City of Moonee Valley

Ordinary Meeting of Council

Tuesday, 24 May 2016 at 7.00pm

Agenda

Ordinary Meeting of Council

Tuesday, 24 May 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
	Mr Anthony Smith	Director Corporate & Community Services
	Mr Henry Bezuidenhout	Acting Director Planning & Development
	Mr Gil Richardson	Acting Director City Services
	Ms Yvonne Hansen	Manager Legislative Services & Support

Business:

1. Opening

2. Apologies

3. Confirmation of Minutes

Ordinary Meeting of Council held on Tuesday 23 February, the Ordinary Meeting of Council held on Tuesday, 26 April 2016, the Special Meeting of Council held on Tuesday, 10 May 2016 and the Special Meeting of Council held on Tuesday, 17 May 2016.

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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

13 April 2016	Participated in Judging Panel for Moonee Ponds Creek Competition
	Attended meeting with resident of Park Street, Moonee Ponds regarding local issues
	Attended Photo Opportunity and Luncheon with Interfaith Committee President
14 April 2016	Attended Municipal Association of Victoria Company Directors Course
	Attended Airport West Community Reference Group Workshop
15 April 2016	Attended Municipal Association of Victoria Company Directors Course
	Attended Beauty and the Beast Performance at the Clocktower Centre
17 April 2016	Attended Annual ANZAC Commemorative March and Service at Keilor East RSL
	Attended ANZAC Commemorative Ceremony at Queens Park Cenotaph
	Attended Mayoral Bowls Tournament 2016 Event at Moonee Ponds Bowls Club, Moonee Ponds
18 April 2016	Opened Launch of ANZAC Commemorative Street Signs in Ascot Vale
	Attended “Brunswick Boys in Greece” presentation at Brunswick Town Hall
19 April 2016	Attended briefing with Manager Community Planning
	Attended meeting with Communications Officer regarding Facebook correspondence
	Attended meeting with Representative from Flemington Multicultural Eid Festival and Manager Community Planning regarding 2016 Multicultural Eid Festival
	Attended on site meeting with resident of Keilor East regarding local concerns
	Chaired Councillor Workshop

20 April 2016	Attended ANZAC Day Talk at Sam Merrifield Library
	Chaired Briefing and Consultation meeting in relation to 4-6 Canning Street, Avondale Heights application
21 April 2016	Attended on site meeting with resident, Acting Manager Technical Services and Transport Engineering Coordinator regarding Villa Bambino in Woodland Street, Essendon
	Attended on site meeting with resident of Avondale Heights
	Attended on site meeting with resident of Moonee Ponds
22 April 2016	Attended Farewell Morning Tea for staff member at the Civic Centre
	Attended on site meeting with resident in Levien Street, Moonee Ponds
	Attended meeting at Flemington Street Children's Centre with overseas visitors from Singapore
	Participated in Mt Alexander College, ANZAC School Assembly to lay a wreath on behalf of Moonee Valley City Council
23 April 2016	Opened Council's "All about Solar: Buyer's Checklist Workshop" held in Council Chambers
24 April 2016	Attended Avondale Heights and Aberfeldie Football Club's ANZAC Day match
25 April 2016	Attended Keilor East RSL ANZAC Day Dawn Service
26 April 2016	Attended Ave Maria College Blessing and Opening of their new "Mary Centre"
	Attended meeting with representative from Essendon Rotary Club, Acting Chief Executive Officer and Acting Director Planning and Development
	Attended Journalistic Interview with Student from Melbourne University
	Attended meeting with representative from Interfaith Committee, Acting Chief Executive Officer and Manager Community Planning
	Attended meeting with representative from Vietnamese Community in Australia and Manager Community Planning

	Chaired Ordinary Meeting of Council
27 April 2016	Attended on site meeting with resident in Avondale Heights
	Attended social media photo opportunity in Moonee Ponds
	Attended meeting with Rotary Club of Essendon North as guest speaker at Frederick's Restaurant, Essendon
28 April 2016	Attended Australian Local Government Women's Association Victoria and Victorian Local Government Association Female Mayor's Event held at Melbourne Town Hall
30 April 2016	Attended Recognition Tree Planting Ceremony for the late Trevor Sinclair held at the Centreway, Keilor East
	Attended East Keilor Football Club Presidents Lunch
1 May 2016	Attended Essendon Fields Expo
	Attended Mother's Day Luncheon hosted by Circolo Pensionati Italiani di Essendon at Moonee Ponds Bowling Club, Moonee Ponds
3 May 2016	Attended meeting with Chief Executive Officer and Essendon Football Club Chief Executive Officer
	Chaired Councillor Workshop
4 – 6 May 2016	Attended Australian Mayoral Aviation Council Conference held in Adelaide
6 May 2016	Attended Victorian Young Achievers Award Event held at Central Pier, Docklands
7 May 2016	Opened Council's second session "All About Solar Workshop"
	Attended Mother's Day High Tea hosted by St Martin de Porres Primary School at Roselyn Court, Essendon
9 May 2016	Attended photo opportunity with The Leader Newspaper at Hopetoun's Children's Centre, Flemington

8.2 Report by Councillor Giuliano

13 April 2016	Attended meeting with Manager Infrastructure Services and Leisure Facilities Officer in relation to East Keilor Leisure Centre Feasibility Study

14 April 2016	Attended meeting of Melbourne Metropolitan Mayors and Chief Executive Officers held at Melbourne Town Hall
	Opened 1 Shot – Youth Photography Challenge at Avondale Heights Library and Learning Centre
17 April 2016	Attended Annual ANZAC Commemorative March and Service held at Keilor East RSL
	Attended ANZAC Commemorative Ceremony at Queens Park Cenotaph
	Attended Mayoral Bowls Tournament 2016 Event at Moonee Ponds Bowls Club, Moonee Ponds
19 April 2016	Attended meeting with representative from Essendon Athletics, Acting Director City Services, Cr Jan Chantry and Cr Narelle Sharpe
	Attended Councillor Workshop
20 April 2016	Attended Briefing and Consultation meeting in relation to 165-169 Keilor Road, Essendon application
21 April 2016	Chaired Clifton Park Advisory Committee meeting
22 April 2016	Attended Photo Opportunity with The Leader Newspaper at former Moonee Valley fountain in Mt Alexander Road, Moonee Ponds
25 April 2016	Attended Keilor East RSL ANZAC Day Dawn Service
26 April 2016	Attended meeting with representatives from Gattini and Partners and Acting Director Planning and Development
	Attended Ordinary Meeting of Council
28 April 2016	Chaired Buckley Street Local Area Traffic Management meeting
1 May 2016	Attended Essendon Fields Expo
	Attended Mother's Day Luncheon hosted by Circolo Pensionati Italiani di Essendon at Moonee Ponds Bowling Club, Moonee Ponds
2 May 2016	Attended on site meeting with Manager Infrastructure Services and Manager Operations at former fountain location in Mt Alexander Road, Moonee Ponds
3 May 2016	Attended Councillor Workshop
4 May 2016	Attended meeting with Chief Executive Officer
	Attended Briefing and Consultation meeting in relation to 87 Spencer Street, Essendon application

	Attended Briefing and Consultation meeting in relation to 91 Glass Street, Essendon application
5 May 2016	Opened Moonee Valley Foundation's Alumni Cocktail Party held in Council Chambers
10 May 2016	Attended meeting with resident and Manager Infrastructure Services
	Chaired Tenders Committee Meeting
	Chaired Special Committee Meeting of Council
	Chaired Special Meeting of Council
	Chaired Public Forum
	Chaired Councillor Briefing Session

8.3 Report by Councillor Chantry

14 April 2016	Attended Municipal Association of Victoria Company Directors Course
	Attended Municipal Association of Victoria Metropolitan Dinner held at the Sofitel Hotel, Melbourne
15 April 2016	Attended Municipal Association of Victoria Company Directors Course
	Attended Moonee Valley Art Show Gala preview evening hosted by Rotary Club of Keilor East and Essendon at North Park Mansion, Woodlands Street, Essendon
17 April 2016	Attended Annual ANZAC Commemorative March and Service at Keilor East RSL
	Attended ANZAC Commemorative Ceremony at Queens Park Cenotaph
18 April 2016	Attended Launch of ANZAC Commemorative Street Signs in Ascot Vale
19 April 2016	Attended meeting with representative from Essendon Athletics, Acting Director City Services, Cr Paul Giuliano and Cr Narelle Sharpe
20 April 2016	Attended Briefing and Consultation meeting in relation to 165-169 Keilor Road, Essendon application
25 April 2016	Attended Keilor East RSL ANZAC Day Dawn Service
26 April 2016	Attended Ordinary Meeting of Council

29 April 2016	Attended Buckley Street Local Area Traffic Management meeting at Member for Essendon's Office
30 April 2016	Attended Recognition Tree Planting Ceremony for the late Trevor Sinclair held at the Centreway, Keilor East
	Attended 30 Years of Napier Park Celebration
1 May 2016	Attended Essendon Fields Expo
3 May 2016	Attended Councillor Workshop
4 May 2016	Attended Briefing and Consultation meeting in relation to 87 Spencer Street, Essendon application
	Attended Briefing and Consultation meeting in relation to 91 Glass Street, Essendon application
5 May 2016	Attended Moonee Valley Foundation's Alumni Cocktail Party held in Council Chambers
10 May 2016	Attended Arts and Culture Portfolio meeting with Acting Director City Services
	Attended Special Committee Meeting of Council
	Attended Public Forum
	Attended Councillor Briefing Session

8.4 Report by Councillor Cornish

13 April – 10 May 2016 Verbal Report

8.5 Report by Councillor Cusack

20 April – 10 May 2016 On Leave from Council

8.6 Report by Councillor Marshall

13 April 2016	Attended meeting with Manager Infrastructure Services and Leisure Facilities Officer in relation to East Keilor Leisure Centre Feasibility Study
15 April 2016	Attended Essendon Maribyrnong Park Ladies Cricket Club Presentation Night
17 April 2016	Attended Annual ANZAC Commemorative March and Service at Keilor East RSL
	Attended ANZAC Commemorative Ceremony at Queens Park Cenotaph
18 April 2016	Attended Audit Committee Meeting
19 April 2016	Attended Councillor Workshop

20 April 2016	Attended Flemington Government and Services Committee meeting held at Flemington Community Centre
	Attended resident group meeting
21 April 2016	Chaired Strategic Planning Advisory Committee – May meeting
22 April 2016	Attended farewell morning tea for staff member at the Civic Centre
25 April 2016	Attended Flemington/Kensington RSL ANZAC Day Dawn Service
26 April 2016	Attended Ordinary Meeting of Council
29 April 2016	Attended Integrated Waterways Advisory Committee meeting
1 May 2016	Attended Essendon Fields Expo
2 May 2016	Attended Integrated Transport Committee meeting
	Attended meeting with representatives from Union Road Traders Association, Acting Director Planning and Development, Coordinator Economic Development and Business Support and Officers
3 May 2016	Attended Councillor Workshop
4 May 2016	Chaired Briefing and Consultation meeting in relation to 495 Mt Alexander Road, Moonee Ponds application
9 May 2016	Attended Neighbourhood House Week Lunch at Farnham Street
10 May 2016	Attended Special Committee Meeting of Council
	Attended Public Forum
	Attended Councillor Briefing Session
Throughout reporting period	Attended various meetings with community members

8.7 Report by Councillor Nation

14 April 2016	Attended “Know Better, Do Better, Local Government Turns Rainbow” Event staged by the VLGA Rainbow Working Group at the Library A, The Dock, Docklands
17 April 2016	Attended North Essendon Farmers Market at Lincoln Park, Essendon
19 April 2016	Attended Councillor Workshop

21 April 2016	Attended Bi Annual Grants Advisory Panel meeting
	Attended meeting with the Mayor
23 April 2016	Attended meeting with objector in regards to planning application at 19-21 Illawarra Road, Flemington
	Attended site visit for planning application in Illawarra Road, Flemington
	Attended site visit for planning application in Marshall Street, Flemington
	Attended site visit for planning application in Shuter Street, Moonee Ponds
24 April 2016	Attended meeting with resident in regards to increasing development in Moonee Ponds
25 April 2016	Attended ANZAC Day Dawn Service at the Shrine of Remembrance, Melbourne
	Attended site visit for planning application in Pearl Street, Niddrie
	Attended site visit for planning application in Amelia Avenue, Essendon
	Attended site visit for planning application in Kernan Street, Strathmore
26 April 2016	Attended Ordinary Meeting of Council
1 May 2016	Attended Essendon Fields Expo, Essendon Fields
3 May 2016	Attended Councillor Workshop
6 May 2016	Attended Flemington Primary School to meet with Year Five Students to discuss Community Issues
	Attended Victorian Young Achievers Award Event held at Central Pier, Docklands
10 May 2016	Attended Tenders Committee Meeting
	Attended Special Committee Meeting of Council for Budget Submissions
	Attended Public Forum
	Attended Special Meeting of Council
	Attended Councillor Briefing Session

8.8 Report by Councillor Sharpe

13 April – 10 May 2016 Verbal Report

8.9 Report by Councillor Sipek

13 April – 10 May 2016 Verbal Report

REPORTS

9.1 275 Buckley Street, Aberfeldie (Lot 4 PS 145986D and Lot 5, Block E PS 002016) - Use and development of the land for multi-level mixed use buildings comprising of a Restricted Recreational Facility (gym) and dwellings along with a reduction in car parking requirements

File No: FOL/16/130

Author: Senior Statutory Planner

Directorate: Planning & Development

Ward: Buckley

Planning File No.	MV/487/2015
Proposal	Use and development of the land for four storey multi-level mixed use buildings comprising of a Restricted Recreational Facility (gym) and 14 dwellings along with a reduction in car parking requirements
Applicant	Substancia Asset Management Pty Ltd C/- Planning and Property Partners Pty Ltd
Owner	Essendon Property Pty Ltd
Planning Scheme Controls	Commercial 1 Zone General Residential Zone Road Zone Category 1
Planning Permit Requirement	Clause 34.01-1 – Use of the land for accommodation and Restricted Recreational Facility. Clause 34.01-4 – Construct a building or construct or carry out works. Clause 32.08-4 – Construction of two or more dwellings Clause 52.06 – Reduction in car parking requirement.
Car Parking Requirements	Required – 30 car spaces

(Clause 52.06)	Proposed – 28 car spaces
Bicycle Requirements	Required – 10 car spaces Proposed – 16 car spaces
Restrictive Covenants	None
Easements	Yes, a 0.14 metre wide party wall easement along the western property boundary of Lot 4. A 3 metre wide discontinued road easement along the eastern boundary of Lot 5.
Site Area	1,745 square metres (Lots 4 and 5 combined)
Number Of Objections	88
Consultation Meeting	17 February 2016

Executive Summary

- The application seeks planning approval for the use and development of the land for multi-level mixed use buildings comprising of a Restricted Recreational Facility (gym) and dwellings along with a reduction in car parking requirements.
- The subject site is broken up into two lots (Lot 4 and Lot 5) but is known as one address with a combined area of approximately 1,745 square metres. Lot 5 is located on the southern side of Buckley Street and Lot 4 is located on the eastern side of Beaver Street, Aberfeldie. The subject site is located within an area characterised by residential and commercial built forms.
- The application was advertised and 88 objections were received. Concerns were raised relating to the overdevelopment of the site, neighbourhood character, site layout, off-site amenity impacts, car parking, advertising process not being conducted correctly, planned redevelopment on adjoining properties, waste collection, disruption during construction, discharge of water/rainwater onto adjoining properties, flooding, precedent, recent refusals by Council within the area and loss of views.
- A Consultation Meeting was held on 17 February 2016 and was attended by Councillors Giuliano and Chantry, objectors, the applicant and Council‘s Planning Officer. No resolution was reached.
- The application was internally referred to Council‘s Environmental Sustainable Development (ESD) Officer, Engineering Services Unit, Traffic and Transportation Unit and Council’s Urban Designer. Conditional support to the application was provided.
- The permit applicant lodged an application for review with the Victorian Civil and Administrative Tribunal (VCAT) against Council’s Failure to decide the application within the prescribed statutory timeframe.

- This assessment report finds that the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme.
- It is therefore recommended that Council advise VCAT and parties associated with any future proceedings that if it were in a position to decide on the application, that a Notice of Decision to Grant a Permit would have been issued.

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, Council 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 Planning Permit Application No. MV/487/2015 for the use and development of the land for multi-level mixed use buildings comprising of a Restricted Recreational Facility (gym) and dwellings along with a reduction in car parking requirements at 275 Buckley Street, Essendon (Lot 4 PS154986D and Lot 5, Block E PS 002016) – that the decision would have been to issue a Notice of Decision to Grant a Planning Permit, subject to the following conditions:

1. Prior to the issue of an Occupancy Permit, an application must be made to excise and vest the area in front of the rear gate which provides vehicle access into the Buckley Street site as a public road in favour of the City of Moonee Valley and to be registered on the Title of the land. This must be at no cost to the Responsible Authority.
2. Before the use and development starts, amended plans (three copies) must be submitted and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to

show;

a) The front facade design detail fronting Buckley Street to incorporate a more fine grain development pattern that responds to the prevailing rhythm of properties fronting the street.

b) The floor to ceiling heights of Apartments 01, 02 and 03 on the Beaver Street lot to be reduced to a maximum of 3 metres.

c) As a result of Condition 2 b), the building to the rear of the Beaver Street site, to have a maximum height of 8.85 metres.

d) The first floor, south facing study room window associated with Townhouse 3 on the Beaver Street Site to be screened in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.

e) All balconies within the proposed development to be provided with internal screening in accordance with Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme.

f) The provision of ramps along the entrances to the apartments and gym associated with the Buckley Street site.

g) The provision of a skylight to the study associated with Townhouse 2 on the Beaver Street site.

h) The provision of 6 cubic metres of storage space for Townhouses 1, 2 and 3 in accordance with Clause 55.05-6 (Storage) of the Moonee Valley Planning Scheme.

i) The height of the overhead storage areas from the Natural Ground Level to the base of the storage box.

j) The provision of a 1.8 metre high fence along the southern boundary of the Beaver Street site.

k) The fencing along the northern and southern boundaries to be tapered down to 1.2 metres within the front setback of Townhouses 1 and 3.

l) The installation of convex mirrors along both sides of the laneway.

m) The bin storage areas associated with the Beaver Street site, to be enclosed.

n) All STEPS treatment measures and associated notation to be shown on the relevant plans in accordance with the endorsed STEPS v5.0 report.

o) Each rainwater tank to be noted to state, which is consistent with the information on the approved STORM plan, on all the ground floor plan:

    i. Locate correctly sized rainwater tanks.

    ii. The area which is nominated to be collected and discharged to the tank.

    iii. Whether the tank is to be a mechanically pumped OR fully charged OR gravity fed system (select system).

    iv. The number of toilets connected to the tank.

p) Each raingarden to have the following information provided:

i. The location and size of the raingarden in square metres.

ii. If the raingarden is located on a boundary against an adjacent neighbouring building dimension the raingarden with a minimum 300mm setback from the building.

iii. Show graphically the extent, size and grading of the impervious catchment area draining to WSUD treatment measure, demonstrate how the rainwater is collected from this area and discharged into the buffer/infiltration strip/pit or in-ground raingarden (i.e. is it gravity fed or does it require a pump system).

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

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

4. Prior to the commencement of construction or carrying out of works, the Owner must enter into an Agreement under Section 173 of the Planning and Environment Act 1987 to the satisfaction to the Responsible Authority. The Agreement must be registered on the title to the land, free of cost to the Responsible Authority (by the Owner paying the costs and expense of negotiation, preparation, execution and registration of the Agreement and the Section 181 Application) and include provisions that:

   a) A minimum of 20 off-street car parking spaces must be made available for gym staff and users at all times at 284 Buckley Street, Essendon, unless otherwise agreed with the Responsible Authority;

   b) Prior to the commencement of the use as a gym, any displaced car spaces as a result of Condition 4 a) must be relocated to the satisfaction of the Responsible Authority and made available to Essendon Keilor College at all times, unless otherwise agreed with the Responsible Authority;

   c) If for any reason the 20 car spaces at 284 Buckley Street, Essendon become unavailable to the gym the use must cease operation until the displaced car spaces can be relocated to the satisfaction of the Responsible Authority.

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

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

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

6. An amended STEPS assessment must be submitted simultaneously with the submission of amended plans. The STEPS assessment must include the following:

   a) The correct total number of rooms.

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

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

   k) Chemical storage;

   l) Noise and vibration;

   m) Works timetable; and

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

   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 commencing, all WSUD details, such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.

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

a) inspection frequency;

b) cleanout procedures;

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

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

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

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

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

12. 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.

13. 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.

14. 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.

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

16. Prior to the issue of an Occupancy Permit, all new boundary fencing as shown on the endorsed plans must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.

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

    a) Constructed;

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

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

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

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

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

a) Be maintained and made available for such use; and

b) Not maintained and made available for such use;

to the satisfaction of the Responsible Authority.

18. 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.

19. Before the buildings approved by this permit are occupied, a Right of Way (ROW) is to be constructed for approximately 83 metres in accordance with the Moonee Valley City Council Drawing No.34/43 (Standard Reinforced Concrete Paving/Asphalt for Right of Ways). All costs associated with the survey, design and construction of the ROW must be borne by the permit holder.

    Before the development starts, detailed engineering drawings to show the construction of the ROW are to be submitted to and approved by the Responsible Authority. The ROW 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 ROW in accordance with Moonee Valley City Council Drawing No. 34/43.

    Before the buildings approved by this permit are occupied, construction of the ROW as specified in this permit must be completed to the satisfaction of the Responsible Authority.

    Following the completion of the ROW, and before the buildings approved by this permit are occupied, as constructed plans must be submitted to and approved by the Responsible Authority.

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

20. 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.

21. 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.

22. 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.

23. Prior to the commencement of development, engineering designed 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.

24. Before the development starts, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be amended to detail the following:

    a) All waste generated by the Beaver Street townhouses and apartments to be collected by Council.

    b) The bin schedule and collection frequency associated with the Beaver

Street site amended to provide:

i. All recycled waste to be collected once fortnightly.

ii. All everyday waste to be collected once weekly.

25. 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.

26. 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.

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

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

    b) Appearance of any building, works or materials;

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

    d) Presence of vermin; or

    e) Or in any other way;

    to the satisfaction of the Responsible Authority.

28. Once the use is commenced, the land may only be used for the permitted use and the use must be conducted to the satisfaction of the Responsible Authority.

29. This permit will expire if one of the following circumstances applies;

    a) The development is not commenced within two (2) years from the date of issue of this permit; or

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

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

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

Permit Notes

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

- No on street parking permits will be provided to the occupiers of the subject site.
- All drainage works undertaken must accord with the requirements of stormwater drainage requirements for development works as prepared by Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Unit and be to the satisfaction of the Responsible Authority.
- Council will not accept any modifications to existing levels within the road reserve or to any Right Of Way (ROW). Any change in levels to match existing surface levels along property boundary line must be made within the property boundary.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land (other than those which, under the Moonee Valley Planning Scheme are exempt from the need for a planning permit).

1. Introduction

1.1 Subject Site and Surrounds

The subject property is located at 275 Buckley Street, Aberfeldie. The address is divided into two individual lots (Lot 4 and Lot 5).

Lot 5 is located within a Commercial 1 Zone, fronting Buckley Street and accommodates a two storey commercial building. The building is currently being used as a gym. The lot is irregular in shape, with a frontage of 21.22 metres and maximum depth of 45.7 metres and a total area of 936 square metres. There is a 0.14 metre wide party wall easement along part of the western boundary. There are no restrictions noted on the Certificate of Title.

There is currently no vehicle access to this Lot, with the rear area of the building being used for gym purposes. The building has a 100% site coverage, with a zero metre setback to Buckley Street and has no landscaping. Along the footpath there are two electricity poles, a bin, street seating and parking signage.

Lot 4 is located within a General Residential Zone, fronting Beaver Street and currently accommodates a private car park (26 spaces). The lot is rectangular in shape, with a frontage of 20.11 metres and maximum depth of 40.23 metres and a total area of 809 square metres. There is a 3 metres wide discontinued road easement along the eastern boundary. There are no restrictions noted on the Certificate of Title.

Vehicle access to Lot 4 is obtained via a 7 metres wide accessway from Beaver Street. The site encompasses some canopy trees and medium sized landscaping within its boundaries, however they are not of significance. There is no front fence provided. Two street trees and an electricity pole are located within the nature strip at the front of the site.

Figure 2 - Subject site - Lot 5 - Fronting Buckley Street, Aberfeldie

Figure 3 - Subject site - Lot 4 - Fronting Beaver Street, Aberfeldie

The surrounding area is a mix of uses and zones. Land to the east and west of the site is zoned Commercial 1 and has been developed with a mix of commercial uses. Land to the north is a Public Use Zone and occupied by Essendon Keilor College. To the south of the site is residential zoned land which has been developed accordingly with residential dwellings. There are examples of three storey buildings in the immediate vicinity and of particular note is the development of a three storey building at 1 Beaver Street.

The commercial strip along Buckley Street is developed with a mixture of commercial and residential uses, with a number of apartment styled developments which have recently been approved. The commercial units have maintained a fine grain development pattern, with the gym the only building incorporating a wider frontage.

The northern end of Beaver Street can be described as transitional, featuring multi-unit developments with a decreasing number of single dwellings on large lots. External materials are a mixture of brick, weatherboard and rendered finishes in differing colours. Building frontages vary from single to double frontages. Roof forms in the area are a mixture of gabled-ended and hipped.

1.2 Proposal

The application proposes the use and development of the land for multi-level mixed use buildings comprising of a Restricted Recreational Facility (gym) and dwellings along with a reduction in car parking requirements. The proposal can be summarised as follows:

Table 1

No. of dwellings	14 (14 x 3 bedrooms)
Gym area	785 square metres
No. of car spaces	30 (28 residential & 2 gym)
Max building height	15.7 metres above Natural Ground Level
Site coverage	100% (Lot 5 – Buckley Street) 72% (Lot 4 – Beaver Street)

*Throughout this report, dwellings are referred to apartments and townhouses. Whilst this is outside the norm, for the purposes of correlating with the plans and to ensure there is minimal confusion when referencing certain aspects of the development, any reference to townhouse and apartment is considered a dwelling.

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

2. Background

2.1 Relevant Planning History

The following applications have been lodged for the subject sites:

Application	Proposal	Status
MV/1020/1973	Commercial Parking	Approved
MV/2325/1977	Health and Recreational Centre	Approved
MV/2609/1978	News agency	Approved
MV/2650/1978	Signage	Approved
MV/3028/1980	Swimming pool and Extensions	Approved

MV/3518/1982	Fitness Centre	Refused
MV/3558/1982	Aerobics	Approved
MV/17526/2005	Upgrade business identification signage	Approved
MV/18423/2007	Display of business identification signage	Approved

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 11 Settlement

Clause 15 Built Environment and Heritage

Clause 16 Housing

Clause 17 Economic Development

Local Planning Policy Framework

Clause 21.01 Municipal Profile

Clause 21.02 Key Issues and Influences

Clause 21.03 Vision

Clause 21.04 Sustainable Environment

Clause 21.05 Housing

Clause 21.06 Built Environment

Clause 21.08 Economic Development

Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning

Clause 34.01 Commercial 1 Zone

Clause 32.08 General Residential Zone

Particular and General Provisions

Clause 52.06 Car Parking

Clause 52.34 Bicycle Facilities

Clause 55 Two or more dwellings on a lot and Residential Buildings

Clause 65 Decision Guidelines

2.3 Referrals

External

Not applicable.

Internal

- Engineering Services Unit

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

- The construction of the laneway to Council's standard (Condition 19);
- The vesting land to the rear of Lot 5 in favour of Council (Condition 1);
- The provision of ramps to Buckley Street (Condition 2f).

- Traffic and Transportation Unit

  No objection subject to the following non-standard conditions:

  - The height of the over bonnet storage areas (Condition 2i);
  - The installation of convex mirrors along the laneway (Condition 2l).

- ESD Officer

  No objection subject to standard conditions.

- Urban Designer

  No objection to the proposal subject to the following non-standard conditions:

  - Recommended further resolution of the front façade fronting Buckley Street to ensure a refined building face that responds to the prevailing rhythm of the streetscape rather than replicating the qualities of the existing form on-site (Condition 2a);
  - Further recommendation for the relocation of the bin storage area from beneath the entry of Apartment 03, on the Beaver Street lot (Conditions 2m).

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 four notices erected on site for 14 days. As a result, 88 objections were received from the properties contained in **Appendix B** of this report.

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

2.5 Consultation Meeting

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

3. Discussion

3.1 State Planning Policy Framework

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

seeks to ensure planning provides for housing diversity, the provision for supporting infrastructure as well as ensuring new housing has access to services. This includes walkability to Activity Centers, public transport, schools and open spaces.

The subject site is located relatively close and adjacent to schools, retail facilities, arterial roads and public transport in the form of the 465 and 903 Smart Bus routes along Buckley Street and which stop directly outside the subject site. The site is also approximately 1.2 km from the Essendon Train Station and Essendon Junction Activity Centre. The site location is therefore considered to meet the State Planning Policy Framework for more intense 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

Subject to the submission of an amended STEPS assessment (Condition 6), the proposal complies with Clause 21.04 (Sustainable Environment) through the use of ecological sustainable design principals.

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

The proposed development also accords with the objectives of Clause 21.04-7 (Waste) as it integrates waste management and recycling facilities in order to achieve best practice in waste minimisation and recycling. A waste management plan was submitted with the application which details the provision for private bin collection. Council's Engineering Services Unit have reviewed the plan and have no objection subject to amendments to the plan (Condition 24).

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

It is noted that the subject site is located within an area of 'moderate to high' housing intensification' which lends support for the proposed scale of development. The proposal provides solely for three bedroom townhouses/apartments, with the layout and size of the apartments providing for a diversity of housing choice in the locality.

The proposed development is considered to respond to the strategies of Clause 21.06 (Built Environment). This Clause aims to achieve contemporary development that is innovative, legible and designed in a manner that responds to its location and context through a number of strategies and as follows:

<u>Buckley Street</u>

- The proposal's overall scale and massing is considered to be an appropriate design response. The existing double storey built form presenting to Buckley Street is to be retained, with an additional third and fourth storeys, recessed 1.8 metres and 5 metres respectively, incorporated above. To reduce the overall built form towards the street and to provide visual interest, fenestration has been incorporated along

the ground and first floors, landscaping has been provided along the upper floor balconies and a two storey timber feature which denotes the residential entry.

- Although the built form presenting towards the street is considered appropriate, there are concerns that the facade's design detail does not respond to the prevailing fine grain subdivision pattern of the shopping strip. The extensive use of a brick finish along the ground and first floors, with no discernible break is not considered to follow the prevailing pattern of development. As such a condition will be included for the front facade design detail to incorporate a more fine grain subdivision pattern (Condition 2a).
- The development's massing is further reduced through the incorporation of a first floor courtyard within the centre of the site and a three storey built form towards the rear laneway. The provision of a central courtyard does ensure a break in the massing and does not result in a continuous built form extending the length of the site, as is typical of many developments of this type. The break in the built form provides relief to the adjoining commercial properties to the east and west as well as providing good internal amenity to residents in terms of solar access and cross-ventilation. This is particularly noticeable to apartments 5 to 8 towards the rear.
- The four storey built form is considered acceptable in this instance given its recessive upper floor towards Buckley Street and graduated stepping down of the development towards the laneway. The sheer walls along the side boundaries are considered acceptable, given the commercial zoning of the site, where footprints of this type are common and as such not considered an unreasonable design response.
- The development is to have a three storey built from towards the laneway, with the third storey recessed 4 metres to the laneway. The setting back of the built form reduces the potential for off-site amenity impacts and assists in providing a transition in built form from the commercial zone into the abutting residential zone. Combined with the 3.2 metre wide laneway, the separation distance is considered acceptable in this instance. The articulated facade, along with the setting back of the third floor from the laneway and the mix of brick, board foam concreate, fenestration and timber batten screening ensure that when the development is viewed from adjoining properties visual interest is achieved.
- The development is provided with both visual and physical links to the street through design articulation and pedestrian links to Buckley Street. The visual and physical links will be strengthened by the retention of the commercial use (gym) at street level to allow the development to continue with a commercial link to the street and provide an active street frontage. Furthermore the timber paneling feature within the north-west corner of the site provides a clearly marked distinctive pedestrian entry for the apartments.
- The development contained within the Commercial 1 Zone aspect of the site, fronting Buckley Street exhibits an overall site coverage of

approximately 100% which is not uncommon for a property located within a Commercial 1 Zone.

Beaver Street

The subject land is identified as being within character area 'Garden Suburban 5'. The precincts preferred character statement states that:

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

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

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

Siting and Building Envelope	The Beaver Street lot is located within a transitional area between the Commercial and the Residential Zoned land. The commercial property at 1 Beaver Street features a zero setback to the street, with 3 Beaver Street incorporating a 5.2 metre setback. Townhouses 1 to 3 feature a graduated stepping back of their front setbacks, ranging from 2.5 metres to 3.8 metres. The graduated setbacks is considered an appropriate design response to provide a suitable transition between the commercial and residential zone. The setbacks will allow for landscaping and maintain the garden setting along Beaver Street. It must also be noted that this design response has been accepted by the Tribunal in a recent development approval at 2 Beaver Street. A minimum 2.3 metre side setback is provided along the southern boundary, maintaining the rhythm and spacing of developments in the streetscape. The provision of landscaping along this accessway further softens the built form to the adjacent dwelling. The proposed building envelope is considered an appropriate design response and provides for spacing within the centre of the site, ensuring no continuous built form along the length of the site. Although the site coverage does exceed that recommended under Clause 55, it is considered acceptable given the site's transitional location between a commercial and residential zone and limited off-site amenity impacts and reduced built form as a result of spacing within the centre of the site and upper floor setbacks.

Built Form	The proposed development incorporates a more contemporary design response which is considered to compliment the surrounding area. The two storey built form towards Beaver Street is responsive to heights found within the immediate area. The double storey built form provides a suitable transition in heights, from the triple storey dwelling at 1 Beaver Street to the single storey built form at 3 Beaver Street. The built form is further reduced through the use of a glazed and timber panel frontage along the Beaver Street frontage and provision for landscaping. A triple storey built form is proposed to the rear of the site, associated with Apartments 1 to 3 and with a maximum height of 9.7 metres. A review of the elevations has identified that the first and second floors are provided with a floor to ceiling height of 3.3 and 3.6 metres respectfully. To reduce the overall height of the building a condition will be included for the floor to ceiling heights to have a maximum height of 3 metres, reducing the overall height to a maximum of 8.8 metres. This is considered a more appropriate height and will be below the maximum height requirements of Clause 55. To further assist in breaking up the built form the building is articulated along the laneway through the recession of the first floor and provision of a terrace along part of the second floor. Towards the eastern interface a 2.1 metres setback has been provided along the first and second floor. Given the commercial and car park interface, associated with 2 St Kinnord Street, this is considered to be an acceptable design response. To provide relief towards the residential interface to the south, the built form incorporates a gradual stepping back of the third floor. Planter boxes have also been provided along the third floor to soften the built form. This graduated stepping back, combined with the use of planter boxes is considered to provide an acceptable built form to not unreasonably affect the residents of 3 Beaver Street. It must also be noted that the secluded private open space associated with 3 Beaver Street is located within the south-east corner, with a shed located within the north-eastern corner and a 3.1 metres setback to all habitable room windows interfacing the proposed development. To provide some further relief, spacing within the centre of the subject site has been provided for the purpose of secluded private open space for townhouses 1 to 3. This ensure no continuous built forms along the length of the subject site. The combination of spacing within the centre of the site, setting back of the upper floors and use of materials is considered to provide an acceptable built form.

Design Detail	The proposed development incorporates a mix of brick, fenestration and timber paneling along both the ground and upper floors which are considered to be characteristic of more recent infill developments in the area (1 and 2 Beaver Street). The proposed development also has provided a glazed frontage along Beaver Street to ensure surveillance to the street is achieved. The proposed development furthermore incorporates a skillion roof form. Although not the predominant roof form found in the street, the skillion roof does ensure a pitched roof form in accordance with the Garden Suburban 5 guidelines.
Landscaping	The development provides for sufficient landscaping within its boundaries, including along the pedestrian accessway, softening the built form to 3 Beaver Street. Given the extent of landscaping, it is considered that the intent of the precinct profile has been achieved. A 1.2 metre high front fence is included to ensure views of the front garden are maintained given its height.

With regard to Clause 21.08 (Economic Development), it is considered that the proposed development would continue to contribute to the commercial viability of Buckley Street in terms of employment and business. It is noted that the use as a gym is an existing use.

The proposal complies with Clause 22.03 Stormwater Management (WSUD) and meets the required on site stormwater treatment as demonstrated by achieving 100%, or greater, using the STORM tool. However, not all water treatment measures and relevant annotations have been shown on the plans. 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 34.01 Commercial 1 Zone

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

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

With respect to the partial use of the lands as a leisure and recreational facility, this is an existing use on site and as such does not trigger a planning permit. Given the extent of works however, conditions will be attached in relation to noise to provide protection to adjoining properties from noise. The level of car parking on site is considered satisfactory and is further discussed within Section 3.4 of this report.

In addition it is not considered that the proposed use will significantly affect adjoining properties with respect to light spill, solar access or glare. Council's Engineering Services Department have provided no objection to the proposed with respect to the drainage of the land or the availability to connections.

A full assessment of the proposed buildings and works is contained above in Sections 3.2 and 3.5.

3.4 Compliance with Clause 52.06 (Car Parking)

Table 2

Unit	Requires	Provides	Shortfall
14 x 3 bedroom apartments	28 spaces	28 spaces	0 spaces
Leisure and Recreational Facility	• No rate specified under Clause 52.06. • To be provided to the satisfaction of the Responsible Authority.	2 spaces (See further discussion below and Section 3.7 table 4 – car parking)	0 spaces (See further discussion below and Section 3.7 table 4 – car parking)
Residential Visitors	2 spaces	0 spaces	2 spaces
Total	**30 spaces**	**30 spaces**	**2 spaces**

The proposed development provides a total of 30 spaces on site, with 28 allocated to the 14 townhouses/apartments and two to the gym. Pursuant to Clause 52.06, a reduction of two visitor spaces are required and consent is required for any reduction of car parking associated with the gym.

The existing conditions on site provide 27 car spaces on the Beaver Street site which are all allocated to the gym. The new proposal sees only two car spaces now being allocated to the gym, which equates to a reduction in 25 car spaces from the existing conditions of the gym.

The location exhibits a mixture of unrestricted parking, permit zone parking between 5pm and 9pm and short term parking of between one and two hour parking. The reduced car parking total takes into account the permit zone parking between 5pm and 9pm and loading bays. The applicant has also provided a car parking survey of the locality, which was undertaken on a Tuesday from 5.00pm – 6.00pm and a Wednesday from 8.00am – 9.00pm, to which are associated with the peak periods of the gym. This survey has demonstrated that there was sufficient car parking within the locality to cater for any overflow of on-street parking demand associated with two visitor car spaces, six staff members and 18 patrons for the gym. In addition, given the location of the site, in close proximity to residential areas (walkable) and along a bus route (public transport), there are other means to travel to the site, without relying on cars.

Given the availability of on-street car parking, a reduction in car parking associated with the visitor spaces for the apartments and gym is considered satisfactory. Further, it is noted that Council's Traffic and Transportation Unit provided no objection to the reduction in parking.

With respect to the use of the laneway and impacts on the surrounding road network, it is not anticipated that the proposed development will result in any significant impacts. These movements have been reviewed by Council's Traffic and Transportation Unit and have been considered an acceptable number of movements, which would not have a detrimental impact on the surrounding road network.

Pedestrian visibility splays have not been provided to the two entry/exit access ways in accordance with the above standard. To provide sufficient sight distance, the applicant has proposed the installation of convex mirrors on both sides of the access way. It is considered that given the relatively low traffic volumes along the laneway and slow speeds, the installation of convex mirrors are an acceptable design response. A condition will be included on the permit for the installation of convex mirrors to the satisfaction of the Responsible Authority (Condition 2l).

Finally the turning areas associated with each car space has been reviewed and deemed to comply with the relevant decision standards.

3.5 Compliance with Clause 52.34 (Bicycle Facilities)

The application attracts a requirement of 10 bicycle spaces comprising 3 resident spaces, 1 residential visitor space and 6 for the gym. This brings the total requirement for the proposal to 10 spaces.

The application provides 16 bicycle spaces within the ground level of the Buckley Street Lot and as such meets the requirements of this clause.

3.6 Compliance with 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.

ResCode Standard	Response
Clause 55.03-1 (Standard B6 - Front Setback)	The required setback under this standard is 5.2 metres. The development is provided with a setback ranging from 2.5 metres to 3.8 metres. It is considered that the proposed setbacks can be accommodated in this instance as they provide an appropriate design response and transition between the commercial and residential zones. The setbacks also continue to allow for sufficient landscaping to occur within the site frontage to reflect the garden setting of Beaver Street.
Clause 55.03-2	The height of the development exceeds the required

(Standard B7 - Building Height)	9.0 metres. It is considered that the overall height is satisfactory and to minimise repetitiveness, a more detailed discussion regarding the height of the building is contained within Section 3.2 of this report.
Clause 55.03-3 (Standard B7 Site Coverage)	With respect to the Buckley Street lot, the building footprint incorporates a site coverage of 100% in lieu of the required 60%. This non-compliance is considered acceptable given the location of the subject site within a Commercial 1 Zone, where higher rates of site coverage are encouraged. Further evidence of high site coverage can be in the area with examples at 275 and 309 Buckley Street. With respect to the Beaver Street lot, this lot is proposed to have a site coverage of 72%. Although it is noted that this lot is within a General Residential Zone, it is within a transitional area between the commercial and residential zone and where 100% site coverage within the commercial zone is common. In addition the visual bulk of the development is considered acceptable as discussed within section 3.2 above.
Clause 55.03-4 (Standard B8 Permeability)	As noted above, an increase area in site coverage is acceptable given the subject site's location within a Commercial 1 Zone where higher levels of site coverage are present and encouraged. With respect to the Beaver Street lot, a site permeability of 28% is proposed and meets the requirements of this standard.
Clause 55.04-1 (Standard B17 - Side and Rear Setbacks)	A variation is required for Apartment 3 of the Beaver Street Lot towards 2 St Kinnord Street, with respect to the 8.7 metre high wall along the eastern boundary. A variation is considered acceptable given the non-sensitive commercial and car park interface along the northern and eastern boundaries.
Clause 55.04-2 (Standard B18 - Walls on boundaries)	Given the commercial nature of the Buckley Street lot, the construction of boundary walls along the entire length of the boundaries and to a height of four storey's is considered acceptable, as discussed in section 3.2 and will not provide for any unreasonable amenity impacts to adjoining properties. With respect to the Beaver Street lot, the built form is setback off the sensitive residential interface towards the south, with the majority of the built form located along the laneway and car park interface to the east. Given the limited off-site amenity impact to the residential interface and majority of the built form located towards the commercial zone, it is considered

	an acceptable outcome in this instance.
Clause 55.04-6 (Standard B22 - Overlooking)	To ensure no overlooking occurs along the first floor habitable room windows of Townhouse 3 into 3 Beaver Street, a condition will be included for all windows to be screened in accordance with the above standard.
Clause 55.04-7 (Standard B23 - Internal Views)	To prevent any internal overlooking into the balconies, a condition will be included for the balconies to be screened to a height of 1.7 metres (Condition 2e). It is noted that a number of north facing habitable room windows/terraces associated with apartments 1 to 3 on the Beaver Street lot are not screened, with direct viewed towards the southern boundary of the Buckley Street lot. This is considered acceptable as screening is already provided to the south facing habitable windows associated with apartments 5 to 8 on the Buckley Street lot, ensuring no internal overlooking.
Clause 55.04-8 (Standard B24 - Noise)	To ensure that adjoining properties will not be adversely affected by noise generated for the gym, a condition will be included for an acoustic report to be submitted by a suitably qualified person(s) (Condition 5). The report must detail what acoustic measures are required to demonstrate compliance with the State Environmental Protection Policy (control of noise from commercial, industry and trade) No. N-1 (SEPP N-1).
Clause 55.05-1 (Standard B25 - Accessibility)	A lift has been provided for the Buckley Street lot, where with some internal modifications it is considered that all townhouses/apartments can be accessed by people with limited mobility. To allow for access along Buckley Street for people with limited mobility, a condition will be included for ramps to be provided to the entrances to both the apartments and gym (Condition 2f). With respect to the rear lot, townhouses 1 to 3 can be accessed via the ground floor. However Apartments 1 to 3 will not be easily accessible, given their first floor location. Given that 11 of the 14 townhouses/apartments can be accessible by people with limited mobility, it is considered that a variation in three apartments is acceptable.

Clause 55.05-3 (Standard B27 - Daylight to New Windows)	A variation in the above standard is required for the study associated with Townhouse 2. To provide daylight to this room a condition will be included for a skylight to be provided (Condition 2g).
Clause 55.05-4 (Standard B28 - Private Open Space)	A variation is required for Dwelling 3 on the Beaver Street lot. This dwelling is provided with an area of 23 square metres, requiring a variation of 2 square metres. A variation in the standard is considered acceptable given the relatively minor variation required and proximity of open spaces, with Aberfeldie Park approximately 500 metres to the south.
Clause 55.05-5 (Standard B29 - Solar Access to Open Space)	Under this standard, the secluded private open space areas of each dwelling located to the south are required to be setback a certain distance to their southern boundary, depending on the height of the northern wall of the secluded private open space area. In this instance, a variation is required for Apartments 5 to 8 on the Buckley Street lot and Apartments 1 to 3 on the Beaver Street lot. With respect to the Buckley Street lot, a 0.5 metre variation is required. Given the relatively minor variation required and limited overshadowing generated it is considered that a 4 metre setback is acceptable in this instance. With respect to Apartments 1 to 3 on the Beaver Street, a condition will be included for the overall building height to be reduced to a maximum of 8.85 metres (Condition 2c) to lessen the extent of shadow cast onto these spaces. Although still not technically compliant with the above standard a variation is considered acceptable given the provision of secondary north facing terraces along the first and second floors to these dwellings.
Clause 55.05-6 (Standard B30 - Storage)	Townhouses 1 to 3 on the Beaver Street lot, have only been provided with 3.2 square metres of storage space, in lieu of the required 6 cubic metres. To ensure compliance with the above standard a condition will be included for the provision of a 6 cubic metres storage area in accordance with the above standard (Condition 2h).

3.7 Objections

Table 4

Issue	Officer Response
Overdevelopment	Concerns have been raised in relation to the increased dwelling density on the site, the combined use as a gym, site coverage, lack of green space and site not be in proximity to public transport. The subject site is a split zoned site (Commercial 1 Zone and General Residential Zone). As discussed above in Section 3.6, the site coverage and permeability of the development is considered acceptable given the commercial/transitional location of the lots. The density of the development is considered acceptable with both the Commercial 1 Zone and General Residential Zone (GRZ) do not restrict dwelling densities. The proposal is subject to an assessment against the relevant decision guidelines, which includes an assessment against Clause 55 (ResCode) and neighbourhood character guidelines, traffic requirements, site coverage and infrastructure standards among others. An assessment of the proposed development against Clause 55 has shown a relatively high level of compliance, with no reasons to refuse the application on overall density. As discussed above landscaping is provided within both lots, particularly towards the Beaver Street frontage and along the upper balconies facing the adjacent residential properties. With respect to the concern regarding public transport, the subject site is within 400 metres of the 903 Smart Bus and is located within a Neighbourhood Activity Centre. As such the site is suitably located within an area for moderate to high housing intensification under the Housing Strategy.
Neighbourhood character	The development is considered to be satisfactory in terms of how it responds within the locality. In order to avoid repetitiveness, refer to Section 3.2 of this report for a more in depth discussion.
Site layout and building massing	The height, site layout and building envelope of the development is considered to respond to the locality. In order to avoid repetitiveness, refer to Section 3.2 of this report for a more in depth discussion.
Car parking	In order to avoid repetitiveness, refer to Section 3.4 of this report whereby it is considered that sufficient carparking is provided on site and within the local area to accommodate carparking associated with the development. However given the concerns raised by residents, the

	applicant is willing, in good faith, to enter into an agreement with the Essendon Keilor College for the use of 20 car spaces within their car park at 284 Buckley Street, Essendon. The provision of 20 car spaces, in addition to the current on-street parking provision is considered to adequately cater for the anticipated parking demand of staff and patrons of the gym. The numerical number of 20 carspaces are in accordance with the numbers provided within the Traffix report submitted by the applicant, which detailed that 18 patron carparking spaces will have to be accommodated within on-street carparking. With the Agreement, they will be able to be catered for through the carpark associated with the Essendon Keilor College. To ensure the car spaces at 284 Buckley Street are provided to the gym, a condition will be included on the permit for the applicant to enter into a 173 Agreement with the College. This agreement will ensure that the 20 car spaces at 284 Buckley Street are at all times provided to the gym. Should these spaces not be made available to the gym for any reason, the gym will have to cease operation until 20 spaces are provided. The 173 Agreement will further require evidence to be submitted to Council demonstrating that the 20 car spaces associated with the school which have been displaced are provided for elsewhere and in a location to the satisfaction of Council. Discussions with the applicant has identified that the school has land within the immediate vicinity of the car park where the displaced spaces can be accommodated. As the school is a State/Public school, a ministerial gazettal exempts the need for a planning permit for any use and development associated with State/Public schools. The objectors concerns also raised the use of a food and drink premises at 285 Buckley Street and that the car parking survey submitted to Council was carried out prior to this use commencing and does not accurately reflect the current car parking demand. At the time of writing this report the use as a Food and Drink premises is being reviewed by Council's Planning Enforcement Unit to establish if the site has an existing use right or requires a planning permit for a reduction in car parking. Should a permit be required for a reduction in parking, the parking demand created by the food and drink premises will be assessed as part of a separate

	planning application. Should an existing use right be established, this is an existing condition within the immediate area and unfair on the applicant to request an amended parking survey to be submitted as the use commenced after the current application was lodged.
Loading and unloading of goods	Given the use of the gym, there is no requirement for a loading and unloading zone in this instance.
Overshadowing	The application has been assessed against the relevant overlooking objectives/standards pursuant to Clause 55.04-5 (overshadowing) of the Moonee Valley Planning Scheme. The assessment has shown that the proposal complies with the overshadowing standard.
Overlooking/loss of privacy	The application has been assessed against the relevant overshadowing objective/standard pursuant to Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme and deemed to comply.
Noise	Refer to section 3.6 of report (noise).
Daylight to adjoining windows	The application has been assessed against the relevant daylight to new windows objective/standard pursuant to Clause 55.04-3 (Daylight to Existing Windows) of the Moonee Valley Planning Scheme and deemed to comply.
Possible wind tunnel affect	Given the nature of the proposed development is not considered to warrant a wind tunnel assessment, which is typically requested only for much larger developments.
Fence heights	A condition will be included on the permit for details to be provided for the southern boundary fence adjacent to 3 Beaver Street (Condition 2j).
Advertising no being carried out correctly	The advertising for the proposal was carried out in full compliance with the requirements of the Planning and Environment Act 1987.
Planned redevelopment of 273 Buckley Street	Any planned re-development of an adjacent site will be subject to a separate planning permit.
Waste collection/ bin storage areas	A waste management plan has been submitted and subject to an amendment is considered acceptable (Condition 24).

Disruption during construction	To minimise disruption during the construction phase, a condition will be included for a Construction Management Plan (CMP) to be submitted. The CMP will manage the hours of works, times of deliveries and parking for works on-site among other requirements.
Discharge of water onto adjoining properties / Flooding	The application has been referred to Council's Technical Services Department, who have raised no objection to the proposed development, subject to conditions.
Precedent / recent refusals along Beaver Street	When assessing a planning application, Council does not use the precedent of other developments that may have been previously approved. Council will take into account the existing character and preferred future character of that area, but will use the relevant decision guidelines and assess each application on a case by case basis in making a decision.
Loss of views	The loss of any views is not a decision guideline within the Planning Scheme or Planning and Environment Act 1987. The loss of views is therefore not a relevant objection which Council can considered in its decision making process.

3.8 Road Zone Category 1

The development does not proposed to create or alter any road access onto Buckley Street. No planning permit is therefore triggered.

4. Human Rights

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

5. Conclusion

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

It is considered that the proposal demonstrates general compliance with the requirements of these provisions and policies. Accordingly, it is recommended that Council inform VCAT and parties associated with the proceedings that it supports the proposal in line with the conditions contained within the Recommendation.

Appendices

Appendix A: Plans - 275 Buckley Street Aberfeldie (MV/487/2015) (separately circulated)
Appendix B: List of Objectors Properties - 275 Buckley Street, Aberfeldie (MV/487/2015)
Appendix C: Clause 55 Assessment - 275 Buckley Street, Aberfeldie (MV/487/2015)

List of Objectors Properties

1/1 Beaver Street, ABERFELDIE VIC 3040
2/356 Glenferrie Road, MALVERN VIC 3144
263 Buckley Street, ABERFELDIE VIC 3040
32 Beaver Street, ABERFELDIE VIC 3040
16 St Kinnord Street, ABERFELDIE VIC 3040
29 Beaver Street, ABERFELDIE VIC 3040
10/240 Sydney Road, COBURG VIC 3058
88 Park Street, MOONEE PONDS VIC 3039
281 Buckley Street, ESSENDON VIC 3040
5 Beaver Street, ABERFELDIE VIC 3040
281 Buckley Street, ESSENDON VIC 3040
7 Beaver Street, ABERFELDIE VIC 3040
2/1 Beaver Street, ABERFELDIE VIC 3040
4 Beaver Street, ABERFELDIE VIC 3040
3 Beaver Street, ABERFELDIE VIC 3040
3 Beaver Street, ABERFELDIE VIC 3040
39 Chifley Avenue, ALTONA VIC 3018
9a Woolley Street, ESSENDON VIC 3040
10 Beaver Street, ABERFELDIE VIC 3040
30 Beaver Street, ABERFELDIE VIC 3040
2/29 Wood Street, AVONDALE HEIGHTS VIC 3034
41 Muriel Street, NIDDRIE VIC 3042
14 Beaver Street, ABERFELDIE VIC 3040
14 Beaver Street, ABERFELDIE VIC 3040
3 Beaver Street, ABERFELDIE VIC 3040
3 Beaver Street, ABERFELDIE VIC 3040
3 Beaver Street, ABERFELDIE VIC 3040
30 Beaver Street, ABERFELDIE VIC 3040
16 Beaver Street, ABERFELDIE VIC 3040
16 Beaver Street, ABERFELDIE VIC 3040
16 Beaver Street, ABERFELDIE VIC 3040

16 Beaver Street, ABERFELDIE VIC 3040
7 Browning Crescent, AVONDALE HEIGHTS VIC 3034
18 Grantchester Avenue, EAST KEILOR VIC 3033
C/- Kitchens and Interiors, 5a Beckett Avenue, EAST KEILOR VIC 3033
118 Shaftesbury Parade, THORNBURY VIC 3071
118 Shaftesbury Parade, THORNBURY VIC 3071
4 Beaver Street, ABERFELDIE VIC 3040
273 Buckley Street, ABERFELDIE VIC 3040
273 Buckley Street, ABERFELDIE VIC 3040
23 South Gateway, AVONDALE HEIGHTS VIC 3034
C/- Casa Bambini Essendon, 259 -261 Buckley Street, ESSENDON VIC 3040
4 Parer Street, MOUNT MARTHA VIC 3934
3 Coliban Gardens, CAROLINE SPRINGS VIC 3023
273 Buckley Street, ABERFELDIE VIC 3040
13 Mia Close, RESERVOIR VIC 3073
273 Buckley Street, ABERFELDIE VIC 3040
39 Afton Street, ABERFELDIE VIC 3040
273 Buckley Street, ABERFELDIE VIC 3040
11 Montpellier Drive, HILLSIDE VIC 3037
273 Buckley Street, ABERFELDIE VIC 3040
42b Roberts Street, ESSENDON VIC 3040
23 Illawarra Road, HAWTHORN VIC 3122
15 Graves Street, ESSENDON VIC 3040
165b Bradshaw Street, ESSENDON VIC 3040
PO Box 45, COBURG VIC 3058
12 Mariner Place, SAFETY BEACH VIC 3936
273 Buckley Street, ABERFELDIE VIC 3040
273 Buckley Street, ABERFELDIE VIC 3040
64 Prince of Wales Avenue, MILL PARK VIC 3082
C/- Durmaz P/L, 6/327 Warrigal Road, CHELTENHAM VIC 3192
3 Dorrington Court, BUNDOORA VIC 3083

161 McKean Street, FITZROY NORTH VIC 3068
82 Waratah Drive, ALTONA MEADOWS VIC 3028
19 Jindabyne Avenue, TAYLORS HILL VIC 3037
21 The Grove, HILLSIDE VIC 3037
C/- 30 Sutherland Street, BRUNSWICK VIC 3056
23/39-41 Victoria Street, DONCASTER VIC 3108
C/- 106 McBryde Street, FAWKNER VIC 3060
106 McBryde Street, FAWKNER VIC 3060
30 Sutherland Street, BRUNSWICK VIC 3056
22 Waterdale Road, IVANHOE VIC 3079
21/55 Gadd Street, NORTHCOTE VIC 3070
91 Clifton Street, ABERFELDIE VIC 3040
50 Shaw Street, NIDDRIE VIC 3042
39 Somerset Road, CAMPBELLFIELD VIC 3061
115 Waverley Street, MOONEE PONDS VIC 3039
273 Buckley Street, ABERFELDIE VIC 3040
6/2 St Kinnord Street, ABERFELDIE VIC 3040
273 Buckley Street, ESSENDON VIC 3040
273 Buckley Street, ABERFELDIE VIC 3040
C/- 59/95 Rouse Street, PORT MELBOURNE VIC 3207
30 Faye Crescent, KEILOR VIC 3036
273 Buckley Street, ABERFELDIE VIC 3040
8 Beaver Street, ABERFELDIE VIC 3040
C/-Universal Steel, 135 Derrimut Drive, DERRIMUT VIC 3030
46 Beaver Street, ABERFELDIE VIC 3040
2/2 St Kinnord Street, ABERFELDIE 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 Commercial 1 Zone and General Residential Zone).

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

Title and Objective	**Complies with Standard**	**Complies with Objective**
B1 - Neighbourhood Character	✓	✓
B 2 - Residential Policy	✓	✓
B 3 - Dwelling Diversity	N/A	N/A
B 4 - Infrastructure Objectives	✓	✓
B 5- Integration with the Street Objective	✓	✓
B6 - Street Setback Objective	x	✓
B7 - Building Height Objective	x	✓
B8 - Site Coverage Objective.	x	✓
B9 - Permeability Objectives	x	✓
B10 - Energy Efficiency Objectives	✓	✓
B 11 - Open Space Objective	N/A	N/A
B 12 - Safety Objective	✓	✓
B 13 - Landscaping Objectives	✓	✓
B 14 - Access Objectives	✓	✓
B 15 - Parking Location Objectives	✓	✓
B16 – Parking Provision	Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 3.3 of the report.	
B 17 - Side and Rear Setbacks Objective	x	✓
B 18 - Walls on Boundaries Objective	x	✓
B 19 - Daylight to Existing Windows Objective.	✓	✓
B 20 - North-facing Windows Objective	✓	✓

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

✓- complies

x – non-compliance

N/A- Not Applicable

9.2 436-442 Mt Alexander Rd, Ascot Vale (Lots 22,23 & 24 LP4866 and Lot 1 TP893954P) - Construction of an eight storey mixed use development in a Design and Development Overlay (DDO3), a reduction in car parking requirements and waiver of loading bay requirements

File No: FOL/16/130

Author: Principal Planner/Appeals Advocate

Directorate: Planning & Development

Ward: Myrnong

Planning File No.	**MV/846/2015**
Proposal	• Construction of an eight storey building • Ground floor retail (191 square metres) • 67 apartments (19 x 1 bedrooms and 48 x 2 bedrooms) • Reduction of car parking requirements • Waiver of loading bay requirements
Applicant	AJB Group Pty Ltd
Owner	Mr Joseph Anthony Todaro
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 – Construct a building or construct or carry out works; Clause 43.02-2 – Construct a building or construct or carry out works; Clause 52.06-3 – Reduction in car parking requirements; and Clause 52.07 – Waiver of loading bay requirements.

Car Parking Requirements **(Clause 52.06)**	Required: 87 car spaces Provided: 73 car spaces
Bicycle Requirements	Required: 21 bicycle spaces Provided: 23 bicycle spaces
Restrictive Covenants	None
Easements	None
Site Area	1,423 square metres
Number Of Objections	82
Consultation Meeting	8 March 2016

Executive Summary

- The application seeks planning approval for the construction of an eight storey mixed use building in a Design and Development Overlay (DDO3), a reduction in car parking requirements and a waiver of a loading bay.
- The site has an area of 1,423 square metres and is located on the south-eastern corner of Mt Alexander Road and Mascoma Street, Ascot Vale. The site comprises an existing double storey rendered commercial building.
- The application was advertised and 82 objections were received. The concerns raised related to the scale, height and form of the building being excessive, the lack of suitable setbacks and a suitable transition to the street interfaces, various amenity concerns (overlooking, shadowing, noise, heat and reflection and visual bulk), car parking congestion, safety for pedestrians and motorists, and impacts on infrastructure including other concerns.
- A Consultation Meeting was held on 2 March 2016 and was attended by Cr Cusack, Cr Marshall and Cr Nation, the permit applicant and 57 objectors. This meeting allowed the key concerns to be explored, although no resolution was achieved.
- The application was externally referred to VicRoads, Public Transport Victoria (PTV) and Jemena and no objection was received.
- The application was also referred internally to Council's Engineering Services Unit, Council's Traffic and Transport Unit, Council's ESD Officer, Council's Arborist and Council's Urban Design Officer. All departments have raised no issue with the proposal with the exception of Council's Urban Design Officer who has recommended a number of modifications including a reduction in the height of the building from eight to six storeys.
- This assessment report finds that whilst there exists sufficient policy support for more intensive development of this site, the proposed building height and scale are deemed excessive. Accordingly, this report recommends support for the proposal subject to conditions that seek to reduce height and increase setbacks from the adjoining residential interface.

- Lastly, it is noted that Council received notification from the Victorian Civil and Administrative Tribunal (VCAT) on 31 March 2016 advising that the permit applicant had lodged a Section 79 Application for Review against Council's failure to determine the application within the prescribed statutory timeframe. As such, a VCAT Compulsory Conference is scheduled for 2 June 2016 and a Hearing on 11 July 2016.

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/846/2015 for the construction of an eight storey building in a Design and Development Overlay (DDO3), use of the land for dwellings, a reduction in car parking requirements and a waiver of loading bay requirements at No.436 – 442 Mt Alexander Road, Ascot Vale (Lots 22, 23 and 24 LP4866 and Lot 1 TP893954P), subject to the following conditions:

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

    a) The deletion of the upper two levels so that the building is a maximum six (6) levels above the natural ground level;

    b) The 2.9 and 3.0 metre setbacks along the eastern boundary (ground, first, second and third floor levels) to be increased to a minimum setback of 4.0 metres from this boundary;

    c) The basement setback an additional 1.0 metre from the eastern boundary to allow for deep rooted canopy vegetation to this boundary edge;

    d) The re-configuring of the basement layout to reflect the increased setback of 1.0 metre from the eastern boundary;

    e) The landscape planter at the third floor to be extended the length of the terrace at the south-eastern corner of the floor plan;

    f) All balconies to have a minimum area of 8 square metres and a minimum width of 1.6 metres;

    g) The height of the storage spaces over the bonnet designed to not conflict with the use of the car spaces by a vehicle;

    h) Car spaces 18 and 19 noted as being resident car spaces;

    i) Any modifications as a result of Condition 3;

    j) A complete schedule of colours, materials and external finishes.

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

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

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

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

   a) ROOF CATCHMENT AREA: The extent of the roof catchment area/s that is/are nominated in the STORM or MUSIC report must be graphically shown on the drawings, and must note which WSUD treatment measure each area connects to (i.e. nominate the specific rainwater tank and/or specific raingarden that that particular roof catchment area is connected to).

   b) RAINWATER TANKS: Show the size and location of any rainwater tank on the plans and elevations. Provide a note outlining the roof catchment area being collected by each rainwater tank and note connection to the number of toilets, as per the STORM or MUSIC report, or area of garden it is distributing to.

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

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

   a) Hours of construction;

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

   c) Scaffolding and hoarding for the site;

   d) Allocated areas for loading and unloading;

   e) Site evacuation plan and procedure;

   f) Occupational health and safety policy;

   g) Hazard identification and control;

h) Environmental management and waste minimisation;

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

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

k) Chemical storage;

l) Noise and vibration;

m) Risk assessment;

n) Works timetable; and

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

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

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 Guide or a Building Maintenance Guide.

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

7. 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 plan(s) must not be altered or modified without written consent of the Responsible Authority.

9. The privacy screens / obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the building.

10. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan(s) must be to the satisfaction of the Responsible Authority;

    a) Be provided and completed prior to the commencement of the use hereby permitted;

    b) Thereafter be maintained;

    c) Be made available for such use at all times and not used for any other purpose;

    d) Be properly formed to such levels that it can be used in accordance with the endorsed plan;

    e) Be drained and sealed with an all-weather seal coat; and

    f) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.

11. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.

12. Bicycle parking spaces and access must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority. All bicycle parking is to be provided in accordance with the Australian Standards.

13. Before the use of the land commences, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include, but is not limited to, the following:

    a) A description of the location in the context of alternate modes of transport and objectives for the Green Travel Plan.

    b) Outline Green Travel Plan measures for the development including, but not limited to:

        (i) Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;

        (ii) Include a minimum of one Myki pass (of at least $20 value) and registration information per bedroom for each dwelling within the household welcome pack;

(iii) Bicycle parking and facilities available on the land; and

(iv) Monitoring and review.

c) A Plan showing;

(i) The bicycle parking areas to be provided for use by residents

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

14. All measures contained within the Sustainability Management Plan prepared by ADP Consulting Pty Ltd, dated 22 December 2015 must be implemented and appropriately managed during construction of the proposed building.

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

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

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

18. All obsolete, disused or redundant vehicle crossings must be removed and the area reinstated to footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

19. All drainage works shall be to the satisfaction of the Responsible Authority.

20. 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 plans prepared by Jack Merlo Design Landscape & Construction dated 22 December 2015 but modified to show:

a) Any modifications as required by Condition 1;

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.

21. The existing street trees along Mascoma Street must not be removed or damaged as a result of the permitted development.

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. Before the development starts, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be in accordance with the City of Moonee Valley's 'Waste Management Plans – Guidelines for Applicants'.

Public Transport Victoria

24. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Mt Alexander Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria fourteen days prior.

25. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at full cost of the permit holder.

Jemena Electricity

26. 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 the Act.

27. 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 of Jemena Conditions

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

    a) The development is not commenced within two (2) years from the date of issue of this permit; or

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

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

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, new crossings, building over easements, etc.
- A permit must be obtained from Council for all vehicular crossings.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- 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 the occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's 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 south-eastern side of Mt Alexander Road and Mascoma Street, Ascot Vale. The site is irregular in shape with six different boundaries, including a frontage to Mt Alexander Road of 22.5 metres and a frontage to Mascoma Street of 39.62 metres that give the total a site area of approximately 1,423m^2.

The land is essentially flat, with the topography reflective of the immediate context.

There appears to be no restrictions or easements on the Certificate of Title provided. A caveat is listed on the title in favour of Solaris Power Ltd, which claims an interest for a utility station in the north eastern corner of the site.

The site comprises a commercial building built to the respective Mt Alexander Road and Mascoma Street frontages. The building has a pronounced two storey height as presented to Mt Alexander Road, with this height reducing to a single storey form for much of the Mascoma Street elevation. The Mt Alexander Road frontage does not contain any street trees, whilst there are two street trees along the Mascoma Street frontage.

The surrounding area comprises commercial buildings of predominantly a two storey height and scale along Mt Alexander Road. The site abuts a two storey commercial building to the south, and faces a two storey commercial building on the northern side of Mascoma Street. The Dan Murphys site which has a single and two storey building is located on the western side of Mt Alexander Road, whilst Mascoma Street comprises residential properties with a prevailing single storey height, although there are examples of two storey heights and an occasional block of flats with 3 storey height.

The Mt Alexander Road frontage faces the tram line that connects the site with Melbourne's CBD that is located some 5 kilometres south.

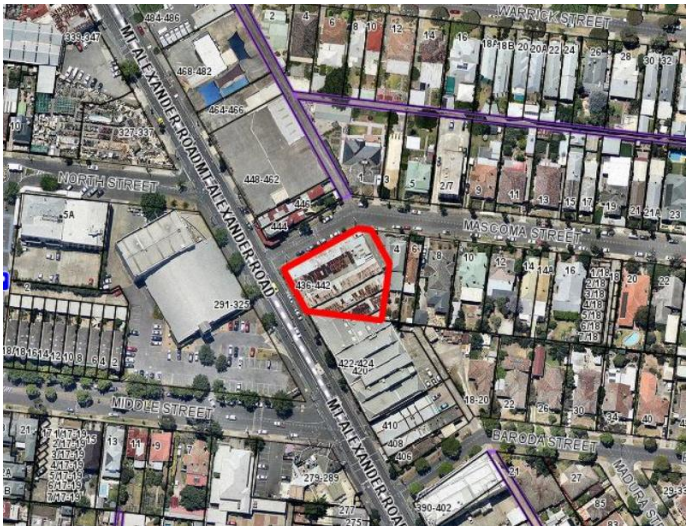

Figure 1 - Application Site (436-442 Mt Alexander Roads, Ascot Vale) – Aerial view of the subject site and surrounds

1.2 Proposal

It is proposed to construct an eight storey building in a Commercial 1 Zone and a Design and Development Overlay (DDO3), with a reduction in car parking requirements and a waiver of loading bay requirements. The proposal can be summarised as follows:

Table 1

Retail area (total)	191.5 square metres
No. of dwellings	67 (48 x 2 bedrooms and 19 x 1 bedroom)
No. of car spaces	73 (65 resident spaces, 6 visitor spaces and 2 retail space)
No. of bicycle spaces	23 (15 resident spaces, 7 visitor spaces and 1 retail space)
Max. building height	25 metres (2.95 metre ceiling heights from Levels 1-7)

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

2. Background

2.1 Relevant Planning History

No relevant planning history has been identified for the land.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 9	Plan Melbourne
Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 17	Economic Development
Clause 18	Transport

Local Planning Policy Framework

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

Zoning

Clause 34.01	Commercial 1 Zone

Overlays

Clause 43.02	Design and Development Overlay (DDO3)

Particular and General Provisions

Clause 52.06	Car Parking
Clause 52.07	Loading and Unloading of Vehicles
Clause 52.34	Bicycle Facilities
Clause 52.35	Urban Context Report and Design Response For Residential Development of Five or More Storeys
Clause 65	Decision Guidelines

2.3 Referrals

External

- VicRoads

  No comment or conditions offered by VicRoads.

- PTV

  1. No objections subject to standard conditions that have been included in the recommended permit conditions.

- Jemena

  2. No objections subject to standard conditions that have been included in the recommended permit conditions.

Internal

- Engineering Services Unit

  3. No objections offered subject to standard conditions.

- Traffic Engineers

  4. No objections to either the waste management plan, the car parking layout or the reduction in car parking that is sought subject to standard conditions.

- Arborist

  5. No objection subject to standard conditions.

- ESD

  6. No objection subject to standard conditions.

- Urban Design Unit

7. Council's urban designer recommends the removal of two levels that effectively reduce the height of the building from eight levels to six levels. The key aspects of the referral justifying this position are outlined in the following points:

- The adjoining property to the east contains a single storey house and rear private open space and will be greatly impacted by any development of the review site and due consideration of the massing at this interface is paramount to protecting the amenity of this dwelling;
- Increased setback along the eastern boundary to 4 metres and recessed basement of an additional 1 metres to establish screening to boundary edge is recommended;
- The mid-section is adequately recessed from the side boundary however the visual bulk of the uppermost two levels will be excessive when viewed from the rear of properties along the south side of Mascoma Street and the north side residential properties along Baroda Street. The overall building height should be reduced to 6 storeys;
- The landscape planter at third floor should be extended the length of the terrace at the south eastern corner of the floor plan.

Planner's Comment

The proposed building height of eight levels exceeds the recommended height in the DDO3. The rational provided by Council's urban designer is well justified and reasonable in this context. On this basis, it is recommended that the findings from Council's urban designer be adopted.

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, eighty two (82) objections were received from the properties contained within **Appendix A** of this report.

A response to the objections is provided in Section 3.9 of this report.

2.5 Consultation Meeting

A consultation Meeting was held on 2 March 2016 and was attended by Cr Cusack, Cr Marshall and Cr Nation, the permit applicant and 57 objectors. This meeting allowed the key concerns to be explored, although no resolution was achieved.

3. Discussion

3.1 State Planning Policy Framework

The relevant State Planning Policy Framework clauses are met. A central theme of the State Planning framework is to encourage urban consolidation in

locations which take advantage of existing commercial and community services and public transport. The subject site is located on the Mt Alexander Road tram route and forms part of a commercial precinct that extends along Mt Alexander Road.

The site represents a strategic redevelopment site in accordance with the direction at Clause 16.03-3. The site is in close proximately to the Moonee Ponds Activity Centre (750 metres), on a corner, abuts a tram route and provides more than 10 dwellings.

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

Landmarks, Views and Vistas

The Moonee Valley Planning Scheme does not identify any particular landmarks that are to be protected within the vicinity of the review site.

Notwithstanding this, there is also an emphasis on protecting views and vistas. Mt Alexander Road represents a significant boulevard in Melbourne and the site is visually prominent in this context for both north and south bound traffic.

The review site is surrounded by buildings with a consistent low scale character of one and two storeys. In this context, the eight storey building height will be discordant with its context as viewed from Mascoma Street and Mt Alexander Road.

It is acknowledged the character of the area will in sections change as a result of the DDO that applies to Mt Alexander Road, and the assessment of this proposal must consider the strategic impetus for change. Notwithstanding this, the building height of eight storey well exceeds the five storeys suggested by the DDO. The six storey building height encouraged by Council's Urban Design Officer provides a superior level of balance between the current and future development forms, and will ultimately represent a superior 'fit' in both the Mascoma Street and Mt Alexander Road streetscapes.

Heritage

The site is not subject to a Heritage Overlay. There are a row of properties covered by Heritage Overlay Schedule 23 in Baroda Street and other streets in the area. Whilst somewhat removed from the review site, the Heritage Overlay and the Neighbourhood Character Overlay that applies to Warrick Street, which sits north of Mascoma Street emphasise a low scale character that is very likely to be preserved.

The lowering of the building to six storeys as encouraged by Council's Urban Designer allows the building to sit more comfortably within the broader context, noting the building will be visible from both Baroda and Warrick Streets.

3.2 Local Planning Policy Framework

The proposal complies with Clause 21.04 (Sustainable Environment) through the use of ecologically sustainable design principles. It is noted that 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 also accords with the objectives of Clause 21.04-7 (Waste) as it integrates waste management and recycling facilities in order to achieve best practice in waste minimisation and recycling. Whilst the waste management plan is generally acceptable, conditions will require an updated plan to be prepared in light of the recommendation to reduce the building height and subsequent reduction in the number of dwellings.

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 development is consistent with the site's designation within an area of 'Moderate to High Housing Intensification'. Development is not, however, at all costs, noting there is a specific reference that the intensity and scale of new development having to respect the existing streetscape character and commercial context of the centre, along with development controls that apply. The recommendation to lower the building from eight storeys to six storeys is consistent with the vision for the area as articulated via the Design and Development Overlay (DDO3).

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

Context and Building Design / Urban Context

The context is quite diverse with the Mt Alexander Road interface being robust, located on a tram route and covered by a DDO3, whereas the Mascoma Street interface is low scale and comprised of smaller allotments where the level of change will not be so drastic.

The architecture is well resolved and responds well to the proportions and features of the site. Specifically, the decision to incorporate a large ground level communal area with setbacks of up to 18.9 metres to the south-east is a direct response to the site's interface with single dwellings along Mascoma Street.

Though the upper most levels (7 and 8) are not directly visible from the adjoining dwelling (No.4 Mascoma Street), they are quite pronounced from other residential properties along Mascoma Street and will be seen from longer range views. These levels also introduce a scale to Mt Alexander Road that bares little connectivity with adjoining and surrounding buildings. The contrast in

height and scale will be significant, resulting in a visually jarring effect when traveling along this important Boulevard.

The reduction in the height and scale of the building as recommended by Council's Urban Designer achieves a better balance with the strategic outcomes for this site. (Refer to Condition 1a).

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

Council's urban designer acknowledges the building layout responds well to the site and that the architecture itself is well resolved. The building appropriately positions the retail space to front Mt Alexander Road, which maintains the commercial nature of this important boulevard and activates this frontage. The residential frontages are in turn well positioned to face Mascoma Street, which is predominantly a residential street in nature.

The two storey podium form anchors the site, with the subsequent recession reducing the scale and dominance of the form. The Mascoma Street frontage features good recession and provides the opportunity for landscaping within the frontage setbacks to these dwellings. This layout introduces a domestic form to Mascoma Street, promotes surveillance, safety and sense of address, and also introduces landscaping to this elevation.

Setbacks and Site Coverage / Building Envelope

The building envelope and scale of the building is dictated by the DDO, the size of the site and its direct abuttals.

Noting the review site fits the criteria for a 'key site', the DDO (precinct H) has a preferred maximum building height of 5 storeys (18 metres), and recommends a 3.0 metre setback when the property abuts the side of a residential property.

The eastern abuttal with the dwelling at No.4 Mascoma Street is a constraint of this site. Not only does the site abut this property, it physically abuts the side of the actual dwelling that is built to the boundary, and that also has two habitable room windows located on boundary.

The DDO allows for different setbacks based on whether there is abuttal with a street, a laneway or a residential property. Relevantly, a 3.0 metre setback is recommended when a building abuts the side of a residential property. This very unusual circumstance of a dwelling with two habitable room windows forming the property boundary is a far more sensitive interface than a residential property, where the actual dwelling may be setback from the actual boundary. The proposal provides a 2.93 metre setback from the adjoining residential property.

The precinct specific guidelines state that "*where a side boundary abuts a residential property, the design should have regard to the scale of the adjoining property*… " noting No.4 Mascoma Street is single storey building. The recommendation by Council's Urban Designer to increase the side setbacks to 4 metres along with an additional 1 metre at basement level to accommodate greater opportunities for deep rooted planting along this boundary is justified. The adjoining property presents as the most sensitive interface heighted by the fact there are two habitable room windows on this boundary. Generous canopy vegetation can assist in reducing the scale of the building as viewed from these

windows and backyard area along with increased building setbacks to manage visual bulk impacts.

The building envelope features generous setbacks from the south-eastern boundary in acknowledgement of the backyard interface with the residential properties along Mascoma Street.

Building Height and Silhouette

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

The area exhibits a strong low scale character derived of predominantly one and two storey buildings, with occasional higher forms. The design objectives at Section 1 of the DDO 3 seek "*to encourage building design and development that will enhance the visual appearance of the Mt Alexander Road corridor*".

A degree of balance is needed in respecting the existing low scale character whilst acknowledging the strategic push for change. In view of the importance of Mt Alexander Road, the distant views of the site from both north and south bound traffic, the varied lot sizes along Mt Alexander Road which will mean a lack of consistency in future building heights, the prevailing low scale character along Mt Alexander Road, and the strong low scale character in the streets off this road (i.e. Mascoma Street, Bardoda Street, Warrick Street), there is a strong basis to have a building height that aligns closely with the direction of the DDO3. Whilst the recommended height of six storeys still exceeds the preferred maximum height, it is submitted that the proposal can achieve an acceptable balance of providing higher forms without overwhelming its context.

The second design objective seeks "*to minimise the impact of development on adjoining land use in terms of appearance, amenity and streetscape presentation*". Though the upper most levels (7 and 8) will not be visible from the directly abutting residential property, they will still visible and dominant to the backyard environs of residential properties further along Mascoma Street. The reduction in height as suggested by Council's urban design officer to six storeys will reduce visual bulk and massing to the properties in Mascoma, Baroda and Warrick Streets.

Internal Circulation, Space and Building Adaptability / Circulation and Services

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

The pedestrian entry point to the retail space and the dwellings is clearly identifiable and the basement level is also easily accessed. The combination of lift and stair access in conjunction with a lobby/foyer area at the front entrance will allow for ease of movement, including the movement of furniture, emergency access and escape.

The development generally provides an adequate and efficiently designed parking layout that will ensure safe vehicle movements. As referenced within Section 2.3 of this report, Council's Traffic and Transportation Unit has no

objection to the proposal subject to the inclusion of conditions on any permit granted. This is generally considered acceptable.

In terms of storage space, all dwellings have been provided with above bonnet storage space.

Provision for waste storage is included in the basement, with a private contractor to be engaged to collect waste from the basement. The waste management plan submitted with the application is supported by Council's Engineers.

On-Site Amenity and Liveability / Building Layout and Design

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

In a general sense, the layout of each dwelling provides an appropriate level of amenity for future occupants. Residents will be afforded with generous sized open plan living opportunities, with good access to daylight. It is noted that all habitable rooms (living areas and bedrooms) have direct access to daylight, which is considered to be a good design outcome allowing for a high level of internal amenity for each dwelling.

Each dwelling is provided with a courtyard or balcony which are generally well proportioned and well oriented. A number of apartments have balcony areas of 5.6 and 6.0 square metres. Whilst these are associated with smaller apartments, the balcony areas compromise the overall liveability of these apartments, noting these apartments also have quite compact living spaces. It is considered there is no reason why the balconies should not be 8 square metres, noting there is the opportunity to achieve these areas. (refer to Condition 1f).

The proposed development has been designed to limit internal overlooking where possible.

The proposed development is to minimise the transmission of noise within the development through the inclusion of suitable conditions on any permit granted.

Off-Site Amenity

The combination of the orientation of balconies and the use of screening to balconies and key windows limits unreasonable overlooking of residential properties in Mascoma Street.

The siting of the built form with respect to No.4 Mascoma Street's backyard and the orientation of the land combine to reduce unreasonable overshadowing. The adjoining properties in Mascoma Street are overshadowed during the later afternoon period, and this level of shadowing accords with the requirements of Clause 55.04-5 (Overshadowing) of the Moonee Valley Planning Scheme.

With relation to daylight to windows, ResCode has two elements for the assessment of daylight. The first is that a courtyard of at least 3 square metres with a 1.0m width be provided opposite the windows of No.4 Mascoma Street. The Section A drawing shows that this is achieved. The second element is that the building setback from the windows be half the height of the building. At the

various levels, the Section A plan shows that that this second element for the measure of daylight is also achieved.

Parking, Traffic and Access

See comments provided by Council's Traffic and Transportation Unit within Section 2.3 of this report in addition to 'Clause 52.06 (Car Parking)' within Section 3.5 of this report.

Landscaping and Fencing / Open Space and Landscape Design

A site coverage of 61.7 percent is proposed due to the generous setbacks of the building from the south-east corner. The extent of this site coverage is not reflected in the basement which is understandably larger.

The basement is well setback from the southern corner, leaving a triangular section of the site that may accommodate substantial deep rooted trees. The recommendation from Council's urban designer to provide improved deep rooted planting along the eastern boundary has merit.

The plans also show landscaping to the Mascoma Street dwelling frontages which includes provision for the retention and establishment of new street trees.

Environmental Sustainability

The apartment nature of the development includes measures that promote sustainability. These include the sharing of floors, walls and ceilings, which assist in the prevention of excessive heat gain and loss. This sharing of floors, walls and ceilings also makes efficient use of resources and building materials.

The proposed development has incorporated many Environmentally Sustainable Design initiatives, including the provision of a rainwater tank in the north-eastern corner of the basement (level 2) for the re-use of stormwater within the development. Furthermore, all habitable living areas and bedrooms would have windows with direct access to daylight.

The excellent locational attributes of the site, its proximity to public transport (tram and bus routes) and an activity centre also promote efficiency. Each of these factors reduce the need for additional housing on the fringes of the metropolitan area and make efficient use of existing infrastructure and services, reducing travel time/costs and thereby environmental impacts.

Service Infrastructure

The development utilises existing infrastructure and services available on site and within the surrounding area. This is an efficient and appropriate use of available resources. Furthermore, Council's Engineering Services Unit has no objections to the proposal subject to the inclusion of standard drainage conditions on any permit granted.

With regard to Clause 21.08 (Economic Development), the development will contribute to this commercial strip in terms of employment and business. It is noted that the proposed retail premises is 'as-of-right' within the Commercial 1 Zone, as discussed within Section 3.3 of this report. The proposed development is considered acceptable accordingly.

The proposal generally complies with Clause 22.03 Stormwater Management (Water Sensitive Urban Design) subject to conditions.

3.3 Compliance with Clause 34.01 (Commercial 1 Zone)

The residential component of this proposal (dwellings) are as of right in the Commercial 1 Zone, as is the retail component of the development. The proposed dwellings and retail premises are in accordance with the objectives of State and Local Planning Policies within the Moonee Valley Planning Scheme, as discussed within Sections 3.1 and 3.2 of this report.

Pursuant to Clause 34.01-2, a permit is required for the use of the land for dwellings as the amount of the building frontage occupied by the residential foyer exceeds 2 metres. The use of the land for dwellings is considered to accord with the decision guidelines of the zone. The effect of existing commercial uses in the immediate vicinity is not considered to pose an unreasonable adverse impact upon the proposed use.

In addition, the proposed development requires a permit under Clause 34.01-4 (Buildings and Works). As discussed within Section 3.2 of this report, the development represents an appropriate architectural response subject to the deletion of the two upper most levels (7 and 8) and some other relatively minor modifications.

3.4 Compliance with Clause 43.02 (Schedule 3 to the Design and Development Overlay)

The subject site is located within Precinct H of the Design and Development Overlay Schedule 3 (DDO3). An assessment against the DDO3 is provided within Table 2 below.

Table 2 Design Response to DDO3 – Precinct H Requirements

<table>
<tr><th>DDO3 – H</th><th colspan="2">Proposal</th></tr>
<tr><td>18 metres (five storeys)</td><td colspan="2">The proposal seeks a building height of 25 metres (eight storeys). As discussed, a condition of approval will require the building to be reduced by two storeys with a reduced overall height to 18.5 metres.</td></tr>
<tr><td>Front Setback</td><td>Match the average distance of the setbacks of the front walls of existing buildings on the abutting allotments with the wall to be no greater than 8 metres in height.
Built form above 8 metres must be set back a minimum of a further 2 metres or</td><td>Front Setback Requirements
<table><tr><th>Level</th><th>Required</th><th>Proposed</th></tr><tr><td>Ground</td><td>0m</td><td>0m</td></tr><tr><td>1</td><td>0m</td><td>0-1.7m</td></tr><tr><td>2</td><td>2m</td><td>0-3m</td></tr><tr><td>3</td><td>2-3.5m</td><td>0-3.75m</td></tr><tr><td>4</td><td>3.5-5m</td><td>3-3.75m</td></tr><tr><td>5</td><td>5-6.5m</td><td>3-3.75m</td></tr><tr><td>6</td><td>6.5-8m</td><td>3.7-6.2m</td></tr></table></td></tr>
</table>

	match the average of the existing buildings on the abutting allotments whichever is greater), plus 0.5 metres for every metre of height above 11 metres.	7 | 8-9.8m | **8.6-9.3m** The front setback for the ground and first floor levels comply with the requirements under DDO3. However, for the floor levels above, the proposal fails to meet the front setback requirements provided across the road frontage. The zero metre front setback to the second floor level does not meet the 3.0 metre setback requirement under the DDO3. However, given that the setbacks provided for the first three levels is consistent with the existing built form located along Mt Alexander Road and that it helps provide a strong corner element for the proposed development, it is considered that the overall design provided along the low section of the development is considered acceptable. For levels two to six, the area of non-compliance across the frontage is associated with the balconies, which partly occupy the frontage at each level. The setbacks provided for the fifth level although not complaint is considered to be acceptable, as it is adequately recessed from the frontage. Further, the fifth level forms part of the three storey mid-section of the façade which has been well articulated to enhance the visual appeal of the Mt Alexander Road frontage including parts of the Mascoma Street frontage as the design wraps around the corner of the site. The non-compliance across levels six and seven is not considered to be acceptable as the building height will present as a dominant form from the

<table>
<tr>
<td></td>
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<td>backyard environs of residential properties in Mascoma Street, Baroda Street and Warrick Street. Further, the eight storey form impacts on longer range views along the Mt Alexander Road corridor and the adjacent low scaled residential hinterland.

Overall, it is submitted that the frontage subject to the deletion of levels six and seven is appropriately articulated and the design meets the intent of the Overlay objectives.</td>
</tr>
<tr>
<td>Where the rear of the lot abuts the side of a residential property:</td>
<td>A 3 metre minimum setback to the
adjacent property boundary, with the
wall to be no greater than 7.5 metres
(single storey garages excluded).

A 5 metre minimum setback to the
adjacent property boundary with the
wall to be no greater than 11 metres.

Each additional 1 metre of built form above 11 metres must be set back a minimum of a further 0.7 metres from the rear boundary line.</td>
<td>Rear Setback Requirements
<table><tr><th>Level</th><th>Required</th><th>Proposed</th></tr><tr><td>Ground</td><td>3m</td><td>2.9m</td></tr><tr><td>1</td><td>3m</td><td>1.5-3m</td></tr><tr><td>2</td><td>3-5m</td><td>1.5-6.9m</td></tr><tr><td>3</td><td>5-5.7m</td><td>1.5-9.4m</td></tr><tr><td>4</td><td>5.7-11.97m</td><td>8.1-9.3m</td></tr><tr><td>5</td><td>11.97-14.07m</td><td>8.1-9.3m</td></tr><tr><td>6</td><td>14.07-16.17m</td><td>10.2-13m</td></tr><tr><td>7</td><td>16.17-18.27m</td><td>12.8-15m</td></tr></table>The rear setbacks provided to No.4 Mascoma Street fail to satisfy the DDO3. As already detailed in this report, the DDO3 seeks a minimum 3.0 metre setback with abuttals to a residential property. In this instance, as well as abutting a residential property, the site actually abuts a dwelling and two of its habitable room windows. Noting this represents a very sensitive interface, there is no real town planning basis for the departure that is sought. Further, as discussed above, the form and</td>
</tr>
</table>

		scale of levels six and seven exceed the height requirements of the overlay and it is recommended that a condition be included on any permit issued to ensure compliance with the requirements of DDO3.
Specific Guidelines	Where a side boundary abuts a residential property, the design should have regard to the scale of the adjoining property, providing generous setbacks for building elements above 3 storeys to ensure adequate day light and amenity to existing one and two storey dwellings. Redevelopment of key sites should emphasise pedestrian movements and limit the amount of at-grade car parking. New development that incorporates a 0.00 setback should also incorporate awnings where these are incorporated in surrounding buildings. The preferred location for new access points is off side roads or rear lanes rather than Mt Alexander Road. New development should seek to reduce or eliminate areas of at-grade car parking within building frontages.	<u>Eastern Boundary</u> As mentioned above, the proposed development fails to provide the minimum setback requirements from the eastern boundary. As such, it is recommended that a condition be included on any permit issued to ensure compliance. <u>Awnings</u> The proposal incorporates an awning across its Mt Alexander Road frontage. Although the adjoining property is not provided with an awning across its frontage, it is considered that proposed awning assists in providing a stronger corner treatment to the site and would encourage the future retail business to utilise the footpath, which would activate the public space. <u>Access</u> The proposal provides strong pedestrian links across the site frontages. A 2.8m wide lobby is provided for the residential dwellings along Mascoma Street, which is appropriately setback from the basement car park entrance, which is located further east along the Mascoma Street frontage. The access to the basement level from Mascoma Street complies with the requirements of the overlay.

Further discussion is provided below;

Preferred Maximum Height

The proposed development exceeds the 18 metre (five storeys) requirement of the overlay by proposing an overall height of eight storeys (25 metres) and as discussed throughout the report the top two levels are not considered to be appropriate and in keeping with the existing and preferred built form for this part of Mt Alexander Road.The subject site is considered to be a 'key site' as the site has a total area of greater than 1,000 square metres (1,423m^2 proposed) with a frontage width of greater than 20 metres (22.58 metres proposed); the site is within 400 metres of a tram stop (approximately 80 metres from a tram stop) and a new vehicle access is provided by a side street (i.e. Mascoma Street). However, the proposed height is not considered to be site responsive and will result in an adverse impact on the adjoining properties and streetscape. It is recommended that the top two floor levels be deleted as discussed above within the report.

The preferred height of six storeys would result in a maximum building height of 18.5m, which would result in a variation of 0.5m. It is considered that having regard to the surrounding context, coupled with the nature of the proposed design, the height of the building at six storeys is appropriate as the proposal will have a high level of compliance with the height and setback requirements under Precinct H of the DDO3.

Further, level six will be centrally located with generous setbacks provided from all property boundaries, which would have no significant amenity or heritage impacts as discussed within Sections 3.1 and 3.2 of this report. It is considered that the additional 0.5m of height will be imperceptible from the public and private realm with negligible amenity impacts on adjoining properties. Therefore, the proposed development subject to conditions is considered to meet the design objectives of the DDO3 and is considered acceptable in this instance accordingly.

3.5 Compliance with Clause 52.06 (Car Parking)

Table 3

Unit	Requires	Provides
67 Dwellings (48 x 2 bedrooms and 19 x 1 bedroom)	67	65
Retail Space (191.5m^2)	7	2
Residential visitors	13	6
Total	87	73

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

With regard to the reduction in car parking requirements, the subject site directly abuts a tram route and forms part of a commercial strip where parking is available on both sides of Mt Alexander Road. The proposed development also provides for 23 bicycle spaces which can be utilised by shoppers and visitors to the proposed development. It is also noted that there are numerous on-street car spaces available nearby that can be utilised by both shoppers and visitors, with a substantial increase in capacity for residential visitors outside of business trading hours. Such measures would all assist to offset the shop and visitor car parking spaces not being provided for on-site.

With regard to traffic generation, the proposed development is expected to generate vehicle movements that have been identified in the Traffix Group report. This report has been reviewed by Council's traffic engineers who are satisfied that this level of traffic is unlikely to cause any significant impacts to the existing road network and can be easily and safely accommodated. It is also noted that VicRoads has no objection to the proposed development.

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

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

Clause 52.07 triggers loading and unloading requirements for the shops within the proposed development. The proposed retail tenancy is relatively small (191.5m^2) and it is generally accepted that deliveries to shops of this scale are delivered by a van or car. Such vehicles would utilise on-street car parking, or nearby loading zones, for short periods of time to drop off goods. Council's Traffic and Transportation Unit have no objection to this arrangement.

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

3.7 Compliance with Clause 52.29 (Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road)

There is no direct vehicle access to Mt Alexander Road, and on this basis, this provision does not apply. Significantly, this application was referred to VicRoads and no comment was received.

3.8 Compliance with Clause 52.34 (Bicycle Facilities)

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

Table 4

Unit	Requires	Provides
67 Dwellings	13	13
Residential visitors	7	7
Retail employees	1	1
Retail visitors	0	2
Total	21	23

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

3.9 Objections

Table 5

Issue	Officer Response
Car parking and traffic issues	Whilst there will undoubtedly be a change in traffic flows and movements, the development achieves a high level of compliance with Clause 52.06. Importantly, the allocation of car parking and the general layout of this parking, and the vehicle movements in the street network have been the subject of a comprehensive traffic engineering report. This report has been reviewed independently by Council's traffic engineers who support the development.
Building height	The building height is excessive for a number of reasons, and a condition of approval will require that the two upper levels (7 and 8) be deleted. It will also be recommended that some of the eastern setbacks be revised to achieve improved levels of transition to Mascoma Street. The development of the site for an apartment style building of a 6 storey height as recommended is consistent with State Planning Policy, the location of the site on a main road and on a tram route, its designation as a strategic redevelopment site / key site and is also consistent with DDO expectations.
Waiver of loading requirements	This is considered acceptable as discussed within Section 3.6 of this report.
Construction impacts on surrounding properties	A Construction Management Plan will be required as a condition on any permit granted in order to minimise potential construction impacts on surrounding properties.
Off-Site Amenity Impacts	Noting there will be impacts from this development by virtue of its size and scale, the design has made a good effort to reduce overlooking, overshadowing and daylight issues so that they generally accord with ResCode. There is the opportunity to lessen the visual bulk and massing impacts through the lowering of the building height as proposed (down to 6 stories) and through improved setbacks to the eastern boundary.
Impacts on Infrastructure	The application has been referred to Council's traffic engineers and drainage engineers and also to

	Jemena who are satisfied with the development.
Property Devaluation	It is well established that impacts on property values are not a valid town planning consideration.
Precedent	Each application must ultimately be treated on its own merits. Direct interfaces, whether a site adjoins a laneway or a dwelling, its location on Mt Alexander Road, the size of the site and its orientation, along with its designation within the DDO are all features that determine a site's development potential.
Errors on documentation / advertising process	The errors have been considered and ultimately, have no bearing on the technical consideration of this application. The advertising process was carried out at the direction of Council officers who have determined an adequate level of notification was given.

4. Human Rights

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

5. Conclusion

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

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

Appendices

Appendix A: Objector List - 436-442 Mt Alexander Rd, Ascot Vale
Appendix B: Plans (separately circulated)

Objectors List for MV/846/2015 at 436-442 Mt Alexander Road, ASCOT VALE

C/- Ascot Vale Special School, 1 Tasma Street, ASCOT VALE VIC 3032
C/- Ascot Vale Special School, I Tasma Street, ASCOT VALE VIC 3032
20 Mascoma Street, ASCOT VALE VIC 3032
30 Mascoma Street, ASCOT VALE VIC 3032
10 Warrick Street, ASCOT VALE VIC 3032
12 Heversham Grove, GREENVALE VIC 3059
18 Middle Street, ASCOT VALE VIC 3032
17 Mascoma Street, ASCOT VALE VIC 3032
17 Mascoma Street, ASCOT VALE VIC 3032
28 Mascoma Street, ASCOT VALE VIC 3032
54 Lucknow Street, TRAVANCORE VIC 3032
12 Middle Street, ASCOT VALE VIC 3032
1 Mascoma Street, ASCOT VALE VIC 3032
1 Mascoma Street, ASCOT VALE VIC 3032
27 Baroda Street, TRAVANCORE VIC 3032
12 Fernhill Street, ASCOT VALE VIC 3032
9 Mascoma Street, ASCOT VALE VIC 3032
1 Mascoma Street, ASCOT VALE VIC 3032
1 Mascoma Street, ASCOT VALE VIC 3032
30 Baroda Street, TRAVANCORE VIC 3032
13 Middle Street, ASCOT VALE VIC 3032
20 Mascoma Street, ASCOT VALE VIC 3032
4 Mascoma Street, ASCOT VALE VIC 3032
8 Mascoma Street, ASCOT VALE VIC 3032
20 Mascoma Street, ASCOT VALE VIC 3032
11 Mascoma Street, ASCOT VALE VIC 3032
14a Mascoma Street, ASCOT VALE VIC 3032
23 Mascoma Street, ASCOT VALE VIC 3032
195 Cashmere Street, TRAVANCORE VIC 3032
26 Mascoma Street, ASCOT VALE VIC 3032
26 Mascoma Street, ASCOT VALE VIC 3032

27 Mascoma Street, ASCOT VALE VIC 3032
26 Baroda Street, TRAVANCORE VIC 3032
444 Mt Alexander Road, ASCOT VALE VIC 3032
31 Warrick Street, ASCOT VALE VIC 3032
31 Warrick Street, ASCOT VALE VIC 3032
26 Baroda Street, TRAVANCORE VIC 3032
13 Mascoma Street, ASCOT VALE VIC 3032
11 Mascoma Street, ASCOT VALE VIC 3032
15 Mascoma Street, ASCOT VALE VIC 3032
15 Mascoma Street, ASCOT VALE VIC 3032
29 Fenton Street, ASCOT VALE VIC 3032
14 Mascoma Street, ASCOT VALE VIC 3032
5 Mascoma Street, ASCOT VALE VIC 3032
5 Mascoma Street, ASCOT VALE VIC 3032
15 Fenton Street, ASCOT VALE VIC 3032
15 Fenton Street, ASCOT VALE VIC 3032
11 Warrick Street, ASCOT VALE VIC 3032
Rear 444 Mt Alexander Road, ASCOT VALE VIC 3032
Rear 444 Mt Alexander Road, ASCOT VALE VIC 3032
8 May Street, DONCASTER EAST VIC 3109
10 Mascoma Street, ASCOT VALE VIC 3032
10 Mascoma Street, ASCOT VALE VIC 3032
19 Mascoma Street, ASCOT VALE VIC 3032
6 Warrick Street, ASCOT VALE VIC 3032
26 North Street, ASCOT VALE VIC 3032
61 Warrick Street, ASCOT VALE VIC 3032
49 Warrick Street, ASCOT VALE VIC 3032
17 Warrick Street, ASCOT VALE VIC 3032
PO Box 607, MOONEE PONDS VIC 3039
12 Warrick Street, ASCOT VALE VIC 3032
23 Mascoma Street, ASCOT VALE VIC 3032
56 Baroda Street, TRAVANCORE VIC 3032
61 Warrick Street, ASCOT VALE VIC 3032
21a Mascoma Street, ASCOT VALE VIC 3032

21a Mascoma Street, ASCOT VALE VIC 3032
36 South Street, ASCOT VALE VIC 3032
63 Warrick Street, ASCOT VALE VIC 3032
63 Warrick Street, ASCOT VALE VIC 3032
18a Middle Street, ASCOT VALE VIC 3032
36 Fenton Street, ASCOT VALE VIC 3032
2/247 Devonshire Street, SURRY HILLS NSW 2010
4 Mascoma Street, ASCOT VALE VIC 3032
27 Mascoma Street, ASCOT VALE VIC 3032
21 Mascoma Street, ASCOT VALE VIC 3032
89 Baroda Street, TRAVANCORE VIC 3032
PO Box 451, ASCOT VALE VIC 3032
52 Haddington Crescent, GREENVALE VIC 3059
6 Mascoma Street, ASCOT VALE VIC 3032
6 Mascoma Street, ASCOT VALE VIC 3032
PO Box 607, MOONEE PONDS VIC 3039
7 East Street, ASCOT VALE VIC 3032

9.3 229 Mascoma Street, Strathmore (Lot 37 on Plan of Subdivision 57622) - Construction of a double storey dwelling to the rear of an existing dwelling

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

Planning File No.	MV/422/2014
Proposal	Construction of a double storey dwelling to the rear of an existing dwelling
Applicant	Innovative Space Design P/L
Owner	Pradeep Ambergoda
Planning Scheme Controls	General Residential Zone
Planning Permit Requirement	Clause 32.08-4 – Construction of two or more dwellings on a lot
Car Parking Requirements (Clause 52.06)	Requires: 4 car spaces Provides: 4 car spaces
Bicycle Requirements	N/A
Restrictive Covenants	None
Easements	None
Site Area	581 square metres
Number Of Objections	20
Consultation Meeting	23 March 2016

Executive Summary

- The application seeks planning approval for the construction of a double storey dwelling to the rear of an existing dwelling.
- The site comprises of a total area of 581 square metres. The site is located on the south side of Mascoma Street. The land has an approximate 6 metre fall from the south of the site to the north. The site comprises of an existing split level dwelling, which presents as largely a single storey dwelling to the street with an understorey garage.
- The application was advertised and under Section 50 and Section 57a and as a result 20 objections were received. The concerns raised related to a design distracting from the established area, overall height, materials, excessive roof size, visually bulky, front setback, limited landscaping opportunities, excessive site coverage, overlooking, overshadowing, daylight to adjoining windows, boundary wall lengths, reduced solar access to adjoining properties, insufficient on-site car parking, removal of an on-street car space, increased traffic congestion, limited access to Strathaird Street during construction, a new address within Strathaird Street, earth movement and potential damage during construction.
- A Consultation Meeting was held on 23 March 2016, attended by Councillor Paul Giuliano, applicant, objectors and Council's Planning Officer. No resolution was achieved at this meeting.
- The application was internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit and Environmental Sustainable Development Officer. Conditional support to the application was provided.
- This assessment report finds that the proposal demonstrates an adequate level of compliance against the relevant policies and provisions of the Moonee Valley Planning Scheme, and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.

Figure 1: Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application MV/422/2014 for the Construction of a dwelling to the rear of an existing dwelling at No.229 Mascoma Street, Strathmore (Lot 37 on Plan of Subdivision 57622), 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 first floor master bedroom wall associated with Dwelling 2 to be setback 4.2 metres at the most north-western point and 5.2 metres at the most south-western point.

    b) Balconies 1 and 3 associated with Dwelling 2 revised to show:

        i) External connection between each balcony with a minimum 1 metre depth; and

        ii) The western alignment to sit flush with a minimum 2 metre setback from the western boundary.

    c) Alterations to the access doors as a result of Condition 1b)i) and 1b)ii) changes;

    d) Any internal modifications as a result of Condition 1a) and 1b).

    e) Introduce natural timber finishes to the south-western elevation of Dwelling 2, including the first floor façade, balcony screening and garage door in accordance with a revised Colour and Material Schedule.

    f) Demonstrate all grades associated with the new driveway to be in accordance with the Australian Standards.

    g) Pedestrian Visibility Splays along each side of the common driveway in accordance with Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme.

    h) All water sensitive design treatment measures and associated notations shown on the relevant plans as a result of Condition 3 in accordance with Clause 22.03 of the Moonee Valley Planning Scheme. This must be consistent with the information provided in the correct STORM report.

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

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

3. An amended STORM assessment for Dwelling 2 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. A minimum 30 days prior to any building or works commencing, all WSUD Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.

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

   a) Hours of construction;

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

   c) Scaffolding and hoarding for the site;

   d) Allocated areas for loading and unloading;

   e) Site evacuation plan and procedure;

   f) Occupational health and safety policy;

   g) Hazard identification and control;

   h) Environmental management and waste minimisation;

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

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

   k) Arrangements for chemical storage;

   l) Noise and vibration control;

   m) Risk assessment;

   n) Works timetable; and

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

   When approved, the CSMP will be endorsed and will form part of this permit. The development must be carried out in accordance with the endorsed CSMP and the provisions, requirements and recommendations of the endorsed CSMP must be implemented and complied with to the satisfaction of the Responsible Authority.

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

   a) Inspection frequency;

   b) Cleanout procedures;

c) As installed design details/diagrams including a sketch of how the system operates; 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 initiative specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

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

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

9. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed 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 sot that they can be used in accordance with the endorsed plans; and

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

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

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

    e) Be maintained and made available for such use; and

    f) Not be used for any other purpose,

    to the satisfaction of the Responsible Authority.

    Parking areas must be kept available for these purposes at all times 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 1.0 metres 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. 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.

13. Before the buildings approved by the permit are occupied, boundary fencing and lattice extension is to be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

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

    a) In accordance with Condition 1;

    b) Planting on the land comprising trees and shrubs capable of:

        i) Providing a complete garden scheme;

        ii) Softening the building bulk;

        iii) Providing some canopy capable of reaching a mature minimum height of 4 metres;

        iv) Providing higher density planting within the front setback of Dwelling 2; and

        v) Minimising the potential of any overlooking between habitable room windows of adjacent dwellings;

    c) The proposed design features such as paths, paving, lawn and mulch;

    d) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes botanical names, common names, pot size, mature size and total quantities of each plant;

e) The provision of lighting along the common driveway; and

f) The use of drought tolerant species.

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

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

15. The garden areas shown on the endorsed plans and schedule must only be used as garden and must be constructed, completed and maintained in a property, 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.

16. 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, vehicle crossings, building over easements, asset protection, road consent/occupancy etc.
- No on street parking permits will be provided to the occupiers of the land.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located at No.229 Mascoma Street, Strathmore (Lot 37 on Plan of Subdivision 57622). The site is located on the south side of Mascoma Street approximately 25 metres east of the intersection between Mascoma Street and Strathaird Street. The site is irregular in shape with a primary frontage width of 15.24 metres, a maximum depth of approximately 42 metres and a total area of approximately 581 square metres. The site has a rear abuttal of 11.9 metres to Strathaird Street.

The land has an approximate 6 metre fall from the rear of the site to the front. The site comprises of an existing split level dwelling, which presents as largely a single storey dwelling to the street with an understorey garage. The dwelling has a minimum setback of 7.5 metres from Mascoma Street.

The main vehicle access to the site is obtained from Mascoma Street along the western alignment of the site and a second single width crossover and access point is provided to the rear of the site via Strathaird Street. There is no significant landscaping or vegetation identified on the subject site.

Application Site: 229 Mascoma Street, Strathmore (Mascoma Street frontage)

Application Site: 229 Mascoma Street, Strathmore (Strathaird Street frontage)

The surrounding area is comprised of predominantly residential zoned land and used and developed for residential purposes. The built form within the vicinity is predominantly single and double storey, with examples of multi-dwelling developments evident nearby (196, 243 and 245 Mascoma Street and 9 Menarra Street). While the built form found within the immediate vicinity is very much eclectic, with no strong urban character, there is a slow emergence of new and contemporary developments nearby (196, 243 and 245 Mascoma Street.

The eastern boundary of Essendon Airport is located 80 metres to the west of the subject site at its closest point. The subject site is not in alignment with an airport runway.

1.2 Proposal

The proposal initially sought the construction of a triple storey dwelling to the rear of an existing dwelling. Refer **Appendix A** (separately circulated) for Section 50 advertised plans.

A Section 57a Amendment was lodged to revise the proposal for the construction of double storey dwelling to the rear of an existing dwelling. The proposal, as advertised, can be summarised as follows:

Table 1

No. of dwellings	2 (existing 3 bedroom dwelling and proposed 3 bedroom dwelling)
No. of car spaces	4
Max. Building Height	9.5 metres above Natural Ground Level
Site Coverage	51%
Permeability	25%

See **Appendix D** for Section 57a advertised plans.

2. Background

2.1 Relevant History

There is no planning history to the site.

2.2 Planning Policies and Decision Guidelines

State Planning Policy Framework

Clause 11 Settlement

Clause 15 Built Environment and Heritage

Clause 16 Housing

Local Planning Policy Framework

Clause 21.01 Municipal Profile

Clause 21.03 Vision

Clause 21.05 Housing

Clause 21.06 Built Environment

Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning

Clause 32.08 General Residential Zone

Overlays

N/A

Particular and General Provisions

Clause 52.06 Car Parking

Clause 55 Two or more Dwellings on a Lot

Clause 65 Decision Guidelines

2.3 Referrals

External Referrals

Not applicable.

Internal Referrals

Engineering Services Unit

- No objections subject to standard conditions.

Traffic and Transportation Unit

- No objections subject to the following non-standard conditions:
  - A notation for all ramp grades to be in accordance with the Australian Standards. (Refer to Condition 1e)

Environmental Sustainable Development Officer

- No objections subject to standard conditions and the following non-standard condition:
  - All water sensitive design treatment measures and associated notations shown on the relevant plans as a result of Condition 1g) in accordance with Clause 22.03 of the Moonee Valley Planning Scheme. This must be consistent with the information provided in the correct STORM report. (Refer to Condition 3)

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, 20 objections were received from the following properties contained within **Appendix B** of this report.

As a result of amended plans submitted to Council on 12 January 2016, the application was readvertised pursuant to Section 57A of the Planning and Environment Act 1987 with two notices erected on the site for 14 days and letters sent to all adjoining properties and objectors. No additional objections were received as a result of the re-advertising of the application.

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

2.5 Consultation Meeting

A Consultation Meeting was held on 23 March 2016, attended by Councillor Paul Giuliano, 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 objectives are considered to have been satisfied by the proposal. The policy framework objectives broadly encourage the consolidation of urban allotments in locations which take advantage of existing community and commercial services and public transport. The policy framework objectives also seek to ensure planning provides for housing diversity, the provision for supporting infrastructure as well as ensuring new housing has access to services. This includes walkability to Activity Centres, public transport, schools and open spaces.

The site offers an opportunity for redevelopment considering its size and location within a residential area surrounded by a range of dwelling densities. The approval of this proposal will increase the supply of housing within Strathmore as well as provide housing diversity with good access to the Airport West Shopping Centre, Essendon Fields, various forms of public transport, primary and secondary schools, and open space, including the Strathaird Reserve. Indeed, the site is suitably located to take advantage of existing facilities which can be accessed by future residents.

3.2 Local Planning Policy Framework

The proposal complies with 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 Bus 505 and local/community services.

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

The proposal has the ability to comply with Clause 22.03 (Stormwater Management) and meet the required on-site stormwater treatment and demonstrate a rating of 100%, or greater, using the STORM tool. Condition 3 will be placed on any issued planning permit to require an accurate STORM report for Dwelling 2. Furthermore, not all relevant design measures and relevant annotations have been shown on the plans and this will be required by Conditions 1 g), 4 and 5 on any issued planning permit.

3.3 Neighbourhood Character Guidelines

The subject land is identified as being within character area 'Garden Court 3'. The Preferred Character Statement reads as follows:

'New developments will allow the vegetation to contribute 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, which no or low front fencing will ensure gardens are clearly visibility from the street. Well established gardens will further contribute to the dominance of vegetation in this precinct.'

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

Siting and Building Layout	The proposal retains the existing dwelling on the site and therefore retains the existing front setback of Dwelling 1. No assessment is required of the front or side setbacks of the development as these are existing site conditions that contribute to the streetscape of Mascoma Street. The proposed development of a new dwelling to the rear of the existing dwelling utilise the Strathaird Street frontage of the site. The new dwelling will have direct access and presentation to Strathaird Street including a built form that is sited well within the rear portion of the property. It is considered the building

	envelope of the new dwelling is characteristic of the surrounding area and draws on examples such as No.185, No201a, No.245 and No.247 Mascoma Street. The siting of the new dwelling does not present excessively within Strathaird Street as the building footprint does not present boundary to boundary along this frontage.
Built Form	The overall height of the development is 9.5 metres above Natural Ground Level at its highest point. Dwelling 2 is a double storey form with a pitched roof. Strathaird Street slopes from the southern side to the northern resulting in the subject site sitting lower in the street that the properties known as No.17 to No.25 Strathaird Street on the opposite side of the roadway. It is considered the development has appropriately responded to the slope of the land, ensuring the ground floor is sunken into the site allowing the overall form to sit comfortably within the streetscape. It is considered that the overall height of the development is characteristic and reflective of the surrounding area. The double storey form of Dwelling 2 has limited relief between floor levels as a result of the first floor overhang along the south-western elevation, sheer walls along the north and north-western elevations and the first floor as it presents to Strathaird Street. It is considered that additional articulation is required through modifications to the balcony area and increased first floor setbacks of this dwelling to sit more comfortably with the streetscape. This has been reflected by Conditions 1a) and 1b) on any issued planning permit. The garage associated with Dwelling 2 is setback behind the main building line of the dwelling to ensure it is not a dominant feature. Dwelling 2 is a modern design style. The ground and first floor levels have pitched roof form elements with dominant eaves to ensure the roofing style is reflective of the surrounding area.
Design Detail	Dwelling 2 proposes a mix of brick and lightweight materials which are considered characteristic of more contemporary infill developments in the area. However, it is considered that the balcony associated with

	Dwelling 2 appears disjointed from the dwelling and that due to its construction material has the ability to be viewed as a dominant element protruding from the dwelling. It is considered that Condition 1b) should be placed on any issued planning permit to ensure a natural timber finish to the garage door and first floor elements to tie in a cohesive design when viewed from Strathaird Street. Windows are provided along each elevation of the new dwelling at both ground and first floor level to ensure the walls do not present blank. Furthermore, the development allows surveillance to the street to be achieved.
Landscaping	The advertised plans do not include a Landscape Plan prepared by the suitably qualified person or firm. It is considered that the proposed landscaping within the front setback has the ability to provide meaningful landscaping opportunities which reflects the character of Strathaird Street and the surrounding area. It is considered that Condition 14 should be placed on any issued planning permit to ensure a Landscape Plan is provided by a suitably qualified person or firm. The development proposes a metal picket infill and render post fence along the Strathaird Street frontage. The fence has a 1 metre overall height and is considered an appropriate design response within the streetscape. It is noted that due to the transparent nature of the existing front fence, visibility can be achieved for vehicles entering and existing the subject site.

3.4 Compliance with Clause 52.06 (Car Parking)

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

Table 2

Use (Dwellings)	**Required**	**Provided**
2 Dwellings (2x3 bedrooms)	4 spaces	4 spaces
Residential Visitors	0 spaces	0 spaces
Total	4 spaces	4 spaces

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

In addition, pursuant to Clause 52.06, pedestrian visibility splays have not been provided and will be required as per Condition 1f) on any issued planning permit.

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 C**).

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

Table 4

Res Code Standard	Response
Clause 55.02-1 (Standard B1 - Neighbourhood Character)	The proposal for the construction of a double storey dwelling to the rear of an existing dwelling is considered characteristic of the emerging area which is beginning to see infill development. It is considered that double storey forms are characteristic of the emerging character, however, where present, respond appropriately to the surrounding properties. It is noted that double storey forms are identified within the immediate context and are generally located centrally on the site or when in the rear of the property, still allow setbacks from rear boundaries. It is considered that the unique nature of the site has the ability to accommodate a double storey form within the rear of the site and presents to the secondary frontage known as Strathaird Street. As discussed within Section 3.3 of this report, it is considered Condition 1a) and 1b) should be placed on any issued to allow more articulation and recessed forms which provide a more appropriate design response when viewed within the Strathaird Street streetscape.
Clause 55.03-1 (Standard B6 – Street Setback)	The secondary frontage of the site, being Strathaird Street, requires a setback of 3 metres from the south-western alignment. The proposed development has a minimum setback of 3.5 metres from the boundary being the central portion of the first floor level. It is however considered that the setback employed to Dwelling 2 enables the dwelling to sit

	comfortably within the streetscape and in this instance a variation to the standard requirement can be supported. It is considered the built form appropriately responds to the character of the area and makes efficient use of the site.
Clause 55.03-8 (Standard B13 – Landscaping)	A landscaping plan has not been provided as part of this application however the development as shown on the Ground Floor Plan provides limited but adequate landscaping to accord with the requirements of the precinct profile. It is considered Condition 14 should be placed on any issued planning permit stipulating that such a plan must be provided, which is prepared by a suitably qualified person. It is considered that there is are sufficient areas for planting to occur on the subject site.
Clause 55.06-1 (Standard B30 – Design Detail)	It is considered that the balcony associated with Dwelling 2 presents disjointed from the dwelling as it is the only feature of the dwelling in such a material and as such does not tie into the development. It is considered that Condition 1d) should be placed on any issued planning permit to ensure a natural timber finish to the garage door and first floor elements to tie in a cohesive design when viewed from Strathaird Street.

3.6 Objections

Table 5

Issue	Officer Response
Neighbourhood Character • Detracts from the established character • Excessive overall height • Poor material palette • Excessive roof size • Visually bulky	The proposal does not remove the existing dwelling from the subject site, nor change the appearance of the property from the Mascoma Street frontage. The proposal does however propose a new dwelling with a frontage to Strathaird Street allowing activation and presentation to the public realm. It is considered the new dwelling and associated landscaping and front fence is an improvement from the existing high brick fence currently presenting to Strathaird Street. The development proposes a double storey dwelling to the rear of the existing dwelling and to have a frontage to Strathaird Street. As discussed within Section 3.3 of this report, it is considered the overall height of the development is responsive to the terrain of

	Strathaird Street and the standard requirements of Clause 55.03-2 (Building Height). As discussed within Section 3.3 of this report, it is considered that Condition 1d) should be placed on any issued planning permit for an improved colour and material schedule to ensure a more cohesive design which is a better design response within the immediate site context. The development proposes a pitched roof form capping the overall dwelling. The roof presents with a 27 degree angle which is a standard pitch for hipped roof forms. It is considered the overall height and style of the roof form, coupled with dominant eaves is reflective of the immediate context. As a result of the assessment contained within Sections 3.3 and 3.5 of this report, it is considered the overall development is generally acceptable without being visually dominant to the adjoining properties or roadways.
Site Layout and Building Massing • Poor front setback • Limited landscaping • Overall height	The proposed front setback has been assessed against Clause 55.03-1 (Street Setback) of the Moonee Valley Planning Scheme as outlined within Section 3.5 of this report. The development has been assessed against Clause 55.03-8 (Landscaping) and Neighbourhood Character – Garden Court 3 of the Moonee Valley Planning Scheme and considered in accordance with the relevant design standards. The overall height of the development has been assessed against Clause 55.03-2 (Building Height) and Neighbourhood Character – Garden Court 3 of the Moonee Valley Planning Scheme and determined in accordance with the relevant design standards.
Overdevelopment • Excessive site coverage	It is noted that the development has been assessed against Clause 55.03-3 (Site Coverage) of the Moonee Valley Planning Scheme and determined in accordance with the standard requirements. Well-designed infill development is encouraged within State Planning Policy, providing suitable compliance is achieved with the Planning Scheme. The development has been assessed against,

	and is considered to achieve a high level of compliance with the provisions of the Moonee Valley Planning Scheme including site coverage, permeability, private open space, parking, the relevant design provisions, neighbourhood character, on and off site amenity impacts under Clause 55 (ResCode) and residential policy objectives pursuant to Clause 21.05, Clause 21.05 and Clause 55 of the Moonee Valley Planning Scheme.
Off-site amenity impacts • Daylight to adjoining windows reduced • Boundary wall lengths • Reduced solar access to adjoining properties	The development has been assessed against Clause 55.04-3 (Daylight to Existing Windows), Clause 55.03-2 (Building Height) and Clause 55.05-5 (Solar Access to Open Space) of the Moonee Valley Planning Scheme and determined to be in accordance with the standard requirements of these clauses.
Car parking/traffic • Insufficient on-site parking • Removes a car space on Strathaird Street • Increase traffic congestion • Increased parking pressures	The proposed development provides the required on-site parking requirements for residents pursuant to Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme. In addition, Council's Traffic and Transportation Unit have no objection to the proposal or inclusion of the proposed crossover.
Construction • Dry foundations and earth movement as a result of dwelling • Potential future development of Dwelling 1	These are not planning considerations relating to the lodged application. In the event that Dwelling 1 redeveloped, appropriate submissions and permits would be required to be obtained.

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 impact.

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: Clause 55 Table
Appendix B: Objector List
Appendix C: Re-Advertised Plans
Appendix D: Advertised Plans (separately circulated)

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

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

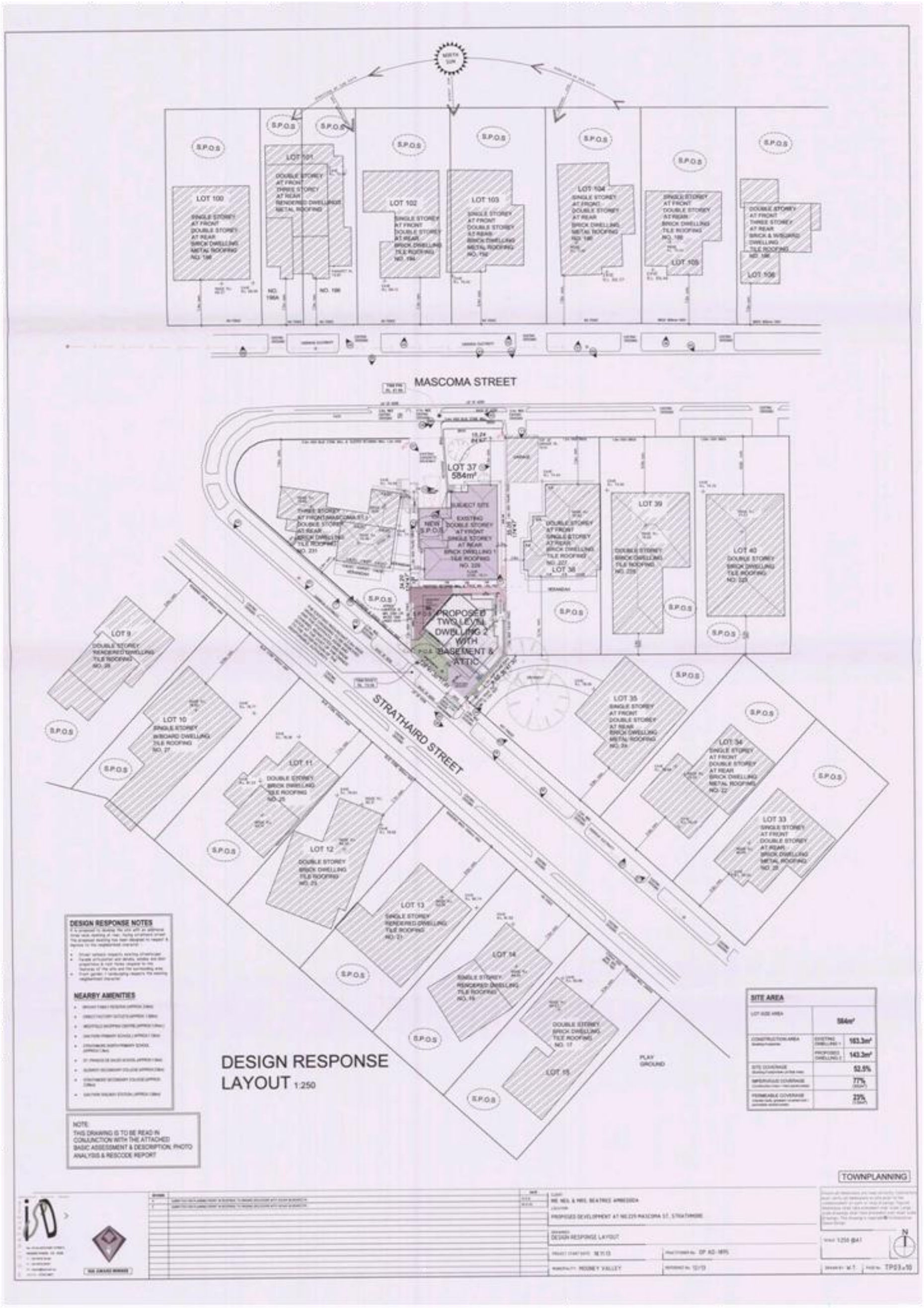
Title and Objective	**Complies with Standard**	**Complies with Objective**
B1 - Neighbourhood Character	✓ subject to condition	✓
B 2 - Residential Policy	✓	✓
B 3 - Dwelling Diversity	N/A	N/A
B 4 - Infrastructure Objectives	✓	✓
B 5- Integration with the Street Objective	✓	✓
B6 - Street Setback Objective	X	✓
B7 - Building Height Objective	✓	✓
B8- Site Coverage Objective.	✓	✓
B9- Permeability Objectives	✓	✓
B10 - Energy Efficiency Objectives	✓	✓
B 11 - Open Space Objective	✓	✓
B 12- Safety Objective	✓	✓
B 13 - Landscaping Objectives	✓ subject to condition	✓ subject to condition
B 14 - Access Objectives	✓	✓
B 15 - Parking Location Objectives	✓	✓
B16 – Parking Provision	Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 3.4	
B 17 - Side and Rear Setbacks Objective	✓	✓
B 18 - Walls on Boundaries Objective	N/A	N/A
B 19 - Daylight to Existing Windows Objective.	N/A	N/A

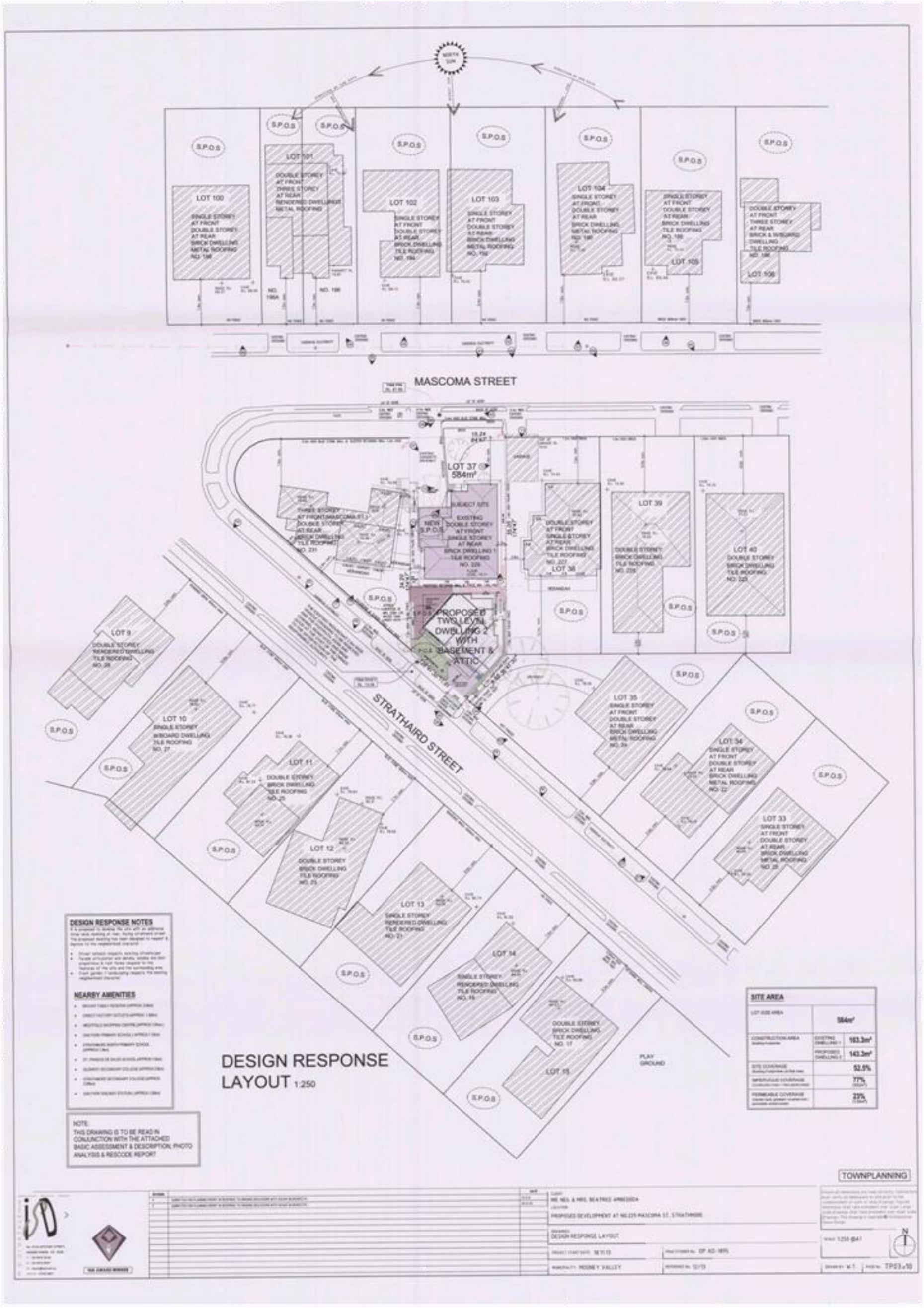
Title and Objective	**Complies with Standard**	**Complies with Objective**
B 20 - North-facing Windows Objective	N/A	N/A
B 21 - Overshadowing Open Space Objective	✓	✓
B 22 - Overlooking Objective	✓ subject to condition	✓ subject to condition
B 23 - Internal Views Objective	✓	✓
B 24 - Noise Impacts Objectives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

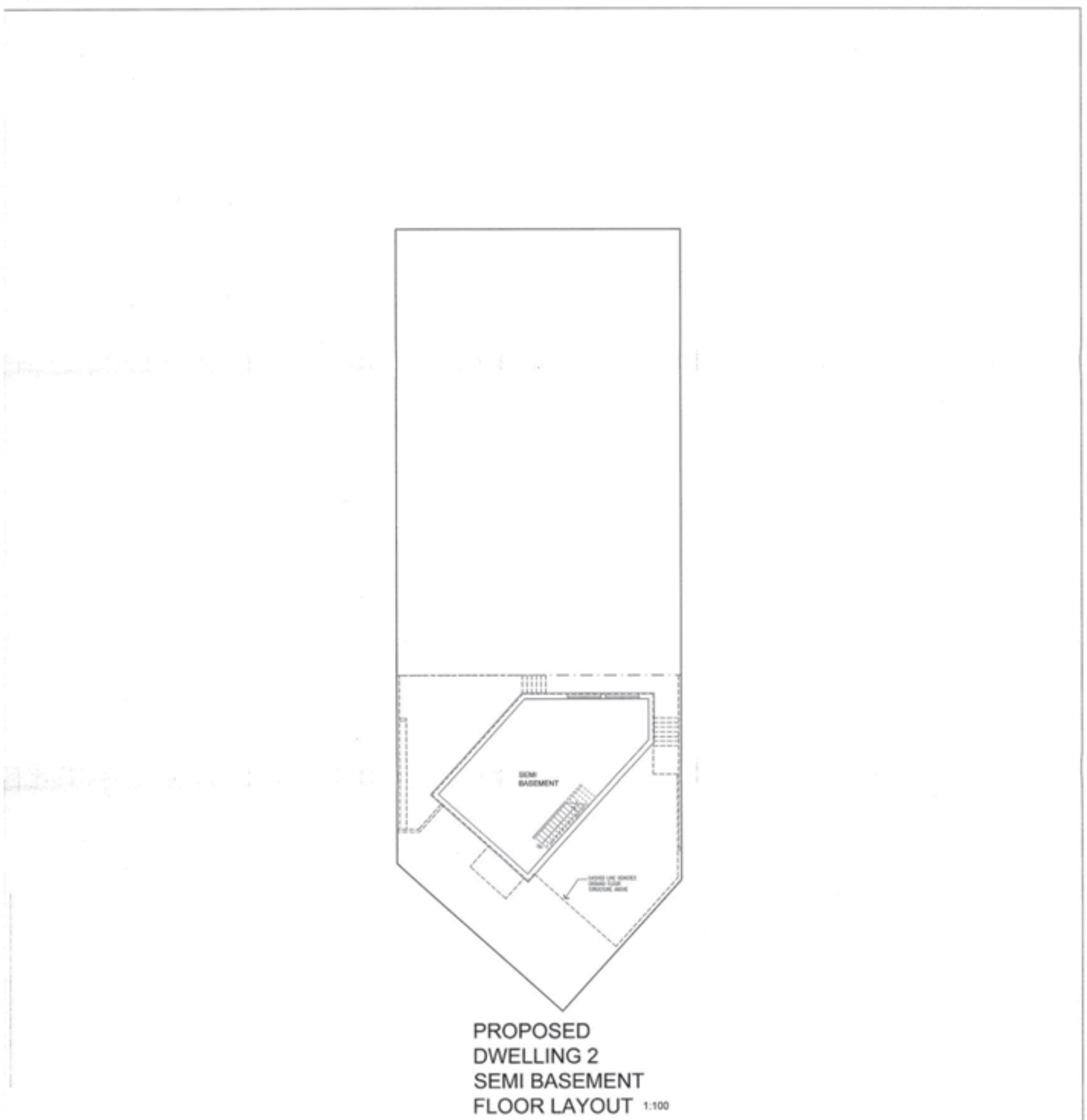
✓- complies
x – non-compliance
N/A- not applicable

Objectors List for MV/422/2014 at 229 Mascoma Street, STRATHMORE

194 Mascoma Street, STRATHMORE VIC 3041 (x2)
223 Mascoma Street, STRATHMORE VIC 3041
231 Mascoma Street, STRATHMORE VIC 3041 (x2)
4 Strathaird Street, STRATHMORE VIC 3041 (x3)
17 Strathaird Street, STRATHMORE VIC 3041
19 Strathaird Street, STRATHMORE VIC 3041
20 Strathaird Street, STRATHMORE VIC 3041
21 Strathaird Street, STRATHMORE VIC 3041
23 Strathaird Street, STRATHMORE VIC 3041 (x2)
24 Strathaird Street, STRATHMORE VIC 3041
25 Strathaird Street, STRATHMORE VIC 3041
27 Strathaird Street, STRATHMORE VIC 3041 (x2)
PO Box 709, TULLAMARINE VIC 3043
2 Electric Avenue, GLENROY VIC 3046

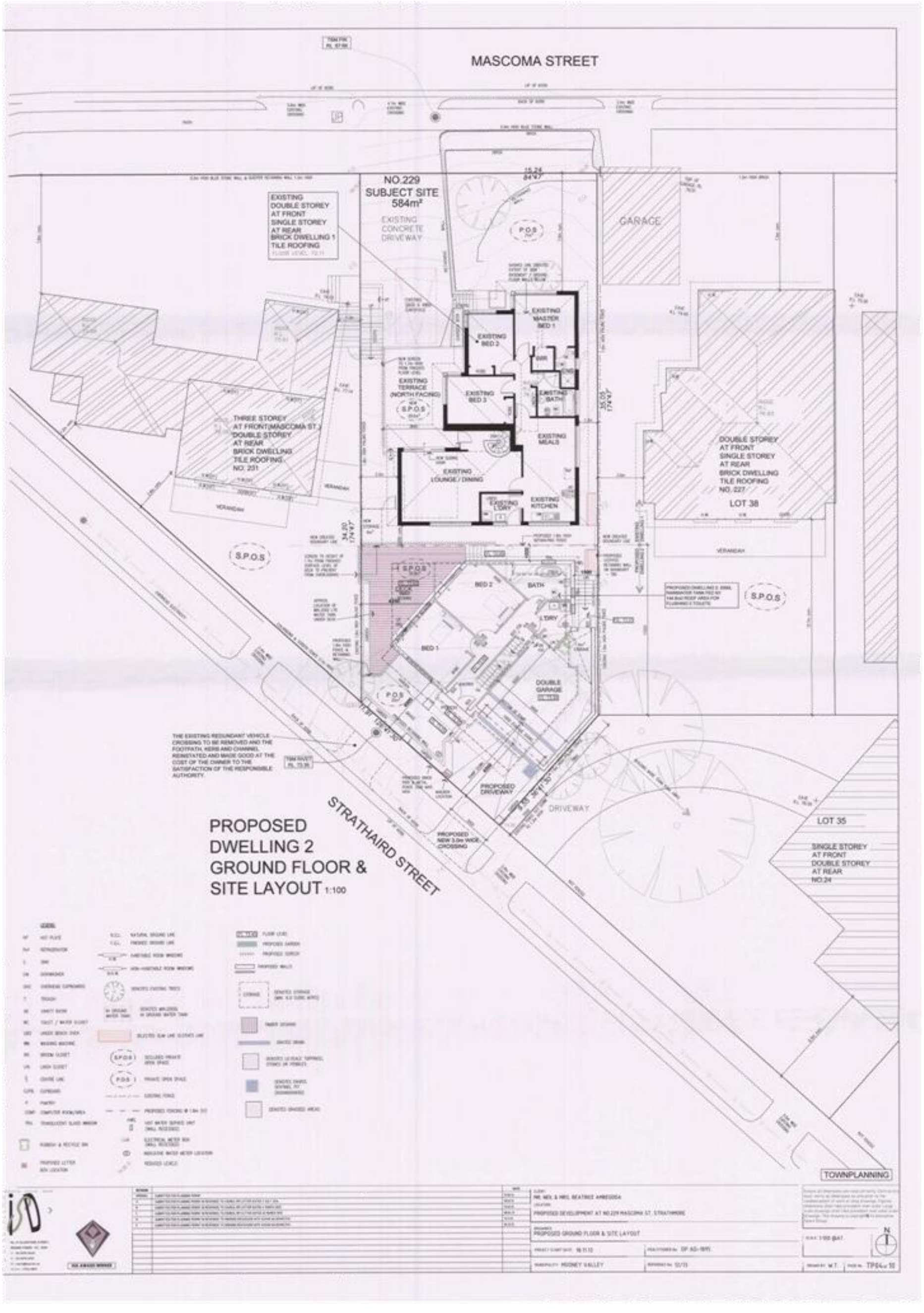

MASCOMA STREET
STRATHAIRD STREET
LOT 37
584m²
SUBJECT SITE
EXISTING DOUBLE STOREY AT FRONT SINGLE STOREY AT REAR BRICK DWELLING 1 TILE ROOFING NO. 229
NEW S.P.O.S
PROPOSED TWO LEVEL DWELLING 2 WITH BASEMENT & ATTIC
LOT 38
LOT 39
LOT 40
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 33
LOT 34
LOT 35
PLAY GROUND
S.P.O.S
DESIGN RESPONSE NOTES
NEARBY AMENITIES
NOTE:
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE ATTACHED BASIC ASSESSMENT & DESCRIPTION, PHOTO ANALYSIS & RESCODE REPORT
SITE AREA
584m²
163.3m²
143.3m²
52.5%
77%
23%
DESIGN RESPONSE LAYOUT 1:250
TOWNPLANNING
PROPOSED DEVELOPMENT AT NO.225 PASCOMA ST, STRATHMORE
DESIGN RESPONSE LAYOUT
TP03 of 10

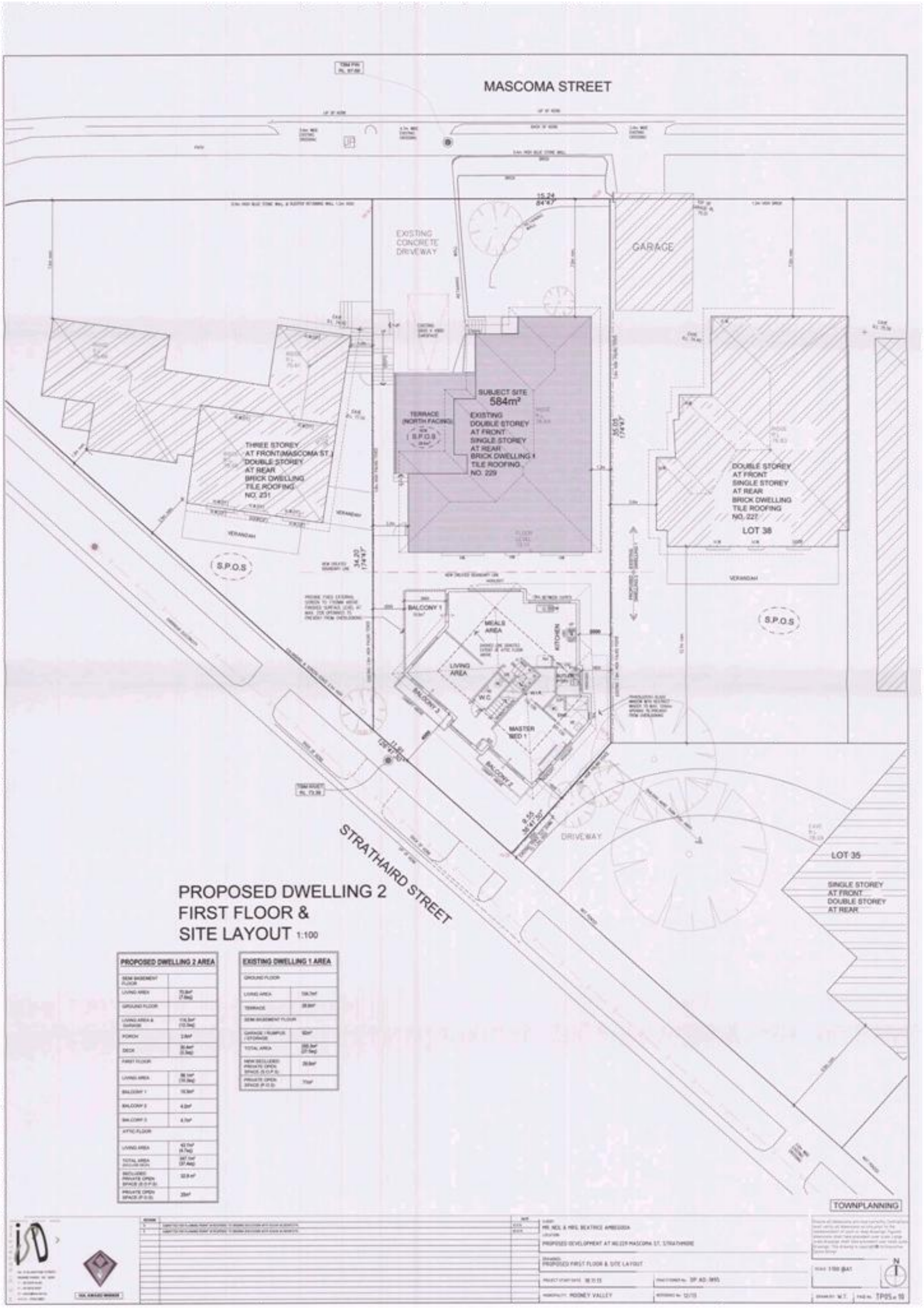

MASCOMA STREET
STRATHAIRD STREET
LOT 37
584m²
PROPOSED TWO LEVEL DWELLING 2 WITH BASEMENT & ATTIC
EXISTING DOUBLE STOREY AT FRONT SINGLE STOREY AT REAR BRICK DWELLING TILE ROOFING NO. 229
NEW S.P.O.S
SUBJECT SITE
LOT 38
LOT 39
LOT 40
LOT 100
LOT 101
LOT 102
LOT 103
LOT 104
LOT 105
LOT 106
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 33
LOT 34
LOT 35
S.P.O.S
PLAY GROUND
DESIGN RESPONSE NOTES
NEARBY AMENITIES
DESIGN RESPONSE LAYOUT 1:250
NOTE:
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE ATTACHED BASIC ASSESSMENT & DESCRIPTION, PHOTO ANALYSIS & RESCODE REPORT
SITE AREA
584m²
183.3m²
143.3m²
52.5%
77%
23%
TOWNPLANNING
MR NEIL & MRS BEATRICE ARMEDDA
PROPOSED DEVELOPMENT AT NO.229 MASCOMA ST, STRATHMORE
DESIGN RESPONSE LAYOUT
MOONEE VALLEY
TPS3.10

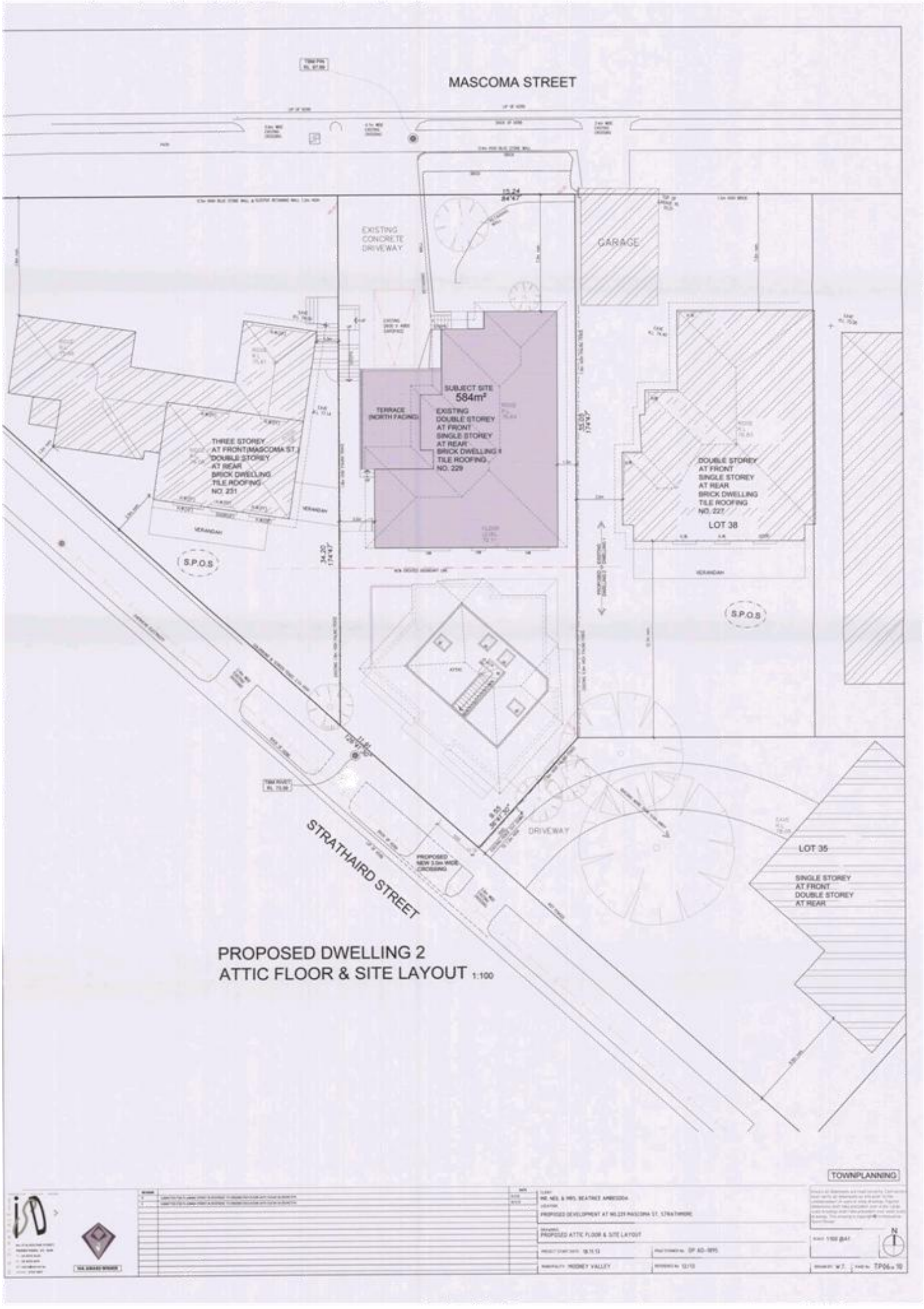


PROPOSED
DWELLING 2
SEMI BASEMENT
FLOOR LAYOUT 1:100

TOWNPLANNING


MASCOMA STREET
NO.229
SUBJECT SITE
584m²
EXISTING
DOUBLE STOREY
AT FRONT
SINGLE STOREY
AT REAR
BRICK DWELLING 1
TILE ROOFING
EXISTING
CONCRETE
DRIVEWAY
P.O.S
GARAGE
EXISTING
MASTER
BED 1
EXISTING
BED 2
EXISTING
TERRACE
(NORTH FACING)
S.P.O.S
EXISTING
BED 3
EXISTING
BATH
EXISTING
MEALS
EXISTING
LOUNGE / DINING
EXISTING
LDRY
EXISTING
KITCHEN
THREE STOREY
AT FRONT(MASCOMA ST.)
DOUBLE STOREY
AT REAR
BRICK DWELLING
TILE ROOFING
NO. 231
VERANDAH
DOUBLE STOREY
AT FRONT
SINGLE STOREY
AT REAR
BRICK DWELLING
TILE ROOFING
NO. 227
LOT 38
BED 2
BATH
L'DRY
BED 1
DOUBLE
GARAGE
PROPOSED
DRIVEWAY
DRIVEWAY
LOT 35
SINGLE STOREY
AT FRONT
DOUBLE STOREY
AT REAR
NO.24
THE EXISTING REDUNDANT VEHICLE
CROSSING TO BE REMOVED AND THE
FOOTPATH, KERB AND CHANNEL
REINSTATED AND MADE GOOD AT THE
COST OF THE OWNER TO THE
SATISFACTION OF THE RESPONSIBLE
AUTHORITY
PROPOSED
DWELLING 2
GROUND FLOOR &
SITE LAYOUT 1:100
STRATHAIRD STREET
PROPOSED
NEW 3.0m WIDE
CROSSING
TOWNPLANNING
MR. MEL & MRS. BEATRICE AMBIGUDA
PROPOSED DEVELOPMENT AT NO.229 MASCOMA ST. STRATHMORE
PROPOSED GROUND FLOOR & SITE LAYOUT
MOONEY VALLEY
M.T.
TP04

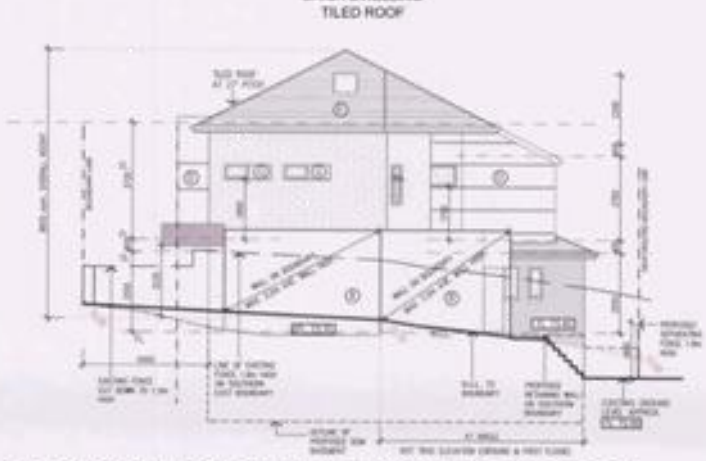

MASCOMA STREET
EXISTING CONCRETE DRIVEWAY
GARAGE
SUBJECT SITE 584m²
TERRACE (NORTH FACING)
S.P.O.S
EXISTING DOUBLE STOREY AT FRONT SINGLE STOREY AT REAR BRICK DWELLING TILE ROOFING NO. 229
THREE STOREY AT FRONT(MASCOMA ST.) DOUBLE STOREY AT REAR BRICK DWELLING TILE ROOFING NO. 231
VERANDAH
DOUBLE STOREY AT FRONT SINGLE STOREY AT REAR BRICK DWELLING TILE ROOFING NO. 227
LOT 38
BALCONY 1
MEALS AREA
KITCHEN
LIVING AREA
W.C
MASTER BED 1
BALCONY 2
BALCONY 3
DRIVEWAY
LOT 35
SINGLE STOREY AT FRONT DOUBLE STOREY AT REAR
STRATHAIRD STREET
PROPOSED DWELLING 2
FIRST FLOOR &
SITE LAYOUT 1:100
PROPOSED DWELLING 2 AREA
EXISTING DWELLING 1 AREA
TOWNPLANNING
MR. NEIL & MRS. BEATRICE AMBEGODA
PROPOSED DEVELOPMENT AT 86-229 MASCOMA ST, STRATHMORE
PROPOSED FIRST FLOOR & SITE LAYOUT
DP AD: 3855
MOONEY VALLEY
TP05 of 10


MASCOMA STREET
EXISTING CONCRETE DRIVEWAY
GARAGE
SUBJECT SITE 584m²
TERRACE (NORTH FACING)
EXISTING DOUBLE STOREY AT FRONT SINGLE STOREY AT REAR BRICK DWELLING & TILE ROOFING NO. 229
THREE STOREY AT FRONT (MASCOMA ST.) DOUBLE STOREY AT REAR BRICK DWELLING TILE ROOFING NO. 231
DOUBLE STOREY AT FRONT SINGLE STOREY AT REAR BRICK DWELLING TILE ROOFING NO. 227
LOT 38
VERANDAH
S.P.O.S
STRATHAIRD STREET
PROPOSED NEW 3.0m WIDE CROSSING
DRIVEWAY
LOT 35
SINGLE STOREY AT FRONT DOUBLE STOREY AT REAR
PROPOSED DWELLING 2
ATTIC FLOOR & SITE LAYOUT 1:100
TOWNPLANNING
PROPOSED ATTIC FLOOR & SITE LAYOUT
TP06

No.229 (LOT 37)
PROPOSED DWELLING 2
THREE STOREY
BRICK DWELLING
TILED ROOF

PROPOSED SOUTH ELEVATION 1:100

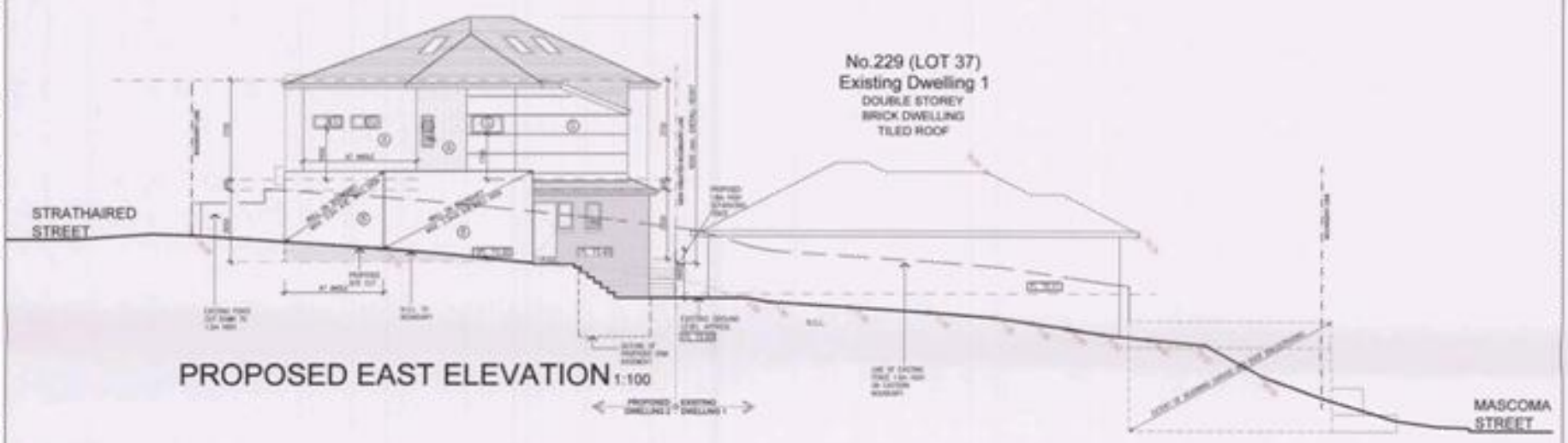
No.229 (LOT 37)
PROPOSED DWELLING 2
THREE STOREY
BRICK DWELLING
TILED ROOF



PROPOSED SOUTH EAST ELEVATION 1:100

No.229 (LOT 37)
PROPOSED DWELLING 2
THREE STOREY
BRICK DWELLING
TILED ROOF

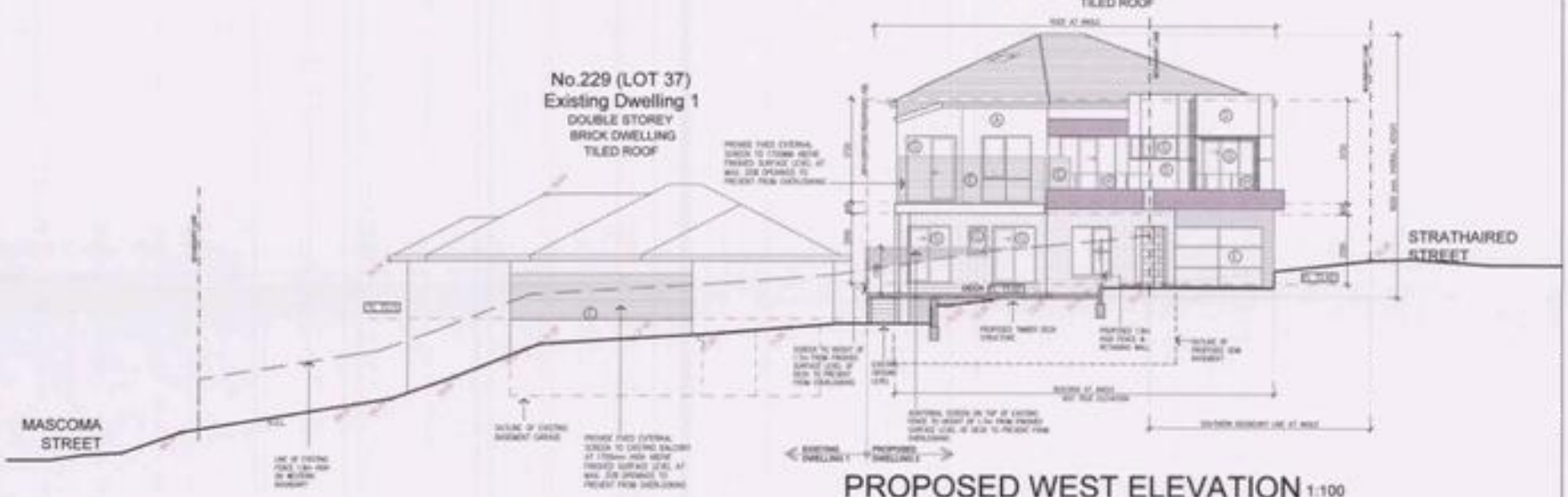
No.229 (LOT 37)
Existing Dwelling 1
DOUBLE STOREY
BRICK DWELLING
TILED ROOF



PROPOSED EAST ELEVATION 1:100

No.229 (LOT 37)
PROPOSED DWELLING 2
THREE STOREY
BRICK DWELLING
TILED ROOF

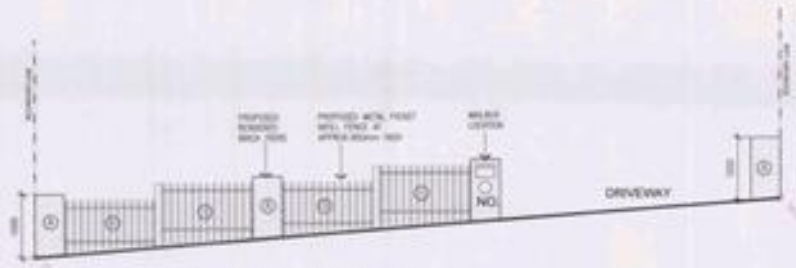
No.229 (LOT 37)
Existing Dwelling 1
DOUBLE STOREY
BRICK DWELLING
TILED ROOF



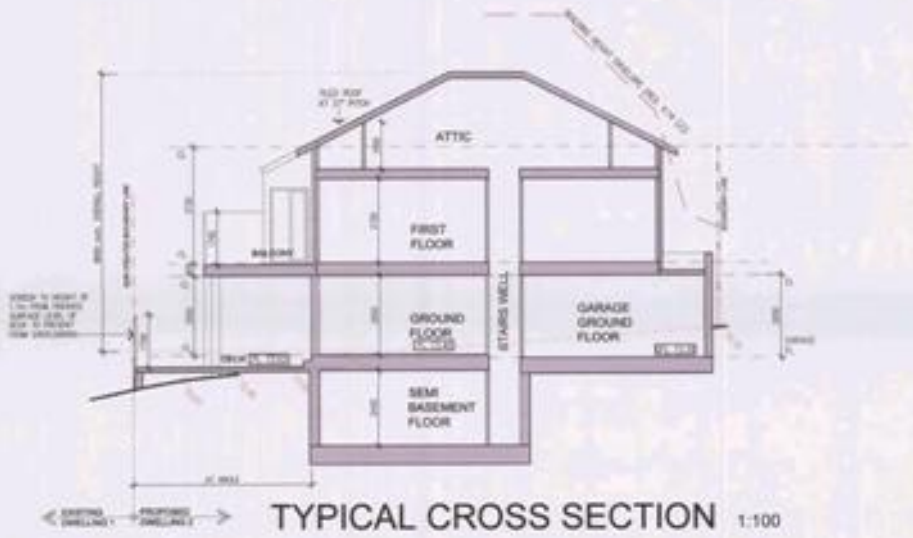
PROPOSED WEST ELEVATION 1:100

TOWNPLANNING

PROPOSED STRATHAIRED STREET STREETSCAPE 1:200



FRONT FENCE DETAIL 1:50



TYPICAL CROSS SECTION 1:100

No.229 (LOT 37)
PROPOSED DWELLING 2
THREE STOREY
BRICK DWELLING
TILED ROOF

PROPOSED NORTH ELEVATION 1:100

MATERIAL & FINISHES SCHEDULE	
MATERIAL & FINISHES	**COLOR CODE**
EXTERNAL FINISH	
RENDERED FINISH	②
BRICK FACE	③
HORIZONTAL TIMBER LOOK CLADDING/SCREEN	⑤
RENDERED FINISH WITH SHADOW LINES	⑥
GARAGE DOORS	⑦
TILT DOOR WITH SELECTED PATTERNS	
ROOF	
TILED ROOF	⑨
COLORBOND GUTTER/FASCIA	⑩
COLORBOND DOWNPIPES / RAIN WATER HEADS	⑪
WINDOWS & EXTERNAL DOORS ALUMINIUM FRAMED	⑫
BALUSTRADES GLASS BALUSTRADING	⑬
FRONT FENCES	
RENDERED BRICK PIERS	⑯
METAL PICKET INFILL FENCE	⑰

TOWNPLANNING

MR. NEIL & MRS. BEATRICE AMBEGODA
PROPOSED DEVELOPMENT AT NO.229 MASCOMA ST, STRATHMORE
PROPOSED NORTH ELEVATION , TYPICAL CROSS SECTION, STREETSCAPE & FRONT FENCE DETAIL
MOONEY VALLEY
TPS8 of 10

9.4 40 Forrester Street, Essendon (Lot 4 on PS 015829 and Lot 1 on Title Plan 8189954) - Construction of two dwellings

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

Planning File No.	MV/843/2015
Proposal	Construction of two double storey dwellings
Applicant	Ultimate Design & Drafting
Owner	Mr ID Kerville
Planning Scheme Controls	General Residential Zone
Planning Permit Requirement	Clause 32.08-4 – Construct two or more dwellings on a lot
Car Parking Requirements (Clause 52.06)	Requires: 4 car spaces Provides: 4 car spaces
Bicycle Requirements	N/A
Restrictive Covenants	None
Easements	A 1.83 metre wide drainage and sewerage easement exists on the eastern boundary.
Site Area	687 square metres
Number Of Objections	18
Consultation Meeting	23 March 2016

Executive Summary

- The application seeks planning approval for the construction of two double storey dwellings.
- The site has an area of approximately 687 square metres and is located on the north side of Forrester Street, Essendon. The site is located within an area characterised by a range of dwelling densities and built form, with recent redevelopment comprising of multiple dwellings on allotments at single storey and double storey heights.
- A total of 18 objections were received as a result of advertising. Concerns were raised relating to neighbourhood character and double storey impacts, inappropriate site layout and building massing, overdevelopment, off-site amenity impacts (overlooking, overshadowing, loss of daylight), car parking and traffic impacts, negative impact on existing drainage and sewerage systems, property devaluation and incorrect location of site boundaries.
- A Consultation Meeting was held on 23 March 2016 and was attended by Councillor Giuliano, objectors, the applicant and Council's Planning Officer. No resolution was reached.
- The application was internally referred to Council's Environmental Sustainable Development (ESD) Officer, Engineering Services Unit, and Traffic and Transportation Unit. Conditional support to the application was provided.
- This assessment report find that the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.

Figure 1 – Aerial photo of subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/843/2015 for the construction of two dwellings at 40 Forrester Street, Essendon (Lot 4 on PS 015829 and Lot 1 on Title Plan 8189954), 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) Reduction to the extent of first floor in each dwelling by redesigning / relocating Bed 4 into the retreat area, with side boundary setbacks matching the staircase wall/window.

    (b) Any internal modifications as a consequence of Condition 1a).

    (c) Any privacy treatment measures and associated notations arising from the modifications required in Condition 1a) and to accord with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.

    (d) Incorporation of clear roof sheeting into each proposed alfresco to enable improved levels of sunlight access into the respective open-planned living areas.

    (e) Notated height dimensions of each proposed storage shed to accord with Clause 55.05-6 (Storage) of the Moonee Valley Planning Scheme.

    (f) Pedestrian visibility splays abutting both sides of each accessway in accordance with Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme.

    (g) Replacement of the infiltration sand pit treatment with the buffer strip treatment, with details on extent, size and grading of the impervious surfaces draining to it. This must be consistent with a correct STORM report.

    (h) Any stormwater measures and notations to accord with Condition 3.

    (i) Crossover of Dwelling 2 constructed as a double crossover with No. 38a Forrester Street with associated modifications to the tapering of the respective accessway and landscaping.

    (j) Notation to state the bluestone kerb and channel abutting the front (southern) boundary of the site to be reconstructed between each vehicle crossover with all cost of works to be borne by the owner/applicant and to the satisfaction of the Responsible Authority.

    (k) Notation to state the existing footpath and vehicle crossing abutting the front (southern) boundary of the site to be reconstructed with all cost of works to be borne by the owner/applicant and to the satisfaction of the Responsible Authority.

(l) Notation to state the Telstra pit to be upgraded or relocated away from the proposed crossover with all cost of works to be borne by the owner/application and to the satisfaction of the Responsible Authority.

(m) Retention of the existing fence line on the western boundary, with an associated modification of Dwelling 1's garage and accessway to align with the existing fence line.

(n) All side boundary fences within the front setback to be tapered down to 1.2 metres.

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 assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Assessment 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 prior to any building or works commencing, all WSUD Design Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.

5. A minimum of 30 days prior to any building or works, 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, ie. such as noise, EPA issues, traffic management, waste management, etc.

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

6. A 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 & 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 initiative specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

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

8. 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 Authorities.

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

11. 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.

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

    (a) Constructed;

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

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

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

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

    The area set aside for the parking of vehicles, together with the associated driveways and access lands 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.

Parking areas must be kept available for these purposes at all times to the satisfaction of the Responsible Authority.

13. Before the building/s approved by this permit is/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.

14. The existing street tree must not be removed or damaged as a result of the permitted development.

15. Before the buildings approved by the permit are occupied, boundary fencing is to be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

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

    (a) In accordance with Condition 1;

    (b) Planting on the land comprising trees and shrubs capable of:

        i. Providing a complete garden scheme;
        ii. Softening the building bulk;
        iii. Providing some canopy capable of reaching a mature minimum height of 4 metres; and
        iv. Minimising the potential of any overlooking between habitable room windows of adjacent dwellings;

    (c) The proposed design features such as paths, paving, lawn and mulch;

    (d) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes botanical names, common names, pot size, mature size and total quantities of each plant;

    (e) The provision of a canopied tree to reach 3-6 metres at maturity in each

front setback area and private open space of Dwellings 1 and 2;

(f) The use of drought tolerant species; and

(h) The use of non-invasive plant species which will ensure that existing infrastructure assets are not damaged by root systems.

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

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

17. The garden areas shown on the endorsed plans and schedule must only be used as garden and must be constructed, completed and maintained in a property, 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.

18. This permit will expire if:

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

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

Before the permit expires, or within six (6) months afterwards, the owner or occupier of the land may 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 Technical Services Department regarding legal point of discharge, new crossings, building over easements, etc.
- No on street parking permits will be provided to occupiers of the subject site.
- 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.
- The realignment of the western boundary to accommodate the placement of the garage associated with Dwelling 1 is to be dealt with through any future subdivision of the land.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the north side of Forrester Street, Essendon. The site is rectangular in shape with a frontage of 15.27 metres and a boundary length of 40.23 metres, resulting in a total area of 613 square metres.

The land has an approximate fall of 1 metre from the rear of the site to the front. Council's records indicate that there is a 1.83 metre wide drainage and sewerage easement adjacent to the eastern boundary.

The site comprises of a single storey brick veneer dwelling with a minimum street setback of approximately 8 metres.

Vehicle access to the site is obtained from an existing crossover located within the south-west corner. There is no significant landscaping or vegetation on the site. An existing street tree is situated in the nature strip adjoining the front boundary of the site.

Figure 2 – Subject site 40 Forrester Street, Essendon

The surrounding land is within a General Residential Zone and features a diverse range of building styles and dwelling typologies.

The site adjoins properties which orient towards Forrester Street and Nimmo Street. Single storey detached dwellings adjoin the eastern boundary at 38A Forrester Street, and the middle and upper sections of the western boundary at 36 and 38 Nimmo Street.

Multi-unit developments, both single storey and double storey, adjoin the northern boundary at 40 Nimmo Street and the lower section of the western boundary at 40A Forrester Street.

Other unit developments are found further east at 27 Cooper Street and at the northeast corner of the site at 31 Cooper Street.

The character of the area can be described as transitional, featuring a growing presence of multi-unit developments. External materials are a mixture of brick, weatherboard and rendered finishes in differing colours. Building frontages vary

from single to double, and the roof forms are predominantly hipped with some examples of gable-ended styles.

1.2 Proposal

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

Table 1

No of dwellings	2
No of car spaces	4
Max Building Height	7.2 metres
Site Coverage	58%
Permeability	30%

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

2. Background

2.1 Relevant Planning History

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

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

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

Local Planning Policy Framework

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

Zoning

Clause 32.08	General Residential Zone

Particular and General Provisions

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

2.3 Referrals

External

- Not applicable.

Internal

- Engineering Services Unit

  No objection subject to standard drainage and engineering conditions.

- Traffic and Transportation Unit

  No objection subject to standard conditions, including the requirement for the provision of visibility splays on the street frontage.

- ESD Officer

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

  - Replacement of the infiltration sand pit treatment with a buffer strip treatment, with details on extent, size and grading of the impervious surfaces draining to it. This must be consistent with a correct STORM report. (Refer to Condition 1g).
  - Any stormwater measures and notations to accord with a correct STORM report (Refer to Condition 1h).

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, 18 objections were received from the following properties. (Refer to **Appendix C**).

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

2.5 Consultation Meeting

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

3. Discussion

3.1 State Planning Policy Framework

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

The site offers an opportunity for redevelopment considering its size and location within a residential area surrounded by a range of dwelling densities. The approval of this proposal will increase the supply of housing within Essendon as well as provide housing diversity with good access to the North Essendon Activity Centre and the Essendon Junction Neighbourhood Activity Centre, various forms of public transport (bus routes 465 and 903 on Buckley Street, and the Essendon train station), primary and secondary schools (Aberfeldie Primary School, Essendon Keilor College and Buckley Park Secondary College), and open space, including the Bradshaw Street Reserve. Indeed, the site is suitably located to take advantage of existing facilities which can be accessed by future residents.

3.2 Local Planning Policy Framework

The proposal complies with Clause 21.05 (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 services.

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

The proposal complies with Clause 22.02 (Stormwater Management) and meets the required on site stormwater treatment as demonstrated by achieving 100%, or greater, using the STORM tool. However, given the changes required to the plans (see Section 3.5), a revised STORM report will be required. In addition, not all water treatment measures have been shown on the plans. These matters, together with the relevant design requirements, will be addressed as conditions (refer to Conditions 1g, 1h and 3) on any permit issued in accordance with this policy.

3.3 Neighbourhood Character Guidelines

The site is located in the 'Garden Suburban 6' precinct which has the following preferred character statement:

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

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

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

Siting and Building Envelope	There is a concern regarding the extent of the first floor footprint in the proposal which is considered excessive in depth. The first floor introduces an elongated footprint that extends into the site at approximately 25 metres, creating bulk and mass impacts on adjoining private open spaces on the side and rear boundaries. To address this issue, it is considered that the first floor in each dwelling be reduced in length at the rear (northern) elevation involving the relocation and/or reconfiguration of Bedroom 4 into the retreat area without reducing any side boundary setbacks as shown on the advertised plans. The resultant first floor layout will still comprise four bedrooms, however, there will be no retreat area. Indeed, the depth of each first floor will be reduced with the internal layout further consolidated to ensure functionality and suitability for a range of household types. The visual impacts arising from the modifications would be reduced to an acceptable level, which would result in a better response to the immediate private open spaces. A permit condition on any approval issued will address this matter. (Refer to Conditions 1a and 1b) The proposal has a minimum street setback of 5.9 metres which is considered to be in keeping with the neighbourhood character and consistent with other street setbacks in the immediate vicinity, varying between 6m and 7m in general. A 1.19 metre wide setback is provided along the eastern boundary. This setback assists with reducing the extent of the boundary to boundary layout of the proposal, which also maintains the rhythm of spacing along the streetscape, creating a visual break on the eastern boundary. The side by side arrangement of the proposed dwellings is similar to other medium density developments nearby. Examples of side by side developments are found at 40A, 51, and 53 Forrester Street, and 27 and 31 Cooper Street.
Built Form	The proposed dwellings incorporate a combination of traditional and contemporary elements, which is considered to complement the surrounding area that is visually eclectic in terms of emerging dwelling styles.

	The height of the development responds respectfully to the area by incorporating both single and double storey forms, especially along the streetscape elevation. The first floor is generally recessed behind the ground floor front wall to create a transition with adjoining single storey dwellings. In addition, further modifications will be required to ensure the first floor element is provided with increased articulation and deeper recessing, especially at the rear, to reduce visual bulk and mass impacts to adjoining properties. (Refer to Conditions 1a and 1b) The proposed development provides a positive contribution to the prevailing scale and form of the surrounding area. It incorporates interesting front façade detailing, large windows and pronounced entry porches to complement the varying styles of nearby dwellings. Both garages are setback behind each respective dwelling entry by approximately 2 metres, minimising any visual dominance towards the public realm. Roof forms are pitched with wide eaves incorporated at the first floor to enhance the overall presentation to the street.
Design Detail	The development will be finished with rendered walls which is consistent with recent infill developments nearby. Windows are provided along the front façade of the both dwelling to allow for surveillance.
Landscaping	The development is offered with landscaping opportunities throughout the site, including within the front and rear setbacks. Additional landscaping is also provided along both accessways to soften the overall presentation to the street. No front fence is proposed which is considered an acceptable design response, enabling direct views of the front garden area from the street.

3.4 Compliance with Clause 52.06 (Car Parking)

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

Table 2

Unit	Requires	Provides
2 Dwellings	4	4

(2 x 4 bedrooms)		
Total	4	4

As referenced under Section 2.3 of this report, Council's Traffic and Transportation Unit' have no objections to the proposed development. The proposal provides the required number of car parking spaces and a permit condition on any approval will require the provision of pedestrian visibility splays in accordance with Clause 52.06.

3.5 Clause 55 Assessment

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

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

Table 3

Res Code Standard	Response
Clause 55.02-1 (Standard B1 – Neighbourhood Character)	As stated, a permit condition on any approval to be issued will require the reduction and redesign of the of the first floor footprint. The submitted plans show the first floor extending considerably into the site which is not supported. However, the first floor will be required to be reduced in length by way of redesigning Bed 4 into the retreat area, which will minimise off-site impacts onto the private open spaces abutting the side and rear boundaries of the site, providing an improved response to the surrounding context. (Refer to Conditions 1a and 1b).
Clause 55.02-4 (Standard B4 – Infrastructure)	Upon any approval to be issued, a permit condition will be imposed to require the permit holder to seek a "build over easement" application for the construction of the development over and/or adjacent existing easements on both side boundaries. (Refer to Condition 8).
Clause 55.03-5 (Standard B9 – Energy Efficiency)	The proposal optimises on the north-south alignment of the site by featuring a north-facing orientation for its habitable rooms and private open space areas. It is noted that there is an alfresco situated to the north of the open-planned kitchen, meals and living area to each ground floor north elevation and measures approximately 3.3 to 3.6 metres in depth. While the north-facing windows of the open-planned areas will lose some direct sunlight as

	a result of the alfresco, this is not considered to be detrimental to the overall amenity of both dwellings. Each open-planned area is served with another north-facing window (albeit more narrow in width/opening) as well other windows on the side elevations, which allow compliant access to daylight, good cross ventilation and direct access to morning or afternoon sun. Nevertheless, to fully optimise on the north solar access available, it is considered that a permit condition be imposed to require the alfresco to incorporate clear roof sheeting to allow improved levels of north sun penetration to the open-planned living area. This is considered to satisfy Standard B9. (Refer to Condition 1d).
Clause 55.03-8 (Standard B13 – Landscaping)	No landscape plan has been submitted however, the proposal exhibits adequate space for landscaping to occur. A permit condition on any approval will require the submission of a landscaping plan, which would include the provision of canopy trees in the front and rear setbacks of the development. (Refer to Condition 16).
Clause 55.04-6 (Standard B22 – Overlooking)	It is acknowledged that the proposal as advertised complies with Standard B22. However, as a result of the required changes to the first floor footprint, including the relocation of Bed 4 further away from the north boundary, it is considered that the development will not impact adversely on the privacy of adjoining residents, subject to a permit condition on any approval to be issued to ensure compliance, where required, with the relevant privacy measures, including the provision of 1.7 metre sill heights above the finished floor level and fixed, obscure glazing. (Refer to Condition 1c).
Clause 55.05-5 (Standard B29 – Solar Access to Open Space)	A single storey wall at 3.12 metres high abuts the north boundary of both proposed private open spaces. The required setback of the southern boundaries of the private open spaces to the existing wall to the north is 4.80 metres. The proposed setbacks range between 6.5 to 7 metres which comply with the required setback. However, it is noted that

	approximately a quarter of the private open spaces will be covered by an attached alfresco on the north walls of both dwellings. It is considered that the private open spaces will still be able to achieve a reasonable amount of direct sun throughout the day and considering the extent of the alfresco in each allotment, the remaining areas of the private open spaces contain longer and unobstructed access to a northerly aspect. The proposal complies with Standard B29.
Clause 55.05-6 (Standard B30 – Storage)	A permit condition on any approval will require the plans to be modified to show the dimensions, including height, of the proposed shed to each dwelling to ensure the storage volume totals 6 cubic metres. The proposal will comply with Standard B30. (Refer to Condition 1e).

3.6 Objections

Table 4

Issue	Officer Response
Neighbourhood character	As stated in Sections 3.1, 3.2 and 3.3, the development has been assessed against all of the relevant design provisions, neighbourhood character and residential policy objectives under Clauses 21.06 (Garden Suburban 6 Design Guidelines) and 55.02 of the Moonee Valley Planning Scheme. The assessment finds that the proposed development is generally compliant with the spirit of the design principles and objectives. With respect to the issues that the development does present, namely bulk and mass impacts of the first floor footprint towards the rear of the site, they will be addressed with permit conditions to require a reduction in overall depth. Both first floors will be internally consolidated while externally, the development as a whole will feature a more responsive built form in the context of surrounding private open spaces and single storey scale. (Refer to Conditions 1a and 1b).
Overdevelopment	As stated, the development is consistent with the residential objectives contained within the State and Local Planning Policy Frameworks which broadly support opportunities for new residential development which can efficiently take advantage of opportunities such as good public transport,

	community services and open space. The site is well located within an area which has good access to such opportunities and has undergone a noticeable transition towards medium density housing with at least 2 to 4 dwellings being built on original allotments. In addition, the proposal generally achieves compliance with Clause 55 namely in the areas of site coverage, setbacks and private open space provision. Indeed, within the surrounding context and given the compliance achieved with the policy objectives and Clause 55, the development of the site into two dwellings is not considered an overdevelopment of the site.
Off-site amenity impacts	Concerns have been raised regarding the overshadowing, overlooking, and loss of daylight impacts on adjoining residents. In respect to overshadowing, the proposal meets Clause 55.04-5 (Overshadowing) of the Moonee Valley Planning Scheme. The submitted overshadowing diagrams illustrate that surrounding private open spaces to the west and east will be affected by shadows cast by the development in the morning and afternoon, respectively. However, the extent of overshadowing by the development allows at least five hours of direct sunlight to the existing private open spaces which comply with Clause 55.04-5. Also, the further changes required to the first floor of both proposed dwellings will further reduce the impact of overshadowing to the adjoining properties which is considered adequate. As stated, the proposal as advertised minimises overlooking impacts onto adjoining residents by complying with the required privacy screening measures of Clause 55.04-5 (Overlooking). The further changes required to the first floor footprints are considered to still result in compliance with the Clause subject to a permit condition ensuring the provision of any appropriate privacy screening. (Refer to Condition 1c). In respect to the loss of daylight access impacts, the proposal achieves compliance with Clause 55.04-3 (Daylight to existing windows) of the Moonee Valley Planning Scheme. Existing habitable room windows adjacent to the side and rear boundaries of the proposal will be provided with more than the required 1 metre clearance to the sky in accordance with the

	clause. Additionally, the proposed first floor walls are more than adequately setback from existing windows by more than 50% of the overall walls heights, ensuring minimal or no impact to daylight access for adjoining residents.
Car parking/Traffic	Each proposed dwelling complies with the required parking provision of 2 car spaces under Clause 52.06 of the Moonee Valley Planning Scheme. Council's Traffic and Transportation Unit have assessed the proposal and raised no concerns regarding any impact on the surrounding street network. The increased traffic movements associated with the proposal is considered acceptable and can be accommodated in the nearby streets. Existing traffic and parking problems in the area cannot be addressed through the current application nor should the burden of relieving these existing problems be imposed on the applicant of the proposal.
Infrastructure	Council's Engineering Services Unit has not provided any comment regarding adverse impacts imposed on existing infrastructure by the proposed development. Upon any approval to be issued, standard conditions will be imposed to address engineering requirements for the development. (Refer to Conditions 1i to 1l, 8 and 9).
Property devaluation	This argument is not considered a valid planning ground to refuse the application upon.
Boundary location	The issue regarding site boundaries is generally not a planning consideration, however, the process relating to adverse possession of property boundaries was discussed in the consultation meeting. The boundary in question refers to the western title boundary which is situated outside the existing fence line and within the adjoining properties of 40A Forrester Street and 36 and 38 Nimmo Street. In particular, the submitted plans show the location of Dwelling 1's garage wall and accessway in line with the western title boundary, yet sitting within the abutting properties' private open spaces. The remaining section of the boundary, or to the rear of the proposed garage, sees the retention of the existing fence line, and no further "encroachments" in abutting properties. Following the consultation meeting, the applicant has agreed to respond to the concerns by indicating to

	the Council planning officer that the existing fence line will be retained, with further modifications to the plans to show Dwelling 1's garage and accessway being relocated to align with the existing fence line. This matter will be addressed as a permit condition on any approval to be issued. (Refer to Condition 1m). As a consequence of this modification, the proposed habitable room windows adjoining this boundary will continue to comply with the required boundary setbacks for daylight access in accordance with Standard B27 (Daylight to New Windows).
Submitted application documentation	A concern was raised regarding the content of the applicant's submitted written report in support of the proposed development. In particular, objectors disputed a number of statements regarding neighbourhood character contained within the report. It is acknowledged that the justification provided by the applicant's report will not necessarily be accepted by the objectors. Nevertheless, a comprehensive assessment of the submitted floor plans and elevations has been undertaken and forms the basis 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 and Local Planning Policy Frameworks, the zoning controls, the relevant Particular and General Provisions and the design guidelines at Clause 65 of the Moonee Valley Planning Scheme. In addition, consideration has been given to the requirements of Section 60(1B) of the Planning and Environment Act 1987 with respect to the number of objections received, and it is determined that the proposal would not have a significant social effect.

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

Appendices

Appendix A: Advertised Plans (separately circulated)
Appendix B: Clause 55 Assessment
Appendix C: List of Objectors

Objectives	Standard	Compliance
Clause 55.02-1 **Neighbourhood Character Objectives** *To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character;* *To ensure the development responds to the features of the site and surrounding area.*	**Standard B1 (Cannot be varied)** The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.	**Complies subject to further modifications regarding the extent of the first floor footprint.**
Clause 55.02-2 **Residential Policy Objectives** *To ensure that residential development is provided in accordance with any policy for housing in the SPPF and the LPPF including the MSS and local planning polices;* *To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.*	**Standard B2 (Cannot be varied)** An application **must** be accompanied by a written statement that describes how the development is consistent with any relevant policy for housing in: • the SPPF; and • the LPPF including the MSS; and Local Planning Policies	**Complies**
Clause 55.02-3 **Dwelling Diversity Objective** *To encourage a range of dwelling sizes and types in development of ten or more dwellings*	**Standard B3 (Can be varied)** Developments of 10 or more dwellings should provide a range of dwelling sizes and types including: • dwellings with a different number of bedrooms; and • at least one dwelling with a kitchen, bath or shower, and toilet and wash basin at ground floor level.	**Not Applicable**
Clause 55.02-4 **Infrastructure Objectives** *To ensure development is provided with appropriate utility services and infrastructure;* *To ensure development does not unreasonably overload the capacity of utility services and infrastructure*	**Standard B4 (Can be varied)** Development should be connected to reticulated services including reticulated sewerage, drainage, electricity and gas if available. Developments should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no space capacity, developments should provide for the upgrading or mitigation of the impact on services or infrastructure.	**Complies subject to permit conditions regarding the build over easements.**

Clause 55.02-5 **Integration with the Street Objective** *To integrate the layout of development with the street*	**Standard B5 (Can be varied)** Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Dwellings should be orientated to front existing and proposed streets High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space.	**Complies**
Clause 55.03-1 ***Street Setback Objective*** *To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.*	**Standard B6 (Can be varied)** Walls of buildings should be setback from streets the distance specified in Table B1	**Complies** Average street setback required = $\frac{2.3m + 8.5m}{2} = 5.4m$ Proposed street setbacks = 5.9-9 metres
Clause 55.03-2 Building Height Objective *To ensure that the height of buildings respects the existing or preferred neighbourhood character.*	**Standard B7 (Can be varied)** The max building height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site of the building is 2.5 degrees or more, in which case the max building height should not exceed 10m. Change of building height between existing buildings and new buildings should be graduated.	**Complies** 7.23m max
Clause 55.03-3 Site Coverage Objective *To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site*	**Standard B8 (Can be varied)** The site area covered by buildings should not exceed 60%.	**Complies** 58.22%
Clause 55.03-4 **Permeability Objectives** *To reduce the impact of increased stormwater run-off on the drainage system;* *To facilitate on-site stormwater infiltration.*	**Standard B9 (Can be varied)** At least 20 % of the site should not be covered by impervious surfaces.	**Complies** 30%
Clause 55.03-5 **Energy Efficiency Objectives** *To achieve and protect energy efficient dwellings and residential buildings;*	**Standard B10 (Can be varied)** Buildings should be: • Orientated to make appropriate use of solar energy. • Sited and designed to ensure	**Complies subject to further modification regarding the roofing material of the alfresco of each dwelling**

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy	that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Living areas and private open space should be located on the north side of the dwelling, if practicable. Developments should be designed so that solar access to north-facing windows is maximised.	
Clause 55.03-6 **Open Space Objective** *To integrate the layout of the development with any public or communal open space provided in or adjacent to the development*	**Standard B11 (Can be varied)** Any public or communal open space should: • be substantially fronted by dwellings, where appropriate; • provide outlook for as many dwellings as practicable • be designed to protect any natural features on the site; and • be accessible and useable.	**Not Applicable**
Clause 55.03-7 **Safety Objective** *To ensure the layout of development provides for the safety and security of residents and property*	**Standard B12 (Can be varied)** Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares.	**Complies**
Clause 55.03-8 **Landscaping Objectives** *To encourage development that respects the landscape character of the neighbourhood;* *To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance;* *To provide appropriate landscaping;* *To encourage the retention of mature vegetation on the site*	**Standard B13 (Can be varied)** Landscape layout and design should: • Protect any predominant landscape features of the neighbourhood. • Take into account the soil type and drainage patterns of the site. • Allow for intended vegetation growth and structural protection of buildings. • In locations of habitat importance, maintain existing	**Complies** A permit condition will require the submission of a detailed landscape plan showing the planting of canopied trees in the front setback areas and private open spaces of both proposed dwellings.

	habitat and provide for new habitat for plants and animals. • Provide a safe, attractive and functional environment for residents. • Developments should provide for the retention or planting of trees, where these are part of the character of the neighbourhood. • Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. • The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.	
Clause 55.03-9 **Access Objectives** *To ensure vehicle access to and from a development is safe, manageable and convenient;* *To ensure the number and design of vehicle crossovers respects the neighbourhood character*	**Standard B14 (Can be varied)** The width of accessways or car spaces should not exceed: • 33% of the street frontage; or • if the width of the street frontage is less than 20m, 40% of the street frontage. No more than one single-width crossover should be provided for each dwelling fronting a street. The location of crossovers should maximise the retention of on-street car parking spaces. The number of access points to a road in a Road Zone should be minimised. Developments must provide for access for service, emergency and delivery vehicles.	**Complies** 39% street coverage taken up by the crossovers
Clause 55.03-10 **Parking Location Objectives** *To provide for convenient parking for residents and visitor vehicles;* *To avoid parking and traffic difficulties in the development and the neighbourhood;* *To protect residents from vehicular noise within developments*	**Summary of Standard B15 (Can be varied)** Car parking facilities should: • Be reasonably close and convenient to dwellings and residential buildings; • Be secure; • Be well ventilated if enclosed. Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5m from habitable room windows. This setback may be reduced to 1m	**Complies**

	where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway.	
Clause 55.04-1 **Side and Rear Setbacks Objective** *To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings*	***Standard B17*** ***(Can be varied)*** *A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:* • *At least the distance specified in a schedule to the zone, or* • *If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.* *Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.* *Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.*	**Complies** **Ground Floor** North (Rear) and East and West (Sides) Elevations Proposed setback: 1.2 – 7.3 metres Proposed wall height: 3.5 metres maximum Allowable setback: 1 metre **First Floor** North (Rear) and East and West (Sides) Elevations Proposed setback: 2.04 – 9.2 metres Proposed wall height: 6.1 metres maximum Allowable setback: 1.75 metres
Clause 55.04-2 **Walls on Boundaries Objective** *To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings*	***Standard B18*** ***(Can be varied)*** *A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:* • *For a length of more than the distance specified in a schedule to the zone; or* • *If no distance is specified in a schedule to the zone, for a length of more than:* o *10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or* o *Where there are existing or simultaneously constructed walls or carports abutting the*	**Complies** Allowable height = Avg 3.2 metres and no part higher than 3.6 metres West Elevation Proposed length: 7.2 metres maximum Max wall height: 3.2 metres Allowable length: 17.55 metres

	boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, *whichever is the greater.* *A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.* *A building on a boundary includes a building set back up to 200mm from a boundary.* *The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.*	
Clause 55.04-3 **Daylight to existing windows objective** *To allow adequate daylight into existing habitable room windows.*	***Standard B19*** ***(Can be varied)*** *Buildings opposite an existing habitable room window should provide for a light court to the existing window, of at least 3m2 and 1m clear to the sky. The area may include land on the abutting lot.* *Walls or carports more than 3m high opposite an existing habitable room window should be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.* *Note: Where the existing window is above ground level, the wall height is measured from the floor level of the room containing the window.*	**Complies** **<u>Ground Floor</u>** <u>East and West Elevations</u> Proposed setback: 2.3 – 3.1 metres minimum Proposed wall height: 3.5 Allowable setback: 1 – 1.75 metres **<u>First Floor</u>** <u>East and West Elevations</u> Proposed setback: > 6 metres Proposed wall height: 6.1 metres Allowable setback: 3.05 metres
Clause 55.04-4 **North-facing windows objective** *To allow adequate solar access to existing north-facing habitable room windows.*	***Standard B20*** ***(Can be varied)*** *If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be set back from the boundary 1 metre,*	**Not Applicable**

	plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.	
Clause 55.04-5 **Overshadowing open space objective** *To ensure buildings do not significantly overshadow existing secluded private open space.*	**Standard B21 (Can be varied)** Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m^2 with a minimum dimension of 3m, whichever is the lesser area, or the secluded open space should receive a minimum of 5 hours sunlight between 9am and 3pm at 22 September. If existing sunlight to the secluded private open space of a dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.	**Complies**
Clause 55.04-6 **Overlooking objective** *To limit views into existing secluded private open space and habitable room windows.*	**Standard B22 (Can be varied)** Habitable room windows, balconies, terraces etc should be located and designed to avoid direct view to secluded private open space and habitable room windows of an existing dwelling within 9m distance, and a 45 degree arc from the window , balcony etc.	**Generally complies** The first floor habitable room windows on both side elevations will be treated with compliant screening to reduce views into adjoining properties. The first floor habitable room windows on the rear elevation appear well setback in excess of 9 metres which minimises views into the adjoining properties. There is some views generated into the very small corner of the abutting private open space to the west however this is considered marginal to not warrant extra screening to it. The changes sought to the development will be further addressed with a permit condition to ensure compliance with the standard is met.
Clause 55.04-7 **Internal Views Objective** *To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings with a development*	**Standard B23 (Can be varied)** Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below and in the same development.	**Complies**
Clause 55.04-8 **Noise Impacts Objectives**	**Standard B24 (Can be varied)** Noise sources such as mechanical plant, should not be located near	**Complies**

To contain noise sources in developments that may affect existing dwellings; *To protect residents from external noise*	bedrooms or immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.	
Clause 55.05-1 **Accessibility Objective** *To encourage the consideration of the needs of people with limited mobility in the design of developments*	**Standard B25 (Can be varied)** The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility	**Complies**
Clause 55.05-2 **Dwelling Entry Objective** *To provide each dwelling or residential building with its own sense of identity*	**Standard B26 (Can be varied)** Entries to dwellings and residential buildings should: • Be visible and easily identifiable from streets and other public areas; and • Provide shelter, a sense of personal address and a transitional space around the entry.	**Complies**
Clause 55.05-3 **Daylight to New Windows Objective** *To allow adequate daylight into new habitable room windows*	**Standard B27 (Can be varied)** A window in a habitable room should be located to face: • an outdoor space clear to the sky or a light court with a minimum area of $3m^2$ and minimum dimension of 1m, not including land on an abutting lot, or a verandah provided it is open for at least $1/3^{rd}$ of its perimeter, or a carport provided it has two or more open sides and is open for at least $1/3^{rd}$ of its perimeter.	**Complies**
Clause 55.05-4 **Private Open Space Objective** *To provide for adequate private open space for the reasonable recreation and service needs of residents*	**Summary of Standard B28 (Can be varied)** A dwelling or residential building should have private open space of: • $40m^2$ with one part to be secluded private open space at	**Complies** Dwelling 1 = SPOS 58sqm Dwelling 2 = SPOS 56sqm

	the side or rear with a minimum area of 25m^2 and convenient access from a living room.	
Clause 55.05-5 **Solar Access to Open Space Objective** *To allow solar access into the secluded private open space of new dwellings and residential buildings*	**Standard B29 (Can be varied)** The private open space should be located on the north side of the dwelling or residential building if appropriate. The southern boundary of secluded private open space should be setback from any wall on the north of the space at least (2 +0.9h), where 'h' is the height of the wall.	**Partial Non Compliance** A single storey wall at 3.12 metres high abuts the north boundary of both private open spaces. The required setback of the southern boundaries of the private open spaces to the existing wall is 4.80 metres. The proposed setbacks range between 6.5 to 7 metres. However it is noted that a quarter of the private open spaces will be covered by an attached open pergola to the rear meals/living area in both dwellings which will provide a level of shading. The private open spaces will still be able to achieve a reasonable amount of direct sun throughout the day and where the pergolas are not constructed, the remaining private open spaces contain longer and unobstructed setbacks to a northerly aspect.
Clause 55.05-6 **Storage Objective** *To provide adequate storage facilities for each dwelling*	**Standard B30 (Can be varied)** Each dwelling should have convenient access to at least 6m^3 of externally accessible, secure storage space.	**Complies** A permit condition will require the dimensions, including height, of the proposed shed to each dwelling.
Clause 55.06-1 **Design detail objective** *To encourage design detail that respects the existing or preferred neighbourhood character.*	**Standard B31 (Can be varied)** The design of buildings should respect the existing or preferred neighbourhood character, including: • Facade articulation and detailing; • Window and door proportions; • Roof form; and • Verandahs, eaves and parapets. • Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.	**Complies**
Clause 55.06-2 **Front Fences Objective** *To encourage front fence design that respects the existing or preferred neighbourhood character*	**Standard B32 (Can be varied)** The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties. A front fence within 3m of a street should not exceed: • 2m height for streets in a Road Zone, Category 1; or	**Not Applicable**

	• 1.5m height for any other street.	
Clause 55.06-3 **Common Property Objectives** *To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained;* *To avoid future management difficulties in areas of common ownership*	**Standard B33 (Can be varied)** Developments should clearly delineate public, communal and private areas. Common property where provided, should be functional and capable of efficient management.	**Complies**
Clause 55.06-4 **Site Services Objectives** *To ensure that site services can be installed and easily maintained;* *To ensure that site facilities are accessible, adequate and attractive*	**Standard B34 (Can be varied)** The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post.	**Complies** •

Objectors List for MV/843/2015 at 40 Forrester Street, ESSENDON

Objector's Mailing Address

25 Cooper Street, ESSENDON 3040
36 Hoffmans Road, ESSENDON 3040
34 Ogilvie Street, ESSENDON 3040
31 Nimmo Street, ESSENDON 3040
32 Nimmo Street, ESSENDON 3040
36 Nimmo Street, ESSENDON 3040
38 Nimmo Street, ESSENDON 3040
48 Nimmo Street, ESSENDON 3040
35 Roberts Street, ESSENDON 3040
38a Forrester Street, ESSENDON 3040
47 Forrester Street, ESSENDON 3040
54 Forrester Street, ESSENDON 3040
67 Forrester Street, ESSENDON 3040
79 Forrester Street, ESSENDON 3040
81 Forrester Street, ESSENDON 3040
83 Forrester Street, ESSENDON 3040
85 Forrester Street, ESSENDON 3040
87 Forrester Street, ESSENDON 3040

9.5 6 Ridley Avenue, Avondale Heights (Lot 16 on LP43010) - Construction of a double storey dwelling to the rear of an existing dwelling

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

Planning File No.	MV/812/2015
Proposal	Construction of a double storey dwelling to the rear of an existing dwelling
Applicant	Donco Angeloski
Owner	Donco Angeloski
Planning Scheme Controls	General Residential Zone
Planning Permit Requirement	Clause 32.08-4 – Construction of two or more dwellings on a lot
Car Parking Requirements **(Clause 52.06)**	Requires: 3 car spaces Provides: 3 car spaces
Bicycle Requirements	N/A
Restrictive Covenants	None
Easements	None
Site Area	580 square metres
Number Of Objections	10
Consultation Meeting	23 March 2016

Executive Summary

- The application seeks planning approval for the construction of a double storey dwelling to the rear of an existing dwelling.
- The site comprises of a total area of 580 square metres. The site is located on the northern side of Ridley Avenue and is currently occupied by a single storey dwelling.
- The application was advertised and as a result 10 objections were received. The concerns raised related to no meaningful landscaping opportunities provided to the rear of the site, excessive overall height and visual bulk, increased noise produced, overshadowing, insufficient on-site car parking and increased street parking pressures.
- A Consultation Meeting was held on 23 March 2016, attended by Mayor Councillor Andrea Surace and Councillor John Sipek, one objector and Council's Planning Officer. No resolution was achieved at this meeting. However amended plans were submitted on 4 April 2016 from the applicant which increased setbacks of the first floor of Dwelling 2 from the title boundaries and modification to the location of the carport for Dwelling 1 in an attempt to address the concerns of the objectors.
- The application was internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit and Environmental Sustainable Development (ESD) Officer. Conditional support to the application was provided.
- This assessment report finds that the proposal demonstrates an adequate level of compliance against the relevant policies and provisions of the Moonee Valley Planning Scheme and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.

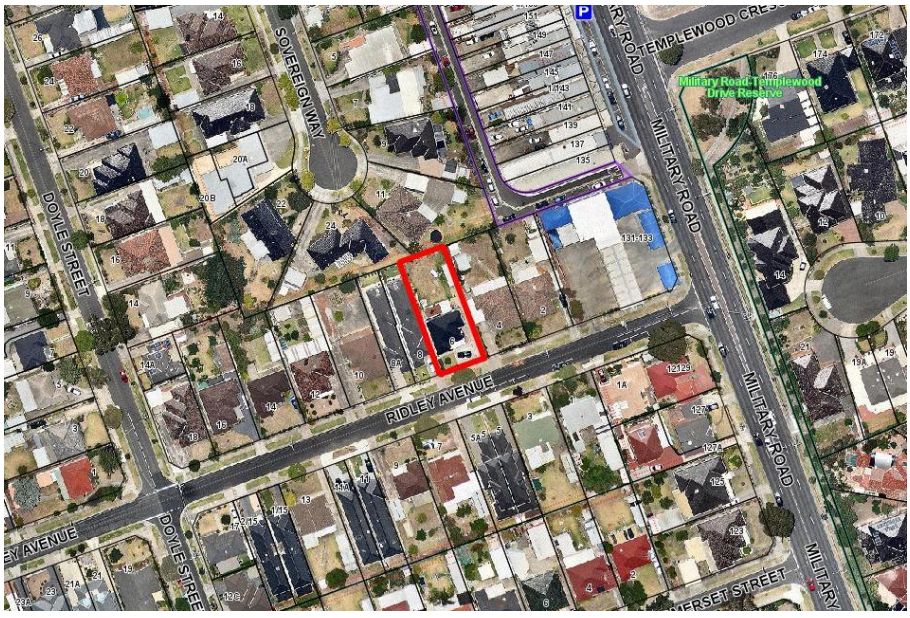


Figure 1: Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application MV/812/2015 for the Construction of a dwelling to the rear of an existing dwelling at No.6 Ridley Avenue, Avondale Heights (Lot 16 on LP43010), 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) Changes to the plans as stipulated on the plans submitted 4 April 2016 but also include the following changes:

        i) The carport associated with Dwelling 1 to be set off the western boundary by 1.15 metres and provide a solid wall on its western alignment.

        ii) Bedroom 2 associated with Dwelling 2 to be setback 2.5 metres from the western boundary.

        iii) The Master Bedroom associated with Dwelling 2 to be set 2.18 metres from the eastern boundary.

    b) The provision of a west facing window associated with Bedroom 3 and an east facing window to the master bedroom of Dwelling 2 in accordance with Clause 55.03-5 (Energy Efficiency) of the Moonee Valley Planning Scheme.

    c) The secluded private open space area associated with Dwelling 1 provided with a setback from the northern wall (carport) to the southern boundary (dwelling) to have compliance with the standard requirement of Clause 55.05-5 (Solar Access to Open Space) of the Moonee Valley Planning Scheme.

    d) Any modifications to Dwelling 2 and the carport associated with Dwelling 1 as a result of Condition 1 c).

    e) The turning Circles associated with each dwelling to be in accordance with the Australian Standards as a result of Condition 1a)i) and c).

    f) All relevant windows to be noted to be ‘fixed or openable to a maximum 150mm to a height of 1700mmm above Finished Floor Level in accordance with Clause 55.04-6 (Overlooking) and Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme.

    g) The provision of planter boxes within the secluded private open space area of Dwelling 1.

    h) The provision of a bin enclosure associated with Dwelling 1 in accordance with Clause 55.06-4 (Site Services) of the Moonee Valley Planning Scheme.

    i) The provision of a 300mm wide garden bed and lighting along the common driveway.

j) Pedestrian Visibility Splays along each side of the common driveway in accordance with Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme.

k) The deletion of all roofing to the Alfresco associated with Dwelling 1.

l) The provision of a 1.8 metre high separation fence between the carport of Dwelling 1 and the private open space of Dwelling 2.

m) All water sensitive design treatment measures and associated notations shown on the relevant plans as a result of Condition 3 in accordance with Clause 22.03 of the Moonee Valley Planning Scheme. This must be consistent with the information provided in the correct STORM report.

n) The size and location of any infiltration sand pits and the extent, size and grading of the impervious surfaces draining to it. This must be consistent with the information provided in the approved STORM report.

o) The following notations on the Ground Floor Plan:

i) The capacity of the rainwater tank;

ii) Whether a mechanically, fully charged or gravity fed system is proposed;

iii) Number of toilets connected to the rainwater tank; and

iv) The roof catchment area collected to the rainwater tank;

and information to be consistent with a correct STORM report.

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

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

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

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

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

The WSUD Site Management Plan may form part of a broader Site Management Plan that covers other project components, i.e. such as noise,

EPA issues, traffic management, waste management, etc.

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

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

   a) Inspection frequency;

   b) Cleanout procedures;

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

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

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

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

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

9. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed 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 sot that they can be used in accordance with the endorsed plans; and

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

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

The area set aside for the parking of vehicles, together with the associated driveways and access lands 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.

Parking areas must be kept available for these purposes at all times to the satisfaction of the Responsible Authority.

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

12. Before the buildings approved by the permit are occupied, boundary fencing is to be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

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

    a) In accordance with Condition 1;

    b) Planting on the land comprising trees and shrubs capable of:

        i) Providing a complete garden scheme;

        ii) Softening the building bulk;

        iii) Providing some canopy capable of reaching a mature minimum height of 4 metres; and

        iv) Minimising the potential of any overlooking between habitable room windows of adjacent dwellings;

    c) The proposed design features such as paths, paving, lawn and mulch;

    d) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes botanical names, common names, pot size, mature size and total quantities of each plant;

    e) The provision of lighting along the common driveway;

    f) The provision of drought tolerant species within the planter boxes within the secluded private open space area of Dwelling 1;

g) The use of drought tolerant species;

h) The use of non-invasive plant species which will ensure that existing infrastructure assets are not damaged by root systems.

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

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

14. The garden areas shown on the endorsed plans and schedule must only be used as garden and must be constructed, completed and maintained in a property, 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.

15. The existing street trees or vegetation must not be removed or damaged as a result of the permitted development.

16. 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, vehicle crossings, building over easements, asset protection, road consent/occupancy etc.
- No on street parking permits will be provided to the occupiers of the land.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the northern side of Ridley Avenue, approximately 65 metres west of the intersection with Military Road. The site is rectangular shaped with a street frontage to Ridley Avenue of 15.24 metres, depth of 38.10 metres and a total site area of 580 square metres. The site has a north-south alignment consistent with the surrounding subdivision pattern of Ridley Avenue.

The land is relatively flat and comprises of a single storey rendered brick dwelling with a minimum front setback of 7.6 metres, a side setback of 1.2 metres to the western boundary and 3 metres to the side eastern boundary. Vehicle access to the site is obtained from an existing single-width crossover located to the south east along Ridley Avenue. There is no significant landscaping or vegetation on the subject site. A large street tree is located centrally within the naturestrip.

Application Site: 6 Ridley Avenue, Avondale Heights

The surrounding area is comprised of predominantly residential zoned land and used and developed for residential purposes. The built form within the vicinity is predominantly single and double storey, with examples of multi-dwelling developments evident nearby (5/5a, 8/8a, and 11/11a 1/15&15 Ridley Avenue, Avondale Heights).

1.2 Proposal

The proposal is for the construction of a double storey dwelling to the rear of an existing dwelling. The proposal, as advertised, can be summarised as follows:

Table 1

No. of dwellings	2 (1x2 bedrooms and 1x3 bedrooms)
No. of car spaces	3
Max. Building Height	7.02 metres above Natural Ground Level
Site Coverage	41%
Permeability	25%

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

2. Background

2.1 Relevant History

A Building Notice was issued by Council on 26 June 2015 as Council's Planning Enforcement Unit inspected the subject site and discovered two timber sheds along the western title boundary and an enclosed verandah to the rear of the existing dwelling constructed without the relevant permits. The structures have been subsequently removed from the site and the Building Order complete.

Planning Permit MV/826/2014 for the construction of a dwelling to the rear of an existing dwelling was refused by Council on 28 July 2015 due to the development failing to meet Neighbourhood Character Garden Suburban 7, Clause 21.06 and Clause 55 of the Moonee Valley Planning Scheme. No appeal to this application was lodged with the Victorian Administrative and Civil Tribunal.

2.2 Planning Policies and Decision Guidelines

State Planning Policy Framework

Clause 11 Settlement

Clause 15 Built Environment and Heritage

Clause 16 Housing

Local Planning Policy Framework

Clause 21.01 Municipal Profile

Clause 21.03 Vision

Clause 21.05 Housing

Clause 21.06 Built Environment

Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning

Clause 32.08 General Residential Zone

Overlays

N/A

Particular and General Provisions

Clause 52.06 Car Parking

Clause 55 Two or more Dwellings on a Lot

Clause 65 Decision Guidelines

2.3 Referrals

External Referrals

No external referrals were required for this application.

Internal Referrals

Engineering Services Unit

- No objections subject to standard conditions.

Traffic and Transportation Unit

- No objection.

Environmental Sustainable Office (ESD)

- No objections subject to standard conditions and the following non-standard condition:
    - Show the size and location of any infiltration sand pits and the extent, size and grading of the impervious surfaces draining to it. This must be consistent with the information provided in an approved STORM report. (Refer to Condition 1n).
    - The following notations on the Ground Floor Plan:
        - The capacity of the rainwater tank;
        - Whether a mechanically, full charged or gravity fed system is proposed;
        - Number of toilets connected to the rainwater tank; and
        - The roof catchment area collected to the rainwater tank;

    and information to be consistent with a correct STORM report. (Refer to Condition 1o).

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 on notice erected on site for 14 days.

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

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

2.5 Consultation Meeting

A Consultation Meeting was held on 23 March 2016, attended by Mayor Councillor Andrea Surace and Councillor John Sipek, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.

Plans were submitted by the applicant to Council on 4 April 2016 demonstrating changes to the first floor building footprint associated with Dwelling 2. See **Appendix D**.

3. Discussion

3.1 State Planning Policy Framework

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

The site offers an opportunity for redevelopment considering its size and location within a residential area surrounded by a range of dwelling densities. The approval of this proposal will increase the supply of housing within Avondale Heights as well as provide housing diversity with good access to Milleara Mall, primary and secondary schools and open space. Indeed, the site is suitably located to take advantage of existing facilities which can be accessed by future residents.

3.2 Local Planning Policy Framework

The proposal complies with 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 (Bus 406 and 407) and local/community services.

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

The proposal complies with Clause 22.03 (Stormwater Management) and meets the required on-site stormwater treatment as demonstrated by achieving 100%, or greater, using the STORM tool. However, due to the amended changes highlighted within Condition 1, an amended STORM report will be required as per Condition 3 on any issued planning permit. Furthermore, not all relevant design measures and relevant annotations have been shown on the plans. This will be Conditions 4, 5 and 6 on any issued planning permit.

3.3 Neighbourhood Character Guidelines

The subject land is identified as being within character area ‘Garden Suburban 7’. The Preferred Character Statement reads as follows:

‘New developments will contribute to the character of this area with established gardens, simple design details, low front fencing and consistent siting to ensure

they do not dominate the streetscape. Buildings will be articulated with recesses, porch areas, large windows and setbacks to complement the pattern of traditional dwellings. The use of brick, timber or weatherboard will maintain the existing palette of materials. Buildings will be located from the front property boundary at a distance similar to those on adjoining properties, while consistent side setbacks will allow space for landscaping and planting. Low or permeable front fences will provide views of vegetation in gardens from the street.'

It is considered that the development provides a suitable response to the preferred character statement of Garden Suburban 7 within the Neighbourhood Precinct Profiles 2012 as follows:

Siting and Building Layout	The proposal retains the existing dwelling on the site and therefore retains the existing front setback of Dwelling 1. No assessment is required of the front or side setbacks of the development as these are existing site conditions that contribute to the streetscape of Ridley Avenue. The proposed development of dwellings in tandem on the site are considered characteristic of the emerging in-fill development within the surrounding area. It is considered the building envelope of the new dwelling is characteristic of the surrounding area. The development does not present to Ridley Avenue excessively as the building footprint does not present boundary to boundary. The layout of the common driveway allows spacing and rhythm of the street to be maintained.
Built Form	The overall height of the development is 7.02 metres above Natural Ground Level and is a double storey form with a pitched roof. It is considered that the overall height of the development is characteristic and reflective of the surrounding area. The built form of Dwelling 2 presents with a larger ground floor building footprint and smaller upper floor building footprint generally allowing for good articulation between floor levels when viewed from the street, common property and the surrounding properties. The revised plans submitted to Council on 4 April 2016 demonstrate an increased setback along the western alignment to reduce the visual dominance to the secluded private open space area of No.8 Ridley Avenue. Condition 1a) on any issued planning permit references all proposed changes as per the plans submitted

	on 4 April 2016. The carport associated with Dwelling 1 and the double garage associated with Dwelling 2 are located to the rear of the site with access from the common driveway along the eastern property boundary. It is considered that the development ensures car parking structures are not dominant when viewed from the public realm. Dwelling 2 presents all ground floor roof elements with prominent eaves to ensure the built form is well articulated between ground and first floor levels. Furthermore, the overall roof form of the dwelling is characteristic of the surrounding area by providing a pitched hipped roof form with prominent eaves.
Design Detail	Dwelling 2 proposes a mix of brick and lightweight materials which are considered characteristic of more contemporary infill developments in the area. Windows are provided along each elevation of the new dwelling at both ground and first floor level to ensure the walls do not present blank. Furthermore, with the incorporation of windows facing onto the common accessway, the development achieves passive surveillance to the street.
Landscaping	The advertised plans include a Landscape Plan prepared by the suitably qualified person or firm. It is considered that the proposed landscaping within the front setback has the ability to provide meaningful landscaping opportunities which reflects the character of Ridley Avenue and the surrounding area. It is noted that the existing street tree and proposed deciduous tree within the front setback will be key features of the site when viewed from the public realm. It is considered that the planting along the eastern boundary between the fence line and common driveway is limited and should be modified to ensure more significant landscaping opportunities. Furthermore, lighting should be provided within the garden bed along the common driveway as per Condition 13e) on any issued planning permit. It is considered that there are limited landscaping opportunities within the secluded private open space area of Dwelling 1 as a

	result of decking and covered alfresco areas. It is therefore considered Conditions 1g) and 13f) should be placed on any issued planning permit for planter boxes within the space to provide additional landscaping opportunities within the space and to remove the roofed structure associated with the alfresco. The proposed development does not change the existing conditions of the front fence and therefore do not require assessment under this development permit application. It is noted that due to the transparent nature of the existing front fence, visibility can be achieved for vehicles entering and existing the subject site.

3.4 Compliance with Clause 52.06 (Car Parking)

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

Table 2

Use (Dwellings)	Required	Provided
2 Dwellings (1x3 and 1x2 bedrooms)	3 spaces	3 spaces
Residential Visitors	0 spaces	0 spaces
Total	3 spaces	3 spaces

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

In addition, pursuant to Clause 52.06, Pedestrian Visibility Splays have not been provided and will be required as per Condition 1j) on any issued planning permit.

3.5 Previous Council Decision (MV/826/2014)

As discussed in Section 2.1 of this report, Planning Permit MV/826/2014 for the construction of a dwelling to the rear of an existing dwelling was previously lodged with Council. The application was refused by Council's Development Assessment Panel (DAP) on 28 July 2015. The table below details the main grounds of refusal and provides analysis as to how the current proposal responds to these refusal grounds.

Table 3

Refusal grounds	Offer's Response
Neighbourhood character	The Development Assessment Panel (The Panel) stated that the previous proposal failed to suitably

Refusal grounds	Offer's Response
	address issues of neighbourhood character, as the design does not provide a reasonable amount of open space for Dwelling 1 which is characterised by the surrounding area. As a result of the Building Order completion of works and new planning permit application, the existing dwelling is proposed to include an open space clear to the sky to the rear of the dwelling to ensure the dwelling maintains the character of Ridley Avenue.
Private Open Space	In the previously refused application, The Panel stated that the previous proposal failed to suitably provide a minimum 3 metre wide secluded private open space area in accordance with the standard requirement of Clause 55.05-4 (Private Open Space) of the Moonee Valley Planning Scheme and a variation to this standard would not be accepted. As a result of the Building Order completion of works and new planning permit application, the development has been revised and as a result, the existing dwelling is proposed to include a secluded private open space area with a 4.4 metre width, 60 square metre area, with direct access to an internal living room from its associated dwelling. It is therefore concluded that the proposed development adequately complies with the standard requirement of Clause 55.05-4 (Private Open Space) of the Moonee Valley Planning Scheme.
Solar Access to Open Space	The Panel stated that the previous proposal failed to suitably provide a setback to the secluded private open space associated with Dwelling 1 in accordance with the standard requirement of Clause 55.05-5 (Solar Access to Open Space) of the Moonee Valley Planning Scheme and a variation to this standard would not be accepted. As a result of the Building Order completion of works and new planning permit application, the existing dwelling is proposed to include a secluded private open space area with a 4.4 metre depth, with the northern boundary of this space to have a carport with an overall height of 2.85 metres above Natural Ground Level. As discussed within Section 3.6 of this report, a non-compliance with this standard has been identified and as a result, Condition 1c) should be placed

Refusal grounds	Offer's Response
	on any issued planning permit to ensure compliance against the standard of Clause 55.05-5 (Solar Access to Open Space) of the Moonee Valley Planning Scheme.
Landscaping	The previous proposal failed to suitably provide any adequate landscaping opportunities across the site due to the excessive amount of built form and limited open space areas associated with Dwelling 1. As a result of the Building Order completion of works and new planning permit application, the existing dwelling is proposed to include an increased amount of space for landscaping opportunities. As discussed later within Section 3.6 of this report, while the proposed development does provide a degree of landscaping areas across the site, it is considered that Condition 13 should be placed on any issued planning permit to ensure a complete landscaping scheme be provided to Council's satisfaction.

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

Res Code Standard	Response
Clause 55.02-1 (Standard B1 - Neighbourhood Character)	The proposal is for the construction of a double storey dwelling to the rear of an existing dwelling is considered characteristic of the emerging area which is seeing infill development. It is considered that double storey forms are characteristic of the emerging character, however, where present, respond appropriately to the surrounding properties. It is noted that double storey forms are identified within the immediate context and are generally located centrally on the site or when in the rear of the property, still allow setbacks from rear boundaries. It is considered that the first floor built form of Dwelling 2 presents dominantly to the adjoining secluded private open space of No.8 Ridley Avenue. As a result, revised plans

	were submitted to Council on 4 April 2014 showing a greater setback along the western alignment to reduce the dominance of the upper floor (Condition 1a) ii).
Clause 55.03-5 (Standard B10 – Energy Efficiency)	The proposed first floor of Dwelling 2 presents south facing windows to the Master Bedroom and Bedroom 3. It is considered that these habitable room windows do not receive adequate solar access. It is therefore considered that Condition 1b) should be placed on any issued planning permit to modify the internal layout of the first floor to provide additional windows for both these windows as previously discussed.
Clause 55.03-8 (Standard B13 – Landscaping)	A landscaping plan has been provided as part of this application however provides limited landscaping opportunities along the western boundary. It is considered Condition 13 should be placed on any issued planning permit stipulating that such a plan must be provided, which is prepared by a suitably qualified person. It is considered that there is are sufficient areas for planting to occur on the subject site.
Clause 55.04-6 (Standard B22 – Overlooking	The first floor level of Dwelling 2 has the ability to overlook the adjoining properties secluded private open space areas and habitable room windows within 9 metres of the site (4 and 8 Ridley Street and 11 Sovereign Way). It is considered that Condition f) should be placed on any issued planning permit for all relevant windows to be 'fixed or openable to a maximum 150mm to a height of 1.7 metres above Finished Floor Level'.
Clause 55.04-7 (Standard B23 – Internal Views)	The first floor level of Dwelling 2 has the ability to overlook the secluded private open space area and habitable room windows of Dwelling 1. It is considered that Condition 1f) should be placed on any issued planning permit for all relevant windows to be 'fixed or openable to a maximum 150mm to a height of 1.7 metres above Finished Floor Level'.
Clause 55.05-5 (Standard B29 – Solar Access to Open Space)	The development proposes a dwelling within the rear of the site and as a result reduces the secluded private open space area of Dwelling 1 considerably. The secluded private open space area is located to the north of the dwelling however it is located to the south of the

	associated carport of Dwelling 1 which has an overall height of 2.85 metres above Natural Ground Level. The standard requirements of this Clause requires the secluded private open space area to have a minimum depth of 4.56 metres from the carport to ensure adequate solar access to be provided to this open space. The proposed setback is 4.4 metres which is a shortfall of 0.12 metres. It is considered that due to the size of the land and orientation of the site, the development has the ability to comply with the standard requirements of this clause. It is considered that Condition 1c) should be placed on any issued planning permit to ensure compliance with the standard and a subsequently Condition 1d) to modify Dwelling 2 to allow such a compliance. Furthermore, it is considered the roofing to the alfresco area should be removed by way of a condition on any issued planning permit to ensure adequate solace access to this space and the meals/kitchen area.

3.7 Objections

Table 5

Issue	Officer Response
Neighbourhood Character • Visual bulk • Double storey	The assessment in Section 3.2, 3.3 and 3.6 provide justification for the proposed development and how it can be accommodated on the subject site. The proposed new dwelling responds adequately to the Neighbourhood Character provisions of the Moonee Valley Planning Scheme however there are concerns with the upper floor level of Dwelling 2 as noted in Section 3.5 of this report and which are addressed through Condition 1 a) of any permit issued.
Overshadowing	The proposed dwelling is considered to not unreasonably overshadow any adjoining secluded private open space. Each area will receive the required amount of sunlight in accordance with Standard B21 of Clause 55 of the Moonee Valley Planning Scheme.
Noise	Concerns have been raised regarding the potential noise generated from the dwelling. The consideration of this planning application is confined only to the construction of the dwelling.

Issue	Officer Response
	The residential use of the dwelling does not require a planning permit and is not a planning matter. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting.
Insufficient landscaping on site	The existing vegetation on the subject site is not listed as significant and therefore Council does not control the removal of these species. It is considered that the proposed development is adequately set off all property boundaries in part and therefore will allow for meaningful landscaping to be provided as a condition on any issued planning permit as discussed in Section 3.5 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).

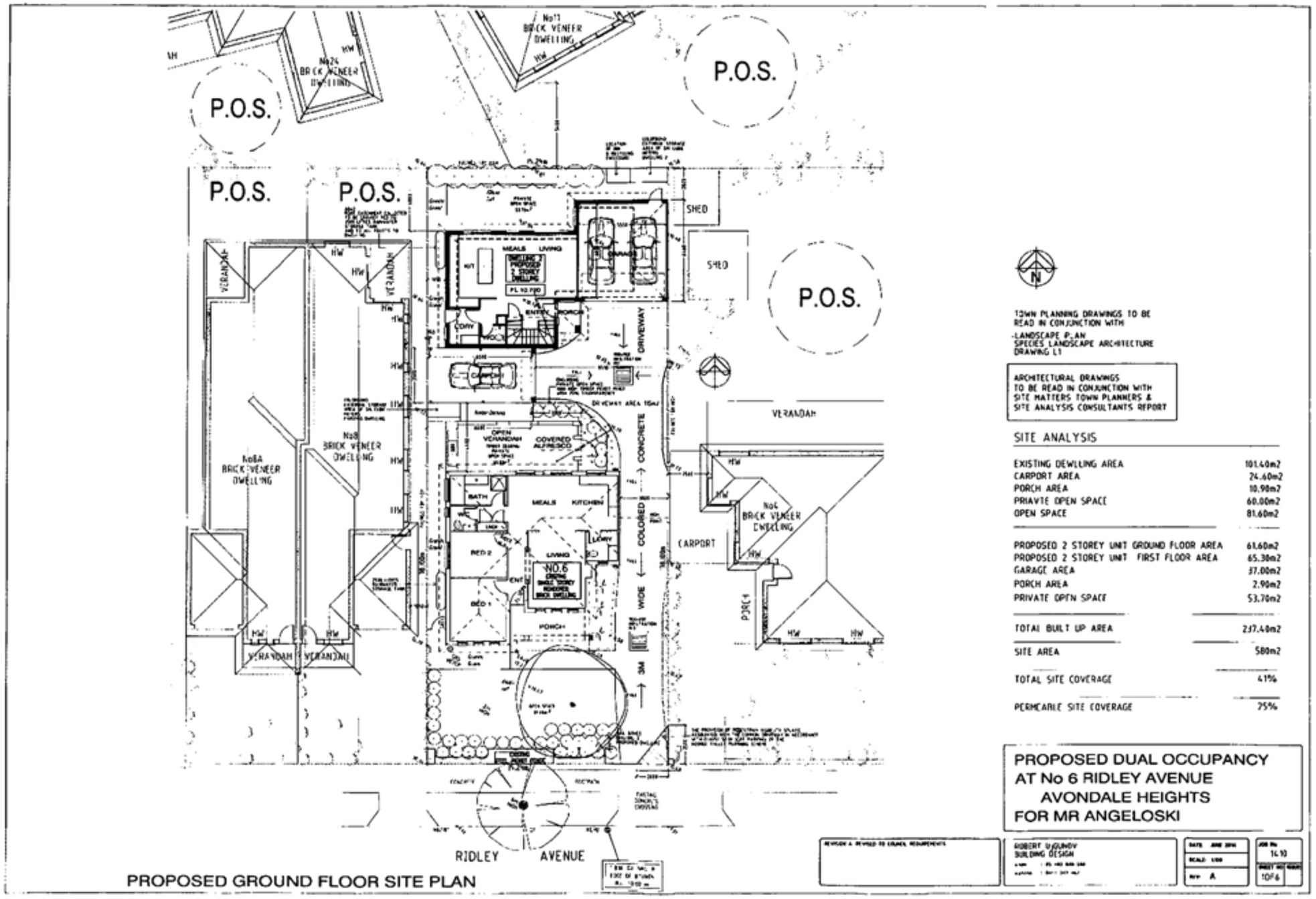
5. Conclusion

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

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

Appendices

Appendix A: Advertised Plans
Appendix B: Clause 55 Assessment
Appendix C: List of Objectors
Appendix D: Revised plans after advertising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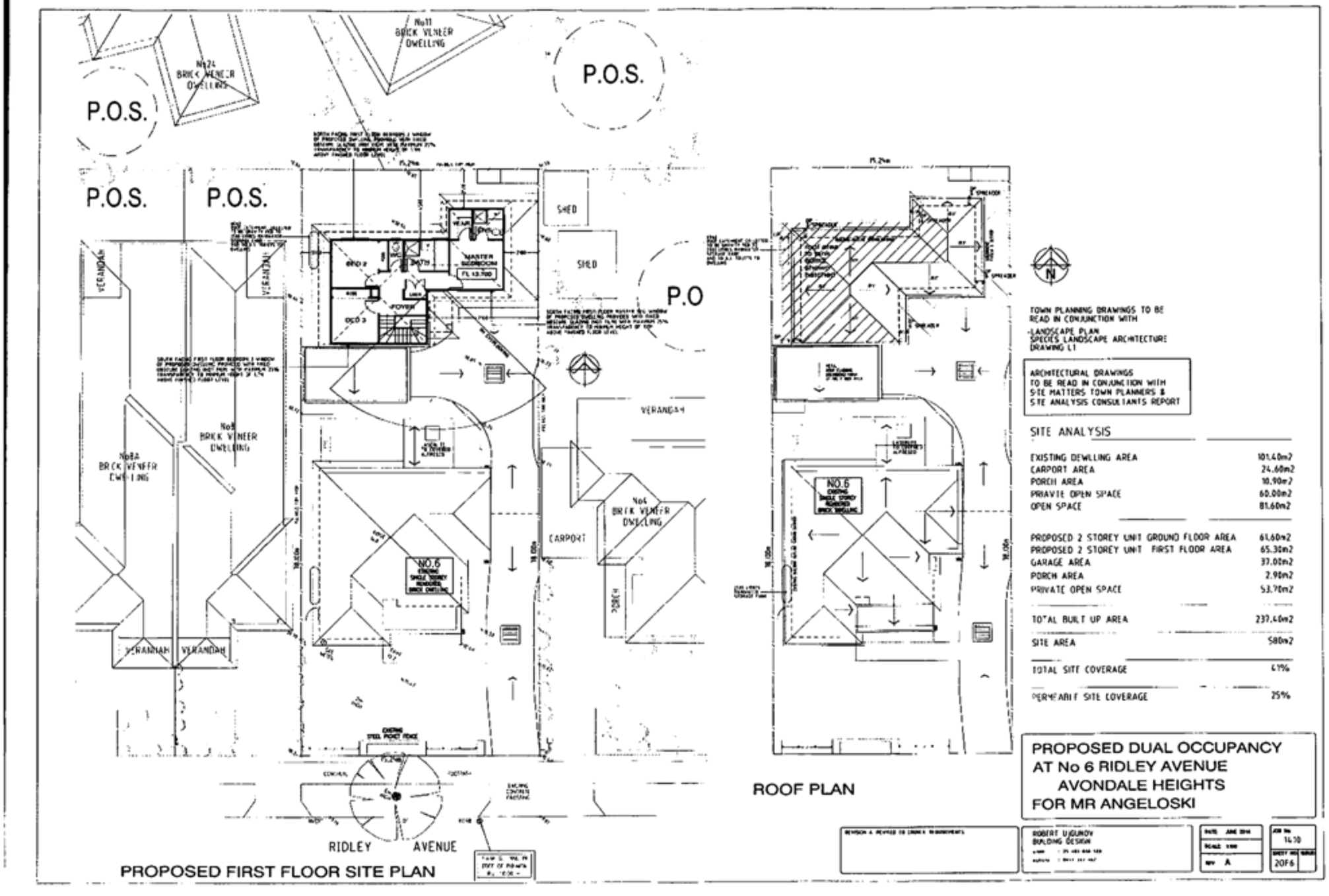
No24 BRICK VENEER DWELLING
No8A BRICK VENEER DWELLING
No8 BRICK VENEER DWELLING
No4 BRICK VENEER DWELLING
No6 EXISTING SINGLE STOREY RENDERED BRICK DWELLING
PROPOSED 2 STOREY DWELLING
SHED
SHED
MEALS LIVING
ENTRY
PORCH
CONV
DRIVEWAY
VERANDAH
OPEN VERANDAH
COVERED ALFRESCO
CONCRETE
BATH
MEALS
KITCHEN
LAUNDRY
BED 2
BED 1
LIVING
PORCH
COLORED TILE
WIDE
CARPORT
VERANDAH
VERANDAH
VERANDAH
RIDLEY AVENUE
N
TOWN PLANNING DRAWINGS TO BE READ IN CONJUNCTION WITH
-LANDSCAPE PLAN SPECIES LANDSCAPE ARCHITECTURE DRAWING L1
ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH SITE MATTERS TOWN PLANNERS & SITE ANALYSIS CONSULTANTS REPORT
SITE ANALYSIS
EXISTING DEWLLING AREA 101.40m2
CARPORT AREA 24.60m2
PORCH AREA 10.98m2
PRIAVTE OPEN SPACE 60.00m2
OPEN SPACE 81.60m2
PROPOSED 2 STOREY UNIT GROUND FLOOR AREA 61.60m2
PROPOSED 2 STOREY UNIT FIRST FLOOR AREA 65.38m2
GARAGE AREA 37.00m2
PORCH AREA 2.90m2
PRIVATE OPEN SPACE 53.70m2
TOTAL BUILT UP AREA 237.40m2
SITE AREA 580m2
TOTAL SITE COVERAGE 41%
PERMEABLE SITE COVERAGE 25%
PROPOSED DUAL OCCUPANCY
AT No 6 RIDLEY AVENUE
AVONDALE HEIGHTS
FOR MR ANGELOSKI
ROBERT D'GUNDY BUILDING DESIGN
14.10
1 OF 6
PROPOSED GROUND FLOOR SITE PLAN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No11 BRICK VENEER DWELLING
No24 BRICK VENEER DWELLING
No8 BRICK VENEER DWELLING
No8A BRICK VENEER DWELLING
No4 BRICK VENEER DWELLING
SHED
SHED
MASTER BEDROOM
FL 13.700
BED 2
BED 3
BATH
LINEN
VERANDAH
VERANDAH
VERANDAH
VERANDAH
VERANDAH
CARPORT
PORCH
NO.6
RIDLEY AVENUE
PROPOSED FIRST FLOOR SITE PLAN
ROOF PLAN
N
TOWN PLANNING DRAWINGS TO BE READ IN CONJUNCTION WITH
-LANDSCAPE PLAN SPECIES LANDSCAPE ARCHITECTURE DRAWING L1
ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH SITE MATTERS TOWN PLANNERS & SITE ANALYSIS CONSULTANTS REPORT
SITE ANALYSIS
EXISTING DEWLLING AREA 101.40m2
CARPORT AREA 24.60m2
PORCH AREA 10.90m2
PRIAVTE OPEN SPACE 60.00m2
OPEN SPACE 81.60m2
PROPOSED 2 STOREY UNIT GROUND FLOOR AREA 61.60m2
PROPOSED 2 STOREY UNIT FIRST FLOOR AREA 65.30m2
GARAGE AREA 37.00m2
PORCH AREA 2.98m2
PRIVATE OPEN SPACE 53.70m2
TOTAL BUILT UP AREA 237.46m2
SITE AREA 580m2
TOTAL SITE COVERAGE 41%
PERMEABLE SITE COVERAGE 25%
PROPOSED DUAL OCCUPANCY
AT No 6 RIDLEY AVENUE
AVONDALE HEIGHTS
FOR MR ANGELOSKI
ROBERT UGUNOV
BUILDING DESIGN
1410
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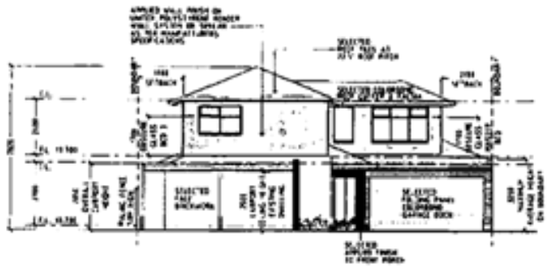

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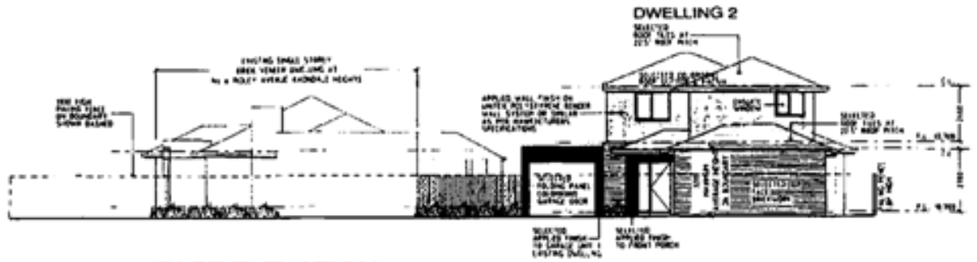
DWELLING 2



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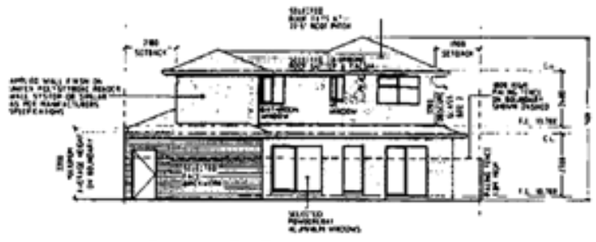
DWELLING 1 & DWELLING 2



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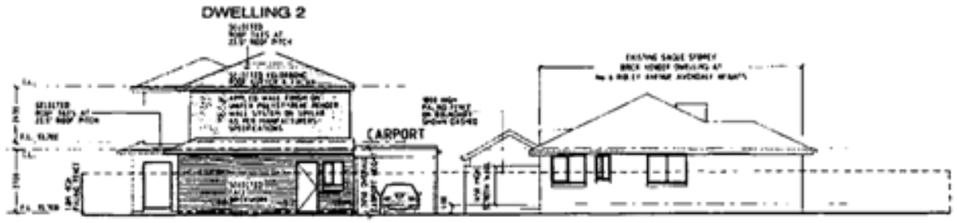
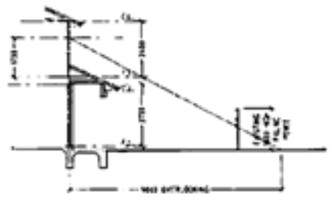


WEST ELEVATION
DWELLING 1 & DWELLING 2

SOUTH ELEVATION
EXISTING DWELLING

NORTH ELEVATION
EXISTING DWELLING

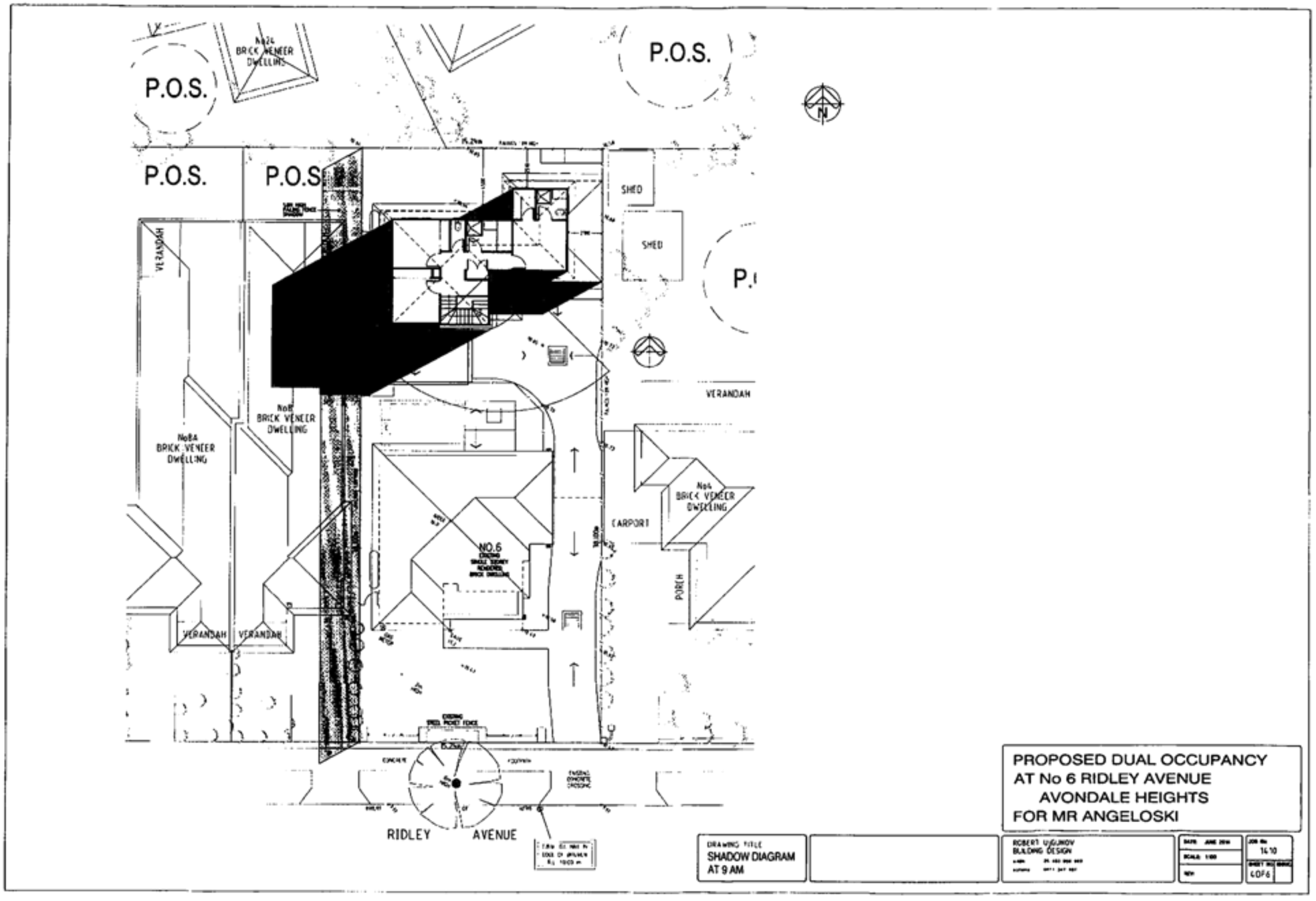


OVERLOOKING DIAGRAM
FOYER

PROPOSED DUAL OCCUPANCY
AT No 6 RIDLEY AVENUE
AVONDALE HEIGHTS
FOR MR ANGELOSKI

ROBERT UGUNOV
BUILDING DESIGN

DATE JUNE 2016
SCALE 1:100
REV. A
JOB No 1410
SHEET No 3OF6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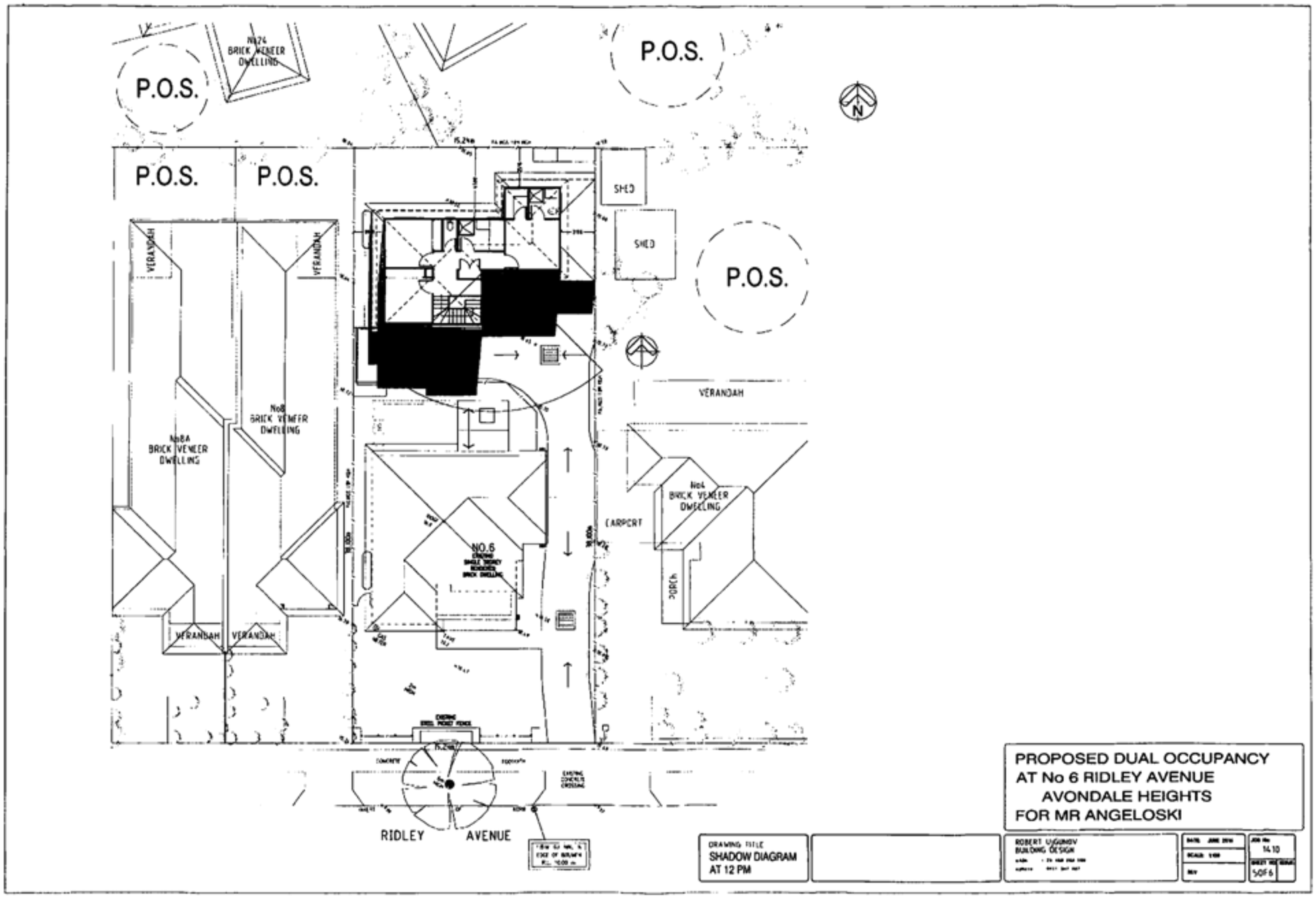
AT No 6 RIDLEY AVENUE
AVONDALE HEIGHTS
FOR MR ANGELOSKI
DRAWING TITLE
SHADOW DIAGRAM
AT 9 AM
ROBERT UGUNOV
BUILDING DESIGN
1410
4 OF 6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BUILDING DESIGN
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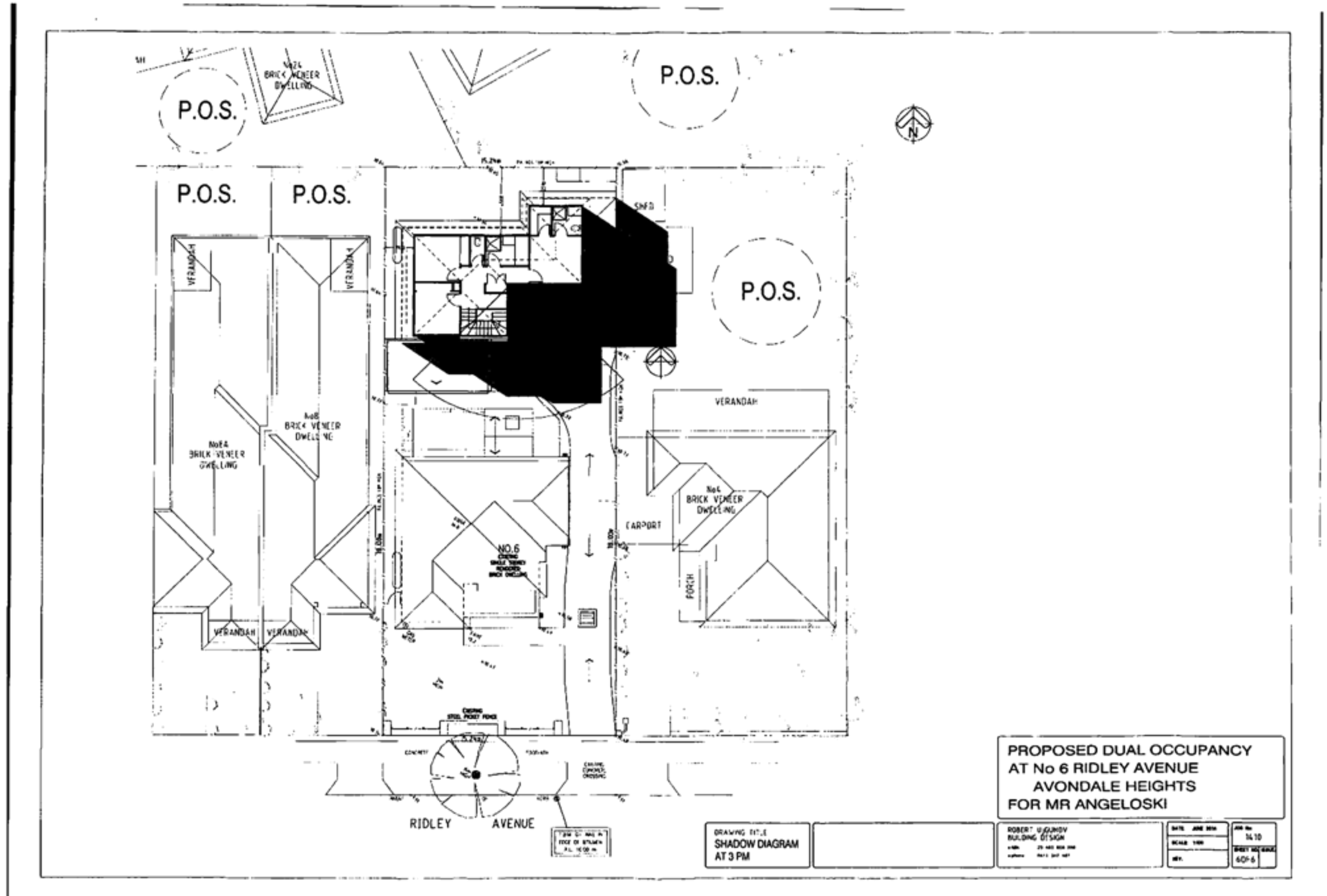
5 OF 6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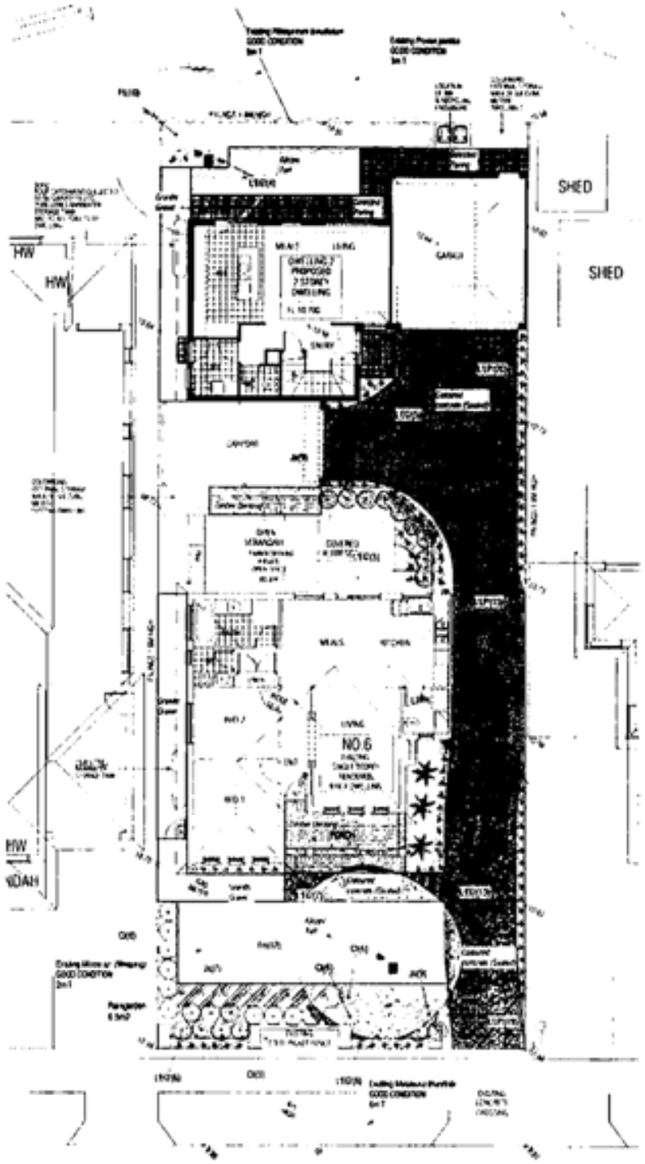
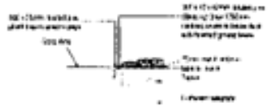
AT 3 PM
ROBERT GUGUNOV
BUILDING DESIGN
14.10
6OF 6



Tree Planting Detail
NTS

Shrub Planting Detail
1:20



Timber Edge Detail
1:20

Illustrative Rainwater Garden Detail
NTS

MAINTENANCE NOTES

DIAL BEFORE YOU DIG

LANDSCAPE KEY

- PROPOSED SHRUB PLANTS
- PROPOSED TUFTING PLANTS
- PROPOSED DECIDUOUS TREES
- TREES TO BE RETAINED
- TREE PROTECTION ZONE
- GRASS AREA WITH TIMBER EDGE
- SELECTED PAVING
- TIMBER DECKING
- RAINGARDEN

PLANTING SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	MATURE SIZE	INSTALLED SIZE	INSTALLED HGT	QTY
TREES						
Ag	Acacia pendula cv. Pewt	Sweet Rubina	8.0m x 7.0m	200 mm	2500mm	2
SHRUBS						
Cl	Choisya ternata	Mexican Orange Blossom	1.0m x 1.0m	150 mm	350mm	23
CMD	Corokia 'Red Devil'	Red Corokia	1.5m x 1.0m	200 mm	400mm	3
Ha	Hymenosporum flavum	Native Frangipani	10.0m x 3.0m	500 mm	750mm	12
Jn	Juniperus sabina	Sabina Juniper	0.4m x 1.0m	300 mm	200mm	25
LTG	Lomandra 'Tanika'	Tanika	0.5m x 0.5m	150 mm	250mm	46
LLP	Lomandra 'Little Pal'	Little Pal	0.5m x 0.5m	150 mm	250mm	54
Pt	Pittosporum tenuifolium 'Green Mistr'	Green Mistress	3.0m x 1.0m (HEDGE)	200 mm	800mm	10

PLANTING NOTES

WARNING NOTES

SPECIES

Proposed Unit Development
6 Ridley Avenue
AVONDALE HEIGHTS

Landscape Plan

L1A

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

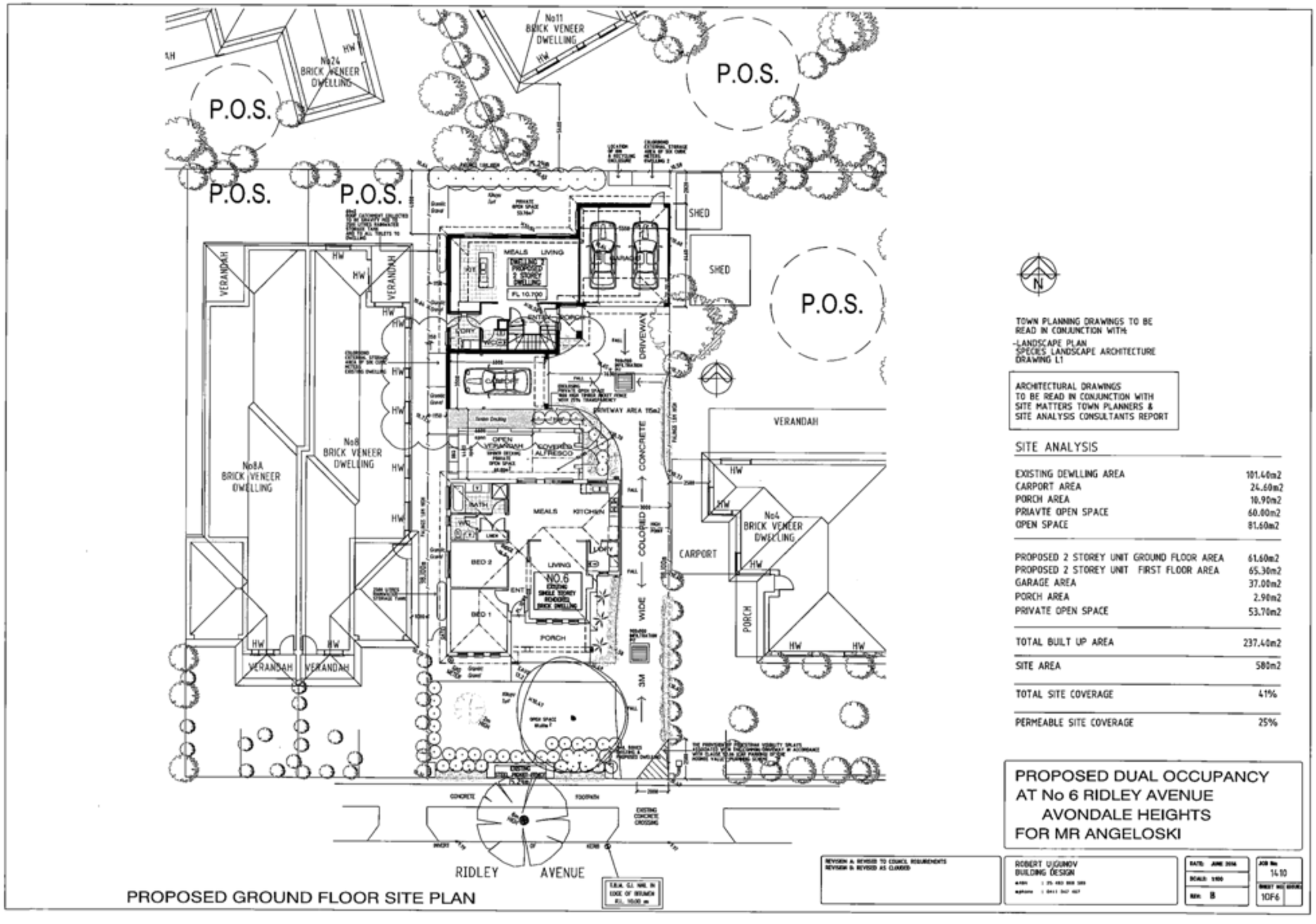
Title and Objective	**Complies with Standard**	**Complies with Objective**
B1 - Neighbourhood Character	✓ subject to condition	✓ subject to condition
B 2 - Residential Policy	✓	✓
B 3 - Dwelling Diversity	N/A	N/A
B 4 - Infrastructure Objectives	✓	✓
B 5- Integration with the Street Objective	✓	✓
B6 - Street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

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

✓- complies
x – non-compliance
N/A- not applicable

List of Objections

3 Ridley Avenue, AVONDALE HEIGHTS VIC 3034
7 Ridley Avenue, AVONDALE HEIGHTS VIC 3034
8 Ridley Avenue, AVONDALE HEIGHTS VIC 3034 (x3)
8a Ridley Avenue, AVONDALE HEIGHTS VIC 3034
11 Ridley Avenue, AVONDALE HEIGHTS VIC 3034 (x4)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BRICK VENEER
DWELLING
No24
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SHED
SHED
MEALS
LIVING
KITCHEN
LAUNDRY
DRIVEWAY
DRIVEWAY AREA 15m2
VERANDAH
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No8
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DWELLING
No8A
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DWELLING
OPEN VERANDAH
COVERED ALTRESCO
BATH
MEALS
KITCHEN
BED 2
LIVING
BED 1
ENT
PORCH
NO.6
EXISTING
SINGLE STOREY
RENDERED
BRICK DWELLING
CONCRETE
COLORED
WIDE
3M
VERANDAH
No4
BRICK VENEER
DWELLING
CARPORT
PORCH
CONCRETE
FOOTPATH
EXISTING
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N
TOWN PLANNING DRAWINGS TO BE
READ IN CONJUNCTION WITH:
-LANDSCAPE PLAN
SPECIES LANDSCAPE ARCHITECTURE
DRAWING L1
ARCHITECTURAL DRAWINGS
TO BE READ IN CONJUNCTION WITH
SITE MATTERS TOWN PLANNERS &
SITE ANALYSIS CONSULTANTS REPORT
SITE ANALYSIS
EXISTING DEWLLING AREA 101.40m2
CARPORT AREA 24.60m2
PORCH AREA 10.90m2
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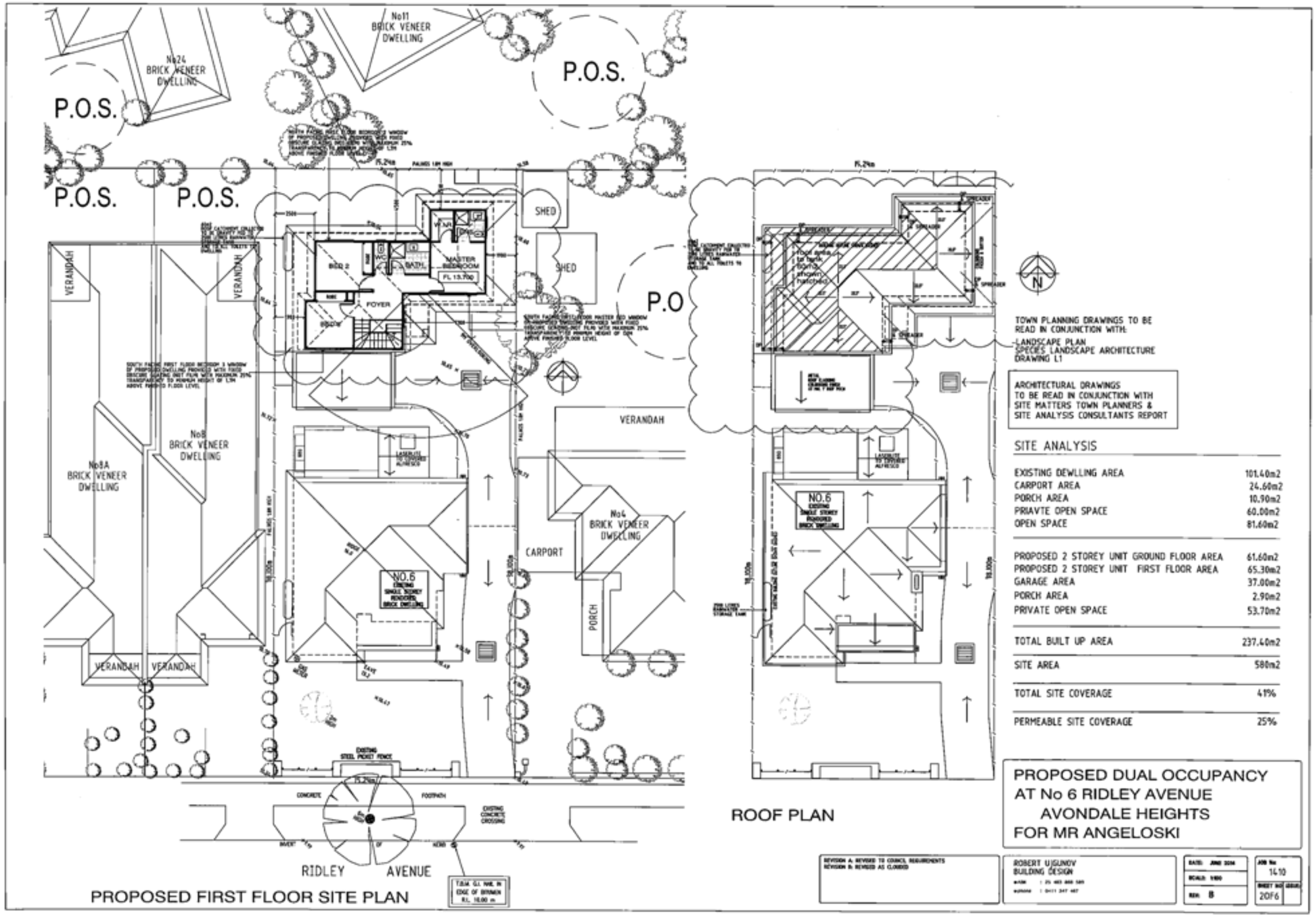
AT No 6 RIDLEY AVENUE
AVONDALE HEIGHTS
FOR MR ANGELOSKI
ROBERT U'GUNOV
BUILDING DESIGN
JOB No 1410
SHEET No 1OF6
PROPOSED GROUND FLOOR SITE PLAN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BATH
MASTER
BEDROOM
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FOYER
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CARPORT
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DWELLING
PORCH
VERANDAH
VERANDAH
EXISTING
STEEL PICKET FENCE
CONCRETE
FOOTPATH
EXISTING
CONCRETE
CROSSING
RIDLEY
AVENUE
PROPOSED FIRST FLOOR SITE PLAN
ROOF PLAN
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TOWN PLANNING DRAWINGS TO BE
READ IN CONJUNCTION WITH:
-LANDSCAPE PLAN
SPECIES LANDSCAPE ARCHITECTURE
DRAWING L1
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FOR MR ANGELOSKI
ROBERT UJGUNOV
BUILDING DESIGN
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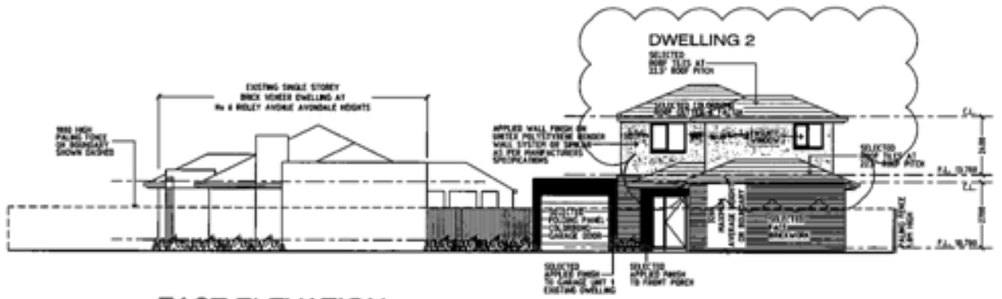
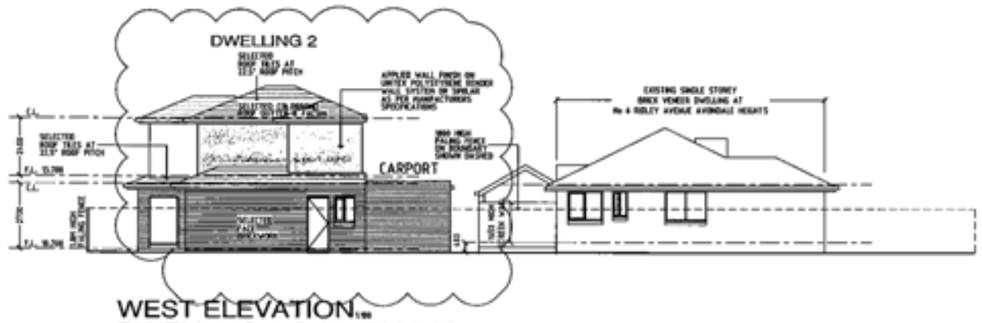
SOUTH ELEVATION 1:50
DWELLING 2



EAST ELEVATION 1:100
DWELLING 1 & DWELLING 2

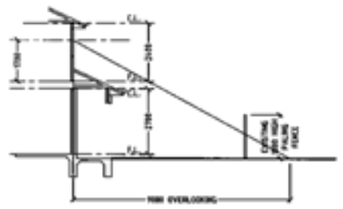
NORTH ELEVATION 1:50
DWELLING 2



WEST ELEVATION 1:100
DWELLING 1 & DWELLING 2

SOUTH ELEVATION 1:100
EXISTING DWELLING

NORTH ELEVATION 1:100
EXISTING DWELLING



OVERLOOKING DIAGRAM 1:100
FOYER

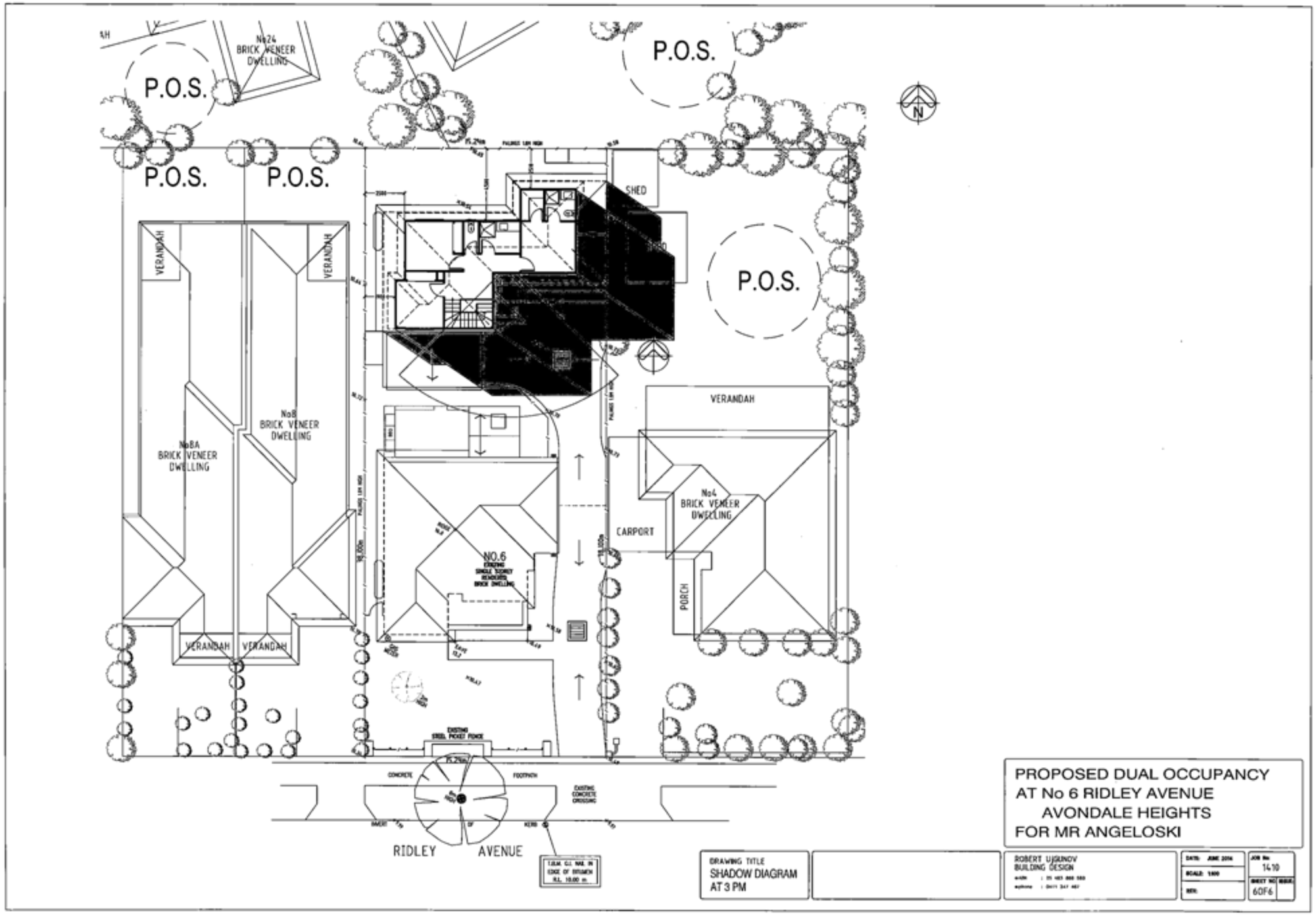
PROPOSED DUAL OCCUPANCY
AT No 6 RIDLEY AVENUE
AVONDALE HEIGHTS
FOR MR ANGELOSKI

REVISION A: REVISED TO COUNCIL REQUIREMENTS
REVISION B: REVISED AS CLOUDED

ROBERT UGUNOV
BUILDING DESIGN

DATE: JUNE 2016
SCALE: 1:100
REV: B

JOB No 1410
SHEET No 3OF6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CARPORT
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PROPOSED DUAL OCCUPANCY
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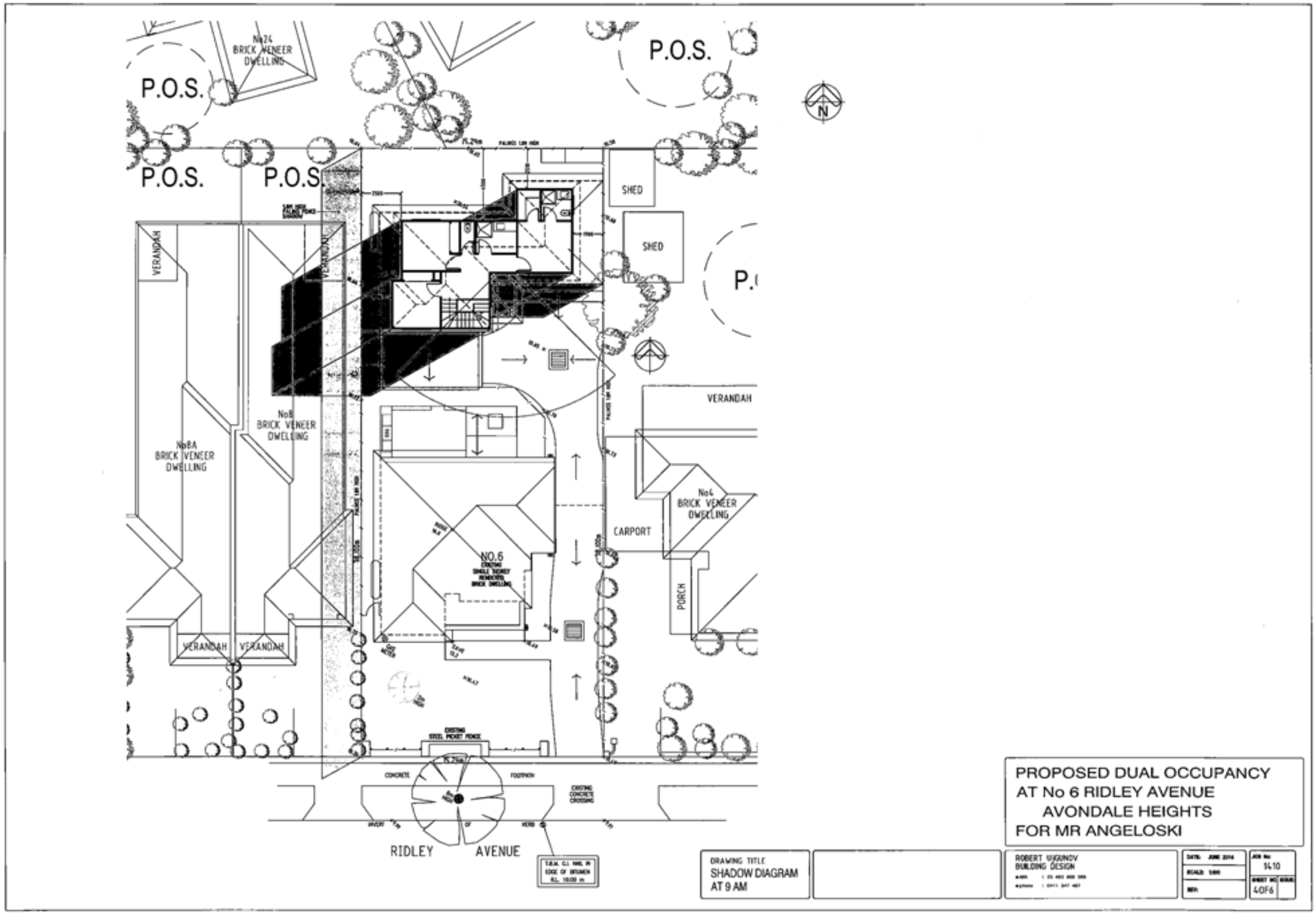
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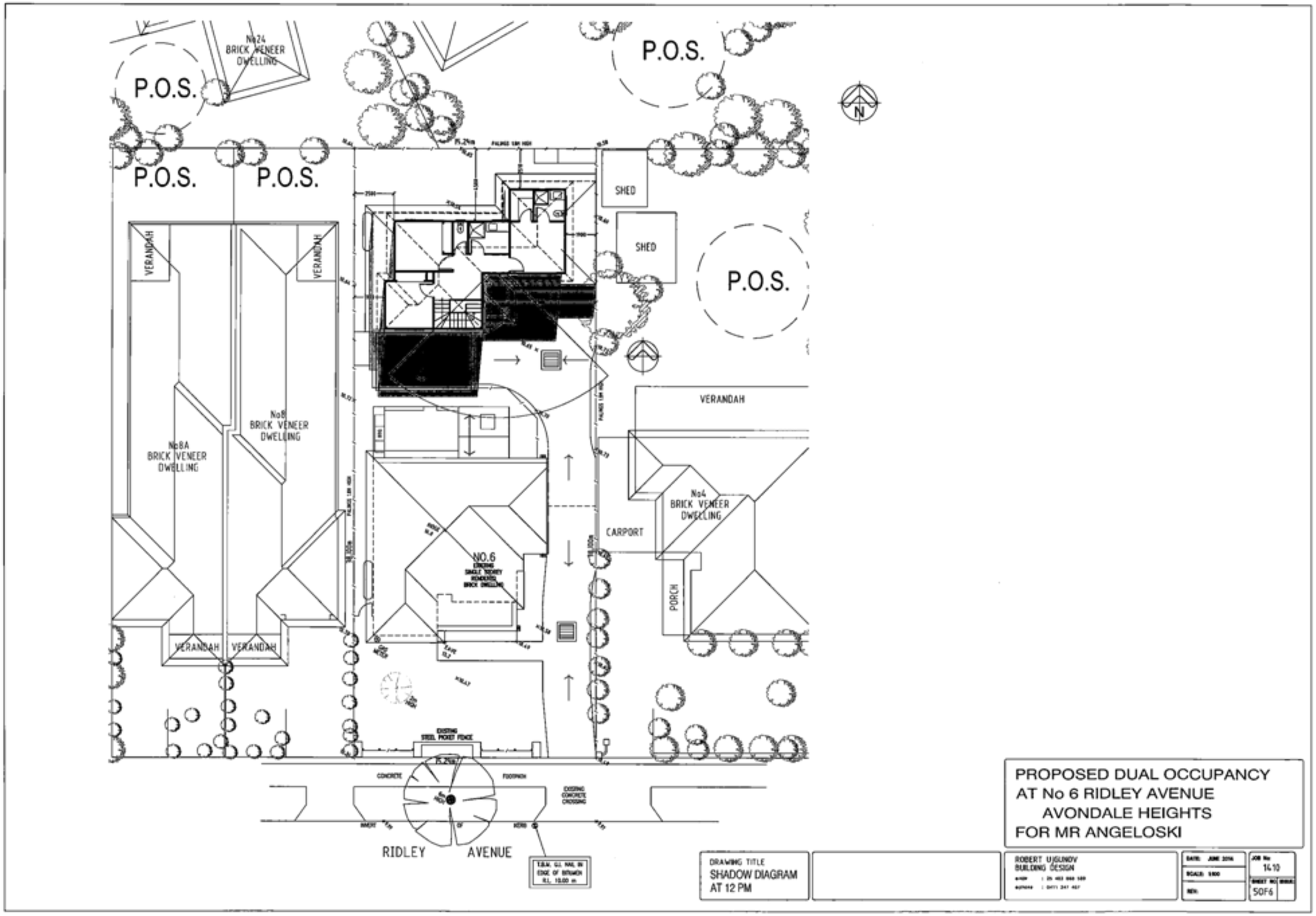
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VERANDAH
No8 BRICK VENEER DWELLING
No8A BRICK VENEER DWELLING
VERANDAH
No4 BRICK VENEER DWELLING
CARPORT
NO.6
PORCH
VERANDAH
VERANDAH
EXISTING STEEL PICKET FENCE
CONCRETE
FOOTPATH
EXISTING CONCRETE CROSSING
RIDLEY AVENUE
T.B.M. G.I. NAIL IN EDGE OF BITUMEN R.L. 10.00 m.
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PROPOSED DUAL OCCUPANCY
AT No 6 RIDLEY AVENUE
AVONDALE HEIGHTS
FOR MR ANGELOSKI
DRAWING TITLE
SHADOW DIAGRAM
AT 12 PM
ROBERT UGLINOV
BUILDING DESIGN
JOB No 14.10
SHEET No 5OF6

9.6 12 Howes Street, Airport West (Lot 2 PS328594N) - Construction of a five storey building with a reduction in car parking requirements, use of the land for dwellings, a waiver of loading bay requirements and a reduction in bicycle spaces

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

Planning File No.	MV/391/2015
Proposal	• Construction of a five storey building comprising 31 dwellings and two shops • Use of the land for dwellings • Reduction in shop and visitor car parking requirements • Waiver of loading bay requirements • Reduction in bicycle spaces
Applicant	Bill Jacobs Pty Ltd
Owner	Gangemi Nominees Pty Ltd
Planning Scheme Controls	• Commercial 1 Zone (C1Z) • Environmental Audit Overlay (EAO)
Planning Permit Requirement	Clause 34.01-4 – Construct a building or construct or carry out works Clause 34.01-2 – Use of the land for dwellings Clause 52.06-3 – Reduction in car parking requirements Clause 52.07 – Waiver of loading bay requirements Clause 52.34-2 – Reduction in bicycle spaces

Car Parking Requirements **(Clause 52.06)**	Required: 45 car spaces Provided: 33 car spaces
Bicycle Requirements	Required: 9 bicycle spaces Provided: 5 bicycle spaces
Restrictive Covenants	None
Easements	Yes, a 3.0 metre wide drainage and sewerage easement
Site Area	1,198 square metres
Number Of Objections	0
Consultation Meeting	Not applicable

Executive Summary

- The application seeks planning approval for the construction of a five storey building comprising 31 dwellings and two shops, use of the land for dwellings, a reduction in car parking requirements, a waiver of loading bay requirements and a reduction in bicycle spaces.
- The site has an area of 1,198 square metres and is located on the eastern side of Howes Street, Airport West. The site comprises an existing double storey rendered building.
- The application was advertised and no objections were received.
- A Consultation Meeting was not held as no objections were received by Council. However, revised floor and elevation plans, dated 2 February 2016 (refer **Appendix B**) showing improved ESD, WSUD and traffic measures were submitted to Council on 3 February 2016 to address some of the concerns raised by internal departments.
- The application was externally referred to City West Water and Melbourne Water, and internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit, Environmental Sustainable Development (ESD) Officer and Urban Designer. Conditional support to the application was provided, with exception to Urban Design referral comments.
- This assessment report finds that the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme, and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.

Figure 1 – Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/391/2015 for the construction of a five storey building with a reduction in car parking requirements, use of the land for dwellings, a waiver of loading bay requirements and a reduction in bicycle spaces at No.12 Howes Street, Airport West (Lot 2 PS328594N), 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) Changes as per Revision 2 plans TP04 to TP15 (inclusive) dated 2 February 2016.

    b) All windows associated with internal pedestrian circulation areas enlarged to maximise access to natural daylight (i.e. floor-to-ceiling height and wall-to-wall width).

    c) Provision of six residential visitor car spaces on site within car spaces No.1 to No.6 (inclusive), with these six resident car spaces relocated and accommodated within the existing car spaces to the south-east of the site through additional and/or modified car stackers.

    d) The vehicle crossover increased to 5.5 metres in width, while maintaining a 5.5 metre distance between the existing crossover for No.16 Howes Street and the proposed crossover for this development.

    e) Details of the front gate and fence clearly shown within the colour/finishes schedule, with the 'Howes Street Elevation' plan to correctly correlate with the 'front gate and fence detail' diagram on plan TP10.

f) Provision of at least $4m^3$ of externally accessible and secure storage space for each dwelling.

g) The internal layout of the communal ground floor storage area redesigned more efficiently to accommodate all residential storage cages.

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, and must be generally in accordance with the approved STORM Rating Report, dated 2 February 2016. The STORM assessment must obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.

4. A minimum 30 days prior to any building or works commencing, all WSUD Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.

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

   a) Hours of construction;

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

   c) Scaffolding and hoarding for the site;

   d) Allocated areas for loading and unloading;

   e) Site evacuation plan and procedure;

   f) Occupational health and safety policy;

   g) Hazard identification and control;

   h) Environmental management and waste minimisation;

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

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

   k) Arrangements for chemical storage;

   l) Noise and vibration control;

   m) Risk assessment;

n) Works timetable; and

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

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

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

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

   a) Inspection frequency;

   b) Cleanout procedures;

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

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

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

7. Before the building approved by this permit is occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

8. 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.

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

10. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent 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. Before the building approved by this permit is occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:

    a) Constructed;

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

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

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

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

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

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

    f) Be maintained and made available for such use; and

    g) Not be used for any other purpose;

    to the satisfaction of the Responsible Authority.

13. Before the 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.

14. Before the development starts, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a traffic consultant with suitable qualifications to the satisfaction of the Responsible Authority and must include:

    a) Details as to how the car stackers are to be regularly maintained and serviced.

    b) Details of time frames and measures to be undertaken, to reinstate the car stackers back to working order, if the car stackers become non-operational.

    c) Details of measures to be undertaken if the car stackers are not

operational, so not to provide any additional on-street parking demand.

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

15. 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.

16. 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.

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 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.

19. 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.

City West Water Conditions

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

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

End City West Water Conditions

Melbourne Water Conditions

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

End Melbourne Water Conditions

23. 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 description of previous land uses and activities on the land;
    - An assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
    - 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
    - Recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under Section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

    If the assessment 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.

    If the assessment 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 EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:

    - A Certificate of Environmental Audit for the land in accordance with Section 53Y of the EP Act (Certificate); or
    - 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.

    If a Statement is issued:

    - 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; and

- 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).

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.

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:

- Provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
- Be executed before the sensitive use for which the land is being developed commences.

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).

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

25. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plan) must not be erected above the roof level of the building.

26. 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.

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

28. The development must be provided with external lighting capable of illuminating access to the car park 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.

29. Any new building must be constructed so as to comply with any noise attenuation measures required by Section 3 of the Australian Standard AS 2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the Standards Australia International Ltd.

30. Noise levels emanating from service equipment on the land must not exceed the permissible noise levels determined in accordance with State Environment

Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 (SEPP N-1).

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

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

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

32. 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.

33. Prior to the commencement of building and works, the Ecologically Sustainable Development Statement prepared by 'Sokolski Consulting Group' Revision 3, dated 2 February 2016 is to be re-submitted to the Responsible Authority for approval. Once approved, the Statement is to be implemented and appropriately managed during construction of the proposed building.

34. 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.

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

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

35. 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.

36. Before the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be in accordance with the City of Moonee Valley's 'Waste Management Plans – Guidelines for

Applicants' and must:

a) Be generally in accordance with the Waste Management Plan prepared by 'Leigh Design Pty Ltd' dated 14 October 2015.

b) Be 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.

37. This permit will expire if:

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

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

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

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

Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land other than those which, under the Moonee Valley Planning Scheme, are exempt from the need for a planning permit.
- No 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.
- According to Council records there is a Council barrel drain and drainage pits located to the front of the property (south-west boundary). The proposed location of the building is located on top of or near these Council assets. It is the

responsibility of the developer to verify the exact location and condition of the Council barrel drain prior to the commencement of any works. Alterations will need to be made if Council's assets are located within/abutting the building plans.

- All works are to be undertaken giving due care to Council's assets and the owner/developer shall be responsible for any damage to the existing drain and if any damage has been done this shall be rectified by the owner/developer at their expense.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- 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 271262.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the eastern side of Howes Street, Airport West. The site is irregular in shape with a frontage to Howes Street of 32 metres and a maximum depth of 44.25 metres resulting in a total area of 1,198m^2.

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

A 3.0 metre wide drainage and sewerage easement exists to the north-west of the site, adjoining the side property boundary.

The site comprises a double storey rendered building with rear car parking area. The existing building has no front setback to Howes Street. Vehicle access is obtained from an existing crossover to the north-west along Howes Street. There is no significant landscaping or vegetation on the subject site. There are no street trees located at the front of the site.

Figure 2 – Subject site (No.12 Howes Street, Airport West)

The surrounding area is comprised of predominantly commercial zoned land used and developed for commercial and light industrial purposes. The subject site is located within the Airport West Activity Centre and is approximately 120 metres from the Westfield Shopping Centre. The No.59 tram route stop is located approximately 200 metres to the east of the site while the No.902 (SmartBus), 477, 478, 479, 482, 490 and 501 bus route stops are all within easy walking distance (150-200 metres) from the subject site. The built form within the vicinity is predominantly single and double storey brick, concrete or rendered commercial buildings.

1.2 Proposal

It is proposed to construct a five storey building comprising 31 dwellings and two shops with a reduction in car parking requirements, a waiver of loading bay requirements and a reduction in bicycle spaces. The proposal, as advertised, can be summarised as follows:

Table 1

Shop area (two tenancies)	216.60 square metres (total)
No. of dwellings	31 (19 x 2 bedrooms and 12 x 1 bedroom)
No. of car spaces	33 (31 resident spaces and 2 shop spaces)
No. of bicycle spaces	5
Max. building height	17.36 metres
Roof terrace	78 square metres

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

It is noted that revised floor and elevation plans, dated 2 February 2016 (refer **Appendix B**) were received by Council on 3 February 2016 to address internal referral comments. The revised plans demonstrate:

- Provision of natural daylight and ventilation to internal circulation areas.
- Increased internal pedestrian corridor widths.
- Revised STORM Rating Report and associated WSUD treatment measures.
- Provision of five additional bicycle spaces on site (10 in total).
- Provision of light coloured paint and access to internal light wells.
- Proposed vehicle crossover set back 5.50 metres from the edge of the existing crossover associated with No.16 Howes Street.
- Proposed vehicle crossover revised to 5.0 metres in width.
- Clarification on the plans that commercial areas will be used as shops.

The revised plans address some of the concerns raised by internal referrals and are to be included as conditions on any permit granted accordingly (refer to **Appendix B –** separately circulated).

2. Background

2.1 Relevant Planning History

No relevant planning history has been identified for the land.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 11	Settlement
Clause 13	Environmental Risks
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 17	Economic Development

Local Planning Policy Framework

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

Zoning

Clause 34.01	Commercial 1 Zone

Overlays

Clause 45.03	Environmental Audit Overlay

Particular and General Provisions

Clause 52.06	Car Parking
Clause 52.07	Loading and Unloading of Vehicles
Clause 52.34	Bicycle Facilities
Clause 52.35	Urban Context Report and Design Response For Residential Development of Five or More Storeys
Clause 65	Decision Guidelines

2.3 Referrals

External

- City West Water (Recommending)

  No objection subject to standard conditions.

  Planner's comments

  A recommended condition relating to the certification of a plan of subdivision will not be included, as the application does not propose any subdivision.

- Melbourne Water (Recommending)

  No objection subject to a standard condition and note.

Internal

- Engineering Services Unit

  No objection subject to standard drainage and engineering conditions.

  No objection to the Waste Management Plan.

- Traffic and Transportation Unit

  No objection subject to six residential visitor car spaces being provided on site and the vehicle crossover being increased to 5.5 metres in width. It is recommended the first six car spaces along the north-western boundary of the development be re-allocated to residential visitor car spaces, with the remaining six car spaces along this boundary converted into double car stackers for residents.

  Planner's comments

  This recommendation can be accommodated through conditions on any permit granted, with some modifications as discussed under Section 3.5 of this report.

- Urban Designer

Does not support the typology as presented. Due to the industrial/commercial nature of the precinct I believe it is imperative for the proposal to provide its own residential amenity on-site rather than solely relying on aspect over neighbouring properties. I have revisited the design analysis I prepared for Shuter Street illustrating a courtyard typology for the site as it has similar site area. Reinstating the verge is also important as the frontage condition changes at this corner.

Planner's comments

These comments have been noted. The applicant has provided revised plans (refer **Appendix B**) which improve internal amenity for residents on site. Subject to changes shown on the revised plans, the development is considered to provide an appropriate level of internal amenity as discussed under Section 3.2 of this report.

- ESD Officer

  No objection to the revised plans (refer **Appendix B**), ESD Statement or STORM Rating Report subject to all windows associated with circulation areas being enlarged to maximise access to natural daylight, along with the inclusion of standard WSUD conditions 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, no objections were received.

3. Discussion

3.1 State Planning Policy Framework (SPPF)

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

With regard to Clause 13.03-1 (Use of Contaminated and Potentially Contaminated Land), the site is subject to an Environmental Audit Overlay (EAO). While the ground floor level is proposed to be occupied by commercial premises and car parking, the floor levels above are to be used for residential purposes which is classified as a 'sensitive use'. Therefore, an Environmental Audit in accordance with Part IXD of the Environment Protection Act 1970 will be required as a condition on any permit granted to ensure the site is suitable for residential purposes.

Clause 15.01-2 of the State Planning Policy Framework (Urban Design Principles) provides the main assessment tool for residential development of

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

Landmarks, Views and Vistas

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

Heritage

The site is not subject to a Heritage Overlay and is not located within close proximity of any heritage buildings.

With regard to Clause 16.01-3, the subject site is considered to be a 'strategic redevelopment site' as it is located within an Activity Centre and is able to provide more than 10 dwellings. The proposal contributes to the objective of Clause 16.01-4 (Housing Diversity) by providing a mix of dwelling sizes in various configurations, which will cater for the increasingly diverse needs of future residents.

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

3.2 Local Planning Policy Framework (LPPF)

The proposal complies with the objectives and strategies of Clause 21.04 (Sustainable Environment) through the use of ecologically sustainable design principles, as highlighted within the revised ESD Statement, dated 2 February 2016. Furthermore, all dwellings will need to meet the average six star energy efficiency rating as required by the National Construction Code (NCC), which is considered suitable. As mentioned earlier, Council's ESD Officer has no objection to the proposed development subject to the inclusion of conditions on any permit granted.

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

The proposal complies with the objectives and strategies of Clause 21.05 (Housing) by increasing housing opportunities to meet growing population needs, providing a diversity of housing choice in an established area with access to public transport options and local/community services. It is noted that the subject site is located within an area of 'high to substantial housing intensification'.

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

The following discussion is provided:

Context and Building Design / Urban Context

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

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

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

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

Car parking for the development is proposed to be contained to the side and rear of the site with a single access point from Howes Street. It is considered that the provision of a single vehicle accessway can be comfortably absorbed along this streetscape, noting that it is also proposed to remove and reinstate the existing crossover. The provision of a suitable vehicle access/security door, fencing and landscaping will help obscure views of the car parking area, allowing the articulated built form to be the main focal point of the proposed development. Therefore, car parking would be adequately concealed from Howes Street, allowing the proposed development to address the streetscape with a more active frontage.

Setbacks and Site Coverage / Building Envelope

The objectives for this design element seek to ensure that the siting of new development responds to the context of the site and does not adversely affect the preferred neighbourhood character, including off-site amenity impacts. The proposed site coverage and setbacks are considered to be acceptable to the commercial zoning of the site and Airport West Activity Centre Structure Plan 2008, as discussed later within Section 3.8 of this report.

Specifically the proposed building is well articulated with a well-defined building top, the upper level setbacks provide for balconies and a zero front setback has been partially provided to the streetscape which complies with the built form guidelines of the Structure Plan. Given prevailing front setbacks within this precinct are varied, with many buildings set back from the street frontage, the proposed development also provides for a staggered front setback response with some landscaping to respect the existing and preferred streetscape character, which is considered suitable. The proposed development provides a strong three storey podium component along Howes Street with the third floor level set back 3.60-6.40 metres from the street, which generally accords with the 4m setback requirement under 'Guidelines for Multistorey Residential Buildings'. It is noted that the fourth floor level is set back a minimum of 11.60 metres from Howes Street, including the roof terrace area, which provides a suitable recessed cap to the proposed development.

It is noted that the Airport West Activity Centre Structure Plan and 'Guidelines for Multistorey Residential Buildings' do not provide for side or rear setback requirements for this particular site, thereby allowing development to be built up to these property boundaries. However, the design response to provide varied side and rear setbacks at the first floor level and above minimises potential visual bulk and amenity impacts while providing suitable access to daylight and ventilation to the proposed dwellings. These varied side and rear setbacks also provide equitable development opportunities, including suitable access to daylight and ventilation, to adjoining properties.

The proposed development has a site coverage that is consistent with the commercial zoning of the site and location within an Activity Centre area. This is also considered acceptable given the extent of properties with a high level of site coverage within the Airport West Activity Centre.

Building Height and Silhouette

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

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

The Airport West Activity Centre Structure Plan 2008 provides guidance on heights for the subject site by encouraging two and three storey forms in the 'mixed use' precinct. One of the key objectives of the Structure Plan is to

facilitate increased building heights which provide opportunities for growth and improvement. As discussed later within Section 3.8 of this report, the Structure Plan is currently undergoing review with a revised Draft Structure Plan and associated Urban Design Guidelines to be prepared and exhibited for public comment. This review would give further guidance on preferred heights for this particular precinct as the current Structure Plan is considered to be quite dated with minimal guidance on preferred built form, heights and setbacks within this precinct. However, it is considered that the proposed development positively responds to the issues and opportunities raised in this Structure Plan review to date. Importantly, higher scale mixed use development is encouraged in the north of the 'Eastern Industrial & Commercial Precinct' (north of Moore Road), to activate the retail precinct and bring a greater diversity of activity to the area. In principle, Council's Urban Designer has no objection to the height and scale of the proposed development.

Therefore, the proposed height and silhouette of the building is considered acceptable to the site and surrounding area, as discussed further within Section 3.8 of this report, and meets the objectives of this design element.

Internal Circulation, Space and Building Adaptability / Circulation and Services

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

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

The development generally provides an adequate and efficiently designed parking layout that will ensure safe vehicle movements. As discussed within Section 2.3 of this report, Council's Traffic and Transportation Unit has no objection to the proposal subject to the provision of six residential visitor car spaces on site and the widening of the vehicle crossover. This is considered acceptable as discussed within Section 2.3 of this report.

In terms of storage space, 30 dwellings have been provided with 4-6m^3 of storage space either at ground floor level or within common circulation areas. This proposed storage arrangement is generally considered adequate to cater for the storage needs of dwellings within a residential building that do not rely on private garden areas for open space, subject to all 31 dwellings being provided with storage. It is also considered that the ground floor communal storage area could be redesigned to provide for a more efficient layout of storage cages, as well as additional storage cages where required. All storage cages are to be at least 4m^3 in area to allow for the adequate provision of storage for dwellings within the proposed development, and these are to be included as conditions on any permit granted (Refer Condition 1 f).

Provision for waste storage is included at ground floor level by way of a common bin storage area for all residents and the occupiers of the shops.

Council's Engineering Services Unit has no objection to the waste management plan as outlined within Section 2.3 of this report. Therefore the waste management plan is to form a condition for endorsement on any permit granted (Refer Condition 36).

On-Site Amenity and Liveability / Building Layout and Design

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

In a general sense, the layout of the revised development (refer **Appendix B**) provides an appropriate level of amenity for future occupants. Residents will be afforded with generous sized open plan living opportunities with good fenestration and access to daylight. It is noted that all habitable rooms (living areas and bedrooms) have direct access to daylight, which is considered to be a good design outcome allowing for a high level of internal amenity for each dwelling. Internal pedestrian corridors are suitably provided with direct natural light and ventilation as per the revised plans. Furthermore, all windows associated with circulation areas are to be enlarged to maximise access to natural daylight and these are to be conditions on any permit granted. While some inboard bedrooms rely on daylight from two internal light wells, these light wells are $9m^2$ in area and considered adequate in size to provide an acceptable level of daylight to these bedrooms given their primary purpose is for sleeping.

As described under Section 2.3, Council's Urban Designer had concern with the typology of the development and suggested a courtyard typology would be more appropriate. While there are positive attributes to a courtyard typology, with a large central open space courtyard area, such a design may not be the most efficient outcome for a modest sized development on a relatively modest site. A courtyard typology is considered to be more applicable to larger sites or higher density developments where large central open space areas can be more readily absorbed without impacting on efficient land use. It is also noted that a 'courtyard typology' could result in the building envelope extending further outwards towards the periphery of the site. This could then impact on the equitable development rights of adjoining properties, which are currently provided with suitable setbacks for future daylight and ventilation opportunities.

The design response to locate the majority of dwelling balconies and living areas to the front (west) and side (north-west) of the site provides good outlook and internal amenity. Importantly, the dwellings with aspect to Howes Street will not be directly built out, given the adjoining road reserve, and the dwellings with aspect to the north-west are also provided with a suitable visual buffer given the adjoining easement. The design response to provide split level dwellings to the south-east is also to ensure these dwellings achieve a suitable aspect given the adjoining double storey boundary wall along this interface. In addition to the design response providing suitable outlook to the dwellings, the development also provides a roof terrace for views, recreational/leisure opportunities and increased internal amenity for residents.

Each dwelling on the revised plans (refer **Appendix B**) is provided with a balcony area ranging from $8m^2$ to $27.5m^2$, which is considered acceptable.

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

The proposed development is to minimise the transmission of noise within the development through the inclusion of suitable conditions, and provision of an acoustic engineering report, on any permit granted (Refer Condition 31).

Off-Site Amenity

There would not be any overlooking potential to existing dwellings from the proposed development as there are no existing habitable room windows or secluded private open space areas within nine metres of the subject site.

As above, there would not be any additional overshadowing to existing dwellings from the proposed development as there are no secluded private open space areas adjoining or within close proximity of the subject site.

The proposed development would minimise the transmission of noise to adjoining properties through the inclusion of suitable conditions on any permit granted.

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

Parking, Traffic and Access

See comments provided by Council's Traffic and Transportation Unit within Section 2.3 of this report in addition to 'Clause 52.06 (Car Parking)' within Section 3.5 of this report.

Landscaping and Fencing / Open Space and Landscape Design

The subject site currently has limited permeability and does not contain any significant landscaping or vegetation. The proposed development has a high level of site coverage, which is considered acceptable to a site within a commercial zone and an Activity Centre area. However, there is provision for some landscaping opportunities at the front of the site addressing Howes Street, which is considered suitable to the streetscape. Planting details of the proposed landscaping are to be submitted to Council, and this is to be a condition on any permit granted.

Environmental Sustainability

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

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

The revised development (refer **Appendix B**) has incorporated many Environmentally Sustainable Design initiatives, including the provision of a 14,000 litre underground rainwater tank for the re-use of stormwater within the development. Furthermore, all habitable living areas and bedrooms would have windows with direct access to daylight. It is noted that access to natural daylight and ventilation has been significantly improved to all internal pedestrian corridors as shown on revised plans (refer **Appendix B**), which would reduce reliance on mechanical ventilation and artificial lighting, thereby improving energy efficiency.

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

Service Infrastructure

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

Clause 21.07 (Activity Centres) is applicable in this instance and builds on the objectives and strategies of the State Planning Policies, in particular Clause 11 (Settlement). The subject site is located within the Airport West Activity Centre as identified in *Plan Melbourne*. The proposed mixed-use development continues to promote commercial and residential growth within this area. The Airport West Activity Centre Structure Plan has been considered in the design and assessment of the proposed development, to which there is a high degree of compliance. While the proposed building height for the subject site exceeds the two and three storey built form encouraged within the 'mixed use precinct', this is considered acceptable as discussed earlier and within Section 3.8 of this report.

With regard to Clause 21.08 (Economic Development), it is considered that the proposed development would contribute to and enhance the Airport West Activity Centre in terms of employment and business. It is noted that the proposed shops are an 'as-of-right' use within the Commercial 1 Zone, as discussed within Section 3.3 of this report. The proposed development is considered acceptable accordingly.

The revised proposal (refer **Appendix B**) complies with Clause 22.03 Stormwater Management (Water Sensitive Urban Design) and meets the required on-site stormwater treatment as demonstrated by achieving at least 100% on the STORM Rating Report. The relevant WSUD notations and conditions will therefore be placed on any permit granted in accordance with this policy.

3.3 Compliance with Clause 34.01 (Commercial 1 Zone)

Pursuant to Clause 34.01-2, a permit is required for the use of the land for dwellings as the amount of the building frontage occupied by the residential foyer exceeds 2 metres. The use of the land for dwellings is considered to accord with the decision guidelines of the zone. The effect of existing commercial uses in the immediate vicinity is not considered to pose an unreasonable adverse impact upon the proposed use. The site is considered capable of being connected to all required services at the relevant time. The effect of the dwellings on the traffic operation in the area is considered to be acceptable, given the provision and design of car parking facilities. The proposal is considered not to have an adverse effect on the flow of traffic or supply of parking within the area, and is in a location which has a high level of connectivity to infrastructure. The proposal will make a positive contribution to the growth and vibrancy of the area as discussed throughout this report.

The proposed development requires a planning permit under Clause 34.01-4 (Buildings and Works). As discussed within Sections 3.2 and 3.8 of this report, the revised proposal (refer **Appendix B**) is considered to be a good design outcome for the site and surrounding area.

3.4 Compliance with Clause 45.03 (Environmental Audit Overlay)

A sensitive (residential) use is proposed on the site, which is subject to an Environmental Audit Overlay (EAO). As discussed within Section 3.1 of this report, an Environmental Audit will be required as a condition on any permit granted in accordance with Part IXD of the Environment Protection Act 1970 to ensure the site is suitable for residential purposes.

3.5 Compliance with Clause 52.06 (Car Parking)

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

Table 2

Unit	Requires	Provides
31 Dwellings (19 x 2 bedrooms and 12 x 1 bedroom)	31	31
Shops (216.6m^2)	8	2
Residential visitors	6	0
Total	45	33

As discussed under Section 2.3 of this report, Council's Traffic and Transportation Unit have no objection to the revised proposal (refer **Appendix B**), subject to the widening of the vehicle crossover (Refer Condition 1 d) and the provision of six residential visitor car spaces on site. However, the provision of car stackers over the existing drainage and sewerage easement is not considered appropriate. Therefore, the relocated resident car spaces should be accommodated within the existing car spaces to the south-east of the site through additional and/or modified car stackers (Refer Condition 1 c).

With regard to the reduction in shop car parking requirements, the subject site is located approximately 200 metres to the west of the No.59 tram route stop while the No.902 (SmartBus), 477, 478, 479, 482, 490 and 501 bus route stops are all within easy walking distance from the subject site. This close proximity to numerous forms of public transport provides feasible alternative modes of transport to and from the subject site. The revised proposal also provides for 10 bicycle spaces on site, which can be utilised by shop employees and customers visiting the site. It is also noted that there is on-street car parking available nearby during typical business hours that can be utilised by both shop employees and customers. Such measures would all help offset the shop car parking spaces not being provided for on-site.

With regard to residential and business traffic generation, the proposed development is expected to generate approximately 18 vehicle trips during the AM and PM peak hours and approximately 163 vehicle trips over an entire day. Traffix Group Pty Ltd consider this level of traffic to be low and not significant in the context of the existing traffic volumes in the nearby area and will not have a detrimental impact on the local road network.

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

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

Clause 52.07 triggers loading and unloading requirements for the shop tenancies within the proposed development. The proposed shop tenancies are relatively small and it is generally accepted that deliveries to shops of this scale are delivered by a van or car. Such vehicles would utilise on-street car parking, or nearby loading zones, for short periods 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 waive loading and unloading requirements for small commercial premises similar to that contained within the proposed development.

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

3.7 Compliance with Clause 52.34 (Bicycle Facilities)

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

Table 3

Unit	Requires	Provides
31 Dwellings	6	5
Residential visitors	3	0
Shop employees	0	0
Shop visitors	0	0
Total	9	5

As demonstrated in the table above, the proposed development does not comply with the requirements of this clause. However, revised plans (refer

Appendix B) provide for 10 bicycle spaces on site and this is to be included as a condition on any permit granted (Refer Condition 1 a).

3.8 Compliance with the Airport West Activity Centre Structure Plan

The subject site is located within the 'mixed use precinct' of the Airport West Activity Centre Structure Plan adopted by Council on 3 June 2008. While the proposed five storey building height exceeds the two and three storey built form encouraged in this precinct, the proposal is considered to be a good design outcome for the site and surrounding area. Importantly, the additional height would not significantly obscure or impact on views along Howes Street, or within the broader precinct, due to having a strong three storey podium/street wall component and recessed upper floor levels. It is noted that there are no particularly sensitive interfaces directly abutting the subject site, given the lack of residential development within this precinct, and therefore the additional height would not result in any significant or detrimental amenity impacts on adjoining properties. Furthermore, the proposed development provides suitable setbacks from side and rear property boundaries to allow for equitable development opportunities, including access to natural daylight and ventilation, on adjoining properties.

With regard to land use initiatives within the Structure Plan, new development in this precinct is required to make efficient use of the land to increase employment yield and resident population. With regard to built form initiatives, the principles of ecologically sustainable development are encouraged along with the establishment of commercial uses with active frontages at street level. In addition to this, residential development should be located above commercial uses to encourage a mix of activity, car parking should be concealed, buildings should be well articulated with well-defined building tops and the use of upper level setbacks should provide for balconies. The proposed development largely complies with these initiatives, while also maximising the use of the site with a zero metre front setback for one of the shops and the provision of minor landscaping along the remaining site frontage. Given the lack of specific setback and built form guidelines within this Structure Plan, the proposed design is considered to adequately respond to the opportunities and constraints associated with this site. Furthermore, the revised plans (refer **Appendix B**) also demonstrate improved regard to the principles of ecologically sustainable development, through increased access to daylight and ventilation, and the provision of suitable water sensitive urban design treatment measures.

While the Airport West Activity Centre Structure Plan is currently undergoing review, with a Draft Structure Plan and associated Urban Design Guidelines yet to be prepared and exhibited for public comment, the proposal is considered to positively respond to the issues and opportunities raised in this review to date. Importantly higher scale mixed use development is encouraged in the north of the 'Eastern Industrial & Commercial Precinct' (north of Moore Road), to activate the retail precinct and bring a greater diversity of activity to the area, to which the proposal suitably complies. In principle, Council's Urban Designer has no objection to the proposed height, scale and density of such a development.

Overall the revised plans demonstrate a high level of compliance with the Airport West Activity Centre Structure Plan, providing a positive design response to the site and surrounding area.

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 and it is determined that the proposal would not have a significant social effect.

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

Appendices

Appendix A: Advertised Plans (separately circulated)
Appendix B: Revised Plans (separately circulated)

9.7 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 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 37 townhouses and an 8 unit apartment complex. The proposal includes the demolition of the existing building onsite and will retain two trees within the frontage setback to Newsom Street.
- 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*.

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 is comprised of a mixture 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 found within the immediate vicinity is eclectic in nature, generally of single and double storeys dwellings, with no strong urban character.

Combined planning permit and amendment process

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 panel 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 what 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 of 37 townhouses and eight (8) apartments. Aside from the two double storey dwellings fronting Hurtle Street, the development is proposed at three storey in scale. 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	• 21 x two bedroom townhouses • 12 x three bedroom townhouses • 4 x four bedroom townhouses • 8 two bedroom apartments Total 45 dwellings
No of car spaces	• 61 residential spaces • 11 visitor spaces Total 72 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 that 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 that 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 that 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 that 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 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 submitted 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 that 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 3 storey scale is appropriate given the rising natural ground level to the west side of Newsom Street.
- The arrangement of inward facing garages of Dwellings 1-7 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 that 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 however should 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 away 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 that 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.

The application of the Overlay will provide clarity on the form and conditions of any future development.

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 and is typically required in a land rezoning such as that proposed.

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 that 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
45 dwellings	61	61
Residential Visitors	9	11
Total	70	72

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 provided in a supplementary plan (Drawing No. G17849-A-01) which satisfies the requirement. A condition will address this aspect.

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 were considered to be 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, it was considered that based on the modified nature of the site, significant fauna species are considered highly unlikely to occur on site.

To supplement the Biodiversity Assessment, an Arboricultural Assessment, prepared by Treelogic, was submitted with the application and identified a total of 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 1-14 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 the will not present as dominant features. The height of the dwellings is considered appropriate within the current context. Topographically, the site is located 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 that the proposed setbacks are acceptable. Areas that abut 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.
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 that reach 2.65 metres at their peak. 1 metre high screens surrounds each terrace. Whilst there may be some internal views it is considered that this is 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 with 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 that these arrangements are acceptable within the context of the broader development which, for the majority, 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. A variation is sought for those dwellings with design constraints preventing the full 6 cubic metres. It is considered that 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

Council has not yet formed an opinion about whether it is likely to grant the permit. It is however a requirement of the Planning and Environment Act 1987 to prepare draft permit conditions with the other requirements of the amendment. Giving a copy of the proposed permit conditions at the same time the notice of amendment and application is given, 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; and
- 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 for 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 - 9 Newsom St
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) Modifications to the kerb outstand adjacent to the proposed access to Newsom Street in accordance with the 'Functional Layout Plan' (Drawing No. G17849-A-01) prepared by Traffix Design, dated 16 March 2016;

   b) The carport associated with Dwelling 37 widened to a minimum 3.5 metres along with any subsequent internal modifications to the dwelling;

   c) The accessway to Dwelling 36 reduced to 3 metres in width along with provision for new landscaping;

   d) 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;

   e) A notation to indicate relevant tree protection measures for those trees to be retained in accordance with Condition 22;

Date issued:	**Date permit comes into operation:** (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	**Signature for the responsible authority:**

f) The balconies associated with Apartments 1-8 to be a minimum 8 square metres;

g) Provision for screening to balconies associated with Apartments 1-8 in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;

h) Any requirements of the amended STORM assessment in accordance with Condition 3;

i) 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.

Date issued:	**Date permit comes into operation:** (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	**Signature for the responsible authority:**

Permit No.: **Page 2 of 9**

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;

Date issued:	**Date permit comes into operation:** (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	**Signature for the responsible authority:**

(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.

Date issued:	**Date permit comes into operation:** (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	**Signature for the responsible authority:**

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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.

Date issued:	**Date permit comes into operation:** (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	**Signature for the responsible authority:**

Permit No.: **Page 6 of 9**

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.

Date issued:	**Date permit comes into operation:** (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	**Signature for the responsible authority:**

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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

Date issued:	**Date permit comes into operation:** (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	**Signature for the responsible authority:**

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

Date issued:	**Date permit comes into operation:** (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	**Signature for the responsible authority:**

Permit No.:

Page 9 of 9

9.8 Alf Pearce Reserve Fenced Dog Park

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

Purpose

To present the community survey results of the fenced dog park trial at Alf Pearce Reserve and determine the next steps.

Executive Summary

- The Domestic Animal Management Plan was endorsed in July 2014, which included the action to 'investigate the possible introduction of a dog only park'.
- Council's Local Laws unit undertook a Dog Only Park Feasibility Study and associated consultation which identified Alf Pearce Reserve, Cliff Whitworth Reserve, Ian J McWilliams Park and Collier Park as potential sites for a fenced dog park.
- A municipal wide survey was conducted to seek feedback on which of the four sites above was the preferred location for a fenced dog park.
- The 2015/16 Capital Works Program Budget has an allocation of $100,000 for a fenced dog park at Collier Park. Through community consultation, Alf Pearce Reserve was identified as the preferred location. As such the budget allocated for the fenced dog park was used on this site.
- Residents within a 500m radius of Alf Pearce Reserve were consulted on the proposed fenced dog park from 11 August to 4 September 2015, with the dog park trial being supported by the majority of the community.
- The dog park trial commenced in December 2015 and consultation on the trial was undertaken from the 22 April to 13 May 2016. The location of the trial is provided in **Appendix A**.
- The result of the consultation showed support for a permanent fenced dog park within Alf Pearce Reserve.

Recommendation

That Council:

1. Note the Community survey results.
2. Approve a permanent fenced dog park in Alf Pearce Reserve.
3. Retain existing temporary fencing whilst community consultation on the permanent fenced dog park design is undertaken.
4. Receive a further report on the design including size and location of the fenced dog park at Alf Pearce Reserve. The design is to consider the outcomes of the survey and feedback received and ensure the size and location of the fenced area will meet the functions of a dog park and ensure Alf Pearce Reserve remains an open space asset for the whole community to enjoy.

Background

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

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

Discussion

Fenced dog areas are becoming more sought after within the community. Often these are contested spaces, given that they are a designated area within public open space assigned for one particular use. Hence thorough community consultation is required to ensure the best possible outcome.

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

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

In accordance with Victorian legislation, the Domestic Animals Act, Council requires all dogs to be under effective control by their owners in all public spaces. Any dogs in off-leash areas, including fenced off-leash parks, need to be trained to respond to their owner when called.

Consultation

Consultation for the six month trial was undertaken to determine community's position on the success of the trial and whether the fenced dog park should be made permanent. Feedback was gathered using four methods to gather information, which are detailed below:

Method One: Household Survey

Paper surveys were sent in the mail to 702 residents in a radius of 500m of the site. This included a unique survey link to gain access to an online survey. Consultation period for the survey was from 22 April to 13 May 2016.

Results: 233 surveys were submitted, resulting in a 33% response rate, in which the following was found:

- 23% Strongly oppose
- 6% Oppose
- 12% Neither oppose or support
- 18% Support
- 43% Strongly support

Method Two: Intercept Survey

Face to face surveys with park users were undertaken from 22 April to 13 May 2016, with a total of 99.5 hours:

- 8 week days (7.30am-6pm)
- 2 Saturdays (10am-5pm)
- 2 Sundays (11am-4pm)

This was designed to capture park users, including those people outside of the 500m radius and external to the local area. This provides a more holistic picture of views and gives non-local park users a chance to have their say. These people will also have a better idea of park conditions as they are actually there.

Results: 191 park users were surveyed in which the following was found:

- 4% Strongly oppose
- 3% Oppose
- 4% Neither oppose or support
- 9% Support
- 80% Strongly support

Method Three: Public Survey

Designed to capture people who want to have a say who don't get interviewed in the park and don't live within 500m radius of the park.

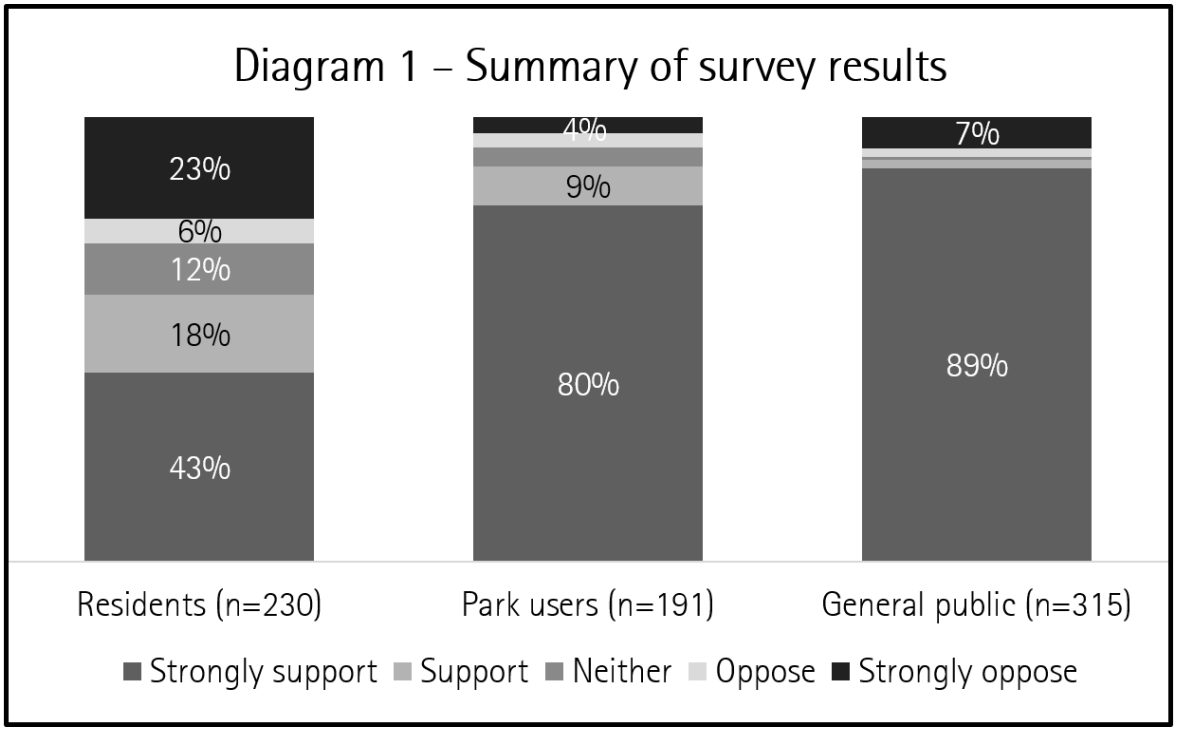
The online survey link from mvcc.vic.gov.au/dogpark was made available between 22 April and 13 May 2016.

This data was gathered separately as it runs the risk of those with a strong view distributing it to others to influence the findings. This survey allowed everyone an opportunity to have a say, with the understanding that the findings may not be a representative sample. Data cleaning occurred to identify those who have submitted multiple responses from the same person through identifying multiple IP addresses and free text comment duplication searches.

Results: 315 people participated in the public survey which found:

- 7% Strongly oppose
- 2% Oppose
- 1% Neither
- 2% Support
- 89% Strongly support

The results detailed above have been summarised below.



Method Four: Email to dogpark@mvcc.vic.gov.au

Through signage, local media and the Council website, the public were invited to provide comments during the six month trial.

There were 61 emails sent during this time, with the following results:

- 8 Did not support

- 18 Did not support or oppose
- 35 Support

The results of the emails included items to be considered should the park become permanent, which will be analysed as part of the permanent design of the dog park.

Furthermore questions within the survey will assist in developing a design that best meets the needs of park users and residents.

Petitions supporting the dog park were also received with 564 signatories in total.
The outcomes of the consultation clearly shows a strong support for the fenced dog park.

The final design will consider the outcomes of the survey and feedback received. Furthermore specialist advice will be sought to ensure the final size and location of the fenced area will meet the functions of a dog park and ensure Alf Pearce Reserve remains an open space asset for the whole community to enjoy.

Implications

1. Legislative

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

2. Council Plan / Policy

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

- Ensure all council services cater for the diverse communities within the city in accordance with Council Plan 2013-2017 Theme 1: Vibrant and diverse - Opportunities for all.

3. Financial

Consultation, design and installation of a permanent fenced dog park will be undertaken utilising funds allocated within the draft 2016/17 Capital Works Budget.

4. Environmental

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

Conclusion

The Domestic Animal Management Plan was endorsed in July 2014 which included the action to 'investigate the possible introduction of a dog only park'. Council's Local Laws unit undertook a Dog Only Park Feasibility Study and consultation which highlighted Alf Pearce Reserve as the preferred location for a fenced dog park.

Consultation was undertaken with local residents to determine support for a six month trial. The trial results showed support for a permanent fenced dog park.

As part of ongoing community involvement, a design for the permanent dog park will be consulted with the community.

Appendices

Appendix A: Alf Pearce Reserve, Strathmore - May 2016

ALF PEARCE RESERVE, STRATHMORE
May 2016

9.9 Grade Separation Principles for Essendon Junction

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

Purpose

To present draft principles relating to the grade separation of the Craigieburn railway line and Buckley Street intersection in the Essendon Junction Activity Centre for Council consideration and endorsement.

Executive Summary

- Buckley Street level crossing site has been identified as being one of the first fifty level crossings to be removed as part of the State Government's level crossing removal program. The site is not within the first 20 projects announced to be delivered by the Level Crossing Removal Authority (LXRA).
- Moonee Valley City Council has previously identified issues and opportunities associated with the need for a grade separation between road and rail at Essendon Junction, with both the former State Government and current government, and relevant agencies including VicTrack and VicRoads.
- Engagement to date has included meetings and correspondence with State Government representatives and Local Members of Parliament. Council has also recently adopted the Essendon Junction Structure Plan in November 2015. A complimentary Planning Scheme Amendment (C159) is currently being progressed by Council to implement the objectives of the structure plan.
- There are a range of options being considered by the State Government to address the Buckley Street rail and road crossing. Each has a different outcome and implications, and each has different is cost to deliver.
- Whilst level crossing removals are primarily undertaken to address issues of safety and congestion, such major redevelopments can have negative impacts, or present significant opportunity for urban regeneration with the potential for far reaching benefits and costs for the local community. It is considered important that a decision on any grade separation is not made on a sole criteria i.e. based primarily on cost.
- It is therefore imperative for Council to advocate on behalf of the community for the best possible outcomes at Essendon in advance of any final decision being decided upon by the LXRA.
- To support Council's position throughout the planning and delivery of the available options, Principles for Grade Separation in Essendon have been prepared (refer **Appendix A**).

Recommendation

That Council:

1. Adopt the Grade Separation Principles for Essendon Junction.
2. Provide the Level Crossing Removal Authority with a copy of Council's Grade Separation Principles for Essendon Junction to inform any future decision making.
3. Establish an advocacy plan specifically aimed at engaging with VicRoads and PTV.
4. Engage with Local Members of Parliament in relation to the Grade Separation Principles.

Background

Council's research to date and understanding of the local community indicates that Essendon Junction is likely to be highly sensitive to change, particularly in relation to traffic and pedestrian movements,

After consideration and analysis of the issues in relation to grade separation at Essendon, Council's preference is for rail below Buckley Street and Mt Alexander Road. Council has previously written to the LXRA advising of this.

Discussion

The State Government has committed to removing 50 level crossings in Melbourne by 2022. The implementation of this plan is being overseen by the Level Crossing Removal Authority (LXRA).

On 5 May 2015, the Victorian Government allocated $2.4 billion in its 2015-16 budget to remove at least 20 level crossings across Melbourne by 2018. Since this time, 23 grade separations have been formally announced and committed to. At this stage none are within the City of Moonee Valley. It has been foreshadowed that a further 27 grade separations will be completed in the government's second term. This second tranche would include the Essendon Junction site.

The LXRA has advised the community on the status of level Crossing removal projects. These are:

a) Removed = 1 (the completed project is at Burke Road, Glen Iris)
b) Projects in construction = 9
c) Projects in tender = 9
d) Projects in planning, consultation and detailed planning underway = 15
e) Early planning and engineering assessments underway = 16

Buckley Street, Essendon is included in (e). The primary objectives of the level crossing removal program according to the LXRA are:

- Deliver safety improvements for drivers and pedestrians;
- Improve travel around Melbourne for train users, pedestrians, cyclists, drivers;
- get people home safer and faster;

- make our roads more reliable, enabling people to better predict their travel times;
- stimulate economic growth by creating thousands of jobs during construction;
- revitalise local communities, with many areas benefiting from station rebuilds; and
- enable more trains to run more often and on time.

Council understands that detailed investigations are also being undertaken at Buckley Street such as soil testing, geotechnical studies, heritage studies and the like. These investigations are being used to identify feasible options and to detail the costs for consideration by the State Government. The LXRA will provide details and identify preferred options in a Project Proposal Report to the State Government later in 2016.

The basis for the prioritisation of the level crossing removals and detailed funding for each of the 50 sites has not been made public at the time of writing this report.

Given their nature and scale, changes to level crossings and how they are designed and implemented may improve or detrimentally affect the amenity of the local community. According to advice provided by the LXRA, a range of level crossing removal scenarios at Buckley Street are possible. These are:

- Rail at ground level, road above.
- Rail at ground level, road below.
- Road at ground level, rail above.
- Road at ground level, rail below Buckley Street only.
- Road at ground level, rail below Buckley Street and Mt Alexander Road.

It is Council's view that options should be driven by a range of considerations, including technical issues, costs, community impact and potential for value capture. The design should respond to site specific constraints such as ground conditions, cultural heritage values, environmental impacts and the like. Each option will result in changes to the urban fabric of the local area, of which some could be substantial.

To ensure benefits of grade separations are realised and local opportunities for urban revitalisation are well considered, Council will advocate for best practice community and stakeholder engagement, as well as the incorporation of good planning and design principles throughout the process.

In line with *Plan Melbourne* directives, Council strongly supports a holistic approach to the planning, design and delivery of the level crossing removals. This approach includes:

- A network approach to planning to ensure that all modes of transport are factored into the planning process to enhance connectivity to the broader transport network.
- The development of a Structure Plan for Essendon Junction led by Council to ensure the integration of land use and transport outcomes, as well as enhancing pedestrian and vehicle permeability, particularly through creation and

enhancement of pedestrian and cycling paths (currently these structure plans are unfunded).

- Incorporation of good design principles, such as use of high quality materials and consideration of sustainability and universal design principles.
- Incorporation of community and stakeholder engagement throughout the process to allow collective input and delivery of innovative and relevant solutions.

To ensure each of the level crossing removal outcome is well integrated into the local area and that the community's amenity is protected, Council advocates that clear principles are applied during the planning, design, consultation and implementation of each project.

Design Principles are included in **Appendix A**. The development of these Principles have been informed by work previously undertaken and community engagement on the development of Essendon Junction Structure Plan. Based on work undertaken and community input to date it is clear that the application of the design principles would see the preferred option for grade separation at Essendon being rail below Buckley Street and Mt Alexander Road.

Development of strong relationships and ongoing advocacy with the LXRA will be needed throughout the process to ensure these outcomes are realised.

Consultation

The development of these Principles have been informed by work previously undertaken and the extensive community engagement on the development of Essendon Junction Structure Plan. Following Council's endorsement of the Principles, the LXRA, Minister's Office and Local MPs would be formally advised of Council's position.

Implications

1. Legislative

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

2. Council Plan / Policy

The proposed Design Principles primarily relate to Strategic Objectives from Theme 3: Sustainable Living of the Council Plan 2013-2017, specifically:

- Strategic Objective 1 – Ensure there is clear direction for growth and proactive management of development in the City.
- Strategic Objective 2 – Facilitate the provision of a broad range of safe, accessible and sustainable transport modes across the municipality.

Council has assessed the proposal against relevant Council policy documents and strategies including:

- Essendon Junction Structure Plan, 2015
- Integrated Transport Plan, 2008.

- Walking and Cycling Strategy, 2012.
- State and Local Planning Policy Framework, Moonee Valley Planning Scheme.

3. Financial

The proposed grade separation solution for Essendon will have financial implications for Council, the extent of which will become known as more details are released by the LXRA.

4. Environmental

Environmental impacts as a result of the proposal are considered in the assessment of the proposal.

Conclusion

It is recommended that Council Adopt the Grade Separation Principles for Essendon Junction.

Appendices

Appendix A: Grade Separation Principles for Essendon Junction

Grade Separation

Principles for Essendon Junction

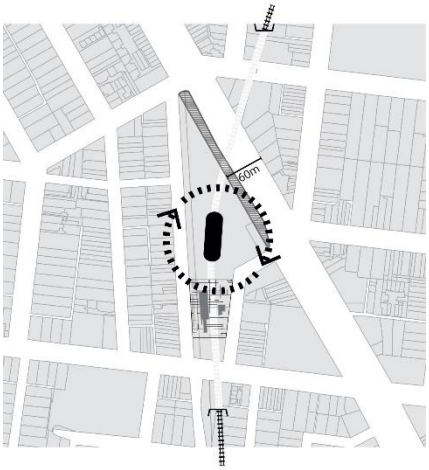
Essendon Junction Grade Separation MVCC Design Principles

The following design principles have been developed to guide the development of the Essendon Grade separation.

These principles will ensure a consistent message from Council officers in terms of expectations of the project and provide certainty to the community and the VicRoads project delivery team when identifying appropriate outcomes.

Promote Essendon Junction as a precinct model of Transit Orientated Development through the provision of a mixed-use commercial and residential area designed to maximise access to public transport.

- Ensure the design of new infrastructure, buildings and the public realm are of a high quality, attractive and well presented, consistent with Essendon Junction's role as an urban renewal area.
- Public spaces surrounding the new station supports a range of commercial residential and community activity.
- Ensure the design of buildings and the public realm contribute to the character of Essendon Junction.
- Encourage protection of place by preserving cultural heritage buildings, including Essendon Station, and streetscapes as identified within Councils Heritage Study.



Increase public access to the area by developing a new train station

- Submerge the rail easement under Buckley Street as the preferred solution to improve movement for pedestrians and simplify movement along Buckley Street.
- Provide public space surrounding the old station buildings that unifies the two sides of the Activity Centre.
- Reinstate the 60 metre Mount Alexander Road reserve to create a continuous boulevard setting north of the Junction.
- Ensure routes to the new station are activated at street level and surveyed from levels above.
- Ensure the design of public open space is vibrant, clean, green and attractive to ensure people feel safe in and around public transport interchange.

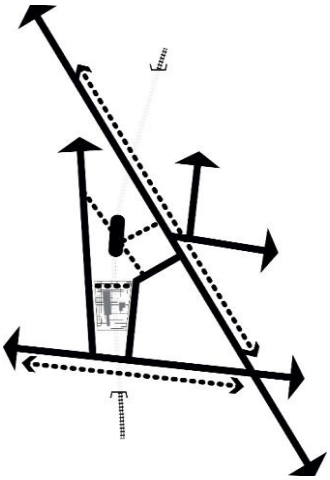
Encourage urban efficiency in the design and construction of infrastructure and buildings and through facilitating a critical mass of population and employment.

- Incorporate cut and cover decking within the VicTrack site to encourage built form that unifies the two sides of the Activity Centre.
- Allow for the development of airspace above the train easement for additional development sites fronting Buckley Street.
- To provide appropriate urban densities to ensure activation of the public realm and a thriving retail environment.

Create a safe integrated transport hub

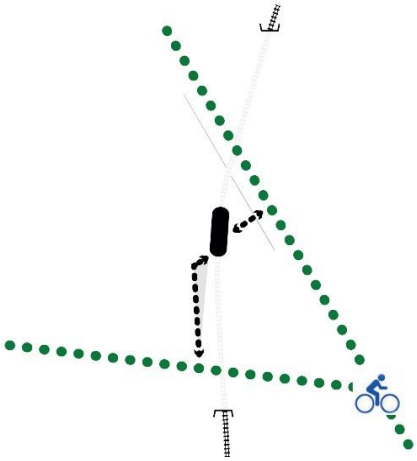
- Integrate tram and bus access with the station to create a safe intermodal transport hub
- Locate a tram super stop on Mount Alexander Road north of the intersection junction.
- Reconfigure/modify the current road design of the Mount Alexander Road/Russell Street/Fletcher Street/Napier Street and Mount Alexander Road/Shamrock Street/Grice Crescent intersections to provide safe movement of all modes of transport and improve motorist safety.
- Exploit opportunities to accommodate buses within an integrated street and public realm network rather than as a stand-alone bus interchange.
- Create clear and direct pedestrian and cyclist movement between transport modes.

- Provide kiss and ride and taxi drop off.
- Provide bicycle parking, storage and end-of-trip facilities.
- Ensure that design outcomes provide for equal access and opportunity for people with a disability.
- Ensure that all relevant aspects of the *Disability Discrimination Act (DDA)* and relevant Disability Standards and guidelines are applied when considering options.



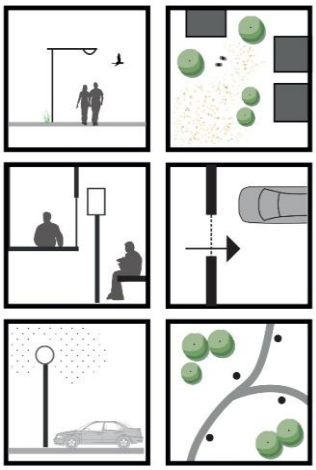
Enhance and expand pedestrian linkages to the station and across the corridor

- Ensure that the new station entry and associated forecourt are proximate to the Junction.
- Ensure that the existing pedestrian linkages along Buckley Street across the rail corridor are legible and direct.
- Ensure that pedestrian linkages to the station and across the rail corridor are located and designed as part of an integrated public realm network.
- Ensure that pedestrian connections from the station to Russell Street bus interchange and through the intersection junction of Mount Alexander Road/ Russell Street/Fletcher Street/Napier Street are direct, safe and legible.



Integrate local and regional cycle connections

- Ensure that cycle connections from the station link with existing and proposed networks in line with Council's cycling strategy.
- Ensure that local cycle connections into Essendon Junction are facilitated, including an on-road route along Buckley Street and along the Craigieburn Rail Corridor.

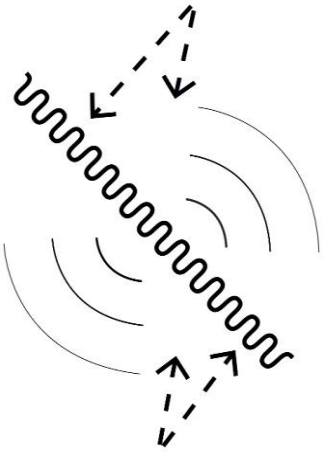


Prioritise safety as a design consideration

- Ensure that the station, interchange and public realm linkages are supported by a range of activities for day and night time use.
- Ensure that safety is not reliant on the delivery of future development at a later date.
- Ensure the public realm is design to optimise natural surveillance and supported by quality lighting.
- In the design of the grade separation prioritise clear, safe and direct pedestrian and cyclist movement between transport modes; across the rail corridor; across the Buckley Street and Mount Alexander Road intersection; through surrounding car parks and the intersections of Mount Alexander Road/Russell Street/Fletcher Street/Napier Street and Mount Alexander Road/Shamrock Street/Grice Crescent.

Optimise and future proof development potential

- Ensure that development maximises community benefit.
- Ensure delivery of ground floor retail development fronting Russell Street and spanning the rail corridor.
- Develop a street block pattern that supports the efficient development of the resultant land parcels.
- Ensure pedestrian and vehicle flows are designed to support active ground floor uses.
- Investigate land assembly opportunities to catalyse investment in and regeneration of the precinct
- Ensure car parks are designed to better facilitate their future redevelopment.
- Future proof the ultimate development scenario.

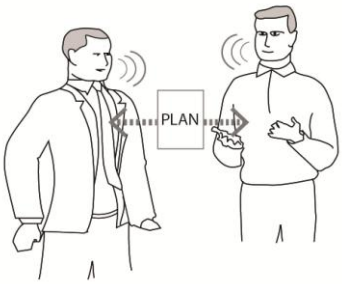


Minimise physical, visual and acoustic amenity impacts

- Ensure that new infrastructure minimises the barrier effect of the rail corridor on east-west movement and does not create a barrier that physically divides the community.
- Ensure that new infrastructure minimises the visual impact of the rail corridor on its surroundings.
- Ensure that new infrastructure minimises and does not exacerbate the acoustic impacts of rail on the existing and future surrounding communities.
- Minimise the encroachment of new infrastructure onto private property.
- Maintain vehicle and pedestrian access to abutting properties
- Negotiate closely with affected property owners and tenants to address their concerns and advocate for adequate compensation for property encroachment or loss of amenity.
- Improve vehicle, pedestrian and cyclist access to surrounding local road network and reduce traffic congestion and pedestrian wait times in the area.
- Provide an efficient road network that improves traffic flow along Buckley Street and Mount Alexander Road and ensure there are no adverse impacts on the surrounding local road network.

Recognise the importance and value of established and emerging planning policies

- The spatial planning of Metropolitan Melbourne is based on sound evidence based policy. All decisions must provide detailed consideration of how the options are compatible with adopted policies.
- Recognise the role and importance of the *Council Essendon Junction Structure Plan 2015.*



Engage with the community as part of the decision making process

- Communicate clearly with potentially affected community members and stakeholders.
- Consult with surrounding residents and the Essendon community as part of the design development process.

9.10 2016/17 Review of the 2013-17 Council Plan

File No: FOL/16/130
Author: Coordinator Corporate Planning
Directorate: Planning & Development
Ward: Municipal

Purpose

The purpose of this report is to update Council on the third year review of the Council Plan 2013-17 ('Council Plan').

Executive Summary

- The Council Plan is in the third year of implementation towards achieving the five themes for the four-year period.
- The *Local Government Act 1989* requires Council to consider whether any adjustments to the Council Plan are required in respect of the remaining period of the Council Plan at least once in each financial year.
- The proposed adjustment to the Council Plan is made via a revision of the four-year Strategic Resource Plan.

Recommendation

That Council endorse the proposed update to the Council Plan 2013-17, consisting of a revised Strategic Resource Plan in line with Council's Annual Budget 2016/17.

Background

The Council Plan 2013-17 (refer **Appendix A** – separately circulated) 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 Council Plan must include the following in accordance with section 125 of the *Local Government Act 1989:*

- Strategic objectives of the Council.
- Strategies for achieving the objectives for at least the next four years.
- Strategic indicators for monitoring the achievement of the objectives.
- A Strategic Resource Plan of the resources required to achieve the strategic objectives.

It is a legislative requirement to update the Strategic Resource Plan annually, in accordance with section 126 of the *Local Government Act 1989.*

Discussion

Council has undertaken the third annual review of the Council Plan to consider if any adjustments are required in accordance with Section 125(7) of the *Local Government Act 1989.*

The annual review identified an update of the Strategic Resource Plan 2016/17 – 2019/20 in line with Council's 2016/17 Annual Budget. Council proposes to update the rolling Strategic Resource Plan within the Council Plan as required in accordance with section 126(3)(b) of the *Local Government Act 1989*. A central part of developing the Council Plan is accounting for the financial environment in which Council will work. The Strategic Resource Plan sets a financial framework which shapes each annual budget.

Council is not proposing to make any adjustments to themes, strategic objectives, strategic indicators or strategies of the Council Plan.

Consultation

The strategic objectives, strategies and indicators remain unchanged other than an update to the Strategic Resource Plan and therefore does not require Council to advertise for public submissions under the *Local Government Act 1989*.

The Proposed Annual Budget 2016/17, inclusive of the Strategic Resource Plan, was made available for inspection on Council's website, at the Flemington Community Centre and Council's libraries during the public consultation period between 23 March and 29 April 2016.

Implications

1. Legislative

The *Local Government Act 1989* requires Council to consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan, at least once in each financial year.

2. Council Plan / Policy

Council sets out its strategic direction and priorities through the Council Plan 2013-17 and the Budget with all services and capital works aligned to the Themes of the Plan.

3. Financial

There are no budgetary or funding considerations as a result of this report.

4. Environmental

There are no environmental impacts as a result of this report.

Conclusion

Council reviews its Council Plan on an annual basis in accordance with the *Local Government Act 1989* to ensure that the Council Plan is current and relevant for each year. This year's review comprises the addition of an updated Strategic Resource Plan, to meet the requirements of the *Local Government Act 1989*.

Appendices

Appendix A: 2013-17 Council Plan including Strategic Resource Plan (separately circulated)

9.11 Budget 2016/17

File No: FOL/16/130
Author: Acting Manager Finance
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

To present to Council the Annual Budget 2016/17 (the Budget) for adoption, including the 2016/17 Rating Strategy, Strategic Resource Plan 2017-20, and to declare the Rates, Levies and Annual Service Charges for the 2016/17 financial year.

Executive Summary

- In accordance with Sections 127 and 130 of the Local Government Act 1989 and Regulation 8 of the Local Government (Planning and Reporting) Regulations 2014, Council is required to prepare and adopt an Annual Budget by 30 June and submit it to the Minister within 28 days after adoption.
- The Budget establishes a direction for the future to support the achievement of the objectives and outcomes of the Council Plan 2013-2017.
- The Budget includes a 2.5% rate rise for 2016/17.
- The pensioner rebate scheme has again been extended at $20 for eligible pensioners and is in addition to the State Government Eligible Pensioner Rebate. The 2015/16 amount was $213.00. At the time of preparing this report, the 2016/17 State Government Rebate had not been released.
- The Budget provides detailed information with regard to the major impacts for 2016/17. It also provides details with respect to Council's financial management principles to ensure a financially sustainable future.
- Subsequent to the endorsement on 22 March 2016 of the 2016/17 Proposed Budget and as per Council Resolution dated 26 April 2016, there was a $7,000 reduction in the budget for the Spirit of Moonee Valley Community Awards.
- The Budget includes $10,000 contribution to Moonee Valley Toy Library Avondale Heights Branch. This was as a result of the submission received and heard at the Special Committee of Council held 10 May 2016.

Recommendation

That Council:

1. Adopts the Annual Budget 2016/17 (provided as **Appendix A** separately circulated).
2. Authorise the Chief Executive Officer to give public notice of this decision in accordance with Section 129 of the *Local Government Act 1989*.
3. Respond to those who lodged a submission on the Proposed Budget 2016/17 in writing advising of Council's decision and the reason for the decision in accordance with Section 223(1) (d) of the *Local Government Act 1989.*
4. Grant a rebate in relation to rates and charges to all Moonee Valley residents eligible within the meaning of the *State Concessions Act 1986*. The maximum rebate is $20.
5. Declare the Rates, Levies and Annual Service Charges for the 2016/17 financial year (provided as **Appendix B**).
6. Adopt the Strategic Resource Plan 2017-2020 (provided as **Appendix C**).
7. Adopt the 2016/17 Rating Strategy (provided as **Appendix D** separately circulated).

Background

- At its Ordinary Meeting held 22 March 2016, Council adopted in principal its Proposed Budget 2016-2017 and called for submissions in accordance with Section 223 of the Local Government Act 1989 ("the Act").
- As part of the 2016-2017 Budget process, there was a public consultation period from 23 March to 29 April 2016 whereby five submissions were received on the Proposed Budget 2016/17.
- At a Meeting of a Special Committee of Council held 10 May 2016, the five submissions on the Proposed Budget 2016/17 were tabled, with two speaking to their submissions. Budget submissions have been considered by the Special Committee of Council.

Discussion

The Budget 2016/17 seeks to balance the competing demands for Council services and infrastructure, and the community's capacity to pay, using prudent financial management principles to ensure financial sustainability. The Budget is expected to deliver recurrent surpluses in order to fund capital works. Council proposes no new borrowings.

The Budget 2016/17 includes operating expenditure of $141.5 million. The Council will commit significant funding to support various services for our community including:

- Home care, personal care and respite care to older and frail aged adults and people with a disability;
- Childcare, kindergarten and maternal and child health;

- Business support and networking programs;
- Community meals to resident's homes;
- Maintain roads, parks footpaths, bike paths, drains, sporting fields and community buildings;
- Provide planning and building services, waste and recycling collections, and run a variety of environmental programs.

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

- $6.6 million invested in the development and renewal of Council facilities including:
    - $3.9 million for Fairbairn Park Pavilion improvements;
    - $0.4 million for completion of renewal and upgrade at Ascot Vale Leisure Centre and
    - $0.3 million towards renewable energy and efficiencies in accordance with the Greenhouse Implementation Plan;
- $5.4 million allocated to local roads;
- $1.1 million invested in drainage;
- $5.5 million invested in open space, including $0.6 million for Playground Renewal Program and $0.9 million for the Maribyrnong River Master Plan Implementation.

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

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

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

The Budget 2016/17 includes the Budgeted Financial Statements and the Fees and Charges Schedule for the 2016/17 financial year (provided as **Appendix A –** separately circulated).

The Strategic Resource Plan 2017-2020 (provided as **Appendix C**) is associated with the Council Plan 2013-2017. The annual review of the Council Plan 2013-2017 was considered by the Council at its Ordinary Meeting held on 23 June 2015.

Consultation

The Proposed Annual Budget 2016/17 was made available for inspection on Council's website, at the Flemington Community Centre and Council's libraries during the public consultation period between 23 March and 29 April 2016.

Implications

1. Legislative

The Annual Budget 2016/17 has been developed in accordance with Sections 127 and 130 of the *Local Government Act 1989*, and Regulation 8 of the Local Government (Planning and Reporting) Regulations 2014.

The Strategic Resource Plan 2017-2020 has been developed in accordance with Section 126 of the *Local Government Act 1989.*

2. Council Plan / Policy

The Annual Budget 2016/17 assists Council in meeting its strategic objective of Excellence in Governance.

3. Financial

The Annual Budget 2016/17 has been developed in accordance with the principles of sound financial management and financial sustainability.

4. Environmental

Nil.

Conclusion

The Annual Budget 2016/17 provides clear direction in the resources allocated to support the objectives and outcomes of the Council Plan 2013-2017 and ensures Council remains financially sustainable into the future to continue to fulfil the aspirations of its community.

Appendices

Appendix A: Annual Budget 2016/17 (separately circulated)
Appendix B: Declaration of Rates & Charges 2016/17
Appendix C: Strategic Resource Plan 2016/17 (separately circulated)
Appendix D: Rating Strategy 2016/17 (separately circulated)

2016/17 Declaration of Rates and Charges

With respect to the 2016/17 financial and rating year and in accordance with Section 158 of the *Local Government Act 1989*, Council declares:

1. That an amount of $103,950,000 is intended to be raised by General Rates and Service Charges, calculated as follows:

a.	General Rates	$85,567,394
b.	Municipal Charges	$ 7,505,296
c.	Garbage Charges	$ 6,850,480
d.	Green Waste	$ 1,699,714
e.	Special Charges	$ 395,000
f.	Rates in Lieu (Ex-Gratia)	$ 1,422,116
g.	Supplementary Rates and Charges	$ 510,000

2. A municipal charge of $139.10 in respect of each separate parcel of Rateable Land.
3. There is no minimum rate.
4. General Rates will be raised by the application of differential rates.
5. Council considers that differential rates will contribute to the equitable and efficient carrying out of Council functions that:
   a. The respective objectives of each differential rate be those as specified in the schedule to this declaration;
   b. The respective types or classes of land which are subject to each differential rate be those as defined in the schedule to this declaration;
   c. The respective uses and levels of each differential rate in relation to those respective types or classes of land be those as described in the schedule to this declaration; and
   d. The relevant used of, geographical locations of, planning scheme zonings of and types of buildings on the respective types or classes of land be those as identified in the schedule to this declaration.
6. That the General Rates will be raised by the application of the differential rate to the Capital Improved Value (CIV) of each rateable land.
7. That two (2) differential rating categories be declared for the rateable land having characteristics specified below, which will form the criteria for the differential rate so declared:

a. **Residential Land (including Vacant Land)** means any rateable land:

   i. which is occupied or adapted to be occupied for residential purposes but excluding any land which is used as or for a boarding house, hostel or similar purpose; or

   ii. on which no building has been erected and located within the Residential 1 Zone under the Moonee Valley Planning Scheme.

   The objective of this differential rate is to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including (but not limited to) the:

   - construction and maintenance of infrastructure assets;
   - development and provision of health and community services; and
   - provision of general support services.

   The types and classes of rateable land within this differential rate are those having the relevant characteristics described above. The money raised by the differential rate will be applied to the items of expenditure described in the budget by Council. The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

   The geographic location of the land within this differential rate is wherever located within the municipal district, without reference to ward boundaries. The use of the land within this differential rate, in the case of improved land, is any use of land.

   The characteristics of planning scheme zoning are applicable to the determination of vacant land, which will be subject to the rate applicable to residential land. The vacant land affected by this rate is that which is zoned residential under the Moonee Valley Planning Scheme. The classification of land which is improved will be determined by the occupation and use of that land and have reference to the Planning Scheme zoning.

b. **Non-Residential Land** means any rateable land which is:

   i. occupied or adapted to be occupied for commercial or industrial purposes; and

   ii. is not residential land; and

   iii. is not residential vacant land

   The objective of this differential rate is to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including (but not limited to) the:

   - construction and maintenance of infrastructure assets;

- development and provision of health and community services; and
- provision of general support services.

The types and classes of rateable land within this differential rate are those having the relevant characteristics described above. The money raised by the differential rate will be applied to the items of expenditure described in the budget by Council. The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

The geographic location of the land within this differential rate is wherever located within the municipal district, without reference to ward boundaries. The use of the land within this differential rate, in the case of improved land, is any use of land. The classification of land which is improved will be determined by the occupation and use of that land and have reference to the Planning Scheme zoning.

The types of buildings on the land within this differential are all buildings which are now constructed on the land or which are constructed prior to the expiry of the 2014/15 financial year.

8. The rates to apply to the differential categories declared are as follows:

Category	**Rate**
Residential Land (including Residential Vacant Land)	0.205719 cents in the dollar of CIV
Non-Residential Land	0.252006 cents in the dollar of CIV
Cultural and Recreational Land	0.205719 cents in the dollar of CIV

9. In accordance with Section 4(4) of the *Cultural and Recreational Lands Act 1963*, recreational land properties are rateable as Residential Land. Recreational Land properties are categorised as follows:

   - Category 1 – 0% rebate. Properties operated by a for-profit professional sporting entity.
   - Category 2 – 95% rebate. Properties that meet the definition of Cultural and Recreational Land that are not Category 1 Cultural and Recreational properties.

10. Declare an annual service charge, to be known as the Garbage Charge, in the sum of $140.00 in respect of each separate parcel of Rateable and Non-Rateable land excluding Vacant Land who do not receive a Council garbage collection.

11. Declare an annual service charge, for the collection and disposal of one green waste service in the sum of $68.40 (or $42.10) for eligible recipients within the meaning of the *State Concessions Act 1986*) in respect of each separate parcel of rateable land, where the owner/ratepayer has elected to use the services of the Green Waste bin

collection service, be levied for the period commencing 1 July 2016 and ending 30 June 2017.

12. Subject to Sections 171, 171A and 172 of the *Local Government Act 1989*, Council will require a person to pay interest on any rates and charges which:

    a. That person is liable to pay; and

    b. have not been paid by the date specified for their payment.

13. An interest rate of 9.5% be charged on all outstanding rates and debtor accounts with the exception of special charge schemes.

14. An interest rate of 1% more than the current borrowing rate be charged on all outstanding amounts of special charge schemes, and remain at that rate for the life of the scheme.

15. The dates for the payments of rates and charges for 2016/17 being by instalments:

    a. 1st Instalment 30 September 2016

    b. 2nd Instalment 30 November 2016

    c. 3rd Instalment 28 February 2017

    d. 4th Instalment 31 May 2017

9.12 Biannual Grants Program 2015/16 - Round 2

File No: FOL/16/130
Author: Community Grant Officer
Directorate: Planning & Development
Ward: Municipal

Purpose

To seek endorsement of the funding allocations for the second round of the 2015/16 Biannual Grants Program.

Executive Summary

- The Moonee Valley Biannual Grants Program supports community groups, individuals and businesses to deliver projects and activities that promote a friendly and safe, clean, green and beautiful, vibrant, diverse and sustainable community.
- The total available pool in the 2015/2016 Biannual Grants Program was $388,335.
- The second round of the 2015/16 Biannual Grants program opened on 2 February and closed on 8 March 2016.
- Following an extensive communication and engagement program, a total of 60 eligible applications were received from community groups, business and individuals.
- These 60 eligible applications collectively requested $507,006 in funding. The available pool for Round 2 is $199,916.
- A total of 30 applications (50 per cent) of all eligible applications, are recommended for funding, totalling $199,916.

Recommendation

That Council:

1. Endorse the recommendation of the Grants Advisory Panel for allocation of Round 2 of Biannual Grants as presented in **Appendix A**; and
2. Notes that all applicants will be advised of the outcome of Round 2.

Background

At its Ordinary meeting on 23 June 2015 and following an extensive review process, Council endorsed the implementation of an integrated Grant Program.

The 2015/16 Moonee Valley Grant Program demonstrates Council's commitment to community wellbeing by directly supporting local groups, organisations, businesses and individuals to deliver projects and participate in activities that benefit the Moonee Valley community.

The program includes the following grants accessible via an online application and assessment process:

- Monthly small responsive grants and;
- Biannual grants of up to $20,000.

Biannual Grants are available in three funding levels, up to $5,000, $5,001-$10,000, $10,001-$20,000. Biannual Grants provide funding to support projects that increase community participation and access to information, services and strengthen wellbeing and economic growth across the city.

The program specifically contributes to achieving the vision of Moonee Valley Next Generation 2035 in the following categories:

- Enhance the wellbeing of individuals and community groups;
- Promote a clean, green and beautiful environment;
- Create a vibrant and diverse city with opportunities for all; and
- Provide a friendly and safe community.

The first rounds (Biannual and Responsive) of the newly integrated grants program commenced in July 2015, with the first round of Biannual Grants opening on 9 July. A total of $208,419 was allocated to 28 successful Biannual Grant applications in the first round.

Biannual Grants are assessed by a Grants Advisory Panel. At its Ordinary meeting on 25 August 2015, Council appointed three Councillors and five community members to the Grants Advisory Panel. The Panel membership also includes two Council Executive members or their nominees.

Discussion

Round 2 of the Biannual Grants program was widely promoted and council officers provided direct support to applicants to document their projects and utilise the online application system. Hard copies of applications were accepted where the applicant was not able to use the online system.

Promotion of the Moonee Valley Grants program

The program was widely promoted by various methods, including:

- The Moonee Valley Grants e-newsletter, which included information on both Biannual and Responsive Grants available.
- Local media, Valley View, and information on Council's website.
- Brochures and posters in libraries, community centres and neighbourhood houses and other Council venues.

Assessment and recommendations

Applications were reviewed by Council Officers against the eligibility criteria. Council officers also provided advice on each application in relation to the assessment criteria.

Grants Advisory Panel members made individual assessment of applications as rated against the assessment criteria, using Council's online grants program. All panel members registered any conflict of interest relating to any specific application, abstaining from assessment of identified applications.

The results of these assessments were consolidated to identify a ranked priority order of applications. This also enabled identification of any scoring anomalies, and any other concern and or issue that panel members may have identified for discussion.

The panel formally convened on 21 April 2016 to discuss and finalise grant recommendations. This process enabled debate on merit, capacity and associated outcomes and impacts of all applications. Assessment also took into consideration the distribution of funding across priority areas, and levels of other Council support provided to applicants.

Recommendations provided by the Panel are based on consensus about how well applications met specific assessment criteria.

Summary of applications received

A total of **61** applications were received from community groups, businesses and individuals, requesting a total of **$512,005.** One application was deemed ineligible during the eligibility assessment phase, and therefore recommendations were based on the assessment of **60** applications requesting a total **$507,006**. The total funding pool available for round two of the Biannual Grants program is **$199,916.**

Table 1 provides a summary of the total number of applications and associated value of funding requested and the recommended distribution of funded projects across 4 priority areas, as guided by Council's vision as documented in 'Moonee Valley Next Generation 2035'.

Appendix A provides detail of recommended applicants and grant value. The allocations are proportional to each category based on the number of applications received and amount of funding requested.

Table 1

	Applications		Grants	
Priority Areas	**Applications received**	**Applications recommended**	**Funding requested**	**Funding recommended**
1. Enhance the wellbeing of individuals and community groups	21	12	$252,644	$119,017

	Applications		Grants	
Priority Areas	**Applications received**	**Applications recommended**	**Funding requested**	**Funding recommended**
2. Promote a clean, green and beautiful environment	4	3	$37,345	$15,345
3. Create a vibrant and diverse city with opportunities for all	14	7	$113,990	$33,854
4. Provide a friendly and safe community	21	8	$103,027	$31,700
Total	**39**	**18**	**$254,362.00**	**$80,899.00**

Feedback will be provided to all unsuccessful applicants, and where appropriate, support will be provided to improve the quality, focus and alignment of future applications. This may support applicants to reapply in the next round of the biannual program, or identify other sources of funding external to council to support potential projects.

The scope of received applications and the assessment process, has also enabled the Panel and Council officers to identify issues of emerging need within our community and projects and groups that could be connected to improve proposed project outcomes. This identification will now guide upcoming interventions and new work initiatives to address these needs and potential new partnership.

Consultation

Support for applicants included three information sessions held at different venues in Moonee Valley (daytime and evening sessions) with approximately 56 attendees. Interpreters were available upon request.

More than 65 individuals and/or groups discussed grants with council officers in person or over the phone. All requests for support in developing project ideas and completing application forms were accommodated.

Implications

1. Legislative

The Grant Program is in accordance with an objective and role of Council, specified by the Local Government Act 1989, to foster community cohesion, encourage active participation and improve the overall quality of life of people in the local community.

The Charter of Human Rights and Responsibilities Act 2006 has been considered for the program. The grants actively support the right of all people to participate in community life.

2. Council Plan / Policy

The program objectives are directed by the four themes that reflect the Community Vision MV2035 – Friendly and Safe, Clean, Green and Beautiful, Sustainable Living, and Vibrant and Diverse. Specifically, the administration of the program supports Strategic Objective 1.5.4 of the Council Plan 2013-2017; '*Strengthen the capacity of local community organisations through the provision of grants, training, and other support.'*

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

The 2015/16 budget for two rounds of Biannual Grants is $388,335. Allocations were distributed on the foundation of previous grant programs as presented below.

Economic development – business grants	$	32,000
Recreation capital	$	60,000
Active events	$	10,000
Arts and culture	$	27,500
Environment	$	15,000
Community development and support grants	$	243,835
Total	**$**	**388,335**

4. Environmental

The implementation of an online process for both the grant application and assessment process has resulted in significant reduction in paper use.

Council's City Sustainability Policy has contributed to an enhanced community awareness of environmental issues. Council will continue to work with community groups and individuals to develop projects that have an environmental benefit and strong community impact.

Conclusion

The Moonee Valley Grants Program is an important way in which Council provides financial support to strengthen the Moonee Valley community. The implementation of an integrated grants program is the outcome of an in-depth analysis of Council's grants to provide greater responsiveness, transparency and accessibility.

The Biannual grants create an opportunity to support projects that increase community participation, access to information and services and strengthen wellbeing and economic growth across Moonee Valley.

Appendices

Appendix A: Biannual Grants 2016/15 - Round 2 - Recommendations

Biannual Grants 2015/16 Round 2 – Funding recommendations

Enhance the wellbeing of individuals and community groups through initiatives that focus on: health and wellbeing; sports and recreation; learning and education

Applicant	Project Title	Recommended Grant	Recommended Conditions
Avondale Heights Sporting Club	Provision of Time Keeping Box (football) and storage (cricket)	$9,350	
Avondale Primary School	Get Active Avondale! Program – sporting infrastructure provision initiative	$11,000	
Baptcare Family and Community Services	Person-to-Person – healthy relationships program to support children affected by violence and abuse.	$19,677	
East Keilor Football Club	Portable change rooms for youth girls teams	$4,000	
Essendon Doutta Stars Football Club	Upgrade Of Toilets	$20,000	Conditional upon confirmation of receipt of co-contributing Commonwealth Government Grant.
Farnham Street Neighbourhood Learning Centre	Plot Partners – garden project for people with mental illnesses and from CALD backgrounds	$5,000	
FC Strathmore Soccer Club	Strathnaver Reserve, Strathmore Fencing Upgrade	$20,000	
Jesuit Social Services	Connecting Communities – Supported Playgroup for parents and their children of CALD backgrounds to improve language and literacy outcomes	$10,000	
Maribyrnong Park Tennis Club Inc	Outdoor public seating replacement	$10,500	
Melbourne Comhaltas Inc	Irish Set Dance program to promote Irish music and culture and friendship	$1,500	
Newmarket Phoenix FC	Newmarket Phoenix FC Volunteer Training & Capacity Building program	$3,000	

YMCA Disability Services	YMCA All Abilities Basketball League/Educational Clinic	$4,990	Where appropriate and available, program to be delivered from a venue, with suitable accessibility, within Moonee Valley.
	Total	**$119,017.00**	

Promote a clean, green and beautiful environment through sustainable environment initiatives that focus on: environmental improvement and enhancement; saving energy, reducing waste, innovative water solutions and protecting the environment

Applicant	**Project Title**	**Recommended Grant**	**Conditions / Comments**
East Keilor Sustainability Street Inc	Not a drop lost – water tanks for community garden	$2,500	
Essendon Rowing Club	Essendon Rowing Club Solar Power Conversion	$8,000	One of Council's preferred solar panel installation providers to be used.
Strathmore Community Garden Inc	Strathmore Community Garden Greenhouse	$4,845	
	Total	**$15,345.00**	

Create a vibrant and diverse city with opportunities for all through initiatives that focus on: arts culture and heritage projects; events and celebrations; economic development including business improvement and marketing, events and start-ups.

Applicant	**Project Title**	**Recommended Grant**	**Conditions / Comments**
Aberfeldie Baptist Church Inc	Audio Installation to support community functions	$3,000	
Ascot Vale Drop-in Art Group	Art in the Garden project to support engagement of public housing residents in a local art initiative	$2,791	
Boulevard Anzac Centenary Commemorative Committee	ANZAC Story Boards Along Maribyrnong River	$10,000	

Essendon Camera Club	60th Year Anniversary Event & updating equipment for Club	$4,263	Where appropriate and available, program to be delivered from a venue within Moonee Valley.
St George's Anglican Church	Concert piano project	$5,000	
Vocal Art Studios	Local business development and employment expansion initiative	$5,000	
Western Arts Theatre Inc.	Annie – Community Theatre performance	$3,800	Where appropriate and available, program to be delivered from a venue within Moonee Valley.
	Total	**$33,854.00**	

Provide a friendly and safe community through initiatives and activities that focus on: social support; promoting diversity, access and equity, and social inclusion; promoting human rights

Applicant	**Project Title**	**Recommended Grant**	**Conditions / Comments**
Avondale Heights East Keilor Residents Association Inc	Avondale Heights Food & Music Autumn Festival 2016	$6,800	
Avondale Heights Greek Pensioners & Elderly Citizens Club	Club Anniversary project	$500	
Flemington Multicultural Eid Festival	Flemington Multicultural Eid Festival	$4,900	
Italian Community of Keilor Association	Split system air conditioning unit to support community use	$4,000	Installation must comply with the lease agreement.
joiningthedots international	The Welcome Dinner Project – Cultural / Social inclusion and engagement program	$5,000	
Kidsafe Victoria	Community Outreach Program – Home safety information sessions for parent and carers	$2,000	
Moonee Valley Golden Age Women (MVGAW)	United We Learn and Connect – social cohesion between Chinese and English speaking seniors	$5,000	

North West Games Club	North West Games Club – socially inclusive games club for young people	$3,500	Equipment to be purchased with support of Council's Youth Services team and be stored from the Ascot Vale Library and Learning Hub.
	Total	**$31,700.00**	

9.13 Moonee Valley Grants 2016/17 - Caretaker arrangements

File No: FOL/16/130
Author: Community Grant Officer
Directorate: Planning & Development
Ward: Municipal

Purpose

To update Council on the operation of the 2016/2017 Moonee Valley Grants Program during the 2016 caretaker period in line with Council's Election Period Policy.

To seek Council endorsement for delegated officer assessment during this time for Round 1 of the 2016/2017 Biannual Grants Program and two rounds of Responsive Grants.

Executive Summary

- Council is required to comply with the Local Government Act 1989 (the Act) and Election Period Policy (the Policy) during the election (caretaker) period.
- The assessment process for the Moonee Valley Grants Program requires Councillor and community member involvement in decision making, which poses some implications during the election period for Council to consider.
- To ensure compliance with the Act and Council Policy within this time, modification of the assessment process for the Moonee Valley Grants Program is required to support transparent decision making and equitable access to Council information.
- The regularity of the grants cycle is essential for community groups to plan and prepare applications to support their valuable work in the municipality. Continuing the grants program without interruption and within existing timeframes maximises community opportunities and ensures consistency in communication.
- An analysis of the requirements of the Act and Policy has determined that the best course of action is for Council to proceed with a delegation to officers for assessment for the Moonee Valley Grants Program during the election period.

Recommendation

That Council:

1. Endorse officer delegation for assessments of the September and October 2016 rounds of the Responsive Grants program; and
2. Endorse officer delegation for assessments of Round 1 of the 2016/17 Biannual Grants program, which opens to applications from 12 July 2016.

Background

At its Ordinary meeting on 23 June 2015, Council endorsed the implementation of an integrated and centralised grants program. This new program which commenced in July 2015 includes:

- A monthly program of small responsive grants (up to $1,000); and
- Biannual grants that open annually in July and February (for grants up to $20,000)

Through the integrated Moonee Valley Grants Program, Council is committed to building the capacity of community groups, individuals and businesses to strengthen the economic, social and environmental wellbeing of the Moonee Valley community.

In conjunction with the implementation of the new grants program, Council endorsed the establishment of the Responsive Grants and Biannual Grants Advisory Panels. These panels are advisory Committees of Council and are responsible for assessment and providing funding recommendations for Council's consideration.

The Biannual Grants Advisory Panel includes membership from five community members, three Councillors and two Council officers. The final meeting of this current Grants Advisory Panel for the 2015/2016 Biannual Grants Program was on 21 April with members concluding their twelve month term on the panel.

Due to the timing of the assessment period for the first round of 2016/17 Biannual Grants and the ongoing assessment of the Responsive Grants, it is necessary to consider the impact of the 2016 election period (midnight 20 September - 6pm on 22 October) on the operation of the Grants Advisory Panel and implementation of the Moonee Valley Grants Program.

Discussion

The Moonee Valley Grants Program provides valuable resources to local community organisations, individuals and business to deliver projects and activities that benefit and strengthen the Moonee Valley community.

Continuing the grants program as usual without interruption throughout the election period is essential to maximise community outcomes. The regularity of the grants cycle is essential for community groups to plan and prepare applications to support their valuable work in the municipality.

The Election Period Policy endorsed by Council at its Ordinary meeting on 22 March 2016 outlines Council's protocols during the upcoming 'caretaker period' preceding the municipal election in line with provisions of the Local Government Act 1989.

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

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

The timing of the Moonee Valley Grants Program in 2016/2017 (Round 1 opening in July 2016 and assessments throughout August and September 2016) and nature of the grants assessment, could result in Councillors and community members (that could be potential candidates) having inequitable access to information and an influence on decision making during the election period if it is to proceed in its current form.

To ensure compliance with Section 93B of the Local Government, Council's Election Policy and to minimise impacts to the community, it is necessary for the Moonee Valley Grants assessment process to be modified during the election period.

It is recommended that Round 1 of the 2016/17 Biannual Grants are assessed by Council officers and reviewed by Council's Executive Team, prior to presentation to Council for engagement and endorsement as follows:

Stage	**Timeframe**
Round One Opens	12 July 2016
Round One Closes	16 August 2016
Eligibility Assessment	17 August – 19 August 2016
Specialist Officer reviews / feedback	22 August – 9 September 2016
Officer Panel assessment period	12 September - 23 September 2016
Officer Panel assessment meeting	28 September 2016
Executive Team Briefing	5 October 2016
Council Briefing	8 November 2016
Council Meeting - Endorsement	22 November 2016
Funding distributed	December 2016

The second round of the 2016/17 Biannual Grant program is recommended to open on 7 February 2017 and be assessed by the standard Grants Advisory Panel, including three Councillors to be nominated at the Statutory meeting of Council on 1 November 2016 and five community members as recruited through the expression of interest process during January 2017.

It is recommended that recruitment of community representatives for Biannual Grants for 2016/2017 be postponed until Round 2.

It is recommended that assessments for the Responsive Grant program for the months of September and October 2016 is delegated to Council officers for assessment.

This will ensure Council fulfils its commitment to a twice yearly major funding rounds and monthly small funding rounds and is compliant with the Election Period Policy and associated provisions of the Local Government Act 1989.

Risks

Alternative dates for the biannual grant round were considered, however were found to be unfeasible as the process would be either severely truncated (limiting open dates for application preparation and expedited assessments) or extremely delayed (integrated with Round 2 timing). Both of which result in negative impacts for the community.

The primary purpose of the Monthly Responsive Grants is to ensure an expedited process that ensures Council is quick to respond to emerging or urgent community need that cannot be deferred. Suspending the use of the Responsive Grants Advisory Panels for 2 assessment rounds (September and October) during the Caretaker period, may impact valuable community projects and their associated outcomes and community impacts.

If Councillors and community members participate in grants assessment during the election period, it will potentially compromise the principles endorsed in the Election Period Policy due to unequal access to information, inappropriate decisions and limiting public consultation.

Consultation

This report has been prepared in consultation with Legislative Services and Support team through the review of the Election Policy.

Implications

1. Legislative

This report has been developed, taking into consideration the provisions of the Local Government Act 1989.

The Moonee Valley Grants program operates is in accordance with the Charter of Human Rights and Responsibilities Act 2006 and promotes opportunities for the community to participate in public life.

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.

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

3. Financial

Council's annual budget provides allocation for the delivery of the Moonee Valley Grants Program.

4. Environmental

The Moonee Valley Grants program specifically encourages applications for initiatives that enhance environmental improvement and enhancement, saving energy, reducing waste, innovative water solutions and protecting the environment.

Conclusion

To ensure good governance practice through compliance with the Act and the Policy, and to fulfil Council's commitment to providing a biannual and a monthly grants program, it is recommended that the assessment process for the grants program is modified to serve the best interests of the Moonee Valley community.

Appendices

Nil

9.14 Submission to the Victorian Government on the draft - Protecting Victoria's Environment - Biodiversity 2036

File No: FOL/16/130

Author: Senior Sustainability Officer

Directorate: Planning & Development

Ward: Municipal

Purpose

To seek Council endorsement of the submission to the Victorian Government on the draft Biodiversity Plan titled: 'Protecting Victoria's Environment – Biodiversity 2036'.

Executive Summary

- The Department of Environment, Land, Water and Planning (DELWP) is seeking public input into the development of a new twenty-year Biodiversity Plan for the state.
- A submission has been prepared for Council endorsement, with feedback based on positions adopted in Council's Urban Ecology Strategy 2014.

Recommendation

That Council endorse the submission to the Victorian Government on the draft Biodiversity Plan: 'Protecting Victoria's Environment – Biodiversity 2036'.

Background

The Department of Environment, Land, Water and Planning (DELWP) is seeking public input into the development of a new twenty-year Biodiversity Plan for the state.

The draft Plan was available for public consultation until Sunday 15 May 2016. Given Council wasn't formally notified of the consultation process, and first received advice late April through informal channels, an extension for our submission was requested but denied. A draft of this submission has been provided to DELWP by the deadline pending final endorsement by Council.

Discussion

A submission has been developed based on adopted positions in Council's Urban Ecology Strategy 2014. Key points raised in the submission include the need to:

- Coordinate biodiversity protection at a state level, particularly along waterway corridors which cross many municipal boundaries.
- Value and protect smaller conservation reserves and local parks which have a significant role in enhancing biodiversity in the urban environment through providing much needed habitat connectivity and a means of community education.

- Increase monitoring, mapping and surveying of ecosystems as well as being clear about which agency is responsible for this reporting.
- Provide support to schools and community groups (such as 'Friends of' groups and citizen scientists) that are actively working to raise awareness across the community.
- Have realistic expectations about what can be achieved by volunteers. Volunteering can be an effective mechanism to engage people and can achieve some on-ground outcomes, but needs to be part of a strategic, mixture of approaches to protect biodiversity

Consultation

The submission has been prepared by the Environment and Sustainability unit with input from Urban Design, Strategic Planning, Local Laws and Parks and Conservation.

Implications

1. Legislative

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

The Human Rights Charter has been considered and the attached submission includes a statement around the equitable distribution of quality and accessible parks for our community.

2. Council Plan / Policy

In presenting this report to Council, Council is 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 2013-2017 Theme 1: Green, clean and beautiful - A sustainable environment for future generations.

3. Financial

There are no budgetary or funding considerations as a result of this report.

4. Environmental

This report provides opportunities to improve Council's local biodiversity through supporting the State Government's vision and goals of encouraging more Victorians to value nature and ensuring that Victoria's natural environment is healthy, valued and actively cared for.

Conclusion

The objectives of the draft Biodiversity Plan: 'Protecting Victoria's Environment – Biodiversity' align with those of Council. The proposed submission highlights opportunities for improvement in the development of the final Plan and recommends that the Plan has a strong focus on evidence-based regulatory controls (and compliance), large scale investment and equipping agencies to properly carry out their roles to protect biodiversity.

Appendices

Appendix A: MVCC Submission - Victorian Government Biodiversity Plan 2036 - May 2016

Appendix B: Summary - Draft - Protecting Victoria's Environment - Biodiversity 2036

Submission from Moonee Valley City Council on *Protecting Victoria's Environment - Biodiversity 2036* (the draft Biodiversity Plan)

Introductory comments

Moonee Valley City Council would like to commend the State Government on its commitment to developing a long term plan for protecting Victoria's biodiversity. Council supports the protection and enhancement of local biodiversity through delivering our Urban Ecology Strategy (2014) and has dedicated conservation staff who actively assist the community to deliver on-ground actions.

There is a clear need to coordinate biodiversity protection at a state level, and Council acknowledges the State Government for seeking to address this need. For example, along waterway corridors, on-ground works are often not coordinated or are inconsistent across municipal boundaries. Council would like to see this plan ensure continuity across landscapes and communities.

As an overall comment, the draft Biodiversity Plan seems to be presented as a discussion paper rather than a draft 'twenty year plan' that would strategically guide actions to achieve the goals set out in the plan. We look forward to seeing further detail that would be committed to in a final Plan.

Twenty four questions have been put forward for our consideration. Our submissions addresses only those questions where Council has an adopted position or relevant examples to contribute. Questions requesting personal opinions have not been responded to.

What do you think of the proposed goals and objectives of this plan?

Overall, Council supports the draft Plan's vision and goals of encouraging more Victorians to value nature and ensuring that Victoria's natural environment is healthy, valued and actively cared for.

We also broadly support the measurable objectives in Chapter 3 and note that some of these seem quite ambitious, for example, '*To halt the overall decline of threatened species and secure the greatest possible number of species in the wild in the face of climate change'.*

We suggest:

- Due to a range of pressures, such as the impacts of climate change, it may not be possible to conserve all biodiverse communities. In the final plan, it would be useful to be clear about whether some of the objectives and goals are considered aspirational, and despite it being highly desirable for these to be met, are expected to be unattainable.
- Regarding measurement of whether the proposed objectives have been met, there is a need for consistent surveys to assess whether the decline of species is actually being halted. It would be useful to understand which agencies / levels of government would carry out this measurement and reporting. Many local government agencies may not have the expertise or capacity to survey in-house or the financial resources to engage

consultants to carry out the work.

- Several of the objectives appear to be focussed on non-regulatory actions, such as reporting on volunteering and time spent in nature. It would also be useful to track progress by reporting on the extent to which legal obligations are adhered to by various parties (e.g. the development and implementation of recovery plans).

What might the goals and objectives mean for the organisation that you represent?

Regarding the measurement of 'the number of Victorians spending time enjoying nature', the visitation surveys conducted by State Government for its parks are held in high regard. Many community members visit local Council managed parks, often on a daily or weekly basis. Although these parks may be smaller, they are highly important in an urban landscape and there could be potential to better integrate the reporting of visitation to both local and state government managed parks.

Do you support the approach to target setting that focuses investment efforts on places in the landscape where the most cost-effective actions are possible?

Small reserves play a significant role in enhancing biodiversity in the urban environment through providing much needed habitat connectivity and a means of community education.

It is important that the value of smaller reserves is not overlooked when determining priority, cost effective actions. Degraded areas also have the ability to support threatened species, especially as many species have adapted to and depend on these for survival. For example, the introduced Boxthorn plant plays an important role in providing bird habitat in otherwise cleared areas. By primarily focussing on high quality areas or areas with current populations of significant species, there could be a risk of losing these degraded, but high potential areas.

What principles might be missing from this plan?

Council suggests including a principle around ensuring accountability, particularly compliance by those parties with legislative obligations.

What do you think the barriers are that prevent some people experiencing nature and utilising parks and open spaces? What could you, your community or the government do to encourage and provide more opportunities for all Victorians to spend more time in nature, including disadvantaged parts of the community?

Council has identified several key barriers that prevent some people experiencing nature and utilising parks and open spaces:

- Lack of time – many people work long hours and have other commitments such as family, so struggle to find time to experience nature. Quality parks need to be highly accessible and distributed right throughout our communities so that most people are in reasonable proximity at work or home.
- Neglected parks and open space – the community is less likely to want to visit a reserve that looks neglected, such as through large weed infestations or dumped rubbish. The community needs to feel safe and well maintained and/or staffed parks

encourage higher visitation. Better facilities such as shelters, seats, drinking taps encourage visitation in a range of weather conditions.

- Parks Victoria manages some excellent parklands but appears to need additional staff and resources for these spaces to be enhanced and maintained adequately. It appears that many Parks Victoria visitor centres may no longer be open, nor staffed regularly due to staff and funding reductions. This limits the interaction visitors have with rangers and therefore their experience with nature and the parklands.
- Increased education programs and low cost or free school holiday programs would encourage more visitors, including those from disadvantaged backgrounds.

How can we raise awareness of biodiversity across the community?

The Victorian Government is to be commended for continuing to support the Resource Smart Schools program. To fully realise the potential of the biodiversity module of this program, additional support is needed for schools to successfully implement biodiversity activities. Many teachers enlist Council staff to run practical activities (e.g. tree planting, educational tours), but in general Council is not resourced to adequately provide the much needed support to schools. School staff appear to lack the time or resources to plan and maintain on-ground plantings or for teachers to fully integrate these activities into the curriculum.

The Victorian Government could also support community groups (such as 'Friends of' groups and citizen scientists) that are actively working to raise awareness across the community.

What are you currently doing – professionally – to support and create a healthy and biodiverse natural environment?

Council supports and creates a healthy and biodiverse natural environment through delivery of our Urban Ecology Strategy (2014). This strategy has four goals to help guide management of our open space and relationships with the community. The four key goals are:

- Protect Ecology
- Enhance Ecology
- Lead Change
- Connected with Community

Council undertakes a number of projects to support and create a healthy and biodiverse natural environment. These include:

- Supporting community/friends groups
- On ground maintenance (weed control, improving infrastructure)
- Participation in programs such as Green Army and 20 Million Trees, Clean Up Australia Day, Schools Tree Day, National Tree Day and Adopt a Tree program
- Education via social media platforms
- Restoring natural systems which support biodiversity, such as through the Napier Park, Strathmore stormwater harvesting project to restore a pre-existing watercourse, providing alternative water to remnant vegetation.

What else do you think you could do to support and create a healthy and biodiverse natural environment? What might help you to do this? What currently hinders you from doing this?

The following actions could help create a healthy and biodiverse natural environment:

- Consistent vegetation clearing regulations for private land owners and government agencies. Generally, Victorian Government agencies are exempt from vegetation clearing regulations and proceed with removing habitat without being obliged to restore the natural environment. A recent example is Melbourne Water's works on the M102 pipeline within Moonee Valley. The 6.6km pipe track could have been an opportunity for Melbourne Water to revegetate and create habitat corridors for the public to enjoy. Instead the pipe track was reinstated with grass with little environmental value.
- Major State Government Infrastructure projects such as City Link and Tullamarine widening should build in restoration of natural environmental assets.
- Wider education and promotion of biodiversity protection across the state. In general, people are unable to protect or enjoy what they don't value and there are low levels of understanding of biodiversity concepts and natural systems in the community.
- Street trees are a valuable biodiversity asset for Councils. When they are under power lines they require extreme pruning to maintain clearance from the wires which can lead to reduced canopy, increased maintenance costs and increased risk of disease and pests impacting on the trees. There is a need for an electric line clearance regime that, while prioritising safety, values the environmental and social benefits of vegetation.

In addition to existing government, private and volunteer programs, are there any other ways to help Victorian communities and local government agencies promote and create a healthy and biodiverse natural environment at local and regional levels?

The following actions would help to create a healthy and biodiverse natural environment:

- A large scale awareness / educational campaign to raise the profile of biodiversity to a similar extent as other environmental issues (e.g. Target 155 for water conservation and the black balloons campaign for greenhouse gas emissions).
- Improved mapping and community awareness of the areas to be protected.
- State government agencies being adequately resourced to carry out their land management responsibilities. In particular, Parks Victoria and the Environment Protection Authority (EPA) being better resourced to manage pollution.
- Reducing 'red tape', such as duplicated paperwork, for volunteers and volunteer managers, particularly in reserves that have multiple agencies responsible for land management.

How do you think we should address the impacts of feral cat predation on wildlife in areas of high biodiversity value?

Council welcomes a *'whole-of-government approach to ensure an effective and timely response to tackle the most pressing biodiversity threats on public and private land'.*

At present, each council has its own local laws relating to the control of cats; there would be greater efficiency in addressing the problem at a state level. Educational material could be developed for the whole state, rather than each council developing similar materials.

What does environmental land stewardship mean to you and how might this help you manage the natural environment? Do you think there could be some negative consequences of voluntary environmental land stewardship standards?

Both local and state governments need to be leading examples to the community by adequately resourcing the maintenance of public land to a high standard. Without this, private landholders are likely to be less motivated to voluntarily protect and improve their land.

Landholders seek advice from Council but we often do not have the resources or operate at a scale to have the most impact. For example, many Moonee Valley residents are interested in trapping Indian Myna birds, however for this to be effective it needs to be tackled at a much larger scale over an extensive time period. In the meantime Council will develop and implement a pest management plan with suggestions of what can assist at a local scale.

What do you think of the proposed approaches overall to manage Victoria's biodiversity? Which ones do you like and which do you have problems with? Are there any missing?

It is encouraging that the term 'biodiversity' encompasses not only all living things, but the habitats and ecosystems on which they depend. Council notes that this should extend to caves or rock formations.

The draft Biodiversity Plan seems to be a high level document and does not contain sufficient detail around secured funding and specific actions to deliver on the goals and objectives. We look forward to seeing further detail that would be committed to in a final Plan.

The draft Plan also doesn't state which parties would be expected to enforce and report on objectives, or whether further funding would be allocated to do so.

Where are the best opportunities to integrate biodiversity with other on-ground activities? What is the best way to build a participatory community processes to generate ownership of biodiversity outcomes in local areas?

Council suggests that the draft Biodiversity Plan should not overstate what can be expected to be achieved by volunteers alone. Volunteering is an important mechanism to engage people and can achieve some on-ground outcomes, but needs to be part of a strategic, mixture of approaches to protect biodiversity. It is crucial that the final Biodiversity Plan has a strong focus on evidence-based regulatory controls (and compliance), large scale investment and equipping agencies to properly carry out their roles to protect biodiversity.

DRAFT

PROTECTING VICTORIA'S ENVIRONMENT – BIODIVERSITY 2036

VICTORIA State Government | Environment, Land, Water and Planning

WHAT IS THE PLAN?

Victoria's natural environment is diverse, unique and precious.

Human lives are dependent on a healthy natural environment – for our social wellbeing and for our economy. It is valuable in its own right but also for the benefits it brings. Unfortunately, it is in decline.

To continue to enjoy the benefits of a healthy natural environment we must accept a massive challenge – stopping biodiversity decline.

As a first step, the Victorian Government's plan, *Protecting Victoria's Environment – Biodiversity 2036*, will provide a roadmap for our overall response to the challenge and encourage all Victorians to be actively engaged and support the protection and rebuilding of our natural environment.

What is biodiversity?

All the components of the living world: the numbers and variety of plants, animals and other living beings, including micro-organisms, across our land, rivers, coast and ocean.

GOALS

GOAL 1: TO ENCOURAGE MORE VICTORIANS TO VALUE NATURE

Victorians understand that their personal wellbeing and the economic wellbeing of Victoria are dependent on the health of the natural environment.

GOAL 2: TO ENSURE THAT VICTORIA'S NATURAL ENVIRONMENT IS HEALTHY

Victoria has flourishing plant and animal populations, improved habitats and functioning resilient ecosystems.

MEASURING PROGRESS TOWARDS GOALS

MEASURABLE OBJECTIVES

Increase the number of Victorians spending time enjoying nature.	Halt the overall decline of threatened species and secure the greatest possible number of species in the wild in the face of climate change.
Increase the percentage of Victorian organisations reporting and managing their performance against measures that support the natural environment.	Improve the overall extent and condition of native habitats across terrestrial, coastal, marine and freshwater environments.
Increase the number of Victorians acting to protect nature (e.g. volunteering, making everyday choices).	Improve ecological regimes to best support biodiversity in a changing environment.

AREAS FOR ACTION

A healthy environment for healthy Victorians

Help people to connect to nature so that more people share in its benefits and contribute to a healthy environment.

Linking our society and economy to the environment

Assist people to understand the environment's value to our way of life, so that all Victorians – governments, businesses and communities – consider the environment in their decisions.

Investing together to protect our environment

Secure funding for on-ground actions to turn around the legacy of biodiversity decline, and bring together government, business, community and philanthropic sectors to work together.

Better, smarter management of our biodiversity

Set up a better system for managing our natural environment because we want to make the most of everyone's contribution and deal with climate change.

Biodiversity leadership across government

Government will lead by example and report on progress so all Victorians understand how we're tracking against our goals in halting biodiversity decline.

DEVELOPING THE PLAN AND BEYOND

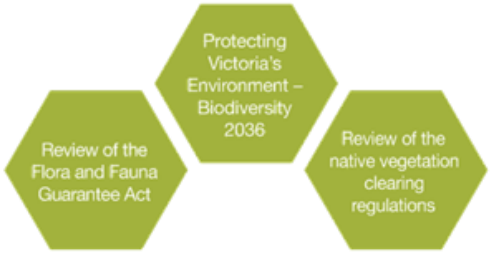
DELWP has worked together with key groups to develop the draft plan.

Now we need your input and ideas to ensure we achieve our vision for a healthy, valued and actively cared for environment.

After public consultation, DELWP will prepare a final plan which will set the course of action for many years to come.

The plan will be supported by a refreshed *Flora and Fauna Guarantee Act 1988* (FFG Act) and reviewed native vegetation clearing regulations. More information can be found online at the consultation website – HaveYourSay at DELWP:

haveyoursay.delwp.vic.gov.au/biodiversity-plan



ELECTION COMMITMENT

RESEARCH, PLANNING & REVIEW

TESTING AND REFINING WITH STAKEHOLDER REFERENCE GROUPS

PUBLIC CONSULTATION

MODIFICATIONS FOLLOWING REVIEW OF PUBLIC SUBMISSIONS

FINAL PLAN RELEASED

IMPLEMENTATION

How can I get involved?

You can visit the consultation website – HaveYourSay at DELWP haveyoursay.delwp.vic.gov.au/biodiversity-plan – to learn more and read the draft plan.

You can also log onto HaveYourSay to provide some feedback or a submission, ask questions or have a discussion about the plan. Your feedback will help us to bring together the plan and create the course for action.

You can also share videos about the plan and links to HaveYourSay with your friends through social media.

The public consultation period will be open from 17 March 2016 until 15 May 2016.

WHAT DOES BIODIVERSITY MEAN TO ME?

9.15 Community Chef Restructure

File No: FOL/16/130
Author: Manager, Aged & Disability Services
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

This report seeks Council's approval to support the proposed company restructure of the Regional Food Kitchen Pty Ltd and Community Chef Pty Ltd.

Executive Summary

- On 26 February 2016, Council received official notification from the Regional Food Kitchen regarding a proposed company restructure to combine the two companies, Regional Food Kitchen Pty Ltd with Community Chef Pty Ltd into one proposed model which would be titled Regional Kitchen Pty Ltd.
- The main driver in bringing the two companies under the one consolidated entity is to facilitate a more efficient administrative process, governance structure and concise audit process.
- Council has a long standing history with both companies, as Council is the largest shareholder of Regional Food Kitchen with 34 shares and 12,351 shares in Community Chef, valued at $102.00. Council's commitment to Community Chef is also demonstrated by signing a ten year agreement for the supply of meals for the Home and Community Care delivered meals program and the supply of meals to Crown Street Stables Community Café.
- Currently, there are 13 Councils with purchased shares in Regional Kitchen, with Moonee Valley City Council being the largest shared holder at 34 shares. Council's investment in the purchase of the 34 shares is $420K.
- With the proposed company restructure of the Regional Kitchen, the number of Councils as shareholders will increase from 13 to 22 Councils.
- For the restructure to proceed, Shareholders (Moonee Valley City Council) will be issued one share in Regional Food Kitchen Pty Ltd valued at $18,000 in exchange for the transfer of 12,351 shares in Community Chef Pty Ltd valued at $102.00
- The restructure can only proceed if all Shareholders in Community Chef agree to the company restructure by transferring all their shares in Community Chef and accept the one share in Regional Kitchen Pty Ltd proposal. This decision will be discussed and voted on at the next Regional Kitchen Group General Meeting on Friday, 27 May 2016.

- The proposed company restructure will benefit meal recipients in the longer term as the proposal creates financial stability and business opportunities for future growth resulting in reduced meal costs to the community.

Recommendation

That Council:

1. Support the proposal for the consolidation of Regional Kitchen Pty Ltd and Community Chef Pty Ltd, into one proposed model which would be titled Regional Kitchen Pty Ltd.
2. Accepts one share valued at $18,000 in Regional Kitchen Pty Ltd for the transfer of 12,351 Moonee Valley City Council shares in Community Chef Pty Ltd valued at $102.00
3. Sign and seal the application for shares for the Regional Kitchen Pty Ltd, attached to this report as **Appendix A**.
4. Endorse the Chief Executive Officer to sign the standard transfer form, attached to this report as **Appendix B.**

Background

Since 1975, Council's Community Meals service has provided a nutritious, appetising and culturally appropriate three course meal, delivered to resident's homes or to a community setting where meals are shared in a social environment.

Delivered meals are provided by Council staff and volunteers to residents who have no other options for supporting their nutritional needs other than having a meal delivered.

With limited menu choices, increased cost in both production and building maintenance and ultimately increased cost to residents, Council resolved to join with other Councils across the State in the development of Regional Food Kitchen Pty Ltd and Community Chef Pty Ltd companies. In 2007, Council resolved to sign the 'Shareholders Agreement for Incorporated Joint Venture' in the establishment of the two companies;

1. Regional Food Kitchen Pty Ltd which was formed by 13 Councils (including Moonee Valley) constructed a purpose built food production facility to lease to Community Chef.
2. Community Chef Pty Ltd leases the purpose built facility from Regional Food Kitchen to produce and supply meals.

Over the years Council has received offers to purchase additional shares in Regional Food Kitchen with the most recent being in October 2015. Council resolved to purchase an additional 10 shares making Moonee Valley City Council the largest Shareholder in Regional Food Kitchen with 34 shares purchased at $420K and 12,351 shares in Community Chef valued at $102.00. Council's commitment to Community Chef is also demonstrated by the signing of a 10 year agreement for the supply of meals for the Home and Community Care delivered meals program and to Crown Street Stables Community Café.

In the 2014/15 financial year, Council delivered a total of 76,899 meals to Moonee Valley residents either to their homes or five community settings. Council received $440K in State Government Grants and collected $435K in meals fees. With an actual operating expenditure of $1.2M, the cost to Council was $311K.

Discussion

On 26 February 2016, Council received official notification from the Regional Food Kitchen regarding a proposed company restructure to combine the two companies, Regional Food Kitchen Pty Ltd with Community Chef Pty Ltd into one proposed model which would be titled Regional Kitchen Pty Ltd.

The benefits of proceeding with the restructure include;

- The reduction in the administration burden through the creation of business management and governance efficiencies, whereby under the consolidated entity, there would be one board that would oversee the Regional Kitchen Pty Ltd.
- Providing all shareholders the opportunity to invest further in the organisation through future rights issues.
- All Shareholder Councils have equity in the business without incurring any increased liability risk.

The proposed company restructure will benefit meal recipients in the longer term as the proposal creates financial stability and business opportunities for future growth. The aim will be to reduce debt to below $4M in the next 24 months. Once this is achieved, the company will be self-sustaining at current sales numbers. This will then ensure meal component price stability and bring forward the likelihood of dividends for all investors resulting in reduced meal costs to the community.

For the restructure to proceed, Shareholders (Moonee Valley City Council) will be issued one share in Regional Food Kitchen valued at $18,000 in exchange for the transfer of 12,351 Council shares in Community Chef valued at $102 .00.

The restructure can only proceed if all Shareholders in Community Chef agree to the company restructure by transferring all their shares in Community Chef and accept the one share in the Regional Kitchen proposal. This decision will be discussed and voted on at the next Regional Kitchen Group General Meeting on Friday, 27 May 2016.

The proposed constitution of the shareholding in the new company is currently being reviewed by the Regional Food Kitchen's lawyer. As both companies will continue to exist, there will be changes in the proposed constitution to reflect the formalised relationship between the two companies.

In the event all Shareholders do not reach an agreement, the existing company structures will remain, with no share transfers.

It has been requested the relevant documentation and forms be signed and sealed by close of business Friday, 20 May 2016.

Consultation

The nature of this report does not require any consultation.

1. Legislative

The Local Government Act 1989 Section 186, Ministerial exemption from tendering for meal services, have been granted to Shareholder Councils and *Section 193, Ministerial approval,* has been given to Councils to join a company that has power to borrow means.

2. Council Plan / Policy

Council's shareholding and subsequent agreement in the Regional Kitchen Pty Ltd is consistent with Council's Strategic Objective of 'Friendly and Safe, deliver high quality and contemporary community services that are good value for money'.

3. Financial

Currently, there are 13 Councils with purchased shares in Regional Kitchen, with Moonee Valley City Council being the largest shared holder at 34 shares. Council's investment in the purchase of the 34 shares is $420K.

With the proposed company restructure of the Regional Kitchen, the number of Councils as shareholders will increase from 13 to 22 Councils, attached to this report as **Appendix C**.

Moonee Valley City Council will be issued one share in Regional Food Kitchen Pty Ltd valued at $18K in exchange for the transfer of 12,351 shares in Community Chef Pty Ltd valued at $102.00. This will result in Council having a total of 35 shares in Regional Kitchen Pty Ltd.

4. Environmental

Regional Food Kitchen has been designed one third smaller than a traditional kitchen, holding the same capacity with significantly less refrigerated air space. This translates to lower energy costs, a smaller carbon footprint and vastly improved work environment for staff.

The facility is low risk through the adoption of an overhead rail system and the reduction in use of chemicals with the use of e-water.

Council's Community Meals distribution Centre located at the Ascot Vale Neighbourhood Centre has been designed and built utilising the latest technologies and energy saving measures.

Significant energy and water savings have been achieved from that of a traditional food production kitchen in relation to washing tasks, lighting, cooling, logistics and air treatment.

Conclusion

Regional Food Kitchen is an essential and cost effective component in Council's ability to provide meals to residents who are nutritionally at risk. Council's continued commitment as a Shareholder in the proposed Regional Kitchen Pty Ltd Company will ensure not only financial sustainability but economic growth in the company and Council's investment, which will yield future financial returns for residents through capital investment and a reduced cost of meals.

Appendices

Appendix A: Standard Transfer Form Moonee Valley
Appendix B: RK Share Transfer Application Moonee Valley
Appendix C: Copy of Share Structure before and after restructure

STANDARD TRANSFER FORM For Non-Market Transactions Affix Stamp Duty Here	Marking Stamp

FULL NAME OF COMPANY OR CORPORATION	RFK Pty Ltd ACN 128 645 312	State or Territory in which Company is taken to be registered: Victoria	
DESCRIPTION OF SECURITIES	Ordinary shares		
QUANTITY	12351		
FULL NAME OF TRANSFEROR (**SELLER**)	Moonee Valley City Council		
CONSIDERATION	The issue of one fully paid ordinary share in Regional Kitchen Pty Ltd to the Seller	Date of Transfer 31.05.2016	
FULL NAME OF TRANSFEREE (**BUYER**)	Regional Kitchen Pty Ltd ACN 130 471 206		
FULL POSTAL ADDRESS OF TRANSFEREE (**BUYER**)	43-47 Drake Boulevard, Altona, Victoria 3018		
BENEFICIAL OWNERSHIP	Upon registration of this transfer, will these shares be beneficially owned by the Buyer? Yes		
FULL NAME AND POSTAL ADDRESS OF BENEFICIAL OWNER (If applicable)	N/A		
REMOVAL REQUEST	Please enter these securities on the		REGISTER

By signing this transfer form, the Seller transfers the Securities to the Buyer, for the Consideration. The Buyer accepts the Securities upon the same conditions on which the Seller held the Securities. The Buyer represents that it is not aware of any revocation of any Power of Attorney under which this transfer form is signed.

TRANSFEROR (**SELLER**) SIGN HERE		for company use
Date signed:		
TRANSFEREE (**BUYER**) SIGN HERE		
Date signed:		

APPLICATION FOR SHARES

To the Directors
REGIONAL KITCHEN PTY LTD
ACN 130 471 206
(**Company**)

1. The Applicant specified below in the Schedule (**Applicant**) requests the Company to allot one fully paid ordinary share (**Share**) in the Company to the Applicant.

2. The Applicant tenders the Consideration specified in the Schedule in full payment for the allotment of the Share.

3. The Applicant authorises the Company to register the Applicant as the holder of the Share.

4. The Applicant agrees to be bound by the constitution of the Company.

5. The Applicant accepts and understands that the Applicant is being admitted as a member of a Proprietary Company as defined in section 9 of the *Corporations Act* 2001 and is subject to the provisions of the *Corporations Act* 2001.

Dated the day of 2016

The Common Seal of **MOONEE VALLEY CITY COUNCIL** was hereunto affixed in the presence of:

.....*Mayor*/*Councillor*

.....*Chief Executive Officer*

SCHEDULE

Name of Applicant:	Moonee Valley City Council
Address of Applicant:	9 Kellaway Avenue, MOONEE PONDS VIC 3039
Number of Shares to be Allotted:	1
Type of Shares:	Fully Paid Ordinary Share
Consideration Tendered by Applicant:	The transfer of 12351 ordinary shares held by the Applicant in RFK Pty Ltd to the Company

Agreed to allot shares per minute dated	/	/ 2016 *(to be completed by the Company)*
Entered in Register of Members	/	/ 2016 *(to be completed by the Company)*
Share certificate issued	/	/ 2016 *(to be completed by the Company)*

RK - SHARE REGISTER

	Regional Kitchen Current Holding			Regional Kitchen New Holding	
	Shares Held	% Ownership	New Shares Issued	Revised Shares Held	% Ownership
Banyule City Council	23	7.54%	1	24	7.34%
Darebin City Council	23	7.54%	1	24	7.34%
Greater Dandenong City Council	23	7.54%	1	24	7.34%
Greater Geelong City Council	23	7.54%	1	24	7.34%
Hobsons Bay City Council	23	7.54%	1	24	7.34%
Hume City Council	31	10.16%	1	32	9.79%
Melton City Council	23	7.54%	1	24	7.34%
Stonnington City Council	23	7.54%	1	24	7.34%
Yarra City Council	23	7.54%	1	24	7.34%
Moonee Valley City Council	34	11.15%	1	35	10.70%
Bayside City Council	23	7.54%	1	24	7.34%
Port Phillip City Council	23	7.54%	1	24	7.34%
Brimbank City Council	10	3.28%	1	11	3.36%
Maribyrnong City Council			1	1	0.31%
Casey City Council			1	1	0.31%
Manningham City Council			1	1	0.31%
Surf Coast Shire Council			1	1	0.31%
Greater Bendigo City Council			1	1	0.31%
Strathbogie Shire Council			1	1	0.31%
Wyndham City Council			1	1	0.31%
Boroondara City Council			1	1	0.31%
Macedon Ranges Shire Council			1	1	0.31%
	305	100%	22	327	100%

9.16 Financial Performance Report March 2016

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

Purpose

To receive a report on Council's financial performance for the financial year to date, ending 31 March 2016.

Executive Summary

- This Report explains Council's financial performance for the nine months to March 2016 in the 2015-16 financial year – refer **Appendix A** (separately circulated).
- Includes a copy of the Grants Register Status Report as at March 2016 – refer **Appendix B.**

Recommendation

That Council:

1. Receive and note the Financial Performance Report for the period 1 July 2015 to 31 March 2016.
2. Receive and note the Grants Status Report for March 2016.

Background

Council has a commitment to provide accountable and responsible government. The provision of regular reports to Council on its financial performance ensures that Council's financial management and associated processes are accountable, transparent and responsible.

The attached financial report for the 2015-16 financial year for the period 1 July 2015 to 31 March 2016 (**Appendix A** – separately circulated) provides the following Financial Statements:

- Operating Statement,
- Balance Sheet,
- Cash Flow Statement, and
- Capital Expenditure by Program.

Discussion

Summary of Overall Financial Position

1. Operating Statement
    - The operating surplus for the nine months is a favourable $1.5M against forecast.
    - Revenue from operating activities for the nine months was $131.6M.
    - Expenditure from operating activities for the nine months was $90.9M.
2. Balance Sheet
    - For the nine months ended March 2016, Council's net asset position has increased by $1.5M.

Forecast Position

The overall movement in the annual forecast position is favorable $2.5M (before reserve transfers). The forecast movement is a result of the following adjustments:

1. Revenue
    - Rates and Charges
      Favourable variance relates to higher than expected revenue from the budgeted amount.
    - Open Space Contributions
      Favourable variance relates to higher than expected revenue from the budgeted amount.
2. Expenses
    - Materials and Services
      Unfavourable variance is due to the over spend on agency costs that is partly offset by savings in operations delivery.
3. Capital Works

    The annual forecast of $29.8M includes the finalised carry forwards of $8.5M from the 2014-15 financial year, as well as project adjustments due to income variances. The year to date actual spend is $15.5M compared to a budget amount of $24.6M.

4. Grants Register Status Report

    The Grant Register Status Report provides updates as to the progress of grant applications across Council. This report is an appendix to the Quarterly Financial Performance Report (refer **Appendix B**).

Consultation

Consultation with the Management Team has been undertaken in the preparation of this report.

Implications

1. Legislative

Section 138 – Quarterly statements of the Local Government Act 1989, states "At least every 3 months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year with actual revenue and expenditure to date is presented to Council".

2. Council Plan / Policy

Council has set out its strategic direction and priorities through the Council Plan 2013-17 and the Budget 2015-16. Performance against the Council Plan and Budget are recorded at the end of the financial year in the Annual Report, with ongoing progress presented in Council progress reports.

3. Financial

The March 2016 surplus variance of $1.5M does not reflect a true financial position of Council as the result can be attributed to significant timing differences in employee benefits and materials and services that are anticipated to be incurred in future months.

4. Environmental

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

Conclusion

Council's overall financial position, as at 31 March 2016 is forecast to have a favourable surplus variance of $2.5M for the financial year.

Appendices

Appendix A: Financial Report March 2016 (separately circulated)
Appendix B: Grant Register - 2015-16

Advocacy tracking - 2015/16

Ref #	Applicant Lead		Submission Detail				Cost			Timeframe		
	Dept.	Staff contact	Grant Source (Fed, State, Other)	Govt Department (if applicable)	Grant Program	Application Summary (20 words) + TRIM ref	Grant Value	Council contribution	Total Project cost	Date Submitted	Anticipated announcement (month)	Status (Pending, Successful, unsuccessful)
1	P&D	Penny Jordan	State	DHHS	Lead.Mobilize.Unite.	To implement a range of community engagement activities focused on supporting harmonious community i.e. racial	50,000	10,000	$60,000	Jan-15	Feb-15	Successful
2	A&D	Carmel Boyce	State	MAV	Age Friendly Innovation Project	Design aged friendly activity centres	40,000	40,000	$80,000	Jan-15	Feb-15	Pending
3	A&D	Jim Karabinis	Federal	Department of Health	HACC Minor Capital	Minor capital installation of WI-FI within Council's Neighbourhood Centres	20,000	20,000	$40,000	Apr-15	May-15	Pending
4	CP&D	Jackie Zombolas	State	VicRoads	L2P Lerner Diver Mentor Program	4 year grant to deliver the Moonee Valley L2P program to support young people with learner permits facing barriers learn to drive and achieve their probationary licence	228,000	0	$228,000	Mar-15	Jul-15	Successful
5	P&D	Penny Jordan	State	DHHS	FNR Sustainability Extension	To deliver programs and facilitate service coordination across 4 key areas: - Employment and learning - Safety and Wellbeing - Youth engagement - Coordinated governance	200,000	100,000	$300,000	May-15	Jul-15	Successful
6	CP&D	Peter Crowley	State	Community Crime Prevention (DoJ)	Community Safety Grants	To undertake education and supporting activity to improve reporting of crime in the Flemington area	10,000	0	$10,000	Jul-15	Oct-15	Successful
7	A&D	Jamie Virgiotis	Federal	DSS	Workforce and Quality programme	Improve workforce sustainability in the transition to Consumer Directed Care	13,700	0	$13,700	Aug-15		Pending
8	CP&D	Jackie Zombolas	State	DHHS	FReeZA	Deliver a youth participation program over three years facilitating music, arts and events.	72,000	0	$72,000	Aug-15	Nov-15	Pending
9	F&CS	Jason Crockett/Karina Viksne	State	MAV/DET	Central Kindergarten Enrolment Project	1. Improved operations to Kindergarten enrolment in line with DET requirements across the State. 2. Enhanced Central Enrolment process for Moonee Valley Kindergartens and LDC managed services.	12,000	0	$12,000	Jun-15	Sep-15	Successful
10	F&CS	Jason Crockett/Karina Viksne	State	DET	Minor Infrastructure Refurbishment - Beaver Street	Improved security to main outdoor entrance in response to risk assessment	4,465	0	$4,465	Jul-15		Unsuccessful
11	F&CS	Jason Crockett/Karina Viksne	State	DET	Minor Infrastructure Refurbishment - Milleara Gardens	Improved security to main outdoor entrance in response to risk assessment	1,670	0	$1,670	Jul-15		Unsuccessful
12	F&CS	Jason Crockett/Karina Viksne	State	DET	Minor Infrastructure Refurbishment - Avondale Heights	Improved security to main outdoor entrance in response to risk assessment	3,340	0	$3,340	Jul-15		Unsuccessful
13	F&CS	Jason Crockett/Karina Viksne	State	DET	Minor Infrastructure Refurbishment - Lincolnville	Improved security to main outdoor entrance in response to risk assessment	9,190	0	$9,190	Jul-15		Unsuccessful
14	F&CS	Jason Crockett/Karina Viksne	State	DET	Minor Infrastructure Refurbishment - Stathmore Heights	Improved security to main outdoor entrance in response to risk assessment	1,670	0	$1,670	Jul-15		Unsuccessful
15	F&CS	Jason Crockett/Karina Viksne	State	DET	Minor Infrastructure Refurbishment - North Essendon	Improved security to main outdoor entrance in response to risk assessment	8,255	0	$8,255	Jul-15		Unsuccessful
16	F&CS	Jason Crockett/Karina Viksne	State	DET	Minor Infrastructure Refurbishment - Coronation	Improved security to main outdoor entrance in response to risk assessment	1,670	0	$1,670	Jul-15		Unsuccessful
17	F&CS	Jason Crockett/Karina Viksne	State	DET	Minor Infrastructure Refurbishment - Keilor East	Improved security to main outdoor entrance in response to risk assessment	10,000	1,450	$11,450	Jul-15		Unsuccessful
18	F&CS	Jason Crockett/Karina Viksne	State	DET	Minor Infrastructure Refurbishment - Airport West	Improved security to main outdoor entrance in response to risk assessment	9,070	0	$9,070	Jul-15		Unsuccessful
19	F&CS	Michele Leonard/Karina Viks	State	DET	Expression of Interest - Integrated Children's Centre - Capital	Strathmore Children's Centre Redevelopment (stage 2)	1,500,000	2,300,000	$3,800,000	Aug-15		Unsuccessful
20	F&CS	Maria O'Shannesy/Karina Vik	State	DET	M&CHS Innovation Fund	Innovative Collaborative Practice stream: Connecting communities - Oral language playgroup at Debney Meadows PS	93,750	0	$93,750	Nov-15		Unsuccessful
21	A&D	Margaret Waugh/Jamie Virgi	Federal	DSS	Home Care Package	Increased access to individualised aged care s	1,200,000	0	$1,200,000	Aug-15	Mar-16	Unsuccessful

Ref #	Applicant Lead		Submission Detail				Cost			Timeframe		
	Dept.	Staff contact	Grant Source (Fed, State, Other)	Govt Department (if applicable)	Grant Program	Application Summary (20 words) + TRIM ref	Grant Value	Council contribution	Total Project cost	Date Submitted	Anticipated announcement (month)	Status (Pending, Successful, unsuccessful)
22	CP&D	Elissa McMillan/Sally Abbott	State	DoJ	Graffiti Prevention Grants 2015-16	'Images' is an arts based project to develop four photographic art pieces to be displayed on art billboards throughout the Moonee Ponds Business Precinct. This project will be delivered in collaboration with traders, a local artist and the community and aims to reduce illegal graffiti in hot spot locations and improve the image and vitality of a major activity centre in the municipality. TRIM file: FOL/15/312 Application: 15/201988 Letter from DoJ advising our application was unsuccessful: 15/250485	19,800	6700 (in-kind)	$19,800	Sep-15	Nov-15	Unsuccessful
23	CP&D	Ella Mason/Jackie Zombolas	State	Department of Human Services	FReeZA	Supporting young people to develop skills and to showcase youth culture in Moonee Valley through The Avenue [15/166487].	72,000	$0 (in-kind)	$72,000	Aug-15	Nov-15	Successful
24	F&CS	Jennifer McCurry/Kerryn Loc	State	HHS	Community Shade Grants Program	Airport West Kindergarten Priority shade sail replacement	2,404	0	$2,404	Dec-15	Feb-16	Pending
25	F&CS	Jennifer McCurry/Kerryn Loc	State	HHS	Community Shade Grants Program	Airport West Kindergarten shade over digging patch	5,407	5,407.43	$10,815	Dec-15	Feb-16	Unsuccessful
26	F&CS	Jennifer McCurry/Kerryn Loc	State	HHS	Community Shade Grants Program	Avondale Heights Early Years Centre Shade sail	3,542	0	$3,542	Dec-15	Feb-16	Unsuccessful
27	F&CS	Jennifer McCurry/Kerryn Loc	State	HHS	Community Shade Grants Program	Coronation Kindergarten shade over swing	3,692	3,692	$7,383	Dec-15	Feb-16	Unsuccessful
28	F&CS	Jennifer McCurry/Kerryn Loc	State	HHS	Community Shade Grants Program	Lincolnville kindergarten cover over parents waiting area	7,990	7,990	$15,981	Dec-15	Feb-16	Unsuccessful
29	F&CS	Jennifer McCurry/Kerryn Loc	State	HHS	Community Shade Grants Program	MILD 1 Shade over play area	5,191	5,191	$10,382	Dec-15	Feb-16	Unsuccessful
30	F&CS	Jennifer McCurry/Kerryn Loc	State	HHS	Community Shade Grants Program	MILD 2 Shade over play area	6,236	6,236	$12,472	Dec-15	Feb-16	Unsuccessful
31	F&CS	Jennifer McCurry/Kerryn Loc	State	HHS	Community Shade Grants Program	MILD 3 Shade over play area	4,238	4,238	$8,476	Dec-15	Feb-16	Unsuccessful
32	F&CS	Jennifer McCurry/Kerryn Loc	State	HHS	Community Shade Grants Program	Montgomery Park kindergarten shade over digging patch	3,000	3,000	$6,000	Dec-15	Feb-16	Unsuccessful
33	F&CS	Jennifer McCurry/Kerryn Loc	State	HHS	Community Shade Grants Program	Strathmore Children's Centre shade over upstairs open area	5,605	5,605	$11,210	Dec-15	Feb-16	Unsuccessful
34	P&G	Michelle Gooding	fed	Dept Environment	Green Army	green army teams for 2 consectutive 23 week programs. Project 2 - Moonee Ponds Creek commencing July 2016	150,000	in kind	$150,000	Sep-15	Dec-15	Successful
35	P&G	Michelle Gooding	other		ARC Linkage	Research Project investigating the value of irrigating natural open space. Partnering with Dandenong CC and Monash University	189,000	30,000	$219,000	Nov-14	Aug-15	Successful
36	A&D	Margaret Waugh	Fed	DOH	Home Care Packages	Application for an additional 30 Home Care Packages	1,146,881	0	$1,146,881	Sep-15	Mar-16	Unsuccessful
37	City Planning	Penny Ball	State	Melbourne Water	Living Rivers	Development of a Water Sensitive City Strategy	46,000	25,000	$71,000	Oct-15	Nov-15	Successful
38	City Planning	Penny Ball	State	Melbourne Water	Living Rivers	Buildings for Waterways - sustainability education project	7,000	10,000	$17,000	Mar-16	May-16	Successful
39	City Planning	Penny Ball	State	Melbourne Water	Living Rivers	Woodlands Park and Salmon Reserve Stormwater Harvesting Detailed Design	60,000	50,000	$110,000	Mar-16	May-16	Successful
40		Patricia Keenan	Federal	Dept Infrastructure	NSRF	Incinerator Gallery Redevelopment	3,000,236	3,000,236	$6,000,473	Jul-15	Dec-15	Unsuccessful
41	LOSP	Sarah Haq	State	Dept of Justice	Public Safety Infrustructure	Upgrade of Pridham Plaza capital works	250,000	250,000	$500,000	Aug-15	Oct-15	Successful
42	Transport	Lisa Bagnati	State	VicHealth	Walk to school in October	Walk to school in October activities for participating Moonee Valley Schools	10,000	0	$10,000	Mar-16	May-16	Successful
						Total financial year	$8,487,002	$5,878,045	$14,365,048			

Pending	5
Rollover/Ongoing	0
Successful	13
Unsuccessful	24

9.17 Report on Assemblies of Council

File No: FOL/16/130
Author: Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

The purpose of this report is to present to Council, the written records of Assembly of Councillors held in accordance with the provisions of Section 80A(2)(a) and (b) of the *Local Government Act* 1989 ("the Act").

Executive Summary

It is a requirement that the Chief Executive Officer ensures that the written record of an Assembly of Councillors is, as soon as practicable, reported at an Ordinary Meeting of the Council, and incorporated in the minutes of that Council meeting.

Recommendation

That Council receive and note the written records of Assembly of Councillors, provided as **Appendix A**, received since the last report to Council in April 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 April 2016, are provided as **Appendix A**.

Consultation

All Council staff have been informed of Council's obligations under the Act.

Implications

1. Legislative

This report is presented to Council in accordance with Section 80A of the Act. As this is a mandatory reporting requirement, there are no Charter of Human Rights implications for Council.

2. Council Plan / Policy

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

3. Financial

There are no financial implications resulting from the presentation of this report.

4. Environmental

There are no environmental implications resulting from the presentation of this report.

Conclusion

Council has an obligation under Section 80A(2)(a) & (b) of the Act, to present all records of Assemblies of Councillors to an Ordinary Meeting of Council. By receiving and noting this report, Council is ensuring compliance with this provision.

Appendices

Appendix A: Record of Assemblies of Council

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 19 April 2016 at 6.33 pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Andrea Surace, Paul Giuliano, Jan Chantry, Shirley Cornish, Nicole Marshall, Cam Nation, Narelle Sharpe and John Sipek.

Officers:

Bryan Lancaster	Chief Executive Officer
Henry Bezuidenhout	Acting Director Planning & Development
Gil Richardson	Acting Director City Services
Petrus Barry	Manager Statutory Planning
Yvonne Hansen	Manager Legislative Services & Support
Troy Watson	Manager Arts, Culture & Libraries
Kosta Smirnis	Acting Manager Technical Services
Christina Collia	Acting Coordinator Strategic Planning
Liz O'Farrell	Planning Investigation Officer

CONFLICT OF INTEREST DISCLOSURES

Nil.

MATTERS CONSIDERED

1. Spirit of Moonee Valley Awards
2. Moonee Valley Festival
3. Construction Management Plans
4. Draft Policy on Right of Way Access for Abutting Development Proposals
5. Moonee Ponds Activity Centre Car Parking Plan and Amendment
6. East West Link
7. Antares Court, Aberfeldie – Peppercorn tree
8. Items of a general nature raised by Councillors and Officers.

RECORD COMPLETED BY

Yvonne Hansen	Manager Legislative Services & Support

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 26 April 2016 at 6.16 pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Andrea Surace, Jan Chantry, Shirley Cornish, Nicole Marshall, Cam Nation, Narelle Sharpe and John Sipek.

Officers:

Anthony Smith	Acting Chief Executive Officer
Henry Bezuidenhout	Acting Director Planning & Development
Gil Richardson	Acting Director City Services
Petrus Barry	Manager Statutory Planning
Yvonne Hansen	Manager Legislative Services & Support
James Martin	Manager Communications & Customer Service

CONFLICT OF INTEREST DISCLOSURES

Councillor Marshall provided written notification to the Chief Executive Officer regarding a Conflict of Interest in Item 6 – 8-14 Shuter Street, Moonee Ponds due to a close association and having declared a Conflict of Interest, left the meeting during discussion on this item.

MATTERS CONSIDERED

1. 53 - 55 Amelia Avenue, Essendon
2. 4 Kernan Street, Strathmore
3. 147 - 149 The Parade, Ascot Vale
4. 19 - 21 Illawarra Road, Flemington
5. 33 Marshall Street, Flemington
6. 8 - 14 Shuter Street, Moonee Ponds
7. Recording of Public Council Meetings - 6 Month Update
8. 2016 Spirit of Moonee Valley Community Awards
9. Proposed New Lease for Debneys Park Community Garden
10. Attendance at the Australian Mayoral Aviation Council (AMAC) Annual General Meeting and Conference 2016.

RECORD COMPLETED BY

Anthony Smith	Director Corporate & Community Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 3 May 2016 at 6.55 pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Andrea Surace, Paul Giuliano, Jan Chantry, Shirley Cornish, Nicole Marshall, Cam Nation, and John Sipek.

Officers:

Bryan Lancaster	Chief Executive Officer
Anthony Smith	Director Corporate & Community Services
Henry Bezuidenhout	Acting Director Planning & Development
Gil Richardson	Acting Director City Services
Yvonne Hansen	Manager Legislative Services & Support
Tim Mileham	Acting Manager City Planning
Troy Delia	Coordinator Legislative Services
Christina Collia	Acting Coordinator Strategic Planning
Matt Spozio	Principle Statutory Planner
Colin Harris	External Projects Officer
Brian Labadie	Senior Strategic Planner
David Kilroe	Strategic Planner

CONFLICT OF INTEREST DISCLOSURES

Councillor Nation declared a Conflict of Interest in Item 1 due to close association. Bryan Lancaster declared a Conflict of Interest in Item 1 due to residential amenity. Having declared a Conflict of Interest in Item 1, both Cr Nation and Mr Lancaster left the meeting during discussion on this item.

MATTERS CONSIDERED

1. Amendment C159 - Implementation of Essendon Junction Structure Plan
2. Tullamarine Freeway Widening Update
3. Councillor Code of Conduct Review
4. Municipal Wide Significant Tree Review
5. 31 & 33 Taylor Street, Moonee Ponds
6. Items of a general nature raised by Councillors and Officers

RECORD COMPLETED BY

Anthony Smith	Director Corporate & Community Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 10 May 2016 at 6.47pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Paul Giuliano, Jan Chantry, Shirley Cornish, Nicole Marshall, Cam Nation, Narelle Sharpe and John Sipek.

Officers:

Bryan Lancaster	Chief Executive Officer
Anthony Smith	Director Corporate & Community Services
Henry Bezuidenhout	Acting Director Planning & Development
Gil Richardson	Acting Director City Services
Yvonne Hansen	Manager Legislative Services & Support
Petrus Barry	Manager Statutory Planning
Colin Harris	External Projects Officer

CONFLICT OF INTEREST DISCLOSURES

Councillor Nation declared a Conflict of Interest in Item 6 and Item 10 and having declared a Conflict of Interest, left the meeting during discussion on these items.

Bryan Lancaster declared a Conflict of Interest in Item 6 and having declared a Conflict of Interest, left the meeting during discussion on this item.

MATTERS CONSIDERED

1. Community Chef Restructure
2. Biannual Grants Program 2015/16 - Round 2
3. Moonee Valley Grants 2016/17 - Caretaker Arrangements
4. Financial Performance Report March 2016
5. Councillor Code of Conduct Review
6. Amendment C159 - Implementation of Essendon Junction Structure Plan
7. Grade Separation Principles for Essendon Junction
8. Combined Planning Permit Application MV/900/2015 and Amendment C148 to the Moonee Valley Planning Scheme (9 Newsom Street, Ascot Vale)
9. 436 - 442 Mt Alexander Road, Ascot Vale
10. 275 Buckley Street, Aberfeldie
11. 229 Mascoma Street, Strathmore
12. 40 Forrester Street, Essendon
13. 6 Ridley Avenue, Avondale Heights
14. 12 Howes Street, Airport West

15. Items of a general nature raised by Councillors and Officers

RECORD COMPLETED BY

Anthony Smith Director Corporate & Community Services

9.18 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 April 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 April 2016:

a) Integrated Transport Committee held 1 February 2016 (**Appendix A**);
b) Municipal Emergency Management Planning Committee held 11 February 2016 (**Appendix B**);
c) Arts and Culture Advisory Committee held 22 February 2016 (**Appendix C**);
d) Integrated Waterways Advisory Committee held 26 February 2016 (**Appendix D**); and
e) Strategic Planning Advisory Committee held 24 March 2016 (**Appendix E**).

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) Integrated Transport Committee held 1 February 2016;
b) Municipal Emergency Management Planning Committee held 11 February 2016;
c) Arts and Culture Advisory Committee held 22 February 2016;
d) Integrated Waterways Advisory Committee held 26 February 2016; and
e) Strategic Planning Advisory Committee held 24 March 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: Integrated Transport Committee held 1 February 2016
Appendix B: Municipal Emergency Management Planning Committee held 11 February 2016
Appendix C: Arts and Culture Advisory Committee held 22 February 2016
Appendix D: Integrated Waterways Advisory Committee held 26 February 2016
Appendix E: Strategic Planning Advisory Committee held 24 March 2016

City of Moonee Valley

MINUTES – Meeting 16
Integrated Transport Committee

Held Monday 1 February 2016, 6:00pm to 8:00pm, Committee Room, Civic Centre

1	**Open Meeting – Welcome, Attendees and Apologies**
	Attendees: Mayor Surace (Chair), Cr Marshall, Mary Kennedy Strategic Transport Planner, Chris Morris Sustainable Transport Officer, Frank Kinnersley (Moonee Valley Bicycle User Group), Laurie Elliot, Lynn Sweeney, James Golden, Gary Allan, Joanne Barrett, Charles Sowerwine **Apologies:** Kosta Smirnis (Acting Manager Technical Services), Josh Parris, Ben Koutoukidis,
2	**Workshop: Integrated Transport Plan and Road Safety Plan Update**
	Council provided a detailed analysis of the of the survey data identifying Moonee Valley travel trends, perceived barriers and possible incentives to encourage more residents to commute by sustainable modes of transport. **ACTION COUNCIL:** Circulate information to ITC and email requesting feedback. **ACTION ITC:** Complete the three feedback categories for the Integrated Transport Plan and return the form to Council by 12th February 2016.
3	**Minutes from Meeting 15 held on 9 November 2015 were confirmed.**
4	**Business arising from the last meeting**
	Issue: Investigate having a facility, like the Collaborative Map, open for the community as a facility to provide comment or feedback to Council about transport on an ongoing basis. Alternatively, see if a map-based comment feature can be incorporated into the Snap, Send, Solve app. **ACTION:** COUNCIL **Update:** Moonee Valley are a partner in a new BikeSpot Project. The BikeSpot project is a collaboration, enabled by a TAC Road Safety Grant, between The Squeaky Wheel and CrowdSpot to further understand the bicycle riding community's perceived level of safety compared to historical crashes at locations across Metropolitan Melbourne. Central to the project is a new CrowdSpot map that will collect perceptions of safety and is due to launch in Mid-February 2016. At the same time, Council officers will recommend an on-going online consultation tool, with similar functionality to a collaborative map as part of the draft Integrated Transport Plan.
	Issue: Send links to ITC members of maps from Dr. Fishman's presentation, the "Keep Moonee Valley Moving" Collaborative Map, and online tool to assess changes to bus frequency and routes. **ACTION:** COUNCIL **Update:** The various links were sent to the ITC members with the draft minutes
	Issue: Continue to chase up the various issues on Mount Alexander Road including drainage from southern end of Moonee Ponds Junction to Baroda Street; drainage grill on Mount Alexander Road between Mascoma Street; removing bluestone on the corner of Warrick Street

	and the quality of surface adjacent to the pedestrian signals near Middle Street. **ACTION:** COUNCIL **Update:** VicRoads provided the following response: • *Quality of surface adjacent to the pedestrian signals just south of Middle Street on Mt Alexander Road in Ascot Vale* - VicRoads inspection noted only minor defects (meandering, longitudinal and transverse cracking). Resurfacing is recommended in 2017 according to VicRoads Surface Inspection Rating. VicRoads noted that Yarra Trams have recently resurfaced within their demarcation and believe the pedestrian crossing surface to be in very good condition. • *"The southern end of the Moonee Ponds Junction to half way between Mascoma Street and Baroda Street (on the city bound side) the surface has become uneven"*. VicRoads investigated and found only minor defects and no works are proposed in the short term. • *"Mount Alexander Road (city bound) at the southern side of Warrick Street there is a bluestone drain in the bicycle lane"*. The drain is within VicRoads' Road Management Plan and will be considered as part of the defect program for 2016/17. • *"Between Mascoma Street and Baroda Street (on the city bound side) there is a grill in the cycle lane"*. The drain/grill is within VicRoads' Road Management Plan and will be considered as part of the defect program for 2016/17.
	Issue: Continue to investigate potential locations for the bicycle repair stations and report back to the ITC in February. **ACTION:** COUNCIL **Update:** Council has identified two locations (1) Maribyrnong River Trail near the Afton Street Bridge and (2) Opposite Mascoma Street on the Moonee Ponds Creek Trail in Strathmore. Council are currently seeking quotes and hope to have the bike stations installed in the near future. **ACTION COUNCIL:** Continue to report progress of bicycle repair stations to ITC
	Issue: Circulate the draft Buckley Park LATM plans to the ITC **ACTION:** COUNCIL **Update:** The draft Buckley Park LATM will be endorsed by Council at the end of February 2016. As part of the community consultation, a copy will be circulated to the ITC for comment. **ACTION:** Circulate the draft Buckley Park LATM plans to the ITC
	Issue: The ITC raised concerns with lack of parking enforcement. Investigate parking enforcement process including the Snap, Send, Solve procedure and whether photographs can be used to report illegally parked vehicles. **ACTION:** COUNCIL **Update:** • Snap, Send, Solve is an app in which residents can take a photo of a parking issue and send it to Council. Council receive a notification via email, which is directed to the Customer Service team. The email contains the photo from the resident, the location of the incident and any other information the resident has included. The Customer Service Team create a Request for Service for the incident, including informing parking staff where required. • A resident can take a photograph of a car illegally parked and report it to Council and an officer will inspect the location, however it is not Council practice to issue an infringement based on information provided by a member of the public. The incident must be investigated by a Council parking officer. • Approximately 42,000 cars are fined each year in Moonee Valley (for all infringements). • In 2015, Council logged 712 Request for Service Actions via Snap, Send Solve. Of those 136 were for cars parked illegally and a further 8 for abandoned vehicles. **ACTION COUNCIL:** Send Snap, Send, Solve link to ITC and background information on how to use the app. **ACTION COUNCIL:** Determine if it is legal for Council to adopt policy of reporting cars parked

	illegally through photographic evidence only. **ACTION COUNCIL:** Determine how long it takes for the photograph reported from Snap, Send, Solve to be processed by Council to become a Request for Service.
	Issue: Notify ITC of information sessions as part of the Flemington Green project that are set to be conducted in December 2015. **ACTION:** COUNCIL **Update:** Council's presentation from the December initial information session was sent to members of the ITC. Consultation has commenced on the Victoria Racing Club's (VRC) proposed development of two parcels of land at Flemington Racecourse. Council is not the planning authority for this land. The responsible authority is the Minister for Planning. To help the community understand how to make a submission, Council is holding two information sessions. The first session will be held from 6:30pm – 8:30pm on Wednesday 10th February at the Flemington Kensington Bowling Club. The second session will be held on Saturday 13 February from 1:30pm – 3:30pm at the Flemington Community Centre. We will be putting in a submission as part of the consultation and encouraging residents to make a submission. **ACTION COUNCIL:** Send links of information sessions to ITC.
	Issue: Review attendance of ITC members and determine level of support of any members who are not regularly attending. **ACTION:** COUNCIL **Update:** Attendance by members of the ITC has generally been consistent. Chris Carabott has confirmed that he has resigned from the ITC. Council officers are currently seeking nominations through contacts in the Youth Participation team.
	Issue: Send through topics ITC members wish to discuss at future meetings to Council. **ACTION:** ITC **Update:** ITC members can continue to raise topics they wish to discuss at future meetings throughout the year.
	Issue: Investigate utilising the Moonee Valley Racecourse as an alternative western route for the Dean Street underpass **ACTION:** ITC **Update:** Upgrading the Dean Street underpass has been endorsed by Council, is listed in the Walking & Cycling Strategy and detailed design work has commenced, Council will continue to proceed with this project in 2015/16 and 2016/17. There may be benefit in pursuing both projects. Council will consider this suggested project as part of the future development of MVRC. The existing road will act as a shared path during the Citylink Tulla Widening works between Fanny Street and Dean Street bypass during March and then again between 1st May 2016 – July 2016. **ACTION COUNCIL:** Ensure Melbourne Water's is consulted as part of the updated detailed design of the Dean Street underpass. **ACTION COUNCIL:** 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:** Investigate including lighting in the underpass as part of the Dean Street underpass project.
5	**Strategic Updates**

	Integrated Transport Projects 2016/17 Council presented a very preliminary list of proposed walking and cycling projects for 2016/17 noting that this list is subject to review and is likely to change. ITC members will be able to provide formal feedback when the draft budget is released later in the year. **ACTION COUNCIL:** 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:** Investigate including on-road signage directing cyclists to Moonee Ponds Creek Trail and Maribyrnong River Trail. Moonee Ponds Creek Trail Masterplan ITC members were invited to attend the Moonee Ponds Creek Masterplan stakeholder workshop on the 4th February and provide initial feedback on the Masterplan including the need for the trail to be wider and the surface upgraded. **ACTION COUNCIL:** Provide update on RSVP information and report on progress of master plan. Melbourne Airport Rail Link **ACTION COUNCIL:** Note that if the location is within relevant proximity to advocate for Steele Creek Bridge underpass at Fullarton Road as part of the Airport Rail Link project.
6	**General Business**
	Trees overhanging on Mount Alexander Road between Dean Street and Ormond Road **ACTION COUNCIL**: Develop on-going maintenance program in spring each year to trim trees along Mount Alexander Road. Cyclewise The next Cyclewise course is on Saturday 20th February 10am – 3pm at the Kellaway Avenue Neighbourhood Centre is sold out. Bike West Report Council provided an analysis of the feasibility of incorporating actions from the Bike West Report into the Walking & Cycling Strategy. Council will consider the actions not already included in the Walking & Cycling Strategy as part of the development of the new Integrated Transport Plan. **ACTION COUNCIL:** Provide update on Valley Lakes Estate shared path. **ACTION COUNCIL:** 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:** Circulate criteria for funding Strategic Cycling Corridors when it is released by the State Government. **ACTION COUNCIL:** 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:** Ensure trees are trimmed on Citylink Tulla Widening bicycle detour route. **ACTION COUNCIL:** Investigate providing an upgraded crossing on Wilson Street to Fanny Reserve.

7	**Meeting dates for 2016**
	• 1st August • 7th November
	Meeting concluded at 8:00pm

City of Moonee Valley

Municipal Emergency Management Planning Committee

Thursday, 11 February 2016
Held at the Council Chamber,
9 Kellaway Ave, Moonee Ponds
Meeting Commenced at 17.30pm

Minutes of Meeting

Attendance:

Name	Organisation
Craig Medcalf	MVCC
Hugh McCarry	MVCC
Jim Karabinis	MVCC
Craig Perry	MVCC
Kosta Smirnis	MVCC
Alison Tuxworth	VicSES
Peter Clark	VCC EM
Bruce Missen	VCC EM
Ian Jones	VicPol
Brett Murphy	VicPol
Richard Lodder	ST John Ambulance
Phil Gregory	Essendon Airport

1. APOLOGIES:

Cr Jan Chantry - MVCC
Michele Leonard – MVCC
Jade Cubela – Red Cross
Sandy Faoro – SES
Frank Armstrong - DHS
Guy McCrorie - MFB

2. WELCOME:

- Welcomed Craig Perry as the deputy MERO
- Bruce Missen – Area Coordinator VCC EM
- Brett Murphy – Vic Pol
- Jim Karabinis – Deputy MRM

3. MINUTES FROM PREVIOUS MEETING:

- Accepted by the Committee and moved by Hugh McCarry and Craig Perry.

4. ACTIONS ARISING FROM THE PREVIOUS MEETING:

- Review of Plan to be updated and sent to Lina.
- Updated plan to be forwarded to Alison, Ian and Brett (completed)

5. CORRESPONDENCE

- Two fires at the Tyre factory.
- City of Hume fire plan and meeting schedules throughout the year.
- DEWP updates/registry.
- Major Hazard Advisory Committee Planning Committee
- Sub Plan Emergency Management Procedure
- Cutting the pipeline – Fire protection.
- Citylink project significant risk.
- Traffic issue from English St Essendon Airport should be minimised. Wirraway Rd only one way traffic. It is worth flagging it during monthly meetings.
- VicRoads, highlight concerns regarding the works Jan 17 for 6-8 weeks
- Send through agency reports earlier for discussion with the committee.

6. REVIEW OF MEMP

- Plan to be sent out to the committee and feedback back to Lina.
- Comments/feedback to the next Committee Meeting.

7. AGENCY REPORTS

St John Ambulance — *Richard Lodder*

- 18 total fire ban days so far this year
- Busy period

Vic Police — *Brett Murphy*

- Emergency Management Commissioner ruling
- Legislation around planning
- MERC will be looking at risks within their Municipality
- Bring people in to discuss risks - vulnerable people risk
- Facilities to be identified.
- Form sub-committee to look at evacuation plans
- Relocation plans for nursing homes and attach list to our MEMP plans.
- CERA process will be similar to Whittlesea.
- A Bill should be submitted to Parliament for support
- A documentation guide for the state.

Ian Jones

- 10 fire report with no evacuations, cars also involved
- Debney Primary school 11 Dec 2015 threat.
- Bomb threat Woolworths in Niddrie 3rd evacuation
- Schools are getting more bomb threats which need to be addressed. Quite a few at Hume, not taken lightly.
- Council has a network breakfast with Principals – Jim to raise concerns and liaise with Ian.

Metropolitan Fire Brigade — *Guy McCrorie*

- Nil report

State Emergency Service (Essendon) — *Sandy Faoro*

- ***Nil report***

State Emergency Service (Regional) ***Alison Tuxworth***

- Exercise Gumboots 29 Feb night time.
  Volunteers out.
- Report will be submitted at next meeting.
- Flood Management plan –17 Feb
  5 year flood plan
- Essendon Airport workshop involvement
- Suspicious package, report must come from Police and not Council.

Department of Human Services ***Frank Armstrong***

- Nil report

Red Cross ***Jade Cubela***

- Nil report

VCC EM ***Brian Missen***

- 3 months of fires around Christmas and in the new year
- The Operations Centre opened on Christmas Eve
- Cape Schanck – missing person incident flood in Geelong

Essendon Airport / Essendon Fields ***Phil Gregory***

- Accident/injury free the last few months
- Safety meeting in March, invitations out soon
- Freeway closure dismantling English Street Bridge,
  Essendon Airport
- Crash gates for access from DFO might be an option
- Upgrade for vehicles

Centrelink (Federal DHS Centrelink)

- No report

Moonee Valley City Council — *Craig Medcalf*

- CrisisWorks V3 – V4 some work required with our IT people
- Timing of meetings to business hours, 2 at night and 2 during the day. Further discussion with Cr Jan Chantry.
- Volume of work for the MERO, to appoint an additional person.

Jim Karabinis

- Preparation of excessive heat policy
- Generator trialled and ready to go.
- Pools are to extend hours on really hot days.
- Relief recovery – large response from staff to assist.
- Heat plan put in place. Council staff made themselves available.

Hugh McCarry

- Wye River fires – a list of staff attended.

Community Safety Register

- Initiative from Monee Ponds Police and Council to look at recruitment of volunteers
- During Heatwave days Council will contact elderly on register
- Community Safety Officer – formal review and attend the next meeting
- Council will need to request it, if the Community safety register is still required.

8. General Business

- Flash Flooding registered in Moonee Valley 30ml in 30 minutes — *Kosta Smirnis*
- Flash and River Flooding in Low lying areas.
- Hotham Road drains need to be cleared.
- Melbourne Water to revise the overlays.

9. OTHER BUSINESS

School threats, 3 options available
- to leave children at school
- move them to a different location or send them home.

Support is for the principal who makes the call.
Meeting with Alison and Ian.

Close of Meeting at 19.30

2016 MEMPC meeting dates starting at 5:30pm are:

Thursday 11 February 2016
Thursday 12 May 2016
Thursday 11 August 2016
Thursday 10 November 2016

City of Moonee Valley

Arts and Culture
Community Advisory Committee
Minutes

MEETING #13

Monday, 22 February 2016 at 6pm
Council Chambers, 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
	Paul Green	Community member
	Raelene Marshall	Community member
	Shelley Abazi	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
	Pip Grummet	Community member
	Cr Jim Cusack	(Sub chair) – Myrnong Ward
	Chris Clark	Community member
	Vincenza Fazzalori	Community member

Order of Business

Welcome

Chair Cr Chantry opened the meeting at 6.05pm and welcomed members, including Council staff new to the committee, Gil Richardson and Troy Watson.

Apologies

Noted as per page 1.

1. Confirmation of previous minutes

Moved by Shelley Abazi, seconded by Paul Green that the Minutes of the Arts and Culture Community Advisory Committee meeting (#12) held on Monday, 16 November 2015 be confirmed with no changes.

2. Declarations of Conflict of Interest

Nil.

3. Actions arising from previous minutes

3.1 Arts & Culture Plan 2014-18 – priorities for 2016/17

Troy Watson provided committee members with a handout which listed priorities from the Arts & Culture Plan 2014-18 for the 2016/17 financial year.

Highlights included:

- Conducting a review of festivals and events run by Council – to improve on the coordination, planning, marketing etc.
- Developing a Public Art Policy – this will come to the committee for comment before being finalised
- Reviewing the temporary public art initiatives run in 2015/16

4. Update on recently held events

- Temporary Public Art initiative: A new artwork has been installed at the Mt Alexander Road site: *Natural Selection* by Jonathan Leahey. The trial of a second site has commenced at Avondale Heights Library and Learning Centre, with the installation of *Guardian Spirit* by Mike Nicholls in the past week.

  Cr Chantry advised she'd like to see images of the selected pieces before they are installed.

  ACTION: *Trish, Troy and Gil to liaise with Cr Chantry and the committee to determine the final pieces for the Temporary Public Art initiative.*

- Carols in Queens Park: A record crowd of approx. 6,000 attended the 2015 Carols event in 2015. In previous years the event has attracted around 2,000-2,500. The potential for larger crowds will be considered in the planning for future events.
- All you need is love - Midsumma exhibition opening
- Fireworks exhibition opening and awards

- Billboard project: Five pieces by local artists, Mike Read and James Voller, have been installed on buildings in Niddrie and in Flemington.
- Cabaret Festival: Four performances were held as part of Midsumma Festival in late January and early February.
- Clocktower Centre improvements: This project is well ahead of schedule, with interior painting completed and exterior painting well underway. The next stage will be looking at better exterior signage, and possibly a mural on the rear exterior wall along Pascoe Vale Road.

5. Upcoming events

- Clocktower Theatre Season – first show *Australia Day* – 11 & 12 March
- Morning Music program starts tomorrow with *The Mikado*
- Movies at the Clocktower started earlier this month with *Jedda*.

Frank DiBlasi enquired about booking the Clocktower in September for a performance of Il Trovatore. Matt will liaise with Frank.

- Trish distributed Incinerator Gallery programs
- This Sunday, 28 February the Moonee Valley Festival is being held. Some of the highlights will include:
  - Little Wooden Caravan
  - Nylon Zoo
  - Kinetic Theatre
  - Sol Nation
  - Aerosol art
  - Philip Vakos (Masterchef)
  - Licenced bar area with music and local performers

  Cr Chantry enquired why the usual Moonee Valley Festival t-shirts have been replaced with hats this year, and requested that t-shirts be brought back for the 40th anniversary of the festival in 2017.

ACTION: *Arts and Culture team to look into bringing back t-shirts for 2017 festival.*

- Mediterranean Fiesta will be held in March.

6. General business

6.1 Funding of the arts

Paul Green and Raelene Marshall were concerned that there is currently an imbalance of funding allocated to the arts compared to other Council activities and would like to see this addressed.

ACTION: *Gil and Troy to look info funding figures.*

6.2 Incinerator Gallery – grant application

Troy Watson advised that Council's application for a grant to undertake improvements at the Incinerator Gallery through the National Stronger Regions Fund had been unsuccessful. Cr Chantry suggested Council should re-look at the scope of the project and scale back expectations.

6.3 Promotion and engagement with art

Shelley Abazi suggested that Council could to do more to promote and engage the community with art, such as working with schools, running activities at libraries and promoting in public places such as on noticeboards, in shopping strips etc.

6.4 Education programs

Shelley Abazi is eager to hear more about what is happening in the area of education.

ACTION*: Alana to include item on agenda for next meeting.*

6.5 Art box program

Frank Di Blasi asked whether the Art Box Project (implemented in Puckle Street, Moonee Ponds in 2015) would be rolled out to other shopping strips in the municipality, possibly Avondale Heights.

POST MEETING NOTE: *Council's Economic Development team are looking into rolling out the Art Box Project to other shopping strips in Moonee Valley. Avondale Heights will be included in a list of possible locations for further investigation.*

6.6 Community forum

Cr Chantry would like to discuss at the next meeting the possibility of running an arts forum, possibly to inform the development of a public art policy.

ACTION*: Alana to include item on agenda for next meeting.*

7. Date of next meeting

The meeting schedule for 2016 will be:

- Monday, 16 May , 6pm-8pm
- Monday, 8 August , 6pm-8pm
- Monday, 21 November, 6pm-8pm

Chair Cr Chantry thanked everyone for attending.
Meeting closed at 7.41pm.

City of Moonee Valley

Moonee Valley Integrated Waterways Advisory Committee

Minutes

MEETING #14

Friday, 26 February 2015 at 9am
Committee Room, Moonee Valley Civic Centre
9 Kellaway Avenue, Moonee Ponds

Attendees	Cr Shirley Cornish	Chairperson - Rose Hill Ward
Arrived 9.10am	Cr Nicole Marshall	(sub chair) – Myrnong Ward
	Virginia Moylan	Friends of Five Mile Creek
	Peter Somerville	Friends of Maribyrnong Valley
	Mark Roberts	Friends of Napier Park
	Sue Hooper	Friends of Steele Creek
	Frank Kinnersley	Friends of the Moonee Ponds Creek
	Tony Smith	Moonee Ponds Creek Co-ordination Committee
	Elaine Brogan	RivCel
Council officers	Gilbert Richardson	Acting Director City Services
	Craig Medcalf	Manager Operations
	Michelle Gooding	Acting Coordinator Parks and Gardens
	Alana Stevens	Executive Assistant City Services (minute taker)
Guest	William Wheeler	Principal Statutory Planner
arrived 9.58am	Tim Mileham	Acting Manager City Planning
Apologies	Kylie Swingler	Melbourne Water
	Cr Paul Giuliano	(sub chair) – Deputy Mayor – Buckley Ward
Guest	Penny Ball	Senior Sustainability Officer
	Leigh Mitchell	Melbourne Water
	Mark Gutterson	Parks Victoria
	Stuart Lacey	Friends of Afton Street

Order of Business

Welcome

Chair Cr Shirley Cornish opened the meeting at 9.05am.

Cr Cornish welcomed new Council staff on the committee; Gilbert Richardson, Acting Director City Services, and Craig Medcalf, Manager Operations.

Apologies

Noted as per page 1.

1. Confirmation of previous minutes

Moved by Peter Somerville, seconded by Sue Hooper that the Minutes of the Moonee Valley Integrated Waterways Advisory Committee Council held on Friday, 20 November 2015 be confirmed.

2. Declarations of conflict of interest

Nil

3. Actions arising from previous minutes and summary of actions

3.1 Protecting Steele Creek corridor - Craig Street, Keilor East

William Wheeler, Principal Statutory Planner, advised that he is assessing the application to develop 12 Craig Street, Keilor East.

Cr Nicole Marshall arrived 9.10am

A consultation meeting for the application was recently held, and the proposal will go to an upcoming Council meeting for a decision.

Cr Cornish has some concerns about the proposal, particularly regarding the setbacks and the visitor car parking area. The committee were also concerned that private land may be used to access the site during construction.

Will advised that Council now has a dedicated enforcement officer, who would regularly visit the construction site and follow up any non-compliance.

It was agreed that Will would attend the next committee meeting to discuss the WSUD and Environmental Management reports for this proposal.

ACTION: *Alana Stevens to invite Will to next committee meeting.*

3.2 Water Strategy

Michelle Gooding relayed information provided by Penny Ball, who was an apology for this meeting:

Consultation underway with WSUD working group, Melbourne Water and City West Water

1. *Water Sensitive City Index*

   Workshop to be held with Council staff, City West Water, CRC and Melbourne Water

We are going to be the first Victorian Council to use the tool. It has only just been completed and Perth were the pilot Council. Melbourne Water are keen to see us become the model for others.

2. *Consultancy project – key items of interest*
    a. Criteria for project selection
        - Have a works program in place will make sure we spend money in the best possible way and will also mean we can investigate mechanisms for external funding e.g. Melbourne Water, City West Water, developer contributions
        - Need to consider water quality, flood mitigation, water supply
    b. Criteria for irrigation of passive open space
        - In consultation with key staff and community stakeholders, develop criteria for open space based on the need for open space in given area, site demand, access to water supply, resources required
        - As community members enquire about having local parks irrigated, we are adding them to a consultation list to be involved in this process

Cr Marshall asked whether there is a list of requests Council has received for irrigation of passive open space. Michelle will follow up.

Alana Stevens distributed copies of the City West Water - water security plan, as requested at the previous meeting.

ACTIONS:

- *Michelle Gooding to provide Cr Marshall with list of requests for irrigation of passive open space.*
- *Item on Green Spine project to be included in agenda for next meeting.*

3.3 WSUD initiatives - Five Mile Creek Master Plan implementation

Alana Stevens relayed information provided by Penny Ball, who was an apology for this meeting:

The following actions will be undertaken in 2016/17 to progress the WSUD Strategy for the Five Mile Creek Project.

Scale	Project	Notes	Budget	Update
Regional	Concept and functional design for Woodlands Park wetland and stormwater harvesting system	Identified as a good stormwater harvesting opportunity in both the Five Mile Creek WSUD strategy and our Water Security Plan	$50,000 from Urban Design WSUD budget – with the potential to apply for an additional $70,000 through the Melbourne Water Living Rivers funding program	Grant application to Melbourne Water will be submitted today – we will know next month if we are successful in getting funding. Regardless, we will definitely progress the design.
Streetscape	Napier Crescent Street Swale	Potential to use this as a case study in the Passively Irrigated Street Trees project		
Allotment	Potential project to increase adoption of	Partnership project being led by Moreland City Council	Up to $10,000 (TBC) from Sustainability Team budget	Project on hold awaiting outcomes of pilot program that

	integrated water management by households, such as through increasing rainwater tank installations.	pending Melbourne Water funding.		Moreland are currently running

Cr Cornish asked to see information on all work implemented as part of the Five Mile Creek Master Plan, and would like to know how we are progressing on all master plans along waterways. Cr Cornish was concerned that master plans are being developed and adopted, but not implemented.

ACTION: *Alana Stevens to invite representative from Urban Design to attend next meeting for a discussion about the progress of master plans including Five Mile Creek, Steele Creek and Moonee Ponds Creek.*

Virginia Moylan advised that she would no longer be able to attend committee meetings, and will nominate another representative from Friends of Five Mile Creek to attend in her place.

Gilbert Richardson left the meeting 9.40am

3.4 Water quality reports from Melbourne Water

Alana Stevens relayed information provided by Leigh Mitchell, who was an apology for this meeting:

- Water quality information is collected by Melbourne Water can be found online: http://www.melbournewater.com.au/waterdata/riverhealthdata/waterwayquality/Pages/Waterway-water-quality-data.aspx
- These are annual reports and the 2015 report should be available soon.
- Rainfall and river height data can also be found online: http://www.melbournewater.com.au/waterdata/rainfallandriverleveldata/Pages/rainfall-and-river-level.aspx

Cr Cornish requested that the item be deferred to the next meeting. The committee would like to see the 2015 report, with comparisons to previous years.

ACTION: *Water quality reports items to be included on agenda for next meeting.*

3.5 Nursery Corner

Craig Medcalf advised that Council will be reclaiming a portion of the site (144A Mascoma Street, Strathmore) for public open space. The fence will be moved, and some tidying, planting and mulching is planned.

3.6 Aberfeldie Main Drain project

Michelle Gooding advised that work on the oval would be commencing from 29 February.

Elaine Brogan enquired about the tree and plaque being removed from the Avenue of Honour as part of the works. Michelle advised that the plaque would be reinstated, and the tree will be replaced with a new semi-advanced tree.

Tim Mileham arrived 9.58am

3.7 Maribyrnong River Design Guidelines

Tim Mileham advised that there is not much to report on since the update provided at the November meeting. There is still difficulty in getting other Council's along the Maribyrnong to participate in the review.

Council is undertaking work to extend the temporary controls, currently due to expire in October 2016, to allow more time for the review.

Cr Cornish enquired about the status of her Notice of Motion (no. 2014/6). Tim advised that we still have not received a response to the letter that was sent to the then Minister for Planning.

MOTION: *Moved by Peter Somerville, seconded by Elaine Brogan that a letter be sent to the Minister for Planning, requesting a response to the letter sent in August 2014.*

ACTIONS:

- *Bring Cr Cornish's previous Notice of Motion and Council report back to next meeting.*
- *Letter to be sent to Minister for Planning.*

4. General business

4.1 Blackbird Cruises mooring

Cr Cornish provided an update on the item discussed at the previous committee meeting in November 2015. A Notice of Motion was carried at the December 2015 Ordinary Meeting, and discussions between Blackbird Cruises and Maribyrnong City Council are ongoing.

The committee agreed that a cruise on the Blackbird should be organised after the next committee meeting, on a Friday morning in May. Local Members, the Minister for Environment, Climate Change and Water and the Minister for Planning should be invited, to discuss the need for a review of the Maribyrnong River Design Guidelines.

ACTION: *Alana Stevens to organise cruise in May 2016, inviting Local Members, the Minister for Environment, Climate Change and Water and the Minister for Planning.*

4.2 Leadwest Delegation to Canberra

Peter Somerville and Michelle Gooding provided information about the LeadWest Delegation to Canberra in March 2016, which will include reference to the 1 Million Trees Project.

4.3 Friends of Sandy memorial

Elaine Brogan advised that Friends of Sandy had been successful in obtaining permission to access the riverbank on the Maribyrnong Defence site (Commonwealth land), for the Sandy memorial. Some cleaning and planting is also planned for the site.

Tim Mileham left the meeting at 10.29am

4.4 Bridge over Maribyrnong River

Crs Cornish and Marshall advised that during budget discussions at the February 2016 Ordinary Meeting, reference had been made to potential funding for a new vehicle bridge over the Maribyrnong River.

FORMAL POSITION: *The committee confirmed it would only support an additional bridge over the Maribyrnong if it were for the exclusive use of public and sustainable transport, with the exception of emergency vehicles.*

Tony Smith requested that traffic modelling be undertaken before any new vehicle bridge is supported by Council.

Crs Cornish and Marshall also requested a Notice of Motion be prepared, asking that Council write to the Transport Minister and all State Government Ministers in the western region, seeking to commence discussions about widening the Canning Street bridge to accommodate a tram line to Military/Milleara Roads, Avondale Heights.

ACTION: *Notice of motion to be prepared regarding widening of Canning Street bridge.*

4.5 Moonee Ponds Creek Master Plan

ACTION: *Standing item on the Moonee Ponds Creek Master Plan to be included in agenda for future meetings.*

4.6 Flemington Life development submission

Elaine Brogan advised that Friends of Maribyrnong Valley would be visiting Spring Street next Tuesday, to put forward their submission on the Flemington Life development.

5. Date of next meeting

Schedule of meetings for 2016:

- Friday, 29 April at 9am
- Friday, 24 June at 9am
- Friday, 26 August at 9am
- Friday, 28 October at 9am

Cr Cornish thanked everyone for attending.

The meeting closed at 10.46am

SUMMARY OF ACTIONS FROM MINUTES OF MEETING

Item No.	Action	Officer(s) Responsible	Timeline	Actioned Date
ITEMS FROM MEETING #12 – 9 October 2015				
17. 09/10/15	Include Water Quality reports as standing annual item on agenda	Alana Stevens	Ongoing	Ongoing
18. 09/10/15	Include standing item on agenda, regarding Maribyrnong River Design Guidelines	Alana Stevens	Ongoing	Ongoing
ITEMS FROM MEETING #13 – 20 November 2015				
4. 20/11/15	Consider options for seeking better engagement from Maribyrnong City Council on waterways issues, including the Maribyrnong River Design Guidelines	Cr Shirley Cornish	Prior to next meeting	TBA
11. 20/11/15	Speak to Mayor about organising event for Council advisory committee members	Cr Cornish	Prior to next meeting	TBA
ITEMS FROM MEETING #14 – 26 February 2016				
1. 26/02/16	Invite Will Wheeler to attend next committee meeting.	Alana Stevens	Prior to next meeting	11/03/16
2. 26/02/16	Provide Cr Marshall with list of requests for irrigation of passive space	Michelle Gooding	Prior to next meeting	10/03/16
3. 26/02/16	Include item on next agenda: Green Spine project	Alana Stevens	Prior to next meeting	21/04/16
4. 26/02/16	Invite representative from Urban Design to attend next meeting - master plans	Alana Stevens	Prior to next meeting	07/03/16
5. 26/02/16	Include item on next agenda: water quality reports	Alana Stevens	Prior to next meeting	21/04/16 (Will be deferred)
6. 26/02/16	Bring Cr Cornish's previous Notice of Motion and Council report back to next meeting.	Alana Stevens	Prior to next meeting	29/04/16
7. 26/02/16	Letter regarding Maribyrnong River Design Guidelines to be sent	Tim Mileham/ Alana Stevens	Prior to next meeting	22/03/16
8. 26/02/16	Organise Blackbird cruise for committee and invited politicians	Alana Stevens	May 2016	In progress

Item No.	Action	Officer(s) Responsible	Timeline	Actioned Date
9. 26/02/16	Notice of motion to be prepared- widening of Canning Street bridge	Alana Stevens	For March Ordinary Meeting	15/03/16
10. 26/02/16	Standing item to be included in agenda for future meetings - Moonee Ponds Creek Master Plan	Alana Stevens	Prior to next meeting	Ongoing

City of Moonee Valley

Strategic Planning Advisory Committee

Minutes

MEETING #9
held Thursday, 24 March 2016 at 6.00pm
Committee Room , Moonee Valley City Centre,
9 Kellaway Ave, Moonee Ponds

Attendees	Cr Nicole Marshall	Chairperson
	Maria Loiacono	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
	Henry Bezuidenhout	Acting Director, Planning & Development
	Kate McCaughey	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
	Anastasia Georgiou	Community member
	Peter Burke	Community member
	Charles Sowerwine	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

Moved by Steven Zebic, seconded by Peter Leyden that the Minutes of the Strategic Planning Advisory Committee (SPAC) held on Thursday, 11 February 2016 (meeting #8) be confirmed.

No matters arising from the minutes on 11 February 2016.

1.3 Outstanding Actions

Committee provided with list of outstanding actions, Henry Bezuidenhout gave update on these matters:

- Action 5.8 and 6.8: Metropolitan planning levy and development contributions will be raised with MPA. Henry Bezuidenhout has meeting scheduled with MPA and will update at next SPAC meeting.
- 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 8.1: Caretaker period: Report provided presented to Council from Governance regarding caretaker period. Last Council meeting will be 20 September 2016. In the lead up and during caretaker period the guiding principle is that Council doesn't make any significant policy decisions. This Council report to be distributed to SPAC.
- Action 8.4: Update on the Airport West green spine project; design has been finalised and being reviewed; will go to tender March 2016. Currently planning for the project to commence in the new 2016/17 financial year.
- Action 8.6: Update on "toxic dump" project located in Hume City Council. This action to be taken on notice and update provided at the next SPAC meeting.

ACTIONS:

5.8/6.8	*Metropolitan planning levy and development contributions update to be provided by Henry Bezuidenhout at 21 April 2016 SPAC meeting.*
5.7	*Consideration be given to including an update on property rating at a future meeting.*
8.1	*Copy of Governance Council report regarding caretaker period to be circulated.*
8.6	*Update on toxic dump project to be provided at 21 April SPAC meeting.*

1.4 Declaration of conflict of interest

Nil.

1.5 Presentation: Housing Strategy Update from Presentation from Senior Strategic Planner Daniela Padula & GIS Officer Daniel Smith

- Henry Bezuidenhout provided an introduction to the presentation: This is the same presentation that was given to Council. Minutes from this meeting will be provided to Council. This Committee will be updated on any revised project timelines.
- Is it possible to have an online discussion?
    - Cr Marshall: Mindful of current time frames and if there are further questions after tonight they can be forwarded to officers for responses.
    - Officer: Please be mindful that we need time to respond to questions.
- Discussion regarding the weighting methodology and the use of buses and their weighting: buses can have higher capacity and be considered an extension of the train line. Further discussion raised regarding the preferencing of trams over buses, as this is not a global preference.
    - Officer: The Public Transport Accessibility Model weighting system preferences in order are Train at 2, Tram at 1.5 and Bus at 1.This weighting system follows accepted research on the hierarchy of public transport modes and the preferences of users. It acknowledges that Trains have a higher capacity than the other modes, have a direct route to the CBD and operate on an independent network and as such are not impacted by vehicular traffic congestion. Bus routes are primarily linking services when considering access to the CBD which is the primary focus of employment in the city. The model measures the walkable catchments from each public transit node (stop/station). These catchments perform a distance decay function. Taking train stations as an example if you are outside of the 800 metre catchment you get a score of 0. When you are within the 800 metre catchment your score increases the closer you get to the station (800, 600, 400, 200).
- Discussion regarding the use of data only in this weighting and analysis, noting that anecdotal and local knowledge are not included. Noting flaws with evidence based data that locals may have different perspective.
    - Noted by Officers and advised that essential to include data in modelling and community consultation would provide the opportunity to have local knowledge input to strategy. Officer suggested that any relevant planning research could be provided for consideration.
- Constraint of lot sizes: Is there any incentive to get developers to buy and consolidate lots?
    - Officer: There is no current policy to facilitate lot consolidation. Lots under 500sqm are considered constrained, however if there is a pattern of lot consolidation then it will affect neighbourhood character.
- Are you proposing height controls through the residential zones?
    - Officer: Yes.
- Why are there areas of minimal and low growth in west, with reference to the Rosehill ward?

  - Officer: This area is constrained by the Melbourne Airport Environs Overlay (MAEO), which restricts density to 1 dwelling per 300sqm. It is also constrained by licenced pipeline infrastructure.

- How can the same street have different mapping? The modelling is limited and can't model for the future. For example there were previously more public schools in the area, there is a lack of schools and there may be an airport link, may have train station, what happens then?
  - Officer: If a project is not committed to by the State Government then it is not possible to model. The draft Housing Strategy contains a monitoring and review process that recommends review of the strategy every 5 years to update it in line with current demands and demographic projections. It also recommends review of the Strategy following any major shift in State planning policy subject to the Council budget and resourcing requirements.
  - If State Government did commit to a new project or improve bus services then there is an opportunity to review and remodel.
- Discussion regarding the capacity of the Craigieburn train line: Is it factored in to the model? This model is looking at a snapshot in time and then applying to the future, it's only part of the picture. This discussion is focusing on capacity; the presentation does not discuss demand.
  - Officer: PTV have plans to increase the capacity of the Craigieburn train line. We have discussed public transport issues with PTV. They will seek to increase the capacity of the existing network in line with forecast demand but they are not looking to introduce new services. We can't seek to limit growth, State Government remit is that we have to find a way to manage it but we can't seek to limit housing capacity, we can direct but not limit it. What we know about demand is that there is demand for approximately 13,700 new dwellings over the next 20 years. Approximately 38% of this demand is predicted to be for apartments with the remainder being other forms of infill such as multi-unit developments and townhouses. We've had this proposal assessed against that these demand predictions by SGS Economics and Planning, and the outcome is that this proposal does allow for right mix of dwelling types. Under the existing planning controls there is capacity to accommodate approximately 50,000 new dwellings. Under this proposal this has increased slightly to 58,000 new dwellings. However, it is noted that the modelling which estimated the existing capacity is conservative as it was based on average dwelling density being achieved up to 2011. If the modelling were re-run using more recent approvals data it is likely that the estimate for existing capacity would be higher than 50,000. Importantly, the draft Housing Strategy Growth Potential Areas are meeting demand for dwelling diversity and not reducing the overall capacity for housing growth in the municipality as this is the expectation of the State Government.
- The problem is not growth, the idea that people are anti-growth is wrong, however they are anti the type of growth that is occurring and the concern is that capacity of the existing public transport network should be considered a constraint. We should get this right to make the area as good as it can be to live in, not pretending the train is not already at capacity.
- Cr Marshall noted that as a Councillor she sees people who are now surrounded by 3 story apartment buildings and this is not living well. Reality is that developers will seek to maximise yield. If we can put in apartment blocks they will be put there. This will intensify it.

- By opening up development opportunities in other areas of municipality it will encourage a scatter of smaller developments.
- The property market now has an oversupply of apartments and shortage of family homes. Trying to get families into the city, if we develop lower density developments that would satisfy demand. How does scattering help? Not looking at road transport.
    - Officer: It's important to focus on walkable communities, the scattered approach is what we have now with the General Residential Zone everywhere. It is not a targeted or sustainable approach towards accommodating housing growth.
- Milleara Rd is an example where you can walk to schools, shops, yet there is limited development
    - Officer: Access to employment opportunities is an important consideration.
- If factoring in not having cars it is naive.
- What we are trying to achieve is less reliance on cars (i.e. can go from 3 to 2 car household)
- Family homes compared to apartments, might get better outcomes from diversified option, if these guides are implemented in a strong manner.
    - Officer: Not sure that can say apartments aren't a suitable typology for a family. Families may require more than 2 bedrooms however there is no reason why a 3 or 4 storey apartment can't be designed as a reasonable option for family living.
- There is not currently an oversupply of apartments or smaller dwellings in Moonee Valley. Currently our housing stock is biased towards larger dwellings of 3 bedrooms or more, even within the existing apartment stock. While more recent approvals for apartments may be concentrated towards smaller 1 and 2 bedroom dwellings this is addressing an existing shortfall. If this trend were to continue into the long term it may cause an issue in the future but it is not currently considered an issue as our demographics show a trend towards smaller 1 and 2 persons households.
- Are we to believe that we are to provide for unlimited demand?
    - Officer: Not unlimited demand, a 20 year outlook, however State Government would be concerned if we reduced capacity.
- People get apartments built next to them unnecessarily. This talks about capacity and not demand. If you think you can put this out as a rezoning proposal you are dreaming.
    - Officer: Is the community happy with the General Residential Zone everywhere as per current situation?
    - No
- How can we move from status quo to something sensible, planning in accordance with Practice Note 78. General Residential Zone, mixture of single dwellings, dual occupancies, doesn't say apartments.
    - Officer: The Draft Housing Strategy is generally in accordance with Practice Note 78. It is important to consider the overall recommendations of the RZSAC and not take any one part of the practice note definitively.
- Noted that it would help to prepare for pubic consultation to include the schedules. Can it be an appendix to the strategy?
    - Officer: It is important to focus on ensuring the policy areas are in place and then we can draft the zones and schedules based on an adopted housing strategy and updated Neighbourhood Character Study and Precinct Profiles (2012). To

do this work now would substantially delay the process and even then we cannot guarantee the schedules would be approved by the Minister as proposed by us, as this requires a separate legal process and may be subject to review by an independent planning panel.

- There is a risk of putting this on exhibition and it does not go anywhere.
- Cr Marshall: Reality is politics will come into this. This is about where we move from here.
- Requested clarification of the process – if the strategy is going out on draft and then incorporated in planning scheme, would this happen at same time as rezoning?
    - Officer: Once we have adopted the Housing Strategy it is implemented through zones and schedules and key policy elements are incorporated in the MSS (Municipal Strategic Statement) and the Housing Strategy becomes a reference document in the Planning Scheme.
- Notes as an appendix to Minutes of February Council meeting: there are currently 7,000 dwellings in projects of 10 dwellings or more, apartments, under construction or approved for construction. 13,000 dwellings are mentioned, interpretation of this figure we are currently now building as many apartments as municipality is understood to require over next 20 years and that doesn't include the racecourse, Essendon Junction, Hall Street, Airport West Activity Centre. So there are thousands above that that are allowed for, yet, vast areas of the city are zoned as for more apartments. We are creating a gross oversupply for no reason. Will cause gross oversupply above the targeted demand.
    - Officer: Meeting discussion was closed at this point but an officer response is provided in the *SPAC Draft Housing Strategy Queries Template* (see table below).
- Important that neighbourhood character is defined well and implemented well.

ACTIONS:

9.1	*Copy of presentation to be circulated.*
9.2	*Copy of methodology to be circulated.*
9.3	*SPAC members to send further questions/relevant research for consideration and response by officers to Skye Christmas by Friday 8 April 2016.* *Skye to forward to officers and Committee members as received via an updated* 'SPAC Draft Housing Strategy Queries Template' *(to be circulated with minutes).* *Officers will review and provide an immediate response where available. Where a more detailed officer response is required, this will be provided at the next SPAC meeting scheduled for Thursday 21 April 2016.*

1.6 Strategic Planning projects update

- Flemington Racecourse Development: Public hearing currently under way. The developer, Greenland, has withdrawn from the process.
- Heritage Study 2015/16 was adopted by Council. It identified 59 individual buildings, 4 precincts and 1 serial listing as having local heritage significance. Next step is a planning scheme amendment to apply to the Heritage Overlay. Exhibition of the amendment is expected to commence in late April.

1.7 Discussion of topic for next meeting

Meeting agreed the next SPAC meeting allow for continued SPAC discussion of the draft Housing Strategy, and the date for this meeting be bought forward to accommodate this.

ACTION:

9.4	*Next meeting scheduled for Thursday 21 April 2016.* *NOTE: This has been bought forward to allow for continued SPAC discussion of the draft Housing Strategy.*

2 General Business

- No discussion items

3 Meeting closed at 7.53 pm.

The next meeting will be on **Thursday, 21 April 2016 6pm - 7.30pm** at Moonee Valley City Council, Civic Centre – Queens Park View Room.

9.19 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 22 March 2016.

Executive Summary

This is a procedural report only.

Recommendation

That Council receive and note the report of Council's Tenders Committee and tenders' extensions approved at its meeting held 10 May 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 22 March 2016, the Tenders Committee met on 10 May 2016 and approved the following contract extensions:

Contract	Awarded To	Date Approved	Approved Extension Price (exl GST)
Graphic Design Services	Panel of Providers: a) adz@work b) Affinity Graphic Design Pty Ltd	10 May 2016	Schedule of Rates

	c) Johanna Villani Design d) Sardine Designs e) Struck and Spink f) Synkd g) Utility Creative h) Visionary Creative		
Printing Services	Panel of Providers: a) Blue Star Print Group b) Enviro Print Group c) Highlight Printing d) Fishprint Pty Ltd e) Pinnacle Print Group f) FSG Design and Print g) Finsbury Green Pty Ltd	10 May 2016	Schedule of Rates

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

9.20 Report on Audit Committee

File No: FOL/16/130
Author: Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

To present the unconfirmed Minutes of Council's Audit Committee Meeting held 18 April 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 unconfirmed Minutes of the Audit Committee Meeting held 18 April 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 18 April 2016, as follows:

1. The Audit Committee minutes of 22 February 2016, presented to Council on 26 April 2016, were confirmed by the Audit Committee without change.

2. Internal Audit Status Report 2015/6

   The Internal Audit Status Report, detailing the current status of the internal audit program, was noted by the Audit Committee.

3. Review of Payroll

   Audit Committee members noted a report on the review of Council's payroll functions. The review sought to assess the ability of Council's payroll function to provide advice and support to business units in the management of staff through effective conduct of key functions including payroll processing, salary packaging and safekeeping of personnel files. Though the review was noted, Audit Committee members requested that a report be brought back to the Committee with further detailed management responses.

4. Business Continuity & Disaster Recovery Review

   The Audit Committee received and noted a report on Business Continuity and Disaster Recover. The review assessed the ability of Council to maintain business services, in the event that a disaster impacts critical IT infrastructure and associated resources. Council is actively looking at ways to improve these processes.

5. Corporate Card Management Policy

   The Audit Committee received and noted the proposed Corporate Card Management Policy, with suggested amendments to the draft policy. The Policy aims to provide a robust framework for the utilisation of corporate cards to improve low value transaction purchasing and reporting, as well as responsibilities for the safe keeping of Council resources.

6. Financial Performance Report – February 2016

   The Audit Committee received the February 2016 Financial Performance Report, which highlighted Council's overall financial position.

7. Proposed Budget 2016/17

   The Proposed Budget 2016/17 presented to the Audit Committee was noted and received.

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 unconfirmed Minutes of the Audit Committee meeting held 18 April 2016.

Appendices

Appendix A: Minutes of Audit Committee held 18 April 2016

City of Moonee Valley

Audit Committee Meeting

Monday, 18 April 2016 at 6.00pm

Moonee Valley Civic Centre

Minutes

Report Index

The following reports were considered:

6. Reports

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6.2 Review of Payroll 4
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6.4 Corporate Card Management Policy 5
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Minutes of the Audit Committee Meeting

Monday, 18 April 2016 at 6.00pm
to be held at the Moonee Valley Civic Centre

TO:

Members:	Mr Bruce Potgieter	Chairperson
	Mr David Ashmore	
	Mr John Gavens	
	Mr David Nairn	
	Cr Nicole Marshall	
	Cr Narelle Sharpe	
Officers:	Mr Bryan Lancaster	Chief Executive Officer
	Mr Anthony Smith	Director Corporate & Community Services
	Mr Dale Monk	Manager Finance
	Mr Danny Bilaver	Team Leader Council Business
Invited Guests:	Mr Gary Benbow	HLB Mann Judd
	Mr Tim Loughnan	VAGO

1. Apologies

Cr Cam Nation has been granted Leave of Absence for this meeting.

2. Confirmation of Minutes

Committee Resolution
Moved by Mr Ashmore, seconded by Mr Gavens that the Minutes of the Audit Committee Meeting held on Monday, 22 February 2016 be confirmed.

CARRIED

3. Declarations of Conflict of Interest

Nil.

4. Declarations of Breaches of Legislation

Nil.

5. Chief Executive / Executive Update

The Chief Executive Officer, Mr Bryan Lancaster, provided an update to the Audit Committee on the following matters:

- Senior officer recruitment progress

- Proposed organisational culture survey
- Flemington Racecourse development
- Code of Conduct update

The Director Corporate & Community Services, Mr Anthony Smith, provided an update on Risk Management training and recruitment as well as advising of the upcoming departure of Council's Manager Finance, Mr Dale Monk.

6. Reports

6.1 Internal Audit Status Report - 2015/16

Author: Manager Finance

Directorate: Corporate & Community Services

Committee Resolution
Moved by Mr Ashmore, seconded by Mr Nairn that the Audit Committee notes the status of the internal audit program – refer **Appendix A.**

CARRIED

Cr Narelle Sharpe entered the meeting at 6.14pm.

6.2 Review of Payroll

File No: FOL/16/130

Author: Coordinator Management Accountant

Directorate: Corporate & Community Services

Committee Resolution
Moved by Mr Gavens, seconded by Mr Ashmore that the Audit Committee:

1. Note the Review of Payroll – refer **Appendix A** (separately circulated).
2. Request a report be presented back the next practical Audit Committee meeting with further detailed management responses and exceptions in the Data Interrogation being investigated further by management.

CARRIED

6.3 Business Continuity & Disaster Recovery Review

File No: FOL/16/130

Author: Coordinator Management Accountant

Directorate: Corporate & Community Services

Committee Resolution
Moved by Mr Ashmore, seconded by Cr Marshall that the Audit Committee:

1. Note the Business Continuity & Disaster Recovery Review – refer **Appendix A** (separately circulated), noting the management actions and timelines.

2. Request that a status update be provided to the Audit Committee meeting to be held on 20 June 2016.

CARRIED

6.4 Corporate Card Management Policy

File No: FOL/16/130

Author: Manager Finance

Directorate: Corporate & Community Services

Committee Resolution
Moved by Mr Nairn, seconded by Mr Gavens that the Audit Committee receives and notes the Corporate Card Management Policy, with the following amendments requested:

1. References to Mayor/Councillors be removed.
2. Section 6.1 to included the need for a Business Case.
3. Section 6.9 to be removed.

CARRIED

6.5 Financial Performance Report - February 2016

Author: Manager Finance

Directorate: Corporate & Community Services

Committee Resolution
Moved by Cr Sharpe, seconded by Mr Nairn that the Audit Committee receives the February 2016 Financial Performance Report.

CARRIED

6.6 Proposed Budget 2016/17

File No: FOL/16/130

Author: Manager Finance

Directorate: Corporate & Community Services

Committee Resolution
Moved by Cr Marshall, seconded by Mr Gavens that the Audit Committee receive and note the Proposed Budget 2016/17.

CARRIED

7. Other Business

7.1 Mr David Nairn advised he would be an apology for the next Audit Committee meeting to be held 20 June 2016.

CONFIDENTIAL

7.2 Audit Committee members, through the Chairperson, expressed thanks and appreciation to the Manager Finance, Dale Monk, for his work with the Audit Committee and wish him well on his future endeavours.

8. Next Meeting

Next meeting of the Audit Committee will be held on Monday, 20 June 2016.

9. Close of Meeting

The meeting concluded at 8.11pm.

BRUCE POTGIETER
Chairperson

NOTICES OF MOTION

10.1 Notice of Motion No. 2016/11 - Single Use Plastic Bags And Items At Events On Council Managed Land

File No: FOL/16/130

From: Councillor Nicole Marshall

Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 24 May 2016 it is my intention to move:

That Council request the Chief Executive Officer to:

1. Prepare a policy on reducing or eliminating the use of single use plastic bags at events on Council owned or managed land; and
2. Prepare a report for Council in relation to the potential reduction or elimination of all other single use plastic items at events on Council owned or managed land, such report to detail the advantages and disadvantages of such a proposal.

Officer Comments

Council currently does not have a policy related to reducing the use of plastic bags at events.

Council has a *Sustainable Events Toolkit*, available on Council's website, which provides guidance to event organisers on how to make their events more sustainable, such as by reducing energy, water and waste and improving transport. This toolkit provides guidance on the use of packaging, plastic cups and bottles but does not specifically refer to plastic bags.

Guiding principles from Council's *Green Purchasing Policy* refer to reducing waste and material use:

- Purchase durable products for which there is a clear, present and ongoing need
- Purchase products with minimal packaging
- Purchase products with end-of-life options for reuse, recycling, disassembly
- Purchase products and services that will not reduce air, land or water quality by releasing toxic substances at any stage of their life cycle

The implementation of Recommendation 1 is supported, whilst Recommendation 2 may have significant implications, which will be outlined in the Council Report.

10.2 Notice of Motion No. 2016/12 - Councillor-Community Dispute Policy

File No: FOL/16/130

From: Councillor Nicole Marshall

Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 24 May 2016 it is my intention to move:

That Council requests the Chief Executive Officer to prepare a policy setting out a process for dealing with disputes between Councillors and members of the public.

Officer Comments

The Councillor Code of Conduct does not contain a process for managing disputes between Councillors and members of the public.

Therefore, developing a policy and process for dealing with disputes between Councillors and members of the public will ensure that such disputes are settled in a fair and consistent manner.

10.3 Notice Of Motion No. 2016/13 - Meeting Procedure Protocol Review

File No: FOL/16/130

From: Councillor Narelle Sharpe

Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 24 May 2016 it is my intention to move:

That Council requests the Chief Executive Officer to undertake a review of Council's Meetings Procedure Protocol and present revised protocols to the Ordinary Meeting of Council in July 2016.

Officer Comments

Council's Meeting Procedure Protocol provides the basis for sound decision making and good governance. It is therefore appropriate for Council to review its Meetings Procedure Protocol from time to time, to ensure that it is effective in supporting Council's decision making process.

10.4 Notice of Motion No. 2016/14 - Bluestone Laneways

File No: FOL/16/130

From: Councillor Nicole Marshall

Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 24 May 2016 it is my intention to move:

That the Chief Executive Officer prepare a report which explores options for protecting and conserving the City of Moonee Valley's bluestone laneways, kerbs and channels (together Laneways). The report should address, without limitation, the following matters:

1. The most appropriate mechanisms to achieve the ongoing protection and conservation of Laneways, including where appropriate, amendment to the Moonee Valley Planning Scheme; and
2. How to ensure that any development that seeks to utilise a Laneway does not damage or compromise the Laneway and is otherwise appropriate in light of the constraints associated with Laneways.

Officer Comments

Officers provide in principle support for the protection and retention of Moonee Valley's Laneways.

A report will be prepared which explores Council's options in terms of reconstructing Laneways in future. The report will have regard to issues such as heritage, accessibility (i.e. DDA compliance) and resources.

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 East West Link and CityLink Tullamarine Freeway Widening - Return of Acquired Lands and Provision of Other Lands - Memorandum of Understanding

Item 12.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (f) legal advice.