City of Moonee Valley

Ordinary Meeting of Council

Tuesday, 23 August 2016 at 7.00pm

Agenda

Ordinary Meeting of Council

Tuesday, 23 August 2016 at 7.00pm
to be held at the Moonee Valley Civic Centre

TO :

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

Officers:		
	Mr Bryan Lancaster	Chief Executive Officer
	Ms Gail Conman	Director City Services
	Ms Kendrea Pope	Director Organisational Performance
	Ms Natalie Reiter	Director Planning & Development
	Mr Anthony Smith	Director Corporate & Community Services
	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 Tuesday, 26 July 2016.
4. **Declarations of Conflict of Interest**
5. **Presentations**

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BRYAN LANCASTER
Chief Executive Officer

Reports by Mayor and Councillors

Recommendation

That reports by the Mayor and Councillors be received.

8.1 Report by Mayor, Councillor Surace

6 July 2016	Opened NAIDOC Week Flag Raising Ceremony held at the Clocktower Centre
	Officiated at Citizenship Ceremony held at the Clocktower Centre
7 July 2016	Attended meeting with resident, Director Planning and Development and Manager Statutory Planning in relation to a planning application
	Attended the Buckley Park local area traffic management bus tour
8 July 2016	Attended Women in Business Breakfast hosted by Matthew Steer at Essendon Fields
12 July 2016	Attended meeting with Rosehill Ward Councillors, Cr Shirley Cornish and Cr John Sipek to discuss 24 Craig Street, East Keilor
	Chaired Public Forum and Councillor Briefing
15 July 2016	Attended Melbourne Transport Foundation meeting in Collins Street, Melbourne
	Attended photo opportunity with The Leader Newspaper for National Tree Planting Day
16 July 2016	Attended Avondale Heights Ladies Day Luncheon
	Attended Essendon Hockey's Premier League Game in Ascot Vale
19 July 2016	Attended meeting with Acting Chief Executive, Manager Communications and Customer Service, Communication Officer to meet the Leader Newspaper's new journalist
	Attended on site meeting with resident in Keilor East with Acting Chief Executive, Transport Engineer and Coordinator Legislative Services
	Chaired Councillor Workshop
20 July 2016	Attended Consultation briefing and meeting in relation to 19-21 Matthews Avenue, Airport West planning application

22 July 2016	Opened Health and Safety Forum at the Clocktower Centre
23 July 2016	Attended Strathmore Men's Shed first birthday brunch celebration
	Attended Off Lead Dog Community Information Session held at Alf Pearce Reserve, Strathmore
	Attended St Kilda versus Western Bulldogs AFL football game held at Etihad Stadium
25 July 2016	Attended One Million Stars event held at Avondale Heights Library
26 July 2016	Attended meeting with Representatives from Nelson Alexander Real Estate, Manager Statutory Planning and Planning Officer
	Chaired Ordinary Meeting of Council
28 July 2016	Attended Strategic Planning Advisory Committee July meeting
	Attended Moonee Valley Foundation Awards event
29 July 2016	Attended photo opportunity to promote Mayoral Charity Race event
	Attended meeting with Manger Communications and Customer Service, Manager Arts, Culture and Libraries and representatives regarding Heritage Panel Project along the Maribyrnong River
	Attended Community Grants event held at the Clocktower Centre
	Attended Community Grants Award Presentation
1 August 2016	Attended Local Government Candidate Information Session held in Council Chambers
2 August 2016	Attended meeting with Vietnam Veterans representatives and Acting Director Corporate and Community Services
	Chaired Councillor Workshop

8.2 Report by Councillor Giuliano

6 July 2016	Attended Citizenship Ceremony held at the Clocktower Centre
7 July 2016	Attended the Buckley Park local area traffic management bus tour
12 July 2016	Attended on site meeting with resident in Delhi Reserve, Travancore
	Attended Public Forum and Councillor Briefing

13 July 2016	Attended on site meeting with resident in Roberts Street, Essendon
19 July 2016	Attended meeting with Manager Infrastructure Services and representative from Doutta Stars
	Attended Councillor Workshop
20 July 2016	Attended Consultation briefing and meeting in relation to 54 Cooper Street, Essendon planning application
	Attended Consultation briefing and meeting in relation to 244-246 Pascoe Vale Road, Essendon planning application
23 July 2016	Attended Off Lead Dog Community Information Session held at Alf Pearce Reserve, Strathmore
26 July 2016	Attended Ordinary Meeting of Council
28 July 2016	Attended Moonee Valley Foundation Awards event
2 August 2016	Attended Councillor Workshop

8.3 Report by Councillor Chantry

7 July 2016	Attended the Buckley Park local area traffic management bus tour
10 July 2016	Visited resident in Morton Street, Essendon in relation to building issues
	Visited town planning site located at 17 Hayes Road, Strathmore
12 July 2016	Attended Public Forum and Councillor Briefing
17 July 2016	Attended Theatre Performance “The Grigoryan Brothers” at the Clocktower Centre
19 July 2016	Attended Councillor Workshop
20 July 2016	Attended Consultation briefing and meeting in relation to 54 Cooper Street, Essendon planning application
	Attended Consultation briefing and meeting in relation to 244-246 Pascoe Vale Road, Essendon planning application
23 July 2016	Attended Strathmore Men’s Shed first birthday brunch celebration
	Attended Off Lead Dog Community Information Session held at Alf Pearce Reserve, Strathmore
	Visited resident in Strathmore in relation to issues/concerns arising from Men’s Shed activities

26 July 2016	Attended Ordinary Meeting of Council
31 July 2016	Attended Farewell Celebration and Luncheon for Rev Mark Dunn at St John's Uniting Church, Essendon
	On site meeting with concerned Nimmo Street, Essendon residents in relation to town planning issues
1 August 2016	Attended Local Government Candidate Information Session held in Council Chambers
2 August 2016	Attended Councillor Workshop

8.4 Report by Councillor Cornish

6 July – 2 August 2016	Verbal Report

8.5 Report by Councillor Cusack

6 July 2016	Attended NAIDOC Week Flag Raising Ceremony held at the Clocktower Centre
	Chaired Consultation briefing and meeting in relation to 93 Epsom Road, Ascot Vale planning application
	Chaired Consultation briefing and meeting in relation to 81 Victoria Street, Flemington planning application
10 July 2016	Attended working bee at Community Garden
12 July 2016	Attended Public Forum and Councillor Briefing
14 – 19 July 2016	Recreation Leave
20 July 2016	Attended LeadWest board meeting for July
22 July 2016	Attended Christmas in July event for Ascot Vale Circle of Italian Pensioners
23 July 2016	Attended residents meeting regarding 48 Langs Road illegal opening of petrol station
26 July 2016	Attended Ordinary Meeting of Council
27 July 2016	Attended Interfaith Committee meeting
30 July 2016	Attended Aus/TimorFN Friendship Forum
2 August 2016	Attended Councillor Workshop

8.6 Report by Councillor Marshall

6 July 2016	Attended Consultation briefing and meeting in relation to 93 Epsom Road, Ascot Vale planning application
	Attended Consultation briefing and meeting in relation to 81 Victoria Street, Flemington planning application
12 July 2016	Attended Public Forum and Councillor Briefing
18 July 2016	Attended meeting at Wingate Community Centre
19 July 2016	Attended Councillor Workshop
26 July 2016	Attended meeting with Manager City Planning regarding notice of motion for plastic bags
	Attended Ordinary Meeting of Council
28 July 2016	Attended Strategic Planning Advisory Committee, July meeting
	Attended Moonee Valley Foundation Awards event
1 August 2016	Chaired Integrated Transport Committee meeting
2 August 2016	Attended Councillor Workshop
	Attended meeting at Ascot Vale West Primary School

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

8.7 Report by Councillor Nation

6 July 2016	Attended NAIDOC Week Flag Raising Ceremony held at the Clocktower Centre
	Attended Consultation briefing in relation to 93 Epsom Road, Ascot Vale planning application
	Chaired Consultation meeting in relation to 93 Epsom Road, Ascot Vale planning application
	Attended Citizenship Ceremony at the Clocktower Centre, Moonee Ponds
10 July 2016	Attended on site meeting with resident in regards to planning application at 93 Epsom Road, Ascot Vale
12 July 2016	Attended Public Forum
	Attended Councillor Briefing
14 July 2016	Attended on site meeting with Trader in regards to footpath issues in Moonee Ponds Activity Centre
19 July 2016	Attended Councillor Workshop

24 July 2016	Attended site of planning application in Spencer Street, Essendon
	Attended site of planning applications in Keilor Road, Essendon
	Attended site of planning application in Riverside Avenue, Avondale Heights
26 July 2016	Attended on site meeting with Trader regarding permit issues and change of use in Puckle Street, Moonee Ponds
	Attended Ordinary Meeting of Council
28 July 2016	Attended Victorian Local Governance Association Rainbow Working Group meeting in Carlton
29 July 2016	Attended Community Grants event held at the Clocktower Centre, Moonee Ponds
1 August 2016	Attended Local Government Candidate Information Session held at the Civic Centre
	Attended meeting with community group regarding applying for a community grant
2 August 2016	Attended briefing with Acting Manager Community Planning and Officer from Youth Services regarding upcoming “Step Off” event
	Attended Councillor Workshop

8.8 Report by Councillor Sharpe

12 July 2016	Attended Public Forum and Councillor Briefing
19 July 2016	Attended Councillor Workshop
20 July 2016	Attended Consultation briefing and meeting in relation to 54 Cooper Street, Essendon planning application
	Attended Consultation briefing and meeting in relation to 244-246 Pascoe Vale Road, Essendon planning application
23 July 2016	Attended Strathmore Men’s Shed first birthday brunch celebration
	Attended Off Lead Dog Community Information Session held at Alf Pearce Reserve, Strathmore
	Attended Ladies Luncheon at St Bernard’s Football Club, Essendon
26 July 2016	Attended Ordinary Meeting of Council

31 July 2016	Attended Farewell Celebration and Luncheon for Rev Mark Dunn at St John's Uniting Church, Essendon
	Attended Residents meeting at Nimmo Street, Essendon
1 August 2016	Attended "The Art of Story Telling in Business" event at the Clocktower Centre
	Attended Local Government Candidate Information Session held in Council Chambers
2 August 2016	Attended briefing with Acting Manager Community Planning and Officer from Youth Services regarding upcoming "Step Off" event
	Attended Councillor Workshop

8.9 Report by Councillor Sipek

6 July – 2 August 2016 Verbal Report

REPORTS

9.1 MV 2040: How the Community's Vision for Moonee Valley will be realised

File No: FOL/16/130

Author: Director Planning & Development

Directorate: Planning & Development

Ward: Municipal

Purpose

Note a Visioning Exercise will be undertaken early in the new Council term to help translate the themes from Moonee Valley 2035 into a strategic planning Visioning document for future consultation. This document will be a precursor to developing a draft overarching Strategy for the City which has the working title, 'Moonee Valley 2040: How the Community's Vision for the future of Moonee Valley will be realised'.

Executive Summary

- 'Moonee Valley 2040: How the Community's Vision for the future of Moonee Valley will be realised' will set the overarching framework for how the City will develop into the future, based on the vision and aspirations articulated by the community in Moonee Valley 2035.
- Council has an opportunity to lead excellence in liveability by undertaking long term planning. The development of a long term vision and strategy is vital to support Moonee Valley's future liveability and as such, it is recommended to develop 'Moonee Valley 2040: How the Community's Vision for the future of Moonee valley will be realised', as an integrated strategy to guide the future development of Moonee Valley and support Council's service delivery and planning processes.
- Now is an opportune time to develop this strategy for the City given the pressures on the City for both development and improved active living by residents. Further, the strategy provides an opportunity to integrate Council's key strategies to support the health and wellbeing of the community.
- 'Moonee Valley 2040' will focus on sustainable growth and development, infrastructure investment and community services needs to ensure Moonee Valley residents are provided with an urban and social fabric which is suited to the lifestyle expectations they have for the future.
- The report seeks Council's endorsement to commence development of 'Moonee Valley 2040: How the Community's Vision for the future of Moonee valley will be realised'. The plan would be guided by an extensive engagement process that creates a community-led vision of Moonee Valley in 2040. The report also seeks agreement to receive a Visioning Paper early next year that will form part of the community engagement process and agreement to implement a governance structure that will maximise stakeholder involvement in the project.

Recommendation

That Council:

1. Note the opportunity to lead excellence in liveability by undertaking long term planning.
2. Commence 'Moonee Valley 2040: How the Community's Vision for the future of Moonee Valley will be realised' with development of a community-led vision of Moonee Valley's future.
3. Note a Visioning Exercise will be undertaken later this year to help translate the themes from Moonee Valley 2035 into a strategic planning Visioning document for future consultation.
4. Receive a recommendation later this year on the governance structure to support engagement and decision making processes for Moonee Valley and receive a Visioning Paper early next year which will form part of the community engagement and consultation.

Background

The need for a long-term strategy

'Moonee Valley 2040: How the Community's Vision for the future of Moonee Valley will be realised' will set the overarching framework for how the City will develop into the future, based on the vision and aspirations articulated by the community in Moonee Valley 2035.

The need for a new integrated development plan for Moonee Valley's future commenced with the work of Moonee Valley 2035. It provided community input and a strategic plan to guide Council's strategies and projects, but it did not include detailed decisions on issues like where growth should be directed or what acceptable development for particular areas looks like. MV2035 can now be taken to the next level to help us understand the view of residents for, quite literally, what they want Moonee Valley to look like by 2040.

Discussion

What would 'Moonee Valley 2040: How the Community's Vision for the future of Moonee Valley will be realised' cover?

To be effective, Moonee Valley 2040 needs to be based on two elements; a community-led vision of Moonee Valley's future, and a physical depiction of how our City will work into the future, with broad transport connections of all modes, areas where convenience living is expected to be promoted versus more distributed living, and representations of how the services and infrastructure required to assist neighbourhood clusters to live as they wish can be provided. The vision would be an expression of Moonee Valley's future that is:

- Developed through intensive engagement with a wide cross-section of Moonee Valley's community;
- Wide in scope, covering the community's social, economic and environmental aspirations;
- Inclusive of the wide range of views within the community; and

- Specific enough to provide useful direction for Council and inform the Council Plan.

From a practical perspective, Moonee Valley 2040 also needs to be based on detailed consideration of issues such as the housing stock the community of the future will require, and the transport impacts of various options for where different types of living could be located. Once in place, Moonee Valley 2040 would:

- Identify preferred locations for growth and development, areas that require protection from change and the balance between infill housing and apartment development;
- Allow integrated planning for land use, infrastructure and service delivery to ensure infrastructure and services can be expanded at the best value to providers, users and the community;
- Give certainty to the community about the changes that will be allowed in their community;
- Give certainty to the development industry about where development is most likely to be supported;
- Support sustainable development by providing coordinated, effective responses to social and environmental issues such as housing affordability and biodiversity protection.
- Allow site-by-site decisions to be minimised; and
- Inform the Council Plan, Budget and Planning Scheme Review.

The Strategy will:

- Review the issues and opportunities facing the Moonee Valley Community
- Develop principles, ideas and ultimately actions to be implemented over the extended life of the Plan
- Ensure the issues identified are considered when key decisions are being made by Council.
- Develop and articulate our desired future character for Moonee Valley
- Detail the rationale for the Strategy
- Identify catalysts for change
- Agree a number of key themes to guide the outcomes
- Be driven by the community having a full understanding of the key issues.

In summary, MV2040 must be visionary, aspirational, visual (maps / images) and tell a story of what Moonee Valley will look like that is highly relatable by the community.

Moonee Valley 2040 will be implemented directly through the Council Plan, annual budgets and the Moonee Valley Planning Scheme. The strategy will be written as policy will need to be embedded in the Scheme to give it the appropriate policy weight. It will also feed into a range of future work including:

- Development of Neighbourhood/Community Plans/Structure Plans for high priority areas of the municipality;

- Long term infrastructure planning and asset management for the City including the long term community facilities work recently undertaken;
- The roll-out of development contributions in an equitable manner to ensure critical stormwater, transport and community infrastructure can be provided; and
- Implementing key State Government priorities.

The initial tasks for the Moonee Valley 2040 are to commence a broad community engagement process and embark upon the background research and analysis required.

The proposed project staging and timing is shown below.

Caretakers	Background research and Analysis; Consultation preparation
November 2016	Community Visioning Exercise (extension of MV 2035)
February 2017	Visioning Paper (summarising feedback from Community Visioning Exercise) to Council requesting Exhibition
Feb/March	Visioning Paper discussed with Community
March-April	Development of Draft 2040
May	Draft MV2040 to Council requesting exhibition
June	Draft MV2040 exhibited
Jul-Aug	Draft MC 2040 modified in light of community feedback
September	Draft Final MV 2040 to Council requesting exhibition
Oct-Nov	Draft Final MV 2040 exhibited
Dec-Jan	Draft Final 2040 modified in light of commuity feedback
Feb 18	Final MV2040 to Council requesting adoption

Consultation

MV2040 will be the product of continuous and extensive community engagement which commenced in 2012 with Moonee Valley 2035. The next stages are expected to include the following wide range of engagement tools and opportunities: postcards, social media forums, Council's website, communications in Valley View and workshops, offering people an opportunity to 'Describe your perfect day in your ideal future Moonee Valley'. We will use the power of storytelling and narrative to capture people's stories in many forms. Future editions of Valley View will be used to share information about the preparation of MV2040 and seek feedback from the community at various stages. Community workshops will also be used to sense test ideas and assist officers to develop options for consideration by the community and Councillors.

As part of the engagement process, a short Visioning Paper will be prepared to guide those groups and individuals that want to be more intensely involved in development of Moonee Valley 2040. The Visioning Paper will be designed to prompt thinking about how people would like Moonee Valley to look in 2040 and how they would ideally be living in an moving about the City in the future by posing a broad set of questions such as 'what kind of housing should be built in Moonee Valley?' and 'what will be keys to Moonee Valley's future prosperity?'. The Visioning Paper will be presented for consideration early next year. Feedback from the community and

stakeholders during the engagement process will then be brought together in a 'Draft MV2040' paper, to be released in June 2017 together with the Council Plan.

Implications

1. Legislative

Moonee Valley 2040 will ultimately be the guiding strategy for land use in the City. As such, it will be embedded in the Planning Scheme as the basis of the Moonee Valley Municipal Strategic Statement (MSS). Important to embedding the plan in the MSS will be to demonstrate genuine community engagement throughout the process. The engagement process will be based in iAP2 methodology and ensure Human Rights are maximised.

2. Council Plan / Policy

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

3. Financial

Work to prepare the Moonee Valley 2040 will be undertaken internally using existing resources.

4. Environmental

Development of the strategy will allow us to incorporate overarching strategies to achieve the following outcomes for the City:

- Reduced energy usage and greenhouse gas generation (including transport infrastructure)
- Improved water impacts (conservation, consumption and pollution)
- Reduced waste generation, disposal, and littering and increased recycling
- Positive biodiversity impacts (direct and indirect impact to flora a fauna).

Conclusion

'Moonee Valley 2040: How the Community's Vision for the future of Moonee Valley will be realised' will be the basis upon which Officers can focus resources and prioritise work to deliver the Moonee Valley the community have said they want to live in.

Appendices.

Nil.

9.2 Essendon Historical Society & Moonee Ponds Courthouse

File No: FOL/16/130
Author: Manager Infrastructure Services
Directorate: City Services
Ward: Myrnong

Purpose

To outline the progress of actions raised as Urgent Business at the Ordinary Meeting of Council on 28 June 2016.

Executive Summary

- On 27 June 2016, the historic Moonee Ponds Courthouse (home to Essendon Historical Society (EHS)) suffered extensive damage as the result of a fire.
- At the Ordinary Meeting of Council on 28 June 2016, Council resolved to progress a number of actions, including support for EHS and funding options to restore the Courthouse.
- This report outlines the progress of actions to date.

Recommendation

That Council note the progress of actions in support of Essendon Historical Society and funding options to restore the Moonee Ponds Courthouse.

Background

On the morning of Monday, 27 June 2016 the historic Moonee Ponds Courthouse (768-770 Mt Alexander Road, Moonee Ponds) suffered extensive damage as the result of a fire. This included the collapse of the building's roof and significant damage to the courtroom.

While the Courthouse building is owned by the State Government's Department of Environment, Land, Water and Planning, community group Essendon Historical Society (EHS) are the Committee of Management and operate a local history museum from the site.

Members of EHS have spent many years collecting, preserving and archiving Essendon and Moonee Valley's important heritage. Thankfully, while some historical records were destroyed in the fire, parts of the EHS collection located outside of the courtroom were spared, and have since been relocated to one of Council's libraries for safe storage.

Despite the damage caused by the fire, the building has been assessed as structurally intact, and EHS are now faced with the difficult and expensive task of repairing and restoring the 125 year old building.

At its Ordinary Meeting held on Tuesday, 28 June 2016, Moonee Valley City Council resolved to:

1. *Acknowledge the importance of the work done by the Essendon Historical Society and the historical significance to the people of Moonee Valley of the Moonee Ponds Courthouse and the records and documents it contains.*
2. *Offer advice and assistance as appropriate to the Essendon Historical Society in relation to the following:*
    a) *The relocation of records and documents.*
    b) *The securing of the courthouse.*
    c) *The provision of alternative meeting places for the Essendon Historical Society until the Courthouse is able to be used for that purpose.*
3. *After consultation with the Essendon Historical Society:*
    a) *Write to the Minister for Planning, the Hon Richard Wynne, Heritage Victoria and State Member for Essendon, Danny Pearson seeking urgent funding for the restoration and reconstruction of the Courthouse.*
    b) *Consider what other fundraising options may be available, including potential community events and investigate the possibility that a foundation be established for the restoration of the old Essendon Court House.*
4. *Receive a report at its August meeting on the progress of actions as listed in points 2 and 3 above and to be incorporated in the Leader report by the Mayor.*

Discussion

Council Officers met with EHS representatives on 7 July 2016 and discussed current interim arrangements and assistance required from the State Government.

Interim arrangements include:

- Records and documents have been relocated to an off-site storage facility at Niddrie Library;
- The Courthouse building has been secured with temporary fencing; and
- Alternative meeting space is being made available at Sam Merrifield Library, as required, and some ‘office’ space made available at Niddrie Library.

Assistance required from the State Government:

Letters have been sent to the Minister for Planning, The Hon Richard Wynne, Heritage Victoria and State Member for Essendon, Danny Pearson, requesting:

- Financial support to assist with restoring this locally significant building back to its former glory;
- Confirmation that State Government insurances include the Courthouse, as owners of the building (EHS only have contents insurance);

- State Government representation on EHS's proposed Courthouse Recovery Committee (refer to attached resolution from EHS Extraordinary Committee Meeting – **Appendix A**); and
- Provision of temporary roof covering, to prevent ongoing water damage to the interior of the building.

An interim response has been received from the Minister for Planning.

EHS at its Extraordinary Committee Meeting held on 4 July 2016, resolved to set up a sub-committee – the Courthouse Recovery Committee (CRC) - on which Council will be represented. Correspondence from EHS received on 28 July 2016 advised that State Member for Essendon, Danny Pearson, will chair the CRC and sought a nomination for Council representation. Councillors Surace, Chantry and Marshall, along with Council officers, will represent Council. The first meeting of the CRC will be held on Wednesday, 10 August 2016.

Fundraising options can be explored through the CRC.

Consultation

Council Officers met with EHS representatives on 7 July 2016 and continue to liaise with EHS.

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 Support other organisations in contributing to community wellbeing in accordance with Council Plan 2013-2017 Theme 1: Friendly and safe - A community where people feel connected and safe.

3. Financial

There are no direct financial implications associated with this report. In kind officer time and storage space continues to be provided.

4. Environmental

There are no environmental implications associated with this report.

Conclusion

A number of actions in support of Essendon Historical Society and funding options to restore the Moonee Ponds Courthouse have been undertaken and will be further progressed through the Courthouse Recovery Committee.

Appendices

Appendix A: Minutes - Essendon Historical Society Extraordinary Committee Meeting - 4 July 2016.

Essendon Historical Society Inc.

Extraordinary Committee Meeting Minutes

Monday, July 4, 2016 – 2:45pm

1. **Present:** Bob Chalmers, Elaine Brogan, Mary Cahill, Terry Scott, Kelsey Collins, John Hills, Greg Thege.
   Apologies:

   Motion: *That the Moonee Ponds Courthouse, damaged by fire on June 27, 2016, be fully restored to its original condition in accordance with the strict guidelines of Heritage Victoria as a matter of urgency. That a sub-committee of the Essendon Historical Society Inc., to be known as "The Courthouse Recovery Committee," be formed. That invitation for membership of the said sub-committee be extended to representatives of the following: Essendon Historical Society, the City of Moonee Valley, local state Member of Parliament, Heritage Victoria and other parties with the expertise to oversee the restoration of the building. That the Courthouse Recovery Committee has the power to co-opt members with expertise in areas where assistance and guidance is required, as the need arises.*

   Moved: Bob Chalmers Seconded: Elaine Brogan Carried

9.3 91 Glass Street, Essendon (Lot 1 TP903852Y) - Construction of six dwellings with a reduction in car parking requirements

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

Planning File No.	MV/957/2015
Proposal	Six dwellings (two double storey and four triple storey) Reduction of one visitor car parking space
Applicant	Antonio Garipoli C/- Terrain Consulting Group
Owner	A & N Garipoli
Planning Scheme Controls	General Residential Zone No overlays
Planning Permit Requirement	Clause 32.08-4 – Construction of two or more dwellings on a lot Clause 52.06-3 – Reduction in car parking requirements
Car Parking Requirements **(Clause 52.06)**	Required: 7 car spaces Provided: 6 car spaces
Restrictive Covenants	None
Easements	None
Site Area	791 square metres
Number Of Objections	41
Consultation Meeting	4 May 2016

Executive Summary

- The application seeks planning approval for the construction of six dwellings with a reduction in car parking requirements.
- The site is 791 square metres and is located on the southern side of Glass Street, Essendon. The site comprises an existing single storey rendered brick dwelling.
- The application was advertised and 41 objections were received. Concerns raised related to neighbourhood character, height, bulk/scale, overdevelopment, site coverage, front setback, side and rear setbacks, car parking, traffic, overlooking, overshadowing, daylight to existing windows, boundary wall heights, noise, construction impacts, location of clotheslines and bin/recycling receptacles, damage to adjoining vegetation, incorrect arboricultural report and inadequate response to VCAT Order.
- A Consultation Meeting was held on 4 May 2016, attended by Councillors Chantry and Giuliano, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.
- Amended plans were lodged with Council on 21 July 2016, under Section 57A of the *Planning and Environment Act 1987* (refer **Appendix C**). The amended plans demonstrate a reduction in height and increased upper floor setbacks to the side and rear property boundaries. These amended plans were not advertised as the changes are considered to be positive without causing material detriment, as per Section 57B of the Act.
- An amended 'Arboricultural Assessment & Report – Development Impact' was also lodged with Council on 21 July 2016 under Section 57A of the *Planning and Environment Act 1987* (refer **Appendix D** – separately circulated), addressing concerns raised during the Consultation Meeting.
- The application was internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit and Environmental Sustainable Development Officer. 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 a Notice of Decision to Grant a Permit be issued subject to conditions.

Figure 1 – Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/957/2015 for the construction of six dwellings with a reduction in car parking requirements at No.91 Glass Street, Essendon (Lot 1 TP903852Y), subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and 3 copies must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:

    a) The provision of pedestrian visibility splays on the Ground Floor Plan in accordance with the requirements of Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.

    b) All external paving on the Ground Floor Plan annotated as being permeable, in accordance with the 'WSUD Site Plan' (TP9) and the approved STORM Rating Report.

    c) A notation on the Ground Floor Plan outlining rainwater collection and discharge details, in accordance with the 'WSUD Site Plan' (TP9).

    d) All obscure glazing annotated as being 'fixed' or 'restricted awning' with a 'maximum 25% transparency'.

    e) All privacy screens annotated as being 'fixed' with a 'maximum 25% transparency'.

    f) The provision of 300mm trench grates at the bottom of each garage.

g) Design details associated with the second floor north and south facing elevation of Dwellings 2 and 5, with suitable articulation and an appropriate use of colours/materials respectful of the site and surrounding area.

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 STORM Rating Report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Rating Report must demonstrate the correct number of occupants/bedrooms and obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.

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

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

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

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

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

   a) Inspection frequency

   b) Cleanout procedures

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

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

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

6. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

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

8. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

9. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.

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

10. 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

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

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

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

    e) Be maintained and made available for such use

    f) Not be used for any other purpose

    to the satisfaction of the Responsible Authority.

11. Before the buildings approved by this permit are occupied, concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the responsible authority's specification and any obsolete, disused or redundant vehicle crossing(s) must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

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

12. The existing street tree at the front of the site along Glass Street must not be removed or damaged as a result of the permitted development, except with the prior written consent of the Responsible Authority.

13. All structures within the pedestrian visibility splays at each vehicle access point must be at least 50% visually permeable pursuant to Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.

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

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

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

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

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

16. Before the buildings approved by this permit are occupied, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.

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

18. Before the development starts, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and 3 copies must be provided. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:

    a) Plans to accord with Condition 1 of this permit.

    b) Details of tree protection measures as required by the ‘Arboricultural Assessment and Report – Development Impact’ prepared by Stem Arboricultural Consultancy, dated 20 July 2016.

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

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

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. The provisions, recommendations and requirements contained in the 'Arboricultural Assessment and Report – Development Impact' prepared by Stem Arboricultural Consultancy and dated 20 July 2016 must be implemented and complied with to the satisfaction of the Responsible Authority.

21. The provisions, recommendations and requirements of the BESS Report, Project No.1139, dated 17 November 2015 must be carried out and implemented to the satisfaction of the Responsible Authority.

22. This permit will expire if:

    a) The development does not start within two (2) years of the date of issue of this permit, or

    b) The development is not completed within four (4) years of the date of issue of this permit.

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

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

Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- No on street parking permits will be provided to the occupiers of the land.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculation: C=0.4, tc=5mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or C=0.80.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.

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

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the southern side of Glass Street, Essendon. The site is regular in shape with a frontage to Glass Street of 15.85 metres and a maximum depth of 49.92 metres for a total area of 791m^2. The land has an approximate 1.10 metre fall from the south-west of the site to the north-east and there does not appear to be any restrictions or easements on the Certificate of Title provided.

The site comprises a single storey rendered brick dwelling. Vehicle access is obtained from an existing crossover to the north-east along Glass Street. There is no significant landscaping or vegetation on the subject site. There is one street tree located at the front of the site.

Figure 2 – Subject site (No.91 Glass Street, Essendon)

The surrounding area is predominantly residential zoned land used and developed for residential purposes. The built form within the vicinity is predominantly single and double storey, with examples of multi-dwelling developments and three storey apartment buildings nearby. While the built form within the immediate vicinity is predominantly traditional in style and character, of brick, render and weatherboard dwellings with pitched tiled or metal roofing, there are numerous examples of two and three storey flat roofed apartment

buildings along this section of Glass Street as well as an emergence of new and contemporary developments nearby.

1.2 Proposal

It is proposed to construct six dwellings with a reduction in car parking requirements. The proposal can be summarised as follows:

Table 1

No. of dwellings	Six (6 x 2 bedrooms)
No. of car spaces	Six
Max. building height	9.0 metres
Site coverage	60%
Permeability	40%

Refer **Appendix C** – Plans.

It is noted that these plans were lodged with Council on 21 July 2016 under Section 57A of the *Planning and Environment Act 1987*. These amended plans demonstrate a reduction in height and increased upper floor setbacks to the side and rear property boundaries. These amended plans address concerns raised during the Consultation Meeting and were not advertised as the changes are considered to be positive without causing material detriment, as per Section 57B of the Act.

An amended 'Arboricultural Assessment & Report – Development Impact' was also lodged with Council on 21 July 2016 under Section 57A of the *Planning and Environment Act 1987*, addressing concerns raised during the Consultation Meeting (refer **Appendix D** – separately circulated).

The advertised plans initially received by Council, for comparison purposes, can be found at **Appendix E** (separately circulated).

2. Background

2.1 Relevant Planning History

Planning Permit application MV/449/2013 for the construction of a residential building comprising 14 dwellings and a reduction to the car parking requirements was refused by VCAT on 5 June 2014.

Planning Permit MV/1661/1964 was approved circa 1964 for an extension to house and surgery.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 11 Settlement

Clause 15 Built Environment and Heritage

Clause 16 Housing

Local Planning Policy Framework

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

Zoning

Clause 32.08	General Residential Zone

Particular and General Provisions

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

2.3 Referrals

External

- Not applicable.

Internal

- Engineering Services Unit

  No objection subject to standard drainage conditions.

- Traffic and Transportation Unit

  No objection subject to the provision of pedestrian visibility splays in accordance with Clause 52.06-8 (Design Standards for Car Parking) and the crossover and accessway being a maximum of 3.0 metres in width.

  Planner's comments

  A reduction in the width of the existing crossover and proposed vehicle accessway by 0.10 metres, to 3.0 metres, would be imperceptible, with no significant benefits to on-street parking or the provision of landscaping along the vehicle accessway. Therefore, the existing crossover and proposed vehicle accessway are to remain as is.

- Environmental Sustainable Development Officer

  An updated and correct STORM Rating Report (referencing 12 bedrooms) is required, with the inclusion of associated Water Sensitive Urban Design (WSUD) notations and conditions on any permit granted. The Built Environment Sustainability Scorecard (BESS) Report is acceptable and is to be endorsed as a condition on any permit granted.

2.4 Public Notification of the Application

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

As a result, forty-one (41) objections were received from the properties contained within **Appendix A** of this report.

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

2.5 Consultation Meeting

A Consultation Meeting was held on 4 May 2016, attended by Councillors Chantry and Giuliano, objectors, the applicant and Council's Planning Officer. While no resolution was achieved at this meeting, amended plans were lodged with Council on 21 July 2016, under Section 57A of the *Planning and Environment Act 1987* (refer **Appendix C**). These amended plans demonstrate a reduction in height and increased upper floor setbacks to the side and rear property boundaries. These amended plans address concerns raised during the Consultation Meeting. An amended 'Arboricultural Assessment & Report – Development Impact' was also lodged with Council on 21 July 2016 under Section 57A of the Act, addressing concerns raised during the Consultation Meeting (refer **Appendix D** – separately circulated).

3. Discussion

3.1 State Planning Policy Framework (SPPF)

The relevant State Planning Policy Framework clauses are considered to be met. State Planning objectives broadly seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. The subject site is approximately 130 metres from the North Essendon Activity Centre and approximately 190 metres from the Principal Public Transport Network (PPTN). The site is also located proximate to local businesses, public reserves and public transport options. The location of the subject site is considered to support a more intensive form of residential development.

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

3.2 Local Planning Policy Framework (LPPF)

The proposal generally complies with the objectives and strategies of Clause 21.04 (Sustainable Environment) through the use of ecologically sustainable design principles, as highlighted within the submitted BESS Report. Furthermore, all dwellings will need to meet the minimum six star energy efficiency rating as required by the National Construction Code (NCC), which is considered suitable. As mentioned previously, Council's Environmental Sustainable Development Officer recommended the submission of an updated and correct STORM Rating Report with the inclusion of associated WSUD notations, and these are to be included as conditions on any permit granted accordingly.

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

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

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

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

3.3 Neighbourhood Character Guidelines

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

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

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

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

It is considered the development provides a suitable response to the preferred character statement of Garden Suburban 3 within the Neighbourhood Character Precinct Profiles 2012 as follows:

Table 2

Siting and Building Envelope	Has a street setback of 8.39-9.0 metres, which complements the setbacks found within the immediate streetscape. It is noted that predominant street setbacks along this section of Glass Street range between 6.4 and 9.1 metres. Is set off both side property boundaries along the site frontage.

	Building envelope similar to other medium density style developments within the immediate area. Importantly, the dwellings have been located and designed in a tandem arrangement and garages do not protrude forward of the front building line.
Built Form	A mix of traditional and modern elements complementing the mix within the streetscape and surrounding area. Well-articulated on each elevation. Part double, part triple storey height is responsive to existing and emerging building heights within the immediate vicinity.
Design Detail	A mix of brick and lightweight materials, which are considered to be characteristic of traditional and more contemporary infill developments in the area. Proposed colours are predominantly creams, greys and browns, which contribute to the streetscape and complement the predominant palette of colours and materials in the area. While flat roof forms have been provided, this complements the contemporary design of the development and helps to reduce potential visual bulk/mass presenting to both the public and private realms. There are also a number of flat roofed apartment buildings along Glass Street to which the proposed development would complement. Dwelling 1 has also incorporated contemporary eaves and canopy protrusions along the front and side elevations to respect the style of roofing found within the streetscape. Windows have been provided along the street front to ensure surveillance of the street is achieved.
Landscaping and front fencing	The development is provided with a landscaped front yard and side and rear setbacks. A low brick and timber batten front fence is included to ensure views of the front garden are maintained.

3.4 Compliance with Clause 52.06 (Car Parking)

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

Table 3

Use (dwellings)	Required	Provided
Six dwellings (6 x 2 bedrooms)	6	6
Residential visitors	1	0
Total	7	6

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

With regard to the reduction of one visitor car parking space, it is noted there is car parking available at the front of the site along Glass Street. These car spaces would be able to be utilised by visitors associated with the proposed development, which would help offset the visitor car space not being provided for on-site. It is also noted that the proposed development is within easy walking distance of the No.59 tram route and numerous bus routes along Mt Alexander Road, which can be utilised by visitors to the subject site. Furthermore, the previous application (MV/449/2013) sought a reduction of two visitor car spaces, which was considered acceptable by VCAT. Therefore, the reduction of one visitor car space is considered acceptable in this instance.

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

3.5 Clause 55 (ResCode) Assessment

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

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

Table 4

ResCode Standard	Response
Clause 55.03-1 (Standard B6) Street Setback	Dwelling 1 is proposed to be set back a minimum of 8.39 metres from the Glass Street frontage. Under this standard the required front setback should be a minimum of 9.0 metres. While the proposal does not comply with the requirements of this standard, this is a non-compliance of 0.61 metres which is considered negligible as the 8.39 metre setback complements predominant street setbacks along this section of Glass Street, which appear to range between 6.4 and 9.1 metres. Furthermore, the area of non-compliance relates to a first floor balcony, which protrudes to provide a contemporary verandah structure over the Dwelling 1 entrance as a modern interpretation of Californian Bungalows prevalent along Glass Street. Importantly, the front walls of Dwelling 1 are set back 9.0 metres from Glass Street and allow for a large front garden area with canopy trees to help soften the built form from the streetscape.
Clause 55.03-10 (Standard B15) Parking Location	The east facing ground floor bedroom 1 window of Dwelling 1 is set back approximately 0.6 metres from the shared vehicle accessway and does not meet the setback requirements of this standard. However, this

ResCode Standard	Response
	window has a sill height of approximately 2.1 metres, which would reduce potential noise impacts from vehicles using the shared accessway. This is considered acceptable in this instance.
Clause 55.04-6 (Standard B22) Overlooking	All obscure glazing should be annotated as being 'fixed' or 'restricted awning' with a 'maximum 25% transparency'. Furthermore, all privacy screening should also be annotated as being 'fixed' with a 'maximum 25% transparency'. These are to be included as conditions on any permit granted accordingly.
Clause 55.05-5 (Standard B29) Solar Access to Open Space	The secluded private open space areas for Dwellings 3, 4 and 5 do not meet the setback requirements of this standard. However, due to their location and design, these areas would receive adequate solar access during the morning or afternoon hours, which is considered acceptable in this instance given the orientation of the site.
Clause 55.06-1 (Standard B31) Design Detail	The second floor north and south facing walls of Dwellings 2 and 5 respectively appear to lack design details regarding articulation, external finishes, colours and materials. These elevations are to be suitably articulated through appropriate design details as a condition on any permit granted.

3.6 Discussion of the proposal against previous planning permit application MV/449/2013

The following table demonstrates the key differences between the proposed development and the development considered and refused by VCAT on 5 June 2014:

Table 5

	MV/449/2013	MV/957/2015
No. of dwellings	Fourteen (7 x 2 bedrooms and 7 x 1 bedroom)	Six (6 x 2 bedrooms)
Site coverage	66%	60%
Front setback	5.66-7.45 metres	8.39-9.0 metres
Shortfall of car parking spaces	Two visitor spaces	One visitor space
Number of objections	98 objections	42 objections

The grounds of refusal for MV/449/2013 are addressed as follows:

- *The development would present a visually dominant and unsympathetic built form character to the area contrary to Clause 55.02-1 (Neighbourhood Character) and Clause 21.05-3 (Objectives & Strategies – Urban Design) of the Moonee Valley Planning Scheme.*

  The proposed development provides six dwellings in lieu of 14 dwellings, which has generally resulted in a reduced built form, increased setbacks and increased landscaping. This provides a more recessive and sympathetic built form in accordance with the preferred character of the 'Garden Suburban 3' precinct, as discussed within Section 3.3 of this report.

- *The proposal provides for unreasonable amenity impacts to adjoining properties.*

  The proposed development demonstrates a high level of compliance with the requirements of Clause 55 (ResCode), including the standards relating to amenity impacts, as discussed within Section 3.5 of this report. In particular, the proposed development meets the requirements for side and rear setbacks, walls on boundaries, daylight to existing windows and overshadowing. It is also noted that the requirements of overlooking have been met, subject to annotations regarding transparency as conditions on any permit granted.

- *The development is not site responsive and would represent an overdevelopment of the land.*

  The proposed development provides six dwellings in lieu of 14 dwellings, which has generally resulted in a reduced built form, increased setbacks and increased landscaping. The proposal also meets the site coverage and permeability requirements of Clause 55, which provides a suitable design response to the site and surrounding area.

- *The proposal provides inadequate car parking failing to satisfy Clause 52.06 of the Moonee Valley Planning Scheme.*

  The previous application sought a reduction of two visitor car spaces, which was ultimately considered acceptable by VCAT. Therefore, the proposed reduction of one visitor car space is considered to provide a better outcome for the site and surrounding area. This is considered acceptable by Council's Traffic and Transportation Unit, as referenced within Section 2.3 of this report.

- *The proposal fails to comply with the following objectives of Clause 55 of the Moonee Valley Planning Scheme:*

  Clause 55.03-1 (Street Setback)

  Clause 55.03-3 (Site Coverage)

  Clause 55.05-5 (Solar Access to Open Space)

  The proposed development provides an acceptable level of compliance with the objectives of these standards, as discussed within Section 3.5 of this report.

3.7 VCAT Order Romano Property Group v Moonee Valley CC [2014] VCAT 629

Within this VCAT Order, Member Michael Nelthorpe concluded the following:

> *"I will not grant a permit because I find the varied front setback and the works in the frontage do not respect the preferred character of this neighbourhood. It is unfortunate that this is fatal to the application because the proposed building is otherwise well-composed and highly attractive."*
>
> *"I would have found this building acceptable if the front wall was setback 9 metres, the ground level courtyard and first floor balcony were more recessive and the front setback was less cluttered."*

In general terms, the proposal provides a less intense form of residential development along the streetscape with increased setbacks from Glass Street and the deletion of the ground floor private courtyard. Importantly, the front wall of Dwelling 1 has also been set back 9.0 metres from Glass Street. The proposal also provides a more recessive first floor balcony along the streetscape when compared with planning permit application MV/449/2013, which all results in a less cluttered front setback area and an acceptable built form.

The assessment of the current proposal must also have regard to the accepted principles relating to 'repeat appeals'. The decision of the Tribunal in the case of *Monsien Developments v Ballarat CC (2006)* provided the following approach to such matters:

> *"The principles set out in K & B Reichert v City of Banyule & Ors (Appeal No.1996/38819) are often considered in such cases and, when assessing how a proposal responds to a previous Tribunal decision and the weight to be given to that decision, attention is given to whether there have been:*
>
> *i significant changes in the application itself;*
>
> *ii changes in the circumstances of the land and its surrounds;*
>
> *iii changes in planning policy; and/or*
>
> *iv changes in the interpretation of the facts or law relevant to the Tribunals consideration.*
>
> *As a matter of fairness, where a proponent has genuinely sought to address a Tribunal's findings through a new permit application and is found to have done so appropriately, and there are no substantive or material changes in the physical or policy context, it is reasonable to expect a permit to issue."*

It is submitted that the proposed development has adequately addressed the issues raised in the previous Tribunal decision as discussed above. Whilst changes have been made to the proposal, they have been made to address the matters raised in the previous proceeding and do not give raise to any significant new issues. There have been no changes to the circumstances of the subject land or its immediate abuttals. The planning policies and controls which were considered in the assessment of this proposal are generally the same as those which were previously considered. Finally, there have not been

any changes in the interpretation of the facts or law relevant to the consideration of this matter.

Having regard to the above principles, the previous determination and the outcomes achieved within the revised design, it is considered that the current proposal warrants the issue of a permit.

3.8 Objections

A response to the objections is provided as follows:

Table 6

Issue	Officer Response
Neighbourhood character	This is considered acceptable as discussed within Section 3.3 of this report.
Height, bulk and scale	This is considered acceptable as discussed within Sections 3.3 and 3.5 of this report. Importantly, the proposed development meets the height and side/rear setback requirements of Clause 55 (ResCode) and does not present excessive visual bulk accordingly.
Overdevelopment / site coverage	This is considered acceptable as discussed within Sections 3.2, 3.3 and 3.5 of this report.
Front/street setback	The proposed development suitably addresses the street setback requirement as discussed within Sections 3.5, 3.6 and 3.7 of this report.
Side and rear setbacks	The proposed development meets the setback requirements of Clause 55.04-1 (Side and Rear Setbacks).
Car parking / traffic	This is considered acceptable as discussed within Sections 2.3, 3.4 and 3.6 of this report.
Overlooking	The proposed development meets the requirements of Clause 55.04-6 (Overlooking), subject to the inclusion of conditions on any permit granted, as discussed within Section 3.5 of this report.
Overshadowing	The proposed development meets the requirements of Clause 55.04-5 (Overshadowing Open Space).
Daylight to existing windows	The proposed development meets the requirements of Clause 55.04-3 (Daylight to Existing Windows).
Boundary wall heights	The proposed development meets the requirements of Clause 55.04-2 (Walls on Boundaries).
Noise	It is considered that the noise emitted from the development would be similar to that of other nearby developments and residential dwellings in the area and it is not expected that the noise emitted will significantly affect surrounding properties.

Issue	Officer Response
	Furthermore, it is noted that there are specific Local Laws and EPA noise guidelines that control nuisance and excessive noise within residential areas, which are applicable to all residential properties.
Construction impacts	A Construction Management Plan is not typically required for a development of this nature or size. However, any construction impacts will be managed under the relevant Building Regulations and Council's Local Laws.
Location of clotheslines and bin/recycling receptacles	Each dwelling is provided with suitable bin/recycling receptacles as per the requirements of Clause 55.06-4 (Site Services). The provision of clotheslines is not a requirements under Clause 55 (ResCode) as there are a number of different ways available to dry clothes.
Damage to adjoining vegetation	This is not a valid planning consideration. Any damage to adjoining properties, including vegetation, during the construction phase is to be managed through the relevant Building Regulations.
Incorrect arboricultural report	A correct 'Arboricultural Assessment & Report – Development Impact' has since been provided to Council under Section 57A of the *Planning and Environment Act 1987* (refer **Appendix D**), with recommendations and tree protection measures to be implemented as a condition on any permit granted.
Inadequate response to VCAT Order	The proposed development provides an appropriate design response to the issues raised within VCAT Order 'Romano Property Group v Moonee Valley CC [2014] VCAT 629' associated with previous planning permit application MV/449/2013. This is discussed within Section 3.7 of this report.

4. Human Rights

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

5. Conclusion

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

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

Appendices

Appendix A: Objectors
Appendix B: Clause 55 (ResCode) Assessment Table
Appendix C: Plans
Appendix D: Arboricultural Assessment & Report – Development Impact (separately circulated)
Appendix E: Advertised Plans (separately circulated).

Location of Objector's Properties

1/99 Glass Street, ESSENDON VIC 3040
100 Glass Street, ESSENDON VIC 3040
102 Glass Street, ESSENDON VIC 3040
108/75 Keilor Road, ESSENDON VIC 3040
11 Bath Street, ST KILDA VIC 3182
110 Glass Street, ESSENDON VIC 3040
112 Glass Street, ESSENDON VIC 3040
152 Holmes Road, MOONEE PONDS VIC 3039 (X2)
17 Bath Street, ST KILDA VIC 3182 (X3)
2/44 Cooper Street, ESSENDON VIC 3040
203/75 Keilor Road, ESSENDON VIC 3040
21/50 Middle Road, MARIBYRNONG VIC 3032
28 Yarra Road, CROYDON NORTH VIC 3136
47 Richardson Street, ESSENDON VIC 3040
5/7 Scholfield Street, ESSENDON VIC 3040
52 Bulla Road, STRATHMORE VIC 3041 (X2)
66 Tennyson Street, MOONEE PONDS VIC 3039
68 Glass Street, ESSENDON VIC 3040 (X2)
71 Glass Street, ESSENDON VIC 3040
77 Glass Street, ESSENDON VIC 3040 (X2)
80 Glass Street, ESSENDON VIC 3040
81 Glass Street, ESSENDON VIC 3040 (X2)
83 Glass Street, ESSENDON VIC 3040
85 Glass Street, ESSENDON VIC 3040 (X2)
88 Holmes Road, MOONEE PONDS VIC 3039
89 Glass Street, ESSENDON VIC 3040 (X2)
91 Glass Street, ESSENDON VIC 3040 (X2)
93 Glass Street, ESSENDON VIC 3040
95 Glass Street, ESSENDON VIC 3040 (X2)
97 Glass Street, ESSENDON VIC 3040

Clause 55 of the Moonee Valley Planning Scheme

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

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

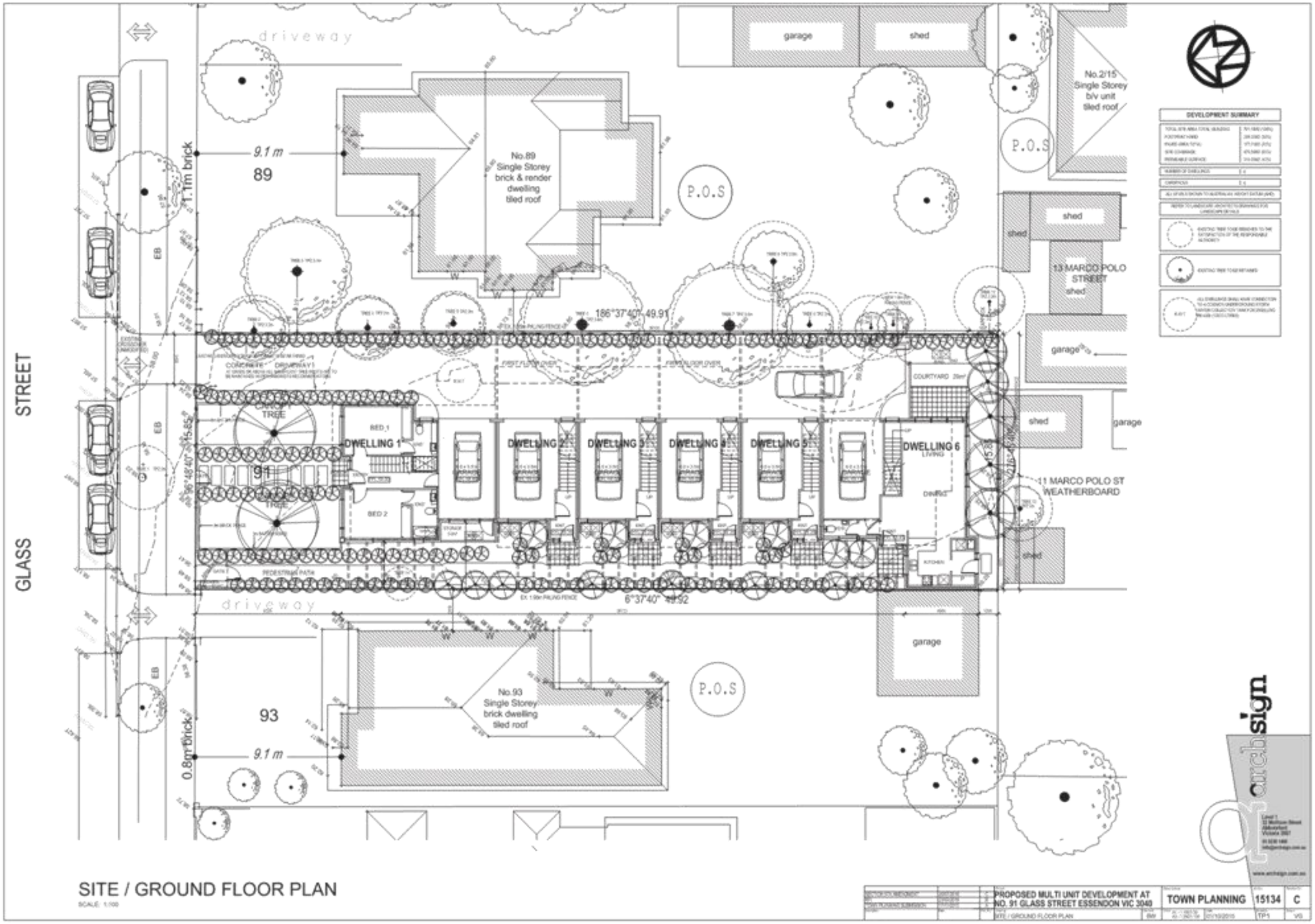
Title and Objective	Complies with Standard	Complies with Objective
B1 - Neighbourhood Character	✓	✓
B2 - Residential Policy	✓	✓
B3 - Dwelling Diversity	N/A	N/A
B4 - Infrastructure Objectives	✓	✓
B5 - Integration with the Street Objective	✓	✓
B6 - Street Setback Objective	X	✓
B7 - Building Height Objective	✓	✓
B8 - Site Coverage Objective	✓	✓
B9 - Permeability Objectives	✓	✓
B10 - Energy Efficiency Objectives	✓	✓
B11 - Open Space Objective	N/A	N/A
B12 - Safety Objective	✓	✓
B13 - Landscaping Objectives	✓	✓
B14 - Access Objectives	✓	✓
B15 - Parking Location Objectives	X	✓
B16 - Parking Provision Objectives	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.	
B17 - Side and Rear Setbacks Objective	✓	✓
B18 - Walls on Boundaries Objective	✓	✓
B19 - Daylight to Existing Windows Objective	✓	✓
B20 - North-facing Windows Objective	N/A	N/A
B21 - Overshadowing Open Space Objective	✓	✓
B22 - Overlooking Objective	✓ (subject to conditions)	✓ (subject to conditions)
B23 - Internal Views Objective	✓	✓
B24 - Noise Impacts Objectives	✓	✓
B25 - Accessibility Objective	✓	✓

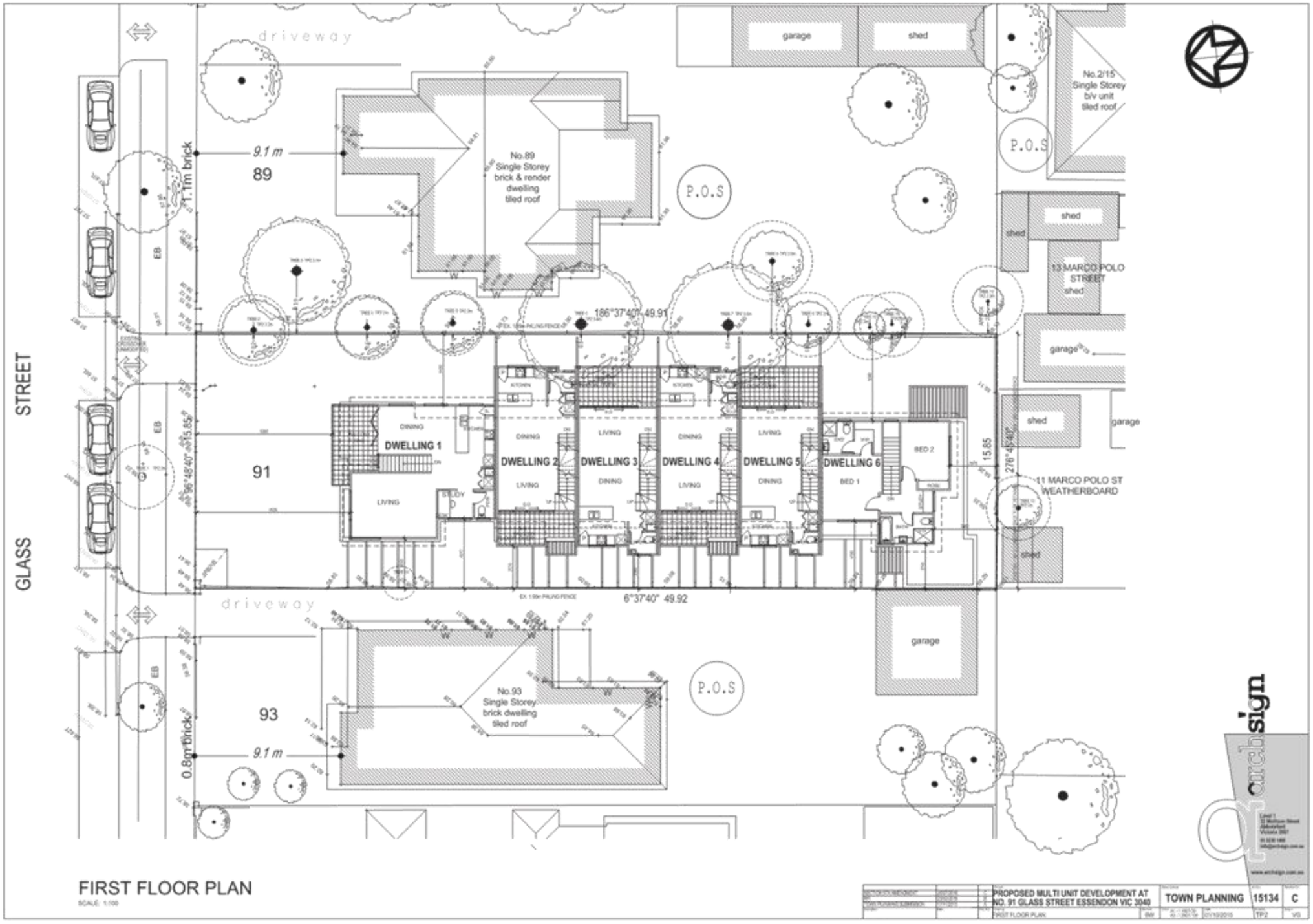
B26 - Dwelling Entry Objective	✓	✓
B27 - Daylight to New Windows Objective	✓	✓
B28 - Private Open Space Objective	✓	✓
B29 - Solar Access to Open Space Objective	X	✓
B30 - Storage Objective	✓	✓
B31 - Design detail objective	✓ (subject to conditions)	✓ (subject to conditions)
B32 - Front Fences Objective	✓	✓
B33 - Common Property Objectives	✓	✓
B34 - Site Services Objectives	✓	✓

✓- complies

X - non-compliance

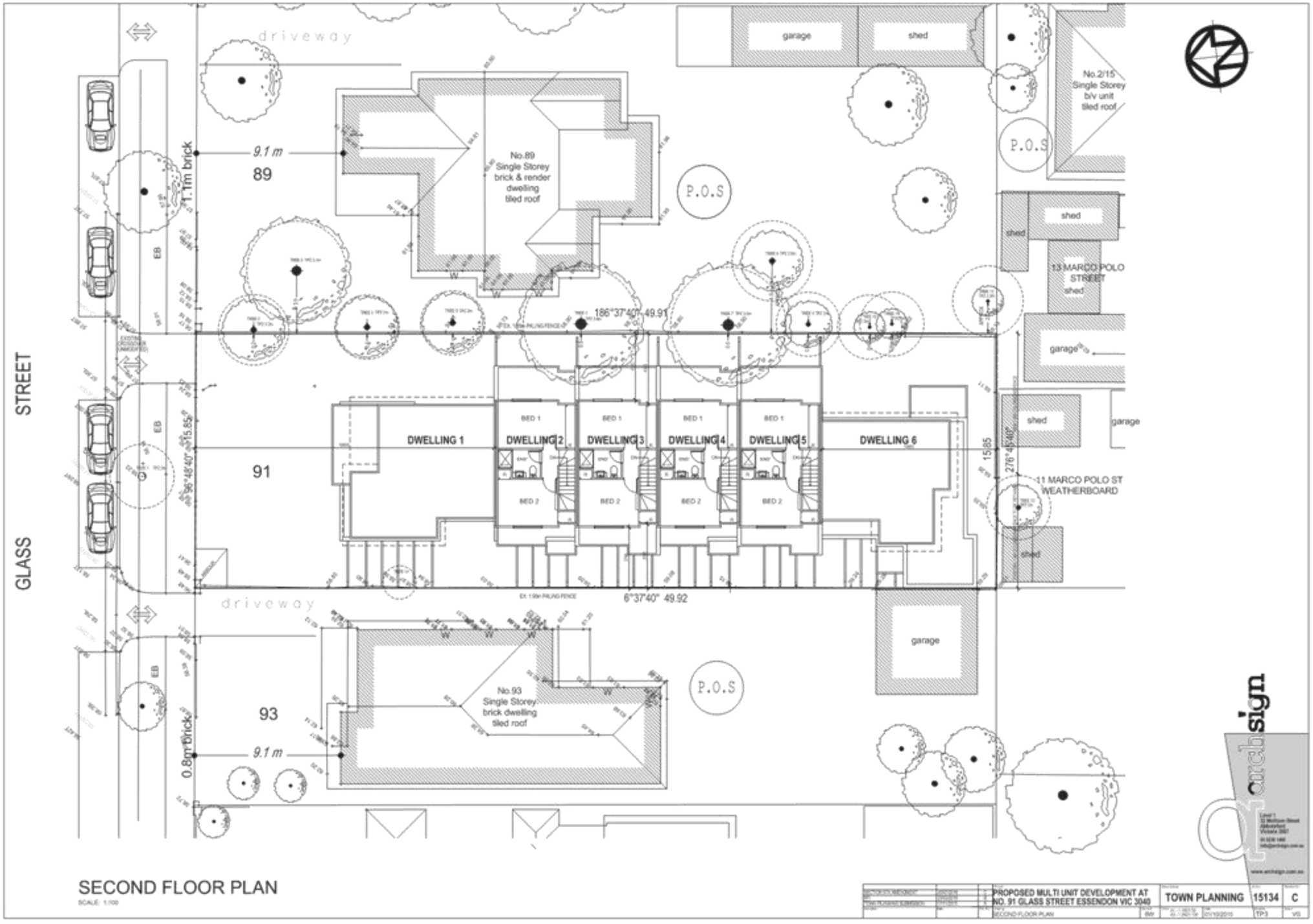
N/A - not applicable


driveway
garage
shed
No.2/15
Single Storey
b/v unit
tiled roof
P.O.S
9.1 m
89
No.89
Single Storey
brick & render
dwelling
tiled roof
1.1m brick
EB
STREET
GLASS
186°37'40" 49.91
shed
13 MARCO POLO
STREET
shed
garage
COURTYARD 29m²
TREE
RED.1
DWELLING 1
DWELLING 2
DWELLING 3
DWELLING 4
DWELLING 5
DWELLING 6
LIVING
DINING
KITCHEN
91
BED 2
11 MARCO POLO ST
WEATHERBOARD
6°37'40" 49.92
93
No.93
Single Storey
brick dwelling
tiled roof
0.8m brick
9.1 m
DEVELOPMENT SUMMARY
SITE / GROUND FLOOR PLAN
SCALE: 1:100
PROPOSED MULTI UNIT DEVELOPMENT AT
NO. 91 GLASS STREET ESSENDON VIC 3040
TOWN PLANNING
15134
C
TP1

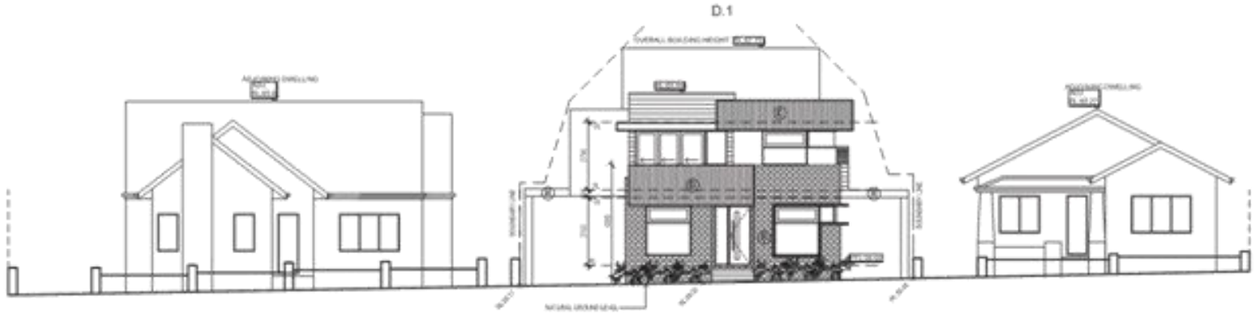


FIRST FLOOR PLAN
SCALE: 1:100

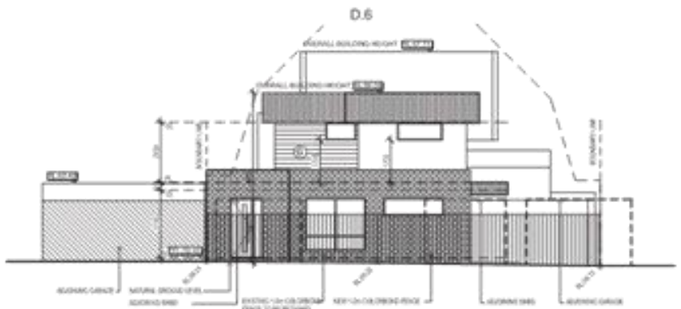
		PROPOSED MULTI UNIT DEVELOPMENT AT NO. 91 GLASS STREET ESSENDON VIC 3040	TOWN PLANNING	15134	C
		FIRST FLOOR PLAN	BM	21/10/2015	TP2	VG



SECOND FLOOR PLAN



NORTH ELEVATION GLASS STREET



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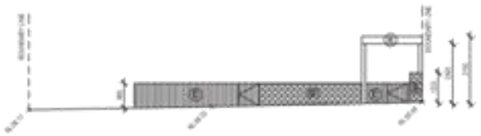
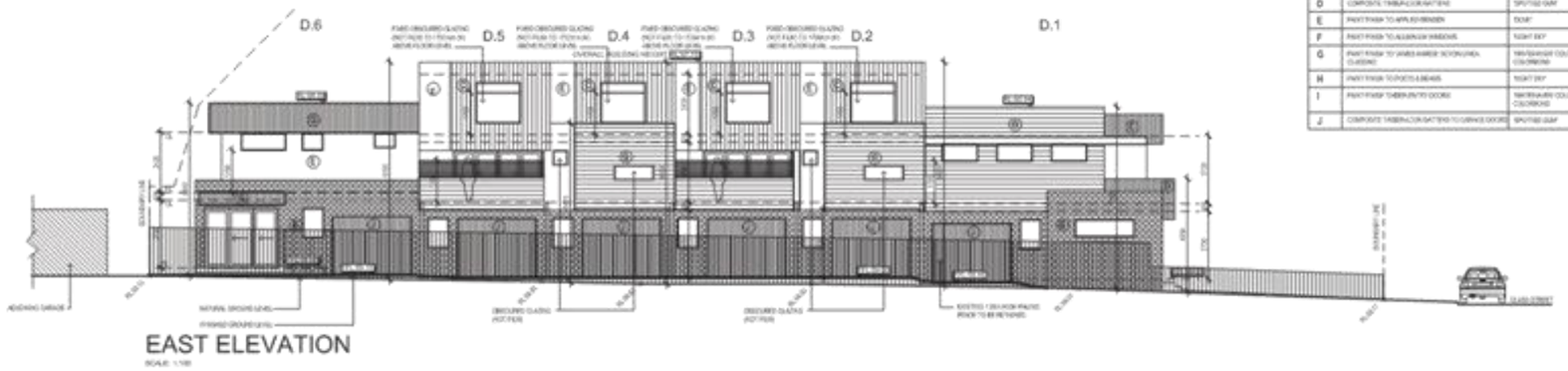


FRONT FENCE

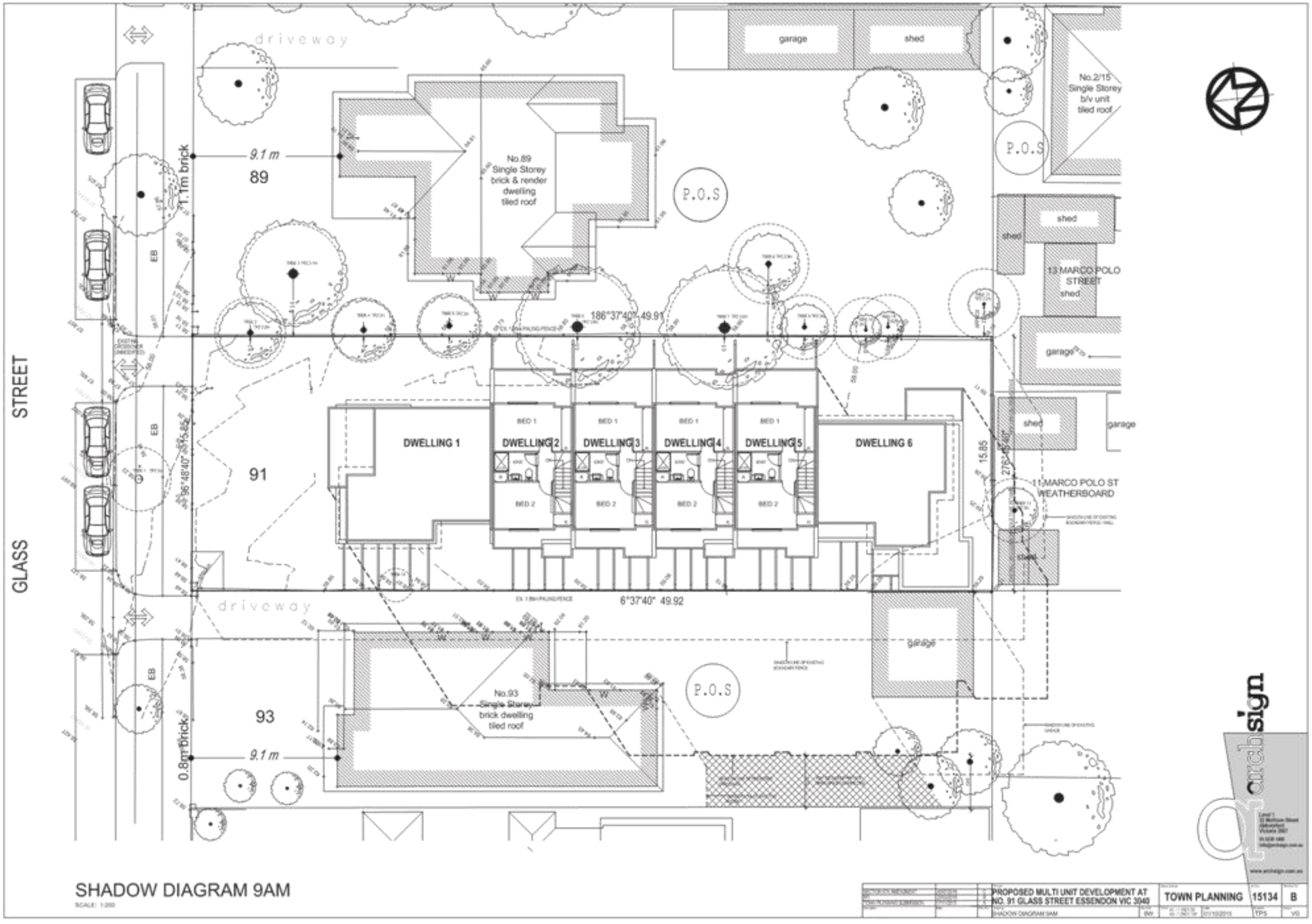
EXTERIOR COLOUR & FINISHES SCHEDULE			
REF.	ITEM:	COLOUR:	SUPPLIER / FINISHES:
A	METAL ROOF CLADDING		
B			
C			
D			
E			
F			
G			
H			
I			
J			

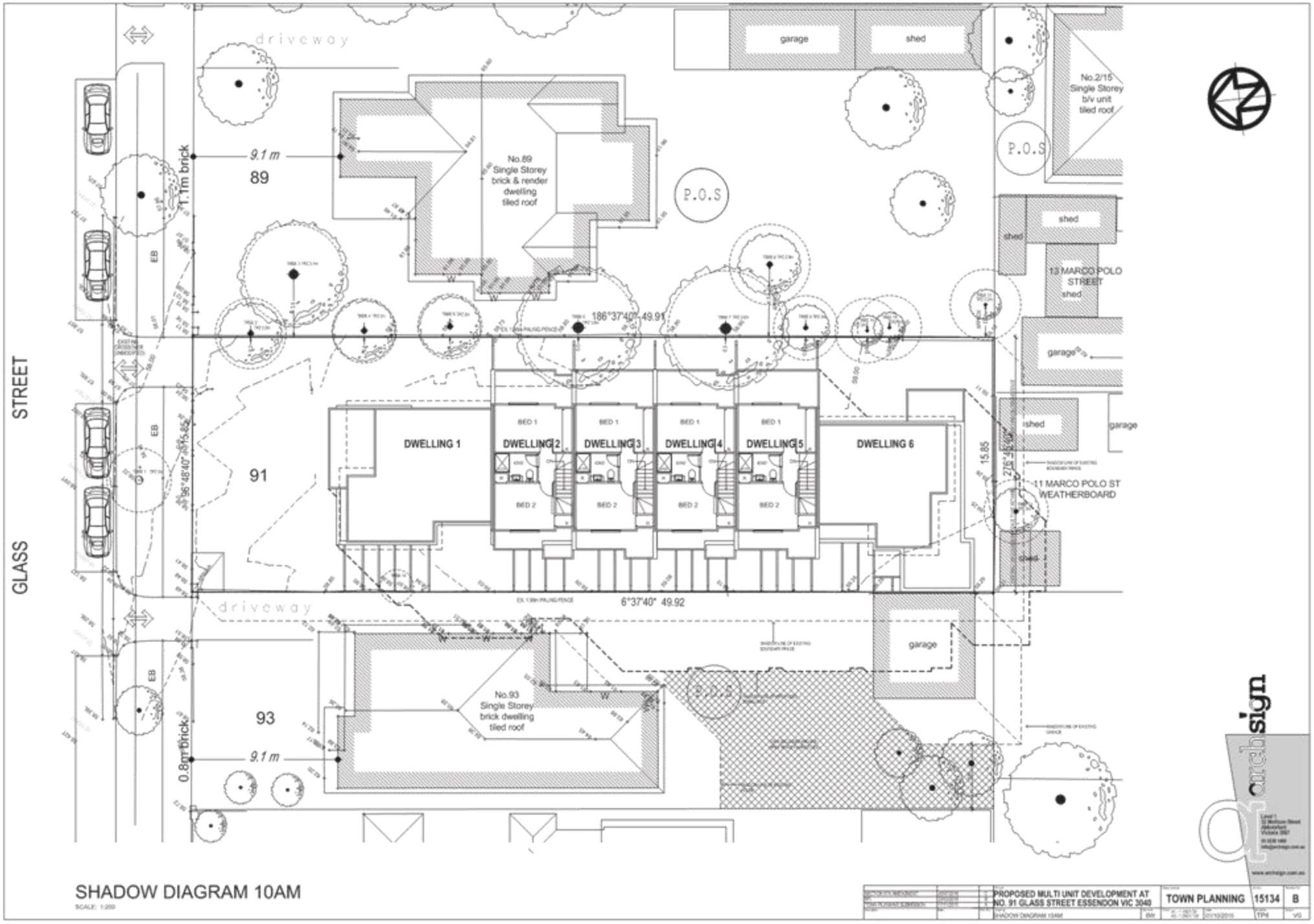


EAST ELEVATION

WEST ELEVATION

PROPOSED MULTI UNIT DEVELOPMENT AT NO. 91 GLASS STREET ESSENDON VIC 3040			TOWN PLANNING	15134	C
ELEVATIONS	BM		TP4		VG


STREET
GLASS
driveway
garage
shed
No.2/15
Single Storey
b/v unit
tiled roof
P.O.S
9.1 m
89
1.1m brick
No.89
Single Storey
brick & render
dwelling
tiled roof
186°37'40" 49.91
shed
shed
13 MARCO POLO
STREET
shed
garage
DWELLING 1
DWELLING 2
DWELLING 3
DWELLING 4
DWELLING 5
DWELLING 6
BED 1
BED 2
91
15.85
11 MARCO POLO ST
WEATHERBOARD
6°37'40" 49.92
driveway
93
No.93
Single Storey
brick dwelling
tiled roof
9.1 m
0.8m brick
SHADOW DIAGRAM 9AM
SCALE: 1:200
PROPOSED MULTI UNIT DEVELOPMENT AT
NO. 91 GLASS STREET ESSENDON VIC 3040
TOWN PLANNING
15134
B
TP5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Single Storey
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WEATHERBOARD
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brick dwelling
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P.O.S
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SHADOW DIAGRAM 10AM
SCALE: 1:200
PROPOSED MULTI UNIT DEVELOPMENT AT
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TOWN PLANNING
15134
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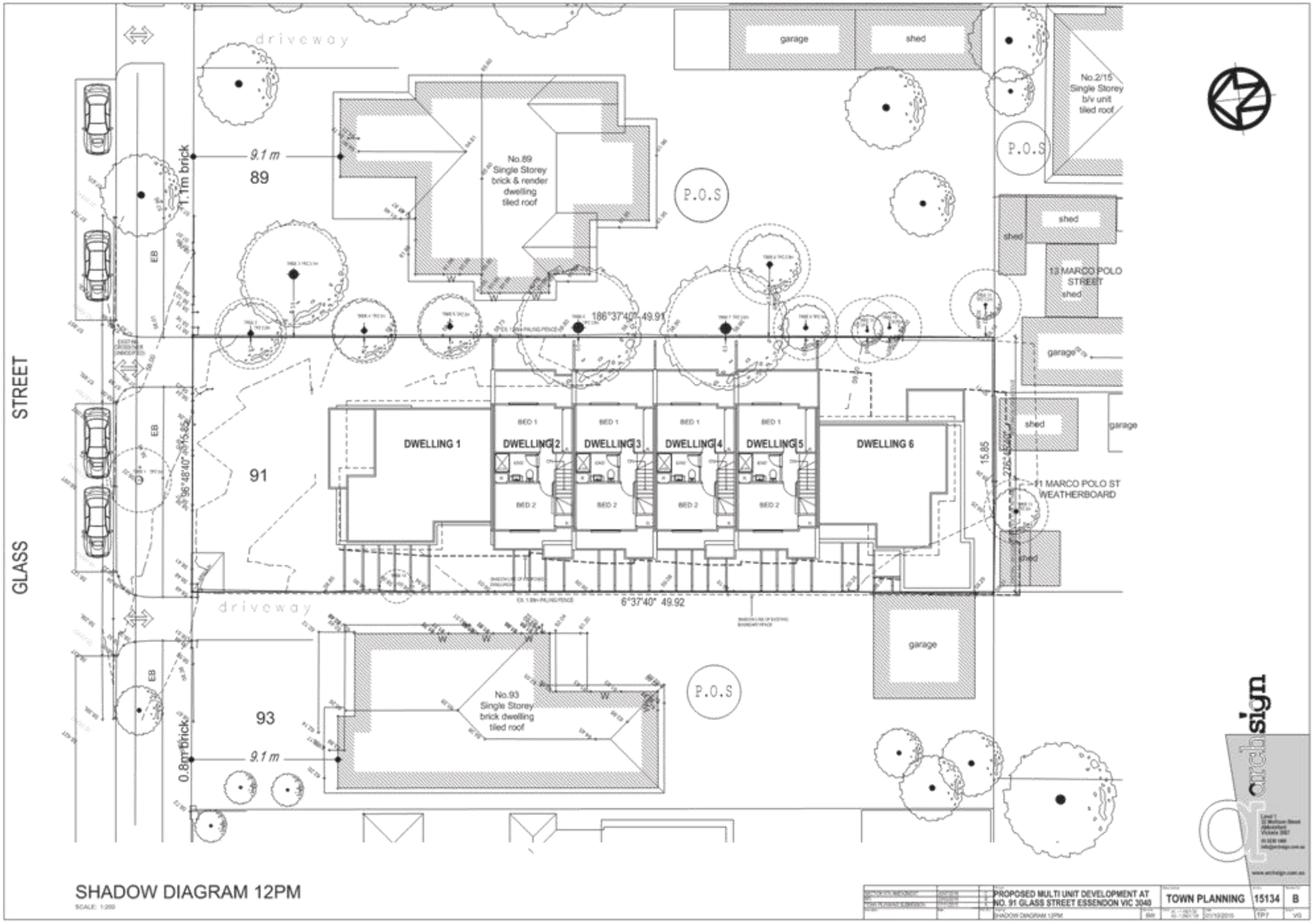
SHADOW DIAGRAM 10AM
TP6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Single Storey
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No.93
Single Storey
brick dwelling
tiled roof
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SHADOW DIAGRAM 12PM
SCALE: 1:200
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TOWN PLANNING
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SHADOW DIAGRAM 12PM
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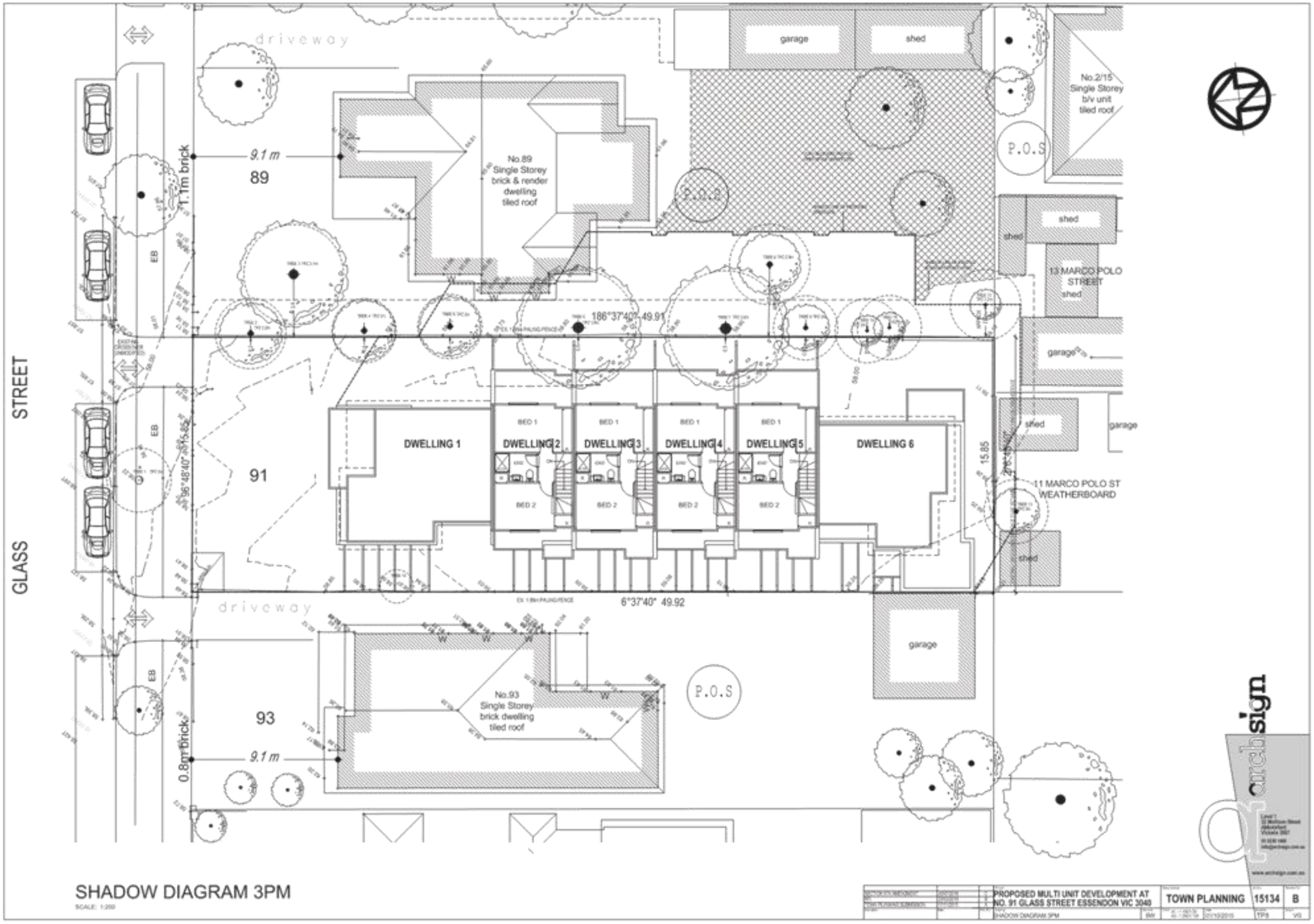
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SHADOW DIAGRAM 3PM
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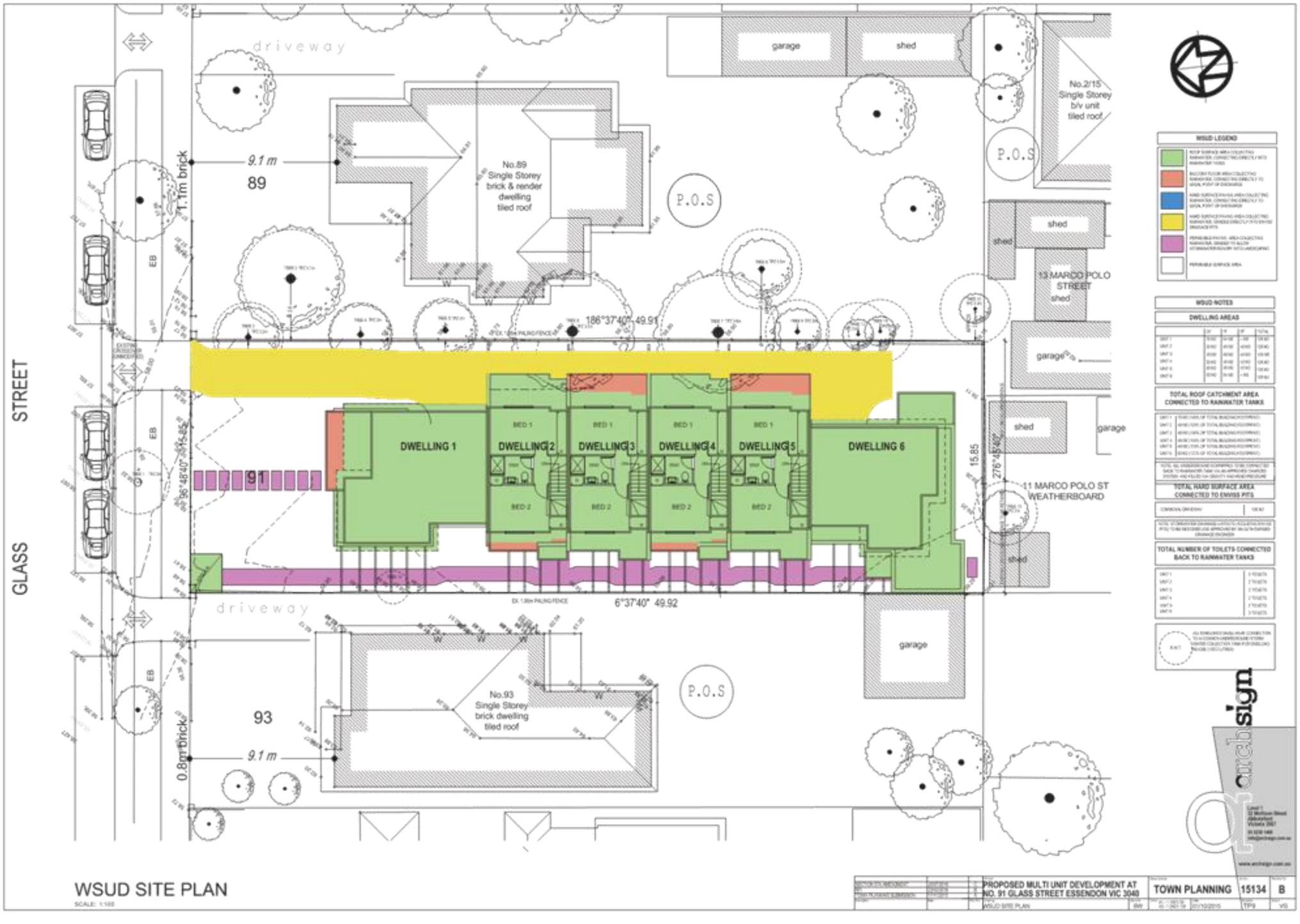
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STREET
11 MARCO POLO ST
WEATHERBOARD
6°37'40" 49.92
93
No.93
Single Storey
brick dwelling
tiled roof
0.8m brick
WSUD LEGEND
WSUD NOTES
DWELLING AREAS
TOTAL ROOF CATCHMENT AREA
CONNECTED TO RAINWATER TANKS
TOTAL HARD SURFACE AREA
CONNECTED TO ENVISS PITS
TOTAL NUMBER OF TOILETS CONNECTED
BACK TO RAINWATER TANKS
archisign
PROPOSED MULTI UNIT DEVELOPMENT AT
NO. 91 GLASS STREET ESSENDON VIC 3040
TOWN PLANNING
15134
B
WSUD SITE PLAN

9.4 46 Mangalore Street, Travancore (Lot 41 on TP 007400) - Demolition of front fence, partial demolition of dwelling and construction of alterations and additions (including a first floor, pergola, decking, carport, solar panels and a front fence) to a dwelling in a Heritage Overlay area

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

Planning File No.	MV/611/2015
Proposal	Partial demolition of the rear of the dwelling Construction of an alterations and additions, including a first floor, new front and side fence, decking, pergola, carport and solar panels
Applicant	Cameron Fry
Owner	Mr J A Richardson and Ms R L Richardson
Planning Scheme Controls	General Residential Zone Heritage Overlay Schedule 23
Planning Permit Requirement	Clause 43.01-1 – demolition, construct or carry out works
Restrictive Covenants	None
Easements	None
Site Area	590.61 sqm
Number Of Objections	31
Consultation Meeting	6 April 2016

Executive Summary

- The application seeks planning approval for demolition of the existing front fence, partial demolition of the rear of the dwelling and construction of alterations and additions, including a ground and upper floor, solar panels, a carport, a new front and side fence and decking in a Heritage Overlay area. The addition proposed to the dwelling can be described as contemporary in form and design.
- The site is approximately 590 square metres and is located on the corner of Mangalore and Lucknow Streets, Travancore.
- The application was advertised and 31 objections were received. Concerns were raised relating to building materials and form, visual impact, amenity impacts and incorrect advertised plans.
- A Consultation Meeting was held on 6 April 2016, attended by Councillors Marshall Cusack, objectors, the permit applicant, the land owners and Council's Planning Officer. No resolution was achieved at this meeting.
- The application was formally amended pursuant to Section 57A of the Planning and Environment Act 1987 on 9 June 2016 to include additional works in the proposal. Re-advertising of the application was not required in this instance as the extent of changes did not constitute further material detriment.
- The application was internally referred to Council's Environmental Sustainable Development Officer and Heritage Adviser. Conditional support to the application was provided.
- The main issue for consideration of this application relates to whether the contemporary built form proposed is appropriate with respect to the heritage character of the area.
- The 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 a Notice of Decision to Grant a Permit be issued subject to conditions.

Figure 1: Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/611/2015 for demolition of front fence, partial demolition of dwelling and construction of alterations and additions (including a first floor, pergola, decking, solar panels and a front fence) to a dwelling in a Heritage Overlay area at 46 Mangalore Street, Travancore (Lot 41 on TP 007400), subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and 3 copies must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:

    a) A scaled and dimensioned demolition plan.

    b) The deletion of the proposed carport.

    c) A notation equivalent to "The rainwater from the roof area of XXXm^2 is to be collected and discharged via a mechanically pumped OR fully charged OR gravity fed system (applicant to select type of system) into a XXXXL capacity rainwater tank which is to be connected to X toilets for toilet flushing" provided on the Ground Floor plan.

    d) A notation equivalent to "The rainwater from the garage roof area of XXm^2 to be collected & discharged via a mechanically pumped OR fully charged OR gravity fed system (select system) into a Xm^2 100 (or 300)mm raingarden, raingarden to be fully lined with an impervious liner and have its overflow & aggie drain connected to the LPOD" provided on the Ground Floor plan".

    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. 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.

4. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

5. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

6. 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 report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.

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

   a) Hours of construction;

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

   c) Scaffolding and hoarding for the site;

   d) Allocated areas for loading and unloading;

   e) Site evacuation plan and procedure;

   f) Occupational health and safety policy;

   g) Hazard identification and control;

   h) Environmental management and waste minimisation;

   i) Management of onsite stormwater and prevention of contamination which must be in the form of a detailed statement or report which outlines all measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;

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

   k) Arrangements for chemical storage;

   l) Noise and vibration control;

   m) Risk assessment;

   n) Works timetable; and

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

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

   a) Inspection frequency;

   b) Cleanout procedures;

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

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

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

9. 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.

10. This permit will expire if:

    a) The development does not start within two (2) years of the date of issue of this permit, or

    b) The development is not completed within four (4) years of the date of issue of this permit.

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

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

Permit Notes

- This is not a building permit under the *Building Act.* A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.
- This 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 application was not assessed against the requirements of Clause 54 of the Moonee Valley Planning Scheme.

1. Introduction

1.1 Subject Site and Surrounds

The subject property is located on the northern side of the Mangalore Street at its intersection with Lucknow Street, Travancore. The site is rectangular in shape with a frontage of 16.15 metres and a depth of 36.57 metres. The site area is 590.61 square metres.

There are no easements or covenants noted on the Certificate of Title. The subject site currently accommodates a single storey brick dwelling with a pitched roof.

Figure 2 – 46 Mangalore Street, Travancore

The surrounding land (the Travancore Estate) is within a General Residential Zone and is affected by Schedule 23 of the Heritage Overlay. The area is mainly characterised by single, detached dwellings. Car parking, if provided at all, is generally to the rear of dwellings. External materials are a mixture of brick and weatherboard finishes in differing colours. Building frontages vary from single to double frontages. Roof forms in the area are predominantly hipped with some examples of gabled-ended roof forms.

1.2 Proposal

The following works are proposed:

- Part demolition of the dwelling: rear kitchen, dining room, sun room, laundry, bathroom and bedroom.
- Construction of an extension to the dwelling, including a first floor, a pergola and a deck.

Materials and finishes:

- Vertical stained timber weatherboard cladding.

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

It is noted that this application was formally amended pursuant to Section 57A of the *Planning and Environment Act 1987* on the 9 June 2016. The purpose of the amendment was to include the following works in the proposal:

- Demolition of the existing brick front/side fence and construction of a 1.5 metre high brick pillar with black wrought iron infill replacement fence.
- Proposed roof material of the extension changed from Colorbond to

tiles to match the existing roof.

- Installation of solar panels on the exiting garage/studio roof.
- Proposed eastern boundary wall height revised to 3.2 metres from 3.3 metres.
- Construction of a carport over the existing driveway to Lucknow Street.

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)

Overlays

Clause 43.01	Heritage Overlay

Particular and General Provisions

Clause 65	Decision Guidelines

2.3 Referrals

External

Not Applicable.

Internal

- Heritage Adviser

  No objection subject to a condition requiring the removal of the proposed carport.

- Environmentally Sustainable Design (ESD) Officer

  No objection subject to standard conditions.

2.4 Public Notification of the Application

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

As a result, 31 objections were received from the properties contained within **Appendix A** of this report.

It is noted that the additions which were formalised into the application pursuant to *Section 57A of the Planning and Environment Act 1987* do not result in any additional detriment on the adjoining and surrounding properties and as such the application was not re-advertised.

2.5 Consultation Meeting

A Consultation Meeting was held on 6 April 2016 attended by Councillors Marshall and Cusack, objectors, the permit applicant, the land owners and Council's Planning Officer. No resolution was achieved at this meeting.

3. Discussion

3.1 State Planning Policy Framework

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

3.2 Local Planning Policy Framework

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

The Policy Guidelines of Clause 21.06-2 - Heritage state that upper storey additions to heritage places where *"the higher section is hidden from the street, such as behind an existing parapet wall or where impractical located to minimise the impact on the streetscape"* are encouraged. The proposal is for demolition of the existing front fence, partial demolition of the rear of the dwelling and construction of alterations and additions, including a ground and upper floor, solar panels, a carport, a new front and side fence and decking. The works with the largest potential visible impact on the area and its heritage significance, the proposed upper floor extension, will be setback by approximately 13.5 metres (incorporating the equivalent depth of 2-3 rooms) from the front building line. It is noted that as the site is on a corner it is virtually impossible for a first floor addition to the dwelling to be completely obscured from the street. The use of vertical timber cladding to the first floor walls of the addition allows the new works to differentiate from the existing dwelling form and this is consistent with Clause 21.06-2, which discourages the use of replica architectural styles.

It is therefore considered the proposal will complement and respect the character of the existing building and will not detrimentally impact on the view of the building from the streetscape (both Mangalore and Lucknow Streets). The proposal has received support from Council's Heritage Adviser as discussed in Section 2.3 of this report subject to a condition requiring the removal of the proposed carport from above the accessway to Lucknow Street. This will be discussed further in Section 3.3.

The proposal complies with Clause 22.03 Stormwater Management (WSUD) and meets the required on-site stormwater treatment as demonstrated by achieving 100%. While not all water treatment measures and relevant annotations have been shown on the plans, this will be a condition of any permit issued. The relevant design requirement conditions will therefore be placed on any approval issued in accordance with this policy.

3.3 Compliance with Clause 43.01 (Heritage Overlay)

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

- The proposal is in accordance with relevant State and Local Planning Policy Framework as discussed in Sections 3.1 and 3.2.
- The proposal will not unreasonably affect the natural or cultural significance of the place since the proposal is for the construction of an extension (ground and first floor) to the rear of the existing dwelling thereby maintaining the heritage significance of the dwelling facade. As discussed above in Section 3.2 of this report, the corner location of the lot means it is not possible to design a first floor extension to the dwelling which will not be visible from the street. The upper floor addition has been generously setback from the dwelling's principal frontage to Mangalore Street and it is noted visibility of the works from this interface will be limited. At the Lucknow Street frontage a relatively generous setback of 8.254 metres is provided to the upper floor, which accounts for approximately 54% of the width of the lot. The use of contemporary form and building materials so as not to mock the existing built form of the dwelling and its surrounds is considered to be an appropriate response, particularly from the Lucknow Street interface. The proposal is, therefore, an acceptable outcome.
- The statement of significance applicable to the subject site refers to the Travancore Estate precinct and the subject site is listed as a contributory dwelling to the precinct. The statement of significance states that houses and flats constructed during the inter-war and early post-war era in Baroda, Cashmere, Flemington, Lucknow, Madura and Mooltan Streets are significant in contributing to the precinct. Although houses in Mangalore Street are not referred to in the statement of significance, it is considered the existing dwelling at the subject site is architecturally consistent with those in the surrounding streets.

As discussed throughout this report, whilst the proposed addition represents a departure from the prevailing building fabric of the Heritage precinct, the proposal is considered acceptable because it has been sited and designed to have minimal impact on the dwelling's principal frontage. Replica architectural styles are discouraged pursuant to Clause 21.06-2 of the Moonee Valley Planning Scheme and, as such, this proposal is considered to be a satisfactory response (as discussed in Section 3.2) by clearly distinguishing between existing and new built form.

It is also noted that the proposed brick and wrought iron front fence and gates are considered to complement the existing dwelling. Further, ancillary buildings and works including solar panels on the existing studio roof and a pergola and deck at the rear of the dwelling are of no concern with respect to the significance of the building.

As raised by Council's Heritage Adviser however, the addition of a carport over the existing accessway on the Lucknow Street frontage of the site is not considered appropriate. The carport is proposed with a 0m setback to Lucknow Street and will subsequently be highly visible from this interface. This is considered to be inconsistent with the statement of significance of the precinct as car parking structures were still an uncommon feature of suburban development during the inter-war period in which the estate was developed and, as such, these structures should be secondary in appearance to the street and recessive to dwellings. Accordingly, a condition of any permit issued will require the removal of the carport from the proposal (condition 1b).

- The proposal is considered to be in keeping with the consistency of scale, form and siting of the dwellings in this area since the proposal is for an upper floor extension to the rear of the existing dwelling, thereby maintaining all of the significant features to the main dwelling facade. Additionally, it is noted the form and detail of the proposed addition represents an appropriate design response which differentiates itself from the existing dwelling stock.
- It is considered the bulk of the proposed extension and ancillary works will not result in unreasonable detrimental amenity impacts on the adjoining properties, and it is also determined the proposal will not adversely affect the significance of the heritage place in terms of location, bulk, form or appearance.
- The extent of demolition proposed is considered to be acceptable and will not compromise the integrity of the dwelling. A scaled and dimensioned demolition plan will be required to be submitted as a condition of any permit issued (condition 1a).

3.4 Objections

A discussion of the issues raised in the objections received is undertaken in the table below:

Table 1

Issue	Officer Response
Inappropriate building form – rectangular shape, lack of eaves to roof	As discussed above in Sections 3.2 and 3.3 of this report, the design of the proposed addition is considered appropriate. Additionally, the application was referred to Council's Heritage Adviser who did not raise any objections to the proposal subject to the deletion of the proposed carport as discussed.
Selected building materials are inappropriate (roof, façade, windows)	As above. It is noted that roof tiles to match the existing roof have been incorporated into the design in the changes submitted as part of the application pursuant to Section 57A of the *Planning and Environment Act 1987*.
Height	The addition has a maximum height of 7.2 metres, which is considered to be appropriate for a residential dwelling.
Precedent	This is not a valid planning consideration; it is noted that Council assesses each planning application on its own merits.
Off-site amenity impacts	As the lot is larger than 300 square metres, an assessment of the proposal against Clause 54 (One Dwelling on a Lot) of the Moonee Valley Planning Scheme cannot be undertaken as part of this application. The relevant standards pertaining to mitigating offsite amenity impacts (including overlooking, overshadowing, walls on boundaries and side and rear setbacks) are assessed as part of the building permit process should a planning permit be issued. Notwithstanding it is considered the proposal has been appropriately designed to minimise unreasonable detrimental amenity impacts on the adjoining properties.
Overhang of eaves at adjoining property not shown on drawings	This was rectified on amended plans submitted pursuant to Section 57A of the *Planning and Environment Act 1987*.

4. Human Rights

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

5. Conclusion

The application has been assessed against the relevant provisions of the State Planning Policy Framework, Local Planning Policy Framework, zoning 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: Location of objector's properties
Appendix B: Advertised plans (separately circulated)
Appendix C: 57A amended plans (separately circulated).

Location of objector's properties

16 Lucknow Street, TRAVANCORE
17-19 Lucknow Street, TRAVANCORE
20-22 Lucknow Street, TRAVANCORE
27 Lucknow Street, TRAVANCORE
29 Lucknow Street, TRAVANCORE
31 Lucknow Street, TRAVANCORE (X2)
33 Lucknow Street, TRAVANCORE
39 Lucknow Street, TRAVANCORE
45 Lucknow Street, TRAVANCORE (X2)
54 Lucknow Street, TRAVANCORE
22 Baroda Street, TRAVANCORE
27 Baroda Street, TRAVANCORE
30 Baroda Street, TRAVANCORE
42 Baroda Street, TRAVANCORE
54 Baroda Street, TRAVANCORE
56 Baroda Street, TRAVANCORE (X2)
94 Baroda Street, TRAVANCORE
21 Mangalore Street, TRAVANCORE (X2)
28 Mangalore Street, TRAVANCORE
47 Mangalore Street, TRAVANCORE
50 Mangalore Street, TRAVANCORE
54 Mangalore Street, TRAVANCORE
16 McPherson Street, MOONEE PONDS
27 Myrnong Crescent, ASCOT VALE
2/3 Moonee Street, ASCOT VALE (X2)
17 Lewis Street, FLEMINGTON

9.5 1 Dudley Street, North Essendon (Lot 362 on LP 8660) - Construction of five dwellings within a Design and Development Overlay (DDO7) and a reduction to the visitor car parking requirement

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

Planning File No.	MV/963/2015
Proposal	Five dwellings comprising: • Three triple-storey and two double-storey; • One three-bedroom and four two-bedroom. Reduction of one visitor car space.
Applicant	Syndicate Property Group C/- ARG Planning
Owner	Dudley Partners P/L
Planning Scheme Controls	General Residential Zone Design and Development Overlay (Schedule 7)
Planning Permit Requirement	Clause 32.08 – Two or more dwellings Clause 43.02 – Buildings and works Clause 52.06 – Car parking
Car Parking Requirements	Required: 7 spaces Proposed: 6 spaces
Restrictive Covenants	1036510, does not affect proposal
Easements	3.05 metre wide drainage and sewerage easement along southern boundary
Site Area	697 square metres
Number Of Objections	30
Consultation Meeting	8 June 2016

Executive Summary

- This application seeks planning approval for the construction of five dwellings within a Design and Development Overlay (DDO7) and a reduction to the visitor car parking requirement.
- The site is rectangular in shape with an area of approximately 697 square metres. The site is located within the Keilor Road Activity Centre, specifically as part of Precincts 1 and 2 of the Activity Centre Precinct Map shown in DDO7.
- The land was the subject of a previous planning application for seven dwellings (MV/289/2014). This was refused by Council in its meeting on 16 December 2014 on grounds primarily relating to the proposal representing an inappropriate, visually dominant design response.
- An application was made to VCAT for a review of this decision. Prior to the hearing, the applicant amended the application through the deletion of one dwelling. Council maintained its opposition to the modified proposal for six dwellings.
- In its order dated 17 July 2015, VCAT upheld Council's position and directed that no permit be granted. The current proposal has sought to address the primary failings of its previous iteration as highlighted by the VCAT order. A detailed assessment against the previous ruling has been undertaken within this report, having regard to the accepted principles of 'repeat appeals'.
- The current application was advertised on 7 April 2016, with 30 objections received. Concerns raised related to traffic/parking issues, overdevelopment, neighbourhood character and visual bulk, street setback, amenity impacts, landscaping, waste collection and that the proposal does not address the findings of the previous VCAT determination.
- On 27 May 2016, Council received notification of an application for review under Section 79 of the *Planning and Environment Act 1987* against Council's failure to determine the planning application within the prescribed time.
- A Consultation Meeting was held on 8 June 2016, attended by Cr Giuliano, Cr Sharpe, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.
- The application was internally referred to Council's Environmental Sustainable Development (ESD) Officer, Engineering Services Unit and Traffic and Transportation Unit; Conditional support to the application was provided.
- This assessment report finds the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme. It also finds that the proposal adequately resolves the issues which warranted the previous refusal. It is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

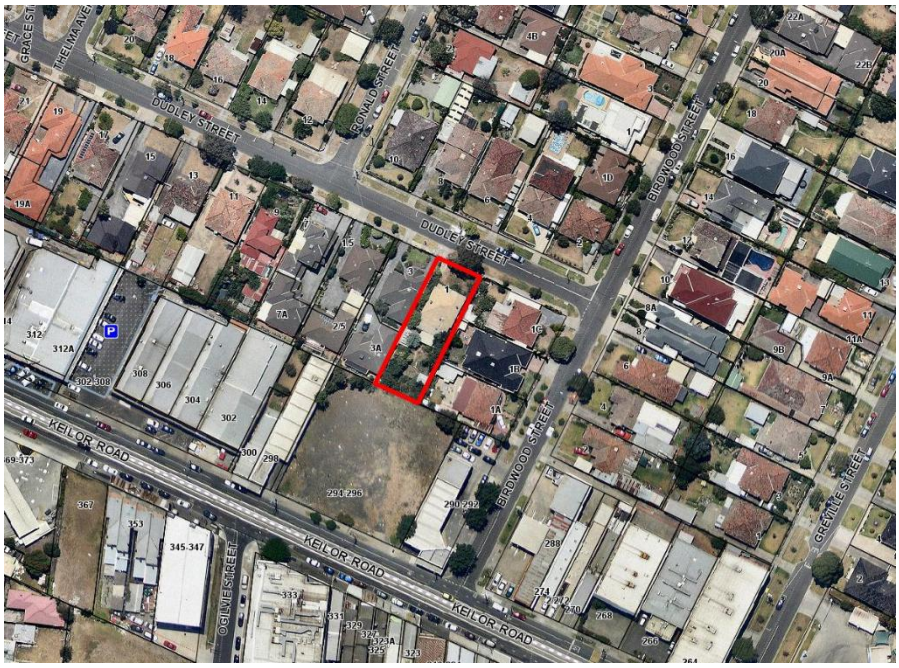


Figure 1 – Aerial photo of subject site and surrounds

Recommendation

That Council with respect to an Application for Review against Council's failure to decide the application within the prescribed time, resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application, that if Council were in a position to decide on the application, that the decision would have been to issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/963/2015 for the construction of five dwellings within a Design and Development Overlay (DDO7) and a reduction to the visitor car parking requirement at 1 Dudley Street, North Essendon (Lot 362 on LP 8660), subject to the following conditions

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

    a) The average wall height along the western boundary to be 3.2 metres;

    b) The provision of a front fence with a maximum height of 1 metre;

    c) The provision of additional windows to the side of the entry foyers of Dwellings 2 to 4;

    d) The provision of 300mm trench grates at the entrance of each garage;

    e) The landscape strip at the entrance to Dwelling 4 modified as shown on the swept path diagrams prepared by Cardno dated December 2015;

    f) A notation on all relevant plans stating the capacity of all rainwater tanks, their respective roof catchment areas and the number of connecting toilets in accordance with the approved STORM assessment;

g) Notations on all relevant plans detailing the design initiatives contained within the approved Sustainable Design Assessment; and

h) Any changes as a result of Condition 9.

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

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

3. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:

   a) a description of previous land uses and activities on the subject site and adjoining land;

   b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;

   c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and

   d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act 1970* (**EP Act**) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

4. If the assessment required by Condition 3 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

5. If the assessment required by Condition 3 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the *Environment Protection Act 1970* (EP Act) must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:

   a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or

   b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),

and the Certificate or Statement must be provided to the Responsible Authority.

6. If, pursuant to condition 5, a Statement is issued:
   a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
   b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions);
   c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority;
   d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the responsible authority pursuant to section 173 of the *Planning and Environment Act 1987* (Agreement). The Agreement must:
      i. provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
      ii. be executed before the sensitive use for which the land is being developed commences; and
      iii. the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the responsible authority).
7. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
   a) Hours of construction;
   b) Parking and traffic movement of all workers vehicles and construction vehicles;
   c) Scaffolding and hoarding for the site;
   d) Allocated areas for loading and unloading;
   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.

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 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.

9. 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;

b) Provision of preliminary NatHERS assessment to substantiate nominated 6.3 star rating, or amend SDA to reflect default 6 star rating;

c) Climate zone corrected to 60 Tullamarine; and

d) Correctly state percentage of northern oriented living areas in IEQ section.

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

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

11. 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.

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

13. All pipes, fixtures, fittings, ducts, vents or and other services associated with 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.

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. The existing street tree within the road reserve in front of the site must not be removed or damaged as a result of the permitted development to the satisfaction of the Responsible Authority.

16. 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.

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

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

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

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

18. A Council drain (typical minimum 225mm dia uPVC or RCP RRJ) must be constructed to reach the approved point of discharge. Before the development commences, Engineering Design Plans and a Drainage Layout Plan (with computations) to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The Engineering Design Plans and Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must accord with Council's Drainage Design Guidelines.

    When approved, the Engineering Design Plans and Drainage Layout Plan will be endorsed and will form part of this permit.

    The drainage must be constructed in accordance with the endorsed Engineering Design Plans and Drainage Layout Plan and the provisions, recommendations and requirements of the endorsed Engineering Design Plans and Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.

    After the drainage works have been constructed and before the building/s approved by this permit is/are occupied, as constructed plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

    All costs associated with the preparation of the plans and installation and construction of the required drainage works must be borne by the permit holder.

19. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.

20. 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.

21. Before the development starts, or any trees or vegetation removed, an amended landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to

show:

a) Any changes as a result of Condition 1; and

b) The use of species with non-invasive root systems within the easement at the rear of the land.

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.

22. 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.

23. This permit will expire if:

a) The development does not start within two (2) years of the date of issue of this permit, or

b) The development is not completed within four (4) years of the date of issue of this permit.

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

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

Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, new crossings, building over easements, etc.
- An Asset Protection Permit must be obtained from Council prior to commencement of works to ensure that Council assets in the vicinity of the works are not damaged during construction.
- No on street parking permits will be provided to occupiers of the subject site.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; C=0.4, tc=5mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or C=0.80.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.

- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.
- Prior to, during and at completion of the works outlined in Condition 18, staged inspections must be arranged with Moonee Valley City Council's Engineering Services Unit.

1. Introduction

1.1 Subject Site and Surrounds

The subject land is located on the southern side of Dudley Street. The site is generally rectangular in shape with a frontage of 15.24 metres and a depth of 45.72 metres, yielding an area of approximately 697 square metres. A 3.05 metre wide drainage and sewerage easement is located along the southern (rear) boundary of the land. Restrictive Covenant 1036510 affects the land which prohibits quarrying activities as well as the manufacture of pottery and kiln wares.

Figure 2 – Subject Site (1 Dudley Street, North Essendon)

The subject land is occupied by a single storey weatherboard dwelling with a hipped roof form and associated outbuildings. The existing dwelling is set back a minimum of 8.92 metres from the street frontage. Vehicle access is provided by a single width crossover along the western boundary. A large street tree is located centrally within the road reserve. The land is generally flat.

The surrounding land along Dudley Street is within a General Residential Zone. The Design and Development Overlay (DDO7) affects properties along the southern side of Dudley Street. Land immediately to the south

along Keilor Road is located within a Commercial 1 Zone. Residential development in proximity to the subject site is varied, with single dwellings on large allotments regularly interspersed with multi-unit developments along Dudley Street and the surrounding streets.

The character of the area can be described as transitional, featuring a number of large allotments housing single dwellings and also demonstrating a strong trend towards multi-unit infill developments. Properties immediately to the west have been developed with units, as well as within the streets surrounding the site such as Birdwood Street, Ronald Street, Thelma Avenue and Grace Street. Land to the south has been developed for commercial purposes with mixed use developments beginning to emerge throughout Keilor Road, with the site immediately to the south having planning approval for a multi-storey retail and residential development.

1.2 Proposal

It is proposed to construct five dwellings within a Design and Development Overlay (DDO7), comprising two double storey and three triple storey dwellings.

The proposal can be summarised as follows:

Table 1

No of dwellings	5
No of car spaces	6
Max Building Height	9 metres
Site Coverage	48.7%
Permeability	34.7%

The application also seeks permission to waive the requirement for one visitor car space.

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

2. Background

2.1 Relevant Planning History

Planning permit application MV/289/2014, for the construction of seven dwellings within a Design and Development Overlay (DDO7), was refused by Council in its meeting on 16 December 2014.

An application to review Council's refusal was made to VCAT. The development was amended to six dwellings prior to the hearing. Notwithstanding the reduction to the proposal, VCAT refused the issue of a permit in its order dated 17 July 2015.

The findings of the tribunal in this matter have been considered in the assessment of the current proposal at Section 3.7 of this report.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

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

Local Planning Policy Framework

Clause 21.01	Municipal Profile
Clause 21.03	Vision
Clause 21.04	Sustainable Environment
Clause 21.05	Housing
Clause 21.06	Built Environment
Clause 21.07	Activity Centres
Clause 22.03	Stormwater Management (Water Sensitive Urban Design)

Zoning and Overlays

Clause 32.08	General Residential Zone
Clause 43.02	Design and Development Overlay (Schedule 7)

Particular and General Provisions

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

2.3 Referrals

External

Not applicable.

Internal

Arborist:

- No objection subject to standard conditions.

Environmentally Sustainable Design (ESD) Officer:

- No objection subject to the submission of amended Sustainable Design Assessment (SDA), as well as conditions requiring approved Water Sensitive Urban Design (WSUD) and sustainable design measures to be noted on the plans (Conditions 1 f-h, 9).

Engineering Services Unit:

- No objection subject to standard conditions and the following non-standard condition:

- The provision of 300mm trench grates at the entrance of each garage (Condition 1 d).

Traffic and Transportation Unit:

- No objection subject to the following condition:
  - Provide a visitor car space within the proposed development to the south side of the development. It needs to be ensured vehicles can exit the visitor car parking space in a forwards direction with no more than three manoeuvres and the proposed visitor car parking space does not impair vehicles exiting the garage for Dwelling 5 from exiting the site in a forwards direction (refer to Section 3.5 for discussion).

2.4 Public Notification of the Application

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

A total of 30 objections were received from the properties contained within **Appendix A**. The concerns raised are discussed at Section 3.8 of this report.

2.5 Consultation Meeting

A Consultation Meeting was held on 8 June 2016, attended by Cr Giuliano, Cr Sharpe, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.

2.6 VCAT Application

On 27 May 2016, Council received notification of an application for review under Section 79 of the *Planning and Environment Act 1987* against Council's failure to determine the planning application within the prescribed time. A one-day hearing has been listed for 9 November 2016.

3. Discussion

3.1 State Planning Policy Framework

State Planning objectives broadly seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. Within Clauses 11 (Settlement) and 16 (Housing) of the Scheme, increased housing density is encouraged in and around activity centres in order to consolidate the urban area and make efficient use of existing services and infrastructure.

The subject site is located within the Keilor Road Activity Centre and is within proximity of local businesses, public reserves, education centres and public transport options. This is considered to lend support for a more intensive form of residential development. The proposal contributes to the objective of housing diversity by providing a mix of dwelling sizes in

various configurations, which will cater for the increasingly diverse needs of future residents.

With regard to Clause 13.03 (Soil Degradation), the subject site directly abuts land to the south, which was formerly used as a petrol station. As the subject site directly abuts land with potential contamination, conditions of permit will be imposed to determine whether the site itself contains contaminated soil and whether it is suitable for the development of residential dwellings (Conditions 3-6). This will ensure the land is used safely to avoid any future health implications, given the potential for land contamination and seepage in this instance.

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 9).

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. Given the location of the site within an activity centre, the applicable category is 'High to Substantial' housing intensification where a high degree of change is expected to accommodate the majority of housing growth within the municipality. The proposal provides for housing variety within the Keilor Road Activity Centre, with excellent public transport options and numerous local/community services nearby. It is considered 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 objectives and strategies of 21.06 (Built Environment). A number of the objectives and strategies are assessed in greater detail against the design objectives of the DDO7 and *Keilor Road Built Form Guidelines 2012* at Sections 3.4 of this report.

Clause 21.07 (Activity Centres) provides objectives and strategies for the six activity centres within the municipality. The proposed development is considered to comply with Clause 21.07 (Activity Centres), specifically the policy guidelines relating to the Keilor Road Activity Centre at Clause 21.07-4. The vision for the centre is to develop it into a vibrant, attractive, safe and sustainable centre that offers places to live, work and relax, which attracts visitors, business, services and investment from within the City of Moonee Valley and beyond. The proposed development is considered to accord with the relevant policy guidelines of Clause 21.07. The proposed development is also considered to comply with the vision and objectives of the *Keilor Road Activity Centre Structure Plan 2011*. The

typology of housing which the development would contribute within the activity centre, responds appropriately to the aims of the structure plan.

As demonstrated by the submission of a STORM assessment achieving a minimum 100% rating, the proposal is considered to generally comply with Clause 22.03 (Stormwater Management – Water Sensitive Urban Design) in providing for adequate on-site stormwater treatment.

3.3 Neighbourhood Character Guidelines

The site is located within the Central Residential 2 Precinct, which applies to land within Essendon, North Essendon, Niddrie and Airport West. The precinct profile sets out the following preferred character statement:

> '*New developments in this precinct may be diverse in architectural styles but will retain a cohesive appearance due to a consistency in siting, articulation, use of finishes and strong garden settings.*
>
> *Building articulation will be achieved through the use of recesses, windows and setbacks to complement the verandah and porch areas of the traditional dwellings. Lighter finishes and materials will contribute to the palette of the traditional period buildings. Consistent front and side setbacks will provide space for formal landscaping, while low or permeable front fences will retain the openness of the streetscape.'*

The proposed development is considered to accord with the preferred character statement, which acknowledges both the need to respond to prevailing neighbourhood characteristics as well as the high level of change anticipated within the precinct due to its strategic context.

The proposed development is consistent with the preferred character of the area in a contemporary manner through a responsive and respectful design approach. A detailed assessment of the built form of the proposed development is undertaken at Section 3.4 against the design objectives of the DDO7 and *Keilor Road Built Form Guidelines 2012*.

3.4 Clause 43.02 (Design and Development Overlay – Schedule 7)

The subject site is located within the Design and Development Overlay (Schedule 7) which implements design objectives for new development within the Keilor Road Activity Centre, and sets out preferred heights and setbacks for individual precincts. The *Keilor Road Built Form Guidelines 2012* are incorporated as a reference document and form part of the decision guidelines of the overlay. The site is subject to the height and setback requirements of 'Precincts 1 and 2'.

A brief assessment of the development against the preferred heights and setbacks for the precinct is set out in the following table:

Table 2

	DDO7	Proposed
Height	3 storeys, ResCode B7 - 9 metres	Complies – 3 storeys, 9 metres
Ground Level Setback	ResCode B6 – 7.5 metres	Variation – 5.96 metres (See Section 3.6)
	ResCode B17 - (See Section 3.6)	Complies
Upper Level Setback	ResCode B6 – 7.5 metres	Variation – 5.3 to 7.8 metres (See Section 3.6)
	ResCode B17 - (See Section 3.6)	Variation (See Section 3.6)

The proposed development is considered to represent an acceptable outcome, having regard to the design objectives of the overlay and the built form guidelines, by achieving the following outcomes:

- The development respects the established streetscape presentation along Dudley Street and provides a well-considered architectural response to the opportunities and constraints of the site. The contemporary built form reflects the varied built form seen within the area, while incorporating materials, finishes and a landscaping theme that contributes to the streetscape and provides a high level of internal amenity. This is considered to positively respond to the existing, emerging and preferred character of the area and also meets the design objective of the overlay, which seeks to achieve excellence and diversity in architecture.
- The interface with surrounding residential land and the need to reduce the impact of new development is a key objective of the overlay and built form guidelines. The overall siting and massing of the development provides an appropriate response to the opportunities and constraints of the site. The heights and setbacks largely comply with the requirements of the overlay, with partial variations, which are discussed under Section 3.6 of this report. The upper floors of the development have been designed to address sensitive interfaces, while maintaining a suitable level of recession to the street. The built form of the development is concentrated alongside existing built form of the neighbouring dwellings to the west, which achieves a suitable presentation to the more sensitive interfaces to the east.
- The development includes townhouse style housing rather than apartments, which is an objective of the *Keilor Road Built Form Guidelines 2012*. One three-bedroom and four two-bedroom dwellings in various configurations will contribute to a diversity of dwelling types in the area.

- The development has been designed so that four of the five garages are located within the internal accessway, concealing them and offering a more sensitive presentation to the streetscape. The dwelling entrances of the four rear dwellings have an appropriate outlook over the shared accessway, particularly Dwelling 5 which is provided with living room windows facing north toward the street. This ensures a high level of passive surveillance and visual interest is achieved. The garage of Dwelling 1 is set back from the ground floor facade to ensure it has a recessive presence to the street.
- The development uses materials and finishes that respond to the key character elements of the surrounding area. The balcony of Dwelling 1 provides articulation and ensures passive surveillance of the street. The development is not constructed to any boundary, with the exception of small sections of the western boundary associated with Dwellings 1 and 5 which are sited opposite existing built form and are acceptable as discussed under Section 3.6 of this report.
- A suitable level of landscaping is provided throughout the site, designed to address the character of the streetscape as well as to soften the impact of the development to sensitive interfaces. The front setback of the development will generally be covered by lawn and a number of small shrubs and grasses, as well as two canopy trees. Given the level of development anticipated in this location within the activity centre, the level of landscaping provided along the side boundaries is considered acceptable. The western interface is predominantly occupied by the building footprint of the neighbouring units, with the open space areas being located on their western and southern sides which will have limited visibility to the site.
- The south-eastern corner of the site will include four feature trees, which serve to soften the visual impact of built form as well as the end of the shared accessway as it is viewed internally and from the street. In addition to the siting and massing of the development, this provides a more sensitive response to the neighbouring property and acts as a visual buffer between the adjoining open space area and the proposed development. Despite being a commercial interface, the rear boundary will accommodate further landscaping as it provides private open space for Dwelling 5. While this may be modified as a condition of permit ensuring that species with non-invasive root species are used in the easement (Condition 21 b), it is still considered that an appropriate level of planting will be provided in this area.
- A suitable level of planting is also provided throughout the shared accessway to break up the expanse of paved surfaces. The landscape design also serves to draw emphasis to the pedestrian entry points of the rear four dwellings.
- ESD principles are suitably incorporated into the design of the proposed dwellings, subject to conditions as discussed earlier in this report.

Overall, the proposed development is considered to be an appropriate design response to the opportunities and constraints of the site and the character of the area. Dudley Street is currently undergoing a transition to both medium and higher density housing, which is foreshadowed in the relevant policy guidelines and the Keilor Road Activity Centre Structure Plan. The proposed development is considered to be aligned with the vision for the area.

3.5 Clause 52.06 (Car Parking)

The proposal seeks permission for a reduction to the car parking requirement as set out in the table below:

Table 3

	Required	Provided
One three-bedroom dwelling	2	2
Four two-bedroom dwellings	4	4
Visitors	1	0
Total	7	6

The proposal provides the required number of parking spaces for each individual dwelling as set out under Clause 52.06, but seeks permission to reduce the requirement for one visitor space.

It is considered a reduction is acceptable given the location of the development within an Activity Centre, which is provided with a high level of transport accessibility both by road and public transport modes. It is not considered the supply of on-street car parking would be unreasonably affected, and that the demand for visitor parking generated by the development could be accommodated. The design of the proposed vehicle crossings also allows for a suitable level of on-street parking in front of the site. It is not anticipated that the proposed development will generate an unreasonable impact or have an adverse effect on the local road network.

This was evidenced by a traffic impact assessment provided by Cardno detailing the availability of on-street parking along Dudley Street. The assessment included spot surveys conducted on a Friday and Saturday in May 2015, noting occupancy rates during intervals at 12 midday, 3pm, 5pm, 7pm and 9pm. At these times, there was a minimum of 3 spaces on the Friday at midday increasing to over 30 spaces during the Saturday. It has been demonstrated that the capacity of on-street parking increases considerably on weekends and with the relaxation of restrictions after business hours, which is when residential visitor parking demand would be higher. It is noted that there has not been any substantial redevelopment within the survey area since it was undertaken.

It is noted Council's Traffic and Transportation Unit raised concern with the proposal due to the lack of visitor space and recommended that one be provided by a condition of permit. This is not considered to be warranted as discussed above. The design of car spaces and accessways generally complies with the requirements of Clause 52.06-8, subject to a condition

requiring the modification of the landscape strip at the entrance of Dwelling 4 as shown on the swept path assessment prepared by Cardno (Condition 1 e).

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	The adjoining property to the west has a street setback of 7.5 metres, while there is no dwelling facing Dudley Street to the east. A setback of 7.5 metres is therefore required. The development has a minimum front setback of 5.3 metres measured to the north-eastern corner of the balcony to Dwelling 1. This setback increases to 7.4 metres at the first floor wall. The ground floor walls are set back at least 5.96 metres from the street, increasing to 7.9 metres to the garage. The setback is considered appropriate, taking into consideration the *Keilor Road Built Form Guidelines 2012* and responding to the anticipated development for the Activity Centre. There is ample space within the front setback to assist in maintaining and improving on the current landscape character of the area. The setback of the development is considered capable of being accommodated within the streetscape. The development will not protrude, dominate or create any unreasonable visual impacts to the street or to adjoining properties. It is noted that the Tribunal found that the 5.2 metre setback of the previous application was acceptable, stating at paragraph 18: *"The presentation of the development to the street is generally acceptable. The proposed front setback is consistent with that of the adjoining dwelling to the west and is sufficiently deep to allow for the establishment of a landscaped front garden to contribute to the area's character. The two-storey scale of Dwelling 1 creates an*

ResCode Standard	Response
	appropriate transition to the single-storey dwellings to the east and west, and the second floor level (third storey) of Dwelling 2 has a setback which ensures that it doesn't detract from this graduated height. While of a contemporary design and appearance, the front elevation is of an acceptable residential character and responds to the preferred character of a diversity of architectural styles. The variable wall planes, fenestration, mix of materials and balcony all combine to present an articulated façade in the streetscape." The setback proposed is a well-balanced outcome in achieving a multi-storey built form on site, while respecting the character of setbacks in Dudley Street and making efficient use of the site.
Clause 55.03-10 (Standard B15) Parking Location	Parking facilities have been provided in a secure and convenient manner. The sitting room window of Dwelling 5 sits 700mm from the shared accessway, falling short of the 1 metre required by the standard. This minor shortfall is considered acceptable given that the window is located at the end of the shared accessway where there would be less vehicle traffic. The location of the window also makes a positive contribution to the appearance of the shared accessway
Clause 55.04-1 (Standard B17) Side and Rear Setbacks	The proposal generally provides compliant setbacks to side and rear boundaries, with the following exception: Dwelling 2 West 2F wall height – 9 metres Dwelling 2 West 2F proposed setback – 4.09 metres Dwelling 2 West 2F B17 setback – 3.9 metres The shortfall of 190mm is only associated with the upper floor of Dwelling 2. This non-compliance is not considered to be significant and would not cause any unreasonable visual or amenity impact. A variation is therefore appropriate in this instance.

ResCode Standard	Response
Clause 55.04-2 (Standard B18) Walls on Boundaries	The proposal involves construction for a length of 10.6 metres along the western boundary, which is within the 18.93 metres allowed by the standard. While the maximum wall height of 3.3 metres is well within the maximum of 3.6 metres, it is unclear whether the average wall height meets the 3.2 metres required by the standard. This will be addressed as a condition of permit (Condition 1 a).
Clause 55.05-5 (Standard B29) Solar Access to Open Space	The secluded open space area of Dwelling 5 is largely located behind its south facing ground and first floor walls, with setbacks falling short of what the standard requires. This is considered to be an appropriate outcome. The layout of Dwelling 5 enables a positive utilisation of the rear easement, where buildings cannot be located. Additionally, 19.95 square metres of the secluded open space area at the south-eastern corner of the site is afforded a clear northern outlook. This will ensure that the occupants will be provided with a reasonable level of solar access throughout the year. The secluded open space areas of Dwellings 1 to 4 are provided with solar access in accordance with the standard.
Clause 55.06-2 (Standard B32) Front Fences	No front fence is proposed, which does not respond to the consistent presence of front fencing seen throughout the street. A condition of permit will require the provision of a front fence with a height no greater than 1 metre (Condition 1 b). Flexibility in materials will be afforded due to the different fence styles exhibited nearby.

3.7 Previous VCAT Determination

As set out under Section 2.1 of this report the site has been the subject of a previous VCAT determination (P77/2015). In its order dated 17 July 2015, the Tribunal ordered that no permit would be granted for the construction of six dwellings in accordance with the plans contained at **Appendix D** (separately circulated).

In broader policy terms, the Tribunal acknowledged that the site is located in an area where higher density development of this nature is to be expected in this location. However, such development must provide an

appropriate design outcome that respects the surrounding built form context. This was summarised at paragraphs 23 and 24:

> *"The Planning Scheme contemplates three-storey development on this site. Its location in an Activity Centre makes it a suitable candidate for more intensive development than would be appropriate or anticipated in the residential areas which lie outside the Activity Centre boundaries. Any expectation that the redevelopment of this property will be in a form and of a scale which reflects what currently exists in the street do not find support in the Planning Scheme's policies and provisions. Development, however, must still respond to its context in a manner which gives effect to the increased densities sought for this area, while achieving good urban design outcomes that make a positive contribution to the emerging character. The development fails to do this. Rather, it has the appearance of seeking to maximise dwelling yield at the expense of character and urban design.*
>
> *In addition, insufficient regard has been given to the nature of the residential interfaces and their sensitivity to higher density development."*

The Tribunal observed a number of areas where the previous scheme failed to represent an acceptable outcome. The key findings and considerations are listed and discussed in the table below:

Table 5

Issue	Officer Response
Continuous, unbroken mass of development to eastern interface Unacceptable visual bulk and amenity impacts	The Tribunal discusses this issue at paragraphs 30 and 31, stating: *"The continuous attached form of the development gives rise to substantial visual bulk. Construction is to extend to the common boundary with the rear yards of dwellings to the east, significantly restricted opportunities for landscaping…* *…There is no separation of the built form at the upper levels, with the consequential visual impact being most apparent at the first floor. The modulation provided by the slight variation in the setbacks is insufficient to achieve any sense of relief from the building's bulk. For all intents and purposes, it will present as an unrelieved building mass extending for a substantial length of the lot. The structure will impose itself visually on the adjoining open space areas, detracting from their amenity to an unacceptable extent."*

Issue	Officer Response
	The current proposal is considered to address this fatal design shortcoming through the location of the shared driveway along the more sensitive eastern interface, which is populated by three neighbouring secluded open space areas. Whereas the previous scheme was set back between 1.8-2.5 metres from this boundary, the current proposal features setbacks of between 3.61 up to 7.5 metres. There is also a high level of articulation, angled walls and modulation provided, which will create a respectful and visually engaging presentation. The reduction in the number of dwellings enables internal separation to be achieved between Dwellings 2-3 and 4-5 at first and second floor levels. The development now locates the majority of built form to the less sensitive western interface. Approximately 70% of this interface is occupied by the two existing units which are either built on the boundary or set back 1 metre. The secluded open space areas of these dwellings will have limited visibility of the proposed dwellings due to their location, and the development complies with the siting and off-site amenity requirements of ResCode where necessary.
Harsh and unattractive design of ground floor carports, shared accessway Lack of defined entrances results in poor activation, passive surveillance, visual interaction	In paragraphs 20 and 21 the Tribunal made the following criticism of the accessway design: *"The proposed driveway is of a 'gun barrel' alignment with little variation and minimal landscaping opportunities. In addition, the view along the driveway is terminated by two at-grade car parking spaces. The driveway is an area dominated by hard pavement, with inadequate softening by planting possible due to the restricted garden bed size. It will appear as a harsh and unattractive environment, which also functions as the sole approach to, and address for, five of the dwellings…* *…They create an inactive, utilitarian interface which does not represent acceptable urban design. The carports are open on their western side, as no doors are proposed. The presentation is unattractive and detracts from the role of the accessway as the address of Dwellings 1 to 5. In combination with the pedestrian entry doors, the entire ground floor is comprised of doorways and carports, with*

Issue	Officer Response
	no habitable room windows to provide opportunities for visual interaction, passive surveillance, or a sense of activity and animation." The revised scheme has resolved this issue by reducing the number of car spaces provided in the shared accessway from 7 to 4, with subsequent increases in the ground floor footprint of those dwellings relying on the accessway for both pedestrian and vehicle access. Through a considered landscape design, the paved surfaces of the driveway will be ameliorated by planted borders on each side. The driveway now terminates at a landscaped area featuring trees and shrubs, transitioning to the courtyard of Dwelling 5. Along the western side of the accessway, planting is also used as a visual cue to each dwelling entry point which enhances the pedestrian experience. The entrances themselves are given greater prominence within the accessway through larger dimensions and windows which achieves a more residential impression, and improves the level of surveillance and activation. The entrances also sit almost 2 metres ahead of each garage, giving them a visual priority as viewed from the street and the accessway itself. It is considered that the level of passive surveillance could be further improved through the provision of additional windows to the side of the entry foyers of Dwellings 2 to 4. This would enhance the activation of the shared accessway for pedestrian access (Condition 1 c).
Poor sense of address Extensive screening limits outlook from balconies	At paragraphs 36 and 37, the Tribunal made the following commentary: *"For the reasons detailed earlier, what is created is an area which will present as a space which is designed around vehicular access, rather than one with a dual role which includes the address for five of the six dwellings. It will have a harsh, uninviting appearance. It provides a poor sense of address for the five rear dwellings, and creates what may be referred to as an 'introverted' appearance. The use of extensive screening at the first floor and second floor levels compounds this inactive presentation.*

Issue	Officer Response
	The continuous linear form of the development and its proximity to the side boundaries in conjunction with the positioning of the windows and balconies necessitates the provision of extensive screening to protect the privacy of adjoining properties. This design response compromises the internal amenity of the dwellings, particularly Dwellings 2, 3, 4 and 5." For the reasons discussed above, the proposal now places a satisfactory emphasis on the pedestrian entry points for the rear dwellings. Additionally, north-facing living room windows are provided within Dwelling 2 to 5 with outlook over the shared accessway. Within the revised scheme, Dwellings 1 and 5 are provided with secluded open space areas which are designed so that they are not required to be enclosed by screening. Dwellings 2 to 4 are each required to be screened to prevent overlooking. However, the screening measures proposed include angled louvres, which will allow for a greater level of solar access to the balconies. This outcome was contemplated by the Tribunal at paragraph 37: *"Alternative designs which minimise the need to use screening and/or adopt screening measures which achieve a balance between providing occupants with an acceptable level of internal amenity while protecting neighbours' privacy should be considered."* The balconies are also provided with dimensions which exceed the requirements of ResCode, improving their outlook and the level internal amenity achieved.
Layout of accessway is constrained, requiring multiple vehicle movements Subsequent imposition on potential for planting	At paragraph 39, the Tribunal noted the following concerns with the functional design of the accessway: *"The layout, however, is somewhat constrained, with the majority of car spaces necessitating multiple manoeuvres for a vehicle to enter and exit, as demonstrated in the swept path diagrams contained within the Applicant's evidence. The constrained nature of the access is further highlighted by the significant limitations it places on the ability to provide meaningful landscaping along the driveway."*

Issue	Officer Response
	The layout of the current proposal allows for more comfortable vehicle movements for each car space, subject to a minor modification to the landscaped area near Dwelling 4. As discussed above, the level of landscaping throughout the shared accessway is considered to be a positive outcome.

The assessment of the current proposal must also have regard to the accepted principles relating to 'repeat appeals'. The decision of the Tribunal in the case of *Monsien Developments v Ballarat CC (2006)* provided the following approach to such matters:

> *"The principles set out in K & B Reichert v City of Banyule & Ors (Appeal No.1996/38819) are often considered in such cases and, when assessing how a proposal responds to a previous Tribunal decision and the weight to be given to that decision, attention is given to whether there have been:*
>
> *i significant changes in the application itself;*
>
> *ii changes in the circumstances of the land and its surrounds;*
>
> *iii changes in planning policy; and/or*
>
> *iv changes in the interpretation of the facts or law relevant to the Tribunals consideration.*
>
> *As a matter of fairness, where a proponent has genuinely sought to address a Tribunal's findings through a new permit application and is found to have done so appropriately, and there are no substantive or material changes in the physical or policy context, it is reasonable to expect a permit to issue."*

It is submitted that the proposed development has adequately addressed the issues raised in the previous Tribunal decision as discussed in the table above. Whilst changes have been made to the proposal, they have been made to address the matters raised in the previous proceeding and, with the exception of the car parking reduction discussed at Section 3.5 of this report, do not give raise to any significant new issues. There have been no changes to the circumstances of the subject land or its immediate abuttals. The planning policies and controls which were considered in the assessment of this proposal are generally the same as those which were previously considered. Finally, there have not been any changes in the interpretation of the facts or law relevant to the consideration of this matter.

Having regard to the above principles, the previous determination and the outcomes achieved within the revised design, it is considered that the current proposal warrants the issue of a permit.

3.8 Objections (Discussion)

Table 6

Issue	Officer Response
Traffic and parking impacts	As detailed in Section 3.5 of this report, the design requirements of Clause 52.06-8 will be met. The proposal provides the required on-site car parking for each dwelling, and the waiver of the visitor parking requirement is considered acceptable. It is not considered that there would be any unreasonable safety impacts as a result of the development.
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 this report.
Neighbourhood character Visual bulk and scale	As discussed throughout Section 3 of this report, the development is considered to represent an appropriate design outcome.
Street setback	The setback of the development from the street is considered appropriate as discussed under Section 3.6 of this report.
Off-site amenity impacts	As discussed under Section 3.6 of this report, the proposal achieves an acceptable level of compliance with the relevant objectives of ResCode relating to noise, overshadowing, overlooking and other amenity impacts.
Landscaping	The landscape design of the proposed development is considered to be acceptable for the reasons discussed throughout this report.
Waste collection	Facilities for the storage of waste have been adequately provided. There is no concern with waste generation associated with a medium density development of this scale.
Previous VCAT determination	The proposal is considered to resolve the issues raised in the previous VCAT proceeding as discussed at Section 3.7 of this report.

4. Human Rights

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

5. Conclusion

The application has been assessed against the relevant policy framework, zoning and overlay controls, particular and general provisions and decision guidelines of the Moonee Valley Planning Scheme.

The proposal is considered to meet the objectives and requirements of the planning policies and guidelines applicable to the site. Any issues of non-compliance have been discussed within this report and are considered to be either acceptable or capable of being addressed by conditions of permit. The proposal is also considered to adequately respond to the key issues raised in the previous determination of VCAT.

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.

Overall it is considered that the proposed development warrants support as detailed in the recommendation section above.

Appendices

Appendix A: Objector List
Appendix B: ResCode Assessment
Appendix C: Plans (separately circulated)
Appendix D: Plans refused by VCAT in previous application.

Location of Objectors

10 Ronald Street, NORTH ESSENDON VIC 3041
25 Hutchison Street, NIDDRIE VIC 3042 (2)
6 Birdwood Street, NORTH ESSENDON VIC 3041
8a Birdwood Street, NORTH ESSENDON VIC 3041
1/14 Treadwell Road, NORTH ESSENDON VIC 3041
1 Birdwood Street, NORTH ESSENDON VIC 3041 (2)
3 Ronald Grove, EAST KEILOR VIC 3033
3 Dudley Street, NORTH ESSENDON VIC 3041
2/5 Dudley Street, NORTH ESSENDON VIC 3041 (2)
13 Birdwood Street, NORTH ESSENDON VIC 3041 (2)
30 Birdwood Street, NORTH ESSENDON VIC 3041
1c Birdwood Street, NORTH ESSENDON VIC 3041 (2)
1b Birdwood Street, NORTH ESSENDON VIC 3041 (2)
7 Dudley Street, NORTH ESSENDON VIC 3041
3a Dudley Street, NORTH ESSENDON VIC 3041
17 Dudley Street, NORTH ESSENDON VIC 3041
8 Dudley Street, NORTH ESSENDON VIC 3041
14 Dudley Street, NORTH ESSENDON VIC 3041
6 Dudley Street, NORTH ESSENDON VIC 3041 (2)
4 Dudley Street, NORTH ESSENDON VIC 3041
10 Dudley Street, NORTH ESSENDON VIC 3041
1/5 Dudley Street, NORTH ESSENDON VIC 3041
7a Dudley Street, NORTH ESSENDON VIC 3041

Clause 55 of the Moonee Valley Planning Scheme

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

Where there is non-compliance, see section 3.6 in report.

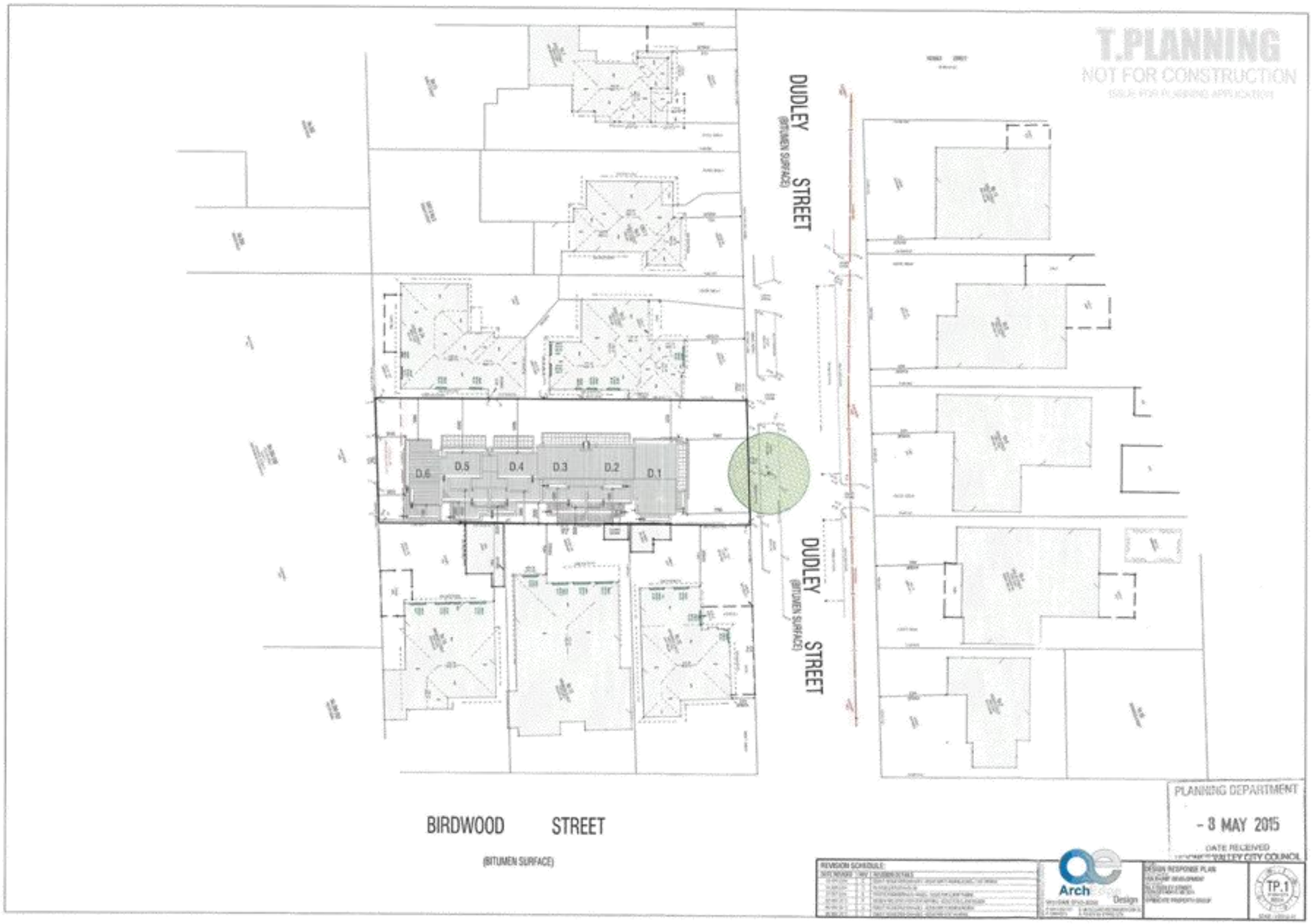
Title and Objective	Complies with Standard	Compliance with Objective
B1 - Neighbourhood Character Objectives	✓	✓
B2 - Residential Policy Objectives	✓	✓
B3 - Dwelling Diversity Objective	**N/A**	**N/A**
B4 - Infrastructure Objectives	✓	✓
B5 - Integration with the Street Objective	✓	✓
B6 - Street Setback Objective	X	✓
B7 - Building Height Objective	✓	✓
B8 - Site Coverage Objective.	✓	✓
B9 - Permeability Objectives	✓	✓
B10 - Energy Efficiency Objectives	✓	✓
B11 - Open Space Objective	**N/A**	**N/A**
B12 - Safety Objective	✓	✓
B13 - Landscaping Objectives	✓	✓
B14 - Access Objectives	✓	✓
B15 - Parking Location Objectives	X	✓
B16 - Parking Provision Objectives	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.	
B17 - Side and Rear Setbacks Objective	X	✓
B18 - Walls on Boundaries Objective	✓ (Condition)	✓
B19 - Daylight to Existing Windows Objective.	✓	✓
B20 - North-facing Windows Objective	✓	✓
B21 - Overshadowing Open Space Objective	✓	✓
B22 - Overlooking Objective	✓	✓

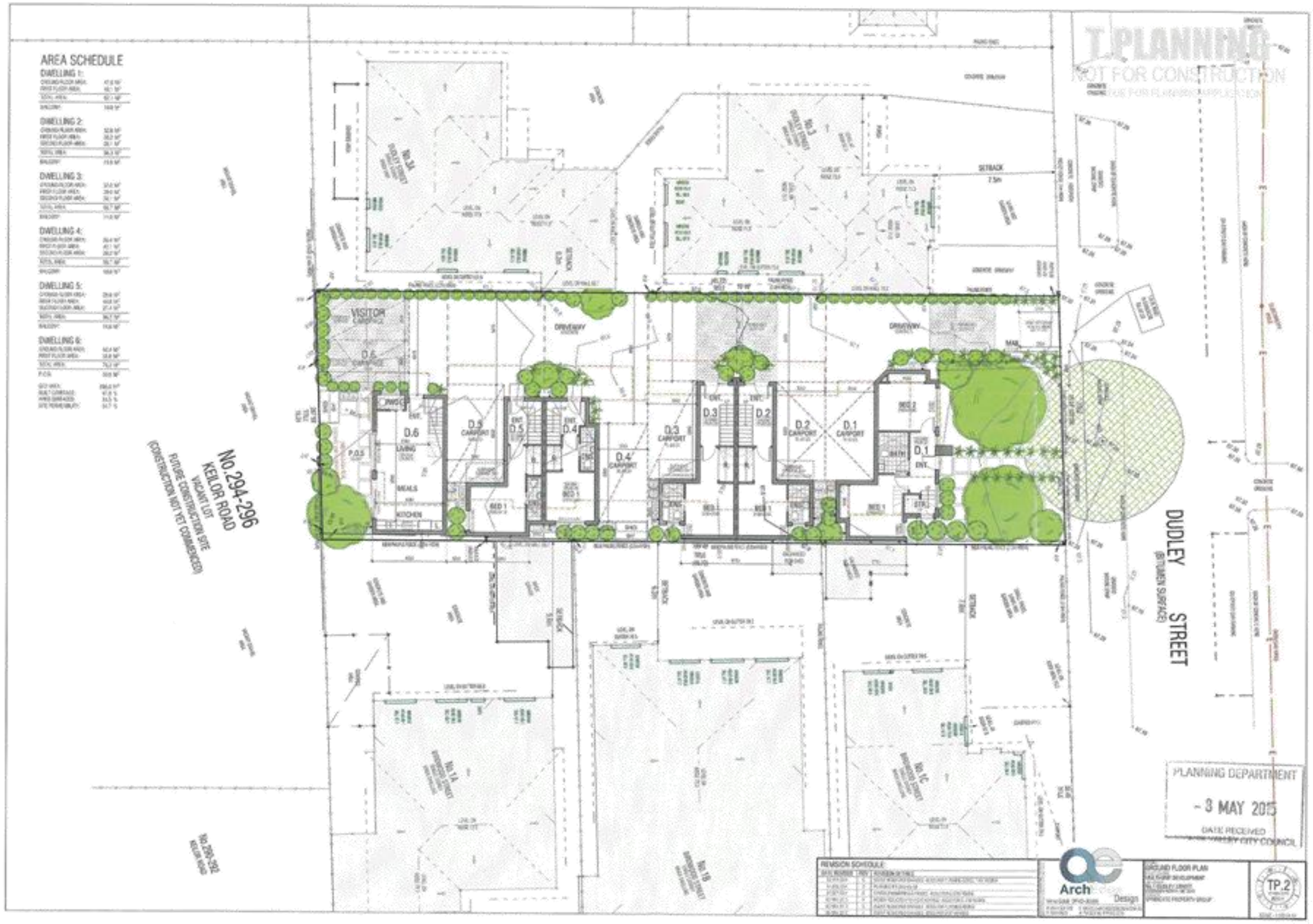
B23 - Internal Views Objective	✓	✓
B24 - Noise Impacts Objectives	✓	✓
B25 - Accessibility Objective	✓	✓
B26 - Dwelling Entry Objective	✓	✓
B27 - Daylight to New Windows Objective	✓	✓
B28 - Private Open Space Objective	✓	✓
B29 - Solar Access to Open Space Objective	X	✓
B30 - Storage Objective	✓	✓
B31 - Design Detail Objective	✓	✓
B32 - Front Fences Objective	✓ (Condition)	✓
B33 - Common Property Objectives	✓	✓
B34 - Site Services Objectives	✓	✓

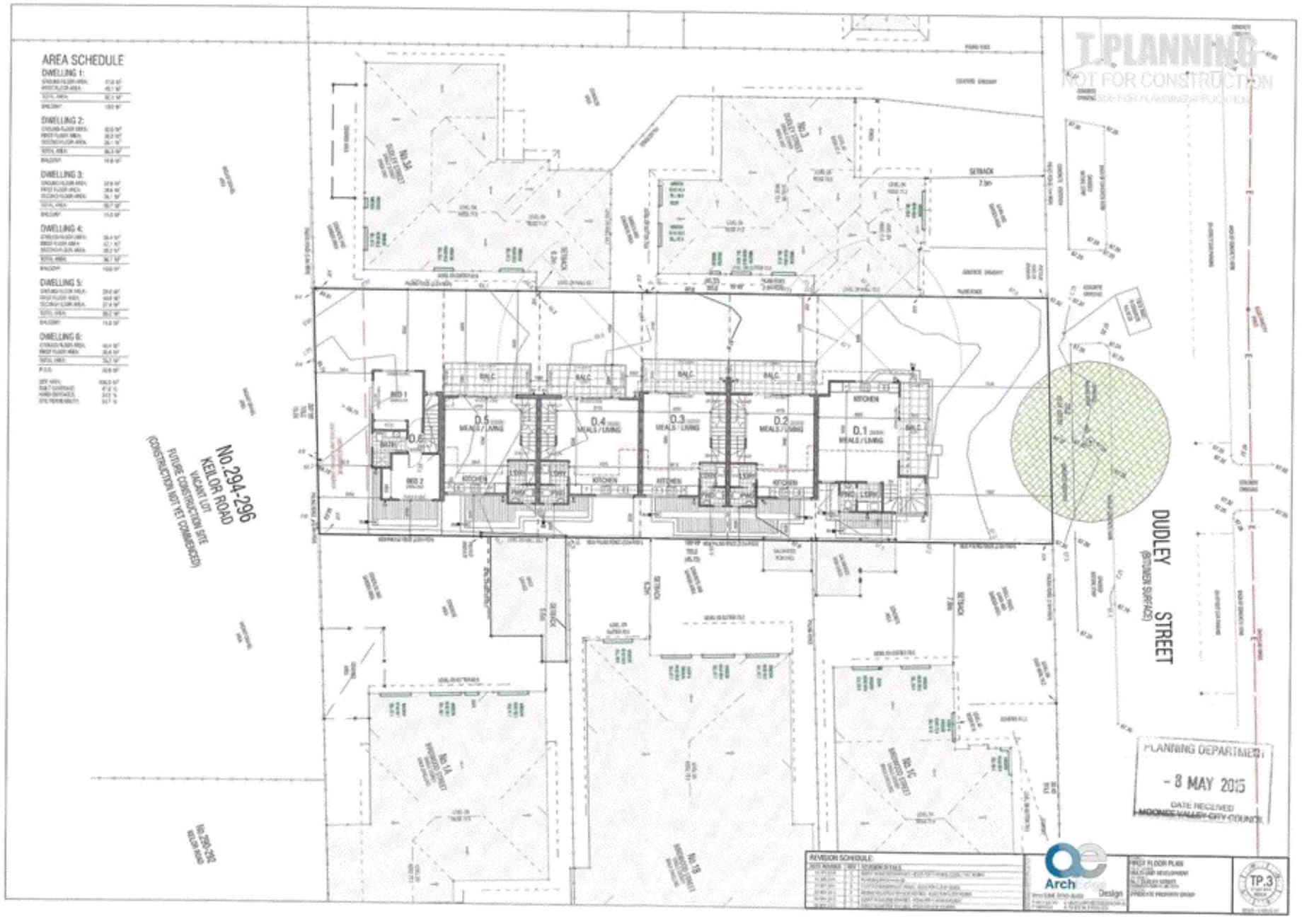
✓- complies

x – non-compliance

N/A- not applicable


T.PLANNING
NOT FOR CONSTRUCTION
ISSUE FOR PLANNING APPLICATION
DUDLEY STREET
(BITUMEN SURFACE)
D.6
D.5
D.4
D.3
D.2
D.1
DUDLEY STREET
(BITUMEN SURFACE)
BIRDWOOD STREET
(BITUMEN SURFACE)
PLANNING DEPARTMENT
- 8 MAY 2015
DATE RECEIVED
VALLEY CITY COUNCIL
REVISION SCHEDULE:
Arch
Design
TP.1


AREA SCHEDULE
DWELLING 1:
DWELLING 2:
DWELLING 3:
DWELLING 4:
DWELLING 5:
DWELLING 6:
No.294-296
KEILOR ROAD
VACANT LOT
FUTURE CONSTRUCTION SITE
(CONSTRUCTION NOT YET COMMENCED)
No.290-292
KEILOR ROAD
VISITOR CARSPACE
DRIVEWAY
SETBACK
7.5m
DUDLEY STREET
(BITUMEN SURFACE)
PLANNING DEPARTMENT
- 3 MAY 2015
DATE RECEIVED
MOONEE VALLEY CITY COUNCIL
REVISION SCHEDULE
GROUND FLOOR PLAN
TP.2


AREA SCHEDULE
DWELLING 1:
DWELLING 2:
DWELLING 3:
DWELLING 4:
DWELLING 5:
DWELLING 6:
T.PLANNING
NOT FOR CONSTRUCTION
SETBACK
7.5m
No.294-296
KEILOR ROAD
VACANT LOT
FUTURE CONSTRUCTION SITE
(CONSTRUCTION NOT YET COMMENCED)
DUDLEY STREET
(BITUMEN SURFACE)
PLANNING DEPARTMENT
- 8 MAY 2015
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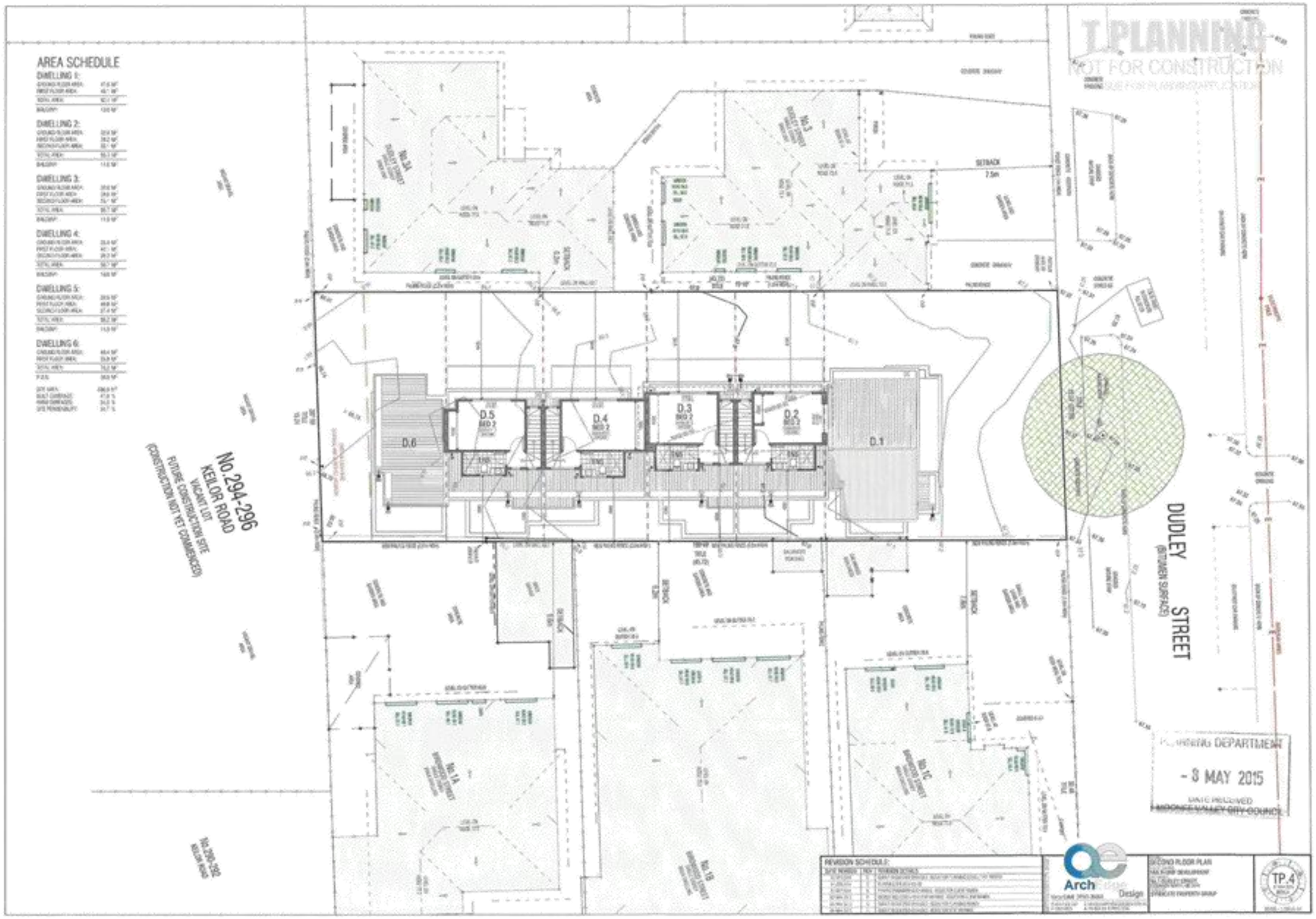
REVISION SCHEDULE
TP.3


AREA SCHEDULE
DWELLING 1:
DWELLING 2:
DWELLING 3:
DWELLING 4:
DWELLING 5:
DWELLING 6:
T.PLANNING
NOT FOR CONSTRUCTION
SETBACK
7.5m
D.0
D.5
D.4
D.3
D.2
D.1
No.294-296
KEILOR ROAD
VACANT LOT
FUTURE CONSTRUCTION SITE
(CONSTRUCTION NOT YET COMMENCED)
DUDLEY STREET
(BITUMEN SURFACE)
PLANNING DEPARTMENT
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REVISION SCHEDULE:
Arch Design
TP.4

MATERIAL SCHEDULE:

T.PLANNING
NOT FOR CONSTRUCTION

LOUVER DETAIL
SCALE 1:20

STREET-SCAPE ELEVATION

NORTH-EAST ELEVATION

NORTH-WEST ELEVATION

SOUTH-WEST ELEVATION

SOUTH-EAST ELEVATION

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- 8 MAY 2015
DATE RECEIVED

TP.5

T.PLANNING
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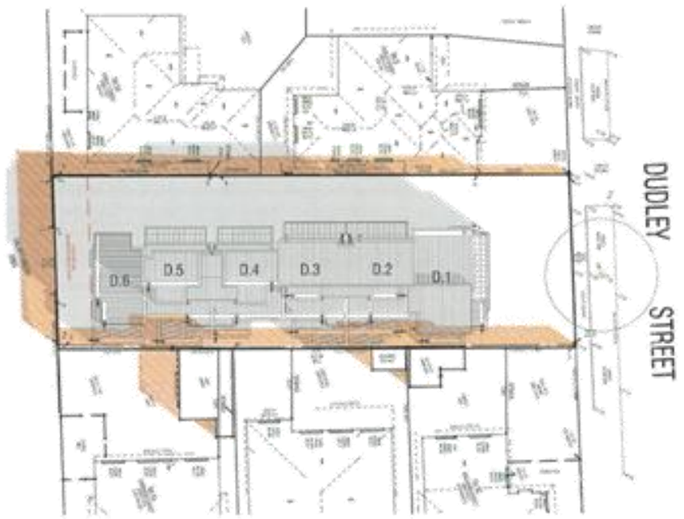

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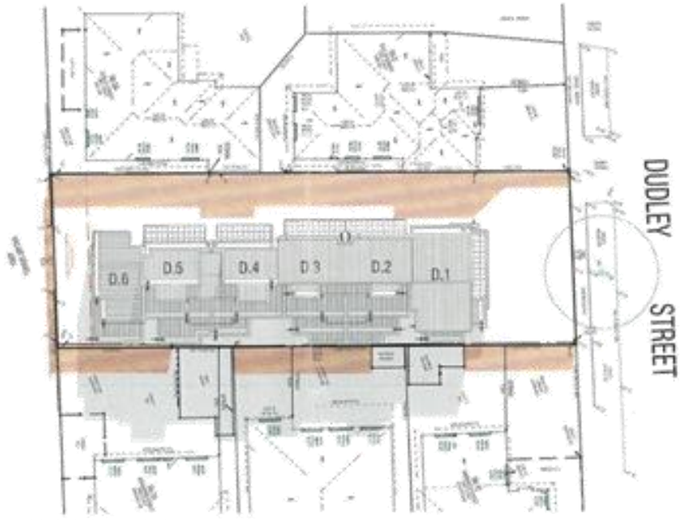
SEPT - 22nd

SHADOW ANALYSIS - 12PM
SEPT - 22nd



SHADOW ANALYSIS - 3PM
SEPT - 22nd

EXISTING SITE/FENCE SHADOWS

PROPOSED NEW SHADOWS

PLANNING DEPARTMENT
- 8 MAY 2015
DATE RECEIVED

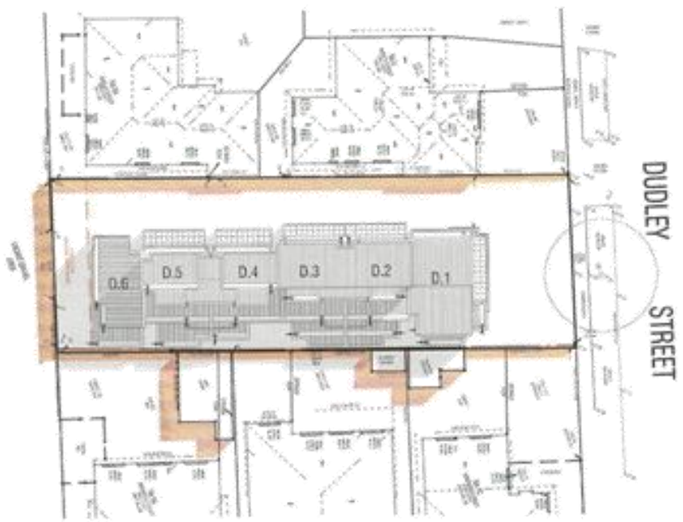
REVISION SCHEDULE:

Arch Design

SHADOW ANALYSIS - SEPT 22nd

TP.6

T.PLANNING
NOT FOR CONSTRUCTION
ISSUE FOR PLANNING APPLICATION



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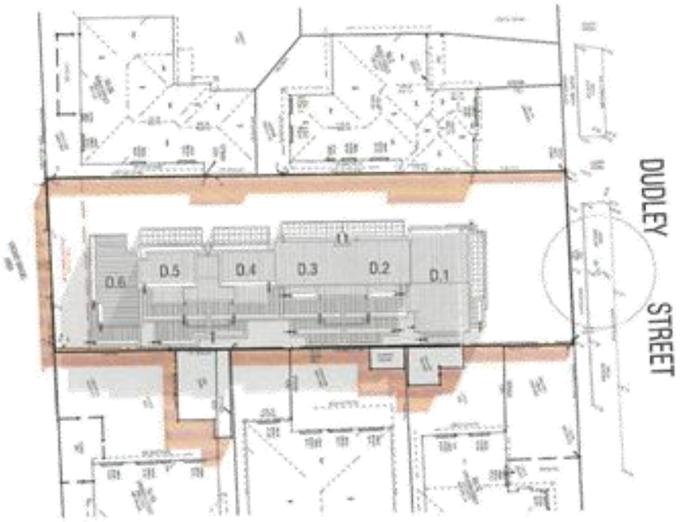


SHADOW ANALYSIS - 2PM
SEPT - 22nd

PLANNING DEPARTMENT
- 8 MAY 2015
DATE RECEIVED
CASEY CITY COUNCIL

EXISTING SITE/FENCE SHADOWS

PROPOSED NEW SHADOWS

REVISION SCHEDULE

Arch Design

SHADOW ANALYSIS - SEPT 22nd

TP.7

9.6 12 Craig Street, East Keilor (Lot 34 TP640280H) - Construction of 24 dwellings and subdivision of the land into 24 lots

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

Planning File No.	MV/407/2015
Proposal	Construction of 24 dwellings Subdivision of the land into 24 lots
Applicant	Australia Bright Development Pty Ltd C/- Property Subdivision Corp (PSCA)
Owner	Mary Bayley
Planning Scheme Controls	General Residential Zone No overlays
Planning Permit Requirement	Clause 32.08-2 – Subdivide land Clause 32.08-4 – Construction of two or more dwellings on a lot
Car Parking Requirements (Clause 52.06)	Required: 52 (48 resident, 4 visitor) Provided: 53 (48 resident, 5 visitor)
Restrictive Covenants	None
Easements	Yes, two adjoining easements for drainage and sewerage located towards the Craig Street frontage.
Site Area	6,432 square metres
Number Of Objections	22
Consultation Meeting	3 February 2016

Executive Summary

- Meeting held with applicants regarding visitor parking. Applicant to provide an amended proposal relating to visitors parking at the lower level of the development and a pedestrian link to the visitors parking at the middle section of the development.
- The application seeks planning approval for the construction of 24 multi-storey dwellings and an associated 24 lot subdivision with common property.
- The site has an area of 6,432 square metres and is located on the eastern side of Craig Street, East Keilor. The site currently has a double storey dwelling located towards the Craig Street frontage. The remainder of the site is a large expanse of sloping, vacant land that extends to the Steele Creek reserve.
- The application was advertised and 22 objections were received including a petition with 15 signatures. The concerns raised related to the impacts of the proposed development in relation to car parking, traffic movement, pedestrian safety, vehicle safety, emergency vehicle access, overdevelopment, neighbourhood character, noise, pollution, overlooking, privacy, visual bulk, interface with adjoining Steele Creek reserve, glare from external building materials, infrastructure services, waste collection, stormwater treatment, sustainability and energy efficiency measures, landscaping, fencing and private open space provision. Other issues raised relate to inadequate public notice, potential decrease in property values, health impacts from future electricity infrastructure, impacts of existing winery to the south on future residents, impacts arising during construction and the construction process.
- A Consultation Meeting was held on 3 February 2016, attended by Councillors Surace and Cornish, objectors, the applicant and Council's Planning Officer. While no resolution was achieved at this meeting, revised plans dated 14 July 2016 (refer **Appendix D** – separately circulated) showing the deletion of a dwelling, provision of additional visitor car spaces and increased setbacks were submitted to Council to address some of the concerns raised. A revised landscape plan (refer **Appendix E** – separately circulated) showing modified landscaping was also submitted to Council to address the concerns raised by Friends of Steele Creek.
- The application was externally referred to Melbourne Water, City West Water, Jemena (Electricity) and AusNet Services (Gas). The application was internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit and Environmental Sustainable Development Officer. Referral advice indicated conditional support for the application.
- This assessment report finds the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme, and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.

Figure 1 – Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/407/2015 for the construction of 23 dwellings and subdivision of the land into 23 lots at No.12 Craig Street, East Keilor (Lot 34 TP640280H), subject to the following conditions:

DEVELOPMENT CONDITIONS

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and 3 copies must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:

    a) Changes indicated on revised plans TP01-TP23 dated 14 July 2016, which include increased setbacks from the northern, eastern and southern property boundaries, deletion of Dwelling 9 and provision of three additional visitor car spaces within the mid-section of the site.

    b) Pedestrian visibility splays at bends on the internal accessway and at the intersection of the accessway and Craig Street as per the requirements of Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.

    c) The width and design of all pedestrian footpaths to comply with the relevant Disability Discrimination Act (DDA) requirements and Building Regulations.

    d) Details, including text and dimensions, of signage at all bends on the proposed internal accessway.

e) Suitable traffic treatments to Craig Street and/or the internal accessway to ensure safe vehicle movement to and from the site. The treatments must include raised pavement, line marking and/or signage.

f) Swept path diagrams demonstrating traffic movements at the Craig Street and internal accessway intersection for vehicles (including waste and delivery vehicles) simultaneously entering and exiting the site.

g) Modified Craig Street car space line-marking to accommodate the creation of the proposed vehicle crossover and accessway.

h) A notation that the existing power pole at the front of the site is to be relocated at the owner's cost and to the satisfaction of the Responsible Authority.

i) A cross section (taken from the south) of the vehicle manoeuvring area in the south-east corner of the site.

j) Obscuring of all habitable room windows, stair case landings and stair case landing windows within 9 metres of side boundaries to meet the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.

k) Improved articulation of the west elevation of Dwelling 1 to break up the massing when viewed from No.14 Craig Street.

l) A 1,570mm high, black coloured 'ARC weldmesh' fence along the eastern (rear) property boundary.

m) Annotation of tree protection measures proposed for the existing *Corymbia Citriodora* located on site, adjacent to the rear of No.14 Craig Street, in accordance with the recommendations of the arborist report required under Condition 27.

n) Further details of the Craig Street interface, including development identification signage, a pedestrian entry feature (e.g. arbour or arch) and/or park-style furniture.

o) A notation that all external metal cladding/roofing is to be provided with a non-reflective finish to mitigate glare.

p) Permeable paving to rear secluded private open space areas as per Landscape Concept Plan 'LC01' Revision C.

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

2. Except with the prior written consent of the Responsible Authority, the layout of the land and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified.

3. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) details (relating to the WSUD treatment measures nominated in the approved and complying MUSIC assessment), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.

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

   a) Hours of construction;

   b) Parking and traffic movement of all workers' and construction vehicles, with all vehicle parking and access to be contained on site and provided from Craig Street;

   c) Scaffolding and hoarding for the site;

   d) Details of temporary fencing around the entire periphery of the site to prevent access to and from adjoining properties to the north, east and south of the site;

   e) Allocated areas for loading and unloading;

   f) Site evacuation plan and procedure;

   g) Occupational health and safety policy;

   h) Hazard identification and control;

   i) Environmental management and waste minimisation;

   j) 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;

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

   l) Arrangements for chemical storage;

   m) Noise and vibration control;

   n) Risk assessment;

   o) Works timetable; and

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

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

   The development must be carried out in accordance with the endorsed CSMP and the provisions, requirements and recommendations of the endorsed CSMP must be implemented and complied with to the satisfaction of the Responsible Authority.

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

   a) Inspection frequency;

   b) Cleanout procedures;

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

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

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

6. Before the buildings approved by this permit are occupied, all retaining walls must be cleaned and finished to the satisfaction of the Responsible Authority.

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

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

9. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

10. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.

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

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

    a) Constructed;

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

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

    d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and

    e) Line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the ground,

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

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

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.

12. Before the building approved by this permit is occupied, concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossing(s) must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

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

13. Before the existing street trees on the Craig Street nature strip are removed, the applicant must advise the Responsible Authority of the method of removal and safety measures to be implemented. The removal of the trees must be undertaken to the requirements and satisfaction of the Responsible Authority.

14. All structures within the pedestrian visibility splays at each vehicle access point must be at least 50% visually permeable pursuant to Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.

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

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

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

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

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

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

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

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

18. A drainage surcharge route must be shown on the layout plan, to demonstrate the overland flow path in the event of a storm exceeding the underground minor drainage system.

    An underground drainage system must be designed to handle the 1 in 100 year storm event for the critical storm duration.

    Before the development commences, a Drainage Layout Plan and Drainage Computations for the drainage system (including consideration of any drainage catchment external to the development that may drain to the drainage system) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan and Drainage Computations must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority.

    When approved, the Drainage Layout Plan and Drainage Computations will be endorsed and will form part of this permit.

    The drainage must be constructed in accordance with the endorsed Drainage Layout Plan and Drainage Computations and the provisions, recommendations and requirements of the endorsed Drainage Layout Plan and Drainage Computations must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.

19. A minimum 30 days prior to any building or works commencing, a road safety audit and a certificate of Disability Discrimination Act (DDA) compliance in relation to the detailed civil engineering design must be submitted and approved to the satisfaction of the Responsibility Authority. All costs associated with the road safety audit and certificate of DDA compliance must be borne by the developer.

20. Engineering Design Plans for the Craig Street and internal accessway intersection works required at Condition 1.e) must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority. When approved, the Engineering Design Plans will be endorsed and will form part of this permit. The works must be constructed prior to the occupation of any dwelling on the subject land to the satisfaction of the Responsible Authority. All costs associated with the preparation of the plans and installation and construction of the required intersection treatment works must be borne by the developer.

21. All retaining walls to be constructed must be validated by an independent building surveyor, to the satisfaction of the Responsible Authority.

22. Before the buildings approved by this permit are occupied, all boundary fencing and retaining walls must be erected. The cost of such fencing and retaining walls must be met by the owner and carried out to the satisfaction of the Responsible Authority.

23. 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.

24. The provisions, recommendations and requirements of the Cultural Heritage Management Plan (CHMP) prepared by Matrix Archaeological Services dated 23 February 2016 must be carried out and implemented to the satisfaction of the Responsible Authority.

25. Before the development starts, an amended Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended SMP must be generally in accordance with the SMP prepared by Sustainable Development Consultants Revision 1 dated 1 April 2016 but modified to show:

    a) Changes in accordance with Condition 1 of this permit.

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

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

26. Before the development starts, an amended Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended WMP must be generally in accordance with the WMP prepared by Leigh Design Pty Ltd dated 7 August 2015 but modified to show:

    a) Changes in accordance with Condition 1 of this permit.

    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.

27. Before the development starts, an arborist report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The arborist report be prepared by an arborist with suitable qualifications to the satisfaction of the Responsible Authority and must outline tree protection measures to the existing *Corymbia Citriodora* located on site, adjacent to the rear of No.14 Craig Street.

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

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

28. Before the development starts, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and 3 copies must be provided. The amended landscape plan must be generally in accordance with plans LC01 Revision C dated 07/10/15 and LCO2 and LCO3 Revision B dated 10/02/16 submitted with the application but modified to show:

    a) Plans to accord with Condition 1 of this permit;

    b) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems; and

    c) All planting abutting the accessways and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.

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

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

29. 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.

30. Before the development starts, a Geotechnical report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Geotechnical report must be prepared by a person with suitable qualifications to the satisfaction of the Responsible Authority and must ascertain and specify the stability of the slope and the measures to be adopted to minimise the impacts of the development on the adjoining land.

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

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

31. Immediately upon the discovery of any Aboriginal cultural material, works must cease and Aboriginal Affairs Victoria must be notified of the discovery.

32. 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.

END DEVELOPMENT CONDITIONS

SUBDIVISION CONDITIONS

33. Before the plan of subdivision is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be generally in accordance with the plans submitted and assessed with the application, but modified to show:

    a) The lot configuration and common property, including any party wall easements, based on the approved development plan required by Condition 1 of this permit.

    b) The noting of implied easements under Section 12(2) of the *Subdivision Act 1988* to apply to all land forming part of the subdivision.

    c) The location and details of any easements required by the relevant service authorities, as well as the creation of a drainage easement over any drainage infrastructure required.

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

34. The layout of the proposed subdivision as shown on the endorsed plan, must not be altered or modified (whether or not in order to comply with any Statute, Statutory Rule, Local Law or By-Law or for any other reason) without the prior written consent of the Responsible Authority.

35. Before a Statement of Compliance is issued:

    a) The development must be completed, including all buildings (lock-up stage), works and hard services (driveways and car parking) as required by Planning Permit MV/407/2015, to the satisfaction of the Responsible Authority, or

    b) The owner (or other person in anticipation of becoming the owner of the land) must enter into an Agreement pursuant to Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority which provides that the land will be developed in accordance with Planning Permit MV/407/2015 or any other permit issued by the Responsible Authority.

The owner (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).

The Agreement will end upon Council confirming in writing that the development has been completed in its entirety, including all car parking and landscaping as required by Planning Permit MV/407/2015.

36. Before a Statement of Compliance is issued the development must be completed, including all buildings (lock-up stage), works and hard services (driveways and car parking) as required by Planning Permit MV/407/2015, to the satisfaction of the Responsible Authority.

37. Before a Statement of Compliance is issued, a public open space contribution fee equivalent to 5% of the value of the land must be paid to Council.

38. Before a Statement of Compliance is issued, the Responsible Authority must be provided with written advice in accordance with Section 20A of the *Subdivision Act 1988*.

39. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.

40. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

41. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Melbourne Water Conditions

42. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

43. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the *Subdivision Act 1988*.

44. Prior to the issue of Statement of Compliance, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.

45. Prior to the commencement of works, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval. The SEMP must include a site map detailing the location and design of all measures including the following:

    a) Silt fencing;

    b) Access tracks;

    c) Spoil stockpiling;

    d) Trenching locations;

e) Machinery/Plant locations.

End Melbourne Water Conditions

City West Water Conditions

46. It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.

47. It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.

48. Prior to certification, the Plan of Subdivision must be referred to City West Water in accordance with Section 8 of the *Subdivision Act 1988*.

End City West Water Conditions

Jemena Electricity Networks Conditions

49. The plan of subdivision submitted for certification under the *Subdivision Act 1988* shall be referred to Jemena Electricity Networks (Vic) Ltd in accordance with Section 8 of that Act.

50. The applicant shall:

    a) Enter into an agreement for the extension, upgrading or re-arrangement of the electricity supply to lots on the plan of subdivision as required by Jemena Electricity Networks (Vic) Ltd. (A payment to cover the cost of such work will be required and easements internal and external to the subdivision and provision of sites for substations may also be required).

    b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Supply and Installation Rules issued by the Local Government Electricity Supply Association (Vic) and Distribution Authorities to the extent determined by Jemena Electricity Networks (Vic) Ltd.

End Jemena Electricity Networks Conditions

AusNet Services (Gas) Conditions

51. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the *Subdivision Act 1988*.

End AusNet Services (Gas) Conditions

52. The owner of the land must enter into an agreement with:

    a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

    b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless

the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

53. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

    a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and

    b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

54. This permit will expire if:

    a) The plan of subdivision is not certified within two years of the date of this permit, or

    b) The registration of the subdivision is not completed within five years of the date of certification of the plan of subdivision.

    The Responsible Authority may extend the time to certify the plan of subdivision if a request is made in writing before the permit expires or within six (6) months afterwards.

END SUBDIVISION CONDITIONS

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.
- The land is to be valued on a day not more than 12 months before the date for payment of the public open space contribution. If a public open space contribution is not paid within 12 months after it is required, the Council may obtain a revaluation at each anniversary of the making of the requirement, and vary the amount of the payment accordingly.
- Before the development starts, the permit holder must contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- No on-street parking permits will be provided to the occupiers of the land.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculation: C=0.4, tc=5mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or C=0.80.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.

- Before the development starts, separate approval must be obtained from the Moonee Valley City Council in relation to the proposed removal of the existing street trees on the Craig Street nature strip. Please contact Council on 9243 8888 to speak with Council's Arborist.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- All roads and drainage, including civil related works, shall be the responsibility of the Owners Corporation.
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 266332.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the eastern side of Craig Street, East Keilor. The site is irregular in shape with a frontage to Craig Street of 15.85 metres and a maximum depth of 166.12 metres, resulting in a total area of approximately 6,432m^2.

The land has an approximate 32.10 metre fall from the west of the site to the east.

A 2.44 metre wide and 1.83 metre wide drainage and sewerage easement exists to the west of the site, running north-south. There are no restrictions noted on the Certificate of Title.

The site currently carries a double storey brick dwelling and carport. The existing dwelling has a front setback of approximately 7.0 metres. Vehicle access is obtained from an existing crossover to the north-west along Craig Street. There is no significant landscaping or vegetation on the subject site. Two street trees are located at the front of the site.

Figure 2 – Subject site (No.12 Craig Street, East Keilor)

The surrounding area is predominantly residential zoned land used and developed for residential purposes. Land to the rear of the site forms part of the Steele Creek Reserve and associated trail. The built form within the vicinity is predominantly single and double storey, with examples of triple storey and multi-dwelling developments evident nearby. While the built form within the immediate vicinity is predominantly traditional in style and character, comprising brick dwellings with pitched tiled roofing, there is an emergence of new and contemporary developments nearby.

1.2 Proposal

It is proposed to construct 24 dwellings and subdivide the land into 24 lots. The proposal, as advertised, can be summarised as follows:

Table 1

No. of dwellings	24 (4 x 4 bedrooms and 20 x 3 bedrooms)
No. of car spaces	53 (48 resident spaces and 5 visitor spaces)
Max. building height	12.80 metres
Site coverage	30%
Permeability	32%

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

It is noted that revised plans dated 14 July 2016 (refer **Appendix D** – separately circulated) were received by Council following the Consultation Meeting held on 3 February 2016 to address some of the concerns raised. The revised plans demonstrate:

- The deletion of Dwelling 9;
- Provision of three additional visitor car spaces within the mid-section of the site; and
- Increased setbacks along the northern, eastern and southern property boundaries.

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

It is noted a revised landscape plan, Revision C, was also received by Council following the Consultation Meeting to address the concerns raised by Friends of Steele Creek. The revised landscape plan is also to be included as a condition on any permit granted accordingly (refer to **Appendix E** – separately circulated).

2. Background

2.1 Relevant Planning History

Not applicable.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

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

Local Planning Policy Framework

Clause 21.01	Municipal Profile
Clause 21.02	Key Issues and Influences
Clause 21.03	Vision
Clause 21.04	Sustainable Environment
Clause 21.05	Housing
Clause 21.06	Built Environment
Clause 22.02	Public Open Space Contribution
Clause 22.03	Stormwater Management (Water Sensitive Urban Design)

Zoning

Clause 32.08	General Residential Zone

Overlays

None.

Particular and General Provisions

Clause 52.01	Public Open Space Contribution and Subdivision
Clause 52.06	Car Parking
Clause 52.17	Native Vegetation
Clause 55	Two or More Dwellings on a Lot and Residential Buildings
Clause 56	Subdivision
Clause 65	Decision Guidelines
Clause 66	Referral and Notice Provisions

2.3 Referrals

External

- Melbourne Water

  No objection subject to conditions and notes, which are to be included on any permit granted.

- City West Water

  No objection subject to conditions and notes, which are to be included on any permit granted.

- Jemena Electricity Networks

  No objection subject to conditions, which are to be included on any permit granted.

- AusNet Services (Gas)

  No objection subject to a condition, which is to be included on any permit granted.

Internal

- Engineering Services Unit

  No objection subject to standard drainage and engineering conditions, and the following non-standard requirements:

  - Provision of 300mm trench grates at the bottom of each garage.
  - 30 days prior to any works commencing on site, a road safety audit and a certificate of DDA compliance at detail design stage must be submitted to Council. All costs associated with the road safety audit and certificate of DDA compliance are to be borne by the developer.
  - Any retaining walls constructed must be validated by an independent building surveyor.
  - Charity bin to be specified as part of the development.
  - The development will be a body corporate development. All roads and drainage including civil related works shall be the responsibility of the body corporate only.
  - No retaining wall can be constructed over the existing easements.

  No objection to the MUSIC assessment.

  No objection to the Waste Management Plan.

  Planner's comments

  There is no requirement under the Moonee Valley Planning Scheme that requires the provision of a charity bin. The provision of a charity bin for a development of 24 dwellings is considered to be onerous and will not be required in this instance. Any buildings and works within or adjacent to existing easements will require the prior written consent of the relevant authority as a condition on any permit granted.

- Traffic and Transportation Unit

  No objection subject to the following:

  - The width and design of all pedestrian footpaths to comply with the relevant DDA/Building Regulations.
  - The distribution of visitor car spaces is not ideal for Dwellings 14-24. Explore the provision of three indented visitor car spaces between Dwellings 13 and 14 along the south side of the road.
  - Provision of line marking and signage around all bends on the proposed internal road.

- Provision of safe traffic treatments to the internal road entrance from Craig Street (i.e. line marking/signage, raised intersection, central traffic island, etc.). Swept paths for vehicles entering and exiting the site simultaneously must not be compromised.
- Modified 'hockey stick' line markings along Craig Street in accordance with modified crossover/accessway to the site.
- Provision of safety barriers and fences along all property boundaries.
- Provision of a cross section diagram across the 'hammer head' to the property boundary south of the 'hammer head'.
- The existing power pole along Craig Street relocated, with approval from the relevant authority prior to Council granting approval for the proposed crossover/accessway.
- Details of all bicycle racks shown in accordance with the relevant Australian Standards.
- Relocation of bin enclosures for Dwellings 1-3 and 9-13 so they do not encroach on internal car parking spaces within these garages.
- Laundry doors for Dwellings 9-13 modified (i.e. sliding doors) so they do not encroach on internal car parking spaces.
- Provision of pedestrian visibility splays to all private driveways adjoining an internal pedestrian footpath.
- All private vehicle crossovers designed in accordance with Council's Vehicle Crossing Policy, with all private driveways to correctly align with crossovers.
- Front setbacks for Dwellings 1-3 and 4-7 either increased to 5.4 metres to allow a vehicle to park in tandem to the garage or decreased to 3.5 metres to prevent vehicles parking in tandem and overhanging the footpath.
- Residents will not be eligible for parking permits.

Planner's comments

Revised plans dated 14 July 2016 (refer **Appendix D** – separately circulated) address many of the above matters and are to be included as a condition on any permit granted accordingly.

- Environmental Sustainable Development (ESD) Officer

  No objection to the Sustainable Management Plan (SMP), which is to be endorsed as a condition on any permit granted.

2.4 Public Notification of the Application

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

As a result, twenty-two (22) objections were received from the properties contained within **Appendix A** of this report.

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

2.5 Consultation Meeting

A Consultation Meeting was held on 3 February 2016, attended by Councillors Surace and Cornish, objectors, the applicant and Council's Planning Officer. While no resolution was achieved at this meeting, revised plans dated 14 July 2016 (refer **Appendix D** – separately circulated) showing the deletion of a dwelling, provision of additional visitor car spaces and increased setbacks were submitted to Council to address some of the concerns raised. A revised landscape plan (refer **Appendix E**) showing modified landscaping was also submitted to Council to address the concerns raised by Friends of Steele Creek.

3. Discussion

3.1 State Planning Policy Framework (SPPF)

The relevant State Planning Policy Framework clauses are considered to be met. For the large part State Planning objectives seek to encourage urban consolidation in established urban locations which take advantage of existing infrastructure and community facilities. The subject site is located primate to public parks/reserves, schools and the No.475 bus route. This context is considered to lend support for a more intensive form of residential development, though it is noted the slope of the land constrains development somewhat. At a density of one dwelling per 268 square metres, the proposed development is considered to be at the lower end of medium density development.

This neighbourhood and the broader East Keilor area comprises mostly family homes on traditional sized allotments. The proposed development 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.

With regard to Clause 15.03-2 (Aboriginal Cultural Heritage), a Cultural Heritage Management Plan (CHMP) prepared by 'Matrix Archaeological Services' has been considered and approved by the Wurundjeri Tribe Land & Compensation Cultural Heritage Council. The implementation and management of this CHMP is to form a condition on any permit granted.

3.2 Local Planning Policy Framework (LPPF)

The proposal generally complies with the objectives and strategies of Clause 21.04 (Sustainable Environment) through the use of ecologically sustainable design principles. The applicant has submitted a Sustainable Management Plan which includes a Built Environment Sustainability Scorecard (BESS) assessment and an assessment using the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) tool. As mentioned earlier, Council's ESD Officer and Engineering Services Unit support the sustainability initiatives and recommendations outlined in the BESS and MUSIC reports respectively.

It is noted that the proposed development includes rainwater tanks (2,000L per dwelling), stormwater buffer strips that capture at least 50% of remaining runoff, over 20% of paving as permeable and a gross pollutant trap. In respect to building design, the dwellings will incorporate cross-ventilation opportunities and LED lighting to the common areas. Furthermore, all dwellings will need to meet

the minimum six star energy efficiency rating as required by the National Construction Code (NCC), which is considered suitable.

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

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

The proposed development responds to the strategies of Clause 21.06 (Built Environment). A number of the objectives and strategies within this clause appear to overlap with those contained within the neighbourhood character precinct profile and ResCode, and therefore the key concepts of Clause 21.06 are discussed below within Sections 3.3 and 3.6 of this report.

Clause 22.02 (Public Open Space Contribution) applies to all subdivision applications of three or more lots, with reference to Clause 52.01 (Public Open Space Contribution and Subdivision) and Section 18 of the *Subdivision Act 1988*. As a result, a public open space requirement pursuant to Section 18 of the *Subdivision Act 1988* will be applied to the subdivision. It is noted that the Schedule to Clause 52.01 of the Moonee Valley Planning Scheme is relevant in determining the public open space contribution required. Accordingly, a 5% contribution fee of the site value of the land is applicable and is to form a condition on any permit granted.

The proposal complies with Clause 22.03 Stormwater Management (Water Sensitive Urban Design) and meets the required on-site stormwater treatment as demonstrated by achieving 80:45:45 using the MUSIC assessment tool.

3.3 Neighbourhood Character Guidelines

The subject land is identified as being within character area 'Garden Court 3'. The preferred character statement for this particular precinct is as follows:

> "*New developments will allow the vegetation to continue to dominate the streetscape, and be partially hidden from the streets behind established planting and trees. Building styles will continue to be architecturally diverse, but appear cohesive with consistent siting, form and use of materials*.
>
> *The use of lighter finishes will reinforce the palette of materials. Consistent front setbacks will complement the existing siting patterns, while no or low front fencing will ensure gardens are clearly visible from the street. Well established gardens will further contribute to the dominance of vegetation in this precinct*."

It is considered the development provides a suitable response to the preferred character statement of Garden Court 3 within the Neighbourhood Character Precinct Profiles 2012 as follows:

Table 2

Siting and Building Envelope	There are no dwellings proposed on the 'house lot' sized section of land fronting Craig Street. Though not typical of adjoining lots, the use of this section for the main accessway and a small, garage sized services shed is a functional necessity for the development and provides opportunity for a landscaped presentation to Craig Street. The proposed dwellings are located on the balance of the site, which is a large expanse of sloping land. The proposed lower levels of dwellings are sited within the property boundaries by at least 1 metre with upper floors at least 2 metres. The existing dwelling located at No. 14 Craig Street has the most direct interface with buildings on the development site. Proposed Dwelling 1 has upper floor building setbacks ranging between 2.0 to 2.93 metres from the common boundary with No. 14 Craig Street. The wall height of Dwelling 1 ranges between 5.4 and 6.4 metres from natural ground level. These setbacks combined with established planting at 14 Craig Street will help break up the building mass. The development provides appropriate setbacks from all side and rear property boundaries, as well as subtle spacing between individual dwellings within the proposed development. The building envelope is similar to other medium density style developments within the immediate area.
Built Form	The retaining walls and fencing around the perimeter of the development will present built form elements to the neighbouring vacant properties. These walls vary in height with a maximum height up to approximately 4 metres (on the southern boundary next to Dwelling 9) with a 1.8 metre paling fence above the wall. This only affects a small section of the neighbouring property to the south and will not substantially impact the current vineyard or opportunities for future residential development. A mix of traditional and modern elements are proposed that complement the mix within Craig Street and the Steele Creek environs. The development is well-articulated on each elevation to break up building massing through the use of balconies, recessing or projection of floor levels and a variety of window treatments. The combination of double and triple storey built form proposed is responsive to existing and emerging building heights within the Steele Creek residential properties.
Design Detail	The development provides a mix of solid and lightweight materials, considered to be characteristic of more contemporary infill developments in the area. Proposed colours

	are predominantly brown, white and grey with brighter, feature window trimmings and screens. These elements contribute to the contemporary design intent and sets a high standard for development of adjoining vacant lots. The parapet wall design with flat roof ensures that roofing does not become a prominent feature with the Steele Creek environs. Windows have been provided along the internal street frontages to ensure surveillance of the street is achieved.
Landscaping and front fencing	There is ample room for feature landscaping either side of the main accessway at the Craig Street frontage. Importantly, three large existing canopy trees are to be retained and protected with additional canopy trees to be planted in this space. The development is set off both side boundaries and is provided with a landscaped front yard and side and rear setbacks. While retaining walls are proposed within the front setback area due to the slope of the site, no front fence is proposed, which ensures views of the front garden are maintained. Front fencing is not a typical occurrence along Craig Street and therefore this is considered acceptable.
Steele Creek Environs	The proposal provides five distinct rows of dwellings that will present as terraced built form when viewed from Steele Creek and dwellings on the east side of the creek. To achieve the proposed layout, cut and fill of the sloping allotment is required. As a result, the development will have similar characteristics to the development at No.24 Craig Street to the north when viewed from the creek reserve. The dwellings at the rear of the proposed development with direct interface to the Steele Creek reserve will have basement and ground floor setbacks ranging between 5.0 to 9.2 metres, providing some opportunity for landscaped rear yards. It is noted the applicant, in response to the objection from Friends of Steele Creek, is willing to increase rear setbacks and has submitted a set of plans showing basement and ground floor setbacks ranging between 8.5 to 9.2 metres and upper floor setbacks of at least 10.5 metres. The recommended permit conditions seek formal amendment of development plans to achieve the outcome volunteered by the permit applicant. Such a change will ensure the proposed development has a similar interface with the Steele Creek reserve as the development at No.24 Craig Street, which has a rear setback of approximately 10 metres.

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
24 dwellings (4 x 4 bedrooms and 20 x 3 bedrooms)	48	48
Residential visitors	4	5
Total	52	53

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

It is noted that the revised plans dated 14 July 2016 (refer **Appendix D** – separately circulated) provide an additional three visitor car spaces through the mid-section of the site. Therefore, the modified proposal would provide a total of eight visitor car spaces throughout the site, which is four visitor car spaces in excess of the requirements of Clause 52.06 (Car Parking). Importantly, the three additional visitor car spaces shown on the revised plans would be located through the mid-section of the site providing an even spread of visitor car parking across the entire development.

Other measures required through proposed permit conditions relate to the safety of vehicle movement throughout the development, most notably line marking and safety barriers at bends in the internal accessway and vehicle control measures at the access point from Craig Street.

With the proposed conditional requirements, 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 52.17 (Native Vegetation)

A permit is not required to remove, destroy or lop native vegetation, including dead native vegetation, as demonstrated within the Biodiversity Assessment Report dated 15 July 2016 prepared by ABZECO Pty Ltd.

3.6 Clause 55 (ResCode) Assessment

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

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

Table 4

ResCode Standard	Response
Clause 55.02-1 (Standard B1) Neighbourhood Character	The upper floor walls near side boundaries are not consistent with standard setbacks in this neighbourhood, including those on sloping allotments. The revised plans (refer **Appendix D** – separately circulated) ensure a high level of compliance with the setback requirements of Standard B17, noting the significant constraints with the slope of the land, while also providing a suitable response to neighbourhood character.
Clause 55.02-3 (Standard B3) Dwelling Diversity	The proposal provides diversity with four dwellings having four bedrooms and twenty dwellings having three bedrooms, with variation in dwelling sizes, internal layouts and the provision of private open space. The revised plans (refer **Appendix D** – separately circulated) also provide for a number of smaller dwellings throughout the development and an enlarged secluded private open space area for Dwelling 18. This ensures consistency with the dwelling diversity objective.
Clause 55.02-5 (Standard B5) Integration with the Street	The proposal technically does not comply with this standard as there are no dwellings that have a direct outlook to Craig Street. This is the result of an unusual site configuration, with the primary construction area being to the rear of the much smaller single dwelling allotment facing Craig Street. A clearly defined and sufficiently wide vehicle accessway at the Craig Street entry and large areas of landscaping are regarded as the best design outcome for this site. A variation to the standard is considered appropriate in this instance. It is noted the proposed 'service room' structure is a low-set garage like structure that will be set back approximately 13 metres from the street with landscaping areas in front of it. However, the proposal would benefit from the inclusion of identification signage, a pedestrian entry feature (e.g. arbour or arch) and/or park-style furniture along the Craig Street interface and this is to be included as a condition on any permit granted accordingly.
Clause 55.03-2 (Standard B7) Building Height	The development proposes a maximum building height of 12.8 metres. The site qualifies for a 10 metre maximum height under this standard due to the slope of the land. As a result of the revised plans (refer **Appendix D** – separately circulated) achieving a high level of compliance with Standard B17, the

ResCode Standard	Response
	heights in excess of 10 metres will occur well within the property boundaries of the site. The variation to the standard is considered appropriate in this instance as the subject land is a very large infill site that fundamentally has no buildings on adjoining properties.
Clause 55.03-8 (Standard B13) Landscaping	Ample communal and private landscaping opportunities have been provided to satisfy the objective of this clause. However, the applicant has since submitted a revised landscape plan in consultation with the Friends of Steele Creek (refer **Appendix E**), which includes a more appropriate landscape theme throughout the site and a suitable rear boundary fence. The revised landscape plan is to be included as a condition on any permit granted accordingly.
1. Clause 55.03-9 2. (Standard B14) 3. Access	The proposed 6.3 metre wide vehicle crossover is less than 40% of the street frontage, and meets the requirements of this standard. However, the crossover and vehicle accessway along Craig Street are to be modified to ensure the design respects the existing neighbourhood character and provides a safe pedestrian environment and vehicle entrance along Craig Street. These changes are to be included as conditions on any permit granted.
4. Clause 55.03-10 5. (Standard B15) 6. Parking Location	Vehicle parking for residents of the proposed dwellings is compliant with the standard. However, the revised plans (refer **Appendix D** – separately circulated) will ensure a more even distribution of visitor parking throughout the development and this is to be a condition on any permit granted.
7. Clause 55.04-1 8. (Standard B17) 9. Side and Rear Setbacks	The applicant's initial reasons for seeking a variation to this standard were not considered justifiable on a development site of this size. The proposed encroachments are considered to compromise the development potential for adjoining properties with unnecessary visual impacts. The revised plans (refer **Appendix D** – separately circulated) ensure a high level of compliance with the setback requirements of this standard, ensuring the objective of this standard has been met. The revised plans are to be a condition on any permit granted accordingly.
10. Clause 55.04-2 11. (Standard B18) 12. Walls on	No dwelling walls are located on boundaries, however a small section of the proposed retaining walls exceed the maximum height of 3.6 metres. As discussed within Section 3.3 of this report, a variation

ResCode Standard	Response
Boundaries	of this standard is considered appropriate on this large sloping site, which adjoins two other large sites.
13. Clause 55.04-6 14. (Standard B22) 15. Overlooking	The only dwelling that has existing windows and/or private open space within nine metres of the proposed development is No.14 Craig Street, in relation to Dwelling 1. Dwelling 1 has no windows or balconies on its western elevation facing No.14 Craig Street. The proposed development has screened most windows and balconies with direct views to the neighbouring properties to the north and south. Certain windows, including upper floor living rooms for Dwellings 19 and 24, have not been adequately annotated. A permit condition will require this issue to be addressed for consistency across the development with regard to overlooking.

3.7 Compliance with Clause 56 (Residential Subdivision)

An assessment of the proposal against Clause 55 of the planning scheme has been undertaken within Section 3.6 of this report. The proposed subdivision will accord with the lot configuration, as approved in the development, subject to a detailed lot layout plan being provided as a condition on any permit granted. An Agreement pursuant to Section 173 of the *Planning and Environment Act 1987* will be required as a condition on any permit granted to ensure the development is constructed in accordance with the plans that form part of this assessment, prior to the issue of a Statement of Compliance.

3.8 Objections

A response to the objections is provided as follows:

Table 5

Issue	Officer Response
Overdevelopment	The proposal is not considered to be an overdevelopment of the site. The development will provide adequate private open space and visitor car parking in accordance with the minimum requirements. The proposed development is also well within the maximum requirements of site coverage and permeability under Clause 55 (ResCode).
Neighbourhood character / visual bulk	This is considered acceptable, subject to revised plans (refer **Appendix D** – separately circulated), as discussed within Sections 3.3 and 3.6 of this report. A condition for improved articulation of the western elevation of Dwelling 1, to break up the massing when viewed from No.14 Craig Street, is also to be included as a condition on any permit granted.

Issue	Officer Response
Height	The proposed height, while in excess of the Rescode standard, is considered appropriate for a site of this size as discussed within Section 3.6 of this report. Furthermore, the height of the development would not be easily discernible from adjoining residential properties due to the slope of the land.
Car parking / traffic / vehicle and pedestrian safety	This is considered acceptable as discussed within Sections 2.3 and 3.4 of this report. The proposed development provides adequate car parking on site and Council's Traffic and Transportation Unit has no objection to the location and design of the shared vehicle accessway, subject to the inclusion of conditions on any permit granted.
Emergency vehicle access	It is noted that the building permit process goes through a fire safety review against the relevant regulations, and requires review and approval from the Metropolitan Fire Brigade (MFB). Any requirements from the MFB must be met by the developer during the building permit process, and there may even be requirements for separate hydrants/boosters throughout the development for MFB personnel to utilise should any emergencies arise.
Noise	It is considered the noise emitted from the development would be similar to that of other nearby developments and residential dwellings in the area and it is not expected that the noise emitted will significantly affect surrounding properties. Furthermore, it is noted there are specific Local Laws and EPA noise guidelines that control nuisance and excessive noise within residential areas, which are applicable to all residential properties.
Overlooking / privacy	The proposed development meets the requirements of Clause 55.04-6 (Overlooking), subject to the inclusion of conditions on any permit granted, as discussed within Section 3.6 of this report.
Private open space provision	The proposed development meets the provisions of Clause 55.05-4 (Private Open Space). Each dwelling is provided with total private open space ranging from $31m^2$ to $94m^2$, with the majority of dwellings also providing additional upper floor balconies for recreation and leisure purposes. The proposed development is also proximate to numerous public reserves, which can be utilised for additional recreation and leisure purposes by any future

Issue	Officer Response
	occupants where required.
Pollution	It is considered the proposed development would not cause significant or excessive pollution beyond a typical residential development. It is noted that the Waste Management Plan and MUSIC assessment submitted to Council are deemed acceptable and would help minimise any pollution impacts accordingly.
Interface with adjoining Steele Creek reserve	This is considered acceptable, subject to revised plans (refer **Appendices D & E**), as discussed within Sections 3.3 and 3.6 of this report. It is noted that consultation with the Friends of Steele Creek resulted in a number of changes referenced within these revised plans.
Glare from external building materials	It is considered the proposed external finishes, colours and materials are appropriate and would not cause any significant or unreasonable glare to nearby properties. However, a condition is to be included on any permit granted to ensure all external metal cladding/roofing is to be non-reflective to mitigate any potential glare on adjoining and nearby properties.
Infrastructure services	All relevant service authorities have been notified of the proposal, with no objection received subject to the inclusion of conditions on any permit granted as discussed within Section 2.3 of this report.
Waste collection	The proposed dwellings generally meet the requirements of Clause 55.06-4 (Site Services) as each dwelling has been provided with bin/recycling enclosures. However, given the restricted kerbside space at the front of the site, significant slope of the land and distance between the rear dwellings from Craig Street, private waste collection is proposed and is to be in accordance with a Waste Management Plan (WMP). Council's Engineering Services Unit has no objection to the WMP submitted and this is to be managed through a condition on any permit granted accordingly.
Stormwater treatment	Council's Engineering Services Unit has no objection to the proposed development or MUSIC assessment submitted, subject to the inclusion of conditions on any permit granted, as discussed within Section 2.3 of this report.
Sustainability and energy efficiency measures	Council's ESD Officer has no objection to the proposal or Sustainable Management Plan (SMP) submitted, which is to be endorsed as a condition on

Issue	Officer Response
	any permit granted as discussed within Section 2.3 of this report.
Landscaping / fencing	This is considered acceptable, subject to revised plans (refer **Appendices D & E**), as discussed within Sections 3.3 and 3.6 of this report. It is noted that consultation with the Friends of Steele Creek resulted in a number of changes referenced within these revised plans.
Construction impacts	A Construction Management Plan will be required as a condition on any permit granted in order to minimise potential construction impacts on adjoining and nearby properties.
Health impacts from future electricity infrastructure	Larger developments are sometimes required to have an on-site electrical substation as per the requirements of the relevant electricity provider (i.e. Jemena). The proposed development provides a 'services' structure towards the front of the property which can be utilised as an electrical substation should this be a requirement from Jemena. It is noted that such substations do not typically create any detrimental noise/health related issues.
Impacts of existing winery to the south on future residents	The existing winery to the south has the benefit of existing use rights, which any future residents would be aware of when purchasing or residing in one of the proposed dwellings. It is also noted that the use of the subject land for dwellings is an 'as-of-right' use under the General Residential Zone and considered acceptable accordingly.
Inadequate public notice	The proposal was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*. It is noted that two advertising notices were displayed on site (one along the Craig Street frontage and one along the rear property boundary facing the Steele Creek reserve) and letters were sent to adjoining and surrounding properties.
Reduction in property values	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 that the proposal would not have a significant social effect.

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

Appendices

Appendix A: Objectors
Appendix B: Clause 55 (ResCode) Assessment Table
Appendix C: Advertised Plans (separately circulated)
Appendix D: Revised Plans (separately circulated)
Appendix E: Revised Landscape Plan.

Location of Objector's Properties

1 Craig Street, EAST KEILOR VIC 3033
1 Pamela Avenue, EAST KEILOR VIC 3033
10 Herbert Crescent, EAST KEILOR VIC 3033
11 Craig Street, EAST KEILOR VIC 3033
113 Brees Road, EAST KEILOR VIC 3033
13 Craig Street, EAST KEILOR VIC 3033
18 Noga Avenue, EAST KEILOR VIC 3033
2 Craig Street, EAST KEILOR VIC 3033
2 Herbert Crescent, EAST KEILOR VIC 3033
23 Spring Street, NIDDRIE VIC 3042
31 Herbert Crescent, EAST KEILOR VIC 3033
32 Leigh Street, COORPAROO QLD 4151
32 Noga Avenue, EAST KEILOR VIC 3033
4 Craig Street, EAST KEILOR VIC 3033
4 Noga Avenue, EAST KEILOR VIC 3033
45 Herbert Crescent, EAST KEILOR VIC 3033
5 Craig Street, EAST KEILOR VIC 3033
7 Craig Street, EAST KEILOR VIC 3033
7 Herbert Crescent, EAST KEILOR VIC 3033
7 Pamela Avenue, EAST KEILOR VIC 3033
9 Craig Street, EAST KEILOR VIC 3033
9 Pamela Avenue, EAST KEILOR VIC 3033

Clause 55 of the Moonee Valley Planning Scheme

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

Where there is non-compliance, or modification required, see Section 3.6 of this report.

Title and Objective	Complies with Standard	Complies with Objective
B1 - Neighbourhood Character	✓ (subject to conditions)	✓ (subject to conditions)
B2 - Residential Policy	✓	✓
B3 - Dwelling Diversity	✓ (subject to conditions)	✓ (subject to conditions)
B4 - Infrastructure Objectives	✓	✓
B5 - Integration with the Street Objective	X	✓ (subject to conditions)
B6 - Street Setback Objective	✓	✓
B7 - Building Height Objective	X	✓
B8 - Site Coverage Objective	✓	✓
B9 - Permeability Objectives	✓	✓
B10 - Energy Efficiency Objectives	✓	✓
B11 - Open Space Objective	✓	✓
B12 - Safety Objective	✓	✓
B13 - Landscaping Objectives	✓ (subject to conditions)	✓ (subject to conditions)
B14 - Access Objectives	✓ (subject to conditions)	✓ (subject to conditions)
B15 - Parking Location Objectives	✓ (subject to conditions)	✓ (subject to conditions)
B16 - Parking Provision Objectives	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.	
B17 - Side and Rear Setbacks Objective	X	✓ (subject to conditions)
B18 - Walls on Boundaries Objective	X	✓
B19 - Daylight to Existing Windows Objective	✓	✓
B20 - North-facing Windows Objective	✓	✓
B21 - Overshadowing Open Space Objective	✓	✓

B22 - Overlooking Objective	✓ (subject to conditions)	✓ (subject to conditions)
B23 - Internal Views Objective	✓	✓
B24 - Noise Impacts Objectives	✓	✓
B25 - Accessibility Objective	✓	✓
B26 - Dwelling Entry Objective	✓	✓
B27 - Daylight to New Windows Objective	✓	✓
B28 - Private Open Space Objective	✓	✓
B29 - Solar Access to Open Space Objective	✓	✓
B30 - Storage Objective	✓	✓
B31 - Design detail objective	✓	✓
B32 - Front Fences Objective	✓	✓
B33 - Common Property Objectives	✓	✓
B34 - Site Services Objectives	✓	✓

✓- complies

X - non-compliance

N/A - not applicable

LANDSCAPE CONCEPT PLAN

KEY

EXISTING TREES
To be protected and retained

DECIDUOUS TREES

CODE	BOTANICAL NAME	COMMON NAME	H X W	INSTALL SIZE	QTY
AgC	Acer platanoides 'Columnare'	Norway Maple	10 x 4	45ltr, 1.5m high min	3
AtW	Acer truncatum x A. platanoides 'Warrenred' Pacific Sunset	Pacific Sunset Maple	10 x 6	45ltr, 1.5m high min	1
Li	Lagerstroemia indica 'Tuscarora'	Crepe Myrtle	6 x 6	45ltr, 1.0m high min	2
PcC	Pyrus calleryana 'Capital'	Fastigiate Ornamental Pear	10 x 3	45ltr, 1.5m high min	25
PE	Pyrus calleryana x fauriei/kawakii 'Edgedell'	Edgewood Ornamental Pear	8 x 6	45ltr, 1.5m high min	2
QpF	Quercus robur f. fastigiata	Fastigiate Oak	13 x 4	45ltr, 1.5m high min	1

EVERGREEN TREES

Ai	Acacia implexa	Lightwood	6-8 x 4-7	300mm pot, 1.5m high	3
Am	Acacia melanoxylon	Blackwood	8-20 x 4-10	300mm pot, 1.5m high	2
Bm	Banksia marginata (tree form)	Silver Banksia	5-8x1-3	300mm pot, 1.5m high	16
CH	Callistemon Hannos	Weeping Red Bottlebrush	4 x 4	300mm pot, 1.2m high	4
Se	Elaeocarpus eumundi	Smooth leafed Quandong	9 x 3	45ltr, 1.0m high min	6
Elc	Eucalyptus leucoxylon ssp.connata	Yellow Gum	12 x 10	300mm pot, 1.5m high	2
EpLS	Eucalyptus pauciflora 'Little Snowman'	Dwarf Snow Gum	4-7 x 3-5	300mm pot, 1.2m high	5

SHRUBS IN MULCHED BEDS (75% native/indigenous, 25% exotic)
EG:

Banksia integrifolia 'Sentinel'	Fastigiate Dwarf Coast Banksia	3x1	200mm pot	TBA
Correa alba	White Correa	1.2 x 1.5	200mm pot	TBA
Correa glabra	Rock Correa	1-3 x 1-3	200mm pot	TBA
Callistemon viminalis 'Slim'	Slim Bottlebrush	3.0 x 1.3	200mm pot	TBA
Dicksonia antarctica	Soft Tree Fern	3 x 3	200mm pot	TBA
Dodonaea viscosa ssp. spatulata	Wedge-leaf Hop Bush	2-3 x 2-3	200mm pot	TBA
Elaeocarpus reticulatus 'Prima Donna'	Blueberry Ash	4-6 x 2-4	200mm pot	TBA
Ficus microcarpa 'Hillii'	Hill's Weeping Fig	4-8 x 5	200mm pot	TBA
Ilex cornuta var fastigiata	Fastigiate Holly	3.0 x 1.0	200mm pot	TBA
Laurus nobilis x azorica 'Flavour Master'	Fastigiate Dwarf Bay Tree	1.8 x 0.75	200mm pot	TBA
Leptospermum macrocarpum 'Copper Shine'	Copper Shine Tea Tree	2.5 x 1.5	200mm pot	TBA
Magnolia grandiflora 'Little Gem'	Dwarf Evt. Bay Magnolia	4 x 2	200mm pot	TBA
Murraya paniculata	Orange Jessamine	3 x 3	200mm pot	TBA
Rosmarinus officinalis 'Tuscan Blue'	Upright Rosemary	1.5 x 2.0	200mm pot	TBA
Syzygium australe 'Aussie Copper'	Dwarf Lilly Pilly	3x1.5	200mm pot	TBA
Strelitzia nicolai	Giant Bird of Paradise	3-5 x 2-3	300mm pot	TBA

GROUNDCOVERS IN MULCHED BEDS (75% native/indigenous, 25% exotic)
EG:

Acanthus 'Bells Choice'	Dwarf Bears Breeches	0.8 x 1.0	140mm pot	TBA
Acacia cultriformis 'Cascade'	Knife Blade Wattle	0.2 x 2.0	140mm pot	TBA
Acacia howittii 'Green Wave'	Prostrate Sticky Wattle	0.5x1.5	140mm pot	TBA
Boehmeria nivea 'Silk'	Cot-leaf Daisy	0.3 x 0.8	140dia pot	TBA
Campanula poshartyana	Bellflower	0.2 x 0.6	140mm pot	TBA
Chamaepodium (Rhagodia) spinescens	Creeping Saltbush	0.5 x 1-3	140mm pot	TBA
Cotula potentilla 'Billy Buttons'	Billy Buttons	0.2 x 0.3	140mm pot	TBA
Dichondra repens 'Silver Falls'	Silver Kidney Weed	0.1 x spr	140mm pot	TBA
Hardenbergia violacea 'Mission'	Sarsaparilla	.45 x 2.0	140mm pot	TBA
Myoporum parvifolium	Creeping Boobialla	0.3 x 1.5	140dia pot	TBA
Scaevola aemula 'Blue Wonder'	Blue Fan-flower	0.2 x 1.0	140mm pot	TBA
Westringia fruticosa 'Mundi'	Prostrate Native Rosemary	0.4 x 1.0	140mm pot	TBA

GREENSCREEN FRAME WITH EVERGREEN CLIMBING PLANTS
EG:

Galsenium sempervirens	Carolina Jasmine
Hibbertia dentata	Trailing Guinea Flower
Trachelospermum jasminoides	Confederate Star Jasmine

TUFTING PLANTS (75% native/indigenous, 25% exotic)
EG:

Anigozanthos 'Bush Endeavour'	Red Kangaroo Paw	2.0 x 1.0	140dia pot
Dianella caerulea 'Breeze'	Blue Flax Lily	0.6-0.7x0.6-0.3	140mm pot
Dianella caerulea 'Lucia'	Dwarf Flax Lily	0.3-0.6x0.5	140mm pot
Doryanthes excelsa	Gymea Lily	4 x 2	200dia pot
Dianella tasmanica 'Cherry Red'	Tasman Flax Lily cultivar	0.5 x 0.5	140mm pot
Lomandra longifolia 'Tanika'	Spiny-head Mat Rush	0.8 x 0.8	140mm pot
Phormium 'Kiwaki Red'	Upright Red Flax	1.5 x 1.0	140mm pot
Strelitzia reginae	Bird of paradise	1.5 x 1.0	300mm pot

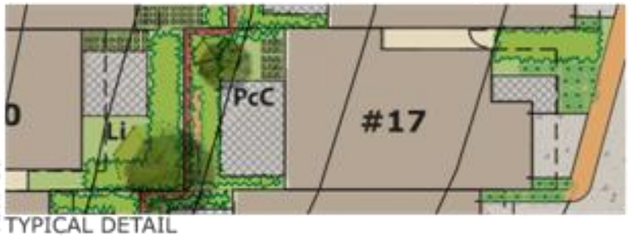
CONCRETE DRIVEWAY
Driveway to Civil Engineers design

PERMEABLE PAVING
Permeable Concrete pavers. eg EcoPave

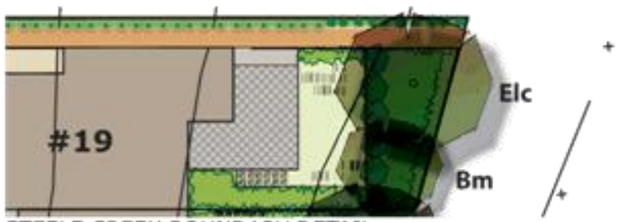
GRAVEL
Compacted Dromana gravel

GRASS SURFACE

CONCRETE STEPPING STONE



TYPICAL DETAIL



STEELE CREEK BOUNDARY DETAIL

LANDSCAPE CONCEPT PLAN
Proposed Residential Development
12 Craig Street, Keilor East

Drawing No: **15 12 LC01** SCALE 1:250 @ A1
Revision: **C**
Date: **07/10/15**

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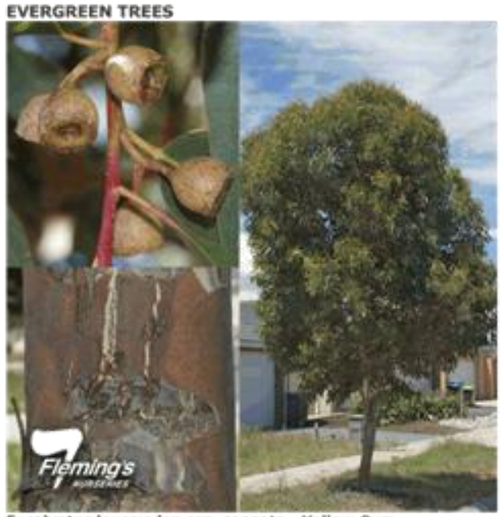
PLANT MATERIALS

EVERGREEN TREES



Eucalyptus leucoxylon ssp. connata - Yellow Gum

Acacia melanoxylon
Blackwood

Eucalyptus radiata
Narrow-leaf Peppermint

Banksia marginata
Silver Banksia

Acacia implexa
Lightwood

DECIDUOUS TREES

Pyrus calleryana 'Capital' - Ornamental Pear

Elaeocarpos eumundii - Smooth- leafed Quandong

Lagerstroemia indica 'Tuscarora' - Crepe Myrtle

LARGE SHRUBS

Banksia integrifolia 'Sentinel' - Fastigiate Dwarf Coast Banksia

Laurus nobilis
'Flavourmaster'

Correa alba
White Correa

Magnolia grandiflora
'Little Gem'

Syzygium 'Aussie Copper'
Dwarf Lilly Pilly

Dicksonia antarctica
Soft Tree Fern

SMALL SHRUBS & GROUNDCOVERS

Rosmarinus officinalis
'Tuscan Blue'

Juniperus sabina
Savin Juniper

Scaevola 'Mauve Clusters'
Purple Fanflower

Campanula poscharskyana
Bellflower

Acacia cultriformis' Green Wave'

Westringia fruticosa 'Mundi'

Anigozanthos 'Bush Endeavour'
Kangaroo Paw

Dianella caerulea
'Breeze'

PLANT MATERIALS
Proposed Residential Development
12 Craig Street, Keilor East

Drawing No: **15 12 LC02**
Revision: **B**
Date: **10/02/16**

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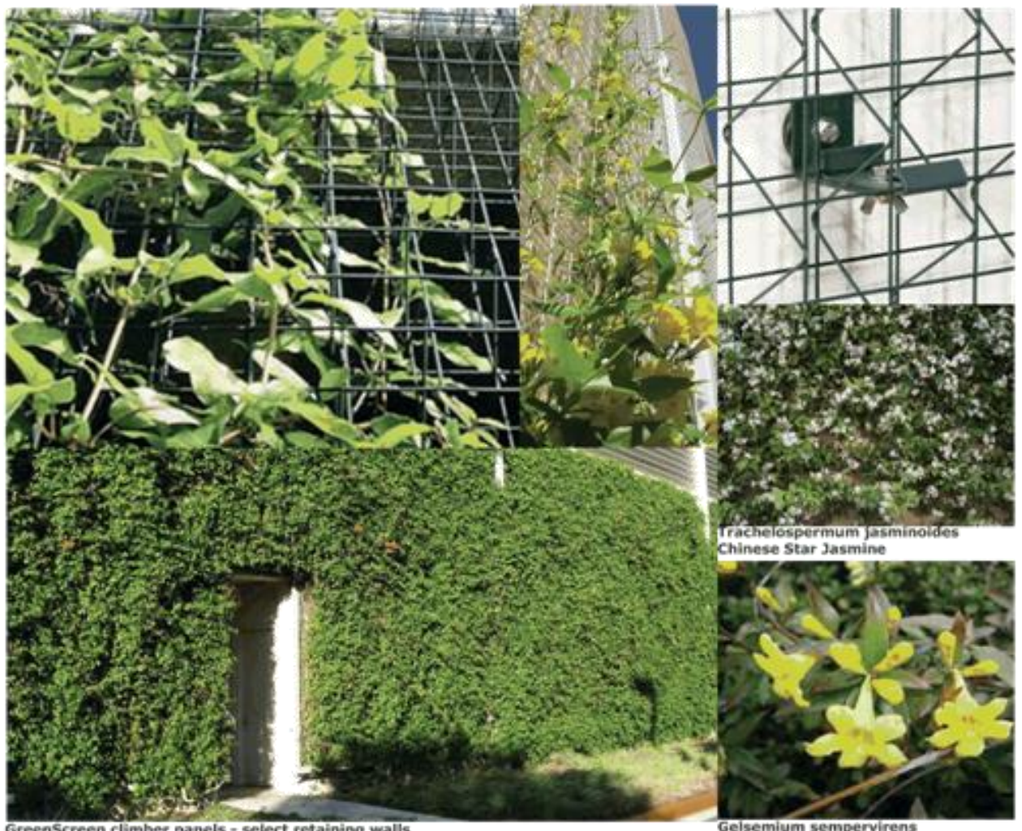
FENCING MATERIALS

Visually permeable feature fencing and Steele Ck boundary fencing - black ARC pool fencing 1500H with timber posts

Timber Paling Feature Fencing - capped with expressed posts

Standard Timber Paling Fencing - side boundaries



GreenScreen climber panels - select retaining walls

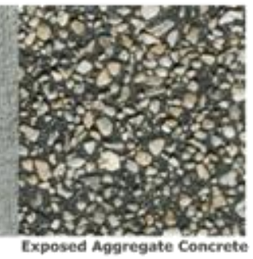
Trachelospermum Jasminoides
Chinese Star Jasmine

Gelsemium sempervirens
Carolina Jasmine

PAVING MATERIALS

Permeable Paving - Eco Pavers

Broom finish Plain Concrete



Exposed Aggregate Concrete

GRAVEL PATHS MULCH

Compacted Dromana Gravel

Pine Bark Mulch

LANDSCAPE MATERIALS
Proposed Residential Development
12 Craig Street, Keilor East

Drawing No: **15 12 LC03**
Revision: **B**
Date: **10/02/16**

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9.7 495 Mt Alexander Road, Moonee Ponds (Lot 1 on TP 229857V) - Construction of a multi storey building within a Design and Development Overlay (DDO3), use of the land for dwellings, a reduction to the car parking requirement and a waiver of the loading and unloading requirement

File No: FOL/16/130

Author: Senior Statutory Planner

Directorate: Planning & Development

Ward: Myrnong

Planning File No.	MV813/2015
Proposal	Four storey building with a maximum height of 12.9 metres Ten car spaces and retail premises (101m²) at ground floor Eight dwellings (two one-bedroom and six two-bedroom) at first and second floor Roof terraces with shared lobby at upper floor
Applicant	GSA Architects
Owner	Sokratis, Vasilios and Erousalim Vithoulkas
Planning Scheme Controls	Commercial 1 Zone Design and Development Overlay (DDO3)
Planning Permit Requirement	Clause 34.01-1 – Use of the land for dwellings Clause 34.01-4 – Buildings and works Clause 43.02-2 – Buildings and works Clause 52.06-3 – Car parking Clause 52.07 – Loading and unloading of vehicles
Car Parking Requirements	Required – 13 spaces Provides – 10 spaces
Bicycle Requirements	Required – 1 space Provides – 6 spaces
Restrictive Covenants	None
Easements	None
Site Area	390 square metres
Number Of Objections	15
Consultation Meeting	4 May 2016

Executive Summary

- The application seeks planning approval for the construction of a four storey mixed use building containing a retail premises at ground floor level and dwellings on the levels above. Permission is also sought for the use of the land for dwellings, a reduction to the car parking requirement and a waiver of the loading requirement.
- The site has an area of 390 square metres and is located on the western side of Mt Alexander Road with vehicle access provided by a carriageway easement accessed via Elizabeth Street to the south. The site is occupied by an existing single storey brick dwelling.
- The application was advertised and 15 objections were received. The concerns raised related to car parking, traffic impacts, the use of Elizabeth Street for vehicle access, overdevelopment, off-site amenity impacts, impact of commercial use on amenity of Elizabeth Street, social impacts and construction impacts.
- A consultation meeting was held on 4 May 2016, attended by Councillors Marshall and Cusack, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.
- The application was referred externally to VicRoads and internally to Council's Engineering Services Unit, Traffic and Transportation Unit, Urban Designer, Heritage Advisor and Environmental Sustainable Development Officer. Conditional support to the application was provided from the referrals.
- 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 view 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/813/2015 for the construction of a multi storey building within a Design and Development Overlay (DDO3), use of the land for dwellings, a reduction to the car parking requirement and a waiver of the loading and unloading requirement at 495 Mt Alexander Road, Moonee Ponds (Lot 1 on TP 229857V), subject to the following conditions:

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

    a) The word 'Unit' replaced with the word 'Dwelling';

    b) The obscure glazing to the west facing first floor habitable room windows to also be fixed to a height of 1.7 metres from finished floor level to comply with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;

    c) Details of internal balcony, window terrace screening shown on the first floor, second floor and roof plans as relevant 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 services located in front of the window to Bedroom 1 of Dwelling 1 relocated to ensure a clear outlook;

    f) The provision of open-sided roofing to each roof terrace, extending no more than 3 metres from the eastern and western walls of the foyer;

    g) The provision of planter boxes to each roof terrace;

    h) Provision of a secondary access point to the southern side of the lift at ground floor level;

    i) The allocation of parking spaces shown on the ground floor plan;

    j) Detail on the type of bicycle racks to be installed shown on the ground floor plan;

    k) A notation that the Right of Way is to be constructed in accordance with Condition 15; and

    l) Any changes as a result of Conditions 3, 4 and 7.

    Once approved these plans become the endorsed plans of this permit

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

3. 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) details relating to the WSUD treatment measures nominated in the approved STORM assessment (such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures) must be submitted to and be approved by the Responsible Authority.

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

   a) Hours of construction;

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

   c) Scaffolding and hoarding for the site;

   d) Allocated areas for loading and unloading;

   e) Site evacuation plan and procedure;

   f) Occupational health and safety policy;

   g) Hazard identification and control;

   h) Environmental management and waste minimisation;

   i) Management of onsite stormwater and prevention of contamination which must be in the form of a detailed statement or report which outlines all measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;

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

   k) Arrangements for chemical storage;

   l) Noise and vibration control;

   m) Risk assessment;

   n) Works timetable; and

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

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

   The development must be carried out in accordance with the endorsed CSMP and the provisions, requirements and recommendations of the endorsed CSMP must be implemented and complied with to the satisfaction of the Responsible Authority.

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

   a) Inspection frequency;

   b) Cleanout procedures;

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

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

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

7. 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.

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

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

10. 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.

11. Before the building approved by this permit is occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.

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

12. 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.

13. 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; and

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

    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:

    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.

14. Before the building approved by this permit is occupied, concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossing(s) must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the responsible authority.

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

16. Before the building approved by this permit is occupied, the right of way is to be constructed from Elizabeth Street in accordance with the Moonee Valley City Council Drawing No.34 (Standard Reinforced Concrete Paving for Right of Ways). All costs associated with the survey, design & construction of the right of way must be borne by the permit holder.

Before the development commences, detailed engineering drawings to show the construction of the right of way are to be submitted to and approved by the Responsible Authority. The right of way is to be surveyed by a licensed surveyor and designed by a civil engineer with suitable qualifications to the satisfaction of the Responsible Authority. The plans are to indicate existing surface levels, proposed surface levels and construction of the right of way in accordance with Moonee Valley City Council Drawing No. 34.

Before the building approved by this permit is occupied, construction of the right of way as specified in this permit must be completed to the satisfaction of the Responsible Authority.

Following the completion of the right of way, and before the building approved by this permit is occupied, as constructed plans must be submitted to and approved by the Responsible Authority.

The right of way must be constructed and properly drained to the satisfaction of the Responsible Authority.

16. 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.

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

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

19. All stormwater runoff from the development is to drain via an underground system and discharge to the kerb and channel in front of the property. A drainage layout plan prepared by a Civil Engineer together with computations is to be provided to this department for approval.

20. 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.

21. The development must be provided with external lighting capable of illuminating access to the basement entrance, each car parking space and pedestrian walkways. All car parking facilities are to be well lit in accordance with AS1680.2.1:2008. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.

22. 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.

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

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

    b) Appearance of any building, works or materials.

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

    d) Presence of vermin.

    e) Or in any other way.

    To the satisfaction of the Responsible Authority.

24. Before the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the plan prepared by Northern Environmental Design dated 12 January 2016.

    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.

25. This permit will expire if:

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

    b) The development is not completed 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 the development starts, the permit holder must contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.

- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculation; C=0.4, tc=5mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or C=0.80.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Prior to, during and at completion of the works outlined in Condition 15, staged inspections must be arranged with Moonee Valley City Council's Engineering Services Unit.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the land.

1. Introduction

1.1 Subject Site and Surrounds

The subject property is located on the western side of Mt Alexander Road, directly opposite the intersection with Dickens Street and approximately 10 metres north of the intersection with Elizabeth Street. The site is irregular in shape with a frontage of 12.66 metres, depths of 31.14 and 36.27 metres and a rear boundary of 11.52 metres. The site area is approximately 390 square metres. There are no easements, covenants or other restrictions which affect the land, however it does benefit from a 3.05 metre wide carriage way easement encompassing a Right of Way that leads from Elizabeth Street and meets the south-western corner of the land.

The subject site currently accommodates a single storey brick dwelling with a pitched roof, set back approximately 5 metres from the street. The front setback features a number of low to medium sized trees and shrubs, enclosed by a rendered brick fence with metal pickets. A garage is located at the north-western corner of the site which is accessed via the abovementioned carriageway easement. The rear open space area is largely paved and partially covered by a shade sail.

The surrounding area reflects a combination of commercial and residentially zoned land. Land along both sides of Mt Alexander Road is within a Commercial 1 Zone, while land to the west and south-west along Elizabeth Street is within the General Residential Zone. Additionally, properties to the west are subject to a Heritage Overlay (HO16), while the land immediately to the north is occupied by an individually listed heritage building (HO312). The subject site is located within 'Precinct F' of the Design and Development Overlay (DDO3) associated with the Mt Alexander Road Corridor.

Figure 2 – Subject Site (495 Mt Alexander Road, Moonee Ponds)

The character of the area is varied. The subject site is located proximate to major arterial roads, public transport, local businesses and schools. The surrounding area is inhabited by single dwellings, multi-dwelling developments and commercial premises. There is an emerging trend of contemporary developments along Mt Alexander Road as well as some of the surrounding residential streets.

1.2 Proposal

It is proposed to construct a multi storey building within a Design and Development Overlay (DDO3) comprising a ground floor retail tenancy and eight dwellings above. Roof terraces are provided to the upper level dwellings. The proposal can be summarised as follows:

Table 1

Retail (ground floor)	101 square metres
Dwellings (first and second floor)	8 dwellings comprising: • 6 x 2 bedroom • 2 x 1 bedroom

Roof terrace (third floor)	Four individual roof terraces between 16 to 21 square metres, allocated to the second floor dwellings
No of car spaces	10 spaces comprising: • 8 resident spaces • 2 retail spaces • No residential visitor car spaces
Building height	12.9 metre maximum height, measured to top of roof terrace foyer 11 metre height measured to top of second floor wall

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

2. Background

2.1 Relevant Planning History

There are no historical planning applications relevant to the land.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 17	Economic Development
Clause 18	Transport
Clause 19	Infrastructure

Local Planning Policy Framework

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

Zoning and Overlays

Clause 34.01	Commercial 1 Zone
Clause 43.02	Design and Development Overlay (Schedule 3)

Particular and General Provisions

Clause 52.06	Car Parking
Clause 52.07	Loading and Unloading of Vehicles
Clause 52.34	Bicycle Facilities
Clause 65	Decision Guidelines

2.3 Referrals

External

- VicRoads (Recommending Authority)

  No objection.

Internal

- Urban Design Officer

  Raised concern with proposed light courts, corridor dimensions, screening to west facing balconies and impact on development potential of neighbouring properties. Refer to discussion under Section 3.3 of this report.

- Environmental Sustainable Design (ESD) Officer

  Raised concern with proposed light courts. Amended Sustainable Design Assessment (SDA) and STORM assessments required. Refer to discussion under Section 3.3 of this report.

- Traffic and Transportation Unit

  No objection subject to the following non-standard conditions:

  - Applicant to construct the full length of the ROW to match into their proposed development and to upgrade the existing crossing on Elizabeth Street in line with Council's Vehicle Crossing Policy.
  - The applicant has proposed 6 bicycle racks for the development. However, the applicant has not provided Council with any detail on the type of bicycle racks to be installed, applicant to ensure the bicycle racks are in accordance with the Standards and provide the manufacturer's specifications.

- Engineering Services Unit

  No objection subject to standard conditions.

- Heritage Adviser

  No objection subject to reduction in mass from the western boundary.

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 notice displayed on site for 14 days.

Fifteen (15) objections were received from the properties listed within **Appendix A** of this report. These are discussed under Section 3.9 of this report.

2.5 Consultation Meeting

A consultation meeting was held on 4 May 2016, attended by Councillors Marshall and Cusack, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.

3. Discussion

3.1 State Planning Policy Framework

The relevant State Planning Policy Framework clauses are considered to be met. For the large part, State Planning objectives seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. The subject site is located near the Moonee Ponds Principal Activity Centre and is within proximity of local businesses, schools and public transport options. The location of the subject site is considered to lend support for a more intensive form of residential 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 7).

The proposed development is considered to accord with the objectives of Clause 21.04-7 (Waste) as it integrates waste management and recycling facilities in order to achieve best practice in waste minimisation and recycling. The submitted waste management plan will be endorsed through a condition on any permit granted (Condition 24).

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 Moonee Valley Housing Strategy 2010, listed as a reference document under Clause 21.05-7, sets out a number of principles to define locations within these categories under Table 3.1. Applying these principles, the land is considered to fall within the category of 'Moderate to High' housing intensification. The proposal provides for housing variety within the locality, with excellent public transport options and numerous local/community services nearby. It is considered 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 varying materials/finishes and the provision of windows, upper floor balconies and a new front 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 strikes a suitable balance between respecting and distinguishing itself from the heritage properties to the north and west, whilst also responding to the emerging character of contemporary developments in the wider area. The proposed colour/material palette complements the surrounding area and emerging built form.
- The setbacks and site coverage proposed are considered acceptable to the site and surrounding area. The site is located within a commercial zone and has full site coverage, which is considered typical and acceptable in this context. The proposed development would have a well contained and articulated built form, which is respectful in size and massing to existing and emerging developments along Mt. Alexander Road. There are other examples of intensified development and maximum site coverage on other properties along Mt. Alexander Road. The boundary-to-boundary nature of the development also reflects other developments nearby and is considered acceptable.
- Primary visual and physical links are to the east (front) of the site. The development includes an appropriate level of glazing and street facing balconies within the building façade. The proposal also introduces a commercial premises and eight dwellings to the subject site, which would significantly enhance interactions, visual interest and passive surveillance to the streetscape. 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 users. An appropriate level of shelter and passive surveillance is also achieved.
- The proposal has been designed to accommodate a variety of dwelling sizes and types, including various layouts and orientations. This will cater 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. Dwellings are afforded with open plan living opportunities with good dimensions and access to daylight, enhanced by the generous light voids mentioned above. Importantly, all habitable rooms have good direct access to daylight in accordance with Clause 55 requirements, which is a desirable outcome. While the concerns raised by Council's ESD Officer and Urban Designer are acknowledged, it is not considered appropriate to impose more onerous requirements to provide even larger light courts for a development of this nature (particularly in the absence of any planning requirement).

One exception is the window to Bedroom 1 of Dwelling 1, which is obscured by the location of domestic services. A condition of permit will require the relocation of these services to ensure a suitable outlook is provided (Condition 1 e).

- Each dwelling is provided with a balcony area ranging from 8 to 15 square metres, in addition to the individual roof terraces which provides an additional 16 to 21 square metres of secluded open space for Dwellings 5 to 8. The balconies to each dwelling are provided with adequate internal dimensions and integrate fully with their respective living areas. Balconies on the southern side of the building have been minimised, with the majority 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 roof terrace areas are provided with generous dimensions which could accommodate some level of planting to improve their residential presentation. While landscaping is not a characteristic of this commercial context, it is considered the internal amenity of the uppermost dwellings would benefit from the introduction of planter boxes within the terraces. It is also considered that a level of shelter should be provided to each terrace to provide relief from the elements, given their exposed location on the roof of the building. These modifications will be required as conditions of permit (Conditions 1 f and g).
- It is not considered there would be any unreasonable off-site amenity impacts caused by the proposed development. The requirements of Clause 55 have been met, with increased window and balcony screening provided where necessary. The development would result in some overshadowing of the neighbouring property to the west, which is already somewhat compromised by existing built form. The shadow analysis submitted demonstrates the level of shadows cast by the proposed building comply with the requirements of Clause 55.
- External finishes of the proposed development are predominantly render and metal cladding of complementary tones. This is considered to complement the existing and emerging character of the area, and would integrate the proposed development with its surroundings while creating an attractive and interesting built form. The proposed development would be a well-integrated building with a clearly articulated facade and sense of address, having defined pedestrian entrances to both components of the building from Mt. Alexander Road.
- Importantly, the façade composition achieves a distinct yet recessive relationship with the significant heritage building to the north. The use of render over the ground and first floors at the north-eastern corner of the building picks up on the parapet line and window forms of the adjoining

building. The uppermost level sits within the rendered form of the two lower levels giving it a concealed, recessive presence to the street. The proposed awnings above the residential and commercial entrances to the building also pick up on the awning of the neighbouring heritage building, which establishes a respectful and cohesive streetscape presentation.

- With respect to the western heritage interface, the proposal is considered to achieve an appropriate presentation, which would not dominate the appearance of the heritage precinct of Elizabeth Street. Given the visual isolation of the site from Elizabeth Street, the proposed building would not detract from the significance and appearance of the intact heritage streetscape. Council's Heritage Adviser's concern regarding massing to this interface are acknowledged, however given the spatial characteristics of the site and the compliance with the DDO rear setback requirements discussed below, it is considered the proposal is acceptable. Further, the setbacks to the Elizabeth Street precinct are consistent with a similar application approved by Council at 489 Mt Alexander Road in its meeting on 23 September 2014 (MV/101/2014).
- Overall the proposal achieves an urban design benefit through a considered and responsive design and an attractive, legible architectural theme.

  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 as recommended by Council's ESD Officer under Section 2.3 of this report (Conditions 3 to 7).

3.3 Clause 34.01 (Commercial 1 Zone)

The subject site is located within Commercial 1 Zone, within which a permit is triggered for buildings and works. The proposal is considered to address the relevant decision guidelines as discussed in detail throughout this report.

A permit is required for use of the land for dwellings, as the proposed residential entrance exceeds 2 metres at the street frontage (requirement set out in the table of uses at Clause 34.01-1). It is considered the extent of the residential entrance at the street frontage meets the relevant decision guidelines of the Commercial 1 Zone since the residential lobby interface is compatible with neighbouring uses to the north and south of the site 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 43.02 (Design and Development Overlay Schedule 3)

The subject site is located within Precinct F of the Design and Development Overlay Schedule 3 (DDO3). A brief assessment of the development against the preferred heights and setbacks for the precinct is set out in the following table:

Table 2

	DDO3-F	Proposed
Preferred maximum height	12 metres (3 Storeys)	12.9 metres (4 storeys)
Front setback (up to 8 metres in height)	0 metres	0 metres
Front setback (above 8 metres in height)	2 metres	0 to 3.2 metres
Rear setback (up to 7.5 metres in height)	3 metres (single storey garages excluded)	3.08 metres (excluding ground floor car park)
Rear setback (above 7.5 metres in height)	5 metres	5.04 metres

The proposed development generally meets the preferred height and setback requirements for the precinct, with minor variations associated with overall height and the upper floor street setback.

The section of the building which exceeds the preferred height is limited to the covered area of the communal roof terrace, which is centralised within the building footprint and would have limited visibility from the street and surrounding vantage points. The proposed roof terrace represents a positive addition to the development that provides a functional and active utilization of roof space for occupants, and a modest and positive contribution to the skyline. The section of the building which would have a greater exposure to the street is the upper floor parapet that has a height of 10.75 metres, which is within the preferred height for the precinct.

While the front setback for the front wall above 8 metres in height should be 2 metres as set out under the overlay, the splayed frontage of the site creates an opportunity to achieve a more articulated building form which in parts both encroaches upon and exceeds the preferred setback. The third storey element is provided with a high level of articulation and appears recessive as viewed across Mt Alexander Road. This is considered to be a positive outcome in the context of immediately surrounding built form, as well as the wider precinct.

The proposed development meets the rear setback requirements, with the exception of the ground floor level built along the western property boundary. However, it is noted the DDO3 allows single storey garages to encroach on these rear setback requirements. The single storey construction of the rear parking area along the rear boundary is in line with the expected encroachment in this area. The single storey wall also serves to protect the amenity of the neighbouring dwelling from what would be an open parking area, inclusive of waste collection and other services.

3.5 Clause 52.06 (Car Parking)

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

Table 3

	Requires	Provides
8 Dwellings (6 x 2 bedrooms and 2 x 1 bedroom)	8	8
Retail premises (101 square metres)	4	2
Residential visitors	1	0
Total	13	10

The reduction to the car parking requirement is considered acceptable given the strategic location of the development in proximity to Moonee Ponds Activity Centre. Due to its location, the site is provided with excellent access to a range of public transport options by train, tram and bus. It is not considered the supply of on-street parking in the area would be unreasonably affected by the shortfall of two retail spaces and one residential visitor space. As discussed below, the proposed development provides 6 bicycle spaces in excess of the 1 required, which can be utilised by residents and visitors to the building. Further, it is not anticipated the proposed development will generate a cumulative impact or have an adverse effect on the local road network.

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.

3.6 Clause 52.07 (Loading and Unloading of Vehicles)

The requirements of this clause are applicable to the retail component of the development.

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

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

3.7 Clause 52.34 (Bicycle Facilities)

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

Table 4

	Requires	Provides
8 Dwellings	1	6
Total	1	6

The proposal provides in excess of the required amount of bicycle facilities. The bike storage area is accessible and functional, and will easily accommodate the needs of residents and visitors. Subject to a condition required by Council's Traffic and Transportation Unit, full details of the bicycle storage facilities will be provided on the plans (Condition 1 j).

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 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 5

ResCode Standard	Response
Clause 55.03-2 (Standard B7) Building Height	The proposed development is to extend to a maximum height of approximately 12.9 metres, which does not meet the requirement of this standard. However the height of the building is considered to be appropriate as discussed in detail under Section 3.4 of the report.
Clause 55.03-3 (Standard B8) Site Coverage	The proposed site coverage is 100%, which exceeds the maximum requirement of 60%. However, it is typical for properties within Commercial Zones to exceed this requirement, with many commercial properties along Mt. Alexander Road exceeding this requirement. This is considered acceptable given the site is subject to the requirements of the DDO3, where higher density developments are encouraged. A strict adherence to ResCode requirements in this particular instance would result in an inefficient use of the land, which abuts an arterial road with access to the Principal Public Transport Network. The subject site is not located within a Residential Zone or a typical residential streetscape where proposed developments should meet this requirement.
Clause 55.03-4 (Standard B9) Permeability	The site would have zero permeability, which does not meet the minimum requirement of 20% as specified under this standard. As with the site coverage requirement discussed above, this outcome is appropriate having regard to the commercial context of the site. Stormwater impacts from the proposed development are suitably addressed by standard drainage conditions.

Clause 55.04-1 (Standard B17) Side and Rear Setbacks	While some sections of the north, west and south facing walls do not comply with the requirements of this standard, they meet the setback requirements under the DDO3, which is considered more appropriate in guiding development in this instance. This is discussed in detail within Section 3.4 of the report. Further, the northern and southern setback non-compliances are considered to be negligible given the commercial interfaces. The amenity impacts on the neighbouring property to the west are considered acceptable as discussed throughout this report.
Clause 55.04-2 (Standard B18) Walls on Boundaries	The extent of construction along the northern and southern boundaries does not meet the length or height requirements of this standard. Again, given the subject site is located within a Commercial Zone, where it is typical for boundary walls to exceed the length and height requirements of this standard. The properties directly to the north and south are less sensitive commercial interfaces. Therefore, there would not be any significant visual or amenity impacts as a result of the non-compliance. The western boundary wall would have a length of approximately 11.52 metres which exceeds the maximum of 10.38 metres allowed under the standard. This variation is considered appropriate and as discussed above, the provision of a wall along the entirety of this boundary would serve to protect the residential amenity of the adjoining dwelling from noise impacts. It is not considered that the boundary wall would cause any unreasonable visual amenity impact. The maximum height of 3.2 metres above ground level complies with the standard.
Clause 55.04-6 (Standard B22) Overlooking	Overlooking opportunities to the neighbouring dwelling to the west is generally prevented through obscure glazing to a height of 1.7 metres from finished floor level applied to first and second floor habitable room windows and balconies. A condition of permit will ensure the west facing first floor habitable room windows are also fixed to this height.
Clause 55.04-7 (Standard B23) Internal Views	There appears to be internal overlooking across the light court for bedroom and living room windows of the dwellings on the northern side of the building. Additionally, details of internal balcony and roof

	terrace screening has not been noted on the plans. These will be addressed as conditions of any permit issued.
Clause 55.04-8 (Standard B24) Noise Impacts	It is noted there are specific Local Laws and EPA noise guidelines that control nuisance and excessive noise and these are to be appropriately managed through conditions on any permit granted, particularly with regard to the service equipment within the proposed development. As Mt. Alexander Road is an arterial road and has high traffic volumes (from vehicles and trams), and the subject site is within a commercial precinct, it is considered 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.
Clause 55.05-5 (Standard B29) Solar Access to Open Space	The southern boundary of the secluded open space area of Dwelling 4 is located at the south-western corner of the building, and would not achieve the setback required by the standard. This is considered an acceptable outcome in this instance. On balance, the development has succeeded in minimising the reliance on south facing open space areas. This is a positive outcome for an apartment development, particularly considering the orientation of the land which has its largest boundary to the south. The secluded open space area of Dwelling 4 is provided with an outlook to the west, and its elevated level will ensure an acceptable degree of solar access will be achieved during the afternoon hours.
Clause 55.05-6 (Standard B30) Storage	Each dwelling is provided with 4 cubic metres of externally accessible and secure storage space alongside the ground floor car parking area. 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 and the lack of substantial private garden areas to look after.

3.9 Objections

A discussion of the issues raised in the objections received is undertaken in the table below:

Table 6

Issue	Officer Response
Car parking, traffic impacts	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 3.5 of this report.
Access from Elizabeth Street inappropriate	The land has a legal right of access to Elizabeth Street. This is a preferable outcome to providing a vehicle access point from Mt Alexander Road which is an arterial road accommodating a tram line.
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 this report.
Off-site amenity impacts	As discussed under Sections 3.3 and 3.8 of this report, the proposal suitably addresses off-site amenity impacts. The development achieves an acceptable level of compliance with the relevant objectives of ResCode relating to noise, overshadowing, overlooking (conditionally) and other amenity impacts.
Impact of commercial use on amenity of Elizabeth Street Litter and vandalism Waste collection	The proposed retail premises is a Section 1 (Permit not required) land use within the Commercial 1 Zone. Nonetheless, given its direct frontage to Mt Alexander Road it is not considered there would be unreasonable impact on the amenity of Elizabeth Street. 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.
Social impact Development would attract undesirable residents	It is not considered the development would contribute to any social issues within this residential context. The proposal is for a mixed use development, with a medium density residential component of apartment type dwellings. This realises the objectives of numerous State and Local policies as discussed throughout this report.
Construction impacts	A condition of any permit issued will require the submission of a Construction and Site Management Plan prior to the commencement of any works.

4. Human Rights

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

5. Conclusion

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

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

It is considered 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: Objector List
Appendix B: ResCode Assessment
Appendix C: Plans.

Location of Objectors

1 Elizabeth Street, MOONEE PONDS VIC 3039
1a Elizabeth Street, MOONEE PONDS VIC 3039
3 Elizabeth Street, MOONEE PONDS VIC 3039
5 Elizabeth Street, MOONEE PONDS VIC 3039
7 Elizabeth Street, MOONEE PONDS VIC 3039 (x2)
17 Elizabeth Street, MOONEE PONDS VIC 3039
19 Elizabeth Street, MOONEE PONDS VIC 3039 (x3)
20 Elizabeth Street, MOONEE PONDS VIC 3039
21 Elizabeth Street, MOONEE PONDS VIC 3039
24 Elizabeth Street, MOONEE PONDS VIC 3039
32 Elizabeth Street, MOONEE PONDS VIC 3039
493 Mt Alexander Road, MOONEE PONDS VIC 3039

Clause 55 of the Moonee Valley Planning Scheme

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

Where there is non-compliance, see section 3.8 in report.

Title and Objective	Complies with Standard	Compliance with Objective
B1 - Neighbourhood Character Objectives	✓	✓
B2 - Residential Policy Objectives	✓	✓
B3 - Dwelling Diversity Objective	**N/A**	**N/A**
B4 - Infrastructure Objectives	✓	✓
B5 - Integration with the Street Objective	✓	✓
B6 - Street Setback Objective	X	✓
B7 - Building Height Objective	X	✓
B8 - Site Coverage Objective.	X	✓
B9 - Permeability Objectives	X	✓
B10 - Energy Efficiency Objectives	✓	✓
B11 - Open Space Objective	**N/A**	**N/A**
B12 - Safety Objective	✓	✓
B13 - Landscaping Objectives	✓	✓
B14 - Access Objectives	✓	✓
B15 - Parking Location Objectives	✓	✓
B16 - Parking Provision Objectives	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.	
B17 - Side and Rear Setbacks Objective	X	✓
B18 - Walls on Boundaries Objective	X	✓
B19 - Daylight to Existing Windows Objective.	✓	✓
B20 - North-facing Windows Objective	✓	✓
B21 - Overshadowing Open Space Objective	✓	✓
B22 - Overlooking Objective	✓ (Condition)	✓
B23 - Internal Views Objective	✓ (Condition)	✓
B24 - Noise Impacts Objectives	✓ (Condition)	✓

Title and Objective	**Complies with Standard**	**Compliance with Objective**
B25 - Accessibility Objective	✓	✓
B26 - Dwelling Entry Objective	✓	✓
B27 - Daylight to New Windows Objective	✓	✓
B28 - Private Open Space Objective	✓	✓
B29 - Solar Access to Open Space Objective	X	✓
B30 - Storage Objective	X	✓
B31 - Design Detail Objective	✓	✓
B32 - Front Fences Objective	✓	✓
B33 - Common Property Objectives	✓	✓
B34 - Site Services Objectives	✓	✓

✓- complies

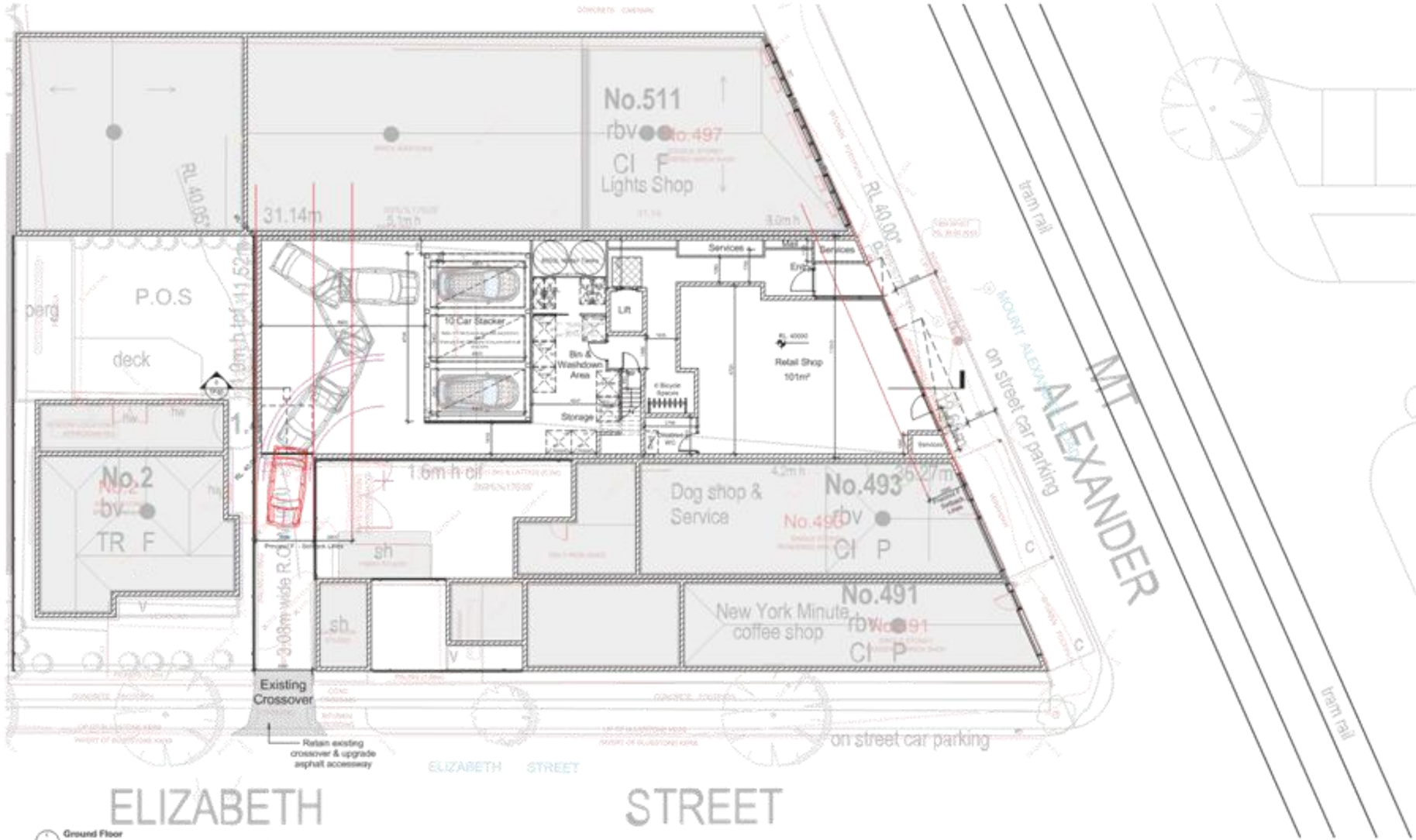
x – non-compliance

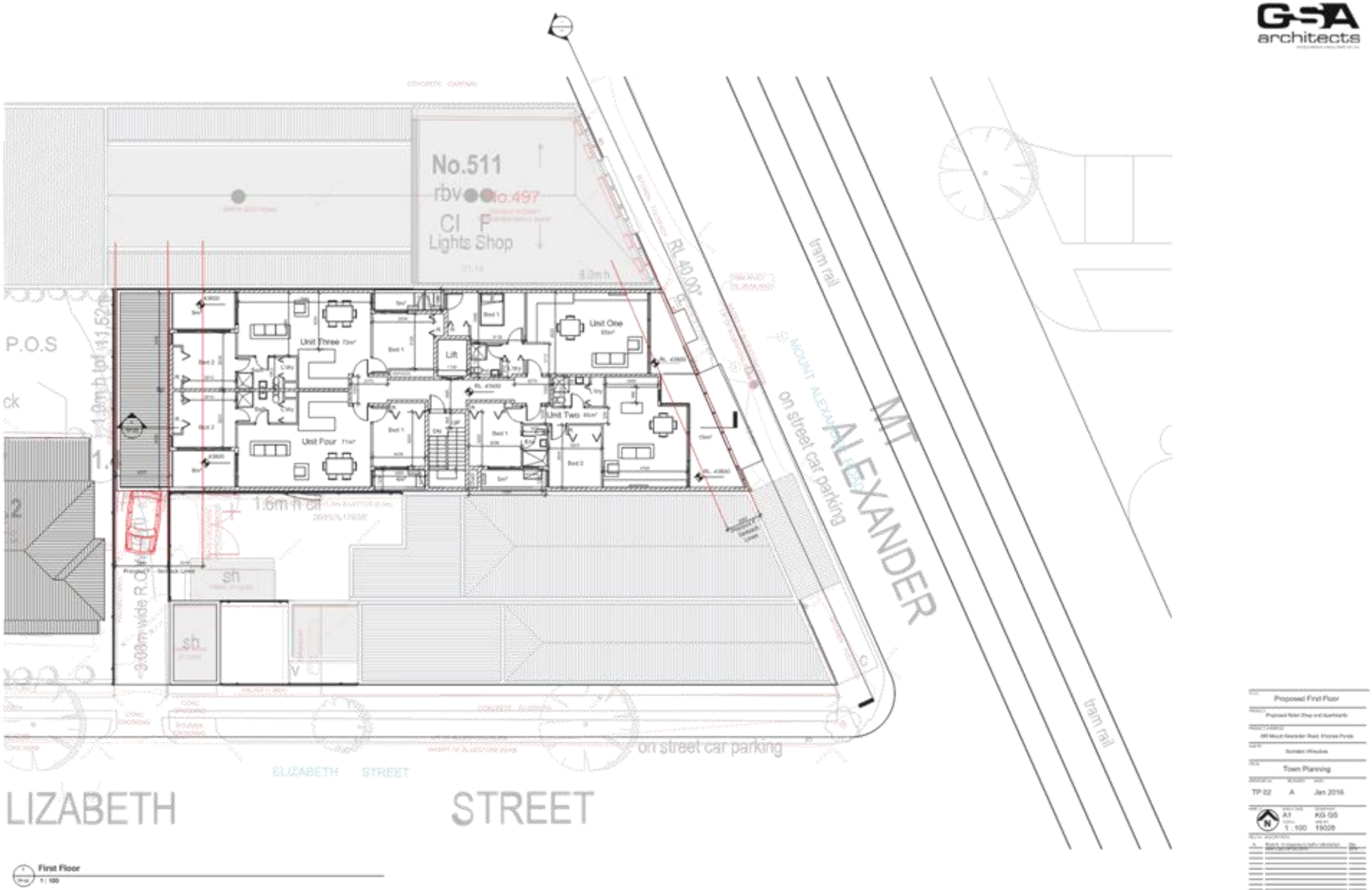
N/A- not applicable

Dwg No:	Dwg Name:	Scale:	Dwg No:	Dwg Name:	Scale:
TP 01	Proposed Ground and Site Plan	1:100	TP 06	Proposed Render Images	1:100
TP 02	Proposed First Floor Plan	1:100	TP 07	Proposed / Existing Shadow Diagram	1:250
TP 03	Proposed Second Floor Plan	1:100	TP 08	Proposed / Existing Shadow Diagram	1:250
TP 04	Proposed Rooftop Garden	1:100	TP 09	Proposed / Existing Shadow Diagram	1:250
TP 05	Proposed Elevations	1:100	TP 10	Proposed / Existing Shadow Diagram	1:250

Client: Mr. Scott Vithoulkas
Property: 495 Mount Alexander Road Moonee Ponds
Proposal: 2 Retail Shops and 8 Apartments

GSA architects





First Floor
1 : 100

Proposed First Floor
Proposed Retail Shop and Apartments
495 Mount Alexander Road, Moonee Ponds
Sunstate Windows
Town Planning
TP 02 A Jan 2016
A1
KG GS
1 : 100
19328

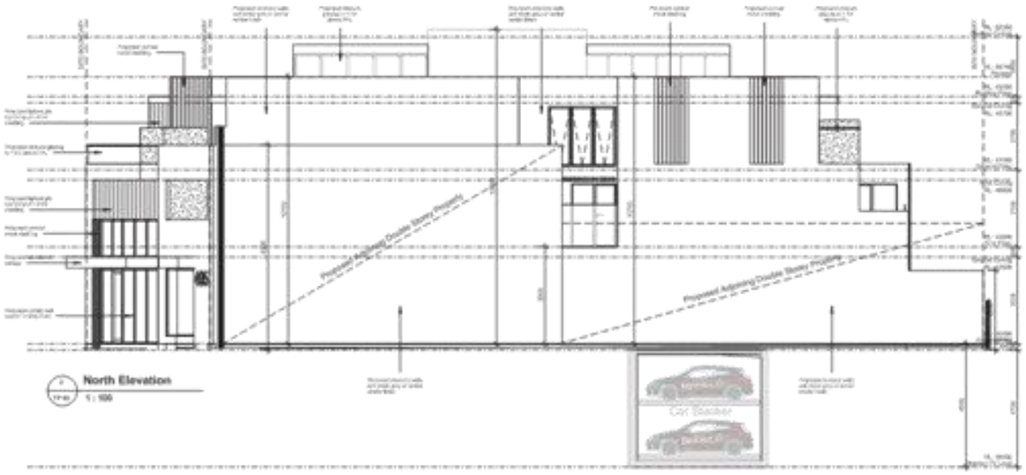
GSA architects

Second Floor
1 : 100

Proposed Second Floor
Proposed Retail Shop and Apartments
Town Planning
TP 03 A Jan 2016
A3
1 : 100
KG GS
19328

carpark
P.O.S
P.O.S
deck
No.4
rbv
Cl F
1.6m h clr
sh
sh
3.08m wide R.O.W. (dirt)
train rail
MT ALEXANDER
on street car parking
on street car parking
ELIZABETH STREET
ELIZABETH STREET
Rooftop Floor
1 : 100

Proposed Rooftop Garden Plan
Proposed Retail Shop and Apartments
Town Planning
TP 04 A Jan 2016
A1
1 : 100
KG GS
15026



North Elevation
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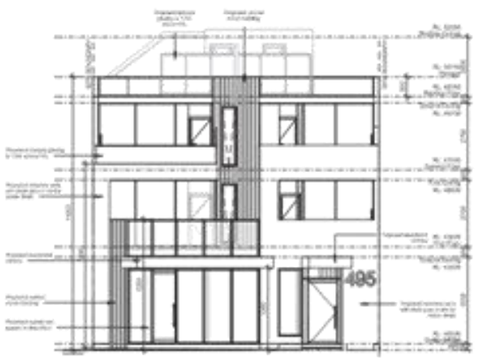

East Elevation
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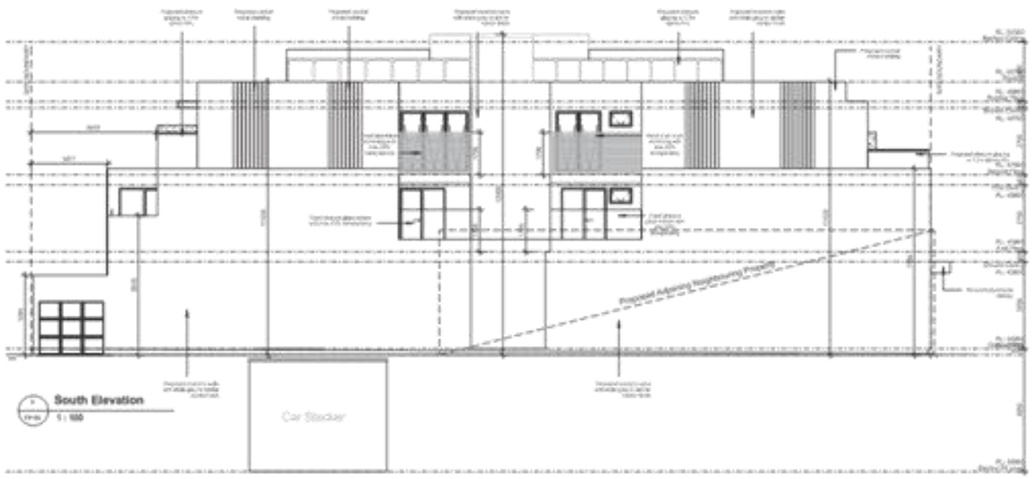

South Elevation
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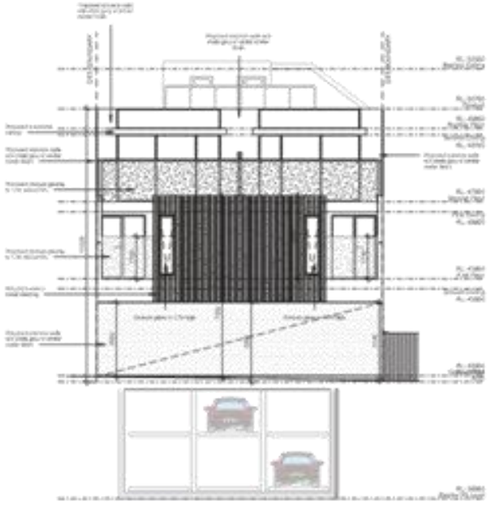

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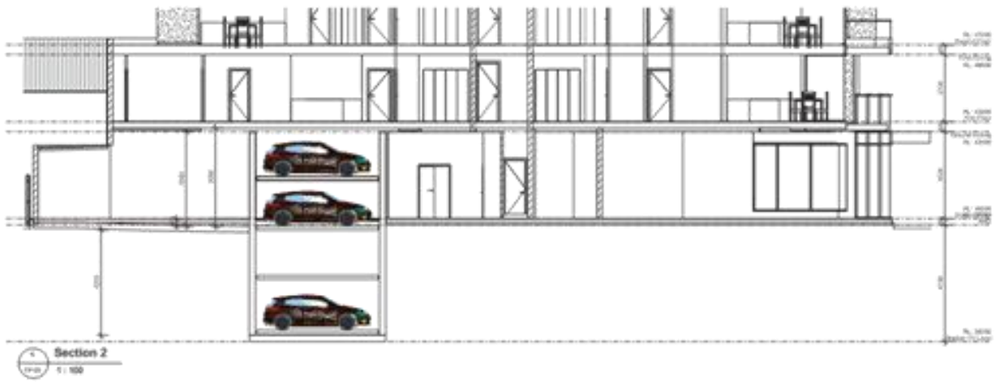


Section 2
1 : 100

Proposed Elevations

Proposed Retail Shop and Apartments

495 Mount Alexander Road, Moonee Ponds

Scribbles Viewdeck

Town Planning

TP 05 A Jan 2016

A1 Author

1 : 100 15028

GSA architects

Render View from North East Corner
1 : 1

Render View from East
1 : 1

Render View from South East Corner
1 : 1

Render View from South West corner
1 : 1

3D Rendered Images

Proposed Retail Shop and Apartments

495 Mount Alexander Road, Moonee Ponds

Sunrise Windows

Town Planning

TP 06 Jan 2016

A1 Author

1 : 1 1502B

Proposed 9am Shadow Diagram
1 : 200

Proposed 10am Shadow Diagram
1 : 200

Existing Private Open Space

Proposed additional Shadow area

Shadow Legend
1 : 100

Proposed Shadow Diagrams

Proposed Retail Shop and Apartments

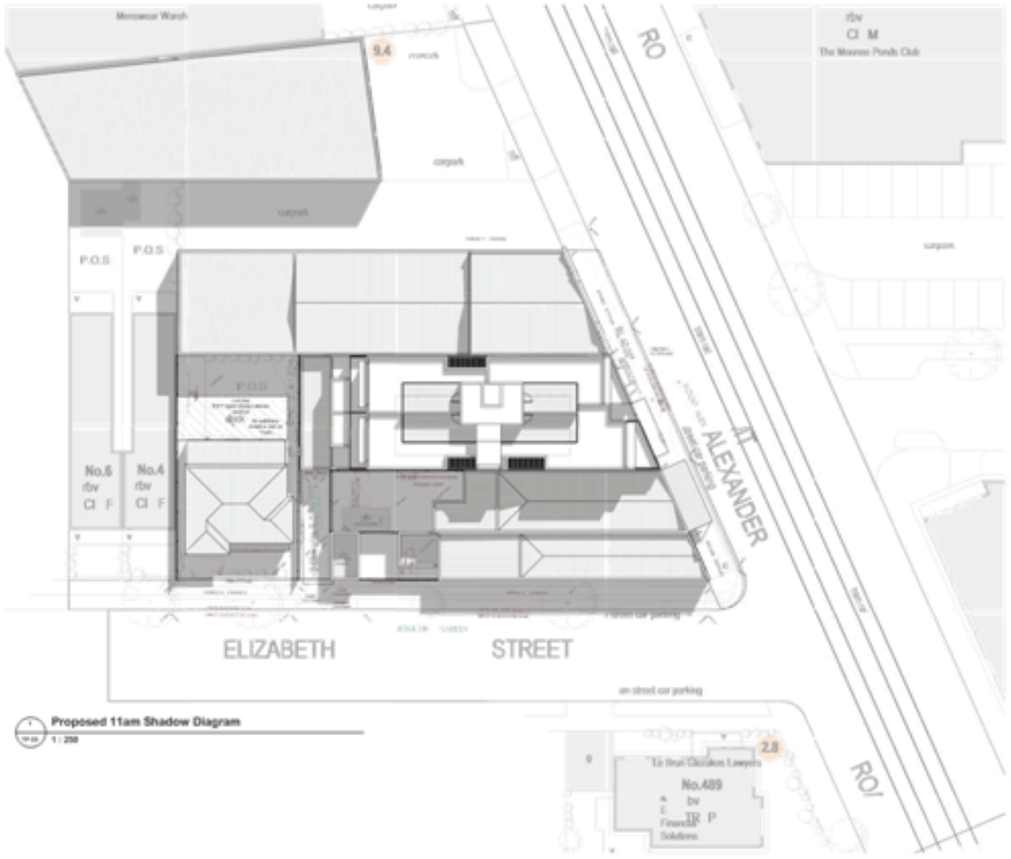
486 Mount Alexander Road, Moonee Ponds

Town Planning

TP-07 Jan 2016

A1 Author

As indicated1902B



Proposed 11am Shadow Diagram
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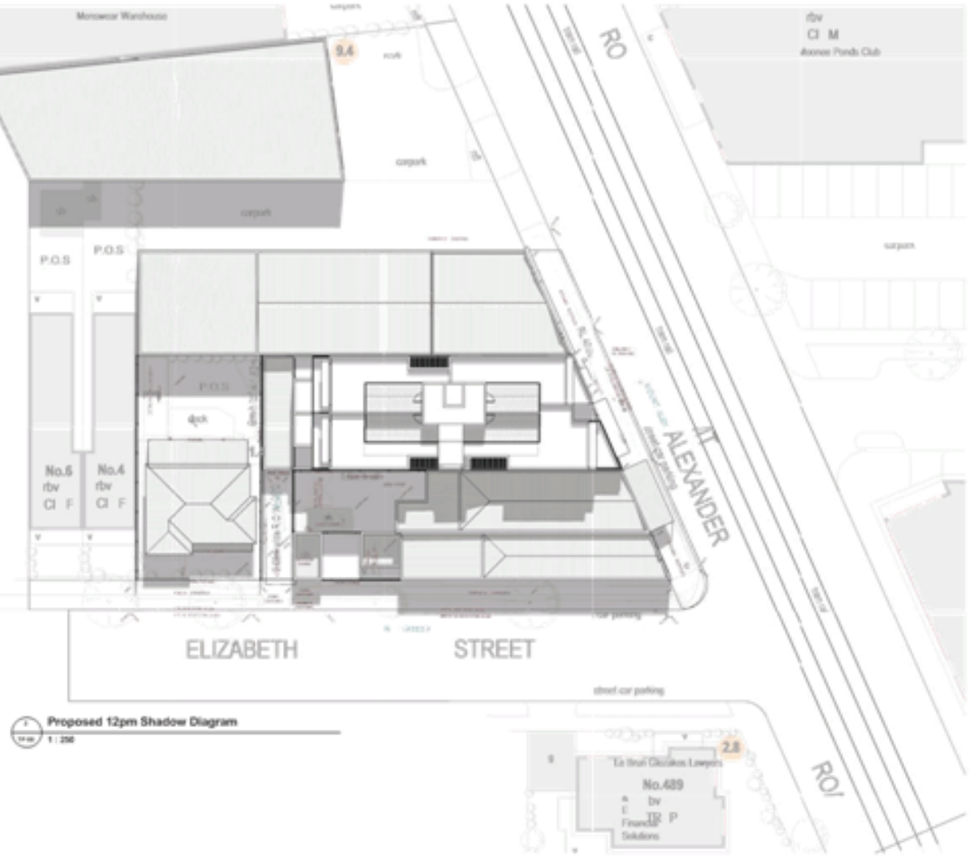


Proposed 12pm Shadow Diagram
1 : 250

Existing Private Open Space

Proposed additional Shadow area

Shadow Legend
1 : 100

Proposed Shadow Diagrams

Proposed Retail Shop and Apartments

498 Mount Alexander Road, Moonee Ponds

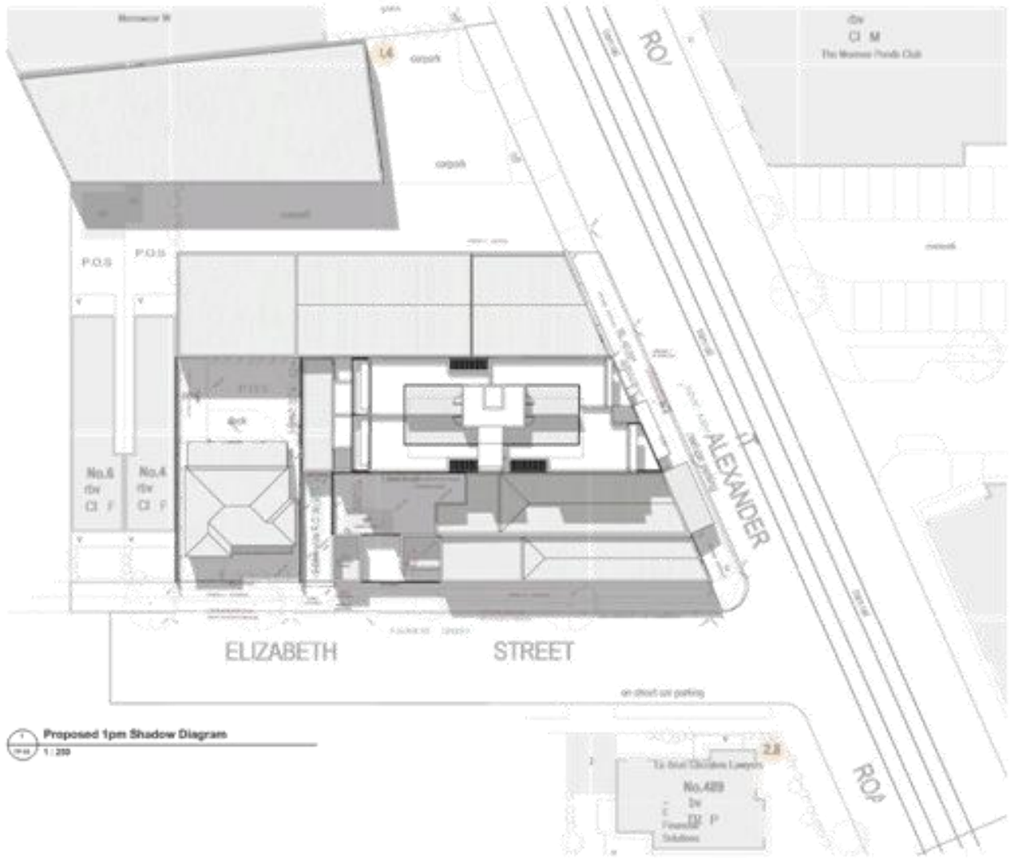
Scrutton Wheelton

Town Planning

TP 08 Jan 2016

A1 Author

As indicated15028



Proposed 1pm Shadow Diagram
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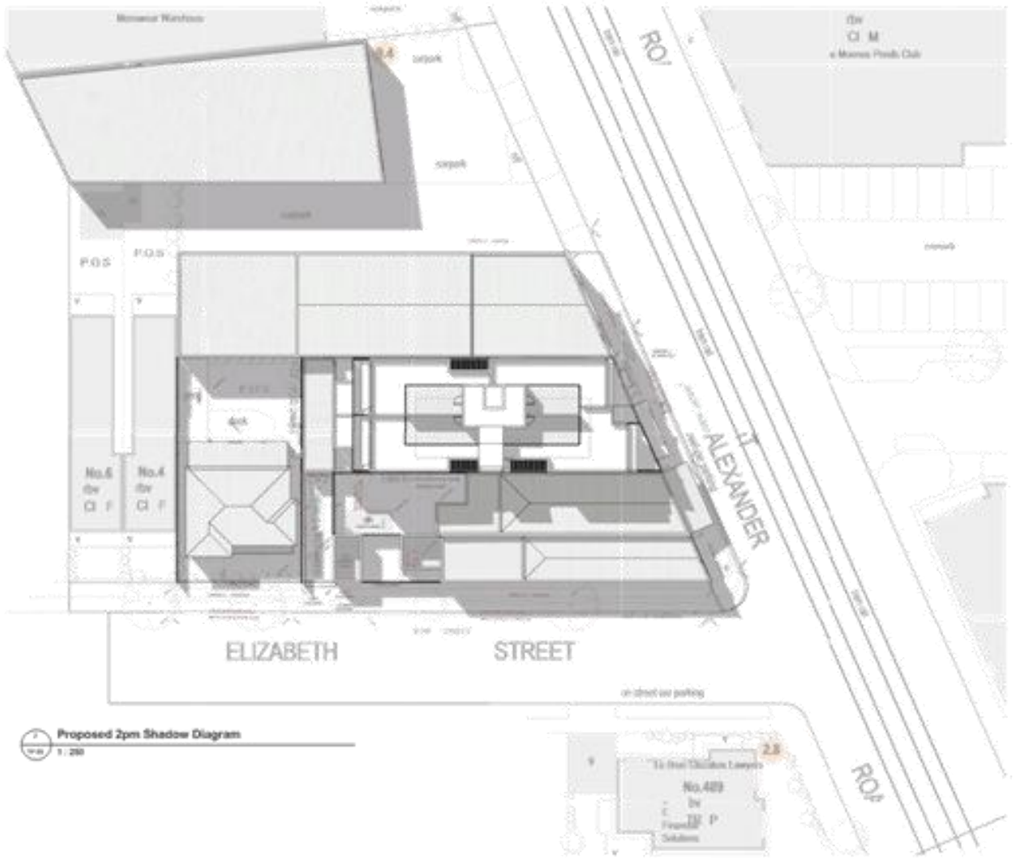


Proposed 2pm Shadow Diagram
1 : 250

Proposed Shadow Diagrams

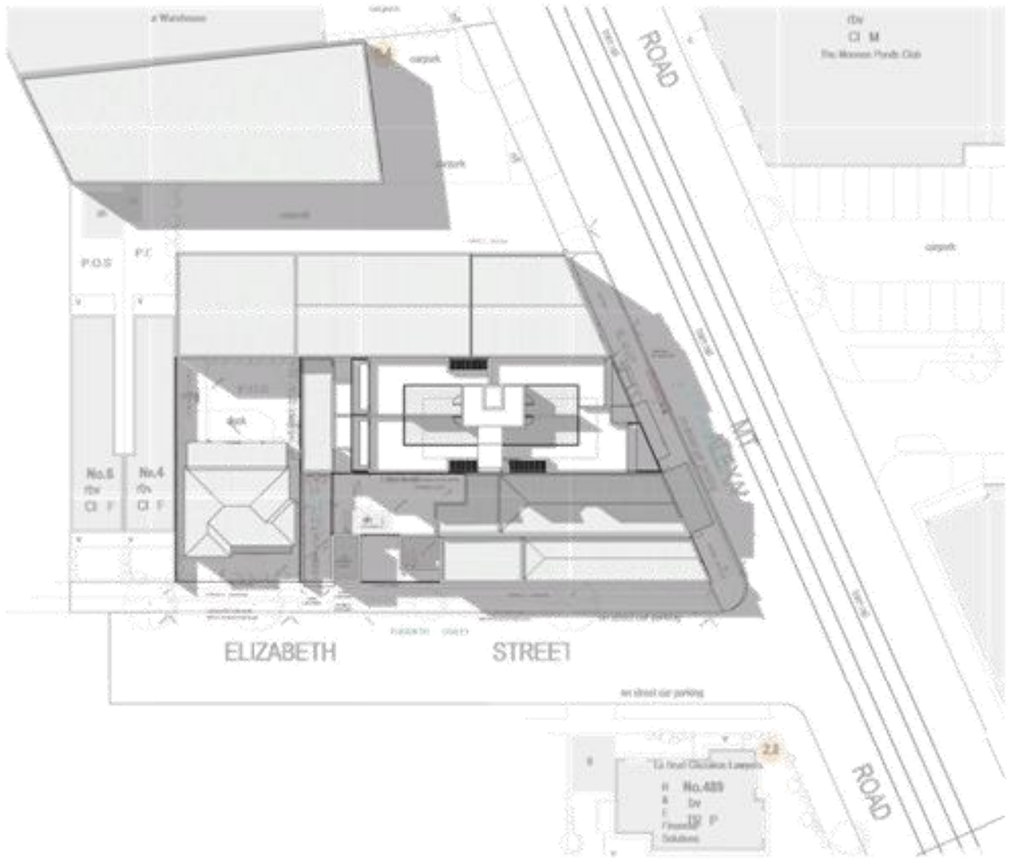
Proposed Retail Shop and Apartments

489 Mount Alexander Road, Moonee Ponds

Town Planning

TP 09 Jan 2016

A1 1 : 250 Author 15028



Proposed 3pm Shadow Diagram
1 : 200

Proposed Shadow Diagrams

Town Planning

TP 10 Jan 2016

A1 Author

1 : 200 1902B

9.8 Combined Planning Permit Application MV/900/2015 and Amendment C148 to the Moonee Valley Planning Scheme (9 Newsom Street, Ascot Vale)

File No: FOL/16/130

Author: Strategic Planner

Directorate: Planning & Development

Ward: Myrnong

Purpose

This report recommends that Council seeks authorisation from the Minister for Planning to prepare a combined planning permit and planning scheme amendment to facilitate a residential development at 9 Newsom Street, Ascot Vale.

Executive Summary

- PDJ Crew Pty Ltd (as the applicant for the residential development) seeks to undertake a combined planning scheme amendment and planning permit in accordance with Section 96A of the *Planning and Environment Act 1987* for the land at 9 Newsom Street, Ascot Vale (Lot S2 on PS711826K and Land in CP155760).
- The concurrent planning scheme amendment (Amendment C148) seeks to rezone Industrial 1 Zone land to General Residential Zone and to apply Design and Development Overlay (DDO13) and an Environment Audit Overlay (EAO) on the land. The proposed Amendment also seeks to remove the Development Plan Overlay (DPO4).
- The application furthermore seeks planning approval to develop the subject site for residential purposes. Specifically, the proposed development would comprise 36 townhouses and an 8 unit apartment complex. The proposal includes the demolition of the existing building onsite and the retention of two trees within the frontage setback to Newsom Street.
- The applicant has worked with Council Officers during initial stages of the application to respond to design concerns for the proposed development. Following concerns raised by Ward Councillors that the design did not respond to the existing and emerging character of the area, the overall building height facing Newsom Street was reduced to two storeys at this interface. This outcome is now considered a better fit within the streetscape and topographic context.
- A copy of the proposed development plans are included in **Appendix A** (separately circulated). A copy of the draft permit conditions is included in **Appendix B.**

- The proposed amendment is required as the current Industrial 1 Zoning prohibits development of the land for a residential use. A copy of the Amendment Documents is included in **Appendix C** (separately circulated).
- This report provides the necessary justification to formally request the Minister for Planning for authorisation to undertake a combined amendment and planning permit application to allow residential development at 9 Newsom Street, Ascot Vale.

Figure 1 - Aerial photo of subject site and surrounds

Recommendation

That Council:

1. Seek authorisation from the Minister for Planning to prepare combined Moonee Valley Planning Scheme Amendment C148 and Planning Permit application MV/900/2015.
2. Subject to obtaining authorisation from the Minister for Planning, exhibit the combined Moonee Valley Planning Scheme Amendment C148 and Planning Permit application MV/900/2015 (including draft permit conditions) in accordance with Section 19 of the *Planning and Environment Act 1987*.
3. Refer submissions received to an independent Panel in accordance with Section 23(1)(b) of the *Planning and Environment Act 1987* if submissions received request to change the combined amendment and are not resolved.

Background

Site and Surrounds

The subject site is located on the southern side of Newsom Street, Ascot Vale. The site is irregular in shape with a frontage to Newsom Street of 63.85 metres and a rear boundary, which extends to Hurtle Street, of 108.91 metres. The total site area is in the order of 5,711 square metres and is made up of two parcels.

The land is identified on Certificate of Title as land in Plan of Consolidation 155760 and Lot S2 in Plan of Subdivision 711842. The title reveals three drainage easements that dissect the site at various points. Infrastructure (pipes) associated with these easements have been crushed over time and are no longer functioning. The Lot 2 PS711842 title is encumbered by two Section 173 Agreements which relate to development and contribution requirements to the abutting Ascot Chase development.

The site contains a single storey commercial building fronting Newsom Street with associated car parking along the south western boundary. Vehicle access is obtained from both Newsom and Hurtle Streets. The balance of the site contains scattered vegetation with dense patches more prominent along the boundary lines of the site.

A roundabout is located adjacent to the site, at the intersection of Newsom Street and Pentland Street.

The site has a significant slope from the Newsom Street frontage to the rear with a fall in the order of 2 metres. In addition, a more pronounced slope from Hurtle Street of approximately 4.5 metres occurs for a length of 30 metres.

Land abutting the site to the southwest and southeast comprises the Mirvac Estate (Ascot Chase) which is currently under construction and once completed will accommodate a total of 400 dwellings of double and triple storey scale.

Land immediately to the north east (7 Newsom Street) contains two single storey brick dwellings with vehicle access provided via both Newsom and Hurtle Streets. This site is in the order of 2,800 square metres and with no records indicating plans for redevelopment.

The site is predominately within the Industrial 1 Zone with the south western corner (Lot S2) within the General Residential Zone. The western half of the site is subject to the Design and Development Overlay (Schedule 1 – Skyline Area) whilst the south western corner is affected by Development Plan Overlay (Schedule 4 – Ascot Chase, Newsom Street, Ascot Vale),

The surrounding area comprises a mix of zones, being General Residential Zone, Public Park and Recreation Zone and Road Zone Category 1.

Aside from the Ascot Chase Estate, the built form within the immediate vicinity is eclectic in nature, generally of single and double storeys dwellings, with no strong urban character.

<u>Combined planning permit and amendment process</u>

The proposed amendment to rezone land is required as the current Industrial 1 Zone prohibits use of the land for residential development. The purpose of the General Residential Zone (GRZ) seeks, among other objectives, to provide for a diversity of housing types and moderate housing growth in locations offering good access to services and transport. The General Residential Zone is considered the most appropriate zone for this site to enable the establishment of a future residential development.

To avoid the necessity for a two-stage process where a planning proposal requires both an amendment to the planning scheme and a planning permit, the *Planning and Environment Act 1987* provides for a planning scheme amendment and planning permit application to be considered concurrently under Section 96A.

This process allows for the assessment and consideration of both the planning scheme amendment and planning permit application though the same process.

The process is substantially the same as a planning scheme amendment, with the opportunity to make a submission during the exhibition period on both the rezoning and the development proposal and any submissions received being referred to an Independent Panel. The final Panel report is then presented to Council for consideration. The purpose of the report is to provide an independent assessment of the amendment, planning permit application and the submissions received for consideration by Council. After considering the Panel report, Council can determine whether it wishes to adopt the amendment and planning permit and the form it should take. Council must take the recommendations of any panel into consideration when making their decision. The Minister for Planning makes the final decision about whether a permit is granted, with no further right of review and can approve the amendment and permit with or without changes. If the permit is successful, the Minister for Planning will then direct the responsible authority to issue the planning permit.

Planning Permit Application (MV/900/2015)

The application seeks to redevelop the land for residential purposes comprising 36 townhouses and eight (8) apartments. The development proposes a two storey scale along both Newsom and Hurtle Streets, whilst the balance of the apartments internal to the site are three storeys. Vehicle access to the site will be via two access points (one new and one existing) via Newsom Street along with additional access via two new crossovers from Hurtle Street.

Various aspects of the proposal are described below:

Table 1: Summary of proposal

Dwellings	• 23 x two bedroom townhouses • 9 x three bedroom townhouses • 4 x four bedroom townhouses • 8 two bedroom apartments Total 44 dwellings
No of car spaces	• 57 residential spaces • 11 visitor spaces Total 68 car spaces
Max building height	11.9 metres
Site coverage	43.5%
Permeability	24.2%

Relevant Planning History

The following relevant planning permits have been lodged for the subject site:

- Permit number MV/3727/1983 approved for an office extension and car parking
- Permit number MV/4424/1986 approved for office alterations

- Permit number MV/4785/1988 approved for an office extension.

Planning Scheme Amendment C148

The majority of the site is within an Industrial 1 Zone bounded by land within a General Residential Zone. The current industrial zoning prohibits residential development and is therefore inconsistent with the surrounding zoning pattern. It is further considered the current industrial zoning could attract uses that may have significant amenity impacts on the immediate and broader area.

To facilitate residential development on the subject land, Amendment C148 seeks the following;

- Rezoning of the land at 9 Newsom Street, Ascot Vale from Industrial 1 Zone to the General Residential Zone;
- Application of an Environmental Audit Overlay at 9 Newsom Street, Ascot Vale;
- Application of Design and Development Overlay – Schedule 13 (Medium Density Residential Development, Newsom Street, Ascot Vale) to 9 Newsom Street, Ascot Vale
- Removal of the Development Plan Overlay – Schedule 4 (Ascot Chase, Newsom Street, Ascot Vale) that currently applies to Lot 2 on Plan of Subdivision 711842K.

It is noted that the western half of the site is subject to the Design and Development Overlay (Schedule 1 – Skyline Area). This control will remain unaltered.

Planning Policies and Decision Guidelines

State Planning Policy Framework

Clause 11	Settlement
Clause 13	Environmental Risks
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 19	Infrastructure

Local Planning Policy Framework

Clause 21.01	Municipal Profile – Moonee Valley Today
Clause 21.03	Vision – Moonee Valley Tomorrow
Clause 21.04	Sustainable Environment
Clause 21.05	Housing
Clause 21.06	Built Environment
Clause 22.03	Stormwater Management (Water Sensitive Urban Design)

Overlays

Clause 43.02	Design and Development Overlay (Schedule 1 – Skyline Area)
Clause 43.02	Design and Development Overlay (Schedule 13 – Medium Density Residential Development, Newsom Street, Ascot Vale)

Clause 45.03	Environmental Audit Overlay

Particular Provisions

Clause 52.02	Easements, Restrictions and Reserves
Clause 52.06	Car Parking
Clause 52.17	Native Vegetation
Clause 55	Two or more dwellings on a lot

General Provisions

Clause 65	Decision Guidelines

Discussion

State Planning Policy Framework (SPPF)

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

Clause 11.02 (Urban Growth) seeks to ensure there is a sufficient supply of urban land for a range of land uses. Strategies for urban growth require the identification of opportunities for the consolidation, redevelopment and intensification of existing urban areas.

Clause 13.03 (Soil Degradation) seeks to ensure that potentially contaminated land is suitable for its intended future use and development. An Environmental Audit Report, prepared by Australian Environmental Auditors Pty Ltd, was submitted with the application. The report concludes the site is suitable for medium density development subject to certain conditions. Accordingly, an Environmental Audit Overlay is proposed to be applied to the site in order to ensure appropriate regulation.

Clause 15.01 (Urban Environment) seeks to establish urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. It is submitted the proposal is consistent with the intent of the Clause and will positively contribute to the emerging character of the area.

The proposal appropriately responds to Clause 16.01 (Residential Development) as it relates to increasing the supply of housing in existing urban areas by facilitating increase housing yield in appropriate locations, including under-utilised urban land and to provide for a range of housing types to meet increasingly diverse needs. Clause 16.01-3 (Strategic redevelopment sites) promotes various strategies to identify strategic redevelopment sites for large residential development in Metropolitan Melbourne. The subject land is in the order of 5,700 square metres beside the evolving Ascot Chase redevelopment. As such, it is considered the site is located within an area where relevant housing policies provide strong encouragement for residential development to occur, thus assisting to achieve the urban consolidation objectives of State policy.

Local Planning Policy Framework (LPPF)

The proposed development complies with the relevant objectives and strategies of the Local Planning Policy Framework.

The proposal complies with Clause 21.04 (Sustainable Environment), in particular with Ecologically Sustainable Development at Clause 21.04-3 via the use of ecological sustainable design principals as highlighted within the submitted Sustainable Design Assessment Report. The report was prepared by E-Struct and includes both a STEPS and STORM assessment. Council's ESD officer has reviewed the reports and has identified various aspects that can be remedied via permit conditions.

Clause 21.04-6 (Potentially Contaminated Land) sets out strategies to ensure potentially contaminated land is identified, appropriately tested and remediated to a standard suitable for the intended use. As previously highlighted, an Environmental Audit Report has been prepared and concludes the site is suitable for the intended use. Further, the amendment request seeks to impose the Environment Audit Overlay to ensure any required conditions are met.

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 minimisation. A waste management plan has been submitted with the application which indicates provision for private waste storage collection. Various bin storage areas are to be dispersed throughout the development. Council's Engineering Services Unit have reviewed the waste management plan and have raised no objection to its content.

The proposal complies with the objectives and strategies of Clause 21.05 (Housing) by increasing housing opportunities to meet growing population needs, providing a diversity of housing choice in a well-established area with access to public transport options and local/community services. It is noted that Council's Housing Strategy does not identify the subject land given its current industrial zoning. Several neighbourhood character areas apply in the surrounding vicinity that have informed the current design scheme.

The provision of 2, 3 and 4 bed townhouse forms will add to the dwelling diversity of Ascot Vale and provide a range of dwelling sizes to meet a wide variety of demographic needs. As such, the proposal contributes to the objective of housing diversity and will cater for the increasingly diverse needs of future residents.

The proposal seeks to provide an appropriate design response for the subject site by way of built form, architectural quality and landscaping. In particular, the proposed development is considered to comply with the objectives and strategies of Clause 21.06 (Built Environment) which seeks;

- To ensure that new development makes a positive contribution to the appearance and amenity of the streetscape;
- To ensure the siting of new development does not adversely affect the existing or the preferred character of the neighbourhood;
- To achieve contemporary development that is innovative, legible and designed in a manner that responds to its location and context.

The remediation required to the site in preparation for residential development has, to a degree, influenced the final site planning strategy as has the retention of established canopy landscape to the Newsom Street frontage. The typological response was also influenced by Mirvac's Ascot Chase development to the south and west which is establishing a more compact urban environment of attached

dwellings and apartment forms; particularly along Newsom Street where a series of new vehicle crossovers are influencing the street edge condition.

It is considered the form and arrangement of dwellings has struck the right balance in regards to access, building separation and internal amenity. Given the significant fall across the site, particularly at the Hurtle Street interface, the introduction of a three storey element with primary address to Hurtle Street is appropriate. Given this portion of the site represents potentially the most sensitive interface, the proposal has sought to animate side elevations through a variation in materials, rebates, balcony projections and landscape setbacks to mitigate potential visual bulk. To the southern boundary the new dwelling with address to Retreat Drive presents a side elevation with highlight windows. The substantial setback proposed, along with vegetation provides an appropriate interface to this dwelling.

With respect to landscaping, a landscape plan has been prepared by Edge Environmental Design Group which details provision for new canopy and shrub plantings as well as the retention of the two existing trees within the frontage setback to Newsom Street. The plan has been reviewed by Council's Landscape Architect and is deemed acceptable.

With regard to the overall form and layout, Council's Urban Designer has noted the following positive attributes of the proposal;

- Attached forms represent an efficient use of the site for residential accommodation and given the emerging character the proposal fits with the evolving nature of the neighbourhood.
- The proposed scale is appropriate given the rising natural ground level to the west side of Newsom Street
- The arrangement of inward facing garages of Dwellings 2-7 and 8-14 effectively limits the domination of garages to the main street frontage
- Elevated living format allows balconies and roof top terraces to provide large areas of private open space to each dwelling whilst all dwellings have an internal living room/study facing a garden aspect
- Shared courtyards are spacious in dimension and allow for canopy trees to provide shade and outlook
- 13 metre separation building line to building line mitigates screening between dwellings
- Landscape is used effectively to screen ground floor windows and provide a buffer between public and private space
- The apartment form appropriately responds to the Hurtle Street interface concealed behind two townhouse forms with direct street address
- The spatial setbacks of built form to side and rear boundaries is sufficient and responds to areas of potential sensitivity. Upper level Hurtle Street form is retraced at the side boundaries in response to the streetscape character.

Overall, it is submitted the development provides a suitable design response in this evolving pocket of Ascot Vale that will provide a range of dwelling sizes and private and public open space areas.

The proposal complies with Clause 22.03 - Stormwater Management (WSUD) and meets the required on site stormwater treatment as demonstrated by achieving 100%, or greater, using the STORM tool. A permit condition would require a roof plan to be submitted to show the extent of the roof catchment area, a note of which WSUD treatment measure each area connects to, and notation that the rainwater tank is connected to all toilets.

The standard conditions requiring the submission of the WSUD design details, a site management plan and maintenance program should also be included on the permit.

Compliance with proposed Clause 32.08 (General Residential Zone)

The proposal seeks to rezone the land from Industrial 1 to the General Residential Zone.

The purpose of the General Residential Zone (GRZ) seeks, among other objectives, to provide for a diversity of housing types and moderate housing growth in locations offering good access to services and transport. Further, it seeks to encourage new development that is respectful of the neighbourhood character of the area.

The General Residential Zone is considered the most appropriate zone for this site to enable the establishment of a future residential development.

Compliance with Clause 43.02 (Design and Development Overlay – Schedule 1)

The Design and Development Overlay relates to the Skyline Area and affects the western half of the subject site. The main design objective of the Overlay seeks to protect areas along the Maribyrnong River from visual intrusion caused by the inappropriate siting of development. The control also encourages consistency with the 'City of Moonee Valley Maribyrnong River Interface Urban Design Guidelines 2001' and the 'Maribyrnong River Interface Urban Design Guidelines 2010'.

The Maribyrnong River Interface Urban Design Guidelines seek to reduce the impact of development by using articulated building mass and less dominant forms and to avoid dominant building and roof forms when viewed from the river or within the riverside parkland. Clause 4.5 of the Guidelines seeks to;

- Keep development below the dominant tree canopy height;
- building should not exceed 9 metres in height;
- buildings should follow the contours of the land or step down the site;
- avoid dominating monolithic building forms and sheer multistorey elevations without articulation.

Although 11.9 metres in height at certain locations, the site is located in excess of 800 metres from the Maribyrnong River and 250 metres from the riverside parkland. As such, the proposed development will not be visible from these areas.

The proposal achieves a high degree of articulation with protruding and recessed building form elements which provide light and shade, avoid the dominance of sheer walls and create visual interest.

It is considered the proposal fulfils the design objectives of the Overlay and is generally consistent with the relevant urban design guidelines for development along the Maribyrnong River interface. The development reflects the emerging

contemporary character of new development along the river and the adjacent parklands and will enhance the character of the area.

Compliance with Clause 43.02 (Design and Development Overlay– Proposed Schedule 13)

The proposed Design and Development Overlay – Schedule 13 (Medium Density Residential Development, Newsom Street, Ascot Vale) includes various design objectives as a means of ensuring a high quality and well-designed development that enriches the surrounding character of the area. Design objectives will aim to provide an appropriate interface between existing residential development and new residential outcomes and ensure that future development responds to the sloping nature of the site and frontages to both Hurtle and Newsom Street.

The application of this Overlay will provide clarity on the form and conditions of any future development. A copy of the draft DDO13 is included in **Appendix C** (separately circulated).

Compliance with Clause 45.03 (Environmental Audit Overlay)

The application of an EAO is proposed in response to the site's long term industrial use.

Planning requirements in relation to potentially contaminated sites require that before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences, or before the construction or carrying out of buildings and works in association with a sensitive use commences, either;

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

An environmental audit has been prepared for the site resulting in a Statement of Environmental Audit which prescribes a number of conditions that must be met prior the establishment of residential development on the land. Accordingly, the application of the Environmental Audit Overlay will ensure any potential contamination issues are appropriately addressed before the land is developed for the intended use.

Compliance with Clause 52.02 (Easements, Restrictions and Reserves)

The application is consistent with relevant State Planning policy as it relates to the appropriate management of easements through the Planning and Environment Act 1987 and Subdivision Act 1988.

The relevant authorities have consented to the proposed removal and creation of easement subject to conditions.

The proposal is considered suitable for approval and warrants support.

Compliance with Clause 52.06 (Car parking)

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

Use (dwellings)	Required	Provided
44 dwellings	57	57
Residential Visitors	8	11
Total	65	68

Proposed Access

The application seeks to provide two vehicle entry points via Newsom Street, one via the existing crossover at the western end and the second via a new crossover at the eastern end of the site. Council's Traffic Engineers are satisfied with the proposed access arrangements, subject to adjustments to the kerb outstands at the roundabout to maintain the required deflection to reduce the speed of vehicles as they approach the roundabout. This has been reflected in the plans which satisfies the requirement.

With respect to the two new access points via Hurtle Street, the Engineers have required the accessway to Dwelling 36 reduced to 3 metres. Further, pedestrian visibility spaces for these access points will be required to ensure acceptable site lines. Conditions will be imposed to remedy these aspects.

Car Parking Spaces

Council's Traffic Engineers have reviewed the proposed parking arrangements and have raised no objection with the exception of the proposed carport to Dwelling 37. The width of the carport is required to be increased to a minimum 3.5 metres in accordance with the planning scheme requirements. A condition of any approval issued can address this aspect.

Overall, the car parking areas and internal access arrangements have been designed to allow safe and efficient movements within the subject site and onto Newsom Street. The proposal should not have any significant detrimental effects in relation to the anticipated traffic generation within the surrounding road network.

Compliance with Clause 52.17 (Native Vegetation)

A Biodiversity Assessment, prepared by Ecology & Heritage Partners, was submitted with the application. The purpose of the assessment was to identify the extent and type of remnant native vegetation within the site and to determine the presence of significant flora and fauna species and/or ecological communities.

The report highlighted that whilst the site contains several Victorian native species, these have been evaluated as having been planted, and therefore exempt from requiring a permit for their removal under 'Planted vegetation' exemption detailed within Clause 52.17 of the Moonee Valley Planning Scheme. With respect to fauna, the modified nature of the site indicates significant fauna species are highly unlikely to present on site.

To supplement the Biodiversity Assessment, an Arboricultural Assessment, prepared by Treelogic, was submitted with the application and identified 28 individual trees within and adjacent to the subject site. The report highlighted that, based on high arboricultural ratings, Trees 27 and 28 displayed prominent arboriculture features and are worthy of retention. Both trees have been identified as lemon scented gums and are located within the frontage setback of the proposed dwellings facing

Newsom Street. Conditions of any approval issued will require the tree protection measures to ensure the long term health of the trees, including those on the adjoining property to the east, are not compromised by construction.

The remaining trees on site are proposed to be removed and replaced with new planting.

Compliance with Clause 55 (Two or More Dwellings on a lot)

The proposal is considered to generally comply with the provisions contained at Clause 55. The following points of exception, which have not been technically satisfied through this development, are listed below;

ResCode Standard	Response
Clause 55.03-2 (Standard B7) Building Height	Given the varied sloping nature of the site, the required heights under the standard are 9-10 metres. The dwellings and apartments are 2-3 storeys and are generally 9.5 metres across the site. The heights vary at some locations given the pronounced slope. The areas of non-compliance are largely due to the roof top terraces associated with Dwellings 8-14 and 20-26. Heights at various points reach a maximum of 11.9 metres. The terraces have been centrally located over the dwellings such that they will not present as dominant features. Furthermore, these dwellings are internal to the site and will not result in any detrimental impact on the existing streetscape character. The height of the dwellings is considered appropriate within the current context. Topographically, the site is at a lower point from existing dwellings to the north of Newsom Street. As such, the scale of the proposal will fit comfortably within the existing neighbourhood.
Clause 55.04-1 (Standard B17) Side and Rear setbacks	The areas of notable non-compliance relate to the south western side setbacks associated with the third levels of dwellings 15-19. With overall wall heights of 9.2-9.5 metres, the required setbacks equate to 4.29-4.59 metres. The proposal provides staggered setbacks ranging from 2.6-3.7 metres, thereby requiring variations of between 890mm to 1.69 metres. Notwithstanding the above, it is submitted the proposed setbacks are acceptable. Areas abutting adjoining private open space areas (Dwellings 17 and 18) achieve the greater setbacks of 3.7 metres, thereby minimising external amenity impacts on adjoining sensitive areas.

ResCode Standard	Response
Clause 55.04-5 (Standard B21) Overshadowing	The area of technical non-compliance relates to the extent of morning overshadowing on the secluded open space area to the adjoining dwelling to the south west (23 Haven Crescent). Notwithstanding, by 11am the overshadowing is substantially reduced. As such, it is considered the proposal will not result in unreasonable off-site amenity impacts.
Clause 55.04-6 (Standard B22) Overlooking	A number of balconies associated with Apartments 1-8 have the potential to overlook into the adjoining properties (7 Newsom and 30 Retreat Drive). A condition can address this aspect.
Clause 55.04-7 (Standard B23) Internal Views	Areas to internal views are largely confined to the rooftop terrace areas. The terraces have been setback from the sides of the buildings to prevent downward views. Further, these spaces are divided by solid stairwell access walls reaching 2.65 metres at their peak. 1 metre high screens surrounds each terrace. Whilst there may be some internal views, it is considered these are not unreasonable given the medium density nature of the proposal.
Clause 55.05-4 (Standard B28) Private Open Space	The areas of non-compliance relate to the Apartments 1-8 that have 6.7 square metre balconies. A condition of approval will require these outdoor areas to achieve the minimum 8 square metres required by the standard.
Clause 55.05-5 (Standard B29) Solar Access to Open Space	Dwellings 27-35 are setback in the order of 4.6 metres from the southern boundary which falls short of the standard by approximately 4.5 metres. Notwithstanding, these dwellings are afforded north facing balconies. On balance, the proposed arrangements are considered acceptable. In addition, the Apartments 5-8 have south facing balconies. Given the narrow strip of the land, the ability to achieve the standard is limited. It is considered these arrangements are acceptable within the context of the broader development which, in the main, achieves northerly solar access to open spaces.
Clause 55.05-6 (Standard B30) Storage	The dwellings accommodate a wide range of storage configurations located primarily within the garages ranging from 3.3-16.8 cubic metres.

ResCode Standard	Response
	A variation is sought for those dwellings with design constraints preventing the full 6 cubic metres. It is considered the storage provision is acceptable given the nature of this development. Outdoor areas are largely confined to balconies and terraces. Those dwellings with ground floor courtyards will feature synthetic grass. As such, storage for garden appliances will typically not be required under these arrangements. Should individual owners require additional storage, there are spaces within the dwellings that can adequately accommodate these provisions.

Draft Planning Permit Conditions

While Council has not yet formed an opinion about whether it is likely to grant the permit, it is a requirement of the Planning and Environment Act 1987 to prepare draft permit conditions with the other requirements of the amendment. Providing a copy of the proposed permit conditions at the same time as the notice of amendment and application enables affected people to make submissions about the change to the planning scheme, the specific application and the draft permit conditions. A copy of the draft permit conditions is included in **Appendix B**.

Next Steps

A preliminary assessment of the proposal has been undertaken. The combined amendment/planning permit application are of sufficient merit to warrant Council's support for seeking authorisation to prepare and exhibit the combined amendment and planning permit application.

Following public exhibition and, if required the panel process, a further report will enable Council to consider the proposal in light of community feedback and the panel recommendations.

Consultation

Pending authorisation for the combined planning permit application and amendment there will be widespread consultation with the community and anyone considered to be affected by the proposed development.

Key aspects of the consultation program include:

- Exhibition period of approximately 5 weeks
- Letters to anyone considered to be affected by the proposed development
- Notices in local papers
- Information displayed at the Civic Centre
- Comprehensive information on Council's website

Implications

1. Legislative

The planning scheme 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 preparation of the combined amendment and planning scheme is also in accordance with Section 4 and Section 96A of the *Planning and Environment Act 1987*.

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).

2. Council Plan / Policy

In presenting this report to Council, it is achieving its Strategic Objective to Encourage housing development that is environmentally sustainable and caters for our diverse existing and future population in accordance with Council Plan 2013-2017 Theme 1: Sustainable living - Clear direction for growth and development of the city.

3. Financial

There are no relevant financial considerations to this report. The cost of preparation of the Amendment will be borne by PDJ Crew Pty Ltd as the proponent of the combined application.

4. Environmental

There are no further relevant environmental considerations to this report.

Conclusion

Amendment C148 is a combined planning scheme amendment and planning permit application under Section 96A of the *Planning and Environment Act 1987*. The Amendment seeks to rezone Industrial 1 Zone land to General Residential Zone and apply an Environmental Audit Overlay and Design and Development Overlay to the subject site. The planning permit seeks the construction of dwellings and variation of easements at 9 Newsom Street, Ascot Vale.

The planning proposal has been assessed against the relevant provisions of the SPPF, LPPF and the relevant Particular and General Provisions of the Moonee Valley Planning Scheme. The proposal has sufficient merit to warrant Council seeking authorisation from the Minister for Planning to prepare and exhibit the planning permit application and planning scheme amendment.

Consultation will be undertaken for the amendment and planning permit application to ensure the community is able to provide input on the planning proposal.

Appendices

Appendix A: Development Plans (separately circulated)
Appendix B: Draft Conditions
Appendix C: C148 Draft Amendment Documents (separately circulated)

PLANNING PERMIT

GRANTED UNDER SECTION 96I OF THE PLANNING AND ENVIRONMENT ACT 1987

Permit No.: MV/900/2015

Planning scheme: Moonee Valley Planning Scheme

Responsible authority: Moonee Valley City Council

ADDRESS OF THE LAND: 9 NEWSOM STREET, ASCOT VALE

THE PERMIT ALLOWS: The construction of dwellings and variation of easements

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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

   a) The carport associated with Dwelling 37 widened to a minimum 3.5 metres along with any subsequent internal modifications to the dwelling;

   b) The accessway to Dwelling 36 reduced to 3 metres in width along with provision for new landscaping;

   c) Pedestrian visibility splays in accordance with Clause 52.06-8 (Design Standards for car parking) of the Moonee Valley Planning Scheme to be provided for Dwellings 36 and 37;

   d) A notation to indicate relevant tree protection measures for those trees to be retained in accordance with Condition 22;

   e) The balconies associated with Apartments 1-8 to be a minimum 8 square metres;

   f) Provision for screening to balconies associated with Apartments 1-8 in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;

   g) Any requirements of the amended STORM assessment in accordance with Condition 3;

   h) Any requirements of the amended STEPS assessment in accordance with Condition 4.

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

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

3. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Assessment must obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.

4. An amended STEPS assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The report must ensure consistency with the development plans.

5. 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.

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

7. Before the building/s approved by this permit is/are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

8. Before the building/s approved by this permit is/are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.

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

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

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

    a) Inspection frequency;

    b) Cleanout procedures;

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

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

the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

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

    (a) Hours of construction;

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

    (c) Scaffolding and hoarding for the site;

    (d) Allocated areas for loading and unloading;

    (e) Site evacuation plan and procedure;

    (f) Occupational health and safety policy;

    (g) Hazard identification and control;

    (h) Environmental management and waste minimisation;

    (i) Management of onsite stormwater and prevention of contamination which must be in the form of a detailed statement or report which outlines all measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;

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

    (k) Arrangements for chemical storage;

    (l) Noise and vibration control;

    (m) Risk assessment;

    (n) Works timetable; and

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

    When approved, the CSMP will be endorsed and will form part of this permit. The development must be carried out in accordance with the endorsed CSMP and the provisions, requirements and recommendations of the endorsed CSMP must be implemented and complied with to the satisfaction of the Responsible Authority.

12. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing

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

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

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

    b) Thereafter maintained;

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

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

14. Before the use starts, a directional sign not exceeding 0.3 m^2 in area must be provided directing drivers to the area(s) set aside for visitor car parking and must be located and maintained to the satisfaction of the Responsible Authority.

15. Footpaths shall connect to existing footpath within Retreat drive and from Haven Crescent. All costs to supply and install these works are to be borne by the permit holder.

16. Prior to commencement of any works, a drainage strategy outlining all existing/abandoned easement/drains together with the new easement locations and drains must be submitted to council for approval by the Responsible Authority.

17. A drainage strategy is to be prepared outlining the revised location of easements and new drainage. The drainage strategy must incorporate discharge from 7 Newsom Street into the existing system in 15 Newsom Street (Ascot Chase Development).

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

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

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

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

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

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

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

21. Before the development starts, engineering design plans (EDP) and a drainage layout plan (DLP) together with supporting calculations must be submitted to and approved by the responsible authority. The EDP and DLP must be prepared by a civil engineer with suitable qualifications to the satisfaction of the responsible authority, and must be in accordance with Council's drainage design guidelines.

    Once approved the EDP and DLP will be endorsed and will form part of this permit.

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

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

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

22. A drainage surcharge route must be shown on the layout plan, to demonstrate the overland flow path in the event of a storm exceeding the underground minor drainage system.

    An underground drainage system must be designed to handle the 1 in 100 year storm event for the critical storm duration.

    Before the development commences, a Drainage Layout Plan and Drainage Computations for the drainage system (including consideration of any drainage catchment external to the development that may drain to the drainage system) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan and Drainage Computations must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority.

23. Existing street trees must not be removed or replaced without the prior written consent of the Responsible Authority. Any replacement tree planted must be to the satisfaction of the Responsible Authority. All costs associated with the removal and replacement/replanting of the street tree must be borne by the permit applicant and the street tree replacement must be completed to

the satisfaction of the Responsible Authority before the buildings approved by this permit are occupied.

24. The provisions, recommendations and requirements contained in the arborist report prepared by Tree Logic Pty Ltd and dated 11 May 2015 must be implemented and complied with to the satisfaction of the Responsible Authority.

25. Before the development starts, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and 3 copies must be provided. The amended landscape plan must be generally in accordance with the landscape plan prepared by Edge Environmental Design Group Pty Ltd (Drawing No 971-L02, dated 21 September 2015) but modified to show:

    a) Any requirements of Condition 1.

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

26. 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.

27. 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.

City West Water Conditions

28. It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.

29. It is essential the owner of the land enters into an agreement with City West Water for the provision of sewage.

End of City West Water Conditions

30. 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 commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Engineering Services Unit regarding legal point of discharge, new crossings, building over easements, erection of hoarding etc
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculation; C=0.4, tc=5mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or C=0.80.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All finish surface levels may be approved by Melbourne Water due to recent filling works in the adjacent development of 15 Newsom Street as required by Melbourne Water. It appears that the proposed RL's are located below Melbourne Waters recommended 100 year ARI flood level and freeboard requirements. The site will require bulk earthworks to raise levels to meet Melbourne Water's minimum flood level for the area.
- Any fill over 300mm may be identified on the plan of subdivision. A geotechnical report outlining fill conditions, information for foundations for all housing, retaining walls, and services may be submitted together with plan of subdivision for certification. A copy of the geotechnical report and recommendations may be provided for each title. All titles shall bear notes regarding all geotechnical and environmental risks if any.
- No on street parking permits will be provided to the occupiers of the subject site.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Unit and to the satisfaction of the Responsible Authority.
- Prior to, during and at completion of works (related to the future council assets like drainage and footpaths) outlined in the above conditions, staged inspections must be arranged with Moonee Valley City Council's Engineering Services Unit.
- No construction access is permitted from Retreat Drive or Haven Crescent.
- Council will not accept any modifications to existing levels within the road reserve or to any R.O.W. Any change in levels to match existing surface levels along property boundary line must be made within the property boundary.
- A Commercial/industrial/multi-unit/dual occupancy Application is required to be lodged with City West Water in order to obtain servicing requirements. The Commercial/industrial/multi-unit/dual occupancy Application can be downloaded from www.citywestwater.com.au

9.9 Planning Scheme Amendment C162 - Permanent Heritage Overlay controls for properties at 41, 43 and 45 Regent Street, Ascot Vale

File No: FOL/16/130

Author: Strategic Planner

Directorate: Planning & Development

Ward: Myrnong

Purpose

To recommend that Council formally adopt Amendment C162, which proposes to apply the Heritage Overlay to numbers 41, 43 and 45 Regent Street, Ascot Vale and submit the amendment to the Minister for Planning for approval.

Executive Summary

- On 12 November 2015, Council received a request for demolition (414/2015/DEMO) for properties at 41, 43 and 45 Regent Street, Ascot Vale. If approved this would result in complete demolition of all buildings on site.
- As the properties were identified in Council's adopted Heritage Gap Study 2014, Council referred the demolition request to its Heritage Advisor for comment.
- The advice from Council's Heritage Advisor was that Council should seek to apply Heritage Controls to the properties. This is consistent with the process adopted by Council at its May 2015 Council meeting for seeking to apply heritage controls for buildings which meet identified criteria and are under threat of demolition.
- Council sought additional advice from external heritage consultant David Helms who advised that the terraces at 41, 43 and 45 Regent Street, Ascot Vale are of local historic significance to the City of Moonee Valley and should be included as an individual place in the Heritage Overlay of the Moonee Valley Planning Scheme. A copy of this advice is provided in **Appendix A**.
- The draft citation prepared for 41, 43 and 45 Regent Street indicates these properties are individually significant buildings and contribute to the area based on local historical criterion. A copy of the draft citation is included in **Appendix B**.
- For the reasons as outlined, Council wrote to the Minister for Planning on 27 November 2015, requesting interim controls be applied to the properties through Amendment C161. Under delegation from the Minister for Planning interim controls were granted until 31 March 2017.
- At its meeting held on 23 February 2016, Council resolved to seek Ministerial Authorisation to prepare and publicly exhibit Moonee Valley Planning Scheme Amendment C162. At the same meeting, Council resolved to refer all unresolved submissions received during exhibition to a Panel.

- Amendment C162 was formally exhibited from 19 May 2016 to 16 June 2016 with no submissions received. As there were no submission against Amendment C162 a Panel process was not required.
- This report provides the necessary justification to formally request the Minister for Planning to adopt and update the planning scheme maps to apply permanent heritage controls to the properties.
- A copy of the explanatory report and amendment documentation for Amendment C162 can be found at **Appendix C**.

Recommendation

That Council:

1. Having complied with Part 3, Division 1 and 2 of the Planning and Environment Act 1987, and in accordance with Section 29(1), formally adopt Moonee Valley Planning Scheme Amendment C162 in accordance with the revised map in **Appendix C**.
2. Submit Moonee Valley Planning Scheme Amendment C162 to the Minister for Planning for approval pursuant to Section 31(1) of the Planning and Environmental Act 1987.

Background

On 12 November 2015, Council received a request for demolition (414/2015/DEMO) for properties at 41, 43 and 45 Regent Street, Ascot Vale. If approved this would permit demolition of the existing buildings on site. As the properties were identified as a high priority in Council's Heritage Gap Study 2014, the application was referred to Council's Heritage Advisor for comment.

The advice received was that Council should request an interim Heritage Overlay be applied to the properties until such time as permanent heritage controls could be considered. This assessment is based on the process adopted by Council at its Ordinary Council meeting on 26 May 2015.

Council sought additional advice from external heritage consultant David Helms who prepared a heritage assessment and citation describing the terrace at 41, 43 and 45 Regent Street, Ascot Vale as being of local historic significance to the City of Moonee Valley for reasons described in the statement of significance within this citation. A copy of the draft citation is included in **Appendix B**.

Discussion

The properties at 41, 43 and 45 Regent Street, Ascot Vale are a terrace of three undivided timber dwellings. This triplex structure is a rare example of a Victorian era timber row which are among the oldest dwellings in Ascot Vale. The dwellings have a relatively high degree of integrity when viewed from the street and are considered to be of local historical significance to the City of Moonee Valley.

The timber construction and lack of a dividing wall to provide fire separation between the houses demonstrates the type of unregulated development that occurred during the 1880's before building regulations were introduced.

Council wrote to the Minister for Planning, requesting interim heritage controls under Amendment C161 on 27 November 2015. Under delegation from the Minister for Planning interim heritage controls were granted until 31 March 2017.

Council has now prepared Amendment C162 which seeks to apply permanent Heritage Controls to the properties at 41, 43 and 45 Regent Street, Ascot Vale.

Specifically, the amendment proposes to:

- Update the Schedule to the Heritage Overlay (Clause 43.01) of the Moonee Valley Planning Scheme by including the subject sites.
- Amend Planning Scheme Map 12HO to include the subject land in the Heritage Overlay.

Amendment C162 was placed on public exhibition from 19 May 2016 until 16 June 2016 and no submissions were received. The explanatory report and amendment documentation can be found at **Appendix C**.

Consultation

Formal exhibition of Amendment C162 took place from 19 May 2016 until 16 June 2016 and included direct notification to the property owner of the proposed amendment.

Other aspects of the consultation included:

- An exhibition period of at least 4 weeks;
- Letter to Heritage Victoria;
- Notices in the local papers;
- Information displayed at Council's Civic Centre; and
- Information on the Council and the Department of Environment, Land, Water and Planning website.

Implications

1. Legislative

Planning Scheme Amendment C162 is consistent with Ministerial Direction relating to the form and content of Planning Schemes under Section 7(5) of the Planning and Environment Act 1987. The preparation of the amendment is also in accordance with Section 4 of the Planning and Environment Act 1987.

There are no human rights implications as a result of this report.

2. Council Plan / Policy

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

3. Financial

There are no relevant financial considerations to this report. The cost of the amendment will be borne by Council through the Strategic Planning operational budget.

4. Environmental

The amendment will have a positive environmental impact through protecting places of historical significance.

Conclusion

Amendment C162 will assist Council in preserving places of important historical significance in Moonee Valley.

This amendment was formally exhibited allowing the property owner and any other interested parties to provide a submission to the Amendment. No submissions were received and no independent Planning Panel review was necessary.

For reasons outlined above it is recommended that Council adopt Amendment C162 and resolve to submit the amendment to the Minister for Planning for approval.

Appendices

Appendix A: External Heritage Assessment - 41, 43 and 45 Regent Street, Ascot Vale
Appendix B: Heritage Citation Report
Appendix C: Explanatory Report & Amendment documents as exhibited.

David Helms
HERITAGE PLANNING

2 December 2015

David Kilroe
Strategic Planner
City of Moonee Valley
PO Box 126
MOONEE PONDS VIC 3039

Dear David

Terrace – 41-45 Regent Street, Ascot Vale Heritage Assessment

I have now completed the assessment of the terrace at 41-45 Regent Street, Ascot Vale. This letter sets out the methodology and key findings and recommendations arising from the research, investigation and assessment. A copy of the heritage citation prepared for the property is attached.

Purpose

The purpose is to undertake a heritage assessment of the terrace of three houses at 41-45 Regent Street, Ascot Vale to determine whether it meets the threshold of local significance and is worthy of inclusion in the Heritage Overlay of the Moonee Valley Planning Scheme.

I understand that an application to demolish the building has been made under Section 29A of the *Building Act* 1993.

Methodology

The assessment has been carried out in accordance with the Australia ICOMOS *Charter for Place of Cultural Significance*, 2013 (the Burra Charter) and its guidelines using the Hercon criteria. All terminology is consistent with the Burra Charter. The methodology and approach was also guided by:

- The VPP Practice Note *Applying the Heritage Overlay* (2012);
- Comments made by relevant Independent Panel reports and, in particular, the *Advisory Committee report for the Review of Heritage Provisions in Planning Schemes* (the Advisory Committee Report), which was completed in August 2007; and
- Guidelines for using the Hercon criteria and significance thresholds prepared by Heritage Victoria and the Queensland Heritage Council.

Specifically, the research and investigation carried out for this assessment has included:

- A site inspection carried out in 30 November 2015;
- Examination of primary and secondary sources. The primary sources included land title and subdivision plans, and Sands & McDougall Directories. The municipal rate books were not inspected, as they do not exist for prior to 1899. Secondary sources included the *Moonee Valley Thematic Environmental History*, 2012 and the 1998 *City of Moonee Valley Heritage Study*; and
- A 'desktop' comparative analysis with other Victorian era houses in the City of Moonee Valley (Ascot Vale, Moonee Ponds and Essendon), particularly those with similar

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characteristics (i.e. timber and with undivided shared roofs). This was informed by and builds upon similar comparative analyses I have carried out for several recent heritage assessments (e.g., 1070 Mt Alexander Road, *HO Precinct Review*).

Existing heritage listings

The terrace at 41-45 Regent Street, Ascot Vale is not included in the Heritage Overlay, the Victorian Heritage Register or the National Heritage List.

In response to a submission, the *City of Moonee Valley Stage 1 Heritage Gap Study* (2014), prepared by Context Pty Ltd, identified a potential heritage precinct containing this property, however, it was not assessed in detail. As far as I am aware, it was not identified in previous heritage studies including the *Essendon Conservation Study* 1985. However, in 1990 it was identified as being part of a potential urban conservation area (equivalent to a heritage precinct) that was proposed by Amendment L50 to the Essendon Planning Scheme. However, for reasons that are unknown, this was never implemented.

Summary of findings

A heritage citation has been prepared in the Hermes database (Hermes record no.198041), which is attached. The terrace at 41-45 Regent Street, Ascot Vale is of local historic significance to the City of Moonee Valley for the reasons described in the statement of significance.

The contributory buildings and features are the houses, as constructed c.1885. Non-original alterations and additions to the houses (e.g. the steel verandah posts and concrete floor) are not significant.

Summary of recommendations

The terrace at 41-45 Regent Street, Ascot Vale should be included as an individual place in the Heritage Overlay of the Moonee Valley Planning Scheme. No specific controls (e.g., external painting) are required. The HO extent should include the whole of the properties as defined by the title boundaries.

Please contact me if you have any questions.

Fond regards

David Helms

Attach: Hermes citation, 41-45 Regent Street, Ascot Vale

HERITAGE CITATION REPORT

Name	TERRACE		
Address	41-45 REGENT STREET, ASCOT VALE	**Significance Level**	Local
Place Type	Terrace,House		
Citation Date	2015		

HERITAGE CITATION REPORT

Recommended Heritage Protection **VHR - HI - PS** Yes

Architectural Style Victorian Period (1851-1901)

History and Historical Context

Thematic context
This place is associated with the following theme/s in the *Moonee Valley Thematic Environmental History* (MVTEH):

Theme 2 - Peopling Victoria's places and landscapes; 2.7 Promoting settlement
Theme 6 - Building towns, cities and the garden state; 6.3 Shaping the suburbs

Residential development of the Moonee Valley area in the nineteenth century hugged the railway line through Newmarket, Ascot Vale and Moonee Ponds. The Depression of the 1890s, after the collapse of the land boom, slowed the suburban development of Essendon. However, there was rapid growth in the number of houses in the second half of the first decade of the twentieth century, following the inauguration of the tramlines in 1906. Between 1905 and 1909 over 1,000 houses were built in the municipality (MVTEH, 2012:113).

Place history
At Crown land sales in the Parish of Doutta Galla on 8th December 1847, the then Mayor of Melbourne, John Thomas Smith bought allotment 10, section 4. It had an area of 58 acres, its northern boundary running in line with Maribyrnong Road between Ascot Vale Road and the Moonee Ponds Creek. Smith established his home Ascot House there retaining the property until his death in 1879 after which time the western section between Ascot Vale and Mount Alexander Roads was subdivided and sold in 1881 (Ward). A.M. Strongman bought many of the allotments including most of the land on the south side of Regent Street which he continued to hold in 1882 (LV).

From 1882 to 1884 Strongman gradually sold off his land on the south side of Regent Street and this property was the last allotment to be sold when, on 26 November 1884, it was transferred to Benjamin T. Hartman. Hartman sold the property less than two years later to Frank Davenport and it appears the three timber houses were built around this time for either Hartman or Davenport. Regent Street is first listed in the Sands & McDougall directories in 1885 and the first reference to this property appears to be in 1886 when John McNish, a carpenter, is listed on the south side of Regent Street for the first time. Given his profession, it is possible that he constructed the houses. McNish is still listed as occupier of one of the houses when Frank Davenport's name first appears in 1888. By 1893 when numbering is introduced no.41 is Vacant, Frank Davenport is still in no.43, while the tenant of no.45 was John Coffee (SM).

Frank Davenport was a grocer and at the time he purchased this property in April 1886 was living at Moonee Street, Ascot Vale. A few months later he married Elizabeth Allan, and they lived in one of the houses, which they named 'Allanby', until the early 1900s (LV; *Leader* 27 November 1886, p.42; SM)

These houses are shown on the 1904 MMBW plan. At that time the south side of Regent Street was almost fully developed apart from a large vacant site between the house no.27 and the easternmost of these houses at no.41 (MMBW).

Sources
Chalmers, R.W., *The Annals of Essendon*, Vol.1 (1850s to 1924), EHS, Moonee PondsFlemington [cartographic material]. Melbourne: F. Price, lithographer, 1881, 'Plan of subdivision of part of allotment 10 sec.4 Doutta Galla' (1881 subdivision plan)
Land Victoria (LV), Certificate of titles. Vol. 1339 Fol. 717, Vol. 1812 Fol. 377

HERITAGE CITATION REPORT

Melbourne & Metropolitan Board of Works (MMBW) Detail Plan no.833, 1904
Miles Lewis 'Building and construction' in 'eMelbourne the city past and present': http://www.emelbourne.net.au/biogs/EM00254b.htm[viewed 30 November 2015]
Parish Plan, Doutta Galla, sheet 1, Department of Lands and Survey, 1973
Sands and McDougall directories (SM) 1884-1900
Ward, Andrew, *City of Moonee Valley Heritage Study*, 1998

Description

Physical Description

This is a terrace of three houses, constructed of timber with a single, shared hipped roof (with no visible separating walls) with a transverse gable. Each house has a simple double hung timber window placed centrally with a four-panel timber door with a top light at the right side, and a rendered chimney with cornice details. The houses appear to have a relatively high degree of integrity when viewed from the street. The most obvious change has been the replacement of the verandah posts with wrought iron and the verandah floor with concrete. The half-height timber verandah wing walls may be early or original.

The simple timber picket fence is sympathetic, but not original.

Comparative Analysis

The *Melbourne Building Act*, passed in Sydney in 1849, took effect from the first day of 1850. It applied to Central Melbourne between the Yarra River and Victoria Street, and to what is now known as South Fitzroy, and required buildings to have a permit, to be made of non-combustible material (unless it was isolated by setbacks from the boundaries of the site), and to separate different occupancies by fire walls passing through the roof, markedly altering the appearance of terrace housing and shop rows. By the 1870s the *Melbourne Building Act* had been extended to other areas of the municipality such as Carlton, and, mainly in the 1880s, equivalent controls were introduced by other urban municipalities (Miles Lewis).

In Moonee Valley, the former Borough of Essendon passed Regulation No.7 in 1888, which prohibited the 'use of combustible materials in the construction, alteration, repair or renewal of buildings, roof, or chimney-flues, smoke-vents or stove-pipes'. The regulation also regulated the distance between buildings and the height, thickness, construction, and material of party-walls of buildings adjoining each other and external walls of buildings (*North Melbourne Advertiser*, 31 March 1888, p.3). By the late 1890s the Essendon Borough began to introduce 'brick areas', which prohibited the construction of buildings other than in brick in certain streets and placed restrictions on timber buildings in other areas (*The Argus* 17 October 1899, p.6). 'Brick' areas were extended throughout the City of Essendon during the early twentieth century.

In Moonee Valley City, while building did commence in some areas in the early 1880s, most development occurred after the introduction of the municipal regulations in 1888. Consequently, most of the Victorian era houses that are individually listed in the HO in Moonee Valley are either early villas built for wealthy pastoralists(c.1850s to 1870s), or larger Boom era (c.1880s - c.1890s) mansions or villas built for middle or upper middle class residents. Almost all are of masonry (stone or brick) construction, and the majority are detached houses with a smaller number of attached houses.

A smaller number of the individually listed HO places in Moonee Valley are terrace pairs or rows, but always in brick and with dividing walls and therefore dating from post-1888: e.g. 9-11 Regent Street.

Among the individual HO places it appears there are only three timber Victorian era houses, all of which are detached:

- 'Goodwood', 42 Myross Avenue, Ascot Vale. Constructed c.1895, this is a typical double fronted late Victorian timber house.
- Cottage, 1070 Mt Alexander Road, Essendon. Constructed c.1860, this is an altered timber cottage with a transverse gable roof.
- Cottage, 10 McNae Street, Moonee Ponds. Constructed c.1870, this is relatively intacttimber cottage with a transverse gable roof and an early verandah.

Currently, there are no individually listed examples of undivided attached timber houses in Moonee Valley. This type is more common in inner-city suburbs such as Richmond, Fitzroy and Collingwood, but mainly as duplexes. 'Triplexes' or rows of three or more are much rarer.

Known timber examples in Moonee Valley include the two pairs of cottages at 9-11 and 13-15 Brighton Street, Flemington, which are Contributory places within the HO24 Flemington Street precinct. These houses have a shared hipped roof, but also brick wing walls separating the verandah. The verandahs have been altered and the front windows replaced at nos. 11, 13 & 15. Other examples, this time in brick, include the attached pairs at 56-58 and 60-62 Dover Street, Flemington, which are Contributory places within the HO79 Canterbury Street and Dover Street precincts. Similar to the Brighton Street examples, whilst they have a shared roof (now clad in non-original tiles), they also have rendered wing walls separating the verandah.

This terrace of three houses is therefore a rare example of a Victorian era timber terrace row, which is notable for the attached form with no wall divisions between the houses in the roof and verandah that demonstrates how the building was constructed prior to the introduction of building regulations in 1888that required fire separation. They are unusual in Ascot Vale, which generally speaking seems to have had a higher standard of development with mostly brick houses.

Statement of Significance

What is significant?
The terrace, constructed c.1885, at 41-45 Regent Street, Ascot Vale is significant. This is a terrace of three houses, constructed of timber with a single, shared hipped roof (with no visible separating walls) with a transverse gable. Each house has a simple double hung timber window placed centrally with a four-panel timber door with a top light at the right side, and a rendered chimney with cornice details. The houses appear to have a relatively high degree of integrity when viewed from the street. The verandah roof and half-height timber verandah walls may be early or original.

Non-original alterations and additions to the terrace including the steel verandah posts and concrete verandah floor are not significant.

How is it significant?
The terrace of three houses at 41-45 Regent Street, Ascot Vale is of local historic significance to the City of Moonee Valley.

Why is it significant?
The terrace is significant as a rare example of a row of three undivided timber houses, which are among the oldest dwellings in Ascot Vale. The timber construction and lack of a dividing wall to provide fire separation between the houses demonstrates the type of unregulated development that occurred during the 1880s before building regulations were introduced by the late nineteenth century. (Criteria B & D)

HERITAGE CITATION REPORT

Recommendations 2015

External Paint Controls	-
Internal Alteration Controls	-
Tree Controls	-
Fences & Outbuildings	-
Prohibited Uses May Be Permitted	-
Incorporated Plan	-
Aboriginal Heritage Place	-

Other Recommendations

Add to Heritage Overlay as an individual place with no specific HO controls, as shown in the above table. The HO is to apply to the whole of the property as defined by the title boundaries.

This information is provided for guidance only and does not supersede official documents, particularly the planning scheme. Planning controls should be verified by checking the relevant municipal planning scheme.

Planning and Environment Act 1987

MOONEE VALLEY CITY COUNCIL PLANNING SCHEME

AMENDMENT C162

EXPLANATORY REPORT

Who is the planning authority?

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

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

Land affected by the Amendment

The Amendment applies to 41, 43 and 45 Regent Street, Ascot Vale.

What the amendment does

The amendment will apply the Heritage Overlay to the subject sites.

Specifically, the amendment proposes to:

- Update the Schedule to the Heritage Overlay (Clause 43.01) of the Moonee Valley Planning Scheme by including the subject sites.
- Amend Planning Scheme Map 12HO to include the subject land in the HO.

Strategic assessment of the Amendment

Why is the Amendment required?

Numbers 41, 43 and 45 Regent Street are intact residential buildings which form part of a wider residential precinct. This terrace of three undivided timber dwellings are a rare example of a Victorian era timber row which are among the oldest dwellings in Ascot Vale. The dwellings have a relatively high degree of integrity when viewed from the street.

The terrace of three houses is of local historical significance to the City of Moonee Valley.

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

The amendment will implement the following objectives of planning in Victoria, under Section 4 of the *Planning and Environment Act 1987*:

- 4(1)(a) to provide for the fair, orderly, economic and sustainable use, and development of land.
- 4(1)(d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- 4(1)(f) to facilitate development in accordance with the objectives set out in paragraph (d);
- 4(1)(g) to balance present and future interests of all Victorians.

These objectives are implemented by this amendment through identification of and protection of places in Moonee Valley City Council that have local historical significance.

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

The amendment is expected to have positive environmental and social effects by protecting places of cultural and historical significance in Moonee Valley.

The amendment is not expected to have any adverse economic effects.

Does the Amendment address relevant bushfire risk?

There is no bushfire risk arising from 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 consistent with *Ministerial Direction No. 9 – Metropolitan Strategy* (Plan Melbourne) in terms of the identification and protection of places of heritage significance. The relevant components of *Plan Melbourne are*:

- Direction 4.7 – Respect our heritage as we build for our future

  This direction seeks to ensure that heritage is valued when managing growth and change. It acknowledges that Melbourne is recognised for its well-preserved heritage buildings and that there is a need to manage future growth and change so Melbourne's distinctive characteristics and heritage are maintained.

- Initiative 4.7.1- Value heritage when managing growth and change

  This initiative aims to protect the city's heritage, and improve heritage management processes within the Victoria planning system.

The amendment is consistent with these directions and initiatives in that it identifies and provides protection of properties of local cultural heritage value.

The amendment is consistent with the *Ministerial Direction No. 11 – Strategic Assessments of Amendments*.

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

This amendment is consistent with the State Planning Policy Framework, in particular Clause 15.03 (Built Environment and Heritage) and implements the policy by including places which have been identified and assessed as having local cultural heritage significance in the Schedule to Clause 43.01 to the Heritage Overlay.

This amendment will directly implement the first strategy under Clause 15.03-1 to 'identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.'

In addition, the SPPF requires Council as the responsible authority for planning to balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. The amendment seeks to achieve this net community benefit by ensuring places with heritage values are conserved, through inclusion in the Heritage Overlay, for present and future generations.

The amendment is therefore consistent with and supports the State Planning Policy Framework in relation to heritage.

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

The amendment will assist in the implementation of Clause 21.06-2 (Heritage) within the Local Planning Policy Framework by 'conserving the historic fabric and quality of places of cultural heritage significance including buildings, streetscapes, gardens and archaeological sites'.

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

The application of the Heritage Overlay is the most appropriate mechanism for recognising and protecting the cultural heritage significance of the identified places.

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

The views of relevant agencies, including Heritage Victoria will be sought through the public exhibition phase of the amendment.

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

The amendment is not expected to impact on the transport system.

Resource and administrative costs

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

The amendment is not expected to have a substantial impact on the resource and administrative costs of the responsible authority.

Where you may inspect this Amendment

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

Moonee Valley City Council
Civic Centre
9 Kellaway Avenue
Moonee Ponds

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.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by 16 June 2016.

A submission must be sent to: Moonee Valley City Council
PO Box 126
Moonee Ponds
VIC 3039

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: 6 July 2016
- panel hearing: 3 August 2016

Planning and Environment Act 1987

MOONEE VALLEY PLANNING SCHEME

AMENDMENT C162

INSTRUCTION SHEET

The planning authority for this amendment is the 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 sheet.

Overlay Maps

1. Amend Planning Scheme Map No 12HO in the manner shown on the 1 attached map marked "Moonee Valley Planning Scheme, Amendment C162".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

2. In Overlays – Clause 43.01 replace Schedule to the Heritage Overlay with a new Schedule in the form of the attached document.

End of document

MOONEE VALLEY PLANNING SCHEME
MARIBYRNONG RD
RD
ASCOT VALE
REGENT
ST
BANK
ST
Ascot Vale
HO382
276
274
272
270
268
266
264
262
260
258
256
254
23
21
19
17
42
40
38
36
34
28
51
47
39
37
33
31
27
62
60
58
56
54
52
50
48
46
44
42
40
38
36
34
32
0
50
metres
LEGEND
HO382
Heritage Overlay (HO382)
Part of Planning Scheme Map 12HO
AMENDMENT C162
| Planning Mapping Services |
| Planning Information Services |
| Planning |
Department of Environment, Land, Water & Planning
State Government Victoria

9.10 Planning Scheme Amendment C168 - Proposed rezoning of disused road, adjacent to 25 Rose Avenue Niddrie

File No: FOL/16/130

Author: Acting Coordinator Strategic Planning

Directorate: Planning & Development

Ward: Buckley

Purpose

To recommend that Council adopt Amendment C168, to rezone a section of disused road adjacent to 25 Rose Avenue Niddrie, from Public Use Zone – Schedule 1 (Service & Utility), to General Residential Zone – Schedule 1.

Executive Summary

- The rezoning of the disused section of road, is the final step required to facilitate the sale of this road to the owners of 25 Rose Avenue Niddrie.
- Council considered a confidential report at its meeting on 26 May 2015 regarding a terms of settlement agreement with the owners of 25 Rose Avenue, Niddrie.
- At that meeting Council resolved to commence the statutory process pursuant to Section 206 and Schedule 10, Clause 3(a) of the *Local Government Act 1989* (the Act) to discontinue a 239m^2 section of disused road, rezone the land and sell this land to the owners of 25 Rose Avenue, Niddrie by private treaty. Refer location photo at **Appendix A.**
- Notice was given in the Victorian Government Gazette on 10 September 2015 of Council's intention to sell the disused section of road.
- Statutory procedures under the *Local Government Act* have been completed. Public notices appeared in the local newspapers and no submissions were received.
- Following the above process, Council wrote to the Minister for Planning on 21 June 2016, seeking his authorisation to prepare a Planning Scheme Amendment using his powers pursuant to Section 20(2) of the *Planning and Environment Act 1987* and authorisation was received on 5 July 2016.
- Notice was subsequently given to Prescribed Ministers on 8 July 2016 and no submissions were received.
- A copy of the explanatory report and amendment documentation for Amendment C168 can be found at **Appendix B** (separately circulated).

Recommendation

That Council:

1. Having complied with Part 3, Division 1 and 2 of the Planning and Environment Act 1987, and in accordance with Section 29(1) of the Planning and Environment Act 1987, adopt Amendment C168 to the Moonee Valley Planning Scheme.
2. Pursuant to Section 31(2) of the *Planning and Environment Act 1987*, submit Moonee Valley Planning Scheme Amendment C168 to the Minister for Planning for approval.

Background

On 26 May 2015 Moonee Valley City Council resolved to commence statutory processes under Section 206 of the *Local Government Act 1989.*

At its Ordinary Meeting on 25 August 2015, Council resolved to:

- discontinue the section of disused road; and
- sell the land to the owners of 25 Rose Avenue, Niddrie by private treaty.

On 10 September 2015, a notice was published in the Victorian Government Gazette under Clause 3(a) of Schedule 10 to the *Local Government Act 1989*, recording that Council has formed the opinion that the section of disused road is not reasonably required as a road for public use and resolved to discontinue the road and sell the land by private treaty.

The current public use zoning of the land is no longer appropriate as the land will be sold to the adjoining owner to enable the whole land holding to be used and developed for residential purposes. This triggered the need for an Amendment to rezone this section of road.

Council wrote to the Minister for Planning on 21 June 2016 requesting authorisation to prepare the Amendment, also requesting exemption from the notification requirements of Sections 19(2) and 19(3) in accordance with Section 20(2) of the Act. A Section 20(2) amendment allows for the preparation of an amendment by giving notice to Prescribed Ministers only.

An application and supporting documentation for the amendment was included with this letter, to rezone part of the disused road from Public Use Zone (Service & Utility) to General Residential Zone.

The Minister of Planning authorised the preparation of the amendment without notice pursuant to Section 20(2) of the *Planning and Environment Act 1987*, on the 5 July 2016.

In respect to the need to give notice to the Prescribed Ministers pursuant to section 19(1)(c) and Regulation 8 of the *Planning and Environment Act 1987*, letters were sent to the Prescribed Ministers on 8 July 2016. Two weeks and four days' notice was given to enable the Prescribed Ministers to respond; no submissions were received.

Discussion

The Amendment is consistent with the objectives of planning in Victoria, as outlined in section 4 of the *Planning and Environment Act 1987*. In particular, the Amendment will facilitate the fair, orderly, economic and sustainable use and development of land. The Amendment will advance these objectives by enabling the land to be used and developed for residential purposes.

The land is subject to the Land Subject to Inundation Overlay under the Moonee Valley Planning Scheme. The Amendment will not affect the application of this overlay. There will be no environmental, social or economic effects as a result of this amendment. The Amendment will not result in any increase in demand on the transport system.

Amendment C168 supports liveable communities and neighbourhoods by facilitating development of the land in a location well-serviced by transport and community services.

Amendment C168 supports the directions of Plan Melbourne outlined above, along with the following clauses of the State Planning Policy Framework:

- Clause 11 – Settlement, stating that planning is to facilitate sustainable development and provide a variety of land uses and seeking *"to ensure that the objectives of planning in Victoria, as set out in the Planning and Environment Act 1987, are fostered through appropriate planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development".*
- Clause 15.01 – Urban Design and Clause 15.01-2 – Urban Design Principles, encouraging safe, functional and good quality urban environments with a sense of place and cultural identity.

Amendment C168 is compliant with the Local Planning Policy Framework, and the Municipal Strategic Statement. The clauses that are specifically pertinent are as follows:

- Clause 21.02 – Key Issues and Influences, recording the need to maintain a good level of amenity for residential areas and address population growth and demographic change.
- Clause 21.03 – Vision, seeking a connected City that meets the daily needs of the community within walking distance, and for homes and workplaces to be low impact, adaptable and healthy places.
- Clause 21.05 – Housing, seeking to provide a variety of housing choices in appropriate locations to meet the needs of an increasingly diverse range of households.

The Amendment was prepared to conform to the requirements of the Victoria Planning Provisions format for planning schemes and the most appropriate zone for land has been applied in association with the abutting General Residential Zone land. Given the location of the land in well-established residential neighbourhood, it is considered the rezoning of the land will be of social and economic benefit to the City of Moonee Valley.

Consultation

The Minister for Planning agreed to authorise the amendment without notice pursuant to Section 20(2) of the *Planning and Environment Act 1987*. In respect to the need to give notice to the Prescribed Ministers pursuant to Section 19(1)(c) and Regulation 8 of the *Planning and Environment Act 1987*, letters were sent to the Prescribed Ministers on 8 July 2016. Two weeks and four days' notice was given to enable the relevant Ministers to respond; no submissions were received.

Implications

1. Legislative

Planning Scheme Amendment C168 is consistent with Ministerial Direction relating to the form and content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*. The preparation of the Amendment is also in accordance with Section 4 of the *Planning and Environment Act 1987*.

There are no human rights implications as a result of this report.

2. Council Plan / Policy

The rezoning of the land from Public Use Zone to General Residential Zone will enable the land to be effectively consolidated into the existing site at 25 Rose Avenue, Niddrie and used and developed in accordance with the *Planning and Environment Act 1987* and the Moonee Valley Planning Scheme.

3. Financial

The Amendment will have a negligible impact on Council. The costs associated with preparing the Amendment are accommodated within the Strategic Planning operating budget.

4. Environmental

There are no environmental implications associated with the Amendment.

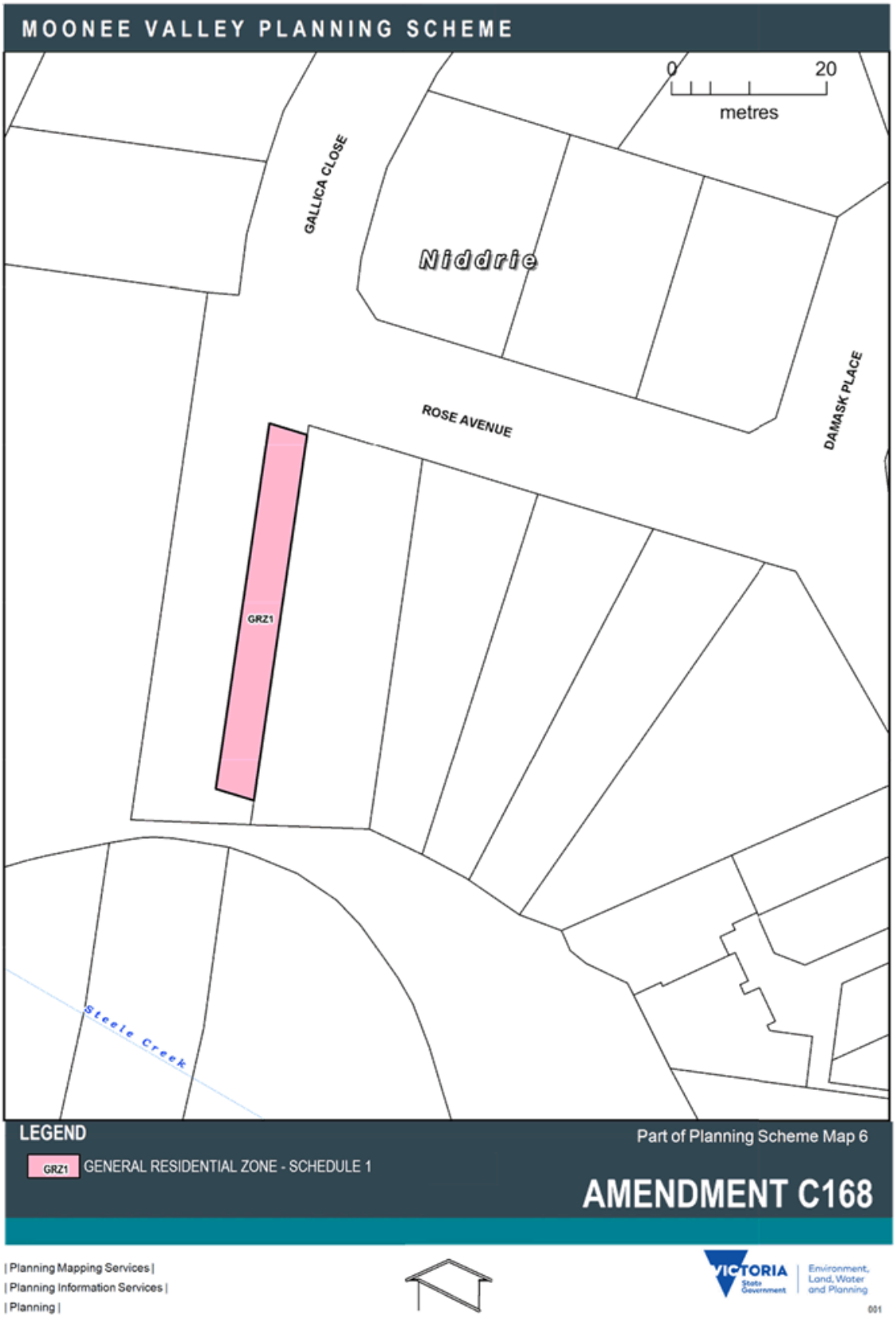
Conclusion

The subject road is no longer required for public use and is currently occupied by the owners of 25 Rose Avenue, Niddrie, it is considered appropriate to rezone the Land from Public Use Zone to General Residential Zone.

Appendices

Appendix A: Location Photo
Appendix B: Amendment Documentation (separately circulated)
Appendix C: Revised Map.

GALLICA CLOSE
DAMASK PLACE
ROSE AVENUE
1
20
18
16
14
29
25
23
21
19
15
13
11
9
9
Road Reserve
Land Parcels
25 Rose Avenue
Carriageway Easement in favour of owners at 25 Rose Avenue
License Area under License Agreement
Proposed road discontinuance and sale of land (239 sqm)


MOONEE VALLEY PLANNING SCHEME
0
20
metres
GALLICA CLOSE
Niddrie
ROSE AVENUE
DAMASK PLACE
GRZ1
Steele Creek
LEGEND
GRZ1 GENERAL RESIDENTIAL ZONE - SCHEDULE 1
Part of Planning Scheme Map 6
AMENDMENT C168
| Planning Mapping Services |
| Planning Information Services |
| Planning |
VICTORIA
State Government
Environment, Land, Water and Planning
001

9.11 Transport Safety Strategy

File No: FOL/16/130
Author: Transport Project Officer
Directorate: Planning & Development
Ward: Municipal

Purpose

The purpose of this report is to advise Council on the outcome of the consultation process undertaken for the Draft Transport Safety Strategy, and seek formal adoption of the Transport Safety Strategy (2016-2026).

Executive Summary

- In Moonee Valley over the last ten years, 2474 people were involved in road trauma. 28 were killed, 759 sustained serious injury and 1,687 suffered other injuries.
- The Transport Safety Strategy is an important 10 year strategy, that will build on our success and will aim to achieve the only acceptable amount of trauma, zero.
- The vision of the 10 year strategy is to provide safe travel for the whole community by adopting the Safe Systems approach. This approach will prioritise safe people, safe speeds, safe vehicles and safe roads and will assist us to achieve our goal of zero fatalities and serious injuries within Moonee Valley City Council.
- Zero fatalities and serious injuries within Moonee Valley City Council will be achieved by: embracing the Safe Systems approach; building on our success to date; focusing on identified problems, locations and demographics with the highest risk; and addressing emerging issues.
- Council will work in partnership with citizens, civic organisations, schools, State and Federal Government, developers, industry and local business.
- A series of incremental steps and coordinated set of initiatives, actions and performance measures have been grouped under eight key principles.
- The action plan was developed from: careful analysis of the crash data; community consultation with over 400 residents; and advice from Australia's leading experts in road safety including Vicroads, TAC, Victoria Police, neighbouring Councils, Yarra Trams and bus operators, teachers, parents, Councils Youth Voice Committee and over 25 of our Council staff that deal with Road Safety issues on a day to day basis.
- An extensive public consultation process was undertaken on the Draft Transport Safety Strategy between 2 May 2016 and 31 May 2016; a full copy of the survey and written submissions are provided in **Appendix A** (separately circulated).

- The final Transport Safety Strategy has been updated for Council endorsement, as detailed in **Appendix B** (separately circulated).
- A full copy of the Technical Report is provided in **Appendix C** (separately circulated).

Recommendation

That Council:

1. Note the community feedback received during the public consultation period.
2. Adopt the Transport Safety Strategy (2016-2026) including the eight overriding principles, goals and the action plan for implementation.
3. Refer to the relevant actions in the final Transport Safety Strategy for future budget considerations (2016-2026).
4. Write to all individuals and organisations involved in the development of the Transport Safety Strategy thanking them for their valuable contribution.

Background

In 2010, the Council adopted its second Road Safety Plan 2010-2014. It consisted of seven actions plans with a total of 128 actions, all of the actions in the Road Safety Plan have been completed, with some ongoing. Council endorsed a report entitled Integrated Transport Plan and Road Safety Plan Review on Tuesday 28 July 2015. The recommendation was to review and develop the Road Safety Plan (r*enamed Transport Safety Strategy*). The review and strategy development process commenced in August 2015 and a Draft Transport Safety Strategy was prepared. Council then endorsed a report titled Draft Transport Safety Strategy on Tuesday 26 April 2016 for the Draft Transport Safety Strategy to be presented for a public consultation period prior to being presented to Council for formal adoption.

Discussion

The implementation of the Transport Safety Strategy will be based on the Safe Systems approach which includes safe people, safe speeds, safe roads, and safer road vehicles and will have eight overriding principles.

- Principle 1: Embrace the Safe System Towards Zero Trauma – As a community we will aim to embrace the Safe System. Council will take leadership responsibility and act as an agent for change.
- Principle 2: Build on our success – We will continue and expand our successful programs and actions.
- Principle 3: Focus on the biggest problem areas, locations with the highest crash risk and address emerging issues – Continue to invest in making our transport network safer and will prioritise activities based on the identified problem areas, most vulnerable user groups, locations with the highest crash risk and any emerging concerns.
- Principle 4: Work in partnership with: Council, citizens, civic organisations and schools, State and Federal Government, Industry and private enterprise – engaging, embracing, workshopping and integrating.

- Principle 5: Only accept safe developments, projects, designs and construction – develop our network, ensure developments do not cause new road safety hazards and new infrastructure doesn't threaten the safety of our community.
- Principle 6: Reduce the real and perceived risks for sustainable travel – providing safe facilities for pedestrians, cyclist and public transport users.
- Principle 7: Make our streets a place to enjoy, live and bring our community together – Commit to a reduction in speed, look for opportunities to implement shared zones in high pedestrian activity areas, vitalise local streets, remind drivers of the nature of these areas through speed alert trailers, enforcement and infrastructure.
- Principle 8: Foster innovation – encourage and explore innovative solutions to our road safety issues, embrace innovative ways to connect with the community, accept changing technology and be courageous to do things differently.

Targets

The aim of the Transport Safety Strategy is to reduce deaths and serious injuries by 30 per cent over the next 10 years. Our long term vision is zero deaths and serious injuries, setting targets along the way to keep stakeholders motivated, accountable and engaged.

Consultation

The development of the Draft Transport Safety Strategy involved consultation with internal and external stakeholders. These included:

- Individual interviews undertaken with 25 Council staff
- Three community drop in sessions held at Flemington Community Centre, Avondale Heights Library and Niddrie Library
- Four shopping centre stands were conducted at Essendon Fields, Moonee Ponds Central, Westfield shopping centre, Milleara Mall shopping centre
- An external stakeholder workshop that included attendance from VicRoads, TAC, schools, neighbouring Councils, Yarra Trams, Public Transport Victoria, RACV, Victoria Police, Public Transport providers, Victrack, Moonee Ponds BUG, School Principals and Walking School Bus volunteers
- Intercept surveying at Essendon Station, East Keilor Leisure centre, Airport West tram stop, Pin Oak Crescent drop in session, Queens Park family day, The Community Conference and Sports Summit, patrons at Ascot Vale Leisure centre, attendees at The Environment Forum and at Moonee Ponds Junction.
- Workshopping with Moonee Valley Youth Voice Committee
- Promotion, including: 'Keep MV moving' webpage with an interactive map; Valley View articles; Art competition; factsheet; plasma advertisement at the Civic centre; Social media; information on Edna; and a media release (24 August 2015).

- On May 2 2016, the Draft Transport Safety Strategy was released for public consultation for a four week period. Key internal and external road safety stakeholders were invited to provide comments and feedback on the Draft Transport Safety Strategy.
- Copies of the summary brochure, full documents and feedback forms were available at Councils Civic Centre and Moonee Valley Libraries. A dedicated webpage was also developed, to encourage community feedback, which included a summary brochure and an on online survey.
- Furthermore, a media alert was issued, notices appeared in the advertorial section of the newspaper weekly and two social media posts were placed on Facebook and Twitter.

Outcomes of Consultation

The feedback from the Public consultation identified a number of community views, professional opinions and refinements to specific actions including:

- Change to Action 1.5b, aim for 40km/h or below on all Local Roads to "Propose 40km/h zones on Local roads through the LATM process"
- Removal of Action 2.1k, Undertake Local Area Traffic Management (LATM) studies as per the Moonee Valley Parking Strategy. The LATM's have been endorsed by Council as a separate program.
- Removal of list of locations of arterial roads in 3.1, list will be developed yearly as part of the Capital works program and addressed through Councils monthly meeting with VicRoads.
- Removal of Action 3.4c, develop a tracking and documented process for dealing with public road safety concerns. Council's record system trim does this currently.
- Removal of Action 7.1b, rollout gateway/threshold treatments when entering local Council areas, this will be address as part of the Local Area Traffic Management study (LATMS).

Implications

1. Legislative

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

2. Council Plan / Policy

The Transport Safety Strategy (2016-2026) is in line with Theme 1 (Friendly and safe) and Theme 3 (Sustainable Living) in the Council Plan 2013-17. It is also in line with the City Sustainability Policy, Health and Wellbeing Plan, draft Greenhouse Strategy, Economic Development Plan, Disability Plan, Walking and Cycling Plan and other adopted Council strategies.

3. Financial

Expenditure for the implementation of all the proposed actions in this strategy is estimated to be $1,676,500 over the 5 years. After the first five year plan has been implemented, the next five year action plan will be developed.

Details of each individual action and indicative costs are provided in the 5 year action plan in the final Transport Safety Strategy (as presented in **Appendix B** – separately circulated). Allocation of funding will be referred for consideration in formation of the budget on an annual basis.

4. Environmental

There are no environmental impacts arising as a consequence of this report.

Conclusion

The Transport Safety Strategy is an important strategy which aims to enhance the safety of all road users.

The vision of the 10 year Strategy is to provide safe travel for the whole community by adopting the Safe System approach. This approach will prioritise safe people, safe speeds, safe vehicles and safe roads and will assist us to achieve our goal of zero fatalities and serious injuries within Moonee Valley City Council.

It is recommended Council adopt the Transport Safety Strategy (2016-2026) including the eight overriding principles and action plan for implementation.

Appendices

Appendix A: Survey and Written Submissions (separately circulated)
Appendix B: Transport Safety Strategy (separately circulated)
Appendix C: Transport Safety Strategy - Technical Report (separately circulated).

9.12 Rosehill Park Master Plan

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

Purpose

To seek Council approval to adopt the Rosehill Park Master Plan.

Executive Summary

- Council has developed a Master Plan to guide the future planning, design and management of Rosehill Park. A copy of the plan is provided as **Appendix A** (separately circulated).
- The Master Plan provides better amenities for the community including new and improved picnic areas, playspaces, outdoor fitness equipment, pathways, plantings, parking improvements, a wetland and an informal oval area.
- The Rosehill Park Master Plan has been developed in consultation with the community. The consultation summary of the Draft Master Plan phase is provided as **Appendix B** (separately circulated).
- The Rosehill Park Master Plan aligns with the objectives of key Council strategies and plans, such as the Council Plan 2013-17, Open Space Strategy 2011, Leisure Strategy 2013 and City Sustainability Policy 2013.

Recommendation

That Council:

1. Adopt the Rosehill Park Master Plan 2016.
2. Note that consideration of Master Plan proposals are subject to Council's annual budget process.

Background

Rosehill Park requires a Master Plan to guide the design, development and management of the park into the future. Moonee Valley City Council's Open Space Strategy determines that Rosehill Park is classified as a Municipal open space with its primary character categorised as informal.

Rosehill Park contains a skate park, playground, two half courts, a rebound wall, a public toilet, a path network and some tree plantings. It is used for purposes of informal, unstructured and passive recreation. Playspace improvements are required to provide nature play and creative and imaginative play for children of all ages.

The existing public toilet is in poor condition and is poorly sited, requiring replacement while the existing car park requires upgrading. Both of these needs have been addressed in the Master Plan process.

Discussion

Rosehill Park is an important open space element in Keilor East, with Rosehill Road and Dinah Parade being the northern boundary, Rachelle Street the western boundary and residential properties aligning the southern and eastern boundaries. It is approximately seven hectares, is relatively flat with feature mounds and some low lying areas which currently collect water. Being set relatively high it offers impressive city views to the east of the site.

Rosehill Park provides a space for the community to play, relax, socialise, exercise, walk their dogs and interact with nature. The Master Plan has been developed to ensure the park caters to the many needs of the community. The planning has not indicated the reserve is to be used for organised sport.

Key features of the Master Plan include:

- New public toilet
- Wetland to reduce local flooding events, improve water quality in Steele Creek, increase local biodiversity and to harvest stormwater for park irrigation
- New and improved picnic areas
- New and improved playspaces
- Informal oval with irrigation
- Pathway improvements
- Improvements to the amenity of the Park including provision of more seating, drinking fountains and bins
- Improvements to car parking
- Outdoor fitness stations
- More vegetation including tree plantings
- Additional basketball court.

The implementation plan is included in the Master Plan document and sets out short, medium and long term projects over a ten year period.

Consultation

Preliminary Consultation

During October 2015, Council undertook initial information gathering to determine community needs for Rosehill Park and to assist in the development of the draft Master Plan. This information gathering included a community session in the park on Saturday 10 October 2015. In addition to the information session, flyers were sent out to all residents within 700 metres of the park. Feedback was collected in person, via email and reply paid envelope.

Given the large amount of feedback, a summarised version of the feedback was distributed to the local community to highlight the common ideas and themes. The community again had an opportunity to respond to this feedback summary.

The feedback gathered was used to inform the draft Master Plan, with a total of 149 written submission received during this information gathering phase.

The Draft Master Plan was developed from this feedback and approved for consultation at the Ordinary Meeting of Council on 23 February 2016.

Draft Master Plan Consultation

The Draft Master Plan was distributed to the community for comment in early March 2016 and feedback was invited from 7 March until the 8 April 2016. The local community was invited to a public session held at Rosehill Park on Saturday 19 March 2016.

Feedback received on the Draft Master Plan and further reviewed by key stakeholders resulted in some changes, including a new location for the wetland to allow more open space in the centre of the park. Other additions included a new basketball court and the need to review the size of the Rachelle Road car park in response to future needs. The revised Draft Master Plan was distributed to the community and feedback was invited from 13 June until the 1 July 2016. There were 129 written responses received on the Draft Master Plan.

The feedback received on the Draft Master Plan fell broadly into the following categories:

- Improved public toilets
- Wetland design
- Upgraded and increased picnic areas
- Improved pathways
- Improved car parking
- Dog management
- Additional seating
- Increased safety
- Improved maintenance.

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

The Rosehill Park Master Plan has been prepared taking into consideration the community feedback received, together with internal stakeholder feedback and relevant Council policy and directions.

Implications

1. Legislative

Any future built works undertaken as a result of this Master Plan will need to comply with the relevant Australian Standards and any other Planning Scheme requirements and/or Building Regulations that may be applicable.

2. Council Plan / Policy

In presenting this report, Council is achieving two Strategic Objectives in accordance with the Council Plan 2013-2017.

- Theme 1: Friendly and safe – A community where people feel connected and safe.
- Theme 2: Green, Clean and Beautiful – A sustainable environment for future generations.

Improvements for Rosehill Park also have the potential to meet the objectives of Council's Leisure Strategy (2013), City Sustainability Policy (2013) and Playspace Plan (2013).

3. Financial

The Master Plan will provide a long term framework for prioritising improvement works at Rosehill Park. All of the Master Plan proposals will be subject to consideration in Council's annual budget process.

4. Environmental

The Rosehill Park Master Plan will help Council achieve the targets established within the City Sustainability Policy, particularly with regard to energy, water, waste and biodiversity targets.

Conclusion

Moonee Valley City Council's Open Space Strategy classifies Rosehill Park as a Municipal open space. Rosehill Park requires a Master Plan to guide its design, development and management into the future in accordance with community aspirations.

The Master Plan was prepared following stakeholder and community engagement, and includes keys stages and prioritisation of projects.

The Master Plan establishes a long term vision for Rosehill Park to guide improvements into the future.

Appendices

Appendix A: Final - Rosehill Park Master Plan (separately circulated)
Appendix B: Consultation report (Rounds 3 & 4) (separately circulated).

9.13 Notice of Motion 2016/16: Master Plan Update for Montgomery Park, Bradshaw Street Reserve and Boeing Reserve

File No: FOL/16/130

Author: Coordinator Open Space & Urban Design

Directorate: Planning & Development

Ward: Buckley

Purpose

Report on the status of the Master Plans for Montgomery Park, Bradshaw Street Reserve and Boeing Reserve as per Notice of Motion 2016/16 to:

> *Ascertain the status of the Master Plans for Montgomery Park, Bradshaw Street Reserve and Boeing Reserve and report back to the 23 August 2016 meeting.*

Executive Summary

- The Open Space Strategy 2011 provides recommendations and guidance for open space planning and improvements throughout the municipality.
- Council undertake Master Plans for Regional, Municipal and Neighbourhood open space to create an agreed shared vision for the community for improvements and upgrades to infrastructure and spaces. Master Plans are used to advocate for internal and external funding and assist with the staging of the Capital Works program, which is subject to Council's annual budgetary process.
- Montgomery Park has had a number of elements completed as per the 2007 Master Plan and is due for review in 2017/18. A copy of the Master Plan is provided as **Appendix A** (separately circulated).
- Bradshaw Street Reserve is a Neighbourhood Park and does not currently have a recommendation for the creation of a Master Plan within the Open Space Strategy.
- Boeing Reserve Master Plan was adopted in 2014 and is currently being implemented, with pavilion upgrades a priority as per the Capital Works program. A copy of the Master Plan is provided as **Appendix B** (separately circulated).

Recommendation

That Council:

1. Undertake a review of the Montgomery Park Master Plan in 2017/18.
2. Undertake consultation and prepare a plan for Bradshaw Street Reserve to guide future improvements and to refer this to future Capital Works program.
3. Continue the implementation of the Boeing Reserve Master Plan with the design and construction of the pavilions, as per Council's decision through the Capital Works program.

Background

The Moonee Valley Open Space Strategy was prepared to provide Moonee Valley City Council guidance on its public open space program up to 2020. The Strategy takes into account the location, distribution, function and condition of the existing open space and provides clear forward planning for a growing municipal population. Forward planning has been developed following extensive community consultation about open space use, a review of Victorian Government and Council strategies that influence open space planning, examination of population forecasts, and an analysis of population trends that will affect open space use in the future.

The Strategy is tailored to the local circumstances in Moonee Valley. It is used by Council to implement specific open space projects, set implementation priorities, and determine annual budgets and capital works programs. The Strategy guides Council when obtaining financial contributions from developers to acquire or improve open space reserves or links and contributions of land for additional open space. It also provides recommendations for planning, including classifications of open space to determine levels of consultation and design, through the preparation of Master Plans which determine major and minor works.

Discussion

An open space Master Plan provides an agreed vision to plan, implement and advocate for improvements for the community.

It provides guidance for:

- Location and look of facilities, including infrastructure such as pavilions and carparking.
- Location and type of playspaces, pathways, furniture and associated elements such as planting.

A Master Plan will also draw upon recommendations from a number of Council Plans and key Strategies, within the context of the site conditions, often including:

- Council Plan 2013-2017
- Open Space Strategy 2011
- Playspace Plan 2013
- Leisure Strategy 2013
- Sports Development Plan 2014-2023
- City Sustainability Policy 2013
- Walking and Cycling Strategy 2012

Once a Master Plan is adopted, works can be implemented according to priorities, staging of key works ie: building upgrades and scale of work.

Major Works

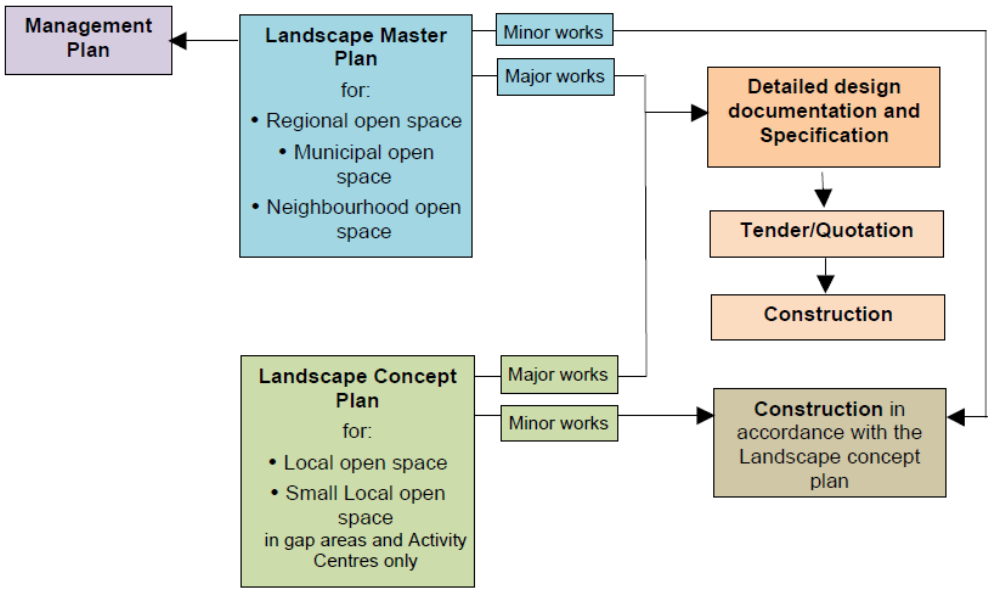
Major works are referred to the Capital Works Budget and may proceed to the Draft Capital Work Program pending approval through the budget process. The workflow diagram from the Open Space Strategy detailed below highlights how works are

implemented; in most cases major works also require additional consultation with the community as part of the detailed design process.

Minor Works

Minor works are undertaken by Council's Operations Team as part of ongoing maintenance or through Renewal Programs such as furniture, playspace and pathway renewals and this is based on ongoing auditing and asset management. These works are also allocated within the Capital Works Program.

Excerpt from Open Space Strategy *Figure 6~2 Diagram illustrating the Design plans required to guide future works in each hierarchy of open space (page 85):*



Montgomery Park

The Montgomery Park Master Plan was adopted in 2007. Since its adoption the following works have been implemented:

- Relocation of southern play space
- Construction of granitic pathways
- Upgrade of the northern playspace
- Installation of furniture
- Planting and mulching at embankments.

A site visit with Operations was undertaken and the following works are to be implemented, as part of ongoing maintenance budgets:

- Linemarking of tennis courts
- Repairs to asphalt in tennis courts
- Repairs to pathways at the northern area
- Review of tree near Childcare Centre to determine health and next steps for this area in light of future development of the building.

Master Plans are reviewed after 10 years, hence the Montgomery Park will be due for review in the 2017/18 financial year.

Boeing Reserve

The Boeing Reserve Master Plan was adopted in 2014. Since its adoption the following works, further detailed planning and design work has been undertaken:

- Sportsfield lighting installation
- Carpark feasibility and functional layout
- Youth Park consultation and design
- Playspace design.

Major works which have been endorsed by Council to be implemented within 20176/17 include:

- Pavilion design and construction for Baseball Club
- Pavilion design for Cricket and Community Hall.

Once these works are complete, construction of the carpark, playspace and youth park will be able to proceed.

Minor works undertaken by Operations include:

- Temporary works to replace bitumen on pathways where it has been washed out
- Planting of garden beds as per the Master Plan undertaken by the Green Army.

Bradshaw Street Reserve

Bradshaw Street Reserve is classified as a Neighbourhood open space. The recommendation within the Open Space Strategy states: *Undertake additional tree planting to increase shade near the playground and seating areas, while retaining the open grassed area for informal games.*

There is no direct recommendation within the Open Space Strategy to undertake a Master Plan for this reserve.

Minor works have been implemented as per 10 year Capital Works Program, including;

- New playspace was built 2015/16
- Planting flagged for 2018/19 through Neighbourhood and Local Parks Greening.

A site visit with Operations was undertaken and the following works are to be implemented, as part of ongoing maintenance budgets:

- Lifting of trees and mulching.

It was noted that further works require an agreed plan with the community to assist with moving forward with improvements to planting, seating location and surface treatment to pathways. This is due to interfaces with surrounding residents and ensuring a consultation process in undertaken. This would be subject to approval in future Capital Works Program through the annual budgetary process.

Consultation

Consultation is part of the Master Plan process, including preliminary consultation and, upon approval of the Draft Master Plan, further consultation with the community before adoption of the final Master Plan.

Consultation can also be required during the design development stage, if further technical resolution is required and/or if significant time has passed since the adoption of the Master Plan.

The nature of this current report does not require any consultation.

Implications

1. Legislative

Through the Open Space Strategy and Amendment C98, Council currently receives Open Space Contributions through the Subdivision Act 1988. These funds are used to provide and fund improvements to open space to cater for future populations. Master Plans for open space provide direction and agreed outcome with the community and stakeholders to undertake these improvements.

2. Council Plan / Policy

Planning for improvements to open space through the development of Master Plans will contribute to achieving its Strategic Objective to:

Protect and enhance the quality and scale of open space for conservation and community enjoyment in accordance with Council Plan 2013-17 Theme 1: Green, clean and beautiful – A sustainable environment for future generations.

3. Financial

Master Plans provide a long term framework for prioritising improvement works within open space. All of the Master Plan proposals will be subject to Council's annual budgetary process and through the adoption of the Capital Works program.

4. Environmental

Planning for improvements within open space assist Council to meet the targets identified within the City Sustainability Policy, particularly with regard to biodiversity, waterway management, remnant vegetation management and sustainable transport.

Conclusion

The Open Space Strategy provides direction to Council to implement specific open space projects, set implementation priorities, and determine annual budgets and capital works programs

Master Plans provide an agreed plan with the community and stakeholders for future improvements within open space.

Works recommended within Master Plans can be funded through external grant applications, open space contributions and capital works funding. Depending on

scale of the works, further consultation is required during the design development phase. All major and minor works are subject to Council's annual budgetary process through the adoption of the Capital Works program.

Appendices

Appendix A: Montgomery Reserve Master Plan 2007 (separately circulated)
Appendix B: Boeing Reserve Master Plan 2014 (separately circulated).

9.14 East Keilor Leisure Centre Feasibility Study

File No: FOL/16/130
Author: Acting Coordinator Leisure Facilities and Projects
Directorate: City Services
Ward: Rosehill

Purpose

To endorse a preferred concept plan, which completes the first of two stages within the East Keilor Leisure Centre Feasibility Study. The preferred option, which is estimated to cost $37.5 Million, provides for an indoor facility with an indoor play pool area and a 50 metre gas heated and solar boosted outdoor pool.

To refer the estimated cost of $2.5 Million for the design and documentation of the preferred concept plan for consideration in the draft 2017/18 budget.

Executive Summary

- A key action of the Aquatic Leisure Centre Plan (ALCP) is the preparation of a Feasibility Study to determine options for the redevelopment of East Keilor Leisure Centre (EKLC).
- The Feasibility Study commenced in June 2014, with an initial scope to develop two concept plans for the potential redevelopment of EKLC. The initial stages of the study involved working with a community reference group, conducting Councillor Workshops and visits to other centres.
- On 24 March 2015, Council endorsed a Draft Concept Plan for the purpose of community consultation. This concept was based on an indoor facility without any outdoor aquatic pools.
- On 28 July 2015, after the consultation period had closed, Council was presented with a petition with 412 signatures advocating to retain the 50 metre outdoor pool at EKLC.
- On 25 August 2015, Council considered the outcome of the consultation, resolving to extend the East Keilor Leisure Centre Feasibility Study to consider seven various options, some of which were to include provision of an outdoor 50 metre pool **(Appendix A-H).**
- On 15 October 2015, stage one of the extended feasibility study commenced, which has involved the assessment of seven options as explained within this report. Stage one of the extended feasibility study identifies facility components required for inclusion in future plans to meet current and future needs of the community. These facilities are developed into concept plans and independently assessed to determine an estimated capital cost.

- On 21 June 2016, Council considered all seven options, with the objective to nominate a preferred concept plan. A preferred concept is required to be endorsed to enable the project to continue to stage two.
- The outcome of stage one of the feasibility study nominates the preferred option, which is estimated to cost $37.5 Million, to provide for an indoor facility with an indoor play pool area and a 50 metre gas heated and solar boosted outdoor pool.
- Subject to Council's endorsement of the preferred concept plan, it is proposed to refer the estimated cost of $2.5 Million for the design and documentation of Option 1D Version 2 for consideration in the draft 2017/18 capital works budget.

Recommendation

That Council:

1. Endorse Option 1D Version 2, shown in **Appendix G** as the preferred concept plan for the East Keilor Leisure Centre Feasibility Study to enable the study to continue to progress to stage two, the completion of the study.
2. Refer the estimated cost of $2.5 Million for the design and documentation for Option 1D Version 2 for consideration in the draft 2017/18 capital works budget.

Background

The Council adopted Aquatic Leisure Centre Plan 2014 (ALCP) discusses the benefits of modern aquatic leisure centres and confirms the need for a municipal level centre in the north east of the municipality. A key action of the ALCP is the preparation of a Feasibility Study to determine options for the redevelopment of East Keilor Leisure Centre (EKLC).

The EKLC Feasibility Study (feasibility study) commenced in June 2014 with the engagement of Sport and Leisure Solutions, who are one of Australia's leading leisure consultancy firms. They have proven experience in aquatic facility design and planning which has been demonstrated through their involvement in a number of successful projects including Thomastown Recreation and Aquatic Centre ($17 Million), Ringwood District Aquatic Centre ($40 Million), Glen Eira Sport and Aquatic Centre ($45 Million) and Greensborough Regional Aquatic Leisure Facility ($38 Million).

Mantric Architecture has provided architectural advice throughout the feasibility study and has also been involved in some of the state's largest aquatic and recreation projects including Glen Eira Sport & Aquatic Centre ($45 Million), Knox City State Basketball Centre ($19 Million), Warragul Leisure Centre redevelopment ($14 Million) and Victoria University Sports Stadium ($16.5 Million).

The initial scope of the feasibility study provided for the preparation of two concept plans for the potential redevelopment of EKLC. In August 2015, the feasibility study was extended to include consideration of seven options. The feasibility study has therefore evolved to reach this stage, the completion of stage one. A summary of important milestones to date is show below.

Milestone	Date	Forum
Agreement on facility components, which would be included in the concept plan (eg. pool, gymnasium, program room etc.).	21 October 2014	Councillor Workshop
Community reference group formed. Bus tour to other centres identifying key facility components at each centre.	17 November 2014	Community Reference Group
Second Community Reference Group meeting.	27 November 2014	Community Reference Group
Two concept plans prepared. Option 1A endorsed for community consultation (no outdoor water included in this option).	3 February 2015	Councillor Workshop
Community consultation on Option 1A.	March & April 2015	Various
Petition with 412 signatures, presented to Council advocating to save the outdoor pool. Council resolves to extend the feasibility study to consider seven options.	28 July 2015	Ordinary Meeting
Extended EKLC feasibility study commenced to investigate a total of seven options.	15 October 2015	Council officers
Informal discussions held between individual Councillors and council officers to prepare Councillors for a forthcoming workshop on 21 June 2016 to endorse a preferred concept plan. The objective of the workshop was to nominate a preferred concept plan.	11 to 18 April 2016 14 to 20 June 2016	Informal discussions
Seven options presented at a Councillor Workshop following informal discussions with councillors.	21 June 2016	Councillor Workshop
Consensus to amend Option 1D to increase the size of indoor water play area and present this to an August 2016 Council meeting as preferred option. This option also provides for an outdoor 50 metre pool.	21 June 2016	Outcome of 21 June 2016 Councillor workshop.

The initial and extended feasibility study is based on two stages:

- Stage one identifies facility components required for inclusion in future plans to meet current and future needs of the community. Using this information and feedback received from the community and briefings with Councillors, seven concept plans have been prepared, independently costed and operational estimates calculated. To progress from stage one a preferred concept plan is required to be endorsed.
- Stage two refines the endorsed concept plan to provide concept elevations, identifies potential environmental initiatives for inclusion in the concept plan, staging options, development of five year operational budget and the development of the functional design brief. This will then lead into the detailed design and documentation phase and finally construction phase.

The feasibility study applies the Guiding Principles outlined in the ALCP as an aid for decision making on the most preferred option. The Guiding Principles are:

- Social inclusion
- Access for all
- Building community health and wellbeing
- Affordability
- Viability

Discussion

The discussion to follow provides:

- A brief description of each of the seven concept options.
- Comments on each option according to the guiding principles.
- Reference to a guiding principle "score". An explanation how this has been applied as a decision making aid is provided later in this report.

Existing conditions refurbishment (EC) – Appendix A

This option proposes to repair or refurbish as many areas of the facility as possible. For example this would include refurbishing the existing indoor pool shell, remedial works to the steel frame in the pool hall, replacing the timber ceiling, re-glaze windows and replace the air handling unit. This is the only option that proposes to retain the group fitness hall, which is located external to the facility. This option would extend the life of the facility for approximately a further 15-20 years. Due to this treatment, the ongoing maintenance cost would be higher than all other options.

According to the guiding principles, this option:

- Does not comply with DDA requirements, scoring "0" for access for all.
- Does not meet the current or future needs of the community, hence it scores low for social inclusion, building health and wellbeing and viability.
- Achieves the maximum score for affordability as it is the cheapest option.
- Would not attract State Government Better Pools funding.

Summary

Guiding Principle Score - 51%

Capital cost - $11.3 Million

Approximate Annual Return to Council - $13,000

Option 2A – Appendix B
Replacing like for like of facility components

This option proposes to:

- Replace the existing 1970's built facility with a new facility consisting of the same facility components.
- Convert the existing indoor toddlers' pool into a 'learn to swim' pool. This would be significantly undersized and would not meet existing or future demand.
- Demolish the group fitness hall to relocate this area within the main building.
- Includes an outdoor 50 metre pool in line with the existing facility.
- Replace the outdoor learn to swim and toddlers' pool with a splash pool with water features for families to enjoy during the summer months.

According to the guiding principles, this option:

- Effectively achieves the same level as the existing for social inclusion, access for all, building community health and wellbeing. It does not respond to the changing needs of the community, address future demand, provides no hot water pool to cater for the aging community or people with disabilities, nor does it provide indoor water play for children and families.
- Scores very low for affordability due to the estimated cost and no change in service levels.

Summary

Guiding Principle Score - 56%

Capital cost - $25 Million

Approximate Annual Return to Council - $54,000

Option 1A – Appendix C
Indoor Facility, no outdoor aquatics

This option was made available for the community consultation during March and April 2015. It includes all facilities required in a modern day facility to meet the current and future needs of the community. However, this option does not include an outdoor 50 metre pool, an omission which resulted in members of the community petitioning Council to retain the 50 metre outdoor pool.

According to the guiding principles, this option:

- Achieves the maximum score for access for all due to the universal design principles applied throughout the facility such as ramps into aquatic facilities, accessible change rooms, and entrance and corridor widths.

- Achieves the maximum score for viability as it provides one of the higher annual returns to Council.
- Rates highly for social inclusion and building community health and wellbeing but it does not achieve a maximum score due to its omission of outdoor aquatic opportunities.
- Rates low for affordability due to its cost.

Summary

Guiding Principle Score - 75%

Capital cost - $28.4 Million

Approximate Annual Return to Council - $223,000

Option 1B – Appendix D
Indoor Facility and an outdoor play area

This option provides the same facilities as 1A with the inclusion of a large outdoor play space for families and children. Due to the perceived increase in patronage that the outdoor play space would attract in comparison to Option 1A, this option will require additional parking and as result, it would be necessary to demolish the entire facility to build a new two level structure. Attempting to retain aspects of the existing building increases risks during construction, severely compromises the layout and functionality of the centre and achieves minimal capital savings.

The indoor splash pool shown in this option is below industry standards and the proposal to combine this space with the learn to swim pool was made to reduce the capital costs. However, this compromises the quality of the facility and would create a challenge for learn to swim students and teachers due to the close distraction of the play features. Should Council endorse this as the preferred concept plan, it is recommended that this option allows for an increased splash pool area that is separated from the learn to swim area. This provides guardians the ability to better supervise children around the entire splash pool.

According to the guiding principles, this option:

- Achieves a maximum score for access for all as it applies Universal Design principles throughout the facility which would include an accessible lift to the second floor and full access to the aquatic areas and accessible change rooms.
- Achieves the maximum score for viability as it provides one of the higher annual returns to Council.
- Rates highly for social inclusion, building community health and wellbeing as it provides exceptional facilities for families with young children due to the outdoor play space.
- Due to its cost, scores low for affordability.
- Does not meet community expectation due to the exclusion of an outdoor 50m pool.

Summary

Guiding Principle Score: 77%

Capital cost: $31.4 Million

Approximate Annual Return to Council: $225,000

Option 1C – Appendix E
Indoor Facility with a 50 metre gas heated outdoor pool

This option is the same as Option 1B, with the inclusion of a 50 metre outdoor pool to address the petition to save the outdoor pool. This option provides for gas heating to the 50 metre outdoor pool.

Similar to Option 1B, due to the perceived increase in patronage that the outdoor pool would attract, this option will require additional parking and as result it would be necessary to demolish the entire facility to build a new two level structure.

This option also applies Universal Design principles throughout the facility which include an accessible lift to the second floor and full access to the aquatic areas and accessible change rooms.

According to the guiding principles, this option:

- Achieves a maximum score for access for all as it applies Universal Design principles throughout the facility which will include an accessible lift to the second floor and full access to the aquatic areas and accessible change rooms.
- Rates highly for social inclusion, building community health and wellbeing and viability as it provides exceptional facilities for adults and lap swimmers due to the outdoor 50 metre pool.
- Due to its cost, scores low for affordability.

Summary

Guiding Principle Score: 74%

Capital cost: $35.7 Million

Approximate Annual Return to Council: $129,000

Option 1D Version 1 (1Dv1) – Appendix F
Indoor Facility with a 50 metre gas heated and solar boosted outdoor pool

This option was initially referred to as Option 1D. During the Councillor Workshop held on 21 June 2016, the discussion led to another version of this option. Hence the initial Option 1D has become Option 1D Version 1 and Option 1D Version 2, effectively increasing the study to eight options.

This option is the same as Option 1C, however it also proposes to include solar heating to assist the gas heating of the outdoor pool during hotter months. This would provide significant environmental benefits for a small capital outlay which is why this option is recommended over option 1C.

Hence, according to the guiding principles, this option is identical to Option 1C, that is it:

- Achieves a maximum score for access for all as it applies Universal Design principles throughout the facility which will include an accessible lift to the second floor and full access to the aquatic areas and accessible change rooms.
- Rates highly for social inclusion, building community health and wellbeing and viability as it provides exceptional facilities for adults and lap swimmers due to the outdoor 50 metre pool.
- Due to its cost, scores low for affordability.

Summary

Guiding Principle Score: 74%

Capital cost: $35.9 Million

Approximate Annual Return to Council: $129,000

Option 1D Version 2 (1Dv2) – Appendix G
Indoor Facility with a 50 metre gas heated and solar boosted outdoor pool and a larger indoor play pool area

This version of the initial Option 1D, evolved through the Councillor Workshop held on 21 June 2016.

This option proposes both indoor and outdoor aquatics and also proposes to increase the indoor water play space to replicate the outdoor play space proposed in Option 1B.

Families with young children would benefit year round from exceptional aquatic play facilities, while the outdoor 50 metre pool would provide exceptional facilities for adults and lap swimmers. The industry experts assigned to undertake the feasibility study and council officers involved in the development of the feasibility study recognise this option as achieving the optimum objectives for social inclusion, access for all and building community health and wellbeing and also takes into consideration all of the community expectations identified through the consultation process.

This option achieves the same score as options 1C and 1D as it also meets the guiding principles and the additional attendance expected due to the expanded splash pool offsets the additional capital cost.

Hence, according to the guiding principles, this option:

- Achieves a maximum score for access for all as it applies Universal Design principles throughout the facility which will include an accessible lift to the second floor and full access to the aquatic areas and accessible change rooms.
- Achieves a maximum score for social inclusion, building community health and wellbeing as it provides the best range of exceptional facilities of all of the options.
- Rates highly for viability as it proposes to provide a significant annual return to Council.
- Due to its cost, scores low for affordability.

Summary

Guiding Principle Score: 77%

Capital cost: $37.5 Million

Approximate Annual Return to Council: $160,000

Option 1E – Appendix H
Indoor facility, including a 50 metre indoor pool

This option proposes an indoor 50 metre pool rather than an outdoor 50 metre pool in attempt to address community feedback received during consultation. The benefit of this facility is that the community will have access to a 50 metre pool year round. However, for this option to be viable it needs to be adaptable to programming needs and therefore the installation of a boom is proposed. The boom transforms the 50 metre pool into two 25m pools. Consequently the 50 metre pool is generally in 25m pool formation during peak times to cater for demand and therefore the community rarely benefit from a 50 metre pool. Additionally there is no proposed outdoor aquatic space.

This option has an approximate capital cost of $37.2 Million and the proposed leisure water space is perceived to be undersized. Should Council endorse this as the preferred option, it is recommended that this area is increased to allow for future needs.

According to the guiding principles, this option:

- Achieves the maximum score for access for all as it applies Universal Design principles throughout the facility which will include an accessible lift to the second floor and full access to the aquatic areas and accessible change rooms.
- Achieves the maximum score for viability due to the potential for the greatest return to Council.
- Scores high for social inclusion and building community health and wellbeing but the same scores as Option 1A, as it remains an indoor facility.
- Due to its cost, scores low for affordability.

Summary

Guiding Principle Score: 72%

Capital cost: $37.2 Million

Approximate Annual Return to Council: $249,000

Summary of options

Table 1 provides a summary of the previous discussion on the options in order of the guiding principle score.

Table 1

Option	Capital Cost	Estimated Annual Operating return to Council	Achieves Guiding Principles?	Achieves community expectation ?	Score %	Comment
1Dv2 See Note 1	$37.5 Million	$160,000	Yes	Yes	77	Preferred Option Provides exceptional facilities for adults, lap swimmers and families.
1B	$31.4 Million	$225,000	Yes	No	77	Not preferred as this does not meet community expectation as represented through the “save our outdoor 50 metre pool” petition. This also applies to Option 1A and 1E.
1A	$28.4 Million	$223,000	Yes	No	75	Not preferred, refer to comments for Option 1B
1Dv1	$35.9 Million	$129,000	Yes	Yes	74	Option 1Dv2 is preferred over this option as this option provides a smaller indoor pool play area. Provides exceptional facilities for adults and lap swimmers
1C	$35.7 Million	$129,000	Yes	Yes	74	Option 1D provides greater environmental benefit so recommendation is 1D over 1C
1E	$37.2 Million	$249,000	Yes	No	72	Not preferred, refer to comments for Option 1B
EC	$11.3 Million	$13,000	No	No	51	Not recommended – does not meet guiding principles
2A	$25	$54,000	No	No	56	Not recommended – does not meet

Option	Capital Cost	Estimated Annual Operating return to Council	Achieves Guiding Principles?	Achieves community expectation ?	Score %	Comment
	Million					guiding principles.

Notes:

1. Option 1Dv2 is the nominated preferred option, as it:
    - Meets the guiding principles.
    - Meets community expectation, including representations through the "save our outdoor 50 metre pool" petition.
    - Provides exceptional facilities to adults and lap swimmers.
    - Provides exceptional facilities to families with young children.
    - Meets the current and future needs of the community.

Applying scores to the guiding principles scoring – Appendix I

The discussion referred to a "guiding principle score". This has been applied as a decision making aid to assist in distinguishing the overall merits of each of the seven options, which vary considerably in cost, layout and facility components.

Therefore, the key principles of Council's ALCP have been interpreted for the use of the leisure centre environment and consist of; social inclusion, access for all and building community health and wellbeing. These have been complemented by two additional principles of viability and affordability. These five guiding principles have been used as a decision making aid throughout the development of the concept plans to determine the level of service delivery expected from each concept plan.

The weighting assigned to social inclusion, access for all and building community health and wellbeing is the same for each of these principles. A slightly higher weighting has been assigned for viability and highest weighting has been assigned for affordability due to the potential cost of the redevelopment of EKLC. The lowest cost option achieves the maximum score of 5 for affordability. The scores for the other options are calculated by dividing the lowest cost by the cost of the option and multiplying this by 5.

Concepts were scored against the guiding principles (**Appendix I**) to act as a decision making aid to identify a preferred option.

- The refurbishment and like for like option (EC and 2A) did not meet the guiding principles so are not recommended for consideration.
- 1A – 1E addressed all of the guiding principles
- 1B, 1C and 1D rated highly against the guiding principles due to the increased service delivery offered through the means of the outdoor facilities.
- Concept 1B rated the highest and provides exceptional service to families with young children.

- Options 1C and 1D received similar scores and provide the greatest service to adults and lap swimmers. These concepts also address community expectations regarding the inclusion of an outdoor 50 metre pool.
- 1DV2 was developed to provide increased services to both adults and families through the increased indoor water play space and inclusion of an outdoor 50 metre pool. This option rates equally to 1C and 1D and meets community expectations.

Capital cost estimates

Each concept was reviewed through an independent quantity surveyor who developed a cost plan outlining various areas of the facility and applying relevant contingencies against likely risk areas.

The accuracy of any cost plan is only as good as the information that informs it. For this reason it is imperative that a healthy contingency is adopted in the early phase of a design or feasibility process. The contingency amount should recognise the likely magnitude of unknown risks for the project in question.

Importantly this is not a 'one size fits all' equation. The contingency must be assessed on a case by case basis. Where there have been high probability risks identified it may be prudent to assign a specific cost plan allocation (rather than an anonymous contingency). Alternatively if there are anecdotal risks implied for any reason, an increase to the project contingency should be considered.

As a project progresses, one of the consultant teams primary tasks is to identify and quantify risks and complexities in the project. When these risks are fully defined (where possible) they can be priced into the project and the overall contingency can be reduced. There are many projects, particularly alterations and additions, where unknown risk will remain right through to and including the construction phase. In these instances, construction contingency should be increased following appropriate evaluation.

In principle, it has been established that a quantity surveyor can reasonably be expected to achieve an accuracy of +/- 5% for a standard project in a reasonably stable market (assuming effective risk identification). Where complexity increases and market volatility has been evident this accuracy can slip with some unexpected results. However, on average historical results suggest an accuracy of +/- 10% is achievable in the more extreme markets.

Funding options for the proposed redevelopment of EKLC

The estimated cost of the preferred option (Option 1D Version 2) is $37.5 Million.

The cost of the detailed design and documentation, estimated at $2.5 Million, could be considered in the draft 2017/18 capital works budget.

The balance of the budget necessary for this project ($35 Million) could be bridged over the two years of the proposed construction period. This could be in the order of $23 Million in 2018/19 and $12 Million in 2019/20.

In June 2016, Council submitted a 2017/18 Better Pools Funding application under the State Government's Community Sports Infrastructure Funding (CSIF) Program. The maximum grant is $ 3 Million. Council has been advised that the application has not been successful for the 2017/18 round of funding due to the capacity of Council to spend the funds within the timelines stated in the funding guidelines. Sports Recreation Victoria (SRV) who are aware of this project, expect Council to submit a similar application in 2018/19.

At this stage, there are no other identified external funding opportunities.

The preferred borrowing option for up to $35 Million would be to fund the amount by participating in the Local Government Funding Vehicle (LGFV). This option is in preference to borrowing through the traditional tender process with the banking sector whereby loan repayments consist of principle and interest.

The LGFV is a pooled borrowing initiative to raise low cost funding on behalf of Victorian councils and provides an alternative source of funding for Council borrowing requirements. The preferred option would be for Council to base the loan on the repayment of interest only over the term of the loan.

An example of this preference relates to a recent LGFV $100 Million Bond issuance, which resulted in a saving of approximately 50bps (0.5%) compared to rates offered by the banking sector. This saving is significant when the borrowing amounts are considered.

If Council was to borrow $35 Million over an extended loan term of 15 years, annual principal and interest repayments would total $3.2 Million.

By participating in LGFV over a five year loan term, annual interest repayments would be $1.5 Million.

Should the project proceed beyond stage one of the feasibility study, a briefing to Council would be provided regarding the impact the different loan repayment options have on Council's Long Term Financial Plan.

The next steps

The discussion within this report nominates Option 1D Version 2 as the preferred option. This would complete stage one of the feasibility study.

This option provides an indoor facility with a 50 metre gas heated and solar boosted outdoor pool and a larger indoor play pool area. It proposes both indoor and outdoor aquatics and also proposes to increase the indoor water play space proposed in Option 1B. Families with young children would benefit year round from exceptional aquatic play facilities, while the outdoor 50 metre pool would provide exceptional facilities for adults and lap swimmers.

Should Council endorse the preferred concept plan, stage two of the feasibility study will commence. As stated earlier in this report, stage two refines the endorsed concept plan to provide concept elevations, identifies potential environmental initiatives for inclusion in the concept plan, staging options, development of five year operational budget and the development of the functional design brief. This will then lead into the detailed design and documentation phase and finally construction phase.

The intended timelines, which will follow the completed feasibility study are:

Detailed design and documentation Should Council endorse the preferred option, work will continue to prepare a project brief and documentation to procure the professional services for the detailed design and documentation of the preferred concept plan. The estimated cost for the detailed design and documentation is $2.5 Million, which has been included in all of the estimated cost plans. It is proposed to refer this cost to the draft 2017/18 budget for consideration.	2017/18
Construction commencement The estimated period for construction is between 18 to 24 months.	2018/19
Project completion	June 2020

Consultation

Option 1A was made available to the community during March and April 2015 through the following means;

- Workshops and informal drop-in sessions held at EKLC.
- Consultation with EKLC Community Reference Group (CRG).
- Manned display for seven days at Westfield Shopping Centre.
- Consultation with Moonee Valley Youth Voice Leadership Group, local schools and EKLC members.
- Public displays throughout Council facilities including EKLC, Niddrie, Avondale Heights and Sam Merrifield libraries and the Civic Centre.
- A petition was presented to Council in July 2015 seeking to retain the 50 metre outdoor pool.

Using this feedback and Council's direction to extend the feasibility to include some options with an outdoor pool, seven options were developed.

Consultation on these options has included:

- Informal discussions held between individual Councillors and Council officers during April 2016, to prepare Councillors for a forthcoming workshop on 21 June 2016 to endorse a preferred concept plan. These discussions provided information on the Existing Conditions option (EC), Option 2A (replacing facility like for like), and Option 1A (previously consulted on).
- The second round of informal discussions held between individual Councillors and Council officers were held in June 2016, to prepare Councillors for a forthcoming workshop on 21 June 2016 to endorse a preferred concept plan. These discussions provided information on the remaining four options.
- Consultation with Sport and Recreation (SRV) during May 2016 in relation to the status of the feasibility study and the intention to apply for Better Pools Funding.

- Presentation at the Councillor Workshop on 21 June 2016 on the seven options, with the objective of nominating a preferred concept plan.

Communications Plan

An extensive communications plan will be developed that will include a media release, newspaper advertorial (Valley Life), social media posts, web updates, Valley View stories and the production of posters and fliers. A display featuring architectural drawings will be set up on location at EKLC and at other key locations.

The communications plan will also identify key target audiences and relevant stakeholders to ensure they receive timely and accurate information on this project.

Implications

1. Legislative

The concept for the future redevelopment of EKLC adheres broadly to the Human Rights Charter Section 12 Freedom of Movement and Section 18 Taking Part in Public Life by meeting current building code requirements guided by the Disability Discrimination Act 1992. As the project proceeds, full designs will be prepared that will comply with all relevant legislation including DDA Universal Design Principles and the Charter of Human Rights.

2. Council Plan / Policy

In presenting this report Council achieves its Strategic Objective to “Support the community in becoming healthier and more physically active”, in accordance with Council Plan 2013-2017 Theme 1: Friendly and safe - A community where people feel connected and safe.

The delivery of the EKLC Feasibility Study will deliver on an action in the Council adopted Aquatic Leisure Centre Plan 2014.

3. Financial

The estimated cost for the detailed design and documentation is $2.5 Million, which has been included in all of the estimated cost plans. It is proposed to refer this cost to the draft 2017/18 budget for consideration.

4. Environmental

Any redevelopment will incorporate the latest advancements in green building design, water conservation and greenhouse gas initiatives, thereby helping Council achieve the targets established within the City Sustainability Policy, particularly with regard to energy, water, and waste targets.

Conclusion

This report seeks Council endorsement of Option 1D Version 2 (**Appendix G**) as the preferred option for the redevelopment of the East Keilor Leisure Centre. This option, estimated to cost $37.5 Million, delivers exceptional year round leisure facilities.

Appendices

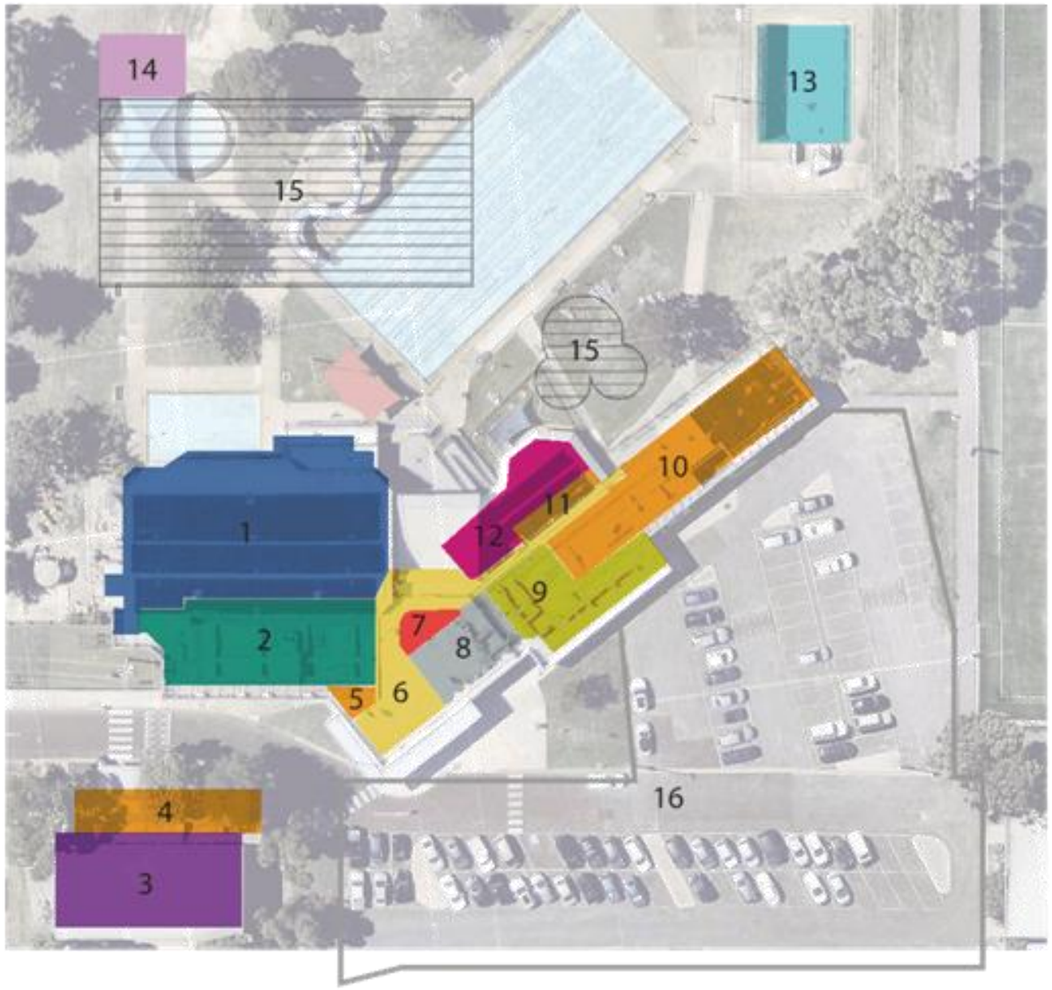
Appendix A: Existing Conditions Refurbishment (EC)
Appendix B: Option 2A - Replace like for like of facility components
Appendix C: Option 1A - Indoor facility, no outdoor aquatics
Appendix D: Option 1B - Indoor Facility and an outdoor play area
Appendix E: Option 1C - Indoor facility with a 50 metre gas heated outdoor pool
Appendix F: Option 1D Version 1 (1Dv1) - Indoor Facility with a 50 metre gas heated and solar boosted outdoor pool
Appendix G: Option 1D Version 2 (1Dv2) - Indoor Facility with a 50 metre gas heated and solar boosted outdoor pool and larger indoor play pool area
Appendix H: Option 1E - Indoor facility, including a 50m indoor pool
Appendix I: Applying scores to the guiding principles scoring.

Appendix A

Existing Conditions - Refurbishment works

Cap Costs $11.3M

Approx. Annual Cost to Council $80k



1 - Indoor pool
- •New concrete concourse
- •Refurbish pool shell and replace tiles
- •Remedial works to steel frame
- •Install new LED lighting
- •Replace timber ceiling and up-grade vapour barrier
- •Patch and paint walls
- •Update drainage
- •Relocate exposed service
- •Re-glaze windows
- •Upgrade mechanical system
- •Remove toddler pool
- •Install bay windows

2 - Gymnasium
- •Replace lighting
- •Add windows
- •Remove windows into pool hall
- •New pavement, ramp and handrail for the outdoor exercise area

3 - Aerobic hall
- •Replace lighting and mechanical system
- •Re-glaze windows
- •Install motorized blinds
- • Replace stair access

4 - Amenities
- •No works

5 - First aid
- •No works

6 - Foyer
- •Make good windows

7 - Cafe
- •Reorganization of preparation area if required

8 - Reception / Administration
- •No works

9 - Cardio / Spin
- •No works

10 - Change Rooms
- •No works

11 - Disabled toilets / cleaners
- •No works

12 - Creche
- •No works

13 - Dive pool
- •Refurbish dive pool

14 - Water Slide
- •Remove fence and pavement

15 - Outdoor pool
- •New50m pool and refurbish pool plant
- •New splash pool

16 - Car park
- •Re-configure car park to increase capacity

City of Moonee Valley

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EAST KEILOR AQUATIC CENTRE
EXISTING CONDITIONS - Remedial Works

NOT TO SCALE 18 MARCH, 2016
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MP-05

Appendix B

Option 2A

Replace like-for-like of facility components

Cap Costs $25M

Approx. Annual Return to Council $54k

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EAST KEILOR AQUATIC CENTRE
OPTION 2A - Like for Like

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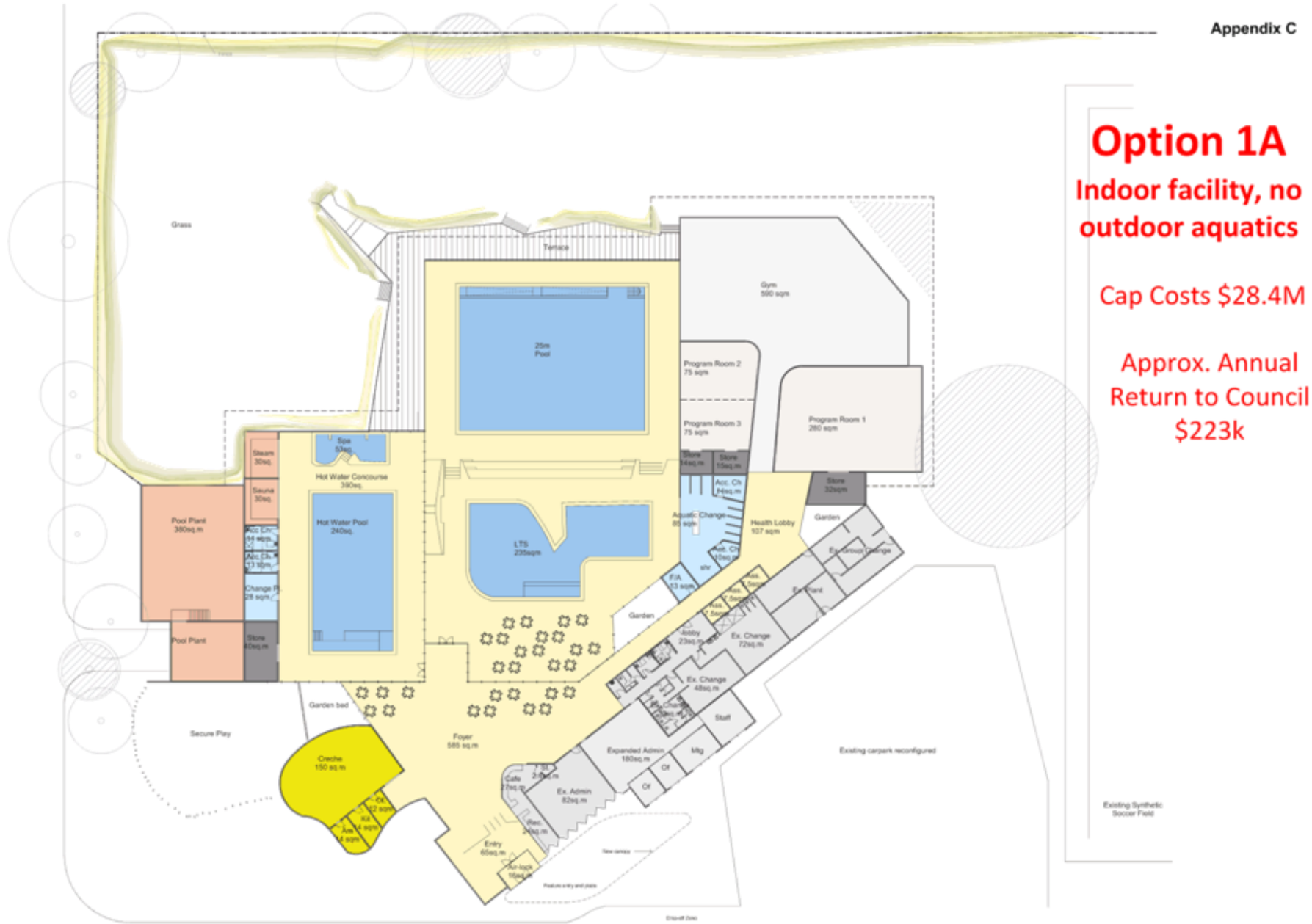
NORTH
0 5 10 15 20 25 30

SS-09

Appendix C



Option 1A

Indoor facility, no outdoor aquatics

Cap Costs $28.4M

Approx. Annual Return to Council $223k

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EAST KEILOR AQUATIC CENTRE
OPTION 1A - GROUND FLOOR
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SS-01

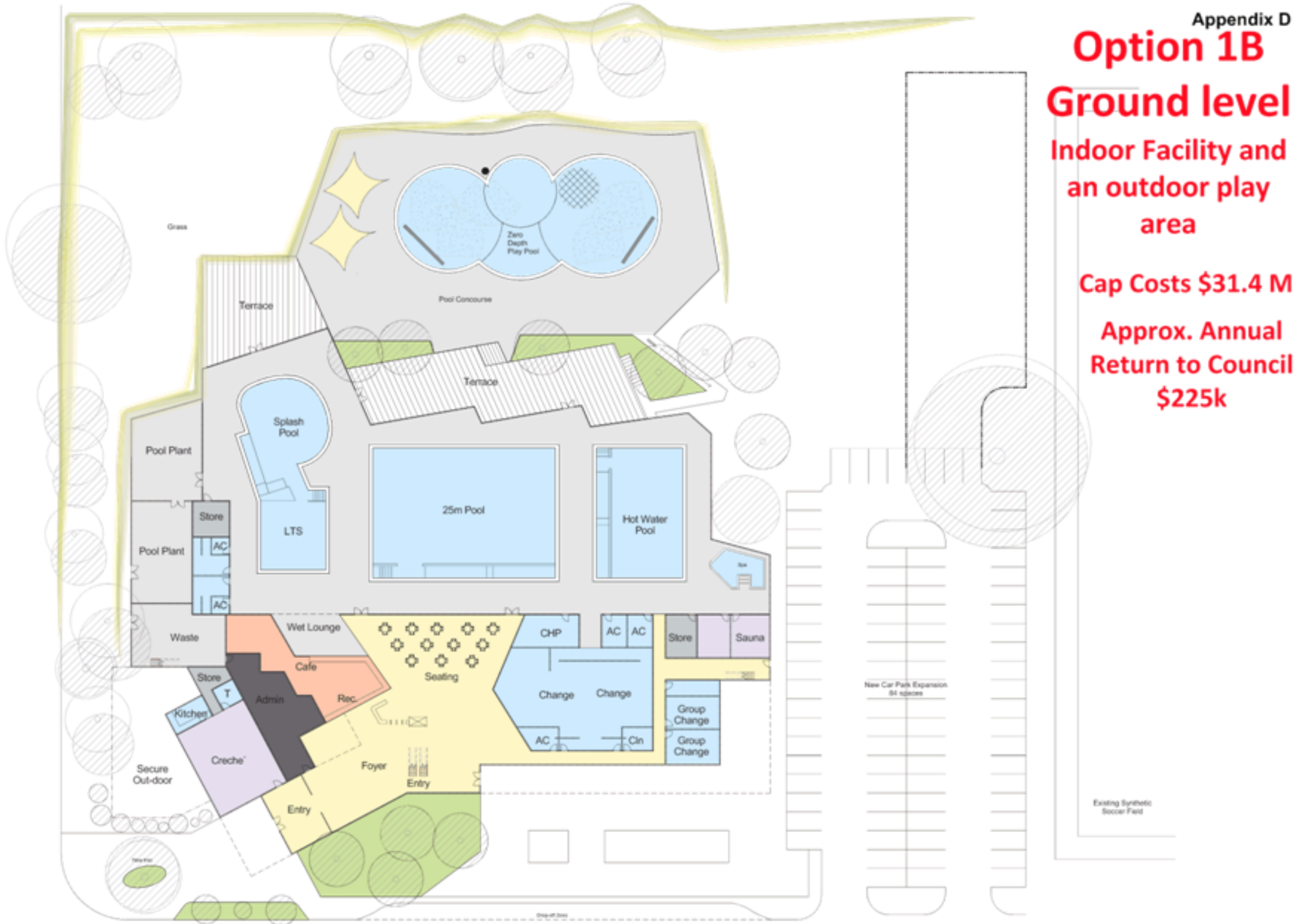
Appendix D

Option 1B Ground level

Indoor Facility and an outdoor play area

Cap Costs $31.4 M

Approx. Annual Return to Council $225k



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EAST KEILOR AQUATIC CENTRE
OPTION 1B - GROUND FLOOR
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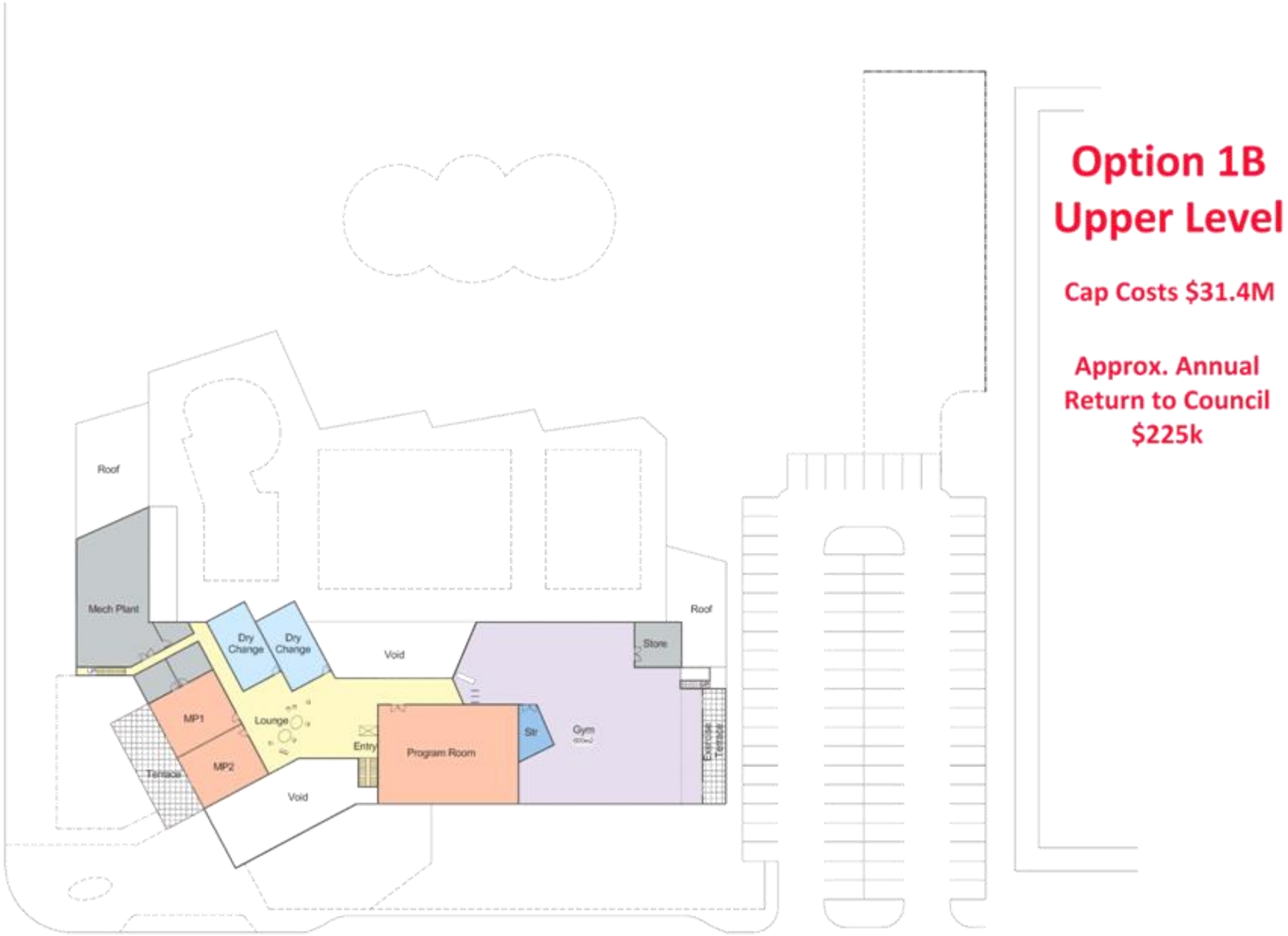
SS-02



Option 1B
Upper Level

Cap Costs $31.4M

Approx. Annual Return to Council $225k

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EAST KEILOR AQUATIC CENTRE
OPTION 1B - FIRST FLOOR
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Appendix D

SS-03

Appendix E

Option 1C Gas Heated Ground floor

Indoor facility with a 50 metre gas heated outdoor pool

Cap Costs $35.7M

Approx. Annual Return to Council $129k

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EAST KEILOR AQUATIC CENTRE
OPTION 1C - OUTDOOR 50m POOL (GAS) GROUND FLOOR
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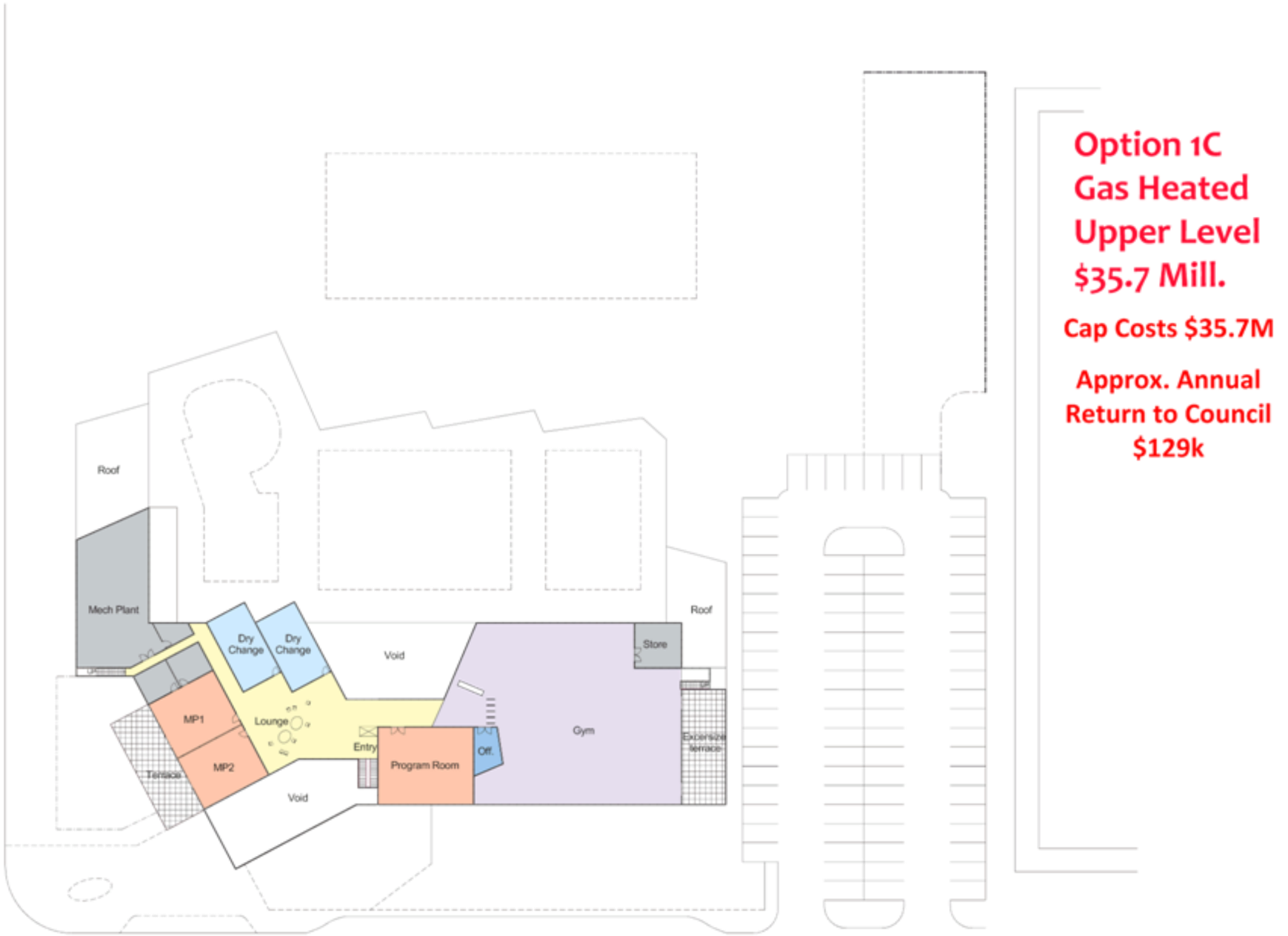
SS-03



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EAST KEILOR AQUATIC CENTRE
OPTION 1C - OUTDOOR 50m POOL (GAS) FIRST FLOOR
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NORTH

Appendix F

SS-04

Appendix F

Option 1D Solar Heated (gas boosted) Ground Level

Indoor facility with a 50m gas heated and solar boosted outdoor pool

Cap Costs $35.9M

Approx. Annual Return to Council $140k

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EAST KEILOR AQUATIC CENTRE
OPTION 1D - OUTDOOR 50m POOL (SOLAR) GROUND FLOOR
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SS-05

Option 1D Solar Heated (gas boosted) First Floor

Cap Costs $35.9M

Approx. Annual Return to Council $140k

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EAST KEILOR AQUATIC CENTRE
OPTION 1D - OUTDOOR 50m POOL (SOLAR) FIRST FLOOR
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Appendix F

SS-06

Appendix G

Grass
New outdoor 50m Pool
Splash Pool
Terrace
Pool Plant
Store
AC
AC
LTS
25m Pool
Hot Water Pool
Waste
Wet Lounge
Cafe
Seating
CHP
AC
AC
Store
Sauna
Store
T
Admin
Rec.
Kitchen
Change
Change
Group Change
AC
Cln
Group Change
Creche'
Secure Out-door
Foyer
Entry
Entry
New Car Park Expansion
84 spaces
Existing Synthetic Soccer Field
Option 1D v2
Ground Floor
Indoor facility with a 50m gas heated and solar boosted outdoor pool with larger indoor play pool area
Cap Costs $37.5M
Approx. Annual Return to Council $160k
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EAST KEILOR AQUATIC CENTRE
OPTION 1D VERSION 2 - GROUND FLOOR
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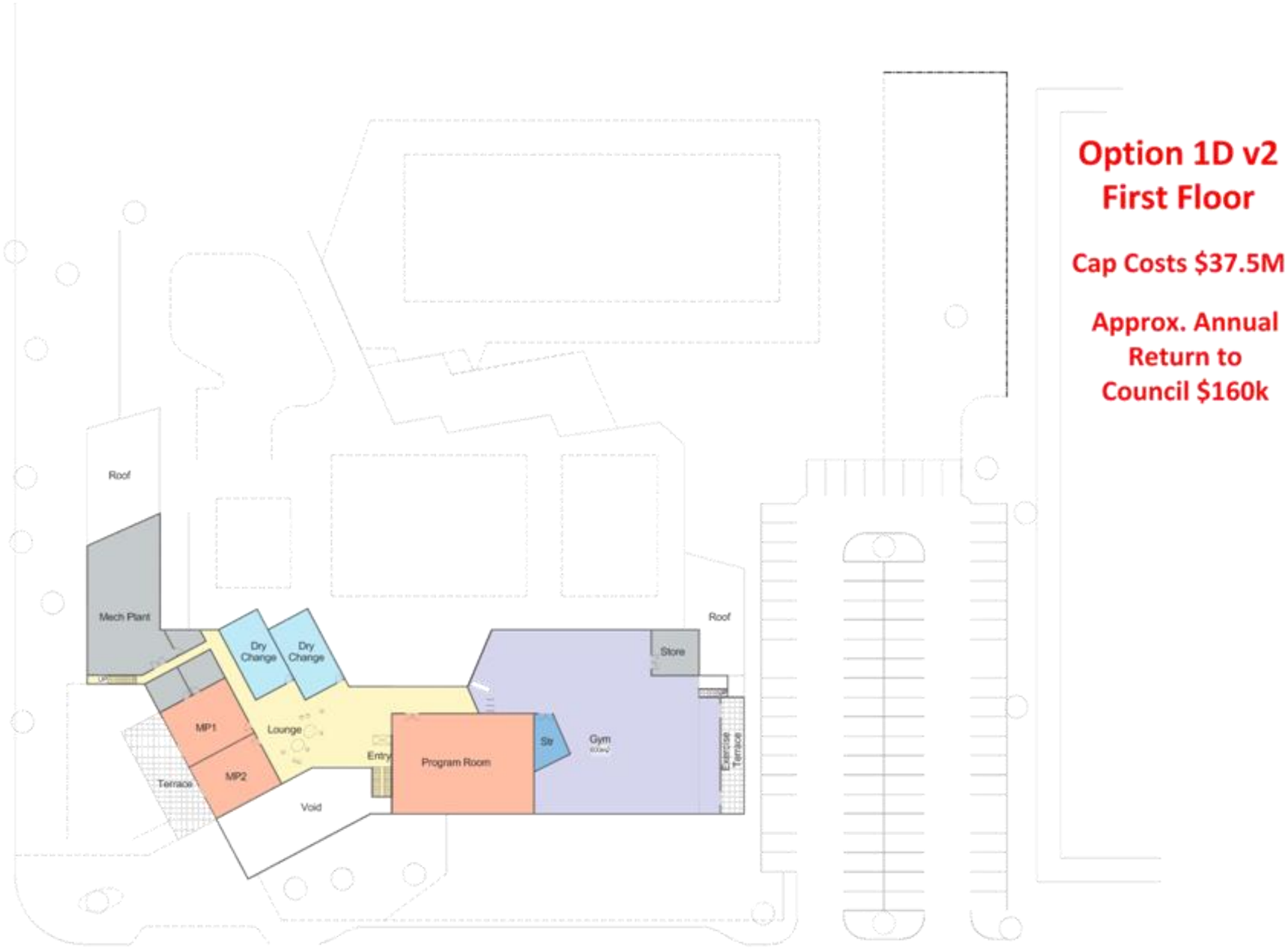
NORTH
SS-12



Option 1D v2
First Floor

Cap Costs $37.5M

Approx. Annual Return to Council $160k

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EAST KEILOR AQUATIC CENTRE
OPTION 1D VERSION 2 - FIRST FLOOR
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Appendix G

SS-13

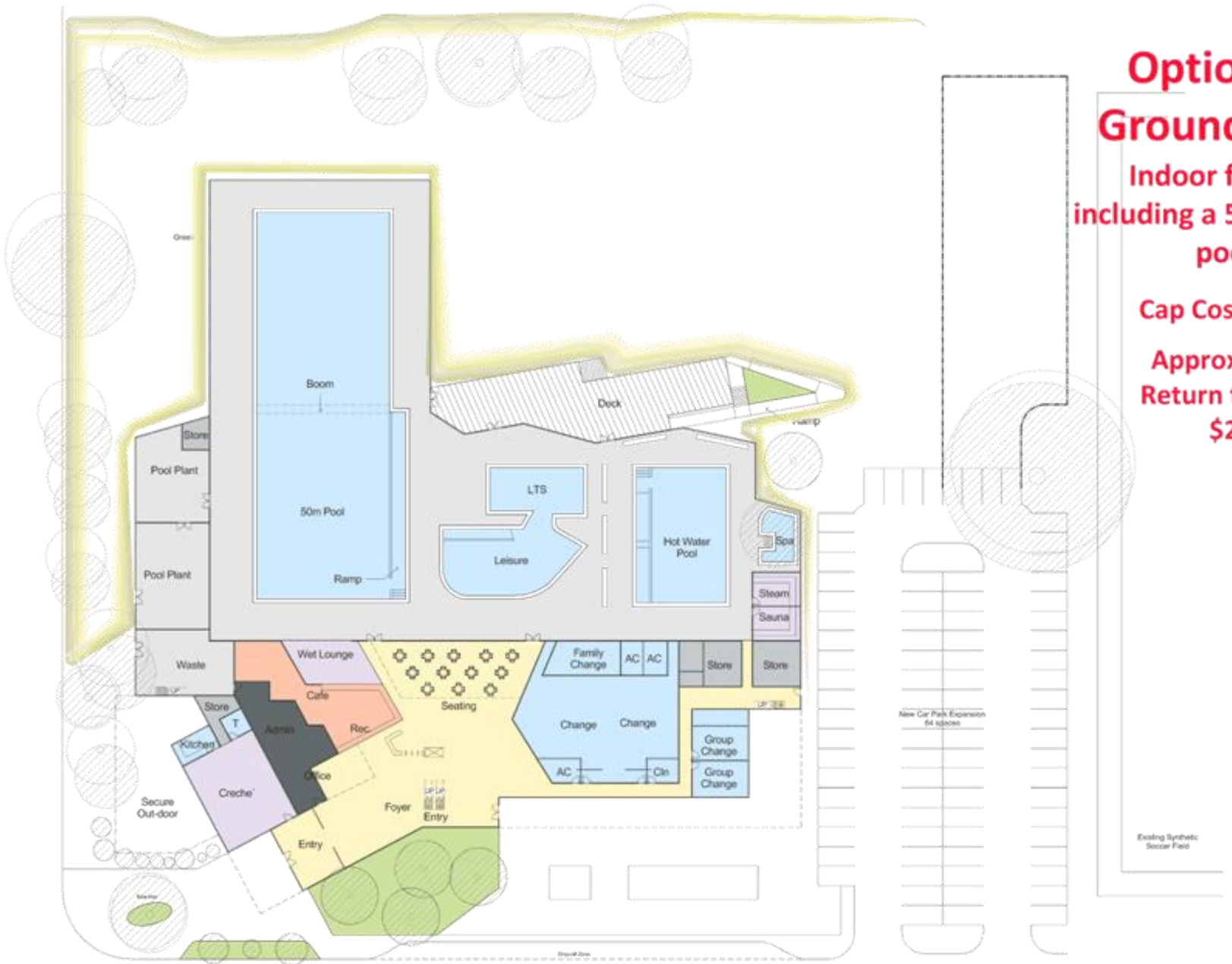
Appendix H

Option 1E
Ground level

Indoor facility, including a 50m indoor pool

Cap Costs $37.2M

Approx. Annual Return to Council $249k



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EAST KEILOR AQUATIC CENTRE
OPTION 1E - 50m INDOOR POOL GROUND FLOOR
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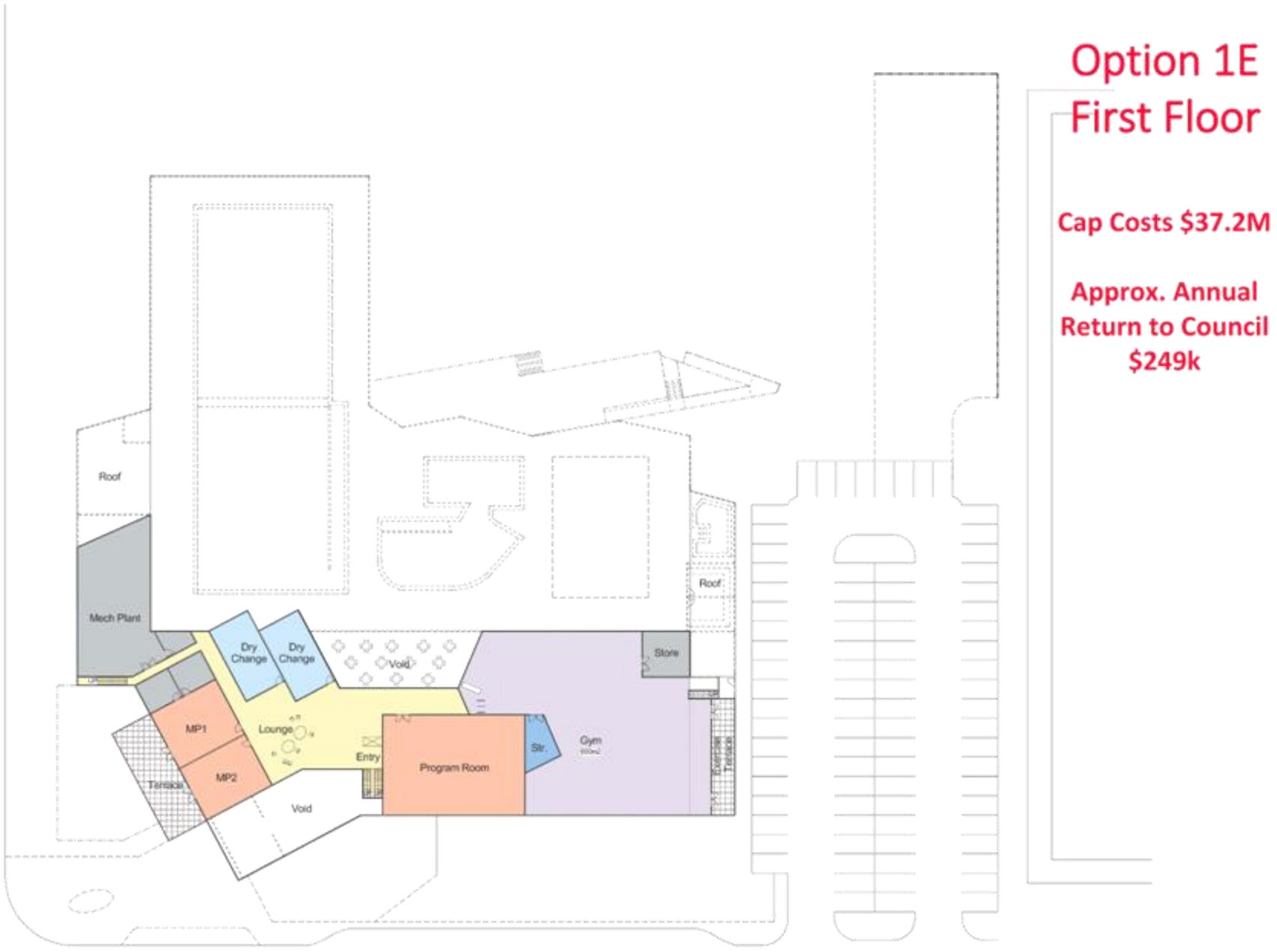

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OPTION 1E - 50m INDOOR POOL FIRST FLOOR
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Appendix H

SS-08

Appendix I

Spreadsheet - EKLC scoring matrix for preferred concept - June 2016

OPTIONS

EC Refurbishment
Replace existing facility – add WWPP, Teaching Pool Leisure Pool, expanded Health and Fitness areas, additional
1A change areas, improved car parking – no 50m outdoor pool.
1B 1A plus outdoor leisure play area
1C 1A plus outdoor 50m pool (gas heated)
1D 1A plus outdoor 50m pool (solar heated)
1E 1A but with a 50m indoor pool
2A Like for like - Replace existing with same facility elements – compliant

EKLC Centre Refurbishment - Assessment of Options										
Assessment Criteria			EC	1A	1B	1C	1Dv1	1Dv2	1E	2A
Social inclusion										
5	17%	Provides optimal opportunities for increased social interaction and inclusion by all sectors of the community	2	4	4.5	4.5	4.5	5	4	3
4		Provides significantly improved opportunities for increased social interaction and inclusion by all sectors of the community								
3		Provides improved opportunities for increased social interaction and inclusion by all sectors of the community.								
2		Provides minimal improvement for increased social interaction and inclusion by all sectors of the community								
0		Provides no additional opportunity for increased social interaction and inclusion by all sectors of the community								
Access for all										
5	17%	Provides optimal opportunities for access and equity in comparison with the current service offering	0	5	5	5	5	5	5	3
4		Significantly improves opportunities for access and equity in comparison with the current service offering								
3		Provides moderate improvement to improves opportunities for access and equity in comparison with the current service offering								
2		Provides limited improvement to the existing service offering								
0		Provides no improvement to the service offering								
Building Community Health and Well Being										
5	17%	Provides optimal opportunities for increased participation in all areas of the centre by all sectors of the community	2	4	4.5	4.5	4.5	5	4	3
4		Provides significantly improved opportunities for increased participation in all areas of the centre by all sectors of the community								
3		Provides improved opportunities for increased participation in all areas of the centre by all sectors of the community.								
2		Provides minimal improvement for increased participation in all areas of the centre by all sectors of the community								
0		Provides no opportunity for increased participation in all areas of the centre by all sectors of the community								

Spreadsheet - EKLC scoring matrix for preferred concept - June 2016

EKLC Centre Refurbishment - Assessment of Options										
Assessment Criteria			EC	1A	1B	1C	1Dv1	1Dv2	1E	2A
Viability										
5	20%	Provides the optimal platform for improved financial viability	2	5.0	5	4.5	4.5	4.5	5	3
4		Provides a good platform for improved financial viability								
3		Provides a moderate platform for improved financial viability								
2		Provides minimal opportunity for improved financial viability								
0		Provides no material opportunity for improved financial viability								
Affordability										
5	30%	Capital cost as a ratio of the lowest cost of any option	5.00	1.99	1.80	1.58	1.58	1.51	1.52	2.26
		RAW TOTAL (Max 25)	**11**	**20**	**21**	**20**	**20**	**21**	**20**	**14**
100%										
		WEIGHTED TOTAL (Max 5)	2.6	3.8	3.9	3.7	3.7	3.9	3.6	2.8
		WEIGHTED TOTAL (Max 100%)	**51%**	**75%**	**77%**	**74%**	**74%**	**77%**	**72%**	**56%**

EC	1A	1B	1C	1D	1Dv2	1E	2A
$11.3	$28.4	$31.4	$35.7	$35.9	$37.5	$37.2	$25.0
5	1.99	1.80	1.58	1.58	1.51	1.52	2.26

9.15 Essendon Hockey Centre Synthetic Ground Replacement Project

File No: FOL/16/130

Author: Manager Infrastructure Services

Directorate: City Services

Ward: Myrnong

Purpose

To consider a request from Essendon Hockey Management Association Incorporation (EHM) for financial support to replace the surface of the northern pitch at Essendon Hockey Centre.

Executive Summary

- Council has received a request from EHM for financial support to replace the surface of the northern pitch at Essendon Hockey Centre.
- This request follows advice to EHM from Hockey Victoria (HV) of new league entry criteria (LEC) for premier competition, which becomes effective in 2017. Although the surface is showing signs of wear, local competition could still be played on this pitch.
- This advice is an extreme frustration for Council. A State Sporting Association has imposed these conditions on a local sporting club without consideration of the potential financial impact on others or offering a financial contribution towards the project.
- As EHM aims to continue playing premier league games at this venue, EHM must replace the synthetic surface of the northern synthetic pitch at an estimated cost of $500,000. EHM built this pitch and installed new lighting in 2002 at its own cost, raising the funds through a loan, which has now been fully paid. EHM also has a current loan related to works undertaken on the southern pitch and lighting.
- EHM has a lease agreement with Council for the pavilion, a licence agreement with Council for the playing fields and a crown land lease over a portion of the playing fields.
- Sporting clubs or community groups with land leases with Council are normally supported financially through appropriate external grant applications and a financial contribution from the appropriate club. However, there are specific conditions of the agreement with the EHM that would allow Council, within a policy context, to partly or fully financially support this request.
- In consideration of these specific conditions, it is proposed that Council refer this project, estimated at a cost of $500,000, for consideration in the 2017/18 capital works budget subject to conditions.

Recommendation

That Council:

1. Refer the cost of replacing the synthetic surface of the northern pitch at the Essendon Hockey Centre for consideration in the 2017/18 budget.
2. Advise Essendon Hockey Management Association Incorporation that Council will consider the cost of replacing the surface of the northern pitch at the Essendon Hockey Centre in the preparation of the draft 2017/18 budget, subject to public access to the pitches remaining unchanged.
3. Seek advice from Hockey Victoria and Essendon Hockey Management Association Incorporation on capacity to financially contribute to the project.
4. Request that Hockey Victoria defer the requirement on Essendon Hockey Management Association Incorporation to replace the synthetic surface of the northern pitch until the 2018 season.

Background

Essendon Hockey Club was established in 1926. In the early 1980s the club moved from its original base at Fairbairn Park, Ascot Vale to its current venue, Essendon Hockey Centre at Fenton Street Reserve, Travancore.

Essendon Hockey Club is one of the earliest formed competing Premier League Clubs in the Hockey Victoria competition. It currently has almost 600 members, the fourth largest hockey membership in the State.

Council has worked in partnership with the club's management, EHM, to develop the centre into a regional facility.

The partnership between EHM and Council was formalised in 2001, when Council entered into a Heads of Agreement to formalise a lease for the use of the sporting pavilion at Fenton Reserve, Travancore, subject to:

a) EHM building a new pitch with floodlighting to the north of the existing pitch. EHM completed this in 2002; and

b) Council refurbishing and extending the existing pavilion. Council completed the refurbishment in 2006 at a cost of $640,000.

On 18 September 2007, after the completion of a) and b), Council resolved to enter into a ten plus ten year lease with EHM for the Fenton Street Reserve pavilion and a licence for use of the playing fields.

In July 2008, HV cancelled competition matches on the southern pitch as it was deemed not suitable.

On 16 September 2008, Council resolved to guarantee a $606,000 loan for EHM to upgrade the southern pitch (pitch 2) playing surface and lighting. EHM has now reduced this debt to $407,000.

In summary, EHM has three agreements (**Appendix A**):

- A licence agreement with Council, expiring on 30 June 2027 for the Council owned land where the playing fields are located.

- A lease agreement, expiring on 19 August 2030 for the portion of crown land, where the playing pitches are located. Council is the appointed committee of management over this portion of land.
- A lease agreement over the pavilion, expiring on 30 June 2027. Council and EHM share maintenance responsibilities. Council is responsible for capital works to the pavilion.

Discussion

EHM in this instance has approached Council as a result of HV, introducing a "League Entry Criteria" for all Victorian clubs to remain a Premier League Club in the future. The LEC, which applies from 2017, refers to standards for pitch surface, lighting, change rooms and dug outs.

As a result, both pitches do not meet the new criteria for premier competition. EHM advises that the centre is not affected by the new criteria for lighting, change rooms and dug outs.

An inability to meet the minimum pitch standard criteria will not mean that teams will lose their premier league status, but it would mean that a non-compliant club would have to play its home matches on a suitable compliant pitch surface.

This advice has been a cause of extreme frustration for Council, whereby a local sporting club has now been placed in this predicament through a directive from a parent sporting body. It is proposed to convey this to HV and also seek a financial contribution from HV for the project to proceed.

In its submission to Council, EHM has proposed a number of options how the project could proceed. These and other alternative options are discussed as follows:

- **Option 1**

  From 2017, the Club would play premier league games at an alternative venue

  EHM has explored opportunities to play premier league games outside of the municipality, receiving invitations from two venues. Playing games elsewhere would incur an annual rental fee of around $25,000.

  EHM prefers not to move its premier league games from its home base as it believes this would diminish the supporter base at the Essendon Hockey Centre, as the club relies heavily on lower grade games for spectators.

  As well, EHM advises that this option would impact on its revenue raising capacity through spectator food and drink sales. The club estimates this would reduce its annual income by $30,000.

  EHM has therefore foreshadowed a reduced financial capacity to repay the balance of its current loan, which has an outstanding debt of $407,000. Council is the loan guarantor. It is Council's expectation that as the loan guarantor, EHM would continue to repay or renegotiate a longer loan term.

- **Option 2**

  The Club proceeds to replace the northern ground surface at its own cost

  This option proposes that Council would support the EHM by acting as guarantor for the additional loan of $500,000 subject this proposal being within Council's Loan Guarantee Policy Guidelines. This would increase its debt to $907,000.

  EHM has managed the establishment and maintenance of the two existing synthetic hockey pitches at Fenton Reserve, including the complete repayment of two loans totalling $731,738, guaranteed by the former City of Essendon and Moonee Valley City Council respectively.

  In addition to these loans, EHM has reduced its most recent loan of $606,000 to $407,000 for the redevelopment of the older pitch (southern pitch) and upgrades to the lighting.

  Although EHM has made a significant financial contribution towards the infrastructure at the centre, this contribution is consistent with the agreements they have with Council.

- **Option 3**

  Council to submit a Community Sports Infrastructure Fund (CSIF) Grant Application for 2018/19

  Unfortunately, grant applications for the 2017/18 program have closed. The next opportunity would be in the 2018/19 round, which would mean if a grant application was successful, a new hybrid surface would not be ready until at least the 2019 season. The club would need to pay to play its premier league games at another venue for at least two seasons.

  The maximum grant available is $100,000, whereby Council and the club would be required to pay the balance of the cost. Furthermore, there is no guarantee that a grant would be approved.

- **Option 4**

  Council resolves to refer the project for consideration in the 2017/18 budget

  This option means that the replacement of the surface would not occur in readiness for the 2017 hockey season. The club would need to play at an alternative venue for one season. According to EHM's advice, the club's finances would be adversely impacted by around $55,000 (rental cost of $25,000 plus revenue loss of $30,000).

  In order to evaluate the options outlined above, it is appropriate to consider a summary of lease and licence arrangements with sporting clubs shown in **Table 1**.

Table 1 – Sporting Clubs Lease & Licence Arrangements

Item	Sporting Club	Facility	Lease/ Licence/ User Agreement	Comment
1.	Bowls Clubs Tennis Clubs	Bowls Clubs Buildings and greens Tennis Clubs Buildings and courts	Land Improvement leases	Clubs are responsible for land and building improvements. Access to land and building is restricted to members and visitors
2.	Cricket/ Football/ Soccer Clubs	Pavilions within parks and grassed playing grounds	Seasonal leases for pavilions and grounds	Council and clubs share maintenance responsibilities. Clubs have seasonal ground allocations. Outside of these allocations access to the grounds are unrestricted unless hired through Council. Council is responsible for capital works to the pavilions
3.	Hockey	Essendon Hockey Centre (EHC), Fenton Street Ascot Vale Pavilion and synthetic playing fields	Crown land lease Licence with Council over playing field Year round lease of pavilion	Club is currently responsible for improvements to playing fields, however access to the fields is not restricted if the club has not hired the facility. Council is responsible for capital works to the pavilions.
4.	Athletics	Moonee Valley Athletics Centre (MVAC), Moonee Ponds Pavilion and athletics track	User agreement with four clubs	Clubs use of the facility is restricted to the allocated times. Outside of these times access to the centre is unrestricted unless it is hired through Council. Council is responsible for capital works to the pavilion and track.

The agreement with the hockey club (item 3) allows public access to the playing fields outside the hours stated in the agreement or when the centre is not hired by the club.

This arrangement is similar to the Moonee Valley Athletics Centre (MVAC). Council is responsible for the athletics track resurfacing and maintenance. Conditional public access is therefore available at EHC and MVAC.

Furthermore, cricket, football and soccer clubs (item 2) have seasonal leases for pavilions and grounds. Council and clubs share maintenance responsibilities on the pavilions. Council is responsible for the grounds maintenance and capital works to the pavilions and grounds. The grounds are accessible to the public outside of ground allocation or ground hire times.

Agreements with bowls and tennis clubs (item 1) restrict access to both the land and the building to members and visitors.

Based on the above, it would be reasonable for Council to provide part or full financial support to EHM to replace the surface of the northern pitch. Council's financial support would be on the condition that the centre would continue to be accessible to the public.

However, in considering this request, Council may also need to take into consideration a Notice of Motion resolved by Council on Tuesday, 26 July 2016, to prepare a report to Council relating to sporting club or community organisation leases. It is anticipated that work on this Notice of Motion would be sufficiently advanced by the time a draft 2017/18 budget is prepared.

Consultation

EHM has forwarded a submission to Council and representatives of the club have spoken with Councillors and Council officers.

EHM also sought from HV a deferral of implementing the new criteria, but EHM has been unsuccessful with this request. Discussions between HV and EHM on playing premier league games away from Essendon Hockey Centre in 2017 are underway.

Implications

1. Legislative

There are no statutory considerations impacting on this report or the proposed recommendations.

2. Council Plan / Policy

Council's Sport Development Plan 2013-17 provides a clear framework in how it can sustainably support local, regional and state level sport. Ideally, this project should be considered through the Community Sports Infrastructure Fund program. This approach would defer the project for at least two years. As well, Council would need to consider this with other grant submissions and other priorities. There is also no guarantee that Council would be successful with a grant application.

3. Financial

The recommendations in this report make reference to Council considering this as a capital project in the preparation of the 2017-18 budget and seeking contributions from HV and EHM. The estimated cost of the project is $500,000.

4. Environmental

The proposal is to replace the existing surface with a 'hybrid' surface, which is a synthetic grass that does not require the amount of sand that is usually associated with a sand-filled or 'dry' surface. In most cases, 'Hybrid' surfaces do not require watering or they require significantly less water than a traditional surface.

Conclusion

Ideally, this project should be considered through Community Sports Infrastructure Fund program. However this approach would defer the project for at least two years. The preferred option is for Council to refer this project for consideration in the 2017/18 budget and to seek contributions from HV and EHM.

Appendices

Appendix A: Map - Essendon Hockey Centre land ownership - August 2016.

Appendix A

HOCKEY LANE
FENTON STREET RESERVE
MYRNONG CRESCENT
MYRNONG CRESCENT
MOOLTAN STREET
Legend
Moonee Valley City Council Boundary
Crown Land Lease - Fields
Council Licence - Fields
Council Lease - Pavilion
SCALE
0 5 10 20 30 40
Metres
City of Moonee Valley
N
Essendon Hockey Fields

9.16 Kindergartens in Moonee Ponds Update

File No: FOL/16/130
Author: Coordinator, Kindergarten Services
Directorate: Corporate & Community Services
Ward: Myrnong

Purpose

To provide a 6 monthly update on the provision of integrated and sessional kindergarten in Moonee Ponds as resolved at the Council meeting held on 23 February 2016.

Executive Summary

- In Moonee Ponds there are approximately 114 children of four year old kindergarten age.
- To date there are no sessional kindergarten options in Moonee Ponds, however, there are three integrated childcare centres (Goodstart Moonee Ponds, All for Kids and Kinder Haven) operating in Moonee Ponds that offer a four year old kindergarten program. 76 children attend kindergarten in these three integrated childcare services, of these children 45 (59%) live in Moonee Ponds.
- Currently 39% of eligible four year old kindergarten children who live in Moonee Ponds attend a kindergarten program (integrated) in Moonee Ponds.
- Integrated and sessional kindergartens are required to operate using the Education and Care Services National Regulations 2011. Both integrated and sessional kindergartens are also required to offer kindergarten programs that meet the approved curriculum documents (Early Years Learning Framework and /or the Victorian Early Years Learning and Development Framework), providing consistency across delivery models.
- Based on Council's Central Registration Service, across the municipality the demand for four year old funded sessional kindergarten for 2016, continues to be met.
- Council adopted the Moonee Valley Early Years Infrastructure Plan 2011-2021 as a guide on 19 April 2011 (minutes 2011/31). The plan identifies a move toward integrated facilities to improve service accessibility and effectiveness for families.

Recommendation

That Council

1. Receive and note the report, Kindergartens in Moonee Ponds Update.
2. Receive further reports no less frequently than every 12 months, updating Council on the issue.

Background

Council at its meeting on 23 February 2016, considered a report on kindergarten services within the Moonee Ponds precinct and resolved in part, "to continue to receive further reports no less frequently than every 6 months updating Council on the issue". This report provides a further update as required.

Discussion

Council managed sessional kindergartens are generally stand-alone programs, providing 15 hours per week for four year old children in the year prior to school. Funded sessional kindergartens (also referred to as preschool) are part of Council's Family and Children's Services (F&CS).

Council manages a Central Registration Service (CRS) for 17 four year old sessional kindergartens in Moonee Valley, including 12 Council and five community managed services. This provides a sound platform for data collection and analysis of kindergarten placements across Moonee Valley.

Council also provides three year old sessional kindergarten programs (4-6 hours per week), including Early Start (State Government funding for free or low cost kindergarten for Aboriginal and Torres Strait Islander children or a family who has had contact with Child Protection).

Four year old funded kindergarten (both sessional and integrated) is available across the seven established planning precincts in Moonee Valley. Based on Council's Central Registration Service as of July 2016, the current demand for four year old kindergarten in 2016 continues to be met, with 69 surplus places across the municipality. This includes the 84 Moonee Ponds families initially registered for four year old kindergarten for 2016.

Enrolment data for 2017 is currently being entered in to Council's Central Registration Service. Full enrolment data which includes families residing in Moonee Ponds, will be available in the next six monthly update report.

Projected demand to 2030

In light of significant growth projected in Moonee Valley by 2030, based on current demand for sessional kindergarten, the south-east of the municipality precinct 1 (Ascot Vale, Flemington and Travencore), precinct 2 (Moonee Ponds) and precinct 3 (Essendon, Essendon North and Aberfeldie) will have the highest demand by 2030. Within the south-east, precinct 3 will have the highest number of four year old places required (300), precinct 1 will have the second highest number of four year old places (267) and precinct 2 will have the third highest number of four year places required (178).

Indicative service and infrastructure planning for Moonee Ponds

Council's F&CS service infrastructure plan continues to progress. This planning guides short, medium and long term directions for F&CS service provision and infrastructure development to 2030.

As part of the F&CS service infrastructure plan to 2030 and the Moonee Valley Early Years Infrastructure Plan 2011-2021, the proposed directions for kindergarten continue to include:

- Transitioning Council's facility planning and delivery approach from a decentralised to an integrated model that includes both sessional and integrated kindergarten.
- Planning for a move from stand alone, single room sessional kindergarten to at least 2 room kindergartens that accommodate 33 children located in integrated service setting or hubs.
- Improving the functionality and increasing provision of existing Council facilities in Ascot Vale, Flemington, Travancore (precinct 1), and Essendon, Essendon North and Aberfeldie (precinct 3).
- In particular with the knowledge sourced from F&CS Infrastructure Plan, in reference to a kindergarten in Moonee Ponds, what we know is that currently Montgomery Park identifies as a key location. For sessional kindergarten in the short to mid-term (3-5 years), Council has potential to build functionality and capacity at this facility to accommodate Moonee Ponds kindergarten children.
- Identifying short to mid-term (5-10 Years) options to provide a sessional kindergarten in Moonee Ponds are foreseeable as opportunities materialise, such as the Moonee Valley Racecourse development.
- Seeking funding and partnering options that will be the subject of ongoing discussion as Council considers service delivery models across the city.
- Collaborating with strategic stakeholders to identify, influence and create funding and partnering opportunities for provision of a kindergarten in Moonee Ponds (including partnerships with Primary Schools).

Service and community facility infrastructure planning continues to progress the analysis of existing service levels of F&CS and identifies projected demand across Moonee Valley.

This evidence, together with research supporting the benefits for children and families accessing integrated services will inform the long term community facility planning for F&CS, including sessional kindergarten and proposed short, medium and long term priorities for Council.

There are 84 Moonee Ponds families registered for four year old sessional kindergarten in 2016. Of these 78 children (92%) were placed (refer to table) with 76 (90%) being offered their first preference. Of the four families that remained on the waiting list, three have now been placed or sought alternative arrangements. The fourth family remain on the waiting list for a place at North West Maria Montessori Kindergarten. Two families withdrew their registration. The majority of Moonee Ponds families (28 equalling 33%) registered for their preference for Montgomery Park Kindergarten.

The table below identifies the four year old sessional kindergarten program where Moonee Ponds families were initially placed for 2016 and identifies the number of children still attending as of 26 July 2016.

Kindergarten	Children as at November 2015	Children attending as of 26/07/16
Ascot Kindergarten	10	9
Beaver Street Kindergarten	6	5
Coronation Kindergarten	14	11
Montgomery Park Kindergarten	28	27
North West Maria Montessori Kindergarten	1	1
Progress Kindergarten	2	2
St Andrews Kindergarten	17	17
Strathmore Community Kindergarten	0	0
Total	**78**	**72**

Data source: Council's CRS as of November 2015 / July 2016.

Consultation

Extensive internal consultations across Council continues to progress the F&CS data collection, analysis and projections to 2030. As service and infrastructure plans are finalised, it is expected priorities supporting an integrated approach that includes both integrated and sessional kindergarten, will be present for Council to consider and adopt as part of the long term service infrastructure planning for Moonee Valley. Aligned with Victoria the Education State agenda, we have corresponded with respective members of Parliament to seek information about potential funding opportunities. We will continue to advocate and actively explore future grants and program funding with the State and Federal Governments.

Implications

1. Legislative

Children's Services are governed by the Education and Care Services National Regulations, 2011 and must comply with service and building requirements. Research supports the policy directions at a Federal, State and Local level to plan towards integrated service settings or hubs.

The provision of children's services is strongly aligned with the Victorian Charter of Human Rights and Responsibilities Act 2006 supporting to freedom, respect, equality and dignity.

2. Council Plan / Policy

In presenting this report, Council is achieving its Strategic Objective to: Deliver high quality and contemporary community services that are good value for money in accordance with Council Plan 2013-2017 Theme 1: Friendly and safe - A community where people feel connected and safe.

3. Financial

There are no immediate financial implications from this report. Future priorities and directions for service and infrastructure planning and development will be referred to Council's budget processes.

4. Environmental

Service and infrastructure priorities will be consistent with Council's Sustainability Policy.

Conclusion

The demand for sessional four year old kindergarten across Moonee Valley is currently being met for 2016 with a number of vacancies across the municipality. The indicative priorities for F&CS planning for Moonee Ponds families include increasing provision in existing Council facilities, in the adjacent precincts 1 and 3 and that Council advocate for an integrated children's centre in precinct 2. As service and infrastructure plans are finalised across Council, it is expected priorities supporting an integrated approach will be presented for Councillors to consider and adopt as part of the long term service and facility planning for Moonee Valley. Council will continue to respond to State and Federal Government grants and actively explore future funding opportunities.

Appendices

Nil.

9.17 Proposed discontinuance of right of way abutting 3/14 and 16 Fawkner Street, Aberfeldie

File No: FOL/16/130

Author: Coordinator Property Management

Directorate: City Services

Ward: Buckley

Purpose

To consider a proposal to discontinue a portion of unused road adjacent 3/14 and 16 Fawkner Street, Aberfeldie. Refer location photo at **Appendix A.**

Executive Summary

- Council received an application from the owners of 16 Fawkner Street, Aberfeldie to discontinue and acquire the unused right of way/road ('the road') abutting their property.
- The road is situated in a Residential 1 zone and there are no rezoning issues associated with this proposal.
- The section of road abutting 1 Batman Street, Aberfeldie (shown outlined in yellow) on location photo at **Appendix A** was discontinued and sold to the owner of that property in 1990.
- The Aberfeldie Primary School at 1 Doone Street, Aberfeldie, who abut the road have indicated that they have no interest in the land and have no objections to the proposed discontinuance and sale.
- The section of road abutting 18 and 20 Fawkner Street, Aberfeldie (shown outlined in blue) on the location photo at **Appendix A** is constructed in concrete and is listed as a ROW in Council's ROW register and is therefore excluded from the proposal.
- The remaining road abutting 3/14 and 16 Fawkner Street, Aberfeldie remains in the original certificate of title Volume 2196 Folio 193. Council has the authority to discontinue the road and sell the land by private treaty.
- Statutory procedures under sections 206 and 223 of the *Local Government Act* 1989 have been undertaken. Public notice was given in the local newspapers and no submissions were received.
- Service authorities were contacted. City West Water and Council have advised they have assets in the full length of the Road and therefore easements will need to be created in their favour.

Recommendation

That Council:

1. Note that after having given notice pursuant to sections 223 and 206 and clause 3 of Schedule 10 to the *Local Government Act* 1989 of a proposal to discontinue a 114m^2 section of road abutting 3/14 and 16 Fawkner Street, Aberfeldie, contained in Certificate of Title Volume 2196 Folio 193 and shown on the land allocation plan in **Appendix B**, no submissions were received.
2. Is of the opinion that the 114m^2 section of road is no longer required for public use and that it should be discontinued and the land sold by private treaty to the owners 3/14 and 16 Fawkner Street, Aberfeldie.
3. Publish a notice, pursuant to clause 3(a) of Schedule 10 to the *Local Government Act* 1989 in the Victorian Government Gazette.
4. Authorise the Chief Executive Officer to execute the transfer and other associated documents.

Background

Council received an application from the owners of 16 Fawkner Street, Aberfeldie to discontinue the unused right of way/road ('the road') and acquire a parcel of land abutting their property.

The road is situated in a Residential 1 zone and there are no rezoning issues associated with this proposal.

The section of road abutting 1 Batman Street, Aberfeldie (shown outlined in yellow) on location photo at **Appendix A** was discontinued and sold to the owner of that property in 1990.

Discussion

The Aberfeldie Primary School at 1 Doone Street, Aberfeldie, who abut the road have indicated that they have no interest in the land and have no objections to the proposed discontinuance and sale.

The section of road abutting 18 and 20 Fawkner Street, Aberfeldie (shown outlined in blue) on the location photo at **Appendix A** is constructed in concrete and is listed as a ROW in Council's ROW register and is therefore excluded from the proposal.

The remaining section of road abutting 3/14 and 16 Fawkner Street, Aberfeldie remains in the original Certificate of Title Volume 2196 Folio 193. Council has the authority to discontinue the road and sell the land by private treaty.

Statutory procedures under sections 206 and 223 of the *Local Government Act* 1989 have been undertaken. Public notice was given in the local newspapers and no submissions were received.

Consultation

All service authorities have been consulted and City West Water and Council advise that they have assets in the land and require an easement to be created in their favour.

Public advertisements were placed in the Moonee Valley Leader and The Weekly Review on 11 May, 2016 and notices forwarded to the affected property owners. The submission period closed on 8 June, 2016 and no written submissions were received.

Implications

1. Legislative

Council has acted under sections 206 and 223 of the *Local Government Act* 1989 regarding the proposed road discontinuance. All relevant statutory procedures have been fully complied with.

2. Council Plan / Policy

The application has been processed in accordance with Council's Road Discontinuance and Sale of Land Policy (2014) and the Local Government Best Practice Guideline for the Sale and Exchange of Land.

3. Financial

The two parcels of land proposed for sale have been valued and are shown in table 1.

Table 1

Parcel	**Property Address**	**Area m^2**	**Land Value**
1	3/14 Fawkner Street, Aberfeldie	60 m^2	$6,700
2	16 Fawkner Street, Aberfeldie	54m^2	$13,500
	Total	114m^2	$20,200

Essentially, the difference in valuations relate to future land accessibility, given that Parcel 1 being sold to 3/14 Fawkner Street will effectively be landlocked. Parcel 2 at 16 Fawkner Street will enable that property owner to still have access from Doone Street.

Both property owners have agreed to valuation and Council's administrative and legal costs of approximately $3,000.

4. Environmental

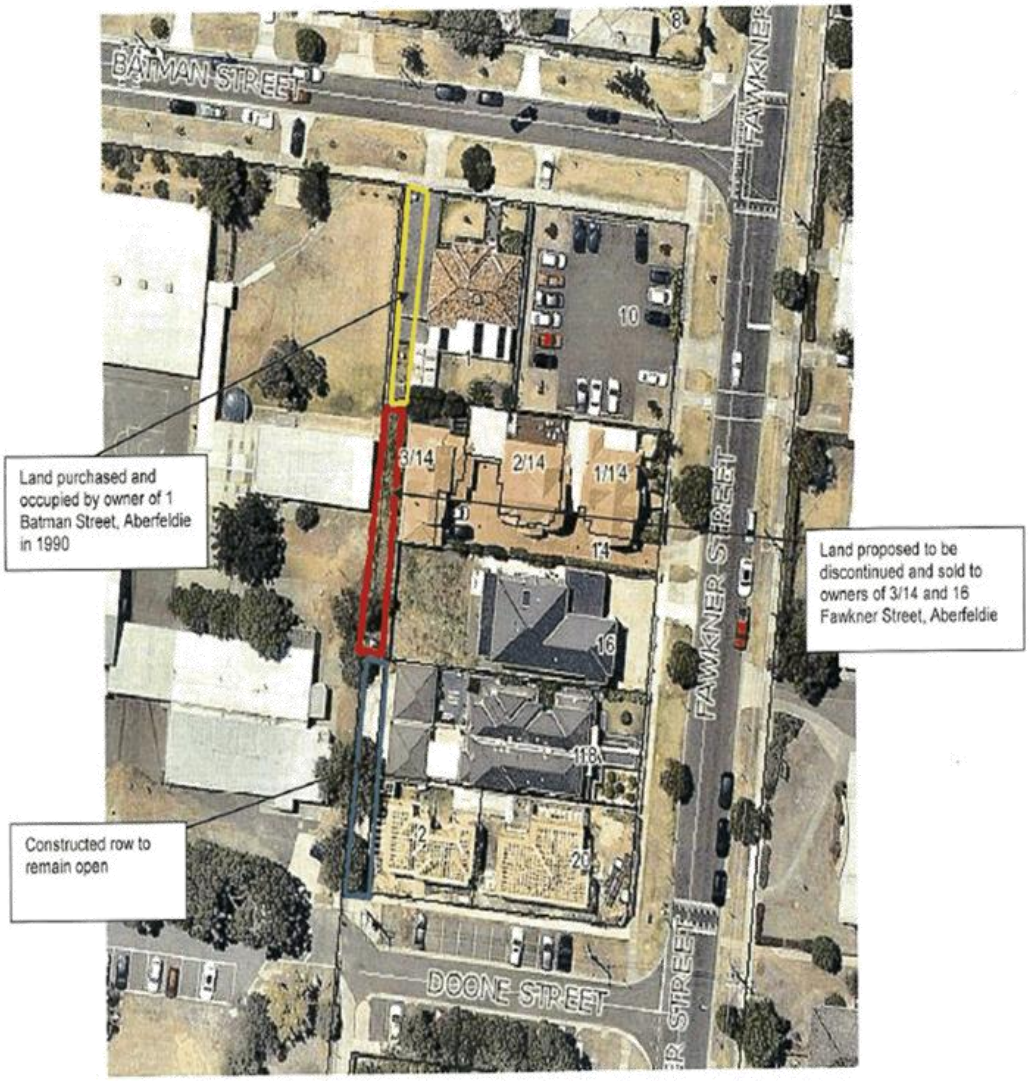
There are no environmental implications.

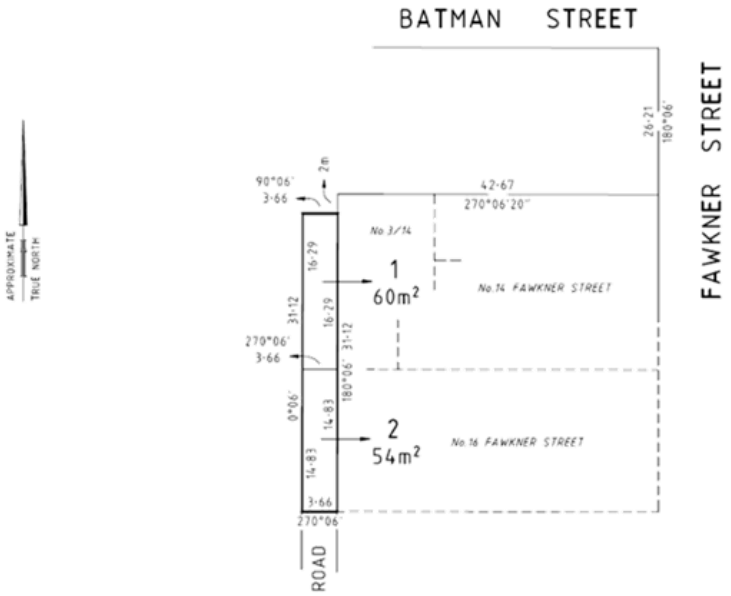
Conclusion

Since it has been established that the section of road is no longer required for public use and the abutting owners have agreed to purchase the land, it is considered appropriate to formally discontinue the portion of road and sell the land contained within the road to the abutting owners by private treaty.

Appendices

Appendix A: Fawkner Street Proposed Discontinuance
Appendix B: Fawkner Street Land Allocation Plan.


BATMAN STREET
FAWKNER STREET
DOONE STREET
10
3/14
2/14
1/14
14
16
18
12
20
Land purchased and occupied by owner of 1 Batman Street, Aberfeldie in 1990
Constructed row to remain open
Land proposed to be discontinued and sold to owners of 3/14 and 16 Fawkner Street, Aberfeldie


BATMAN STREET
FAWKNER STREET
ROAD
APPROXIMATE
TRUE NORTH
No 3/14
No.14 FAWKNER STREET
No.16 FAWKNER STREET
1
60m²
2
54m²
42·67
270°06'20"
26·21
180°06'
90°06'
3·66
2m
16·29
31·12
270°06'
0°06'
14·83
3·66

9.18 Submission on the Victorian Government's Discussion Paper: 'Protecting the Yarra River'

File No: FOL/16/130

Author: Coordinator Sustainability & Climate Change

Directorate: Planning & Development

Ward: Municipal

Purpose

To seek Council's endorsement:

- Of a submission on the Discussion Paper: *'Protecting the Yarra River',* to be submitted to the Minister for Planning's Advisory Committee.
- To write to the Minister for Planning reiterating Council's request for the Victorian Government to prioritise putting in place strengthened and permanent development controls for the Maribyrnong River.
- To coordinate a letter from mayors of councils along the Maribyrnong River to the Minister for Planning advocating that the State Government prioritise the protection of this river in a similar way to the Yarra River.

Executive Summary

- The Minister for Planning has established a Yarra River Protection Ministerial Advisory Committee to advise on the long-term protection of the Yarra River and included a specific point in their Terms of Reference to obtain advice that would benefit the Maribyrnong River.
- The Committee prepared a Discussion Paper (summary at **Appendix A**) that puts forward measures to improve the management of the Yarra River and its tributaries. These measures include stronger legislative controls, an overarching strategic plan for the entire river and a new and strengthened management model for the waterway.
- The attached submission from Council (**Appendix B**) broadly supports the measures put forward in the Discussion Paper, acknowledging that the long-term protection of our waterways requires a strategic, well-coordinated approach between state government agencies and councils along the length of the waterway.
- The submission emphasises the urgent need for strengthened and consistent planning controls for developments along the Maribyrnong River, such as height limits and set-backs, and the opportunity to review the *Maribyrnong River Valley Design Guidelines* (2010).
- In summary, the submission also supports:
  - A management model that sets clear accountabilities for all aspects of management across agencies and Councils

  - Legislation to give statutory backing and longevity to any new management arrangements and give real confidence that the waterways will be protected over the long term
  - Clear and strategic funding and infrastructure delivery arrangements.
- The submission also states that Council would like to see a similar approach replicated for management of the Maribyrnong River and other waterways.

Recommendation

That Council:

1. Endorse the Council submission on the Discussion Paper: *'Protecting the Yarra River',* to be submitted to the Minister for Planning's Advisory Committee.
2. Resolve to write to the Minister for Planning providing a copy of the submission and reiterating Council's request for the Victorian Government to prioritise putting in place strengthened and permanent development controls for the Maribyrnong River.
3. Resolve to coordinate a letter from mayors of councils along the Maribyrnong River to the Minister for Planning, advocating that the State Government prioritise the protection of this river in a similar way to the Yarra River.

Background

On 15 March 2016, Mayor Councillor Surace wrote to the Victorian Minister for Planning, The Hon. Richard Wynne MP, requesting that strengthened and consistent planning controls be put in place for development along the Maribyrnong River corridor.

In his response letter of 30 June 2016, the Minister advised that he had established a Ministerial Advisory Committee to advise on long-term protection for the Yarra River and included a specific point in their Terms of Reference to present findings that would benefit the Maribyrnong River. The Minister strongly encouraged Council to participate in the consultation and to provide a submission on the Discussion Paper.

In July the Committee released the Discussion Paper for consultation, seeking submissions by 5 August. They also ran consultation workshops with staff from Councils along the Maribyrnong River.

Due to the short timeframes to provide a submission, Council staff provided a draft copy of the submission to the Committee, advising it is subject to formal Council endorsement.

Discussion

The submission broadly supports the measures put forward in the Discussion Paper and would like to see a similar approach replicated for management of the Maribyrnong River and other waterways.

In summary, Council's submission confirms support for the proposed measures in the Discussion Paper:

- Introducing legislation and stronger planning controls to protect the river.

- The submission reiterates the urgent need for strong and permanent controls, such as height limits and set-backs, for the Maribyrnong River, and the opportunity to review the *Maribyrnong River Valley Design Guidelines* (2010).
- New and strengthened management arrangements to better coordinate river management across agencies and along the length of the river. This may be a new body or charging an existing body with new responsibilities.
- The need for a shared, overarching vision and strategic plan for the whole waterway that is owned by all stakeholders – government and communities.

The submission also states that the whole-of-waterway strategic plan(s) and a new strengthened management model should include:

- Securing continuous, linear parkland along the river corridor across institutional and land owner boundaries.
- Cooperative governance and clearly defined responsibilities across individual council and State government agencies and genuine buy-in to the vision for the whole river from all agencies, including Melbourne Water and VicRoads. The new model and plan also need to ensure real accountability for delivering on the strategic plan.
- Improving coordination of capital works, land management and flood planning across the catchment and across jurisdictions.
- Considering connectivity to tributaries, including the Yarra's connection to Moonee Ponds Creek.
- Environmental flows, sustainable surface and groundwater extraction upstream of our city.
- A strategic funding framework to prioritise those projects that demonstrate consideration of the whole catchment.

In the consultation session held by the Ministerial Advisory Committee in late July, staff from many of the councils along the Maribyrnong River raised similar views about the need for the State Government to prioritise protecting and improving the health of the Maribyrnong River, in a similar way to the Yarra River. Amongst other issues, during the consultation session councils raised the need for continuous parkland and uninterrupted access to open space along the length of the waterway. It is proposed that a letter from mayors of councils along the Maribyrnong River be sent to the Minister for Planning, advocating for similar attention to be placed on region's our main river.

Consultation

In late July, Council officers attended a consultation session held by the Ministerial Advisory Committee, along with staff from Maribyrnong, Brimbank and Hume councils. Officers provided verbal feedback in line with the written submission attached to this Council report. Along with written submissions, feedback from the consultation session will contribute to shaping the advice the Committee provides to the Planning Minister.

The attached submission includes issues previously raised by the Integrated Waterways Advisory Committee (IWAC) and a copy of the submission has been provided to the Committee.

The submission has been prepared by the City Planning Department (Sustainability and Climate Change Unit) with input from other key components within Council, namely Strategic Planning, Open Space Planning, Technical Services and Parks and Gardens.

Implications

1. Legislative

The submission advocates for strong and permanent planning controls to ensure new developments do not negatively impact the river. This would be achieved through an amendment to the Moonee Valley Planning Scheme, including a Design and Development Overlay to put in place controls for properties with direct frontage to the Maribyrnong River.

Additionally, the submission requests that the Maribyrnong River receive equivalent attention in the State Planning and Policy Framework, as the Yarra River which has its own Yarra River Protection Clause.

2. Council Plan / Policy

In presenting this report to Council, it 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.

3. Financial

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

4. Environmental

The submission attached to this Council report advocates for measures to protect and improve the health of our waterways and adjoining land, particularly the Maribyrnong, but also Moonee Ponds Creek and our other waterways.

Conclusion

Council's submission supports the proposed measures in the discussion paper that seek to protect our waterways in the long-term through a strategic, well-coordinated approach between state government agencies and councils along the length of the waterway.

The submission highlights the proposed measures that are supported, and in particular, emphasises the urgent need for strengthened and consistent planning controls for developments along the Maribyrnong River.

Appendices

Appendix A: Protecting the Yarra River -Discussion Paper - Summary (separately circulated)

Appendix B: Submission from Moonee Valley City Council on Protecting the Yarra River – A Discussion Paper - August 2016.

Submission from Moonee Valley City Council on *Protecting the Yarra River – A Discussion Paper*

1. Introduction

Moonee Valley City Council commends the Yarra River Protection Ministerial Advisory Committee on putting forward options to improve the oversight and management of the Yarra River and its tributaries. Council has long held the view that to best protect our waterways in the long-term, we need a well-coordinated approach between state government agencies and councils along the length of our waterway corridors.

Council is particularly pleased to see the Committee's Terms of Reference include the provision of advice and findings to the Minister for Planning that would benefit the Maribyrnong River and community.

The views in this submission on the Yarra River Discussion Paper are made by Council with the protection and management of the Maribyrnong River and Moonee Ponds Creek specifically in mind.

We welcome any future opportunities to be further involved to ensure appropriate protection and management of our waterways.

2. Our city and our waterways

Moonee Valley is a city defined by, and inextricably linked to, its waterways. The Maribyrnong River and Moonee Ponds Creek form our boundaries and we are fortunate to have two smaller creeks – Steele Creek and Five Mile Creek.

Like the Yarra, the Maribyrnong River is highly valued by the people of Melbourne's north-west and contributes to the health, economic prosperity and environmental values of our region. The river is the most frequently visited open space in our city.

Compared to the Yarra catchment, the Maribyrnong is in poorer health, evidenced by key river health and water quality indicators. The Maribyrnong has half as much natural vegetation and in the lower reaches the condition of native vegetation and number of fish and frog species are very low[1].

Council has a long history of working to enhance our waterways and has invested millions of dollars in recent years. Examples from the past year include completion of the Afton Street Wetland and Stormwater Harvesting Scheme, Maribyrnong Park Lake wetland and raingarden, on-ground works by the Green Army and partnering through Greening the West to plant 30,000 trees and shrubs in our city. We also have highly active 'Friends' groups who advocate for our creeks, engage our community and carry out on-ground works.

Our major river currently faces significant pressures from both infill and green fields development in the northern corridor, with the population in the catchment likely to increase by 250,000 requiring 100,000 new dwellings in the coming decades. These growth pressures are significantly greater that those facing the Yarra River.

There is a pressing need for strong and consistent controls to protect and manage the Maribyrnong River for the benefit of the existing communities and future generations.

[1] Melbourne Water Healthy Waterways Strategy 2013

3. The need for a change in management approach for the Maribyrnong River

Many of the issues raised in the Discussion Paper that demonstrate the need to change the way the Yarra River is managed are equally relevant to the Maribyrnong River. In particular, there is:

- a lack of overarching objectives and integrated strategy to guide the management of the entire waterway corridor
- an absence of an integrated approach to decision making across agencies along the length of the river. On certain issues there has been strong cooperation between agencies, but on others, such as some major water infrastructure projects, this collaboration has been lacking.
- inconsistent planning controls and application of these controls along the river.

4. Council support for the proposed approach

Consistent with the approach proposed for the Yarra River, Council supports better coordination of management of the Maribyrnong River across agencies and along the length of the river and strengthening regulatory measures to protect the river. We would support the Minister for Planning replicating a similar approach for management of the Maribyrnong River and other waterways.

In particular, Council supports the measures set out in 4.1 – 4.4 below:

4.1 The need for strong and consistent planning controls to protect our river

Having regard for the need to protect the Maribyrnong River corridor, Council's highest priority is seeing appropriate planning controls put in place to protect and enhance its landscape, environmental, amenity, cultural and recreational values.

Council is keen to ensure new development does not negatively impact the river, by having strong and permanent controls in place, such as heights limits and set-backs, and that construction does not negatively impact on the river.

This position has been identified as a priority by our Integrated Waterways Advisory Committee. We support the intentions put forward in the Discussion Paper to strengthen existing policy and planning controls along the river. We note that this provides an opportunity to review the Maribyrnong River Valley Design Guidelines (2010) and we would encourage the Minister to consider this as part of this process.

It is important to note that in October 2014 the Minister for Planning introduced new interim planning controls via Amendment C141 to the Moonee Valley Planning Scheme. Amendment C141 introduced a Design and Development Overlay (DDO2) with mandatory height controls and other performance measures for properties that have direct frontage to the Maribyrnong River.

The requirements of DDO2 will cease to have affect after 30 October 2016. The expiry date was intended to allow the State Government to review existing controls along the river and develop consistent overlay controls for the entire Maribyrnong River corridor.

To this end, Council began working in partnership with Melbourne Water in 2014, the then Department of Transport, Planning and Local Infrastructure, Parks Victoria, Maribyrnong City Council and Brimbank City Council to review existing river controls with the aim of developing an Environmental Significance Overlay that could be consistently applied along the entire river corridor. This work has not progressed as anticipated and no such controls are in effect at this time.

In light of this delay, we encourage the Minister to prioritise this work as a matter of urgency. Council also requests that the State Government demonstrates its commitment to protect the Maribyrnong River from inappropriate development through a revised state planning policy. In particular, the introduction of specific planning controls should be supported by policy objectives and strategies in the State Planning Policy Framework which afford the Maribyrnong River equivalent attention as the Yarra River is given in Clause 12.05-2 (Yarra River protection).

4.1.1 Additional legislative controls to protect the river

Council recognises there is currently a gap in state planning policy relevant to stormwater management and water sensitive urban design (WSUD). In order to address this gap at the local level, Council introduced Clause 22.03 - Stormwater Management (Water Sensitive Urban Design) to the Moonee Valley Planning Scheme in March 2014.

The policy establishes requirements in the planning application process for new developments to apply best practice stormwater management.

Council believes this local policy should be implemented state wide to ensure WSUD requirements are mandated equitably along the Maribyrnong River corridor and, indeed, across the state.

4.2 Elements to include in an overarching vision and goals for our rivers

Council agrees there is a need for a shared, overarching vision that is owned by all stakeholders – government and communities. In setting the vision and goals, Council suggests that the committee consider:

- setting clear goals around human health benefits, recognising the role of urban waterways in cooling our cities as the climate changes
- embedding the vision into the statutory planning process
- emphasising the protection of indigenous cultural values, recognising there are more than 5800 Aboriginal sites recorded in the Maribyrnong River catchment area[2].
- emphasising the need for adaptive planning to create climate resilient waterways
- the value of setting quantifiable targets to drive outcomes
- ensuring a strong community voice in governance and oversight of the river.

Our city has many highly engaged 'Friends' groups and individuals who are great advocates for the entire river, thinking well beyond our municipal boundaries and would contribute significant value to the strategic planning process.

4.3 Elements to include in the proposed strategic plans

Council supports the proposal to develop an integrated, overarching strategic plan for the river, and sub-plans for reaches of the river (upper rural through to lower urban reaches).

The development of whole-of-waterway strategic plan(s) should consider:

- open space planning and land acquisitions along the corridor
- management of the waterways, infrastructure and adjoining parks and reserves
- flood management planning across the catchment
- connectivity to tributaries
- environmental flows, sustainable surface and groundwater extraction
- a strategic funding framework

[2] Melbourne Water River Health Strategy, 2013

4.3.1 Open space planning and land acquisitions

Council is pleased to see that a recurring theme identified by the Committee through consultation to date, is the need to secure continuous parkland and trails along the river corridor.

As identified in our Open Space Strategy 2011, we are committed to improving the linear open space along waterways and, as future development occurs, identify the need for additional open space. Faced with increased development and rapid population growth in the Maribyrnong catchment, a strategic plan needs to guide future land acquisitions and improvements right along the corridor. Council has Public Acquisition Overlays along the Maribyrnong River to reserve land for future open space within our city. We would like to see these overlays extended into the City of Melbourne to enable connectivity.

Council is keen to see that a strategic plan for the Maribyrnong River enable the creation of a linear park along the river from Brimbank Park to the confluence of the Yarra River.

4.3.2 Management of the waterway, infrastructure and adjoining parks and reserves

As committed to in Council's Urban Ecology Strategy, we continue to carry out significant on-ground works to enhance biodiversity and manage pest species in our riverine parks and reserves. We also work beyond our boundaries through knowledge sharing and partnerships with other land managers. However, to effectively coordinate management activities, all councils and state government agencies, including Melbourne Water and VicRoads, need to commit and follow through on achieving the agreed goals of a whole-of-waterway strategic plan. The plan also needs to clarify responsibilities and have mechanisms to drive accountability across agencies and Councils.
Along waterway corridors, on-ground works are often not coordinated or are inconsistent across municipal or agency boundaries. For example, to upgrade the main sewer adjacent to the Maribyrnong River, Melbourne Water will be constructing access ways through the riverside reserve, impacting open space in our city. While these access points are necessary, we want to ensure that such works meet broader objectives for our river, such as restoring native vegetation and providing quality walking and/or cycling paths.

There is also a need to ensure that on-ground measures to improve water quality continue to be put in place by councils and state agencies. While a focus on community stormwater education is important, Council is keen to see Melbourne Water continue to install and maintain infrastructure, such as gross pollutant traps, to prevent litter entering our waterways.

The use of traditional methods of land management from Indigenous culture should be considered to promote and maintain healthy native ecosystems. Such methods ensure that a resilient landscape is established, preventing the need for more costly alternatives.

As there are a number of institutional land owners, managers and governance structures in place, to establish adequate connections along the waterways it's important to coordinate an agreed level of service across organisations, such as councils and Parks Victoria. The strategic plan should enhance connectivity and ease of travel across the waterway, through agencies and councils' jointly planning bridge crossings, construction and maintenance of pathways and wayfinding. Such planning should consider the limitations of

landowners to adequately maintain infrastructure due to budget and resource restrictions, such as Council rate capping.

The whole-of-waterway strategic plan (and sub-plans for reaches) would also need to be clear how they relate to other strategies and plans, such as those developed by catchment management authorities.

4.3.3 Flood management planning across the catchment

Flooding is a significant issue for our municipality. Significant urban densification within Moonee Valley, as well as green field development in adjoining and contributing catchments, increases stormwater runoff exacerbating flood risk in our city.

Council works closely with partner organisations such Melbourne Water to manage flood risks for our municipality through the Flood Management Strategy - Port Phillip and Westernport. Any whole-of-waterway strategic plan also needs to consider the coordination of flood management at a catchment-wide level.

4.3.4 Connectivity to tributaries

Council is affirming of the scope of a proposed strategic plan for the Yarra River to include connectivity with the lower reaches of tributaries and their associated open spaces. Council is working with other land and waterway managers on Master Planning for the Moonee Ponds Creek to improve ecological health, open space, active transport access, flood mitigation and waterway condition. In future, Council would like to see this work integrated into an overarching plan for the Moonee Ponds Creek.

4.3.5 Environmental flows and sustainable surface and groundwater extraction

Last year, the Integrated Water Planning for the West Group (Melbourne) identified several gaps in the way the water cycle is managed within the Maribyrnong catchment. Three key gaps that need to be considered in a strategic plan for the river are:

- better understanding the management requirements for groundwater dependent ecosystems.
- establishing a strong scientific basis for the environmental flow requirements that form bulk entitlement agreements for water authorities to use water from the river. Although increased upstream stormwater runoff and wastewater discharges from new developments would likely more than meet the current environmental water deficit in the Maribyrnong River, there is potentially too much poor quality water at high flow rates.
- the need for a review of water management arrangements considering changes to bulk entitlements, farm dams and licensed diversions, groundwater use, aquifer storages and recovery. One of the largest agricultural users of surface water are the market gardens at Keilor. This has been identified as an opportunity for substituting existing surface water supplies with a reliable and suitable quality alternative water source.

4.3.6 A strategic funding framework

The Committee should develop a funding framework that links state government funding directly to the strategic plan. The framework should preferably prioritise projects that demonstrate consideration of the wider catchment, including areas of open space owned and managed by State Government (Parks Victoria) and those owned by Council.

The creation of a continuous metropolitan linear park would provide much needed quality open space for the community in Melbourne's west. Any strategic funding framework should include substantial state government funds to help secure this critical land corridor.

There is a demonstrable business case for the state government and council partners to invest in such green space that will enhance liveability and reduce future environmental and healthcare costs. A continuous linear park would provide an active transport link and recreational space, enabling healthier living, and helping our region adapt to climate change through cooling urban areas and mitigating against flood.

4.4 A new and strengthened management model to manage the waterway

The Discussion Paper proposes a new strategic framework to manage the Yarra River that would comprise:

- a community vision that clearly outlines community expectations for the entire length of river over the long term
- an integrated, overarching strategic plan for the river
- improved management arrangements to ensure the strategic plan will be implemented effectively with clear accountabilities
- legislation to provide statutory backing and longevity to the new arrangements
- statutory reporting and auditing
- clear funding and infrastructure delivery arrangements.

Council supports the approach proposed and would like to see it replicated to other waterways, with the Maribyrnong River being a priority.

Regarding management arrangements, the discussion paper puts forward several options for developing the strategic plan and overseeing implementation. These include creating a completely new body or charging an existing body with new responsibilities.

Given that the discussion paper only presents a broad outline, Council does not have a strong view on whether the functions are best carried out by a new or existing organisation. In weighing up governance options, Council suggests the committee determines the option that is most likely to:

- clarify responsibilities, drive effective on-ground decision making and ensure real accountability of agencies, backed by legislation
- minimises bureaucracy, potential for confusion and duplication of functions between agencies
- has genuine buy-in from all organisations who have an interest in, or impact on the waterway, including all councils and state government agencies, such as Melbourne Water and VicRoads, whose infrastructure projects impact on the rivers.

5. Other issues not currently addressed in discussion paper

The Maribyrnong River links to the Yarra River and Melbourne CBD, which presents an opportunity for private and chartered river transport between Moonee Valley and its neighbouring municipalities and the CBD. Council encourages the State Government to explore water based transport options for Melbourne as part of this process.

These options should be explored provided always that the health of the waterways must be the overriding priority.

9.19 Victorian Government's Climate Change Pledge Initiative - TAKE2

File No: FOL/16/130

Author: Coordinator Sustainability & Climate Change

Directorate: Planning & Development

Ward: Municipal

Purpose

- To seek Council approval to take the Victorian Government's TAKE2 pledge to achieve zero net emissions for Council's greenhouse gas emissions by 2050.
- To inform Councillors of the Victorian Government's plans to legislate ambitious targets to achieve zero net emissions for the whole State by 2050.

Executive Summary

- The Victorian Government announced in June 2016 it will legislate a target to achieve zero net greenhouse gas emissions by 2050. A 'zero net' target means Victoria's emissions will be reduced as far as possible, and any emissions remaining will be offset through initiatives such as growing trees.
- The long term target will be supported by five yearly interim state-wide targets.
- Prior to enacting the legislation, the government is starting 'TAKE2' – a voluntary pledge initiative for government, business and the community to make public commitments to take action on climate change through reducing emissions.
- In recognition of our demonstrated leadership in taking climate action, the Victorian Government has invited Council to be a founding partner of the pledge initiative.
- Council is on track to meet its zero net greenhouse emissions target by 2020, well ahead of the Victorian Government's target timeframe, having reduced emissions by 48 percent since 2007. These significant savings have largely been achieved through solar system installations on Council buildings, public lighting upgrades, Council building retrofits, carbon offsets and other improvements.
- As a founding partner of TAKE2, Council can promote its achievements, attend the Pledge Action Day along with other leaders and contribute to shaping the way forward to transition our state to a low carbon future. In taking a pledge, Council would join a growing number of Councils, including the City of Melbourne and the Municipal Association of Victoria.

Recommendation

That Council:

1. Sign the Victorian Government's TAKE2 pledge to achieve zero net emissions for Council's greenhouse gas emissions by 2050.
2. Notes the Victorian Government's plans to legislate a target to achieve zero net emissions for the whole state by 2050.

Background

On 11 July 2016, the CEO of Sustainability Victoria wrote to the Mayor inviting Council to participate in the Victorian Government's new pledge initiative – TAKE2 (**Appendix A**). Council was approached in recognition of our action on climate change through significantly reducing emissions in our operations.

The pledge initiative was announced by the Victorian Government in June 2016 at the same time they announced they will legislate a zero net greenhouse gas emissions by 2050 target.

Proposed legislated targets

Setting a single target for the State as a whole acknowledges the need to work together to be able to meet the global challenges of climate change. This long term target provides Victoria with certainty and also time for an orderly and low-cost transition.

The target is aligned with internationally agreed scientific evidence on climate change which tells us that to keep global temperature increases to well below two degrees, greenhouse gas emissions need to decline to zero net levels by the second half of the century.

The targets are recommendations of the 2015 *Independent Review of the Climate Change Act 2010.* In response to the review, the Victorian Government committed to enshrine the zero net emissions target in legislation while also embedding climate change considerations across government decision making, policies and programs.

The long term target will be supported by five yearly interim targets from 2020-2025. The government will also mandate pledges from of its departments and key emissions producing sectors, including energy, agriculture, transport and waste management.

TAKE2 pledge initiative

TAKE2 is a state-wide initiative, led by Sustainability Victoria, to engage businesses, local government, community and educational organisations and individuals to publicly commit to be part of Victoria's action on climate change.

TAKE2 gives businesses and organisations already taking significant action on climate change the opportunity to showcase and build upon their work to-date, while inspiring others to make their own contributions to emission reductions.

The pledge initiative will build momentum toward achieving the longer term target and will inform interim targets to achieve the 2050 goal.

Further details of the pledge initiative are in **Appendix A** – Letter to Mayor and TAKE2 Prospectus for Founding Partners.

Discussion

Council has demonstrated its leadership on climate change action and is on track to meet its zero net emissions target by 2020, well ahead of the Victorian Government's target timeframe.

Taking part voluntarily in the TAKE2 pledge program and becoming a founding partner would provide the following benefits to Council:

- Official recognition of Council as a key role player and leader
- Acknowledgement as a founding partner on the TAKE2 website
- Participation in a Pledge Action Day along with other leaders later this year
- Contribute to shaping state-wide climate change programs and advocate for any additional resources and support local governments needs to take action.

If Council supports being involved as a founding partner, the next steps would be to complete pledge details electronically, including providing Sustainability Victoria with the Council logo.

Since 2007 Council has reduced its emissions by 48 percent, largely through solar system installations, public lighting upgrades, building retrofits, purchasing carbon offsets so that Council operated buildings are carbon neutral and other improvements. Council will continue to identify cost effective greenhouse reduction opportunities to cut emissions and operating costs.

Council's zero net emissions target is stated in the Greenhouse Strategy 2010, and is consistent with targets set by leading councils such Cities of Melbourne, Yarra, Darebin and Moreland.

To further guide emissions reductions, the City Planning department is currently updating the Greenhouse Strategy and will present an updated draft strategy to Council in the new term. Work is also underway on Council's first Climate Change Adaptation Policy Framework, which will be presented to Council for endorsement in the new term with the updated Greenhouse Strategy.

Consultation

There is no specific need to consult the community on this particular initiative as it focuses on Council's operations and aligns with the strategic objectives and actions in the Greenhouse Strategy previously consulted upon. Officers have discussed the initiative with the Western Alliance for Greenhouse Action (WAGA), of which Council is a member along with seven other western councils. WAGA also intends to commit to the TAKE2 pledge, in recognition of action on climate change at a regional level.

Implications

1. Legislative

There are no legislated requirements for Council to commit to this initiative or reduce its greenhouse gas emissions. The Victorian Government is seeking voluntary commitments from Councils and other organisations.

2. Council Plan / Policy

The Council Plan Strategic Objective 5 states that Council will 'Reduce the environmental impact of Council operations' through 'continuing to retrofit Council facilities to improve environmental performance'. The Plan also includes a Strategic Indicator to report on proportional progress towards Council's goal of zero net emissions by 2020.

Council's work towards meeting the target is guided by the Greenhouse Strategy and the Council Operations Greenhouse Action Plan. The Greenhouse Strategy and associated plans are being updated and will be presented to Council in draft for endorsement in the new Council term.

3. Financial

There are no financial cost associated with being a founding partner. In future the Victorian Government may announce funding opportunities for local governments and other organisations to take further action on climate change. Council would achieve its target through existing operating budget allocated to reduce emissions across Council's operations.

4. Environmental

Council will continue to reduce its greenhouse gas emissions through solar installations, building and lighting upgrades, efficiency improvements and carbon offsets, to meet the zero net emissions target by 2020.

Conclusion

There are considerable benefits to Council becoming a founding partner of the TAKE2 pledge initiative.

Council is on track to meet its zero net greenhouse emissions target by 2020, well ahead of the Victorian Government's target timeframe. By volunteering to take the pledge, Council will be recognised as a leader in taking climate action.

Council will also be able to contribute to shaping the way forward to transition our state to a low carbon future to meet the long term and interim targets.

Appendices

Appendix A: Letter to Mayor and TAKE2 Prospectus for Founding Partners.

Level 28
Urban Workshop
50 Lonsdale Street
Melbourne VIC 3000

sustainability.vic.gov.au
Twitter: @sustainvic
ABN 62 019 854 067

11 July 2016

Councillor Andrea Surace
Mayor
Moonee Valley City Council
PO Box 126
Moonee Ponds, VIC 3039

RECEIVED
13 JUL 2016
MOONEE VALLEY CITY COUNCIL

Dear Cr Surace,

VICTORIA GOVERNMENT'S CLIMATE CHANGE PLEDGE PROGRAM – TAKE2

I am writing to you to invite Moonee Valley City Council to participate in the Victorian Government's new climate change pledge initiative.

On 9 June, the Victorian Government announced that it will legislate a net zero greenhouse gas emissions by 2050. The long term target will be supported by 5 yearly interim targets from 2020-25. Prior to legislation being introduced, the Government also announced TAKE2 – a collective pledge initiative to take action on climate change. The program was launched by Premier Andrews and Minister D'Ambrosio. To reach our target, and for Victoria to play its part in meeting the global challenges of climate change, we need to act together.

Climate change is one of the most critical issues facing Victoria. The Victorian Government is committed to demonstrating leadership in climate change and helping Victorian communities, business and industries reduce greenhouse gas emissions and adopt adaptation strategies that respond to the threat of climate change and take advantage of the opportunities.

The pledges from this program are best described as public commitments that government, business and the community make to reduce emissions in Victoria. They will recognise, encourage and inspire voluntary actions taken to reduce emissions and contribute to a more sustainable future. The pledges will build momentum toward a low carbon future and inform an interim target for emissions between 2017-20.

TAKE2 is a comprehensive state-wide program, led by Sustainability Victoria, which enables all Victorians - businesses, local government, community and educational organisations and individuals - to be part of Victoria's action on climate change. Government agencies will be required to make pledges for their own operations and sectoral responsibilities.

VICTORIA
State Government

Sustainability Victoria

VICTORIA State Government

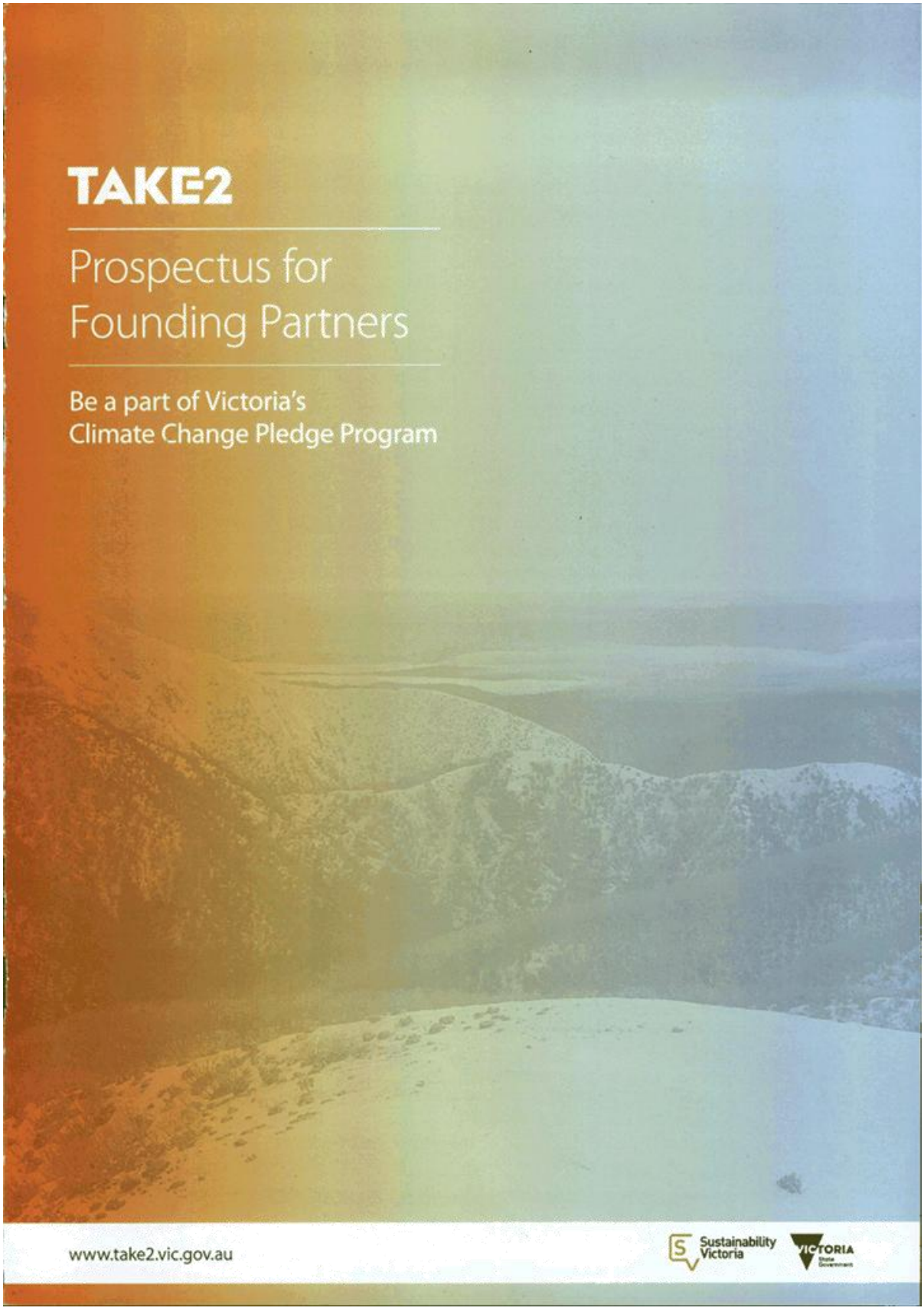
I am pleased to see Moonee Valley City Council demonstrating leadership in reducing its environmental impacts through making all Council childcare, preschool and child health centres carbon neutral and the recent large-scale energy efficient public lighting changeover Lighting the West. The initiatives outlined in your Greenhouse Strategy and Council Plan 2013-2017 to create a sustainable environment for future generations, plan for and manage the impacts of climate change on Council infrastructure, and Council's goal of zero net emissions by 2020, are great examples of local government playing a powerful role and doing its part to show leadership in these important areas that could be included in a TAKE2 pledge. I have also noted with interest Moonee Valley City Council's collaborative participation in the Western Alliance for Greenhouse Action to respond to climate change in Melbourne's western region.

I would like to invite Moonee Valley City Council to not only participate in our pledging initiative, but also be involved as a founding partner. Please find attached the prospectus for founding partners. Signing up as a founding partner by the end of August 2016 would mean recognition on the TAKE2 website (www.take2.vic.gov.au), with your logo.

I would welcome a discussion with you or relevant Moonee Valley City Council staff to discuss this proposal. I have addressed a similar letter to CEO Bryan Lancaster. Further information is available at www.take2.vic.gov.au.

Yours sincerely,

Stan Krpan
Chief Executive Officer


TAKE2
Prospectus for
Founding Partners
Be a part of Victoria's
Climate Change Pledge Program
www.take2.vic.gov.au
Sustainability Victoria
VICTORIA

BECOME A FOUNDING PARTNER

Sustainability Victoria is partnering with organisations that are showing leadership on climate change. This may be through what they are currently doing or are planning to do within their own organisation, or what they can do to influence others, including individuals and supply chains.

We are seeking these leaders and asking them to become founding partners of the TAKE2 pledge program and advocates for a commitment to taking action on climate change.

We are calling on Victorian based organisations across business, community and local government to sign up and be part of Victoria's leadership on climate change.

What we are asking of our founding partners:

- Sign up and take the universal pledge – *Working together, we pledge to play our part and take action on climate change for Victoria, our country and our planet.*
- Commit to take a range of specific action/s when the pledges are developed (later in 2016).
- Demonstrate support through logo recognition on the TAKE2 website – founding partners page.
- Commit to promoting support of the TAKE2 program to employees, customers, suppliers, and others.
- For industry associations , peak bodies, or community groups , commit to promoting the TAKE2 program through events and newsletters.

Why be a founding partner?

- Acknowledgement as a founding partner on the TAKE2 website.
- Promotion of commitments and achievements on the TAKE2 website and other media channels.
- Invitation to the inaugural Pledge Action Day along with other leaders, to be held later in 2016.
- Acknowledgement as a leader on Pledge Action Day.
- The opportunity to provide input during the consultation period and development of the specific pledge items.
- There is no financial cost associated with being a founding partner. Our founding partners have been targeted based on a demonstrated record of climate leadership.

TAKE2

Sustainability Victoria

INTRODUCTION

Victoria is again leading the nation on climate change by legislating ambitious targets and introducing a pledge system to bring government, business and the community together to achieve the collective goal.

The Victorian Government has set a target of net zero greenhouse gas emissions by 2050 and is calling on all Victorians to take action and help achieve this goal.

The *2015 Independent Review of the Climate Change Act 2010* recommended this action. In response, the government will enshrine targets in legislation. Government decision makers will also be required to consider climate change as part of policy development.

Working together, with practical action from communities, businesses and governments we can get there. Innovation by business will help develop industries for the future, and create demand for new jobs and skills to support Victoria's move to a low carbon economy.

The TAKE2 collective pledge initiative is a key part of the government's action on climate change.

"Victoria is once again leading the nation when it comes to tackling climate change."

– Premier of Victoria, Daniel Andrews

TAKE2 encourages all Victorians – governments, businesses and communities – to play a role in reducing Victoria's emissions and contributing to the global climate change movement.

TAKE2 gives businesses and organisations already taking significant action on climate change the opportunity to showcase and build upon their work-to-date, while inspiring and enabling others to make their own contributions to emissions reductions.

If we all TAKE 2 together – we can preserve our unique environment, our vibrant communities and build a strong, low-emissions state.

PLEDGE TO TAKE2

TAKE2 is Victoria's collective climate change pledge initiative to reach net zero greenhouse gas emissions by 2050.

The Victorian Government is committed to playing its part in keeping the global temperature rise to under two degrees.

TAKE2 enables all Victorians - businesses, local councils, community and educational organisations, and individuals - to be part of Victoria's action on climate change, and contribute to the first Victorian state-wide interim emissions reduction target for 2020.

We are calling on all Victorians to TAKE2 steps:

1 Right now

Take the universal pledge:
Working together, we pledge to play our part and take action on climate change for Victoria, our country and our planet by signing up via www.take2.vic.gov.au

2 Share your pledge

Share the actions you are taking to help meet Victoria's universal pledge.

TAKE2

Sustainability Victoria

BE A PART OF TAKE2

TAKE2 will recognise and showcase the leadership being shown by Victorian companies, local governments and community organisations who are already taking action every day. For business and councils, this could include current and existing pledges and commitments to other international pledge programs.

- Be part of the first state government-led voluntary climate change pledging initiative in Australia, and one of the most comprehensive climate change pledging programs in the world.
- Drive innovation and new technologies to address climate change.
- Showcase how you are making a difference and inspire others to do the same.
- Be part of Victoria's first state-wide interim target by 2020.

'Companies with the highest sustainability have, on average, a return on investment 11 percentage points greater than companies with only average sustainability. The trend is similar for net income.'

(Barnett & Salomon 2012, Does it pay to be really good? Addressing the shape of the relationship between social and financial performance, Strategic Management Journal, 33: 1304–1320).

TAKE2

4

Sustainability Victoria

THANK YOU

Sustainability Victoria has garnered support from many organisations to make their climate change pledge and become founding partners of the TAKE2 program.

Support from founding partner organisations will be instrumental in the success of the TAKE2 Program. We welcome your involvement and look forward to working with your organisation.

TAKE2

5

Sustainability Victoria

VICTORIA

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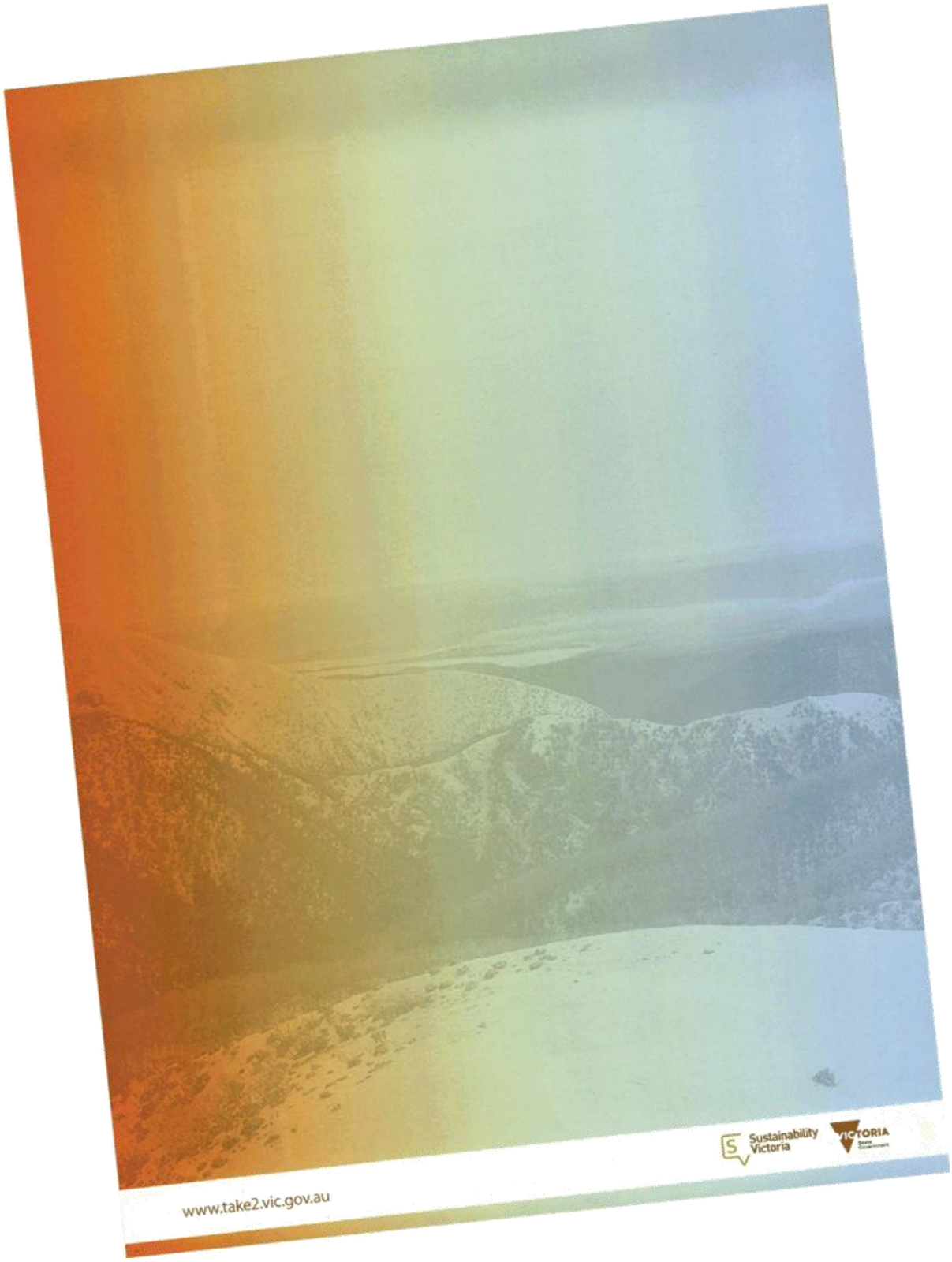
www.take2.vic.gov.au
Sustainability Victoria
VICTORIA

9.20 Act for the Future - Directions for a new Local Government Act: Council Submission

File No: FOL/16/130

Author: Manager Legislative Services & Support

Directorate: Corporate & Community Services

Ward: Municipal

Purpose

This report has been prepared in response to the release of the Local Government Act Review Directions Paper and seeks endorsement of Council's response submission to the Directions Paper.

Executive Summary

- Council officers lodged a joint Western & North-Western Region Councils preliminary submission in December 2015 in response to the Ministers review of the Local Government Act 1989.
- On 10 June 2016, the Minister for Local Government released a Directions Paper and invited Councils and their communities to have their say on proposed reforms.

Recommendation

That Council:

1. Endorse the Submission to the Local Government Act Review Advisory Committee in response to the Local Government Act Review Directions Paper (provided as **Appendix A** – separately circulated).
2. Submit its Response Submission via the online submission form no later than 16 September 2016.

Background

In 2015, the Minister for Local Government commenced a comprehensive review of the Local Government Act 1989 and Regulations, the first comprehensive review in 25 years.

The Local Government Act Review Directions Paper, Act for the Future - Directions for a new Local Government Act outlines the key reforms proposed to develop the legislative framework for Victorian local government for the future.

Discussion

In November 2015, Council officers participated in a Local Government Act Review Issues Workshop with the Western & North-Western Region Councils. The workshop discussed and identified high level issues concerning the current Local Government Act and facilitated some good thinking and ideas for the future of this Act.

Subsequently, Moonee Valley and other western region Councils engaged Maddocks to help formalise a Joint Submission to address many of the specific and thematic questions raised in the State Government's review of the Local Government Act.

On 10 June 2016, and as a result of initial submissions, the Minister for Local Government released a Directions Paper as part of the review and invited Councils and their communities to have their say on proposed reforms and contribute ideas for a contemporary, clear and comprehensive Local Government Act which supports Councils as they meet future challenges and better serves a new generation of Victorians.

The Directions paper consists of 157 proposals including:

- Extending mayoral terms to two years, strengthening their powers and providing the option of direct election.
- Making Council electoral structures, the number of Councillors and wards more consistent.
- Putting communities at the center of shaping Council plans by requiring Councils to undertake deliberative community engagement.
- Remove the requirement for non-resident property owners to be voters.
- Making voting rules consistent and providing the option for electronic voting for Council elections in 2020.
- Giving stronger powers to the Minister for Local Government to deal with individual Councillors who compromise Council governance.
- Improving transparency of CEO pay, recruitment, conditions and performance.
- Creating a single consistent land valuation system for levying rates.

Council now has an opportunity to make a submission to the Directions Paper which must be received by Local Government Act Review Advisory Committee no later than 16 September 2016.

As such, Council officers have prepared a submission (provided as **Appendix A** – separately circulated) that is considered to best meet the needs of Council and its community. Whilst timelines have not made it easy for Council to obtain community input into Council's submission, it is anticipated that the tabling of this report and Council's submission will inform the community of Council's position.

Consultation

Councillors have been consulted in the preparation of Council's submission.

Implications

1. Legislative

In presenting this report to Council, Council is achieving its strategic objective of a dynamic, effective and accountable organisation through excellence in governance.

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to Create a high performance organisation in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

3. Financial

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

4. Environmental

There are no environmental implications relating to this report.

Conclusion

In responding to the Local Government Act Review Directions Paper, Council officers have prepared a response submission that is considered to best meet the needs of Council and its community.

Appendices

Appendix A: Local Government Act Review Directions Paper Submission Template (separately circulated).

9.21 Annual Review of the Domestic Animal Management Plan 2013-2017

File No: FOL/16/130

Author: Coordinator Legislative Services

Directorate: Corporate & Community Services

Ward: Municipal

Purpose

The purpose of this report is to provide Council with its annual review of the Domestic Animal Management Plan 2013 – 2017.

Executive Summary

- In accordance with Section 68A (3), Council must review its Domestic Animal Management Plan ('the Plan") on an annual basis, and if appropriate, amend the Plan accordingly.
- At its Meeting held 28 May 2013, Council adopted its current Plan and resolved to receive an annual progress report on the initiatives identified in the Plan.

Recommendation

That Council:

1. Receive and note the Annual Review of the Domestic Animal Management Plan 2013-2017.
2. Note that no amendments are required to the Domestic Animal Management Plan 2013-2017.

Background

The primary focus of the Plan is the management of companion animals, namely dogs and cats, their owners and the concerns of the wider community while addressing a range of legislative issues relating to animal management within Moonee Valley.

It is well understood that animal management entails more than just the collection of animals. Animal management officers play an important role in promoting responsible pet ownership throughout the municipality and to help promote a positive environment for domestic animals.

Discussion

Council's Domestic Animal Management Plan is designed to improve the provision of animal management services by maintaining the traditional Local Government role while responding to new and emerging animal management issues.

As such, identified in the plan are eight objectives with associated actions and timelines for initiatives to be implemented. The objectives are:

1. Officer Training and Development: Ensure that all staff involved in animal management has the knowledge and skills necessary to effectively carry out their work.
2. Identification and Registration: Ensure that Council is promoting and encouraging the registration and identification of domestic animals.
3. Encouraging Responsible Pet Ownership: Ensure that Council is minimising the incidents of nuisances involving domestic animals.
4. Dog Attacks: Ensure that Council is minimising the risk of attacks by dogs on individuals and other animals.
5. Dangerous, Menacing and Restricted Breed Dogs: Ensure that Council has strategies, programs and services to identify and ensure compliance by dangerous, menacing and restricted breed dogs.
6. Overpopulation and High Euthanasia: Ensure that Council has strategies, programs and services to address any animal over-population and high euthanasia rates for dogs and cats.
7. Domestic Animal Businesses: Ensure that Council has strategies, programs and services to address any domestic animal businesses.
8. Annual Review of Plan and Annual Reporting: Ensure that Council reviews its DAM plan on an annual basis and provides appropriate reporting in its Annual Report.

Provided as **Appendix A** is a review of each of these objectives and the progress made on any matters that are ongoing or outstanding throughout the year.

These objectives provide a platform which fosters responsible pet ownership, whilst contributing to service delivery improvements for the Community.

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

Section 68A of the Domestic Animals Act 1994 requires all Councils to prepare a 4 yearly Domestic Animal Management Plan together with undertaking an annual review of this plan, and if appropriate, amend the plan as required.

Additionally, there are no Human Rights implications that emanate from 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

There are no financial implications associated with this report.

4. Environmental

There are no environmental impacts associated with this report.

Conclusion

Council is commissioned with the responsibility of ensuring responsible pet ownership for the municipality. It is important that sound policies and procedures are in place that support and assist the Community in fulfilling their obligations as pet owners.

Appendices

Appendix A: DAM Plan Report - Actions Completed 2015-2016.

1 OFFICER TRAINING AND DEVELOPMENT

Objective: to ensure that all staff involved in animal management has the knowledge and skills necessary to effectively carry out their work.

1.4 Offer at least 2 opportunities for additional internal training each year.

Activity	When	Evaluation
Identify additional training opportunities e.g. Prosecutions training, conflict management, communication/education techniques.	Annually	The following training opportunities were provided to Councils Local Laws and Animal Management Officers: • First Aid Level 2 • Animal Handling Training • Business Writing • Constructive Conversations with Customers & Colleagues • Managing Aggressive Customers – Level 2 (Advanced) • Security Awareness Training • Computer & Smart Phone Training

2 IDENTIFICATION AND REGISTRATION

Objective: to ensure that Council is promoting and encouraging the registration and identification of domestic animals.

2.1 Update the council registration database by cross-referencing with pet shop dog and cat sales notification data.

Activity	When	Evaluation
Check the registration details of all notifications of dogs and cats sold at pet shops and follow up those that aren't registered	Quarterly	410 notifications were received for the 15/16 year. 30% were registered after receiving a responsible pet ownership welcome pack. 70% required follow up and action by AMOs.

2.2 Increase dog and cat registration numbers each year.

Activity	When	Evaluation
Targeted door knocking of non-renewed pets each year.	No later than July annually	1407 non-renewed registrations 1178 SMS messages sent to those residents who did not renew their registrations. 915 door knocks to be undertaken in July 2016

2.3 Monitor and regulate excess animal permits.

Activity	When	Evaluation
Maintain a database of all excess animal permits issued	Annually	74 Renewal Notices issued 30 Reminder Notices 71 Permits issued

2.4 Conduct a feasibility study on the merits of lifetime tags.

Activity	When	Evaluation
Investigate the merits or otherwise of introducing lifetime tags for dogs and cats.	October 2014	**In Progress** Council was scheduled to implement life time tags for the 2016/17 registration year, however due to difficulties with a supplier, this could not proceed. A new supplier of tags has been sourced and will be used for the 2017/2018, registration year where lifetime tags will be introduced for all new registrations.

3 ENCOURAGING RESPONSIBLE PET OWNERSHIP

Objective: to ensure that Council is minimising the incidents of nuisances involving domestic animals

3.1 Improve and update information regarding nuisance issues.

Activity	When	Evaluation
Encourage residents to report animal nuisances (including feral strays) to enable Council to assist in resolving complaints and improve the general amenity	Ongoing	AMOs have participated in several information sessions where they addressed community members about nuisance matters relating to nuisance & barking dogs, trespassing cats, wild cats and dogs. Council has also information pamphlets that are readily available to the community, these pamphlets are located at Citizen Services.

		This year 11 Cat Trespassing & 13 Cat Curfew complaints were received. Further to this, 25 Cages were loaned to residents & 37 cats were trapped.
Review Council website and social media for effective ways of connecting with animal owners.	Bi-annually	Online Registration categories were updated to allow for Transfer of Registrations to be done online. 88 Transfers of Registration were completed online this year. This year, Council has put up 99 posts relating to lost pets on its Lost Pets Facebook page. Further to this, 2199 posts were shared and the page received another 614 likes.

4 DOG ATTACKS

Objective: to ensure that Council is minimising the risk of attacks by dogs on individuals and other animals.

4.1 Improve awareness of safety around dogs to help minimise number of dog attacks

Activity	When	Evaluation
Targeted education campaigns in areas where high number of dog attacks have been recorded.	Ongoing	Council sent 5,985 letters in February 2016 to registered pet owners in Essendon, Moonee Ponds, Avondale Heights and Flemington. These suburbs have recorded the highest number of dog attacks. The letter outlined the responsibilities of dog owners and suggested actions/safety measures to be taken, if involved in a dog attack incident.

		53 Dog Attack incidents were reported for the year.

5 DANGEROUS, MENACING AND RESTRICTED BREED DOGS

Objective: to ensure that Council has strategies, programs and services to identify and ensure compliance by dangerous, menacing and restricted breed dogs.

5.1 Ensure owners of declared dogs comply with relevant legislation and Regulations.

Activity	When	Evaluation
Undertake annual property inspections of declared dogs	Annually	5 Declared Dangerous Dogs inspections conducted 1 Restricted Breed Dog inspection conducted (American Pit Bull Terrier).

5.2 Investigate and identify suspected unregistered Restricted Breed Dogs

Activity	When	Evaluation
Conduct regular audit on identified incorrectly registered dogs, unregistered restricted, dangerous and menacing breed dogs	Annually	17 Inspections undertaken as a result of online registrations of similar breed dogs to that of a Restricted Breed Dog to verify breed (American Pit Bull Terrier). As a result, no Restricted Breed Dogs were detected.

6 OVERPOPULATION AND HIGH EUTHANASIA

Objective: to ensure that Council has strategies, programs and services to address any over-population and high euthanasia rates for dogs and cats

6.1 Promote de-sexing of animals

Activity	When	Evaluation
Promotion of AVA/MAV de-sexing voucher scheme.	On-going	54 De-sexing Vouchers issued Vouchers available from Council locations and in conjunction with local Veterinarians

6.2 Promote adoption of stray and unwanted pets

Activity	When	Evaluation
Promote the adoption programs of the Cat protection Society, LDH and the RSPCA	On-going	The Lost Dogs Home, 'Share the Warmth Campaign' and 'Pets for Xmas Campaign' were promoted by Council using social media. Between July 2015 and June 2016 there have been 410 pets adopted by MV residents. There has been a 19.2% increase in the number of adoptions by residents, compared to last financial year.

		201 of 410 adoption notifications received, were from the Lost Dogs Home/Cat Protection Society and the RSPCA.

6.3 Promote reduction in euthanasia rates

Activity	When	Evaluation
Council to continue to seek a reduction of euthanasia rates with the Lost Dogs Home	On-going	Council has been working with the Lost Dogs Home to identify ways to reduce euthanasia rates. This has included the introduction of a more comprehensive behaviour assessment and training regime, to identify animals suitable for rehabilitation and adoption. Further to this, The Lost Dogs Home has also recently introduced a mobile de-sexing service which has been operating in areas with high cat populations including Flemington. The introduction of these measures has resulted in the following reductions in Euthanasia rates, when compared with the previous year: • 12% decrease in the overall number of animals euthanised; • 3% decrease in the number of dogs euthanised; • 19% decrease in the number of cats euthanised; • 18% decrease in the number of kittens euthanised.

7 DOMESTIC ANIMAL BUSINESSES

Objective: to ensure that Council has strategies, programs and services to address any domestic animal businesses.

7.1 Identify and register all Domestic Animal Businesses in the municipality

Activity	When	Evaluation
Identify and inspect all businesses that should be registered DABs in the municipality.	Bi-annual	2 Suspected Domestic Animal Businesses inspected. 1 found to be operating without a permit. This business was formally inspected and a permit was subsequently issued.

9.22 Council Plan 2013-17 Year 3 Progress Report

File No: FOL/16/130
Author: Coordinator Corporate Planning
Directorate: Planning & Development
Ward: Municipal

Purpose

To provide Council with an annual update on progress towards achieving the Council Plan 2013-17.

Executive Summary

- The Council Plan establishes Council's commitment towards achieving five themes over its four-year term.
- The key projects delivered under the Council Plan for 2015/16 are presented at **Appendix A**.
- Council has made steady progress to deliver the Council Plan 2013-17 and support improved outcomes for the Moonee Valley community.

Recommendation

That Council receive and note the Council Plan 2013-17 Year 3 Progress Report.

Background

- The Council Plan 2013-17 was adopted by Council on 25 June 2013 and came into effect on 1 July 2013. The Council Plan was developed in line with the Community Vision: Moonee Valley Next Generation 2035.
- The five themes of the Council Plan are Friendly and Safe; Green, Clean and Beautiful; Sustainable Living; Vibrant and Diverse; and Excellence in Governance.
- The 2013-17 Council Plan themes are delivered via 23 strategic objectives Council is committed to deliver over the term of the Council Plan.

Discussion

<u>Theme 1 – Friendly and Safe</u>

Strategic indicators show steady progress to improving outcomes for the community, including consistent results for adequate exercise, satisfaction rating of 'sense of community', community perception of safety, and above metropolitan average satisfaction in family, elderly and disadvantaged support services. Significant achievements included the following:

- Supported a healthy Moonee Valley community focusing on healthy workplaces, youth mental health, and variety of exercise opportunities for all

- Partnered with Victoria Police to support community safety and supported community action networks to reduce domestic violence
- Established a Healthy Ageing Reference Group to ensure the community have input into planning for seniors services
- Developed the aged friendly streetscape planning guidelines to support safe and accessible travel for those with reduced mobility
- Awarded a total of 57 biannual grants and 44 responsive grants to strengthen capacity of local community organisations.

Theme 2 – Green, Clean and Beautiful

Strategic indicators show some decline in community satisfaction for delivering attractive parks and gardens, quality and diversity of open space and maintenance of local infrastructure. There has been an increase in community satisfaction of local roads and footpaths. There has been a slight decrease in kerbside waste diversion. Significant achievements included the following:

- Conducted investigations into waterways health, including through Moonee Ponds Creek Master Plan and passive irrigation for street trees and reviewed flood mitigation strategies for Cross Keys Master Plan, Airport West Green Spine and Rosehill Park Master Plan
- Implemented the Urban Ecology Strategy to protect and enhance existing native vegetation
- Planted 15,000 trees in Moonee Valley as part of the Greening the West initiative.
- Undertook design and implementation for the upgrade of five neighbourhood parks and upgraded nine playspaces
- Progressed Council's Capital Works Program to improve or renew community infrastructure
- Developed the Long Term Community Facilities Strategy and completed 80% of infrastructure profiles.

Theme 3 – Sustainable Living

Strategic indicators indicated slower progress than anticipated in completing and implementing activity centre strategies within the Moonee Valley Planning Scheme, lower than inner metropolitan satisfaction with traffic management and parking, 100% of relevant planning applications incorporating environmentally sustainable design, and consistent satisfaction with appearance of public areas. Significant achievements included the following:

- Council adopted the Essendon Junction Structure Plan, and developed Heritage Guidelines and Local Planning Policy and the Stage 2 Heritage Study 2016
- Worked with State Government on major developments and transport projects including Flemington Life, public transport connectivity and participated in relevant committees and advisory committees to represent Moonee Valley residents

- Council developed designs to extend principal bicycle network in Avondale Heights and installed bicycle repair stations and bicycle parking facilities
- Public art program was piloted at Mt Alexander Road with six art works displayed.

Theme 4 – Vibrant and Diverse

Strategic indicators show: the Moonee Valley economy grew by 7.21%; consistent satisfaction with range of activities and events for the community; and people who value living in Moonee Valley because of its multiculturalism. Contributing to Council delivering a vibrant and diverse community, Council partnered with the community to encourage retrofit programs to reduce our carbon footprint. Significant achievements included the following:

- Supported local businesses through research into the Service Centre industry in Moonee Valley to inform targeted marketing, online blogging and marketing and providing training and networking opportunities
- Commenced refurbishment works to improve the facilities at Ascot Vale Leisure Centre, and conducted a feasibility study for East Keilor Leisure Centre
- Delivered a range of learning programs at libraries, Incinerator Gallery and community centres
- Exhibited art work of 147 artists at the Incinerator Gallery, and hosted 380 performances, functions or events at Clocktower Centre
- Launched a solar bulk buy program in partnership with independent energy experts to support community to buy subsidised solar systems, and provided free gardening workshops and online sustainability resources.

Theme 5 – Excellence in Governance

Strategic indicators show: a strong underlying financial surplus; above inner metropolitan satisfaction with overall performance; community consultation and engagement; lower than inner metropolitan satisfaction with customer service and this year, 24% of Council's emissions have been offset. Significant achievements included the following:

- Council is debt free as of 30 June 2016
- Council continued to progress work with a range of Community Advisory Committees to engage and communicate with a select group of community representatives on issues requiring further discussion and community involvement. Councillors were appointed to nine external bodies and over 35 advisory committees
- Council developed risk management framework and guidelines to support identification, assessment and treatment of risks across the organisation
- Council developed 10 year service plans for each area of the business to support long term planning for the city
- Council upgraded 6,000 city lights to reduce greenhouse gas emissions

- Council reduced greenhouse emissions of its operations through installing solar systems and 630 panels, draught proofing buildings and purchasing carbon offsets.

Consultation

The nature of this report does not require consultation; consultation was undertaken in preparation of the Council Plan originally.

Implications

1. Legislative

This report is to supports Council transparency and accountability to deliver on the Council Plan under section 125 and 131 of the *Local Government Act 1989*.

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its strategic objective to Create a high performance organisation in accordance with Council Plan 2013-2017 Theme 5: Excellence in governance Dynamic, effective and accountable.

3. Financial

There are no financial implications associated with this report. Any material financial implications will be reported to Council separately as part of an individual projects report.

4. Environmental

There are no environmental implications associated with this report.

Conclusion

Council has made steady progress towards achieving the Council Plan 2013-17.

Officers look forward to closing out the Council Plan at the end of 2016/17.

Appendices

Appendix A: Council Plan 2013-17 Yr 3 Progress Updates - Strategic Indicators (separately circulated).

9.23 2015/16 Annual Financial Report

File No: FOL/16/130
Author: Acting Manager Finance
Directorate: Corporate & Community Services
Ward: Municipal

Executive Summary

This report presents Council's 2015/16 Annual Financial Report (refer **Appendix A** – separately circulated), consisting of the Financial Statements and Notes, for adoption in principle.

Recommendation

That Council:

1. Notes the recommendation of the Audit Committee.
2. Adopts in principle the 2015/16 Annual Financial report.
3. Nominate and authorise Councillor …….. and Councillor …….. to certify, on behalf of Council, the Annual Financial Report, in the final form.

Background

The Victorian Auditor-General's Office has completed the external audit of the 2015/16 Annual Financial Report.

The Annual Financial Report consisting of the Financial Statements and Notes (refer **Appendix A** – separately circulated), has been prepared in accordance with relevant legislation, applicable Australian Accounting Standards and other related accounting guidelines.

The Audit Committee at its meeting held Monday 15 August 2016, in accordance with Section 137 of the *Local Government Act 1989*, having reviewed the Annual Financial Report consisting of the Financial Statements and Notes, recommended that Council adopt the 2015/16 Annual Financial Report on an "in principle" basis and submit them to the Victorian Auditor-General for final audit.

In accordance to Section 131(8) of the *Local Government Act 1989*, the completed Annual Financial Report is to be signed by the Principal Accounting Officer and authorised by two Councillors having regard to the recommendations, if any, from the Victorian Auditor-General.

The Victorian Auditor-General's certification is anticipated in September 2016.

Discussion

The Annual Financial Report is prepared strictly in accordance with the applicable Australian Accounting Standards which includes the Australian equivalent to

International Financial Reporting Standards (AIFRS). These Standards require the preparation of five mandatory statements. These statements include:

- "Comprehensive Income Statement" (Operating – Accrual Statement). This comprises non-cash items such as depreciation and cost of goods (assets) sold, and excludes Capital Expenditure and Transfers to and from Other Reserves.
- "Balance Sheet" which lists Council's assets and liabilities. It indicates the overall financial position of Council.
- "Statement of Changes in Equity". This indicates movements in Council's Reserve Funds.
- "Statement of Cash Flows". This indicates all cash expended and received for all activities during the financial year.
- "Statement of Capital Works" which details Councils capital works expenditure for the financial year. It sets out the expenditure on creating or buying property, infrastructure, plant and equipment by each category of asset**.**

For the 2015/16 financial year, Council is also required to prepare two "Budget Comparison Notes" with variance explanations to the 2015/16 Annual Budget. These being:

1. Income and expenditure
2. Capital Works

The following analysis of the 2015/16 Annual Financial Report is at a macro level, which reflects the nature of the Report's disclosures. It is not designed nor intended to be used as a Management report that provides details of programs, or resultant variances. No analysis has been provided for the Statement of Changes in Equity.

1. Income Statement

   The operating result represents the accrual accounting treatments, which includes the non-cash items of depreciation and cost of goods (assets) sold, but excludes expenditure on Capital items, loan proceeds and loan principal repayments and transfers to and from other reserves.

   As at 30 June 2016, Council reported a net surplus position of $13.82 million, compared to a Budgeted Operating result of $9.13 million. The surplus is primarily due to an increase in monetary contributions received of $3.37 million and user fees of $0.55 million above budget, higher than budgeted interest earned on cash holdings $0.43 million and the receipt of unbudgeted non-monetary contributions $3.87 million in the form of infrastructure assets. In addition employee costs were $0.59 million below budget. Materials and services expenditure were $5.78 million unfavourable due to expenditure budgeted for as part of the capital program treated as operational in nature.

2. Balance Sheet

   Council's Balance Sheet indicates that Council's overall financial position and its cash and liquidity position is sound and within acceptable financial parameters.

Council's cash position as at 30 June 2016 was represented by cash on hand and investments of $44.79 million. This represents an increase in cash holdings of $4.37 million during the 2015/16 financial year, primarily the result of delays in the capital works program. These programs will be carried over into the 2016/17 financial year.

The value of Council's property, infrastructure, plant and equipment non-current assets as at 30 June 2016 is $1.421 billion, an increase of $176.52 million from 30 June 2015, as a result of the revaluation of Council's land and buildings and off street car park assets, acquisition of assets as part of Council's capital works program and the contribution of non-monetary assets at balance date.

Trade payables brought to account were $10.99 million, an increase of $1.29 million on the June 2015 level. The increase is primarily due to the volume of outstanding invoices processed for payment as at the 30 June 2016.

Council's end-of-year working capital ratio is 2:1 which exceeds the target ratio of 1.73:1 due primarily to an increase in cash holdings and trade and other receivables and a reduction in interest bearing loans and borrowings. This ratio is used to assess Council's ability to meet current commitments and is derived by dividing current assets by current liabilities.

3. Cash Flow Statement

   Cash flow is favourable primarily due to under expenditure in capital works as a result of a number of projects carried forward to 2016-2017, open space developer contributions $2.41 million and user fees of $0.55 million above budget and higher than budgeted interest earned on cash holdings $0.43 million. In addition employee costs were $1.25 million below budget. These favourable variances are partly offset by an increase in materials and services expenditure of $4.71 million above budget due to expenditure budgeted for as part of the capital program treated as operational in nature.

4. Statement of Capital Works

   Capital expenditure for the year ended 30 June 2016 was $12.41 million below budget. Projects totalling $5.03 million will be carried forward into the 2016/17 financial year. In addition, expenditure identified as operational in nature within a number of programs was reclassified as operating expenses, $5.30 million.

Conclusion

The Annual Financial Report indicates that Council's overall financial position is sound for the financial year ended 30 June 2016.

Appendices

Appendix A: Annual Financial Report 2016 (separately circulated).

9.24 Performance Statement 2015/16 and Governance and Management Checklist - Adoption in Principle by Council

File No: FOL/16/130

Author: Coordinator Corporate Planning

Directorate: Organisational Performance

Executive Summary

This report presents Council's Performance Statement 2015/16 and Governance and Management Checklist 2015/16 for review and recommendation to Council to adopt, in principle, before Council forwards the Statement to the Victorian Auditor-General for final audit approval.

Recommendation

That the Audit Committee:

1. Having reviewed the Performance Statement and conducted reasonable enquiries of Council Officers and the Victorian Auditor-General, recommends that Council adopt, in principle, the Performance Statement 2015/16 and forward the Statement to the Victorian Auditor-General for final audit and approval.
2. Having reviewed the Governance and Management Checklist, recommends that Council adopt, in principle, the Governance and Management Checklist 2015/16.

Background

Under Section 131 of the *Local Government Act 1989* the Annual Budget 2015/16 included a list of prescribed indicators of sustainable capacity, service performance, financial indicators required by regulations to be reported against in the performance statement. The Performance Statement represents an independent certification of Council's results against the prescribed indicators. In addition section 131 requires Council to report on Council's assessment against the prescribed governance and management checklist for 2015/16.

Discussion

This is the second year of operation of the Local Government Performance Reporting Framework (LGPRF). All data was collected according to the *Local Government Act 1989* and *Local Government (Planning and Reporting) Regulations 2014.* Overall, Council achieved similar results to 2015.

<u>Sustainable Capacity Indicators:</u>

- Council's own source revenue is consistent with other similar councils.
- Council has a low level of grants based on the Local Government Victoria expected range ($100 - $2,000).

Service Performance Indicators:

- Council received results consistent with last year's community satisfaction survey in the areas of making decisions in the interest of the community and sealed local roads.
- Council had more VCAT hearings, and a proportionate number of wins at VCAT this year.
- Council prosecuted a fewer number of serious dog attacks this year.
- Council had similar results compared with last year in the areas of participation in the library service, waste diversion, utilisation of aquatic facilities, following up critical and major food safety notifications, and participation in the home and community care (HACC) service.
- Council is unable to report on the maternal and child health service (MCH) measures due to unavailability of data from the State Government database.

Financial Indicators:

- Council paid off all its loans and borrowings and is debt free as at 30 June 2016.
- The unrestricted cash balance is lower this year due to the transfer of $4 million to the open space reserve.
- Non-current liabilities are higher in 2017 due to borrowings to build four sporting pavilions.
- Asset renewal expenses are higher in 2017 due to a larger capital works program.
- The average Council rate fee is approximately $1,480 per household, on par with the inner metropolitan region in 2015.

Governance and Management Checklist:

- The governance and management checklist includes legislative requirements and best practice items.
- Council has in place all legislatively required governance and management items.
- Of the 24 governance and management items, there are three best practice items Council does not have in place in 2015/16. This includes 10 year asset management plans, and bi-annual reporting on the council plan and local government performance reporting framework.
- Council has in place four year asset management plans and will progress to 10 year asset management plans in 2018 in line with the updated Local Government Act.
- Council is currently reviewing its council plan performance reporting frameworks, and will transition to bi-annual reporting on the council plan and local government performance reporting framework in 2016/17.

In 2015 Council performed consistently with similar councils in the inner metropolitan region. Council will assess the 2016 results when they become available in October 2016.

Subject to Council adopting the recommendations in this Report, the Performance Statement will be forwarded to the Victorian Auditor-General for certification. It is also a statutory requirement for Council to include the Performance Statement and Governance and Management Checklist in the Annual Report 2015/16.

Conclusion

The Chief Executive and two Councillors are required to sign the Performance Statement – refer **Appendix A** (separately circulated). It is recommended that the Audit Committee recommend Council adopt, in principle, the Performance Statement shown as **Appendix A** (separately circulated).

The Chief Executive and one Councillor are required to sign the Governance and Management Checklist – refer **Appendix B**. It is recommended that the Audit Committee recommend Council adopt, in principle, the Governance and Management Checklist shown as **Appendix B**.

Appendices

Appendix A: MVCC Performance Statement 2015/16
Appendix B: MVCC Governance and Management Checklist 2015/16.

Performance Statement

For the year ended 30 June 2016

Description of municipality

The City of Moonee Valley is situated to the north-west of Melbourne's CBD and is in the inner metropolitan region of Melbourne. It includes the suburbs of Flemington, Travancore, Ascot Vale, Moonee Ponds, Aberfeldie, Niddrie, Essendon West, Essendon, Essendon North, Avondale Heights, Keilor East, Strathmore, Strathmore Heights, Airport West and the locality known as Essendon Fields. The municipality is ideally situated between the Melbourne CBD and the Melbourne Airport.

Moonee Valley is a diverse, primarily established, residential municipality. Complementing its residential areas is an eclectic mix of retail strips and centres, combined with offices, some industrial areas and Essendon Airport. The main industries include manufacturing, rental, hiring and real estate services, construction, transport, postal and warehousing and the retail trade. Moonee Valley is an attractive destination to do business, with around 10,270 businesses, the majority of which are small, with more than 85 per cent employing less than five employees.

The Council covers 43 square kilometres and has a population of approximately 119,600 people which is expected to grow by 30,000 people to 149,000 by 2036 (an average of 1,500 people per annum).

Sustainable Capacity Indicators

For the year ended 30 June 2016

INDICATOR/MEASURE	RESULTS		MATERIAL VARIATIONS
	2015	2016	
a) Own-source revenue *Own-source revenue per head of municipal population* a) [Own-source revenue / Municipal population]	**$1,030**	**$1,069**	No material variation
b) Recurrent grants *Recurrent grants per head of municipal population* b) [Recurrent grants / Municipal population]	**$140**	**$111**	No material variation
c) Population *Expenses per head of municipal population* c) [Total expenses /	**$1,094**	**$1,161**	No material variation

INDICATOR/MEASURE	RESULTS		MATERIAL VARIATIONS
	2015	2016	
Municipal population]			
d) Infrastructure per head of municipal population d) [Value of infrastructure / Municipal population]	**$4,226**	**$4,347**	No material variation
Population density per length of road e) [Municipal population / Kilometres of local roads]	**250**	**255**	No material variation
e) Disadvantage *Relative socio-economic disadvantage* f) [Index of Relative Socio-economic Disadvantage by decile]	**8**	**8**	No material variation

Definitions

"adjusted underlying revenue" means total income other than —

a) non-recurrent grants used to fund capital expenditure; and
b) non-monetary asset contributions; and
c) contributions to fund capital expenditure from sources other than those referred to in paragraphs (a) and (b)

"infrastructure" means non-current property, plant and equipment excluding land

"local road" means a sealed or unsealed road for which the council is the responsible road authority under the Road Management Act

"population" means the resident population estimated by council

"own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants)

"relative socio-economic disadvantage", in relation to a municipality, means the relative socio-economic disadvantage, expressed as a decile for the relevant financial year, of the area in which the municipality is located according to the Index of Relative Socio-Economic Disadvantage (Catalogue Number 2033.0.55.001) of SEIFA

"SEIFA" means the Socio-Economic Indexes for Areas published from time to time by the Australian Bureau of Statistics on its Internet website

"unrestricted cash" means all cash and cash equivalents other than restricted cash.

Service Performance Indicators

For the year ended 30 June 2016

SERVICE/INDICATOR/MEASURE	RESULTS		MATERIAL VARIATIONS
	2015	2016	
Governance (Measure 5) **Satisfaction** *Satisfaction with council decisions* [Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]	**59**	**63**	No material variation
Statutory Planning (Measure 9) **Decision-making** *Council planning decisions upheld at VCAT* [Number of VCAT decisions that did not set aside council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x 100	**54%**	**62%**	Council had more VCAT hearings, and a proportionate number of wins in 2015/16.
Roads (Measure 18) **Satisfaction** *Satisfaction with sealed local roads* [Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]	**67**	**68**	No material variation
Libraries (Measure 22) **Participation** *Active library members* [Number of active library members / Municipal population] x 100	**18%**	**18%**	The 2015/16 figure now includes library members who have borrowed e-books.
Waste Collection (Measure 27) **Waste diversion** *Kerbside collection waste diverted from landfill* [Weight of recyclables and green organics collected from kerbside bin / Weight of garbage, recyclables and green organics collected from kerbside bins] x 100	**44%**	**43.5%**	No material variation

SERVICE/INDICATOR/MEASURE	RESULTS		MATERIAL VARIATIONS
	2015	2016	
Aquatic facilities (Measure 33) **Utilisation** *Utilisation of aquatic facilities* [Number of visits to aquatic facilities / Municipal population]	**6**	**6**	No material variation
Animal management (Measure 37) **Health and safety** *Animal management prosecutions* [Number of successful animal management prosecutions]	**9**	**4**	Council had a smaller number of serious dog attacks in 2015/16.
Food safety (Measure 41) **Health and safety** *Critical and major non-compliance notifications* [Number of critical non-compliance notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance notifications and major non-compliance notifications about food premises] x 100	**100%**	**96%**	Council received two notifications for the year that were unable to be followed up due to the businesses closing.
Home and community care (Measure 47 & 48) **Participation** *Participation in HACC service* [Number of people that received a HACC service / Municipal target population for HACC services] x 100	**18%**	**18%**	No material variation
Participation *Participation in HACC service by CALD people* [Number of CALD people who receive a HACC service / Municipal target population in relation to CALD people for HACC services] x 100	**16%**	**16%**	No material variation
Maternal and child health (Measure 52 & 53) **Participation**	**82%**	**0**	Information not available at the time of reporting.

SERVICE/INDICATOR/MEASURE	RESULTS		MATERIAL VARIATIONS
	2015	2016	
Participation in MCH service [Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x 100			
Participation *Participation in MCH service by Aboriginal children* [Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x 100	**74%**	**0**	Information not available at the time of reporting.

Definitions

"Aboriginal child" means a child who is an Aboriginal person

"Aboriginal person" has the same meaning as in the *Aboriginal Heritage Act 2006*

"active library member" means a member of a library who has borrowed a book from the library

"annual report" means an annual report prepared by a council under sections 131, 132 and 133 of the Act

"class 1 food premises" means food premises, within the meaning of the Food Act, that have been declared as class 1 food premises under section 19C of that Act

"class 2 food premises" means food premises, within the meaning of the Food Act, that have been declared as class 2 food premises under section 19C of that Act

"Community Care Common Standards" means the Community Care Common Standards for the delivery of HACC services, published from time to time by the Commonwealth

"critical non-compliance outcome notification" means a notification received by council under section 19N(3) or

(4) of the Food Act, or advice given to council by an authorized officer under that Act, of a deficiency that poses an immediate serious threat to public health

"food premises" has the same meaning as in the Food Act

"HACC program" means the Home and Community Care program established under the Agreement entered into for the purpose of the *Home and Community Care Act 1985* of the Commonwealth

"HACC service" means home help, personal care or community respite provided under the HACC program

"local road" means a sealed or unsealed road for which the council is the responsible road authority under the Road Management Act

"major non-compliance outcome notification" means a notification received by a council under section 19N(3) or (4) of the Food Act, or advice given to council by an authorised officer under that Act, of a

deficiency that does not pose an immediate serious threat to public health but may do so if no remedial action is taken

"MCH" means the Maternal and Child Health Service provided by a council to support the health and development of children within the municipality from birth until school age

"population" means the resident population estimated by council

"target population" has the same meaning as in the Agreement entered into for the purposes of the Home and Community Care Act of the Commonwealth

"WorkSafe reportable aquatic facility safety incident" means an incident relating to a council aquatic facility that is required to be notified to the Victorian WorkCover Authority under Part 5 of the *Occupational Health and Safety Act 2004*.

FINANCIAL PERFORMANCE INDICATORS

For the year ended 30 June 2016

DIMENSION/INDICATOR/MEASURE	RESULTS 2015	RESULTS 2016	FORECASTS				MATERIAL VARIATIONS
			2017	2018	2019	2020	
Operating position **Adjusted underlying result** *Adjusted underlying surplus (or deficit)* [Adjusted underlying surplus (deficit) / Adjusted underlying revenue] x 100	**9.70%**	**5.65%**	4.73%	3.77%	3.47%	3.11%	The percentage reduction from 2017 is due to Council's rate income being capped at 2.5%. In 2015 and 2016 council increased its rate income by 5% which contributed to a higher underlying surplus in those years.
Liquidity **Working capital** *Current assets compared to current liabilities* [Current assets / Current liabilities] x 100	**200.20%**	**219.15%**	237.83%	231.49%	230.02%	226.85%	No material variations
Unrestricted cash *Unrestricted cash compared to current*	**104.24%**	**83.80%**	103.21%	100.04%	101.59%	101.25%	The unrestricted cash balance is

DIMENSION/INDICATOR/MEASURE	RESULTS 2015	RESULTS 2016	FORECASTS				MATERIAL VARIATIONS
			2017	2018	2019	2020	
liabilities [Unrestricted cash / Current liabilities] x 100							lower in 2016 due to restricted cash amounts - $4 million, transferred to Resort and Recreation Reserve.
Obligations **Loans and borrowings** *Loans and borrowings compared to rates* [Interest bearing loans and borrowings / Rate revenue] x 100	**4.01%**	**0.00%**	5.00%	3.67%	2.39%	1.16%	Council paid out all of its loans and borrowings in the 2015/16 financial year. Council is budgeting to borrow $6.5m in 2017. The amount borrowed will reduce each subsequent year as Council repays its debt.
Loan and borrowings repayments compared to rates [Interest and principal repayments on interest bearing loans and borrowings	**4.14%**	**4.01%**	1.36%	1.33%	1.29%	1.26%	From 2017, the loan and interest repayment amounts are significantly lower

DIMENSION/INDICATOR/MEASURE	RESULTS 2015	RESULTS 2016	FORECASTS				MATERIAL VARIATIONS
			2017	2018	2019	2020	
/ Rate revenue] x 100							than 2015 and 2016 due to Council paying out its existing loans and borrowings in 2015/16.
Indebtedness *Non-current liabilities compared to own source revenue* [Non-current liabilities / Own source revenue] x 100	**2.12%**	**1.33%**	4.29%	3.28%	2.31%	1.38%	2017 figure is higher as this is the first year of a new $6.5 million loan. The amount borrowed will reduce each subsequent year as Council repays its debt.
Asset renewal *Asset renewal compared to depreciation* [Asset renewal expenses / Asset depreciation] x 100	**50.23%**	**55.19%**	71.16%	48.85%	48.26%	47.60%	The 2017 percentage is higher due to the capital expenduture budget amount of $35m which is $10m above the

DIMENSION/INDICATOR/MEASURE	RESULTS 2015	RESULTS 2016	FORECASTS				MATERIAL VARIATIONS
			2017	2018	2019	2020	
							average yearly spend.
Stability **Rates concentration** *Rates compared to adjusted underlying revenue* [Rate revenue / Adjusted underlying revenue] x 100	**67.71%**	**68.99%**	69.97%	70.27%	70.27%	70.33%	No material variations
Rates effort *Rates compared to property values* [Rate revenue / Capital improved value of rateable properties in the municipality] x 100	**0.27%**	**0.26%**	0.27%	0.26%	0.27%	0.26%	No material variations
Efficiency **Expenditure level** *Expense per property assessment* [Total expenses / Number of property assessments]	**$2,385**	**$2,535**	$2,518	$2,522	$2,527	$2,533	No material variations
Revenue level *Average residential rate per residential property assessment* [Residential rate revenue / Number of residential property assessments]	**$1,420**	**$1,484**	$1,484	$1,479	$1,477	$1,476	No material variations

DIMENSION/INDICATOR/MEASURE	RESULTS 2015	RESULTS 2016	FORECASTS				MATERIAL VARIATIONS
			2017	2018	2019	2020	
Workforce turnover *Resignations and terminations compared to average staff* [Number of permanent staff resignations and terminations / Average number of permanent staff for the financial year] x 100	**7%**	**10%**	9%	9%	9%	9%	No material variations

Definitions

"adjusted underlying revenue" means total income other than -

a) non-recurrent grants used to fund capital expenditure; and
b) non-monetary asset contributions; and
c) contributions to fund capital expenditure from sources other than those referred to in paragraphs (a) and (b)

"adjusted underlying surplus (or deficit)" means adjusted underlying revenue less total expenditure

"asset renewal expenditure" means expenditure on an existing asset or on replacing an existing asset that returns the service capability of the asset to its original capability

"current assets" has the same meaning as in the AAS "current liabilities" has the same meaning as in the AAS

"non-current assets" means all assets other than current assets

"non-current liabilities" means all liabilities other than current liabilities

"non-recurrent grant" means a grant obtained on the condition that it be expended in a specified manner and is not expected to be received again during the period covered by a council's Strategic Resource Plan

"own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants

"population "means the resident population estimated by council

"rate revenue" means revenue from general rates, municipal charges, service rates and service charges

"recurrent grant "means a grant other than a non-recurrent grant

"residential rates" means revenue from general rates, municipal charges, service rates and service charges levied on residential properties

"restricted cash" means cash and cash equivalents, within the meaning of the AAS, that are not available for use other than for a purpose for which it is restricted, and includes cash to be used to fund capital works expenditure from the previous financial year

"unrestricted cash" means all cash and cash equivalents other than restricted cash.

Other information

For the year ended 30 June 2016

Basis of preparation

Council is required to prepare and include a performance statement within its annual report. The performance statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results. This statement has been prepared to meet the requirements of the Local Government Act and Local Government (Planning and Reporting) Regulations.

Where applicable the results in the performance statement have been prepared on accounting bases consistent with those reported in the Financial Statements. The other results are based on information drawn from council information systems or from third parties (eg. Australian Bureau of Statistics).

The Performance Statement presents the actual results for the current year and for the prescribed financial performance indicators and measures, the results forecast by the council's strategic resource plan. The Local Government (Planning and Reporting) Regulations requires explanation of any material variations in the results contained in the Performance Statement. Council has adopted materiality thresholds relevant to each indicator and measure and explanations have not been provided for variations below the materiality thresholds unless the variance is considered to be material because of its nature.

The forecast figures included in the Performance Statement are those adopted by Council in its Strategic Resource Plan on 24 May 2016 and which forms part of the Council Plan. The Strategic Resource Plan includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long-term. Detailed information on the actual financial results is contained in the General Purpose Financial Statements. The Strategic Resource Plan can be obtained by contacting Council.

Certification of the Performance Statement

In my opinion, the accompanying Performance Statement has been prepared in accordance with the *Local Government Act 1989* and *the Local Government (Planning and Reporting) Regulations 2014.*

Principle Accounting Officer

The Performance Statement contains the relevant performance indicators, measures and results in relation to service performance, financial performance and sustainable capacity.

At the date of signing, we are not aware of any circumstances that would render any particulars in the Performance Statement to be misleading or inaccurate.

We have been authorised by the council and by the Local Government (Planning and Reporting) Regulations to certify this Performance Statement in its final form.

Independent Auditor's Report on the Performance Statement

Governance and Management checklist

The following are the results in the prescribed form of Council's assessment against the prescribed governance and management checklist.

ITEM		ASSESSMENT
1	**Community engagement policy** (policy outlining Council's commitment to engaging with the community on matters of public interest)	Yes 21/10/2008 Community Consultation Service Charter 2008
2	**Community engagement guidelines** (guidelines to assist staff to determine when and how to engage with the community)	Yes 15/06/2010 Consultation Planner 2010
3	**Strategic resource plan** (plan under section 126 of the Act outlining the financial and non-financial resources required for at least the next four financial years)	Yes 24/05/2016 Strategic Resource Plan 2017-20
4	**Annual budget** (plan under section 130 of the Act setting out the services to be provided and initiatives to be undertaken over the next 12 months and the funding and other resources required)	Yes 24/05/2016 Annual Budget 2016/17
5	**Asset management plans** (plans that set out the asset maintenance and renewal needs for key infrastructure asset classes for at least the next 10 years)	No Council has four-year asset management plans in place. Council is currently undertaking 10 year service planning which will inform the development of the revised plans. The plans are expected to be in place in 2018 in line with the changes to the Local Government Act.
6	**Rating strategy** (strategy setting out the rating structure of Council to levy rates and charges)	Yes 24/05/2016 Rating Strategy
7	**Risk policy** (policy outlining Council's commitment and approach to minimising the risks to Council's operations)	Yes 16/12/2014 Risk Management Policy 2014-17

ITEM		ASSESSMENT
8	**Fraud policy** (policy outlining Council's commitment and approach to minimising the risk of fraud)	Yes 22/02/2016 Fraud Prevention Control Plan 2016-19 and Fraud Control Policy 2016
9	**Municipal emergency management plan** (plan under section 20 of the Emergency Management Act for emergency prevention, response and recovery)	Yes 25/11/2014 Municipal Emergency Management Plan 2014
10	**Procurement policy** (policy under section 186A of the Local Government Act outlining the matters, practices and procedures that will apply to all purchases of goods, services and works)	Yes 28/06/2016 Procurement Policy 2016
11	**Business continuity plan** (plan setting out the actions that will be undertaken to ensure that key services continue to operate in the event of a disaster)	Yes 11/02/2016 Business Continuity Plan
12	**Disaster recovery plan** (plan setting out the actions that will be undertaken to recover and restore business capability in the event of a disaster)	Yes 24/06/2015 IT Disaster Recovery Plan
13	**Risk management framework** (framework outlining Council's approach to managing risks to the Council's operations)	Yes 17/02/2016 Risk Management Principles Framework Process
14	**Audit Committee** (advisory committee of Council under section 139 of the Act whose role is to oversee the integrity of a Council's financial reporting, processes to manage risks to the Council's operations and for compliance with applicable legal, ethical, and regulatory requirements)	Yes 10/04/1997 Audit Committee 23/06/2015 Audit Committee Charter
15	**Internal audit** (independent accounting professionals engaged by the Council to provide analyses and	Yes 05/12/2012 HLB Mann Judd

ITEM		ASSESSMENT
	recommendations aimed at improving Council's governance, risk and management controls)	
16	**Performance reporting framework** (a set of indicators measuring financial and non-financial performance, including the performance indicators referred to in section 131 of the Act)	Yes 01/07/2015 Local Government Performance Reporting Framework
17	**Council Plan reporting** (report reviewing the performance of the Council against the Council Plan, including the results in relation to the strategic indicators, for the first six months of the financial year)	No Council is currently reporting annually and will move to bi-annual reporting in 2016/17.
18	**Financial reporting** (quarterly statements to Council under section 138 of the Act comparing budgeted revenue and expenditure with actual revenue and expenditure)	Yes Financial Performance Report 25/08/2015, 7/12/2015, 18/04/2016, 20/06/2016
19	**Risk reporting** (six-monthly reports of strategic risks to Council's operations, their likelihood and consequences of occurring and risk minimisation strategies)	Yes Risk Management Report 21/09/2015, 07/12/2015, 22/02/2016
20	**Performance reporting** (six-monthly reports of indicators measuring the results against financial and non-financial performance, including performance indicators referred to in section 131 of the Act)	No Council is currently reporting annually and will move to bi-annual reporting in 2016/17.
21	**Annual report** (annual report under sections 131, 132 and 133 of the Act to the community containing a report of operations and audited financial and performance statements)	Yes Considered at Ordinary Meeting of Council 27/10/2015. Annual Report 2014/15
22	**Councillor Code of Conduct** (Code under section 76C of the Act setting out the conduct principles and the dispute resolution processes to	Yes 17/05/2016 Councillor Code of Conduct

ITEM		**ASSESSMENT**
	be followed by Councillors)	
23	**Delegations** (a document setting out the powers, duties and functions of Council and the Chief Executive that have been delegated to members of staff)	Yes 22/03/2016 Instrument of Delegation to Chief Executive 22/03/2016 Instrument of Delegation from Council to Council Officers
24	**Meeting procedures** (a local law governing the conduct of meetings of Council and special committees)	Yes 15/09/2009 Governance Local Law 2009 (amended 21/09/2010)

I certify that this information presents fairly the status of Council's Governance and Management arrangements.

Bryan Lancaster

9.25 LeadWest Memorandum of Understanding

File No: FOL/16/130
Author: Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

The purpose of this report is to present to Council for endorsement the Memorandum of Understanding between LeadWest and Participating Councils.

Executive Summary

- The Memorandum of Understanding between LeadWest and participating Councils, articulates the arrangements and expectations between LeadWest and participating Councils, as funding partners for the core operation of LeadWest.

Recommendation

That Council authorise the Chief Executive Officer to execute the Memorandum of Understanding between LeadWest and Participating Councils.

Background

Moonee Valley City Council has been a member of LeadWest since its inception in 2007. LeadWest was formed to provide leadership on the growth of the West, to be a representative voice to State and Federal Government and to ultimately help the West realise its potential.

Discussion

The objective of the Memorandum of Understanding (**Appendix A**) is to articulate the arrangements and expectations between LeadWest and Participating Councils as funding partners for the core operation of LeadWest. Council is asked to consider authorising the Chief Executive Officer to execute the Memorandum of Understanding between LeadWest and Participating Councils.

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

There are no legislative implications that arise from 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 direct financial implications resulting from the adoption of this report.

4. Environmental

There are no environmental implications resulting from the adoption of this report.

Conclusion

It is considered appropriate that Council authorises the Chief Executive Officer to execute the Memorandum of Understanding between LeadWest and Participating Councils, which articulates the arrangements and expectations between LeadWest and the Participating Councils as funding partners for the core operation of LeadWest.

Appendices

Appendix A: LeadWest Memorandum of Understanding .

MEMORANDUM OF UNDERSTANDING

LEADWEST AND PARTICIPATING COUNCILS

1 JULY 2016 – 30 JUNE 2020

1. MEMORANDUM OF UNDERSTANDING

INTRODUCTION

This document is the Memorandum of Understanding between LeadWest Ltd (LeadWest) of 301 Hampshire Road, Sunshine and Participating Councils comprising:

- Brimbank City Council
- Hobsons Bay City Council
- Maribyrnong City Council
- Melton City Council
- Moonee Valley City Council
- Wyndham City Council

(Collectively called the "Participating Councils" with their combined local government areas referred to as "Melbourne's West" or "the Western Region".

1. RECITALS

1.1. The objective of the Memorandum of Understanding (MOU) is to articulate the arrangements and expectations between LeadWest and Participating Councils as funding partners for the core operation of LeadWest.

1.2. LeadWest is constituted as a company limited by guarantee without share capital and, in addition to councils within the Region, any organisation with operations in the Region may apply for membership.

1.3. LeadWest was formed by the Participating Councils and set the objective of advocacy to the Australian and Victorian governments (i.e. fostering and undertaking actions to achieve public policy changes and public investments) that will support sustainable growth and development of the Region.

1.4. LeadWest provides the forum and mechanisms for regional opportunities and issues to be identified and projects and solutions to be planned and implemented.

1.5. The MOU is for a rolling four-year period, initially from 1 July 2016 to 30 June 2020.

1.6. LeadWest will not expand the number of Participating Councils without prior agreement by the Participating Councils that are party to this MOU.

1.7. The success of LeadWest pivots on the participation and good will of people and organisations across the Region.

2. GENERALLY APPLIED CRITIERIA FOR LEADWEST ACTIVITY

2.1. LeadWest applies a principle of subsidiarity, whereby advocacy activities which involve local matters and there are local organisations performing effectively those matters more properly belong to the sub-regional/local organisations than to a regional advocacy organisation like LeadWest, and similarly advocacy activities that involve supra-regional matters are more properly assigned to supra-regional organisations (e.g. Metropolitan Transport Forum at the metro-wide level, Municipal Association of Victoria at the statewide level, National Growth Areas Alliance at the nationwide level)

2.2. Nevertheless, LeadWest can play a complementary role in aligned advocacy activities through partnering with a sub-regional and supra-regional organisations.

2.3. For matters (i.e. issues and projects) to be considered by LeadWest, the generally applied criteria include assessment as to whether the impact, involvement and benefits are:

- regional in scale
- involve multiple agencies
- produce outcomes that reflect positive impact on the regional triple bottom line (i.e. economic, social and environmental).

Additionally, the matters should generally demonstrate:

- support by a Leader, Lead Agency or Project
- general need for cooperative effort to be successful
- reasonable likelihood of successful achievement.

3. RESOURCING

3.1. Participating Councils are committed to support LeadWest via an annual financial contribution and are encouraged to participate in activities that further the objectives of LeadWest.

3.2. LeadWest will work closely with Participating Councils' committees, advisory boards, task groups and relevant council officers to further LeadWest's objectives.

3.3. Financial contributions to support the core operation of LeadWest shall be based on a formula that reflects the proportions of total rates revenue collected across the region in financial year 2015/16 and then 1.7% increase in 2016/17 and 2% increase thereafter as shown in Table 1.

3.4. Any proposed variation to the financial contributions over four years as shown in Table 1 will be raised by LeadWest's Board with Member Councils at the Annual Review.

3.5. Funding contributions received from Participating Councils will be used for the core operation of LeadWest, which includes the staff, on-costs, overheads and out-goings required to achieve LeadWest's objectives.

3.6. Additional and supplementary funding contributions for the core operation of LeadWest may be obtained from the Australian Government, Victorian Government and other Members.

3.7. It is recognised that the development and updating of the regional strategic action plan will occur through a planning process conducted at a frequency to be determined by LeadWest's Board. Additional resources will be required to support planning, research, consultation and participation processes.

3.8. Additional financial contributions for specific LeadWest projects (i.e. non-core activity) may be sought from Participating Councils from time to time and will be subject to separate business cases and funding submissions through normal Council approval processes.

3.9. It is recognised that the majority of LeadWest's projects require partnerships and funding by a range of stakeholders from various levels of government, business and community agencies and other statutory authorities.

Table 1 – Financial Contribution from Participating Councils

			Contribution			
Council	**Rates**[3]	**%**	**2016/17**	**2017/18**	**2018/19**	**2019/20**
Brimbank	195,422	23%	$126,443	$128,972	$131,551	$134,182
Hobsons Bay	90,663	11%	$87,057	$88,798	$90,574	$92,386
Maribyrnong	86,977	10%	$78,320	$79,886	$81,484	$83,114
Melton	133,010	16%	$82,160	$83,803	$85,479	$87,189
Moonee Valley	120,837	14%	$91,091	$92,912	$94,771	$96,666
Wyndham	209,750	25%	$142,597	$145,449	$148,358	$151,325
Total	**836,659**	**100%**	**$607,668**	**$619,821**	**$632,218**	**$644,862**

[3] Source: 2016 figure from Population and household forecasts, 2011 to 2041, prepared by .id, the population experts, September 2015.

4. ACCOUNTABILITY AND COMMUNICATION

4.1. LeadWest is accountable for operating under a Company Constitution.

4.2. Participating Councils are encouraged to participate in activities that further the objectives of LeadWest.

4.3. LeadWest will make available regional statistics, performance and forecast information of strategic use and interest. Conversely, the assistance of Participating Councils in making available information to LeadWest will add value to all strategic direction processes.

4.4. As Directors on LeadWest's Board, the CEOs of Participating Councils will receive information on LeadWest's draft budget for each upcoming financial year including information on the financial contributions of Participating Councils.

4.5. By July 31 each year, LeadWest's Board will adopt an Annual Work Plan that details operational activities to be undertaken by LeadWest.

4.6. Participating Councils recognise the independent role, structure, mission and expertise of LeadWest and understand that LeadWest must be an independent voice and advocate for Melbourne's west in local and national media.

4.7. LeadWest will present progress reports to Participating Councils at least once each year. On request, LeadWest will be available to any Council meeting to discuss issues, progress or any items pertinent to LeadWest as raised by a Participating Council.

5. SPECIFIC ARRANGEMENTS

5.1. Director Nomination:

5.1.1. Each of the Participating Councils shall nominate two (2) persons with one to be a member of the Council and the other to be the Council's appointed chief executive officer or a senior officer.

5.1.2. Although LeadWest's Constitution allows for alternate directors, Participating Councils will not nominate an alternate director to stand in for either of the nominated directors.

5.2. Pillar Groups:

5.2.1. LeadWest will form Pillar Groups for:

- Environment
- Economic Development
- Transport
- Health and Wellbeing

5.2.2. Other Pillar Groups may be formed. Any proposed major variations to the Pillar Group structure (other than normal continuous improvement) shall be advised and agreed with Participating Councils prior to any changes being implemented.

5.2.3. A member of LeadWest's Board will be nominated to chair each pillar to enable a pillar voice at all meetings of LeadWest's Board.

5.2.4. Participating Councils are encouraged to have a minimum of one person allocated to each Pillar Group to provide active input, represent the interests of each Participating Council, and act as a conduit for communication and integration with the activities of each Participating Council.

5.2.5. The role of LeadWest's Board is to oversee the operation of LeadWest, ensure it remains viable and accountable to its members for achievement of the objectives and fulfilment of the roles and responsibilities set out in LeadWest's Constitution.

5.3. Innovative Staffing Options:

5.3.1. Participating Councils are encouraged to directly support LeadWest through initiatives such as officer placements or secondments. These arrangements may be made directly between LeadWest's CEO and the CEOs of Participating Councils.

5.4. Demonstrate Regional Benefits:

5.4.1. LeadWest's activities must demonstrate regional benefits.

5.5. Integration of Strategic Direction Processes:

5.5.1. The parties acknowledge that LeadWest's success rests largely with Participating Councils recognising LeadWest as an independent but integral part of their own strategic direction and community building processes.

5.5.2. Every effort will be made by all parties to annually integrate strategic direction processes and timetables to maximise value adding and minimise potential duplication. Examples include the conduct of community and specific consultation, research, performance indicators, demographics or information gathering processes.

5.5.3. Regional Priority Projects will be identified from time to time that involves some or all Participating Councils. LeadWest's CEO and officers of the Participating Councils are responsible for working cooperatively to ensure funding submissions meet the requirements of individual Participating Councils.

5.6. Communication is a Joint Responsibility:

5.6.1. A two way communication and feedback loop is essential. All parties except their responsibilities in seeking out and supporting effective communication and feedback processes.

5.6.2. LeadWest shall convene a working group to include each Participating Council, which will coordinate any joint communications and marketing.

6. GENERAL

6.1. LeadWest is accountable for operating to the Company Constitution (LeadWest's Constitution), this MOU and any agreed Board Charter or Annual Work Plan.

6.2. Should a Participating Councils have concerns with the performance of LeadWest then discussion should be initiated within a meeting of LeadWest's Board to address those concerns.

6.3. Should a Participating Council wish to end its membership of LeadWest, then it must abide by the rules set out in LeadWest's Constitution.

6.4. If any dispute or difference arises between the parties in carrying out the principles in this MOU that cannot be resolved, then the parties will abide by the rules set out in LeadWest's Constitution if it is a dispute about financial contribution to LeadWest and seek an agreed independent mediator to resolve a difference relating to any other matters.

6.5. The terms of this MOU can only be modified by the agreement of all parties.

Dated this …….. day of …….. 2016

SIGNED on behalf of
LEADWEST LTD

.....
duly authorised representative

.....
Witness

SIGNED on behalf of
BRIMBANK CITY COUNCIL

.....
duly authorised representative

.....
Witness

SIGNED on behalf of
HOBSONS BAY
CITY COUNCIL

.....
duly authorised representative

.....
Witness

SIGNED on behalf of
MARIBYRNONG
CITY COUNCIL

.....
duly authorised representative

.....
Witness

SIGNED on behalf of
MELTON CITY COUNCIL

.....
duly authorised representative

.....
Witness

SIGNED on behalf of
MOONEE VALLEY
CITY COUNCIL

.....
duly authorised representative

.....
Witness

SIGNED on behalf of
WYNDHAM CITY COUNCIL

.....
duly authorised representative

.....
Witness

9.26 Report on Audit Committee

File No: FOL/16/130
Author: Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

To present the confirmed Minutes of Council's Audit Committee Meeting held 20 June 2016, provided as **Appendix A**.

Executive Summary

Audit Committee meetings are held quarterly or as required; and the minutes of these meetings are submitted for consideration.

Recommendation

That Council receive the confirmed Minutes of the Audit Committee Meeting held 20 June 2016.

Background

The Audit Committee is an Advisory Committee of Council established pursuant to Section 139 of the *Local Government Act* 1989 ('the Act').

Council's financial management is delivered through the planning of resource allocations as part of our Annual Budget. Regular quarterly monitoring and reporting through the Audit Committee facilitates:

1. The enhancement of the credibility and objectivity of internal and external financial reporting;
2. Effective management of financial and other risks, and the protection of Council assets;
3. Compliance with laws and regulations as well as use of best practice guidelines;
4. The effectiveness of the internal audit function;
5. The provision of an effective means of communication between the external auditor, internal audit staff;
6. Management and Council.

Discussion

The Act requires that the Committee report to Council on the findings and recommendations from its meetings. This report provides a summary of matters considered at the Audit Committee meeting held 20 June 2016, as follows:

1. The Audit Committee minutes of 18 April 2016, presented to Council on 20 June 2016, were confirmed by the Audit Committee without change.

2. HackLabs Security Audit

   The Audit Committee received a presentation on the results of the information services security audit conducted by HackLabs. Update will be provided to the Audit Committee in November 2016.

3. Sessional Kindergarten Services

   The Audit Committee received a report on the Review of Sessional Kindergarten Services. A further report with further clarification of budget variances will be provided.

4. Business Continuity & Disaster Recovery Review – Status Update

   The Audit Committee received and noted a report on the Business Continuity & Disaster Recover Review – Status Update.

5. Financial Performance Report March – 2016

   The Audit Committee received the March 2016 Financial Performance Report which highlighted Council's financial performance for the period 1 July 2015 to 31 March 2016.

6. Commission of Inquiry Report into Greater Geelong City Council

   The Audit Committee received and noted the Commission Inquiry report into Greater Geelong City Council.

7. Follow-up of Agreed Actions from Prior Year Internal Audit Reports – June 2016

   The Audit Committee noted the status of outstanding items in the follow up of agreed actions from prior year internal audit reports.

8. Reputation Management Review

   The Audit Committee received the Reputation Management Review noting the management actions and timelines.

9. Review of Payroll – Updated Management Responses

   At the request of the Chairperson, this item was deferred to the next appropriate Audit Committee Meeting.

10. Internal Audit Status Report 2015/16

    The Audit Committee received and noted the status of the internal audit program.

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

The Local Government Act 1989 prescribes that Council must establish an Audit Committee and that such committee will be advisory in nature.

2. Council Plan / Policy

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

3. Financial

This report does not have any direct financial implications.

4. Environmental

There are no environmental implications resulting from this report.

Conclusion

The Audit Committee plays an integral role in assisting Council to manage financial, compliance and other risks, it is therefore recommended that Council receive and note the confirmed Minutes of the Audit Committee meeting held 20 June 2016.

Appendices

Appendix A: Minutes of Audit Committee held 20 June 2016 (separately circulated).

9.27 Report on Tenders and Contracts Awarded

File No: FOL/16/130
Author: Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

To provide a report on tenders and contracts awarded by Council's Tenders Committee since the last report was presented to Council at its meeting held 24 May 2016.

Executive Summary

This is a procedural report only.

Recommendation

That Council receive and note the report of Council's Tenders Committee and tenders' awarded and extensions approved at its meeting held 9 August 2016.

Background

The Tenders Committee is a Special Committee of Council established pursuant to Section 86(1) of the Local Government Act 1989 ('the Act'), for the purpose of exercising Council's powers, functions and duties relating to the consideration of tenders received and the awarding of a contract for works, goods and services with a value of more than $500,000, but not exceeding $4 million.

Although the proceedings of meetings of the Tenders Committee are confidential pursuant to section 89(2) of the Act (as they relate to contractual matters), all reports of tenders awarded by the Tenders Committee provide for the inclusion of the accepted tender amount (i.e. where it does not relate to a schedule of rates contract). Importantly, once Council has received its report from the Tenders Committee, that information is published on Council's website.

Discussion

Since the last report to Council on 24 May 2016, the Tenders Committee met on 9 August 2016 and approved the following contracts and contract extensions:

Contract	Awarded To	Date Approved	Approved Contract/Extension Price (exl GST)
Contract Extension and Variation Agreement- Provision of Tree Maintenance Services	Panel of Providers: • Active Tree Services Pty Ltd • Stevens Specialist	9 August 2016	$130,000 (over two years)

Contract	Awarded To	Date Approved	Approved Contract/Extension Price (exl GST)
	Tree Services Pty Ltd • Just Roots Pty Ltd		
Green Spine Stormwater Harvesting Project	Entracon Pty Ltd	9 August 2016	$2,268,586.99 (over two years)

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

There are no direct legislative implications that arise from the presentation of this report to Council.

2. Council Plan / Policy

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

3. Financial

This report does not have any direct financial implications.

4. Environmental

There are no environmental implications resulting from this report.

Conclusion

It is recommended that Council receive and note the report.

Appendices

Nil.

9.28 Report on Advisory Committees

File No: FOL/16/130
Author: Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

To present the minutes of Council's Advisory Committee meetings received since the last report to Council in July 2016.

Executive Summary

The minutes of Advisory Committee meetings received since the last report to Council are submitted for consideration.

Recommendation

That Council receive and note the following confirmed Advisory Committee Meeting Minutes, received since the last report to Council in July 2016:

a) Early Years Reference Group Committee held on 15 March 2016 (**Appendix A**);
b) Strategic Planning Committee held 21 April 2016 (**Appendix B**);
c) Integrated Transport Committee held on 2 May 2016 (**Appendix C**);
d) Arts & Culture Committee held on 16 May 2016 (**Appendix D**);
e) Disability Reference Group held on 6 June 2016 (**Appendix E**); and
f) Strategic Planning Committee held 16 June 2016 (**Appendix F**).

Background

Council at its Statutory Meeting held 4 November 2015, appointed representatives to Advisory Committees, up to the month of October 2016.

Minutes from these meetings are presented to Council for information purposes.

Discussion

Minutes from the following Advisory Committee Meetings are presented to Council in accordance with section 80A(2)(a) of the *Local Government Act* 1989:

a) Early Years Reference Group Committee held on 15 March 2016;
b) Strategic Planning Committee held 21 April 2016;
c) Integrated Transport Committee held on 2 May 2016;
d) Arts & Culture Committee held on 16 May 2016;
e) Disability Reference Group held on 6 June 2016; and
f) Strategic Planning Committee held 16 June 2016.

Consultation

The nature of this report does not require any consultation to be undertaken, but rather the coordination and compilation of minutes of the meetings held.

Implications

1. Legislative

These minutes are presented to Council in accordance with sections 80A(2)(a) of the *Local Government Act* 1989 .

2. Council Plan / Policy

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

3. Financial

There are no financial implications resulting from the presentation of this report.

4. Environmental

There are no environmental implications resulting from this report.

Conclusion

Advisory Committees allow for a more efficient and effective process of understanding specific areas, prior to being considered by Council.

Appendices

Appendix A: EYRG Group Committee held 15 March 2016
Appendix B: Strategic Planning Committee held 21 April 2016
Appendix C: Integrated Transport Committee held 2 May 2016
Appendix D: Arts & Culture Committee held 16 May 2016
Appendix E: MVCC Disability Reference Group held 6 June 2016
Appendix F: Strategic Planning Advisory Committee held 16 June 2016.

Early Years Reference Group
Community Advisory Committee
Minutes

Tuesday, 15 March 2016, 10.30am-12.00pm at

Council Chamber, Moonee Valley City Centre, 9 Kellaway Ave, Moonee Ponds

Attendees	Karina Viksne	Acting Chair, Moonee Valley City Council
	Dick Verwey	Department Education & Training
	Caroline Mazurkiewicz	Department Education & Training
	Mary Pollerd	Parent Representative
	Sharne Wheaton	Noah's Ark Inclusion and Professional Support
	Sarah O'Kelly	BPA Children's Services
	Christine Lawrey	Parent Representative
	Michele Leonard	Moonee Valley City Council
	Jennifer McCurry	Moonee Valley City Council
Apologies	Cr Narelle Sharpe	Councillor
	Jo Southwell	cohealth
	Helen Cooney	Caroline Chisholm Society
	Mirna Salib	Noah's Ark Inclusion and Professional Support
	Rosie Dymus	Playgroup Victoria
	Peter Hayes	St Brendan's Primary School
	Kerryn Lockett	Moonee Valley City Council
	Anne Butterworth	Department Education & Training
	Julianne Fraser	Department Education & Training
	Deb Williams	Parent Representative
	Raelene Clinch	Department Education & Training

Order of Business

Council respectfully acknowledges the traditional custodians of this land – the Wurundjeri people of the Kulin Nation, their spirits, ancestors, elders and community members past and present.

Welcome

Caroline Mazurkiewicz, DET, was welcomed to the meeting. Sarah O'Kelly (BPA Children's Services) and Peter Hayes (in absentia) (St Brendan's Primary School) were welcomed as new members to the EYRG. As departing members of the EYRG, Deb Williams, Anne Butterworth and Raelene Clinch were acknowledged for their valued contributions to the EYRG.

1. Confirmation of Previous Minutes

The minutes of meeting held 8 December 2015 were accepted as correct (Mary Pollerd).

2. Declarations of Conflict of Interest

No conflicts of interests were declared.

3. Business Arising from previous minutes

Children in Out of Home Care, Letter to Ministers and Victorian Local Governments

Moonee Valley City Council (Council) sent letters to a number of ministers and colleagues in Local Government across Victoria to advocate for children in out-of-home care (OOHC). A number of Councils positively responded.

Carried Action (not discussed): Council, on behalf of the EYRG to invite Christine Owen to a meeting of the EYRG in 2016.

4. Items

3.1 Moonee Valley Early Years Plan (MVEYP) 2015-16 Action Plan implementation update

Theme 1: People

1.1.1 Action – Victorian Child Friendly Cities and Communities Charter (the Charter)

With new members on-board, a brief overview and background was provided on the Victorian Child Friendly Cities and Communities (CFCC) Working Group, formed in 2012, now under the auspices of the Victorian Local Government Association (VLGA) and meets quarterly. The Charter was established and launched in 2014 in Victoria to facilitate child

focussed environments, respect and dignity for children's opinions and participation and equitable access. The initial focus was on local governments signing up to the Charter. All agencies are now being encouraged to embrace the principles of child friendly cities and become signatories to the Charter. Council staff will prepare a draft report to go to Council regarding CFCC and the Charter. The Charter and Toolkit were distributed. Link: http://www.vlga.org.au/What-were-doing/Child-Friendly-Cities-and-Communities

3.2 Theme 2: Places

2.1.1 Action – Children's connection to the natural environment

To promote and encourage children's connection to the natural environment, information was provided on the Victorian Premier's Initiative of Nature Play Week, which is a signature event that celebrates activities that reconnect children with nature and the outdoors. Increasingly, research is providing links between time out in nature to better health and childhood development. This event recognises that children do better outside physically, mentally, emotionally and socially. Link to website and calendar of events: http://natureplayweek.org.au/

3.3 Theme 3: Partnerships

3.1.2 Action – Child Safe Standards Victoria and Council's Early Intervention and Prevention Partnership Group (EIPPG)

To progress developing local supports that focus on reducing the risk of vulnerability for children in Moonee Valley, information was provided on the Victorian Child Safe Standards and Council's response, with a new project group established: EIPPG. In the initial phases, EIPPG will focus on identifying and progressing the implementation of the Child Safe Standards across Council programs. The project group has an increased focus on partnerships, recruitment/governance and workforce empowerment to better respond to vulnerability and strengthen engagement of children, young people and families. Council recently completed an audit of F&CS program

areas. In addition, the Department of Health recently delivered professional development sessions on the Child Safe Standards for staff.

4.1 Moonee Valley Early Years Plan (MVEYP) 2016-17 Action Plan group discussion

Initial discussions focussed on the MVEYP Action plan for 2015-16. Actions are largely on track with some items rolling over to 2016-17, i.e. the review of Council's Community Engagement Framework and infrastructure and community facilities planning and development. Planning will begin for 2016-17 Action Plan with an invitation to the EYRG to consider actions/key activities their organisations are involved in/planning for 2016-17.

Action: 1. Council to send MVEYP Action plan draft progress update to members and MVEYP to new members. 2. EYRG group members to forward potential projects for 2016-17.

4.2 Action – 1.2.3 – Transitions

The group discussed a broad range of actions and opportunities for supporting transitions. Information shared included examples of other LGAs working with the sector to improve communication and knowledge of program areas. It was noted that experiences vary, as well as expectations of parents and staff in different services e.g. kindergarten and schools: partnerships, engagement in networks and specific outcomes for children.

Action: Council to include link to 2015 Transitions Consultation by DET. http://www.education.vic.gov.au/Documents/about/research/finalsconstransition.pdf

General Business

4.3 Member updates

Noah's Ark – The tender for Inclusion Support Services has been submitted by Noah's Ark and outcomes are expected to be released mid to late April, with the contract beginning July. Work is progressing on the Strategic Inclusion Plan to address gaps in inclusion prior to funding. Tier 1 funding for children with additional needs in Family Day Care has been removed in the new program beginning July 1.

DET – The restructure of the regional department is progressing and expected to be in place approximately August. John Dianutis is Area Secretary to the Director. A paper has been released on stakeholder engagement. A pilot in the region: 'Lookout School' in Footscray, for children in OOHC, will be introduced state wide. The results for AEDC 2015 are now available.

Action: 1. DET to bring a copy of the organisational chart to next meeting. 2. DET to forward information on VEYLDF training in July and link on Jobs for Families Child Care Package.

https://docs.education.gov.au/documents/overview-jobs-families-child-care-package

Parent – The Free Kindergarten Association is supporting families and kindergartens state wide. The new website is: fka.org.au

Parent – Following attendance at a recent immunisation sessions with a new baby, positive comments were shared about how well organised the session was, including the choice of venue. It was noted how important it is for staff to have a welcoming approach.

BPA Children's Services – St Aidan's kindergarten is now part of Council's Central Registration Service (CRS) and the service has now transitioned from a stand-alone kindergarten to being part of a cluster managed service.

Caroline Chisholm (absent and provided email report) – The building works are progressing. Kerryn and Rosie are members on the Practice Reference Group. The Board is interested in early years services, possibly: financial counselling, MCH, new parent groups, playgroups for the new site. Information was shared on the 'Mothers in Mind' therapeutic playgroup.

5. **Close of Meeting**
6. **Next Meeting:**

   June 21 2016, 10:30am (lunch included), Council Chambers.

City of Moonee Valley

Strategic Planning Advisory Committee

Minutes

MEETING #10
held Thursday, 21 April 2016 at 6.00pm
Council Chambers, Moonee Valley City Centre,
9 Kellaway Ave, Moonee Ponds

Attendees	Cr Nicole Marshall	Chairperson
	Anastasia Georgiou	Community member
	Andrew Gunter	Community member
	Adam Wojcik	Community member
	Kristen Bell	Community member
	Peter Leyden	Community member
	Senka Sestan	Community member
	Steven Zebic	Community member
	Peter Burke	Community member
	Charles Sowerwine	Community member
	Bryan Lancaster	Chief Executive Officer (MVCC)
	Henry Bezuidenhout	Manager, Strategic & Statutory Planning
	Tim Mileham	Acting Manager City Planning
	Christina Collia	Acting Coordinator Strategic Planning
	Daniela Padula	Senior Strategic Planner
	Daniel Smith	GIS Officer
	Kim Hutchinson	Planning Engagement Officer
Apologies		
	Cr Narelle Sharpe	Deputy Chairperson
	Cr Shirley Cornish	Deputy Chairperson
	Chris Macdonald	Community member
	Jennifer Nola	Community member
	Maria Loiacono	Community member

Order of Business

1.1 Welcome

Cr Marshall opened the meeting at 6.07pm and welcomed members.

1.2 Matters arising from minutes and confirmation of minutes

Moved by Charles Sowerwine, seconded by Steven Zebic that the Minutes of the Strategic Planning Advisory Committee (SPAC) held on Thursday, 24 March 2016 (meeting #9) be confirmed.

No matters arising from the minutes on 24 March 2016.

1.3 Outstanding Actions

Committee provided with list of outstanding actions, Tim Mileham gave update on these matters:

- Action 5.8 and 6.8: Metropolitan planning levy and development contributions will be raised with MPA. Henry Bezuidenhout met with Director Economic Planning and Development of MPA. MPA has no direct oversight into money that is levied by the Department of Treasury; any access must go through a submission process to Treasury. There was no information available as to allocation of funding for infrastructure for Moonee Valley.
- Action 5.7: Further discussion on rate capping to be held over and also to be considered as a possible topic at future meeting.
- Action 8.6: Update on "toxic dump" project located in Hume City Council. Time Mileham followed up with discussion with Hume City Council and Melbourne Water. Authorities are satisfied with rezoning and there is a significant buffer to the creek.

ACTIONS:

5.7	***Consideration be given to including an update on property rating at a future meeting. Topic to be included on summary list of possible topics.***

1.4 Declaration of conflict of interest

Nil.

1.5 Presentation: Comments on Housing Strategy Proposal, Peter Leyden, Andrew Gunter, Steven Zebic & Senka Sestan

ACTIONS:

10.1	***Copy of presentation to be circulated***

1.6 Presentation, Housing Strategy Summary Questions and Discussion Points, Daniela Padula and Daniel Smith

- Is current market delivering housing diversity?
    - Officer: Don't have current figures on hand and would need to understand timeframes. Main reason for estimating capacity is to ensure the market has enough room to deliver a variety of housing types proportional to predicted demand. With the current arrangement of blanket general residential zone in a lot of instances the discretionary 9m height maximum it isn't followed because the State Government policy to increase housing densities in areas close to transport and services prevails. The preparation of the Housing Strategy is intended to assist with guiding growth by identifying the various growth potential areas and then implementing appropriate design controls. The main purpose of this strategy is to inform how to better manage growth.
- Are we following State Government growth projections?
    - Officer: The figures referenced in the RZSAC report have since been updated. We have used population growth projections from ID forecast. These are very similar to the States VIF 2015 population projections. Rather than the specific numbers used the most important thing is that as a Council we need to guide that growth. The Hosing Strategy has to spatially show where growth will be located. The locations selected to support housing growth must address State Government policy.
- Was the modelling based on PTV figures? Important in terms of modelling, we are running with assumptions with no evidence.
    - Officer: Yes our transport data comes from PTV.
- Could we use a Design and Development Overlay over the entire GRZ to limit heights?
    - Officer: This would not be supported by the State Government. Their approach to building heights is that proposed height restrictions must relate to the impact of the proposed building height on the immediate surrounds. They do not support the use of blanket building height controls as a means to influence housing density or typology.
- Concerns with growth in Airport West, with regards to McNamara Avenue and lack of bus services and that growth should be closer to the industrial and commercial land.
    - Officer: Growth should be supported in Airport West. Essendon Fields is planning for substantial employment growth in accordance with Plan Melbourne; this will drive change in Airport West. Growth potential has been identified in the centre of Airport West rather than closer to the tram line because there are not a lot of constraints to lot sizes and limited overlays. When you get closer to Essendon airport there are more constraints. Potential growth is pushed in because of the impact of noise from the airport. Factors that contribute to growth potential in the area are access to open space, commercial areas, employment potential, community services, schools and transport. Airport West is geographically confined but does have high functioning open space. The Airport West Activity Centre Structure Plan is currently being reviewed and through this process there is an opportunity to look at a more detailed design response and urban amenity to ensure new development is managed appropriately. It is important to note the industrial

area of Airport West produces highest gross product in the municipality. It is an area of important economic activity for Moonee Valley, we want it to keep producing income and employment.

- Interested to understand transport data are the majority of trips travelled by car, as majority of worksites not near where people live and have to travel.
    - Officer: In Moonee Valley the vast majority of residents are employed in the central city, then within Moonee Valley, followed by the Cities of Maribyrnong and Hume. All of these areas are accessible from Moonee Valley by public transport to some degree. While currently the majority of trips to work are made by car there is an emerging shift towards public transport.
- Concerns with modelling and the assumption that living close to public transport will generate mixed use development. Increased density around public transport does not translate into reduced use of private vehicles. Concerned with capacity constraints of public transport.
    - Officer: It is not sustainable to plan for housing which is dependent on private vehicles to access employment as this will increase traffic congestion and greenhouse gasses. It is important to give the majority of new residents the *choice* of taking public transport. It is also not in accordance with adopted State or Local Government policy. We understand the concerns regarding capacity of public transport however if we locate growth away from public transport then it will only cement car dependence and goes against 'best practice'.
- Transport hubs are based on high frequency service and capacity. If PTV are so committed to increase public transport then why aren't they?
- PTV's plan to improve capacity is not officially funded. If State Government wants to increase capacity they can. At the moment it is difficult to increase capacity by frequency of train services as this has impacts on roads (i.e. grade separation).
    - Officer: With respect to increase traffic on roads VicRoads' position is that if we let capacity constrain us then wouldn't allow growth anywhere. The State Government's position with respect to public transport is the same (i.e. growth must happen despite the impact on the network). Capacity has to increase but will follow development. Current priority is on listed grade separations.
- Aspirations of Plan Melbourne don't match infrastructure planning.
    - Cr Marshall: what you are saying is appropriate to have particular locations
    - Officer: Plan Melbourne Refresh may provide more specific directions for Moonee Valley that will impact the preferred locations for growth. We will need to implement Plan Melbourne at the local level.
- We want growth to do be done properly. Everyone wants a walkable city but doesn't want 7 stories built next to them.
- If we go back to basics of what we have here. Essentially in 2014 the Minister for Planning satisfied the east and said out in the west you take the growth. Eastern suburbs generally had more NRZ and GRZ than was approved in the west. Officers are forced to respond to pressure. If we go back to political basis could we do better with current minister? Whole south of Moonee Valley, Edwardian cottages and neighbourhood cottages are intact. Will leave swathes unprotected and end up with town houses with dubious design. May be too late but we can do better.

  - Officer: MRDAC report is due to be released mid-year and is meant to be making recommendations on the level of strategic justification required by Council to underpin the application of zones, will get more guidance in the future and zones might not look like they do now.

- Much discussion about capacity and alternate arrangement density, what impacts will that have on affordability of product? If everyone can subdivide houses might be unaffordable than if single building that is consolidated. Is there any capacity in Council to model impacts on affordability?
  - Officer: Definitions for Housing Affordability versus Affordable Housing have been provided in the response table. Housing Affordability relates to cost of housing (including energy bills and transport) for a low to moderate income household. Affordable Housing is subsidised housing (i.e. public housing, community housing).
  - What does council have power over? Officer: In terms of Housing Affordability all we can really do is ensure that the supply of new housing in appropriate locations is not constrained. If we took the approach of all new development being scattered two stories, then more people will have to spend more time and money driving.
  - Cr Marshall: There will be large apartments buildings, a number already have permits. Tried with Planning Scheme review to strengthen Affordable Housing requirement but this was not approved by the Minister for Planning.
  - Officer: Need diversity of houses for affordability. Houses we build now are going to outlive us, so whatever is built today is going to be lived in tomorrow. It is important to provide appropriate dwelling sizes and access to transport and services, ESD over the long term all impacts on Housing Affordability. The broader strategy does look at each of those issues individually and looks at policy actions that Council can take to increase the supply of Affordable Housing too.
- Recommend that Council puts together strategy to create more 20 minutes neighbourhoods. Have proposed NRZ to apply in areas that could have more potential growth.
  - Officer: The main issue with that approach is that Council doesn't have control over the provision of public transport which is a key foundation of the 20 minute neighbourhood. We could develop a plan to facilitate and create more of the other attributes of the 20 minute neighbourhood in areas where it's lacking and this would be good but it would not redistribute growth potential from other areas of the municipality which already have these attributes. There are also inherent constrains for many parts of the west of the municipality such as the MAEO, licensed pipelines and road network itself – it inherently has poor 'accessibility' because of the street layout, cul-de-sacs etc...
- There are many confusing things going on that we need to work through, if Council wants this committee to help there is a lot of good will of this committee to do so. Mapping spits out results but these need to be checked on the ground. Model needs to be workshopped with a wider audience. Does walking 800m pass the pub test?
  - Officer: We agree that the entire Draft Strategy needs to be subject to a broader consultation process. We will consider variations to the inputs of the model where they can be strategically justified. Please forward any appropriate research that can be considered.
- Can we leverage land value as an opportunity to balance housing affordability?

  - Henry Bezuidenhout: Can refer to City of Melbourne, they have proposed development bonuses and to make their own land available, however 15% of development has to be affordable.

- Can we look at other options moving forward, e.g. how aggressive can a Design and Development Overlay be? This may be a way of maintaining character and restricting growth.
  - Cr Marshall: Unless mandatory controls are applied then we will go round in circles.
  - Officer: The use of mandatory heights was a topic of discussion at a meeting with The Department of Environment, Land, Water and Planning today. In general the Department doesn't support use of mandatory height controls. They prefer to maintain flexibility for design innovation.
  - Officer: We can propose mandatory heights based on the neighbourhood character study however, we must be very careful with mandatory heights as even if the development is only a few centimetres over then council can't approve it. This can lead to perverse and unexpected outcomes that don't fit in with neighbourhood character.
- Is there opportunity to workshop growth capacity targets? Concerns revolve around that discussion not being had.
  - Officer: This is a Strategy that will inform the applications of zones, the capacity assessment is only useful as an indicator that we are not unduly restricting capacity. We cannot use predicted 'excess' capacity as a means to restrict housing growth where it would otherwise be considered appropriate.
  - Officer: It is hoped that the coming State Government reports will be providing more rigour on how figures such as demand projections, capacity and supply are collected applied and assessed.
- Can basic principles be reviewed? What level of input are we at?
- Cr Marshall: We want to go out with a document that is appropriate but needs community support. Won't please everyone one, how do we get to that point?
- Can we keep current position and just influence with planning scheme amendments? Would be have to rezone entire municipality?
  - Henry Bezuidenhout: When assessing permit applications we can identify aspects of neighbourhood character and maintaining these elements in low scale development assessed under ResCode. However, then we get large consolidated sites and developers rely on State Government policy to guide their development. With no relevant local policy this happens in an adhoc manner. If there is no local policy to guide housing growth then we are at risk with VCAT decisions.
  - Henry Bezuidenhout: We need a coordinated and integrated approach. Need to look at housing holistically.

10.2	***Copy of presentation to be circulated***
10.3	***Copy of response table to be circulated***

1.7 Discussion of topic for next meeting

The date and topic for the next meeting will be to continue the discussion on aspects of the Housing Strategy.

ACTION:

10.4	***Next meeting scheduled for 16 June 2016***

2 General Business

- No discussion items

3 Meeting closed at 8.15 pm.

The next meeting will be on **Thursday, 16 June 2016 6pm - 7.30pm** at Moonee Valley City Council, Civic Centre – Committee Room.

City of Moonee Valley

CONFIRMED MINUTES – Meeting 17
Integrated Transport Committee

Held Monday 2 May 2016, 6:00pm to 8:00pm, Committee Room, Civic Centre

1	**Open Meeting – Welcome, Attendees and Apologies**
	Attendees: Cr Marshall (Chair), Kosta Smirnis (Acting Manager Technical Services), Chris Morris (Sustainable Transport Officer), Lisa Bagnati (Project Officer), Kenn Beer (Safe Systems Solutions) Frank Kinnersley (Moonee Valley Bicycle User Group), Laurie Elliot, Lynn Sweeney, Gary Allan, Josh Parris, Charles Sowerwine **Apologies:** Mayor Surace, Jon Liston (Strategic Transport Planner), Joanne Barrett, James Golden, Ben Koutoukidis
2	**Road Safety Strategy – Draft Action Plan**
	Kenn Beer from Safe Systems Solutions presented on the sustainable transport actions from the draft Road Safety Strategy. Copies of the strategy and links to the various forms of consultation were sent to the ITC prior to the meeting. Consultation for the Road Safety Strategy closes on May 31st 2016.
3	**Minutes from Meeting 16 held on 1 February 2016 were confirmed.**
4	**Business arising from the last meeting**
	Issue: Circulate information on Integrated Transport Plan to ITC and email requesting feedback. **ACTION:** COUNCIL **Update:** Information sent with the minutes of previous meeting
	Issue: Complete the three feedback categories for the Integrated Transport Plan and return the form to Council by 12th February 2016. **ACTION:** ITC **Update:** Feedback received from Charles Sowerwine and James Golden
	Issue: Continue to report progress of bicycle repair stations to ITC **ACTION:** COUNCIL **Update:** Two bicycle repair stations have been installed. One is located on the Maribyrnong River Trail near the Afton Street Bridge and the other is located on the Moonee Ponds Creek Trail behind Strathmore North Primary School.
	Issue: Circulate the draft Buckley Park LATM plans to the ITC **ACTION:** COUNCIL **Update:** Draft Buckley Park LATM was sent on the 3rd March 2016
	Issue: Determine if it is legal for Council to adopt policy of reporting cars parked illegally through photographic evidence only. **ACTION:** COUNCIL **Update:** It is not legal for Council to adopt this policy.
	Issue: Determine how long it takes for the photograph reported from Snap Send Solve to be processed by Council to become a Request for Service. **ACTION:** COUNCIL **Update:** Council process is to complete Snap Send Solve requests on the day received, or within 24hrs should the Snap Send Solve request be received after hours **ACTION COUNCIL:** Investigate what checks and balances are in place to determine if Council is meeting the target of responding to Snap Send Solve within 24 hours.

	ACTION COUNCIL: Investigate process for type of response resident receives for Snap Send Solve (aka standard response vs. personalised response)
	Issue: Send links of Flemington Green information sessions to ITC. **ACTION:** COUNCIL **Update:** Information was sent with the previous minutes
	Issue: Ensure Melbourne Water is consulted as part of the updated detailed design of the Dean Street underpass. **ACTION:** COUNCIL **Update:** Detailed design is currently being updated and Council will seek endorsement from Melbourne Water.
	Issue: Consider potential for walking and cycling path within Citylink land parallel to the internal road in the Moonee Valley Racecourse as part of developing the draft ITP. **ACTION:** COUNCIL **Update:** Council raised this with the Moonee Valley Racecourse and they have given in-principle support of maintaining the road on the racecourse open for cyclists after the completion of the CTW works. Council will continue to liaise with the racecourse to finalise this decision. More permanent linemarking would be required at Pattison Street and Wilson Street.
	Issue: Investigate including lighting in the underpass as part of the Dean Street underpass project. **ACTION:** COUNCIL **Update:** Lighting at key underpasses has been proposed by Council to be included in the draft West Trails document and can be incorporated into the Dean Street underpass design
	Issue: Consider investigation of an alternative to eastbound Racecourse Road that connects cyclists to the west side of the Moonee Ponds Creek Trail as part of the development of the draft Integrated Transport Plan. **ACTION:** COUNCIL **Update:** Project is being considered as part of the development of the ITP.
	Issue: Investigate including on-road signage directing cyclists to Moonee Ponds Creek Trail and Maribyrnong River Trail. **ACTION:** COUNCIL **Update:** Council has budget for wayfinding signage along the Moonee Ponds Creek Trail and Maribyrnong River Trails for 2016/17. Wayfinding signage to both trails will be considered for 2017/18.
	Issue: Moonee Ponds Creek Trail provide update on RSVP information and report on progress of master plan. **ACTION:** COUNCIL **Update:** Information on event was sent and updated provided on progress of master plan.
	Issue: Note that if the location of Melbourne Airport Rail Link within relevant proximity to advocate for Steele Creek Bridge underpass at Fullarton Road as part of the Airport Rail Link project. **ACTION:** COUNCIL **Update:** Noted
	Issue: Develop on-going maintenance program in spring each year to trim trees along Mount Alexander Road. **ACTION:** COUNCIL **Update:** Trees were trimmed mid February 2016. Have discussed with Council's arboriculture team and an on-going tree trimming request along Mount Alexander Road will be incorporated into Confirm to ensure trees are trimmed annually in November.
	Issue: Provide update on Valley Lakes Estate shared path. **ACTION:** COUNCIL **Update:** Construction of the path has commenced and all aspects of the project including tree planting and revegetation are set to be completed in late June. **ACTION COUNCIL:** Provide update on Valley Lakes Estate shared path.
	Issue: Investigate Juliet Street as the preferred detour route as part of the Citylink Tulla Widening Project detour as opposed to the proposed Fanny Street route. **ACTION:** COUNCIL

	Update: Council advocated to CPB to utilise Juliet Street. The final detour now is northbound along Fanny Street where cyclists are more visible and vehicle speeds are slower for the right hand turn. Southbound cyclists are directed along Juliet Street to minimise time riding on Wilson Street.
	Issue: Circulate criteria for funding Strategic Cycling Corridors when it is released by the State Government. **ACTION:** COUNCIL **Update:** Criteria yet to be completed.
	Issue: Provide comments to Yarra Trams on the need to improve TMP's for future works in relation to pedestrian and cyclist detours and public transport information. **ACTION:** COUNCIL **Update:** Comments were raised to Yarra Trams.
	Issue: Ensure trees are trimmed on Citylink Tulla Widening bicycle detour route **ACTION:** COUNCIL **Update:** Conducted audit of route, the only trees that required trimming were on private land at 88 Mount Alexander Road which were completed by the tenant.
	Issue: Investigate providing an upgraded crossing on Wilson Street to Fanny Reserve. **ACTION:** COUNCIL **Update:** This has already been incorporated into the Dean Street LATM with high level of support from wider community. Will eventually require further consultation with the bus operators.
5	**Strategic Updates**
	Strategic Projects Update Community consultation for the Integrated Transport Strategy, Airport West Structure Plan and Housing Strategy will takes place after the Council election due to Council election caretaker provisions and the potential impact of significant State Government planning initiatives. **Budget Update** Community consultation for the draft budget closed on 29th April 2016. Council intends on delivering all walking and cycling projects as previously outlined to the Committee as well as completing some of the projects that will need to be carried forward. **Project Update** Council provided an update on the walking and cycling capital works program. **Action COUNCIL:** Endeavour to complete Wellington Street roundabout pedestrian improvements in winter school holidays. **Montague Boardwalk** Council presented on a number of options to upgrade the Montague Boardwalk including options to permanently close the bridge, replace with a concrete or steel structure or replace with a shared path. The Committee recommended Council pursue the shared path option. **Action COUNCIL:** Inform ITC of the progress of the Montague Boardwalk shared path option and the outcome of Councillor Workshop. **Dean Street Underpass** Council presented the draft final concept plan for the Dean Street underpass upgrade. **Action COUNCIL:** Investigate option of lifting the underpass to improve gradient of path and access to Pattison Street. **Citylink Tulla Widening Update** Council provided an update on Stage 2 of the Citylink Tulla Widening project with plans for the English Street Bridge to be replaced. Council is advocating for 3m wide shared path on both sides of the bridge. **Action COUNCIL:** As part of Stage 1 continue to investigate a shared path that runs parallel with the road on the racecourse between Ormond Road and Wilson Street.

	Action COUNCIL: As part of Stage 1 determine if fencing on Citylink Tulla Widening fencing close to Ormond Road is permanent. **Flemington Racecourse Development Update** Council presented its submission during the Flemington Life Advisory Committee hearings. Council's position to the Advisory Committee was that the Flemington Green amendment should be abandoned and that the VRC should undertake a master planning exercise prior to considering any future amendment proposal.
6	**General Business**
	Community Transport Survey We are undertaking a survey to seek feedback on the community transport service in Moonee Valley. For more information or to complete the survey visit mvcc.vic.gov.au/communitytransport **Action COUNCIL:** Ensure wayfinding sign at Moonee Ponds Train Station has reflective tape installed on the edges. **Action COUNCIL:** Investigate bluestone edging at pedestrian refuge on the corner of Puckle Street and Margaret Street be modified to reduce tripping hazard. **Action COUNCIL:** Investigate re-installing bicycle parking in front of the Windy Hill Fitness Centre. **Action COUNCIL:** Ensure Maribyrnong River Trail and Aberfeldie Park path works as part of the M102 drainage upgrade are re-instated to required standard.
7	**Meeting dates for 2016**
	• 1st August • 7th November
	Meeting concluded at 8:20pm

City of Moonee Valley

Arts and Culture Community Advisory Committee

Minutes

MEETING #14

Monday, 16 May 2016 at 6pm
Committee Room, Moonee Valley Civic Centre
9 Kellaway Avenue, Moonee Ponds

Attendees	Cr Jan Chantry	Chairperson – Buckley Ward
	Frank Di Blasi	Community member
	Kay Feain	Community member
	Raelene Marshall	Community member
	Shelley Abazi	Community member
	Vincenza Fazzalori	Community member
Council staff	Gilbert Richardson	Acting Director City Services
	Troy Watson	Manager Arts, Culture and Libraries
	Trish Keenan	Coordinator Arts and Cultural Development
	Matthew Pope	Coordinator Cultural Facilities
	Alana Stevens	Executive Assistant City Services (minute taker)
Apologies	Cr Andrea Surace	(Sub chair) – Moonee Valley Mayor, Rose Hill Ward
	Cr Jim Cusack	(Sub chair) – Myrnong Ward
	Chris Clark	Community member
	Paul Green	Community member
	Pip Grummet	Community member

Order of Business

Welcome

Chair Cr Jan Chantry opened the meeting at 5.57pm and welcomed members.

Apologies

Noted as per page 1.

1. Confirmation of previous minutes

Moved by Frank Di Blasi, seconded by Kay Feain that the Minutes of the Arts and Culture Community Advisory Committee meeting (#13) held on Monday, 22 February 2016 be confirmed with no changes.

2. Declarations of Conflict of Interest

Nil.

3. Actions arising from previous minutes

3.1 Funding of the arts and any future budget line items

Troy Watson provided a handout (*to be distributed with minutes*) which showed Council's budget for Arts and Culture, in comparison with neighbouring council areas. It was noted that expenditure will be different across council areas, due to factors such as populations, differing facilities etc.

The committee thanked Troy for providing this information.

3.2 Education programs

Trish Keenan provided the committee with an update on the education program at the Incinerator Gallery. This includes a number of learning programs:

- Arty Tales - sessions for 3-5 year olds and their parents.
- Art History Talks – aimed at an adult audience
- U3A programs run once a week at the Incinerator
- Primary and secondary school education program – which is in its first year of operation, and is expected to have attracted over 720 students over this period

Other activities being looked at in future include:

- holding a professional development forum for teachers
- hosting a portion of the next Fireworks VCE Art Awards within Council libraries

Committee members made several suggestions:

- including art creation as part of the schools education program
- using a 'visitor book' as part of the schools education program, for example, for students to write their reactions to art
- better promoting the schools education program within the Moonee Valley community, such as on social media, in Valley View or in the local newspapers

3.3 Community forum

Cr Chantry suggested it would be best to hold off on planning a community art forum until after the Council Budget is finalised. This could possibly be held as part of the development of the Public Art Policy.

4. Update on events and activities

4.1 Mediterranean Fiesta

Trish Keenan provided an update on the Mediterranean Fiesta held in March 2016, and sought the committee's feedback on making changes to the format for next year.

The committee agreed that:

- the festival should retain a Mediterranean focus, but OK to introduce activities that aren't specifically Mediterranean – such as children's activities
- the festival needs more food related activities/providers
- the Pesto Competition should be changed – suggestions for a new competition included piñatas, sauces or produce growing

4.2 Public Art programs

Troy Watson provided a handout (*to be distributed with minutes*) which gave an overview of Council's temporary public art programs over the past two years.

Final installations are in place at Mt Alexander Road, Avondale Heights Library and the Incinerator Gallery. The final Billboards will be tied in with NAIDOC Week, featuring works by Indigenous artists.

Troy advised that Council would next be working on a Public Art Policy, which would go up to Council for endorsement after Council elections have been held.

4.3 Spirit of Moonee Valley Community Awards – call for nominations

Trish Keenan advised that nominations for the 2016 Spirit of Moonee Valley Community Awards are now open, and asked committee members to encourage their communities and networks to nominate deserving residents.

4.4 Moonee Valley Festival

Troy Watson provided an update on the Moonee Valley Festival held in February 2016, and advised that next year (2017) will be the 40th anniversary of the Festival.

Suggestions from the committee for the 40th anniversary event included:

- A 'then and now' display – 1977 to 2017
- Tell the story of the history of the Festival
- Investigate who were Councillors when the Festival first started, and seek to involve them where possible.
- Collaboration with Essendon Historical Society, such as a display of previous Councillors
- Launch event, such as a cocktail function – invite people who have been involved in the Festival over the years

- Display of previous years' promotional posters / t-shirts

5. General business

5.1 Rehearsal venue

Frank Di Blasi advised there is a musical quartet seeking a rehearsal space for 90 minutes on Saturday afternoons. The Committee suggested upstairs at Crown Street Stables would be an ideal venue.

ACTION: Troy Watson to provide Frank with details on how to book the venue.

5.2 Clocktower hire

Frank Di Blasi advised that community groups found the Clocktower theatre too expensive to hire and questioned whether a subsidised rate could be made available. Troy Watson and Matthew Pope advised that the current hire rate is already subsidised. As the venue is a professional theatre space, there is an unavoidable cost for staffing ie. staging, lighting, attendants, box office. They advised that some groups had made arrangements to sell their own tickets, which reduced the hire cost slightly.

5.3 Winter Music in the Valley

Trish Keenan advised that the Winter Music in the Valley concert series would be commencing on Sunday, 5 June. Concert details are:

- **Winter Wonderland**
  Moonee Valley Brass, Moonee Valley Development Band, Moonee Valley Community Choir and What's Goin' On
  Sunday, 5 June, 3pm
  Clocktower Centre, Moonee Ponds
- **Strauss and Strauss**
  Soprano Teresa la Rocca and pianist Simon Bruckard
  Sunday, 19 June, 3pm
  St Georges Anglican Church, Travancore
- **Italian Serenade**
  Affinity Collective
  Sunday, 26 June, 3pm
  St Martin de Porres, Avondale Heights
- **On Wings of Song**
  Soprano Jacqueline Porter and Lyric Opera instrumental ensemble, directed by Pat Miller
  Sunday, 3 July, 3pm
  St John's Uniting Church, Essendon

5.4 Clocktower programming

Matthew Pope distributed brochures for the next seasons of Morning Music and Movies at the Clocktower.

Matt also advised that he and Troy Watson would this week be attending Showcase Victoria, where they would view pitches for potential programming for the 2017 and 2018 theatre seasons.

5.5 Council elections

Raelene Marshall enquired as to how residents can vote in the upcoming Council elections. Cr Chantry advised the election would be conducted via postal vote.

5.6 Volunteer Week

Kay Feain enquired whether Council had done anything to mark National Volunteer Week last week. Troy Watson advised that Council holds an annual luncheon, recognising long serving volunteers.

5.7 CityLink artwork

Troy Watson advised that the previously postponed meeting he was invited to attend regarding artwork for the CityLink-Tulla Widening (CTW) project had not been rescheduled. Transurban Group had decided not to proceed with an art wall, and instead a more simple treatment will be used to tie in with existing art along the freeway. The committee expressed their disappointment in this decision, and asked to see details of the revised design.

ACTION: Troy Watson to advise Transurban Group of the committee's disappointment that the art wall will not proceed, and request details of the revised design.

Date of next meeting

The meeting schedule for the remainder of 2016 will be:

- Monday, 8 August , 6pm-8pm
- Monday, 21 November, 6pm-8pm

Chair Cr Chantry thanked everyone for attending.

Meeting closed at 7.45pm.

Moonee Valley City Council Disability Reference Group Meeting

Minutes

Held Monday 6 June 2016 at 4:00pm- 5:30pm

Moonee Valley City Council

Attendees:

Cr Shirley Cornish (Cr.SC)	Chair, Moonee Valley City Council
Cr Jim Cusack (Cr.JC)	Councillor Moonee Valley City Council
Anthony Smith (AS)	Director Corporate & Community Services
Jim Karabinis (JK)	Manager Aged & Disability
Heidi Peart (HP)	A/Coordinator Healthy Ageing & Disability
Laurie Elliot (LE)	Local Resident
Ruth Kyne (RK)	Local Resident
Vincenza Fazzalori (VF)	Local Resident
Rose-Marie McQueen (RM)	Business Support Officer (Minutes)

Apologies:

Dean Alexander (DA)	Program Manager Inner North Co-Health
Elizabeth Perez (EP)	General Manager of Housing Wintringham
Lisa Greenfield (LG)	Local Resident
Greg Francis (GF)	Local Resident

Guests:

Melanie Lorback (ML)	Senior Leisure Facilities Officer

Order of Business

Welcome

The Chair welcomed everyone to the meeting

Apologies

Noted

1. Confirmation of Previous Minutes

VF Moved, LE Second

2. Declarations of Conflict of Interest

LE stated he has a disability parking permit and enquired if it would be a conflict of interest at this meeting considering the Accessible Parking Review.

Chair responded LE would receive no benefit, therefore there is no conflict of interest.

3. Items

3.1 Actions From the Previous Meeting

- Accessible Parking Recommendations were noted in the report to Council

3.2 Correspondence

Chair: The Disability Discrimination Commissioner as a standalone role has been renewed. A couple of years ago (Cr Cornish) on behalf of the DRG wrote a submission regarding the impact of this role being abolished. The return of the role is a great outcome in response to the feedback from the community and service providers.

The Chair acknowledged this was a great outcome and thanked all for their support

Action: RM: Link regarding the announcement to be included with the minutes.

3.3 East Keilor & Ascot Vale Leisure Centre – update (ML)

ML provided the following update on Council owned leisure centres;

The EKLC feasibility study is continuing and has expanded to include investigating 7 various options, some of which include outdoor aquatic facilities.

Options will be taken to Council in August to get future direction to move onto stage two of the feasibility study. Once a preferred concept is endorsed by Council these will be available to the disability reference group.

It is anticipated that during the detailed design stage of this project the Disability Reference Group will be called upon to provide input into ensuring EKLC is a fully accessible facility.

Cr Cornish holds the environmental portfolio and will have a meeting to discuss the Environmental Sustainability regarding the Environmental Sustainability Policy in climate change and heat etc, the Urbane Ecology strategy should also be applied.

- The infrastructure and demographics warrant this facility
- Ascot Vale Leisure centre has some delay, September is the anticipated time frame

3.4 Super Tram Stop (CH)
Deferred

Action: AS requested to follow up with relevant Manager to ensure presentation is available for the next meeting.

3.5 Accessible Parking Notice of Motion – Update (Cr Cornish)

A 98% approval rate in favour for the motion was reached, all members have previously received a copy,

Action: RM to recirculate the Notice of Motion with the minutes

3.6 Crown Street Stables

(Cr Cusack arrived 4.30pm)

- Trainees at Crown Street is a confidential item and not to be discussed outside this meeting
- Previously Council went to tender to find a suitable RTO to partner with in offering training and work experience through the café. After a lengthy process the preferred applicant withdrew and no other suitable applicant was identified.
- An alternative employment model is being explored using the SEED program where Council will employ trainees through the café with each trainee doing a 16 week placement. We are currently putting an application through VCAT so we can advertise for people with disability only ensuring we comply with equal opportunity obligations.
- Part of the project will be working with private businesses and the local traders associations to place trainees in work after the traineeship is completed.
- Community Chef have also agreed to take on placements

Q: Once SEED is finished how they will gain a qualification?
A: The trainees will obtain a certificate depending on the skill level reached
Q: Are there other Champions to call on?
A: Through Council and HR the support which has been put forward is reasonable
JK has offered to draft a letter of support if required

An explanation of application for Exemption Rule to the Human Rights Commission was provided;

- It is proposed for the Café, Social Enterprise will only offer employment to PwD this exemption supports the program

3.7 MAV - NDIS - Update (JK)

JK provided the following update on My Aged Care and NDIS;

As of the 1 July 2016, the Commonwealth Department of Health will have responsibility for funding support services for residents over 65 years of age through the introduction of the Commonwealth Home Support Program and My Aged Care. The Department of Health and Human Services (State) will retain responsibility for providing funding to support residents with a disability under the age of 65 until the introduction of the National Disability Insurance Scheme, (NDIS). The rollout for NDIS in Moonee Valley is scheduled for October 2018.

Council will continue to coordinate and deliver services in accordance to the block/ secure funding that we receive. Both levels of Government (State and Federal) have provided security for block funding for all Victorian Council's until 30 June 2019.

Both levels of Government have made a commitment to work in partnership with Victorian Local Councils to;

- Recognise the role of Local Government in Victoria as a planner, developer, funder and deliverer of services for older and younger people
- Retain the benefits of the current Victorian HACC System

Q: How will Council provide service without this funding?

A: Service providers have block funding to assist with service provision

Q: The group service activities are of great value, how will these be maintained?

A: These are the gaps in the service and this item and others the same will be bought to Councils attention, great diversification will be made in order to provide and continue service. A raft of evidence needs to be determined and in that time there will be people not receiving service.

Theoretically Council steps into the role of a natural place to come back to for people to help them make decisions about who and where they spend their money on service provision.

Q: What are the needs and what type of support?

JK would like to report back at the next meeting after the meeting with Council and provide clarity and information on the 7 service areas that Council can provide service delivery for.

The uniqueness is MVCC is a Registered Disability Service provider and ISO accredited, under this credibility we can be creative on how to provide services.

3.8 Vincenza Fazzalori- Update (VF)

Presentation Using Art as an Art to attract people and connect them socially and alleviate isolation.

- Leadership program at Brimbank aim was to bring families together

- Art in windows at Ascot Vale – Union Road story re the Artist and their connection with the art
- National Award winner National Mainstream Award, National Traders Association

  Art @ the Heart
- Street Party in Flemington the space was activated and an opportunity was created to give people an opportunity in the public domain
- The Coterie was derived from people who wanted to come together informally with their art and the group continue to meet from time to time
- Art in Windows in Flemington
- MVCC Festival
- Activating Local Spaces in Balwyn North
- MVCC Men's Shed art program, the life style manager from Doutta Gala was requested to employ Vincenza and Vincenza is still there today.
- Tripod is new initiative with CoHealth which provides social connection to people who are isolated, targeting people who are over 65 and have mental health issues and are not linked to other services.
- Funding for these initiatives are difficult to source Vincenza has produced so many successful projects, however they are now not sustainable due to the lack of funding available.
- Benefits of creating the groups has not documented however the social inclusion needs to continue.
- Art is therapeutic, fulfilling and is out there in a public place
- TRIPOD program - Art Spaces Sunshine – enabled people in psychiatric care who have limited access to have an opportunity to see out, engage and see the public
- Ruth Kyne has been requested to present on Valley Carers at the next DRG meeting

  Action: Ruth Kyne to present on Valley Carers 1 August 2016

4. General Business

Chair advised Greg Francis has tendered his resignation from the Disability Reference Group

Q: What percentage people currently receiving Council services still receive the service once the changes come through?

HP is collecting content for the Disability Services Newsletter, please send content to her by the 15th July.

Action: RM to send the existing copy of the Disability Services Newsletter with the minutes

Q: Cr Cusack: How does the DAP sit with reviewing the action plans around the NDIS?

A: JK will be presenting these items to Council at the next meeting, 14 service plans exist one has already been written for Disability Services last year.

- JK will propose the redraft of Service Plans, Disability Access & Inclusion then the Healthy Ageing Strategy
- Transition Plans sit under the DAP & Service Plan
- Any proposed changes come through the DRG primarily

5. Close of Meeting 5.30pm

Next Scheduled meeting;
Monday 1 August 2016
Moonee Valley City Council
4:00pm – 5:30pm

City of Moonee Valley

Strategic Planning Advisory Committee

Minutes

MEETING #11
held Thursday, 16 June 2016 at 6.00pm
Committee Room, Moonee Valley City Centre,
9 Kellaway Ave, Moonee Ponds

Attendees	Cr Nicole Marshall	Chairperson
	Cr Andrea Surace	Councillor
	Chris Macdonald	Community member
	Kristen Bell	Community member
	Peter Leyden	Community member
	Senka Sestan	Community member
	Steven Zebic	Community member
	Jennifer Nola	Community member
	Charles Sowerwine	Community member
	Natalie Reiter	Director Planning and Development (MVCC)
	Henry Bezuidenhout	Acting Manager City Planning (MVCC)
	Tim Mileham	Acting Coordinator Strategic Planning (MVCC)
	Daniela Padula	Senior Strategic Planner (MVCC)
	Kim Hutchinson	Planning Engagement Officer (MVCC)
	Julian Szafraniec	SGS Economics and Planning
Apologies		
	Cr Narelle Sharpe	Deputy Chairperson
	Cr Shirley Cornish	Deputy Chairperson
	Anastasia Georgiou	Community member
	Andrew Gunter	Community member
	Maria Loiacono	Community member
	Anastasia Georgiou	Community member
	Peter Bourke	Community member

Order of Business

1.1 Welcome

Cr Marshall opened the meeting at 6.05pm and welcomed members.

1.2 Matters arising from minutes and confirmation of minutes

Query from Peter Leyden regarding notes on housing supply. To be reviewed and amended before next meeting,

Moved by Jenny Nola, seconded by Steven Zebic that the Minutes of the Strategic Planning Advisory Committee (SPAC) held on Thursday, 21 April 2016 (meeting #10) be confirmed.

1.3 Outstanding Actions

Committee provided with list of outstanding actions, Tim Mileham gave update on these matters:

- Action 5.7: Further discussion on rate capping to be held over and also to be considered as a possible topic at future meeting.

ACTIONS:

5.7	***Consideration be given to including an update on property rating at a future meeting, request Committee Members provide feedback to Kim Hutchinson regarding key issues to be considered for discussion.***

1.4 Declaration of conflict of interest

Nil.

1.5 Housing Strategy Further Discussion

Presentation: Julian Szafraniec, SGS Economics and Planning

Discussion points:

- Concern regarding growth of the municipality and lack of infrastructure to support this growth. There is a balance in level of rejuvenation, affordability and lack of infrastructure. There is need for vision. Need to ensure there is appropriate transport and infrastructure. Government needs to provide investment to fix transport.
    - Julian Szafraniec: People are making the trade-off for apartments so they don't move to Melton. Transport issues come up in a lot of municipalities. Population growth is beyond most people's control. There is a need better infrastructure. There will be population growth within the municipality, otherwise it will be on the other side of the municipality and then people will be driving through but Moonee Valley won't get benefits as lively activity centres. Current

infrastructure is not great situation and lobbying for state and federal government is important, but don't think Council can just hold off.

- The approach from City of Melbourne is changing and they are pulling back.
    - Julian Szafraniec: They are putting in development controls and if want to build above heights then need to provide other services/facilities and using as a compromise.
- Apartment size and who is living in them is a concern. How can we encourage developers to provide usable supply? People retiring want to be Melbourne based and there is no supply of properties.
    - Julian Szafraniec: There is an oversupply of 1 bedroom apartments but it is at a tipping point, seeing more owner occupiers, where you see demand is in 2 bedroom, if Council can advocate for greater diversity. Yarra took an apartment to VCAT to advocate for 2 bedroom apartment. Need the housing type, but can't just saying no to apartments.
- What evidence is there that this is what retirees are actually doing and preferences are for apartments not townhouse? Not disputing young professional market, but with older people is there evidence to support the leap? Endorse a lot of comments being made, however with retirees we don't know if it's choice or necessity and don't know their circumstances.
    - Julian Szafraniec: Can't refer to 1 specific research document, having a house with a back yard is not the same as rest of the world. Why people are looking at apartments over town houses is that they are busier, don't want to garden, wanting to eat out. Casual eating is growing, a lot more people eat out most nights of the week, young professionals. 30% of people living in apartments are over 65. Approximately 2,000 in Moonee Valley are in apartments. Baby boomers actively make a choice.
    - Natalie Reiter: If needed we can bring information back about research.
- This issue is a good example of why we have questions about quantifications but doesn't take into account the way this works. Grattan Street Study is asking people how many bedrooms they want, but in reality, Melbourne apartments as 2-3 bedroom would count as a 1 bedroom in Paris. There is limited opportunity on offer. Supply side: residential neighbourhood with high degree of heritage would be protected. We should maintain neighbourhood character. Demand side: Melbourne is a large city and people do move around, the market isn't fixed and we need to have an open fluid market. To come out with arbitrary numbers is problematic. Since Kennet revolution we have given up proactive planning. Can't really think developers are going to provide classic New York and Paris apartments that people love, if there isn't sufficient regulation. If can't put on regulations then won't get it. We need to get around market based response. Need to increase pressure until infrastructure is there.
    - Daniela Padula: Purpose of today was to talk about capacity. With the issues you are raising, planning has multi-faceted areas and there are other tools to help tackle other issues. i.e. better apartments. The zones don't address the issues you are raising.

  - Julian Szafraniec: Have seen in general better outcomes for apartments in Sydney as they have been more open to development. In Melbourne pigeonholed into specific areas.

- No one contests the fact we have to have growth, but it is about the quality of development. Need to put in minimal standards. They don't exist. For example the Pyrmont development has multiple high rise towers, large amount of open space, gymnasium, no borrowed light, not looking on balcony at next apartment. What is the logic behind one parent numbers not changing much at all?
  - Julian Szafraniec: Divorce rates stabilised, not a shifting trend.
  - Natalie: Splitting and re-blending of families.
  - Julian Szafraniec: Very few people get their housing choice, what trade off did they make?
- Other assertion is people live local. Got to be careful when use those statistics as a basis of planning and unless further evidence to support assertions. Capacity and demand slide: MV zoning comparable to Boroondara, seems that is a very interesting comment.
  - Julian Szafraniec: They do have a lot of NRZ and was pushed on by government that put in remaining zones and had to be proactive on sites that were left.
- We have a few key sites that are remaining. Similar approach taken by Boroondara would have similar outcomes.
  - Julian Szafraniec: If it was reduced then would have to find other locations.
- Cr Marshall: If there is no development in local streets but have it in Moonee Ponds Activity Centre then people would accept that.
- Is proposing 5:1 multiplier a standard? Saying number of available dwellings is 5 times above, is this a planning industry standard?
  - Julian Szafraniec: No. just a comparison, not a standard but has come out of current studies.
- This can be less and be acceptable for developing market?
- What sort of uplift is appropriate?
  - Julian Szafraniec: Demand is on scale, in a suburb may be higher, but in activity centre want all or large capacity to get realised.
- Seems to be a broad level of community acceptance that if we had good development in activity centres then that would be all right, but it's the fact that we have that and then in streets with strong with neighbourhood character they will get knocked down and get three stories apartments.
  - Julian Szafraniec: I'm not sure it represents all the community i.e. in Darebin got backlash from community and restricted their property prices.
- This shouldn't be seen as a bonanza to people's retirements.
- Take opportunity from someone away, if it were seen as providing a land rezoning bonanza, not good.

- Most people not economic rationalist.
- Disagree, a lot of people looking at the money from their houses to fund their retirement.
- Statistically in absence of real sociological work it's dangerous to make generalisations.
- Research is not producing what community needs. What community needs and what's justifiable are different. Had a failure of regulation and mismatch of what we need and what we get. Quality of housing is appalling, and have produced a substandard product. Rejuvenating of Melbourne, instead of Paris we are getting a bigger version of Hong Kong. We keep coming back to argument of how many houses should we put in. Assume people are anti-development. People move in because of characteristics and developers are producing economically viable but not within character of area. We talk about supply and demand but never ask the question on why people hate development. Need to tackle discussion of design to get people into areas.
    - Tim Mileham: These views are always subjective, a resident saying back in 90s Rose St, Essendon dead and now streets are alive and busy, can't universally argue this.
- Huge cultural changes over last 20 years. Interesting living in Niddrie to see how many people came to area as they wanted to get a coffee. Inner city living has become trophy living and for young people. Rejuvenation of inner areas happening well before residential code changed.
- Cr Marshall: There are elements you are right about. I hold out hope for better apartments review.
- Need to hit this hard, need to work out what we want to do: concentrate development. On Puckle St will be low rent and affordable housing. Affordable housing comes with affordable people. Need 2-3 bedrooms typology or will get certain kind of people buying.
- Cr Marshall: Your vision is in line with what Council officer's see happening.
- We can have types of development without having neighbourhood residential development zone everywhere. Not a matter of go crazy in activity centres and nothing else. Can have different zones.
    - Julian Szafraniec: Some councils do have these.
- There was a previous point that I disagree about, lack of regulation in last 20 years, we are talking about different regulations and need to understand which regulations are needed. Think about what regulations we do and don't need.
    - Tim Mileham: Exactly point just made, not going to make everyone happy, but with the work done that sits behind will look at the different areas, the alternative is that nothing gets changed. Which will then be the same outcome for MVCC as happened last time (RSZSAC), MVCC approach thrown out. Need to get this work in place to prevent status quo remaining.
- Create Streets London, research on types of properties people would like. Issue is disconnect between planning and architectural community and the local communities. Docklands was a planned community and it's a failure of an urban space.

Council Officer Housing Strategy Project Update

Tim Mileham: There is no change to where we were at last SPAC meeting in April, we have taken on board comments that have been made, and we are also in light of these comments having a look at the bigger picture of what was said. Due to Council elections and where we are in the process, we won't be going out on exhibition until early 2017. Will do work in the background and doing work on Neighbourhood Character Study, have heritage on exhibition at the moment. Natalie Reiter as new Director we will be reviewing the process.

- Do we need a consultant for NC study? Can this Committee have input into the decision of who is the consultant?
    - Tim Mileham: for a statutory perspective do not need a consultant, however it wouldn't stand up at a panel hearing. It will go to open tender.
- We talk about tweaks, but there is an alternative vision
    - Cr Marshall: Yes, but there are 20 alternative visions.
- Could accommodate growth with apartments consolidated in key activity centre, and reduce demand for apartments in municipality. We have made this point several times and want to know why council beholden to singular view.
- People here are microcosm of who will confront when you go out.
- Had worry that what drives inability to get developers to build apartments that are inviting. Sacrificing residential streets for real planning objective. Is demand destroying neighbourhoods?
- Cr Marshall: What is strategic justification for saying a particular street and go to panel and say this should be NRZ rather than GRZ. We've struggled with this for years, these are the homes that people want to protect.
- Apply a zoning to a street, and land values.
    - Tim Mileham: Officers are operating within a mandate.
    - Cr Marshall: Don't believe officers are out to destroy Moonee Valley, but problem is if you think about planning has element of community support and feel like going round in circles.
- Can we go out to community to review options?
- Everyone sticks there head in the stand until something happens next door. How do you get people to grasp they are 2 years behind?
- The point of this committee is a sounding board to the council
    - Natalie Reiter: We now have the next period to look at how can take on board comments of this group, opportunities for this group, engagement and what opportunities we have.
    - Henry Bezuidenhout: The State Government will also provide directions that will feed in, for example Better Apartments Guide
- When we get experts can we direct them to specific areas: ie. design guidelines in specific areas? Isolate certain areas in MV?

- Cr Marshall: This is part of neighbourhood assessment.
- Will Neighbourhood Character Study come back to this group for input?
- Cr Marshall: Is there a time line for Neighbourhood Character Study?
    - Daniela Padula: I will be finishing up and new person will review project timeframes. Given community consultation required currently the project times lines will be about 18 months for the project to be completed.
- Cr Marshall: If possible can we circulate information about these timelines and project?
    - Tim Mileham: The timeline for community, and in new Council term will be reviewed.

ACTIONS:

11.1	***Copy of presentation to be circulated***
11.2	***Circulate Neighbourhood Character Guidelines***
11.3	***Provide timelines for Neighbourhood Character Study to Committee***

1.6 Review of Strategic Planning

Will undertake a review of the Committee. Process will be a survey and discussion at future meeting to receive your input into this Committee.

ACTIONS:

11.4	***Survey to be circulated***

1.7 Discussion of topic for next meeting

The topic for the next meeting will Heritage Guidelines.

To best understand relevance of further discussion on property rating that can be scheduled for the September meeting it would be useful to have feedback on what aspects of the discussion Committee members would like to see a focus on.

ACTION:

11.5	***Next meeting scheduled for 28 July 2016***
11.6	***Provide feedback to Engagement Officer regarding follow up points to discussion on property ratings***

2 General Business

- No discussion items

3 Meeting closed at 7.36 pm.

The next meeting will be on **Thursday, 28 July 2016 6pm - 7.30pm** at Moonee Valley City Council, Civic Centre – Committee Room.

9.29 Report on Assemblies of Council

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

Purpose

The purpose of this report is to present to Council, the written records of Assembly of Councillors held in accordance with the provisions of Section 80A(2)(a) and (b) of the *Local Government Act* 1989 ("the Act").

Executive Summary

It is a requirement that the Chief Executive Officer ensures that the written record of an Assembly of Councillors is, as soon as practicable, reported at an Ordinary Meeting of the Council, and incorporated in the minutes of that Council meeting.

Recommendation

That Council receive and note the written records of Assembly of Councillors, provided as **Appendix A**, received since the last report to Council in July 2016.

Background

In accordance with Section 80A (1) & (2) of the Act, the Chief Executive Officer is to ensure that a written record of an Assembly of Councillors is, as soon as practicable, reported at an Ordinary Meeting of the Council; and incorporated in the minutes of that Council meeting.

Furthermore, the written record of an Assembly of Councillors is both kept for a period of 4 years after the date of the Assembly; and made available for public inspection at the offices of the Council, for a period of 12 months after the date of the Assembly.

Discussion

Section 76AA of the Act defines an Assembly of Councillors as a meeting of an Advisory Committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:

a) the subject of a decision of the Council; or
b) subject to the exercise of a function, duty or power of the Council, that has been delegated to a person or committee but does not include a meeting of the Council, a Special Committee of the Council, an Audit Committee established under section 139, a club, association, peak body, political party or other organisation.

Section 80A (1) and (2) of the Act provides that:

1. At an Assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of —
   a) the names of all Councillors and members of Council staff attending;
   b) the matters considered;
   c) any conflict of interest disclosures made by a Councillor attending under subsection (3); and
   d) whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.
2. The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable —
   a) reported at an Ordinary Meeting of the Council; and
   b) incorporated in the minutes of that Council meeting.

Records of Assemblies of Councillors, held since the last report to Council in July 2016, are provided as **Appendix A**.

Consultation

All Council staff have been informed of Council's obligations under the Act.

Implications

1. Legislative

This report is presented to Council in accordance with Section 80A of the Act. As this is a mandatory reporting requirement, there are no Charter of Human Rights implications for Council.

2. Council Plan / Policy

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

3. Financial

There are no financial implications resulting from the presentation of this report.

4. Environmental

There are no environmental implications resulting from the presentation of this report.

Conclusion

Council has an obligation under Section 80A(2)(a) & (b) of the Act, to present all records of Assemblies of Councillors to an Ordinary Meeting of Council. By receiving and noting this report, Council is ensuring compliance with this provision.

Appendices

Appendix A: Record of Assemblies of Councillors

RECORD OF ASSEMBLY OF COUNCILLORS
Tuesday 26 July 2016 at 6.00 pm at the Moonee Valley Civic Centre

PRESENT

Councillors:
Andrea Surace, Paul Giuliano, Jan Chantry, Shirley Cornish, Jim Cusack, Nicole Marshall, Cam Nation, Narelle Sharpe, John Sipek

Officers:

Anthony Smith	Acting Chief Executive Officer
Natalie Reiter	Director Planning & Development
Gil Richardson	Acting Director City Services
Carey Patterson	Acting Director Corporate & Community Services
Petrus Barry	Manager Statutory Planning
Yvonne Hansen	Manager Legislative Services & Support
James Martin	Acting Manger Communications & Customer Service

CONFLICT OF INTEREST DISCLOSURES

Cr Sharpe declared an indirect conflict of interest in item 9.6 - 'Buckley Park LATM Study' due to her owning a residence within the study area.

Cr Nation declared an indirect Conflict of Interest in Item 9.8 'Amendment C159 – Implementation of Essendon Junction Structure Plan' due to a conflicting duty as he is operating a business within the precinct

MATTERS CONSIDERED

9.1 40 Hall Street Moonee Ponds (Stage 2)

9.2 87 Spencer Street Essendon

9.4 165-169 Keilor Road Essendon

9.5 113 Keilor Road Essendon

9.6 Buckley Park LATM Study – this matter was not considered as Cr Sharpe was present in the room at this time.

9.8 Amendment C159 – Implementation of Essendon Junction Structure Plan, this matter was not considered further as Cr Nation was present in the room at this time.

9.11 Review of Councils Meeting Procedures Protocol

9.13 Construction Management Plans

RECORD COMPLETED BY

Carey Patterson Acting Director Corporate and Community Services

RECORD OF ASSEMBLY OF COUNCILLORS
Tuesday 2 August 2016 at 6.30 pm at the Moonee Valley Civic Centre

PRESENT

Councillors:
Andrea Surace, Jan Chantry, John Cusack, Nicole Marshall, Cam Nation, Narelle Sharpe, John Sipek

Officers:

Natalie Reiter	Director Planning & Development
Gil Richardson	Acting Director City Services
Carey Patterson	Acting Director Corporate & Community Services
Kate McCaughey	Acting Manager Community Planning
Kate Heissenbuttel	Acting Coordinator Infrastructure Planning
Peter Gaffney	Manager Infrastructure Services
Kosta Smirnis	Acting Manager Technical Services
Chris Morris	Sustainable Transport Officer
Yvonne Hansen	Manager Legislative Services & Support
Jackie Zombolas	Coordinator Youth Services

CONFLICT OF INTEREST DISCLOSURES
Nil

MATTERS CONSIDERED

1.1. Montague Boardwalk Presentation,

1.2. Draft Long Term Community Facility Strategy

1.3. Service Infrastructure Profile Presentation

1.4. Craig Street East Keilor, Presentation

1.5. Step Off Review Presentation

1.6. Submission to the State Government Direction Paper on the Local Government Act Review Discussion

1.7. Items of a general nature raised by Councillors and Officers

RECORD COMPLETED BY

Carey Patterson Acting Director Corporate and Community Services

NOTICES OF MOTION

10.1 Notice Of Motion No. 2016/21 - Policing Numbers in Moonee Valley

File No: FOL/16/130

From: Councillor John Sipek

Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 23 August 2016 it is my intention to move:

That as there is a perception in the City of Moonee Valley that Police numbers have declined in recent times, Council request the Chief Executive Officer to write to the Minister for Police requesting:

1. A briefing on Police numbers in Moonee Valley and the effectiveness of Policing in the City.
2. An upgrade of the Avondale Heights Police Station to improve the presence of the building.

Officer Comments

The recent spate of home invasions has highlighted safety concerns in the City. While Council does not have a direct involvement in Police matters, Council is always concerned for ensuring the safety of our citizens. As such, Council are keen to work with the Police to deliver safe and resilient communities who are empowered to enjoy all aspects of life in our City without fear.

10.2 Notice Of Motion No. 2016/22 - relating to correspondence sent to Ministers and Members of Parliament - State and Federal

File No: FOL/16/130

From: Councillor Cam Nation

Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 23 August 2016 it is my intention to move:

That Council:

1. Receive quarterly reports, appending copies of:
    a) All correspondence (emanating from a Notice of Motion resolution) which have been addressed to members and departments of Federal and State Parliament.
    b) All responses to matters outlined in a) above and subsequent follow-up correspondence.
2. Receive a report within the current calendar year, appending copies of:
    a) All correspondence (emanating from a Notice of Motion resolution) which have been addressed to members and departments of Federal & State Parliament during the current Council term.
    b) All responses to matters outlined in a) above and subsequent follow-up correspondence.
3. Make available through its website a copy of such correspondence.

Officer Comments

This proposed motion endeavours to add to the transparency and accountability of Council, however consideration has to be given to where confidentiality, legal processes and the like may be impacted in publically releasing such documents.

10.3 Notice Of Motion No. 2016/23 - Heritage Overlay on dwelling used for the Castle movie at 3 Dagonet Street, Strathmore

File No: FOL/16/130

From: Councillor Narelle Sharpe

Ward: Buckley

Take notice that at the Ordinary Meeting of Council to be held on 23 August 2016 it is my intention to move:

That Council request the Chief Executive Officer to prepare a report on the significance of the property at 3 Dagonet Street, Strathmore which featured in the 1997 Australian Film 'The Castle' and investigate the potential for including the property in the Heritage Overlay of the Moonee Valley Planning Scheme on the basis of "Strong or special association with a particular community or cultural group for social and cultural reasons".

Officer Comments

Defined heritage criteria are used for the assessment of the heritage values of a heritage place. Model criteria have been broadly adopted by heritage jurisdictions across Australia and are used for all new heritage assessment work. In the case of 3 Dagonet Street, Strathmore, at the direction of Councillors, Officers would request an interim protection order be placed on the property while permanent controls are sought. Officers would then commission a Heritage Assessment of the property seeking substantiation of the house having a "Strong or special association with a particular community or cultural group for social or cultural reasons."

By way of background, a Planning Permit was issued in 2008 for the construction of a two storey dwelling to the rear of the existing dwelling (MV/18685/2007). It was built but never subdivided.

Since the property has recently been sold and a second planning application (MV/367/2016) has been submitted to construct two dwellings at the front of the existing dwelling and Officers would need to act quickly to seek the interim protection.

It is important for Councillors to note that the internal fabric of the home has changed since the filming of The Castle.

Please note that that the subject site has not been the subject of a previous heritage assessment or identified in Council's adopted Heritage Gap Study.

CONFIDENTIAL REPORTS

Closure of meeting to public

Recommendation

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

12.1 Council Office Accommodation - Proposed Lease of Office Space at Level 7/641 Mt Alexander Road, Moonee Ponds

Item 12.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (d) contractual matters.