



Ordinary Meeting of Council

Tuesday, 26 July 2016 at 7.00pm

Agenda

Ordinary Meeting of Council

Tuesday, 26 July 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 Anthony Smith	Acting Chief Executive Officer
	Mr Natalie Reiter	Director Planning & Development
	Mr Carey Patterson	Acting Director Corporate & Community Services
	Mr Gil Richardson	Acting Director City Services
	Mr Petrus Barry	Manager Statutory Planning
	Ms Yvonne Hansen	Manager Legislative Services & Support

Business:

1. **Opening**
2. **Apologies**
3. **Confirmation of Minutes**
Ordinary Meeting of Council held on Tuesday, 28 June 2016.
4. **Declarations of Conflict of Interest**
5. **Presentations**
6. **Petitions and Joint Letters**
7. **Public Question Time**

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	Nil.	
13.	Close of Meeting	

ANTHONY SMITH
Acting 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

15 June 2016	Attended on site meeting with resident at Wiseman Court, Essendon with Chief Executive Meeting with residents from Rose Creek Winery and Chief Executive Attended Essendon School Study – Right of Way proposals meeting with fellow Cr, Nicole Marshall and Council Officers
16 June 2016	Attended Strategic Planning Advisory Committee meeting Officiated at Parent Forum at Clocktower Centre
17 June 2016	Attended Western Chances Good Business Forum at Federation Square Attended Fundraiser event for Jordan Lorenzi at Melrose Reception
18 June 2016	Attended on site meeting with resident in relation to parking issues at JH Allan Reserve Attended Avondale Heights Football Club ball at Roselyn Court
19 June – 22 June 2016	Attended Australian Local Government Association National General Conference
23 June 2016	Hosted judging panel for Spirit of Moonee Valley event
28 June 2016	Attended meeting with residents in relation to planning application Attended Metropolitan Transport Forum with Local Government Transport Ministerial Briefing by Jacinta Allan Chaired Ordinary Meeting of Council
5 July 2016	Attended meeting with corporate gift representative and Council Officers Attended meeting with Strathmore Soccer Club representatives and fellow Councillors, Deputy Mayor, Cr Paul Giuliano and Cr John Sipek and Manager Infrastructure Services Chaired Councillor Workshop

8.2 Report by Councillor Giuliano

21 June 2016	Attended East Keilor Leisure Centre Feasibility Study meeting number two with Manager Infrastructure Services Chaired Councillor Workshop
22 June 2016	Attended Councillor Briefing and Consultation in relation to 7 Cooper Street, Essendon Attended Councillor Briefing and Consultation in relation to 29-35 St Kinnord Street, Aberfeldie
23 June 2016	Attended Moonee Ponds Traders Meeting
28 June 2016	Attended Ordinary Meeting of Council
1 July 2016	Meeting with Manager Statutory Planning and Officers in relation to S173 Agreements in relation to car parking associated with new developments Attended meeting with residents in relation to planning application
5 July 2016	Attended meeting with Manager Infrastructure Services Attended meeting with Strathmore Soccer Club representatives and fellow Councillors, Mayor, Cr Andrea Surace, Cr John Sipek and Manager Infrastructure Services
15 June – 5 July	On site visits during reporting period to residents in St Kinnord Street and Kerferd Street, Essendon regarding parking On site visit during reporting period to Roberts Street, Essendon regarding planning application for 146-148 Keilor Road On site visit during reporting period to Dudley and Ross Street's, Niddrie for property inspection regarding complaints from residents Attended meetings during reporting period with Airport West Football Club regarding drainage and irrigation issues

8.3 Report by Councillor Chantry

17 June 2016	Attended Community Aviation Consultation Group Meeting at Essendon Fields
18 June 2016	Visited resident in Kernan Street, Strathmore regarding parking issues

20 June 2016	Attended East Keilor Leisure Centre Feasibility Study meeting number two with Manager Infrastructure Services
21 June 2016	Attended Councillor Workshop
24 June 2016	Attended Strathmore Rotary Club changeover meeting
25 June 2016	Attended Ladies luncheon hosted by Maribyrnong Park Football Club
26 June 2016	Attended Winter Music in the Valley at St Martin De Porres, Avondale Heights
28 June 2016	Attended Ordinary Meeting of Council
2 July 2016	Visited site in Fletcher Street, Essendon in regards to rubbish left at vacant premises
3 July 2016	Attended Winter Music in the Valley at St John's Uniting Church, Essendon
5 July 2016	Attended Councillor Workshop

8.4 Report by Councillor Cornish

15 June – 5 July 2016 Verbal Report

8.5 Report by Councillor Cusack

16 June 2016	Attended on site meeting with residents, Cr Nicole Marshall, Manager Operations and Council Officers in relation to street planning in Waratah Street, Ascot Vale
18 June 2016	Attended Timor-Leste Ball hosted by Ave Maria College
19 June 2016	Attended Winter Music in the Valley at St George's Church, Travancore
20 June 2016	Attended East Keilor Leisure Centre Feasibility Study meeting number two with Manager Infrastructure Services Officiated at launch of Community Meals Nutrition2U range at East Keilor Leisure Centre
21 June 2016	Attended Councillor Workshop
22 June 2016	Attended Consultation briefing and meeting in relation to 19-21 Park Street and 204 Smith Street, Moonee Ponds
25 June 2016	Attended "Choosing an Apartment" – Sustainable Design workshop at Avondale Heights Library & Learning Centre

28 June 2016	Attended meeting with Director, Planning & Development in relation to town planning application for Newsom Street, Ascot Vale Attended Ordinary Meeting of Council
29 June 2016	Attended Moonee Valley Interfaith Committee Meeting at Flemington Community Centre
3 July 2016	Attended Winter Music in the Valley at St John's Uniting Church, Essendon
5 July 2016	Participated in telephone call in relation to research relating to Moonee Valley Racecourse Development Attended Councillor Workshop

8.6 Report by Councillor Marshall

15 June 2016	Attended Union Road Traders Meeting Attended Essendon School Study – Right of Way proposals meeting with Mayor, Cr Andrea Surace, Cr Cam Nation and Council Officers
16 June 2016	Attended on site meeting with residents, Cr Jim Cusack, Manager Operations and Council Officers in relation to street planning in Waratah Street, Ascot Vale Attended Strategic Planning Advisory Committee Meeting
20 June 2016	Attended East Keilor Leisure Centre Feasibility Study meeting number two with Manager Infrastructure Services
21 June 2016	Attended Councillor Workshop
22 June 2016	Attended Consultation briefing and meeting in relation to 19-21 Park Street and 204 Smith Street, Moonee Ponds
24 June 2016	Attended Integrated Waterways Advisory Committee meeting
25 June 2016	Attended Ladies luncheon hosted by Maribyrnong Park Football Club
28 June 2016	Attended meeting with Director Planning & Development in relation to town planning application for Newsom Street, Ascot Vale Attended Ordinary Meeting of Council

8.7 Report by Councillor Nation

15 June – 5 July 2016	Verbal Report
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8.8 Report by Councillor Sharpe

18 June 2016	Attended Timor-Leste Ball hosted by Ave Maria College
20 June 2016	Attended East Keilor Leisure Centre Feasibility Study meeting number two with Manager Infrastructure Services Attended Audit Committee Meeting
21 June 2016	Attended Briefing before Early Years Reference Group Meeting Chaired Early Years Reference Group Meeting Attended Councillor Workshop
22 June 2016	Attended Public Transport Providers Meeting Attended site inspection at Ross Street, Niddrie car park Attended site inspection at Thorn Street, Essendon
25 June 2016	Attended Ladies luncheon hosted by Maribyrnong Park Football Club
28 June 2016	Attended Ordinary Meeting of Council

8.9 Report by Councillor Sipek

15 June – 5 July 2016	Verbal Report
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REPORTS

- 9.1 40 Hall Street, Moonee Ponds (PC354406) Stage 2 - Construction of multi-storey buildings and associated works, use of the land for dwellings, reduction in the car parking requirements and waiver of the loading bay requirements**

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

Planning File No.	MV/491/2015
Proposal	Construction of multiple buildings ranging in height from 6 to 34 storeys; 691 apartments (414 x 1 bedroom, 258 x 2 bedroom and 19 x 3 bedroom apartments); 102 serviced apartments; 2,550m ² office space 648m ² retail space 191m ² cafe 731 car spaces (726 within basement levels and 5 at ground level accessed via Aspen Street. Waiver of loading bay
Applicant	Caydon MP No.2 Development P/L C/- Urbis P/L
Owner	Moonee Ponds Pty Ltd
Planning Scheme Controls	Activity Centre Zone – Schedule 1 (Moonee Ponds Activity Centre)
Planning Permit Requirement	Clause 37.08-2 (Use of the land for dwellings) Clause 37.08-5 (Construction of buildings and works) Clause 52.06-3 (Reduction of car parking spaces) Clause 52.07 (Waiver of loading and unloading requirements)

Car Parking Requirements (Clause 52.06)	Required: 961 Provided: 731
Bicycle Requirements	Required : 230 Provided : 534
Restrictive Covenants	Yes, (2) covenants, but are not breached
Easements	Yes, E-1 in favour of MMBW, Gas & Fuel Corporation, Telecom Australia & City of Essendon and E-2 in favour of Gas and Fuel Corporation
Site Area	5,296 square metres
Number Of Objections	Six (6)

Executive Summary

- This application seeks planning approval for the construction of multi-storey buildings comprising retail, office and dwellings, reduction in the car parking requirements and waiver of loading bay requirements. It also includes serviced apartments with a ground floor café component.
- This prime site is specifically identified within the Moonee Ponds Activity Centre Structure Plan as the 'Readings Site' and is located between Hall, Homer, and Everage Streets. The site is vacant of built form and has a temporary car park permit set to expire on 29 June 2017.
- The vision for the overall 'Readings site' is to provide an integrated high quality mixed use environment that improves and enhances connections to Moonee Ponds Train Station and the public transport interchange. Further, the vision is articulated within an adopted Development Plan, which seeks to guide future development through the establishment of design and development principles.
- The current application represents Stage 2 of 2 of the redevelopment of this large land holding with new buildings to be constructed predominantly within the northern portion of the site covering an area in the order of 5,296 square metres. Stage 1 was approved on 11 April 2016 following resolution at a VCAT Compulsory Conference proceeding.
- The application was externally referred to Public Transport Victoria, VicRoads, Essendon and Melbourne Airports, all of whom raised no objection to the application. Internally, the application was referred to the Strategic Planning Unit, Council's Urban Designer, Engineering Services Unit, Traffic and Transportation Unit, Environmental Sustainable Development Officer, Property Services, Operations Department, Economic Development Department and Open Space and Urban Design. Aside from Council's Urban Designer, conditional support to the application was provided.
- Further, urban design advice was sought from both MGS Architects and via the Office of the Victorian Government Architect. Concerns were raised with respect to building height, site lines through the public open space, wind impacts and

internal amenity, but have all been mitigated through design and appropriate conditioning.

- The application attracted six objections with concerns primarily relating to building height, neighbourhood character, off-site amenity impacts, disruption to the activity centre during construction, traffic generation, loss of car parking and insufficient on-site parking provision.
- In a bid to address the various concerns raised within the referral responses, informal plans were submitted on 3 May 2016. The amendments were not required to be re-advertised as the extent of changes did not constitute further detriment.
- This application represents a rare and exciting opportunity to develop a significant area of land on a key site within the Moonee Ponds Activity Centre (MPAC).
- The main issues for consideration of this application relate to the acceptability of building height, building design and internal amenity, wind and overshadowing of the public realm.
- Whilst this assessment report recommends support of the application, it is submitted that a combination of built form and land use modifications are required in order to both optimise this development and address the various referral responses. More specifically, the recommendation includes requirements to reduce the Everage Street building from 34 to 28 storeys, adopt greater building separation between towers to maximise solar access into the public realm space, the incorporation of public art, provision for greater commercial activity along Homer Street, along with the requirement for an at-grade loading bay to service the retailing. Further, in line with the arrangements of the approved Stage 1, financial contributions will be required in lieu of the residential carparking shortfall along with requirements for various streetscape improvement and mitigation works.
- Subject to the various design modifications, this assessment report finds the development demonstrates an appropriate degree of compliance with the majority of State and Local Planning Policies within the Moonee Valley Planning Scheme. It is submitted the proposal will positively contribute to the revitalisation of the centre as a compact, vibrant and walkable core.
- It is therefore, recommended that Council issue a Notice of Decision to Grant a Planning Permit.



Figure 1 – Aerial photo of the subject site and surrounds

(Note: The area highlighted in red represents the current Stage 2 application. The area highlighted in blue represents the approved Stage 1 area which includes all basement parking and north/south pedestrian links)

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/491/2015 for the (Stage 2) construction of multi-storey buildings and associated works, use of the land for dwellings and reduction in the car parking requirements at 40 Hall Street, Moonee Ponds (PC354406), subject to the following conditions:

1. Before the use and 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 by Caydon Property Group, identified as drawing nos. TP-000 to TP-003, TP-008, TP-101 to TP-118 and TP-201 to TP-215 all marked Revision 4 dated 28 April 2016 but modified to show;
 - a) The Everage Street building reduced by 6 levels with 4 levels to be removed from the mid-section and 2 levels from the top section of the building;
 - b) As a consequence of Condition 1a) not less than 10% of dwellings within the building to comprise three bedroom apartments;
 - c) The retraction of the Homer Street East building to provide a minimum 18 metre separation from the Level 1 Everage Street building along with any subsequent internal modifications;
 - d) The incorporation of public art on the east facing wall of the Homer Street

building;

- e) Apartments G01-G05 and G09-G12 to be converted to either retail or office space;
- f) As a consequence the removal of Apartments G10-G12, provision for not more than one dwelling may be accommodated at the rear adjacent to the communal open space;
- g) Provision for weather protection awning along the Homer Street building;
- h) Nomination of 'office' in lieu of 'Area' as shown on Levels 2 and 3 of the Everage Street building along with updates to the sectional diagrams on drawing nos TP-210/211;
- i) The provision of 300mm trench grates at the entrance to the basement;
- j) Provision for an at-grade loading bay to the north of Aspen Street East along with subsequent modifications to the lobby area and the removal of the five (5) ground level retail car parking spaces associated with the Everage Street building;
- k) The footpath along the southern elevation of the Everage Street building to be increased from 1.5 to 2.5 metres;
- l) Provision for pedestrian visibility splays to all vehicle access points;
- m) Car parking allocation;
- n) A notation to indicate resolution of the 'community space' adjacent to the Aspen Street entrance to be subject to further consultation with Council;
- o) 'Community space' to be shown on Drawing TP-101;
- p) Amendments to the 'Proposed Streetscape Improvement & Mitigation Works' plan identified as Appendix D contained within the GTA Assessment dated 17 June 2015 in accordance with Condition 3;
- q) Any design modifications as detailed within an amended wind assessment in accordance with Condition 5;
- r) Provision for a toilet within the communal area on level 24 (Everage Street building);
- s) A notation that a total roof catchment area of 2,450m² is to be divided proportionately across the three buildings to feed into: Homer Street West building to have 12,000L rainwater tank connected to toilets in 29 dwellings; Homer Street East building to have 11,000L rainwater tank connected to toilets in 25 dwellings; Everage Street building to have 17,000L rainwater tank connected to toilets in 41 dwellings;
- t) A notation that all stormwater from all external communal areas over the basement is to be collected and discharged into a bio-retention system with surface area of 34m²; and
- u) Incorporation of solar PV systems as detailed within the submitted Sustainability Management Plan.

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. Changes to the 'Proposed Streetscape Improvement & Mitigation Works' as follows:
 - a) Deletion of the following notations applicable to Puckle Street & Margaret Street;
 - (i) 'Prohibit right turn into Margaret Street and remove redundant turn lines';
 - (ii) 'Prohibit on-street parking and lengthen left turn lane';
 - (iii) 'Extend right turn lane as shown';
 - (iv) Prohibit on-street parking opposite lengthened right turn lane'.
 - b) The pedestrian signalised crossing to be relocated from the north of Aspen Street to the south of Hall Street;
 - c) Pedestrian zebra crossings on Homer and Hall Street to be shown as raised zebra crossings and to incorporate flashing lights (subject to VicRoads approval);
 - d) Provision for a raised pedestrian crossing treatment along the western side of Everage Street at the intersection of Aspen Street; and
 - e) Adjustments to accord with approved Stage 1 arrangements including vehicle access via Aspen Street East, northbound movements from Hall Street on the western road alignment and at grade loading bay provision.
4. Prior to occupation, the owner must, at its own cost, undertake and complete the following work to the satisfaction of the Responsible Authority:
 - a) Upgrade of existing infrastructure (resurfacing, drainage pits, kerb and channel, footpaths, nature strips, lighting and replacement of bluestone paving) on the surrounding road network applicable to Stage 2 (Homer Street and Everage Street);
 - b) Construction of the pedestrian walkway zones between Homer Street and Hall Street; and
 - c) All mitigation works as detailed within the GTA plan described as 'Proposed Streetscape Improvement & Mitigation Works' in accordance with the requirements of Condition 3.

With the consent of the Responsible Authority, the above works may be undertaken at a later stage subject to the owner providing a bond or other security to the satisfaction of the Responsible Authority.

5. Concurrent with the submission of Condition 1 plans, an amended wind assessment must be submitted to and approved by the Responsible Authority detailing any wind control measures for the following areas of the development:
 - a) Any required design modifications as a consequence of Condition 1a) and 1c);
 - b) The Homer Street East building designed to fulfil the 'sitting criteria' for the

south and eastern areas adjacent to the proposed ground floor restaurant to ensure comfort levels for outdoor dining;

- c) Any wind measures applicable to the Level 18 rooftop terrace (Homer Street West); and
- d) Any design modifications to the Everage Street building to eliminate the requirement for a 1.8 metre high porous windscreen.

The amended wind assessment must be prepared by a suitably qualified expert.

6. Prior to commencement of construction or carrying out of works, the Owner must enter into an Agreement under Section 173 of the *Planning and Environment Act 1987* satisfactory to the Responsible Authority. That agreement must be registered on the title to the land, be free of cost to the Responsible Authority (by the Owner paying the costs and expense of negotiation, preparation, execution and registration of the Agreement and the Section 181 Application) which provides for the following;
 - a) The making of a financial contribution to the Responsible Authority applicable to a rate of \$7,500 per residential space that would otherwise be required to be provided on the land with provision that such contribution must be paid on or prior to occupation of any part of Stage 2.
7. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
8. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
9. A minimum 30 days prior to any building or works commencing, a Construction & 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) Scaffold 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) 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 & Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

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

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

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

- e) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
14. All obsolete and unnecessary vehicle crossings must be removed and reinstated to footpath, nature strip and kerb and channel, to the satisfaction of the Responsible Authority.
 15. 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.
 16. Prior to the commencement of buildings and works, separate application must be made for the removal and/or variation of easements pursuant to Clause 52.02 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 subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
 19. The following plans and reports must be submitted to and approved by the Responsible Authority 30 days prior to the commencement of the construction works:
 - a) Road, drainage and footpath improvement works including resurfacing works on Homer Street and Everage Street;
 - b) Road safety Audit of the design including pedestrian paths; and
 - c) Public Lighting Plans.
 20. A minimum 30 days prior to the commencement of road works, drainage improvement and building construction works, detailed construction engineering plans must be submitted to and approved by the Responsible Authority. The construction plans must be prepared by a suitably qualified person and must show and include:

- a) Design for construction of all new and upgrade of existing road pavements including resurfacing, paths, parking bays, drainage pits, kerb and channel, footpaths, and nature strips on Homer Street and Everage Street;
 - b) Design of pedestrian walkway/zone, bicycle parking between Homer Street and Hall Street;
 - c) Traffic control measures as required;
 - d) Footpath design and construction including details in the treatment of pedestrian and cycle access through the site;
 - e) Where practicable, the development shall be in accordance with the *Disability Discrimination Act (DDA)*; and
 - f) A plan with appropriate road signs and line marking.
21. The Public Lighting Plan is to be approved prior to the commencement of the pedestrian walkways and new footpath works and must be in accordance with the City of Moonee Valley's Sustainable Lighting Guidelines. The Plan must include all new streets and paths showing lighting provided with a power supply to each light underground. Street lighting is to be provided to the Australian Standard for residential street lighting.
22. Prior to issue of occupancy permit a copy of a DDA certificate of detail design compliance must be forwarded to Council's Technical Services Unit. The DDA certificate must refer to parking onsite, access and mobility from Homer, Hall, Margaret and Everage Streets and Market Lane and walkways as a minimum.
23. Upon practical completion of roads and drainage works including any deferred works to the satisfaction of the Responsible Authority, the Developer must lodge a maintenance bond to the value of 5% of the cost of the works. The maintenance bond will be held and the defects liability period will continue for twelve (12) months from the date of the Responsible Authority's approval of practical completion of the works.
24. The Sustainability Management Plan prepared by 'Lucid Consulting Australia' dated 6 October 2015, or any approved updated version, to be implemented and appropriately managed during the construction of the proposed building.
25. 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 the bicycle parking areas to be provided for use by residents; and
 - d) Inclusion of monitors on the ground floor lobbies displaying real time public transport information.

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.

- 26. Upon practical completion of the landscape works to the satisfaction of the Responsible Authority, the developer must lodge a maintenance bond to the value of 10% of the cost of the landscape works. The maintenance bond will be held and the defects liability period will continue for twenty four (24) months from the date of the Responsible Authority's approval of practical completion of the works.
- 27. Except with the prior written consent of the Responsible Authority, provision must be made for a minimum of;
 - a) 29 retail spaces (7 staff & 22 visitor); and
 - b) 76 office spaces (68 staff & 8 visitor).
- 28. Buildings or works must not be commenced until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and approved by the Responsible Authority. The landscape plan(s) must be generally in accordance with the plans prepared by Oculus within the Landscape Design Report dated 18 December 2015 (Revision F) but modified to show:
 - a) Any modifications as a consequence of Condition 1;
 - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
 - c) Further detailing of landscaping and pavement treatments along Homer Street; and
 - d) Revised Homer Street (Level 18) rooftop.

Landscaping in accordance with this approved plan and schedule must be completed before the development is occupied. Once approved by the Responsible Authority these plans become part of the endorsed plans of this permit.

- 29. Should any activity occur above 123.5m AHD (i.e. building antennas or cranes during construction) approval will be required. At this height, the Airports (*Protection of Airspace*) Regulations 1996 take effect. Further, any proposed activity above 120m AHD must be submitted to Essendon Airport for formal assessment.

30. Prior to the commencement of the development, the applicant shall submit an amended Waste Management Plan to the Responsible Authority for approval. This must include an operation management plan demonstrating adequacy of access, turning circles and loading areas. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.

The proposed waste collection must limit frequency across the entire site (all stages) to three (3) collections per week.

31. This permit will expire if one of the following circumstances applies;
- a) The development is not commenced within three (3) years from the date of issue of this permit; or
 - b) The development is not completed and the use is not commenced within five (5) 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 Engineering Services Unit regarding legal point of discharge, new crossings, building over easements, erection of hoarding etc.
- A permit must be obtained from Council for all vehicular crossings.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Unit and to the satisfaction of the Responsible Authority.
- It is recommended that the required on-site detention system be designed to

limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.

1. Introduction

1.1 Subject Site and Surrounds

The former 'Readings Site' is located on a large 1.3 hectare irregular parcel of land located within the Moonee Ponds Activity Centre (MPAC). The site is specifically identified in the Moonee Ponds Activity Centre Structure Plan (MPACSP) as the 'Readings site' and is bounded by Hall, Homer, Everage and Margaret Streets. The overall site is made up by a number of separate titles.

The subject site (Stage 2) forms approximately 40% of the 'Readings site' that being the large portion of the land between Homer and Hall Street. The site has a total area in the order of 5,296 square metres and features a sloping topography with a fall across the site from the south west to the north east of approximately 4 metres.

The site is largely devoid of buildings and is currently being utilised as a public car park.

The land is encumbered by two restrictive covenants one of which prohibits the establishment of a supermarket without the prior written consent of the registered proprietor or proprietors of benefitting land. The other prohibits the erection of any out houses/back premises or conversion of the land into a backyard. The proposal is not in breach of these restrictions.



**Figure 2 – Application Site (40 Hall Street, Moonee Ponds).
View looking east along Homer Street, Moonee Ponds**

The subject site is strategically located within the Moonee Ponds Activity Centre, with the site's primary street frontage being to Homer Street and secondary frontage to Everage Street. The existing urban context of this block is characterised by a mixed commercial character contained within a range of building styles, heights and setbacks. The site has no activation to Hall Street as it is separated by the land defined in the Stage 1 application for this development.

1.2 Proposal

The application proposes the construction of three buildings ranging in height between 6 to 34 storeys accommodating retail, office, serviced apartments, a ground floor café and dwellings. It should be noted that the provision of basement parking has been incorporated into the approved Stage 1 application. Notwithstanding, the basement plans demarcate the allocation of spaces applicable to both Stages.

The proposal is summarised in Table 1.

Table 1

No of dwellings	691 apartments <ul style="list-style-type: none"> • 414 (one bedroom) • 258 (two bedroom) • 19 (three bedroom)
Retail	648m ² (4 retail tenancies) located on the ground level of the Everage Street building
Office	2,550m ² located on Levels 1-3 within the Everage Street building
Serviced Apartments	102 serviced apartments; <ul style="list-style-type: none"> • 93 (one bedroom) • 9 (two bedroom)
Cafe	191m ² located on the ground floor of the Homer Street East (serviced apartment) tower.
Community Space	40m ² located within the south west corner of the Everage Street building.
No of car spaces	731 car spaces (726 within basement levels and 5 at ground level accessed via Aspen Street)
No of motorcycle spaces	70 spaces
No of bicycle spaces	488 spaces
Max Building Height (excluding any lift overrun less than 3.6m in	<ul style="list-style-type: none"> • Everage Street (107.90 metres or 34 storeys)

height)	<ul style="list-style-type: none"> • Homer Street East (28.7 metres or 10 storeys) • Homer Street West (21.45 – 56.65 metres (includes 4.65m lift overrun) or 6-18 storeys)
Public Realm (As detailed within the Oculus Drawings)	<ul style="list-style-type: none"> • Widened footpath along Homer and Everage Streets; • Open space (220m²) within the frontage to the Everage Street building.

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

Informal Amended Plans

In a bid to respond to various concerns raised throughout the course of the application, informal amended plans were received on 3 May 2016. The key modifications to the proposal from the initial advertised plans included the following:

- The six apartments (G12-G17) between the residential foyer and the Homer Street car park entrance converted into three dual access three bedroom apartments (now shown as G10-G12);
- Increased setback between the Homer Street West building and Hall Street West building (located in Stage 1) from 9 to 13 metres resulting in the loss of two apartments from each level of the Homer Street West building. To compensate, two additional levels have been added to the Homer Street West building (from 18 to 20 storeys or from 56.65 to 62 metres to the revised lift overrun). In addition, the façade expression has been amended to provide greater articulation across the extent of the building along with the incorporation of a lift feature along with a revised garden roof top arrangement; and
- Increased provision for three bedroom apartments within the Everage Street building from 14 to 38 apartments in line with the Section 173 Agreement requirement negotiated as part of the Stage 1 approval.

As a consequence of the above modifications, the overall apartment yield has reduced from 691 to 663 (-28) with a revised mix as follows;

One bedroom	374
Two bedroom	244
Three bedroom	45
Total	663

It is important to note that the permit applicant has not elected to formally amend the application pursuant to Section 57A of the *Planning and Environment Act 1987*. Notwithstanding, it is submitted that the

modifications are an improvement on the original design and for the purpose of this assessment, the informal plans have been assessed. The plans are described in drawing nos. TP-000 to TP-003, TP-008, TP-101 to TP-118 and TP-201 to TP-215 all marked Revision 4 dated 28 April 2016. Accordingly, these have been referenced within the preamble to Condition 1.

In addition, public notification of the amended plans was not required as the modifications did not constitute further unreasonable material detriment. The modifications are deemed to be relatively minor within the context of the original advertised scheme.

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

2. Background

2.1 Relevant Planning History

The site has an extensive history and a review of Council's historical files reveals that a number of planning permits have been issued for the land. More notable history is detailed as follows;

- Planning Permit MV/434/2015 was issued on 11 April 2016 allowing for the (Stage 1) construction of multi-storey buildings and associated works, use of the land for dwellings and a reduction in car parking;
- Planning Permit MV/779/2014 was issued for a 16 storey development to the south east part of the site. The permit allowed for ground floor retailing along with 162 apartments above (67 x 1 bedrooms and 95 x 2 bedrooms) along with 137 basement carspaces accessed via Aspen Street. It also included the southern portion of the north/south pedestrian link between Hall and Homer Streets;
- Planning Permit MV/25/2011 was issued by Council on 29 June 2012 for works associated with the use of the land as a temporary carpark. The permit was amended further on two occasions as a consequence of minor alterations to the carpark layout;

On 18 November 2013 the permit was amended a third time allowing for the carpark to operate for a total of three years, in lieu of the originally approved two year period;

- The Development Plan for the 'Reading site' was approved and a plan was endorsed under Development Plan Overlay – Schedule 1 on 10 February 2000; and
- Planning Permit ES 9080 issued on 13 May 1998 for a place of assembly (12 cinemas), family entertainment centre, retail and restaurant development and associated carparking.

2.2 Other Relevant Considerations

Amendment C135

Amendment C135 was introduced into the Moonee Valley Planning Scheme on 11 October 2013 as a means of deleting the outdated

Development Plan Overlay- Schedule 1 (DPO1) applicable to the former Readings Site. The original DPO1 sought a building scale of 3-4 storeys incorporating food court/restaurants, approximately 7,400 square metres of retail floor space, 12 cinemas and two levels of car parking (one basement and another semi basement) incorporating 489 car spaces.

The removal of the former DPO1 was necessary in order to align with the revised strategic direction for the area as dictated under the current Moonee Ponds Activity Centre Structure Plan (MPACSP).

Amendment C100

Amendment C100 was introduced into the Moonee Valley Planning Scheme on 30 March 2015.

Amendment C100 implements the MPACSP through the Activity Centre Zone (Schedule 1) for the centre.

Under the Schedule, the subject site is located in Precinct 2D, which nominates a preferred heights of 50 metres.

Amendment C147

At the Ordinary Meeting on 23 September 2014, Council resolved to prepare, adopt and approve Amendment C147 into the Moonee Valley Planning Scheme by applying and inserting a new Development Plan Overlay – Schedule 1 for the entire site.

The Amendment was initiated following interest to commence development of the former 'Readings site' as a means of providing a statutory mechanism to guide the future redevelopment of the land in an integrated manner.

Subsequently, the Development Plan was prepared by Urbis and was presented to the Council for consideration in October 2014.

Under the Plan, the future development of the site incorporates the following;

- A variety of building heights across the site, ranging from 6-26 levels;
- Two (2) new north/south pedestrian/cycling links through the site;
- Ground floor retail uses along Hall and Everage Streets and part of the Homer Street frontages;
- Ground floor community use along the Everage Street frontage; and
- New public open space with a minimum 600 square metres and frontage to Homer Street.

Ultimately, the inclusion of Amendment C147 into the Moonee Valley Planning Scheme was not formalised primarily on the basis of the submission of the Stage 1 and 2 applications, which essentially provide an integrated development approach to the site.

Stage 1 (Planning Application MV/434/2015)

As highlighted, Planning Application MV/434/2015 was issued on 11 April 2016 and allowed for the Stage 1 works. In essence, Stage 1 allows for

the construction of four tower forms ranging in height from 6 to 23 storeys accommodating 612 apartments and provision for 1,586 square metres of retail space. The proposal also featured north/south pedestrian linkages, a civic plaza, widened footpaths along with provision for basement car parking and a centrally located private communal area.

Whilst Council had initially resolved to refuse the application, the matter was ultimately resolved via a VCAT Compulsory Conference hearing, which facilitated revisions to the initial design by way of reduced tower height (Hall Street West), improved dwelling diversity and internal amenity, the inclusion of an at grade loading bay and an additional (fourth) level basement to the development.

In addition to the agreed modifications to the proposal, the VCAT Order required the applicant to voluntarily enter into a Section 173 Agreement providing for the following:

- A cash contribution in lieu of the provision of 107 car parking spaces in the amount of \$802,500 to be paid on or before the occupation of any part of the development;
- The provision of not less than an additional 124 car parking spaces over and above those shown on the amended plans across Stages 1 and 2. Of these spaces, not less than 38 spaces must be located in Stage 1; and
- Not less than 10% of the dwellings in the 'Everage Street' building forming part of Stage 2 to comprise three bedroom apartments.

Plans have been submitted in accordance with Condition 1 of the Planning Permit which are currently being assessed.

2.3 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 – Moonee Valley Today
Clause 21.02	Key Issues and Influences
Clause 21.03	Vision – Moonee Valley Tomorrow
Clause 21.04	Sustainable Environment
Clause 21.05	Housing
Clause 21.06	Built Environment

- Clause 21.07 Activity Centres
- Clause 21.08 Economic Development
- Clause 21.09 Transport and Access
- Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning

- Clause 37.08 Activity Centre Zone – Schedule 1 (Moonee Ponds Activity Centre)

Particular 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 Four or More Storeys
- Clause 52.36 Integrated Public Transit

General Provisions

- Clause 65 Decision Guidelines

2.4 Referrals

External

- Public Transport Victoria (Section 55)
No objection
- VicRoads (Section 52)
No objection
- Essendon Airport (Section 52)
The maximum stated building height for Stage 2 is 147.72 metres AHD (Australian Height Datum). At the proposed height, the structure would penetrate the prescribed airspace for Essendon Airport.
Approval will be required for any permanent building or temporary activity above 123.5m AHD (including building antennas or cranes during construction). At this height, the Airports (Protection of Airspace) Regulations 1996 take effect.
- Melbourne Airport (Section 52)
No objection
- Independent Urban Design (MGS Architects)
 - The design language adopted for the development is generally acceptable as are the building heights provided there are no unreasonable overshadowing impacts on the public realm;

- The playground and sitting areas (areas 10 and 14) as identified on the Oculus landscape master plan should be designed for sitting not walking as nominated within the wind assessment prepared by VIPAC;
- Tower separation is critical in assisting to provide some sunlight properties to the common area spaces and play areas at some times of the day. The current proposal would appear to suggest that the playground will be in permanent shade;
- The adequacy of daylight to south facing saddle back apartments is questioned. Unit 218 in the Homer Street building is an example;
- Lack of natural light and ventilation to the common area corridors of the upper levels of the Everage Street building;
- A green travel plan should be provided which specifies the inclusion of monitors in the ground floor lobbies for real time public transport information to facilitate these modes;
- High number of balconies of less than the standard 8 square metres. The proposal should be amended to require no more than 10% of one bedroom apartments to have less than the standard; and
- Storage should be provided for all apartments within the basement area.
- Office of the Victorian Government Architect (OVGA)
 - 'Scale and form' – The OVGA were concerned the site is proposed to be overdeveloped, with the proposed building scale exceeding nominated heights in both the Activity Centre Structure Plan and Development Plan. They consider the form of the proposal will negatively impact on the new streets and spaces due to overshadowing and wind;

The site lines through the public space, from north to south, currently do not appear clear or easy to navigate. Central to the success of the visual link through the site is the treatment and design resolution of the element against the car park ramp on the western edge of the Everage Street building;

The additional setback to the Everage Street building is supported provided it is of high quality and fully designed with wind considerations dealt in an integrated manner;
 - 'Public realm' – The design of the central public realm space is supported;

Wind impacts require further review. Mitigation measures such as installing vertical screening to pathways is intrusive to the public realm. Further, caution is raised against the reliance on developed tree canopies for wind mitigation in modelling calculations;

- ‘Architecture’ – Whilst the different approach to materiality is supported, it is submitted that the buildings do not read as a considered collection of buildings. The curved glass tower form of the Everage Street building appears much less suitable and not contextually resolved. The concept of introducing a different materiality to the podium, using timber battens to shift the scale from tower to street level, is supported.
- ‘Internal amenity’ – Natural daylight to the common corridors should be introduced into all residential building levels. Further design work to open up the floor plate and mitigate the tight public circulation is encouraged.

Internal

- Engineering Services Unit
No objection subject to conditions
- Traffic and Transportation Unit
No objection subject to the following conditions:

Parking Provision

- The permit applicant is required to pay a cash in lieu amount for \$960,000 for the waiver of 128 residential car parking spaces (\$7500 per space) or reduce the number of dwellings to match with the parking requirements.

Proposed Mitigation Measures

- ‘Puckle Street/Margaret Street Intersection – Proposed Right Turn Bans’ - The impact of banning right-turns from Puckle Street into Margaret Street is likely to have a significant impact on the operation of the local road network and together with the proposed lengthening of the left turn lane on Puckle Street and banning of on-street parking (in order to accommodate a lengthened left turn lane on Puckle Street) must be removed from the plan prior to being endorsed by Council;
 - ‘Margaret Street Modifications’ – The lengthened right turn lane on Margaret Street is not considered an appropriate modification and could potentially become a road safety issue. This should be removed from the plan. In addition, the proposed signalised pedestrian crossing north of Aspen Street must be relocated to the south of Hall Street to provide appropriate linkage for pedestrians;
 - ‘Zebra Crossings on Homer Street and Hall Street’ – The proposed pedestrian crossing improvements (referred to as “Enhance existing pedestrian crossing/access as shown”) are to be raised zebra crossings and also include flashing lights (subject to VicRoads approval); and
 - ‘Intersection of Aspen Street and Everage Street’ – In order to improve safety and north-south pedestrian connectivity on the west side of Everage Street, the installation of a raised

pedestrian crossing treatment together with the proposed widening of Aspen Street is required.

Additional Items

- Provision for an at-grade loading bay is required to service the retail component. The applicant to explore reducing the foyer area (Everage Street building) to accommodate a loading zone;
- The 5 ground floor retail car spaces (located at the southern end of the Everage Street building) to be removed along with the exploration of a stacker arrangement within the car park to potentially provide additional spaces;
- Car parking spaces must comply with the planning scheme requirements, including provision of the door opening envelope;
- No doors from the proposed development to open onto any of the footpaths; and
- Pedestrian visibility splays to be provided for all access points to the proposed development.
- Strategic Planning/Urban Design

- 'Spatial arrangement of the proposed buildings' - The lack of a sufficient setback above the podium of the Everage Street tower in relation to the proposed height at the east and particularly the southern elevation will induce unreasonable amenity impacts on abutting streets;

Compromised east/west pedestrian movements along Aspen Street as a consequence of a narrow 1.5 metre wide footpath;

The siting and configuration of the tower lacks consideration of the possible future development equity of interfacing lots to the south side of Aspen Street. Aspen Street measures approximately 7.5 metres boundary to boundary which would require the interfacing lot to screen north facing units for the full anticipated height. A preferred arrangement would be to retract the tower footprint to express a podium;

Insufficient tower separation between built forms at the northern end of the pedestrian plaza which does not allow for maximum exposure of the plaza to main street interface. A more open and inviting arrangement of built form is required;

The 13 metre separation between the Homer Street West building and the Hall Street West building (Stage 1) is insufficient. Greater separation or a reduced tower height is required;

- 'Building Heights' – The Everage Street tower, at 107 metres, is more than double the preferred height dictated under the Schedule to the Zone. The increased height will cast shadow and generate wind impacts upon this street;

The impact of the Homer Street East building, at 10 storeys, is detrimental to the quality of the pedestrian experience of the plaza space. Particularly during the lunchtime peak of 12-2pm the height of this building casts a detrimental shadow across the central plaza.

- 'Internal Amenity' – Balcony sizes are below the standard 8m² requirement particularly inadequate for two bedroom apartments. The proposed depth and location of air-conditioning units further erodes the function of this space;

The lack of daylight access to common corridors within the Everage Street tower is unsupportable;

The ground floor dwellings located within the Homer Street West building are inappropriate. The plans should demonstrate measures to protect the bedrooms from the street interface.

- 'Open Space' – The setback of built form to Homer Street will realise a more generous pavement width. It will be imperative for the proposal to provide an urban interface and consistent pavement materiality in line with Council's vision for major streets within the Activity Centre.

- Operations Unit

No objection subject to the waste management plan amended to reduce collection frequency to 3 collections per week.

- Property Services

No objection

- Open Space

No objection subject to conditions requiring further detailing landscape species and resolution of pavement treatments.

- Environmental Sustainable Development (ESD) Officer

- Conditions to be imposed to address Water Sensitive Urban Design (WSUD);
- Concerns raised with regard to daylight access to south facing apartments within the Everage Street building, cross ventilation to corridors;
- Acoustic treatment of windows to ground, 1st and 2nd floor apartments is required;
- The single aspect apartments along Homer Street is an undesirable outcome given the interfacing carpark and supermarket. These dwellings should be deleted and replaced with retail/commercial use;
- Balconies should not be below the standard 8 square metre requirement; and
- Everage Street level 24 communal area requires a toilet.

- Economic Development
 - There is an increased need to provide further opportunities for increased commercial activity within the development, particularly at street level;
 - Relocate the Everage Street substation to ensure commercial continuity along the street;
 - Improvements to the width and conditions of footpath pavements are required to improve the aesthetics of the streetscape and encourage greater use of the streets for social, safety and commercial benefits; and
 - Additional commercial spaces on Levels 2 and 3 (Everage Street tower) would be advocated for in lieu of the current mixed residential/commercial arrangement.

Planner's Comment

The above matters raised within the referrals will largely be addressed via conditions. Those matters that are not accepted as conditions will be discussed throughout the body of this report.

2.5 Public Notification of the Application

Pursuant to Section 52 of the *Planning and Environment Act 1987* the application was advertised by mail to adjoining and surrounding properties with notice boards erected at various points on the land for a period of 14 days.

As a result, six (6) objections were received from the properties contained within **Appendix A** of this report.

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

3. Discussion

3.1 State Planning Policy Framework

The relevant State Planning Policy Framework clauses are considered to be met. For the large part State Planning objectives seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. While current State Policy no longer categorises activity centres in the same manner as the past, it is clear that Moonee Ponds (a Principal Activity Centre in the former State Policy framework) is a higher order centre. It is State Policy to “build up” activity centres as a focus for high quality development, activity and living. It is expected that such centres will provide for different types of housing, including forms of higher density housing, as well as business, shopping and working.

Policy for metropolitan Melbourne requires that planning must consider as relevant ‘Plan Melbourne: Metropolitan Planning Strategy’. Moonee Ponds is identified as an existing activity centre and can be regarded as an area where change is expected and directed. Plan Melbourne clearly expects

existing and future activity centres to accommodate higher density housing and increased commercial opportunities and it is submitted that Moonee Ponds is a locality where intensification is to be realised.

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. The objective of the Clause is:

- To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Subject to conditions, it is considered that the proposal complies with the objectives and strategies as contained within the design principles of Clause 15.01-2.

The following design principles must be regarded under this clause:

(Note: the majority of these design elements cover the decision guidelines for a building and works application under the Activity Centre Zone, the Guidelines for Higher Density Residential Development along with Objective 2 and strategies contained at Clause 21.06-4 (Urban Design).

Context

- “Development must take into account the natural, cultural and strategic context of its location;
- Planning Authorities should emphasise urban design policies and frameworks for key locations or precincts;
- A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development”.

A description of the pattern of development has largely been addressed within this report and accompanying plans.

The site is within an Activity Centre Zone (ACZ) and is not affected by any planning overlay controls. The site is located within Precinct B (Hall/Homer) under the MPACSP and is within the core retail area consisting of the Hall/Homer, Puckle and Young Precincts as well as in close proximity to a variety of public transport services.

The MPACSP identifies Precinct B (Hall/Homer) as becoming the ‘new face’ of retail offer for the centre, expanding on the existing retail, office and entertainment uses and also providing new residential apartments. A major feature of this precinct will be Hall Street, serving as a key link between Moonee Ponds Railway Station and the Mt Alexander Road Public Transport Interchange.

The site is identified in Precinct 2D under the Activity Centre Zone (Schedule 1). The preferred maximum height for buildings within this part of the precinct is 50 metres. Various objectives and guidelines pertaining to Precinct 2 seek the following:

- “To support and effectively link with Puckle Street as the principal spine of the Moonee Ponds Activity Centre;
- To expand retail, office and entertainment uses within the precinct with accommodation on upper levels;
- To enable taller and more intense built form in the body of the precinct”.

In addition to the above, it should be noted that the adopted Development Plan envisages building heights along Homer Street from 6 to 16 storeys and rising up to the corner with Everage Street up to 26 storeys.

As highlighted within the referral comments, concerns were raised with respect to the proposed height associated with the Everage Street building which is proposed at 34 storeys (107.90 metres). The preferred height is 50 metres under the Schedule to the ACZ or 26 storeys under the adopted Development Plan.

The current proposal results in a building that is in excess of 50% higher than the heights envisaged under the Schedule to the ACZ and reaches a point where it becomes disproportionate in its scale to the balance of the precinct particularly given the height at which nearby development has been approved and the preferred height and character outcomes within the adopted Development Plan.

Whilst the architectural presentation and podium expression of the building is considered acceptable, it is submitted that the height of the tower ought to be reduced from 34 to 28 storeys (6 levels or 17.1 metre reduction). More specifically, Condition 1a) will require four levels to be removed from the mid-section and two levels from the top section as a means of retaining the present tower composition. At 28 storeys, the Everage Street tower will stand five storeys higher than the approved 23 storey Hall Street West building in Stage 1. In this regard, it is noted that the adopted Development Plan envisages a maximum 5 storey difference between these two buildings. Accordingly, this has resulted in the 28 storey height recommendation.

It is acknowledged that at the reduced height of 28 storeys, the proposal will still exceed the preferred heights under the Schedule to the ACZ and the adopted Development Plan. Notwithstanding, it is submitted the height of the building is considered appropriate for a number of reasons:

- Strategic and Physical Context

The strategic policies for the area clearly acknowledge and envisage a major change from the traditional pattern of development.

The site is located within the core of the activity centre where relevant policy objectives seek to enable taller and more intense built form within this central location. Under the Schedule, a preferred height of 50 metres has been applied to the overall 2D precinct area which equates to more than 2.4 hectares. Accordingly, it is considered appropriate that a variation of tower heights be accommodated across this broader precinct as a means of establishing a visually interesting and dynamic skyline.

Whilst in isolation, the height of the Everage Street tower may appear excessive, in reality it will be placed amongst various towers, of compatible heights, such that it will sit comfortably within the emerging skyline. As such, given the level of change that is anticipated for the immediate area, it is considered the height of this tower is acceptable and will not be disproportionate in scale to the balance of the precinct. In this regard it is highlighted the approved tower heights for Stage 1 range from 6 to 23 storeys. As such, the building will comfortably assimilate into the family of buildings within the precinct. It should also be noted that the Development Plan envisages the tallest of the towers to be located at this corner road context.

- Building Design

The proposed building will comprise a commercial ground floor and expanded foyer entry, addressing both Homer and Everage Streets as well as the internal north/south pedestrian link.

The overall form includes a four storey podium height in the order of 15 metres, which features extensive timberwork across the façades as a mechanism to create a more elemental and human scale to the street. Above the podium, a sweeping curved edifice of curtain wall tower rises to in excess of 20 storeys, with a retracted footprint for the uppermost levels. The curving form of the building provides a landmark in townscape profile and will serve as an appropriate visual marker for the Activity Centre. Whilst some concern was raised with respect to lack of podium expression to the east and south of the tower, it is considered the curved form approach is acceptable with podium setbacks ranging between 2.5 - 4.5 metres along the more exposed Everage Street elevation.

- Net community benefit

It is submitted the proposal offers a net community benefit to the area. It provides for active frontages along both Everage Street and Homer Street in keeping with the vision for the area as it relates to providing for increased retail activity between Moonee Ponds Railway Station and the Mt Alexander Road Public Transport Interchange.

The provision for expanded footpaths along with an unencumbered north facing plaza area at the corner of Everage Street and Homer Street will serve to enhance the experience for both residents and visitors to the centre.

Finally, the provision for higher residential densities within the heart of the centre will provide improved economic opportunity for retail and supporting commercial services within the centre. Under various provisions contained within local policy, Council seeks to develop Moonee Ponds into an economically sustainable and vibrant area which reinforces its role as a regional centre in Melbourne's north west.

Having regard to the above, it is submitted the height of the Everage Street tower is acceptable subject to conditional requirements to reduce the height.

With regard to the balance of the towers, the heights generally align with the requirements of the Schedule and no further issue is raised on this aspect.

The Public realm

- “The public realm, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced”.

New development is encouraged to take protection and enhancement of pedestrian spaces, street squares, parks and walkways into account and respond in a positive manner. The proposal represents a contemporary design which will enhance the presentation of the site when viewed from the surrounding context.

Notwithstanding, it is considered there are further opportunities to enhance the proposal when viewed within the public realm. The modifications are as follows;

- The retraction of the Homer Street East building to provide a minimum 18 metre separation from the Everage Street level 1 podium;
- The incorporation of public art on the east facing wall of the Homer Street East building.

With respect to the retraction of the Homer Street East building, this modification serves to provide a more open and inviting arrangement at the main entrance to the plaza. The current arrangement of the podium associated with the Everage Street tower reveals a pushing of the podium mass westward into the entrance of the public plaza space. The cantilevering of these levels diminishes the space available to gain maximum sunlight exposure to public activities envisaged within the civic space. At level 1 of the podium associated with the Everage Street building, the built form is only 14 metres apart, the typical width of a local street.

Within their referral comments, the Office of the Victorian Government Architect noted that *‘the sight lines through the public space, from north to south, currently do not appear clear or easy to navigate, and we suggest further work is required to ensure the pedestrian experience is safe and legible with clear lines of sight.*

Having regard to the above, coupled with the comments provided by Council’s Urban Designer, Condition 1c) will require a built form separation of 18 metres at the entrance to the plaza between the Everage Street tower and the Homer Street East building.

With respect to the incorporation of public art, the 10 metre setback provided by the Everage Street building means that the eastern side elevation of the Homer Street East building will remain exposed when viewed both within the context of the streetscape and at the entrance to the public plaza. It is considered there is opportunity to enhance the public realm within this context and Condition 1d) will require the incorporation of a public art wall on the elevation.

In terms of wind impacts, an appraisal of the likely wind conditions has been undertaken by Vipac Engineers & Scientists Ltd. The assessment has considered the form and exposure of the buildings and has had regard to the Stage 1 development. The assessment has concluded the proposed development fulfils the recommended criterion for safety in all the test locations with the exception of the north-east corner of the Everage Street building. Accordingly, the engineers have recommended the inclusion of a 1.8 metre high porous wind screen for the north east corner of the Everage Street building. From an aesthetic and design standpoint, it is considered that the inclusion of a windscreen within the context of the public realm would serve to diminish the quality of the space. A more innovative approach to wind mitigation is required in this instance. As such, Condition 5d) will require an architectural strategy to mitigate wind impacts at the corner in lieu of a screen.

In addition to the above aspect, Condition 5 will require the submission of an amended wind assessment which must take into account the following;

- Any further mitigation measures as a consequence of the recommendation to reduce the Everage Street tower and increased separation to the Homer Street East building;
- Ground floor areas to the south and east of the restaurant located at the base of the Homer Street East building to fulfil the 'sitting criteria' in lieu of the walking/standing criteria to ensure comfort levels for the provision of outdoor dining; and
- Revised garden rooftop arrangements on Level 18 of the Homer Street West building as a consequence of the revised height increase arrangements.

Safety

- "New development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time".

The proposal provides for balconies along with large windows which overlook the streets, thereby providing for a safe urban environment for the surrounds and the proposed building. Furthermore, secure access is to be provided within the proposed car parking areas creating a safe and secure environment for all occupants of the buildings.

Landmarks, views and vistas

- "Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment".

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.

Pedestrian spaces

- "Design of the relationship between buildings and footpaths and other pedestrian spaces, including the arrangement of adjoining

activities, entrances, windows, and architectural decoration, should enhance the visual and social experience of the observer”.

Under the Moonee Ponds Activity Centre Structure Plan, the vision for Precinct B is to reflect the ‘new face’ of retail offer for the Centre. It also seeks to support opportunities for mixed use development along Homer Street with provision for active frontages along with inclusion of residential or small scale office use to occur above.

The current proposal reveals ground floor residential land use for the majority of the Homer Street building. Concerns have been raised by various referral respondents regarding the lack of activation along this section of the street. Further, the internal amenity of these apartments is questioned, particularly given the busy interface to the Coles carpark directly opposite.

Having regard to the above, Condition 1e) will require the conversion of ground floor residential apartments to commercial land use to promote further activation, along with the inclusion of weather protection awning (Condition 1g)). More specifically, the condition will require apartments G01-G05 and G09-G12 (as shown on the informal amended plans) to be shown as retail and/or office space. It is noted that further retailing/commercial activity currently exists immediately to the west along Homer Street and it is submitted that this conditional requirement will further complement the streetscape.

In order to maintain a dwelling interface to the communal open space, Condition 1f) will allow provision for not more than one dwelling to be accommodated within the rear half of what is currently shown as Apartments G10-G12.

In addition to the above, Condition 1k) will require the footpath along the southern elevation of the Everage Street building to be increased from 1.5 to 2.5 metres. In this regard, it is noted that Aspen Street East will connect to the north-south orientated pedestrian route between Hall Street and Homer Street within the development (and open to the public), and thus it is likely pedestrian demand may exceed a level considered suitable for a 1.5 metre wide footpath. At a minimum, the 2.5 m wide footpath is recommended as a means of promoting entry into the pedestrian link with greater ease of movement.

Finally, the area immediately adjacent to the Aspen Street access highlighted as ‘community space’ (40 square metres) will require further resolution as it has remained the permit applicant’s intention for this space to be managed by Council. Accordingly, Condition 1m) has been included as a means of enabling further negotiation.

Consolidation of sites and empty sites

- “New development should contribute to the “complexity’ and diversity of the built environment”.

The site is currently being utilised as an at-grade car park along with a number of disused commercial buildings. The redevelopment of this large strategic development site will result in a development that will positively

contribute to the diversity of the surrounding built environment as well as achieving the strategic vision for the area.

Light and shade

- “Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade. This balance should not be compromised by undesirable overshadowing or exposure to the sun”.

The shadow diagrams provided with the application prepared by the applicant illustrate the shadows that will occur as a result of this development. These shadow diagrams demonstrate additional overshadowing will be cast over Hall Street throughout the day at the Equinox, and internally within the development.

As previously highlighted, conditions of approval will require tower height reduction of the Everage Street building from 34 to 28 storeys along with increased separation to the Homer Street East building. Combined, these requirements will serve to reduce both internal and external overshadowing.

Having regard to the above, coupled with the acknowledgment of the site’s location within the Moonee Ponds Activity Centre, it is considered the proposed shadow impacts will not have a detrimental impact on the operation, amenity or functionality of the public realm for pedestrians. The level of shadows is what would be expected of buildings of this scale, which is generally supported by Council’s vision for the area.

Energy and resource efficiency

- “All building, subdivision and engineering works should promote more efficient use of resources and energy efficiency”.

Multi-storey construction generally conserves heat through shared walls and floors. Further, the location of the development within the MPAC will reduce the reliance on motor vehicles associated with daily shopping and community needs.

The applicant submitted a Sustainable Management Plan, prepared by Lucid Consulting with the application, which details energy efficiency initiatives to be adopted into the development. It also includes a MUSIC assessment, which has been assessed and accepted by Council’s Drainage Engineers.

The assessment identifies the development has achieved room layouts that promote natural ventilation and maximised natural daylight to living areas. In addition, the following sustainability key initiatives have been incorporated;

- The majority of apartments (85% Homer Street and 75% Everage Street) will receive a minimum of 3 hours direct daylight between 9am and 3pm in winter to living rooms and private open space areas;
- 100% of apartments have access to natural or forced cross-ventilation;
- The development achieves a NatHERS rating of 6 stars;

- The incorporation of Solar PV systems to off-set building emissions; and
- The incorporation of 534 bicycle spaces as well as a bicycle workshop station to further promote cycling.

Council's ESD officer has reviewed the proposal and has made a number of recommendations primarily addressing water efficiency aspects.

The incorporation of the measures identified within the Site Management Plan (SMP) together with water sensitive urban design can be adequately resolved via conditions of any approval issued.

Architectural quality

- "New development should aspire to the high standards in architecture and urban design.
- Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design".

In a broad sense, the architectural expression of the proposal is considered acceptable within the context of the activity centre. The design language employed, coupled with the range of building forms with related but differing expression is appropriate and will contribute to the Moonee Ponds skyline.

With respect the Homer Street West building, the informal plans have sought to provide greater articulation across the extent of the building via the incorporation of more openings at irregular intervals across the elevations creating a patterned façade treatment. Further, a lift feature has been included along with a partial recession at the uppermost levels. Combined, these features are considered acceptable.

The architectural expression of the balance of the buildings is considered appropriate and will complement both Stage 1 and the broader Activity Centre.

Landscape Architecture

- "Recognition should be given to the setting in which buildings are designed and integrated role of landscape architecture
- Planning authorities should emphasise urban design policies and frameworks for key locations or precincts".

From the outset, it is noted that the majority of the landscaping within both the public and private realm has been largely addressed within the Stage 1 area.

Notwithstanding, landscaping applicable to Stage 2 has been detailed in plans prepared by Oculus with various aspects highlighted throughout the overall design as follows:

- A widened footpath to Homer Street incorporating new paving and Street trees; and

- A communal terrace areas on Homer Street East (level 6), Homer Street West (level 18) and within the Everage Street building at Levels 4 and 24.

Overall, it is considered the proposal is well resolved. The communal areas associated with the building are considered to be appropriately integrated, functional and will meet the outdoor demands of the residents. As highlighted, conditions will require the updated detailing of the revised communal area associated with the Homer Street west building as a consequence of the height increase to this building via the informal amended plans. In addition, Condition 28d) has been included requiring further detailing on landscaping and pavement resolution along Homer Street.

With respect to the remainder of relevant State Policy, it is submitted the proposal accords with Clause 16 (Housing) which encourages increasing the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations. The proposal achieves this objective by providing high density residential development on a large site that is currently used as a car park within the Moonee Ponds Activity Centre. This Clause also encourages housing diversity and seeks to provide a range of housing types to meet increasingly diverse housing needs. The dwellings proposed will cater to the diverse population and provide additional housing product in a location that is highly accessible.

The proposal will incorporate retail uses on the site, showing consistency with the objectives at Clause 17 (Economic Development), which encourage development which 'meets the communities' needs for retail, entertainment, and other commercial services, and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities. The commercial uses will provide additional facilities for existing residents and workers within the Activity Centre as well as future residents. The proposed development will also provide new housing with direct access to established retail and community facilities.

The proposal also meets the objectives of Clause 18 (Transport), by providing a development accessible by a range of public transport services ensuring a sustainable and responsible development that can capitalise on existing infrastructure which accords with the direction of State Policy. In addition, the proposed pedestrian link to the east of the site provides safe, convenient and direct pedestrian access between Hall and Homer Streets in accordance with Council's vision for the area.

Further to the above, the proposal has had regard to Clause 18.04 (Airports) and consideration has been given to the National Airports Safeguarding Framework via referrals to both Essendon and Melbourne Airports. No objection was received from either facility subject to the inclusion of permit note that will be imposed as part of any approval issued.

3.2 Local Planning Policy Framework

The proposal complies with Clause 21.04 (Sustainable Environment) through the use of ecological sustainable design principles as highlighted within the submitted Sustainable Management Plan. In addition, a waste management plan has been prepared, which is deemed generally acceptable subject to adjustments reflecting the design modifications required to the development.

The proposal complies with the objectives and strategies of Clause 21.05 (Housing), by increasing housing opportunities to meet growing population needs and providing a diversity of housing choice in a well-established area with access to public transport options and local/community services. Under the policy considerations, the site is within an area deemed appropriate to accommodate 'High to Substantial Housing Intensification'.

The Moonee Valley Housing Strategy 2010 seeks to encourage housing within the Municipality which not only accommodates population projections, but also addresses a variety of specific housing needs and issues related to affordability, household size, diversity of choice, impact on urban character, environmentally sustainable design and access to services and facilities. The proposal contributes to the objective of housing diversity by providing a mix of dwelling sizes in various configurations, which will cater for the increasingly diverse needs of future residents. Further, notwithstanding the requirement to reduce the height of the Everage Street tower, Condition 1b) has been imposed to ensure a minimum 10% of the apartments in this tower are three bedroom apartments.

The proposed development responds to the strategies of Clause 21.06 (Built Environment). For the reasons articulated throughout this assessment, it is submitted the proposal represents a contemporary development that is innovative, legible and designed in a manner responsive to the location and context.

Clause 21.06-4 (Urban Design) sets out the urban design and built form objectives and policies for development of five or more storeys. An extensive assessment of these matters has been provided within Section 3.1 of this report. Elements that have not been specifically addressed are discussed as follows;

On-site amenity and liveability

In a general sense, the on-site amenity is considered acceptable. Notwithstanding, concerns have been raised within various external and internal referrals regarding the balcony size provision, inadequate daylight to corridors and south facing apartments.

With respect to the balcony sizes, it is noted there are a number of instances of 6-7 square metre arrangements throughout the development. Whilst these are below the recommended 8 square metre requirement, it is noted these balconies are associated with either the serviced apartments or one bedroom dwellings. Unlike a stand-alone tower application, the current proposal features various communal rooftop facilities as well as an

expansive ground floor private communal area that is accessible to all residents. These spaces include seating and barbeque areas, swimming pools, gymnasiums, outdoor exercise areas and community gardens. On balance, it is submitted the proposal provides sufficient on-site facilities that appropriately supplement those apartments with minor variations to balcony sizes.

Further, it is noted that balcony sizes for 2 and 3 bedroom apartments vary from 8-157 square metres, which exceed the minimum requirements.

As highlighted within the external referral advice, concerns were raised with respect to the adequacy of storage. In this regard, external storage space for residents is shown in the form of over-bonnet storage for all car spaces, as well as additional storage cages dispersed throughout the basement levels. The arrangements are considered acceptable.

In terms of daylight to corridors, concerns were highlighted with respect to the Everage Street building where a number of levels are not afforded with this provision. Whilst desirable, it is considered this aspect is not fatal to the proposal. The arrangement of the Everage Street building is such that the 'L' shaped design of the corridor, coupled with the central location of the lifts avoids the elongated corridor arrangements. Internally, the corridors will be well lit and in the order of 1.8 metres in width extending to 2.5 metres around the waste areas. On balance, it is submitted that these internal arrangements are acceptable.

Finally, concerns were highlighted regarding a number of south facing apartments, including south facing saddleback arrangements to bedrooms throughout the development. Whilst the provision of south facing apartments is undesirable, they remain unavoidable on a development of the current scale. The proposal has sought to maximise the number of north facing apartments via the combined 'L' shaped design of the Homer Street (East and West) building. In addition, the curved nature of the Everage Street building has limited the number of south facing apartments on each level. Accordingly, it is considered an appropriate balance has been struck.

Off-site amenity

The Stage 2 area shares limited sensitive interfaces with the Stage 1 area to the immediate south, commercial areas to the north, east and west. As such, it is considered the development is appropriately located and designed to ensure there are no unreasonable off-site amenity impacts.

Clause 21.07 (Activity Centres) highlights the objective to both strengthen and consolidate the role of the Moonee Ponds Activity Centre as the principal shopping and commercial precinct in the City. In achieving the objective, the policy seeks to ensure residential development does not detract from the viability of existing commercial activity. It is clear this proposal will positively contribute to the overarching vision for Moonee Ponds as it continues to expand upon the retail activity of Hall Street and seeks to provide an appropriate level of residential development that can take advantage and strengthen the existing commercial services of the Centre.

Under Clause 21.08 (Economic Development), Moonee Ponds has been highlighted as an 'Employment Node' within the Economic Development Plan. The proposal provides for additional employment opportunities with the provision of several retail tenancies at ground level, office uses and serviced apartments along with a ground floor restaurant. Further, conditions of approval will require the provision of greater commercial activity along Homer Street, thereby providing further economic opportunities. The proposal accords with the various objectives embedded within the Clause.

Clause 21.09 (Transport and Access) seeks to reduce environmental impact and improve access to sustainable modes of transport. It also seeks to provide choices for movement of people and goods whilst ensuring these choices provide sustainable outcomes. It is considered the proposal has struck an appropriate balance with respect to the provision of on-site parking, thereby encouraging the use of alternative modes of transport. Matters pertaining to car parking are further addressed in this report. Overall, it is submitted the proposal achieves the objectives of the Clause.

A MUSIC assessment was provided as part of the Sustainable Management Plan which provides for an integrated storm water management strategy, thus complying with the objectives of Clause 22.03 Stormwater Management (WSUD). As highlighted previously, conditions of approval will require water efficiency matters to be addressed in line with the comments received by Council's ESD officer.

3.3 Compliance with Clause 52.06 (Car Parking)

Table 2

Use	Required	Proposed
Dwellings		
374 x 1 bedroom	• 374	• 279
244 x 2 bedroom	• 244	• 211
45 x 3 bedroom	• 90	• 90
(663 apartments)	708 (total)	580 (total)
Residential Visitors	132	0
Retail/Cafe (839m ²)	32	29 (7 staff & 22 visitor)
Serviced Apartments (102)	To the satisfaction of Council	46
Office (2550m ²)	89	76 (68 staff & 8 visitor)
Total	961	731

Provision of car spaces

As previously highlighted, car parking provisions have largely been considered as part of the Stage 1 assessment. In this regard, a contribution figure of \$802,000 was required in lieu of 107 resident car

spaces (applicable to Stage 1), along with the provision for an additional 124 car spaces.

Overall, the total parking provision within the basements and at ground level for both Stages 1 and 2 stands at 1,315 car spaces.

As highlighted within the table above, this proposal provides for 731 car spaces within the basements and at ground level that are reserved for Stage 2 allocation.

As part of Stage 1 it was agreed to adopt parking rates consistent with those outlined within Column B contained within Amendment C132 (Moonee Ponds Parking Overlay).

In keeping with the Stage 1 arrangements, Council's Traffic Engineers are accepting of the on-site parking provision subject to a cash contribution in lieu of parking associated with the residential component. In this regard, the development would require a minimum of 708 residential car spaces. The proposal currently allocates 580 spaces, thereby falling short by 128 spaces.

In light of the above, a contribution of \$960,000 (\$7,500 per residential space) would be required.

Given the imposition of various conditions of approval, which require tower reduction height, conversion of apartments to commercial activity along with increased building separation, the overall apartment yield will ultimately be reduced. Accordingly, a reduced contribution figure would be applicable, which has been addressed as part of Condition 6.

In addition to the car parking provision, it is noted that a total of 84 motor vehicle spaces are included within the basement levels, thereby providing exclusive, additional transport opportunities for residents. The generous provision of bicycle spaces also provides mobility options for residents.

Proposed mitigation/streetscape improvement works

Council's Traffic Engineers have reviewed the proposed mitigation measures as described on the plan entitled 'Proposed Streetscape Improvement & Mitigation Works' forming part of the GTA Assessment dated 17 June 2015. This plan is included within Appendix D - Proposed Streetscape Improvement & Mitigation Works.

As highlighted within the referral section, modifications to the mitigation's plan will be required as a means of improving vehicle and pedestrian movements within and around the site. Accordingly, the specific requirements are recommended within Condition 3.

Other Matters

As recommended by the Engineers, Conditions 1j) and 1l) will require the deletion of the 5 retail spaces, incorporation of a loading bay, and provision for pedestrian sight lines to all access points into the development. With respect to the deletion of the retail car spaces, it is considered this is necessary in order to allow for ease of loading movement. Additionally, it is noted that Condition 27 will require a minimum of 29 retail spaces for the development.

3.4 Compliance with Clause 52.07 (Loading /Unloading)

Clause 52.07 triggers loading and unloading requirements for the retail component of the development. Currently the proposal includes ground floor retailing at the base of the Everage Street building. Conditions of approval will require further commercial activity along Homer Street as a means of providing increased activation.

Council's Traffic engineers have requested provision be made for an at-grade loading bay, located in convenient proximity to the retail component. As highlighted, Condition 1j) will require provision for a loading area adjacent to the Aspen Street east road. This will necessitate modifications to at grade car parking and internal lobby space.

3.5 Compliance with Clause 52.34 (Bicycle Facilities)

The development attracts a bicycle parking requirement of 230 bicycle spaces. As the application proposes a total of 534 spaces, the provision is in well in excess of the requirements.

3.6 Other Matters

Easements

It is noted the site is encumbered by a number of easements primarily located within the north-western portion of the site. The easements are in favour of the former, Melbourne Metropolitan Board of Works, Gas and Fuel Corporation, Telecom and City of Essendon. Initial investigations by the permit applicant have revealed there is a substation history to each of the beneficiaries and given these entities no longer exist, only City West Water appear to have assets within the easements.

Notwithstanding the above, a Condition 16 will require a formal, separate application to seek the removal and/or variation of these easements pursuant to Clause 52.02 of the Moonee Valley Planning Scheme.

3.7 Objections

As highlighted, a total of six (6) objections were received to the application. The table below provides a summary of the concerns raised along with the officer response;

Table 3

Issue	Officer Response
Proposed building height of 34 storeys is inappropriate for Moonee Ponds.	This concern is noted and a condition of approval will require a reduction in the height of the Everage Street tower.
Introduction of serviced apartments will encourage parties and disruptive events that will impact on surrounding areas.	The introduction of serviced apartments within the heart of the activity centre accords with relevant planning policy and strategic vision for the area. Any disruptive behaviour would be addressed by the future

Issue	Officer Response
	building management.
The proposal will destroy the 'look and feel' of Moonee Ponds. It will diminish the area's open and green space.	The site currently accommodates an expansive at-grade car park. The proposal, in combination with Stage 1, seeks to regenerate this large 'void' in the Activity centre with a mix of land uses as well as public realm upgrades by way of improved widened footpaths, north-south pedestrian linkages and a new civic plaza. Subject to conditions it is submitted that the proposal is appropriate for central Moonee Ponds.
The proposal will reduce surrounding property values.	The potential devaluation of surrounding properties is not a town planning consideration.
The proposal would create a lack of diversity given the overwhelming number of 1 and 2 bedroom apartments with minimal options geared to families.	The proposal provides a mix of apartment sizes and configurations. Following public notice of this application the number of three bedrooms has increased. Further, as highlighted in Stage 1, the apartments have been designed to create opportunities to amalgamate apartments to cater for any market demands.
So many buildings clustered together would result in minimal sunlight and wind impacts.	Following public notice, the tower separation between Stage 1 Hall Street West and Homer Street West has increased from 9 to 13 metres. In addition, conditions will require increased separation between Homer Street East and Everage Street buildings from 14 to 18 metres. These modifications coupled with the height reduction of the Everage Street building are considered acceptable.
The proposal will overshadow neighbouring properties.	As highlighted within the above assessment, the extent of overshadowing is considered acceptable within the Moonee Ponds Activity Centre subject to conditions requiring a reduced tower height and increased building separation.
Noise and vehicle access impacts during construction.	It remains evitable that the redevelopment of this site will cause some degree of disruption to the area. A condition of approval will require the submission of a construction management plan as a means of regulating construction hours and movements to/from the site.

Issue	Officer Response
The proposal will decreased the availability of car parking.	It is considered the provision of 731 car spaces is appropriate for the reasons highlighted within this report.
The proposal will lead to increased traffic generation.	It is not expected the proposed traffic volumes would compromise the overall safety and function of the existing road network. As highlighted within the above assessment, given the scale of the project a series of mitigation works will ultimately be required surrounding and within proximity of the site in order to ensure the ongoing functions of the existing road network. Further, Council's Traffic Engineers have raised no objection to the traffic generation subject to conditions as highlighted within the recommendation.
The proposal has been advertised prior to formal approval.	It remains the prerogative of the permit applicant to publicise the project in order to ascertain market interest. Ultimately the land cannot be developed until formal planning approval has been granted.

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 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.

Subject to conditions, it is considered the proposal accords with the overarching objectives of the Moonee Ponds Activity Centre Structure Plan, State and Local planning policies, achieves an appropriate urban design outcome and positively contributes to the Moonee Ponds skyline.

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

Appendices

Appendix A: Stage 2 - Objector List

Appendix B: Stage 2 - Original Advertised Plans (separately circulated)

Appendix C: Stage 2 - Informal Amended Plans (separately circulated)

Appendix D: Proposed Streetscape Improvement & Mitigation Works

**Objectors List for MV/491/2015 at 40 Hall Street,
MOONEE PONDS**

Objector's Mailing Address

7 Elizabeth Street, MOONEE PONDS VIC 3039
34 The Crossway, EAST KEILOR VIC 3033
PO Box 246, MOONEE PONDS VIC 3039
11/57 Homer Street, MOONEE PONDS VIC 3039
38 Taylor Street, MOONEE PONDS VIC 3039
26 Ngarveno Street, MOONEE PONDS VIC 3039



9.2 87 Spencer Street, Essendon (Lot 22 on Plan of Subdivision 19621) - Construction of five dwellings

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

Planning File No.	MV/1019/2015
Proposal	Construction of five (four double storey and one single storey) dwellings
Applicant	ArchSign P/L
Owner	J & C Slaven
Planning Scheme Controls	General Residential Zone
Planning Permit Requirement	Clause 32.08-4 – To construct two or more dwellings
Car Parking Requirements (Clause 52.06)	Required – 6 spaces Provided – 7 spaces
Bicycle Requirements	N/A
Restrictive Covenants	Yes – Covenant 2377046 not breached by the proposal
Easements	A 1.83m drainage and sewerage along the southern boundary
Site Area	906 square metres
Number Of Objections	37
Consultation Meeting	4 May 2016

Executive Summary

- The application seeks planning approval for the construction of five dwellings.
- The site has an area of approximately 906 square metres and is located on the southern side of Spencer Street, Essendon. The subject site is located within an area characterised by residential built form. Furthermore, education and sporting facilities are located in proximity to the site.
- The application was advertised and as a result 37 objections were received. The concerns raised related to neighbourhood character; site layout and building massing; overdevelopment of the land; off-site amenity impacts; car parking; waste collection; damage during construction; a precedent for similar developments; and inconsistencies within the advertised documentation.
- A Consultation Meeting was held on 4 May 2016, attended by Councillor Paul Giuliano (Chair) and Councillor Jan Chantry, the permit 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 (ESD) Officer. Conditional support to the application was provided.
- This assessment report finds the proposal demonstrates an adequate level of compliance against the relevant policies and provisions of the Moonee Valley Planning Scheme and 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/1019/2015 for the construction of five dwellings at No.87 Spencer Street, Essendon (Lot 22 on Plan of Subdivision 19621), 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 crossover associated with Dwelling 1 to be noted to be constructed as a double crossover with the adjoining property known as No. 90 Spencer Street.
 - b) The roofing structure of the visitor car space to be deleted and reconfigured to be a single space carport over Dwelling 3's car space.
 - c) The visitor car space suitably identified with line marking and signage stating 'Visitor Space'.
 - d) The removal of the dashed setback line within the front setback.
 - e) The kitchen windows for Dwellings 2-4 noted to be double glazed.
 - f) The provision of a sliding door to the laundry associated with Dwelling 2.
 - g) The following notations provided on the relevant plans to show:
 - i) Each rainwater tank to be noted to state its capacity, whether a mechanically, fully charged or gravity fed system is proposed, number of toilets connected and the roof catchment area;
 - ii) The size and location of the Envis Pits and the size and grading of the impervious surfaces draining to it while providing a note stating it is to be fully lined with an impervious liner and have its overflow/aggie drain connected to the Legal Point of Discharge; and
 - iii) The size, location, grading and type of an impervious paving proposed and demonstrating how the water from these impervious surfaces will be collected by the Water Sensitive Urban Design (WSUD) treatment measure.
 - a) The details must be consistent with the information provided in the approved complying STORM report.
 - h) All Sustainable Design Assessment (SDA) treatment measures and associated notations to be shown on the relevant plans in accordance with condition 6 of this permit.
 - i) Any amendments as recommended within the Arborist Report required by Condition 18 of this permit.

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. A minimum 30 days prior to any building or works commencing, all WSUD Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
4. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation;
 - i) Management of onsite stormwater and prevention of contamination which must be in the form of a detailed statement or report which outlines all measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;
 - j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
 - k) Arrangements for chemical storage;
 - l) Noise and vibration control;
 - m) Risk assessment;
 - n) Works timetable; and
 - o) Number of workers expected to work on the site at any one time.

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

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

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.

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

6. The development must incorporate the sustainable design initiatives outlined in the endorsed Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority.
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 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 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. 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. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.
- 14. Before the development commences, an Engineering Design Plan (EDP) and a Drainage Layout Plan (DLP) together with supporting calculations including computations and location of stormwater outlets and legal points of discharge 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.

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 the 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.

15. 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.
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 and approved by the Responsible Authority. The landscape plan and schedule must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale and 3 copies must be provided. The landscape plan and schedule must be generally in accordance with the landscape plan submitted with the application, but modified to show:
 - a) All buildings and works 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 use of drought tolerant species; and
 - g) All trees on the land that are proposed to be removed or destroyed.

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 properly, 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. Before the development starts, an arborist report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The arborist report be prepared by an arborist with suitable qualifications to the satisfaction of the Responsible Authority and must outline any specific:
- a) threats to the on-going health of existing trees located at the adjoining properties arising as a consequence of the approved development; and
 - b) recommendations to be implemented to ensure the on-going health of the trees located at the adjoining properties, including modifications to the proposed development and/or use of tree protection measures during construction.

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

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

19. 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.
- 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 calculations; $C=0.4$, $t_c=5\text{min}$, ARI 1 in 5 or 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.

- A Council drain (min 225mm dia uPVC within easement or min 300RD RRJ within road reserve) or as specified by the Responsible Authority must be constructed to reach the approved point of discharged (approx. 100m).

1. Introduction

The subject site is located on the southern side of Spencer Street, Essendon. The site is generally regular in shape with the exception of the front splay of the site following the roadway orientation. The subject site has a maximum width of 15.24 metres, a maximum depth of 59.44 metres and a total site area of 906 square metres.

There is an easement identified along the southern alignment of the subject site containing drainage and sewerage assets. Covenant 2377046 is identified on the Certificate of Title, which is not breached by the development.

The subject site currently accommodates a single storey brick dwelling with a pitched roof form. A garage is located to the rear of the site with access via a crossover to Spencer Street. There is no significant landscaping or vegetation identified on the subject site.



Figure 2: 87 Spencer Street, Essendon

The surrounding land is within a General Residential Zone. Residential developments in proximity of the subject site vary with a mixture of single dwellings on large allotments and multi-unit developments. Examples of multi-unit developments are located at 81a, 83, 83a Spencer Street, 83, 83a and 87 Nimmo Street, 61, 67, 67a, 69, 69a, 71, 71a and 75 Price Street, 64, 66, 72, 72a and 109 Bradshaw Street and 6, 7, and 8 Croft Street.

The character of the area can be described as traditional, 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 within the area are predominantly hipped with some examples of gable-ended roof forms.

Located to the north of Spencer Street directly opposite the subject site is Buckley Park including Cooper Street Community Centre, Buckley Park Bowls Club and Buckley Park Tennis Club. These sporting facilities service the wider community. Further to the east of the subject site along Spencer Street is Buckley Park College, a public secondary school for years 7 to 12 students.

1.1 Proposal

The proposal is for the construction of five dwellings. The proposal, as advertised, can be summarised as follows:

Table 1

No. of dwellings	Four double storey and one single storey dwellings (2 bedrooms each)
No. of car spaces	7 (6 residents and 1 visitor space)
Max. Building Height	7.7 metres above Natural Ground Level
Site Coverage	49%
Permeability	34%

Refer **Appendix A** – Advertised Plans.

Following the Consultation Meeting held on 4 May 2016, the permit applicant submitted amended plans pursuant to Section 57A of the *Planning and Environment Act 1987* (the 'Act') on 15 June 2016, which respond to concerns raised by Council's Planning Officer. The proposed amendments generally include:

- The rearrangement of Dwelling 1, including the relocation of the garage for this dwelling to the rear of the dwelling, and the deletion of the proposed crossover.
- The carport for Dwelling 5 setback 1.85 metres from the southern boundary, outside of the easement along the rear boundary.
- The provision of permeable paving to the rear section of the common access way opposite Dwellings 4 and 5.

Refer **Appendix B** – Section 57A Plans.

2. Background

2.1 Relevant Planning History

N/A

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 9	Plan Melbourne
Clause 10	Operation of the State Planning Policy Framework
Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16	Housing

Local Planning Policy Framework

Clause 21.01	Municipal Profile
Clause 21.03	Vision
Clause 21.04	Ecological Development
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
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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

N/A

Internal Referrals

Engineering Services Unit

- No objections subject to standard conditions.

Traffic and Transportation Unit

- No objections subject to the following non-standard conditions:
 - The crossover associated with Dwelling 1 to be noted to be constructed as a double crossover with the adjoining property known as No. 90 Spencer Street (Condition 1a);
 - The roofing structure of the visitor car space to be deleted and reconfigured to be a single space carport over Dwelling 3's car space (Condition 1b);

- The visitor car space suitably identified with line marking and signage stating 'Visitor Space' (Condition 1c); and
- The provision of a sliding door to the laundry associated with Dwelling 2 (Condition 1f).

Environmental Sustainable Development Officer (ESD)

- No objections subject to standard conditions and the following non-standard condition:
 - The following notations provided on the relevant plans to show:
 - Each rainwater tank to be noted to state its capacity, whether a mechanically, fully charged or gravity fed system is proposed, number of toilets connected and the roof catchment area;
 - The size and location of the Envis Pits and the size and grading of the impervious surfaces draining to it while providing a note stating it is to be fully lined with an impervious liner and have its overflow/aggie drain connected to the Legal Point of Discharge; and
 - The size, location, grading and type of an impervious paving proposed and demonstrating how the water from these impervious surfaces will be collected by the WSUD treatment measure.

The details must be consistent with the information provided in the approved complying STORM report. (Condition 1g).

2.4 Public Notification of the Application

Pursuant to Section 52 of the Act, the application was advertised by mail to adjoining and surrounding properties, with one notice erected on site for 14 days. In response, 37 objections were received from the following properties contained within **Appendix C** of this report.

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

Since it is considered the proposed Section 57A amendments to the development plans do not result in any additional detriment to the adjoining properties or streetscape, further notice of the amended plans is not required and a decision can be made on these plans.

2.5 Consultation Meeting

A Consultation Meeting was held on 4 May 2016, attended by Councillor Paul Giuliano (Chair) and Councillor Jan Chantry, objectors, the permit applicant and Council's Planning Officer. No resolution was achieved at this meeting.

3. Discussion

3.1 State Planning Policy Framework

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

The subject site is located directly opposite to parkland, in proximity to schools and Hoffmans Road, an arterial road and public transport in the form of a 475 bus stop located approximately 360 metres to the south of the site on Mary Street. The site location is therefore considered to meet the State Planning Policy Framework for more intense residential development.

3.2 Local Planning Policy Framework

The proposal complies with Clause 21.04 (Sustainable Environment) through the use of ecological sustainable design principals as highlighted within the submitted STEPS assessment. Any relevant design measures will be required as per Condition 6 on any issued planning permit.

The proposal accords with the objectives of Clause 21.04-7 (Waste) as it relates to encouraging the use of recycling and achieving best practice in waste minimization.

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

The proposed development responds to the strategies of Clause 21.06 (Built Environment). A number of the objectives and strategies within the Clause appear to 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 3.5.

The proposal complies with Clause 22.03 (Stormwater Management (WSUD)) and meets the required on-site stormwater treatment and demonstrates a rating of 100%, or greater, using the STORM tool. Condition 1(g) will be placed on any issued planning permit for all treatment measures and relevant annotations have been shown on the plans. The relevant design requirement will be dealt with through 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 6'. The Preferred Character Statement reads as follows:

'New developments will contribute to the character of this area with established gardens, simple design details and consistent siting to ensure they do not dominate the streetscape. Buildings will be articulated with recesses, porch areas, large windows and setbacks to complement the pattern of the traditional dwellings. The use of light finishes will maintain the existing palette of materials. Buildings will be located from the front boundary at a distance similar to those on adjoining properties, while consistent side setbacks will provide space for landscaping and planting.'

Low or permeable front fences will allow views of vegetation in gardens from the street.'

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

Siting and Building Layout	<p>The proposed development presents as a single built form to Spencer Street, which maintains the existing streetscape presentation. Additionally, this form of development is reflective of similar unit developments within the streetscape and surrounding area.</p> <p>The development is setback from the eastern site boundary and built against the existing garage of 90 Price Street on the western boundary. As such, the development does not present as a boundary to boundary development, making it consistent with the preferred character of the area.</p> <p>The upper levels of the dwellings include a separation between Dwellings 1-2 and 3-4. This design response reduces the overall upper level footprint and limits unreasonable visual bulk impacts to the adjoining properties and maintains the rhythm of spacing within the surrounding area. It is considered the proposed siting and layout of the development is respectful of the surrounding area and streetscape.</p>
Built Form	<p>The overall height of the development at 7.9 metres, measured to the roof ridge of Dwelling 1, is reflective of the surrounding dwellings and complies with Standard B7 (Building Height) of the Moonee Valley Planning Scheme. Additionally, Dwellings 2-4 have a maximum height of 7.29 metres, measured to the upper eave of the skillion roof. This form of roof limits the overall height of the development when viewed from the adjoining properties. It is considered the proposed height of the development is respectful of the existing and preferred character of the area and will not impact upon the amenity of the adjoining properties.</p> <p>Dwelling 5 is a single storey dwelling with a flat roof and skillion roof with north facing windows. This dwelling is consistent with similar dwellings within the surrounding area and limits visual built impacts within the backyard-scape of the surrounding area. The skillion roof form with northern windows maximises daylight access into the dwelling.</p> <p>The upper levels of Dwellings 1-4, are set behind the ground level walls to maximise the articulation of the dwellings and limit sheer walls. This design response is respectful of the existing and preferred character of the</p>

	<p>area.</p> <p>The garages for the development are located behind Dwelling 1, which limits the dominance of the parking structures when viewed from the streetscape. It is noted that the carport for Dwelling 5 will be visible from the streetscape, however, it is proposed to be a carport which is a visually permeable structure. Additionally, the carport is located approximately 46 metres from the streetscape, which ensures this structure will have limited visual impact from the street.</p>
Design Detail	<p>The proposed materials and finishes of the dwellings are consistent with this form of development and are reflective of the surrounding built form. The use of brick, stria cladding, matrix cladding and render provide visual interest to the built form and articulate the dwellings when viewed from the streetscape and adjoining properties.</p> <p>The hipped roof form of Dwelling 1 maintains the prevailing roof form of the surrounding area and immediate streetscape. The skillion roof form of Dwellings 2-5 is a contemporary form of a pitched roof that is respectful of the character of the area and articulates the development when viewed from the adjoining properties.</p> <p>The development includes windows at both ground and first floor that provide visual surveillance of both the common access way and the streetscape.</p>
Landscaping	<p>The advertised plans do not include a Landscape Plan prepared by a suitably qualified person or firm.</p> <p>It is considered the front setback has the ability to provide meaningful landscaping opportunities which reflects the character of Spencer Street and the surrounding area. Condition 16 should be placed on any issued planning permit to ensure a Landscape Plan is provided by a suitably qualified person or firm.</p> <p>The development does not propose a front fence. On this basis, views of the landscaped frontage are maintained and provide a visual link between the subject site and the public realm, which is characteristic of the streetscape.</p>

3.4 Compliance with Clause 52.06 (Car Parking)

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

Table 2

Use (Dwellings)	Required	Provided
5 Dwellings (2 bedrooms)	5 spaces	6 spaces
Residential Visitors	1 spaces	1 spaces
Total	6 spaces	7 spaces

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

In addition, pursuant to Clause 52.06, pedestrian visibility splays have been provided.

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 D**).

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

Table 3

ResCode Standard	Officer Response
1. Clause 55.03-1 2. (Standard B6 – 3. Street Setback)	The required front setback for the subject site is 4.705 metres. The proposed ground floor front setback is between 4 – 5.45 metres. It is considered that while the proposed front setback does not comply with the required setback, the development appropriately responds to the splayed front boundary and presents a transitional setback between the adjoining garage at 90 Price Street and the dwelling at 85 Spencer Street. Additionally, it is noted the only area of non-compliance is associated with the bedroom 1 walls of the dwelling, while the remaining setbacks fully comply with the setback requirement. The proposed first floor front setbacks fully comply with this Standard.
4. Clause 55.03-8 5. (Standard B13 – Landscaping)	The advertised plans do not include a Landscape Plan prepared by a suitably qualified person or firm. It is considered that the front setback has the ability to provide meaningful landscaping opportunities which reflects the character of Spencer Street and the surrounding area. Condition 16 should be placed on any issued planning permit to ensure a Landscape Plan is provided by a suitably qualified person or firm.

<p>6. Clause 55.05-4 7. (Standard B28 – Private Open Space)</p>	<p>Dwelling 1 is internally configured for reverse living and is provided with a balcony at first floor level with a northern aspect and an area of 13sqm and a minimum dimension in excess of 1.6 metres. The private open space provided to this dwelling fully complies with this Standard.</p> <p>Dwellings 2-5 are each provided with private open space and secluded private open space as follows:</p> <ul style="list-style-type: none"> • Dwelling 2 – 33sqm of private open space, including 30sqm of secluded private open space. • Dwelling 3 – 38sqm of private open space, including 30sqm of secluded private open space. • Dwelling 4 – 40sqm of private open space, all of it secluded. • Dwelling 5 – 40sqm of private open space, including 27sqm of secluded private open space. <p>On this basis, while Dwellings 2 and 3 do not comply with this Standard (B28), it is considered in this instance, the provision of private open space is appropriate since: these dwellings are provided with in excess of 25sqm of secluded private open space, which is sufficient for the recreation needs for this form of dwelling; and the subject site is directly opposite Buckley Park, which provides additional recreational options for future residents.</p>
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3.6 Objections

The following concerns have been raised by objectors and are discussed in the table below:

Table 4

Issue	Officer Response
<p>Neighbourhood Character</p> <ul style="list-style-type: none"> • The proposal detracts from the established character of the area. • The scale of the proposal is excessive. 	<p>The proposed development, with its double storey homes appropriately responds to the character of the surrounding area and the precinct guidelines of the Garden Suburban 6 area.</p> <p>Refer to Section 3.3 for a detailed assessment of the development response to the character of the area.</p>
<p>Site Layout and Building Massing</p> <ul style="list-style-type: none"> • The proposed front setback fails to 	<p>The proposed front setback is a site responsive design response that provides an appropriate transition in the front setbacks in this section of Spencer Street, which is influenced by an angled</p>

<p>respond to the prevailing setbacks within the street.</p> <ul style="list-style-type: none"> • The proposal fails to provide meaningful landscaping opportunities. 	<p>frontage.</p> <p>The development, as amended, provides sufficient area within the front setback and throughout the site for a meaningful landscape response. In particular, the development includes a well landscaped front setback, including the provision of 2 canopy trees, which will contribute to the landscaped character of the area.</p>
<p>Overdevelopment</p>	<p>The proposal is a well-designed infill development, which is encouraged within State Planning Policy, providing suitable compliance is achieved with the Planning Scheme.</p> <p>The development has been assessed against, and is considered to achieve a high level of compliance with the provisions of the Moonee Valley Planning Scheme including Clause 55, in relation to site coverage, permeability, private open space, and on and off site amenity impacts.</p> <p>On this basis, it is considered that the proposal does not result in an overdevelopment of the site.</p>
<p>Off-site amenity impacts</p> <ul style="list-style-type: none"> • Overlooking • Loss of privacy • Overshadowing • Visual bulk impacts • Boundary wall heights • Increased noise • Impacts on adjoining vegetation 	<p>The development incorporates appropriate screening measures in the form of external screens with a height of 1.7 metres and highlight windows with a sill height of 1.7 meters to all habitable room windows at the upper level that potentially overlook the adjoining properties. The development complies with Standard B22 (Overlooking) of the Moonee Valley Planning Scheme and does not result in any unreasonably overlooking opportunities to the adjoining properties.</p> <p>The proposed development does not unreasonably overshadow the secluded private open space areas of the adjoining properties. It is considered the development complies with Standard B21 (Overshadowing) of the Moonee Valley Planning Scheme.</p> <p>The development is well articulated through the use of varied setbacks, materials and finishes, and window placement. Additionally, the development exceeds the setback requirements of Standard B17 (Side and Rear Setbacks). It is considered the proposed built form will not present unreasonable visual bulk to the adjoining properties or streetscape.</p> <p>The proposed walls on the boundaries are fully compliant with Standard B18 (Walls on Boundary) in relation to length and average height. It is</p>

	<p>considered there will not be unreasonable amenity impact resulting from the walls on the boundaries.</p> <p>Site services within the development are well located away from adjoining habitable room windows. It is considered the proposed development will not result in any unreasonable noise impacts and is consistent with its urban location.</p> <p>A permit condition (condition 18) is recommended to be included on any permit issued requiring the submission of an Arborist Report assessing the impact of the development on adjoining properties. It is noted that the adjoining property to the east includes a large canopy tree too close to the shared boundary. As amended, the development includes permeable paving opposite this tree.</p>
<p>Car Parking/Traffic</p> <ul style="list-style-type: none"> • Site turning circles are inadequate. • The proposal will lead to increased traffic within the area. • The proposal will place increased pressure on car parking availability within the street. • Safety for vehicles entering and exiting the site. 	<p>The development has been referred to Council's Traffic and Transportation Department, who have no objections to the proposed development subject to conditions. Additionally, the proposed location of the car spaces are appropriate and vehicles can conveniently access and exit the spaces.</p> <p>It is considered the proposed development of five dwellings is unlikely to result in an unreasonable increase in traffic movements. Traffic generated by this development can thus be easily absorbed into the surrounding road network.</p> <p>The development fully complies with the statutory parking requirements of Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme, including the provision of one visitor car space on-site.</p> <p>Vehicles can enter and exit the site in a forward direction. Additionally, pedestrian visibility splays have been provided in accordance with Clause 52.06-8 (Car Parking).</p>
Waste collection	<p>The proposed intensity of the development is minimal and it is considered waste can be collected by Council's waste services.</p>
<p>Safety</p> <ul style="list-style-type: none"> • Damage to adjoining properties during construction 	<p>This is not a planning consideration and is a matter that will be addressed as part of the Building Permit process.</p>
<p>Document inaccuracies</p> <ul style="list-style-type: none"> • Shadow diagrams incorrect 	<p>The development plans have been amended to correctly represent the rear of 6 & 8 Croft Street, Essendon. Additionally, the shadow diagrams have been updated based on the level differences. It is</p>

<ul style="list-style-type: none">• 6 and 8 Croft Street are incorrectly depicted	considered overshadowing of adjoining properties 6 & 8 Croft Street are compliant with Standard B21 (Overshadowing) of the Moonee Valley Planning Scheme.
Precedent for similar future proposals in the future	This is not a planning consideration.

4. Human Rights

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

5. Conclusion

The application has been assessed against the relevant provisions of the State Planning policy Framework, Local Planning Policy Framework, Zoning 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 the proposal demonstrates general compliance with the requirements of these provisions and policies. The application is supported as detailed above in the recommendation section.

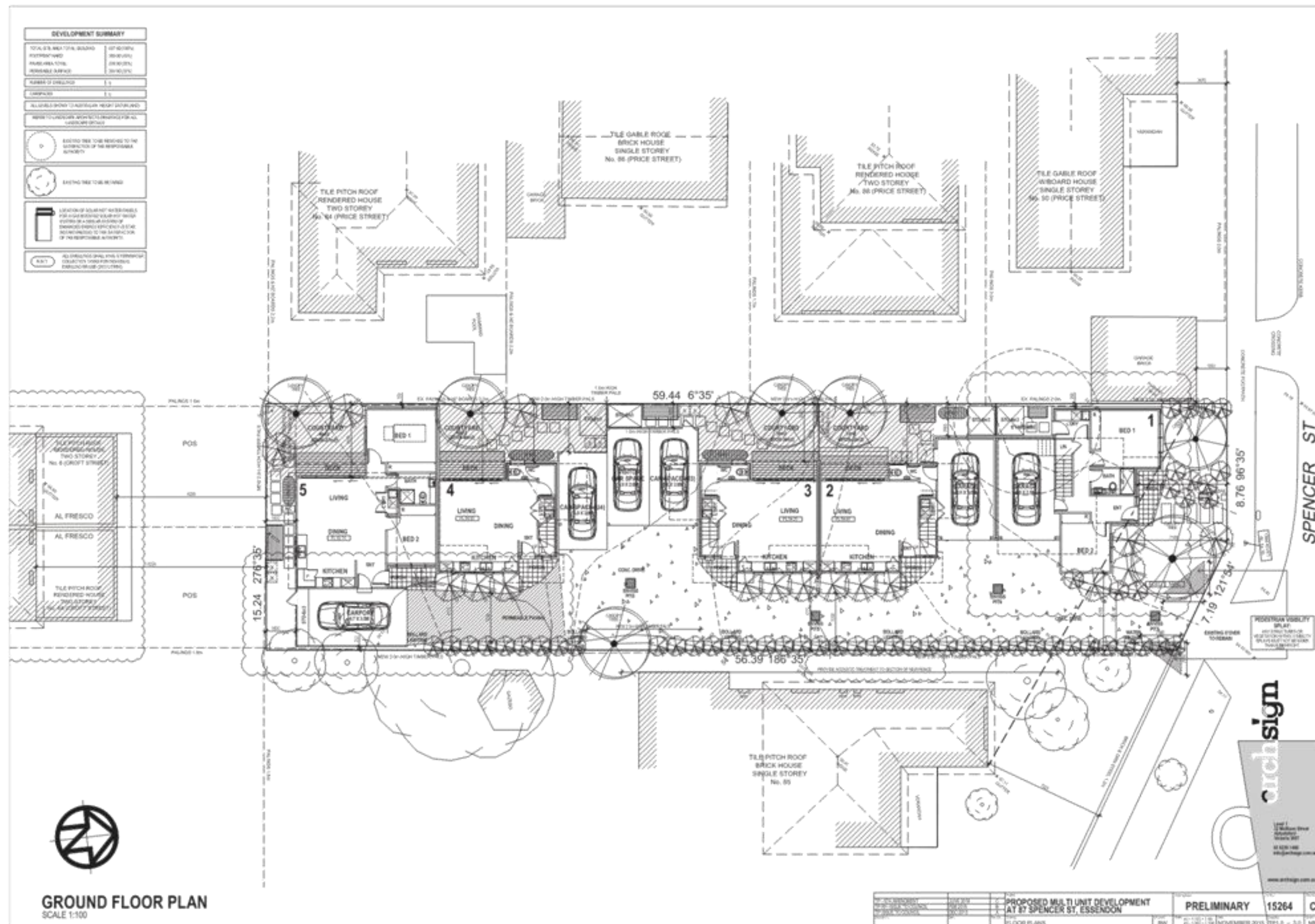
Appendices

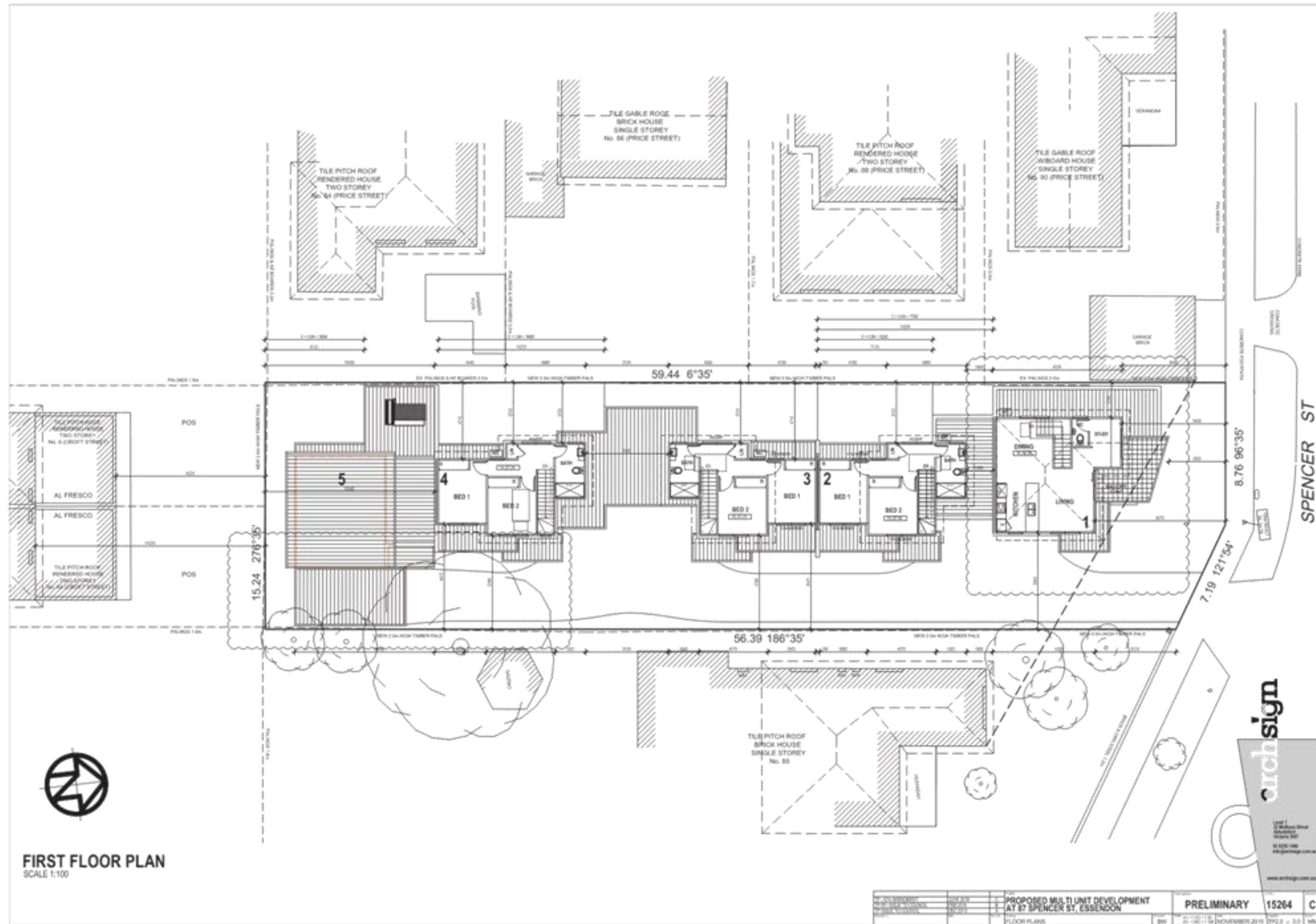
Appendix A: Advertised Plans (separately circulated)

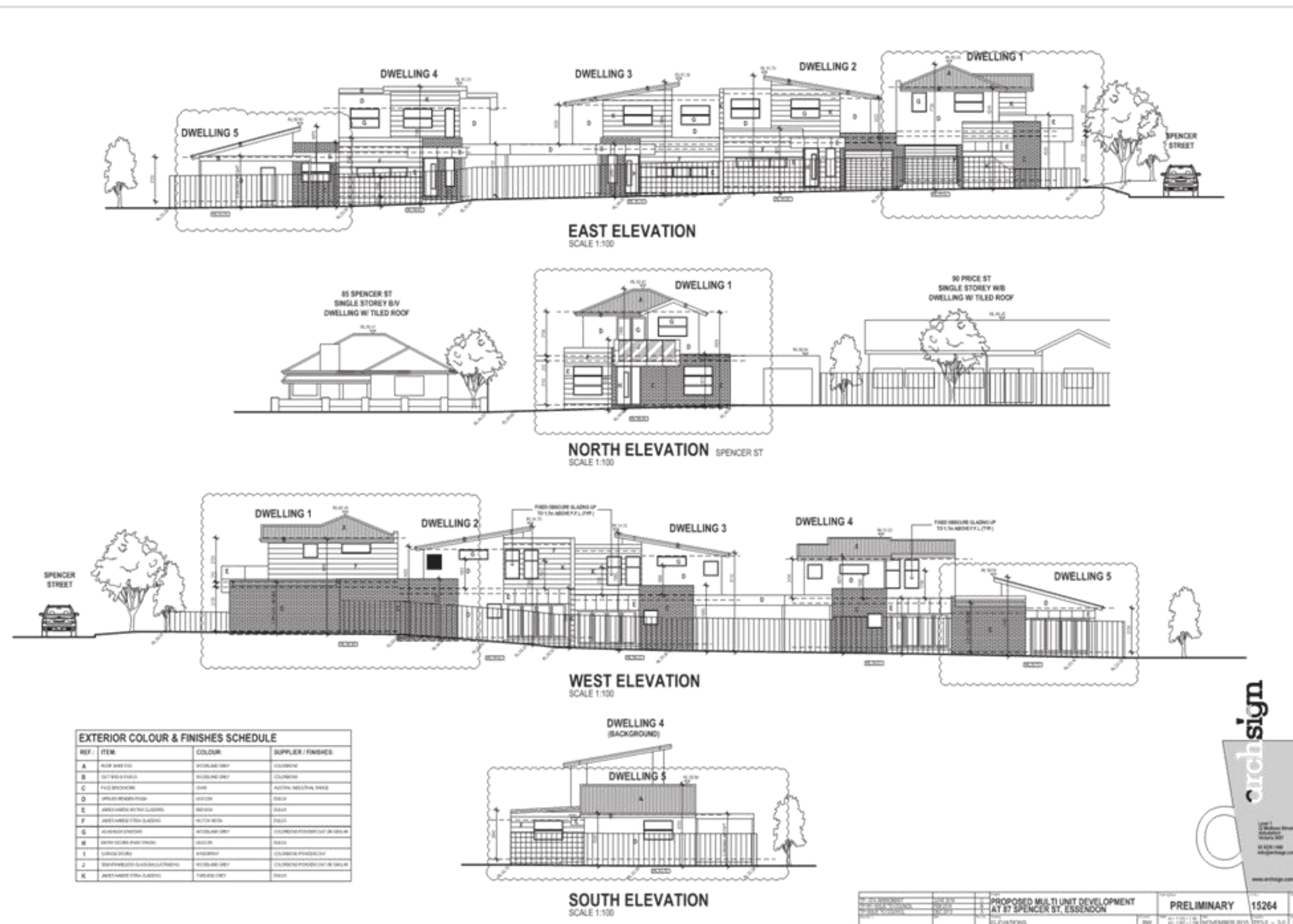
Appendix B: Section 57A Plans

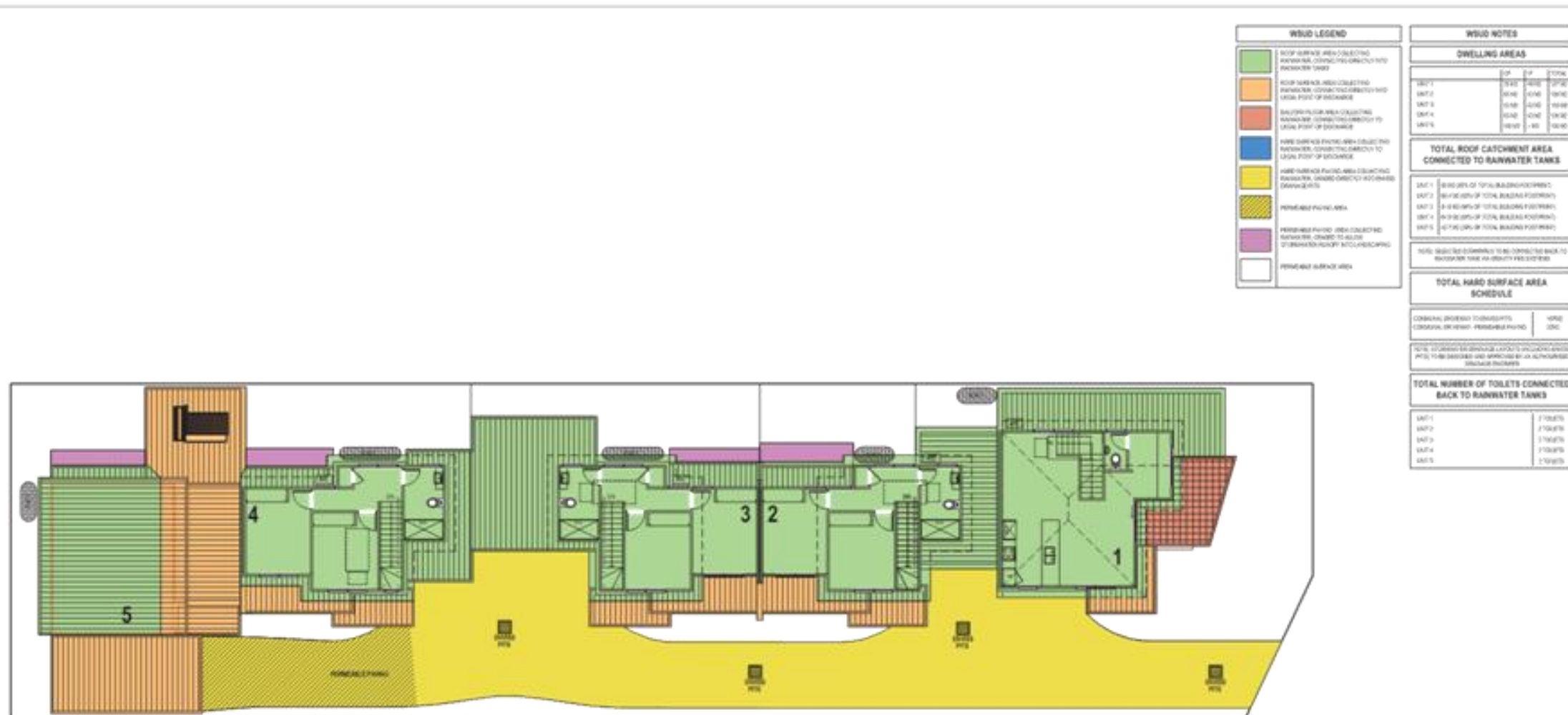
Appendix C: Objectors' Location

Appendix D: Clause 55 Assessment Table

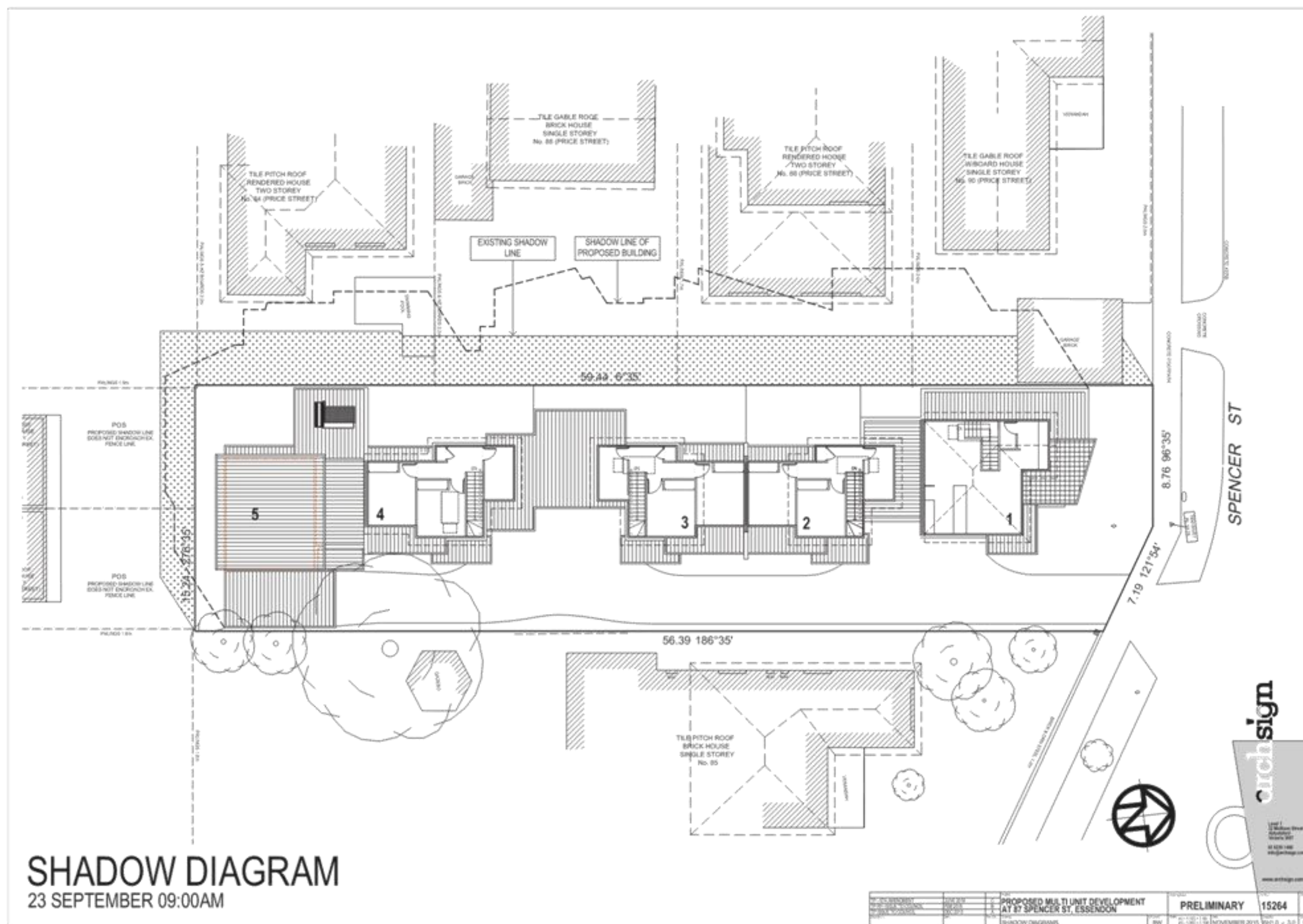


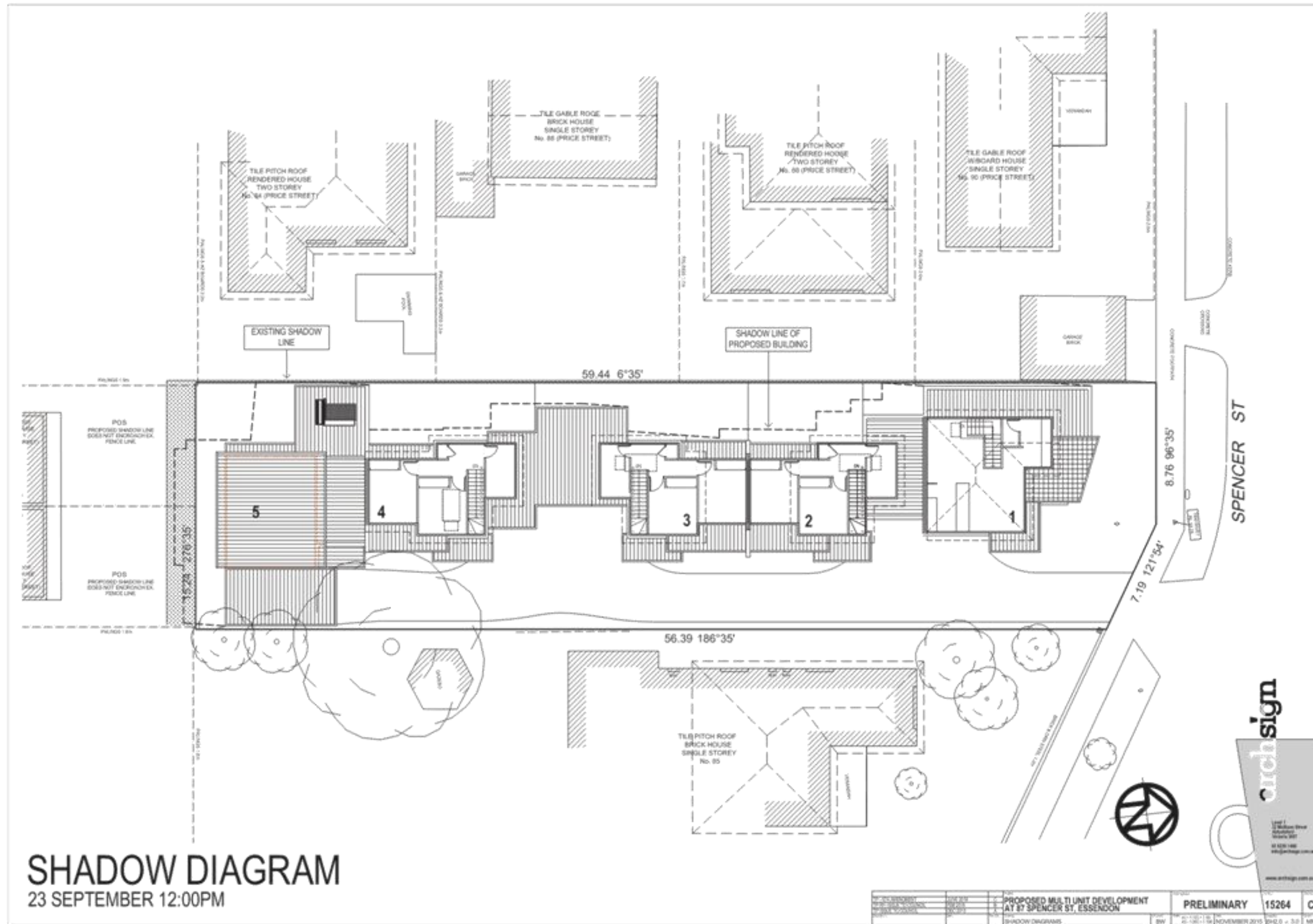


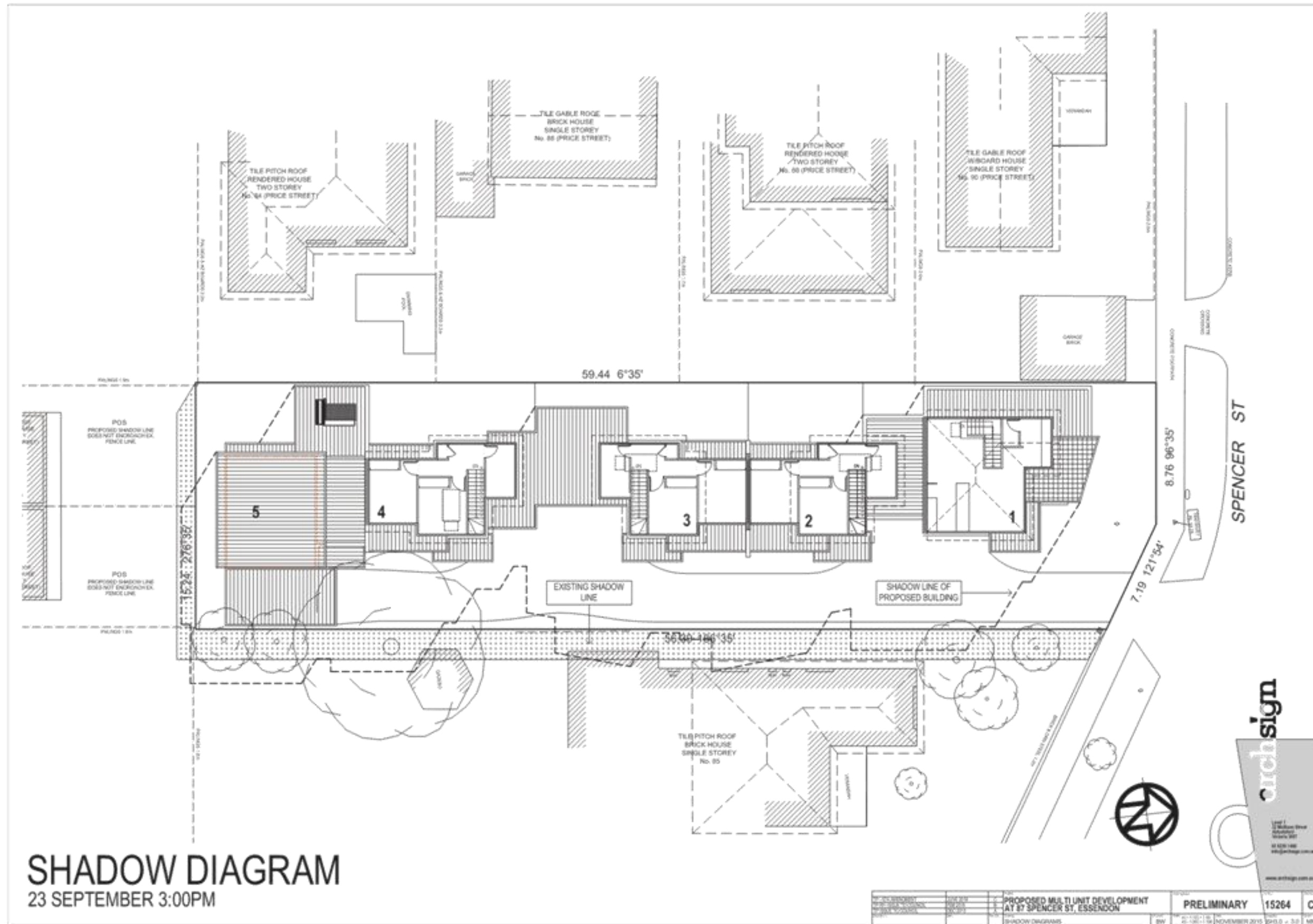




WSUD SITE PLAN
SCALE 1:100







List of Objectors Properties

83 Spencer Street, ESSENDON VIC 3040
83 Spencer Street, ESSENDON VIC 3040
91 Spencer Street, ESSENDON VIC 3040
87 Nimmo Street, ESSENDON VIC 3040
83a Spencer Street, ESSENDON VIC 3040
83a Spencer Street, ESSENDON VIC 3040
90 Price Street, ESSENDON VIC 3040
74 Price Street, ESSENDON VIC 3040
74 Price Street, ESSENDON VIC 3040
67 Price Street, ESSENDON VIC 3040
81 Nimmo Street, ESSENDON VIC 3040
81 Nimmo Street, ESSENDON VIC 3040
78 Price Street, ESSENDON VIC 3040
4 Croft Street, ESSENDON VIC 3040
8 Croft Street, ESSENDON VIC 3040
8 Croft Street, ESSENDON VIC 3040
8 Croft Street, ESSENDON VIC 3040
8 Croft Street, ESSENDON VIC 3040
6 Croft Street, ESSENDON VIC 3040
6 Croft Street, ESSENDON VIC 3040
6 Croft Street, ESSENDON VIC 3040
6 Croft Street, ESSENDON VIC 3040
6 Croft Street, ESSENDON VIC 3040
4 Croft Street, ESSENDON VIC 3040
67 Price Street, ESSENDON VIC 3040
6 Croft Street, ESSENDON VIC 3040
6 Croft Street, ESSENDON VIC 3040
88 Price Street, ESSENDON VIC 3040
85 Spencer Street, ESSENDON VIC 3040
85 Spencer Street, ESSENDON VIC 3040
80 Price Street, ESSENDON VIC 3040
82 Price Street, ESSENDON VIC 3040
82 Price Street, ESSENDON VIC 3040
84 Price Street, ESSENDON VIC 3040
84 Price Street, ESSENDON VIC 3040
81a Spencer Street, ESSENDON VIC 3040

Clause 55 of the Moonee Valley Planning Scheme

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

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	✓	✓
B8- Site Coverage Objective.	✓	✓
B9- Permeability Objectives	✓	✓
B10 - Energy Efficiency Objectives	✓	✓
B 11 - Open Space Objective	N/A	N/A
B 12- Safety Objective	✓	✓
B 13 - Landscaping Objectives	✓ 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	✓	✓
B 19 - Daylight to Existing Windows Objective.	✓	✓

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

✓ – complies

x – non-compliance

N/A – not applicable

9.3 3 Riverside Avenue, Avondale Heights (Lot 326 on LP 11929) - Construction of five double storey dwellings

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

Planning File No.	MV/493/2015
Proposal	Five double storey dwellings comprising: <ul style="list-style-type: none">• Four three-bedroom; and• One two-bedroom.
Applicant	AD First Development P/L
Owner	Mary Binos, Sophie and Rita Siomos
Planning Scheme Controls	General Residential Zone
Planning Permit Requirement	Clause 32.08 – Construct two or more dwellings
Car Parking Requirements	Required: 10 spaces Provided: 10 spaces
Restrictive Covenants	2218119, does not affect proposal
Easements	None
Site Area	1,073 square metres
Number Of Objections	12
Consultation Meeting	2 March 2016

Executive Summary

- This application seeks planning approval for the construction of five double storey dwellings at 3 Riverside Avenue, Avondale Heights.
- The site is rectangular with a frontage of 19.2 metres and a maximum depth of 55.88 metres, yielding an area of approximately 1,073 square metres.
- The application as advertised was for six double storey dwellings, with 12 objections received relating to: neighbourhood character; site layout and building massing; overdevelopment; on-site amenity; off-site amenity impacts; car parking; and traffic impacts.
- A Consultation Meeting was held on 2 March 2016, which was attended by Councillor Cornish as well the applicant, a representative for the objectors and Council's Planning Officer.
- In response to issues discussed at this meeting, the permit applicant amended the application under Section 57A of the *Planning and Environment Act 1987* (the Act) on 21 April 2016. The amendment involved the deletion of one dwelling and other layout modifications. The proposal was re-advertised pursuant to Section 57B of the Act, with no objections received or withdrawn during this process.
- In order to address concerns regarding neighbourhood character, visual bulk and scale, the recommendation is for a permit which makes modifications to the development to ensure the proposal represents an appropriate outcome in terms of design, siting and massing. The recommendation is for a permit which involves just 42% site coverage and offers permeability of 33% and as such, the proposal is considered to represent an appropriate development of the site.
- The proposal is considered to achieve a good level of internal amenity for future residents, and appropriate off-site amenity impacts, achieving an acceptable level of compliance with the relevant objectives of ResCode. The proposal provides on-site car parking in accordance with the requirements of the Scheme and the design of car parking and access facilities satisfies the relevant design standards of the scheme; as such, it is not considered that there would be any unreasonable safety impacts as a result of the development.
- 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.

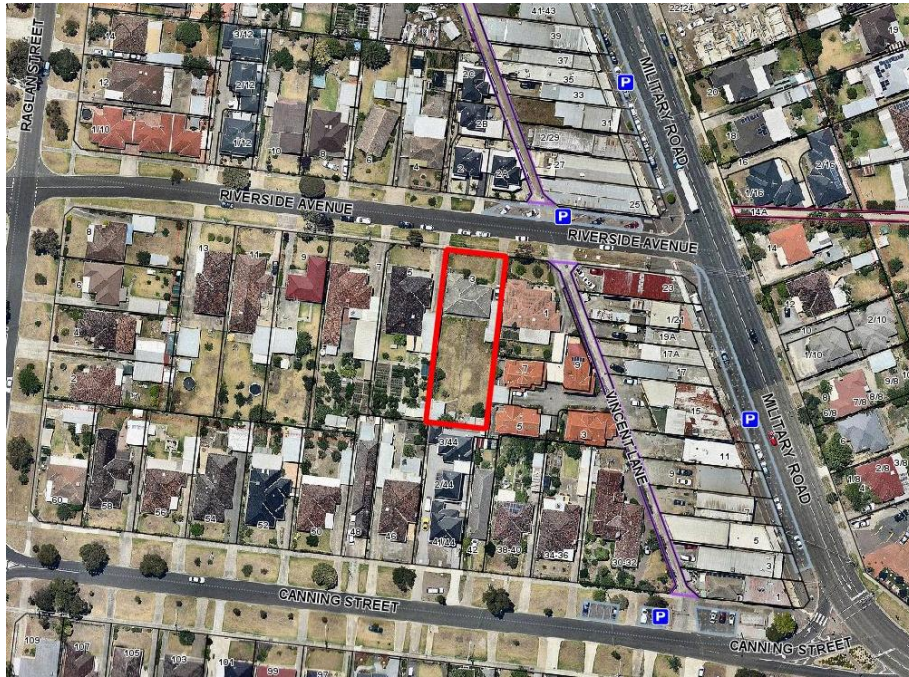


Figure 1 – Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/493/2015 for the construction of five double storey dwellings at 3 Riverside Avenue, Avondale Heights (Lot 326 on LP 11929), subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) A 2 metre internal setback between the first floors of Dwellings 3 and 4, with no other changes to side or rear setbacks;
 - b) The porch of Dwelling 1 extended in width to the north-eastern edge of the ground floor walk-in-robe wall;
 - c) The ground floor layout of Dwelling 1 reconfigured so that the powder room no longer faces the street, replaced with a new habitable room window;
 - d) The provision of a 900mm high front fence constructed of brick or a similar masonry material;
 - e) The average height of all boundary walls noted in accordance with Clause 55.04-2 (Walls on Boundaries) of the Moonee Valley Planning Scheme;
 - f) The layout of Dwelling 5 modified to comply with Clause 55.04-5 (Overshadowing) of the Moonee Valley Planning Scheme;
 - g) The upper floor of Dwelling 1 reconfigured to comply with Clause 55.05-5 (Solar Access to Open Space) of the Moonee Valley Planning Scheme,

with no other changes to front or side setbacks;

- h) Pedestrian visibility splays shown alongside both accessways in accordance with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
- i) The existing crossover widened to 3 metres, with the shared accessway to have a minimum width of 3 metres;
- j) The crossover to Dwelling 1 clearly illustrated, having a width of 3 metres measured from the western property boundary and constructed as a double crossover with the neighbouring property;
- k) Subsequent modifications to landscaping as a result of Condition 1 g);
- l) A notation that the visitor car space will be clearly line marked and provided with directional signage;
- m) The word 'Unit' replaced with the word 'Dwelling';
- n) Internal northern elevation of Dwelling 3 and internal southern elevation of Dwelling 4; and
- o) Any changes as a result of Conditions 3, 4 and 7.

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
- 3. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM assessments must obtain a minimum of 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
- 4. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) Details, such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.

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

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

- 5. A minimum 30 days prior to any building or works commencing, a 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 and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

7. Before the development commences, an amended Sustainable Design Assessment (SDA) that outlines proposed design initiatives must be submitted to and approved by the Responsible Authority. The amended SDA shall refer to the endorsed plans. Upon approval the SDA will be endorsed as part of this planning permit and the development must incorporate the sustainable design initiatives outlined in the endorsed SDA to the satisfaction of the Responsible Authority. The SDA must be generally in accordance with the SDA submitted with the application, but modified to include:
 - a) Any changes as a result of Condition 1.

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

8. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
10. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than gutters above the ground floor storey of the building, must be

concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

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

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

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. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturer's specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
14. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
15. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.
16. Before the development starts, or any trees or vegetation removed, a landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) Any changes as a result of Condition 1;
 - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;

- c) The use of drought tolerant species;
- d) The provision of at least two canopy trees within the front setback, as well as at least one within each secluded open space area, capable of achieving a minimum mature height of 4 metres; and
- e) Features such as paths, paving and accessways.

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

- 17. 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.
- 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 in writing request the Responsible Authority to extend the expiry date.

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

Permit Notes

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

- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.

1. Introduction

1.1 Subject Site and Surrounds

The subject property is located on the southern side of Riverside Avenue, approximately 60 metres west of the intersection with Military Road. The site is rectangular in shape with a frontage of 19.2 metres and a maximum depth of 55.88 metres. The site area is approximately 1,073 square metres.



Figure 2 – Subject Site (3 Riverview Avenue, Avondale Heights)

The subject site currently accommodates a single storey brick dwelling with a pitched roof, set back approximately 7.5 metres from the street. A single width crossover is located at the north-eastern corner of the site, which leads to a garage located just behind the dwelling façade. There are no easements noted on the certificate of title, however there is a covenant prohibiting quarrying activities and the manufacture of pottery wares. The proposed development will not contravene the restrictive covenant.

The surrounding land is generally located within a General Residential Zone, with land along Military Road approximately 30 metres to the east located within a Commercial 1 Zone. Residential development around the

subject site is varied, with a mixture of single dwellings on large allotments as well as numerous examples of multi-unit developments, such as immediately to the north, east and south of the land. The large dimensions of lots and proximity to commercial land immediately to the east has made this area attractive for infill residential development.

1.2 Proposal

It is proposed to construct five double storey dwellings, as re-advertised under Section 57B of the Act, summarised as follows:

Table 1

No of dwellings	5
No of car spaces	10
Max Building Height	6.8 metres
Site Coverage	42%
Permeability	33%

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

2. Background

2.1 Relevant Planning History

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

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

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

Local Planning Policy Framework

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

Zoning

Clause 32.08	General Residential Zone
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Particular and General Provisions

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

2.3 Referrals

External

N/A

Internal

- Engineering Services Unit
No objection subject to standard conditions.
- Traffic and Transportation Unit
No objection subject to standard conditions and the following non-standard conditions:
 - Pedestrian visibility splays (Condition 1 h)
 - Existing crossover widened to 3 metres (Condition 1 i)
 - Crossover to Dwelling 1 clearly illustrated, having a width of 3 metres measured from the western property boundary and constructed as a double crossover with the neighbouring property (Condition 1 j)
 - Visitor car space to be clearly line marked and provided with directional signage (Condition 1 l)
- Environmentally Sustainable Design (ESD) Officer
No objection subject to the submission of amended Sustainable Design Assessment (SDA) and STORM assessments, standard conditions.

2.4 Public Notification of the Application

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

In response, twelve (12) objections were received from the properties contained within **Appendix A** of this report. The objections are discussed at Section 3.6 of this report.

The proposal was re-advertised pursuant to Section 57B of the Act, to the same extent as the original notification period. No objections were received or withdrawn during this process.

2.5 Consultation Meeting

A Consultation Meeting was held on 2 March 2016 which was attended by Councillor Cornish as well the applicant, a representative for the objectors and Council's Planning Officer.

In response to issues discussed at this meeting, the permit applicant amended the application under Section 57A of the Planning and Environment Act 1987 on 21 April 2016. The amendment involved the deletion of one dwelling as well as other modifications to the layout.

3. Discussion

3.1 State Planning Policy Framework

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

The subject site is located proximate to commercial amenities, public reserves, education centres and public transport options. This is considered to lend support for a more intensive form of residential development. The proposal contributes to the objective of housing diversity by providing a mix of dwelling sizes in various configurations, to cater for the increasingly diverse needs of future residents.

3.2 Local Planning Policy Framework

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

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

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

The proposal generally complies with Clause 22.03 (Stormwater Management – Water Sensitive Urban Design) by providing adequate on-site stormwater treatment, subject to the submission of an amended STORM assessment achieving a minimum 100% rating. This will be required as a condition of any permit issued, alongside the standard design and site management conditions as recommended by Council's ESD Officer under Section 2.3 of this report (Conditions 3 to 6).

3.3 Neighbourhood Character Guidelines

The subject site is located within the Garden Suburban 7 Precinct, which applies to land within Airport West, Keilor East and Avondale Heights. The precinct profile sets out the following preferred character statement:

'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 the traditional dwellings. The use of brick, timber or weatherboard 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.'

The proposed development is considered to accord with the preferred character of the area and address prevailing neighbourhood characteristics by achieving the following outcomes:

Table 2

Siting and Building Envelope	<p>The siting and massing of the proposed development is considered to be a generally appropriate response to the existing and preferred character of the immediate area. The proposal provides an appropriate setback to the street frontage and is compatible with the character of setbacks nearby. The development has the appearance of a single dwelling to the street with a responsive built form outcome to the rear. The siting of the development is compatible with the pattern of buildings throughout the street.</p> <p>The building coverage of the site is appropriate and allows for a suitable level of landscaping which respects the character of built form in the surrounding area. The location of built form on neighbouring properties has provided an opportunity to locate the dwellings a suitable distance from sensitive interfaces, while the shared accessway has been utilised to provide a buffer to the habitable room windows of the neighbouring dwelling to the south.</p> <p>The development presents a suitable and respectful utilisation of the land and maintains a positive interface to the street.</p>
Built Form	<p>The built form of the proposed development generally responds to the existing and preferred character of the area.</p> <p>The multi storey built form is suitably articulated through varied materials, and setbacks, and are located away</p>

	<p>from visually sensitive interfaces. The upper floors of each dwelling have been concentrated centrally or alongside existing built form. They are provided with suitable setbacks from side and rear boundaries, exceeding ResCode requirements, to mitigate visual and amenity impacts on adjoining open space areas. There is, however, concern with the lack of internal separation provided to the dwellings which present to the secluded open space area of the property to the west. As such, a condition of permit will require the provision of an internal setback of 2 metres between the upper floors of Dwellings 3 and 4 (Condition 1 a).</p> <p>With this modification, the scale and massing of built form is an appropriate response to the opportunities and constraints of the site, and would not unreasonably impact neighbouring properties. Overall, the siting and massing of the development provides an acceptable response to the street and its sensitive interfaces.</p>
Design Detail	<p>The proposal incorporates both traditional and modern design elements which take reference from the varied character of built form within the streetscape and the surrounding area.</p> <p>The development proposes a hipped roof form which respects the consistent style of roofing seen in both the older and infill developments in the area. The range of materials used includes a combination of brickwork, rendered finishes and weatherboard cladding applied in different sections of each dwelling to improve articulation. A palette of grey and white tones is proposed, which is generally consistent with the emerging character of the area.</p> <p>The minimal width of the porch of Dwelling 1 results in blank ground floor presentation to the street, which is not characteristic of the area. A condition of permit will require the extension of the porch to the north-eastern edge of the ground floor walk-in-robe wall (Condition 1 b). A further condition will require that the ground floor layout is reconfigured so that the powder room no longer faces the street, replaced with a new habitable room window (Condition 1 c). This will increase visual interest and achieve a more compatible presentation to the streetscape.</p> <p>Overall, the design theme of the development presents a balance of contemporary and traditional design elements. This is considered appropriate in this context, and compatible with the varied architectural styles seen in the surrounding area.</p>

Landscaping and front fencing	<p>Landscaping opportunities throughout the development are considered to be appropriate. The plans show that there is ample room for planting within the front setback which will maintain the garden setting of the street.</p> <p>Planting is provided along the shared accessway, as well as within the rear yards of each dwelling which respects the character of built form in the area and softens the visual impact of the development to neighbouring dwellings.</p> <p>No front fence is proposed, which is not compatible with the character of fencing within Riverview Avenue nor in accordance with the precinct profile. A condition of permit will require the provision of a 900mm high front fence constructed of brick or a similar masonry material (Condition 1 d).</p>
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3.4 Clause 52.06 (Car Parking)

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

Table 3

	Requires	Provides
Four three-bedroom dwellings	8	8
One two-bedroom dwelling	1	1
Residential visitors	1	1
Total	10	10

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

3.5 Clause 55 (ResCode)

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

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

Table 4

ResCode Standard	Response
Clause 55.03-8 (Standard B13) Landscaping	There are adequate soft soil and planted areas throughout the development, with canopy planting within the front and rear setbacks. The front setback of Dwelling 1 can accommodate at least two canopy trees, as well as a number of low

	<p>shrubs. Canopy trees can also be provided within the secluded open space areas of each dwelling, which will soften the visual impact of built form to the rear. There is also ample landscaping along the shared accessway which breaks up the length and breadth of paved surfaces.</p> <p>A condition of permit will require the submission of a fully detailed landscape plan (Condition 16).</p>
Clause 55.04-5 (Standard B21) Overshadowing	<p>The extent of overshadowing caused by the development over neighbouring dwellings to the east and west is well within the requirements of this clause. The development would result in an increase in shadow cast on the secluded open space area of the dwelling to the south, which currently does not receive the amount of sunlight required. As such, a condition of permit will require that the layout of Dwelling 5 be reconfigured to comply with the standard (Condition 1 f).</p>
Clause 55.05-5 (Standard B29) Solar Access to Open Space	<p>The southern boundary of the secluded open space area of Dwelling 1 is setback 4.7 metres from the south facing ground floor wall, which complies with the 4.7 metres required by the standard. A setback of 5.87 metres is provided from the south facing first floor wall, which falls short of the 6.68 metres required by the standard. A condition of permit will require that the upper floor of Dwelling 1 is reconfigured to ensure compliance with the standard (Condition 1 g).</p> <p>The secluded open space areas of Dwellings 2 to 5 are provided with a clear northern outlook.</p>
Clause 55.06-2 (Standard B32) Front Fences	<p>As discussed under Section 3.3 of this report, a condition of permit will require the provision of a 900mm high front fence to respond to the character of fencing in Riverside Avenue (Condition 1 d).</p>

3.6 Objections (Discussion)

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

Table 5

Issue	Officer Response
Neighbourhood character Visual bulk and	As discussed within Sections 3.2, 3.3 and 3.5 of this report, the development is considered to represent an appropriate outcome in terms of its design, siting and massing subject to modifications.

scale	
Overdevelopment	The development is not considered to represent an overdevelopment of the site, particularly in light of its level of compliance with the relevant provisions of the planning scheme as discussed within Sections 3.2, 3.3 and 3.5 of this report.
On-site amenity	The proposal is considered to achieve a good level of internal amenity for future residents, as discussed under Sections 3.2 and 3.5 of this report.
Off-site amenity impacts	As discussed under Section 3.5 of this report, the proposal achieves an acceptable level of compliance with the relevant objectives of ResCode relating to noise, overshadowing, overlooking and other amenity impacts.
Traffic and parking impacts	<p>As detailed in Sections 3.4 of this report, both the requirements of Clause 52.06-8 will be met. The proposal provides on-site car parking in accordance with the requirements of the Scheme. The design of car parking and access facilities satisfies the relevant design standards of the scheme, and as such it is not considered that there would be any unreasonable safety impacts as a result of the development.</p> <p>As noted at Section 2.3 of this report, Council's Traffic and Transportation Unit had no objection to the proposal subject to conditions.</p>

4. Human Rights

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

5. Conclusion

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

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

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

Appendices

Appendix A: Objector List

Appendix B: ResCode Assessment

Appendix C: Plans .

Location of Objectors

5 Riverside Avenue, AVONDALE HEIGHTS VIC 3034 (x3)
7 Riverside Avenue, AVONDALE HEIGHTS VIC 3034 (x2)
9 Riverside Avenue, AVONDALE HEIGHTS VIC 3034 (x3)
7 Rogerson Street, AVONDALE HEIGHTS VIC 3034
9 Vincent Lane, AVONDALE HEIGHTS VIC 3034
6 Spraypoint Drive, POINT COOK VIC 3030 (x2)

Clause 55 of the Moonee Valley Planning Scheme

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

Where there is non-compliance, see section 3.5 in report.

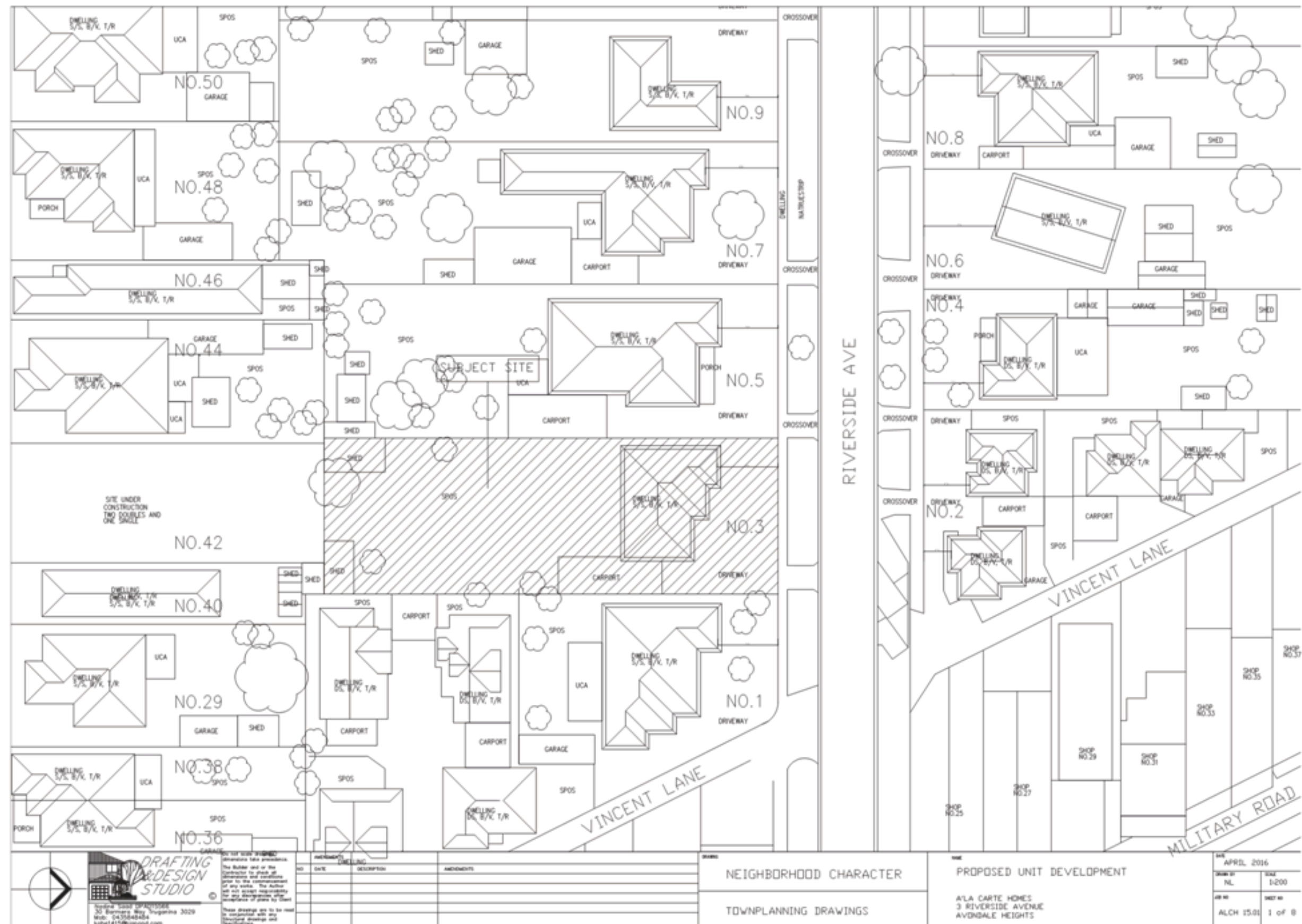
Title and Objective	Complies with Standard	Compliance with Objective
<i>B1 - Neighbourhood Character Objectives</i>	✓	✓
<i>B2 - Residential Policy Objectives</i>	✓	✓
<i>B3 - Dwelling Diversity Objective</i>	N/A	N/A
<i>B4 - Infrastructure Objectives</i>	✓	✓
<i>B5 - Integration with the Street Objective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

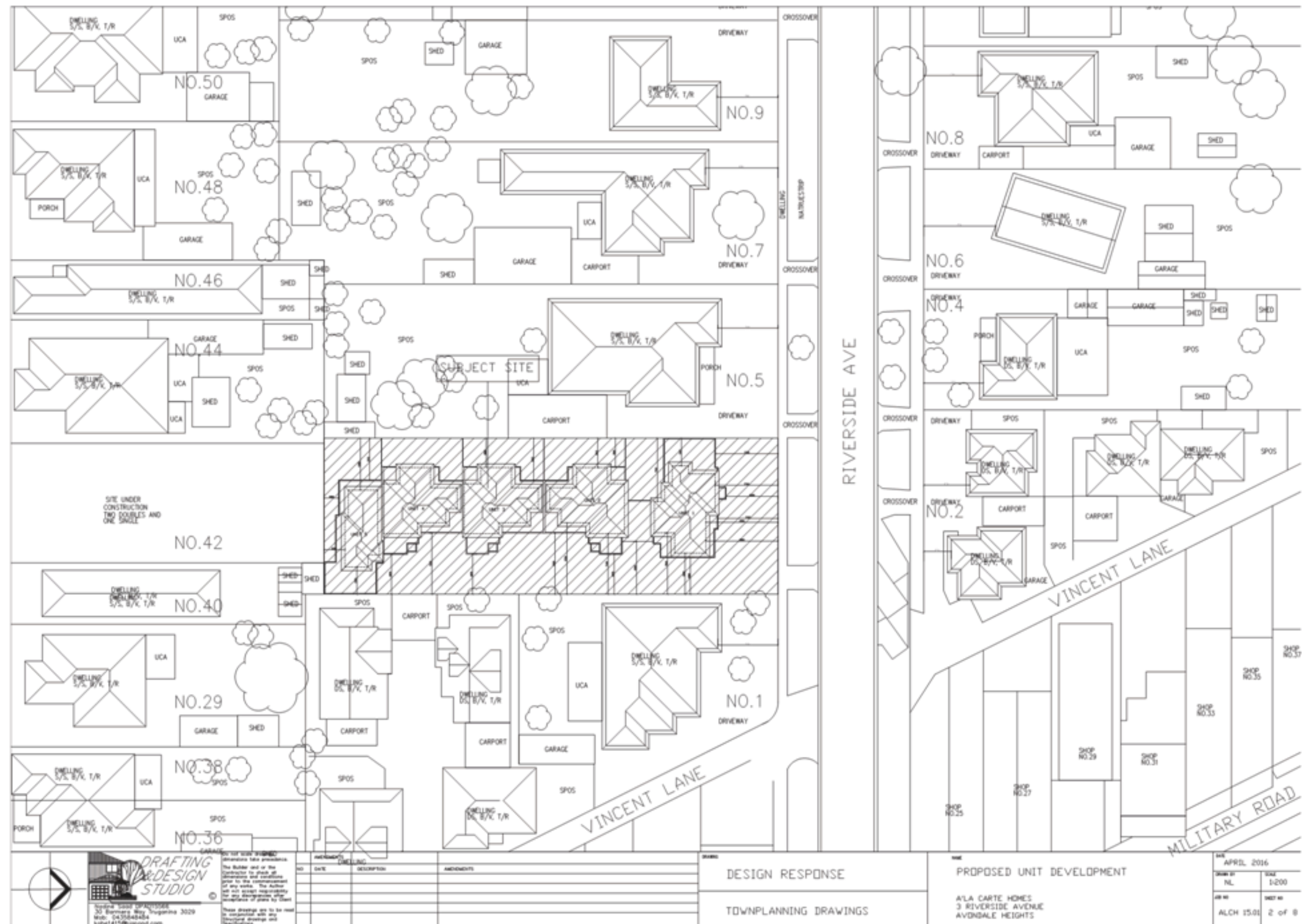
Title and Objective	Complies with Standard	Compliance with Objective
<i>B23 - Internal Views Objective</i>	✓	✓
<i>B24 - Noise Impacts Objectives</i>	✓	✓
<i>B25 - Accessibility Objective</i>	✓	✓
<i>B26 - Dwelling Entry Objective</i>	✓	✓
<i>B27 - Daylight to New Windows Objective</i>	✓	✓
<i>B28 - Private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

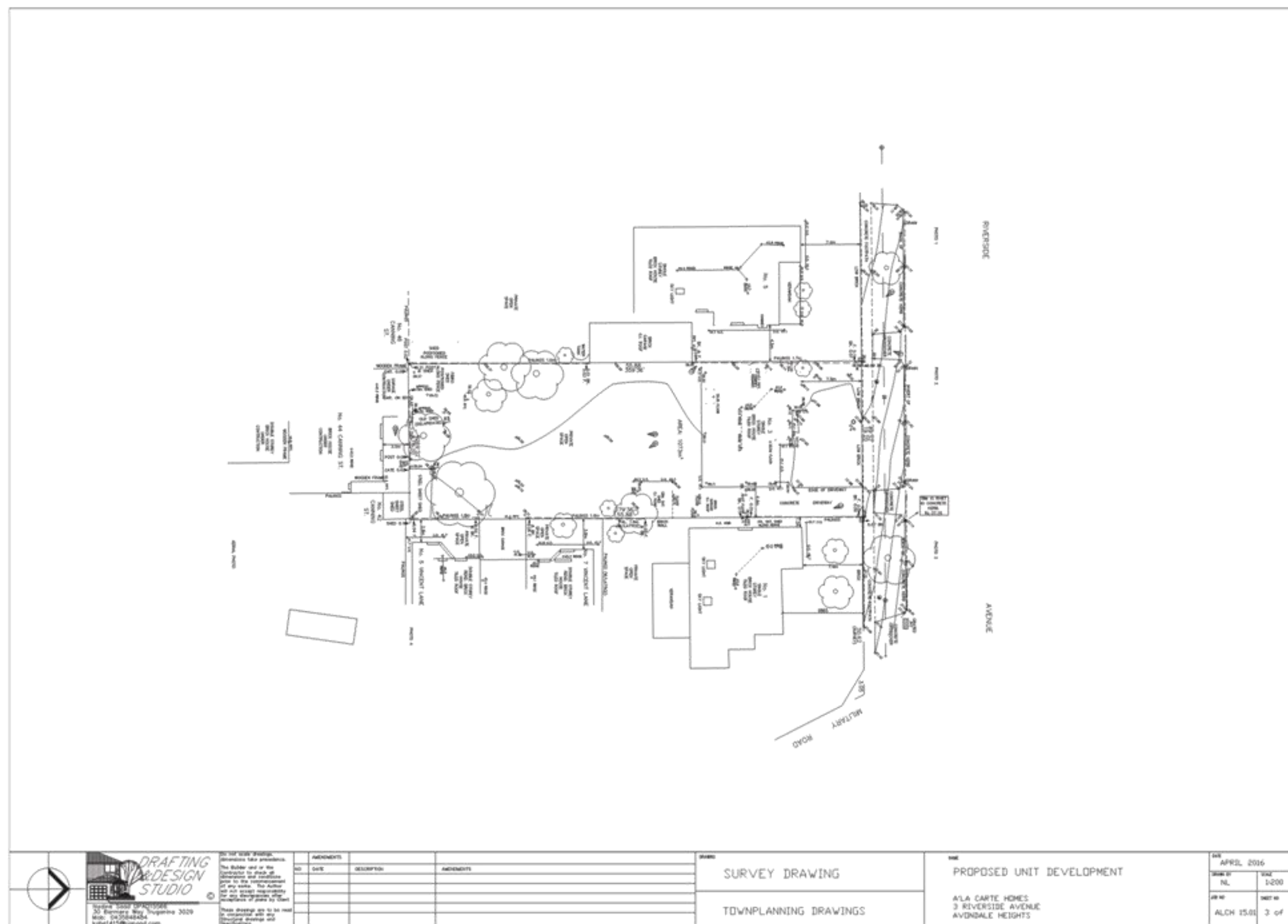
✓ - complies

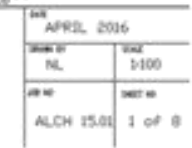
x – non-compliance

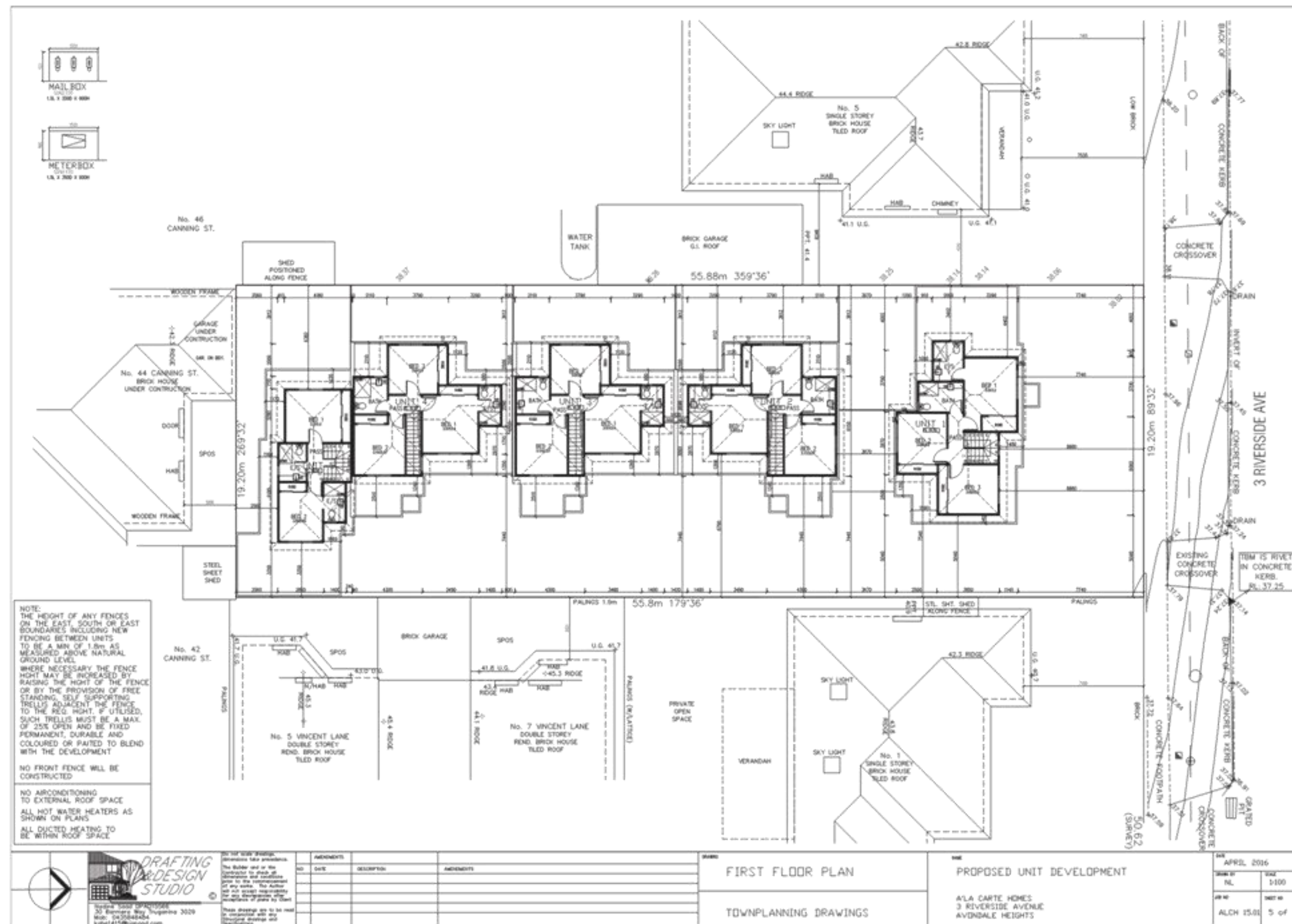
N/A- not applicable



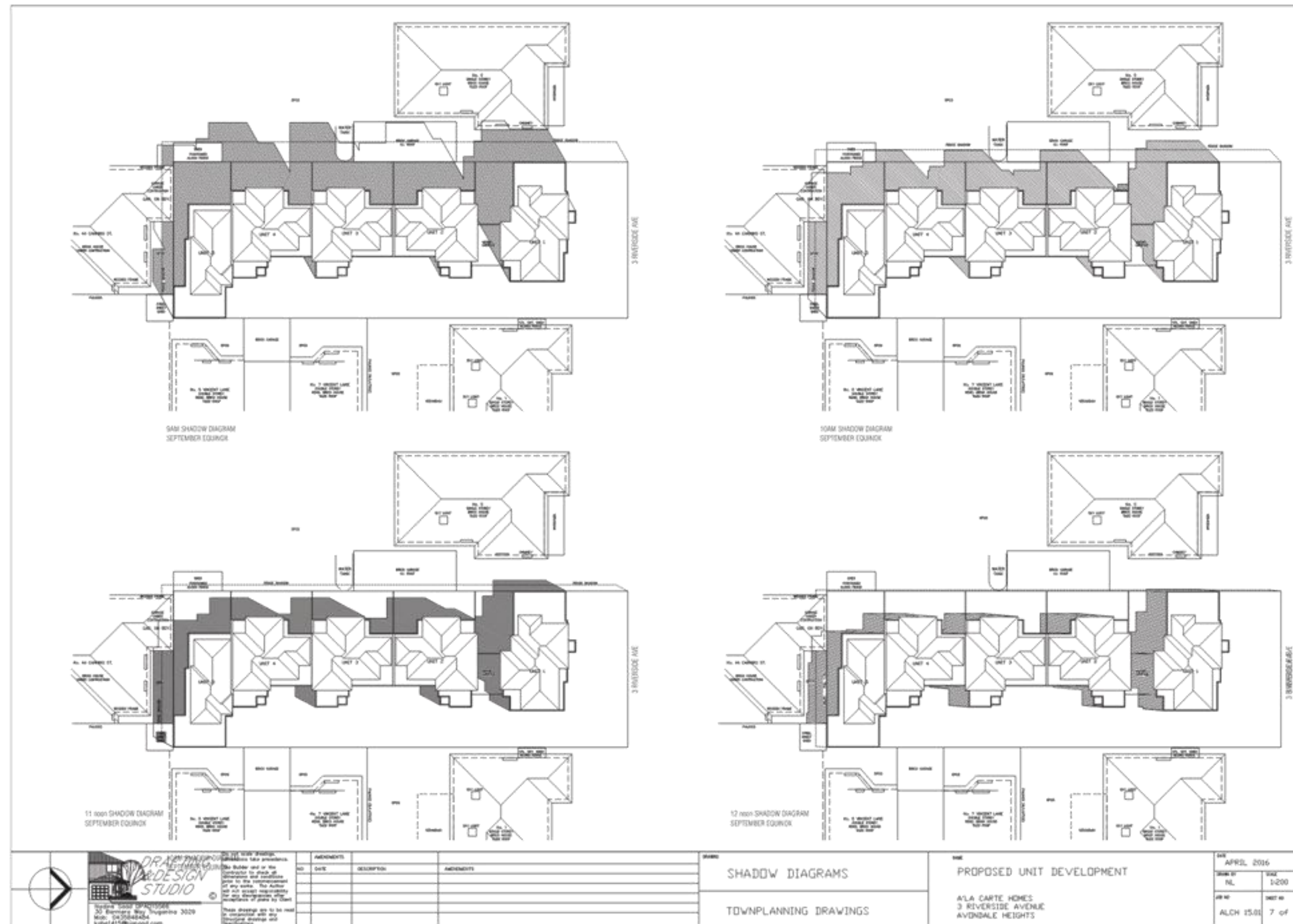


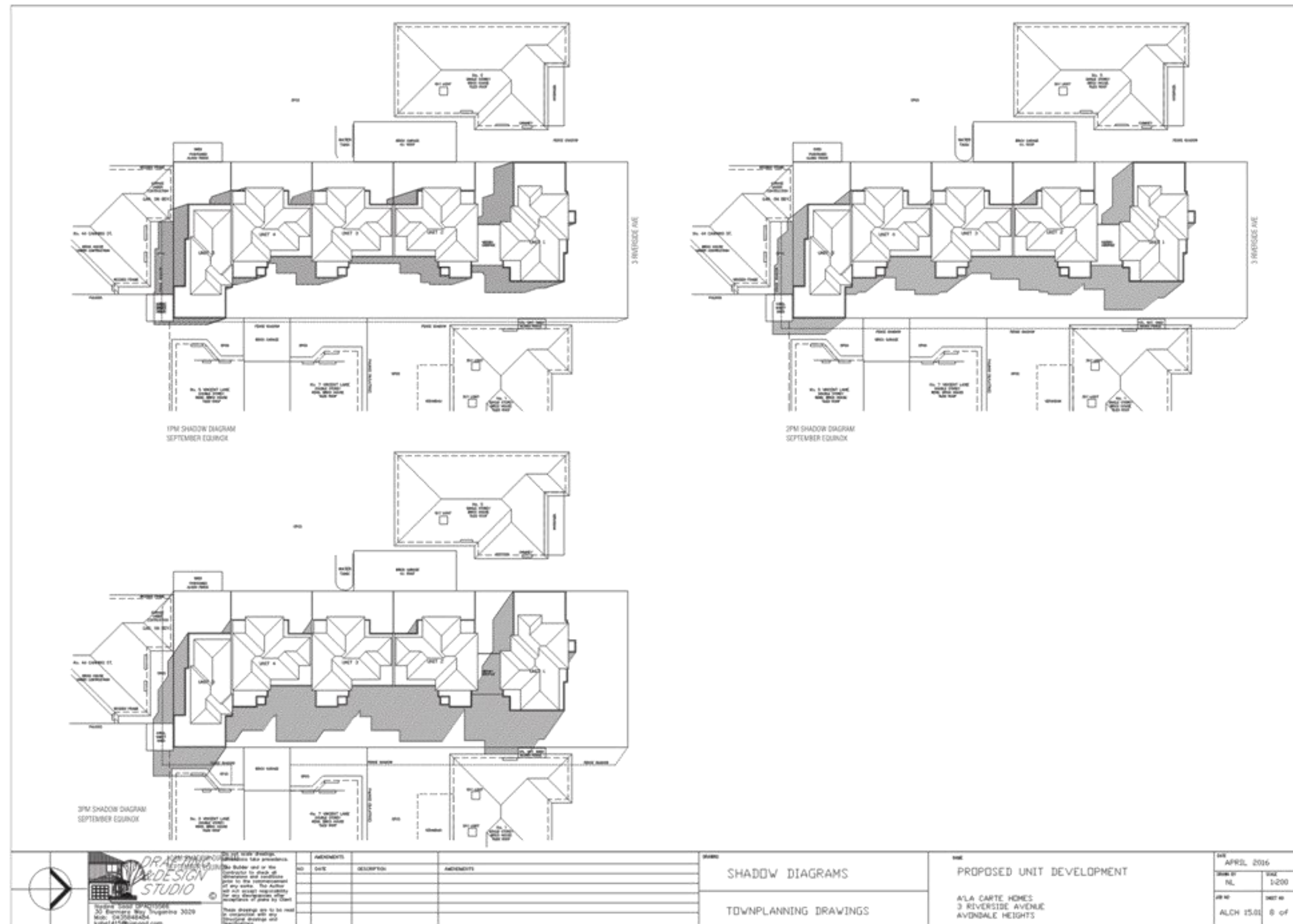












- 9.4** **165-169 Keilor Road, Essendon (Lot 1 LP7912, Lot 1 TP869564Q & Land in CP155101) - Construction of a seven storey building in a Design and Development Overlay (DDO7 & DDO9), use of the land for dwellings, a reduction in car parking requirements, a waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1**

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

Planning File No.	MV/693/2015
Proposal	<ul style="list-style-type: none">• Construction of a seven storey building comprising three retail premises and 142 dwellings• Use of the land for dwellings• Reduction in retail car parking requirements• Waiver of loading bay requirements• Alteration of access to a road in a Road Zone, Category 1
Applicant	RPG Capital Development Fund C/- Terrain Consulting Group
Owner	Swerdna Nominees Pty Ltd & Leonpark Pty Ltd
Planning Scheme Controls	<ul style="list-style-type: none">• Commercial 1 Zone• Design and Development Overlay (DDO7)• Design and Development Overlay (DDO9)
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

	Clause 52.07 – Waiver of loading bay requirements Clause 52.29 – Alter access to a road in a Road Zone, Category 1
Car Parking Requirements (Clause 52.06)	Required: 225 car spaces Provided: 203 car spaces
Bicycle Requirements	Required: 47 bicycle spaces Provided: 53 bicycle spaces
Restrictive Covenants	None
Easements	Yes, a 3.66 metre wide and 1.83 metre wide drainage and sewerage easement along the southern property boundary
Site Area	3,556 square metres
Number Of Objections	10
Consultation Meeting	20 April 2016

Executive Summary

This application was presented and deferred at the Ordinary Meeting of Council held on 28 June 2016 to allow for further discussions with the applicant and changes to be presented as an alternative recommendation at the next Ordinary Meeting of Council. A meeting was held with the applicant on 1 July 2016 and amendments to the application agreed to.

- The application seeks planning approval for the construction of a seven storey building in a Design and Development Overlay (DDO7 & DDO9), comprising three retail premises and 142 dwellings, use of the land for dwellings, a reduction in retail car parking requirements, a waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1.
- The site has an area of approximately 3,556 square metres and is located on a corner on the southern side of Keilor Road and the eastern side of Roberts Street, Essendon. The site comprises a vacant car sales yard.
- The application was advertised and 10 objections were received. The concerns raised related to overdevelopment, visual bulk/scale, height, overlooking, overshadowing, access to natural light, use of roof terraces, car parking, increased traffic, traffic noise, pedestrian safety, emergency vehicle access through traffic congestion, waiver of loading bay requirements, basement entry should be from Keilor Road and impacts on flight paths associated with Essendon Airport.
- A Consultation Meeting was held on 20 April 2016, attended by Councillors Chantry and Giuliano, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting. However, prior to this meeting, revised floor and elevation plans dated 1 April 2016 (refer **Appendix C** – separately circulated) were submitted to Council to address the concerns raised by Council's Urban Designer.

- This application was presented and deferred at the Ordinary Meeting of Council held on 28 June 2016 to allow for further discussions with the applicant and changes to be presented as an alternative recommendation at the next Ordinary Meeting of Council.
- The application was externally referred to VicRoads, Public Transport Victoria (PTV), Essendon Airport and City West Water and was 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.
- 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.

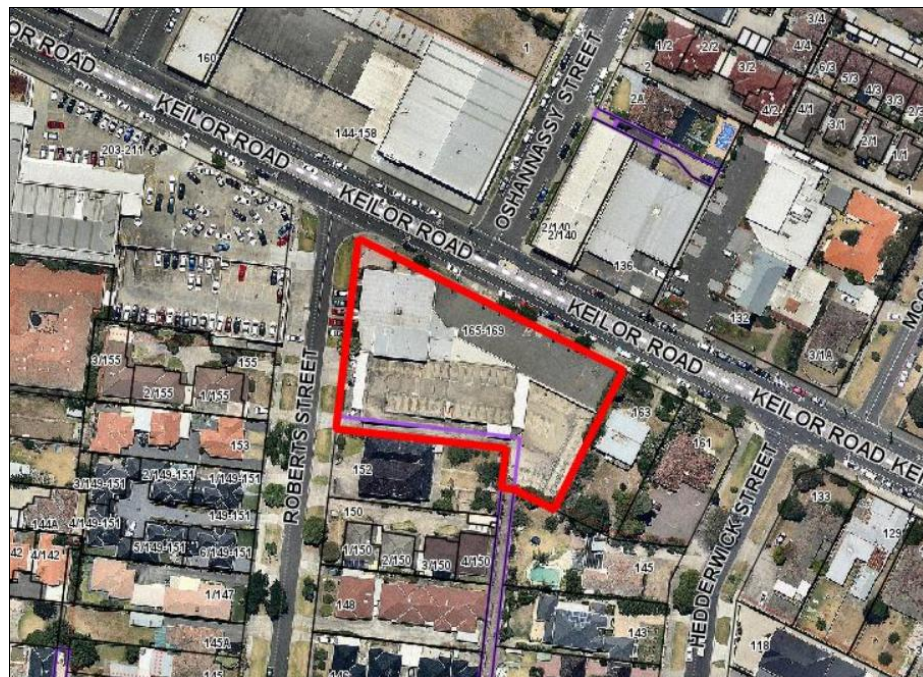


Figure 1 – Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/693/2015 for the construction of a seven storey building in a Design and Development Overlay (DDO7 & DDO9), use of the land for dwellings, a reduction in car parking requirements, a waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1 at No.165-169 Keilor Road, Essendon (Lot 1 LP7912, Lot 1 TP869564Q & Land in CP155101), subject to the following conditions:

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

- a) Changes to the ground floor interface along Keilor Road, modified internal courtyards, reconfigured apartments and balconies along the southern elevation and the provision of natural light to corridors/lobbies for Building A in accordance with Revision E plans, dated 1 April 2016.
- b) Any changes as a result of Condition 9, with no changes to the front or side setbacks.
- c) The provision of 300mm trench grates at the bottom of each basement ramp.
- d) The height of the over-bonnet storage cages clearly shown on the basement floor plans in accordance with the relevant Australian Standard requirements.
- e) The balconies and habitable room windows for Dwellings B108, C107, A207, C207 and C305 treated/screened in accordance with the requirements of Clause 55.04-6 (Overlooking).
- f) Specific details of all proposed balcony and window screening clearly shown on the elevation plans, in accordance with the requirements of Clause 55.04-6 (Overlooking).
- g) Demonstration on the plans as to how the rainwater runoff is to be:
 - i) Collected from any nominated impervious surface area; and
 - ii) Distributed to the nominated sized and located rain garden/infiltration strip/buffer strip (i.e. is it gravity fed or pumped and show the grading of the paved area).
- h) A roof plan which graphically shows:
 - i) The specific roof area in square metres of the rainwater catchment area discharging into the nominated stormwater treatment, with the Water Sensitive Urban Design (WSUD) treatment capacity clearly and correctly annotated; and
 - ii) The details must be consistent with the information provided in the approved complying STORM Rating Report.

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

- 2. Except with the prior written consent of the Responsible Authority, the layout of the land and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified.
- 3. A minimum 30 days prior to any building or works commencing, all WSUD details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
- 4. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:

- a) Hours of construction;
- b) Parking and traffic movement of all workers' and construction vehicles;
- c) Scaffolding and hoarding for the site;
- d) Allocated areas for loading and unloading;
- e) Site evacuation plan and procedure;
- f) Occupational health and safety policy;
- g) Hazard identification and control;
- h) Environmental management and waste minimisation;
- i) Management of onsite stormwater and prevention of contamination, which must be in the form of a detailed statement or report which outlines all measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;
- j) Protection of surrounding roads from site contamination and damage including rumble grid and/or wash down bay facility;
- k) Arrangements for chemical storage;
- l) Noise and vibration control;
- m) Risk assessment;
- n) Works timetable; and
- o) Number of workers expected to work on the site at any one time.

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

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

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

The WSUD Maintenance Program may form part of a broader Maintenance

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

6. Before the 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).

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.

City West Water Condition

9. A 1.0 metre clearance from the edge of the City West Water sewer and any structure must be maintained, unless otherwise agreed upon with City West Water.

End City West Water Condition

10. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
11. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
12. 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.

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

- b) Available for use in accordance with the endorsed plans;
- c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- 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.

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

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

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. Public Cycling parking "hoops" as per urban design guidelines must be installed within the nature strip close to the pedestrian entrances of the building to the satisfaction of the Responsible Authority.
17. 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.

VicRoads Conditions

18. Before the development starts, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans date stamped by Moonee Valley City Council on 02/09/2015 and annotated as

but modified to show:

- a) All crossovers and driveways along Keilor Road to be reinstated to kerb and channel to the satisfaction of Responsible Authority and/or the Roads Corporation.
 - b) KEEP CLEAR pavement marking on Keilor Road outside Roberts Street.
19. Before the use approved by this permit commences or buildings occupied, the following road works on Keilor Road must be completed at no cost to and to the satisfaction of the Roads Corporation:
- a) Install KEEP CLEAR pavement marking outside Roberts Street in accordance with AS1742.2 and VicRoads Supplements to AS1742.2:2009-Edition 1.
20. Prior to the commencement of the use or the occupation of the buildings hereby approved, all disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and/or the Roads Corporation and at no cost to the Roads Corporation.

End VicRoads Conditions

21. 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.
22. 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.

23. 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.

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. Goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
26. 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.

Essendon Airport Condition

27. The Applicant must obtain consent under the Airports (Protection of Airspace) Regulations 1996 for any activity in the prescribed airspace for Essendon Airport (i.e. buildings, antennas or cranes during construction).

End Essendon Airport Condition

28. The development must be provided with external lighting capable of illuminating access to the basement entrance, each car parking space and pedestrian walkways. All car parking facilities are to be well lit in accordance with AS1680.2.1:2008. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.
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 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. Acoustic attenuation is to be provided in accordance with the indoor design sound levels of AS 2021-2015 (Acoustics – Aircraft Noise Intrusion – Building Siting and Construction) to achieve the required aircraft noise reduction.

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. The amenity of the area must not be detrimentally affected by the use of land, through:
- a) Transportation of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin; or
 - e) In any other way,
- to the satisfaction of the Responsible Authority.
34. Prior to the commencement of building and works, the Sustainable Management Plan (SMP) prepared by 'F2 Design' dated November 2015 is to be modified in accordance with Condition 1 and submitted to the Responsible Authority for approval. The SDS and STEPS reports are to show the correct number of toilets connected to the rainwater tank in accordance with the STORM Rating Report. Once approved, the SMP is to be implemented and appropriately managed during construction of the proposed building.
35. 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 27 November 2015; and
 - b) Be modified 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.
36. All wastes must be disposed of to the satisfaction of the Responsible Authority. Liquid waste or polluted waters must not be discharged into a sewer or stormwater drainage system.
37. 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 plans submitted with the application but

modified to show:

- a) Plans to accord with Condition 1 of this permit;
- b) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems;
- c) All planting abutting the access way(s) and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-8 (Design Standards for car parking) of the Moonee Valley Planning Scheme; and
- d) Correct rain garden details in accordance with Melbourne Water design guidelines for rain gardens.

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.

- 38. 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.
- 39. The existing street trees at the front of the site along Keilor Road must not be damaged or removed as a result of the permitted development, except with the prior written consent of the Responsible Authority.
- 40. The proposed street trees must be advanced trees which are at least two (2) metres high at the time of planting and of a species and condition to the satisfaction of the Responsible Authority. Before the development starts, the applicant must provide details to the satisfaction of the Responsible Authority of the proposed street trees including:
 - a) Method of mulching and mounding;
 - b) The species of the proposed street trees;
 - c) The size of planting and its maturity; and
 - d) The location of the proposed street trees.

All costs associated with the planting of the street trees must be borne by the permit/applicant.

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

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land (other than those which, under the Moonee Valley Planning Scheme, are exempt from the need for a planning permit).
- No on street parking permits will be provided to the occupiers of the land.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculation: $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- Before the development starts, separate approval must be obtained from the Moonee Valley City Council in relation to the proposed planting of street trees. Please contact Council on 9243 8888 to speak with Council's Arborist.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- The proposed development requires reinstatement of disused crossover(s) to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- An application to 'Build or retain a structure over works and/or easements' for City West Water's approval will need to be lodged by the permit applicant.
- Should any activity occur above 87.40m Australian Height Datum (e.g. cranes during construction) approval will be required from Essendon Airport).

1. Introduction

1.1 Subject Site and Surrounds

The subject site is a corner site located on the southern side of Keilor Road and the eastern side of Roberts Street, Essendon. The site is irregular in shape with a frontage to Keilor Road of 86.98 metres and a frontage to Roberts Street of 56.62 metres, resulting in a total area of approximately 3,556m².

The land is relatively flat with minimal fall across the site.

A 3.66 metre wide and 1.83 metre wide drainage and sewerage easement exists to the south of the site, adjoining the rear property boundary.

The site comprises a vacant car sales yard and associated buildings. The existing buildings have varied front setbacks to Keilor Road. Vehicle access is obtained from existing crossovers located along each streetscape. There is no significant landscaping or vegetation on the subject site. There are four street trees located at the front of the site along Keilor Road.



Figure 2 – Subject site (No.165-169 Keilor Road, Essendon)

The surrounding area is comprised of predominantly commercial and residential zoned land used and developed for commercial and residential purposes. The subject site is located within the Keilor Road Activity Centre, directly abuts an arterial road (Keilor Road) and adjoins the No.59 tram route. The site is also located within close proximity of numerous bus routes, local businesses, schools and public reserves. The built form within the vicinity is predominantly single and double storey, with numerous examples of multi-storey mixed use and residential developments evident nearby. While the built form found within the immediate vicinity predominantly comprises of brick or render external finishes, the broader area is very much eclectic with an emergence of new and contemporary developments nearby.

1.2 Proposal

It is proposed to construct a seven storey building in a Design and Development Overlay (DDO7 & DDO9), use the land for dwellings, reduce car parking

requirements, waive loading bay requirements and alter access to a road in a Road Zone, Category 1. The proposal, as advertised, can be summarised as follows:

Table 1

Building A	320m ² retail and 61 dwellings
Building B	285m ² retail and 49 dwellings
Building C	395m ² retail and 32 dwellings
Retail area (total)	1,000 square metres
No. of dwellings (total)	142 (15 x 3 bedrooms, 68 x 2 bedrooms and 59 x 1 bedroom)
No. of car spaces (total)	203 (157 resident spaces, 28 visitor spaces and 18 retail spaces)
No. of bicycle spaces (total)	53 (35 resident/staff spaces and 18 visitor/customer spaces)
Max. building height	21.80 metres (seven storeys)
Site coverage	67%
Permeability	6%

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

It is noted that revised floor and elevation plans dated 1 April 2016 (refer **Appendix C** – separately circulated) were received by Council prior to the Consultation Meeting held on 20 April 2016 to address the concerns raised by Council's Urban Designer. The revised plans demonstrate:

- Increased ground floor front setbacks along Keilor Road to provide a more generous public realm and dynamic interface.
- Modified building entrances along Keilor Road, increased in size and provided with planter boxes/seating to improve street level activation.
- The addition of a sight line diagram (Section F) on plan TP17e demonstrating minimal to no visibility of the upper level from the secluded private open space area of No.152 Roberts Street.
- Provision of a communal courtyard and garden area at ground level between Buildings A and B, including seating areas and secure entries to adjoining private terraces, to improve interactions and a sense of community for residents.
- Reconfiguration of south facing apartments to provide east/west facing balconies and living areas, to improve internal amenity and reduce off-site amenity impacts. These apartments have been reduced in size/bedroom numbers or amalgamated into adjoining apartments to achieve this.
- Provision of natural light to the corridors/lobbies associated with the first floor level and above for Building A, with the deletion of bedrooms and internal reconfiguration of adjoining apartments to achieve this.

The revised plans address the concerns raised by Council's Urban Designer and are to be included as a condition on any permit granted accordingly (refer to **Appendix C** – separately circulated).

2. Background

2.1 Relevant Planning History

Planning Permit application MV/318/2015 for construction of a six storey building in a Design and Development Overlay (DDO7 and DDO9), use of the land for dwellings, a reduction in car parking requirements, waiver of loading bay requirements and alteration of access to a Road Zone, Category 1 was withdrawn on 13 July 2015.

Planning Permit MV/726/2012 was approved on 28 November 2012 for removal of a restrictive covenant No. 1250401 pursuant to Clause 47(2) of the Planning and Environment Act 1987 at 165 Keilor Road, Essendon.

Planning Permit MV/14516/2001 was approved on 10 April 2002 to remove the restrictive covenants affecting the land known as 167-169 Keilor Road, Essendon.

Planning Permit MV/14349/2001 was approved on 10 April 2002 to use, construct and carry out works for the purpose of motor vehicle sales and a business identification sign at 165-169 Keilor Road, Essendon.

Planning Permit MV/9581/1997 was approved on 7 November 1997 for development of an office/foyer extension in association with existing car sales yard at 167-169 Keilor Road, Essendon.

Planning Permit MV/5038/1988 was approved on 12 December 1988 for alterations to car yard at 167-169 Keilor Road, Essendon.

Planning Permit MV/4262/1985 was approved on 16 December 1985 for an underground tank for unleaded petrol at 167-169 Keilor Road, Essendon.

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
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Overlays

Clause 43.02	Design and Development Overlay Schedules 7 and 9 (DDO7 and DDO9)
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Particular and General Provisions

Clause 52.06	Car Parking
Clause 52.07	Loading and Unloading of Vehicles
Clause 52.29	Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
Clause 52.34	Bicycle Facilities
Clause 52.35	Urban Context Report and Design Response For Residential Development of Five or More Storeys
Clause 52.36	Integrated Public Transport Planning
Clause 65	Decision Guidelines

2.3 Referrals

External

- VicRoads (Section 55 referral)

No objection subject to the following conditions:

- Before the development starts, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans date stamped by Moonee Valley City Council on 02/09/2015 and annotated as but modified to show:
 - All crossovers and driveways along Keilor Road to be reinstated to kerb and channel to the satisfaction of Responsible Authority and/or the Roads Corporation.
 - KEEP CLEAR pavement marking on Keilor Road outside Roberts Street.
- Before the use approved by this permit commences or buildings occupied, the following road works on Keilor Road must be

completed at no cost to and to the satisfaction of the Roads Corporation:

- Install KEEP CLEAR pavement marking outside Roberts Street in accordance with AS1742.2 and VicRoads Supplements to AS1742.2:2009-Edition 1.
- Prior to the commencement of the use or the occupation of the buildings hereby approved, all disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and/or the Roads Corporation and at no cost to the Roads Corporation.

Notes to be included in Permit:

- The proposed development requires reinstatement of disused crossover(s) to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- Public Transport Victoria (Section 55 referral)
No objection.
- Essendon Airport (Section 52 referral)

No objection to the proposed building height, subject to the following condition:

- The Applicant must obtain consent under the Airports (Protection of Airspace) Regulations 1996 for any activity in the prescribed airspace for Essendon Airport (i.e. buildings, antennas or cranes during construction).

The site is between the 25ANEF and 30ANEF contour lines as shown in the Essendon Airport Master Plan 2013. Council should consider AS2021:2000 (Acoustics – Aircraft Noise Intrusion – Building Siting and Construction) and make its own determination as to whether the site is suitable for residential development.

- City West Water (Section 52 referral)

Object to the granting of a town planning permit.

City West Water has a 150mm diameter sewer within your property, with two sewer Maintenance Holes, an Inspection Shaft and three sewer connections.

City West Water Corporation, as far as its rights are concerned, will not allow the proposed development as shown on the submitted building plans as City West Water does not permit any commercial structures to be constructed over our assets. A 1.0m clearance from the edge of our sewer and any structure must be maintained.

City West Water will reconsider our objection if revised plans are submitted indicating the proposed development meets City West Water's build over easement guidelines.

The applicant should also be advised that they will need to lodge an application to 'Build or retain a structure over works and/or easements' for City West Water's approval.

Internal

- Engineering Services Unit

No objection subject to standard drainage and engineering conditions.

No objection to the Waste Management Plan, subject to the provision of a waste management system pertaining to the disposal of waste for residents above ground level (recommend twin bin chute for each building).

Planner's comments

The provision of bin chutes for a development of this size and scale is considered to be onerous, as discussed within Section 3.2 of this report.

- Traffic and Transportation Unit

No objection subject to the height of the storage spaces over the bonnet being confirmed and provision of a waste management plan demonstrating how waste for the commercial properties will be collected from Keilor Road.

Council is satisfied the proposed development can utilise the short term parking available on Keilor Road for loading to occur for the retail component of the proposed development. The residents of the proposed development will not be eligible for parking permits.

- Urban Designer

No objection subject to the following:

- A slight increase in ground floor setback of 500mm from Keilor Road would assist in creating a more generous public realm, and opportunity for outdoor dining, and should be considered by the applicant.
- Explore the spatial qualities of building entries along Keilor Road to incorporate vegetation (as indicated for Building C) or casual seating for temporary occupation.
- Sight line diagrams to indicate the extent of visibility of the additional height from the rear POS of adjoining residential properties should be provided to justify the height as proposed.
- The allocation of the void space at ground floor level is too delineated and carved up by 1800mm high fencing. A more equitable approach to this space would be to design communal terraces and employ lower vegetated edges to ground floor units to frame the common courtyards.
- Discourage the proposal from orientating any balconies (particularly B207, B305/306) to the south. The use of 1700mm high screening to balcony edges further erodes the internal amenity of these dwellings

and a reworking of unit layouts should provide east or west facing balconies (e.g. B107/108) would be preferred.

- There is a lack of natural light to the internal corridors of Building A. This could be achieved near the circulation core through the revision of APT 103, 203, 302, 402 and 502.
- I am not supportive of 44sqm single bedroom apartments. I would prefer this unit to be amalgamated to make a larger three bedroom dwelling.

Planner's comments

The revised plans (refer **Appendix C** – separately circulated) adequately accommodate the above requirements and are to be included as a condition on any permit granted accordingly.

- Environmental Sustainable Development (ESD) Officer
No objection to the Sustainable Management Plan (SMP) or STORM Rating Report, subject to the inclusion of standard notations and 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 two notices erected on site for 14 days.

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

A response to the objections is provided in Section 3.10 of this report.

2.5 Consultation Meeting

A Consultation Meeting was held on 20 April 2016, attended by Councillors Chantry and Giuliano, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting. However, prior to this meeting, revised floor and elevation plans dated 1 April 2016 (refer **Appendix C** – separately circulated) were submitted to Council to address the concerns raised by Council's Urban Designer.

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 Keilor Road Activity Centre under *Plan Melbourne: Metropolitan Planning Strategy* and is located on the Principal Public Transport Network. The subject site directly abuts the No.59 tram route and is within proximity of numerous local businesses, schools, public reserves and bus routes. 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 contains a fuel bowser and oil storage area and is therefore considered to be potentially contaminated. The ground floor and above floor levels are to be used for residential purposes, which is classified as a 'sensitive use'. Therefore, a Certificate or Statement of 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 development would not significantly obscure or impact on views along the Keilor Road corridor. It is considered that the proposed development would enhance views and vistas along Keilor Road through high quality contemporary urban design.

Heritage

The site is not subject to a Heritage Overlay and is not located within 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, abuts a tram route that forms part of the Principal Public Transport Network and is able to provide more than 10 dwellings. The proposal contributes to the objective of Clause 16.01-4 (Housing Diversity) by providing a mix of dwelling sizes in various configurations, which will cater for the increasingly diverse needs of future residents.

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

3.2 Local Planning Policy Framework (LPPF)

The proposal complies with the objectives and strategies of Clause 21.04 (Sustainable Environment) through the use of ecologically sustainable design principles, as highlighted within the submitted Sustainable Management Plan. 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 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 '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 Multi storey Residential Buildings' (2003). A number of the policies and guidelines appear to overlap and therefore the key concepts of the documents have been grouped together to provide a more consolidated assessment against the key criteria identified across all documents. The following discussion is provided:

Context and Building Design / Urban Context

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

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 in accordance with the setback requirements of the DDO7.

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

The revised front façade (refer **Appendix C** – separately circulated) would make a positive contribution to Keilor Road and help integrate the development with the street and assist to enhance the experience for pedestrians. The inclusion of ground floor retail premises and residential lobby areas along Keilor Road provides for an active frontage at the street level, which is consistent with the design objectives of the policy. The provision of residential apartments along Roberts Street allows for a suitable transition of uses from the commercial strip of Keilor Road to the predominantly residential streetscape along Roberts Street. It is also noted that there would be a significant increase in fenestration, passive surveillance and the perception of public safety to Keilor Road and Roberts Street as a result of the proposed development. The incorporation of balconies at the upper floor levels provides appropriate articulation of the building façade and maximises opportunities for visibility and passive

surveillance. In addition to this, all vehicle and pedestrian entries are well defined and clearly identifiable from the public realm.

Car parking for the development is proposed to be contained within two basement levels with a single access point from Roberts Street. It is considered that the provision of a single vehicle access way can be comfortably absorbed along this streetscape, noting that it is also proposed to remove and reinstate a number of existing crossovers along each streetscape. This will maintain an active and interesting primary street frontage along Keilor Road. The design of the basement ramp and provision of a vehicle security/access door will also obscure views of the car parking area, allowing the articulated built form to be the main focal point of the proposed development. Therefore, car parking would be adequately concealed from Keilor Road, allowing the proposed development to address this 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 setting of the site and the requirements of the DDO7, as discussed within Section 3.4 of this report.

While the proposed development is built up to the front and side property boundaries, this provides an acceptable response to the opportunities and constraints of the site including zoning and overlay requirements. In particular, a three storey street wall to Keilor Road with a 21 metre building height overall is acceptable under the DDO7. It is noted that revised plans (refer **Appendix C** – separately circulated) provide for increased ground floor setbacks and modified building entrances, including planter boxes/seating, along Keilor Road to improve street level activation and provide a more generous public realm and dynamic interface. Such changes would allow for a more pedestrian-orientated streetscape and are considered acceptable as discussed within Section 2.3 of this report. The revised rear setbacks (refer **Appendix C** – separately circulated) largely meet and exceed the rear setback requirements of the DDO7, with exception to one third floor balcony, and are considered acceptable as discussed within Section 3.4 of this report.

The design response to largely comply with the rear setback requirements of the DDO7 helps reduce potential visual bulk/mass issues while minimising amenity impacts on adjoining properties and allowing for equitable development opportunities. These setbacks, in conjunction with the wide visual recesses in the built form and provision of landscaping and canopy trees to the rear of the site, are considered to provide an appropriate rear interface.

The proposed development has a site coverage of 67%, which is considered acceptable to a site within a Commercial 1 Zone. This is also considered acceptable given the extent of properties with a high level of site coverage within the Keilor Road Activity Centre.

Building Height and Silhouette

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

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

The DDO7 provides guidance on heights for the subject site, as discussed in detail within Section 3.4 of this report. It is noted that the proposed maximum height of 20.8-21.80 metres is generally in accordance with the preferred maximum building height of 21 metres as stipulated within the DDO7 and is supported by Council's Urban Designer as discussed within Section 2.3 of this report. Therefore, the proposed height and silhouette of the building meets the objectives of this design element and is considered appropriate in this instance.

Internal Circulation, Space and Building Adaptability / Circulation and Services

The revised plans (refer **Appendix C** – separately circulated) achieve an acceptable degree of internal amenity and provide for comfortable living environments with adequate internal living spaces to meet the needs of future occupants.

The entry points to the development will be easily identifiable from within the basement car parking levels, with three lifts and stairwells providing access to the upper levels. Separate pedestrian access points, in the form of residential lobby areas, are provided along Keilor Road and Roberts Street. The provision of lift and stair access in conjunction with lobby/foyer areas along each streetscape will allow for ease of movement, including the movement of furniture, emergency access and escape.

The development 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 provision and layout of car parking. This is considered acceptable as discussed within Section 3.6 of this report.

In terms of storage space, all dwellings have been provided with 3.6m³ to 6m³ of storage space within the basement levels. This proposed storage arrangement is considered adequate to cater for the storage needs of dwellings within a residential building that do not rely on large private garden areas for open space.

Provision for waste storage is included within the upper basement level and ground floor level by way of common bin storage areas, which have been suitably separated into residential and commercial waste storage areas. Council's Engineering Services Unit has no objection to the waste management plan, subject to the provision of bin chutes. However, the provision of bin chutes is deemed to be an onerous requirement that would also require the relocation of bin storage rooms and disrupt the efficient circulation and movement of vehicles as discussed within Section 2.3 of this report. Therefore, the submitted

waste management plan is to form a condition for endorsement on any permit granted.

On-Site Amenity and Liveability / Building Layout and Design

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

In a general sense, the revised layout of the development (refer **Appendix C** – separately circulated) 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.

Each dwelling is provided with a private courtyard or balcony area ranging from 8m² to 127m², which is considered acceptable. It is also noted that each building provides for a communal courtyard and/or communal roof terrace area for additional leisure and recreational options, with a significantly improved communal courtyard for Buildings A and B on revised plans (refer **Appendix C** – separately circulated).

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

The proposed development is to minimise the transmission of noise within the development, including from external sources such as Essendon Airport and the adjoining tram line, through the inclusion of suitable conditions and provision of an acoustic engineering report on any permit granted. As the subject site is located between the 25 ANEF and 30 ANEF contour lines, acoustic attenuation is to be provided in accordance with the indoor design sound levels of 'AS2021:2015 (Acoustics – Aircraft Noise Intrusion – Building Siting and Construction)' to achieve the required aircraft noise reduction.

Off-Site Amenity

There would not be any significant overlooking potential to existing dwellings from the proposed development, with the exception of potential overlooking from some of the dwellings located closest to No.152 Roberts Street and No.145 Hedderwick Street. In particular Dwellings B108, C107, A207, C207 and C305 appear to have potential overlooking into the existing secluded private open space areas and habitable room windows associated with No.152 Roberts Street and No.145 Hedderwick Street. While ResCode is not applicable in this instance, it is noted that the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme provide a useful guide to assess overlooking potential. Therefore, the balconies and habitable room windows of these proposed dwellings should be treated/screened in accordance with the requirements of Clause 55.04-6 (Overlooking), and this is to be a condition on

any permit granted. Specific details of all proposed balcony and window screening is also to be clearly shown on the elevation plans as a condition on any permit granted. It is noted that the property directly to the east at No.163 Keilor Road is within a Commercial 1 Zone, has an approved planning permit for a double storey education facility with rear car parking area and did not object to the proposed development. Therefore, it is considered that there would not be any significant overlooking issues to the adjoining property at No.163 Keilor Road.

The proposed development does not cause significant overshadowing to any adjoining or nearby existing secluded private open space areas due to the location/orientation of the site and proposed design response. Importantly, all adjoining and nearby existing secluded private open space areas would receive a minimum of five hours of sunlight between 9am and 3pm on 22 September in accordance with the requirements of Clause 55.04-5 (Overshadowing).

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 overlooking and 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 3.6 of this report.

Landscaping and Fencing / Open Space and Landscape Design

The subject site currently has limited permeability and does not contain any significant landscaping or vegetation. The proposed development would have 67% site coverage, which is considered acceptable to a site within a Commercial 1 Zone and Activity Centre area. The proposed development does provide substantial courtyard areas with landscaping. However, the design and layout of the courtyards between Buildings A and B should be in accordance with revised plans (refer **Appendix C** – separately circulated) as referenced within Section 2.3 of this report. There is also provision for landscaping opportunities along each streetscape, including the provision of new street trees, which is considered suitable to each streetscape and would help soften the overall built form from the public realm. Planting details of the proposed street trees 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 proposed development has incorporated many Environmentally Sustainable Design initiatives, including the provision of a 30,000 litre rainwater tank within 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.

Lastly, it is noted that the location of the subject site offers a number of benefits, namely access to public transport, 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 existing infrastructure and services available on site and within the surrounding area. This is considered to be an efficient and appropriate use of available resources. Furthermore, Council's Engineering Services Unit has no objection to the proposal, apart from waste management discussed earlier, subject to the inclusion of standard drainage and engineering 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 Keilor Road Activity Centre as identified in *Plan Melbourne*. The proposed mixed-use development continues to promote commercial and residential growth within this area. The Keilor Road Built Form Guidelines 2012 has been considered in the design and assessment of the proposed development, to which there is a high degree of compliance.

With regard to Clause 21.08 (Economic Development), it is considered that the proposed development would contribute to and enhance the Keilor Road Activity Centre in terms of employment and business. It is noted that the proposed retail premises 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 proposal complies with Clause 22.03 Storm water Management (Water Sensitive Urban Design) and meets the required on-site storm water 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)

It is considered that the use of the land for dwellings is acceptable within a Commercial 1 Zone. While the combined residential frontage at ground floor level along Keilor Road exceeds 2.0 metres in width, thereby requiring a planning permit, the 5.0 metre wide residential entrances (10 metres in total) are considered acceptable as they still allow adequate street activation and

integration for the proposed retail premises. It is noted that the proposed retail premises are 'as-of-right' uses within the Commercial 1 Zone. The proposed dwelling and retail uses 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.

The proposed development requires a permit under Clause 34.01-4 (Buildings and Works). As discussed within Sections 3.2 and 3.4 of this report, the proposal is considered to be a good design outcome for the site and surrounding area.

3.4 Compliance with Clause 43.02 (Schedule 7 to the Design and Development Overlay)

The subject site is located within Precinct 3 of the Design and Development Overlay Schedule 7 (DDO7).

Table 2

	DDO7-Precinct 3	Proposed
Preferred maximum building height	21 metres on 'key sites'	21.80 metres
Front setback (up to three storeys in height)	0 metres	0 metres
Front setback (above three storeys in height)	3 metres	3 metres
Rear setback (up to three storeys in height)	3 metres	3-6.27 metres
Rear setback (above three storeys in height)	8 metres	8-15.50 metres (excluding third floor balconies)

The subject site is considered to be a 'key site' as the site has a total land parcel area of greater than 1,000 square metres (3,556m² proposed) with a frontage width of greater than 20 metres (86.98 metres proposed); the site is within 400 metres of a tram stop or train station (approximately 120 metres from a tram stop); new vehicle access to the site can be achieved by a side street (i.e. Roberts Street); and the additional height applicable to a 'key site' has no significant amenity or heritage impacts as discussed in detail within Sections 3.1 and 3.2 of this report.

The proposed development has a high level of compliance with the height and setback requirements under Precinct 3 of the DDO7, as demonstrated in Table 2 above. While the overall height of the proposed development is 0.80 metres above the preferred maximum building height, Building C is a maximum of 20.80 metres in height, Building B is a maximum of 21.50 metres in height and Building A is a maximum of 21.80 metres in height. The additional 0.80 metres and 0.50 metres of height for Buildings A and B respectively are largely attributed to the roof structure of these well recessed upper level 'caps'. Given these 'cap' levels are centrally located on top of Buildings A and B, with

generous setbacks from all property boundaries, the additional 0.50-0.80 metres of height will be imperceptible from the public and private realm with negligible amenity impacts on adjoining properties. Therefore, the overall height of the proposed development is considered to meet the design objectives of the DDO7 and is considered acceptable in this instance accordingly.

The proposed development meets the front setback requirements of the DDO7.

The proposed development meets and exceeds the rear setback requirements of the DDO7, with the exception of four south facing third floor balconies. While these balconies are not considered to be allowable encroachments under the DDO7, the 4.0-7.61 metre setbacks of these balconies would largely be obscured by the floor levels below. Furthermore, the revised plans (refer **Appendix C** – separately circulated) demonstrate increased setbacks of 8.50, 10.50 and 11.55 metres to three of the four south facing third floor balconies/apartments, which meet and exceed the rear setback requirements of the DDO7. Therefore, the only non-compliance would be the 4.0 metre rear setback to the balcony associated with 'APT C305', which would largely be obscured by the three storey built form below which has a 3.0m compliant rear setback. It is noted that this particular balcony is not located within close proximity of any existing habitable room windows, with existing dwellings located approximately 20 metres or more from this balcony. The siting, design and setbacks of this particular balcony would minimise any potential visual or amenity impacts on adjoining properties. It is also noted that Dwelling C305 itself would have a rear setback of 8.0 metres, resulting in the walls and built form of Building C being fully compliant with the rear setback requirements of the DDO7. Therefore, the rear setbacks demonstrated within revised plans (refer **Appendix C** – separately circulated) meet the design objectives of the DDO7 and are considered acceptable in this instance accordingly.

Overall, the proposed development achieves each of the design objectives of the DDO7, including the provision of a consistent street rhythm, creating an engaging interface, achieving excellence and diversity in architecture, providing a pedestrian friendly environment and integrating street trees and landscaping to Keilor Road. The revised plans (refer **Appendix C** – separately circulated) build on these design objectives further and Council's Urban Designer has no objection to the revised plans as discussed within Section 2.3 of this report. Therefore, the proposed built form and design is considered to meet the objectives of the DDO7, while also allowing for an interesting building design on a relatively large and unique site along Keilor Road.

3.5 Compliance with Clause 43.02 (Schedule 9 to the Design and Development Overlay)

A planning permit is required to construct a building or carry out works which exceed 80 metres Australian Height Datum (AHD) in height. As the proposed building exceeds 80m AHD (87.40m AHD proposed), the application was referred to Essendon Airport under Section 52 of the Planning and Environment Act 1987. As referenced within Section 2.3 of this report, Essendon Airport has no objection to the proposed building height subject to the inclusion of a condition on any permit granted. This is considered acceptable.

3.6 Compliance with Clause 52.06 (Car Parking)

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

Table 3

Unit	Requires	Provides
142 Dwellings (15 x 3 bedrooms, 68 x 2 bedrooms and 59 x 1 bedroom)	157	157
Retail premises (1,000m ²)	40	18
Residential visitors	28	28
Total	225	203

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 height of the storage spaces over the bonnet being confirmed and provision of a waste management plan demonstrating how waste for the commercial properties will be collected from Keilor Road.

With regard to the reduction in retail car parking requirements, the subject site directly abuts the No.59 tram route and the No.476, 477 and 483 bus routes, which provide alternate modes of transport to and from the subject site. The proposed development also provides for 53 bicycle spaces which can be utilised by retail employees and shoppers to the proposed development. It is also noted that there are numerous on-street car spaces available at the front of the site along Keilor Road and Roberts Street that can be utilised by retail employees and shoppers, with additional on-street car spaces created through the removal and reinstatement of existing crossovers along each streetscape. Such measures would all help offset the retail car parking spaces not being provided for on-site.

With regard to traffic generation, the proposed development is expected to generate up to 86 vehicle movements during the AM and PM peak hours and approximately 797 vehicle trip ends per day. Traffix Group Pty Ltd are satisfied that the level of traffic generated as a result of this proposal is generally residential in nature, spread throughout the day and will not have a detrimental impact on the surrounding road network.

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

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

Clause 52.07 triggers loading and unloading requirements for the retail premises within the proposed development. The proposed retail premises are relatively small and it is generally accepted that deliveries to retail premises of this scale are delivered by a van or car. Such vehicles would utilise on-street car parking, or nearby loading zones, for short periods of time to drop off goods. Council's Traffic and Transportation Unit 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.

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

A planning permit is required to create or alter access to a road in a Road Zone, Category 1. As this planning application proposes to alter and remove access to Keilor Road, which is a Category 1 Road Zone, the application was referred to the Roads Corporation (VicRoads) under Section 55 of the Planning and Environment Act 1987. As discussed within Section 2.3 of this report, VicRoads has no objection to the proposed development subject to the inclusion of conditions and notes on any permit granted. This is considered acceptable.

3.9 Compliance with Clause 52.34 (Bicycle Facilities)

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

Table 4

Unit	Requires	Provides
142 Dwellings	28	30
Residential visitors	14	15
Retail employees	3	5
Retail shoppers	2	3
Total	47	53

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

3.10 Objections

Table 5

Issue	Officer Response
Overdevelopment / visual bulk / scale / height	This is considered acceptable, subject to revised plans (refer Appendix C), as discussed within Sections 3.1, 3.2 and 3.4 of this report.
Overlooking / overshadowing / access to natural light	This is considered acceptable, subject to modified balcony and window screening to a number of southern apartments, as discussed within Section 3.2 of this report.
Use of roof terraces	The provision of roof terraces provide additional leisure and recreational opportunities, and improved internal amenity, for future occupants. It is noted that the proposed roof terraces have generous setbacks from adjoining residential properties to minimise any potential amenity impacts on existing

	residents. It is also noted that any residential noise emitted from the proposed development would be subject to the same EPA noise regulations as any other residential property within the area.
Car parking / traffic issues	This is considered acceptable as discussed within Sections 2.3 and 3.6 of this report.
Waiver of loading bay requirements	This is considered acceptable as discussed within Section 3.7 of this report.
Basement entry should be from Keilor Road	The proposed vehicle entry from Roberts Street is considered acceptable as discussed within Section 3.2 of this report. It is noted that side streets are the preferred location for vehicle accessways on corner sites within commercial zones as this allows for a more active and engaging primary street frontage. This is particularly important for a site on an arterial road, abutting a tram route, in order to minimise the disruption of traffic along this major thoroughfare.
Impacts on flight paths associated with Essendon Airport	Essendon Airport has no objection to the proposed building height subject to the inclusion of a condition on any permit granted as discussed within Sections 2.3 and 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. Additionally, consideration has been given to the requirements of Section 60(1B) of the Planning and Environment Act 1987 with respect to the number of objections received, and it is determined that the proposal would not have a significant social effect.

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

Appendices

Appendix A: Objectors

Appendix B: Advertised Plans (separately circulated)

Appendix C: Revised Plans (separately circulated)

Location of Objector's Properties

145 Hedderwick Street, ESSENDON VIC 3040
141 Hedderwick Street, ESSENDON VIC 3040
143 Hedderwick Street, ESSENDON VIC 3040 (X2)
140 Keilor Road, NORTH ESSENDON VIC 3041
2/147 Roberts Street, ESSENDON VIC 3040
63 William Street, ESSENDON VIC 3040
4 Braemar Street, ESSENDON VIC 3040
14 Cudmore Street, ESSENDON VIC 3040
152 Roberts Street, ESSENDON VIC 3040

9.5 113 Keilor Road, Essendon (Lot 18 LP7912) - Construction of a five storey building in a Design and Development Overlay (DDO7 & DDO9), reduction in car parking requirements, waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1

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

Planning File No.	MV/500/2015
Proposal	Construction of a five storey building comprising one shop and 35 dwellings Reduction in car parking requirements Waiver of loading bay requirements Alteration of access to a road in a Road Zone, Category 1
Applicant	Watersun Homes
Owner	Weztex Pty Ltd
Planning Scheme Controls	Commercial 1 Zone Design and Development Overlay (DDO7 & DDO9)
Planning Permit Requirement	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 Clause 52.07 – Waiver of loading bay requirements Clause 52.29 – Alter access to a road in a Road Zone, Category 1
Car Parking Requirements (Clause 52.06)	Required: 46 car spaces Provided: 36 car spaces
Bicycle Requirements	Required: 11 bicycle spaces Provided: 20 bicycle spaces
Restrictive Covenants	Covenant 1431665 originally restricted the land to a single dwelling, but was removed

	by Supreme Court order dated 30 May 1974
Easements	Yes, a 1.83 metre wide drainage and sewerage easement at the rear
Site Area	836 square metres
Number Of Objections	4
Consultation Meeting	Not applicable

Executive Summary

- The application seeks planning approval for the construction of a five storey building in a Design and Development Overlay (DDO7 & DDO9), reduction in car parking requirements, waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1.
- The site has an area of 836 square metres and is located on the south-western side of Keilor Road, Essendon. The site comprises an existing double storey brick commercial building.
- The application was advertised and four objections were received. The concerns raised related to visual bulk, overlooking, overshadowing, car parking, traffic, pedestrian safety, loading facilities, covenants, construction impacts, noise, flight path interference and a decrease in property values.
- A Consultation Meeting was not held as less than 10 objections were received by Council.
- The application was externally referred to VicRoads and Public Transport Victoria (PTV) 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.
- The design response is considered to be appropriate given the size and location of the site with good access to a range of services including public transport, schools and numerous recreational facilities/reserves.
- The proposed design is contemporary and responds well to the site's location with an adequate transition of built form to adjoining properties. It is considered the front façade would make a positive contribution to Keilor Road and enhance the pedestrian experience. The ground floor retail premises provides an active frontage and there would be a significant increase in fenestration, passive surveillance and public safety. In addition, all vehicle and pedestrian entries are well defined and clearly identifiable from the public realm.
- Car parking for the development is to be contained within a basement and the proposed site coverage and setbacks are considered to be acceptable to the commercial setting of the site. While the preferred building height in this commercial precinct is four storeys, the proposed fifth storey is supported as it has been recessed sufficiently away from the residential properties to the rear in order to minimise visual impact.

- Overall, the proposed built form is considered an acceptable response to the opportunities and constraints of the site including zoning and overlay requirements and existing built form conditions. In particular, a three storey street wall to Keilor Road is acceptable. The proposed development achieves visual interest and articulation along Keilor Road through the use of varying materials/finishes and the provision of windows, upper floor balconies and staggered setbacks. The contemporary design will enhance the existing streetscape, complement the commercial zoning of the site and respect other new and contemporary developments emerging nearby.
- 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. Since the subject site is located within an Activity Centre area on the Principal Public Transport Network and is considered to be a 'strategic redevelopment site' a more intensive forms of development to take advantage of existing infrastructure and services is encouraged.
- The subject site is adjacent to two approved development sites for four storey buildings (No.115 and No.11)7 and six storey buildings have been approved on other commercial sites in Keilor Road (e.g. No.140-160 Keilor Road). Combined with the fact the fifth storey will be substantially recessed from all boundaries, the proposed building silhouette will not present as a dominant form in the streetscape. The proposed height and silhouette of the building meets the objectives of this design element and are considered appropriate in this instance.
- The development provides an adequate and efficiently designed parking layout to ensure safe vehicle movements and Council's Traffic and Transportation Unit has no objection to the provision and layout of car parking.
- 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.

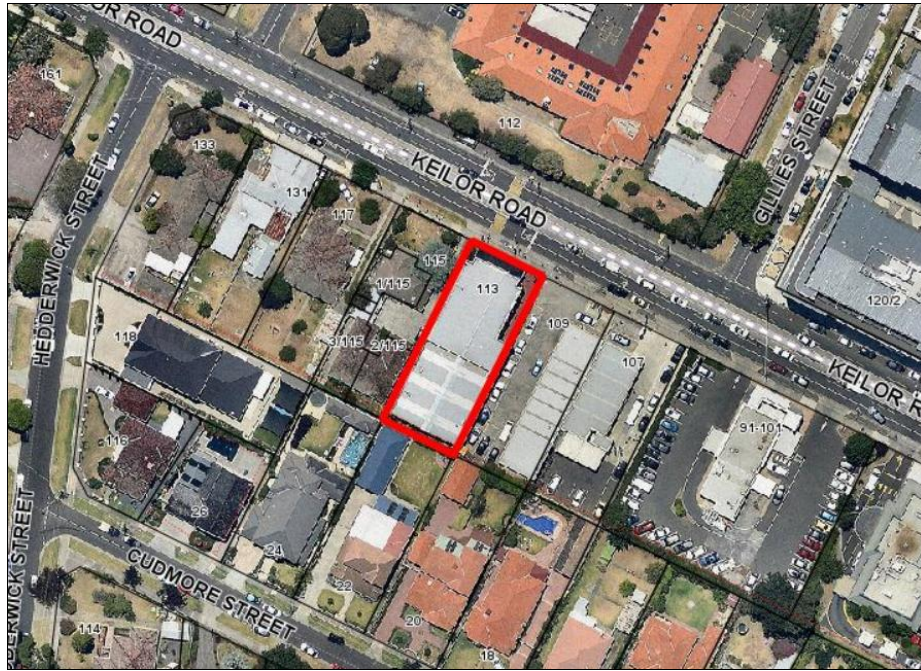


Figure 1 – Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/500/2015 for the construction of a five storey building in a Design and Development Overlay (DDO7 & DDO9), reduction in car parking requirements, waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1 at No.113 Keilor Road, Essendon (Lot 18 LP7912), 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) Relocation of the six basement level storage pods to the ground level storage area next to the bicycle racks and reduction of those thirty storage areas to a minimum of 5m³.
 - b) Provision of an additional car parking space for the proposed shop in place of the basement level storage pods and associated changes to the disabled car parking space.
 - c) The dimensions of the storage areas annotated on the floor plan in accordance with Clause 55.05-6 (Storage) of the Moonee Valley Planning Scheme.
 - d) Four of the bicycle spaces allocated to visitors with associated signage and design detail of all bicycle spaces in accordance with Clause 52.34 (Bicycle Facilities) of the Moonee Valley Planning Scheme.
 - e) Landscaping detail in splay area near basement vehicle entry including

size and species of plants.

- f) Details of proposed surface treatments for the courtyards of all ground level dwellings including the rear easement.
- g) Annotation for a dividing fence between the courtyard for Dwellings G.01 and G.02 to at least 1.8 metres high.
- h) The location of a roller door/security gate and intercom system associated with the basement garage.
- i) The provision of a 300mm trench grate at the bottom of the basement ramp.
- j) Details of bicycle racks and storage pods clearly shown.
- k) A notation that noise attenuation measures to dwellings to be in accordance with Condition 33.
- l) The crossover designed in accordance with Conditions 15 and 23.
- m) Any changes as a result of Conditions 3 and 5.
- n) A roof plan which graphically shows:
 - i) All roof areas, both treated by WSUD and untreated;
 - ii) The specific roof area in square metres of the rainwater catchment area discharging into the nominated stormwater treatment, with the WSUD treatment capacity clearly annotated;
 - iii) Water tank volumes and numbers of toilets the water tanks are connected to; and
 - iv) The details must be consistent with the information provided in the approved complying STORM Rating Report.
- o) Each rainwater tank to be noted to state, on all relevant plans:
 - i) The capacity of the rainwater tank;
 - ii) Whether a mechanically, fully charged or gravity fed system is proposed;
 - iii) Number of toilets connected to the rainwater tank, as detailed on the STORM Rating Report; and
 - iv) The roof catchment area collected to the rainwater tank, as detailed on the STORM Rating Report.

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

- 2. Except with the prior written consent of the Responsible Authority, the layout of the land and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified.
- 3. An amended STORM Rating Report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Rating Report must clearly distinguish between roof and balcony areas, clarify catchment areas pertaining to each water tank and obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.

4. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
5. Before the development commences, a revised Sustainability Management Plan (SMP) including all information and documentation to support SDAPP best practice levels of daylight using the BESS tool must be submitted to and approved by the Responsible Authority. The SMP shall refer to the endorsed plans. Upon approval the SMP will be endorsed as part of this planning permit and the development must incorporate the sustainable design initiatives outlined in the endorsed SMP to the satisfaction of the Responsible Authority.
6. 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).

7. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers' and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation;
 - i) Management of onsite stormwater and prevention of contamination which must be in the form of a detailed statement or report which outlines all measures to be taken to prevent litter, sediments and pollution from

entering the stormwater systems;

- j) Protection of surrounding roads from site contamination and damage including rumble grid and/or wash down bay facility;
- k) Arrangements for chemical storage;
- l) Noise and vibration control;
- m) Risk assessment;
- n) Works timetable; and
- o) Number of workers expected to work on the site at any one time.

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

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

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

9. Before the building approved by this permit is occupied, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
10. 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.
11. 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.
12. Floor levels shown on the endorsed plans must not be altered or modified

without the prior written consent of the Responsible Authority.

13. 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.

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

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

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

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

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

to the satisfaction of the Responsible Authority.

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

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

16. The loading and unloading of vehicles and the delivery of goods to and from the land must:

- a) Only be carried out on or adjacent to the boundaries of the land;
- b) Not be conducted before 7.00am on any day; and

c) Not disrupt the circulation or parking of vehicles on the land;
to the satisfaction of the Responsible Authority.

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

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

18. 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.
19. 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.
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 manufacturer's specifications, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must depict an on-site stormwater detention drainage system to be installed on the land.

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

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

VicRoads Conditions

22. All disused or redundant vehicle crossings must be removed and the area

reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.

23. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use of the works hereby approved.
24. The Driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).

End VicRoads Conditions

Public Transport Victoria Conditions

25. The modified crossover must be located a minimum of 1 metre clear of any structures, including tram stop poles and any other road assets.
26. The permit holder must take all reasonable steps to ensure that disruption to the tram operation along Keilor Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

End Public Transport Victoria Conditions

Essendon Airport Conditions

27. The Applicant must obtain consent under the Airports (Protection of Airspace) Regulations 1996 for any activity in the prescribed airspace for Essendon Airport (i.e. buildings, antennas or cranes during construction).

End Essendon Airport Conditions

28. 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.
29. 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.
30. 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.
31. 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.
32. The development must be provided with external lighting capable of illuminating access to the basement entrance, each car parking space and pedestrian walkways. All car parking facilities are to be well lit in accordance with AS1680.2.1:2008. Lighting must be located, directed and shielded and of limited

intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.

33. 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. Acoustic attenuation is to be provided in accordance with the indoor design sound levels of AS 2021-2015 (Acoustics – Aircraft Noise Intrusion – Building Siting and Construction) to achieve the required aircraft noise reduction.

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.

34. 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).
35. 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.
36. The intercom system at the entry to the basement car park must include a link to the shop to enable access to the disabled car space to the satisfaction of the Responsible Authority.
37. Before the development starts, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and 3 copies must be provided. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:
- a) Plans to accord with Condition 1 of this permit;
 - b) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems. Any proposed tree species within an easement are also required to have a maximum mature height of not more than 3.0 metres; and
 - c) All planting abutting the vehicle accessway and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.

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.

38. 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.
39. 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 'SALT³' dated 2 March 2016; and
 - b) Accord 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.

40. 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: $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line 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.
- Prior to, during and at completion of the drainage and infrastructure works outlined in the permit conditions, staged inspections must be arranged with Moonee Valley City Council's Engineering Services Unit.
- Should any activity occur above 89.0m Australian Height Datum (e.g. cranes during construction) approval will be required from Essendon Airport. At this height the *Airports (Protection of Airspace) Regulations 1996* takes effect.
- The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the *Road Management Act* for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- The proposed development requires the construction of a crossover. Separate approval under the *Road Management Act* for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- The applicant is reminded that the provisions of the *Commonwealth Disability Discrimination Act 1992* must be satisfied.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the south-western side of Keilor Road, Essendon. The site is regular in shape with a frontage to Keilor Road of 18.29 metres and a maximum depth of 45.72 metres, resulting in a total area of 836m².

The land is relatively flat and it appears that a 1.83 metre wide drainage and sewerage easement exists to the south-west of the site, adjoining the rear property boundary.

The site comprises a double storey brick commercial building that occupies most of the site. A single storey section of the building is located at the street

frontage. The double storey component is set back approximately 3.0 metres from the Keilor Road frontage and extends approximately half of the site's length. Vehicle access to a narrow loading area is obtained from an existing crossover to the north-east along Keilor Road. A signalised pedestrian crossing across Keilor Road is located at the south-western end of the site. There are no street trees in front of the site and the rear easement is the only permeable area on the site.



Figure 2 – Subject site (No.113 Keilor Road, Essendon)

The surrounding area comprises predominantly commercial and residential zoned land, used and developed for commercial and residential purposes. The subject site is located within the Keilor Road Activity Centre, directly abuts an arterial road (Keilor Road) and adjoins the No.59 tram route. The site is also located within proximity of numerous bus routes, local businesses, schools and public reserves. The built form within the vicinity is predominantly single and double storey, with numerous examples of multi-storey mixed use and residential developments evident nearby. While the built form found within the immediate vicinity predominantly comprises of brick or render external finishes, the broader area is very much eclectic with an emergence of new and contemporary developments nearby.

1.2 Proposal

It is proposed to construct a five storey building in a Design and Development Overlay (DDO7 & DDO9), reduction in car parking requirements, waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1. The proposal can be summarised as follows:

Table 1

Retail area	110 square metres
No. of dwellings	35 (19 x 2 bedrooms and 16 x 1 bedroom)

No. of car spaces	36 (35 mechanical stacker spaces, 1 disabled space)
No. of bicycle spaces	20
Max. building height	17.2 metres (approximately)
Site coverage	89%
Permeability	4.7%

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

2. Background

2.1 Relevant Planning History

The subject site has extensive permit history relating to commercial uses. Permits for four storey mixed use buildings have been recently approved at 115 Keilor Road (MV/866/2013) and 117 Keilor Road (MV/200/2015). Construction is yet to commence on either site.

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
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Overlays

Clause 43.02 Design and Development Overlay Schedules 7 and 9 (DDO7 and DDO9)

Particular and General Provisions

Clause 52.06 Car Parking

Clause 52.07 Loading and Unloading of Vehicles

Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

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 (Section 55 referral)

No objection subject to the following conditions:

- All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.
- The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.
- The Driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).

Notes:

- Please note that the proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the *Road Management Act* for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- Please note that the proposed development requires the construction of a crossover. Separate approval under the *Road Management Act* for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- Public Transport Victoria (Section 52 referral)
No objection subject to the following conditions:

- The modified crossover must be located a minimum of 1 metre clear of any structures, including tram stop poles and any other road assets.
- The permit holder must take all reasonable steps to ensure that disruption to the tram operation along Keilor Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.
- Essendon Airport (Section 52 referral)

No objection to the proposed building height, subject to the following condition:

- The Applicant must obtain consent under the Airports (Protection of Airspace) Regulations 1996 for any activity in the prescribed airspace for Essendon Airport (i.e. buildings, antennas or cranes during construction).

The subject site lies between the 25 ANEF and 30 ANEF contour lines, as shown in the Essendon Airport Master Plan 2013. Council should consider AS2021:2000 (Acoustics – Aircraft Noise Intrusion – Building Siting and Construction) and make its own determination as to whether the site is suitable for residential development.

Internal

- Engineering Services Unit

No objection subject to standard drainage and engineering conditions and non-standard conditions requiring:

- Vehicle crossing to be located one metre from the traffic signal.
- Provision of 300mm trench grates at the bottom of the access ramp.

No objection to the Waste Management Plan.

Planner's comments

The recommendation to have the vehicle crossing located one metre from the traffic signal would be difficult to achieve in this location where there is a pedestrian crossing, a tram stop and vehicle access to the subject site. It is noted vehicle access is controlled by VicRoads as Keilor Road is within a Category 1 Road Zone (RDZ1). VicRoads has approved the proposal as submitted, which contained information about the pedestrian traffic signal pole. On this basis, further separation between the traffic signal pole and the vehicle crossing is not considered necessary.

- Traffic and Transportation Unit

No objection subject to the following conditions:

- All services to be at least one metre from proposed crossover.
- Details of proposed bicycle racks and storage.

- Urban Designer

Broadly support is offered for the proposed five level mixed use development as it is considered the design is an appropriate response to the planning scheme and context.

- Environmental Sustainable Development (ESD) Officer

No objection subject to standard and non-standard conditions requiring:

- Further documentation in relation to energy efficiency in the Sustainability Management Plan (SMP).
- Full BESS Report is required to be submitted for review and endorsement.
- Submission of an amended STORM Rating Report clarifying stormwater catchment areas and connection to rainwater tanks.

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.

Four (4) objections were received from the properties contained within **Appendix A** of this report.

A response to the objections is provided in Section 3.10 of this report.

3. Discussion

3.1 State Planning Policy Framework (SPPF)

The relevant State Planning Policy Framework clauses are considered to be met. State Planning objectives broadly seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. The subject site is located within the Keilor Road Activity Centre under *Plan Melbourne: Metropolitan Planning Strategy*, directly abutting the No.59 tram route and numerous bus routes and is located proximate to local businesses, schools and public reserves. The location of the subject site is considered to lend support for a more intensive form of residential development.

With regard to Clause 13.03-1 (Use of Contaminated and Potentially Contaminated Land), the adjoining property at No.109 Keilor Road is used for mechanical repairs and is, therefore, considered to be potentially contaminated, with potential seepage into the subject site. The proposed ground floor level, and floor levels above, are to be used for residential purposes, which is classified as a 'sensitive use'. Therefore, a Certificate or Statement of 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. It is considered 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 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 development would not significantly obscure or impact on views along the Keilor Road corridor. It is considered the proposed development would enhance views and vistas along Keilor Road through high quality contemporary urban design.

Heritage

The site is not subject to a Heritage Overlay and is not located within proximity of 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, abuts a tram route that forms part of the Principal Public Transport Network (PPTN) 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.

3.2 Local Planning Policy Framework (LPPF)

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

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

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 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. 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) are used to assist with the assessment. 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 design response is considered to be appropriate given the size and location of the site that also has good access to a range of services including public transport, schools and numerous recreational facilities/reserves.

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 generally in accordance with the setback requirements of the DDO7.

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

The front façade would make a positive contribution to Keilor Road and help integrate the development with the street and assist to enhance the experience for pedestrians. The inclusion of ground floor retail premises along Keilor Road 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 to be contained within a basement with a modified, single access point from Keilor Road. The design of the basement ramp will 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 Keilor Road, allowing the proposed development to address this 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 setting of the site and the requirements of the DDO7, as discussed within Section 3.4 of this report.

The preferred building height in this commercial precinct is four storeys. The development proposes a fifth storey. Council's Urban Designer supports the fifth storey in this particular context as it has been recessed sufficiently away from the residential properties to the rear in order to minimise visual impact. The Urban Designer also commented the introduction of the fifth storey can be justified in terms of the quality and amenity of the proposed internal apartment

layouts and the opportunity that is provided for equitable development of adjoining commercial properties.

Council's Urban Designer also supports the minor variations to the Design & Development Overlay (DDO7) building setbacks at various levels of the building. These encroachments are essentially restricted to balconies. The Urban Designer notes that the DDO7 control does not distinguish between walls and balconies in providing setback guidance. These aspects of the development are discussed in more detail at Section 3.4 of this report.

Overall, the proposed built form is considered an acceptable response to the opportunities and constraints of the site including zoning and overlay requirements and existing built form conditions. In particular, a three storey street wall to Keilor Road is acceptable under the DDO7. It is noted that the DDO7 does not provide for side setback requirements.

The proposed development achieves visual interest and articulation along Keilor Road through the use of different materials/finishes and the provision of windows, upper floor balconies and staggered setbacks. The contemporary design will enhance the existing streetscape, complement the commercial zoning of the site and respect other new and contemporary developments emerging nearby. The proposed colour/material palette complements the surrounding area and emerging built form. Therefore, subject to modification, the proposed development is considered to respond to its location and context in an appropriate manner.

Building Height and Silhouette

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

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

The subject site is adjacent to two approved development sites for four storey buildings at No.115 and No.117 Keilor Road. In terms of broader context, other four storey buildings exist on the opposite side of Keilor Road and six storey buildings have been approved on other commercial sites in Keilor Road (e.g. No.140-160 Keilor Road). Combined with the fact the fifth storey will be substantially recessed from all boundaries, the proposed building silhouette will not present as a dominant form in the streetscape. The proposed height and silhouette of the building meets the objectives of this design element and are considered appropriate in this instance.

Internal Circulation, Space and Building Adaptability / Circulation and Services

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

The entry points to the building will be easily identifiable from the street and from within the basement car parking level. The provision of lift and stair access in conjunction with a lobby/foyer area will allow for ease of movement, including the movement of furniture, emergency access and escape.

The development 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 provision and layout of car parking.

In terms of storage space, a total of thirty-six, 6m^3 storage areas are proposed within the basement and ground floor levels. Though a minimum is not provided in the planning scheme for buildings that are five storeys or more, the proposed storage provision is consistent with the standard for residential development of four storeys or less. It is noted that storage provision in other similar developments has been allowed as low as 3m^3 per dwelling. In order to provide a dedicated car space for the shop proprietor, it is considered appropriate to relocate storage out of the basement and slightly reduce most of the storage on the ground level to 5m^3 . Six of the storage units will remain at 6m^3 . The revised storage arrangement required by permit conditions is considered adequate to cater for the storage needs of dwellings within a residential building that do not rely on large private garden areas for open space.

Provision for waste storage is included within the basement level with a disposal chute accessible at each level of the building. 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.

On-Site Amenity and Liveability / Building Layout and Design

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

In a general sense, the layout of each dwelling provides an appropriate level of amenity for future occupants. Residents will be afforded with generous sized open plan living opportunities, with good fenestration and access to daylight. 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.

The ground floor dwellings are each provided with private courtyards ranging from 31^2 to 42m^2 . Each dwelling on the four upper levels is provided with a balcony area ranging from 8m^2 to 21m^2 . The majority of balconies have been located to the north, east or west of the site, which allows for a reasonable amount of solar access. While some balconies are provided with walls to the north, they would receive adequate access to daylight considering the orientation and constraints of the site, which is considered acceptable and provides some additional diversity within the development.

The proposed development has been designed to limit internal overlooking to lower-level dwellings directly below and within the same development, where possible. The proposed development has been designed to minimise the

transmission of noise within the development, which will be reinforced through the inclusion of suitable conditions on any permit granted.

The proposed development is to minimise the transmission of noise within the development, including from external sources such as Essendon Airport and the adjoining tram line, through the inclusion of suitable conditions and provision of an acoustic engineering report on any permit granted. As the subject site is located between the 25 ANEF and 30 ANEF contour lines, acoustic attenuation is to be provided in accordance with the indoor design sound levels of 'AS2021:2015 (Acoustics – Aircraft Noise Intrusion – Building Siting and Construction)' to achieve the required aircraft noise reduction.

Off-Site Amenity

There would not be any significant overlooking potential to existing dwellings from the proposed development. While ResCode is not applicable in this instance, it is noted the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme provide a useful guide to assess overlooking potential. The balconies at the rear of the proposed development have direct views within 9 metres to existing open space areas within 9 metres of the backyards of Cudmore Street properties. These balconies have been appropriately screened in accordance with the requirements of Clause 55.04-6 (Overlooking).

The shadow diagrams in the development plans show the building does not cause significant overshadowing to existing secluded private open space areas of Cudmore Street properties during the equinox. The 10am analysis provides the most shadow to the Cudmore Street properties, however the extent of shadow is only marginally more than that cast by the existing commercial building on the subject site.

The site's orientation and the proposed design response where upper levels have been recessed from the rear boundary also ensure overshadowing impacts are minimised. Though not strictly applicable, the proposal is in accordance with the requirements of Clause 55.04-5 (Overshadowing) of the Moonee Valley Planning Scheme which are based on the equinox.

The proposed development will minimise the transmission of noise to adjoining properties through the inclusion of suitable conditions on any permit granted. Therefore, subject to appropriate overlooking and noise conditions on any permit granted, the proposal is considered to comply with this design element.

Parking, Traffic and Access

See comments provided by VicRoads and Council's Traffic and Transportation Unit within Section 2.3 of this report in addition to 'Clause 52.06 (Car Parking)' within Section 3.6 of this report. In addition to the requirements stated in these sections, it is considered appropriate to provide a dedicated car space for the future shop proprietor. This can be achieved with the relocation of the storage in the basement to the ground level and a modest reduction in the overall storage area as outlined in proposed permit conditions.

Landscaping and Fencing / Open Space and Landscape Design

The subject site currently has limited permeability and does not provide significant opportunity for landscaping or vegetation. The proposed development would have 89% site coverage, largely reflecting the existing site conditions. This outcome is considered acceptable to a site largely contained within a Commercial 1 Zone and Activity Centre area, however it is noted that the balconies and courtyards provide some opportunity for suitable planting in pots.

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 proposed development has incorporated many Environmentally Sustainable Design initiatives, including the provision rainwater tanks with a total capacity of 12,000 litres in the basement for the re-use of stormwater within the development. Furthermore, all habitable living areas and bedrooms would have windows with direct access to daylight. However, a full BESS Report is required to be submitted for further review as a condition on any permit granted.

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

Service Infrastructure

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

Clause 21.07 (Activity Centres) is applicable in this instance and builds on the objectives and strategies of the State Planning Policies, in particular Clause 11 (Settlement). The subject site is located within the Keilor Road Activity Centre as identified in *Plan Melbourne*. The proposed mixed-use development continues to promote commercial and residential growth within this area. The Keilor Road Built Form Guidelines 2012 has been considered in the design and assessment of the proposed development, to which there is a high degree of compliance.

With regard to Clause 21.08 (Economic Development), it is considered the proposed development would contribute to and enhance the Keilor Road Activity Centre in terms of employment and business. It is noted the proposed retail tenancy is an 'as-of-right' use within the Commercial 1 Zone, as discussed within Section 3.3 of this report. Thus, proposed development is considered acceptable.

The proposal complies with Clause 22.03 Stormwater Management (Water Sensitive Urban Design) and generally meets the required on-site stormwater treatment as demonstrated by achieving at least 100% on the STORM Rating Report. However, as mentioned earlier, Council's ESD Officer recommended the submission of a correct STORM Rating Report and the inclusion of associated WSUD notations and conditions on any permit granted, which is considered acceptable.

3.3 Compliance with Clause 34.01 (Commercial 1 Zone)

The proposed development requires a planning permit under Clause 34.01-4 (Buildings and Works). As discussed within Sections 3.2, 3.4 and 3.10 of this report, the proposal is considered to be a good design outcome for the site and surrounding area.

3.4 Compliance with Clause 43.02 (Schedule 7 to the Design and Development Overlay)

The subject site is located within Precinct 3 of the Design and Development Overlay Schedule 7 (DDO7).

Table 2

	DDO7-Precinct 3	Proposed
Preferred maximum building height	15 metres (4 storeys)	16.25 metres (5 storeys)
Front setback (up to three storeys in height)	0 metres	0 metres
Front setback (above three storeys in height)	3 metres	2.1-5 metres
Rear setback (up to three storeys in height)	3 metres	1.83 metres to store 3 metres to dwellings (min.)
Rear setback (above three storeys in height)	8 metres	5.96 metres to balcony screens 8 metres to walls

The design outcome in relation to height is a small increment above the preferred height when measured in metres, though it is one storey above the preferred height. This has been achieved with floor to ceiling heights of approximately 2.4 metres for the three middle levels of the proposed building. It is noted the DDO7 controls are preferred outcomes rather than mandatory limits.

The recessing of the upper level away from the rear, residential boundary and away from the street frontage ensures the upper level is modest and unobtrusive when viewed from various vantage points. The variation to the preferred height has also been carefully considered by Council's Urban Designer and support has been given based on the quality of the overall design outcome that has been achieved.

As illustrated on the 'Section and Balcony' plan, the balconies on the third floor encroach the preferred setback of DDO7. Council's Urban Designer has also carefully considered this aspect and notes the DDO7 does not differentiate between balcony screens (1.7 metres high) and dwelling walls (typically 3.0 metres high). Council's Urban Designer does not consider the balconies to be an obtrusive part of the development when viewed from properties to the rear and supports this aspect of the proposal.

The balconies for the front dwellings at the upper level that also marginally encroach the DD07 'envelope' are also considered acceptable in the robust Keilor Road streetscape.

3.5 Compliance with Clause 43.02 (Schedule 9 to the Design and Development Overlay)

A planning permit is required to construct a building or carry out works which exceed 80 metres Australian Height Datum (AHD) in height. As the proposed building exceeds 80m AHD (81.86m AHD proposed), the application was referred to Essendon Airport under Section 52 of the *Planning and Environment Act 1987*. As referenced within Section 2.3 of this report, Essendon Airport has no objection to the proposed building height subject to the inclusion of a condition on any permit granted. This is considered acceptable.

3.6 Compliance with Clause 52.06 (Car Parking)

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

Table 3

Unit	Requires	Provides
35 (19 x 2 bedrooms and 16 x 1 bedroom)	35	35
Retail (110m ²)	4	1
Residential visitors	7	0
Total	46	36

As discussed under Section 2.3 of this report, Council's Traffic and Transportation Unit has no objection to the proposed development subject to conditions, which are to be included on any permit granted. A key justification for the reduction in retail and visitor parking is that the existing commercial/retail business on the site does not provide on-site parking. The 'credit' allocated has been calculated at 29 spaces, which compares to a reduction of only 10 spaces from standard car parking requirements.

Also in support of the proposed car parking reduction, it is noted:

- The subject site directly abuts the No.59 tram route (Airport West to Flinders Street) and the No.476, 477, 478, 479 and 483 bus routes, which provide alternate modes of transport to and from the subject site.
- The proposed development also provides for 20 bicycle spaces, which can be utilised by residents and visitors to the proposed development.
- 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.

With regard to residential traffic generation, the proposed development is expected to generate 15 vehicle movements during peak periods as outlined in the SALT³ Traffic consultant's report submitted with the application. It is noted Vicroads has been notified of this permit application and has raised no issues to vehicle access or traffic generation.

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

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

Clause 52.07 triggers loading and unloading requirements for the retail premise within the proposed development. The proposed retail tenancy is relatively small and it is generally accepted that deliveries to retail premises of this scale are delivered by a van or car. Such vehicles would utilise on-street car parking, or nearby loading zones, for short periods of time to drop off goods. Council's Traffic and Transportation Unit 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.

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

A planning permit is required to create or alter access to a road in a Road Zone, Category 1. As this planning application proposes to alter access to Keilor Road, which is a Category 1 Road Zone, the application was referred to the Roads Corporation (VicRoads) under Section 55 of the Planning and Environment Act 1987. As discussed within Section 2.3 of this report, VicRoads has no objection to the proposed development subject to the inclusion of conditions and notes on any permit granted. This is considered acceptable.

3.9 Compliance with Clause 52.34 (Bicycle Facilities)

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

Table 4

Unit	Requires	Provides
35 Dwellings	7	20
Residential visitors	4	0

Retail employees	0	0
Retail visitors	0	0
Total	11	20

Subject to a permit condition requiring four bicycle spaces be designated for visitors, the proposed development complies with the requirements of this clause. Whilst visitor parking is usually provided at the front of a building and unrestricted, the location of the pedestrian crossing, tram stop and basement entry all at the front of this site require more careful consideration. The provision of the bicycle parking at ground level will be easily accessible to residents and visitors provided an intercom system is installed. This can be required as a condition of any permit issued.

3.10 Response to objections

Table 5

Issue	Officer Response
Visual bulk and massing	As discussed in Sections 3.2 and 3.4 of this report, the development is considered to be a quality design outcome where all encroachments of preferred heights and setbacks have been carefully considered and supported by Council's Urban Designer.
Overlooking	The proposed development provides appropriate screening measures as outlined in Section 3.2 of this report.
Overshadowing	As discussed within Section 3.2 of this report, the proposed development does not cause unreasonable shadowing to the neighbouring residential properties and only marginally exceeds the level of shadowing cast by the existing commercial building on the site.
Car parking	The proposed development meets the on-site car parking requirements of Clause 52.06 (Car Parking) and is considered acceptable as discussed within Sections 2.3 and 3.6 of this report.
Traffic issues	As discussed in Section 3.6 of this report, a waiver of loading bay requirements for a single retail tenancy in this location is considered appropriate.
Loading facilities	As discussed in Section 3.7 of this report, a waiver of loading bay requirements for a single retail tenancy in this location is considered appropriate
Construction impacts	A Construction Management Plan will be required as a condition on any permit granted in order to minimise potential construction impacts on surrounding properties. However, any damage to

Issue	Officer Response
	surrounding properties during the construction phase is not a valid planning consideration and is controlled/managed through the building permit process.
Noise impacts	Proposed permit conditions can appropriately address this issue in respect to location of plant and equipment. The development presents a residential interface to the Cudmore Street properties, so standard amenity regulations and local laws for noise and nuisance apply.
Covenant	Queries have been raised about whether the 'Mar Lodge' single dwelling covenant applies to the subject land. Covenant No. 1431665 still appears on the land title face sheet, however it was removed from this particular property by Supreme Court order dated 30 May 1974. The proposed development is not restricted by the covenant that applies to other nearby properties.
Flight path interference	The proposed height is considered acceptable with regard to the operation of Essendon Airport, as discussed within Sections 2.3 and 3.5 of this report. A proposed permit condition alerts the developer to protected airspace during construction.
Reduction in property values	This is not a valid planning consideration.

4. Human Rights

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

5. Conclusion

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

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

Appendices

Appendix A: Objectors

Appendix B: Advertised Plans (separately circulated) .

Location of Objector's Properties

14 Cudmore Street, ESSENDON VIC 3040
18 Cudmore Street, ESSENDON VIC 3040
20 Cudmore Street, ESSENDON VIC 3040
22 Cudmore Street, ESSENDON VIC 3040

9.6 **Buckley Park LATM Study**

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

Purpose

This report provides the results of the community consultation for the Buckley Park Local Area Traffic Management (LATM) study and recommends adoption of the final Traffic Management Plan and final Parking Management Plan, updated with consideration of community feedback.

Executive Summary

- The Buckley Park Local Area Traffic Management Study area is bounded by Buckley Street, Lincoln Road, Keilor Road and Hoffmans Road, as outlined in **Appendix A**.
- The study area encompasses approximately 4,600 properties including community, commercial and residential uses. Significant land uses in the area are Keilor Road Major Activity Centre, Buckley Park Secondary College, Essendon Keilor College (Essendon Campus), Lt Thompson Reserve, Bradshaw Street Reserve and Buckley Park.
- As part of the Municipal Parking Strategy, 22 LATM precincts have been identified within Moonee Valley. The LATM priority and implementation program was based on an evaluation ranking of individual roads in Moonee Valley in terms of reactive and proactive criteria. The Buckley Park LATM was identified to be undertaken in the 2015/16 financial year.
- The LATM study has involved extensive consultation with the local community via questionnaires, surveys and circulars to identify local traffic and parking issues.
- A Study Group Committee (Working Group) was formed to assist Council officers with the development of the draft Traffic Management Plan and draft Parking Management Plan at three (3) stages of the study process.
- The Working Group comprised members of the local community including traders, residents, school representatives, Buckley Ward Councillors, Council officers and consultants from Traffix Group.
- The baseline data, community feedback and Working Group process demonstrated the following:
 - Congestion and traffic issues exist generally on local roads as popular thoroughfares that directly connect east-west (Hoffmans Road to Lincoln Road) and north-south (Buckley Street to Keilor Road) such as Mary Street/Woolley Street, Spencer Street/Braemar Street, Market Street,

Cooper Street, Forrester Street, Hedderwick Street, McCracken Street, William Street and Collins Street. Traffic speeds have been identified as issues in Cooper Street, Hedderwick Street, McCracken Street, King Street, Roberts Road and Bradshaw Street.

- Extensive discussions were held about road closures/turn bans, particularly for Forrester Street. Evidence was provided that previous trials to assess the suitability of road closures/turn bans to manage traffic had concluded road closures/turn bans presented accessibility issues and negative impacts to the local community. As such, it was considered the approach to take to the Buckley park community was to discourage traffic entering the local area via use of traffic management measures and create a slow speed environment within the area.
- Parking issues were generally around various narrow streets as classified in the Municipal Parking Strategy, as well as high parking demands in Queen Street, Collins Street, Lincoln Road, William Street, King Street and Spencer Street from the commercial properties on Lincoln Road and Keilor Road.
- A copy of the draft Traffic Management Plan, in addition to supporting information, was distributed to all property occupiers within the local area for public comment in March 2016. Separate community circulars and questionnaire surveys were distributed to residents in the streets where parking changes were proposed to focus consultation directly on the affected properties for the draft Parking Management Plan.
- Overall, 361 responses (a response rate of approximately 7.8%) were received to the draft Traffic Management Plan (TMP) circular from properties in the area. The survey responses indicated the draft Traffic Management Plan had mixed support from the local community. Of the respondents who indicated a preference, 36% were in full support and 47% partly supported the draft Traffic Management Plan; some 17% of respondents did not support the draft Traffic Management Plan.
- Low support levels were received for road humps in Roberts Road and on this basis, this element has been removed from the final TMP. All other proposals were well supported.
- The draft Parking Management Plan was poorly received from the local community and subsequently the proposals were abandoned and draft Parking Management Plan amended accordingly.

Recommendation

That Council:

1. Adopt the Buckley Park Traffic Management Plan as presented in **Appendix B** (circulated separately).
2. Adopt for implementation the Final Buckley Park Parking Management Plan as presented in **Appendix C** (circulated separately).
3. Note the additional traffic issues raised by the local community as identified in **Appendix D**.

4. Refer the works within the final Traffic Management Plan and Parking Management Plan to future Capital Works Budget for funding consideration.
5. Advise residents and traders within the Buckley Park study area of the outcome of this report.

Background

The Municipal Parking Strategy, adopted in December 2011, included actions to complete a LATM Implementation Program and to commence the LATM assessment program in accordance with the Implementation Program. Council adopted the LATM process and priority program in May 2012, and updated it in July 2013, August 2014, February 2015 and July 2015. One LATM precinct was identified for completion in 2015-16, which is the Buckley Park Local Area Traffic Management Study.

The LATM process involves a number of steps. The first is identifying existing traffic and parking issues and opportunities by considering community input and by collecting traffic and parking data. A Working Group of local residents and traders is also formed to assist Council officers and consultants. The draft Traffic Management Plan and draft Parking Management Plan is then developed in consultation with the Working Group and community feedback. The plans are then finalised and reported to Council.

Council is currently in the process of determining appropriate parking restrictions under the 'Narrow Streets' framework. In a move to eventually eradicate illegal parking on the nature strip, short term measures have allowed certain streets to provisionally park on the nature strip until a long term solution is identified. The following streets in the Buckley Park Precinct are currently included in the 'Narrow Streets' framework:

- Hedderwick Street
- Aberdeen Crescent
- Croft Street
- Forrester Street
- Roberts Street
- Nimmo Street
- Price Street
- Market Street
- McCracken Street
- Ogilvie Street
- Bradshaw Street
- Braemar Street
- Deakin Street
- Gibson Court
- Gilbertson Street

- Jacka Street
- Mary Street
- Mountain Street
- Spencer Street
- William Street.

Given the number of narrow streets, further investigation and community consultation was undertaken as part of this LATM.

VicRoads is the responsible Road Authority for Lincoln Road, Keilor Road, Hoffmans Road and Buckley Street. On this basis, Council will liaise with VicRoads to advocate for improvements to the following roads and intersections:

- Hoffmans Road / Keilor Road (improve pedestrian safety) – Feedback from community consultation highlighted poor pedestrian safety due to filtered right turns from Keilor Road into Hoffmans Road possibly not observing pedestrians crossing with the signals. Consultation with VicRoads to remedy this issue is recommended.
- Bradshaw Street / Keilor Road (improve pedestrian safety) – Feedback from community consultation highlighted linemarking at the pedestrian crossing on Keilor Road has faded and having an impact pedestrian safety. Consultation with VicRoads to remedy this issue is recommended.
- Buckley Street / Cooper Street (improve intersection safety) – A review of recent crash data indicates a significant number of crashes (in the order of 6 crashes in the past 5 years) occur at this intersection with right turning vehicles colliding with a through vehicle.
- Buckley Street (improve traffic flow) – Feedback from community consultation highlighted traffic and parking lanes are not clearly defined along Buckley Street. Consultation with VicRoads to remedy this issue is recommended.
- Woolley Street / Lincoln Road (improve traffic flow) – Feedback from bus operators and community consultation highlighted bus right turn movements are difficult and unsafe. Consultation with VicRoads to remedy this issue is recommended.
- Buckley Street / Hoffmans Road (improve intersection safety) – A review of recent crash data indicates a significant number of crashes (in the order of 5 crashes in the past 5 years) occur at this intersection with right turning vehicles colliding with a through vehicle.
- Keilor Road (improve pedestrian safety) – Feedback from community consultation highlighted that pedestrian operated signals are required to safely cross Keilor Road near McCracken Street. Consultation with VicRoads to remedy this issue is recommended.
- Forrester Street / Hoffmans Road (improve bicycle safety) – crossing difficulties for pedestrians and cyclists to Forrester Street across Hoffmans Road were highlighted, and Forrester Street was identified as providing a good alternative bicycle route to Buckley Street (also recognised in Council's Walking & Cycling Strategy). Detailed designs are currently being investigated.

- Mt Alexander Road / Bulla Road / Keilor Road / Lincoln Road (improve intersection safety) – A review of recent crash data shows that 24 casualty crashes have occurred at this complex location in the past 5 years. As such, it has been included in the Traffic Management Plan that Council should liaise with VicRoads and Yarra Trams to determine if signalisation is feasible at this intersection.

Council engaged an independent consultant to assist with a Local Area Traffic Management (LATM) study of the Buckley Park area in Moonee Ponds in August 2015 to address traffic and parking issues in the area and reflect the requirements and expectations of the local community. This has been achieved through a process of extensive community consultation including circular questionnaire surveys, and the development and coordination of a Working Group to oversee the study.

The flowchart presented in **Appendix E** broadly details the study process where community input was sought.

The Buckley Park LATM has involved a considerable level of community consultation as follows:

Initial Community Circular

At the onset of the study in early September 2015, a community circular was distributed by Council to all properties in the study area, requesting residents and business operators complete a questionnaire on traffic and parking problems in their street and the local area. The community was given approximately 4 weeks to submit their feedback to Council.

Approximately 4,600 circulars were delivered to properties in the Buckley Park LATM area and a total of 363 responses were received, which represents a response rate of 7.8%.

Working Group Meeting 1

The first Working Group meeting was held on Thursday, 8 October 2015 to outline the traffic study process and provide the community with the opportunity to discuss local traffic and parking issues. This meeting was conducted by Traffix Group on behalf of Council.

Working Group Meeting 2

The second Working Group meeting was held on Thursday, 3 December 2015 by Traffix Group on behalf of Council. Traffix Group prepared information detailing appropriate traffic management and parking management options developed for the local area. Traffix Group and the Council officers provided technical and other advice to the Working Group in relation to the advantages and disadvantages of various treatments to assist in their evaluation of these options. This process focused on developing cost effective options to address the concerns of the community, and any specific safety issues identified by the engineering investigations.

Council Meeting

In February 2016 Council endorsed the draft Traffic Management Plan and draft Parking Management Plan for public consultation.

Second Community Circular

A community circular, which detailed the objectives and components of the draft Traffic Management Plan, was distributed by Council to all residents and business operators in the study area in March 2016 for comment. Circulars detailing parking proposals were distributed to the individual streets where parking changes were proposed. Questionnaires were accepted for approximately 4 weeks.

Working Group Meeting 3

A final meeting was held Thursday, 28 April 2016 with the Working Group to consider the community response to the draft Traffic Management Plan and draft Parking Management Plan. A detailed summary was presented at this meeting which summarised the community responses to the second community circular.

Public Transport Operator Consultation

In early June 2015 a meeting was held with the public transport operators who would be affected by the LATM study. Feedback was received on the various proposals that would affect the public transport operators and slight amendments to the draft Traffic Management Plan were made.

Discussion

Final Traffic Management Plan

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

Following extensive review of community responses, traffic survey results and site inspections/investigations, issues were compiled to guide the formation of the draft Traffic Management Plan.

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

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

The draft Traffic Management Plan that was consulted on for the Buckley Park local area is outlined in **Appendix F**.

Community Responses to draft Traffic Management Plan

Community responses to the draft TMP are outlined in **Appendix G** which outlines the proposed changes from the draft TMP due to community feedback to develop the final TMP, as presented in **Appendix B** (circulated separately).

Public Transport Providers Responses to final Traffic Management Plan

Location	Concerns	Outcome
Cooper Street	Concern regarding the inclusion of road humps on Cooper Street, particularly between Mary Street and Keilor Road. Kastoria is currently consulting with PTV regarding the potential re-routeing of the bus service to this section of Cooper Street. There were some mixed views regarding if speed cushion or flat top road humps were better for buses.	Update TMP to reference bus company consultation at the design stage for the Cooper Street humps.
Woolley Street / Hedderwick Street	Concern regarding vehicles parking on the continuous side of the Woolley Street / Hedderwick Street T-intersection. Results in buses having to turn onto the wrong side of the road. Requested that the spaces are removed.	Update TMP to reference item for local consultation.
Woolley Street / McCracken Street	Concern regarding cars parked very close to the intersection on the western side. Buses often have to wait in the roundabout for vehicles to exit prior to moving through. PMP proposes parking to be removed on one side, however, Bus operators wanted additional set back of parking from the intersection.	Update TMP to reference item for local consultation.
Woolley Street / Lincoln Road	Concern regarding the proposed modifications at the intersection, particularly with the reduction of the out movement onto Lincoln Road to a single lane. Concerns the single lane will lead to long queues, further delaying buses.	Consider impacts at detailed design stage.
Buckley Street Level Crossing	Operators want to make sure that the proposed LATM treatments are not constructed at the same time as any future Level Crossing closures / re-routeing.	Schedule construction works to occur outside any closures associated with the Buckley Street Level Crossing Works.

Final Parking Management Plan

A draft Parking Management Plan was prepared by Traffix Group to address the main parking issues for the Buckley Park local area in consultation with the Working Group and Council officers. The objective of the plan is to recommend parking changes in line with Council's Municipal Parking Strategy. The strategy aims to efficiently utilise the on-street parking for various user groups.

The Working Group considered a range of parking management treatments and information was presented to the Working Group on the advantages and disadvantages of various restrictions, suitable applications and locations.

The draft Parking Management Plan that was developed for the Buckley Park local area is outlined in **Appendix H**.

Community Responses to draft Parking Management Plan

Community responses to the draft PMP are outlined in **Appendix I** which outlines the proposed changes from the draft PMP via individual questionnaire circulars for the streets with proposed parking changes to develop the final PMP, as presented in **Appendix C** (circulated separately).

Community Responses to other Parking proposals/issues

Location	Issue	Recommendation
McCracken Street – Keilor Road to Market Street	<p>Throughout the consultation a number of responses were received that highlighted concerns regarding the on-street parking on McCracken Street between Keilor Road and Market Street.</p> <p>Under the existing conditions, parking is permitted on the west side of the road only, with the east side of the road subject to 'No Stopping' restrictions. The main concerns raised were that the parked cars resulted in traffic congestion and obstructed sight lines around the bend.</p>	<p>Given parking is only permitted on one side of the road under the existing conditions, there is reservation in removing the spaces because of the impact on adjacent residents. However, the Working Group indicated they believed many of the vehicles parked in this location did not belong to the adjacent residents but were associated with long term parking demands (i.e. commuters, workers, etc.).</p> <p>Recommendation: In view of the above, it is recommended to undertake localised consultation with the properties on McCracken Street for either a short term parking restriction on the west side (to reduce demand) or explore the construction of indented parking at owners cost.</p>
Market Street – Toy Library	<p>Council operates a toy library facility at 129 Lincoln Road, Essendon (at the corner of Market Street).</p> <p>As part of their on-going operations, the toy library generates demand for very short term parking, as users drop by to return borrowed toys.</p>	<p>The toy library has approached Council to seek short term parking restrictions along their Market Street frontage to help facilitate their operations.</p> <p>Recommendation: On this basis, it is recommended to incorporate 1/2P parking restrictions along the Market Street frontage of the toy library.</p>

Consultation

A questionnaire was sent to every property and landowner in the Buckley Park LATM area in March 2015, requesting feedback on the endorsed draft Traffic Management Plan. The draft Parking Management Plan was sent to abutting properties and land owners.

Consultation has been carried out with the Buckley Park Working Group regarding the community feedback on the draft Traffic Management Plan and draft Parking Management Plan. A detailed summary was presented at the third Working Group meeting which summarised the community responses to the second community circular.

Due to public transport operations on streets where a number of traffic management treatments are proposed, public transport operators were consulted during the development of the draft Traffic Management Plan in January 2016 and again in June 2016 (during a workshop session) and were given the opportunity to provide feedback which has been incorporated into the Final Traffic Management Plan.

Implications

1. Legislative

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

2. Council Plan / Policy

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

This report has considered objectives of the following Council documents:

- Moonee Valley Road Safety Plan 2010-2014;
- Moonee Valley Walking and Cycling Strategy 2012-2022;
- Moonee Valley Municipal Parking Strategy 2011;
- Moonee Valley Parking Permit Policy 2013; and
- Narrow Streets Framework.

3. Financial

The total cost to implement the Final Traffic Management Plan and Final Parking Management Plan is estimated at \$373,750. **Appendix J** outlines the indicative component cost and implementation staging of the plans and also recommends further investigation to determine additional project scope and cost estimates, in particular for projects that require external funding.

Traffic management measures and parking changes would need to be referred to future Capital Works Budgets for funding consideration.

Council will advocate to VicRoads for funding of projects on roads which they are the Responsible Road Authority.

4. Environmental

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

Conclusion

The Buckley Park LATM study has addressed the main traffic and parking issues in the area and reflects the requirements and expectations of the local community.

The LATM study has involved extensive community consultation which helped identify local traffic and parking issues and assisted in developing suitable options to address the community's concerns.

It is recommended that Council adopt the Final Traffic Management Plan and Final Parking Management Plan, as presented in **Appendix B** (separately circulated) and **Appendix C** (separately circulated).

Appendices

Appendix A: Buckley Park Local Area

Appendix B: Final Traffic Management Plan

Appendix C: Final Parking Management Plan

Appendix D: Additional Traffic Issues Raised by the Local Community (separately circulated)

Appendix E: Study Process Flowchart

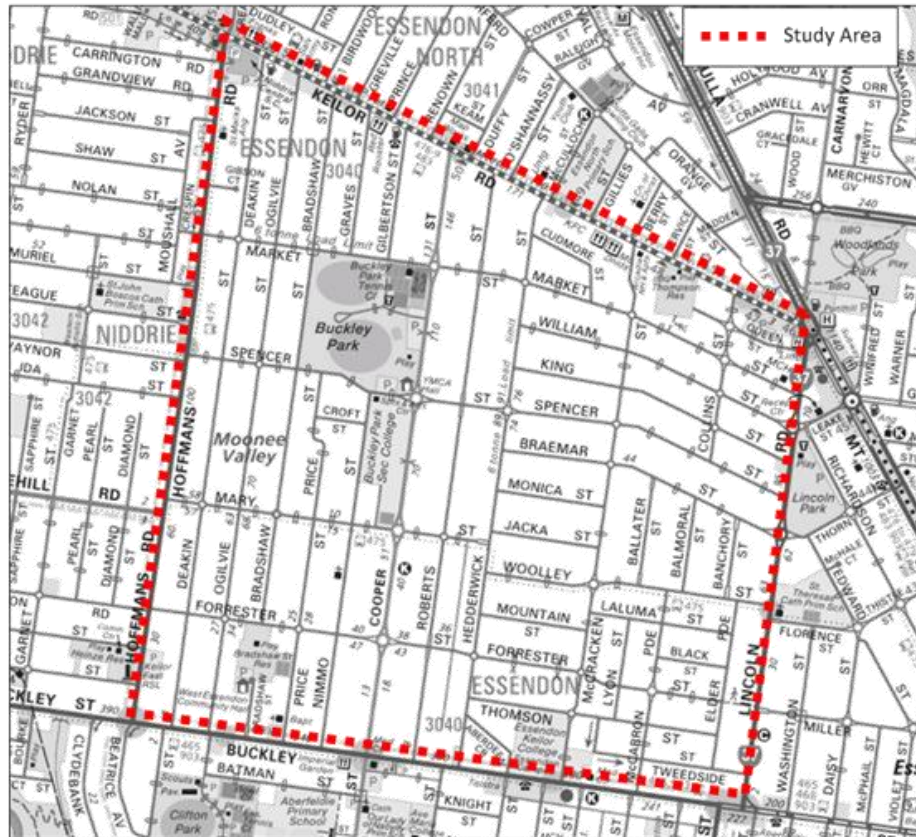
Appendix F: Draft Traffic Management Plan

Appendix G: Community Responses to Draft Traffic Management Plan (separately circulated)

Appendix H: Draft Parking Management Plan

Appendix I: Community Responses to Draft Parking Management Plan

Appendix J: Indicative Cost .



AREA WIDE 40KM/H SPEED LIMIT PROPOSAL

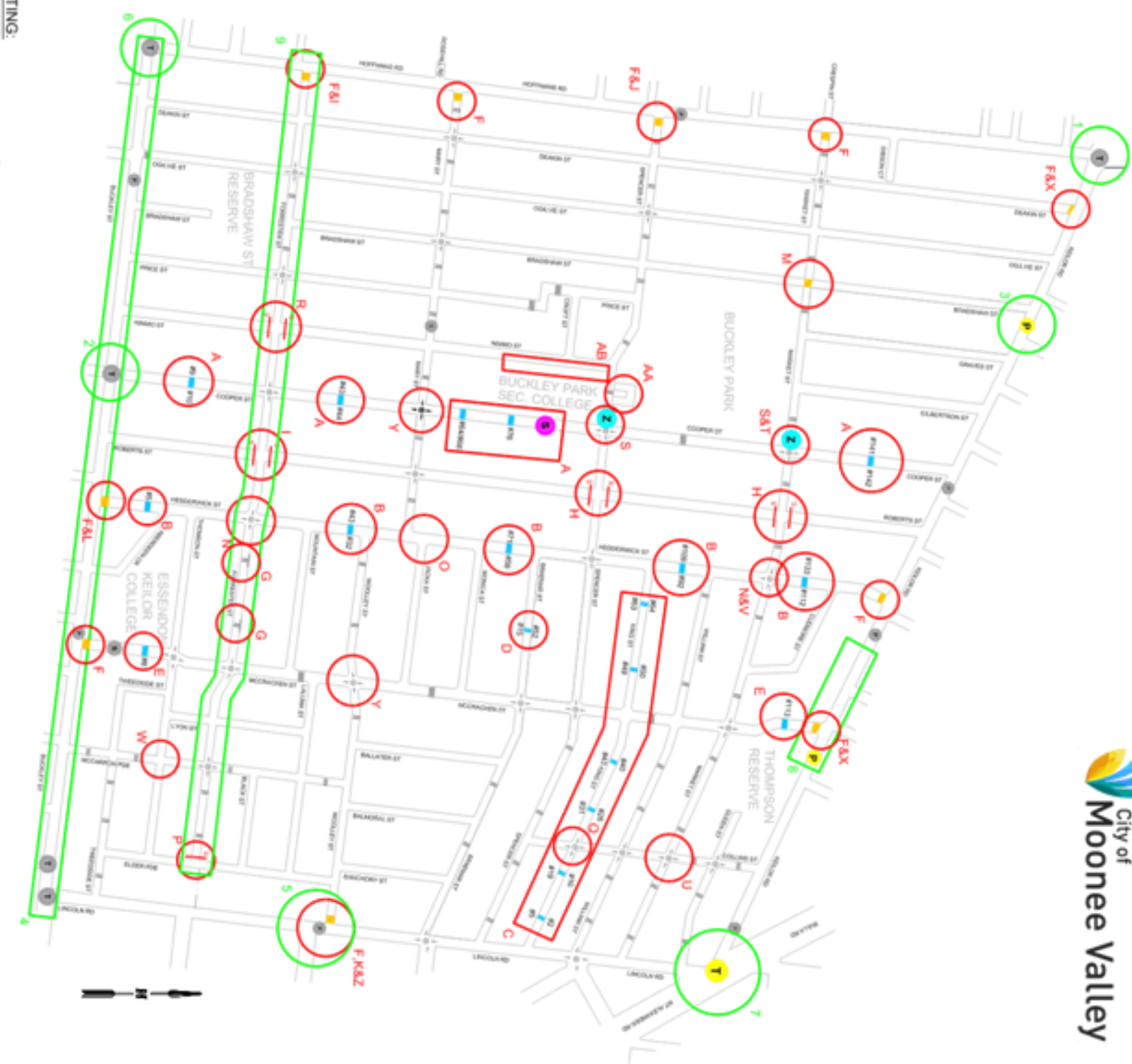
BUCKLEY PARK LOCAL AREA TRAFFIC MANAGEMENT STUDY
FINAL TRAFFIC MANAGEMENT PLAN



ITEM	LOCATION	DESCRIPTION
CORE LATM PROPOSALS		
TRAFFIC SPEED		
A	Cooper Street	Install First Flag road hump along Cooper Street (3 locations). Remove existing yellow speed limit signage to 40km/h. Consult with local bus companies at the detailed design stage for services between Water Road and Mary Street. Undertake additional local consultation regarding road hump outside school zone during detailed design stage.
B	Healdwick Street	Install 10km/h speed limit hump along Healdwick Street (3 locations).
C	King Street	Install 10km/h speed limit hump along King Street (8 locations). Undertake additional local consultation for the hump outside 840/7443 King Street.
D	Esplanade Street	Install 10km/h speed limit hump along Esplanade Street (1 location).
E	MacCadden Street	Install 10km/h speed limit hump along MacCadden Street (2 locations).
TRAFFIC FLOW		
F	Various Streets	Install raised physical treatments on the approaches to arterial roads to provide a visual cue to road users that they are entering a local area and to reduce entry speeds.
G	Forrester Street	Investigate marked busway near road crossings to prevent vehicles blocking the road.
INTERSECTION SAFETY		
H	Roberts Street at Spencer Street	Install 'Stop' signs on both sides of the Roberts Street approaches to improve compliance with 'Stop' control.
I	Forrester Street / Healdwick Road	Remove 1 (road) parking space south of Forrester Street on the eastern side of Healdwick Road to improve sight distance. (Completed)
J	Healdwick Road at Spencer Street	Remove 1 (road) parking space south of Spencer Street on the eastern side of Healdwick Road to improve sight distance.
K	Lincoln Road at Wooley Street	Remove 1 (road) space north of Wooley Street on the western side of Lincoln Road to improve sight distance.
L	Healdwick Street at Buckley Street	Install two 'Stop' signs on western side of Healdwick Street north of Buckley Street to enhance existing 'No Stopping' area and improve intersection operation.
M	Brockton Street / MacCadden Street	Position and Brockton Street approach ramps and remove 'No Stopping' area. Remove road line around hump of raised island to reduce intersection confusion.
N	MacCadden Street / Healdwick Street & Forrester Street	Realign road line at the intersection to improve operation and safety.
O	Healdwick Street at Jacka Street	Install two 'Stop' signs on Healdwick Street to enhance safety and improve intersection sight distance.
P	Forrester Street at Elder Parade	Install 'Stop' signs and busway.
Q	King Street / Collins Street	Install two 'Stop' signs on the approaches to enhance safety and improve intersection sight distance.
R	Forrester Street / Hermon Street	Implement 'Stop' control on Hermon Street approaches.
PEDESTRIAN SAFETY		
S	Cooper Street / Spencer Street & Cooper Street / MacCadden Street	Install redon crossings on the western approaches to both roundabouts to improve pedestrian conditions, particularly for school children heading between Water Road.
T	Cooper Street / MacCadden Street	Realign northern pedestrian island to improve the pedestrian crossing.
U	MacCadden Street / Collins Street	Adjust green time allocation to improve pedestrian safety around the roundabout.
V	MacCadden Street / Healdwick Street	Adjust green time allocation along north, south and west approaches to intersection.
W	MacCadden Street / Thompson Street	Construct green time on all four corners to improve pedestrian accessibility around the intersection.
X	MacCadden Street / Water Road & MacCadden Street / Water Road	Install physical treatment across water road to improve the visibility of crossing pedestrians. Install 'green pavement' in the height line through the intersection.
BUS ROUTE IMPROVEMENTS		
Y	Wooley Street / MacCadden Street & Mary Street / Cooper Street	Review roundabout central island design to provide for suitable surface to improve bus operation.
Z	Lincoln Road / Wooley Street	Remove existing kerbside at south-west corner and install with busway leading to allow easier bus manoeuvring during left turn.
SCHOOL IMPROVEMENTS		
AA	Spencer Street Carpark	Install one-way operation to carpark to improve flow during peak periods.
AB	Hermon Street Aligned Car Park	Implement existing 90 degree angled parking along water hump.
OTHER ITEMS - FOR ADDITIONAL CONSULTATION / DEVELOPMENT		
1	Healdwick Road / Water Road	Consult with Vicroads on the installation of 'Stop' signs to 'Pavement' markings for turning traffic at this intersection. Markings position existing areas along northern approach. Install directional markings on Healdwick Road approach.
2	Buckley Street / Cooper Street	Consult with Vicroads on the installation of an additional north, south, east and west approach to water hump. Consider additional improvements for right turn lanes during peak periods.
3	Brockton Street / Keeler Road	Consult with Vicroads on improvements to the intersection of the intersection of Brockton Street and Keeler Road.
4	Buckley Street	Consult with Vicroads regarding busway options along Buckley Street to clearly define lanes and improve traffic flow.
5	Wooley Street / Lincoln Road	Consult with PTW / Vicroads regarding bus priority options using existing pedestrian operated signals to assist bus right turn movements.
6	Buckley Street / Healdwick Road	Consult with Vicroads regarding options to improve existing right turn lane pattern from Buckley Street into Healdwick Road.
7	Keeler Road / Lincoln Road / Keeler Road / MacCadden Street	Consult with Vicroads regarding options to improve existing right turn lane pattern from Buckley Street into Healdwick Road.
8	Keeler Road	Consult with Vicroads for the installation of pedestrian operated signals along Keeler Road east of MacCadden Street. If pedestrian operated signals are not approved, investigate the possibility of the pedestrian path from MacCadden Street to the existing signals.
9	Healdwick Road / Forrester Street	Proposed implementation of pedestrian and bicycle safety at the intersection of Healdwick Road and Forrester Street and stations along Forrester Street.

LEGEND - PROPOSED:

S/G	STOP/ONE WAY SIGN	T	TRAFFIC SIGNALS
Z	ZEBRA CROSSING (AT GRADE)	P	EXISTING PEDESTRIAN SIGNALS
S	SCHOOL CROSSING (RAISED)	S	EXISTING SCHOOL CROSSING
R	ROAD HUMP	T	EXISTING TRAFFIC SIGNALS
TH	THRESHOLD		

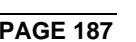


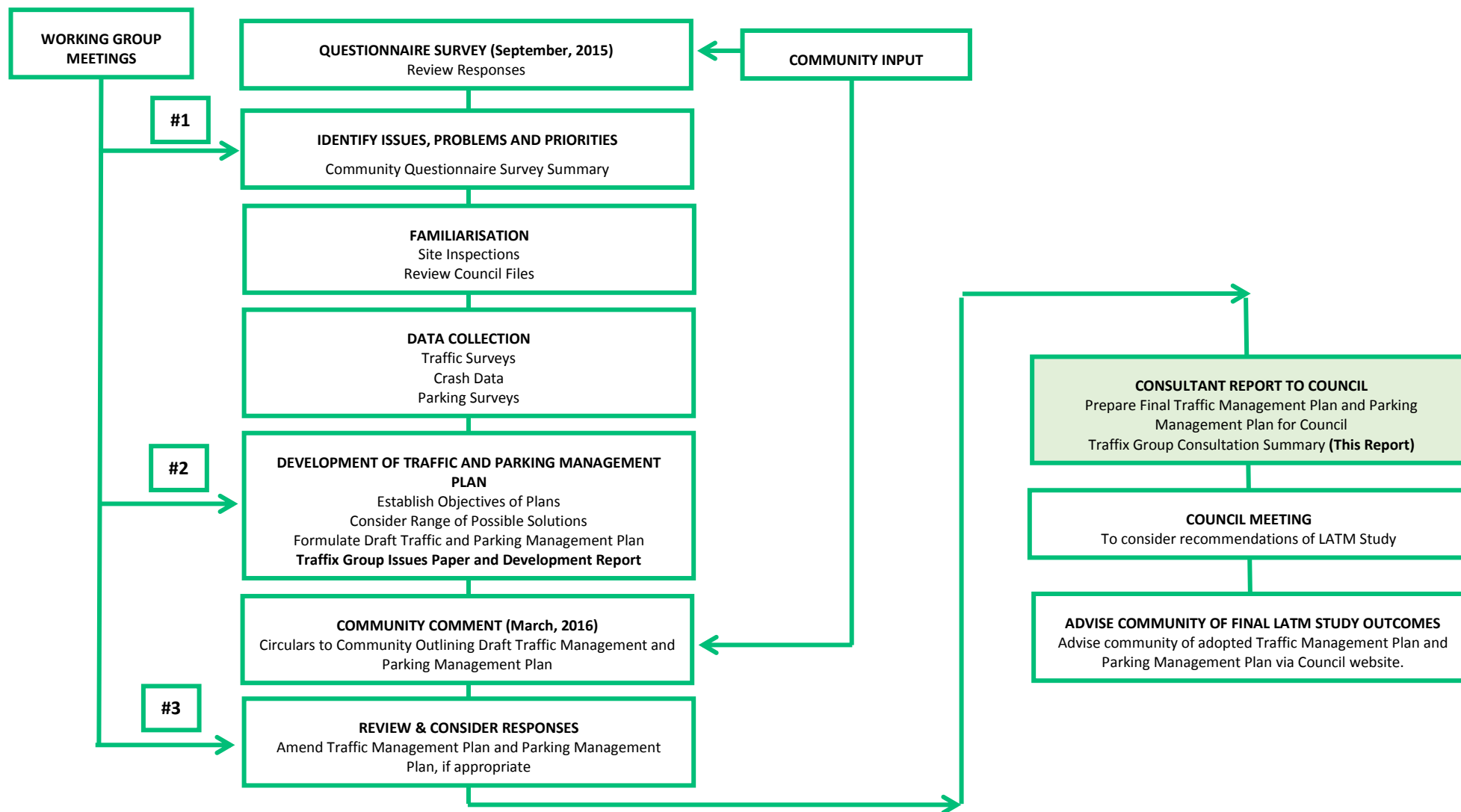
- 1/2P
- 1 OR 2 HOUR PARKING
OR INVESTIGATE PROVISION OF INDENTED PARKING
- 2 HOUR PARKING
9AM-5:30PM MON-FRI, 9AM-12NOON SAT
- BUS ZONE PARKING
BUS ZONE
- NO STOPPING RESTRICTIONS
IN LINE WITH NARROW STREETS MANAGEMENT FRAMEWORK

NARROW STREETS MANAGEMENT FRAMEWORK

STAGGERED 'NO STOPPING' PARKING ARRANGEMENT WILL BE PROPOSED (FURTHER CONSULTATION WITH IMMEDIATE RESIDENTS TO BE UNDERTAKEN)

OR





BUCKLEY PARK LOCAL AREA TRAFFIC MANAGEMENT STUDY DRAFT TRAFFIC MANAGEMENT PLAN



AREA WIDE 40KM/H SPEED LIMIT PROPOSAL

1	Study Area	Investigate options to implement an area wide 40km/h speed limit.
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CORE LATM PROPOSALS

ITEM	LOCATION	DESCRIPTION
TRAFFIC SPEED		
A	Cooper Street	Install Flat Top road humps along Cooper Street (5 locations). Raise existing school crossing adjacent to school.
B	Hedderwick Street	Install Watts Profile road humps along Hedderwick Street (5 locations).
C	Roberts Street	Install Watts Profile road humps along Roberts Street (5 locations).
D	King Street	Install Watts Profile road humps along King Street (6 locations).
E	Braemar Street	Install Watts Profile road humps along Braemar Street (1 location).
F	McCracken Street	Install Watts Profile road humps along McCracken Street (2 locations).
TRAFFIC FLOW		
G	Various Streets	Install raised threshold treatments on the approaches to arterial roads to provide a visual cue to road users that they are entering a local area and to reduce entry speeds.
INTERSECTION SAFETY		
H	Roberts Street at Spencer Street, Forrester Street & Market Street	Install 'Stop' signs on both sides of the Roberts Street approaches to improve compliance with 'Stop' control.
I	Forrester Street / Hoffmans Road	Remove 1 (one) parking space north of Forrester Street on the eastern side of Hoffmans Road to improve sight distance.
J	Hoffmans Road at Spencer Street	Remove 1 (one) parking space south of Spencer Street on the eastern side of Hoffmans Road to improve sight distance.
K	Lincoln Road at Woolley Street	Remove 1 (one) space north of Woolley Street on the western side of Lincoln Road to improve sight distance.
L	Hedderwick Street at Buckley Street	Install 'No Stopping' signs on western side of Hedderwick Street north of Buckley Street to reinforce existing 'No Stopping' area and improve intersection operation.
M	Bradshaw Street / Market Street	Flatten out Bradshaw Street approach ramps and remove 'piano key' line marking. Remove solid line around inside of raised island to reduce intersection confusion.
N	Market Street / Hedderwick Street & Forrester Street / Hedderwick Street	Reinmark hold lines at the intersection to improve operation and safety.
O	Hedderwick Street at Jacka Street	Install 'No Stopping' zone signage on Hedderwick Street to enforce statutory restrictions and improve intersection sight distance.
P	Forrester Street at Elder Parade	Install 'Stop' signage and line marking.
Q	King Street / Collins Street	Install 'No Stopping' zone signage on the approaches to enforce statutory restrictions and improve intersection sight distance.
PEDESTRIAN SAFETY		
R	Cooper Street / Spencer Street & Cooper Street / Market Street	Install zebra crossings on the western approaches to both roundabouts to improve pedestrian conditions, particularly for school children heading to/from Kellor Road.
S	Cooper Street / Market Street	Realign northern pedestrian island to improve the pedestrian crossing.
T	Market Street / Collins Street	Adjust prism ramp alignment to improve pedestrian safety around the roundabout.
U	Market Street / Hedderwick Street	Adjust prism ramp alignment along north, south and west approaches to intersection.
V	McCann Parade / Thompson Street	Construct prism ramps on all four corners to improve pedestrian accessibility around the intersection.
W	Deakin Street / Kellor Road & McCracken Street / Kellor Road	Install threshold treatment across Deakin Street to improve the visibility of crossing pedestrians. Install 'green pavement' in the bicycle lane through the intersection.
BUS ROUTE IMPROVEMENTS		
X	Woolley Street / McCracken Street & Mary Street / Cooper Street	Review roundabouts central island design to provide for mountable surface to improve bus operation.
Y	Lincoln Road / Woolley Street	Remove existing kerbing at south-west corner and reinstate with barrier kerbing to allow easier bus manoeuvres turning left into Woolley Street.
SCHOOL IMPROVEMENTS		
Z	Spencer Street Carpark	Install one-way operation in carpark to improve flow during peak periods.

OTHER ITEMS - FOR ADDITIONAL CONSULTATION / DEVELOPMENT

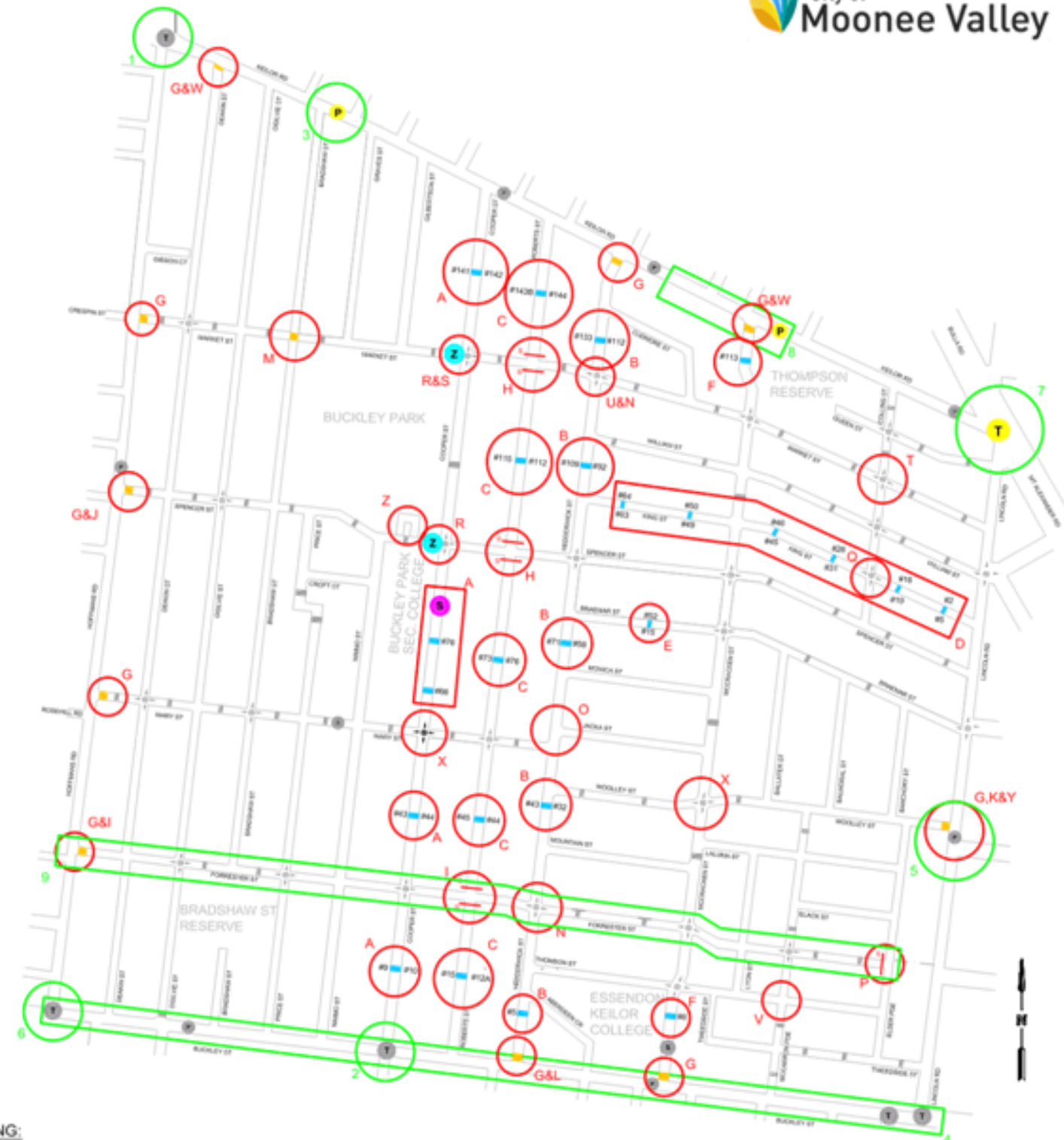
1	Hoffmans Road / Kellor Road	Consult with VicRoads on the installation of 'Give Way to Pedestrians' lanterns for turning traffic at this intersection. Reinmark pedestrian crossing areas along southern approach. Install directional line marking on Hoffmans Road approach.
2	Buckley Street / Cooper Street	Consult with VicRoads on the installation of an additional traffic lantern for eastbound traffic and discuss options for lantern obscured by verandah. Consider safety improvements for right turn crash pattern from west to south.
3	Bradshaw Street / Kellor Road	Consult with VicRoads on improvements to line marking at the pedestrian crossing near the intersection of Bradshaw Street and Kellor Road.
4	Buckley Street	Consult with VicRoads regarding line marking options along Buckley Street to clearly define lanes and improve traffic flow.
5	Woolley Street / Lincoln Road	Consult with PTV / VicRoads regarding bus priority options using existing pedestrian operated signals to assist bus right turn movements.
6	Buckley Street / Hoffmans Road	Consult with VicRoads regarding options to improve existing right turn crash pattern from Buckley Street into Hoffmans Road.
7	Kellor Road / Lincoln Road / Bulle Road / Mt Alexander Road	Council continue to develop signalised intersection to replace the existing roundabout with VicRoads / PTV and seek funding opportunities for installation.
8	Kellor Road	Consult with VicRoads for the installation of pedestrian operated signals along Kellor Road east of McCracken Street. If pedestrian operated signals are not approved, investigate the suitability of the pedestrian path from McCracken Street to the existing signals.
9	Hoffmans Road / Forrester Street	Proposed implementation of pedestrian and bicycle refuge at the intersection of Hoffmans Road and Forrester Street and sharrow along Forrester Street.

LEGEND - PROPOSED:

	STOP/GIVE WAY SIGN		ROUNDABOUT		TRAFFIC SIGNALS
	ZEBCRA CROSSING (AT GRADE)		SCHOOL CROSSING (RAISED)		PEDESTRIAN SIGNALS
	ROAD HUMPS		THRESHOLD		

LEGEND - EXISTING:

P	EXISTING PEDESTRIAN SIGNALS	T	EXISTING TRAFFIC SIGNALS
S	EXISTING SCHOOL CROSSING		
H	EXISTING ROAD HUMPS		



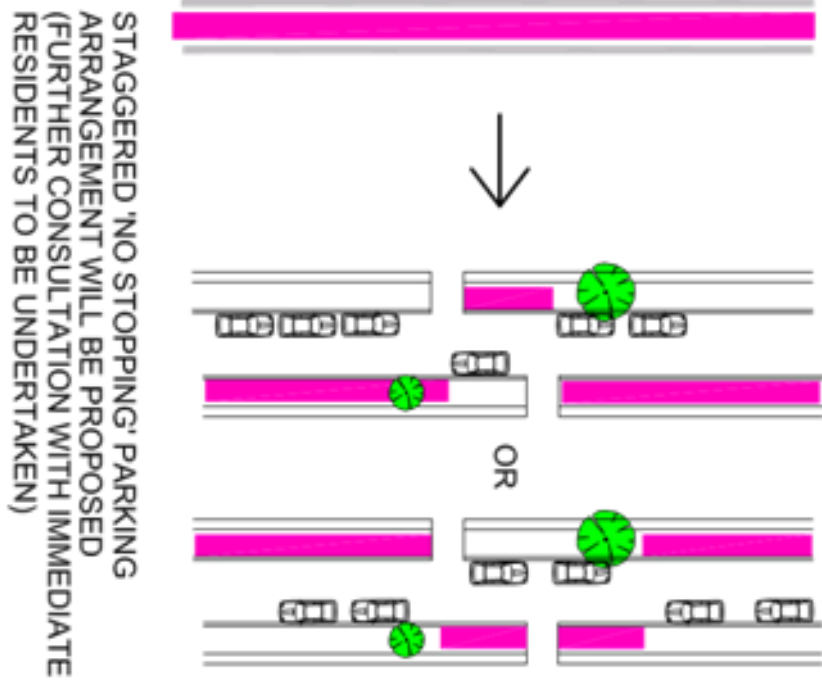
BUCKLEY PARK LOCAL AREA TRAFFIC MANAGEMENT STUDY DRAFT PARKING MANAGEMENT PLAN



LEGEND - PROPOSED

- █ **15 MINUTE PARKING**
9AM-5:30PM MON-FRI, 9AM-12NOON SAT, PERMITS DO NOT APPLY
- █ **1 HOUR PARKING**
9AM-5:30PM MON-FRI, 9AM-12NOON SAT
- █ **2 HOUR PARKING**
9AM-5:30PM MON-FRI, 9AM-12NOON SAT
- █ **BUS ZONE PARKING**
BUS ZONE
- █ **NO STOPPING RESTRICTIONS**
IN LINE WITH NARROW STREETS MANAGEMENT FRAMEWORK

NARROW STREETS MANAGEMENT FRAMEWORK



Street	Location	Existing	Proposal	Preference Stated	Support	Comments	Recommendation
Bradshaw Street	Buckley Street to Forrester Street	Unrestricted	No Stopping (Staggered)	2	100%	<ul style="list-style-type: none"> Improving traffic flow will increase through traffic. Parking operates fine as is. Parking is not a problem. Parking restrictions not required. Parking on nature strip doesn't disrupt services. 	Proceed with sections between Spencer Street and Market Street and between Buckley Street and Bradshaw Street Reserve. Abandon remaining sections.
	Forrester Street to Mary Street			8	25%		
	Mary Street to Spencer Street			17	47%		
	Market Street to Spencer Street			5	60%		
	Total			44	52%		
Collins Street	Market Street to Queen Street	Unrestricted	2P 9am-5:30pm Mon-Fri, 9am-12noon Sat	3	100%	<ul style="list-style-type: none"> Not enough all day parking for residents. Difficult to find parking for clients to home business. Make permit zone all other times. 	Proceed with sections between Market Street and Queen Street. Abandon remaining sections.
	Queen Street to Keilor Road			6	50%		
	Total			12	50%		
Cooper Street (north)	Mary Street to Spencer Street	P5 minute 8am-9:30am, 2:30pm-4pm Mon-Fri Unrestricted	Bus Zone	10	70%	<ul style="list-style-type: none"> Removing spaces will increase the number of vehicles blocking driveways. 	Proceed
	Total			11	73%		

Street	Location	Existing	Proposal	Preference Stated	Support	Comments	Recommendation
Cooper Street (south)	Buckley Street to Forrester Street	Unrestricted	2P 9am-5:30pm Mon-Fri, 9am-12noon Sat	13	15%	<ul style="list-style-type: none"> Already difficult for visitors to find a park. No need for parking by businesses. No parking problem in the area. 	Abandon
	Total			15	19%		
Deakin Street	Forrester Street to Mary Street	Unrestricted	No Stopping (Staggered)	12	50%	<ul style="list-style-type: none"> Parking should be allowed on nature strips. Parking is already difficult enough without restrictions. Parking is fine as is. 	Abandon
	Market Street to Spencer Street			10	20%		
	Total			53	51%		
Forrester Street	McCracken Street to Hedderwick Street	Unrestricted	No Stopping (Staggered)	7	0%	<ul style="list-style-type: none"> Staggered parking will encourage through traffic down Forrester Street. Widen roads to allow parking on both sides. Parking is fine as is. Greater enforcement should be the solution. More off-street parking should be provided. 	Abandon
	Hedderwick Street to Roberts Street			4	25%		
	Roberts Street to Cooper Street			3	33%		
	Cooper Street to			1	0%		

Street	Location	Existing	Proposal	Preference Stated	Support	Comments	Recommendation
	Nimmo Street						
	Nimmo Street to Price Street			7	14%		
	Price Street to Bradshaw Street			4	0%		
	Bradshaw Street to Ogilvie Street			2	50%		
	Ogilvie Street to Deakin Street			3	100%		
	Deakin Street to Hoffmans Road			3	33%		
	Total			40	33%		

Street	Location	Existing	Proposal	Preference Stated	Support	Comments	Recommendation
Gibson Court	Hoffmans Road to End of Court	Unrestricted	No Stopping (Staggered)	4	0%	<ul style="list-style-type: none"> Current arrangement works fine. Allow parking on nature strip. 	Abandon
	Total			4	0%		
Gilbertson Street	Keilor Road to Market Street	Unrestricted	1P 9am-5:30pm Mon-Fri, 9am-12noon Sat	27	22%	<ul style="list-style-type: none"> Will create problems when sport is on at Buckley Park. Prefer 2P parking over 1P. Will make parking difficult for residents. 	Abandon
	Total			31	23%		
Keilor Road	Collins Street to McCracken Street	2P 9am-5:30pm Mon-Fri, 9am-12noon Sat	1/4P 9am-5:30pm Mon-Fri, 9am-12noon Sat, Permits Do Not Apply	12	33%	<ul style="list-style-type: none"> Would prefer stricter time limits in side roads rather than Keilor Road. Decreases available parking for clients. Parking already difficult. 	Abandon
	Total			13	31%		
King Street	Collins Street to Lincoln Road	Unrestricted	No Stopping (Staggered)	8	13%	<ul style="list-style-type: none"> Will shift parking problems elsewhere. Do not want parking restrictions at all. 	Abandon
	Total			10	20%		
Lincoln Road	Market Street to Queens Street	2P 9am-5:30pm Mon-Fri, 9am-12noon Sat	1/4P 9am-5:30pm Mon-Fri, 9am-12noon Sat, Permits Do Not Apply	5	0%	<ul style="list-style-type: none"> Still difficult to find parking near property even with a permit. 	Abandon
	Total			6	17%		

Street	Location	Existing	Proposal	Preference Stated	Support	Comments	Recommendation
Mary Street	Hedderwick Street to Roberts Street	Unrestricted	No Stopping (Staggered)	2	50%	<ul style="list-style-type: none"> Proposals will encourage through traffic. Will be difficult to reverse out of driveway. 	Proceed
	Roberts Street to Cooper Street			1	100%		
	Cooper Street to Nimmo Street			3	100%		
	Nimmo Street to Price Street			5	20%		
	Price Street to Bradshaw Street			2	50%		
	Bradshaw Street to Ogilvie Street			5	40%		
	Ogilvie Street to Deakin Street			4	75%		
	Deakin Street to Hoffmans Road			2	50%		
	Total			25	56%		
Mountain Street	Hedderwick Street to McCracken Street	Unrestricted	No Stopping (Staggered)	8	63%	<ul style="list-style-type: none"> Arrangements should be on the other side of the street. 	Abandon
	Total			9	56%		
Nimmo Street	Buckley Street to Forrester Street	Unrestricted	No Stopping (Staggered)	7	43%	<ul style="list-style-type: none"> Not enough parking as is. Parking restrictions not required. Flip restrictions to other side of street. 	Abandon
	Forrester Street to			15	40%		

Street	Location	Existing	Proposal	Preference Stated	Support	Comments	Recommendation
	Mary Street						
	Total			34	59%		

Street	Location	Existing	Proposal	Preference Stated	Support	Comments	Recommendation
Queen Street	Lincoln Road to Collins Street	Unrestricted	2P 9am-5:30pm Mon-Fri, 9am-12noon Sat	3	67%	<ul style="list-style-type: none"> Proposal will push staff from nearby business into the off-street parking. 	Proceed with sections east of Collins Street. Abandon remaining sections.
	Collins Street to End of Court			4	50%		
	Total			8	50%		
Roberts Street	Buckley Street to Forrester Street	Unrestricted	No Stopping (Staggered)	11	55%	<ul style="list-style-type: none"> Provide indented parking. Restrictions not necessary. Existing parking reduces speeds. 	Abandon
	Forrester Street to Mary Street			10	40%		
	Mary Street to Spencer Street			5	60%		
	Spencer Street to Market Street			14	29%		
	Total			61	49%		

Street	Location	Existing	Proposal	Preference Stated	Support	Comments	Recommendation
Spencer Street	Lincoln Road to Collins Street	Unrestricted	2P 9am-5:30pm Mon-Fri, 9am-12noon Sat	7	71%	<ul style="list-style-type: none"> No specific comments. 	Proceed
	McCracken Street to Hedderwick Street	Unrestricted	No Stopping (Staggered)	6	33%	<ul style="list-style-type: none"> No problem with parking. Parked cars currently slow down traffic. Widen street by taking away nature strips. 	Abandon
	Hedderwick Street to Roberts Street			3	0%		
	Roberts Street to Cooper Street			1	100%		
	Price Street to Bradshaw Street			2	0%		
	Bradshaw Street to Ogilvie Street			2	50%		
	Ogilvie Street to Deakin Street			2	0%		
	Deakin Street to Hoffmans Road			9	22%		
	Total			43	40%		
William Street	Collins Street to Lincoln Road	Unrestricted	2P 9am-5:30pm Mon-Fri, 9am-12noon Sat	14	86%	<ul style="list-style-type: none"> Parking isn't a problem. 	Proceed
	Total			15	80%		
Woolley Street	Hedderwick Street to McCracken Street	Unrestricted	No Stopping (Staggered)	10	60%	<ul style="list-style-type: none"> Will make reversing out of driveway difficult. Flip restrictions to opposite side of the road. 	Proceed
	Total			12	58%		

ITEM 9.6 - APPENDIX J

Location	Treatment	Indicative Cost	Staging	
			[1]	[2]
Bradshaw Street				
At Market Street	Linemarking removal	\$1,000		◇
At Market Street	Flatten out approaches	\$10,000	◇	
Braemar Street				
Hedderwick Street to McCracken Street (#15 and #52)	Install Watts Profile road hump	\$5,000		◇
Collins Street				
At King Street	Install 'No Stopping' signage at all approaches	\$1,000		◇
Cooper Street				
Buckley Street to Forrester Street (#9 and #10)	Install flat top road hump	\$5,000		◇
Forrester Street to Mary Street (#43 and #44)	Install flat top road hump	\$5,000		◇
Mary Street to Spencer Street	Install raised school crossing over existing school crossing	\$10,000		◇
Mary Street to Spencer Street (#64/#66)	Install flat top road hump	\$5,000		◇
Mary Street to Spencer Street (#77)	Install flat top road hump	\$5,000		◇
Market Street to Keilor Road (#141 and #142)	Install flat top road hump	\$5,000		◇
At Spencer Street	Install zebra crossing	\$10,000		◇
At Market Street	Install zebra crossing	\$10,000		◇
Deakin Street				
At Keilor Road	Install threshold treatment	\$15,000	◇	
At Keilor Road	Install green pavement	\$10,000	◇	
Forrester Street				
At Hoffmans Road	Install threshold treatment	\$15,000	◇	
At Hoffmans Road	Install 'No Stopping' signage	\$250		◇
At Elder Parade	Install 'Stop' sign	\$250		◇
Hedderwick Street to McCracken Street (#16 and #31)	Hatched linemarking	\$1,000		◇
Hedderwick Street to McCracken Street (#30 and #37)	Hatched linemarking	\$1,000		◇
Hedderwick Street				
Buckley Street to Aberdeen Street (#5)	Install Watts Profile road hump	\$5,000		◇
Mountain Street to Woolley Street (#32 and #43)	Install Watts Profile road hump	\$5,000		◇
Monica Street to Braemar Street (#58 and #71)	Install Watts Profile road hump	\$5,000		◇
King Street to William Street (#92 and #109)	Install Watts Profile road hump	\$5,000		◇
Market Street to Cudmore Street (#112 and #133)	Install Watts Profile road hump	\$5,000		◇

ITEM 9.6 - APPENDIX J

Location	Treatment	Indicative Cost	Staging	
			[1]	[2]
At Keilor Road	Install threshold treatment	\$15,000	◇	
At Buckley Street	Install threshold treatment	\$15,000	◇	
At Buckley Street	Install 'No Stopping' signage	\$250		◇
At Market Street	Relinemark hold lines	\$500		◇
At Forrester Street	Relinemark hold lines	\$500		◇
At Jacka Street	Install 'No Stopping' signage	\$250		◇
King Street				
Hedderwick Street to McCracken Street (#63 abd #64)	Install Watts Profile road hump	\$5,000		◇
Hedderwick Street to McCracken Street (#49 and #50)	Install Watts Profile road hump	\$5,000		◇
McCracken Street to Collins Street (#43 and #44)	Install Watts Profile road hump	\$5,000		◇
McCracken Street to Collins Street (#26 and #31)	Install Watts Profile road hump	\$5,000		◇
Collins Street to Lincoln Road (#16 to #19)	Install Watts Profile road hump	\$5,000		◇
Collins Street to Lincoln Road (#2 and #5)	Install Watts Profile road hump	\$5,000		◇
Market Street				
At Collins Street	Realign pram ramps at all approaches	\$20,000		◇
At Hedderwick Street	Realign pram ramps at north, south and west approaches	\$15,000		◇
At Hoffmans Road	Install threshold treatment	\$15,000	◇	
At Cooper Street	Realign traffic islands across north approach	\$10,000	◇	
Mary Street				
At Hoffmans Road	Install threshold treatment	\$15,000	◇	
At Cooper Street	Review central island design	-	-	
McCarron Parade				
At Thomson Street	Install pram ramps	\$10,000		◇
McCracken Street				
Buckley Street to Thomson Street (#8)	Install Watts Profile road hump	\$5,000		◇
Market Street to Keilor Road (#113)	Install Watts Profile road hump	\$5,000		◇
At Buckley Street	Install threshold treatment	\$15,000	◇	
At Keilor Road	Install threshold treatment	\$15,000	◇	
At Keilor Road	Install green pavement	\$3,000	◇	
Nimmo Street				
Mary Street to Spencer Street	Linemark indented parking spaces	\$2,000		◇
At Forrester Street	Install 'Stop' signs on north and south approaches	\$500		◇
Roberts Street				

Location	Treatment	Indicative Cost	Staging	
			[1]	[2]
At Spencer Street	Install additional 'Stop' sign	\$250		◇
At Market Street	Install additional 'Stop' sign	\$250		◇
At Forrester Street	Install additional 'Stop' sign	\$250		◇
Spencer Street				
At Hoffmans Road	Install threshold treatment	\$15,000	◇	
At Hoffmans Road	Install 'No Stopping' signage	\$250		◇
At Carpark	Install one way arrangement	\$1,000		◇
Woolley Street				
At Lincoln Road	Install threshold treatment	\$15,000	◇	
At Lincoln Road	Install 'No Stopping' signage	\$250		◇
At McCracken Street	Review central island design	-	-	
A Lincoln Road	Replace kerb at south-west corner	\$10,000	◇	
TOTAL		\$373,750	\$193,000	\$180,750
[1] Detailed design and stakeholder consultation to be undertaken in 2016/17				
[2] Construction works to be referred to 2017/18 Capital Works Budget for funding consideration				

9.7 Cross Keys Reserve Draft Master Plan

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

Purpose

Adopt the Cross Keys Reserve Draft Master Plan for the purposed of community consultation.

Executive Summary

- Council has developed a draft Master Plan to guide the future planning, design and management of Cross Keys Reserve. A copy of the draft Master Plan is provided as **Appendix A**.
- The draft Master Plan provides better amenities for the community including a new pavilion which will replace the existing pavilion which is currently the lowest rated pavilion in Moonee Valley City Council in terms of condition and function.
- The Cross Keys Reserve Draft Master Plan has been developed in consultation with key stakeholders and the community. The consultation report is provided in **Appendix B** (separately circulated).
- Further consultation is required to present changes to the draft Master Plan to the community and stakeholders, which includes realignment of the sports fields and fencing along Woodland Street.

Recommendation

That Council:

1. Endorse the Cross Keys Reserve Draft Master Plan 2016 (provided as **Appendix A**) for the purpose of community consultation.
2. Receive a further report following the completion of the community consultation.

Background

Cross Keys Reserve has a Master Plan which was adopted by Council on 21 October 2008. The Master Plan was developed for the purpose of relocating Essendon Cricket Club from Windy Hill to Cross Keys Reserve. The relocation didn't eventuate, hence a new Master Plan is required to guide the design development and management of the Reserve into the future.

Moonee Valley City Council's *Open Space Strategy* determines that Cross Keys Reserve is classified as a Regional open space with a primary character of sporting

and a secondary character of informal, waterway and nature conservation. The eastern section of the park is a designated dog off leash area.

Cross Keys Reserve contains a pavilion, carpark, seating and a dog off-leash zone. The Reserve is currently used by:

- Essendon Royals Soccer Club (intended to be their permanent home ground once relocated from Ormond Park)
- Essendon Cricket Club (secondary ground, Windy Hill functions as their home ground)
- Strathmore Cricket Club
- Aberfeldie Cricket Club
- Essendon Gem and Lapidary Club

The Walking and Cycling Strategy 2012-20 and Playspace Plan 2013-23, both include recommendations for Cross Keys Reserve, with initiatives such as improved linkages for cycling and introduction of a playspace. The revised Master Plan has incorporated these recommendations within the design.

Funding has been provided by Sport and Recreation Victoria (SRV) in the 2015/16 financial year to install new sports field lighting.

The existing pavilion is not meeting current or future requirements of the clubs and portables are being leased for change rooms for the various sports clubs. The draft Master Plan proposes a new multi-use pavilion.

Discussion

Cross Keys Reserve is an important piece of open space in Essendon. It provides space for the community to play, relax, exercise, walk their dogs, play sport and interact with nature. The Master Plan has been developed to cater to the many needs of the community. There has been no sports planning undertaken to indicate the Reserve will be used for sport other than cricket and soccer, hence the clubs that currently use the Reserve are expected to continue to use it into the future.

The popular shared pathway along the Moonee Ponds Creek runs alongside the Reserve. This forms the boundary between the Cross Keys Reserve Master Plan and the Moonee Ponds Creek Master Plan (currently underway).

Key features of the Master Plan include:

- Multi-use pavilion
- Car parking areas and redefined entrances and exits
- Playspace
- Picnic areas
- Ephemeral wetland to reduce local flooding events, improve water quality in Moonee Ponds Creek and increase local biodiversity
- Exercise stations
- Circuit pathway
- Defined area for dog off leash
- Practice basketball and netball half courts for social use

- More vegetation including tree plantings
- Improvements to the amenity of the Reserve including provision of seating, drinking fountains and bins
- Improvements to the Woodland Street Grassland Area.

Consultation

During August and September 2015, Council undertook initial information gathering to determine community needs for Cross Keys Reserve and to assist in the development of the draft Master Plan. This information gathering included a community session in the Reserve on Saturday 12 September. In addition to the information session conducted at the Reserve, flyers were sent out to residents within 500 metres of the Reserve. Feedback was collected in person, via email and a reply paid enveloped from 24 August until 25 September 2015. The feedback gathered during this process was used to inform the Cross Keys Reserve Draft Master Plan which was approved for consultation at the Ordinary Meeting of Council on 8 December 2015. There were 39 written submissions received.

The draft Master Plan was distributed to the community for comment during the month of February 2016. The local community were again invited to a public session held at Cross Keys Reserve on Saturday 12 February 2016. Local residents were encouraged to comment on the draft Master Plan so that the final Master Plan could be updated to reflect community needs. As part of the invitation to the public session, feedback forms and reply paid envelopes were provided to all local residents within 500 metres of the Reserve. Residents could send or call with their feedback from 1 February until 29 February 2016. Council received 47 written responses.

Community response to the draft Master Plan gathered was positive, with most supporting upgrades to car parking and improvement to the provision of amenities for the community.

A summary of the feedback during the draft Master Plan consultation can be found in **Appendix B** (separately circulated).

Additional consultation was undertaken with the sporting clubs that use the Reserve. Essendon Cricket Club were concerned about the distance of the proposed pavilion to the main cricket field for scorers, time keepers and players, including safety issues for sporting-equipment and players' personal items left in the pavilion during playing times.

This has been resolved by realigning the sports fields to ensure the cricket field is located closer to the pavilion. The realignment has meant the soccer pitches require substantial fencing along Woodland Street to prevent soccer balls straying onto the road. An independent assessment was undertaken by Hedley Rail Consulting Pty Ltd to determine the risk of this arrangement and height and type of fencing that will be required. This report can be found in **Appendix C** (separately circulated).

The Independent Risk Report outlines a number of scenario's and recommends the installation of a 15m high fence. The scenario's are as follows:

- **Scenario 1. No High Barrier Fence**
Result (Event Frequency – Daily; Accident Frequency - every second month)

- **Scenario 2.** 10m High Barrier Fence
Result (Event Frequency – once every 6 Months; Accident Frequency – once every five years)
- **Scenario 3.** 12m High Barrier Fence
Result (Event Frequency – once every 2 Years; Accident Frequency – once every 10 Years)
- **Scenario 4.** 15m High Barrier Fence
Result (Event Frequency – once every 4 Years; Accident Frequency – once every 20 Years)
- **Scenario 5.** 20m High Barrier Fence
Result (Risk Events – Eliminated; Accident Frequency - Never)

The recommended height of 15 metres indicates an event frequency once every 4 years and an accident frequency of once every 20 years.

A fence along the northern side of Cross keys Reserve of between 10 to 20 metres high will have a long term visual impact, not to mention a significant capital cost to implement the Master Plan.

Council has placed fencing in a similar scenario at the football oval in Maribyrnong Park, at a height of 6.5m along Orford Street, an arterial road. There has been no recorded incident since it was installed in 2011.

Although the report recommends a 15 metre high fence, it would be reasonable for Council to adopt a reduced height (12 metres) for the fence proposed at Cross Keys Reserve. According to the risk report, this would be expected to result in an event frequency once every 2 years and an accident frequency of once every 10 years.

The 12m high fencing would cost approximately \$330,000 to supply and install.

As the fencing will result in significant infrastructure along Woodland Street, further consultation is required with the community.

Implications

1. Legislative

Prior to any construction works a Cultural Heritage Management Plan (CHMP) will be required. Any built works undertaken as a result of this Master Plan will need to comply with the relevant Australian standards and requirements of a Cultural Heritage Management Plan as required under the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007*.

2. Council Plan / Policy

Planning for improvements to Cross Keys Reserve through the development of a Master Plan will contribute to achieving its Strategic Objective to:

- Protect and enhance the quality and scale of open space for conservation and community enjoyment in accordance with Council Plan 2013-2017 Theme 1: Green, clean and beautiful – A sustainable environment for future generations.

Improvements within Cross Keys Reserve also contribute to meeting the objectives of Council's Leisure Strategy (2013), Walking and Cycling Strategy (2012), and the City Sustainability Policy (2013).

3. Financial

The Master Plan will provide a long term framework for prioritising improvement works at Cross Keys Reserve. All of the Master Plan proposals will be subject to Council's annual budgetary process.

The reconfigured layout does create additional risk which is mitigated through the installation of fencing. Council insurers have been advised accordingly. Any additional funding implications as a result of this will be dealt with under Council operational budget.

The draft Master Plan will require additional expenditure of \$75,000 for two extra sportsfield lights and approximately \$330,000 for the fencing introduced along Woodland Street.

4. Environmental

The Cross Keys Reserve Master Plan will help Council meet the targets identified within the City Sustainability Policy, particularly with regard to biodiversity, waterway management, remnant vegetation management and sustainable transport.

Conclusion

Council's *Open Space Strategy* determined that Cross Keys Reserve is a Regional open space in Essendon. The Reserve is an important piece of open space for the local community, for both sporting and non-sporting uses.

The draft Master Plan was prepared following stakeholder and community engagement.

The further revised draft Master Plan requires additional consultation with stakeholders and the community due to significant fencing required along Woodland Street. This is to accommodate realignment of sports fields and reduce risk of stray balls causing accidents between park users and those driving along Woodland Street.

This consultation will gauge support for this change and establish the long term vision for Cross Keys Reserve to guide the future development of the park.

Appendices

Appendix A: Draft Cross Keys Reserve Master Plan

Appendix B: Draft Cross Keys Masterplan Consultation (separately circulated)

Appendix C: Safety Risk Assessment of Cross Keys Reserve Essendon (separately circulated)



9.8 Amendment C159 - Implementation of Essendon Junction Structure Plan

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

Purpose

This report relates to Draft Planning Scheme Amendment C159 which seeks to implement the Essendon Junction Structure Plan, and recommends that Council endorse the draft amendment documentation for community consultation.

Executive Summary

- At its Ordinary Meeting on 24 November 2015, Council adopted the Essendon Junction Structure Plan.
- The Structure Plan provides Council, landowners and the community with a vision and direction for the future development and public infrastructure improvements within the centre over the next 20 years.
- The Structure Plan recommends a number of short, medium and long-term projects to be completed over the next 20 years.
- A key action of the Structure Plan is the preparation and application of appropriate planning scheme controls to guide the built form and land use of new development within the activity centre.
- It is proposed to consult on the proposed planning scheme controls through the exhibition of Amendment C159.
- Amendment C159 includes the following:
 - Amends Clause 21.07 (Activity Centres) to incorporate the content of the Structure Plan and include the Essendon Junction Structure Plan as a reference document.
 - Introduces and applies Schedule 4 to the Design and Development Overlay to land within the Essendon Junction Activity Centre (excluding land within a Road Zone, Public Use Zone and all properties containing a school or religious institution).
 - Amends Schedule 3 to the Design and Development Overlay to remove all land within Precinct D of Schedule 3 to the DDO (excluding 100 Buckley Street, 851-853 Mt Alexander Road and 880 Mt Alexander Road).
 - Introduces and applies Schedule 1 to the Development Plan Overlay to the VicTrack land generally bound by Rose Street, Mt Alexander Road and Russell Street.

- This report recommends Council endorse the draft Amendment C159 documentation for community consultation.

Recommendation

That Council:

1. In accordance with Section 8A(3) of the *Planning and Environment Act 1987*, seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C159 – Implementation of Essendon Junction Structure Plan (**Appendix A** – separately circulated).
2. Subject to obtaining authorisation from the Minister for Planning, exhibit Planning Scheme Amendment C159 in accordance with Section 19 of the *Planning and Environment Act 1987*.
3. Refer submissions which request changes to the amendment, and are not able to be resolved, to an independent Planning Panel in accordance with Section 23(1)(b) of the *Planning and Environment Act 1987*.

Background

At its Ordinary Meeting on 24 November 2015, Council adopted the Essendon Junction Structure Plan (**Appendix B** – separately circulated).

This plan provides Council, landowners and the community with a vision and direction for the future development of the respective activity centre over the next 20 years. The objectives and strategies from the Structure Plan help inform decisions for planning applications for new development and improvements to roads, footpaths, community facilities and services and open space in the activity centre. It guides changes to land use, building types, accessibility and public spaces and ensure long term sustainability and improvements to the centre.

A Structure Plan seeks to ensure future development meets the needs of local residents and businesses, and provides a sustainable future for the centre.

The preparation of the Essendon Junction Structure Plan involved several years of strategic planning work, stakeholder consultation and further investigation into the potential grade separation of the Craigieburn Railway Line and Buckley Street.

A key short-term action of the Essendon Junction Structure Plan is the following:

- Prepare and apply appropriate planning scheme controls to guide the built form and land use of new development within the activity centre.

The proposed Amendment C159 seeks to achieve this action.

Discussion

Amendment C159

Amendment 159 proposes the following changes to the Moonee Valley Planning Scheme:

- Amends Clause 21.07 (Activity Centres) to include specific objectives and strategies in relation to Essendon Junction and inserts the Essendon Junction

Framework Plan. In addition, includes the Essendon Junction Structure Plan as a reference document.

- Introduces Schedule 4 to the Design and Development Overlay and applies it to land within the Essendon Junction Activity Centre (excluding land within a Road Zone, Public Use Zone and all properties containing a school or religious institution).
- Amends Schedule 3 to the Design and Development Overlay to remove all land within Precinct D of Schedule 3 to the DDO (excluding 100 Buckley Street, 851-853 Mt Alexander Road and 880 Mt Alexander Road).
- Introduces Schedule 1 to the Development Plan Overlay and applies it to the VicTrack land generally bound by Rose Street, Mt. Alexander Road and Russell Street.

Regarding built form within the centre, the proposed amendment seeks to put into place the following:

- Discretionary building height controls, ranging from three to six storeys.
- Mandatory street setbacks to ensure consistent podium elements, ranging from three to four storeys.
- Rear setback controls for properties that abut sensitive residential properties or laneways.
- Detailed decision guidelines for the assessment of development proposals.

The changes outlined above are a direct translation of the content of the Essendon Junction Structure Plan.

The amendment proposes to improve the policy guidance for future development within the Essendon Junction Activity Centre, which will assist Council's Statutory Planning Department in assessing applications within the centre.

Schedule 1 to the Development Plan Overlay

The proposed amendment includes the application of a Development Plan Overlay to the VicTrack Site to replace the existing Schedule 3 to the Design and Development Overlay (which currently applies to part of the site).

The proposed Schedule 1 to the Development Plan Overlay would provide built form controls for future development, including height and setback guidelines. It will also require a master plan to be prepared for the site before development can occur, which must be prepared to the satisfaction of Council.

The proposed Schedule 1 to the Development Plan Overlay seeks to require a master plan for the site to ensure future development appropriately fits within the context of Essendon Junction and aligns with the vision and objectives of the Structure Plan. It is considered Schedule 1 to the Development Plan Overlay directly aligns with the content of Council's adopted Essendon Junction Structure Plan.

Consideration of a laneway to connect Rose and Flower Streets

The Structure Plan proposed a laneway reinstatement to the rear of properties located at 6-14 Flower Street and 29-53 Rose Street. The purpose would be to connect the laneway which is located between Rose and Flower Streets, in order to

allow for rear vehicle access to the properties located at 29-53 Rose Street. These properties are proposed to have permanent heritage controls applied through Amendment C164, and currently the only vehicle access arrangements can be provided via new crossovers along Rose Street.

The potential benefits of this new laneway would be:

- Preservation of the heritage streetscape along Rose Street (as identified through proposed Amendment C164)
- Allows Council to establish one-way operation along the laneway
- Improves connectivity for properties along both Rose and Flower Streets (by avoiding new crossovers along these streets).

While there are clear benefits of reinstating this laneway, the laneway reinstatement will not be pursued at this time.

Consultation

Extensive consultation was undertaken to inform the Essendon Junction Structure Plan, including a number of community information sessions, working group meetings and a consultation period of over 2 months.

Additional consultation will occur as part of this process to obtain feedback from the community and other stakeholders. Key aspects of the proposed consultation include:

- Exhibition period of four weeks.
- Letters to all land owners and occupiers proposed to be affected by the proposed planning scheme controls.
- Notices and promotional material in the local newspapers.
- Information display at the Civic Centre and local libraries.
- Comprehensive information on Council's website.
- A one-day community event in the plaza to the immediate east of Essendon Station.

Implications

1. Legislative

There are no legislative or human rights implications associated with this report. Planning Scheme Amendment C159 has been prepared in accordance with Section 4.1 of the *Planning and Environment Act 1987*.

2. Council Plan / Policy

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

3. Financial

Funding for this amendment is accommodated for in the operational budget for Strategic Planning.

4. Environmental

The Structure Plan seeks to ensure the sustainable growth of Essendon Junction into the future, including the encouragement of sustainable transport modes (eg. walking, cycling and public transport), increase in vegetation and open space and incorporation of energy-efficiency and water-sensitive urban design in new development.

Conclusion

The Essendon Junction Activity Centre Structure Plan provides a coordinated vision for the Essendon Junction Activity Centre. The proposed Amendment C159 is a key initiative to furthering the vision and objectives of the Structure Plan.

Extensive consultation has already been undertaken in the preparation of the Structure Plan. However, public exhibition of the amendment will ensure that the community is informed on the process, and can provide input into the planning scheme controls for the Essendon Junction Activity Centre.

Appendices

Appendix A: Amendment C159 Documentation (separately circulated)

Appendix B: Essendon Junction Structure Plan (separately circulated)

9.9 Planning Scheme Amendment C167 - Extension of expiry date of Schedule 2 to the Design and Development Overlay (Maribyrnong River Protection)

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

Purpose

The purpose of this report is to recommend Council commence Planning Scheme Amendment C167 to request the Minister for Planning extend the expiry date of Schedule 2 to the Design and Development Overlay (Maribyrnong River Protection) by 2 years.

Executive Summary

- The *Maribyrnong River Valley Design Guidelines 2010* provide a review of the policies and controls for the Maribyrnong River corridor and make a number of recommendations for changes to planning scheme controls.
- In October 2014 the Minister for Planning introduced new interim planning controls to the Moonee Valley Planning Scheme which implement some of the recommendations of the *Maribyrnong River Valley Design Guidelines 2010*.
- These planning controls were introduced via Amendment C141 and apply to land immediately abutting the Maribyrnong River including land at Woods Street, Angler Parade, Charles Street, Kingston Avenue and Fisher Parade, Ascot Vale.
- The controls, which are in the form of a Design and Development Overlay (DDO2), promote the protection and enhancement of the river by requiring future developments comply with a mandatory height limit. DDO2 includes setback guidelines to ensure new buildings and structures do not overly dominate the river valley's landscape values.
- The requirements of DDO2 will cease to have effect after 30 October 2016. The expiry date was intended to allow the State Government to review existing controls along the river and develop consistent permanent controls for the entire Maribyrnong River corridor. No such provisions are in effect at this time.
- It is therefore considered appropriate to request the Minister for Planning extend the expiry date by 2 years so that DDO2 can continue to have effect until such time as permanent overlay controls are prepared and introduced.

Recommendation

That Council:

1. Request the Minister for Planning to execute his powers pursuant to Section 20(4) of the *Planning and Environment Act 1987* to prepare and approve an amendment (C167) to the Moonee Valley Planning Scheme by amending Schedule 2 to the Design and Development Overlay to extend the expiry date by 2 years.
2. Note that the Minister for Planning has established a Ministerial Advisory Committee to provide advice on the need and type of protection required long term for the Yarra River and the Committee's Terms of Reference require them to consider advice and findings that would benefit the Maribyrnong River and community.

Background

The *Maribyrnong River Valley Design Guidelines 2010* (the Guidelines) were developed by the State Government to provide a coordinated and consistent approach to managing land alongside the Maribyrnong River.

These Guidelines provide a review of the policies and controls for the Maribyrnong River corridor and make a number of recommendations for changes to planning scheme controls.

On 14 September 2013 the Minister for Planning made an announcement regarding strengthening planning controls along the Maribyrnong River. This announcement reiterated the Victorian Coalition Government's commitment to implement the recommendations of the Guidelines.

As a result, the then Department of Transport, Planning and Local Infrastructure (DTPLI) undertook a comprehensive review of all planning controls within the Maribyrnong River corridor against the strategic intentions of the *Maribyrnong River Valley Design Guidelines 2010*.

The review recommended a number of actions aimed at further strengthening existing policy and planning requirements for the Maribyrnong River. These included:

- The need for site/area specific *Design and Development Overlay* (DDO) controls with mandatory height and setback requirements for properties immediately abutting the River.
- The need for a consistent *Environmental Significance Overlay* for the entire Maribyrnong River and removal of the existing Incorporated Plan Overlay which related to outdated plans.
- A number of minor adjustments to the Guidelines to further strengthen planning for the River.
- The need to progress site specific controls for the following discrete areas which abut the river:
 - Woods Street, Ascot Vale;
 - Kingston Avenue, Ascot Vale; and
 - Fisher Parade, Ascot Vale.

These discrete areas all have properties which immediately abut the River and have the greatest potential to impact on the existing values of the River.

The DTPLI wrote to Council in November 2013 expressing desire to progress the preparation and implementation of these controls in partnership with Council. To this end, Council officers worked closely with the DTPLI, providing feedback on the preparation of a planning scheme amendment.

In October 2014 the Minister for Planning introduced new interim planning controls via Amendment C141 to the Moonee Valley Planning Scheme. Amendment C141 introduced mandatory height controls and other performance measures to properties that have direct frontage to the Maribyrnong River, including land at Woods Street, Angler Parade, Charles Street, Kingston Avenue and Fisher Parade, Ascot Vale.

These controls are generally consistent with the intent of the Maribyrnong River Valley Design Guidelines 2010 and are in the form of a Design and Development Overlay (DDO2).

The requirements of DDO2 will cease to have effect after 30 October 2016. The expiry date was intended to allow the State Government to review existing controls along the River and develop consistent overlay controls for the entire Maribyrnong River corridor. This work has not been completed and as such, these permanent controls are not in effect at this time.

Discussion

At the time of its drafting by the DTPLI, Council officers reviewed Amendment C141 and prepared a submission which provided in principle support for the proposed planning controls (refer **Appendix A**). The submission noted that the current wording of the DDO expiry date does not explain what will occur once the requirements of the overlay cease to have effect. It was therefore requested that the wording be amended to read as follows:

The requirements of this overlay will expire when superseded (as determined by the Minister for Planning) by permanent provisions to replace these interim provisions.

The request was not granted and the controls will expire on 30 October 2016. To this end, Council officers have liaised with the Department of Environment, Land, Water and Planning (DELWP) to ascertain whether the Minister for Planning intends to extend the expiry date until such time that permanent controls for the entire Maribyrnong River are introduced. DELWP have advised that it is Council's responsibility to submit a request to the Minister seeking an extension to the expiry date.

As there is a continued need to protect and enhance the valued qualities of this section of the Maribyrnong River corridor, DDO2 is still considered relevant. Is it therefore important to extend the life of this control to ensure its continued application.

In light of the above, it is considered appropriate that Council requests the Minister for Planning execute his powers pursuant to Section 20(4) of the to prepare and approve Amendment C167 to the Moonee Valley Planning Scheme by amending Schedule 2 to the Design and Development Overlay to extend the expiry date by 2

years. This would ensure that DDO2 can continue to have effect until such time as permanent controls are introduced for the entire River corridor.

A copy of the amendment documentation incorporating the proposed change is attached in **Appendix B**.

It is important to note that in December 2015 the Minister for Planning established a Ministerial Advisory Committee to provide advice on the need and type of protection required long term for the Yarra River. The Committee's Terms of Reference require them to consider advice and findings that would benefit the Maribyrnong River and community.

On 1 July 2016 the Committee has released a discussion paper inviting submissions. As part of the consultation process, the Minister for Planning has requested the Committee undertake direct consultation with all councils within the Maribyrnong River corridor to ensure their views are considered to inform its final advice to the State Government in late 2016. Officers will prepare a submission to the Committee. Submissions close on Friday 5 August 2016.

Consultation

Amendment C167 will not introduce or remove controls. It will allow continuity in existing planning controls and provide certainty to developers and the community.

Given the controls were originally introduced pursuant to Section 20(4) of the *Planning and Environment Act 1987*, it is considered appropriate to request the Minister for Planning use his powers to prepare and approve Amendment C167 and exempt himself from the public exhibition process.

Once approved, Council will notify all owners and occupiers of land impacted by the extended DDO controls.

Implications

1. Legislative

The amendment is consistent with the strategic intent of the State Planning Policy Framework in the Moonee Valley Planning Scheme.

Specifically, the amendment supports the following objectives of the State Planning Policy Framework:

- To protect and enhance the significant river corridors of Metropolitan Melbourne (Clause 11.04-8).

2. Council Plan / Policy

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

3. Financial

The continued application of DDO2 will have a minimal impact on the resource and administrative costs of Council.

4. Environmental

Amendment C167 promotes the protection and enhancement of the Maribyrnong River by requiring development height to be within a mandatory limit and appropriately set back to ensure that built form does not overly dominate on the River valley's landscape values.

Conclusion

In October 2014 the Minister for Planning introduced new interim planning controls in the form of a Design and Development Overlay (DDO2) to the Moonee Valley Planning Scheme. DDO2 implements some of the recommendations of the *Maribyrnong River Valley Design Guidelines 2010*.

The planning controls were introduced via Amendment C141 and include an expiry date which state the overlay will cease to have effect after 30 October 2016.

It is therefore recommended that Council requests the Minister for Planning execute his powers pursuant to Section 20(4) of the *Planning and Environment Act 1987* to prepare and approve Amendment C167 to the Moonee Valley Planning Scheme by amending DDO2 to extend the expiry date by 2 years.

This will ensure DDO2 can continue to have effect until such time as permanent controls are prepared for the entire Maribyrnong River corridor.

Appendices

Appendix A: Letter - Mr John Ginivan - Strengthening Maribyrnong River Planning Controls

Appendix B: Amendment C167 Documentation .

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File: Fol/13/1202
Enquiries: Christina Collia

23 April 2014

Mr John Ginivan
Executive Director
State Planning, Building Systems and Strategy
Department of Transport, Planning and Local Infrastructure
GPO Box 2392
MELBOURNE VIC 3001

Dear Mr Ginivan

RE: STRENGTHENING MARIBYRNONG RIVER PLANNING CONTROLS

Council recognises the importance of having appropriate controls in place to ensure the Maribyrnong River is protected from visual intrusion.

We are therefore supportive of the Minister for Planning's intention to strengthen existing policy and planning controls along the River, particularly for properties immediately abutting the Maribyrnong River.

In recent months, Council officers have worked closely with the Department of Transport, Planning and Local Infrastructure, providing feedback on the preparation of a planning scheme amendment which seeks to introduce mandatory height controls and other performance measures to selected properties adjacent to the Maribyrnong River. These controls are generally consistent with the intent of the *Maribyrnong River Design Guidelines 2010* and are in the form of a Design and Development Overlay (DDO).

We understand that this DDO, to be introduced into the Moonee Valley Planning Scheme by the Minister for Planning, is limited to properties that have direct frontage to the Maribyrnong River.

We have reviewed the draft interim controls and support the introduction of the proposed DDO in principle. Notwithstanding, we would like to raise a concern relating to the wording of the expiry date.

The current wording of the expiry date does not provide an explanation as to what will occur once the requirements of the overlay cease to have effect. This may cause confusion amongst landowners. We therefore request that the wording be amended to read as follows:

- *The requirements of this overlay will expire when superseded (as determined by the Minister for Planning) by permanent provisions to replace these interim provisions.*

Furthermore, we would like to request the following points be considered for inclusion during the finalisation of the amendment documentation:

- More specific guidelines for assessing setback requirements.
- Height controls which ensure development will not result in additional overshadowing of the Maribyrnong River.
- Controls which are consistent with those introduced for the Yarra River, where possible.

It should also be noted that Council recently exhibited Amendment C137 to the Moonee Valley Planning Scheme which seeks to introduce the new residential zones. In reviewing the sites proposed to be subject to DDO2, we note inconsistencies between the mandatory height controls contained in the DDO and Council's proposed residential zones. As such, Council will raise this issue with the Standing Advisory Committee who will provide a report on how Council is proposing to implement the new residential zones.

I would like to reiterate that Council values this partnership and looks forward to continued collaboration with both the department and Melbourne Water in progressing this amendment.

If you have any queries regarding this matter please contact Christina Collia from the Moonee Valley City Council by e-mail CCollia@mvcc.vic.gov.au or telephone 9243 9161.

Yours sincerely



BRYAN LANCASTER
Acting Chief Executive

Planning and Environment Act 1987

MOONEE VALLEY PLANNING SCHEME

AMENDMENT C167

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

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

Land affected by the Amendment

The Amendment affects land in the 'Maribyrnong River corridor', including land abutting the river at Woods Street, Angler Parade, Charles Street, Kingston Avenue and Fisher Parade, Ascot Vale.

What the amendment does

The Amendment changes Schedule 2 to the Design and Development Overlay (DDO2) by extending the expiry date for an additional 2 years.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to DDO2 due to its impending expiry date which states "*The requirements of this overlay cease to have effect after 30 October 2016*". It will now state "*The requirements of this overlay cease to have effect after 30 October 2018*".

The amendment extends the expiry date for an additional 2 years to ensure DDO2 will continue to have affect until such time as permanent controls for the entire Maribyrnong River corridor are developed and introduced by the State Government.

DDO2 was introduced into the Moonee Valley Planning Scheme on 16 October 2014 by the Minister for Planning through Amendment C141. The DDO was introduced to implement the recommendations of the *Maribyrnong River Valley Design Guidelines 2010* to consolidate and strengthen planning controls in the Maribyrnong River corridor.

Specifically, Amendment C141:

- introduced DDO2 to land abutting the river at Woods Street, Angler Parade, Charles Street, Kingston Avenue and Fisher Parade, Ascot Vale to introduce a mandatory maximum building height of 9 metres for properties on woods Street and 1 metres for all other properties and guidance on the establishment of appropriate setbacks from the Maribyrnong River consistent with the *Maribyrnong River Valley Design Guidelines 2010*.
- Amended the existing Design and Development Schedule 1 to include reference to the *Maribyrnong River Valley Design Guidelines 2010*.
- Amended Clause 66.06 to include mandatory notification requirement to Melbourne Water.

As there is a continued need to ensure the ongoing protection and enhancement of the valued qualities of this section of the Maribyrnong River corridor, DDO2 is still considered to be relevant. It is therefore important to ensure that the life of this control is extended to ensure its continued application.

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

The amendment implements the objectives in Section 4 of the *Planning and Environment Act 1987*. In particular, it supports objectives to:

- (a) To provide for the fair, orderly, economic and sustainable use, and development of land;
- (b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- (c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors of Victoria;
- (d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- (g) To balance the present and future interests of all Victorians.

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

The amendment will not have any negative environmental effects and will protect areas along the Maribyrnong River from visual intrusion caused by the inappropriate bulk, outline, setbacks, height, siting or appearance of buildings and works.

The amendment addresses social effects by requiring a permit for all buildings and works limiting the height and scale of development appropriate to a river setting, maintaining the existing visual and amenity aspects of the river for all. The controls aim to more effectively manage the impact of buildings and works on all users of the Maribyrnong River and the Maribyrnong River corridor.

The amendment is not expected to have any negative economic effects. The proposed controls provide clear guidance on expected development outcomes in the Maribyrnong River corridor. The Maribyrnong River corridor provides an important setting for local tourism and entertainment as well as residential and commercial development that benefit from the corridor's landscape and recreational attractions.

Does the Amendment address relevant bushfire risk?

The amendment will not increase the risk of life, property, community infrastructure and the natural environment from bushfire.

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

The amendment complies with the following Ministerial Directions issued under section 7(5) or section 12(2)(a) of the *Planning and Environment Act 1987*:

Form and Content of Planning Schemes

The amendment has considered and addressed the requirements of the Ministerial Direction on the Form and Content of Planning Schemes.

Metropolitan Strategy

All changes to the schemes are consistent with the provisions of Plan Melbourne: Metropolitan Planning Strategy by strengthening planning controls along the section of the Maribyrnong River corridor that has been identified as a priority in accordance with the Minister's Direction No. 9 - Metropolitan Strategy.

Strategic Assessment of Amendments

The amendment addresses the strategic considerations set out in the Minister's Direction No. 11 - Strategic Assessment of Amendments.

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

The amendment is consistent with the strategic intent of the State Planning Policy Framework in the Moonee Valley Planning Scheme.

Specifically, the amendment supports the following objectives of the State Planning Policy Framework:

- To protect and enhance the significant river corridors of Metropolitan Melbourne (Clause 11.04-8).

The amendment implements the SPPF by strengthening the planning controls in the City of Moonee Valley so that development can be considered against built form objectives.

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

The amendment is consistent with the strategic intent of the Local Planning Policy Framework in the Moonee Valley Planning Scheme.

Specifically, the amendment supports the objectives in the Municipal Strategic Statement – Sustainable Environment (Clause 21.04).

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

The amendment makes proper use of the Victoria Planning Provisions by extending the sunset clause of DDO2 to acknowledge the significance of the Maribyrnong River corridor and to ensure that development is compatible with the identified environmental and landscape values identified in the *Maribyrnong River Valley Guidelines 2010*.

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

Any permit application will be subject to normal planning permit application process and referral authority provisions as set out in section 55 of the *Planning and Environment Act 1987*. Notification of buildings and works applications to Melbourne Water under the schedule to clause 66.06 is also required. The views of relevant agencies will also be addressed at that stage.

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

The amendment is not expected to have any significant impact on the transport system and there are no applicable statements of policy under section 22 of the Act.

Resource and administrative costs

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

The continued application of DDO2 will have a minimal impact on the resource and administrative costs of the municipality.

Where you may inspect this Amendment

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

Moonee Valley City Council

Civic Centre, 9 Kellaway Avenue

Moonee Ponds

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

MOONIE VALLEY PLANNING SCHEME

16/10/2014
C141

SCHEDULE 2 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO2**

MARIBYRNONG RIVER PROTECTION

1.0
16/10/2014
C141

Design objectives

- To protect the significant features of the Maribyrnong River Valley from visual intrusion caused by the inappropriate bulk, outline, setbacks, height, siting and appearance of buildings and works.
- To encourage development that is in keeping with the landscape character and appearance of the Maribyrnong River Valley.
- To maintain publically accessible views into and along the Maribyrnong River Valley.
- To ensure buildings do not create dominant forms on the skyline when viewed from the river or parklands.
- To preserve and reinforce the long views across the floodplain of the Maribyrnong River Valley.

2.0
16/10/2014
C141

Buildings and works

Permit requirements

A permit is required for the construction of a fence within 30 metres of the Maribyrnong River, measured from the junction with the top of the bank of the Maribyrnong River.

- The maximum height of a fence where a permit is required must not exceed 1.2 metres in height and be visually permeable.

A permit is required for buildings and works.

- The maximum building height must not exceed 9 metres above natural ground level at any point for properties on Woods Street, Ascot Vale.
- The maximum building height must not exceed 11 metres above natural ground level at any point for all other properties.

A permit is not required for repairs and routine maintenance to buildings and works.

A permit cannot be granted to vary the maximum heights specified in this schedule.

Application requirements

All applications must be accompanied by an urban context report and design response which demonstrates how the proposal meets the objectives specified in this schedule.

Notice Requirements

In accordance with section 52(1)(c) of the Act notice of an application must be given to Melbourne Water.

MOONIE VALLEY PLANNING SCHEME

3.0
16/10/2014
C141

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Whether the bulk, outline, setbacks, height, siting and appearance of the buildings and works will impact on the landscape character and appearance of the Maribyrnong River Valley.
- Whether the bulk, outline, setbacks, height, siting and appearance of the building or works assists in maintaining publicly accessible views into and along the Maribyrnong River Valley.
- Whether setbacks established for a building are appropriate and in keeping with the design objectives of this schedule, as measured from:
 - The junction with the top of the bank of the Maribyrnong River for properties on Woods Street, Ascot Vale; or
 - The landward boundary of the *Public Acquisition Overlay 2 'Public park and recreation'* adjacent to the Maribyrnong River for all other properties.
- Whether development reinforces the Maribyrnong River Valley floodplain edges and does not create dominant forms on the skyline when viewed from the publically accessible vantage points along the river or parklands environment.

4.0
16/10/2014
C141

Reference Documents

Maribyrnong River Valley Design Guidelines 2010

5.0
16/10/2014
Proposed
Amendment
C167

Expiry

The requirements of this overlay cease to have effect after 30 October ~~2016~~2018.

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Planning and Environment Act 1987

MOONEE VALLEY PLANNING SCHEME

AMENDMENT C167

INSTRUCTION SHEET

The planning authority for this amendment is the Minister for Planning.

The Moonee Valley Planning Scheme is amended as follows:

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In Overlays – Clause 43.02, replace Schedule 2 with a new Schedule 2 in the form of the attached document.

End of document

9.10 Planning Scheme Amendment C163 - New heritage policy to introduce updated heritage guidelines

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

Purpose

The purpose of this report is to recommend that Council seek authorisation from the Minister for Planning, to prepare and exhibit Amendment C163 to the Moonee Valley Planning Scheme.

The proposed amendment seeks to introduce a new local planning policy that will give statutory effect to the draft City of Moonee Valley Heritage Guidelines (CMVHG).

Executive Summary

- The purpose of the CMVHG is to provide detailed parameters for the conservation of listed heritage buildings as well as guidance for the development of new buildings within, or proximate to Heritage Overlays. The Guidelines will assist statutory planners with the assessment of heritage considerations during the planning permit process. A copy of the draft CMVHG can be found at **Appendix A** (separately circulated) to this report. A copy of the Urban Design & Development Guidelines for Heritage Areas, 2006 now considered to be outdated can be found at **Appendix D** (separately circulated).
- In order to give effect to the CMVHG a new local heritage policy has been prepared. This new local policy will explain what is to be achieved in terms of policy outcomes and the issues that Council will take into account when deciding an application.
- The CMVHG will complement new local heritage policy by explaining how the policy can be achieved and providing examples of approaches to conservation, alteration and demolition. A copy of the new local heritage policy can be found at **Appendix B** (separately circulated).
- Relevant clauses in the MSS have also been revised to remove redundant provisions that will now be included in the new local policy and the new guidelines. This will avoid unnecessary repetition within the planning scheme providing clear strategic policy direction for the identification, protection and conservation of heritage in Moonee Valley. Details of changes to the MSS are described in the Heritage Policy Review, 2016 prepared by David Helms. A copy of this document is enclosed as **Appendix C** (separately circulated) to this report.

- This report recommends that Council seek ministerial authorisation to prepare and exhibit Amendment C163 and endorse the draft CMVHG for consultation purposes.
- A copy of the draft amendment documents and explanatory report for Amendment C163 can be found at **Appendix B** (separately circulated).

Recommendation

That Council:

1. Endorse the draft City of Moonee Valley Heritage Guidelines (CMVHG) for consultation purposes (refer to **Appendix A** – separately circulated).
2. Seek authorisation from the Minister for Planning to prepare and exhibit Moonee Valley Planning Scheme Amendment C163 to give statutory effect to the draft CMVHG via the introduction of a local policy into the Moonee Valley Planning Scheme.
3. Subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C163 in accordance with Section 19 of the Planning and Environment Act 1987.
4. Refer submissions which request changes to the amendment, and are not resolved, to an independent Planning Panel in accordance with Section 23(1)(b) of the Planning and Environment Act 1987.

Background

The Moonee Valley Planning Scheme Review, implemented via Amendment C134 and gazetted in March 2015, recommended changes to the MSS including the development of updated Heritage Design Guidelines to replace the Urban Design & Development Guidelines for Heritage Areas, 2006 now considered to be very much outdated. Accordingly, the draft CMVHG has been prepared by Council in 2016.

Updated and expanded guidelines will assist property owners, architects, planners and building designers on methods to conserve, restore, and adapt existing buildings protected by Moonee Valley's Heritage Overlay (HO), as well as provide guidance for the ever increasing number of new infill buildings. Specifically, the new guidelines will provide detailed advice in relation to;

- Clearer guidance on what Council will consider when assessing application within a HO.
- Detailed parameters for the conservation of listed heritage buildings.
- Illustrations to help show preferred development outcomes.
- Guidance for infill development, additions and buildings in close proximity to a HO.
- Considers both precincts and places of individual significance.
- Guidance based on historic building styles.
- Removing ambiguity and providing specific guidance with respect to setbacks of upper floors to existing buildings and for infill development.

Discussion

Draft Heritage Guidelines

The draft CMVHG will assist in recognising the individual character and heritage significance of both places and precincts throughout the municipality and ensure that heritage listed buildings and areas in or, in close proximity to a HO will be successfully conserved and adapted for the present and future. The ultimate objective is conservation of the historic character of the places and precincts that form the cultural heritage significance of Moonee Valley.

New guidelines will assist property owners and town planners in how to conserve, restore and adapt existing buildings protected by a HO as well as provide assistance with new infill developments. Planning assessments will particularly consider how new built forms will integrate into the historic built environment.

For further details on the background and purpose of the draft CMVHG please review the document at **Appendix A** (separately circulated) of this report.

New Local Heritage Policy

In order to give statutory effect to the CMVHG a new local heritage policy has been prepared. The introduction of Clause 22.01 (Heritage) into the Moonee Valley Planning Scheme will guide decision making for permit applications within heritage places. The local policy will explain what is to be achieved in terms of policy outcomes and the issues that Council will take into account when deciding an application. The draft CMVHG will complement the policy by explaining how the policy can be achieved by providing examples of appropriate approaches to conservation, alteration and demolition.

Revised Municipal Strategic Statement (MSS)

In order to introduce the draft CMVHG as a reference document into the Moonee Valley Planning Scheme revisions to the MSS are required. Consequential changes include amendments to Clause 21.03 (Vision) and Clause 21.06 (Built Environment).

To ensure that the MSS provides a clear strategic framework and avoids repetition, redundant provisions have been removed and are now proposed to be included in the new Clause 22.01 (Heritage) or the CMVHG.

The Explanatory Report contained with **Appendix B** (separately circulated) of the report describes all changes to the Moonee Valley Planning Scheme as well as a strategic assessment of the proposed amendment. Revised clauses to the Moonee Valley Planning Scheme as well as new Clause 22.01 (Heritage) are also contained at **Appendix B** (separately circulated).

Consultation

Aspects of the consultation will include:

- An exhibition period of at least four weeks;
- Letter to Heritage Victoria;
- Notices in the local papers;
- Information displayed at Council's Civic Centre;

- Information on the Council and the Department of Environment, Land, Water and Planning website.

Implications

1. Legislative

Planning Scheme Amendment C163 is consistent with Ministerial Direction relating to the form and content of Planning Schemes under Section 7(5) of the Planning and Environment Act 1987. The preparation of the amendment is also in accordance with Section 4 of the Planning and Environment Act 1987.

There are no human rights implications as a result of this report.

2. Council Plan / Policy

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

3. Financial

The City of Moonee Valley Heritage Guidelines (CMVHG) has been funded in the 2015/16 financial year, with costs accommodated within the Strategic Planning operational budget.

The cost associated with the amendment will be borne by Council predominantly through the 2016/17 Strategic Planning budget.

4. Environmental

The amendment will have a positive environmental impact through protecting places of historical significance. It capitalises on opportunities for the retention of important buildings whilst ensuring that new infill development respect and is sympathetic to existing heritage places and precincts.

Conclusion

Amendment C163 will assist Council in preserving places of heritage significance in Moonee Valley by providing clearer guidance and decision making for properties in the Heritage Overlay.

The introduction of new heritage policy within the planning scheme will define policy objectives, outcomes, and the issues Council will take into account when deciding an application. The new heritage guidelines will complement the heritage policy by explaining how the policy can be achieved by providing examples of appropriate approaches to conservation, alteration, demolition etc.

It is recommended Council endorse the draft amendment documentation and the draft CMVHG for the purposes of consultation.

Appendices

Appendix A: Draft City of Moonee Valley Heritage Guidelines (separately circulated)

Appendix B: Amendment documentation including new and revised local heritage policy (separately circulated)

Appendix C: Heritage Policy Review 2016 (separately circulated)

Appendix D: Urban Design & Development Guidelines for Heritage Areas 2006 (separately circulated) .

9.11 Review of Council's Meeting Procedures Protocol

File No: FOL/16/130
Author: Manager Legislative Services & Support
Directorate: Corporate & Community Services
Ward: Municipal

Purpose

The purpose of this report is to allow Council to make a determination on its proposed new Meeting Procedures Protocol.

Executive Summary

- The proposed new Meeting Procedures Protocol has allowed for some fine-tuning and revitalisation of existing procedures, but also gained in terms of improved structure and operational capability.

Recommendation

That Council:

1. Adopt its new Meeting Procedures Protocol (provided as **Appendix A**).
2. Publish a notice in the Victorian Government Gazette pursuant to Section 112 of the Local Government Act 1989.

Background

Council's existing Meeting Procedures Protocol (as incorporated by reference into the Governance Local Law 2009") has been in place for over six years.

On 24 May 2016, a Notice of Motion was put forward by Councillor Sharpe and seconded by Councillor Marshall requesting the Chief Executive Officer undertake a review of Council's Meetings Procedure Protocol and present revised protocols to the Ordinary Meeting of Council in July 2016.

As a result of Council's resolution, there now is an opportunity with some fine-tuning to revitalise and reposition the meeting procedure Protocol, ensuring greater structure and operational capability and thus enhance one of the key governance pillars for the Council.

Discussion

Council officers have undertaken a full review of Council's Meeting Procedures Protocol. A copy of the new procedures is provided as **Appendix A**.

A review of each Clause has been undertaken to secure a higher level of clarity and ease of understanding of the written detail. Please note, with the inclusion or rearrangement of different Clauses and subsequent provisions, renumbering has occurred as depicted in the Appendix, however the following outline of changes focusses only on procedural/wording amendments:

- a) Definitions (Clause 2)
 - i) Definition of Notice of Motion removed and new Notice of Motion section created within document.
 - ii) Inclusion of 'Minutes' definition.
 - iii) Minor amendment to CEO definition.
- b) Insertion of new Clause 5 – Adjourning Meetings
- c) Amend 'Business at Meetings' to include subsequent provisions:
 - i) Inclusion of 'Special Committee' in 6.1.
 - ii) New provision 6.2 dealing with Special Council meetings.
- d) Insertion of new Clause 8 – Conflicts of Interest to acknowledge requirements in accordance with the Local Government Act.
- e) Amend section 'Form of Motions' to:
 - i) include the type and definition of the type of motions Councillors can present ie. Motions; Amendments & Informal Alterations; Notices of Motion; Foreshadowed Motions; and
 - ii) reallocate existing wording under 'Procedures for Motions'.
- f) Amend section 'Procedures for Motions' to:
 - i) Include wording as described in e) ii) above.
 - ii) Include section 10.2 relating to the Chairperson vacating the chair to move a motion.
 - iii) Remove the word 'amendment' as peppered through this section given the word 'Motion' has now been defined and the procedure is the same for all 'motions'.
- g) Insertion of new Clause 11 relating to Planning Applications.
- h) Rename Formal Motions to Procedural Motions to align with intent.
- i) Amend 'Rules of Debate' to:
 - i) incorporate all matters relating to debate, ie:
 - Time limits (previous Clause 14)
 - Miscellaneous Rules of Debate (previous Clause 16)
 - ii) Inclusion of new provision 14.1 and 14.2
 - iii) Inclusion of new provision 14.3 (d)
- j) Inclusion of new Clause 17 relating to Voting, which:
 - i) contains new provisions 17.1 & 17.2 (incorporating previous Clause 18 opposition to vote) and 17.4
 - ii) Incorporates other voting practices such as Divisions (previous clause 17).

- k) Amend Conduct at Meetings (previous Clause 20) to incorporate Mode of Address (previous Clause 15).
- l) Include new Clause 22 – Petitions & Joint Letters
- m) Amendment of Schedule 1

Consultation

This report has been prepared with considerable consultation with Councillors and key members of Council's Executive team.

Implications

1. Legislative

Sections 91 and 112 of the Local Government Act requires that Council make local laws governing the conduct of the meeting of the Council and Special Committees and publish a notice advising of the amendment to the Meeting procedure protocol in the Government Gazette, respectfully.

It must be noted that the amended Protocol will become effective on the date of the Gazettal Notice.

2. Council Plan / Policy

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

3. Financial

There are no financial implications associated with this report.

4. Environmental

There are no environmental implications associated with this report.

Conclusion

A Council's meeting procedure contributes to, and strengthens the foundations of sound decision making and ensures meetings are run fairly and productively. It is considered that the reviewed meeting procedures will support Councillors in achieving these objectives.

Appendices

Appendix A: Meeting Procedures Protocol - July 2016 (separately circulated) .

9.12 Right of Way Access for Abutting Development Proposals

File No: FOL/16/130
Author: Senior External Projects Manager
Directorate: Planning & Development
Ward: Municipal

Purpose

The purpose of this report is to provide an overview of a Right of Way Access for Abutting Development Proposals policy, and to seek adoption of the policy by Council.

Executive Summary

- In recent years, Moonee Valley City Council (MVCC) has experienced an increased number of planning applications that propose vehicular access to developments via ROWs.
- In response to a Notice of Motion raised by Cr Cornish, a draft policy on Right of Way Access for Abutting Development Proposals, was prepared and presented to the 19 April 2016 Councillor work-shop for discussion.
- The Right of Way Access for Abutting Development Proposals policy has been written to provide clear guidelines for developments using ROW's for access so they can be designed and managed in accordance with the standards required by Council, for the benefit of the development and the local community.
- The Right of Way Access for Abutting Development Proposals policy is shown in **Appendix A**.

Recommendation

That Council:

1. Adopt the Right of Way Access for Abutting Development Proposals policy as presented in **Appendix A**.
2. Review this policy after 12 months of implementation.
3. Receive a further report regarding incorporating the Right of Way Access for Abutting Development Proposals policy into the Moonee Valley Planning Scheme after the 12 month review period.

Background

Right of Ways (ROWs) are commonly known as a 'laneway', being the area of land between property boundaries that provides a legal right to pass along the area of land, which usually connects to a road.

Within Moonee Valley, ROWs comprise an area of 227,000 square metres and have a combined length of 68km. Three-quarters of the ROWs are maintained by MVCC and are constructed of concrete, asphalt or bluestone. The remaining quarter are unconstructed and are not maintained by MVCC.

ROWs were often originally planned to accommodate drainage and some utilities for adjoining properties. Generally ROWs provide an overland drainage function and can sometimes be subject to flooding.

In recent years, MVCC has experienced an increased number of planning applications that propose vehicular access to developments via ROWs. Developments with access abutting ROWs provide the opportunity for intensification of urban land and infill development within MVCC.

The majority of ROWs within the municipality are narrow (single traffic lane) and developments proposed adjacent to the ROW need to be designed and managed in accordance with Council guidelines and standards.

In response to Notice of Motion No. 2015/20 – Cr Shirley Cornish:

That Council request the Acting Chief Executive Officer to prepare a policy on Right of Way Access for Abutting Development Proposals ..., a draft policy on Right of Way Access for Abutting Development Proposals was prepared and presented to the 19 April 2016 Councillor work-shop for discussion.

The following Notices of Motion have also been adopted by Council and will be subject to separate reports, to be presented to Council:

Notice of Motion No. 2015/03 – Cr Nicole Marshall

That the Chief Executive Officer prepare a report considering options to improve the effectiveness of Construction Management Plans.

Notice of Motion No. 2016/04 – Cr Nicole Marshall

That the Chief Executive prepare a report which explores options for protecting and conserving the City of Moonee Valley's bluestone laneways, kerbs and channels (together Laneways).

Discussion

The Right of Way Access for Abutting Development Proposals policy is shown in **Appendix A**.

The policy has been improved since the presentation to the 19 April 2016 Councillor work-shop by:

- Updating definition of ROW to align with MVCC Road Management Plan; and
- Updating Section 7.1.2 relating to Capacity.

This policy has been written to provide clear guidelines for developments using ROW's for access so they can be designed and managed in accordance with the standards required by Council, for the benefit of the development and the local community.

The policy covers the following areas:

- Traffic Management and Access

- Width & Capacity
- Setbacks and Widening
- Pedestrian considerations
- Parking
- Construction Management Plans
- Construction requirements
- Heritage Preservation
- Utility, Lighting, Fire Access and Emergency Services
- Loading and Waste Collection
- Address and Naming ROWs
- Road Discontinuance and Sale of Land

The policy draws together technical standards and guidelines that the Technical Services Department use to meet professional responsibilities and reflect Moonee Valley community values.

Consultation

In developing this policy the following departments have been consulted through an internal working group:

- Technical Services
- Statutory Planning
- City Planning
- Building, Health and Property Services
- Infrastructure Services
- Operations Delivery
- Governance

The key policy considerations were discussed and feedback has been sought from the group and incorporated into the policy.

Implications

1. Legislative

There are no legislative implications associated with adopting the policy.

2. Council Plan / Policy

Council Plan (2013-2017), has the strategic objective to ensure clear direction of growth and proactive management of development in the city.

Development adjacent to ROWs should be designed and managed in accordance with the standards required by Council, for the benefit of the development and the local community.

3. Financial

There are no financial implications associated with adopting the policy.

4. Environmental

There are no environmental implications associated with this report.

Conclusion

That Council adopt the Right of Way Access for Abutting Development Proposals policy.

Prior to proceeding with incorporation of the policy into the Moonee Valley Planning Scheme, it is recommended that the policy be reviewed after 12 months of implementation. The review will enable any strengthening of the policy, as a result of experience gained, during the 12 month implementation period.

Appendices

Appendix A: Policy - ROW Access for Abutting Development Proposals - July 2016
(separately circulated) .

9.13 Construction Management Plans

File No: FOL/16/130
Author: Planning Intervention Officer
Directorate: Planning & Development
Ward: Municipal

Purpose

The purpose of this report is to provide Council with a progress report on Construction Management Plan (CMP) processes and outcomes over the past fifteen months, whilst responding to Council Motion No. 2015/03.

Executive Summary

- CMP guidelines and templates have been developed in consultation with technical officers from various Council Departments, the construction industry and incorporation of technical documents from similar municipalities.
- The guidelines and templates and are in the final stages of editing and design and on finalisation will also be made available on Council's web page.
- The report responds to five (5) points contained within Council Motion No. 2015/03.
- The engagement of the Planning Intervention Officer has generated stronger industry relations, set a standard in enforcement, gained compliance and created more effective consultation processes between the City of Moonee Valley and the construction industry and provided the public with a point of contact.

Recommendation

That Council:

1. Note the Construction Management Plan Guidelines and Templates provided in **Appendix A** and **Appendix B** respectively.
2. Note the intention of the Statutory Planning Department to apply the discretion of the Planning Permit in determining Saturday construction working hours.
3. Note the intention of the Statutory Planning Department to investigate and apply for a fee for Construction Management Plans.

Background

On 24 February 2015, a Motion of Motion was put forward by Cr Nicole Marshall and second by Cr Sipek that Council request the Chief Executive to prepare a report considering options to improve the effectiveness of Construction Management Plans (CMP). Five (5) questions were put forward in relation to the management of construction sites.

A briefing report was due to be presented in December 2015, however deferred to form an internal working group focussing on the development of CMP guidelines and templates. During this time the Planning Intervention Officer prepared draft CMP guidelines and templates in consultation with an internal working group. A major tier one (1) construction company was also consulted with and various technical documents from similar municipalities reviewed and incorporated in developing the guidelines and templates.

On 19 April 2016, a presentation was given at the Councillor Worksop providing an overview of the current status of CMP processes and progress in developing improved systems to better manage the internal review process of CMPs and provision of industry guidance in preparing CMPs.

Discussion

1.1 Construction Management Plan Guidelines and Templates

City of Moonee Valley does not currently have set formats or guidelines for development sites to follow in preparing a CMP other than the Planning Permit itself. This has led to uncertainty and varying levels of detail being provided in submissions and has created challenges for the Statutory Planning and Technical Services Departments to review and endorse some CMPs.

To ensure that CMP submissions contain the detail required by Council, and to reduce the ongoing administrative pressures in Council's review of CMP submissions, CMP guidelines (the 'guidelines') and templates (the 'template') have been developed to assist stakeholders in the preparation and submission of CMPs. The guidelines and template have been developed in consultation with technical officers from various Council Departments and the construction industry, and incorporates a range of technical documents from similar municipalities. The guidelines and templates are currently being edited and designed to also be an interactive web based document available on the City of Moonee Valley web page.

The guidelines and template detail the requirements of the existing conditions to be addressed in a CMP, with additional conditions and comprehensive information, further reduce the risk of safety concerns and reinforce Council's requirements relating to accessibility during construction. The guidelines and template will serve as a means for both the construction industry and the public to better understand the CMP process and the details that Council require in managing CMP construction sites.

It is intended the Planning Permit will direct permit holders that they must refer to the guideline and complete the templates or where the templates are not used, all matters must be addressed in the submission. Further, the Statutory Planning Department is considering applying fees to the submission and review of CMPs with the view to provide funding for the administrative costs and encouraging high standard CMPs.

1.2 Saturday Construction Working Hours

Saturday working hours is an issue that continues to be raised by the construction industry. The current Council review and endorsement process applies the City of Moonee Valley *General Purposes Local Law 2008* (the 'Local Law') Section 71.1 *Noise from Construction and demolition sites* from the Local Law, which advises the Saturday working hours to be 9am to 1pm. In summary, Section 71.1 (a) prescribes any noise emanating from the building site to be between 9am to 1pm. The Planning Permit does not specify or prescribe the hours of construction yet requires hours of construction to be addressed in preparing a CMP.

In applying Section 71.1 of the Local Law, Council is allowing only four (4) working hours to be undertaken on Saturdays. The commercial building industry views Saturdays as a working day and with current restrictions, struggles to meet construction timeframes and secure a workforce that will commit to such working hours. As a direct result of this, Council frequently receives requests for extension of the current hours on Saturdays.

This places further administrative pressure on the Department, provides an inconsistent message to the industry and creates ongoing issues of non-compliance, whilst increasing the requirement for enforcement action.

As an example, similar Council's in inner and metropolitan Melbourne apply the following Saturday construction hours:

- Melbourne City Council 8.00am to 3.00pm (7hrs);
- City of Yarra 9.00am to 3.00pm (6hrs);
- City of Port Phillip 9.00am to 3.00pm (6hrs);
- City of Boroondara 8.00am to 5.00pm (9hrs); and
- City of Darebin, the Planning Permit determines the construction hours for commercial or larger projects.

The Local Law is not set for review until 2018 and with increasing demand and pressure, the Statutory Planning Department has sought legal advice with regards the inconsistencies between the Local Law and the Planning Permit. The Department has been advised that the Planning Permit takes precedence over the Local Law as the Local Law specifically gives priority to the Planning Permit in determining hours of operation for construction and demolition.

It is the intention of the Statutory Planning Department, in consultation with other relevant Council Departments, to apply the discretion of the Planning Permit and make consideration to longer working hours on Saturdays. This approach will align with larger construction projects and the requirements of industry needs. The Department will continue to consider surrounding interfaces in making determinations and be mindful of contentious issues that may be associated to the site.

1.3 Response to Notice of Motion 2015/03

Each of the five (5) points under Notice of Motion 2015/03 have been listed below followed by the relevant action or response.

1. *The range of matters that should be covered by Construction Management Plans, to ensure that those affected by construction are appropriately protected, including, without limitation, issues relating to accessibility of pedestrians, cyclists and vehicles around construction sites.*

The Planning Permit requires CMPs to address issues of safety and public protection in the submission of CMPs and includes:

- Parking and traffic movement of all workers' and construction vehicles;
- Traffic Management Plans (TMP) for construction activities outside of the site;
- Scaffolding and hoarding for the site (public protection);
- Allocated areas for loading and unloading;
- Road or footpath occupation permits; and
- Risk assessments.

Other conditions required in Planning Permits for CMPs that consider those affected by the construction include, however not limited to: hours of construction; noise and vibration from construction; parking and traffic movements to and from the site; allocated areas for loading and unloading and associated Traffic Management Plans (TMPs); site evacuation plan and procedure; Occupational Health and Safety Policy; hazardous chemical storage; protection of surrounding roads from site contamination and damage; on-site stormwater contamination and management; risk assessments; works timetable; and estimated number of workers.

In addition to the Planning Permit conditions, Council's *Asset Protection Policy* outlines the developer's requirements in protecting Council assets from damage and not allowing them to be modified in a manner that could pose a safety risk to nearby residents, pedestrians, cyclists, drivers or passengers.

Council's *Temporary Road Closures and Occupancy Policy* also provides assurance to matters of safety and accessibility, outlining the Responsible Builders requirements when occupying the road reserve during construction of a site. The Policy requires that any use of the Council road reserve requires a permit and must not pose a nuisance or safety risk to nearby residents, pedestrians, cyclists, drivers or passengers.

The CMP guidelines and templates will require greater detail from applicants on issues of safety and accessibility, ensuring these matters are addressed and acknowledged, whilst giving increased control to Council in enforcement.

2. *If there are circumstances where Construction Management Plans are not currently required but should be, particularly where construction occurs on a site where there are sensitive interfaces.*

A Planning Permit is an established Council requirement and is a pre-requisite for a CMP. Currently a CMP is required where one or more of the following conditions apply:

- Value of the development exceeds \$5 million

- Number of dwellings is 20 or more
- Number of storeys is four or more
- Extensive excavation is required (e.g. basement levels)
- Sensitive interfaces are proximate to a site
- Development is adjacent to a major arterial road or a Right of Way.

Additionally, Council has the discretion to require a CMP where it deems there is a sensitive area surrounding a development site, including but not limited to schools, hospitals and retirement homes.

Since late 2014, where a CMP is not required as a part of a Planning Permit, a Site Management Plan (SMP) is required and refers to a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater system to be provided. Where a CMP or SMP is not required, the Local Law is applied and provides comprehensive compliance and enforcement powers to Local Laws Officers in managing construction sites. The Planning Intervention Officer and Local Laws Team work closely in managing construction sites.

As an example of managing sensitive interfaces, the Ascot Chase development is a medium to high density construction site and is currently in the last, and largest stage. A site specific CMP template has been developed and is to be implemented by all individual sites. Unlike previous stages, this provides greater control in compliance and enforcement whilst the final stages proceed. See **Appendix C** for an example of the CMP template for Ascot Chase.

The Statutory Planning Department, in consultation with other relevant Council Departments, will further review the options in triggering the need for a CMP, for example where several sites may be undertaking construction in the same area, however individually may not require a CMP.

3. *How to ensure the community has the opportunity to provide feedback regarding proposed Construction Management Plans, particularly in relation to high and medium density developments, developments where there are sensitive interfaces and other developments that are likely to cause significant disruption to residents, traders or other community members.*

Where Council believes there may be a negative impact on a member of the public, a Planning Permit requires the developer to provide public notification. A minimum notification period of 14 days is required and must be by way of direct mail, on-site signage, advertise in the local paper or a combination of these.

The notification period provides an opportunity for residents, traders and other community members to object to the conditions of a Planning Permit, including the management of construction. Objections are lodged by submitting an *Objection/Submission to Grant a Planning* application. Should Council deem the objection reasonable, the Planning Permit will be amended accordingly and reflected in the CMP. The *Objection/Submission to Grant a Planning* application is a legislated and established part of Council's planning process. The legislation does not make provision for direct public feedback on CMPs lodged with Council.

The Planning Intervention Officer regularly receives queries or complaints from the general public including residents and traders. The officer responds to concerns or complaints relating to the CMP or general construction activity and aims to resolve matters promptly, often coordinating various Council departments to achieve results that suit both the site and surrounding residents and businesses. While the officer's details are currently provided on request, the officer's contact email and telephone will be added to Council's CMP webpage once implemented.

4. *How to improve public accessibility to Construction Management Plans when they are finalised.*

The CMP webpage will provide a register of CMPs and a copy of the CMP can be provided on request.

Currently a CMP must be prepared at least 30 days prior to the start of construction. However, as part of a Planning Permit, the CMP may be valid for up to two (2) years, after which it may be able to be extended. The delay between approval of the CMP and construction commencing can lead to confusion and misunderstanding by the public.

To clarify the status and allow the public to track progress of a CMP, an online register will provide a list of current CMPs and the current status. The register details will include:

- Planning Permit number
- Site address
- Responsible Builder
- CMP approval date
- CMP nominated commencement date
- CMP status (not commenced, commenced, completed).

The register will be included on the CMP webpage.

5. *Outlining any changes that could be made to the enforcement of Construction Management Plans to ensure compliance.*

Prior to the engagement of the Planning Intervention Officer, management of CMP sites was predominately reactive and unmonitored. The Planning Intervention Officer performs both proactive and reactive inspections on most days. Monitoring of compliance to endorsed CMPs includes unscheduled site visits, inspections and responding to complaints.

The Planning Intervention Officer coordinates pre-commencement meetings with site managers and relevant Council technical officers to discuss matters of compliance and details regarding the CMP conditions and Council's expectations. Where non-compliance is detected with the CMP or relevant legislation, the officer will issue a Penalty Infringement Notice (PIN) without hesitation.

Currently there are 52 active CMP sites in the City of Moonee Valley and this figure continues to increase. Of those 52 sites:

- 21 are categorised as being priority 1 (high activity);
- 10 as priority 2 (medium); and
- 21 as priority 3 (low).

Since commencing, the officer has achieved the following results:

- Completed 2,633 site checks and inspections as a part of daily patrols;
- performed 181 site visits in response to complaints;
- referred 64 items to other Council's departments;
- issued 158 warnings to sites;
- issued 24 requests to make Council assets safe; and
- issued 54 Penalty Infringement Notices equalling \$81,130.

Consultation

During the development of the CMP guidelines and templates the following Council Departments were consulted:

- Statutory Planning
- Technical Services
- Sustainability and Climate Change
- Local Laws
- Waste Management
- Building, Health & Property Services

External consultation has taken place with a tier one (1) construction company and a legal firm.

Implications

1. Legislative

In developing this report and the CMP guidelines and template the following legislation was considered:

- *Planning and Environment Act 1987 (Vic)*
- *Building Act 1993 (Vic)*
- *Building Regulations 2006 (Vic)*
- *Local Government Act 1989 (Vic)*
- *Road Management Act 2004 (Vic)*
- *Subdivisions Act 1988 (Vic)*

In developing this report the *Moonee Valley Planning Scheme* has also been considered.

2. Council Plan / Policy

In presenting this report to Council, council is inter alia achieving its Strategic Objective to Ensure there is clear direction for growth and proactive management of development in the city in accordance with Council Plan 2013-2017 Theme 2: Sustainable living - Clear direction for growth and development of the city.

3. Financial

Those actions commenced prior to Motion 2015/03 have been budgeted as part of existing programs and do not present an additional cost to Council.

Those actions raised in response to Motion 2015/03 are currently being developed by Council Planning Investigation Officer as part of day to day duties and do not present an additional cost to Council.

The cost associated to the legal advice sought with regards to the Saturday workings hours was \$2,125.20.

An estimate of \$7,000 will be required from the Departmental budget and is justified for the editing, design and online development of the CMP guidelines and template. This amount includes the cost of printing a small quantity of the guidelines.

4. Environmental

The actions outlined in this report are anticipated to reduce the amount of pollution in the form noise, dust, fumes and gasses, contaminated water and soil contamination. Further, the actions outlined in this report are anticipated to improve the efficiency of Council and thereby indirectly reduce consumption of resources and quantity of waste.

Conclusion

Since Notice of Motion 2015/03 was tabled, the Statutory Planning Department has completed multiple actions that will improve the effectiveness of the CMP process. In particular, the recently created Planning Intervention Officer position has proved effective at tightening the requirements of all CMPs, improving the enforcement of a CMP, and providing an effective avenue for the community to access throughout the construction process.

Following the completion of the outstanding actions, the effectiveness of the CMP and related processes will have been significantly improved and help set Moonee Valley apart as a Council balancing the needs of both CMP construction sites and the community.

Appendices

Appendix A: Guidelines - MVCC Construction & Site Management Plan (separately circulated)

Appendix B: Template - MVCC Construction & Site Management Plan (separately circulated)

Appendix C: Construction Management Plan Template - Ascot Chase Development - Stages 3 to 5 .

9243 8888

mvcc.vic.gov.au



Construction Management Plan

Mirvac (enclave) development site, Newsom Street, Ascot Vale

A Construction Management Plan (CMP) is a condition of a Planning Permit. This condition is a requirement of large or difficult to build developments. Each CMP specifies how construction activity for that project will be organised to minimise disruption to the surrounding community.

The City of Moonee Valley recognises that the individual construction sites at the Mirvac (Enclave) development in Ascot Vale are relatively small in size, however due to the large number of lots within each stage, construction activity at such a scale and density can become difficult to manage and impact on the environment, local residents, amenities and assets.

As a part of the Planning Permit for the staged subdivision at the Mirvac (Enclave) development site in Ascot Vale, a CMP is required for each individual dwelling as a condition of Planning Permit MV/318/2011 issued by the City of Moonee Valley (see Condition 19).

To assist individual sites in providing a CMP, Council has prepared a list of conditions that are to be followed during the construction by the **Responsible Builder** and all subcontractors and trades working on the site. As the **Responsible Builder** you need to ensure that all trades and subcontractors are aware of the CMP and its conditions, as you will be responsible for the site along with any non-compliance and infringements. Please read through the information and ensure that all conditions are applied to the site.

Please note, this is an agreement between the site and the City of Moonee Valley under the *Planning and Environment Act 1987* and Moonee Valley Planning Scheme. Failure to comply with these conditions will result in penalty infringements and/or legal proceedings.

IMPORTANT: Seven (7) days prior to starting construction, please contact Councils Planning Intervention Officer, Liz O'Farrell on 0419 629 213, to arrange a pre-commencement site meeting.

1. STORMWATER POLLUTION AND RUN OFF MANAGEMENT

Ensure stormwater controls are in place from the commencement of the construction through to completion and are maintained throughout the build.

Please use the below link from Melbourne Water '*Keeping our Stormwater Clean - A Builder's Guide*' as a guide in stormwater management.

http://www.melbournewater.com.au/content/library/rivers_and_creeks/keeping_our_storm_water_clean-a_builders_guide.pdf

2. SPOIL AND DUST MANAGEMENT

Ensure spoil and dust management controls are in place throughout the construction. Control dust and slurry from cutting and put crushed rock or a rumble grid down on the entry/exit point.

Contain stockpiles on site. Keep dust and mud off the footpath and road. **Clean up any mud immediately.**

Refer to the Melbourne Water '*Keeping our Stormwater Clean - A Builder's Guide*' as a guide to spoil and dust management.

3. LITTER MANAGEMENT

Ensure appropriate litter storage is on site and all litter is contained and bins maintained.

Refer to the Melbourne Water '*Keeping our Stormwater Clean - A Builder's Guide*' as a guide to litter management.

4. PUBLIC PROTECTION AND SITE SECURITY (temporary fencing or hoarding)

Ensure public protection is determined and a 604 of the *Building Regulations 2006* (where required) is approved prior to construction.

Up to 30 days prior to the commencement of construction, temporary fencing must be placed around the site.

Where public protection is on Council property ensure the appropriate occupation permit fee is paid and maintained.

DO NOT park or drive through vacant blocks or other properties, as this creates mud and spoil to be tracked offsite creating build-up of sediment in the stormwater channels and drains.

5. PERMITS

Ensure appropriate permits are obtained for works outside of the site where the footpath or road is occupied and appropriate notification given to residents within the approved timeframes. Council's Permits Officer is Matt Ahern 9243 1167 or 0413 835 024.

6. WORKS ZONE

Permits can be obtained for parking required for the site.

7. LOADING BAY

An agreed delivery zone outside of the site can be obtained. Delivery time is 20 minutes and where the feet of plant equipment are set up will require a permit for footpath or road occupation.

8. STARTING TIMES

7am to 6pm Monday to Friday, 9am to 1pm on Saturday, No works on Sunday or public holidays. Where construction activity outside of these hours is necessary, an Out of Hours permit will need to be arranged and approved by Council. Residents will need to be notified.

9. TRAFFIC MANAGEMENT

Ensure appropriate/agreed Traffic Management Plans (TMP) are in place for various construction activity or permits.

10. NOISE

Ensure noise is kept to an acceptable level, including but not limited to, music, voices, plant equipment and staging trucks.

11. ASSET PROTECTION

Do you have an Asset Protection Permit in place? Dilapidation report done and provided?

IMPORTANT: Report any damage immediately to Council's Asset Protection Officer and arrange to rectify the problem. Failure to do so will result in an infringement being issued and Council invoicing the Responsible Builder for damages and any rectification works.

Council's Asset Protection Officer is Andrew Hardy 8325 1714 or 0408 358 988.

<p>Disclaimer</p> <p>I (name) from (responsible construction business/ company name) confirm that we will abide by the Construction Management Plan (CMP) guidelines and that all trades working and sub-contractors on the site will be made aware of the CMP conditions.</p> <p>I understand that this is an agreement under the <i>Planning and Environment Act 1987</i> and the <i>Moonee Valley Planning Scheme</i> and that failure to comply with the below conditions and the <i>City of Moonee Valley General Purposes Local Law 2008</i> and State Laws will result in infringements being issued and/or legal proceedings.</p> <p>Signature:</p> <p>Responsible construction business/company name:</p> <p>Address of construction business/company:</p>	<p>LOT NUMBER.....</p> <p>STREET.....</p>
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**9.14 Jemena Electrical Substation - Corner Holmes Road and
Waverley Street, Moonee Ponds - Proposed New Lease**

File No: FOL/16/130
Author: Coordinator Property Management
Directorate: City Services
Ward: Myrnong

Purpose

To enter into a new lease with Jemena Electricity Networks (Vic) Ltd ('Jemena') for an electrical substation situated at Maribyrnong Park, corner Holmes Road and Waverley Street, Moonee Ponds.

Executive Summary

- A new lease is required for the Jemena electrical substation situated at Maribyrnong Park, Moonee Ponds. Refer **Appendix A** attached.
- It is proposed to enter into a new lease with Jemena for a term of nine years commencing 3 March 2016 for an annual rental of \$175.00.

Recommendation

That Council:

1. Enter into a new lease with Jemena Electricity Network (Vic) Ltd for its electrical substation situated at Maribyrnong Park, corner of Holmes Road and Waverley Street, Moonee Ponds for a term of nine years commencing 3 March 2016 at an annual rental of \$175.00.
2. Authorise the deed of lease to be executed by the Chief Executive Officer.

Background

Council previously entered into a land lease with AGL Electricity Ltd (AGL) for the electrical substation situated at Maribyrnong Park, Moonee Ponds. The lease commenced on 3 March 2000 for a term of five years with three further terms of five years at an annual rental of \$10.00. The lease terminates on 3 March 2020.

Discussion

Since Jemena has become the new asset owner, it is now appropriate to negotiate either an assignment of lease or a new lease with Jemena. Following discussions with Jemena, it was agreed to enter a new lease.

Under the requirements of the Council Lease Policy adopted by Council on 23 February 2016, any commercially occupied premises will be negotiated on commercial terms and at market rental.

Council's Valuer has undertaken an assessment of the market rental and determined a value of \$175.00 per annum.

Therefore in accordance with this valuation, it is proposed to enter into a new lease for a term of nine years, commencing on 3 March 2016, for an annual rental of \$175.00 which is the market rate for the area the substation is occupying.

Consultation

Internal consultation has been undertaken and there are no significant issues regarding the lease. A recent site inspection revealed that the substation has some graffiti which has now been removed by Jemena. Graffiti will be monitored by Council. A condition of the lease is that Jemena is required to expedite the removal of any graffiti from the substation as soon as reasonably practicable during the lease term.

Implications

1. Legislative

There are no legislative implications in relation to this report. Leases exceeding a ten year term require a statutory process to be undertaken in accordance with the Local Government Act 1989, therefore it is recommended to limit this lease term to nine years.

2. Council Plan / Policy

This report has been prepared having regard for requirements of Council's Lease Policy 2016.

3. Financial

There are no financial implications in relation to this report.

4. Environmental

There are no significant environmental implications in relation to this report.

Conclusion

It is necessary to formalise a new lease with Jemena for its electrical substation located at Maribyrnong Park, Moonee Ponds.

Appendices

Appendix A: Jemena Electrical Substation - Corner Holmes Road and Waverley Street, Moonee Ponds - Proposed New Lease - Appendix A .



9.15 Health and Wellbeing Plan 2015/16 Progress

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

Purpose

To inform Council on the annual progress of the *Moonee Valley Public Health and Wellbeing Plan 2013-17* and to seek endorsement of the Health and Wellbeing Action Plan 2016/17.

Executive Summary

- Council adopted the Moonee Valley Public Health and Wellbeing Plan 2013-17 ("the Health Plan") at its Ordinary Meeting on 24 September 2013.
- The Health Plan is supported by delivery of annual Action Plans, Progress Reports, the Public Health and Wellbeing Community Committee ("the Community Committee") and the Evaluation Framework.
- The third year Action Plan 2015/16 was endorsed by Council on 28 July 2015.
- The Health Plan Progress Report July 2016 ("the Progress Report") **Appendix A** (separately circulated), documents the annual progress of actions identified in the third year Action Plan 2015/16. The Progress Report demonstrates successful collaboration across Council departments and external partners in shaping a healthy city that works together to sustain our good health, respond to new and emerging issues and promote equitable health outcomes.
- The Health and Wellbeing Action Plan 2016/17 **Appendix B** (separately circulated) is the fourth and final action plan. It builds on the Action Plan 2015/16 to guide implementation in the final year of the Health Plan.
- The Health Plan 2015/16 Highlights **Appendix C** (separately circulated) includes highlights from the Progress Report. A case study of the flagship Health Plan project, "Healthy Moonee Valley" is included in **Appendix D** (separately circulated).
- The Progress Report July 2016 and Action Plan 2016/17 will be made publically available through Council's webpage.

Recommendation

That Council:

1. Note the Health Plan Progress Report July 2016 **Appendix A** (separately circulated) and supporting documents.
2. Adopt the Health and Wellbeing Action Plan 2016/17 **Appendix B** (separately circulated).

Background

The *Public Health and Wellbeing Act 2008* (“the Act”) establishes requirement for Councils to prepare a Municipal Public Health and Wellbeing Plan every four years. In accordance with the Act, Council adopted the Health Plan at its Ordinary meeting on 24 September 2013. The Health Plan is supported by:

- Annual Action Plans;
- Progress Reports;
- An Evaluation Framework; and
- The Public Health and Wellbeing Community Committee.

Our Health Plan commits to producing annual action plans to support implementation of the Health Plan, including associated monitoring and reporting. The third year Action Plan was endorsed by Council on 28 July 2015.

To monitor and measure our progress, our Health Plan commits to producing an annual progress report. The 2014/15 Progress Report was noted by Council at its Ordinary Meeting on 28 July 2015. The majority of actions were on track, with no significant progress issues identified.

Discussion

Public Health and Wellbeing Community Committee

The role of the Community Committee is to act as a forum for the exchange of ideas and provide support and advice on the implementation and monitoring of the Plan. The Committee last met on 12 October 2015 and will participate in Council’s inaugural Health and Safety Forum on 22 July 2016.

Health Plan Progress Report

The purpose of progress reports is to ensure accountability and a robust approach to monitoring and evaluation of the Health Plan. The Progress Report July 2016 **Appendix A** (separately circulated) provides a progress update on actions identified in the 2015/16 action plan.

There were 73 actions committed to in the third year Action Plan. The Progress Report indicates that 71 out of 73 actions are on track and two actions have amended timelines for delivery within year 4 of the Health Plan. No significant issues are identified.

The Progress Report demonstrates successful collaboration across Council departments and external partners in shaping a healthy city that works together to sustain our good health, respond to new and emerging issues and promote equitable health outcomes. Achievements from the third year of implementation of the Health Plan are detailed in the Health Plan Highlights Report **Appendix C** and include:

Healthy Places

- Development of McCall Reserve playspace through the Department of Justice and Regulation Public Safety Infrastructure Grant
- Development of Rosehill Park and Cross Keys Reserve Draft Master Plan in consultation with the community

Safe and Connected Communities

- Hosting of the Community Conference and Sports Summit (September 2015)
- Adoption and implementation of the Reconciliation Policy and Action Plan 2016-2018 (November 2015)
- Delivery of peer education program 'Living Safer Sexual Lives' for adults with intellectual disabilities to learn about safe and respectful relationships

Healthy People

- Adoption and implementation of Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan (February 2016)
- Delivery of the Healthy Moonee Valley initiative to encourage and model a Healthy Workplaces approach **Appendix D**
- Development of the Moonee Valley Young People's Coalition
- Delivery of Cultural Diversity Week celebrations with over 420 participants attending events

Strong Governance and Partnerships

- Partnership in Inner North West Region to develop a collaborative evaluation project focused on primary prevention of violence against women
- Hosted a healthy canteens workshop engaging 16 sports clubs (April 2016)

The Case Study: Healthy Moonee Valley **Appendix D** (circulated separately) outlines our flagship health promotion project for 2015/16. The initiative uses the Healthy Together Victoria Achievement Program as a framework and guide and focuses on creating and modelling a healthy workplace and promoting health in community settings. Healthy Together is a Victorian Government initiative that provided funding to 14 local government areas. While Moonee Valley was not funded, we have applied the model to build strong partnerships and drive action on health and wellbeing priority areas including physical activity, healthy eating and mental health and wellbeing.

Health and Wellbeing Action Plan 2016/17

The Action Plan 2016/17 **Appendix C** (separately circulated) sets out the actions that will be taken to address each of the strategies of the Health Plan from July 2016 to June 2017. The Action Plan provides details of the strategic objective, relevant actions and action leader, and will be the basis of monitoring and progress reports. While many of the actions identified in the 2015/16 Action Plan will continue across the life of the plan, the 2016/17 amendments include:

- Removal of five completed actions
- Consolidation of a number of actions relating to gender equity
- A shift in the focus from development or scoping to implementation as projects have progressed (e.g. the Inclusive Practice Guide)
- Aligning actions with recently adopted policies, including the Reconciliation Policy and Community Funding Support Framework.
- Identification of new opportunities including support for vulnerable residents and lifelong learning activities.

Development of the Public Health and Wellbeing Plan 2017-21

In accordance with the *Public Health and Wellbeing Act 2008*, our Public Health and Wellbeing Plan 2017-21 will be developed following Council elections in October 2016.

A final Health Plan 2013-17 Evaluation Report will be developed in line with the Evaluation Framework and presented to Council in December 2016.

The development of the next health plan will be informed by:

- Recommendations from the Evaluation Report
- An examination of the health and wellbeing status of our community
- Community and stakeholder engagement.

Next Steps

Community Committee members have been invited to contribute to planning our inaugural Moonee Valley Health and Safety Forum on 29 July 2016. This forum will provide an opportunity for our partners and community stakeholders to come together and contribute to the evidence base about local priorities, issues and opportunities so we can work together to make Moonee Valley a healthy and safe community.

Following endorsement, the Health Plan Progress Report July 2016 and the Action Plan 2016/17 will be made publically available on the Moonee Valley City Council Webpage.

The Health Plan 2013-17 Evaluation Report will be presented to Council in December 2016.

Consultation

The Progress Report and Action Plan has been informed by Council Departments and external stakeholders including the Inner North West Primary Care Partnership.

Implications

1. Legislative

Under Section 26(4) of the *Public Health and Wellbeing Act 2008* Councils are required to review their Health Plan annually and if appropriate, amend it. The development and review of annual action plans ensure that strategies identified in the Health Plan are being implemented satisfactorily.

The Health Plan and extensive evaluation processes promote equitable outcomes for our community. The Community Committee provides an opportunity for community representation and participation in accordance with the *Charter of Human Rights and Responsibilities Act 2006* as it creates opportunities for the community to participate in public life.

2. Council Plan / Policy

In receiving this report, Council is achieving its Strategic Objective to Support the community in becoming healthier and more physically active in accordance with Council Plan 2013-2017 Theme 11: Friendly and Safe.

We are now beginning the fourth and final year of the Council Plan 2013-17 and the Health Plan 2013-17. Shared indicators have been tracked throughout these plans and are reported to Council in the Annual Report. We will continue to monitor progress on strategic indicators through the final year of the Health Plan and present outcomes in the Health Plan 2013-17 Evaluation Report.

3. Financial

Staffing, research and publication costs associated with the implementation of the Health Plan are accommodated within Council's operating budget.

4. Environmental

There have been no impacts and opportunities related to energy usage, water, waste or biodiversity, identified during the review of Health Plan progress.

The Health Plan acknowledges the relationship between the natural environment, climate change and population health in the first goal of healthy places: 'Create a healthy and sustainable city'. Actions identified to achieve the strategies of this goal are monitored and reported on in the Progress Report.

The Health Plan gives regard to the *Climate Change Act 2010* and has considered the City Sustainability Policy.

Conclusion

The Health Plan Progress Report July 2016 details the progress of actions to implement Health Plan strategies in line with the Evaluation Framework. The Health Plan is progressing positively following the third year of implementation with the majority of actions on track for delivery of the strategic objectives in the Plan.

The Progress Report demonstrates successful collaboration across Council departments and external partners in shaping a healthy city that works together to sustain our good health, respond to new and emerging issues and promote equitable health outcomes.

The Action Plan 2016/17 is the fourth and final annual Action Plan of the Health Plan. The Action Plan builds on the three previous annual action plans and sets out the commitments to deliver against each of the strategies in the Health Plan to June 2017.

Appendices

Appendix A: Health Plan Progress Report - July 2016 (separately circulated)

Appendix B: Draft Health and Wellbeing Action Plan 2016/17 - Year 4 (separately circulated)

Appendix C: Health Plan 2015/16 highlights

Appendix D: Healthy Moonee Valley Case Study 2015/16 .

2015/16

Health Plan highlights



Healthy Places

- Development of McCall Reserve playspace through the Department of Justice and Regulation Public Safety Infrastructure Grant
- Development of Rosehill Park and Cross Keys Reserve Draft Master Plan in consultation with the community

Strong Governance and Partnerships

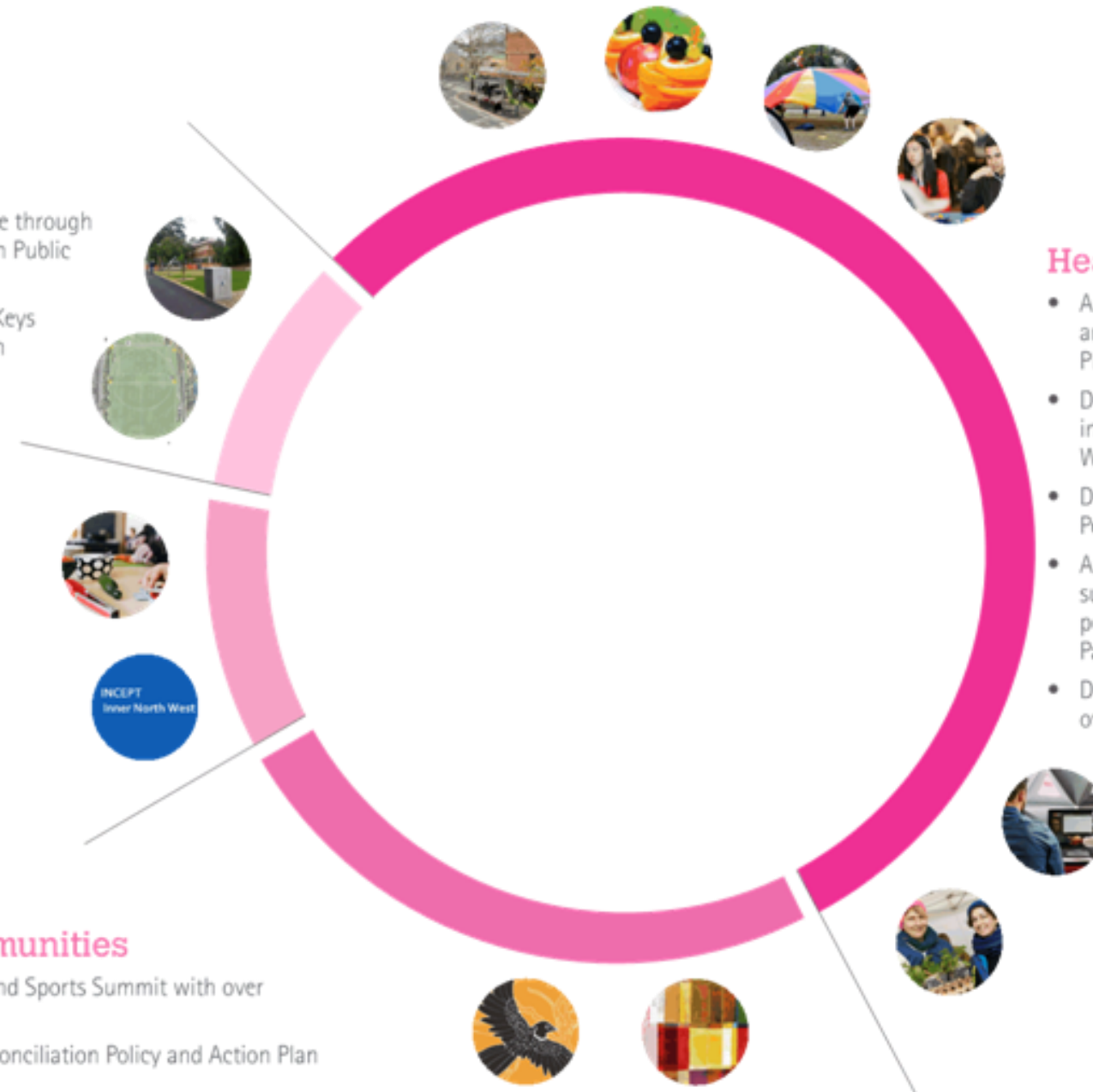
- Partnership in Inner North West Region to develop a collaborative evaluation project focused on primary prevention of violence against women
- Hosted a healthy canteens workshop engaging 16 sports clubs (April 2016)

Safe and Connected Communities

- Hosting of the Community Conference and Sports Summit with over 70 representatives (September 2015)
- Adoption and implementation of the Reconciliation Policy and Action Plan 2016-2018 (November 2015)
- Delivery of peer education program 'Living Safer Sexual Lives' for adults with intellectual disabilities to learn about safe and respectful relationships

Healthy People

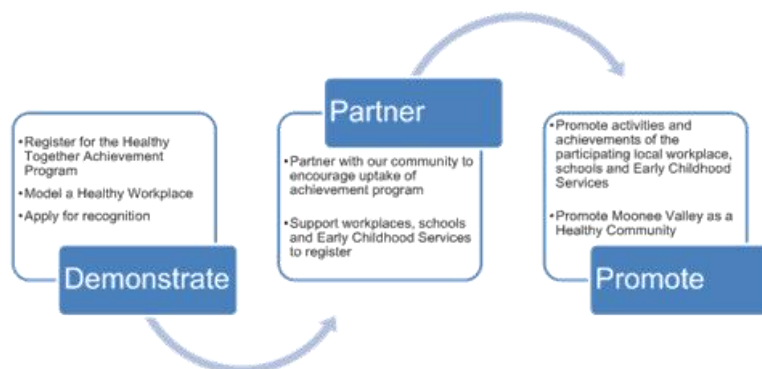
- Adoption and implementation of Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan (February 2016)
- Delivery of the Healthy Moonee Valley initiative to encourage and model a Healthy Workplaces approach
- Development of the Moonee Valley Young People's Coalition
- A series of sustainability workshops including sustainable agriculture, smart watering, permaculture, zero waste, community gardens and a Paddock to Plate event
- Delivery of Cultural Diversity Week celebrations with over 420 participants attending events





Case Study: Healthy Moonee Valley 2015/16

Healthy Moonee Valley is a whole of Council health promotion initiative which aims to establish Council as a healthy workplace and leader within the municipality and promote health and wellbeing in early childhood services, schools and businesses, through the Healthy Together Victoria Achievement Program. We will support and encourage community settings to register and participate in the Achievement Program, and celebrate our shared commitment and achievements as a healthy city.



A healthy workplace promotes the physical, mental, economic and social wellbeing of its employees, and in turn the health of their families, communities and society. It's also good for business. Research shows that when organisations make positive changes to create a healthier workplace, the company reaps big benefits – with less staff off sick, higher productivity, and a happier and more committed workforce.

Promoting healthy settings is in alignment with our policy commitments and contributes to health and wellbeing in Moonee Valley. Our *Council Plan 2013 -17* and *Public Health and Wellbeing Plan 2013-17* aim to support the community in becoming healthier and more physically active as well as create a high performing organisation by modelling a healthy workplaces approach.

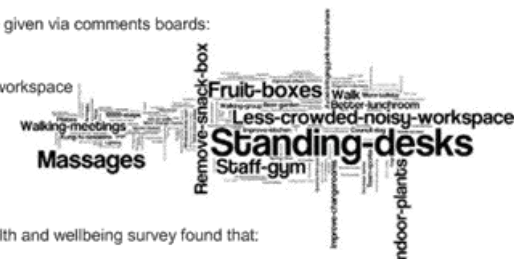
Moonee Valley's Journey

In 2015 Council registered in the Achievement Program and began working towards achieving best practice benchmarks to model a healthy workplace. We developed a two year Action Plan (July 2015 – June 2017) outlining objectives and actions for three identified priority areas: physical activity, healthy eating and mental health and wellbeing. Timelines, settings and the people responsible for implementing actions and measures to monitor progress have been established.

Our priorities were identified through a consultation process involving staff from across Council. There was a high level of engagement in the internal consultation process that involved an Employee Health and Wellbeing Survey and interactive comments boards seeking ideas for a healthier workplace. Seventy nine responses were received to the Employee Survey and over 280 responses were received on comments boards.

Ideas for a healthy workplace given via comments boards:

- Standing desks
- A less crowded noisy workspace
- Massages
- Fruit boxes
- Staff gym
- Healthy snacks
- Indoor plants



Our workplace employee health and wellbeing survey found that:

- Average satisfaction with health was rated 6/10
- Only half of people felt confident to make changes to their health
- 92% of people identified physical activity as a priority, 73% identified healthy eating and 67% identified mental health and wellbeing
- Over 70% of staff wanted activities including fruit boxes, the Employee Assistance program and flu vaccinations to continue
- Limited time was the biggest barrier to health and wellbeing
- Over 50% of people said they would participate in activities offered in lunchtime and during work hours

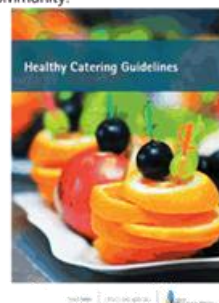


Who's involved?

In 2015 a Reference Group consisting of members from across Council was established to provide specialist guidance. Two executive champions were appointed to provide leadership and commitment from the Executive Team. The Reference Group oversees the implementation of the Action Plan and are responsible for implementing, in partnership with teams a range of activities that will improve the health and wellbeing of our workplace and community.

What we already offer for staff

- Fruit boxes
- Employee Assistance Program (EAP)
- Flu vaccinations
- Sunscreen and filtered water
- Personal effectiveness workshops
- Leisure centre discounts
- Social Club - yoga, pilates and group training
- Annual MYKI discounts
- Bicycle fleet



Achievements

- Healthy Catering Guidelines promoted to organisation and formed part of the criteria for choosing preferred caterers
- Recognition Point 1 of the Healthy Together Achievement Program
- Nutrition and mindfulness workshops for staff at the Civic Centre and Depot
- Staff intranet site with information, news items and resources
- Workplace sit/stand desk pilot and standing meetings to reduce sedentary behaviour
- A sports equipment lending library for staff to use during lunch hours
- Promotion of healthy eating at Long Day Care Services - Healthy Eating Advisory Service training for Coordinators and Cooks of 14 centres
- An everyday health champions mini grants program to support staff to play a lead role in creating a healthy workplace
- Healthy library books resource
- Successful abstract submission and presentation to the Australian Health Promotion Association National conference in June 2016

Achievements in community settings

- Healthy canteens workshop for sports clubs
- Healthy Tastes in Moonee Valley – a pilot project to celebrate local restaurants and cafes with healthy menus
- Brain health talks at libraries
- Nutrition workshops in community centres and libraries
- Community Chef meals available at leisure centres and Council facilities, offered at a subsidised cost

What's next?

- Achieve healthy eating, mental health and wellbeing and physical activity best practice benchmarks in the [Healthy Together Achievement Program](#)
- Establish a workplace Health Promotion Policy position
- Share lessons and support local workplaces, schools and Early Childhood Services to register for the Achievement program
- Promote Moonee Valley as a healthy community
- Consider the broader health priorities such as prevention of violence against women, reducing harm from gambling and impacts of climate change on health
- Build on lessons learnt and the strength of the Reference Group to inform planning for health and wellbeing



9.16 LGBTIQ Action Plan 2015 -17 Year 1 Report

File No: FOL/16/130
Author: Community Planning Officer
Directorate: Planning & Development
Ward: Municipal

Purpose

To inform Council on the progress of the *Lesbian, Gay, Bisexual, Transgender, Intersex and Queer Action Plan 2015-17*.

Executive Summary

- Council adopted its *Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) Action Plan 2015-17* (“the Action Plan”), at its Ordinary Meeting on 23 June 2015.
- The Action Plan outlines strategies to improve access and equity for Moonee Valley’s lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) community members, and is aligned with the themes and objectives of the *Diversity, Access and Equity Policy* (2014).
- The LGBTIQ Action Plan Progress Report, July 2016 (“the Progress Report”) as found at **Appendix A**, documents the annual progress of actions implemented in the first year of the Action Plan. **Appendix B**, LGBTIQ Action Plan Highlights, shows a visual representation of significant achievements since the Action Plan was adopted.
- The Progress Report evaluates the process and outcomes of the Action Plan to date and indicates positive progress, with no significant issues identified.
- The Progress Report will be made publically available through Council’s website.

Recommendation

That Council note the LGBTIQ Action Plan Progress Report, July 2016 as presented at **Appendix A**.

Background

Moonee Valley’s *Diversity, Access and Equity Policy* was adopted by Council on 25 March 2014. The goal of the policy is to “support an inclusive city that respects the human rights of all its citizens, celebrates their diversity and promotes their participation in all aspects of community life”.

Included in this policy is a commitment to address specific areas of diversity, through the following action plans:

- LGBTIQ Action Plan;
- Disability Action Plan;
- Reconciliation Action Plan; and
- Multicultural Action Plan.

The LGBTIQ Action Plan 2015-17 was adopted by Council at its Ordinary Meeting on 23 June 2015. In keeping with the themes of the Diversity, Access and Equity Policy, the Action Plan identifies actions under:

- Fostering respect and celebrating diversity;
- Promoting participation;
- Creating accessible places and spaces; and
- Leadership and representation.

To guide the development of the Action Plan, an LGBTIQ Working Group was established in 2014, with eight members recruited for Phase 1, July 2014 – June 2015. Expressions of Interest were sought from community members in July 2015 for Phase 2, with eight continuing members and two new members recruited.

The Working Group met four times between August 2015 and April 2016 to guide the implementation of the action plan during Year 1, including assistance in the planning and delivery of Midsumma events, Moonee Valley Festival and International Day Against Homophobia, Biphobia, Intersexism and Transphobia.

The Action Plan commits to an annual review, following the first and second year of implementation. The LGBTIQ Action Plan Progress Report, July 2016 documents the annual progress of actions, from July 2015 to June 2016.

Discussion

The Progress Report ensures accountability and a robust approach to monitoring and evaluation of the LGBTIQ Action Plan (**Appendix A**). Progress updates on actions following the first year of implementation include both process and outcome measures.

Significant achievements from the first year of implementation are highlighted in **Appendix B** LGBTIQ Action Plan Highlights, and include:

- Midsumma Premier Event, 'All you need is love', a photographic exhibition celebrating diverse families, held at the Incinerator Gallery from 22 January to 14 February 2016.
- Film screening of the critically acclaimed Australian documentary 'Gayby Baby' at the Clocktower Centre on 19 May 2016, in recognition of International Day Against Homophobia, Biphobia, Intersexism and Transphobia (IDAHOBIT).
- Letters of support sent to the Prime Minister, the Minister for Education & Training, The Premier of Victoria, Safe Schools Coalition Australia, and seven member schools within Moonee Valley, in support of the Safe Schools Program, in April 2016.
- Formation of the Queer Youth Group, with the first meeting in February 2016, with approximately 16 members now attending for social support.

- The Rainbow Tent at Moonee Valley Festival on 28 February 2016, with community members contributing over 200 signatures and comments to our custom Rainbow Flag.
- Display of 'Rainbow Stories in the Valley' storyboards at Avondale Heights Library, Sam Merrifield Library, Youth Services, Moonee Valley Festival and Incinerator Gallery, following the launch in May 2015.
- Representation on the Different Approaches Panel at the Victorian Local Governance Association Forum 'Know Better. Do Better. Local Government Turns Rainbow', on 14 April 2016.
- Participation in the Community Conference and Sports Summit in September 2015, presenting a lunchtime session on inclusive sports practice.
- Commencement of training for aged care sector workers, providing an introduction to LGBTI ageing needs and inclusive practice, from March 2016.
- Additional children's books added to the Library's collection in 2015, on gender and sexual diversity and diverse families.
- Flying Rainbow Flags at prominent locations across Moonee Valley for Midsumma and IDAHOBIT.
- Display of Adshells at eight bus stop locations across Moonee Valley in March 2015, stating Council's position to address discrimination based on gender or sexual diversity.
- Continuation of the LGBTIQ Working Group, to guide the implementation of the Action Plan during Year 1, including assistance in the planning and delivery of Midsumma events, Moonee Valley festival and IDAHOBIT.

Consultation

The Progress Report has been developed in partnership with the LGBTIQ Working Group and Council Departments including Community Planning; Aged and Disability Services; Human Resources; and Arts, Culture and Libraries.

Implications

1. Legislative

Commonwealth and Victorian legislation protects the rights of people who identify as LGBTIQ. This includes the *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill (2013) (Cth)* and the *Fair Work Act 2009 (Cth)* as well as the *Equal Opportunity Act 2010 (Vic)* which identifies 18 protected attributes including Lawful Sexual Activity, Sexual Orientation and Gender Identity.

The *Victorian Charter of Human Rights and Responsibilities* also includes a number of protections including freedom of expression; the right to protection of families and children; and the right to take part in public life. The Action Plan specifically helps to uphold the human rights of our LGBTIQ community members.

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

There are no budgetary or funding considerations as a result of this report. Continued implementation of the LGBTIQ Action Plan will occur within existing operational resources.

4. Environmental

Actions implemented through the LGBTIQ Action Plan 2015-17 will ensure compliance with Council's City Sustainability Policy.

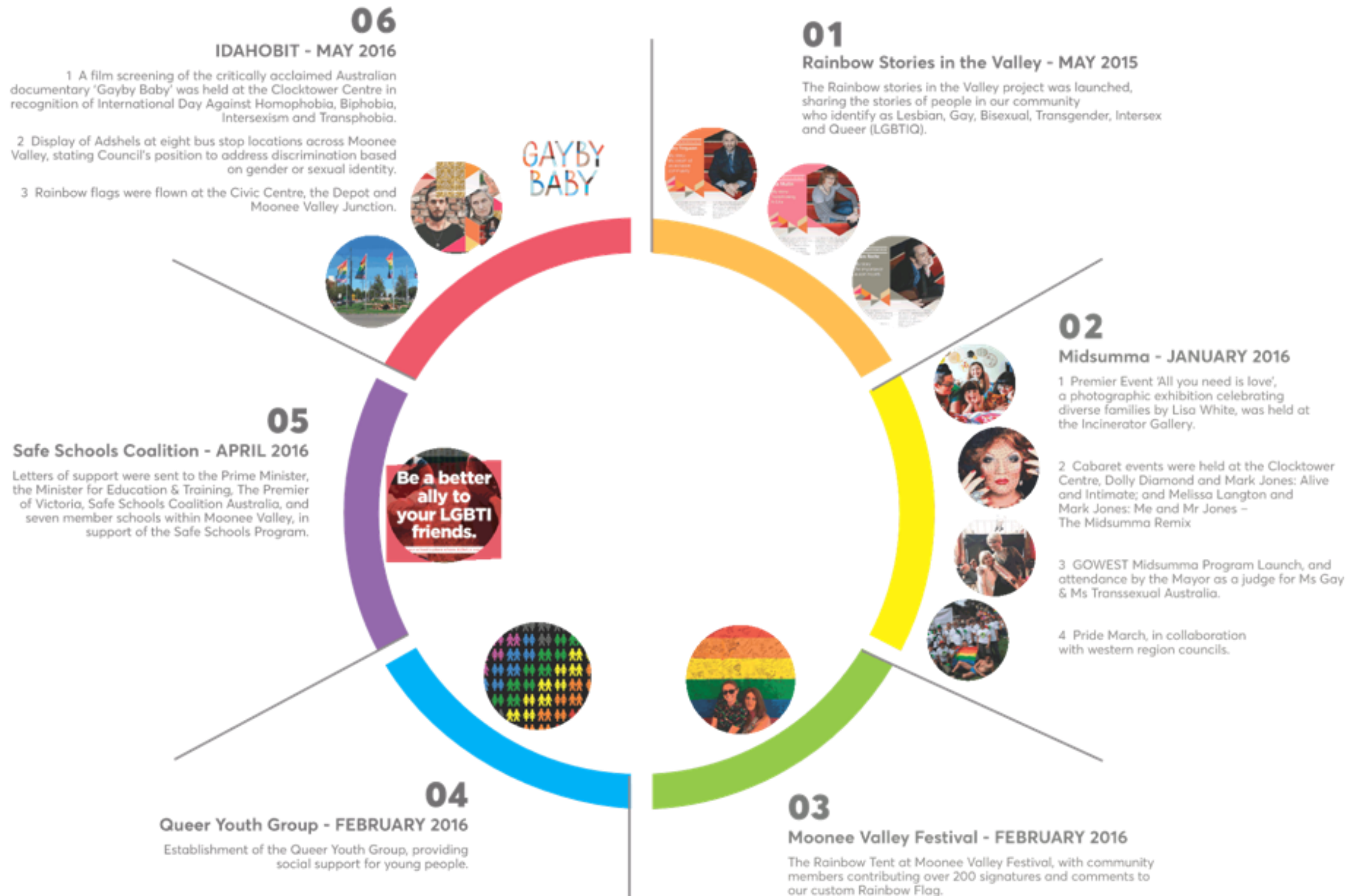
Conclusion

The Progress Report details how actions have advanced following the first year of implementation, from July 2015 – June 2016. The report indicates tremendous momentum for the work and the establishment of strong partnerships across Council departments and community. This strong foundation will strengthen collaborative action to improve access and equity for Moonee Valley's LGBTIQ community throughout year 2 of implementation of the LGBTIQ Action Plan.

Appendices

Appendix A: LGBTIQ Action Plan Progress Report, July 2016 (separately circulated)
Appendix B: LGBTIQ Action Plan Highlights

LGBTIQ Action Plan Highlights



9.17 Report on Assemblies of Council

File No: FOL/16/130
Author: Business Support Officer
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 June 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 June 2016, are provided as **Appendix A**.

Consultation

All Council staff have been informed of Council's obligations under the Act.

Implications

1. Legislative

This report is presented to Council in accordance with Section 80A of the Act. As this is a mandatory reporting requirement, there are no Charter of Human Rights implications for Council.

2. Council Plan / Policy

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

3. Financial

There are no financial implications resulting from the presentation of this report.

4. Environmental

There are no environmental implications resulting from the presentation of this report.

Conclusion

Council has an obligation under Section 80A(2)(a) & (b) of the Act, to present all records of Assemblies of Councillors to an Ordinary Meeting of Council. By receiving and noting this report, Council is ensuring compliance with this provision.

Appendices

Appendix A: Record of Assemblies of Councillors

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday, 21 June 2016 at 6.30 pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Paul Giuliano, Jan Chantry, Shirley Cornish, Jim Cusack, Nicole Marshall, Narelle Sharpe and John Sipek.

Officers:

Bryan Lancaster	Chief Executive Officer
Anthony Smith	Director Corporate & Community Services
Henry Bezuidenhout	Manager City Planning
Peter Gaffney	Manager Infrastructure Services
Tim Mileham	Acting Coordinator Strategic Planning
Amanda Allen	Coordinator Sport & Recreation
Kelly Heffer	Coordinator Sustainability & Climate Change
Venta Slizys	Coordinator Open Space & Urban Design
Melanie Lorback	Senior Leisure Facilities Officer
Liz Chapman	Urban Design Officer

CONFLICT OF INTEREST DISCLOSURES

Nil.

MATTERS CONSIDERED

1. Strategic Directions for Climate Change Adaptation, Greenhouse Strategy and Water Strategy
2. C163 - Review of LPPF & Heritage Guidelines
3. Cross Keys Reserve Master Plan
4. East Keilor Leisure Centre Feasibility Study
5. Items of a general nature raised by Councillors and Officers.

RECORD COMPLETED BY

Anthony Smith Director Corporate & Community Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday, 28 June 2016 at 6.17pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Andrea Surace, Paul Giuliano, Jan Chantry, Shirley Cornish, Jim Cusack, Nicole Marshall, Cam Nation, Narelle Sharpe and John Sipek.

Officers:

Bryan Lancaster	Chief Executive Officer
Natalie Reiter	Director Planning & Development
Anthony Smith	Director Corporate & Community Services
Gil Richardson	Acting Director City Planning
Petrus Barry	Manager Statutory Planning
Yvonne Hansen	Manager Legislative Services & Support
Emily Chiles	Council Business Officer

CONFLICT OF INTEREST DISCLOSURES

Councillor Nation provided written notification to the Chief Executive Officer regarding an indirect conflict of interest in Item 9.7, Kent Street Traffic Management Study of the Ordinary Council Meeting Agenda for 28 June 2016, in relation to residential amenity. This item was not discussed during the assembly of Councillors.

Bryan Lancaster declared an indirect conflict of interest in Item 9.1, 47 - 51 Rose Street, Essendon in relation to residential amenity. Mr Lancaster left the meeting during discussion on this item

MATTERS CONSIDERED

1. 47 - 51 Rose Street, Essendon
2. 20 Argyle Street, Moonee Ponds
3. 14 Banchory Street, Essendon
4. 81 Rose Street, Essendon
5. 165 - 169 Keilor Road, Essendon
6. 4 - 6 Canning Street, Avondale Heights
7. Tobacco Act Legislation - Waterpipes Exemption
8. Consideration of Urgent Business in relation to Council support for the Essendon Historical Society.

RECORD COMPLETED BY

Anthony Smith Director Corporate & Community Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday, 5 July 2016 at 6.30pm at the Moonee Valley Civic Centre

PRESENT

Councillors

Andrea Surace, Paul Giuliano, Jan Chantry, Shirley Cornish, Jim Cusack, Cam Nation.

Officers

Anthony Smith	Acting Chief Executive Officer
Natalie Reiter	Director Planning & Development
Gil Richardson	Acting Director City Planning
Carey Patterson	Acting Director Corporate and Community Services
Petrus Barry	Manager Statutory Planning
Yvonne Hansen	Manager Legislative Services & Support
Jim Karabinis	Manager Aged & Disability
Kosta Smirnis	Acting Manager Technical Services
Matt Spozio	Principal Planner Development Approvals
Venta Slizys	Coordinator Open Space & Urban Design
Chris Morris	Sustainable Transport Officer

CONFLICT OF INTEREST DISCLOSURES

Nil.

MATTERS CONSIDERED

1. Alf Pearce Reserve Fenced Dog Park
2. S173 Agreements in relation to car parking associated with new developments
3. Transition of Home and Community Care Program - Commencing 1 July 2016
4. Montague Street Boardwalk
5. Review of Meeting Procedures Protocol
6. Items of a general nature raised by Councillors and Officers.

RECORD COMPLETED BY

Carey Patterson Acting Director Corporate & Community Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 12 July 2016 at 7.00 pm at the Moonee Valley Civic Centre

PRESENT

Councillors:

Andrea Surace, Paul Giuliano, Jan Chantry, Shirley Cornish, Jim Cusack, Cam Nation and John Sipek.

Officers

Anthony Smith	Acting Chief Executive Officer
Natalie Reiter	Director Planning & Development
Gil Richardson	Acting Director City Planning
Carey Patterson	Acting Director Corporate and Community Services
Petrus Barry	Manager Statutory Planning
Henry Bezuidenhout	Manager City Planning
Yvonne Hansen	Manager Legislative Services & Support
Kate McCaughey	Acting Manager Community Planning
Kosta Smirnis	Acting Manager Technical Services
Matt Spozio	Principal Planner Development Approvals
Sarah Edwards	Coordinator Social Planning and Wellbeing
Tim Mileham	Acting Coordinator Strategic Planning

CONFLICT OF INTEREST DISCLOSURES

Cr Nation declared an indirect conflict of interest in Item:2.8;– ‘Amendment C 159 Implementation Of Essendon Junction Structure Plan’, due to a conflicting duty as he is operating a business within the precinct.

MATTERS CONSIDERED

1. Jemena Electrical Substation - Corner Holmes Road and Waverley Street, Moonee Ponds - Proposed New Lease
2. Review of Council’s Meeting Procedure Protocol
3. Construction Management Plans
4. LGBTIQ Action Plan 2015-17 Year 1 Report
5. Health and Wellbeing Plan 2015/16 Progress

6. Right of Way Access for Abutting Development Proposals
7. Planning Scheme Amendment C163 – New heritage policy to introduce updated heritage guidelines
8. Amendment C159 – Implementation of Essendon Junction Structure Plan
9. Buckley Park LATM Study
10. Planning Scheme Amendment C167 – Extension of expiry date of Schedule 2 to the Design and Development Overlay (Maribyrnong River Protection)
11. 87 Spencer St, Essendon
12. 3 Riverside Ave, Avondale Heights
13. 165 – 169 Keilor Road, Essendon
14. 40 Hall St, Moonee Ponds (Stage 2)
15. 113 Keilor Rd, Essendon
16. Items of a general nature raised by Councillors and Officers.

RECORD COMPLETED BY

Carey Patterson

Acting Director Corporate & Community Services

RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 19 July 2016 at 6.30 pm at the Moonee Valley Civic Centre

Present

Councillors

Andrea Surace, Paul Giuliano, Jan Chantry, John Sipek, Nicole Marshall and Narelle Sharpe.

Officers

Anthony Smith	Acting Chief Executive Officer
Gil Richardson	Acting Director City Planning
Natalie Reiter	Director Planning & Development
Carey Patterson	Acting Director Corporate and Community Services
Peter Gaffney	Manager Infrastructure Services
Kate McCaughey	Acting Manager Community Planning
Amanda Allen	Coordinator Sport & Recreation
Kate Heissenbuttel	Leisure Planner

CONFLICT OF INTEREST DISCLOSURES

Nil.

MATTERS CONSIDERED

1. Highball Stadium Feasibility Project – Stage 1 Update
2. Essendon Hockey Facility
3. Draft Long Term Community Facility strategy Update
4. Items of a general nature raised by Councillors and Officers.

RECORD COMPLETED BY

Carey Patterson Acting Director Corporate & Community Services

9.18 Report on Advisory Committees

File No: FOL/16/130
Author: Business Support Officer
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 May 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 May 2016:

- a) Young Peoples Coalition Meeting held 25 February 2016 (**Appendix A**);
- b) ANZAC Centenary Community Coordinating Committee held on 21 March 2016 (**Appendix B**);
- c) Moonee Valley City Council Disability Reference Group Meeting held on 4 April 2016 (**Appendix C**); and
- d) Moonee Valley Integrated Waterways Advisory Committee held on 29 April 2016 (**Appendix D**).

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) Young Peoples Coalition Meeting held 25 February 2016;
- b) ANZAC Centenary Community Coordinating Committee held on 21 March 2016;
- c) Moonee Valley City Council Disability Reference Group Meeting held on 4 April 2016; and
- d) Moonee Valley Integrated Waterways Advisory Committee held on 29 April 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: Young Peoples Coalition- 25 February 2016

Appendix B: ANZAC Centenary Community Coordinating Committee- 21 March 2016

Appendix C: Moonee Valley City Council Disability Reference Group - 4 April 2016

Appendix D: Moonee Valley Integrated Waterways Advisory Committee - 29 April 2016

25 February 2016
Minutes – Moonee Valley Young Peoples' Coalition



Young Peoples' Coalition

Minutes

Thursday, 25 February 2016 at 9.00am – 11.00am at Moonee Valley Civic
Centre, 9 Kellaway Ave, Moonee Ponds

Attendees	Cr Cam Nation [Chair]	Moonee Valley City Council
	Jackie Zombolas	Coordinator Youth Services
	Jonno McCutcheon	Youth Planner
	Jill Kilpatrick	Victoria Police – Youth Resource Officer
	David Adamson	Essendon Keilor College – Principal
	Wayne Haworth	Mount Alexander College – Principal
	Kate Dullard	Penleigh and Essendon Grammar School – Senior School Principal
	Jeremy Hearne	CoHealth – Manager Prevention
	Alison McRoberts	Headspace – Manager, Glenroy
	Rita Moses	Headspace – Senior Clinician
	Rachel Grant	Orygen Youth Health – Clinical Specialist, Community Development
	Colleen Bergin	YouthNow - CEO
	Rhonda Collins	Latitude Directions for Young People - CEO
Apologies	Cr. Narelle Sharpe	Moonee Valley City Council
	Adam Boyle	Manager Community Planning

25 February 2016
Minutes – Moonee Valley Young Peoples' Coalition

Brendan Lacota	Moonee Valley Legal Service – Lawyer
Darlene Bull	Kangan Institute – Youth Services
Veronica Snook	M&MV LLEN - CEO
Matthew Smitten	Melbourne City Mission
Jazz Bir	Mackillop Family Services

Order of Business

Welcome

The Chair welcomed officials to the meeting.

1. Declarations of Conflict of Interest

No declarations were made.

2. Items

2.1 Introduction of the Coalition

Jackie Zombolas introduced the role of the Coalition and its relationship to the Moonee Valley Young Peoples Committee and Thrive:

- The Terms of Reference for the Moonee Valley Young Peoples' Coalition were adopted by Council alongside Thrive: strategy for young people and the Operating Guidelines for the Moonee Valley Young Peoples' Committee.
- The role of the Committee is to look at strategic planning, advocacy and service coordination at a municipal level.
- The Moonee Valley Young Peoples' Committee, which sits alongside the Coalition, is comprised entirely of young people. The Committee's role is to provide ongoing guidance and support in delivering Thrive. The Committee is also a leadership development program for young people
- The Committee met for the first time last night (24 February) and were supported to undertake a brainstorming exercise to identify areas they felt needed the Committee's attention. These issues included public transport accessibility, sex education, employment and racism.

25 February 2016
Minutes – Moonee Valley Young Peoples' Coalition

- The Committee and the Coalition are part of the governance framework for Thrive and allow for action at a community and service sector level.
- Council is excited to be working alongside partners on the Coalition to meet the needs of young people in Moonee Valley.

2.2 Introductions

The Chair asked each member to introduce themselves, explain their role and what their hopes for the Coalition are:

- Cr Nation [Moonee Valley City Council]: Works with and holds a keen interest in advocating for young people in Moonee Valley. Council seeking more support in being able to advocate for better outcomes for young people in Moonee Valley.
- Rachel Grant [Orygen Youth Health]: Orygen is the tertiary mental health service for the area and covers a total of 9 LGAs. Service quite a number of people from the Moonee Valley area already. Interested in smoothing transitions between services and allowing better access and connection across the sector.
- David Adamson [Essendon Keilor College]: Excited to be part of the Coalition and looking forward to working as a collective.
- Colleen Bergin [YouthNow]: YouthNow works with young people on employment readiness, career planning, and job settlement support. Main base in Sunshine with the hope of operating a service from Wingate Community Centre, Ascot Vale. The world of work is changing and YouthNow are keen to educate young people and the community of how to prepare for it.
- Rhonda Collins [Latitude Directions for Young People]: Latitude is the local response to youth homelessness. Interested in mental health and the transition into adult services, especially for people aged 21-25 who are often forgotten or disconnected from other supports.
- Rita Moses [Headspace]: Keen to learn about young people in the area and interested in how the Glenroy headspace can be made more accessible to young people in Moonee Valley.
- Jeremy Hearne [Cohealth]: CoHealth have a presence in over 14 LGAs where they provide allied health and health promotion. Excited that the ambition of the Coalition aligns with the 'codesign' model of engagement and the value-base of Cohealth. Supportive of the consumer-based model of service design.
- Jill Kilpatrick [Victoria Police - Moonee Ponds]: In regular contact with young people who come to police attention. Jill works in schools and also provides direct support to victims and offenders in court. Excited about the Coalition and acknowledges the difference in issues at a

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local level, and the need for a group like this to have a broad and inclusive focus.

- Kate Dullard [Penleigh and Essendon Grammar School]: PEGS has been working with young people to identify strategies to overcome some grass-roots issues. Excited to look at what the Coalition can do at a whole-of-community level and to strengthen partnerships between schools and the service sector.
- Alison McRoberts [Headspace]: Notes that the Glenroy headspace is on the Craigieburn train line. Interested in ways the group can encourage young people to access the Glenroy headspace.
- Wayne Haworth [Mount Alexander College]: Keen to make some connections being relatively new to role. School in process of transformation, looking to work in the area of prevention in regards to student wellbeing.

2.3 Overview of Thrive and the consultation findings

Jackie Zombolas presented on Thrive and the findings of the consultation process:

- Council consulted with over 800 young people in total to inform Thrive and Thrive Action Plan One. Council also consulted with 32 service providers to inform the strategy.
- Thrive focuses on young people who live, work, study and recreate in Moonee Valley. 35% young people attending Moonee Valley secondary schools live in other Local Government Areas.
- Thrive does not have a time limitation but was drafted as a long-term strategy. Council keen to continue to implement this strategy for the next 10 years and develop annual or biannual Action Plans to keep activities responsive and relevant.
- Mental health and employment were outstanding issues identified in the consultation process and the background research which informed the development of Thrive. Council interested in identifying what services may be missing and where they might need to be placed moving forward.
- Almost two thirds of young people in Moonee Valley are aged 18-25. This demographic is predicted to grow in the southern and central parts of the municipality in particular.
- Council just one stakeholder in responding to the big issues raised by young people through Thrive.

2.4 Collective impact and joint goal setting

Jonno McCutcheon and Jackie Zombolas explained the development of the Thrive Monitoring and Evaluation Framework and proposed a collective approach to data monitoring and evaluation.

- The Thrive Monitoring and Evaluation Framework is being developed by Council to track how young people are faring over time. Council proposes a collective impact approach to the framework to make it richer in content and useful for all partners, including young people, in identifying needs and gaps to work towards. The first step in developing the framework is to identify what sort of information should be monitored over time, and where this information can be sourced.
- Thrive is based on the six overarching themes of the Australian Research Centre for Children and Youth (ARACY) Nest Framework:

Theme	Description
Being loved and safe	Family and friendships, community safety, celebrating diversity, inclusiveness.
Having material basics	Ability to provide for one's own needs, employment, life-skills.
Being healthy	Physical, mental and sexual health.
Learning	Learning environments, learning outcomes, curiosity and inquisitiveness.
Participation	Civic engagement, leadership, youth culture and cultural development
Supportive systems and environments	Service sector collaboration, diversity and responsiveness, young people-friendly spaces and infrastructure.

- The Coalition was guided through a consultation exercise where members were asked to identify what information we as a collective could consolidate to start to paint a picture of change over time. Members were then asked to comment on the proposed 'areas' the Thrive Monitoring and Evaluation Framework should focus on to be easy to use and informative at the same time. Findings of this exercise is included at **Attachment A**.

2.5 Next steps

The draft Monitoring and Evaluation Framework will be subject to an external review to test its quality, sustainability and appropriateness. The consultant undertaking the review will also assist with the development of any tools (ie: surveys) that will need to be created as part of the framework.

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3. General Business

Chair called for general business items and none were raised outside of comment on length of time before next meeting.

4. Close of Meeting / Next Meeting

Chair thanked attendees and closed the meeting. The next meeting is scheduled for Thursday, 26 May 2016.

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ATTACHMENT A: Thrive Monitoring and Evaluation Framework Workshop Outcomes

WORKSHOP OUTCOMES

Members were asked to identify potential data sources and provide comment on the 'areas' for data collection tabled at the meeting.

Area to monitor	Comment on area to monitor	Potential data sources
Being loved and safe		
Attitudes towards respect, diversity and inclusion	Nil	<ul style="list-style-type: none"> • Independent schools • CoHealth (Flemington estate community leadership and sisters and brothers program evaluation) • Rainbow Network • Safe Schools Coalition
Ability to access and provide support to other young people	Would be useful to ask young people how they perceive their networks and friends.	<ul style="list-style-type: none"> • Independent schools • Department of Education and Training
Understanding of and confidence to address gender equity	Nil	<ul style="list-style-type: none"> • Our Watch • ANROWS • VicHealth
Perceptions of safety and incidents of violence	Child protection notifications should be included. Incidents of family violence would also be interesting to look at.	<ul style="list-style-type: none"> • Flemington / Kensington Community Legal Centre • Women's Health West • Safer Communities (Council)

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Area to monitor	Comment on area to monitor	Potential data sources
		<ul style="list-style-type: none"> • VicRoads (young driver stats) • Department of Justice • Victoria Police (some information is limited release only)
Having material basics		
Life skill literacy	'Independent living skills' is probably a better area to monitor, and should include financial and legal literacy.	<ul style="list-style-type: none"> • Melbourne City Mission • DEECD (DET) • Food relief program providers
Employment and underemployment	Nil	<ul style="list-style-type: none"> • Job Actives • headspace (can provide a snapshot of workforce participation) • YouthNow (interested in supporting collection of this information) • Census • Department of Employment
Career planning confidence	Nil	<ul style="list-style-type: none"> • YouthNow (interested in supporting collection of this information)
Business creation confidence	Nil	<ul style="list-style-type: none"> • YouthNow (interested in supporting collection of this information)
Suitability of housing and transport options	Housing affordability would be interesting to monitor. Levels of homelessness should also be considered.	<ul style="list-style-type: none"> • Latitude

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ATTACHMENT A: Thrive Monitoring and Evaluation Framework Workshop Outcomes

Area to monitor	Comment on area to monitor	Potential data sources
Being healthy		
Physical health attitudes and practices	<p>Council could ask how young people feel about their access to leisure and sporting facilities.</p> <p>Food security should be considered.</p> <p>It would be beneficial to ask young people about the accessibility and friendliness of GPs and other health services in Moonee Valley.</p> <p>Adolescent Community Profile is getting outdated and does not capture vulnerable people.</p> <p>Health literacy should be measured.</p> <p>Data for 18-25 year olds is often difficult to find.</p>	<ul style="list-style-type: none"> • Second Bite
Sexual health attitudes and practices	Nil	<ul style="list-style-type: none"> • CoHealth • Action for Equity Partnership • headspace • ISIS • SSSOs
Harmful substances attitudes and practices	Nil	<ul style="list-style-type: none"> • Primary Health Care Network • YSAS
Mental health attitudes and practices	Nil	<ul style="list-style-type: none"> • VicHealth

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ATTACHMENT A: Thrive Monitoring and Evaluation Framework Workshop Outcomes

Area to monitor	Comment on area to monitor	Potential data sources
		<ul style="list-style-type: none"> • headspace • Orygen Youth Health • Primary Health Care Network
Learning		
Satisfaction with learning environments	It would be interested in ask questions about satisfactions with libraries and Wi-Fi accessibility.	<ul style="list-style-type: none"> • YouthNow (interested in supporting collection of this information)
Secondary education attainment	Literacy, numeracy levels can be monitored. Digital literacy is important. Learning pathways and transition is important.	<ul style="list-style-type: none"> • Schools • Department of Education and Training Network Data • MMVLLEN
Further education attainment	Nil	<ul style="list-style-type: none"> • Census
Understanding of diverse leaning opportunities	Knowledge of financial assistance available, and how to avoid unsuitable training organisations, would be useful.	<ul style="list-style-type: none"> • YouthNow (interested in supporting collection of this information) • ACFE • WCIG • Melbourne City Mission • Melbourne Academy • MMVLLEN
Participation		

25 February 2016
 Minutes – Moonee Valley Young Peoples' Coalition
ATTACHMENT A: Thrive Monitoring and Evaluation Framework Workshop Outcomes

Area to monitor	Comment on area to monitor	Potential data sources
Sense of belonging, pride and community connection	Include volunteer participation rate. Important especially to disaggregate this information by cultural identity and gender.	<ul style="list-style-type: none"> • Data from Community and Neighbourhood House networks • Youth Participation Independent Network (YPINN?)
Capacity for decision making in community settings	Nil	<ul style="list-style-type: none"> • Community Indicators Victoria • CoHealth program evaluations • Western LGA Youth Services Coordinators Network • YACVic
Capacity to lead community initiatives	This should make reference to people with a disability. How effective young people are in community mobilisation and advocacy is part of this.	<ul style="list-style-type: none"> • CoHealth program evaluations
Supportive systems and environments		
Attitudes towards Moonee Valley as a place young people want to live, work, study and socialise in	Nil	<ul style="list-style-type: none"> • Nil
Knowledge of and satisfaction with support services available	Nil	<ul style="list-style-type: none"> • Orygen Youth Health (only for their service)
Service sector collaboration,	The Melton Council Community Impact Tool might be useful to look at for inspiration.	<ul style="list-style-type: none"> • JSS

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ATTACHMENT A: Thrive Monitoring and Evaluation Framework Workshop Outcomes

Area to monitor	Comment on area to monitor	Potential data sources
responsiveness and diversity	It would be good to track advocacy efforts over time.	<ul style="list-style-type: none">• Primary Health Care Network• Mission Australia• VicHealth (partnership strength survey)• Western Area Children and Youth Partnerships• Victoria Police

Monday, 21 March 2016
Minutes – Anzac Centenary Community Coordinating Committee – Meeting #10



Anzac Centenary Community Coordinating Committee

Minutes

Meeting #10

Monday, 21 March 2016 at 6pm
Committee Room, Moonee Valley Civic Centre
9 Kellaway Avenue, Moonee Ponds

Attendees	Cr Jan Chantry	Chair, Buckley Ward
	Cr Jim Cusack	(Sub chair) – Myrmong Ward
	Bill Laker	President, Keilor East RSL
	Bob Chalmers	President, Essendon Historical Society
	Elaine Brogan	Friends of Sandy
	Ev Reynolds	58/32 Infantry Battalion Association Ltd
	John Hills	Essendon Historical Society
	Judy Maddigan	Local Historian
Council officers	Gil Richardson	Acting Director City Services
	Troy Watson	Manager Arts, Culture and Libraries
	James Martin	Acting Manager Communications and Customer Service
	Craig Medcalf	Manager Operations
	Alana Stevens	Executive Assistant City Services (minute taker)
Apologies	Cr Shirley Cornish	(Sub chair) – Rose Hill Ward
	Barry Gough	Former Mayor City of Essendon

Order of Business

Welcome

Meeting opened at 6.01pm.

Chair Cr Jan Chantry welcomed all attendees to the meeting.

Apologies

Monday, 21 March 2016

Minutes – Anzac Centenary Community Coordinating Committee – Meeting #10

Noted as above.

Chair Cr Jan Chantry acknowledged the resignation of committee member Ange Kenos and noted that Gavin Comport is no longer with the Keilor East RSL.

1. Confirmation of Previous Minutes

Moved by Elaine Brogan seconded by Bill Laker that the Minutes of the Anzac Centenary Community Coordinating Committee (#9) held on Monday, 8 February 2016 be confirmed with no changes.

2. Declarations of Conflict of Interest

Nil.

3. Actions arising from previous minutes

3.1 Street signs in Ascot Vale – launch event

James Martin advised the event is scheduled for Monday, 18 April 2016, commencing at 11am at the corner Victory Parade and Elliott Street, Ascot Vale.

Cr Chantry suggested that in addition to the letters being sent out, notices also be placed in Ascot Vale Library and in the Ascot Vale Leisure Centre.

John Hills will be running the walking tour. Judy Maddigan suggested if there are too many people we can split the group and she will lead the second tour.

3.2 Boulevard Project

Bill Laker advised that the Council grant application has now been submitted, with assistance from Ben Carroll's office. Announcements are expected around May-June 2016.

The event will be held on Sunday, 6 November 2016. The Boulevard Committee would be grateful for some Council assistance with the event, including sourcing a marquee, a flag pole, wreaths etc.

Ev Reynolds advised he had made contact with the families of those who'll be receiving a plaque.

3.3 Final event for Anzac Centenary

The committee agreed that the Clocktower Centre is the preferred venue for the event, which will be celebrated around the 100th anniversary of Armistice Day in November 2018.

3.4 Victoria Cross commemorative pavers

Gilbert Richardson advised that Council is waiting for a response from the Department of Premier and Cabinet regarding the pavers that were requested. Council is unsure if pavers for the additional names Moon and Tubb will be provided. The department has advised the pavers will not be ready in time for Anzac Day 2016.

The committee briefly discussed where the pavers should be located and were leaning towards Queens Park, Moonee Ponds.

3.5 Scurry Court proposal

Monday, 21 March 2016

Minutes – Anzac Centenary Community Coordinating Committee – Meeting #10

Item deferred as Barry Gough was not in attendance.

4. Event / project status updates

- Judy Maddigan advised that Moonee Valley Brass will hold a concert on Sunday, 10 April.
- Elaine Brogan advised that Friends of Sandy had been granted access to the hill outside Fisher Stables on the Maribyrnong Defence site, which is where Sandy was put down (rather than the original proposed site on the banks of the Maribyrnong where Sandy was buried). The proposed monument has been altered to suit this site. Elaine was concerned there is no public access to this site. Additionally, the Department of Defence want the monument to be installed and unveiled this year, which would mean the event would have to be held in November 2016. The committee were concerned that there are already a number of other events occurring around this time and would prefer to see this event held as originally planned, in May 2017. Cr Chantry advised she would liaise with Bill Shorten's office to write a letter to the Department of Defence, requesting public access to the land and for the event to be held in May 2017.
- Ev Reynolds provided an update on the Pompey Elliott service and luncheon held on 11 March.
- The unveiling of the 58th Battalion monument in Queens Park will be held on Saturday, 8 October. Ev will liaise with Craig Medcalf regarding the requirements for the footing of the monument and with James Martin on the wording on the monument. Ev would appreciate support from Council for this event, as was provided for the Lone Pine event in 2015. Troy Watson advised that Council has a limited budget for supporting Anzac Centenary activities, which is enough for around 2-3 events.
- Judy Maddigan advised the Historical Society has been working closely with Council on the Queens Park Memorial Wall. The project has been included in the draft 2016/17 Council budget. It was suggested Anzac Day 2017 would be a good time to unveil the wall, if completed in time.
- Troy Watson advised that Moonee Valley Libraries have two events scheduled around Anzac Day 2016. The first is a talk on the City of Essendon Regiment by Major Robert (Bob) Prewett RFD on 20 April at Sam Merrifield Library. The second is a screening of the documentary *Why Anzacs* narrated by Sam Neil, being held at Flemington Library on 19 April. Avondale Heights Library and Learning Centre will also host the Writing the War exhibition from March 2017.
- Cr Chantry enquired about the search for the Essendon High School cannon. She would like continue to try and get the story in the news and possibly include in Valley View.

ACTIONS:

- Alana Stevens to distribute flyer for Moonee Valley Brass concert with the minutes.
- Cr Chantry to liaise with Bill Shorten's office to write a letter to the Department of Defence regarding the Friends of Sandy monument.
- Craig Medcalf and James Martin to assist Ev Reynolds with requirements for the 58th Battalion monument in Queens Park.
- Alana Stevens to include item on agenda for next meeting; Council support for events in 2016/17.

Monday, 21 March 2016

Minutes – Anzac Centenary Community Coordinating Committee – Meeting #10

- James Martin to pitch the missing cannon story to the local newspapers and include an article in Valley View.
- Alana Stevens to update the Summary of events and activities document and distribute with the minutes.

5. Other Business

5.1 Essendon Rowing Club honour board

Judy Maddigan advised that she had recently visited Essendon Rowing Club and was told their honour board of members who went to war was stolen (quite some time ago). Cr Jim suggested the club may wish to apply for a Responsive Grant (up to \$1,000) from Council to replace the board. These grants are allocated monthly and applications can be made at any time.

5.2 Fromelles gift

James Martin passed around a copy of the photo that will be framed and provided to Maj. Bob Prewett to take to Fromelles in July.

5.3 Telling the story of the Committee

James Martin advised that photos from key Anzac Centenary events are being kept, and a chronology of events and activities could be put into book format at the end of the centenary.

5.4 Rosie

Craig Medcalf provided an update on the replacement of Rosie. A quote has been obtained, which includes measures to make Rosie II more theft/vandal proof, such as filling the statue with sand/slurry and mounting the statue on a raised plinth. With the inclusion of these measure, the cost for Rosie II is looking to be around double the cost of the original statue.

Cr Cusack suggested that Mr Adam Bandt MP might be able to assist with finding additional funds to help replace Rosie. The committee agreed to write to Mr Adam Bandt MP, requesting support.

ACTION: Gilbert Richardson to write to Mr Adam Bandt MP seeking support for the replacement of Rosie.

6. Date of next meeting

Meeting schedule for 2016:

- Monday, 6 June, 6pm-8pm
- Monday, 12 September, 6pm-8pm
- Monday, 5 December, 6pm-8pm

The meeting closed at 7.06pm

4 April 2016
Minutes – Moonee Valley City Council Disability Reference Group Meeting



Moonee Valley City Council Disability Reference Group Meeting

Minutes

Held Monday 4 April 2016 at 4.00pm- 5.30pm

Moonee Valley City Council

Attendees:

Cr Shirley Cornish (Cr.SC)	Chair, Moonee Valley City Council
Anthony Smith (AS)	Director Corporate & Community Services
Jim Karabinis (JK)	Manager Aged & Disability
Heidi Peart (HP)	A/Coordinator Healthy Ageing & Disability
Dean Alexander (DA)	Program Manager Inner North Co-Health
Laurie Elliot (LE)	Local Resident
Vincenza Fazzalori (VF)	Local Resident
Rose-Marie McQueen (RM)	Business Support Officer (Minutes)

Apologies:

Cr Jim Cusack (Cr.JC)	Councillor Moonee Valley City Council
Elizabeth Perez (EP)	General Manager of Housing Wintringham
Ruth Kyne (RK)	Local Resident
Lisa Greenfield (LG)	Local Resident
Greg Francis (GF)	Local Resident

Guests:

James Kemp (JK)	Coordinator Transport Tech Services
David Richardson (DR)	Traffic & Transport Engineer Traffic
Sarah Haq (SH)	Snr Open Space Planner Urban Design

4 April 2016

Minutes – Moonee Valley City Council Disability Reference Group Meeting

Order of Business

Welcome

The meeting was opened by JK

An overview of changes within Council regarding the recent organisational restructure was provided to the quorum. There are now three directorates, Aged & Disability Services directorate is with Corporate & Community Services.

JK introduced Anthony Smith the newly appointed Director Corporate & Community Services and a round table introduction was undertaken.

Apologies

Note

1. Confirmation of Previous Minutes

Moved by DA, Second by VF

2. Declarations of Conflict of Interest

Nil

3. Items

3.1 Actions from the Previous Meeting

Actions from the previous meeting have been reflected in the Agenda

3.2 Correspondence

Nil

3.3 East Keilor & Ascot Vale Leisure Centre – update (ML)

Deferred

3.4 Accessible Parking – discussion & update (AP)

James Kemp & David Richardson from the Traffic Department Technical Services MVCC provided an update of the review, and what the Council's intentions are concerning the proposed upgrades.

- Power Point Presentation – Attached: Appendix A

Permit holders are to be notified as the consultation period has concluded and the action part of the process will commence in the new financial year.

The project will take 1-2 years to complete.

- Cr Cornish presented a Notice of Motion for comment.
- The Notice will be presented to Council at the next scheduled meeting for approval.

The Notice of Motion requesting the recommendation for a state-wide review of the criteria used for assessing parking permit eligibility, tracking of expired parking permits, permits which have been passed on to other drivers for use and permits of deceased permit holders. Australian Medical Association, Vic Roads and other relevant authorities will be consulted. Attached: Appendix B

- State Council session is in May 2016

4 April 2016

Minutes – Moonee Valley City Council Disability Reference Group Meeting

3.5 New Landscape Design Incinerator Gallery (SH)

The draft landscape proposal was presented for comment, a copy of the plan was disseminated to the group.

Comments;

- Sensory Signage, Sensory Garden for vision and hearing impaired people
- At present there is no grand entrance, patrons are unsure of the entrance
- Entrance and pathways to navigate patrons to the rear of the building where most of the facilities are featured
- Furniture for outdoors, to accommodate people and attract them to come in
- Urban Ecology Strategy - term of reference
- A Water design could be included, rain garden, secret garden, magic garden
- Green open space for people to spend time in with their families
- A permanent collection of outdoor sculpture would attract patrons to the grounds
- Education aids for young children
- Historical notations regarding the heritage of the building and items in the surrounds
- Provisions for families to attract them to the space and encourage people to learn about art and culture
- Time frame for completion of the drawings, end of June 2016
- Heritage Victoria has been approached for the grant to fund the proposal

3.6 Presentation Co-Health (DA)

A PowerPoint presentation was provided detailing support services, accommodation options and the general overall Mental Health Support System which provides life services to people in the broader community. CoHealth also provide support to the most disadvantaged in our communities and advocate for their needs with assistance spanning across 14 municipalities and 40 sites across Melbourne.

- CoHealth has been in operation for 18 months

Q: Do peer workers run education support programs?

A: Facilitated meetings are conducted, exit interviews are undertaken, and meetings are conducted regularly.

- Diabetes, falls, etc are referred to Dootta Gala,

Q: Are CoHealth's services funded?

A: Funding is provided by a mixture of Commonwealth & State Government there is a quota for the intake of clients and services, eft and targets, the number of clients and services are reportable.

- Emergency housing needs are referred to crisis or rehab centres

3.7 Respite Subsidy Project – Mid Year Report (HP)

4 April 2016

Minutes – Moonee Valley City Council Disability Reference Group Meeting

- Six months into the project a survey was conducted to review the status of the program
- The initiative falls in line with the NDIS and how families can be best supported

Marketing

Brochures for weekend camps, respite options and information for families could be dropped off by carers in the home while they are providing a service.

- A DL size information pamphlet or magnet for the fridge was suggested
- Schools could also be included when distributing pamphlets as not all families of children with disabilities use Council services or attend local Special Schools

Interplan is the conduit for information between Council and the clients it is used to monitor the target areas and who is providing services in line with the DAP and Council Plan

- It would also be of value to conduct a survey of the community in addition to the families of people with disabilities and include a total list of services

3.8 NDIS – update (JK)

- HACC services as a program title only, concludes 30 June 2016, the new title will be Commonwealth Home Care Support Program until NDIS commences 1 October 2018. State Government will run parallel service until the NDIS roll out is complete.

4. General Business

Noted

5. Close of Meeting 5.30pm

**Next Scheduled meeting;
Monday 6 June 2016
Moonee Valley City Council
4.00pm – 5.30pm**

29 April 2016
Minutes - Moonee Valley Integrated Waterways Advisory Committee – Meeting #15



Moonee Valley Integrated Waterways Advisory Committee

Minutes

MEETING #15

Friday, 29 April 2016 at 9am
Committee Room, Moonee Valley Civic Centre
9 Kellaway Avenue, Moonee Ponds

Attendees	Cr Shirley Cornish	Chairperson - Rose Hill Ward
	Anne Black	Friends of Five Mile Creek
	Elaine Brogan	RivCel
	Frank Kinnersley	Friends of the Moonee Ponds Creek
	Mark Roberts	Friends of Napier Park
	Tony Smith	Moonee Ponds Creek Co-ordination Committee
Council officers	Gilbert Richardson	Acting Director City Services
	Craig Medcalf	Manager Operations
	Michelle Gooding	Acting Coordinator Parks & Gardens
	Alana Stevens	Executive Assistant City Services (minute taker)
<i>Guest</i>	Penny Ball	Senior Sustainability Officer
<i>Guest</i>	Tim Mileham	Acting Manager City Planning
<i>Guest</i>	Venta Slizys	Coordinator City Design
Apologies	Cr Nicole Marshall	(sub chair) – Myrnong Ward
	Cr Paul Giuliano	(sub chair) – Deputy Mayor – Buckley Ward
	Kylie Swingler	Melbourne Water
	Leigh Mitchell	Melbourne Water
	Mark Gutterson	Parks Victoria
	Peter Somerville	Friends of Maribyrnong Valley
	Stuart Lacey	Friends of Afton Street
	Sue Hooper	Friends of Steele Creek
	Kimberly Cooper	Parks Conservation Ranger

29 April 2016
Minutes - Moonee Valley Integrated Waterways Advisory Committee – Meeting #15

Order of Business

Welcome

Chair Cr Shirley Cornish opened the meeting at 9.05am.

Apologies

Noted as per page 1.

1. Confirmation of previous minutes

Moved by Elaine Brogan, seconded by Frank Kinnersley that the Minutes of the Moonee Valley Integrated Waterways Advisory Committee held on Friday, 26 February 2016 be confirmed.

2. Declarations of conflict of interest

Nil

3. Guest presentations and items for discussion

3.1 Protecting Steele Creek corridor - Craig Street, Keilor East

Gilbert Richardson provided committee members with a handout (distributed with minutes) regarding the status of properties in Craig Street, Keilor East.

- The planning permit application for 12 Craig Street is still being assessed, and is expected to go to an Ordinary Meeting in June or July 2016.
- Council is seeking a valuation for land covered by a Public Acquisition Overlay (PAO) at the rear of 6 Craig Street.
- Developers at 24 Craig Street have recently taken measures to prevent vehicles from accessing the Steele Creek corridor via 18 Craig Street.

Frank Kinnersley suggested that a ramp should be included in the designs for 12 Craig Street, to allow pedestrians and cyclists to access the Steele Creek corridor.

ACTION: Refer suggestion of access ramp to Statutory Planning for consideration in assessing the planning permit application.

3.2 Water Strategy

Guest Penny Ball provided committee members with a copy of Council's draft submission to the State Government's *Water for Victoria 2016* discussion paper. Any feedback or comments on the submission are requested by Close of Business next Friday, 6 May. Tony Smith advised he will also be preparing a submission on behalf of the Moonee Ponds Creek Co-ordination Committee.

Penny advised that work on Council's Water Strategy is progressing, with the consultant *Design Flow* recently appointed. Penny will continue to keep the committee up-to-date on the progress of the strategy.

ACTIONS:

29 April 2016

Minutes - Moonee Valley Integrated Waterways Advisory Committee – Meeting #15

- Alana Stevens to circulate the updated draft submission to the *Water for Victoria 2016* discussion paper to the committee.
- Comments/feedback on the updated draft submission to the *Water for Victoria 2016* discussion paper to be provided by COB on Friday, 6 May.

3.3 Green Spine project

Guest Venta Slizys provided a combined presentation on items 3.3 to 3.6.

- The Airport West Green Spine project is going out to tender from this weekend.
- This project came about after the Airport West Activity Centre Structure Plan identified there is limited quality open space in the area.
- Through the harvesting and treatment of water, the project will create a series of ponds along the line of the old Rose Creek.

3.4 Implementation of Master Plans for 2015/16

Master plan and landscape design works in progress include:

- **Draft Rosehill Park Master Plan**
There is an opportunity to create a wetland which would irrigate a sports field.
- **Draft Cross Keys Reserve Master Plan**
A small wetland will address localised flooding issues and improve the quality of water before it reaches Moonee Ponds Creek.
- **Riverside Park design**
Includes tree pits to treat water and a series of rain gardens to alleviate flooding/stormwater issues.
- **Fairbairn Park Master Plan**
Includes a rain garden and passive irrigation of trees.
- **Passive Irrigation Street Tree Study**
This study will help to inform future street upgrade planning.

3.5 Moonee Ponds Creek Master Plan

Consultation to inform the draft master plan took place early this year, including a display at the Moonee Valley Festival in February.

Particular aims and objectives for the project include:

- improving public space along the creek
- promoting pedestrian and bicycle connectivity along the creek and adjacent suburbs
- improving biodiversity and habitat within the city
- reducing stormwater loads into the creek
- improving the water quality and ecological health of the creek
- improving how the creek looks

Further information is available online at ourcreek.com.au.

29 April 2016
Minutes - Moonee Valley Integrated Waterways Advisory Committee – Meeting #15

3.6 WSUD projects 2016/17

- Funding has been received to further investigate a possible stormwater harvesting project for Woodlands Park and Salmon Reserve in Strathmore. This work will be conducted in 2016/17.
- Master planning for AJ Davis Reserve is set to commence in 2016/17. Michelle Gooding advised that Friends of Steele Creek have concerns about the quality of stormwater off the nearby freeway, and suggested that treatments be considered in developing this master plan.

3.7 Maribyrnong River Design Guidelines

Tim Mileham advised that

- The State Government's [amendment VC121](#) was introduced in December 2015, and while this mainly focuses on the protection of the Yarra River, the amendment also updated a clause on protecting and enhancing 'the significant river corridors of metropolitan Melbourne'.
- A letter (previously circulated to the committee) has been sent to Planning Minister Richard Wynne, requesting that the State Government prioritise work on protecting the Maribyrnong River corridor, and calling for the Maribyrnong River Valley Design Guidelines 2010 to be reviewed. No response has yet been received.

Cr Cornish asked whether Council could prepare its own planning scheme amendment which addresses setbacks from the river corridor. Tim advised this is something that could be looked at when a review of Moonee Valley's MSS (Municipal Strategic Statement) commences, following Council elections later this year.

4. Actions arising from previous minutes and summary of actions

4.1 Water quality reports from Melbourne Water

Item deferred – Melbourne Water unable to attend

ACTION: Michelle Gooding to source a copy of the 2015 Water Quality Report and distribute to the committee.

4.2 Blackbird River Cruise

The committee discussed proposed arrangements for the planned Blackbird River Cruise in May.

ACTION: Alana Stevens to continue organising the boat cruise.

Discussion was had around the Blackbird River Cruises offices, with no resolution to the issue of temporary accommodations for the business as yet.

ACTIONS:

- Gilbert Richardson to contact Maribyrnong City Council to seek an update on the Blackbird River Cruises relocation.
- Alana Stevens to include item on the agenda for the next meeting.

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4.3 Canning Street Bridge – Notice of Motion

A copy of the letter sent to the Minister for Public Transport and Local Members from Melbourne's west (distributed with the minutes) was provided to committee members. An article has also been published in this week's Leader newspaper about the Notice of Motion.

5. General business

5.1 Strathmore Secondary College / Cross Keys Reserve

Tony Smith advised that the State Government has allocated funds in its Budget for a master plan for a Strathmore Secondary College redevelopment. Tony supports the suggestion of a land swap between Council and the school, and would like to see a new Strathmore Secondary College built on Cross Keys Reserve and the old school grounds converted into a public reserve.

Anne Black suggested such an arrangement would mean an enormous loss of amenity for residents near to the reserve. Additionally, this would impact greatly on Cross Keys Hotel, with regulations around the proximity of gaming venues to schools.

Gilbert Richardson advised there are a number of further issues with the land swap suggestion, including:

- Impact on sports field allocations
- Impact on pavilion planning currently underway
- Existence of telecommunications tower at Cross Keys Reserve
- The shape of the school land parcel would restrict the types of sports fields that could be accommodated within the site

5.2 Development sites across Moonee Valley

Elaine Brogan thanked the Council staff responsible for the state of development sites across Moonee Valley, which she noticed are very clean.

ACTION: Alana Stevens to invite Planning Enforcement Officer Liz O'Farrell to attend the next committee meeting.

5.3 Friends of Napier Park – 30th Anniversary

Mark Roberts advised that a celebratory event would be held on Saturday, 30 April from 10am-1pm to mark the 30th Anniversary of Friends of Napier Park.

6. Date of next meeting

Schedule of meetings for 2016:

- 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 10.45am

NOTICES OF MOTION

10.1 Notice of Motion No. 2016/15 - Sporting club or community organisation leases

File No: FOL/16/130
From: Councillor Nicole Marshall
Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 26 July 2016 it is my intention to move:

That Council request:

1. The CEO prepare a report to Council setting out:
 - a) a summary of the material terms of each land lease of a Council owned facility (each a “Facility”) with a sporting club or community organisation to which Council is a party;
 - b) where available, a condition report for each Facility;
 - c) an analysis of the likely capacity of each lessee to be able to undertake the maintenance and capital work obligations under the relevant lease together with a consideration of alternative arrangements in relation to capital works where that capacity is limited; and
2. In relation to each Facility where the majority of members of the relevant lessee are elderly and/or disabled, undertake an accessibility audit of the Facility.

Officer Comments

A summary of the essential terms for each land lease can be extracted from the lease documents. Condition reports are not undertaken by Council as the building / facility is the responsibility of the lessee. Availability is likely to be limited and would need to be provided by the lessee. The capacity of each lessee to undertake maintenance and capital works would require access to their financial statements and then an assessment of their capacity to fund. Alternatives can be outlined in the Council report including grant funding, Council as loan guarantor and Council funded part or whole.

Undertaking accessibility audits of the building / facility will require funding to engage an accredited access consultant, currently not budgeted. A comprehensive access audit will be guided by the Disability Discrimination Act 1992, the Building Code of Australia and relevant Australian Standards. In addition, the lessee would be responsible for implementing identified improvements. A checklist for non-building professionals is also available on the DHS website - <http://www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/accessible-goods,-services,-facilities-and-events/accessible-facilities-and-events/accessible-facilities-checklist>

Council has funded \$100,000 in the 2016/17 capital budget to implement actions identified in the Accessible Parking Review. This includes Council car parks associated with some of these facilities.

Recommended revised wording:

- 1a. a summary of the essential terms of each Council land lease for a sporting club or community organisation facility.
- 1c. alternative funding arrangements in relation to capital works where a lessee demonstrates that their financial capacity is limited.
2. The costs to undertake accessibility audits of facilities where the majority of members of the relevant lessee are elderly and/or disabled.

10.2 Notice Of Motion No. 2016/16 - Master Plans

File No: FOL/16/130
From: Councillor Jan Chantry
Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 26 July 2016 it is my intention to move:

That Council:

1. Ascertain the status of the Master Plans for Montgomery Park, Bradshaw Street Reserve and Boeing Reserve and report back to the 23 August 2016 meeting;
2. Consider possible maintenance/reinstatement program for minor works which can be carried out immediately, such as upgrading existing pathways, installation of park benches/seats, planting and mulching;
3. Consider allocation of funds within the capital program to update the tennis courts at Bradshaw Street Reserve; and upgrading of lighting to existing pathways, possibly including some exercise stations around the pathways to encourage healthy walking and fitness regimes, in Boeing Reserve. The timing of the works could correspond with the delivery of the new Boeing Reserve Baseball Pavilion.
4. As a priority, work through the status of Master Plans for all Reserves, and the proposed scheduling of capital works and other key strategies (Open Space, Walking and Cycling) as part of ongoing budget cycle.

Officer Comments

The Notice of Motion is noted and a status update on the Montgomery Park, Bradshaw Street Reserve and Boeing Reserve master plans will be provided for 23 August Ordinary Council meeting, including a program of potential maintenance and/or minor works which can be carried out immediately, such as upgrading existing pathways, installation of park benches/seats, planting and mulching. Input from relevant internal departments will be required in compiling the work program.

In relation to point 4, more detailed work needs to be done, including liaising with relevant internal departments and a separate report will be prepared for presentation to an Ordinary Council meeting following the care taker period.

An update on the progress of the Walking and Cycling this was reported to Council in February 2015 (from page 107) –

<http://mvcc.vic.gov.au/~media/Files/Governance/Council%20meetings/2015/24%20February%202015/Agenda%20%20Ordinary%20Meeting%20of%20Council%20to%20be%20held%2024%20February%202015.pdf>

10.3 Notice Of Motion No. 2016/17 - Aggravated Burglary and Home Invasions

File No: FOL/16/130
From: Councillor Andrea Surace
Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 26 July 2016 it is my intention to move:

That Council:

1. Request Officers to promote neighbourhood safety and build resilience in our community against aggravated burglary and home Invasions by embarking on a 'getting to know your neighbour' program.
2. Note, while the City of Moonee Valley's crime statistics aggravated burglary and home invasions are not high, Council can assist in promoting neighbourhood safety by working to promote neighbourly connections.
3. Have Officers report back on the progress of the initiative in four-months.
4. Post on its website information for people affected by violent crime the Victims of Crime Helpline number 1800 819 817 and a link to their website www.victimsofcrime.vic.gov.au/.

Officer Comments

One of the most important elements to home safety and security is knowing your neighbours.

Knowing your neighbours can mean they will report suspicious behaviour they have noticed around your home while you were away; they can be a person to shout-out to, or call in the case of an emergency; and they will be more likely to come to your aid if they know you and are aware of your home circumstances. Knowing your neighbours may include knowing whether you/they work during the day, whether you/they have children (and, if so, what they look like), and an understanding of your/their needs. It will be likely to be helpful to know if you live next to an elderly couple that stays home, but sometimes needs help; or if there is a teenage driver in the family, are there small children you need to look out for on the street. Knowing these things helps you be aware of who is in your neighbourhood and what could be suspicious.

It is expected the program will recommend having ways to reach your neighbours if they're gone and something is amiss in the neighbourhood, and an agreement you may contact them if you see any out-of-ordinary or suspicious behaviour around their home.

Methods expected to be utilised to encourage the a 'getting to know your neighbour' program include articles in Valley View; promotions through Moonee Valley Leader; promotions through Aged Care, Maternal and Child Health and our Libraries.

Consideration will be given to participating in 'Neighbour day' on Sunday 26 March 2017. Neighbour Day is Australia's annual celebration of community, bringing together the people next door, across the street for a beverage or a BBQ. Held on the last Sunday in March every year, it is designed to encourage community members to build better relationships with the people who live around them, especially the elderly and vulnerable. There is also a significant opportunity through October which is Community Safety month and coincides with Senior Week and Families and Children's week where the themes of community safety can be shared.

**10.4 Notice Of Motion No. 2016/18 - Treaty with Indigenous People
Australia and Victoria**

File No: FOL/16/130
From: Councillor Jim Cusack
Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 26 July 2016 it is my intention to move:

That Council:

1. Write to the Prime Minister of Australia calling for preparation and implementation of a treaty between the Australian government and Australia's Indigenous people, in addition to constitutional recognition which:
 - a. recognises Indigenous people's history prior occupation of this land, as well as the injustices many have endured; and
 - b. request this treaty serve as a platform for addressing those injustices and help to establish a path forward based upon mutual goals.
2. Write to the Premier of Victoria, Mr Daniel Andrews and the State Minister for Aboriginal Affairs, Ms Natalie Hutchins affirming this Council's support for the development of a treaty in Victoria between Victoria's Indigenous Communities and the Victorian State Government and noting the progress to date as reported during Reconciliation Week 2016.
3. Write to the President and Chief Executive of the MAV calling on the association to publicly support the Victorian Government initiative to develop a treaty between the Indigenous Community of Victoria and the State government at its next State Council.
4. Write to Reconciliation Victoria advising them of this resolution.
5. Copy this resolution to the State Members of Parliament for Essendon and Niddrie.

Officer Comments

The Reconciliation Policy details "Council will: Advocate to other spheres of government in the interest of co-existence and Aboriginal and Torres Strait Islander peoples' rights." As such, it is considered appropriate to advocate at the Federal level for the Reconciliation Treaty.

**10.5 Notice Of Motion No. 2016/19 - Increasing Affordable Housing
in the City of Moonee Valley**

File No: FOL/16/130
From: Councillor Jim Cusack
Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 26 July 2016 it is my intention to move:

That Council:

1. Advocate to the State Government via the Premier and the Minister for Planning for the introduction of inclusionary zoning so that new development in areas identified as suitable for affordable housing can be required to contribute to affordable housing outcomes through the planning scheme. (Reference Draft Moonee Valley Housing Strategy).
2. Examine opportunities to partner with the Department of Health & Human Services, other local Councils, disability service providers and affordable housing providers to develop a strategy for the timely delivery of affordable and accessible accommodation options.
3. Request Officers attending relevant statewide and regional advocacy, health, planning and community safety committees ensure affordable housing is raised as an item for discussion and action.
4. Write to the Ministers for Health and Human Services and Justice informing them of this resolution and this Council's interest in working collaboratively with all stakeholders to improve housing affordability locally and in the Western Region.
5. Copy this resolution to the State Members of Parliament for Essendon and Niddrie.

Officer Comments

A number of papers have been prepared on the provision of affordable housing in Moonee Valley. The most recent review of the City's Municipal Strategic Statement (MSS) saw inclusion of the following strategies relating to affordable housing in CI 21.05-3, which encourages affordable housing in developments of 10 more dwellings in certain locations.

- To encourage residential development in locations which have the capacity for change due to accessibility to public transport, services, commercial and shops, within existing activity centres or along major transport routes.
- To encourage housing growth while ensuring that new residential development does not compromise the heritage and neighbourhood character values of established residential areas.

While Council had sought inclusion of a 10% affordable housing target / requirements for multi dwelling developments of a certain threshold / size, this was removed by the Panel and hence, is not reflected in the MSS.

10.6 Notice of Motion No. 2016/20 - Response to Moonee Valley Carer's submission to the 2016 Council Budget relating to provision of Social Housing for Disabled People in Moonee Valley

File No: FOL/16/130
From: Councillor Jim Cusack
Ward: Municipal

Take notice that at the Ordinary Meeting of Council to be held on 26 July 2016 it is my intention to move:

That Council request the Chief Executive Officer to develop a report for consideration by Council by April 2017, which examines options for individual and collaborative actions that Moonee Valley Council can undertake in the short, medium and long term to improve the availability, safety and security of housing for people with a disability who live in Moonee Valley. The report should reference, but is not limited to, current and planned Federal and State Government policy, the NDIS, examples of best practice in private and social housing, and consultation with relevant health and disability advocacy groups including Valley Carers.

Officer Comments

This motion links to the motion on affordable housing but the subject warrants individual consideration due to its complexity.