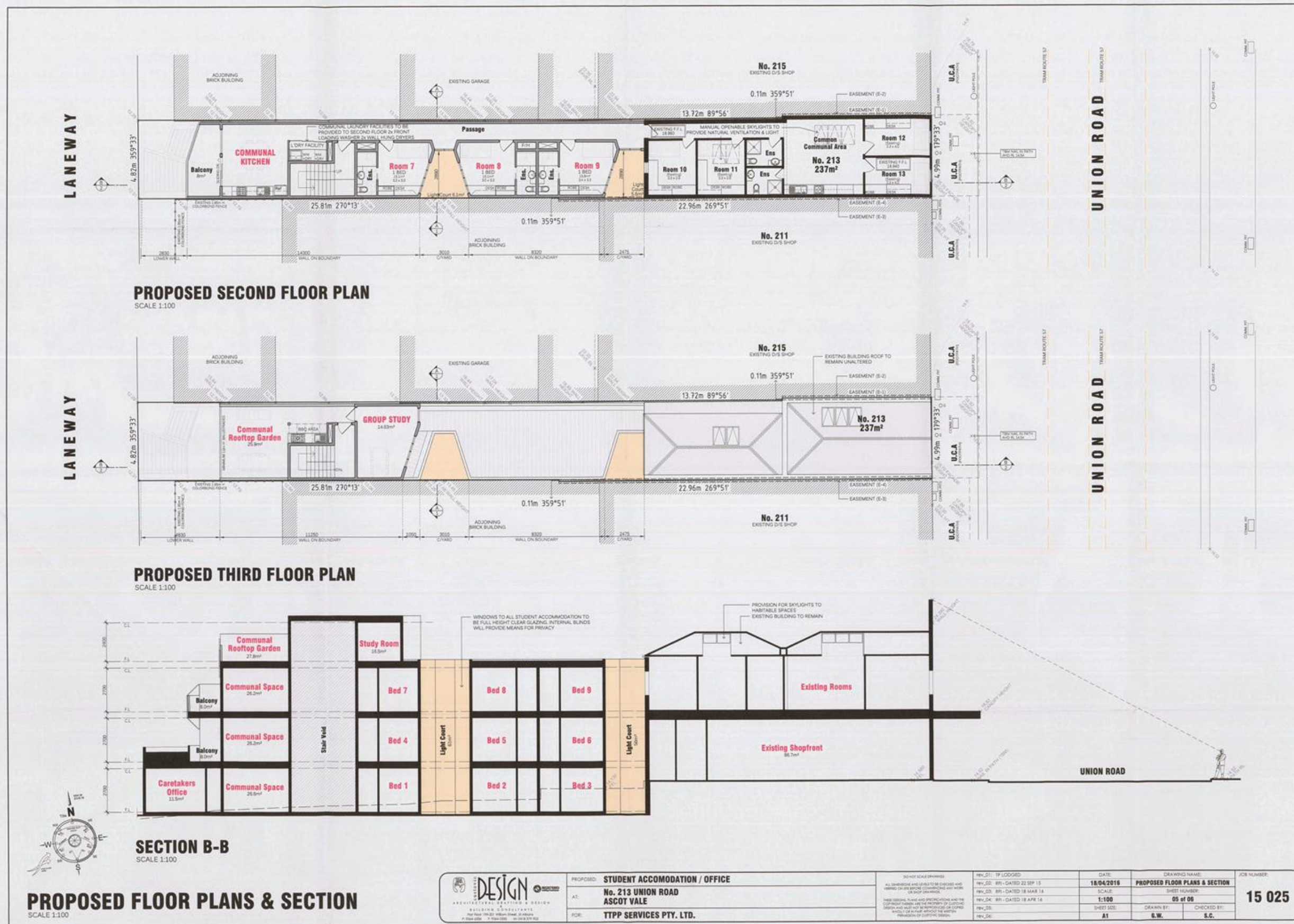
DO NOT SCALE DRAWINGS
ALL DIMENSIONS AND LEVELS TO BE CHECKED AND VERIFIED ON SITE BEFORE COMMENCING ANY WORK OR SHOP DRAWINGS.
THESE DESIGNS, PLANS AND SPECIFICATIONS AND THE COPYRIGHT THEREIN ARE THE PROPERTY OF CUSTOVIC DESIGN AND MUST NOT BE REPRODUCED OR COPIED WHOLLY OR IN PART WITHOUT THE WRITTEN PERMISSION OF CUSTOVIC DESIGN.

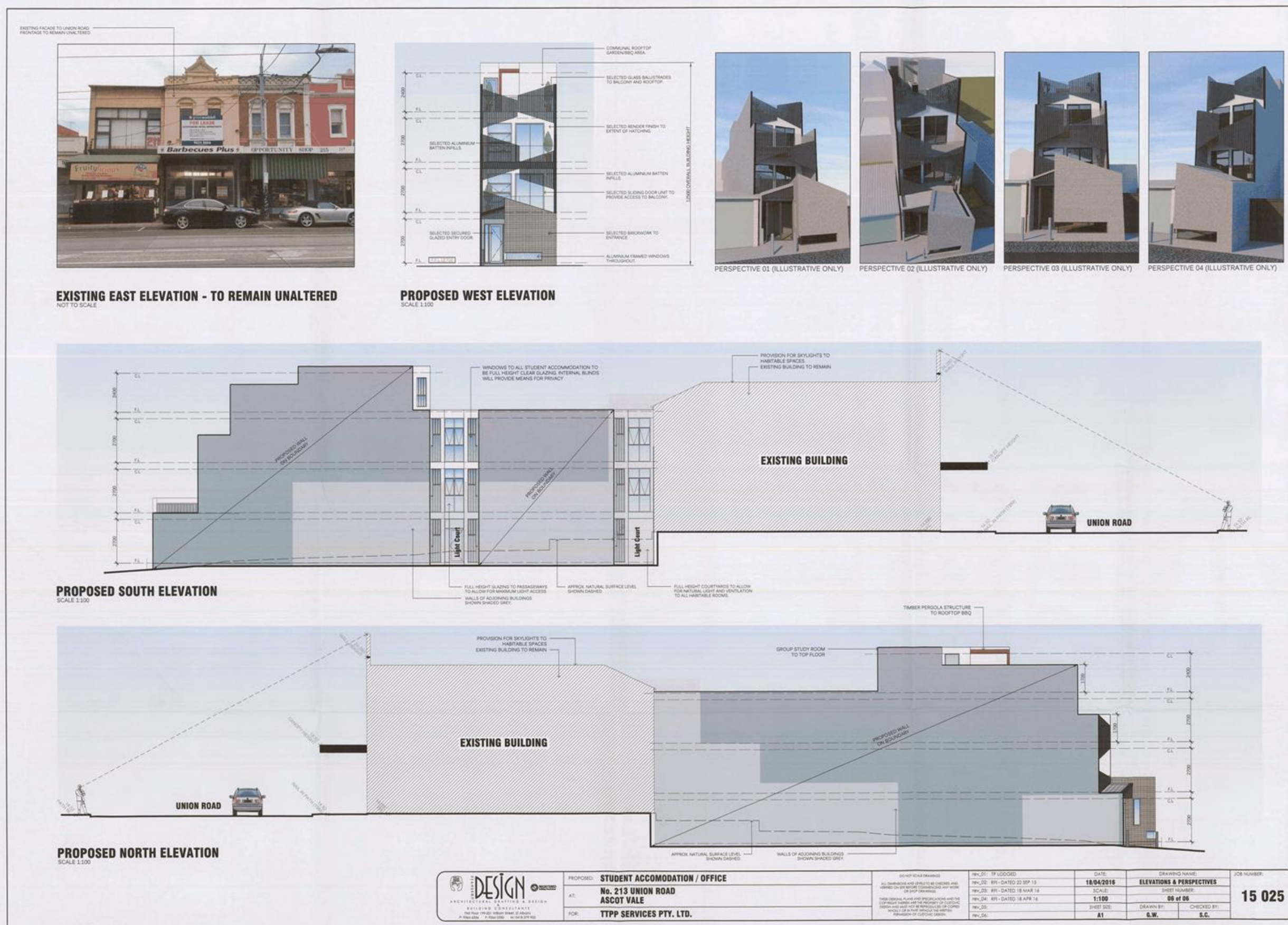
rev_01: TP LODGED
rev_02: RFI - DATED 22 SEP 15
rev_03: RFI - DATED 18 MAR 16
rev_04: RFI - DATED 18 APR 16
rev_05:
rev_06:











DATE: 18/04/2016	DRAWING NAME: DESIGN RESPONSE	JOB NUMBER: 15 025
SCALE: 1:500	SHEET NUMBER: 02 of 06	
SHEET SIZE: A3	DRAWN BY: G.W.	
	CHECKED BY: S.C.	









SCHEDULE OF MATERIALS, COLOURS AND FINISHES				
	MATERIAL	COLOUR		FINISH
EXTERNAL WALLS 1:	BRICKWORK/ BLOCKWORK	GREY		RENDERED FINISH
EXTERNAL WALLS 2:	BRICKWORK/ BLOCKWORK	WHITE		RENDERED FINISH
EXTERNAL WALLS 3:	BRICKWORK/ BLOCKWORK/ CONCRETE	CHARCOAL/ BLACK		RENDERED FINISH
EXTERNAL WALLS 4:	BRICKWORK	WHITE		NATURAL
BATTEN INFILLS:	ALUMINIUM	WOODLAND GREY		POWDERCOAT
BALUSTRADES:	ALUMINIUM/GLASS	GREY/SILVER		POWDERCOAT
ENTRY DOOR:	ALUMINIUM/GLASS	GREY/SILVER		POWDERCOAT
DOORS AND WINDOWS:	ALUMINIUM/GLASS	GREY/SILVER		POWDERCOAT
ROOF CLADDING:	KLIP-LOK OR COLORBOND	GREY		ZINCALUME OR COLORBOND
ENTRY PATHWAY:	CONCRETE	GREY		EXPOSED AGGREGATE

COLOUR SCHEDULE - 213 Union Road, Ascot Vale

Clause 55 of the Moonee Valley Planning Scheme

Two or more dwellings on a lot and residential buildings (Clause 55 and Commercial 1 Zone) – guide only.

Where there is non-compliance, see Section 3.3 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>	x	✓
<i>B6 - Street Setback Objective</i>	x	✓
<i>B7 - Building Height Objective</i>	x	✓
<i>B8- Site Coverage Objective.</i>	x	✓
<i>B9- Permeability Objectives</i>	x	✓
<i>B10 - Energy Efficiency Objectives</i>	x	✓
<i>B 11 - Open Space Objective</i>	x	✓
<i>B 12- Safety Objective</i>	✓	✓
<i>B 13 - Landscaping Objectives</i>	n/a	n/a
<i>B 14 - Access Objectives</i>	✓	✓
<i>B 15 - Parking Location Objectives</i>	✓	✓
<i>B16 – Parking Provision</i>	Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 3.3 of the report.	
<i>B 17 - Side and Rear Setbacks Objective</i>	X	✓
<i>B 18 - Walls on Boundaries Objective</i>	X	✓
<i>B 19 - Daylight to Existing Windows Objective.</i>	✓	✓
<i>B 20 - North-facing Windows Objective</i>	✓	✓
<i>B 21 - Overshadowing Open Space Objective</i>	✓	✓
<i>B 22 - Overlooking Objective</i>	✓	✓
<i>B 23 - Internal Views Objective</i>	x	✓
<i>B 24 - Noise Impacts Objectives</i>	✓ subject to permit condition	✓

ITEM 9.5 - APPENDIX B

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

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

**OBJECTOR LIST for MV/677/2015 at
213 Union Road, ASCOT VALE**

Objector's Mailing Address

25 Truck City Drive, CAMPBELLFIELD VIC 3061
(owner of 211 and 215 Union Road, ASCOT VALE)

9.6 Amendment C132 Moonee Ponds Activity Centre Car Parking Plan - Post Panel

File No: FOL/13/1282
Author: Brian Labadie
Senior Strategic Planner
Directorate: Planning & Development
Ward: Myrnong

Purpose

The purpose of this report is to advise Council of the recommendations of the Independent Planning Panel appointed by the Minister for Planning to consider submissions with regard to Moonee Valley Planning Scheme Amendment C132 – Moonee Ponds Activity Centre Car Parking Plan.

This report also seeks Council adoption of Amendment C132 (in accordance with the changes outlined in the report), the Moonee Ponds Activity Car Parking Plan and Strategic Justification for Cash-in-Lieu of On-Site Parking Provision.

Executive Summary

- At its November 2015 Ordinary Meeting, Council resolved to endorse the draft Moonee Ponds Activity Centre Car Parking Plan (**Appendix A** – separately circulated) and Strategic Justification for Cash-in-Lieu of On-Site Parking Provision (**Appendix B** – separately circulated).
- At the same meeting Council also resolved to seek authorisation from the Minister for Planning to prepare and exhibit the associated Amendment C132, and to refer any unresolved submissions to an Independent Planning Panel.
- Amendment C132 proposes the following changes to the Moonee Valley Planning Scheme:
 - Introduce Clause 45.09 – Parking Overlay.
 - Introduces Schedule 1 to the Parking Overlay.
 - Applies Schedule 1 to the Parking Overlay to land located within the Moonee Ponds Activity Centre.
- The Amendment has the following purposes:
 - To appropriately manage the provision of car parking within the Moonee Ponds Activity Centre.
 - To improve both public car parking provision and sustainable transport infrastructure within the centre.
 - To provide for the collection of financial contributions in lieu of commercial car parking waivers to contribute to the construction of publicly-accessible off-street parking facilities within the centre.

- To provide for the collection of financial contributions in lieu of residential car parking waivers to contribute to the construction of sustainable transport improvements within the centre.
- The proposed Schedule 1 to the Parking Overlay includes lower minimum parking rates (reduced from Column A to Column B rates in Clause 52.06), as well as a financial contribution scheme for parking reductions below the new rates.
- Amendment C132 (**Appendix C** – separately circulated) and the draft Moonee Ponds Activity Centre Car Parking Plan were exhibited from 4 February to 17 March 2016.
- A total of nineteen submissions to the Amendment were received (one of which was withdrawn) – a summary of submissions is circulated separately as **Appendix D**.
- Council subsequently referred all submissions to an Independent Planning Panel, which was held on 24 and 26 May 2016.
- Council received the C132 Panel Report on 8 July 2016 (**Appendix E** – separately circulated).
- In their report, the Panel expresses concern with several aspects of Council's proposed Amendment, and recommended it be adopted in part, only applying Column B rates to the Moonee Ponds Activity Centre (MPAC).
- Council Officers consider that if the Amendment does not include a financial contribution scheme, then it should be abandoned, as it does not reflect the intent of the Amendment.
- Discussions have since been held with Council's representatives at the Department of Environment, Land, Water and Planning (DELWP) as well as Maddocks (the law firm who provided legal advice to inform the development of the Car Parking Plan and Amendment). Both parties advised Council need not necessarily abandon the Amendment, but rather provide further strategic justification for the proposed financial contribution scheme and submit to the Minister for Planning for approval.
- Maddocks have prepared a Review of the Strategic Basis with specific reference to the proposed financial contribution scheme (**Appendix F** – separately circulated) which will assist in demonstrating to the Minister for Planning that the Panel's concerns have been addressed, and that the proposed Amendment should be approved in full.

Recommendation

That Council:

1. Adopt the Moonee Ponds Activity Centre Car Parking Plan and Strategic Justification for Cash-in-Lieu of On-Site Parking Provision.
2. Endorse Maddocks Review of the strategic basis for the introduction of a parking overlay at the Moonee Ponds Activity Centre, incorporating a car parking contributions scheme.
3. Having complied with Part 3, Division 1 and 2 of the *Planning and Environment Act 1987*, and in accordance with Section 29(1), adopt Moonee Valley Planning Scheme Amendment C132 with the changes outlined in this report.
4. Pursuant to Section 31(1) of the *Planning and Environment Act 1987*, submit Moonee Valley Planning Scheme Amendment C132 to the Minister for Planning for approval accompanied by the Maddocks Review, specifying that Council would only support the Amendment being approved with the financial contributions scheme in its entirety.
5. In coordination with other interested municipalities and the Municipal Association of Victoria, write to the Minister for Planning to request that Practice Note 22 – Using the Car Parking Provisions and Practice Note 57 – The Parking Overlay be reviewed to ensure clarity for councils seeking to apply the Parking Overlay within their municipality.

Background

Car Parking Plan

At the Ordinary Council Meeting of 20 December 2011, Council adopted the Municipal Parking Strategy. The Strategy includes several actions to better manage parking and transport within the municipality, including the preparation of Car Parking Plans for each of its activity centres, commencing with Moonee Ponds.

In mid-2012, Council began investigating the preparation of the Moonee Ponds Car Parking Plan, including options for a financial contribution scheme (which establishes the ability for Council to collect funds from developers in place of car parking reductions). Following a State Government review of the Parking Provisions, this work was put on hold to await the findings of this review.

In September 2013, the consultancy AECOM was engaged to assist with the development of the Moonee Ponds Activity Centre Car Parking Plan, and stakeholder surveys were undertaken in late 2013. It was later identified that additional expertise was required to strategically justify the proposed financial contribution scheme, and SGS Economics and Planning (SGS) was engaged in July 2015 to prepare this work.

Amendment C132

At its November 2015 Ordinary Meeting, Council resolved to endorse the draft Moonee Ponds Activity Centre Car Parking Plan, Strategic Justification for Cash-in-Lieu of On-Site Parking Provision as well as seek authorisation from the Minister for Planning to prepare and exhibit associated Planning Scheme Amendment C132.

Amendment C132 seeks to introduce the Moonee Ponds Car Parking Plan into the Moonee Valley Planning Scheme in order to provide improved statutory guidance for parking and transport within and around the activity centre.

The proposed Schedule 1 to the Parking Overlay includes lowering the minimum parking rates from the current Column A in Clause 52.06 to Column B rates, as well as a financial contribution scheme for reductions of parking provision below these new rates.

The financial contribution scheme proposes to use funds collected from parking waivers associated with an accommodation use for the delivery of improvements to the sustainable transport network, whilst funds collected from parking waivers not associated with an accommodation use would be used to deliver publicly-accessible off-street parking facilities.

Exhibition

Authorisation to prepare and authorise Amendment C132 was received from the Minister for Planning on 4 January 2016.

Amendment C132 was exhibited from 4 February to 17 March 2016, and a total of 19 submissions were received (one of which was withdrawn).

The submissions are categorised as follows:

Table 1: Summary of Submissions

Submission Type	Number of Submissions
Support the Amendment in full	2
Support the Amendment with minor changes (including the Moonee Ponds Chamber of Commerce)	7
Do not support the Amendment	7
Not relevant or withdrawn	3

A more detailed summary of submissions is circulated separately as **Appendix D**.

Council subsequently referred all submissions to an Independent Planning Panel, which was held in late May 2016.

Discussion

Panel Hearing

The Panel consisted of two members, Con Tsotsoros (Chair) and Michael Malouf (Member), and was held over the course of two days. Council was represented by Barrister Louise Hicks, and called on expert witness Andrew Spencer of SGS Economics and Planning.

During the Panel Hearing, the following two submitters were heard:

- Moonee Valley Racing Club, represented by Ms Emily Porter of Norton Rose Fullbright and called on expert witness Chris Coath of GTA Consultants.
- Ms Kristen Bell (resident)

The concerns of the above two submitters with the proposed Amendment related to the proposed parking rates (Column B), justification for the proposed financial contribution scheme and the inclusion of the Moonee Valley Racecourse within the proposed Parking Overlay boundary.

During the hearing, a number of revisions to the exhibited Schedule 1 to the Parking Overlay were discussed to address the following clarifications requested by the Panel:

- The term ‘waiver’ should not be used and should be replaced with ‘reduction’.
- Confirmation that permits cannot be granted to reduce below Column B rates.
- Confirmation that financial contributions are proposed to apply to all reductions below Column B rates.
- Revisions to the list of sustainable transport infrastructure types to ensure nexus.
- Allowing other financial or in kind contributions received by developers for the purpose of either public parking or sustainable transport infrastructure to be used as parking ‘credits’.
- Minor drafting changes.

The revisions outlined above have resulted in a revised Schedule 1 to the Parking Overlay, which is included in the Amendment C132 documentation (**Appendix C** – separately circulated).

Panel Report

Council received the Panel Report on 8 July 2016, the recommendations of which can be summarised as follows:

- Application of Column B rates within the activity centre is supported.
- The Moonee Valley Racing Club land should remain within the Parking Overlay boundary.
- Insufficient strategic justification for:
 - The mechanism for a financial contributions scheme.
 - The two financial contribution rates, being \$7,500 for accommodation-related reductions and \$15,000 for non-accommodation-related reductions.
- Insufficient strategic basis to remove the ability for a permit to reduce the number of parking spaces under the proposed Schedule to the Parking Overlay.

The Panel Report also stated (on page 1) that: “*The Parking Plan and Maddock’s legal advice (obtained by Council in mid-2015) provided relevant and practical advice for implementing the car parking provisions. The Panel considers that following this advice may have resulted in a better prepared and better justified amendment. Council did not follow their advice.*”

The Panel’s recommendation is as follows:

The Panel recommends that Amendment C132 to the Moonee Valley Planning Scheme be adopted as exhibited subject to amending Parking Overlay Schedule 1, as showing in Appendix B (of the Panel Report), to:

- a) *Replace the provisions under Clause 2.0 (number of car parking spaces to be provided) with:*

For all uses listed in Table 1 of Clause 52.06-5, the number of car parking spaces required for a use is calculated using the Rate in Column B of that Table.

- b) *Delete Clause 3.0 (Financial contributions requirement)*

- c) *Replace all objectives in Clause 1.0 (Car parking objectives to be met) with:*

To identify appropriate car parking rates for land uses in the Moonee Ponds Activity Centre.

Post Panel Report

Upon review by Council's Statutory Planning unit, a number of critical issues and questions were identified regarding the Panel Report (**Appendix G** – separately circulated).

These issues were a lack of clarity on the concerns raised within the Panel Report, providing minimal direction for how Council could address these concerns. In reviewing relevant legislation as well as other panel reports and approved schedules to Parking Overlays throughout Victoria, it is concluded the proposed Amendment C132 has sufficient strategic justification, but recognise this may not have been adequately articulated within the amendment documentation and panel submission.

It is considered that if the Amendment does not include a financial contribution scheme (including for both accommodation and non-accommodation-related parking reductions) as recommended in the Panel Report, then the Amendment should be abandoned.

Council officers discussed these issues with Council's representatives at DELWP in August 2016, who provided guidance regarding progressing the Amendment including advice that they would consider an additional statement by Council to strategically justify the Amendment as part of a request for approval.

In early September 2016, Council Officers met with Maddocks, who prepared the initial legal advice for Council in mid-2015. They respectfully disagree with the Panel's statement that Council has not followed their previous legal advice, and advised that Council should not necessarily abandon the Amendment. Maddocks recommended Council prepare a paper which provides robust strategic justification for the Amendment (in particular the financial contribution scheme). They advised this paper should accompany Council's submission of the Amendment to the Minister for Planning for approval.

Maddocks has prepared the required strategic justification (**Appendix F**- separately circulated) which details:

- The removal of discretion in relation to further reductions beyond the Column B rates.

- The adoption of \$15,000 as the rate for the spaces required but not provided for non-accommodation uses.
- The adoption of \$7,500 as the rate for the spaces required but not provided for accommodation uses.
- The relationship between the sustainable transport infrastructure and reductions in the number of car parking spaces provided for accommodation uses.

The Strategic Planning Unit considers the additional strategic justification will provide the necessary demonstration to the Minister for Planning that the Panel's concerns have been addressed, and the proposed Amendment should be approved in full.

It is noted that the municipalities of Frankston, Port Phillip, Cardinia and Hume as well as staff from the Municipal Association of Victoria (MAV) have expressed an interest in the outcome of Amendment C132, as they believe it would help guide the development of similar controls across the State.

These municipalities have expressed concern that Practice Note 22 – Using the Car Parking Provisions and Practice Note 57 – The Parking Overlay needs to be reviewed to ensure clarity for councils seeking to apply the Parking Overlay.

To this end, it is considered appropriate that Council:

- Adopt Amendment C132 with the changes outlined in this report.
- Submit Amendment C132 to the Minister for Planning for approval in full.
- Write to the Minister for Planning to request a review of Practice Notes 22 – Using the Car Parking Provisions and 57 – The Parking Overlay to ensure clarity for Councils seeking to apply the Parking Overlay within their municipality.

Consultation

Exhibition of the draft Moonee Ponds Activity Centre Car Parking Plan and associated Amendment C132 took place from 4 February to 17 March 2016, and included:

- Approximately 2,200 letters sent to residents, business owners and other landowners in and around the Moonee Ponds Activity Centre.
- Notices in local papers and materials distributed to local businesses.
- Information provided on Council's website.
- Presentation from Council officers at Moonee Ponds Chamber of Commerce meeting.

Nineteen (19) submissions were received during the exhibition period, including:

- Two which supported the Amendment.
- Seven which supported the Amendment, with minor changes recommended (including the Moonee Ponds Chamber of Commerce).
- Seven which did not support the amendment (including the Moonee Valley Racing Club).
- Three which were either not relevant or withdrawn.

As there were issues raised in opposing submissions that could not be resolved, these were referred to an Independent Planning Panel. All submitters were given the opportunity to be heard at the Panel Hearing, with two submitters requesting to be heard.

Implications

1. Legislative

The proposed amendment is in accordance with Section 4.1 of the Planning and Environment Act 1987 and State Planning Policy, including Plan Melbourne.

There are no Human Rights Charter implications as a result of this Planning Scheme Amendment.

2. Council Plan / Policy

In presenting this report to council, Council is achieving its Strategic Objective to Facilitate the provision of a broad range of safe, accessible and sustainable transport modes across the municipality in accordance with Council Plan 2013-2017 Theme 1: Sustainable living - Clear direction for growth and development of the city.

3. Financial

Council will use existing resources with the strategic planning operational budget to pay the remainder costs associated with this Amendment.

Should the Amendment be approved, the funds collected in lieu of each parking space associated with an accommodation use would be placed in a dedicated account only to be used for sustainable transport projects within and around the Moonee Ponds Activity Centre (as defined in the proposed Schedule 1 to the Parking Overlay).

Should the Amendment be approved, the funds collected in lieu of each parking space associated with a use other than accommodation would be placed in a dedicated account to only be used for the development of publicly-accessible off-street parking facilities within the Moonee Ponds Activity Centre.

4. Environmental

The Moonee Ponds Activity Centre Car Parking Plan and Amendment C132 seek to facilitate an improved sustainable transport network, in addition to reducing traffic congestion within the centre.

Conclusion

It is recommended that Council submit Amendment C132 to the Minister for Planning for approval. Should the Amendment be approved, it would improve Council's processes for assessing the car parking provision of new development within the Moonee Ponds Activity Centre.

Appendices

Appendix A: MPAC Car Parking Plan (separately circulated)

Appendix B: Strategic Justification for Cash-In-Lieu of On-Site Car Parking Provision
(separately circulated)

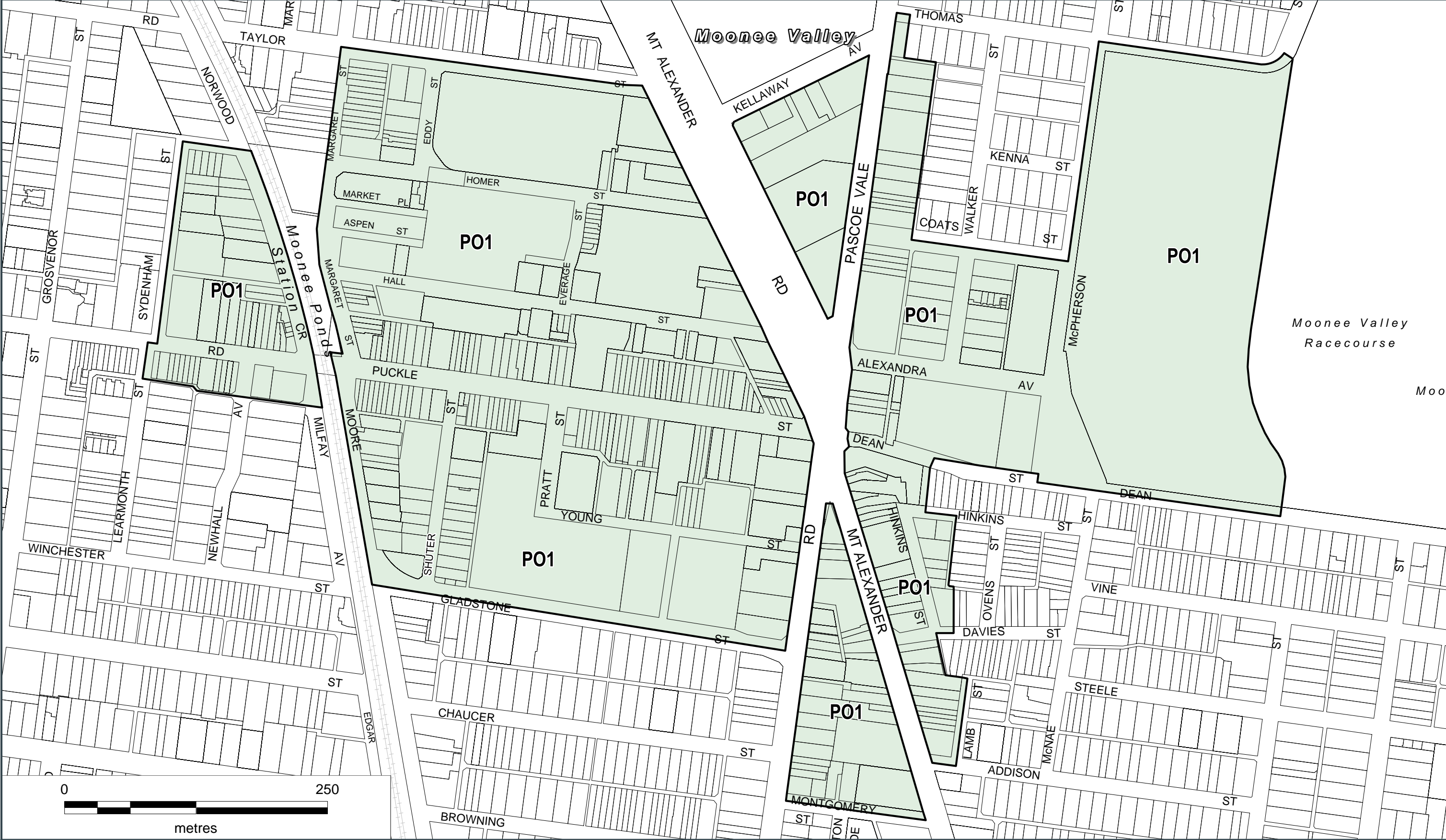
Appendix C: Amendment C132 Documentation

Appendix D: Summary of Submissions

Appendix E: Moonee Valley C132 Panel Report (separately circulated)

Appendix F: Maddocks Strategic Justification (separately circulated)

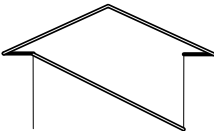
Appendix G: Panel Report Points of Clarification.



LEGEND
P01 PARKING OVERLAY - PRECINCT PLAN 1

Part of Planning Scheme Map 12PO

AMENDMENT C132



MOONEE VALLEY PLANNING SCHEME

--/20--
C--

SCHEDULE 1 TO THE PARKING OVERLAY

Shown on the planning scheme map as **PO1**.

Moonee Ponds Activity Centre

1.0 Car parking objectives to be achieved

--/20--
C--

To appropriately manage the provision of car parking within the Moonee Ponds Activity Centre.

To improve both public car parking provision and sustainable transport infrastructure within the centre.

To provide for the collection of financial contributions in lieu of commercial car parking ~~waivers~~reductions to contribute to the construction of publicly-accessible off-street parking facilities within the centre.

To provide for the collection of financial contributions in lieu of residential car parking ~~reductions~~waivers to contribute to the construction of sustainable transport improvements within the centre.

2.0 Number of car parking spaces to be provided

--/20--
C--

The lower standard car parking rates found in Column B of Table 1 in Clause 52.06

are required, unless the following apply:

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

~~apply.~~

3.0 Number of car parking spaces to be provided

--/20--
C--

A permit must not be granted to reduce (including reduce to zero) the number of car parking spaces required under this overlay.

43.0 Financial contributions requirement

--/20--
C--

The responsible authority may accept ~~A~~ a financial contribution of \$7,500 (ex GST) is required in lieu of ~~one or more car parking spaces being provided on-site~~ each car parking space associated with an accommodation use (as required under Column B of Table 1 in Clause 52.06) ~~being provided on-site~~.

The responsible authority may accept ~~a~~ A financial contribution of \$15,000 (ex GST) is required in lieu of ~~one or more car parking spaces being provided on-site~~ each car parking space associated with a use other than accommodation (as required under Column B of Table 1 in Clause 52.06) ~~being provided on-site~~.

The amount of financial contributions specified above is to be adjusted annually from 1 July 2015 using the CPI (all groups) as the index.

MOONEE VALLEY PLANNING SCHEME

The financial contributions specified above must be made before the use or development commences unless a ~~permit condition~~ Section 173 agreement allows payments by instalments under the ~~Section 173 agreement~~ provisions of the *Planning and Environment Act 1987*. This agreement may provide for the payment of the contribution in instalments plus an interest component equivalent to the interest payable on unpaid rates and charges under the Local Government Act 1989 and it must provide that all instalments and accrued interest are paid within 5 years of the first instalment.

All financial contributions collected in lieu of car parking spaces associated with an accommodation use can only be spent on the following projects within and around the activity centre:

- Streetscape improvements (e.g. widening footpaths, street furniture and improved pedestrian amenity).
- Laneway improvements (e.g. improved pedestrian amenity/connectivity).
- Public transport stop upgrades (e.g. seating, rubbish bins and other amenities not already provided).
- Dean Street underpass project (~~a specific project included~~ Action 1.6 with-in Council's Walking and Cycling Strategy which formalises access to the Moonee Ponds Creek shared path).
- ~~Maintenance of the Moonee Ponds Creek Path.~~
- Shared paths (e.g. along Dean and Wilson Streets).
- Wayfinding signage.
- On-road bicycle lanes (e.g. along Mt Alexander Road and potentially Ascot Vale Road).
- Intersection/roundabout improvements which relate to pedestrian/cyclist connectivity (this includes the Junction intersection).

All financial contributions collected in lieu of car parking spaces associated with a use other than accommodation can only be spent on the development of publicly-accessible off-street parking facilities within the activity centre.

Other financial or in kind contributions may at the discretion of the responsible authority be offset against the financial requirements if they are to the satisfaction of the responsible authority.

59.0

Reference document

- Moonee Ponds Activity Centre Car Parking Plan, 2015
- Strategic Justification for Cash-in-Lieu of On-Site Parking Provision, 2015

Planning and Environment Act 1987

MOONEE VALLEY PLANNING SCHEME

AMENDMENT C132

EXPLANATORY REPORT

Who is the planning authority?

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

The Amendment has been made at the request of the City of Moonee Valley.

Land affected by the Amendment

The Amendment applies to land located within the Moonee Ponds Activity Centre (defined as the land currently subject to Schedule 1 to the Activity Centre Zone).

What the amendment does

The Amendment:

- Introduces Clause 45.09 – Parking Overlay.
- Introduces Schedule 1 to the Parking Overlay.
- Applies Schedule 1 to the Parking Overlay to land located within the Moonee Ponds Activity Centre.

Strategic assessment of the Amendment

Why is the Amendment required?

The Moonee Ponds Activity Centre is currently experiencing a high level of development, and this is projected to continue considering its desirable location and status as an activity centre. Additional strategies and controls are needed to manage the impacts of this new development, including parking and transport implications.

This amendment seeks to implement the Moonee Ponds Car Parking Plan into the Moonee Valley Planning Scheme in order to provide improved statutory guidance for parking and transport within and around the activity centre.

The proposed Schedule 1 to the Parking Overlay includes lower minimum parking rates (in accordance with Column B in Clause 52.06), as well as financial contribution scheme in lieu of parking waivers for provision below the new rates.

The financial contribution scheme proposes to use funds collected from parking waivers associated with an accommodation use for the delivery of improvements to the sustainable transport network, whilst funds collected from parking waivers not associated with an accommodation use would be used to deliver publicly-accessible off-street parking facilities.

These proposed controls would help Council better manage the parking assessment process for new developments, as well as improve the parking and transport infrastructure in and around the centre.

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

The Amendment implements the objectives of planning in Victoria pursuant to Section 4 of the *Planning and Environment Act 1987* by providing for the fair, orderly and sustainable development of land where environmental, social and economic effects are recognised.

The Amendment will give clear direction and framework to making decisions in relation to car parking. It also has an emphasis on decreasing the reliance on the motor vehicle and promoting sustainable modes of transport.

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

The Amendment will generate positive social and economic benefits through significant improvements to the access and management of traffic and transport throughout the Moonee Ponds activity centre.

The amendment creates clarity, certainty and guidance for planning proposals within the activity centre and provides sustainable transport initiatives and outcomes in conjunction with future car parking provision.

Does the Amendment address relevant bushfire risk?

This issue is not considered relevant to this amendment.

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

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

The Amendment is also consistent with Ministerial Direction 9 – Metropolitan Strategy and Ministerial Direction 11 – Strategic Assessment of Amendments.

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

The Amendment directly supports the following Clauses of the SPPF:

- Clause 11 (Settlement) by providing a framework to focus and control development in the Moonee Ponds Principal Activity Centre.
- Clause 15 (Built Environment and Heritage) by encouraging improvements to the centre and high quality urban design for the streetscapes incorporating an efficient and attractive environment for users of the activity centre.
- Clause 17 (Economic Development) by ensuring that the centre has opportunities for commercial and residential growth, and providing a framework for the location and management of that growth within the activity centre in relation to managing car parking demand.
- Clause 18 (Transport) by encouraging and facilitating development and growth within the activity centre which is integrated with easy access to the existing sustainable transport system and ensures an adequate supply of car parking that is appropriately designed and located.

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

The amendment supports and implements the Local Planning Policy Framework by addressing the traffic and parking issues of the activity centre.

Clause 21.07 of the Municipal Strategic Statement (Activity Centres) specifies the vision to develop the area into one of the region's most vibrant, pedestrian-centric, culturally diverse and historic areas. A policy guideline to achieve this vision is to improve traffic management, car parking facilities and pedestrian networks within and surrounding the centre.

Clause 21.09 (Transport) includes an objective to reduce private vehicle use throughout the municipality. A strategy to achieve this objective is to encourage residents and visitors to use alternative transport. Another objective within this Clause is to ensure an equitable distribution of car parking throughout the municipality. Strategies to achieve this include the ensuring that any reduced provision of off-street car parking is offset by contributions towards sustainable transport improvements. The proposed Amendment aligns with these strategies as it proposes to lower the required car parking rates within the activity centre to encourage more sustainable modes of transport, whilst ensuring a suitable level of car parking is provided and appropriate financial contributions are provided by developers in lieu of car parking reductions.

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

The Parking Overlay in Clause 45.09 is the most appropriate tool to manage car parking within activity centres.

The amendment complies with and implements the VPP Practice Notes, PN22 Using the Parking Provisions April 2013, AN25 New Car Parking Provisions June 2012 and PN57 The Parking Overlay April 2013.

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

The amendment will be referred to all relevant agencies and stakeholders as part of the formal exhibition process.

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

The amendment complies with the relevant requirements of the Transport Integration Act, specifically Part 2, Division 2, 11 – Integration of transport and land use.

The application of the Parking Overlay would allow for car parking rates that are more appropriate for activity centres. The financial contributions requirement for any parking reduction or waiver will assist Council to strategically plan for future parking provision and improve access and circulation around the activity centre by using the financial contributions on projects specified in the Moonee Ponds Activity Centre Structure Plan.

Resource and administrative costs

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

The Amendment has a positive impact on Council as the financial contributions made to offset the waiver and reduction of on-site car parking can be used to fund transport projects within the Moonee Ponds Activity Centre that will improve amenity to users of the centre, by improving access and circulation around the centre for pedestrians, cyclists and vehicles.

Where you may inspect this Amendment

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

Moonee Valley City Council
9 Kellaway Avenue
Moonee Ponds VIC 3039

Moonee Valley City Council's website www.mvcc.vic.gov.au

The Amendment can also be inspected free of charge at the Department of Environment,
Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Planning and Environment Act 1987

MOONEE VALLEY PLANNING SCHEME

AMENDMENT C132

INSTRUCTION SHEET

The planning authority for this amendment is Moonee Valley City Council.

The Moonee Valley Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 1 attached map sheets.

Overlay Maps

1. Amend Planning Scheme Map No. 12 PO in the manner shown on the attached maps marked "Moonee Valley Planning Scheme, Amendment C132".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In Overlays – Clause 45.09, insert a new Schedule 1 in the form of the attached document.

End of document

Amendment C132 - Summary of Submissions

Submission Number	Name	Issue	Response
1	Julie Vulin	Believes there are already parking issues, so does not support the reduction in parking requirements or allowance of waivers.	<p>The VPPs allow for parking waivers, and provides Council with the discretion to revise the required parking rates as well as implement a cash-in-lieu scheme. Council is unable to remove the ability for an applicant to apply for a waiver, nor revise the parking rates without adequate justification.</p> <p>Due to the strategic location of the Moonee Ponds Activity Centre with excellent access to public transport and services, the appropriate car parking rates have been determined by independent transport consultants to be slightly lower than the existing rates.</p> <p>Council will continue to rigorously assess the strategic justification of each application to waive car parking, and the cash-in-lieu scheme provides a formal process to ensure that, where waivers are granted, the broader community is not disadvantaged.</p>
2	Francine Nicholson	Submission withdrawn	Originally had concern with the proposed cash-in-lieu scheme being unaffordable for the planned expansion of their medical centre. When informed that the revised car parking rates correspond to floor area rather than number of practitioners, they withdrew their submission.
3	Ian Wallis	<p>Support the objectives of the plan and the cash-in-lieu component.</p> <p>Prefers the focus of expenditure should be to buy car parking spaces close to Coats Street.</p>	<p>Noted.</p> <p>Council's independent transport consultant has prepared an initial list of potential sites for a future off-street consolidated car parking facility, which includes the land located at 62-68 Pascoe Vale Road (in close proximity to Coats Street). However further work would need to be undertaken to investigate the location and timing of the development of a car park if the overlay is implemented. This investigation would include further consultation with the community.</p>
4	Fiona McIntyre	Doesn't support the amendment as believes it is not affordable for commercial or residential purposes.	<p>The proposed cash-in-lieu amounts are significantly less expensive than the estimated cost of providing a multi-level car park (per space) on a site within the Moonee Ponds Activity Centre.</p> <p>In addition, the proposed Schedule 1 to the Parking Overlay allows for payment of any required financial contributions to be made in instalments over an agreed-to time period (up to 5 years) in order to make it affordable for smaller businesses.</p>
5	John Ho	Believes there are already parking issues so doesn't support the amendment, and that people prefer to drive instead of take public transport.	<p>The VPPs allow for parking waivers, and provides Council with the discretion to revise the required parking rates as well as implement a cash-in-lieu scheme. Council is unable to remove the ability for an applicant to apply for a waiver, nor revise the parking rates without adequate justification.</p> <p>Due to the strategic location of the Moonee Ponds Activity Centre with excellent access to public transport and services, the appropriate car parking rates have been determined by independent transport consultants to be slightly lower than the existing rates.</p> <p>Council will continue to rigorously assess the strategic justification of each application to waive car parking, and the cash-in-lieu scheme provides a formal process to ensure that, where waivers are granted, the broader community is not disadvantaged.</p>
6	Francesco Nesci	Would only support if the car parking facilities were provided in advance, one to the east and one to the west of the activity centre.	<p>The Panel Report for Wyndham Planning Scheme Amendment C151 – Werribee Parking Overlay discusses this concern in detail, including the following (on page 7):</p> <p>The submitter's concerns highlight one of the drawbacks of cash in lieu schemes, i.e. that it takes some time to collect sufficient funds to construct car parking. This often results in car parking shortfalls for a period, until Council can fund and build a project.</p> <p>Deferring development until a suitable car park has been built, however, would likely place additional financial burden on the Council as it would be required to borrow money to bring the project forward. The Panel believes that such an approach may be counter-productive as the flow of income from cash-in-lieu payments would be interrupted, and the economic benefits of new development lost or deferred.</p> <p>The Panel concludes that the request of the submitter that 'no further development of cash in lieu payments should be approved until a multi-storey car park is built' is not practical.</p> <p>Council agrees with the Panel's above position regarding this issue.</p>
7	Peter O'Meara	The cash-in-lieu amounts are too low, and should be raised to \$30,000 per parking space.	As detailed in paragraphs 43-46 of Council's submission, Council's proposed cash-in-lieu amounts were developed through the use of a robust methodology and generally align with the average of approved cash-in-lieu schemes for other Metropolitan Municipalities.
8	Anonymous	Fully supports the amendment.	Noted.

9	Bianca DeSensi	Concerns with current lack of parking in the area, loading bays and permits for staff.	<p>The proposed amendment seeks to provide more off-street consolidated public car parking within the activity centre.</p> <p>The Moonee Ponds Car Parking Plan does not propose any changes to loading bays or permit restrictions within the centre. Council's Local Area Traffic Management Plans seek to address those issues in accordance with the objectives of the Municipal Parking Strategy.</p>
10	Charles Sowerwine	<p>Believes the cash-in-lieu amounts should be increased and that developers are getting off cheaply.</p> <p>Supports the use of the funds for sustainable transport improvements.</p>	<p>As detailed in paragraphs 43-46 of Council's submission, Council's proposed cash-in-lieu amounts were developed through the use of a robust methodology and generally align with the average of approved cash-in-lieu schemes for other Metropolitan Municipalities.</p> <p>Noted.</p>
11	Helen Cooney	<p>Highlights their objection to the development proposed at 8-14 Shuter Street due to impacts on parking.</p> <p>Would like to ensure that the proposed amendment meets the needs of vulnerable pedestrians and those travelling with infants.</p>	<p>The proposed amendment will ensure that, for future planning permit applications, developers that seek parking waivers will contribute towards the transport network as an appropriate offset.</p> <p>The proposed amendment seeks to achieve both the following objectives:</p> <ul style="list-style-type: none"> - Consolidate public car parking within the centre on locations which are easily accessible for visitors. This will reduce the amount of vehicle traffic moving through the centre in search of car parking spaces, fostering a safer pedestrian environment. - Improve sustainable transport infrastructure within and around the centre, ensuring as much separation of vehicles from pedestrians as possible.
12	SALT 3	<p>Believe that the Column B rates (especially for residential uses) are too high for the Moonee Ponds Activity Centre, and that lower rates are more appropriate.</p> <p>Also request that shared parking arrangements are taken into account when assessing waivers.</p>	<p>As outlined in paragraphs 51-54, Council is proposing to apply the State's standard Column B parking rates for activity centres as they are considered appropriate for MPAC.</p> <p>AECOM's analysis of existing conditions within the centre, future development projections and strategic policy relating to the centre confirmed that unique parking rates are not necessary, and that the Column B rates provide an adequate reduction to the existing Column A rates whilst also providing an appropriate baseline under which future planning permit applications can be assessed.</p> <p>It is noted that developers would still be able to apply to reduce the proposed Column B rates on a case by case basis, but that this would be subject to strategic justification through a car parking demand assessment.</p> <p>The 2011 Car Parking Advisory Committee Report states the following regarding the establishment of car parking rates:</p> <p>...the Advisory Committee acknowledges that the assignment of parking rates is not an exact science, and also notes that the proposed Clause 52.06 provides the opportunity for developers to present an argument for reducing these rates on a case by case basis.</p> <p>Furthermore Council's proposed parking rates are not expected to exactly align with the future parking needs of each development within the centre, but rather are considered baseline development standards for future planning permit assessments.</p> <p>Both Submission Nos 12 and 13 state that the background analysis undertaken by AECOM establishes that car parking the MPAC are lower than the Column B rates. The submissions then recommend that lower rates be used which reflect the existing empirical generation of car parking within MPAC or lower rates reflecting a targeted reduction in car reliance.</p> <p>The decision guidelines within Clause 52.06-6 used for assessing car parking waivers include the following:</p> <ul style="list-style-type: none"> • The availability of alternative car parking in the locality of the land, including: <ul style="list-style-type: none"> o Efficiencies gained from the consolidation of shared car parking spaces. <p>Council will continue to consider this decision guideline in the assessment of planning permit applications for car parking waivers.</p>

13	Norton Rose Fulbright c/o Moonee Valley Racing Club	<p>Request that the Moonee Valley Racecourse is removed from the Parking Overlay boundary, due to the following:</p> <ul style="list-style-type: none"> - The racecourse development will accommodate high density residential uses which the proposed retail uses will serve, resulting in lower parking demands than other areas of MPAC. - Schedule 1 to the Activity Centre Zone requires the MVRC to prepare an Integrated Transport Plan for the site, which will likely result in parking demands for accommodation uses which are significantly lower than in other areas of MPAC. 	<p>The Moonee Valley Racing Club land is not unique in being an intended location for high density mixed-use development within MPAC, as highlighted by recent approvals at 40 Hall Street, 33-35 Hall Street and 331-333 Ascot Vale Road. The Moonee Ponds Activity Centre Boundary (with which the proposed parking overlay boundary aligns) has already been approved through the application of Schedule 1 to the Activity Centre Zone, and designates all land contained within as being appropriate location for a mix of uses and more intensive development.</p> <p>It is therefore considered that the racecourse land is not unlike the remainder of MPAC in its strategic context, and that applying the parking overlay to all properties within the approved Activity Centre Zone will ensure a consistent approach towards managing car parking within the Moonee Ponds Activity Centre. Any further reductions to the proposed Column B rates would be assessed in accordance with the decision guidelines of Clause 52.06-6.</p> <p>The Integrated Transport Plan, which is required to be prepared under Schedule 1 to the Activity Centre Zone before any planning permit is lodged on the Moonee Valley Racecourse land, does not give implicit approval for car parking provision on the site, nor does it allow for any waivers under Clause 52.06. It is being prepared before individual planning permit applications can be lodged.</p> <p>A primary aim of the Integrated Transport Plan is to address the transport impacts of rezoning the racecourse to allow for high-density, mixed-use development, and recommend mitigation measures. This is separate from assessing the eventual car parking requirements of each planning permit application. It is noted that the Moonee Valley Racecourse Redevelopment Advisory Committee Report states the following (on page 100):</p> <p>The Committee believes Council's proposed Parking Overlay would provide a more uniform B parking rates for activity centres as they are considered appropriate for MPAC.</p> <p>AECOM's analysis of existing conditions within the centre, future development projections and strategic policy relating to the centre confirmed that unique parking rates are not necessary, and that the Column B rates provide an adequate reduction to the existing Column A rates whilst also providing an appropriate baseline under which future planning permit applications can be assessed.</p> <p>It is noted that developers would still be able to apply to reduce the proposed Column B rates on a case by case basis, but that this would be subject to strategic justification through a car parking demand assessment.</p> <p>The 2011 Car Parking Advisory Committee Report states the following regarding the establishment of car parking rates:</p> <p>...the Advisory Committee acknowledges that the assignment of parking rates is not an exact science, and also notes that the proposed Clause 52.06 provides the opportunity for developers to present an argument for reducing these rates on a case by case basis.</p> <p>Furthermore Council's proposed parking rates are not expected to exactly align with the future parking needs of each development within the centre, but rather are considered baseline development standards for future planning permit assessments.</p> <p>Both Submission Nos 12 and 13 state that the background analysis undertaken by AECOM establishes that car parking the MPAC are lower than the Column B rates. The submissions then recommend that lower rates be used which reflect the existing empirical generation of car parking within MPAC or lower rates reflecting a targeted reduction in car reliance.</p>
----	---	--	--

		<p>The cash-in-lieu scheme does not define the projects.</p>	<p>Council has prepared the proposed Amendment in accordance with Practice Note 57 – Parking Overlay, and includes the following information as required in the practice note:</p> <ul style="list-style-type: none"> • The area in which a financial contribution may be collected in place of providing car parking spaces. • The amount required in dollars per car parking space. • The method of indexing the amount. • Financial arrangements associated with holding and spending funds paid, including the purposes for which the funds must be used. <p>In 2011, Council requested further information from Greg Woodford (DELWP) who developed the new State Car Parking Provisions, regarding how specific the list of projects to be funded under a cash-in-lieu scheme needs to be, and received the following advice (which was further confirmed by DELWP in March 2015):</p> <p>The more specific the project, the less risk there is that a court would find the scheme was for general revenue raising. Having said that, I don't think the scheme has to go as far as a precise identification of the project, precisely where it will be built, precisely how many space, etc. To answer your question (it should include):</p> <ul style="list-style-type: none"> • A specific project in a general area would be okay, but the area needs to be more precise than, say, the municipality of Moonee Valley. The MV activity centre would be okay. • The scheme should identify the type of infrastructure that can be provided (e.g. new bike paths, pedestrian priority crossings) and the area in which they can be provided (eg the Moonee Valley activity centre) <p>Council has developed Schedule 1 to the Parking Overlay to align with DELWP's level of specificity, by outlining the locations and infrastructure categories of the projects the funds will go towards. This approach ensures that the funds are used for a proper planning purpose within the activity centre, but allows flexibility for Council considering Council's</p>
14	Rosanna Stepowy	<p>Believes there are already parking issues, so does not support the reduction in parking requirements or allowance of waivers.</p>	<p>The Victorian Planning Scheme allows for parking waivers, and provides Council with the discretion to revise the required parking rates as well as implement a cash-in-lieu scheme. Council is unable to remove the ability for an applicant to apply for a waiver, nor revise the parking rates without adequate justification.</p> <p>Due to the strategic location of the Moonee Ponds Activity Centre with excellent access to public transport and services, the appropriate car parking rates have been determined by independent transport consultants to be slightly lower than the existing rates.</p> <p>Council will still rigorously assess the strategic justification of each application to waive car parking, and the cash-in-lieu scheme provides a formal process to ensure that, where waivers are granted, the broader community is not disadvantaged.</p>
15	Kirsten Bell	<p>Supports the use of Column B rates.</p> <p>In principle support for the cash-in-lieu scheme.</p> <p>Amount for waivers is too low at \$7,500, and should be increased to \$17,000.</p> <p>Believes that only a subset of the uses nested under accommodation in Clause 75.01 are listed in Clause 52.06, and therefore Schedule 1 to the Parking Overlay should either specify rates for the other uses or be more specific to align with 52.06.</p> <p>Schedule 1 to the Parking Overlay uses CPI for indexation, but the Car Parking Plan recommends Construction Industry Output Price Indexes be used.</p>	<p>Noted.</p> <p>Noted.</p> <p>As detailed in paragraphs 43-46 of Council's submission, Council's proposed cash-in-lieu amounts were developed through the use of a robust methodology and generally align with the average of approved cash-in-lieu schemes for other Metropolitan Municipalities.</p> <p>Council currently assesses parking waivers under Clause 52.06, and decides on appropriate rates for uses not in Table 1 in accordance with Clause 52.06-5A. It is considered suitable to continue with this approach under the proposed Schedule 1 to the Parking Overlay.</p> <p>Council will change Schedule 1 to the Parking Overlay to reference Construction Industry Output Price Indexes rather than CPI.</p>

		<p>Does not support the cash-in-lieu scheme for non-accommodation uses, and recommends that it either be removed or revised to only fund sustainable transport projects.</p>	<p>It should be noted that Council has recently prepared and adopted two Local Area Traffic Management Plans (LATMs) (included as Appendix G) which overlap the Moonee Ponds Activity Centre. The LATMs for Dean and Holmes Street were adopted by Council at its Ordinary Meeting in July 2015.</p> <p>These plans implement the Parking Demand Management Framework in each local area, but are operational measures to address on-street parking issues resulting from current demand.</p> <p>As detailed in paragraphs 51-65, Council's proposed car parking rates are informed by analysis of existing conditions within the centre, future development projections and strategic policy relating to MPAC. These rates are determined to be appropriate for the future operation of the activity centre, assuming the same level of public infrastructure exists. The construction of additional public car parking facilities (and sustainable transport infrastructure) is required once waivers are issued below the proposed rates.</p> <p>It is therefore considered that the future issuance of waivers is what directly creates the need for additional public car parking.</p>
16	Moonee Ponds Chamber of Commerce	In principle support for the amendment.	Noted.
		Request that a minimum of 20% of contributions for residential waivers go towards the development of car parking facilities.	<p>It is considered that financial contributions resulting from residential waivers should not be used for the constructing of short-term public car parking facilities within the activity centre. This is due to the lack of a clear nexus as outlined in paragraph 44 – the new public car parking facilities would not provide long-term parking for residents and Council would not support locating car parking facilities associated with dwellings on separate sites.</p> <p>A majority (if not all) residential waivers issued by Council within MPAC are based on the developer's assertions that the residents without the required number of car parking spaces will not own the corresponding number of cars, but rather use alternative modes of transport. The proposed residential cash-in-lieu scheme seeks to formalise this arrangement, by ensuring that the developer contributes towards sustainable transport infrastructure. This will ensure that there is a gradual retrofit of the activity centre to make it a viable location to live without a car.</p>
		Request that the proposed locations for car parking developments are disclosed, and that an external working group be established to decide on sites for car parking facilities, which includes representation from the MP Chamber of Commerce.	<p>Council has prepared the proposed Amendment in accordance with Practice Note 57 – Parking Overlay, and includes the following information as required in the practice note:</p> <ul style="list-style-type: none"> • The area in which a financial contribution may be collected in place of providing car parking spaces. • The amount required in dollars per car parking space. • The method of indexing the amount. • Financial arrangements associated with holding and spending funds paid, including the purposes for which the funds must be used. <p>In 2011, Council requested further information from Greg Woodford (DELWP) who developed the new State Car Parking Provisions, regarding how specific the list of projects to be funded under a cash-in-lieu scheme needs to be, and received the following advice (which was further confirmed by DELWP in March 2015):</p> <p>The more specific the project, the less risk there is that a court would find the scheme was for general revenue raising. Having said that, I don't think the scheme has to go as far as a precise identification of the project, precisely where it will be built, precisely how many space, etc. To answer your question (it should include):</p> <ul style="list-style-type: none"> • A specific project in a general area would be okay, but the area needs to be more precise than, say, the municipality of Moonee Valley. The MV activity centre would be okay. • The scheme should identify the type of infrastructure that can be provided (e.g. new bike paths, pedestrian priority crossings) and the area in which they can be provided (eg the Moonee Valley activity centre) <p>Council has developed Schedule 1 to the Parking Overlay to align with DELWP's level of specificity, by outlining the locations and infrastructure categories of the projects the funds will go towards. This approach ensures that the funds are used for a proper planning purpose within the activity centre, but allows flexibility for Council considering Council's</p>

		<p>Request a better understanding of what has informed the list of sustainable transport improvements, and would like to provide further feedback.</p>	<p>The list of sustainable transport projects was derived from both Council's adopted Moonee Ponds Activity Centre Structure Plan and adopted Moonee Valley Walking and Cycling Strategy. Rather than extract specific projects from each plan, Council officers held an internal workshop to determine a list of infrastructure categories, based on the following criteria:</p> <ul style="list-style-type: none"> - Must be a type of project included in either the Moonee Ponds Activity Centre Structure Plan or Moonee Valley Walking and Cycling Strategy. - Must relate to the local sustainable transport network within and around the Moonee Ponds Activity Centre. - Must be a type of project that Council can fund and deliver in the life of the plan (10 years). - Must directly assist in improving sustainable transport access for future residents of Moonee Ponds. - Must be a capital works improvement (other types of projects such as car share spaces and travel behaviour programs were deemed too difficult to administer). <p>A list of infrastructure categories was then developed which aligned with all of the relevant projects within both the Moonee Ponds Activity Centre Structure Plan and Moonee Valley Walking and Cycling Strategy, but was not restricted to the content of those plans should they be revised and/or another relevant strategy be created.</p> <p>Council would undertake further consultation with the community and other stakeholders regarding the location and design detail of any projects funded through the proposed cash-in-lieu scheme, ensuring that the improvements to the activity centre are undertaken in a consultative manner.</p>
		Request acknowledgement of the special rate levies imposed on Puckle Street	The proposed Amendment does not impact on the existing Deed between Council and the Moonee Ponds Chamber of Commerce.
17	Heidi Fry	Would prefer no reductions in car parking requirements, but support the cash-in-lieu scheme.	Noted.
		The centre requires an adequate level of public car parking.	The proposed Amendment seeks to establish a financial mechanism to ensure that developers offset car parking waivers with contributions towards public infrastructure, including additional public car parking facilities.
18	Housing Industry Association Limited	Doesn't support the cash-in-lieu scheme as believe it will have a negative impact on housing affordability.	<p>As outlined in paragraphs 43-46 of Council's Submission, Council has used a robust methodology to determine the proposed cash-in-lieu amounts and they are closely aligned with the Metropolitan average for cash-in-lieu schemes within approved Parking Overlays.</p> <p>It is considered that the amounts are a less costly alternative to providing multi-level or underground parking on a site within the activity centre, and the amendment also proposes to offer different payment options (such as instalments) to ensure it is affordable for smaller businesses.</p>
19	Giovanni Gattini	Doesn't support the cash-in-lieu scheme as believes it will drive businesses to other areas.	<p>As outlined in paragraphs 43-46 of Council's Submission, Council has used a robust methodology to determine the proposed cash-in-lieu amounts and they are closely aligned with the Metropolitan average for cash-in-lieu schemes within approved Parking Overlays.</p> <p>It is considered that the amounts are a less costly alternative to providing multi-level or underground parking on a site within the activity centre, and the amendment also proposes to offer different payment options (such as instalments) to ensure it is affordable for smaller businesses.</p>
		Believes the cash-in-lieu amounts are contrary to State Policy.	As outlined in paragraphs 23-41 of Council's Submission, the proposed Amendment aligns with the relevant legislation, including the <i>Planning and Environment Act 1987</i> and Victorian Planning Provisions.

Amendment C132 Panel Report - Points of Clarification

Number	Grouping	Panel Conclusion	Future Action	Points of Clarification
1	Support	pg 23 <i>The lower standard car parking rates in Column B of Table in Clause 52.06 are appropriate and justified for the Activity Centre - an applicant can still apply to reduce the number of required car parking spaces through a permit.</i>	Council can apply a Parking Overlay to MPAC requiring Column B rates with the ability to reduce the rates, in addition to a financial contribution scheme should the scheme be justified.	Acknowledged
2	Support	pg 31 <i>The principle of two differing financial contribution rates for accommodation and non-accommodation uses is acceptable but presents some practical issues.</i>	Council can apply two differing financial contribution rates for accommodation and non-accommodation uses.	Acknowledged
3	Support	pg 31 <i>It is appropriate to spend funds collected from accommodation developments on specifically identified sustainable transport initiatives.</i>	Council can use an accommodation financial contribution scheme to fund sustainable transport initiatives.	It is unclear which core principles in Planning Practice Note 57 have been addressed in order to determine that this is appropriate, and how they have been addressed. Council requires this detail in order to understand which core principles it does not require further strategic work to address.
4	Support	pg 32 <i>It is appropriate to spend funds collected from non-accommodation developments on specifically identified publically accessible off-street parking in the Activity Centre.</i>	Council can use a non-accommodation financial contribution scheme to fund publically-accessible off-street car parking facilities within the Activity Centre.	It is unclear which core principles in Planning Practice Note 57 have been addressed in order to determine that this is appropriate, and how they have been addressed. Council requires this detail in order to understand which core principles it does not require further strategic work to address.
5	Support	pg 33-34 <i>The Panel has earlier recommended that PO1 provide the ability for a permit to reduce the number of car parking spaces calculated when applying Column B rates. The Panel considers that this resolves issues raised by the Racing Club by:</i> <i>- Implementing more realistic car parking spaces that align with an empirical assessment.</i> <i>- Recognising its contribution (financial or otherwise) through Activity Centre Zone Schedule 1.</i> <i>- When taking the above into account, avoid contributions being duplicated between two different mechanisms.</i> <i>The Panel concludes that the Racecourse Land should remain in PO1 with the ability for a permit to reduce the number of car parking spaces that is supported by an empirical assessment.</i>	A financial contribution scheme can be applied within MPAC (including the MVRC land) so long as the Parking Overlay allows the ability to reduce the number of car parking spaces. It is considered that the ability to reduce the number of car parking spaces avoids the 'double dipping' issue. There is no additional wording required to address this issue other than that within the exhibited PO1.	Acknowledged
6	Support	pg 35-36 <i>The Panel concludes that car parking is managed through a separate process beyond the Planning and Environment Act 1987 and outside the Amendment process.</i>	Council's management of its public car parking assets is not a relevant consideration in the justification for a car parking overlay.	Acknowledged
7	Further Work Required	pg 23 <i>Any car parking spaces and financial contributions that exceed future demand are therefore likely to be spent on addressing existing issues. The Panel considers it unfair and insufficiently justified to require future developments to provide more parking than the demand they would generate.</i> <i>There is insufficient strategic basis to remove the ability for a permit to reduce the number of required car parking spaces that are calculated using Column B rates.</i> <i>More rigorous strategic justification is needed to demonstrate the exceptional circumstances for not allowing a permit to reduce the required number of car parking spaces.</i>	Prepare strategic justification to remove the ability to apply for a permit to reduce the required number of car parking spaces.	Council would appreciate an understanding of what strategic justification is required in order to remove the ability for a permit to reduce the number of required car parking spaces, as other Municipalities have done with implemented Parking Overlays (Springvale, Glen Waverley and Oakleigh).
8	Further Work Required	pg 31 <i>There is insufficient strategic basis to justify the \$7,500 accommodation financial contribution rate based on the methodology provided, its uniqueness and its comparatively very low amount.</i>	Prepare strategic justification to justify an appropriate accommodation financial contribution rate.	Council would appreciate further detail as to what the issues are with the methodology provided by SGS, and recommendations on how to move forward. It is also unclear as to why the resulting amount of \$7,500 is too low, as the Oakleigh Major Activity Centre Parking Overlay specifies a rate of \$6,000 per space.
9	Further Work Required	pg 31 <i>There is insufficient specificity provided in PO1 or any associated document to align the sustainable transport initiatives with the core principles in Planning Practice Note 57.</i>	Council needs to determine and include the following within any future Schedule to a Parking Overlay: - Details of the exact projects to be constructed. - The exact locations of the sustainable transport projects. - The timeframe for when these will be constructed. - How other Council funds have been dedicated to the construction of the works.	Council had previously sought advice from DELWP and Maddocks to confirm the level of specificity required within the Schedule to the Parking Overlay, and both advised that this level of detail (similar to that for a DCP) is not required. Council would appreciate confirmation from DELWP that this level of information is required to accompany a financial contribution scheme.

10	Further Work Required	<p>pg 29-32</p> <p>The Parking Plan methodology for providing a non-accommodation financial contribution rate provides some basis for discounting the financial contribution rate. It provides a reasonable approach to discount the amount by allowing for an overflow of existing parking demand.</p> <p>While the Panel is not entirely comfortable with the percentages arrived at by the Parking Plan to discount the financial contribution rate, the end result is an amount of \$15,000 that is considered reasonable in the context of other similar schemes in Metropolitan Melbourne where the average amount is \$13,087.</p> <p>The \$15,000 non-accommodation financial contribution rate, while comparative to other similar schemes, is not justified.</p>	<p>Prepare strategic justification to determine an appropriate non-accommodation financial contribution rate.</p>	<p>Council would appreciate further detail as to what the issues are with the methodology provided by AECOM, and recommendations on how to move forward.</p>
11	Further Work Required	<p>pg 32</p> <p>There is insufficient specificity provided in PO1 or any associated document to align the off-street parking project with the core principles in Planning Practice Note 57.</p>	<p>Council needs to determine and include the following within any future Schedule to a Parking Overlay:</p> <ul style="list-style-type: none"> - The exact location(s) of the car parking facilities. - The number of spaces that these facilities will contain. - The timeframe for when these will be constructed. - How other Council funds have been dedicated to the construction of the facilities. 	<p>Council had previously sought advice from DELWP and Maddocks to confirm the level of specificity required within the Schedule to the Parking Overlay, and both advised that this level of detail (similar to that for a DCP) is not required.</p> <p>Council would appreciate confirmation from DELWP that this level of information is required to accompany a financial contribution scheme.</p>
12	Further Work Required	<p>pg 38</p> <p>The Panel concludes:</p> <ul style="list-style-type: none"> - PO1 has serious drafting issues that resulted in misinterpretation and would have affected its operation. - Any future amendment that changes PO1 should apply drafting principles such as those contained in Planning Practice Note 10 (writing schedules) to address interpretation issues. 	<p>The PO1 needs to be redrafted to make the intent clear and ensure the new system would operate effectively.</p>	<p>Council would appreciate further detail as to the concerns with the original drafting of PO1, as the only concerns mentioned appear to be with the Version D drafting.</p>

9.7 Afton Street Stormwater Harvesting Scheme and Aberfeldie Main Drain Project – Proposed Road Discontinuances, Creation of Easements and Plan of Consolidation

File No: FOL/16/130
Author: Paul D'Elia
Property Consultant
Directorate: City Services
Ward: Municipal

Purpose

To consider as part of the Afton Street Stormwater Harvesting Scheme and Aberfeldie Main Drain Project:

- a) Granting of easements in favour of City West Water Ltd (City West Water) over parts of Council reserves known as Aberfeldie Park, Clifton Park, Maribyrnong Park and Afton Street Reserve (Reserves) and Melbourne Water Corporation (Melbourne Water) over Aberfeldie Reserve. Refer **Appendices A-G** attached;
- b) Discontinuing various unconstructed and unused roads within Aberfeldie Park and Maribyrnong Park. Refer **Appendices F and G** attached; and
- c) Consolidating the Titles for the Reserves and various discontinued roads within Aberfeldie Park and Maribyrnong Park and to facilitate the creation of easement process. Refer **Appendices B-G** attached.

Executive Summary

As part of the Afton Street Stormwater Harvesting Scheme, Council has entered into a long term agreement with City West Water to construct, own and operate the pump and pipeline infrastructure to transport treated stormwater from the Afton Street Reserve wetland to sports grounds at Clifton Park, Aberfeldie Park and Maribyrnong Park.

As part of the Aberfeldie Main Drain Project, Council has entered into a licence agreement with Melbourne Water for the use of land within Aberfeldie Park to upgrade the drainage network, to reduce the catchment flood risk and the creation of the relevant easements.

Part A - Creation of Easements

- As part of the Afton Street Reserve Stormwater Harvesting Scheme and Aberfeldie Main Drain Project, City West Water require drainage easements to be created in its favour across parts of the Reserves.
- As part of the Aberfeldie Main Drain Project, Melbourne Water require drainage easements to be created in its favour across parts of Aberfeldie Reserve.

- By granting easements over Council land, Council is effectively disposing of an interest in its land and therefore must comply with sections 189 and 223 of the *Local Government Act 1989* ('the Act').
- Subsequently, Council may transfer its interest in the land to a 'public body' such as Melbourne Water and City West Water pursuant to section 191(1) of the Act, with or without consideration.
- It is considered appropriate that Council not seek a financial consideration for disposing of its interest in parts of the Reserves to City West Water, since Council has previously entered into the Afton Street Stormwater Harvesting Scheme and Supplementary Water Transfer Agreement.
- However, in the case of the Aberfeldie Main Drain Project, it is considered appropriate that Melbourne Water be required to pay Council a financial consideration for Council agreeing to dispose of its interest in parts of Aberfeldie Park.

Part B - Discontinuance of Roads

- During investigations it was identified that various roads exist on title pertaining to two of the Reserves (i.e. Aberfeldie Park and Maribyrnong Park). Given that these roads were never constructed and are not required for public use, it is recommended that they be discontinued and the land vest in Council and be consolidated with the Reserve titles. Once the titles are consolidated, Council can proceed to create an easement over the land in favour of both Melbourne Water and City West Water. Refer **Appendices F and G** attached.
- The proposal to discontinue the various unconstructed roads (Aberfeldie Reserve) was advertised in the Moonee Valley Leader and the Moonee Valley Weekly Review on 3 August and 7 September (Maribyrnong Park) inviting public submissions pursuant to section 223 of the Act. No public submissions were received by the close of the submission period on 31 August and 3 October 2016 respectively.

Part C - Consolidation of Titles and Creation of Easements

- Once the road discontinuance process is completed regarding Aberfeldie Park and Maribyrnong Park, the land contained within the former roads will vest in Council and form part of the Plan of Consolidation under section 35(8) of the *Subdivision Act 1988*.

Accordingly, the relevant easements over the reserves will be created during the Plan of Consolidation process.

Recommendation

That Council:

1. Note that after having given public notice pursuant to sections 223 and 206 and clause 3 of Schedule 10 of the *Local Government Act 1989* of a proposal to discontinue various unconstructed and unused roads contained within Aberfeldie Reserve and Maribyrnong Park contained in Certificate of Titles Volume 4467 Folio 336, Volume 6602 Folio 399, and as shown in **Appendices F and G**, no public submissions were received.
2. Is of the opinion that the unconstructed roads shown in **Appendices F and G** be discontinued and the land be retained by Council for municipal purposes.
3. Grant easements in favour of City West Water Ltd and the Melbourne Water Corporation and transfer its interest over parts of Council land contained on Certificates of Title Volume 3516 Folio 061, Volume 4467 Folio 336, Volume 6602 Folio 399, Volume 2221 Folio 069, Volume 5461 Folio 057, Volume 11194 Folio 204 and Volume 2214 Folio 696 as shown on the plan at **Appendices B - E** to City West Water Ltd and Melbourne Water Corporation pursuant to section 191 of the *Local Government Act 1989*.
4. Require the Melbourne Water Corporation to pay Council a consideration of \$101,310 (plus GST) for the required easement over Aberfeldie Park plus associated costs in affecting the granting and creation of easement.
5. Authorise the Chief Executive Officer to sign all relevant documents relating to the Discontinuance of Roads, Plan of Consolidation and Creation of the Easements over parts of the Reserves as shown in **Appendices B - G**.

Background.

The Afton Street Conservation Park and Wetland in Aberfeldie is one of the most significant ecosystems in Moonee Valley. The wetland was constructed in 2011 and offers valuable natural habitat, contributes to the health of the adjacent Maribyrnong River and provides an opportunity to store, treat and harvest stormwater for irrigation of nearby sports grounds.

The Afton Street Stormwater Harvesting Scheme enables City West Water to construct, own and operate pump and pipeline infrastructure to transfer treated stormwater from the wetland to sports grounds at Clifton Park, Aberfeldie Park and Maribyrnong Park. Under the Afton Street Stormwater Harvesting Scheme and Supplementary Water Transfer Agreement, City West Water is responsible for operating and maintaining the required infrastructure and Council is responsible for the use of the water, water quality and water quality monitoring.

The Aberfeldie Main Drain Project undertaken by Council and Melbourne Water, upgraded the Melbourne Water and Council drainage network to reduce the catchment flood risk rating from “Extreme” to “High”.

These mitigation works involved the construction of a new duplicate Melbourne Water Main Drain through Forester Street, Hedderwick Street, Vida Street, Tilba Street and across Aberfeldie Park. The project will result in 43 fewer properties, and 23 fewer floor levels experiencing flood inundation during a 100 Year storm event.

Discussion

Part A - Creation of Easements

As part of the development works for the two projects, both City West Water and Melbourne Water require drainage easements to be created in their favour across parts of the Reserves. The proposed easements are shown highlighted on plans at **Appendices B-F** attached.

The granting of an easement over Council land means that Council is effectively disposing of an interest in its land and therefore must comply with sections 189 and 223 of the *Local Government Act 1989* ('the Act'). However, Council has previously obtained legal advice confirming that both City West Water and Melbourne Water are exempt from the requirements of section 189 on the basis that they are both deemed a 'public body' within the meaning of section 191(1) of the Act.

Subsequently, Council may decide to transfer its interest in the land by granting an easement in favour of City West Water and Melbourne Water pursuant to section 191 of the Act, with or without consideration.

Whilst Council is not selling freehold land, granting Melbourne Water an easement over the subject reserve land diminishes the value of Council's land. Council has obtained a valuation of \$101,310 plus GST being the estimated diminished value of the Council reserve land as a consequence of creating an easement in favour of Melbourne Water.

Melbourne Water is being charged a financial consideration because of the significant project impacts, such as the width and size of the underground assets within the proposed easement. Melbourne Water has agreed to the payment of the abovementioned consideration.

In relation to the City West Water, Council has previously entered into a Water Transfer Agreement with City West Water as part of the Afton Street Stormwater Harvesting Scheme. Under the agreement, City West Water constructs, owns and operates the pipeline infrastructure and Council is responsible for the use of water, water quality and water quality monitoring and are paid an Annual Service Charge and usage/consumption charge.

City West Water recovers costs from their investment under a cost neutral model, meaning that the total cost to Council over the project life (25Y) is equal to the Capital outlay by City West Water to implement the Scheme. Therefore, if Council were to impose a consideration for transferring its interest in the land to City West Water, this land cost would invariably be added to the overall project cost over the 25 Year life of the project. Subsequently, Council would pay for any additional costs incurred by City West Water.

Therefore, it is prudent that Council grant easements in favour of City West Water pursuant to section 191 of the Act, without consideration.

Part B - Discontinuance of Roads

During investigations, it was identified that various unused roads existed on the titles to the Aberfeldie Park and Maribyrnong Park. Since these roads were never constructed and are not required for public use, it is desirable that they be discontinued and the land contained in the former roads be retained by Council.

Part C - Plan of Consolidation of Titles and Creation of Easements

Once the road discontinuance process is completed, the land contained within the former roads will vest in Council and form part of the Plan of Consolidation under section 35(8) of the *Subdivision Act 1988*. The relevant drainage easements will be created as part of the Plan of Consolidation process.

Consultation

Council's Technical Services Department has been dealing with the drainage requirements and approvals for the two projects and has been consulting with Melbourne Water and City West Water regarding the proposed creation of drainage easements over the Council reserve land.

As part of the signed Licence Agreement Melbourne Water has been advised that Council will consider granting an easement over Council land in favour of Melbourne Water, subject to their agreement to pay Council a consideration of \$101,310 plus GST and all associated costs incurred by Council. Melbourne Water has agreed to pay the above consideration.

Implications

1. Legislative

The granting of an easement over Council land means that Council must comply with sections 189 and 223 of the Act. Since, City West Water and Melbourne Water are deemed to be a 'public body', Council may transfer its interest in the subject land in accordance with section 191(1) of the Act. This means that Council can transfer its interest in any land with or without consideration and is not required to give public notice and receive and consider submissions pursuant to Section 223 of the Act.

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to Protect and enhance the quality and health of local waterways for conservation and community enjoyment in accordance with Council Plan 2013-2017 Theme 1: Green, clean and beautiful - A sustainable environment for future generations.

The proposed disposal of interest in Council land is being dealt with in accordance with Council's Road Discontinuance and Sale of Land Policy (2014) and the Local Government Best Practice Guideline for Sale/Exchange of Land June 2009 (as amended).

3. Financial

Council will receive a consideration of \$101,310 plus GST and all associated costs from Melbourne Water to facilitate the creation of easement over Aberfeldie Park.

4. Environmental

The Afton Street Stormwater Harvesting Scheme and associated drainage easements over the Reserves will make it possible to use treated stormwater rather than potable water to irrigate a number of sports grounds and to keep them green all year around. This will save up to 20 million litres of drinking water per annum. Furthermore, this project initiative will support healthier waterways by utilising excess stormwater and reducing pollutants that would otherwise impact the health of the Maribyrnong River.

The Aberfeldie Main Drain Project will result in 43 fewer properties, and 23 fewer floor levels experiencing flood inundation during 100 Year storm event.

Conclusion

The easements created in favour of City West Water will finalise the project for the construction and operation of infrastructure to transfer water from the storage at Afton Street Reserve wetland to various sporting ovals in Aberfeldie.

The easement created in favour of Melbourne Water over Aberfeldie Park will finalise the Aberfeldie Main Drain Project.

Appendices

Appendix A: Afton Street Stormwater Harvesting

Appendix B: Proposed City West Water Easement - Aberfeldie Park

Appendix C: Proposed City West Water Easement - Maribyrnong Park

Appendix D: Proposed City West Water Easement - Clifton Park

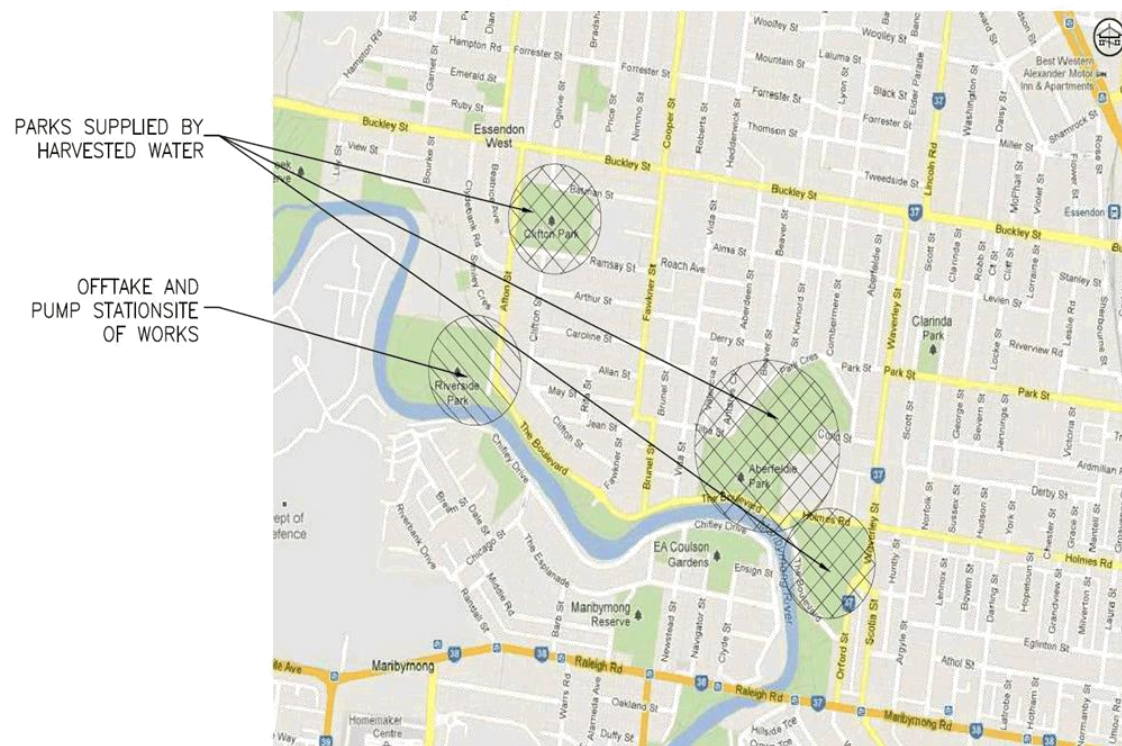
Appendix E: Proposed City West Water Easement - Afton Park

Appendix F: Proposed Melbourne Water Easement and Proposed Roads to be
Discontinued and Retained by Council

Appendix G: Proposed Roads to be Discontinued and Retained by Council
Maribyrnong Plans.

Appendix A

AFTON STREET STORMWATER HARVESTING



Appendix B

ABERFELDIE PARK

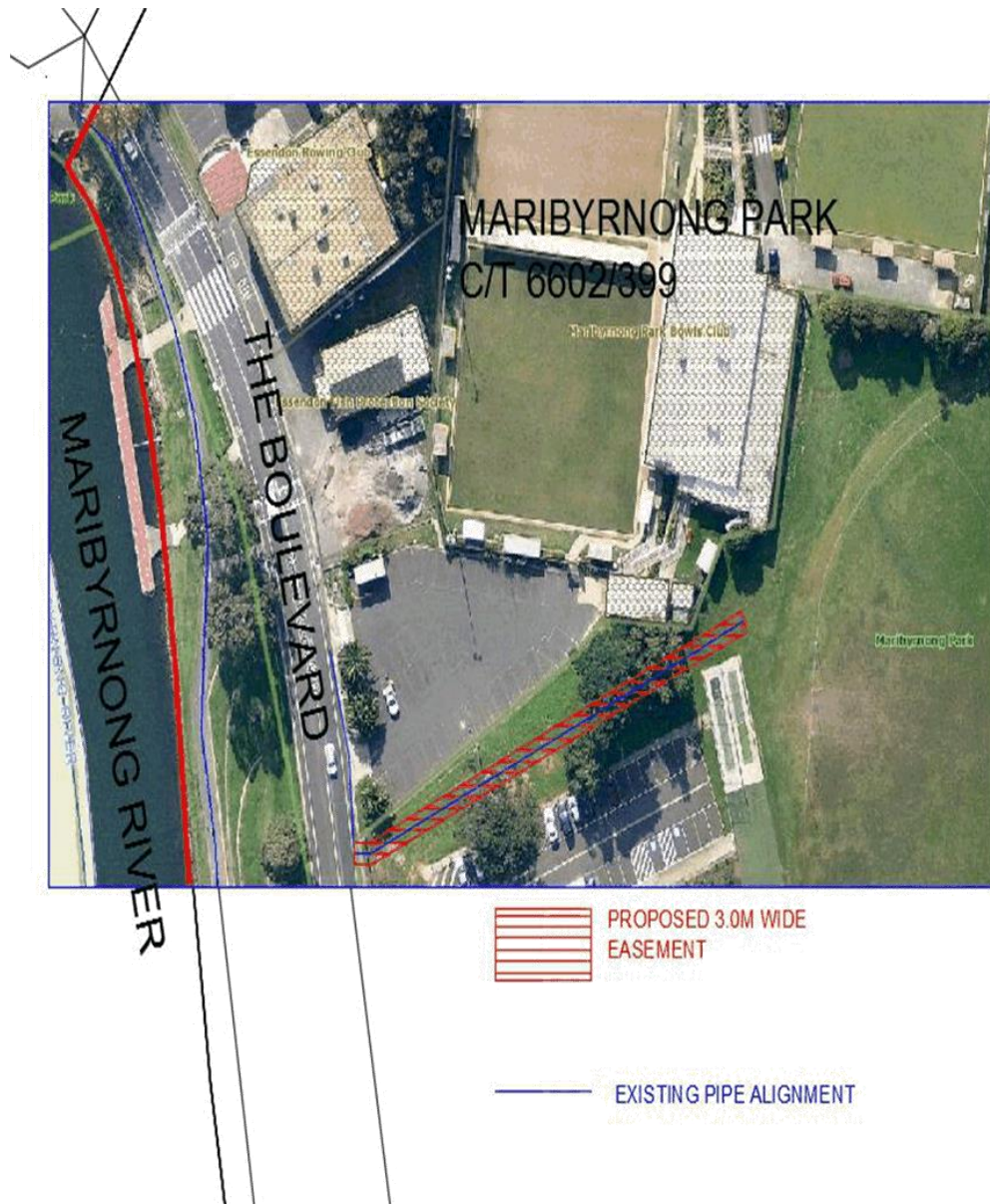
Proposed City West Water Easement



Appendix C

MARIBYRNONG PARK

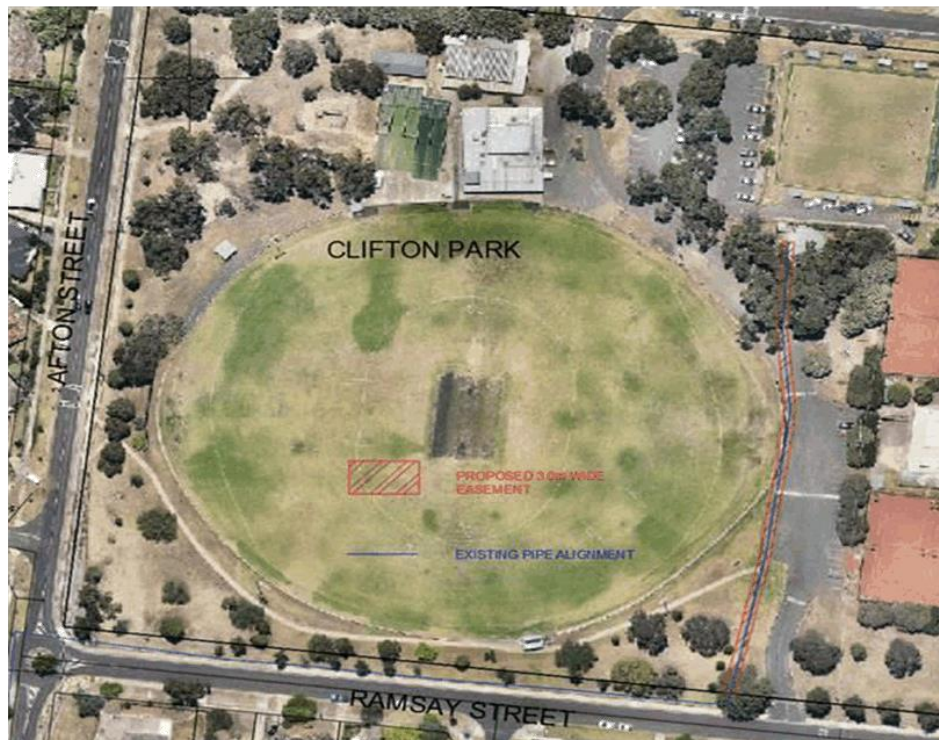
Proposed City West Water Easement



Appendix D

CLIFTON PARK

Proposed City West Water Easement



Appendix E

AFTON PARK

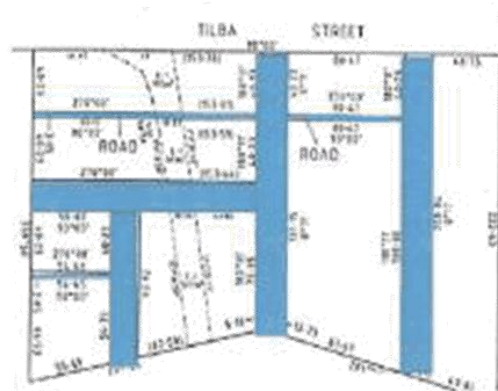
Proposed City West Water Easement



Appendix F

ABERFELDIE PARK

Proposed Melbourne Water Easement and Proposed Roads to be
Discontinued and Retained by Council

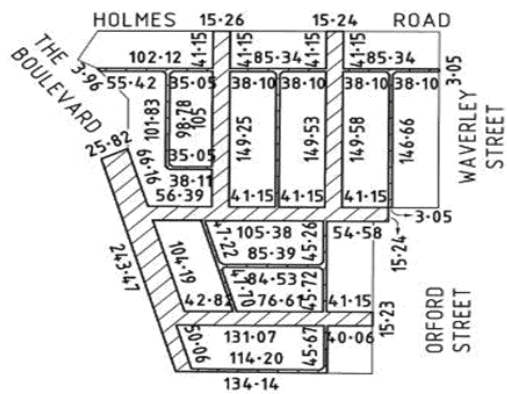


Roads to be discontinued

Appendix G

MARIBYRNONG PARK

Proposed Roads to be discontinued and retained by Council



9.8 2017 Moonee Valley Festival

File No: FOL/16/130
Author: Patricia Keenan
Acting Manager Arts & Culture
Directorate: City Services
Ward: Municipal

Purpose

To report back to Council on the Champagne Breakfast at the 2017 Moonee Valley Festival and other Festival related matters.

Executive Summary

- The 40th Moonee Valley Festival will be held on Sunday, 26 February, 2017.
- The Mayor and Councillors have traditionally hosted a Champagne Breakfast as part of the event
- Council requested that the breakfast be reconsidered and options for a replacement function reviewed. This review included:
 - Branded Festival t-shirts
 - Commemorative champagne flutes (traditionally provided at the event)
 - Respective costs associated with the Festival activities.
- Local business participation in the Festival is significant and actions are in place to continue and increase their involvement.

Recommendation

That Council:

1. Approve the continuation of the Champagne Breakfast for the 40th anniversary Moonee Valley Festival in 2017, noting that alternative options may be put forward for Council's consideration for the following year.
2. Approve the continuation of commemorative champagne flutes and reinstatement of Moonee Valley Festival branded t-shirts for the 40th anniversary Moonee Valley Festival in 2017.

Background

In the Councillor workshop of Tuesday, 19 April 2016, Councillors were advised that the event management services for Moonee Valley Festival were to be tendered. This included a summary of the services that were to be included in the tender.

The Mayor and Councillors have traditionally hosted a Champagne Breakfast as part of the event and have requested that the breakfast be reconsidered and options for a replacement function to celebrate the 40th anniversary provided. Branded Festival t-shirts and commemorative champagne flutes have traditionally been included in the Festival's outputs.

Council requested that a further briefing be provided on the following:

- Reconsider Champagne Breakfast and to consider alternatives such as an Incinerator Gallery launch or cocktail function involving former Mayors/ Councillors/ Community
- The option to retain commemorative champagne flutes and bringing back branded Festival T-shirts
- Ideas to encourage more involvement from local businesses.

Moonee Valley Festival is the premier event on Moonee Valley City Council's annual event calendar and 2017 will mark its 40th year.

The Festival attracts approximately 20,000 people and features a broad range of low or no cost entertainment and activities. Community engagement is fundamental to the success of this event with a specific focus given to programming and supporting local organisations, businesses and individuals to participate.

According to available records, Moonee Valley Festival's Champagne Breakfast has formed part of this event since at least 1999. Traditionally it has been hosted by the Mayor and Councillors and has provided a forum to formally acknowledge Festival sponsors and an opportunity for Councillors to mingle with the community.

The breakfast is attended by invited VIP guests and is open to members of the general public who pay a nominal amount for the breakfast. On average, attendance is 100 - 150 people. Commemorative champagne flutes have been produced for the breakfast each year.

Previously, branded Festival t-shirts were made available each year so that the community could easily identify staff assisting with the event. Councillors were also provided with t-shirts to wear at the Champagne Breakfast.

In 2008, Council trialled not holding the Champagne breakfast and after receiving negative feedback from some members of the community, the breakfast was re-instated the following year.

The 2016 Festival budget was \$285,000 (including income of \$65,000) which comprised of \$85,000 event management, \$50,000 programming, \$148,995 infrastructure and materials and \$1,005 merchandise (champagne flutes).

The forthcoming 40th Moonee Valley Festival will take place on Sunday, 26 February 2017 in Queens Park, Moonee Ponds.

Discussion

Councillor Function Options

The Champagne Breakfast has formed part of Moonee Valley Festival since at least 1999 and has been promoted as an event for all members of the community to attend.

Below provides options for an alternative Festival function to replace the Champagne Breakfast and related information.

Option 1 – Retain Champagne Breakfast Status Quo

The Champagne Breakfast would be consistent with previous years. VIP guests would be invited and it would be open to members of the general public to attend. The breakfast would include:

- Musical entertainment
- Catering package of croissants, muffins, fruit, sparkling wine, tea/ coffee
- Commemorative champagne flutes for attendees to keep
- Mayoral speech.

This option is recommended for the 40th Anniversary celebrations with a view to potentially making change the following year.

Option 2 –Function as part of an existing Incinerator Gallery launch

The annual VCE Fireworks Award and Exhibition opens at the Incinerator Gallery one week before the Festival on Friday 17 February. It is attended by students who have just completed or are currently completing their final year of school, their parents and friends. The awards celebrates student achievements and on average has attendance of approximately 400. Alcohol is served at this event and monitored carefully to ensure that it is not consumed by minors.

Up to 100 additional guests could be invited to the existing event and speeches mentioning the Festival included in the award proceedings. The event would include:

- Fireworks VCE Award and Exhibition Opening
- Basic finger food package e.g.: sandwiches, along with sparkling wine, wine and soft drinks.
- Commemorative champagne flutes (quantity increased)
- Mayoral speech.

This option is not recommended as it may detract from the student focus of the event.

Option 3 - Host Cocktail Function at Clocktower Gallery Café.

A celebratory exhibition is proposed for the Clocktower Gallery Café. *A Special Time and Place* would be an exhibition of posters, newspaper articles and memorabilia that will document the Festival's 40 year journey of community building and community celebration.

A cocktail function would be held to launch the exhibition and would include:

- Commemorative Festival exhibition
- A high-end canapé package, with sparkling wine, wine, beer and soft drinks
- Commemorative Festival champagne flutes

- Musical entertainment
- Speeches

This option is recommended as a viable alternative to the Champagne Breakfast for a one off celebration and exhibition to commemorate the 40th anniversary. To manage community expectations, this option would require appropriate actions to advise the general public of the Champagne Breakfast cancellation.

Proposed dates, function capacity and approximate costing's for each function option are provided as **Appendix A**.

Invitation Lists

The Champagne Breakfast invitation list extends to approximately 150 VIPs and is publicly advertised for members of the community to attend.

No comprehensive list of previous Mayors, Councillors and Festival Committee members exists, however all efforts will be made to contact them.

A breakdown of this list and a proposed list for an alternative function are provided as **Appendix B**.

Should an alternative function take place, to manage community expectations the following would be put in place to advise the general public that the breakfast would not be taking place:

- Notices on Council's website
- Marketing material prior to and at Festival
- Additional commemorative champagne flutes purchased and made available upon request for members of the public that collect them.

Branded Festival T-Shirts and Champagne Flutes

Prior to 2016, a Moonee Valley Festival branded t-shirt was produced for Councillors and staff participating in the event. In 2016 MVCC branded caps were produced to replace the t-shirts and were intended for use across multiple outdoor events run by Council and to redirect funds towards managing an increase in costs for programming and infrastructure for the Festival.

Commemorative Champagne flutes have been produced each year for the Champagne breakfast. For some members of the general public, these have become a collector's item.

A cost breakdown of the above items is provided below.

Item	Quantity	2016 Costs
Festival Branded T-Shirts	105	\$2,600*2015 figure
Commemorative champagne Flutes	250	\$1,005
MVCC Branded Caps	100	\$505

Local Businesses

Moonee Valley Festival provides a key opportunity for local organisations and businesses to increase their profile and exposure to the community. A call for event stallholders and participants is promoted each year through advertisements in the local paper, on Councils website and through liaising with Council departments to encourage their relevant stakeholders to participate.

A summary of businesses that participated in the 2016 Moonee Valley Festival is provided in the table below:

Local Business Participation	Number
Commercial Dance Schools and Activity Providers	10
Business Expo Sites	29
Commercial Food Vendors	4
Sponsors	3
Total	46

In 2016, local businesses represented just over 30% of local groups participating in the event with others being not-for-profit community organisations, services and individuals. In an endeavour to increase participation for the 2017 event, Arts and Culture staff are working with the Economic Development and Business Support unit to encourage local businesses to participate and where feasible, prioritise local vendors and suppliers. This will include direct communication from Economic Development with traders' representatives to detail the range of ways in which businesses can participate.

Consultation

Councillors were advised at a Councillor workshop on Tuesday, 19 April 2016 that event management services for Moonee Valley Festival were due for tender and requested that further information be provided as outlined in this report.

The Economic Development and Business unit have been consulted in preparation for this report.

Implications

1. Legislative

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

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to Facilitate and encourage access to diverse, affordable and enjoyable leisure and learning opportunities in accordance with Council Plan 2013-2017 Theme 1: Vibrant and diverse - Opportunities for all.-

3. Financial

- The function options provided in this report can be managed within the existing operational budget.
- Reintroducing branded Festival t-shirts would reduce the programming budget (by approximately \$2,100).
- There are additional direct financial costs of human resources required by staff to create an additional standalone function at the Clocktower.

4. Environmental

There are no direct environmental implications from this report.

Conclusion

Moonee Valley Festival will be held on Sunday, 26 February 2017 and will mark 40 years of this community celebration.

The Champagne Breakfast has formed part of the event since at least 1999 and options for a replacement of this event to celebrate the 40th anniversary have been put forward for consideration. Options 1 and 3 are both viable, however negative community feedback if the breakfast were not held is possible. Commemorative champagne flutes are included in each option.

The Festival has existing input by local businesses and Arts and Culture is working with the Economic and Business Development Unit to encourage an increase in involvement.

Branded Festival t-shirts were removed from the Festival in 2016 to allow for funds to be redirected towards covering an increase in programming and infrastructure costs. Funds required to reintroduce t-shirts have been provided.

To enable appropriate action, planning timeframes and delivery, a preferred function option and outcome of commemorative champagne flutes and t-shirts would need to be nominated the first week of December 2016.

Appendices

Appendix A: Proposed dates, function capacity and approximate costings

Appendix B: Proposed Invitation List.

Appendix A

Proposed dates, function capacity and approximate costing's for each function.

Option	Capacity	Cost	Dates	Points for consideration
Option1. Champagne Breakfast	150 -250	\$15,250	Sun 26 Feb - 10am - 12pm	Status Quo
Option 2. Incinerator Gallery Exhibition Opening – Fireworks VCE Award & Exhibition	Up to 100 additional guests	\$13,400	Fri 17 Feb 6 – 8pm	Creates additional programmable space for Festival. Limited capacity to invite additional guests May draw focus away from students achievements Potential negative community feedback at cancellation of Champagne Breakfast. Broader exposure to community
Option3. Cocktail Function at Clocktower & Commemorative Festival Exhibition	200	\$15,645	Fri 24 or Sat 25 Feb 6pm - 7.30pm	Creates additional programmable space for Festival. Tailored exhibition celebrating the 40th Festival Anniversary. Potential negative community feedback at cancellation of Champagne Breakfast. Event to launch the Festival in a fresh way.

Appendix B – Proposed invitation list

Invitation List	
Existing list for Champagne Breakfast – approx. 150 guests	
<i>N.B. Members of the public also attend on the day and are notified through promotional material and expectation from previous years.</i>	Councillors
	Sponsors
	Representative from Local Traders Associations
	Councillors from Inner West and bordering Municipalities Local Federal and State MPs
	Community Groups and Business Leaders as selected by Mayor
Proposed list for function as part of an existing Incinerator Gallery launch Approx. 100 additional guests	
	As per Champagne Breakfast but reduced scope of Community Groups and Business Leaders or other.
Proposed Invitation List for Clocktower Cocktail Function - 200 guests	
<i>NB. If the Champagne Breakfast does not proceed, notices will be placed on website, in marketing material and at Festival site on the day to notify public. Additional Commemorative champagne flutes will be purchased and made available upon request for members of the public that collect them.</i>	Councillors
	Sponsors
	Representative from Local Traders Associations
	Councillors from Inner West and bordering Municipalities as selected by Mayor.
	Local Federal and State MPs
	Community Groups and Business Leaders as selected by Mayor.
	No comprehensive list exists, but all efforts will be made to contact: Previous Mayors and Councillors Previous Members of the Festival Committee

9.9 Library and Learning Strategy 2012-16

File No: FOL/16/130
Author: Theary Sindel
Coord Strategy & Project
Directorate: City Services
Ward: Municipal

Purpose

To report on the delivery of the Library and Learning Strategy 2012-16 (the Strategy) and to submit the Draft Moonee Valley Libraries Service Plan 2016-18 for endorsement.

Executive Summary

- The Strategy was adopted by Council in December 2011 and has provided direction for Moonee Valley Libraries in transitioning from a traditional lending service to a contemporary library service responsive to the changing needs of residents in an increasingly digital environment.
- The key strategic actions outlined in the Strategy have been delivered in full by Council officers.
- The Draft Moonee Valley Libraries Service Plan 2016-18 (see **Appendix B**) continues to be guided by the overarching direction of the Strategy as well as the Library and Learning Service Plan 2015-25.
- The new Strategy for Moonee Valley Libraries will be strategically aligned with the forthcoming Moonee Valley Council Plan (due June 2017).

Recommendation

That Council:

1. Note this report on the delivery of the Library and Learning Strategy 2012-16.
2. Approve the extension of the Library and Learning Strategy to 2018 to enable strategic service alignment with the forthcoming Council Plan and to bring the Library strategic planning cycle in line with the Arts and Culture area.
3. Endorse the Moonee Valley Libraries Service Plan 2016-18 which takes overarching direction from the Library and Learning Strategy and draws specifically from the Library and Learning Service Plan 2015-25.

Background

The Library and Learning Strategy 2012-16 was adopted by Council in December 2011. The Strategy provides clear strategic direction for the provision of flexible and contemporary library services appropriate to the changing needs of Moonee Valley residents.

The Strategy describes a framework of activities and actions over four years that have strategically transitioned Moonee Valley Libraries from providing a traditional lending service to a more diverse and responsive service that recognises and embraces the changed role of libraries in an increasingly digital environment.

Specifically, the Strategy articulates the following strategic directions:

1. We will work with other Council departments to identify ways in which we can assist them to communicate most effectively with residents, using existing library channels and new media opportunities.
2. We will explore, with other Council departments, the potential for libraries to deliver Council priorities especially in terms of service delivery and community engagement.
3. We will continue to provide a comprehensive library service – books and other resources for people to borrow; programs and events which attract existing and new audiences; technology that enables everyone to access the internet.
4. Our program planning will recognise the role of libraries in lifelong, informal learning, supporting formal education and providing a pathway to qualifications and employment.
5. We will articulate the library service's approach to community engagement as part of the wider Council strategy.
6. Where possible (according to the opportunity and funding), we will reinterpret library interiors as modern, multi-function, relaxed living, working and study spaces.
7. During the life of the strategy, we will review the continued suitability of premises, in terms of location, capacity and configuration.
8. We will take an active approach to partnerships both within Council and with external organisations.
9. We will monitor trends in technology use in libraries; advocate as appropriate for further investment in IT, and develop technology policies that are in line with current practice.
10. Our workforce planning will recognise the changing demands and the changing shape of the library service.
11. We will develop a model to ensure residents continue to have access to books in the new book industry environment.
12. We are committed to a regional approach and will actively collaborate with the wider Victorian public library network.

The key strategic actions identified in the Library and Learning Strategy 2012-16 have effectively guided the work of Moonee Valley Libraries over the past four years and have been delivered by Council officers in full. For a detailed report on key deliverables against key strategic actions please see **Appendix A**.

Discussion

Libraries play a vital role in enriching the lives of residents through lifelong learning, improving literacy, access to information, leisure and culture. Over the life of the Strategy, Moonee Valley Libraries has considerably strengthened its profile as a valued, flexible and contemporary library service. Community satisfaction surveys conducted twice over the past four years reveal a very high level of value and satisfaction attributed to library services by the community. Recent results indicate that the library has: made life more enjoyable for 85% of people; encouraged 82% to read more; and for 77% the library helped their children develop literacy skills.

Contributing to these strong results, over the past four years Moonee Valley Libraries have:

- Significantly invested in technological infrastructure to enable smart and responsive service delivery that is in keeping with community expectations
- Meaningfully enhanced community learning and connection outcomes by substantially increasing provision of and participation in library programs
- Improved community access to information and resources
- Reinterpreted library interiors as contemporary and multi-function community spaces

Innovative technology

The strategic driver behind the introduction of radio frequency identification (RFID) technology was to move staff resources away from a manually repetitive and transactional model of service to an enhanced customer and information service with a stronger focus on community programs. Its successful implementation in 2012 was integral to transforming Moonee Valley Libraries into a contemporary service able to meet the changed demands of the community in an increasingly digital environment. The RFID technology allows library members to borrow multiple items quickly and easily and was readily embraced by library members with a 93% uptake within weeks of implementation.

Moonee Valley Libraries has continued to invest in innovative technologies to enhance digital services to the community including the installation of children's touchscreens across all our libraries in 2014 and the introduction of printing from mobile devices in 2015.

Partnerships and programs

Attendance at library programs increased substantially with over 58,000 attendances in 2015/16 compared with approximately 25,400 in 2012/13. Working in partnership with other areas of Council and with a range of local service providers, Moonee Valley Libraries has successfully delivered a wide range of programs for children and adults across our five branches. Highlights include the Finding MY Place program to connect young people with the library and with learning outside the school environment in partnership with the Youth Services department and with Essendon Keilor College; the Community Chef program in partnership with the Aged and Disability department to connect at risk people with their local community; and the Begin with Books program in partnership with the Family and Children's Services department to promote literacy to new parents and to support the development of early years literacy.

The overall increase in community programs and participation over the course of the four year strategy has significantly strengthened Moonee Valley Libraries' contribution to positive community learning and engagement outcomes. Recent library satisfaction survey results indicated that 51% of people felt the library had helped them develop better learning habits or skills (increasing from 45% in 2013), and for almost a third of respondents that the library services had helped them get a job.

Access to information and resources

Recent library satisfaction surveys reveal that the main reason people visit the library is to access information, with over 80% of people citing access to books and other hardcopy resources. Moonee Valley Libraries has continued to invest in improved access to information and resources for the community. In 2012/13 extensive collection management work was undertaken to bring the library collection in line with Australian Library and Information Association (ALIA) national standards. This work resulted in the libraries achieving an enhanced standard for age of collection in 2013.

The Moonee Valley Libraries eBook collection was launched in 2013 and use of this collection has grown quickly with use in 2015/16 increasing by almost 50% compared to the previous year.

In 2015/16 the libraries introduced online access to our Community Heritage Collection and commenced digitisation of this important community collection.

Contemporary spaces

The role of contemporary public libraries in providing the community with an important third place – neither home nor school/work, but a modern, multi-function, relaxed community space that promotes a sense of belonging and positively contributes to individual wellbeing – has been a significant strategic driver underpinning advocacy for infrastructure improvements at Moonee Valley Libraries.

In November 2012, Council completed Stage 1 of the Avondale Heights Community Precinct Masterplan by launching the extension to the Avondale Heights Library and Learning Centre. Officially launched by the Minister for Local Government, the Honourable Jeannette Powell, and by Councillor Narelle Sharpe, this \$436,000 project delivered much needed additional space for visitors and for the delivery of community programs at the popular Avondale Heights Library and Learning Centre.

Further renovation and refurbishment to upgrade our libraries was undertaken with works at the Sam Merrifield Library to increase the provision of training and programmable spaces completed in 2014. Internal refurbishment to modernise and improve the Flemington Library space were also completed in 2014. In May 2016 building works to restore the Ascot Vale Library heritage façade in line with the 2015 Heritage Study were completed.

In 2015, the Library Future Infrastructure Requirements Report was delivered. This report sets out future infrastructure requirements for libraries based on future service directions and population projections. This important report informs current and future work to improve library facilities and spaces. A direct recommendation of this report, the Niddrie Library and Multi-Purpose Community Hub Site Analysis was completed in June 2016 and will meaningfully inform Council decision making on the future tenure of the Niddrie Library.

Consultation

Moonee Valley Libraries ran two community satisfaction surveys in December 2013 and February 2016. These surveys gave the community opportunity to provide detailed feedback on the current range of library services and to provide direct input into the future vision for Moonee Valley Libraries. Moonee Valley Libraries received over 5,800 detailed responses through this process.

A detailed community needs analysis was completed in May 2013 to identify community learning needs and opportunities. These community consultation projects continue to meaningfully inform service planning and delivery in the libraries.

Implications

1. Legislative

The provision of quality public library services are in accord with the Human Rights Charter, specifically the human entitlement to participate in public life.

2. Council Plan / Policy

In presenting this report to council, council is achieving its Strategic Objective to Facilitate and encourage access to diverse, affordable and enjoyable leisure and learning opportunities in accordance with Council Plan 2013-2017 Theme 1: Vibrant and diverse - Opportunities for all.

The Library and Learning Strategy 2012-16 is strategically aligned with the Moonee Valley Council Plan 2013-17. The Draft Moonee Valley Libraries Service Plan 2016-18 continues to be guided by the Library and Learning Strategy as well as the Library and Learning Service Plan 2015-25. It is also informed by and consistent with the Library Future Infrastructure Requirements Report.

The new strategy for Moonee Valley Libraries will be strategically informed by the forthcoming Council Plan and should incorporate the outcome of decisions pending regarding the development of a new Niddrie Library.

3. Financial

There are no cost implications associated with endorsing this Report.

4. Environmental

The provision of five branches across the municipality supports genuine local community access to library and learning services. Public libraries, as lenders of books and resources and providers of shared services such as internet computers, play a significant ongoing role in the reduction of environmental waste.

Conclusion

The Library and Learning Strategy 2012-16 has provided clear strategic direction to Moonee Valley Libraries over the past four years and has effectively guided the library

service from providing a traditional lending function to a more diverse and responsive service that recognises and embraces the changed role of public libraries in an increasingly digital environment. Over the life of the Strategy, Moonee Valley Libraries has purposefully invested in innovative technology, increased our community programming, improved access to information and resources and realised opportunities to improve our library spaces. In doing so, Moonee Valley Libraries has significantly strengthened its contribution to positive community learning and engagement outcomes and reinforced its important role in delivering a range of quality services that are highly valued by the Moonee Valley community.

The next Moonee Valley Libraries Strategy will be aligned with the forthcoming Council Plan (due 2017). To enable this to occur it is recommended that the overarching direction of the Library and Learning Strategy 2012-16 be extended for a further two years with specific strategic actions for 2016-18 directly informed by the Library and Learning Service Plan 2015-25.

Appendices

Appendix A: Library and Learning Strategy 2012-16 - Summary of deliverables

Appendix B: Moonee Valley Libraries - Draft Service Plan 2016-18.

Appendix A

LIBRARY AND LEARNING STRATEGY 2012-16: REPORT ON KEY STRATEGIC ACTIONS

Goal 1: Visibly supporting and adding value to the work of Council Framework Moonee Valley Library and Learning Centres will act as communication channels, information providers and service delivery points. They will provide the opportunity for even greater community engagement and they will demonstrate Council values in action.	
Strategies	Summary of deliverables
<p>1. We will work with other Council departments to identify ways in which we can assist them to communicate most effectively with residents, using existing library channels and new media opportunities.</p> <p>Key strategic actions:</p> <ul style="list-style-type: none"> ➤ We will actively promote opportunities for display and interaction with the community across Council. ➤ We will work with the citizen and information services team to find ways that library staff can best support their work and help provide a face-to-face response to enquiries from the public. 	<ul style="list-style-type: none"> • An audit of branch libraries to establish dedicated display areas for Council information was completed in 2013 • The Citizen Services department delivered training to library staff to enhance staff knowledge of general Council enquiries (February 2013) • Council activities have been regularly promoted across library social media platforms and within branch libraries
<p>2. We will explore, with other Council departments, the potential for libraries to deliver Council priorities especially in terms of service delivery and community engagement.</p> <p>Key strategic action:</p> <ul style="list-style-type: none"> ➤ We will work collaboratively across Council, seeking out initiatives that would benefit from library support. 	<ul style="list-style-type: none"> • Libraries collaborated extensively with the Youth Services department to deliver a range of programs designed to engage young people including the recent 1 Shot Youth Photo Challenge and the ongoing Finding MY Place program established in 2013 in partnership with Essendon Keilor College. • Libraries actively supported the inception of the Community Chef program at the Avondale Heights Library and Learning Centre in partnership with the Aged and Disability department. • Libraries have delivered many successful programs in partnership with the Family and Children's Services department including the "We Love Grandparents" storytime event and the ongoing Begin with Books program

	<ul style="list-style-type: none"> Libraries worked closely with the Community Development department to host the Immigration Museum's Talking Difference Portable Studio and associated workshops
<p>Goal 2: Providing a flexible, contemporary service, appropriate to the changing needs of residents</p> <p>Framework The library service will be built around five themes: access, connection, leisure, information and learning. The library service in each branch (and online) will be designed around the needs and profile of the community. The library service will be reviewed and revised regularly to keep it current.</p>	
<p>3. We will continue to provide a comprehensive library service – books and other resources for people to borrow; programs and events which attract existing and new audiences; technology that enables everyone to access the internet.</p> <p>Key strategic actions:</p> <ul style="list-style-type: none"> ➤ We will monitor the needs of the community through ongoing informal consultation and formal satisfaction surveys every two years. ➤ We will advocate for continued investment and support for the library service. 	<ul style="list-style-type: none"> Two formal library satisfaction surveys have been conducted (December 2013 and February 2016) and over 5,800 informative responses about library services were received through this valuable consultation process An online user survey to determine how people use the library website and catalogue was conducted in 2013 and the data gained from this consultation directly informed the development of the Enterprise public interface library catalogue and the BookMyne mobile catalogue application Computers through all the branch libraries were upgraded in 2013 to ensure the library's provision of digital services remains in keeping with community expectation Reading and connecting through books has been actively supported by the library's book group program with book sets and discussion notes regularly provided to 27 registered book groups Outreach to members of our community who are unable to physically attend our branch libraries continues to be a core part of the library's service and 83 registered members of the Home Library Service received regular deliveries of library material The interactive storytelling Words on Wheels program, which is based on the principle of strengthening wellbeing through conversation and connection with others, was successfully introduced into two aged care facilities in 2016

<p>4. Our program planning will recognise the role of libraries in lifelong, informal learning, supporting formal education and providing a pathway to qualifications and employment.</p> <p>Key strategic action:</p> <ul style="list-style-type: none"> ➤ We will carry out a regular needs analysis to update our knowledge and understanding of how the library service can support community learning outcomes. We will use this analysis as the basis for planning and delivering learning programs. 	<ul style="list-style-type: none"> • The marketing of programs and events across all five branch libraries was consolidated in 2013 with the successful launch of the 'What's On' brochure • A community needs analysis was completed in May 2013 to identify community learning needs and opportunities and the results of this analysis meaningfully informed programming across our libraries • In direct response to survey feedback that indicated a strong preference for electronic communication of library events, the library e-newsletter was successfully launched in 2014 and is a highly effective communication and marketing platform for the libraries • The Begin with Books program continues in partnership with the Family and Children's Services department to promote literacy to new parents and to help improve early year literacy. Approximately 13,000 library information book bags have been distributed to families throughout Moonee Valley since the program began in 2007. • Programs have become a stronger part of the library service profile and program attendance has more than doubled over the course of the Strategy with over 58,000 attendances in 2015/16 compared with approximately 25,400 in 2012/13. Program highlights include the annual Finding MY Place program in collaboration with Essendon Keilor College and the Youth Service department, the annual Summer Reading Club for children, the High Road to Reading program in partnership with the State Library of Victoria, the weekly English conversation program and a suite of digital learning programs in addition to our regular children's literacy program and adult author talk program.
<p>5. We will articulate the library service's approach to community engagement as part of the wider Council strategy.</p>	<ul style="list-style-type: none"> • The libraries approach to community engagement has been clearly articulated in the Library and Learning Programs Framework which was completed in 2015

<p>Key strategic action:</p> <ul style="list-style-type: none"> ➤ We will develop a community engagement charter for Library and Learning. 	<ul style="list-style-type: none"> • Libraries have proudly hosted several star weave jam sessions in support of the 1 Million Stars to End Violence community project that aims to build solidarity against violence in all forms including violence against women, bullying and racism. • Moonee Valley Libraries launched their involvement in the 5,000 Poppies project in 2014 by inviting the community to craft poppies in April and hosting a talk by one of the project founders at Sam Merrifield Library in August. The library displayed poppies at the Remembrance Day service in Queens Park and has contributed over 5,000 poppies to this project which pays tribute to servicemen and women. The project continues to generate a great deal of comment, discussion and community engagement.
<p>6. Where possible (according to the opportunity and funding), we will reinterpret library interiors as modern, multi-function, relaxed living, working and study spaces.</p> <p>Key strategic action:</p> <ul style="list-style-type: none"> • We will identify appropriate opportunities and advocate for funding for revised layouts, new furnishings and redesigns of existing library spaces. 	<ul style="list-style-type: none"> • The libraries continue to seek opportunities to improve community spaces and to provide modern physical library spaces that are in keeping with community expectations. A furniture audit of each branch library was carried out in preparation for the introduction of RFID in 2012 resulting in the replacement of furniture and extensive refurbishment at the Niddrie Library. • Extensive refurbishment to Flemington Library was completed in May 2014 • Refurbishment to Sam Merrifield Library to improve the meeting room and technology spaces was completed in 2014 resulting in a marked usage increase of these flexible spaces for a range of purposes – from quiet study through to large-scale library events – that meet the varied needs of our diverse community • Minor furniture and shelving upgrades were carried out at Ascot Vale and Sam Merrifield Libraries in 2015 • Modern external signage was installed at Flemington Library in 2015 • New external and internal signage was installed at Sam Merrifield Library in 2016

	<ul style="list-style-type: none"> As a result of Council's Heritage Study completed in 2015, significant building works to restore the Ascot Vale Library heritage facade were completed in 2016
<p>7. During the life of the strategy, we will review the continued suitability of premises, in terms of location, capacity and configuration.</p> <p>Key strategic action:</p> <ul style="list-style-type: none"> We will investigate opportunities for co-location, relocation and larger scale renovation. 	<ul style="list-style-type: none"> In 2012 Council completed Stage 1 of the Avondale Heights Community Precinct Masterplan by launching the extension to the Avondale Heights Library and Learning Centre. Officially launched by the Minister for Local Government, the Honourable Jeannette Powell, and by Councillor Narelle Sharpe, this \$436,000 project delivered much needed additional space for visitors and for the delivery of community programs at the popular Avondale Heights Library and Learning Centre. The Library Future Infrastructure Requirements Report was successfully delivered in 2015. This important report sets out future infrastructure requirements for libraries based on future service directions and population projections and critically informs current and future work to improve library facilities. A significant planning project – the Site Analysis for the Niddrie Library and Multi-Purpose Community Hub – was completed in June 2016 and will meaningfully inform Council decision making on the long-term tenure of the Niddrie Library.
<p>8. We will take an active approach to partnerships both within Council and with external organisations.</p> <p>Key strategic action:</p> <ul style="list-style-type: none"> We will continue to seek, promote, encourage, foster and strengthen partnerships that will extend the reach of the library service and provide additional benefits to library users. 	<ul style="list-style-type: none"> Libraries have partnered with several Council departments and external organisations to enhance service delivery, particularly in our program delivery. Partners include Youth Services, Aged and Disability, Family and Children Services, Leisure, Community Development, CoHealth, Essendon Keilor College, the State Library of Victoria, the Kangan Institute, Victoria University and local neighbourhood services.
<p>9. We will monitor trends in technology use in libraries; advocate as appropriate for further investment in IT, and develop technology policies that are in line with current practice.</p>	<ul style="list-style-type: none"> Libraries successfully launched RFID in 2012. The RFID technology allows library members to borrow multiple items quickly and easily and was readily embraced by library members with a 93% uptake within weeks of implementation. This

<p>Key strategic actions:</p> <ul style="list-style-type: none"> ➤ We will introduce RFID across the library service in 2012/13. We will monitor and review the initiative post-implementation to ensure that we are maximising the benefits of this new technology. ➤ We will continue to carry out technology trend-spotting and to explore the issues of the moment. We will adjust our focus according to movements in the sector. ➤ We will review the current Library Management System to ensure it is appropriate for the needs of the library service. 	<p>technology was integral to transforming the library into a contemporary service able to meet the changed demands of the community in an increasingly digital environment.</p> <ul style="list-style-type: none"> • In 2013 an online rostering system to support centralisation and automation of rostering functions across the library service was successfully introduced. • An initiative funded by the respected Australian children's charity The Alannah and Madeline Foundation, eSmart accreditation to improve cybersafety and wellbeing across our libraries was achieved by Moonee Valley Libraries in 2015 • Interactive children's touchscreens were installed at all library branches in 2014 resulting in increased usage of online children's resources • The Eventbrite online bookings system was successfully adopted in 2014 resulting in improved efficiencies in the administration of library program bookings • All branch libraries have been transitioned to the Pathway SmartClient invoicing system for meeting room hire which has supported consistency in the administration of meeting room hire across the service • To support continued improvements in functionality and accessibility, the library management system was upgraded in February 2013 and July 2015 and the Enterprise catalogue interface was introduced in 2014 • To support continued provision of the popular wireless service, the library's wireless network infrastructure was upgraded in 2015 • Moonee Valley Libraries was the first Victorian public library to introduce printing from mobile devices in 2015. This innovative addition to our suite of digital services in 2015 was immediately successful and continues to be frequently used by library customers.
<p>10. Our workforce planning will recognise the changing demands and the changing shape of the library service.</p>	<ul style="list-style-type: none"> • A workforce review was completed post-RFID implementation with a new staff structure developed and adopted in May 2013

<p>Key strategic action:</p> <ul style="list-style-type: none"> ➤ We will carry out a workforce review, taking into account changing roles and responsibilities, the need for professional development and for the introduction of new and different skills. 	<p>to support the increased provision of community and learning programs.</p> <ul style="list-style-type: none"> • Continued professional development of our workforce was actively supported with 42 library staff completing REAL disability training provided by the State Library of Victoria to improve staff knowledge of how to assist people with a disability • Seven library staff have completed or commenced Jumpstart digital literacy training provided by the State Library of Victoria
<p>11. We will develop a model to ensure residents continue to have access to books in the new book industry environment.</p> <p>Key strategic action:</p> <ul style="list-style-type: none"> ➤ We will monitor changes in the book trade and publishing industry. We will review our collection framework against this changing environment. 	<ul style="list-style-type: none"> • ebook readers for library customers were provided in 2012 • The popular online magazine resource Zinio was successfully launched in 2012 • The library's ebook collection was successfully launched in June 2013 and use of this collection grew quickly with an almost 50% increase in usage in 2015/16 compared to the previous year • Collection development work to ensure the library collection meets the ALIA enhanced standard for age of collection was completed in 2013 • Access to our digital community heritage collection was significantly enhanced with the successful adoption of Portfolio software
<p>Goal 3: Making a positive contribution to the advancement of public libraries</p> <p>Framework</p> <p>We will collaborate with other public libraries across Victoria, through the Public Libraries Victoria Network, contributing towards statewide initiatives. We will confirm our position in the premier league of Victorian public libraries by building upon our reputation for innovation and best practice.</p>	
<p>12. We are committed to a regional approach and will actively collaborate with the wider Victorian public library network.</p> <p>Key strategic actions:</p>	<ul style="list-style-type: none"> • Library staff have been represented on a range of state committees and networks including the PLVN Managers Group, PLVN ICT subcommittee, PLVN Collections SIG and PLVN Marketing subcommittee

<ul style="list-style-type: none">➤ We will be active participants in the Public Libraries Victoria Network, attending meetings, connecting with research and activities, and sharing resources through inter-library loans.➤ We will be active participants in the National Year of Reading 2012, a nationwide initiative of Australian public libraries.	<ul style="list-style-type: none">• Manager Arts, Culture Libraries has been the spokesperson for the Statewide Development Project "Lead and Learn" working group• A suite of events were run through 2012 to celebrate reading including hosting popular children's author Andy Griffiths at The Clocktower Centre and running the Time to Rhyme program for pre-schoolers with ten kindergartens registered across Moonee Valley.• Moonee Valley Libraries has been actively involved in the Ministerial Advisory Council on Public Libraries review of public library services (<i>Tomorrow's Library</i>) which strategically informs future service planning across Victorian libraries• Moonee Valley Libraries staff provided a valued presentation on using NFC (near field communication) digital capability to enhance the browsing experience of library customers at the Renew, Rethink, Revitalise mini-conference hosted by the State Library of Victoria in 2015
---	---

Appendix B

MOONEE VALLEY LIBRARIES PLAN 2016-2018

Strategies		Key strategic actions (2012-16)	Key strategic actions (2016-18)	Work plan tasks	2016/17	2017/18
1	We will work with other Council departments to identify ways in which we can assist them to communicate most effectively with residents, using existing library channels and new media opportunities.	<p>We will actively promote opportunities for display and interaction with the community across Council.</p> <p>We will work with the citizen and information services team to find ways that library staff can best support their work and help provide a face-to-face response to enquiries from the public.</p>				
2	We will explore, with other Council departments, the potential for libraries to deliver Council priorities especially in terms of service delivery and community engagement.	We will work collaboratively across Council, seeking out initiatives that would benefit from library support.	We will work collaboratively across Council to deliver community services and programs	Develop an action plan to meaningfully transition Arts, Culture and Libraries into a single department delivering collaborative cultural services		
3	We will continue to provide a comprehensive library service – books and other resources for	We will monitor the needs of the community through ongoing informal consultation and formal satisfaction surveys every two years.	We will enhance our approach to community consultation to ensure we continue to maximise opportunities for our	Review community survey format and prepare library community consultation plan for 2018-22		

	people to borrow; programs and events which attract existing and new audiences; technology that enables everyone to access the internet.		community to provide feedback on library services			
		We will advocate for continued investment and support for the library service.	We will review our marketing approach to strategically match services to both new and existing target audiences	Review the marketing of library programs in collaboration with Arts and Culture staff and investigate the feasibility of shared marketing, including a shared e-newsletter		
				Implement a targeted marketing strategy to attract new members and users		
			We will advocate for library opening hours that best meet the needs of our diverse community	Analyse service usage to determine appropriateness of current library opening hours		
4	Our program planning will recognise the role of libraries in lifelong, informal learning, supporting formal education and providing a pathway to qualifications and employment.	We will carry out a regular needs analysis to update our knowledge and understanding of how the library service can support community learning outcomes. We will use this analysis as the basis for planning and delivering learning programs.	We will provide our community with a range of learning programs	Develop a long term approach to program delivery, determining the long-term costs and resources required to fulfil service demands		
				Provide learning opportunities to improve literacy skills for children and adults		

5	We will articulate the library service's approach to community engagement as part of the wider Council strategy.	We will develop a community engagement charter for Library and Learning.	We will foster community connection by developing opportunities for community-driven programming and strategic partnership	Develop and implement a Community Engagement Plan that includes a strategic approach to volunteerism		
				Develop opportunities for volunteer-led programs		
				Develop programs to engage youth		
6	Where possible (according to the opportunity and funding), we will reinterpret library interiors as modern, multi-function, relaxed living, working and study spaces.	We will identify appropriate opportunities and advocate for funding for revised layouts, new furnishings and redesigns of existing library spaces.	We will seek opportunities to create both inspiring and functional library spaces	Review and renew library furniture and shelving, assessing layout of each branch library for functionality and visual appeal		
				Create exhibition spaces through installation of infrastructure to enable display of artworks at Flemington and Ascot Vale Libraries.		
				Replace external signage at Niddrie Library		
				Prepare a facility maintenance plan for the libraries in consultation with the Facilities Management team		
7	During the life of the strategy, we will review	We will investigate opportunities for co-location,	We will advocate to advance the recommendations of the	Provide dedicated spaces with multimedia software to support digital creativity		
				Complete a site analysis for the Niddrie Library to assess suitability of premises to meet future service		

	the continued suitability of premises, in terms of location, capacity and configuration.	relocation and larger scale renovation.	Library Future Infrastructure Report (2015)	requirements and to inform decision making on the long term location of Niddrie Library		
				Determine options for increasing Ascot Vale Library floor space to meet future service requirements		
				Participate in the Avondale Heights Community Precinct working group		
8	We will take an active approach to partnerships both within Council and with external organisations.	We will continue to seek, promote, encourage, foster and strengthen partnerships that will extend the reach of the library service and provide additional benefits to library users.	We will respond to increasing demand for learning and community programs by strengthening our partnerships with service providers	Review the Library and Learning Programs Framework to ensure a strong partnership approach that improves community access to a broad range of services including government services		
9	We will monitor trends in technology use in libraries; advocate as appropriate for further investment in IT, and develop technology policies that are in line with current practice.	We will introduce RFID across the library service in 2012/2013. We will monitor and review the initiative post-implementation to ensure that we are maximising the benefits of this new technology.	We will renew, upgrade and review library managed IT infrastructure to ensure we continue to provide quality technical solutions that best meet our service needs	Review and renew all RFID equipment		
				Review public PC and public printing software solutions		
				Review event and meeting room booking processes in collaboration with Arts and Culture staff and investigate the feasibility of a department-wide booking solution		
				Review the library website, catalogue, e-resources and mobile apps for accessibility and advocate for improvements where appropriate		
				Upgrade wireless infrastructure for users and staff as part of a regular replacement upgrade program		

				Review tele-messaging options for provision of library notices		
		We will continue to carry out technology trend-spotting and to explore the issues of the moment. We will adjust our focus according to movements in the sector.	We will explore innovative and new technologies and strategically assess the purpose and value of including innovative technologies in our library programming	Review the Library and Learning Programs Framework to ensure the adoption of innovative technologies can be appropriately assessed against our programming objectives		
		We will review the current Library Management System to ensure it is appropriate for the needs of the library service.				
10	Our workforce planning will recognise the changing demands and the changing shape of the library service.	We will carry out a workforce review, taking into account changing roles and responsibilities, the need for professional development and for the introduction of new and different skills.	We will actively seek opportunities and support our staff to participate in appropriate professional development training	Support the provision of training to develop and improve staff knowledge and skill in new technology		
				Define staff skills required to support the delivery of services in creative and community libraries (2030 Strategic Framework) and develop an appropriate training program		
			We will actively seek opportunities to build staff capacity to enable high quality service delivery in a	Continue to review and improve work processes to ensure work efficiency, investigating technical solutions to support this where appropriate		

			continuously changing environment			
11	We will develop a model to ensure residents continue to have access to books in the new book industry environment.	We will monitor changes in the book trade and publishing industry. We will review our collection framework against this changing environment.	We will provide a wide-ranging collection of books and audio-visual resources in appropriate formats that meet our customer needs	Prepare a long term strategic resource plan for the development of our library collections		
				Progressively increase the size of the eBook collection to meet future targets		
				Assess the feasibility of adding film and music streaming to our e-collection		
			We will enhance our reader development program	Review our reader services strategy and introduce a stronger reader development profile across our service		
12	We are committed to a regional approach and will actively collaborate with the wider Victorian public library network.	We will be active participants in the Public Libraries Victoria Network, attending meetings, connecting with research and activities, and sharing resources through inter-library loans.	We will actively participate in Public Libraries Victoria Network state-wide development projects	Pursue opportunities to work collaboratively with neighbouring municipal libraries, particularly in relation to staff training and development opportunities		
		We will be active participants in the National Year of Reading 2012, a nationwide initiative of Australian public libraries.		Monitor State Government review of the 'Victorian Library' concept and inform Council as further information is available.		

9.10 Niddrie Library – Proposed lease renewal

File No: FOL/16/130
Author: Theary Sindel
Coord Strategy & Project
Directorate: City Services
Ward: Buckley

Purpose

To seek approval to exercise the option under the Niddrie Library lease for a further five year term to enable appropriate investigation and progress towards securing long-term tenure for Niddrie Library in accordance with the recommendations of the Library Future Infrastructure Requirements Report and the Niddrie Library and Multi-Purpose Community Hub Site Analysis.

Executive Summary

- Council leases the premise at 483 Keilor Road, Niddrie from Joscon Investments Pty Ltd. The lease is for a term of 15 years which commenced on 1 May 2002 and terminates on 30 April 2017. The lease provides Council with a further five year option.
- The Library Future Infrastructure Requirements Report has clearly articulated the future space requirements for all five branches of Moonee Valley Libraries. In relation to the Niddrie Library the report highlights the need to resolve the long-term location of the Niddrie Library which is currently the only Council library operating from a leased premise.
- Council commissioned the development of the Niddrie Library and Multi-Purpose Community Hub Site Analysis (**Appendix A**, separately circulated) in April 2016. The Site Analysis included a comprehensive site assessment of the existing Niddrie Library premise and its potential to fulfil the future service requirements of the Niddrie Library. The Site Analysis critically investigates the suitability of Council land holdings in the Keilor Road retail precinct and provides Council with an effective decision making framework for establishing the long-term tenure of the Niddrie Library.
- The Site Analysis identified 1-3 Hotham Road, Niddrie as the preferred option for the long-term location of the Niddrie Library and Multi-Purpose Community Hub and recommends renewal of the current lease for the further five year term. This will allow an appropriate development strategy for the Hotham Road site to be undertaken in parallel. The first stage of this development strategy would be the preparation of a masterplan and a business case for Council consideration.

Recommendation

That Council:

1. Approve the take up of the option for a further term of five years under the current lease with Joscon Investments Pty Ltd for occupation and use of the premises at 483 Keilor Road, Niddrie for the period 1 May 2017 to 30 April 2022 and advise the Lessor in accordance with the lease terms;
2. Note the report on the Niddrie Library and Multi-Purpose Community Hub Site Analysis; and
3. Support the development of the Niddrie Library and Community Hub Business Case and Masterplan.

Background

Council has library branches in Ascot Vale, Avondale Heights, Flemington, Moonee Ponds (Sam Merrifield) and Niddrie. Libraries play an important role in lifelong learning – as places for people to use and learn technology and to access resources for recreation and learning such as books, magazines, DVDs, audio books, computers and the internet. They provide community meeting spaces and host a range of events and programs. Library services are highly valued by the local community. Moonee Valley Libraries currently have more than 50,000 active members and in 2015/16 there were over 750,000 visits across the five branches. In recent community feedback, 85% of respondents indicated that Moonee Valley Libraries had made their lives more enjoyable with 71% agreeing that the libraries made them feel part of their community.

Council's Library and Learning Strategy was adopted in December 2011 and sets the strategic direction for ensuring that Moonee Valley's libraries continue to meet the needs of the community, now and into the future. The Strategy articulates that a key goal of the libraries is to provide a flexible, contemporary service appropriate to the changing needs of the community. Specifically, it makes the commitment that during the life of the Strategy the continued suitability of premises, in terms of location, capacity and configuration will be reviewed and that opportunities for co-location, relocation and larger scale renovation will be investigated. The Library Future Infrastructure Report and the Niddrie Library and Multi-Purpose Community Hub Site Analysis directly support these strategic objectives.

Discussion

The Niddrie Library is currently the second busiest library branch in Moonee Valley (after Sam Merrifield Library) in terms of visitation and loans with approximately 16,000 visits and over 12,000 loans each month. Located in the Keilor Road retail precinct at 483 Keilor Road, the Niddrie Library houses approximately 35,000 items in its collection and is geographically placed to serve the residents of Niddrie, Essendon North, Essendon West and Airport West.

Previously located at 3-15 Matthews Avenue, the library relocated to 483 Keilor Road in 2002. Convenient foot traffic access by pedestrians visiting the retail precinct had a significant impact on service take up with visitation more than doubling once the library relocated to Keilor Road. Within the first six months of opening the Niddrie Library at 483 Keilor Road visitation increased from 6,000 visits to 14,000 visits a month.

The current lease on 483 Keilor Road, Niddrie was taken up for a 15 year term that commenced 1 May 2002 and is due to expire on 30 April 2017. Under the conditions of the current lease a further term of five years is available to Council on condition that written notification is provided to the landlord between 1 November 2016 and 31 January 2017. A decision on the long-term tenure of the Niddrie Library is therefore now required.

In 2015 the Library Future Infrastructure Requirements Report was completed. The report takes into account population projections, industry benchmarks and the increasing “third place” role public libraries play in fostering community collaborations and connections and considers the impact of this on future library infrastructure. In investigating the future space requirements for all five branch libraries, the report found that more than 3,800 square metres of floor space across the network would be required by 2025, effectively a 92% increase across the five libraries. For Niddrie Library, the additional floor space requirement was assessed as 564 square metres by 2025. The report also highlighted the obvious need to resolve the long-term tenure of the Niddrie Library which is currently the only library in Moonee Valley located on a leased premise.

In April through to June this year, property development specialists DARMS Property were engaged by Council to deliver a site analysis and decision making framework to assist Council to determine the long-term tenure of the Niddrie Library. In line with long-term infrastructure planning that supports partnership and service collaboration through co-location and the development of community hubs, the Site Analysis was intentionally scoped to investigate suitable accommodation for the delivery of a Niddrie Library and community hub. The Site Analysis utilises a weighted site assessment criteria and provides Council with a high-level financial feasibility assessment. The detailed analysis identifies 1-3 Hotham Road, Niddrie as the preferred option for the long-term location of the Niddrie Library and multi-purpose community hub and recommends in the short term that the current lease at 483 Keilor Road be renewed for a further five years to allow a development strategy for Hotham Road to be undertaken in parallel.

Consultation

To support the provision of a flexible and contemporary library service appropriate to the changing needs of the community, Council carried out two library satisfaction surveys in 2013 and 2016. The survey results confirm that our community continue to value library services highly (4.76 out of 5) and 63% of respondents described their future vision of Moonee Valley Libraries as a “community hub”.

The Council departments directly involved in the development of the Niddrie Library and Multi-Purpose Community Hub Site Analysis were:

- Libraries;
- Building, Health and Property Services; and
- City Planning.

Implications

1. Legislative

The provision of quality public library services are in accord with the Human Rights Charter, specifically the human entitlement to participate in public life.

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to Lift the level of functionality and sustainability of the municipality's infrastructure in accordance with Council Plan 2013-2017 Theme 1: Green, clean and beautiful - A sustainable environment for future generations.

3. Financial

The cost to Council for extending the lease at 483 Keilor Road for another five years is approximately \$1.3 million across five years. The cost of a potential Hotham Road development would need to be determined by a thorough business case and masterplan. The Niddrie Library and Multi-Purpose Community Hub Site Analysis indicates that the Hotham Road development would be the least cost prohibitive development option available to Council. The cost of preparing a business case and masterplan is estimated to be in the range of \$60,000 - \$90,000.

4. Environmental

A new Council building development would be designed in accordance with Council's City Sustainability Policy.

Conclusion

The terms of the lease on 483 Keilor Road, Niddrie are such that a decision on the long-term tenure of the Niddrie Library is now required. The Niddrie Library and Multi-Purpose Community Hub Site Analysis can meaningfully inform Council decision-making on this matter.

It is recommended that Council approve the take up of the five year lease extension option on 483 Keilor Road, Niddrie to enable an appropriate development strategy for the long-term tenure of the Niddrie Library to progress in accordance with the recommendations of the Site Analysis. It is further recommended that Council support the development of a Niddrie Library and Community Hub Business Case and Masterplan.

Appendices

Appendix A: Final Report - Niddrie Library and Multi-Purpose Community Hub Site Analysis (separately circulated)

9.11 Councillor Appointments to National, State and Regional Bodies

File No: FOL/16/130
Author: Troy Delia
Coordinator Legislative Services
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

The purpose of this report is to allow Council to appoint Councillor Representatives to National, State and Regional bodies for the 2017 year.

Executive Summary

- The appointment of Councillor Representatives on National, State and Regional bodies plays an integral part in Councillors exercising their representation and advocacy responsibilities on behalf of the Moonee Valley community.
- This report does not include the appointment of Councillors to Advisory Committees, Section 86 Committees or other local bodies. These appointments will be subject to a further report to Council in December 2016.

Recommendation

That Council appoints representatives to National, State and Regional bodies for the period November 2016 to October 2017, as follows:

- a) Municipal Association of Victoria:
Cr Sipek and Cr Sharpe (sub)
- b) Australian Mayoral Aviation Council:
Cr Surace and Cr Sipek (sub)
- c) Leadwest:
Cr Surace
- d) Metropolitan Local Government Waste Forum:
Cr Sipek and relevant Council Officer (sub)
- e) Metropolitan Transport Forum:
Cr Surace and relevant Council Officer
- f) Royal Agricultural Society of Victoria Consultative Group:
Cr Marshall and Cr Cusack (sub)
- g) Victorian Local Governance Association:
Cr Nation and Cr Cusack (sub)

- h) Western Melbourne Tourism Board:
Cr Lawrence and Manager City Planning.

Background

The appointments to National, State and Regional bodies, are made annually. Council is required to make these appointments in accordance with the constitutional rules and terms of reference for each organisation.

Discussion

It is considered that the highest priority representation roles are those which have a citywide basis and will add most value to Council's community governance.

In determining the respective appointees to the various National, State and Regional bodies, consideration should be given in terms of the need to balance Councillors' energies and time between policy development, strategic partnership and liaison.

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

There are no legislative implications associated with this report.

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to 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 associated with this report.

4. Environmental

There are direct environmental implications associated with this report.

Conclusion

The appointment of Council representatives to the various National, State and Regional bodies will assist in ensuring that the representation and advocacy responsibilities of Council are continually being met.

Appendices

Nil .

9.12 Documents for Sealing - November 2016

File No: FOL/16/130
Author: Troy Delia
Coordinator Legislative Services
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

This report seeks authorisation from Council to sign and seal a document, in accordance with Section 8 of Council's Governance Local Law 2009.

Executive Summary

The following document is presented to Council for signing and sealing:

- Deed of Amendment – Regional Kitchen Shareholders Agreement.

Council at its Meeting of 24 May 2016, resolved to support the proposal for the consolidation of Regional Food Kitchen Pty Ltd and Community Chef Pty Ltd, into one proposed model which would be titled Regional Kitchen Pty Ltd and to accept one share valued at \$18,000 in Regional Kitchen Pty Ltd for the transfer of 12,351 Moonee Valley City Council shares in Community Chef Pty Ltd valued at \$102.00.

This Deed of Amendment reflects these changes.

Recommendation

That Council signs and seals the Deed of Amendment – Regional Kitchen Shareholders Agreement.

Appendices

Nil.

CONFIDENTIAL REPORTS

Closure of meeting to public

Recommendation

That Council resolve to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to discuss the following matter:

12.1 Biannual Grants 2016/17 – Round 1 Recommendations

Item 12.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (h) any other matter.