



# **Ordinary Meeting of Council**

Tuesday, 28 June 2016 at 7.00pm

**Agenda**

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# Ordinary Meeting of Council

Tuesday, 28 June 2016 at 7.00pm  
to be held at the Moonee Valley Civic Centre

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**TO :**

**Members:** Cr Andrea Surace Mayor

Cr Paul Giuliano

Cr Jan Chantry

Cr Shirley Cornish

Cr Jim Cusack

Cr Nicole Marshall

Cr Cam Nation

Cr Narelle Sharpe

Cr John Sipek

**Officers:** Mr Bryan Lancaster Chief Executive Officer

Ms Natalie Reiter Director Planning & Development

Mr Anthony Smith 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, 24 May 2016 and the  
Special Meeting of Council held on Tuesday, 14 June 2016.

### **4. Declarations of Conflict of Interest**

### **5. Presentations**

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**10. Notices of Motion**

Nil.

- 11. Urgent Business
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Nil.
- 13. Close of Meeting

**BRYAN LANCASTER**  
Chief Executive Officer



## REPORTS BY MAYOR AND COUNCILLORS

### Recommendation

That reports by the Mayor and Councillors be received.

### 8.1 Report by Mayor, Councillor Surace

12 May 2016	Opened the Principal's Breakfast, hosted by Moonee Valley City Council
13 May 2016	Attended 2016 Spirit of Moonee Valley briefing Opened Volunteer Celebration Luncheon
17 May 2016	Attended "Say No to Family Violence" morning tea hosted by Keilor East and Airport West Uniting Church Chaired Councillor Workshop Chaired Special Council Meeting
18 May 2016	Participated in an interview with Student Journalist on local issues Attended meeting with Chief Executive Officer and Senator Scott Ryan at Commonwealth Parliamentary Office in Treasury Place, Melbourne Attended meeting with resident Presided over Citizenship Ceremony held at the Clocktower Centre
19 May 2016	Attended meeting with Cr Cam McDonald, Mayor of Maribyrnong City Council Attended meeting with resident of Woodland Street, Essendon Visited Riverview Nursing Home in Intervale Drive, Avondale Heights Opened "Gayby Baby" film screening in support of LGBTIQ Community held at the Clocktower Centre Opened National Families Week "Our Journey: Autism, Parenting Relationships"
20 May 2016	Attended Sparkling High Tea event hosted by Children First Foundation at Kooyong Lawn Tennis Club Attended Reception to mark the Centenary of the founding of Footscray Technical School held at Government House, Melbourne

	Attended Doutta Stars Football Club Anniversary Dinner at L'Unica Receptions, Brunswick
21 May 2016	Attended Essendon District Football League game at Windy Hill, Essendon Attended Strathmore Football Club's 40 <sup>th</sup> Year Celebration event
23 May 2016	Attended Pride of Workmanship Awards event at Keilor East RSL
24 May 2016	Attended photo opportunity at Napier Park Hosted St Brendan's Primary School Flemington, grade 3/4 students visiting Council Chambers as part of Council's Schools Program Chaired meeting to discuss and finalise budget Chaired Ordinary Meeting of Council
26 May 2016	Attended Moonee Valley Foundation meeting Attended Australia's Biggest Morning Tea event at Avondale Heights Library and Learning Centre
27 May 2016	Attended LeadWest's 2016 Budget Briefing Breakfast at Flemington Racecourse Attended Integrated Waterways Advisory Committee Maribyrnong River Cruise Attended Grant assessment meeting with Community Planning Engagement officer
28 May 2016	Attended East Keilor Football Club Ladies Luncheon
29 May 2016	Attended 45 <sup>th</sup> Banda Bellini Anniversary held at St Bernard's College, Essendon
31 May 2016	Attended meeting with resident and Director Corporate and Community Services regarding rates issue Attended meeting with the Chief Executive Officer to meet Council's new Director Planning and Development
1 June 2016	Attended Metropolitan Association of Victoria's Local Government Infrastructure Victoria Briefing
3 June 2016	Attended on site meeting with resident in relation to 2-4 Smith Street, Moonee Ponds Opened Reframed Exhibition at Incinerator Gallery
4 June 2016	Hosted Hopetoun Children's Centre opening launch Attended Miss Lebanon Emigrant Australia Event at Maroun Function Centre, Thornbury

6 June 2016	Hosted farewell afternoon tea for Manager Communications & Customer Service Attended United Nations World Environment Day Awards Presentation Dinner
7 June 2016	Launched Morning Music series two at the Clocktower Centre Briefing with Officers in relation to Mayoral Charity Race Night event Briefing with Officers in relation to Spirit of Moonee Valley event
9 June 2016	Attended Western Region Mayoral Luncheon hosted by Maribyrnong Council at the Plough Hotel, Footscray Attended meeting at Helping Hands Mission with fellow Councillor, Cam Nation in Airport West Hosted All About Solar third information session in Council Chambers
10 June 2016	Attended Metropolitan Transport Forum Meeting
14 June 2016	Meeting with Officers in relation to East Keilor Leisure Centre Feasibility Study meeting number 2 Meeting with resident and officers in relation to Alf Pearce Reserve Fenced Dog Park Chaired Public Forum and Councillor Briefing Chaired Special Meeting of Council

## **8.2 Report by Councillor Giuliano**

11 May 2016	Attended meeting regarding planning issue in King Street, Essendon
13 May 2016	Attended on site meeting regarding sewer smell in Keilor Road laneway
17 May 2016	Attended on site meeting in Forrester Street, Essendon Attended meeting with resident and Manager Statutory Planning regarding Pearl Street, Essendon application Attended meeting with Cricket and Soccer Club representatives, Chief Executive Officer and Buckley Ward Councillors regarding Cross Keys Reserve Master Plan Attended Councillor Workshop Attended Special Council meeting

18 May 2016	Attended Community Environment Forum Attended Citizenship Ceremony at the Clocktower Centre
19 May 2016	Attended National Families Week “Our Journey: Autism, Parenting Relationships”
21 May 2016	Attended Essendon District Football League game at Windy Hill, Essendon Attended Strathmore Football Club’s 40 Year Celebration event
24 May 2016	Participated in St Brendan’s Primary School Flemington, grade 3/4 students visiting Council Chambers as part of Council’s Schools Program Attended meeting to discuss and finalise budget Attended Ordinary Meeting of Council
26 May 2016	Attended Australia’s Biggest Morning Tea event at Avondale Heights Library and Learning Centre
6 June 2016	Attended farewell afternoon tea for Manager Communications & Customer Service
7 June 2016	Meeting with Council Officers in relation to parking access issues at Moonee Ponds Bowling Club Chaired Councillor Workshop
8 June 2016	Chaired consultation briefing and meeting in relation to 1 Dudley Street, North Essendon Chaired consultation briefing and meeting in relation to 28 Deakin Street, Essendon
14 June 2016	Meeting with Officers in relation to East Keilor Leisure Centre Feasibility Study meeting number 2 Attended Public Forum and Councillor Briefing Attended Special Meeting of Council

### **8.3 Report by Councillor Chantry**

11 May 2016	Attended on site meeting with resident, Manager Building, Health and Property Services and Manager Operations at Strathmore Nursery
12 May 2016	Attended Municipal Emergency Management Planning Committee meeting
16 May 2016	Chaired Arts and Culture Community Advisory Committee meeting
17 May 2016	Attended meeting with Cricket and Soccer Club representatives, Chief Executive Officer and

	Buckley Ward Councillors regarding Cross Keys Reserve Master Plan
	Attended Councillor Workshop
	Attended Special Council Meeting
18 May 2016	Attended Strathmore Rotary event “Recognise RYPEN recipients” to Strathmore Secondary College awardees (Partners Night)
20 May 2016	Attended Essendon/Doutta Stars Football Club 70 <sup>th</sup> Anniversary Dinner at L’Unica Receptions, Brunswick
22 May 2016	Attended Theatre Performance at the Clocktower Centre – “Vibes Virtuoso with Nick Parnell”
24 May 2016	Attended meeting to discuss and finalise budget
	Attended Ordinary Meeting of Council
26 May 2016	Attended Strathmore Rotary Event “Seven Women – Seven Projects” issues in Nepal at Federation Square
1 June 2016	Attended Strathmore Rotary Event “Jockeys Trust” at Windy Hill
5 June 2016	Officially opened Winter Music in the Valley Concert at the Clocktower Centre
6 June 2016	Attended Anzac Centenary Community Coordinating Committee meeting #11
7 June 2016	Attended Councillor Workshop
8 June 2016	Attended workshop “Put More Money Into Your Cash Register Event” hosted by Economic Development Department
	Attended Consultation meeting in relation to 28 Deakin Street, Essendon
12 June 2016	Meeting with resident on site at 6 Marshall Street, Moonee Ponds in relation to town planning application
14 June 2016	Attended Public Forum and Councillor Briefing
	Attended Special Meeting of Council

#### **8.4 Report by Councillor Cornish**

11 May – 14 June 2016    Verbal Report

## 8.5 Report by Councillor Cusack

11 - 20 May 2016	Leave from Council
24 May 2016	Attended meeting to discuss and finalise budget Attended Ordinary Meeting of Council
25 May 2016	Attended Moonee Valley Interfaith Committee meeting held at Flemington Community Centre
27 May 2016	Attended LeadWest's 2016 Budget Briefing Breakfast held at Flemington Racecourse
2 June 2016	Attended Moonee Valley Learning Community Board Meeting
3 June 2016	Attended Reframed Exhibition at Incinerator Gallery
4 June 2016	Attended meeting with residents from Park, Marshall and Smith Streets, Moonee Ponds regarding future development in Park and Smith Streets  Attended Hopetoun Children's Centre opening launch  Attended Annual Dinner Dance Moonee Valley Football Club
5 June 2016	Attended Winter Music in the Valley Concert at Clocktower Centre
6 June 2016	Attended Anzac Centenary Community Coordinating Committee meeting #11
7 June 2016	Attended Councillor Workshop
9 June 2016	Attended meeting with resident regarding access to Urie Lane, Flemington  Attended All About Solar third information session in Council Chambers
10 June 2016	Attended meeting with Council Officer regarding access to Urie Lane, Flemington
14 June 2016	Attended Public Forum and Councillor Briefing Attended Special Meeting of Council

## **8.6 Report by Councillor Marshall**

11 May 2016	Attended Quarterly Community Consultative Group meeting
13 May 2016	Attended Volunteer Celebration Luncheon at the Clocktower Centre
16 May 2016	Attended meeting with residents and Manager Building, Health and Property Services in relation to development  Attended Land Use Planning Portfolio meeting with Acting Director Planning and Development and Acting Manager City Planning  Attended meeting at Wingate Avenue to discuss master plan
17 May 2016	Attended Councillor Workshop  Attended Special Council Meeting
18 May 2016	Attended Citizenship Ceremony at the Clocktower Centre
24 May 2016	Attended meeting to discuss and finalise budget  Attended Ordinary Meeting of Council
25 May 2016	Attended meeting with Police Officers at Flemington Police Station
3 June 2016	Attended Reframed Exhibition at Incinerator Gallery
4 June 2016	Attended Hopetoun Children's Centre opening launch
7 June 2016	Attended meeting with Flemington Traders representative  Attended Meeting with new Director Planning & Development  Attended Councillor Workshop
14 June 2016	Attended Public Forum and Councillor Briefing  Attended Special Meeting of Council
Throughout reporting Period	Attendance at planning applications sites and meeting with residents regarding issues of concern

## **8.7 Report by Councillor Nation**

11 May – 14 June 2016    Verbal Report

**8.8 Report by Councillor Sharpe**

17 May 2016	Attended meeting with Cricket and Soccer Club representatives, Chief Executive Officer and Buckley Ward Councillors regarding Cross Keys Reserve Master Plan  Attended Councillor Workshop  Attended Special Council Meeting
24 May 2016	Attended meeting to discuss and finalise budget  Attended Ordinary Meeting of Council
2 June 2016	Attended Public Transport Providers Meeting
7 June 2016	Attended Councillor Workshop
8 June 2016	Attended Consultation Briefing and Meeting in relation to 1 Dudley Street, Essendon North  Attended Consultation Briefing and Meeting in relation to 28 Deakin Street, Essendon
14 June 2016	Attended Public Forum and Councillor Briefing  Attended Special Meeting of Council

**8.9 Report by Councillor Sipek**

11 May – 14 June 2016	Verbal Report
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## REPORTS

- 9.1**                      **47-51 Rose Street, Essendon (Lot 1 TP378336R & Lot 1 TP378257M) - Construction of a five storey building, reduction in car parking requirements, waiver of loading bay requirements and reduction in bicycle requirements**

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

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<b>Planning File No.</b>	MV/931/2014
<b>Proposal</b>	Construction of a five storey building comprising a restaurant and dwellings Reduction in car parking requirements Waiver of loading bay requirements Reduction in bicycle requirements
<b>Applicant</b>	Micro Barrett Developments Pty Ltd C/- G2 Urban Planning
<b>Owner</b>	Micro Barrett Developments Pty Ltd and M. A. & C. M. Barrett
<b>Planning Scheme Controls</b>	Commercial 1 Zone Heritage Overlay Schedule 381 (HO381) expired as of 31 March 2016
<b>Current Planning Scheme Amendments</b>	Amendment C164 is for permanent Heritage Overlay controls Amendment C165 is for interim Heritage Overlay controls
<b>Planning Permit Requirement</b>	Clause 34.01-4 – 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 52.34 – Reduction in bicycle requirements

<b>Car Parking Requirements (Clause 52.06)</b>	Required: 48 car spaces Provided: 22 car spaces
<b>Bicycle Requirements</b>	Required: 9 bicycle spaces Provided: 7 bicycle spaces
<b>Restrictive Covenants</b>	None
<b>Easements</b>	Yes, a 1.83 metre wide drainage and sewerage easement
<b>Site Area</b>	695 square metres
<b>Number Of Objections</b>	15
<b>Consultation Meeting</b>	19 August 2015

### Executive Summary

- The application seeks planning approval for construction of a five storey building comprising a restaurant and dwellings, a reduction in car parking requirements, a waiver of loading bay requirements and a reduction in bicycle requirements.
- The site has an area of 695 square metres and is located on the western side of Rose Street, Essendon. The site comprises two existing single storey brick buildings.
- The application was advertised and 15 objections were received. The concerns raised related to overdevelopment, site coverage, height, visual bulk, character, external design not respectful, heritage streetscape needs to be preserved, compliance with Essendon Junction Activity Centre Structure Plan, car parking, traffic, introduction of a new vehicle crossover to Rose Street, pedestrian safety, removal of on-street car parking, use of car stackers, construction impacts, damage to nearby properties, overlooking, overshadowing, access to light, noise, lack of north-facing habitable room windows, lack of secluded private open space, loss of local shop diversity, restaurant use inappropriate, need for additional dwellings, negative impacts on nearby businesses and impacts on existing trees to the rear.
- A Consultation Meeting was held on 19 August 2015, attended by Councillors Sharpe and Chantry, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting. However, revised floor and elevation plans dated 18 November 2015 (refer **Appendix C**) showing changes to the overall design and built form were submitted to Council on 25 November 2015 to address some of the concerns raised.
- The application was externally referred to VicTrack and internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit, Environmental Sustainable Development (ESD) Officer, Urban Designer, Heritage Advisor and Arborist. Whilst a number of referral authorities have offered conditional support of the proposal, Council's Heritage Advisor, Urban Designer and Engineering Services Unit continue to oppose the application.

- This assessment report finds that whilst there is strategic support for some form of development on this site, this particular design is poorly resolved and will detrimentally impact on the streetscape of Rose Street and the Activity Centre. Additionally, the development offers its future residents a poor level of amenity. Having had regard to the competing policy provisions, it is recommended that a Notice of Refusal to Grant a Permit be issued.



Figure 1 – Aerial photo of the subject site and surrounds

## Recommendation

That Council with respect to an Application for Review against Council's failure to decide the application within the prescribed time, resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application, that if Council were in a position to decide on the application, that the decision would have been to issue a Notice of Refusal to Grant a Permit in relation to Planning Permit Application No. MV/931/2014 for the construction of a five storey building, reduction in car parking requirements, waiver of loading bay requirements and reduction in bicycle requirements at No.47-51 Rose Street, Essendon (Lot 1 TP378336R & Lot 1 TP378257M), on the following grounds:

1. The extent of demolition proposed is contrary to the heritage values of the site as identified in Amendment C164 and Clause 21.06-2 of the Moonee Valley Planning Scheme.
2. The proposed works are contrary to the scale, form, height and siting of buildings along Rose Street as identified in Amendment C164, the heritage citation report and Clause 21.06-4 of the Moonee Valley Planning Scheme.
3. The introduction of a vehicle crossover and driveway in Rose Street is contrary to Amendment C164, the heritage citation report which identifies 'the absence of vehicle crossovers' as part of the Statement of Significance and the Essendon Junction Structure Plan.

4. The creation of a vehicle crossover and driveway in Rose Street will fragment the streetscape, create conflict between pedestrians and motorists, create an undesirable precedent and is contrary to the direction offered in the Essendon Junction Structure Plan.
5. There will be excessive visual bulk and massing to the residential properties to the west caused by the height and scale of the building, which is increased by the slope of the land and the absence of a laneway to the rear of the site, which is contrary to Clause 21.06-4 of the Moonee Valley Planning Scheme and the Essendon Junction Structure Plan.
6. The height, scale and setbacks of the building will impact on the character of Rose Street and is contrary to Clause 21.06-4 of the Moonee Valley Planning Scheme and the Essendon Junction Structure Plan.
7. The development offers its future residents a poor level of internal amenity, failing to satisfy Clause 21.06-4 of the Moonee Valley Planning Scheme.

## **1. Introduction**

### **1.1 Subject Site and Surrounds**

The subject site is located on the western side of Rose Street, Essendon. The site is regular in shape with a frontage to Rose Street of 18.29 metres and a maximum depth of 38.02 metres, resulting in a total area of 695m<sup>2</sup>.

The land has an approximate 2.55 metre fall from the east of the site to the west.

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

The site comprises two single storey brick buildings with parapets and associated outbuildings. The existing buildings have no front setback to Rose Street. There are no vehicle crossovers at the front of the site and, unlike numerous properties along Rose Street, there is no Right of Way to the rear of the site. There is no provision for vehicle access to the subject site. There is a large tree to the rear of the site which is protected under Schedule 381 of the Heritage Overlay. There are two street trees located at the front of the site along Rose Street.



**Figure 2 – Subject site (No.47-51 Rose Street, 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 Essendon Junction Activity Centre, is directly opposite Essendon Railway Station and adjoins the No.465, 468 and 475 bus routes. The site is also located within close proximity of numerous other bus routes, the No.59 tram route, local businesses and schools. The built form within the vicinity is predominantly single and double storey, with examples of multi-dwelling and multi-storey developments evident nearby. While the built form found within the immediate vicinity predominantly comprises of brick and render external finishes, the broader area is more eclectic with a slow emergence of new and contemporary developments within the activity centre.

## **1.2 Proposal**

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

**Table 1**

Restaurant area	142.5 square metres
No. of dwellings	18 (5 x 3 bedrooms, 7 x 2 bedrooms and 6 x 1 bedroom)
No. of car spaces	22 (reduction of 26 car spaces)
No. of bicycle spaces	7
Max. building height	20 metres (five storeys)
Site coverage	95.19%
Permeability	0%

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

It is noted that revised floor and elevation plans dated 18 November 2015 (refer **Appendix C**) were received by Council on 25 November 2015 following the Consultation Meeting held on 19 August 2015. The revised plans demonstrate:

- Retention of the existing building façade of No.47-49 Rose Street for the proposed restaurant.
- Deletion of two double storey dwellings (Dwellings 4-02 and 4-03) on the third and fourth floor levels at the front of the site, with the third floor space converted into a single dwelling (Dwelling 3-03).
- Increased front and rear setbacks to the first, second and third floor levels by 0.20-0.50 metres.
- Increased front setback to the fourth floor level by 12.46 metres, from 3.0 metres to 15.46 metres.
- Inclusion of planter boxes and louvre privacy screening to the western (rear) balconies.
- Alterations to the internal layout of the restaurant amenities (toilets), waste and storage areas located to the rear of the restaurant.

The revised plans, whilst an improvement, fail to address some of the core issues with this proposal.

## **2. Background**

### **2.1 Relevant Planning History**

#### **47-49 Rose Street, Essendon**

Planning Permit MV/2216/1976 was approved for a scout shop and office circa 1976.

Planning Permit MV/7697/1995 was approved to erect a natural therapies and physiotherapy centre on 19 June 1995.

#### **51 Rose Street, Essendon**

Planning Permit MV/3125/1980 was approved for additions to a sport store circa 1980.

Planning Permit application MV/3185/1981 was lodged for a shop extension on 17 February 1981.

### **2.2 Planning Policies & Decision Guidelines**

#### **State Planning Policy Framework**

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

Local Planning Policy Framework

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

Zoning

Clause 34.01	Commercial 1 Zone
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Particular and General Provisions

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

**2.3 Referrals**

External

- VicTrack  
No objection.

Internal

- Engineering Services Unit  
Does not support the proposal on the following grounds:
  - The proposed vehicle crossover will mean removal of the existing pram ramp which is directly opposite the underground tunnel of the train station. There would be a conflict between pedestrians and vehicles at this point.
  - As part of the Essendon Junction Activity Centre Structure Plan, transport improvements are to be coordinated and growth managed appropriately.
  - It is recommended that a carriageway easement be created to allow vehicles to access from the rear from properties No.29 to 53 Rose Street and other infrastructure (drainage) to cater for growth in this area.

- Engineering Services Unit (Waste Management Plan)

No objection.

- Traffic and Transportation Unit

Based on the revised plans submitted (refer **Appendix C**) the car parking provisions and access appear satisfactory. A condition should be placed to restrict loading to before 7.00am due to the high parking demands in the vicinity. Council does not support the proposed bicycle spaces on the footpath as these become a maintenance issue and cost to Council. Therefore, these bicycle spaces must be relocated on site and be provided in accordance with Australian Standards.

- Urban Designer

Support is not offered for this scheme as proposed, noting the recommendation for the:

- Deletion of the proposed crossover and vehicle access along Rose Street as it is not characteristic of the continuous streetscape experience of the strip centre.
- All built form (fin walls) and car parking to be excluded from the easement to ensure that when the Public Acquisition Overlay (PAO) is applied there is capacity to the rear to accommodate this function.
- I am supportive of the landscape and screening detail to the rear elevation, although the angle of the slats may benefit from being reversed to mitigate downward angled views.

- Heritage Advisor

The proposed demolition of the shops at 47 to 51 Rose Street is detrimental to the significance of the landmark Edwardian shopping precinct as well as its relationship with the 1909 Essendon Railway Station.

The shops need to be retained. Additions can be considered if it is demonstrated that they do not detract from the significance of the Rose Street commercial precinct as well as the Essendon Railway Station and the Flower Street precinct behind Rose Street.

The existing tree to the rear of the site is not in the Schedule to the Heritage Overlay.

- Strategic Planning Unit

Tree controls were added to Schedule 381 to the Heritage Overlay in error and will not be included in reapplied interim controls through Planning Scheme Amendment C165.

- Environmental Sustainable Development (ESD) Officer

No objection to the ESD Report or STORM Rating Report, subject to the inclusion of standard notations and conditions on any permit granted.

It is recommended that more secure bicycle spaces be provided for residents and the restaurant internally and a minimum of three visitor bicycle spaces be provided in the street.



- Arborist

No objection to the removal of the street tree at the front of No.51 Rose Street subject to a replacement street tree (*Ficus Hillii*), with a minimum planting height of 1.5 metres, being located to the north-east of No.47-49 Rose Street. All Rose Street traders will need to be notified of the street tree removal and replacement with the same size and species. These requirements are to be included as a condition on any permit granted.

## **2.4 Public Notification of the Application**

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

As a result, fifteen (15) objections were received from the properties contained within **Appendix A** of this report.

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

## **2.5 Consultation Meeting**

A Consultation Meeting was held on 19 August 2015, attended by Councillors Sharpe and Chantry, objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting. However, revised floor and elevation plans dated 18 November 2015 (refer **Appendix C**) showing changes to the overall design and built form were submitted to Council on 25 November 2015 to address some of the concerns raised.

# **3. Discussion**

## **3.1 State Planning Policy Framework (SPPF)**

The State Planning Policy Framework encourages development in Activity Centres, and the site is within the Essendon Junction Activity Centre, an 'Urban Renewal Area' under *Plan Melbourne: Metropolitan Planning Strategy*. The subject site is located directly opposite Essendon Railway Station on the Principal Public Transport Network and adjoins the No.465, 468 and 475 bus routes.

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 development fails to satisfy a number of key criteria within the urban design provisions of Clause 15. 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. However, the proposed building and crossover/accessway are considered to impact on existing views along Rose Street and within the Essendon Junction Activity Centre.

### Heritage

The site is subject to Planning Scheme Amendment C165 and C164 to apply interim and permanent heritage controls respectively. While the demolition works are discussed in detail within Section 3.2 of this report, the proposed demolition and replacement building fails to satisfy this aspect of Clause 15.

Clause 15.03 seeks “*to ensure the conservation of places of heritage significance*”. The demolition of one shop to accommodate the driveway, and the retention of merely the façade of the other does not represent the suitable conservation of this heritage place.

The scale of the new building is excessive and will dominate its adjoining buildings and immediate context. The building fails to provide a suitable transition to adjoining properties and the scale is excessive in this context.

Under Clause 16.01-3, the site is a ‘strategic redevelopment site’ being located within an Activity Centre, abutting a train route that forms part of the Principal Public Transport Network and is able to provide more than 10 dwellings.

### **3.2 Local Planning Policy Framework (LPPF)**

Whilst the development satisfies some aspects of the Local Planning Policy Framework, it presents some fundamental failings which are indicative of a departure from the LPPF.

The proposal satisfies the objectives and strategies of Clause 21.04 (Sustainable Environment) through the use of ecologically sustainable design principles, as highlighted within the submitted ESD Report. All dwellings will need to meet the average six star energy efficiency rating as required by the National Construction Code (NCC).

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

The development fails to satisfy the Heritage provisions at Clause 21.06-2 as follows:

- Interim heritage controls have recently expired for the site. The interim heritage controls were implemented to protect Rose Street whilst permanent controls were being pursued via Amendment C164. This amendment is being pursued and the intent behind this amendment, and the introduction of the now expired interim controls are clearly to protect the heritage fabric of Rose Street.
- The demolition of the buildings and retention of a portion of a shop front façade is contrary to the direction of the heritage overlay. The shops are listed as contributory, and complement other shops along this section of Rose Street. The extent of demolition proposed interrupts this consistent

line of shops and the importance of Rose Street and the extent of demolition is not supported by Council's Heritage Advisor.

- The retention of the façades as proposed amounts to facadism, an outcome that does little to retain the heritage fabric of the shops which extend beyond the actual facades. In this regard, Council's Heritage Advisor recommends that the facades and depth of one room be retained.
- In describing what is important, the heritage citation report makes reference to the scale (one and two storeys), form (arched parapets), and siting (built to front and side boundaries) as attributes that contribute to the significance of this precinct. The five storey height of the building, which more than doubles the one and two storey height of the shops along Rose Street, the forms proposed and the siting, which includes the introduction of a vehicle crossover and ramp door introduce elements that are foreign to this streetscape and disrupt the consistent rhythm of spacing and siting.
- The key attributes of this precinct include "the absence of vehicle crossovers". The introduction of a crossover and driveway disrupt this uniformity and history of Rose Street. Significantly, this outcome may in future be replicated elsewhere along Rose Street, which would further fragment the consistent siting of buildings, noting that not all properties benefit from a rear Right of Way. Whilst each application and case must be treated on its own merit, a decision maker must have regard to the implications of 'chipping away' at the heritage values. The referral response from Council's Heritage Advisor sums this point well by asking: 'how does a "hole" (the entrance to the underground carpark) in a façade in the streetscape contribute to the identified Heritage character?'

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

The documentation submitted with the application involves a detailed site analysis which should in turn inform the design process. The site context report reinforces the general absence of crossovers and driveways along the commercial section of Rose Street and the consistent one and two storey height.

To guide development, the Essendon Junction Structure Plan provides guidance on preferred built form outcomes, with a four storey height anticipated for this precinct. The four storey height would represent a doubling of the up to two storey buildings evident in the area.

The decision to introduce a crossover and driveway where these do not exist, and to propose a five storey building height when the site is located in the

context of single storey dwellings fails to identify key defining elements of the streetscape and urban context and is demonstrative of a development that has failed to have sufficient regard to its context.

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

A key element that contributes to the character and functionality of the Rose Street shopping strip is the general absence of crossovers and driveways, leading to a consistent siting of shops, their glass shopfronts and the continuous footpath line.

The importance of this from a character perspective is emphasised in the heritage citation report, which in discussing this section of Rose Street, identifies “the absence of vehicle crossovers” as a key attribute contributing to the significance of this precinct.

The introduction of a crossover and driveway to service this development fragments the streetscape by introducing an element that is foreign to what is an otherwise intact street.

The absence of a rear Right of Way to service the development is a poor justification for this poor urban design outcome. Just as a developer owning a small parcel of land may need to acquire an adjoining allotment to create a more useable parcel of land to facilitate a development, the potential exists to discuss using the rear portion of the adjoining allotment to the north to access the Right of Way, which is located around 10 metres from the rear of the site.

Cadastral plans indicate the properties between 35 and 51 Rose Street, and 83-87 Rose Street, do not directly connect with a rear Right of Way. In the event this crossover and driveway were supported, there would be a very strong precedent for the lots mentioned above to similarly introduce a crossover and driveway. This outcome would significantly compromise the intactness and appearance of Rose Street.

The introduction of this crossover/driveway, and potentially further crossovers and driveways along Rose Street, also comprises the role of this street as a pedestrian precinct. The Structure Plan repeatedly emphasises the role of pedestrian movements in this area as follows:

- ‘Encourage a more active street life and improve surveillance/security’ (p.11).
- ‘Provide better cycling and walking links across the centre including the use of pedestrian plazas and pedestrian priority areas’ (p.11).
- The Structure Plan specifically identifies Rose Street as just one of two ‘pedestrian priority streets’ (p.19).
- ‘Walking and cycling are the primary modes of transport within the centre’ (p.20).
- ‘Where possible, ensure separation of pedestrian and cycling movements’ (p.20).

The introduction of a crossover/driveway for this development and future developments is clearly contrary to the broader long-term vision for Rose Street and the Activity Centre as a whole. The crossovers/driveways will disrupt

pedestrian movements, create conflict between pedestrians and vehicles and introduce safety issues.

A longer term solution to achieving rear access such as the proposed Public Acquisition Overlay (PAO) represents the sensible and logical way to achieving a well-planned centre, rather than the ad-hoc approach taken by this application, which seeks a 'quick-fix' to a broader issue.

#### Setbacks and Site Coverage / Building Envelope

The street wall podium height accords with the profile outlined in the Structure Plan, although Council's Heritage Advisor recommends greater setbacks from the street (one room) to allow for greater retention of the original heritage fabric.

The fifth level is clearly visible from the backyards of residential properties at No.12 and No.14 Flower Street and is indicative of setbacks and a scale that fails to address the slope of the land, the sensitive interface to the rear/west and the recommendations outlined in the Structure Plan.

The provision of light courts along the northern and southern (side) property boundaries at the first and second floor levels, with increased setbacks of 1.80-3.60 metres at the third and fourth floor levels allows for equitable development opportunities to adjoining properties directly to the north and south.

#### Building Height and Silhouette

A five storey height is proposed that exceeds the four storey height stipulated in the Structure Plan. The Structure Plan states that the height can be exceeded, as is proposed, provided a series of criteria is satisfied. The development fails to satisfy this criteria as follows:

- The 5<sup>th</sup> level in this instance fails to have regard to both the slope of the land and the rear interface. Whilst some properties directly abut a rear laneway that serves as a natural buffer, the site directly abuts the backyards of properties at No.12 and No.14 Flower Street.
- The slope of the land which rises from Flower Street to Rose Street means the site sits noticeably higher than the backyards of the Flower Street properties.
- The slope of the land serves to add further scale and bulk to the proposed development as viewed from Flower Street. The view lines indicate the 5<sup>th</sup> level will be clearly visible from these properties and introduces an unreasonable level of bulk and massing that is not encouraged by the Structure Plan.
- The 5<sup>th</sup> level introduces a scale and height that is more than double that of the higher (two storey) shops along Rose Street and will significantly detract from the character of Rose Street.
- The built form fails to achieve a suitable transition to the adjoining single storey building heights to the north, south and west of the site.

#### Internal Circulation, Space and Building Adaptability / Circulation and Services

The entry point to the building will be easily identifiable from within the car parking area, with a centrally located lift and stairwell providing access to the

upper levels. A separate pedestrian access point, in the form of a shared hallway and lobby area, is provided along the Rose Street frontage. The provision of lift and stair access in conjunction with a hallway/lobby area at the front entrance will allow for ease of movement, including the movement of furniture, emergency access and escape.

Council's Traffic and Transportation Unit has no objection to the proposal subject to restricted loading times and the provision of all bicycle parking spaces on site.

In terms of storage space, all dwellings have been provided with 4m<sup>3</sup> to 6m<sup>3</sup> of storage space within the ground floor level. The two storage cages over the rear easement and three storage cages adjoining the bin storage area are to be deleted to provide for any future rear laneway and improved waste management on site. The need to re-locate five storage units into an already full storage area is indicative of a poor layout. The only way the storage areas can all fit in this space is by reducing their size from 6m<sup>3</sup> to 4m<sup>3</sup>.

#### On-Site Amenity and Liveability / Building Layout and Design

The development accommodates 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.

The light well that continues into the carpark will allow fumes to reach habitable room windows above, whilst the reliance on light courts for daylight and ventilation to some windows offers a compromised level of amenity. The first floor apartments, for example, have their light courts compromised by the three storeys of built form extending above them.

Each dwelling is provided with a private balcony area ranging from 8.1m<sup>2</sup> to 25.7m<sup>2</sup>, which is considered acceptable.

Some internal overlooking occurs between apartments, which further compromises the amenity of some apartments. The inability to resolve this issue in the design will necessitate that future occupants draw their blinds, which compromises the apartment liveability levels.

An acoustic engineering report can be provided to specify how noise transmission can be minimised and to ensure compliance with relevant regulations.

#### Off-Site Amenity

Overlooking can be resolved through modifications to screens to satisfy the overlooking requirements of Clause 55.04-6.

It is considered that the proposed development does not significantly overshadow adjoining residential secluded private open space areas due to the orientation of the site, proposed design response and provision of appropriate setbacks. Three existing dwellings located to the west at No.10-14 Flower Street would be subject to some additional overshadowing at 9am to 11am. However, from 12pm onwards, there is no additional overshadowing to these secluded private open space areas. Importantly, these secluded private open space areas would each receive a minimum of five hours of sunlight between

9am and 3pm on 22 September, which is in accordance with the requirements and objectives 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.

#### Parking, Traffic and Access

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

#### Landscaping and Fencing / Open Space and Landscape Design

The subject site currently has limited permeability and does not contain any significant landscaping or vegetation. While one large tree exists to the rear of the subject site, this is not nominated as being significant under the heritage citation report or individually protected under any other overlays and is to be removed accordingly. The proposed development would have 95.19% site coverage, which is considered acceptable to a site within a Commercial 1 Zone and Activity Centre area. The removal and replacement of the existing street tree along Rose Street is to be appropriately managed through the inclusion of conditions on any permit granted as discussed within Section 2.3 of this report.

#### 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.

A modified waste management plan is to be submitted to Council, as discussed earlier, to ensure adequate provision for waste storage on-site and this is to be a condition on any permit granted.

The proposed development has incorporated many Environmentally Sustainable Design initiatives, including the provision of a 10,000 litre underground rainwater tank for the re-use of stormwater within the development.

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.

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 Essendon Junction Activity Centre, which is an 'Urban Renewal Area' as identified in *Plan Melbourne*. The proposed mixed-use development continues to promote commercial and residential growth within this area.

The development presents a departure from the Essendon Junction Activity Centre Structure Plan, particularly with regard to the creation of a vehicle crossover and driveway from Rose Street to service the development, the excessive height of the development and its setback from boundaries, especially to the west (Flower Street properties).

With regard to Clause 21.08 (Economic Development), the development will contribute to this section of Rose Street in terms of employment and business. It is noted that the proposed restaurant is an 'as-of-right' use within the Commercial 1 Zone, as discussed within Section 3.3 of this report.

The proposal complies with Clause 22.03 Stormwater Management (Water Sensitive Urban Design) and meets the required on-site stormwater treatment as demonstrated by achieving at least 100% on the STORM Rating Report. The relevant WSUD notations and conditions will therefore be placed on any permit granted in accordance with this policy.

### **3.3 Compliance with Clause 34.01 (Commercial 1 Zone)**

The proposed restaurant and dwellings are 'as-of-right' uses within the Commercial 1 Zone. The proposed restaurant and dwelling 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). The scale, height and setbacks of the building and works are contrary to the purpose of the Commercial 1 Zone that seeks "*residential densities complementary to the role and scale of the commercial centre*". The introduction of a vehicle crossover and driveway also work against the purpose that seeks "*to create vibrant mixed use commercial centres...*".

### **3.4 Compliance with Clause 43.01 (Heritage Overlay)**

The subject site is located within a proposed Heritage Overlay. As discussed within Section 3.2 of this report, the extent of proposed demolition is excessive and significantly compromises the heritage value of not only the site, but Rose Street itself. The extent of building to be retained amounts to facadism and is opposed by Council's Heritage Advisor.

The scale of the building will dominate its immediate context, which is characterised by one and two storey shops, whilst the introduction of a new vehicle crossover and driveway creates a 'hole' where one presently does not exist and compromises the integrity and consistency of the streetscape.

Council's Heritage Advisor opposes both the extent of demolition and the scale, height and nature of the proposed building and works.

### **3.5 Compliance with Clause 52.06 (Car Parking)**

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



**Table 2**

Unit	Requires	Provides
18 Dwellings (5 x 3 bedrooms, 7 x 2 bedrooms and 6 x 1 bedroom)	23	19
Restaurant (142.5m <sup>2</sup> = 57 seats)	22	3
Residential visitors	3	0
Total	48	22

As discussed under Section 2.3 of this report, Council's Traffic and Transportation Unit have no objection to the reduction in car parking that is sought, subject to restricted loading times and the provision of all bicycle parking spaces on site.

Council's Engineering Services Unit does however, oppose the creation of the new vehicle crossover and driveway to Rose Street, noting the conflict this will create with the pedestrian nature of the street.

The reduction in car parking sought can be justified having regard to the excellent locational attributes of the site, which is located opposite Essendon train station and near multiple bus routes.

Bicycle parking is proposed on site, whilst restaurant patrons can utilise available on-street parking, which will be available outside of peak business hours.

With regard to residential and restaurant traffic generation, the proposed development is expected to generate approximately 11 vehicle trips per peak hour and approximately 98 vehicle trips over an entire day. Traffix Group Pty Ltd are satisfied that traffic generated by the proposed development will be relatively low, primarily residential in nature, and will not have a detrimental impact on Rose Street or the surrounding road network.

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

Clause 52.07 triggers loading and unloading requirements for the restaurant within the proposed development. The proposed restaurant is relatively small and it is generally accepted that deliveries to restaurants 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. In addition to this, it is noted that VCAT commonly waive loading and unloading requirements for businesses similar to that contained within the proposed development.

### **3.7 Compliance with Clause 52.34 (Bicycle Facilities)**

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

**Table 3**

Unit	Requires	Provides
18 Dwellings	4	4
Residential visitors	2	2
Restaurant employees	1	1
Restaurant visitors	2	0
Total	9	7

As demonstrated in the table above, the proposed development does not comply with the requirements of this clause. However, cycling should be encouraged as an alternate mode of transport, particularly given the extensive reduction in car parking requirements being sought and excellent access to public transport reducing the overall reliance on motor vehicles. In the event a permit was issued, a condition would require that the minimum number of bicycle spaces be provided as a condition on any permit granted.

### **3.8 Compliance with the Essendon Junction Activity Centre Structure Plan**

The subject site is located within Precinct 1 (West) of the Essendon Junction Structure Plan. The development fails to satisfy the following three areas of the Structure Plan:

Firstly, there is repeated emphasis through the Plan to promote pedestrian movement, noting that Rose Street is specifically identified as being one of just two ‘pedestrian priority streets’ in the entire structure plan area. This is consistent with the role of Rose Street as a commercial shopping strip.

The introduction of a crossover and driveway across an existing footpath will inevitably fragment this shopping strip and pedestrian path and create conflict between vehicles and pedestrians. The approval of the crossover in turn has the potential to be replicated elsewhere along Rose Street, noting not all properties at present have direct access to a rear right of way.

Secondly, the five storey building height exceeds the recommended four storey height for this precinct. The slope of the land, which falls from east to west accentuates the height of the building from the rear residential properties to the west (Flower Street), presenting excessive visual bulk and massing to these properties.

The fifth level will also impact on the Rose Street streetscape, which otherwise has a consistently single and two storey scale.

Thirdly, the rear setbacks fail to satisfy the setback provisions of the Structure Plan. The sensitivity of the properties to the rear is heightened by the absence of a rear laneway that could otherwise absorb some of the bulk, and by the slope of the land that accentuates the height and scale of the development.

Any assumptions over the potential acquiring of the rear portion of properties in the area to create a laneway interface are merely assumptions, noting the

development does not seek to gain access to nearby laneways to access the development.

In other words, it is unreasonable to introduce a front crossing and driveway due to the absence of a rear laneway, and then rely on this 'laneway' to mitigate visual bulk considerations.

### 3.9 Objections

**Table 4**

Issue	Officer Response
Overdevelopment / site coverage / height / visual bulk / compliance with EJAC Structure Plan	There is evidence that the scale, height and layout of the development is excessive for this particular context as discussed within Sections 3.1, 3.2 and 3.8 of this report.
Character / external design / impacts on heritage streetscape	The combination of the extent of demolition proposed, the reliance on facadism, the lack of meaningful setbacks, the height and scale of the built form and the introduction of a vehicle crossover and driveway where one does not at present exist support this point of objection. These matters are further addressed within Sections 2.3, 3.1, 3.2 and 3.4 of this report.
Car parking / traffic issues	Council's Engineers oppose the car parking layout and specifically the introduction of a vehicle crossover and driveway in this location. This element of the proposal is clearly at odds with the strong pedestrian role of Rose Street as discussed within Sections 2.3 and 3.5 of this report.
Introduction of a new vehicle crossover to Rose Street	As outlined above, the new crossover and driveway conflict with the pedestrian role of Rose Street and is a design element that Council's Engineers do not support, as discussed within Sections 2.3 and 3.2 of this report.
Pedestrian safety along Rose Street footpath	The Essendon Junction Structure Plan identifies Rose Street as just one of two priority pedestrian streets in the entire structure plan area. The introduction of this vehicle crossover, and future crossovers on other properties such as this disrupts pedestrian flow.
Removal of on-street car parking	The removal of one on-street car parking space to service the development is indicative of a poor layout, noting that car spaces are at a premium in this busy location, and noting that the development relies on a large parking shortfall.

Use of car stackers	Car stackers are considered to be an appropriate form of car parking for higher density developments as they allow for increased car parking on site than would otherwise be possible, subject to the inclusion of an appropriate management plan and acoustic attenuation as conditions on any permit granted.
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.
Damage to nearby properties	A building permit is required in order to assess the structural integrity of the proposed development. Any damage to surrounding properties during the construction phase is not a valid planning consideration and is controlled/managed through the building permit process.
Overlooking	The proposed development meets the requirements of Clause 55.04-6 (Overlooking), subject to revised plans and the angle of the rear privacy screening slats being reversed to mitigate downward angled views being included as conditions on any permit granted.
Overshadowing / access to light	The proposed development meets the requirements of Clause 55.04-5 (Overshadowing). This is considered acceptable as discussed within Section 3.2 of this report.
Noise	Suitable conditions to minimise potential noise impacts on adjoining properties, from the proposed development can be included in the event a permit were issued.
Lack of north-facing habitable room windows	Due to the east-west orientation of the site and commercial zoning where boundary-to-boundary developments are commonplace there are limited opportunities for the provision of north-facing windows, particularly at the lower levels. Notwithstanding this, the layout offers a number of internal amenity shortcomings that are discussed within Section 3.2 of this report.
Lack of secluded private open space	The proposed development meets the requirements of Clause 55.05-4 (Private Open Space) as discussed within Section 3.2 of this report.
Loss of local shop diversity	The inclusion of a ground floor restaurant provides for a new use along Rose Street that will contribute to the vibrancy and economic viability of this centre.

Restaurant use inappropriate	The restaurant is an 'as-of-right' use within the Commercial 1 Zone, as discussed within Section 3.3 of this report.
Need for additional dwellings	The proposal complies with the objectives and strategies of Clause 21.05 (Housing) by increasing housing opportunities to meet growing population needs, and by providing a diversity of housing choice in a well-established area with access to public transport options and local/community services.
Negative impacts on nearby businesses	As discussed above, a Construction Management Plan can be required as a condition in the event a permit were to be granted to minimise potential construction impacts on surrounding properties. The creation of a new crossover/driveway will interrupt pedestrian flows, and if repeated further, will compromise the accessibility of the centre.
Impacts on existing trees to the rear	Existing trees on site and adjoining properties are not considered to be significant or protected under any overlays within the Moonee Valley Planning Scheme, as discussed within Section 3.2 of this report, and therefore do not warrant the need for an arborist 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, Essendon Junction Activity Centre Structure Plan, 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.

It is considered that the proposal demonstrates a poor level of compliance with the requirements of these provisions and policies. The application is recommended for refusal as detailed above in the recommendation section.

#### **Appendices**

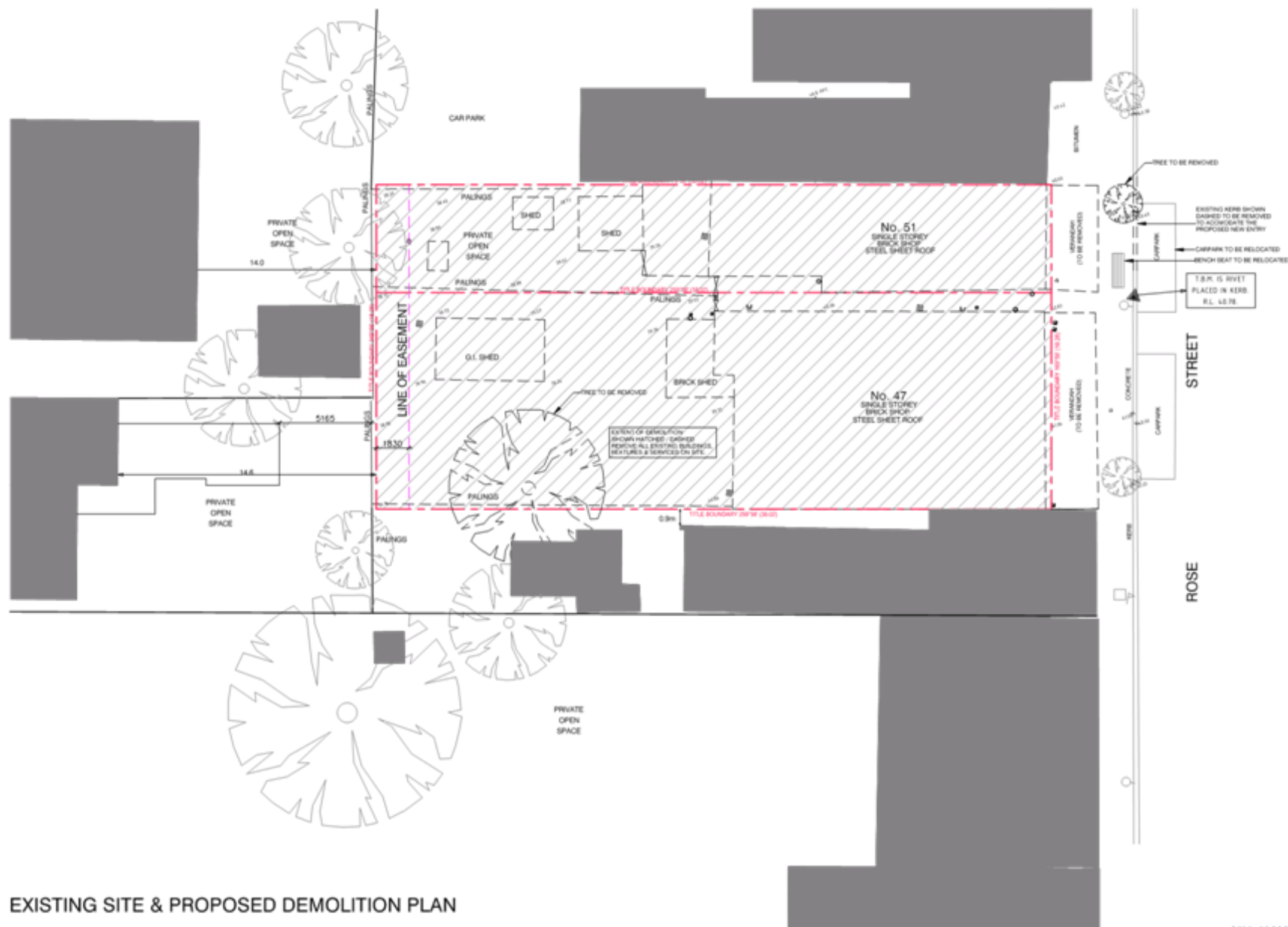
Appendix A: Objectors

Appendix B: Advertised Plans (separately circulated)

Appendix C: Revised Plans

**Location of Objector's Properties**

10 Richardson Street, ESSENDON VIC 3040 (X2)
75 Rose Street, ESSENDON VIC 3040
29 Rose Street, ESSENDON VIC 3040
8 Flower Street, ESSENDON VIC 3040 (X2)
C/-Big Picture Urban Rural, L7/221 Queen Street, MELBOURNE VIC 3000
65-67 Rose Street, ESSENDON VIC 3040
15 Rose Street, ESSENDON VIC 3040
69 Rose Street, ESSENDON VIC 3040
35 Rose Street, ESSENDON VIC 3040
137 Rose Street, ESSENDON VIC 3040
C/- Wings Away & Cruisland, 55 Rose Street, ESSENDON VIC 3040
7 Edward Street, ESSENDON VIC 3040
39-41 Rose Street, ESSENDON VIC 3040



EXISTING SITE & PROPOSED DEMOLITION PLAN

DATE: 15/11/15 DRAWN: C & W SWP CHECKED: AP SCALE: 1:100 @ A1 SIZE		PROJECT: 41/15-15-15 CLIENT: C & W SWP MAXIMUM DEVELOPMENT 1:100 @ A1 SIZE		15-15-15 02 TP 05		BILL JACOBS PTY LTD 116 A HARRICK ROAD KEILOR PARK, VICTORIA 3044 TEL: 03 9331 4444 FAX: 03 9331 4444 EMAIL: info@billjacobs.com.au	
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### PROPOSED FOURTH FLOOR PLAN

ALL BEDROOMS TO BE PROVIDED WITH WINDOWS SIZED AT MINIMUM 10% FOR LIGHT AND 5% FOR VENTILATION OF FLOOR AREA, CLEAR OF WINDOW FRAMES

DATE	INITIALS	REMARKS	DATE	INITIALS	REMARKS

1. **Project Title:** "Green Energy for All" aimed at increasing renewable energy usage in rural communities, with emphasis on solar and wind power, and developing local entrepreneurs in the building design and construction. Key objectives include: increase renewable energy usage, create jobs, and improve living standards. This document serves as a record of the project's progress, including key milestones, challenges, and solutions. It is intended for use by the project team and stakeholders.

2. **Project ID:** PEA-2024-001

3. **Project Manager:** Jane Doe

4. **Project Sponsor:** Mr. John Smith

5. **Project Start Date:** 2024-01-15

6. **Project End Date:** 2024-12-31

7. **Project Status:** In Progress

8. **Project Budget:** \$500,000

9. **Project Location:** Rural areas of District X

10. **Project Description:** The project aims to provide access to clean, affordable energy to rural communities. It will involve the installation of solar panels and wind turbines, as well as the training of local residents in the maintenance and repair of these systems. The project will also focus on developing local businesses that can provide services related to the energy sector.

11. **Project Objectives:**

- 1. Increase renewable energy usage in rural communities by 20%.
- 2. Create 100 new jobs in the renewable energy sector.
- 3. Improve living standards in rural communities.
- 4. Develop local entrepreneurs in the building design and construction sector.

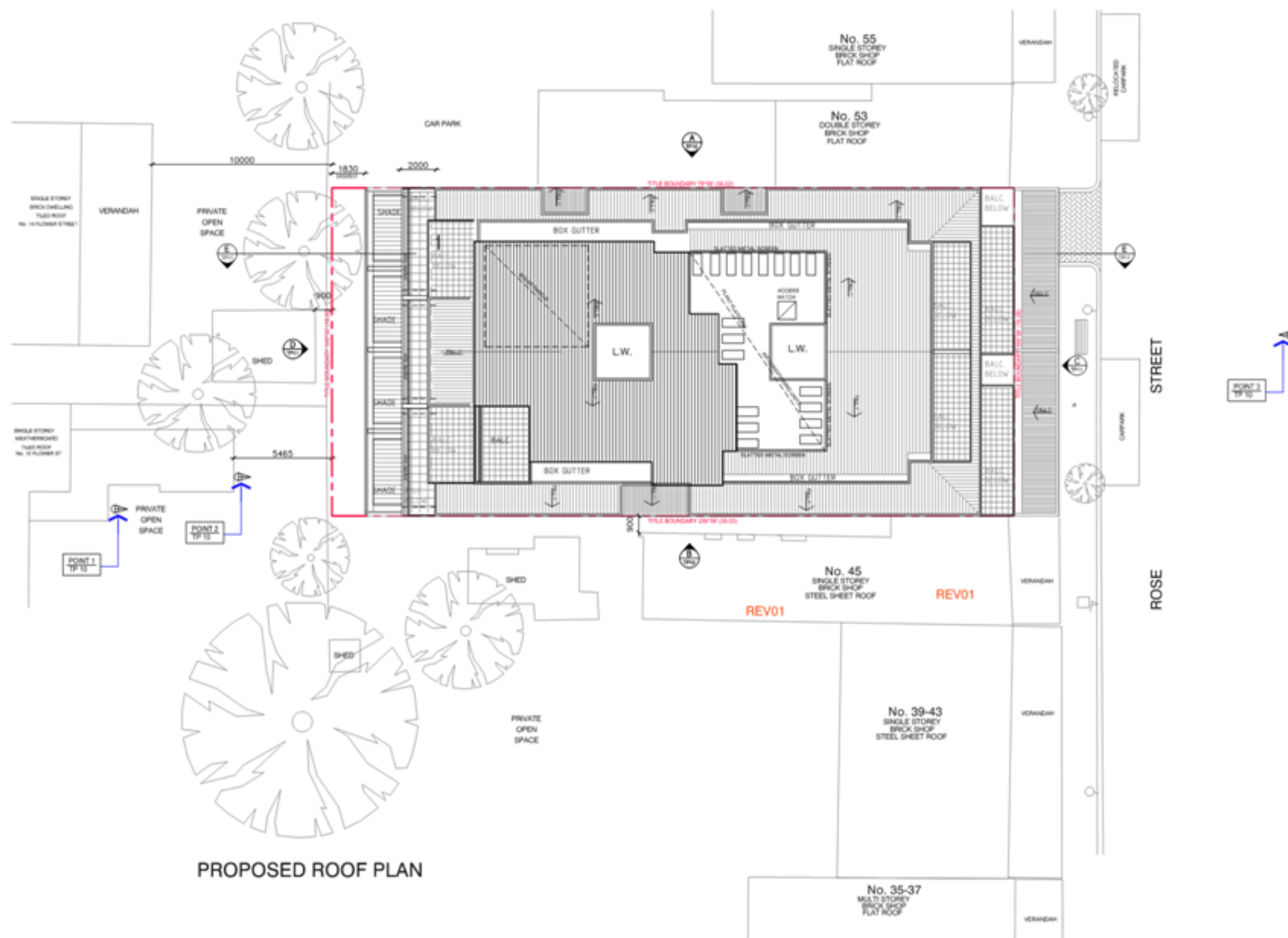
12. **Project Milestones:**

- 1. Project Kick-off Meeting (2024-01-15)
- 2. Site Assessment and Feasibility Study (2024-02-15)
- 3. Design and Construction of Solar Panels (2024-03-15)
- 4. Installation of Wind Turbines (2024-04-15)
- 5. Training of Local Residents (2024-05-15)
- 6. Completion of Project (2024-12-31)

13. **Project Risks:**

- 1. Lack of funding for the project.
- 2. Lack of local support for the project.
- 3. Lack of technical expertise in the renewable energy sector.
- 4. Lack of infrastructure in rural areas.

14. **Project Conclusion:** The project has been successful in achieving its objectives. It has provided access to clean, affordable energy to rural communities, created jobs, and improved living standards. The project has also developed local entrepreneurs in the building design and construction sector.

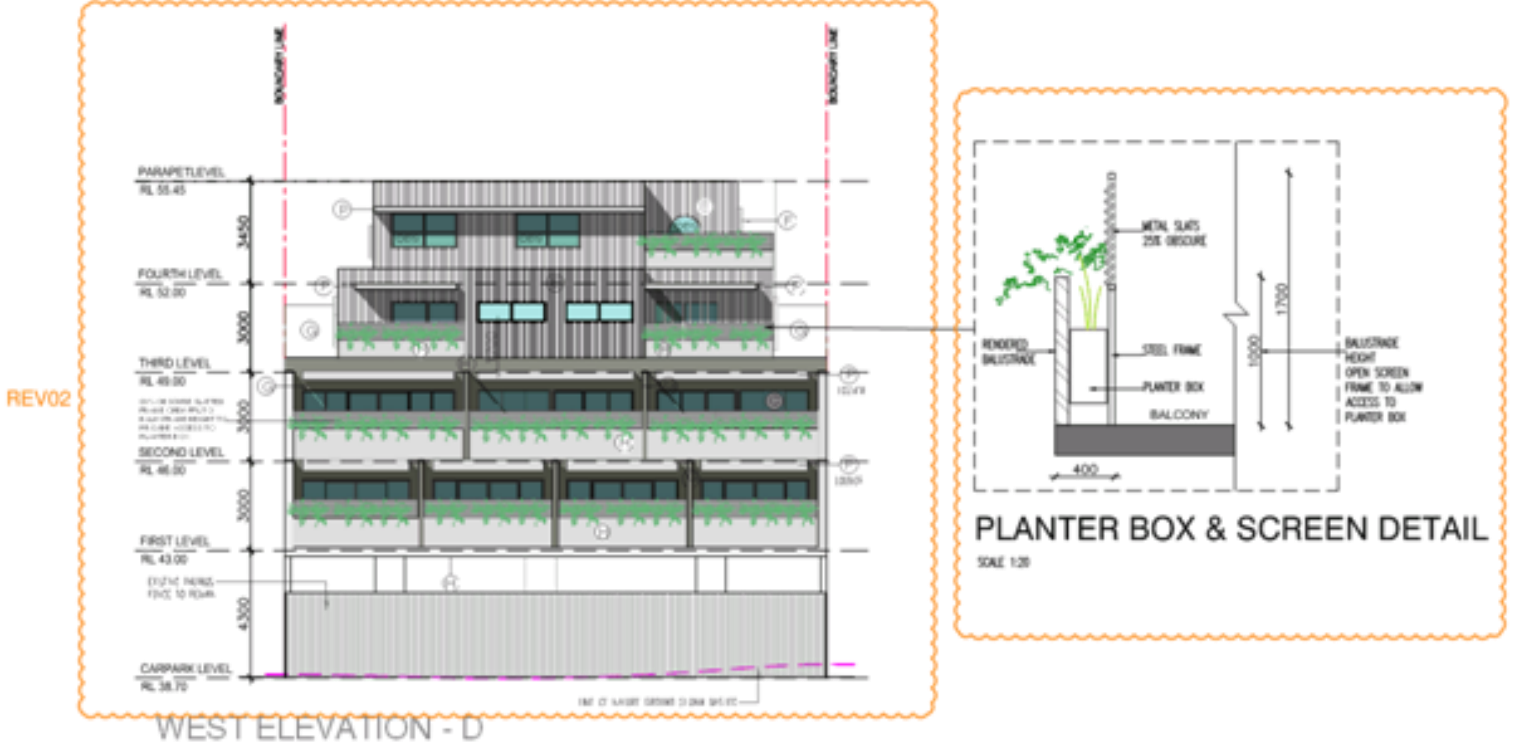


PROPOSED ROOF PLAN

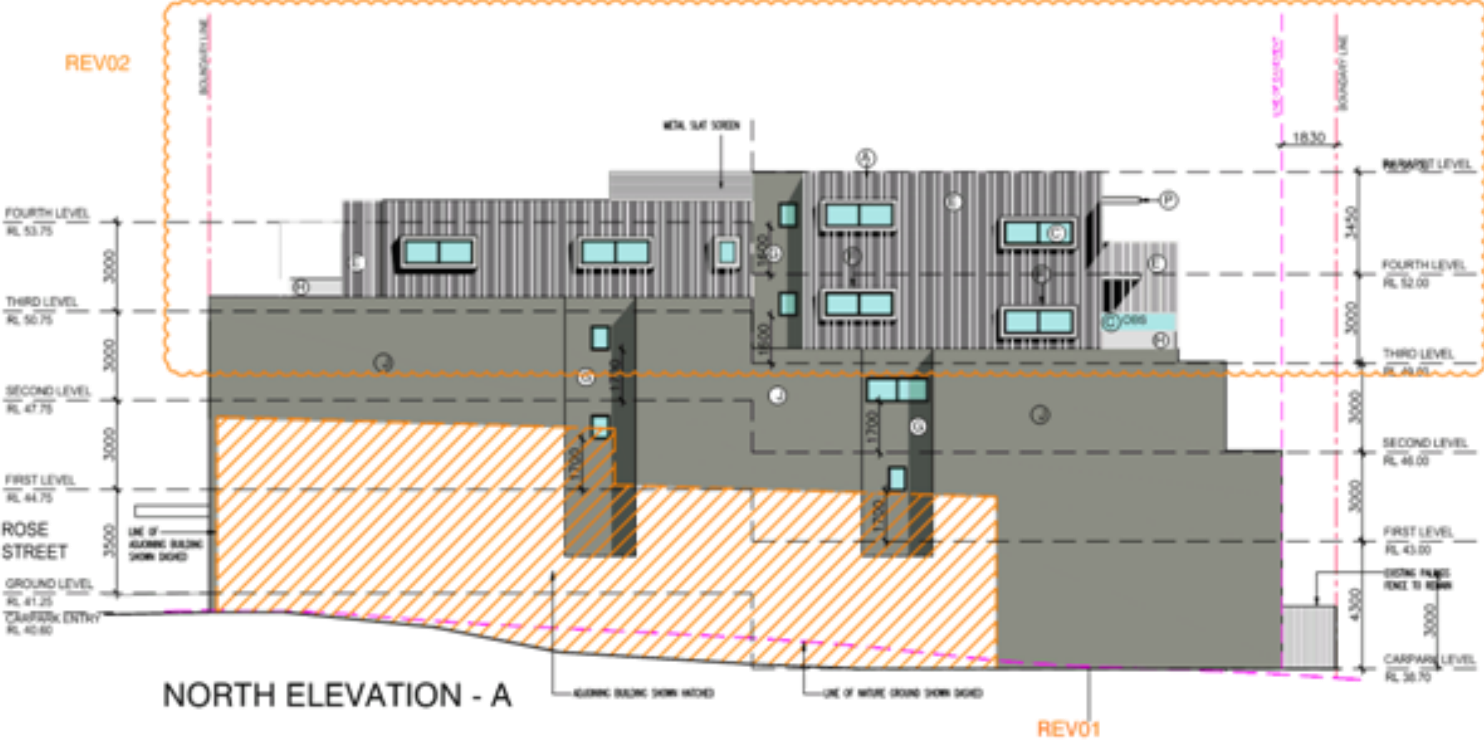
						<p>Notes: These drawings are not to be used for construction purposes. They are for information only. The client is responsible for ensuring that the drawings are used for the intended purpose. The client is responsible for ensuring that the drawings are used for the intended purpose. The client is responsible for ensuring that the drawings are used for the intended purpose.</p>			<p>PROJECT: TOWN PLANNING APPLICATION</p> <p>THIS IS A PRELIMINARY DRAWING ONLY THIS DRAWING IS NOT FOR CONSTRUCTION. ORIGINAL SHEET SIZE A1 - 841mm x 1189mm</p>						<table><tr><td>PROJECT</td><td>NO. 45</td></tr><tr><td>CLIENT</td><td>C &amp; S SWIRETT</td></tr><tr><td>DESIGNER</td><td>AP</td></tr><tr><td>DATE</td><td>15/06/2016</td></tr></table>			PROJECT	NO. 45	CLIENT	C & S SWIRETT	DESIGNER	AP	DATE	15/06/2016	<table><tr><td>PROJECT</td><td>NO. 45</td></tr><tr><td>CLIENT</td><td>C &amp; S SWIRETT</td></tr><tr><td>DESIGNER</td><td>AP</td></tr><tr><td>DATE</td><td>15/06/2016</td></tr></table>			PROJECT	NO. 45	CLIENT	C & S SWIRETT	DESIGNER	AP	DATE	15/06/2016	<table><tr><td>PROJECT</td><td>NO. 45</td></tr><tr><td>CLIENT</td><td>C &amp; S SWIRETT</td></tr><tr><td>DESIGNER</td><td>AP</td></tr><tr><td>DATE</td><td>15/06/2016</td></tr></table>			PROJECT	NO. 45	CLIENT	C & S SWIRETT	DESIGNER	AP	DATE	15/06/2016	<table><tr><td>PROJECT</td><td>NO. 45</td></tr><tr><td>CLIENT</td><td>C &amp; S SWIRETT</td></tr><tr><td>DESIGNER</td><td>AP</td></tr><tr><td>DATE</td><td>15/06/2016</td></tr></table>			PROJECT	NO. 45	CLIENT	C & S SWIRETT	DESIGNER	AP	DATE	15/06/2016	<table><tr><td>PROJECT</td><td>NO. 45</td></tr><tr><td>CLIENT</td><td>C &amp; 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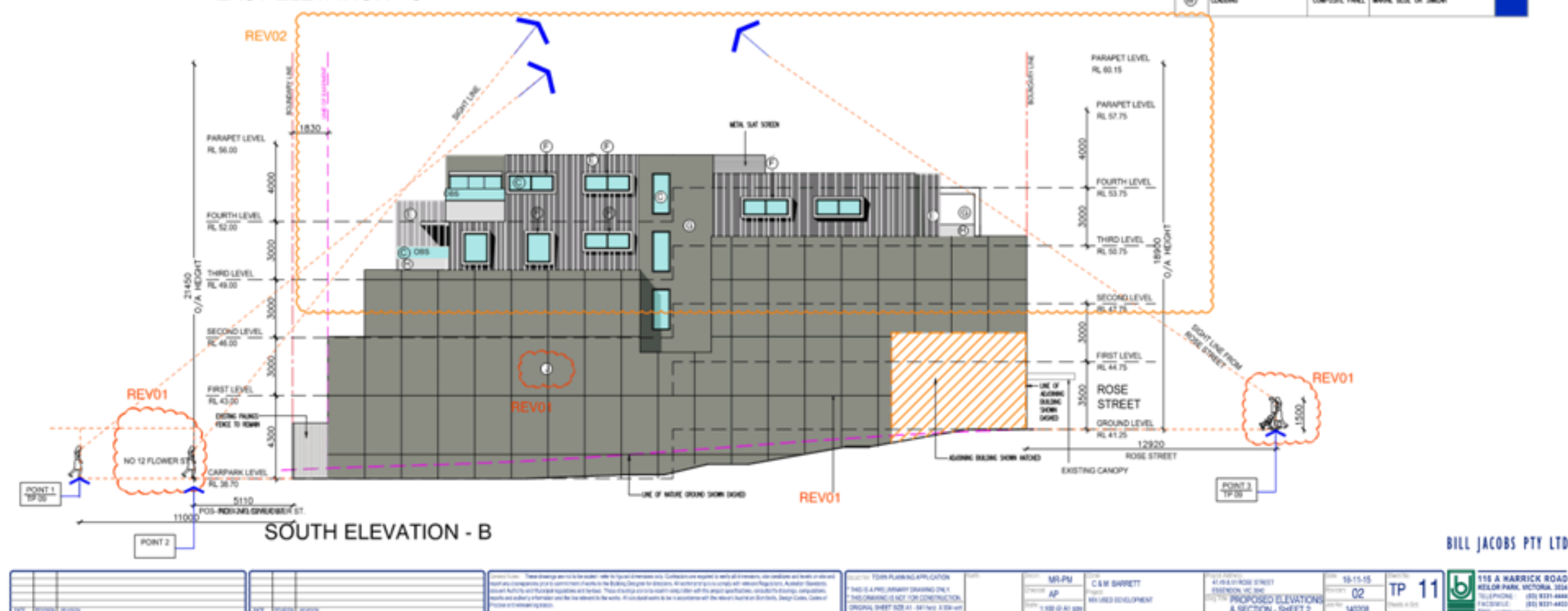
**BILL JACOBS PTY LTD**  
 116 A HARRICK ROAD  
 KEILOR PARK, VICTORIA, 3014  
 TEL: 03 9321 4444  
 FAX: 03 9321 4444  
 EMAIL: bill@billjacobs.com.au





COLOUR / FINISHES SCHEDULE:			
SYMBOL	MATERIAL	FINISH	COLOR SPECIFICATION
(A)	ROOF	MEKA/KEP-LOK	WOODLAND GREY OR SIMILAR
(B)	GLAZING FRAMES	POWDER COATED	CHARCOAL OR SIMILAR
(C)	GLASS	CLEAR GLASS	-
(D)	BLOCKOUT GLASS	-	GREY BLOCKOUT OR SIMILAR
(E)	MEKA/COLORBOND CLADDING	"DIAMANT" CLADDING	WOODLAND GREY OR SIMILAR
(F)	CLADDING	COMPOSITE PANEL	DULUX "SURFWEAT" OR SIMILAR
(G)	WIGONYI EXTERNAL WALL	RENDER	DULUX "WINDSPRAY" OR SIMILAR GREY (DARK)
(H)	WIGONYI EXTERNAL WALL	RENDER	DULUX "SURFWEAT" OR SIMILAR GREY (LIGHT)
(I)	PRECAST PANEL	-	NATURAL CONCRETE FINISH
(J)	PRECAST PANEL	PAINT FINISH	DULUX "WESTERN WALL" OR SIMILAR GREY (DARKER)
(K)	MESH SCREEN	POWDER COATED	WOODLAND GREY OR SIMILAR
(L)	SLAT SCREEN	-	NATURAL ANODIZED FINISH
(M)	CLADDING	COMPOSITE PANEL	WINE BLUE OR SIMILAR





**9.2                      20 Argyle Street, Moonee Ponds (Lot 1 on TP 558913B) -  
Construction of three dwellings**

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

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<b>Planning File No.</b>	MV/986/2015
<b>Proposal</b>	Three two-bedroom dwellings (Two double and one single storey)
<b>Applicant</b>	DSP Architects
<b>Owner</b>	Antonio Longo
<b>Planning Scheme Controls</b>	General Residential Zone
<b>Planning Permit Requirement</b>	Clause 32.08 – Construct two or more dwellings
<b>Car Parking Requirements</b>	Required: 3 spaces Provided: 3 spaces
<b>Restrictive Covenants</b>	None
<b>Easements</b>	None
<b>Site Area</b>	525 square metres
<b>Number Of Objections</b>	13
<b>Consultation Meeting</b>	6 April 2016



## Executive Summary

- The application seeks planning approval for the construction of three dwellings at 20 Argyle Street, Moonee Ponds.
- The site is generally rectangular in shape with a frontage of 10.06 metres and an area of approximately 525 square metres. The site is currently occupied by a single storey weatherboard dwelling with an existing crossover located at the south-western corner of the land.
- The application was advertised and 13 objections were received. The concerns raised related to neighbourhood character, visual bulk and scale, overdevelopment, on-site amenity, off-site amenity impacts, car parking and traffic impacts, infrastructure impacts, social/community impacts and issues during construction.
- A Consultation Meeting was held on 6 April 2016 which was attended by Councillors Cusack and Marshall as well as objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.
- The application was internally referred to Council's Engineering Services Unit, Traffic and Transportation Unit and Environmentally Sustainable Design (ESD) Officer. Conditional support to the application was provided.
- This assessment report finds that the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme, and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.



Figure 1 – Aerial photo of the subject site and surrounds

## Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/986/2015 for the construction of three dwellings at 20 Argyle Street, Moonee Ponds (Lot 1 on TP 558913B), subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) The hard paved areas within the secluded open space areas of Dwellings 2 and 3 reduced to provide an increase in landscaped areas and achieve compliance with Standard B9 of Clause 55.03-4 (Permeability) of the Moonee Valley Planning Scheme;
  - b) The clearance height of the over-bonnet storage facilities noted on the floor plans;
  - c) A notation on the floor plans stating that the timber pergola over the entrance to Dwelling 3 is to be unroofed;
  - d) Any changes as a result of Conditions 3 and 4; and
  - e) A notation stating that the development is to be constructed in accordance with the approved Sustainable Design Assessment as per Condition 7.

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

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. 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 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 worker's vehicles and construction vehicles;
  - c) Scaffolding and hoarding for the site;
  - d) Allocated areas for loading and unloading;
  - e) Site evacuation plan and procedure;
  - f) Occupational health and safety policy;
  - g) Hazard identification and control;
  - h) Environmental management and waste minimisation;
  - i) Management of on-site stormwater and 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.

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

6. A minimum 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
- a) Inspection frequency;
  - b) Cleanout procedures;
  - c) As installed design details/diagrams including a sketch of how the system operates; 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. 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 must 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 property at 13 Lennox Street, Moonee Ponds, 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 property at 13 Lennox Street, Moonee Ponds, 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

9. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
10. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
11. The privacy screens/obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the buildings.
12. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of

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

13. 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.
14. 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.
15. 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.
16. 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.
17. 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 one canopy tree within the front setback capable of achieving a minimum mature height of 4 metres; and
  - e) Features such as paths, paving and accessways.

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

18. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
19. 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 eastern side of Argyle Street, approximately 150 metres north of the intersection with Maribyrnong Road. The site is rectangular in shape with a frontage of 10.06 metres and a depth of 52.197 metres. The site area is approximately 525 square metres. There are no easements, covenants or other restrictions identified on title. The subject site currently accommodates a single storey weatherboard dwelling with a pitched roof, set back approximately 6.32 metres from the street. A single width crossover is located at the south-western corner of the site which leads to a driveway along the southern boundary. An open parking area is located alongside the dwelling, as well as a small outbuilding to the rear.



**Figure 2 – Subject Site (20 Argyle Street, Moonee Ponds)**

The site and surrounding land is within a General Residential Zone. Residential development in proximity to 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 and west of the land.

The character of the area can be described as transitional, featuring a strong emergence of multi-unit developments alongside single dwellings on large lots. External materials are a mixture of brick, weatherboard and rendered finishes in differing colours. Roof forms in the area are predominantly hipped and/or gabled, with some examples of flat and skillion roof forms in the wider area. The land is also characterised by its proximity to commercial land along Maribyrnong Road to the south.

## 1.2 Proposal

It is proposed to construct three dwellings on the land, two being double storey and one single storey.

The proposal can be summarised as follows:

**Table 1**

No of dwellings	3
No of car spaces	3
Max Building Height	7.72 metres
Site Coverage	56.2%
Permeability	13.1%

Refer **Appendix C** Plans.

## 2. Background

### 2.1 Relevant Planning History

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

### 2.2 Planning Policies & Decision Guidelines

#### State Planning Policy Framework

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

#### Local Planning Policy Framework

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

#### Zoning

Clause 32.08	General Residential Zone
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#### Particular and General Provisions

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

## **2.3 Referrals**

### External

N/A

### Internal

- Engineering Services Unit  
No objection subject to standard conditions.
- Traffic and Transportation Unit  
No objection subject to the following non-standard condition:
  - Confirm clearance heights for storage within car parking areas (Condition 1 b).
- Environmentally Sustainable Design (ESD) Officer  
No objection subject to standard conditions.

## **2.4 Public Notification of the Application**

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

As a result, thirteen (13) objections were received from the properties contained within **Appendix A** of this report. The objections are discussed at Section 3.6 of this report.

## **2.5 Consultation Meeting**

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

## **3. Discussion**

### **3.1 State Planning Policy Framework**

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

### **3.2 Local Planning Policy Framework**

The proposal complies with the requirements of Clause 21.04-3 (Ecologically Sustainable Development) as demonstrated through the use of ecological sustainable design principals included within the submitted Sustainable Design Assessment (STEPS). Due to a condition requiring increased site permeability,

discussed under Section 3.5 of this report, an updated STEPS report will be required as a separate condition of any permit issued (Condition 7).

The proposal complies with Clause 21.05 (Housing) by increasing housing opportunities to meet growing population needs, providing a diversity of housing choice in a well-established area with access to public transport options (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 complies with Clause 22.03 (Stormwater Management) by providing adequate on-site stormwater treatment subject to the submission of a STORM assessment achieving a minimum 100% rating. As with the STEPS assessment, a requirement for an increase in site permeability will necessitate the submission of an amended STORM assessment. 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 (Condition 3).

### **3.3 Neighbourhood Character Guidelines**

The subject land is identified as being within character area Garden Suburban 5, which sets out the following preferred character statement:

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

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

It is considered that the development provides a suitable response to the preferred character statement and design guidelines of the Garden Suburban 5 Precinct as follows:

**Table 2**

Siting and Building Envelope	The siting and massing of the proposed development is considered to be a generally appropriate response to the existing and preferred character of the immediate area. The 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 dwellings have been suitably designed so as to avoid visual and amenity
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	<p>impacts on adjoining sensitive interfaces.</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 and vehicle accessways on neighbouring properties has provided an opportunity to locate built form away 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 Argyle 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>Multi storey built form is suitably articulated through varied materials, internal separation and setbacks, and are located away from visually sensitive interfaces. The single storey construction of Dwelling 3 at the rear of the site is an appropriate response to the sensitive interfaces to the east and south.</p> <p>The scale and massing of built form is an appropriate response to the opportunities and constraints of the site, with the built form centralised to avoid visual or amenity impacts. This serves to minimise their visual impact within the streetscape, and ensures an acceptable overall height in the context of surrounding built form.</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. A contemporary gabled roof form and a combination of both traditional and contemporary design detailing have been utilised, which result in an appropriate design outcome within the street. Varied setbacks achieve a high degree of articulation to the upper floor walls of each dwelling which increases visual interest, as well as providing a respectful presentation to neighbouring dwellings.</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</p>

	<p> dwellings.</p> <p>A 1 metre high timber front fence is proposed, which is compatible with the character of fencing along both sides of Argyle Street. This is also consistent with the guidelines set out under the Garden Suburban 5 profile which identifies a variety of fencing styles from heights between 0.4 to 1.4 metres.</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
Three two-bedroom dwellings	3	3
Total	3	3

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. While not required to do so by the scheme, the layout of the accessway and car spaces allows for vehicles to both enter and exit each car space in a forward direction. The swept path analysis submitted with the application demonstrates that vehicle movements to each car space can be achieved in a safe and efficient manner.

As stated in Section 2.3 of this report, Council's Traffic and Transportation Unit had no objection to the application subject to one condition.

### 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 55.03-4 (Standard B9) Permeability	<p>a) The proposal provides a permeable site coverage of 13.1%, which falls short of the minimum of 20% required by the standard.</p> <p>b) A condition of any permit issued will require a reduction to the hard paved areas within the secluded open space areas of Dwellings 2 and 3 to achieve compliance with the standard (Condition 1a).</p>

<p>Clause 55.03-8 (Standard B13) Landscaping</p>	<p>The plans submitted with the application demonstrate that the development is generally capable of planting which is consistent with the objectives of this clause. There are adequate soft soil and planted areas throughout the development, which will be improved through the modifications discussed under the assessment of site permeability. A condition of permit will require the submission of a detailed landscape plan, which will provide for canopy tree planting across the street frontage (Condition 17).</p>
<p>Clause 55.04-4 (Standard B20) North Facing Windows</p>	<p>There are five north facing habitable room windows in proximity to the site, four of which are in proximity to the shared accessway where the dwellings are set well back.</p> <p>Dwelling 2 is located opposite the eastern-most north facing window of the neighbouring dwelling, and is set back 1.8 metres and 2.95 metres respectively at ground and first floor level. These setbacks exceed the 1 metre and 2.53 metres required by the standard.</p> <p>The timber pergola over the entrance of Dwelling 3 is constructed on the boundary in proximity to the eastern-most north facing window of the neighbouring dwelling. The beams of the pergola require a minor variation to the standard, which is considered appropriate due to their minor impact visually and by way of overshadowing. It is considered appropriate to include a condition requiring that the plans are annotated to ensure this area is unroofed, to avoid any additional impact on the habitable room window (refer Condition 1c).</p>
<p>Clause 55.05-4 (Standard B28) Private Open Space</p>	<p>Dwelling 1 is provided with a first floor balcony encompassing an area of 9 square metres, with a minimum dimension of 1.6 metres, which meets the requirements of the standard. Dwelling 1 is also provided with a front yard of 26.8 square metres, and a side service yard of 13.6 square metres.</p> <p>Dwellings 2 and 3 are provided with 38 and 32.1 square metres of secluded open space. While this exceeds the minimum requirement for 25 square metres of secluded open space, a variation is sought for the overall private open space requirement of 40 square metres.</p> <p>A variation is considered appropriate in this instance. The dwellings contain two bedrooms</p>

	<p>each, and would have less demand for private open space in comparison to a dwelling of three bedrooms or more. The subject land is also located within walking distance of public reserves. The private open space areas provided for these dwellings have good dimensions and orientation, and are considered easily capable of meeting the future recreational and service needs of residents.</p>
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### 3.6 Objections (Discussion)

**Table 5**

Issue	Officer Response
Neighbourhood character Visual bulk and scale	As discussed within Sections 3.2, 3.3 and 3.5 of this report, the design of the proposed dwellings is considered to have an adequate level of compliance with the preferred neighbourhood character.
Overdevelopment	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 meets the relevant objectives and standards 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 excess of what is required by the Scheme. The design of car parking and access facilities satisfies the relevant design standards of the scheme, and as such it is not considered that there would be any unreasonable safety impacts as a result of the development.</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>

Infrastructure impacts	The proposal is not considered to pose any unreasonable burden on existing infrastructure. Council's Engineering Services Unit had no objection to the proposal as set out under Section 2.3 of this report.
Social/community impacts	The proposal is for a medium density residential development and it is not considered that it would contribute to any social issues within this residential context.
Issues during construction	A condition of any permit issued will require the submission of a Construction and Site Management Plan prior to the commencement of any works.
Errors in submitted plans	Some errors were identified within the site description and design response plans, which have been noted. These errors are generally typographical, and do not prevent Council from undertaking a proper assessment of the application. As the errors are contained within supplementary plans and do not affect plans which would be endorsed if a permit was issued, no conditions are required.

#### **4. Human Rights**

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

#### **5. Conclusion**

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

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

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

#### **Appendices**

Appendix A: Objector List

Appendix B: ResCode Assessment

Appendix C: Plans

### Location of Objectors

11 Argyle Street, MOONEE PONDS VIC 3039
12 Argyle Street, MOONEE PONDS VIC 3039
13a Argyle Street, MOONEE PONDS VIC 3039
13 Argyle Street, MOONEE PONDS VIC 3039
16 Argyle Street, MOONEE PONDS VIC 3039
17 Argyle Street, MOONEE PONDS VIC 3039
18 Argyle Street, MOONEE PONDS VIC 3039
19 Argyle Street, MOONEE PONDS VIC 3039
2/22 Argyle Street, MOONEE PONDS VIC 3039
23 Argyle Street, MOONEE PONDS VIC 3039
26 Argyle Street, MOONEE PONDS VIC 3039
27 Argyle Street, MOONEE PONDS VIC 3039
28 Argyle Street, MOONEE PONDS VIC 3039

### 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>	✓ (Condition)	✓
<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>	X	✓
<i>B21 - Overshadowing Open Space Objective</i>	✓	✓
<i>B22 - Overlooking Objective</i>	✓	✓
<i>B23 - Internal Views Objective</i>	✓	✓

<b>Title and Objective</b>	<b>Complies with Standard</b>	<b>Compliance with Objective</b>
<i>B24 - Noise Impacts Objectives</i>	X	✓
<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>	X	✓
<i>B29 - Solar Access to Open Space Objective</i>	✓	✓
<i>B30 - Storage Objective</i>	✓	✓
<i>B31 - Design Detail Objective</i>	✓	✓
<i>B32 - Front Fences Objective</i>	✓	✓
<i>B33 - Common Property Objectives</i>	✓	✓
<i>B34 - Site Services Objectives</i>	✓	✓

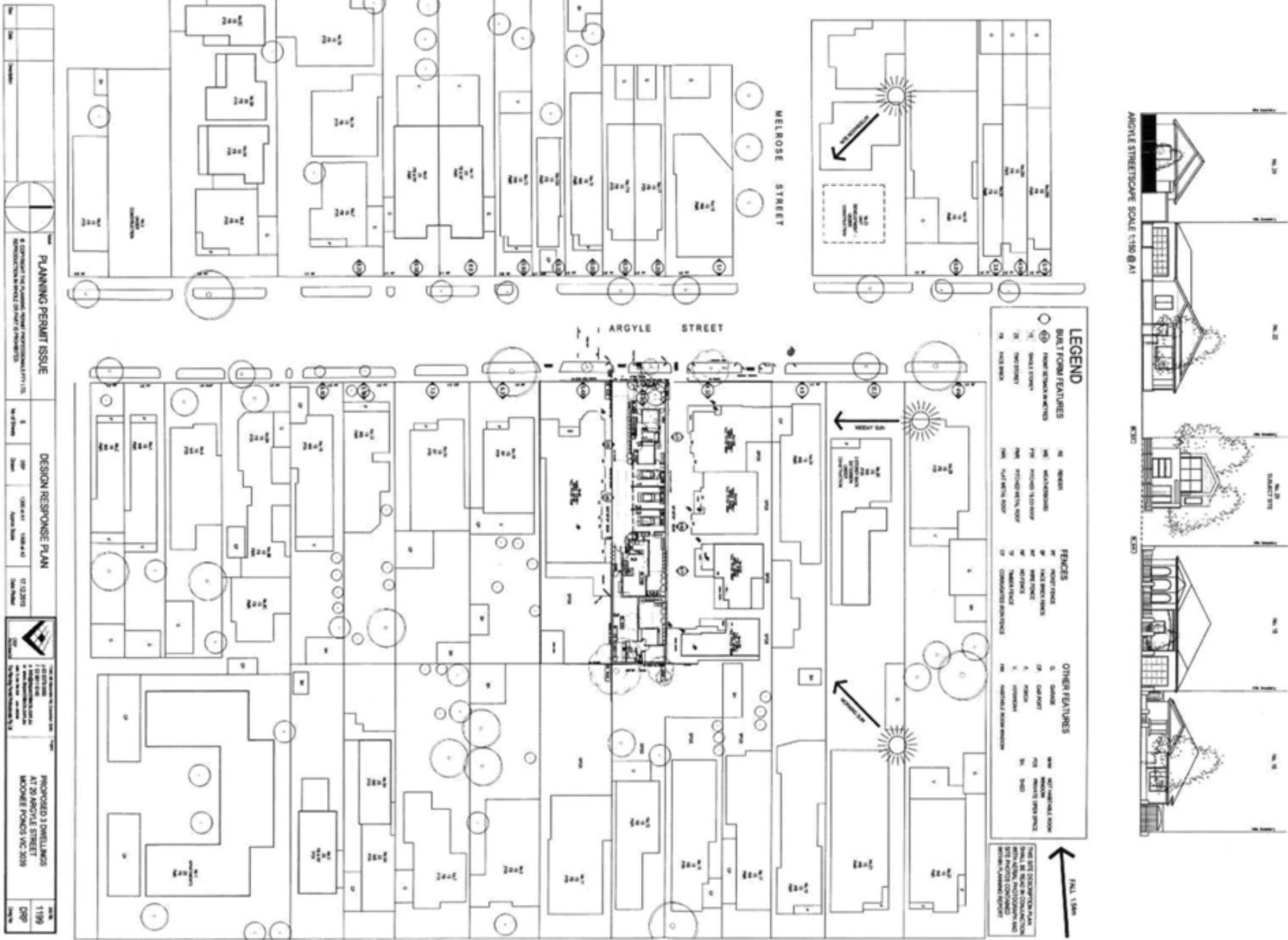
✓ - complies

x – non-compliance

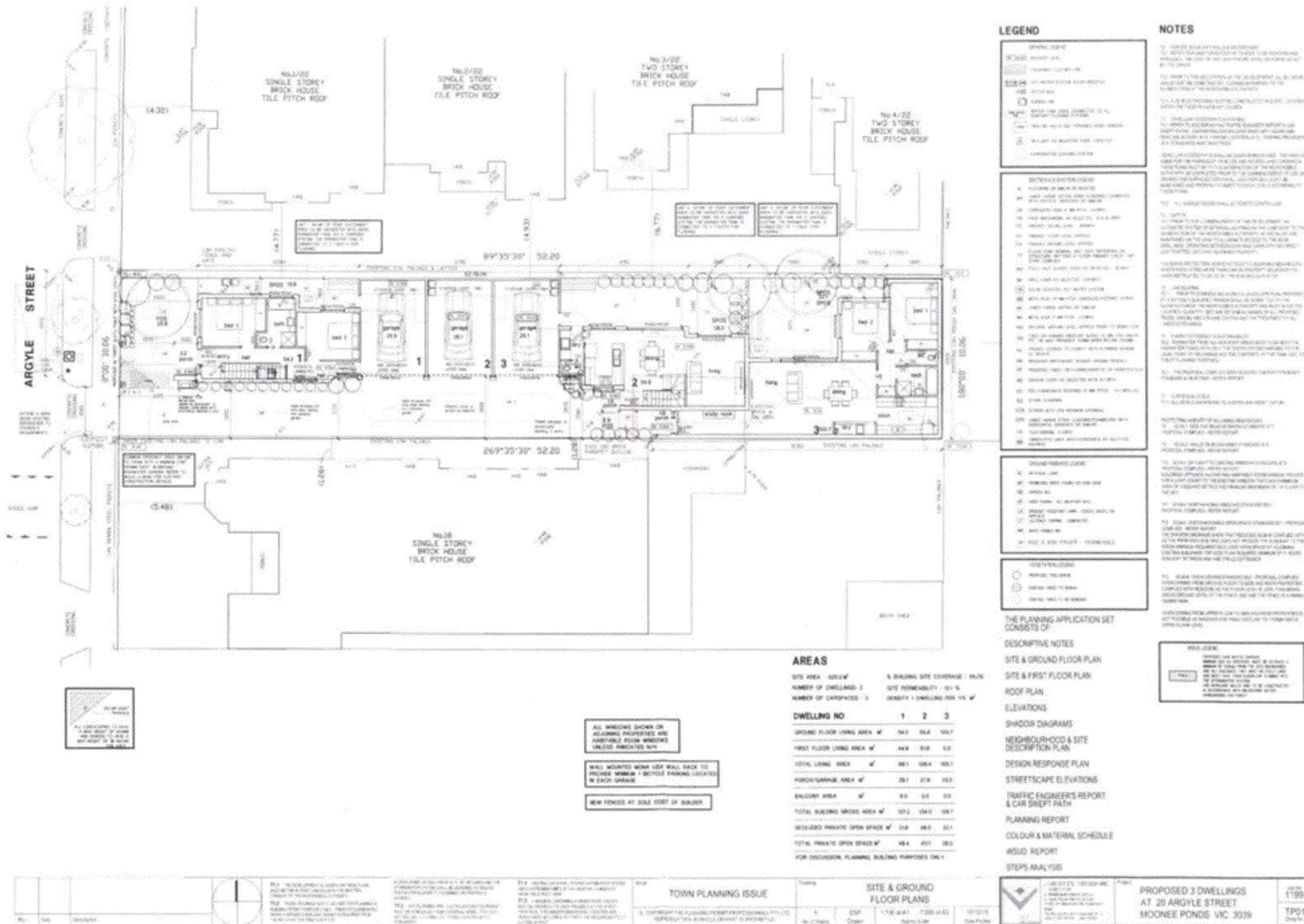
N/A- not applicable

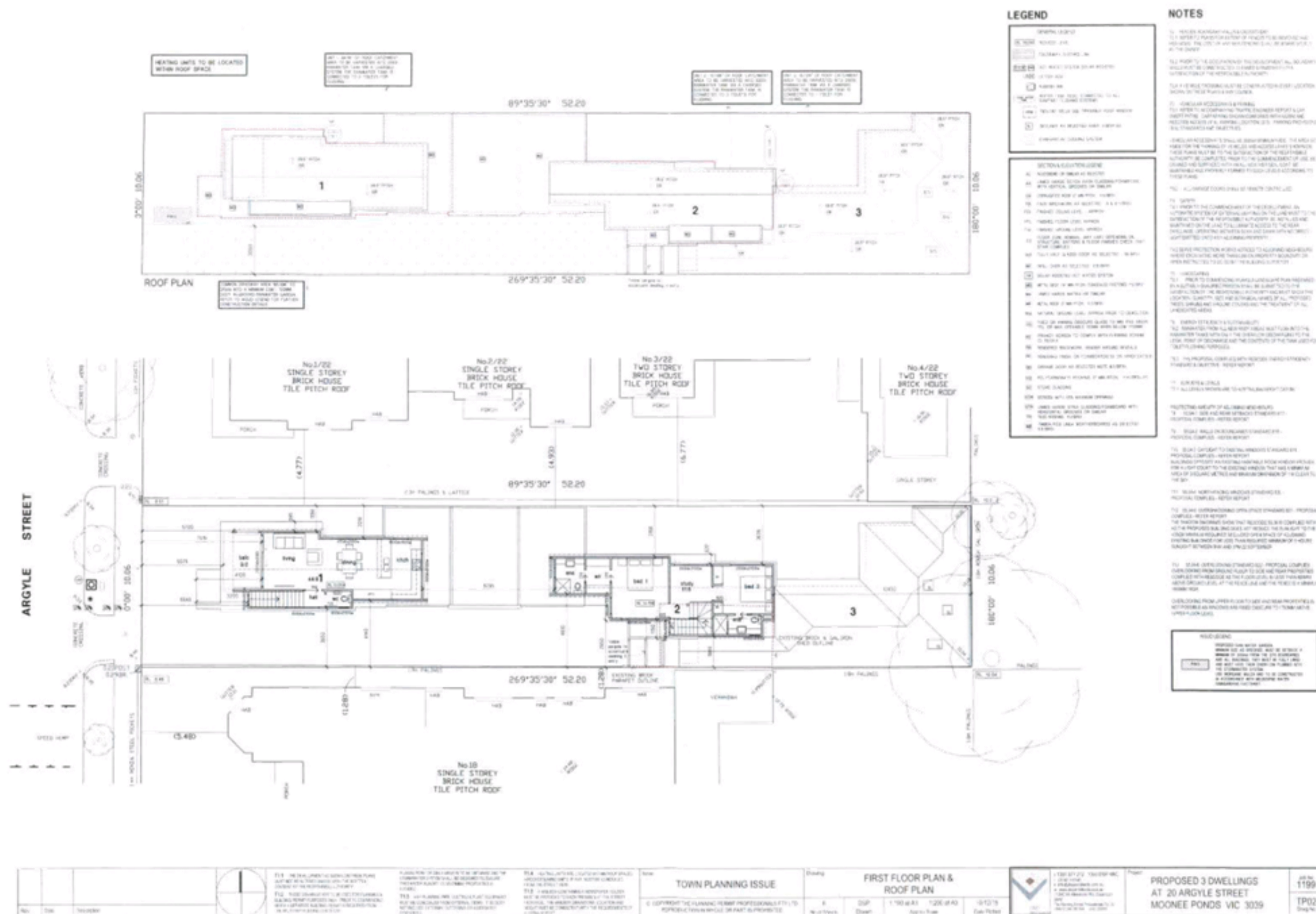






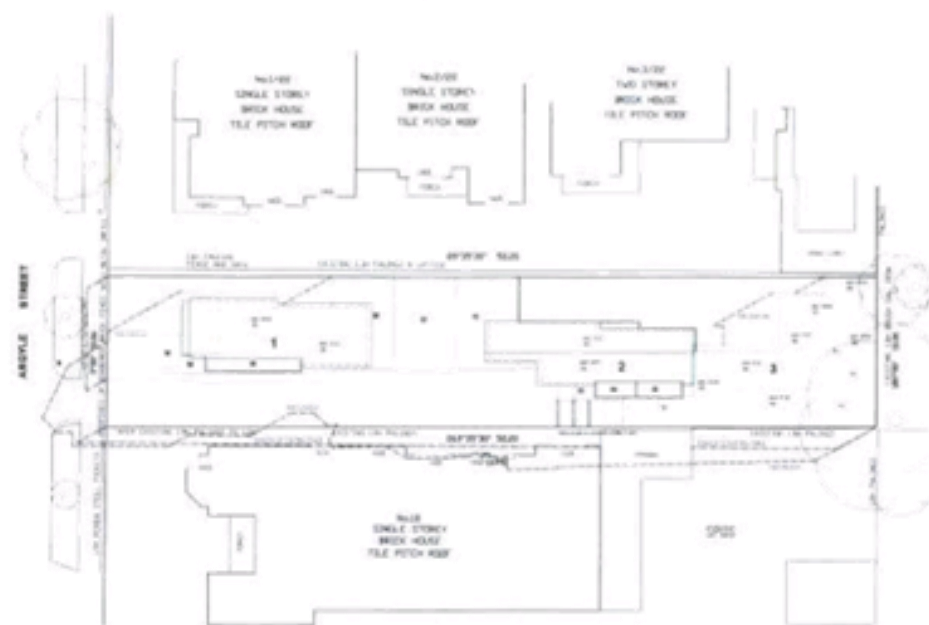




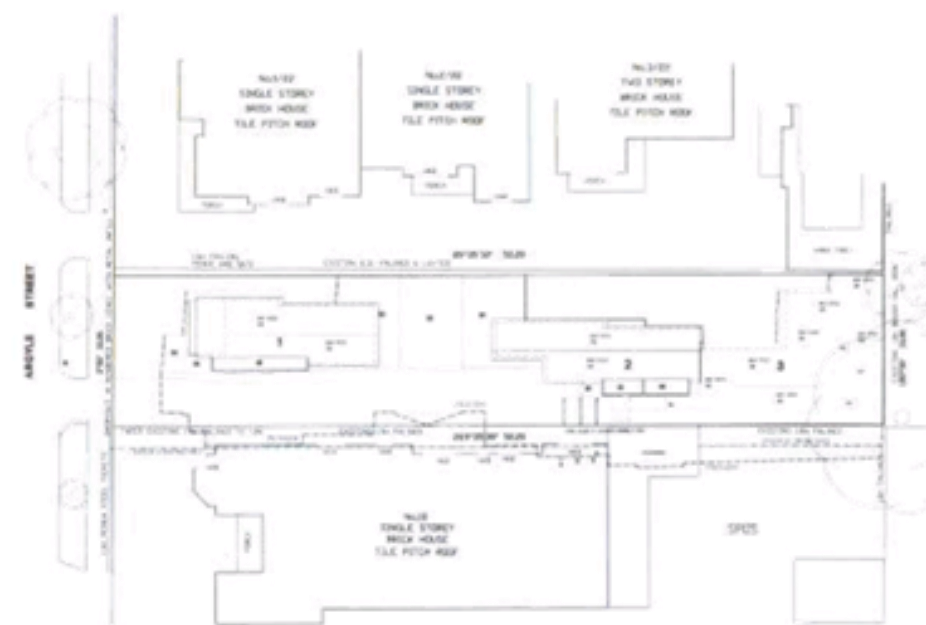




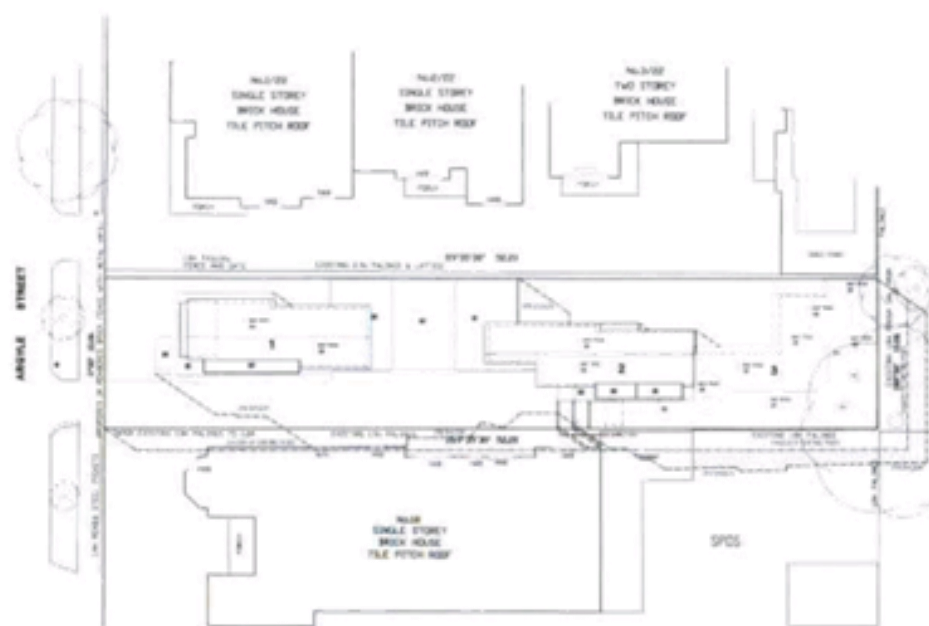




SHADOW DIAGRAM - 9AM SEPTEMBER 22



SHADOW DIAGRAM - 12PM SEPTEMBER 22



SHADOW DIAGRAM - 3PM SEPTEMBER 22

#### SHADOWS

THE SHADOW DIAGRAMS SHOW THAT THE PROPOSED BUILDING DOES NOT REDUCE THE SUNLIGHT TO THE MINIMUM REQUIRED (REQUIRED OPEN SPACE OF ADJOINING EXISTING BUILDINGS FOR LESS THAN REQUIRED MINIMUM OF 6 HOURS SUNLIGHT BETWEEN 9AM AND 3PM 22 SEPTEMBER).

SHADOWS (2016)  
- 2016 12:00 PM (SHADOWS)  
- 2016 12:00 PM (SHADOWS)  
- 2016 12:00 PM (SHADOWS)



IMPERMEABLE (HP) SURFACES LEFT UNTREATED AS PER STORM RATING

<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>
<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>

**9.3                      14 Banchory Street, Essendon (Lot 18 on PS005450) -  
Construction of three dwellings.**

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

<b>Planning File No.</b>	MV/454/2015
<b>Proposal</b>	Three Dwellings Double Storey
<b>Applicant</b>	Concettina Verga
<b>Owner</b>	Concettina Verga, Zumbo Investment Pty Ltd, Joseph Mark Verga and Fiona Michelle Verga.
<b>Planning Scheme Controls</b>	General Residential Zone
<b>Planning Permit Requirement</b>	Clause 32.08-4 – Construction of two dwellings on a lot.
<b>Car Parking Requirements (Clause 52.06)</b>	Required – 6 spaces Proposed – 7 spaces
<b>Bicycle Requirements</b>	N/A
<b>Restrictive Covenants</b>	None
<b>Easements</b>	None
<b>Site Area</b>	919.74m <sup>2</sup>
<b>Number Of Objections</b>	13
<b>Consultation Meeting</b>	17 February 2016



## Executive Summary

- The application seeks planning approval for the construction of three double storey dwellings.
- The site currently contains a single storey weatherboard dwelling, on an allotment of approximately 919 square metres.
- The application was advertised and 13 objections were received. The concerns raised related to neighbourhood character, visual bulk and scale, negative amenity impacts (Overlooking, Overshadowing), loss of front garden space, ResCode non-compliances, inconsistencies with planning report as part of the application, traffic and on-street parking, impact on community facilities, impact on properties identified within the Moonee Valley GAP Study Stage 1, increased rubbish and property devaluation.
- A Consultation Meeting was held on 17 February 2016, attended by Councillors Chantry and Giuliano, the objectors, the applicant and Council's Planning Officer. No resolution was achieved at this meeting.
- The application was internally referred to Council's Engineering Service Unit, Traffic and Transportation Unit and Environmentally Sustainable Design (ESD) Officer and Council's Arborist. Conditional Support to the application was provided.
- This assessment report finds that the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme, and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.



Figure 1: Aerial photograph of the subject site and surrounds.



## Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/454/2015 for the construction of three dwellings at 14 Banchory Street, Essendon (Lot 18 on PS005450), 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 porch of Dwelling 1 to have a maximum height of less than 3.6 metres;
  - b) All habitable room windows abutting the common accessway are to be double glazed;
  - c) All first floor habitable room windows are to be treated to comply with the standard of Clause 55.04-6 (Overlooking) and Clause 55.04-7 (Internal View) of the Moonee Valley Planning Scheme;
  - d) The provision of Pedestrian Visibility Splays on either side of the driveway associated with Dwelling 1 in accordance with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
  - e) The provision of a 300mm wide trench grate at the bottom of each garage and carport;
  - f) The garage of Dwelling 2 setback 300mm from the northern boundary;
  - g) Any stormwater treatment measures as a result of Condition 3 and 4;
  - h) Any changes as a result of Condition 7;
  - i) The dimensions of all storage sheds;
  - j) The secluded private open space of Dwelling 1 to comply with Clause 55.04-6 of the Moonee Valley Planning Scheme; and
  - k) A complete colours and materials schedule.

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

2. Except with the prior written consent of the Responsible Authority, the layout of the land and the size, design and location of the buildings and works permitted must always accord with the endorsed plans and must not be altered or modified.
3. An amended STORM assessment must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM assessment must obtain a minimum of 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.

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

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

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

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

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

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

7. Before the development commences, an amended Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. The amended SDA shall refer to the endorsed plans. The SDA must be generally in accordance with the SDA submitted with the application, but modified to include:
  - a) Any changes as a result of Conditions 1 and 3.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.
8. Before the buildings approved by this permit are occupied, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
9. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.
10. All 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.
11. Before the buildings approved by this permit are occupied, concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the responsible authority's specification and any obsolete, disused or redundant vehicle crossing(s) must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the responsible authority.

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

12. 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.

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.

14. Stormwater runoff from the development must drain via an underground system and discharge to the kerb and channel in front of the land or whatever point nominated by engineering. If discharge to the kerb and channel via gravity is not possible, the discharge to the kerb and channel in front of the land must be via a dual pump system in accordance with AS3500.3.2. 1998, Section 9.
15. 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.
16. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
17. Before the building approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.

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

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

19. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.
20. Before the development starts, and before any trees or vegetation are removed a landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan and schedule must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale and 3 copies must be provided. The landscape plan and schedule must be generally in accordance with the landscape plan submitted with the application but modified to show:
  - a) In accordance with Condition 1;
  - b) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design;
  - c) Planting on the land comprising trees and shrubs capable of:
    - i) Providing a complete garden scheme;
    - ii) Softening the building bulk;
    - iii) Providing two canopy trees capable of reaching a mature minimum height of 4 metres within the front setback of the site; and
    - iv) Minimising the potential of any overlooking between habitable rooms of adjacent dwellings;
  - d) The proposed design features such as paths, paving, lawn and mulch;
  - e) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
  - f) The use of drought tolerant species; and
  - g) Lighting along the common pedestrian pathway.

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.

21. 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.
22. This permit will expire if:
  - a) The development does not start within two (2) years of the date of issue of this permit; or
  - b) The development is not completed within four (4) years of the date of issue of this permit.

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

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

### **Permit Notes**

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- An Asset Protection Permit must be obtained from Council prior to the commencement of works to ensure that Council assets in the vicinity of the works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the land.
- 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.
- Council will not accept any modifications to existing levels within the road reserve or to any Right Of Way. Any change in levels to match existing surface levels along property boundary lines must be made within the property boundary.
- The pump system is to be in accordance with AS3500.3:2003 Section 9 and is to be installed by a person with suitable qualifications to the satisfaction of the Responsible Authority.
- Council will not be responsible for any damage to the land or neighbouring properties in the event that the pump system fails due to mechanical failure, exceedance of maximum design rainfall or otherwise. Property owner/s may face liability for any damage to neighbouring properties as a result of such failure.
- The use of an underground pump system is only considered an interim measure. Should an easement drain be constructed in future via a Special Charge Scheme, the owner may be required to contribute to the cost of the construction of an easement drain.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.

## 1. Introduction

### 1.1 Subject Site and Surrounds

The subject site is located on the eastern side of Banchory Street, Essendon. The site is generally regular in shape with a frontage of 18.28 metres and a depth of 50.29 metres. The site area is approximately 919 square metres. There are no easements or restrictions noted on the Certificate of Title.

The land has a fall of approximately 2.86 metres from the north-western corner of the site to the south-eastern corner (rear).

The subject site currently contains a single storey weatherboard dwelling with a gabled iron roof and is setback approximately 11 metres from Banchory Street. The existing dwelling is setback from all boundaries with the secluded private open space located to the rear of the dwelling. Vehicle access is via an existing crossover located in the south-western corner of the site and from the right of way located along the eastern title boundary. There is no significant landscaping or vegetation on the subject site. There is an established medium sized tree located in the nature strip within the frontage of the site.



**Figure 2 – View of the subject site at 14 Banchory Street, Essendon.**

The surrounding area is comprised of predominantly residential zoned land which is used and developed for residential purposes as well. The locality is developed mainly with single dwellings, however, the immediate vicinity has examples of double storey and medium density built forms (double and single storey) in the streetscape with examples of this can be found at No.10 and No.12 Banchory Street. External materials within the streetscape are a mixture of brick, weatherboard and rendered finishes in differing colours. The roof forms in the area are a mixture of hip and gable.

## 1.2 Proposal

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

**Table 1**

No of dwellings	3 (4 bedrooms each)
No of car spaces	7 spaces
Max Building Height	8.4m
Site Coverage	49.25%
Permeability	27.20%

### Amendment under Section 57A

The application was amended under Section 57A of the *Planning and Environment Act 1987*, following the Consultation Meeting on 17 February 2016 and a number of changes have been made to the application in response to some of the objectors' concerns (Neighbourhood Character, Visual Bulk and Scale) with the remaining changes proposed by the applicant. The changes to the proposal, as re-advertised on 6 April 2016 under Section 57B of the Act can be summarised as follows:

- Inclusion of low scale semi-transparent front fence;
- Addition of parapet and moulding elements at the ground floor level for all dwellings;
- Inclusion of verandahs to cover the alfresco areas for all dwellings within the secluded private open space;
- The maximum average wall height eastern boundary associated with Dwelling 3 has been reduced in height by 0.14 metres;
- Increase setback between the first floor levels of Dwellings 1 and 2;
- Reduced setback associated with the walk in robes of Dwellings 2 and 3 from the northern title boundary; and
- Deletion of the service yard associated with Dwelling 3.

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

## 2. Background

### 2.1 Relevant Planning History

There is no previous planning permit history of this site.

### 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

Zoning

Clause 32.08	General Residential Zone
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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

Not applicable.

Internal

- Engineering Services Unit  
No objection subject to standard conditions and the following non-standard conditions:
  - The provision of 300mm trench grates at the bottom of each garage (refer to Condition 1e).
  - In order to allow for appropriate overland flow in the case of a significant rain event, it is advised that the garage of Dwelling 2 to be setback approximately 300mm off the northern boundary (refer to Condition 1f).
- Traffic and Transportation Unit  
No objection subject to a standard conditions.
- ESD Officer  
No objection subject to standard conditions.
- Arborist  
No objection.

## **2.4 Public Notification of the Application**

Pursuant to Section 52 of the *Planning and Environment Act 1987* the application was advertised by mail to the adjoining and surrounding properties and by placing a public note on site for 14 days.

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

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

### **Section 57A amendment**

The application was amended under Section 57A of the Planning and Environment Act 1987. The amendment resulted in changes to the built form as discussed under Section 1.2 of this report. Therefore, the application was re-advertised under Section 57B of the *Planning and Environment Act 1987*, with letters being sent to all previous objectors.

Following the advertising under Section 57B of the Act, no additional objections were received.

### **2.5 Consultation Meeting**

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

## **3. Discussion**

### **3.1 State Planning Policy Framework**

The relevant State Planning Policy Framework clauses are considered to be met. For the large part State planning objectives seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. The subject site is located relatively close to a public reserve (Lincoln Park), school (St Therese's Primary School) and arterial road (Lincoln Road). This context is considered to lend support for a more intensive form of residential development. In addition, the proposal contributes to the objective of housing diversity by providing a mix of dwelling sizes in various configurations which will cater for the increasingly diverse needs of future residents.

### **3.2 Local Planning Policy Framework**

The proposal generally complies with Clause 21.04 (Sustainable Environment) through the use of ecological sustainable design principals as highlighted within the submitted and advertised STEPS report. As referenced within Section 2.4 of this report, Council's ESD Officer has reviewed the STEPS report and it is considered to be accurate subject to conditions to include notations on the plans.

The proposal is considered to accord 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, providing a diversity of housing choice in a well-established area with access to public transport options and local/community services.

The proposed development responds to the strategies of Clause 21.06 (Built Environment). A number of the objectives and strategies within the Clause appear to overlap with those contained within neighbourhood character precinct profiles and ResCode and therefore the key concepts of Clause 21.06 are discussed below in Sections 3.3 and 3.5 of this report.

The proposal does not comply with the requirements of Clause 22.03 (Stormwater Management) as a compliant STORM assessment has not been submitted to Council for review at this stage. This will be addressed by way of condition on any permit issued as recommended by Council's ESD Officer as discussed under Section 2.3 of this report (refer to condition 1g. and Condition 3.

### **3.3 Neighbourhood Character Guidelines**

The subject land is identified as being within character area 'Garden Suburban 3', which sets out the following preferred character statement:

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

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

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

**Table 2**

Siting and Building Envelope	<p>The site layout, whilst non-compliant with Standard B6 (Street Setback) is considered to generally accord with the prevailing streetscape rhythm along Banchory Street. The upper floor level is also adequately recessed from both the front ground floor building line and sensitive interfaces located to the north, west and south of the site.</p> <p>The development has been setback from the southern title boundary, which is a common feature within the immediate context and the wider area. Further the driveway along the southern side of the Dwellings will assist in maintaining the rhythm and visible spacing along the Banchory Street frontage and continue to be respectful of the immediate surrounds and the wider existing neighbourhood character.</p> <p>The building envelope is complimentary with other developments in the area, in particularly with the streetscape presentation.</p>
Built Form	<p>A mix of traditional and modern elements complementing the mix within the streetscape.</p> <p>The proposed development provides meaningful articulation and is responsive to the built form in the locality by using a combination of varying setbacks between ground and first floor levels including colours and materials. The first floor levels are located centrally on-site, away from adjoining properties, which ensures</p>

	<p>minimal amenity impacts on the adjoining properties.</p> <p>Roof forms at first floor level are pitched with eaves which are visible from the streetscape. Further the development incorporates a hipped roof behind a parapet at ground floor level, which is respectful of the existing neighbourhood character.</p>
Design Detail	<p>A mix of brick and lightweight materials which are considered to be characteristic of more contemporary infill developments in the area.</p> <p>Windows provided along street front to ensure surveillance to the street is achieved.</p> <p>The location of garaging is considered appropriate with Dwelling 1 fronting Banchory Street and Dwellings 2 and 3 fronting a common accessway.</p>
Landscaping	<p>No landscape plan has been submitted at this stage. The front setback is capable of accommodating adequate landscaping including canopy trees and including landscaping within the rear yards of each dwelling. A condition of approval will require a landscape plan to be submitted (refer to Condition 20).</p> <p>The development includes a low scale transparent fence with landscaping infills. The inclusion of a low scale fence will be respectful of the immediate streetscape where front fences are a common theme.</p>

### 3.4 Compliance with Clause 52.06 (Car Parking)

**Table 3**

Dwelling	Requires	Provides
3 Dwellings (3 x 4 Bedrooms)	6	7
Residential Visitors	0	0
Total	6	7

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

### 3.5 Clause 55 (ResCode) Assessment

The proposal is considered to generally comply with the provisions of Clause 55 as set out in the assessment table (refer to **Appendix C**). The following points of the exception, which have not been satisfied through this development, are listed below:

**Table 4**

Res Code Standard	Response
<p>Clause 55.03-1 (Standard B6 – Street Setback Objective)</p>	<p>The development requires a front setback of 8.5 metres from Banchory Street, to comply with the standard. The front setback provided by the development is 8.3 metres to the front building line. This 0.2m variation is considered to be a minor variation contained centrally on the site, which will be absorbed within the frontage. The minor variation will not have any negative impacts to the streetscape or the existing neighbourhood.</p> <p>Further, the porch of Dwelling 1 does not comply with the requirements of the standard as it encroaches into the front setback as the height of the structure is greater than 3.6 metres. Therefore, a condition will be recommended to be included on any permit issued to require the porch of Dwelling 1 to have a maximum height of less than 3.6 metres (refer to Condition 1a).</p>
<p>Clause 55.03-8 (Standard B13 – Landscaping Objective)</p>	<p>The development is provided with areas throughout the front, side and rear setbacks for landscaping. Further, the plans submitted indicate that the front garden of each dwelling is capable of accommodating canopy trees.</p> <p>Having regard to the characteristics of the site, it is considered that the proposed development provides adequate space for landscaping and planting in the context of the area.</p> <p>A landscaping plan has not been provided as part of this application. Therefore, it is recommended that as part of any permit issued a condition be included to require a landscape plan to be provided (refer to Condition 20).</p>
<p>Clause 55.03-10 (Standard B15 – Parking Location Objective)</p>	<p>The shared accessway has a number of habitable windows located 1 metre or less from the accessway. Although the windows have been provided with sill heights of 1.7 metres or greater, a condition will be included on any permit issued requiring any habitable room windows abutting the</p>

	common accessway to be provided with double glazing, to protect the internal amenity of future residents (refer to Condition 1b).
Clause 55.04-2 (Standard B18 – Walls on Boundaries Objective)	The development does not comply with the standard as the length of wall along the eastern title boundary exceeds that allowed by the standard. The development seeks a variation of 3.13 metres, which is justifiable in the context of the area as the new wall along the eastern boundary will abut a laneway where there are numerous examples of substantial lengths of walls abutting the laneway, with examples in the immediate vicinity located at No.16 and No.18 Banchory Street and No.77 and No.79 Lincoln Road. Therefore, given the context of the wall a variation is considered to be appropriate in this instance.
Clause 55.04-6 (Standard B22 – Overlooking Objective)	The first floor windows of Dwelling 1, 2 and 3 currently have the potential to overlook the adjoining properties' secluded private open space and habitable room windows. Therefore, a condition will be recommended to be included on any permit issued to ensure that all first floor habitable room windows are treated to comply with the requirements of the standard (refer to Condition 1c).
Clause 55.04-7 (Standard B23 – Internal Views Objective)	There are habitable room windows associated with master bedrooms of Dwellings 2 and 3 and Bedroom 4 of Dwelling 2, which currently have views of the adjoining dwellings' secluded private open space. Therefore, a condition will be included on any permit issued to ensure the development complies with the requirement of the standard (refer to Condition 1c).
Clause 55.05-6 (Standard B30 – Storage Objective)	The development shows the location of 6 cubic metre storage units for each dwelling, however the dimensions for these storage units have not been provided. Therefore, a condition will be included on any permit issued to require the dimensions of each storage unit to be shown on the plans.

### 3.6 Objections

**Table 5**

Issue	Officer Response
Neighbourhood character, visual bulk and scale	As discussed above in Sections 3.3 and 3.5 of this report, the proposal is considered to be acceptable from a neighbourhood character perspective, inclusive of the bulk and scale.
Negative impact on adjoining properties including: <ul style="list-style-type: none"> <li>• Overlooking;</li> <li>• Overshadowing.</li> </ul>	As discussed above under Section 3.5, there is the potential for a degree of detriment to occur as a result of first floor habitable room windows not being treated to comply with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme. These impacts on amenity can be addressed by conditions (refer to Condition 1c).
Loss of front garden space	As discussed under Sections 3.3 and 3.5 of this report there is sufficient space to provide meaningful landscaping within the front setbacks, subject to conditions (refer to Condition 20).
ResCode Non-compliances	As discussed under Section 3.5, there are some sections of the development which does not comply with the standard and either a variation is considered appropriate or could easily comply subject to conditions.
Inconsistencies with planning report as part of the application	There is a section in the applicant's planning report which incorrectly references the number of dwellings proposed for the site. However, the rest of the report correctly reflects the subject site and surrounding area and provides an assessment of the dwellings proposed. Further, a complete assessment has been undertaken on the advertised plans as part of Council's assessment of this application.
Reduced on-street parking	The proposed development provides the required on-site parking pursuant to Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme as discussed in Section 3.4 of this report.  In addition, Council's Traffic and Transportation Unit had no objection to the proposal subject to a condition.
Increased traffic	The provision of two additional dwellings will not generate unreasonable levels of traffic and the number of onsite car parking spaces that have been provided meet the requirements of Clause

	52.06 (Car parking) of the Moonee Valley Planning Scheme. Council's Traffic and Transportation Unit have raised no objections to the development.
Impact on Community Facilities	The proposed development is not considered to have a direct adverse impact on any community facilities as a result of three dwellings being constructed on the site.
Impact on properties identified within the Moonee Valley GAP Study, Stage 1	The subject site is not identified in the Heritage Gap Study and will not impact on the heritage significance of any sites identified in the Moonee Valley GAP Study Stage 1.
Increased rubbish	The development provides adequate space for the on-site storage of bins and would furthermore not place an unreasonable strain on existing waste collection services.
Property devaluation	This is not a valid planning consideration.

#### 4. Human Rights

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

#### 5. Conclusion

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

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

#### Appendices

Appendix A: List of Objector Properties

Appendix B: Plans

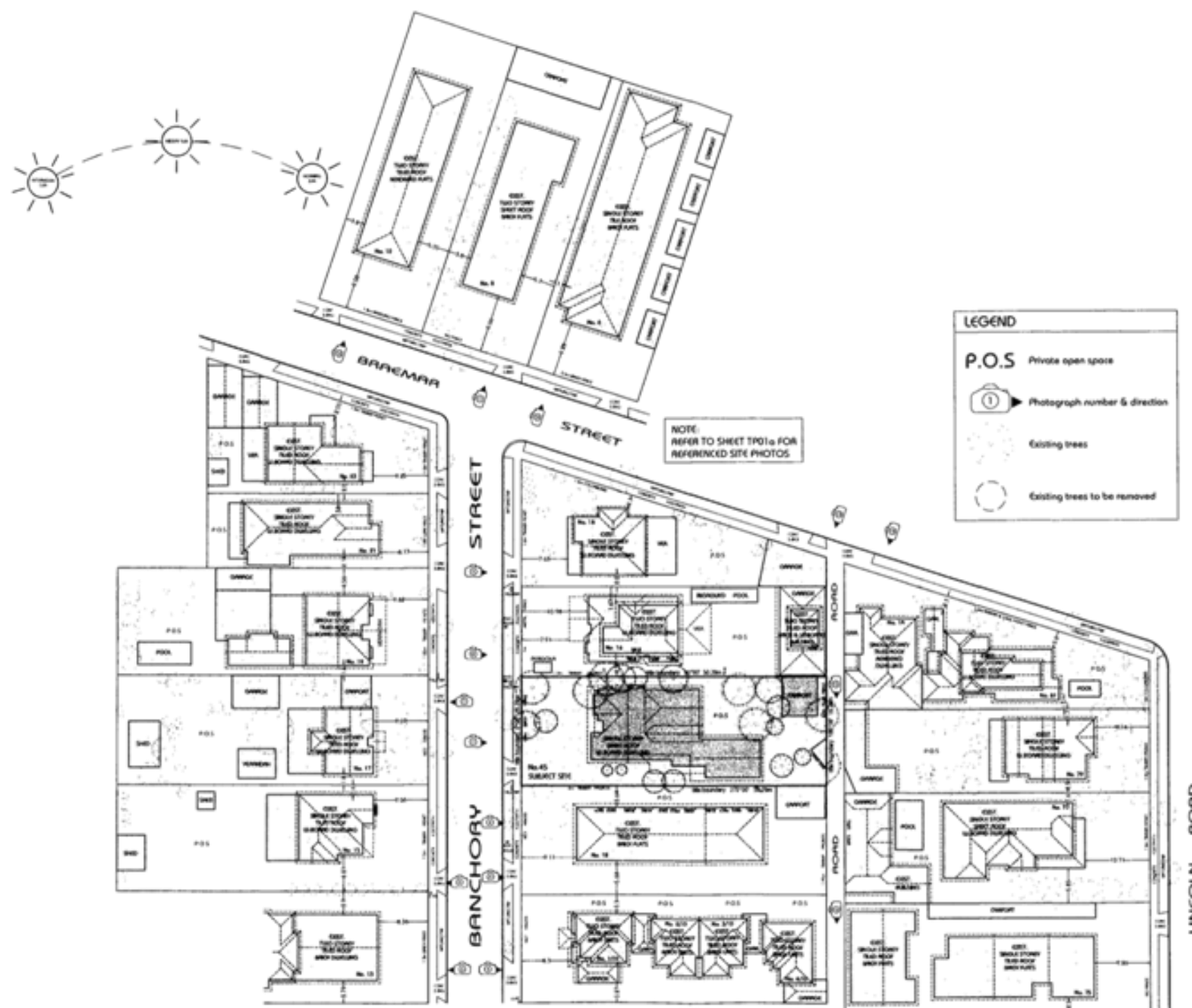
Appendix C: Clause 55 assessment



## **Objectors List for MV/454/2015 at 14 Banchory Street , ESSENDON**

### **Objector's Mailing Address**

21 Banchory Street, ESSENDON VIC 3040
17 Banchory Street, ESSENDON VIC 3040
9 Banchory Street, ESSENDON VIC 3040
23 Banchory Street, ESSENDON VIC 3040
11 Banchory Street, ESSENDON VIC 3040
16 Banchory Street, ESSENDON VIC 3040
18 Banchory Street, ESSENDON VIC 3040
6 Banchory Street, ESSENDON VIC 3040
4 Banchory Street, ESSENDON VIC 3040
19 Banchory Street, ESSENDON VIC 3040
8 Banchory Street, ESSENDON VIC 3040
13 Banchory Street, ESSENDON VIC 3040
15 Banchory Street, ESSENDON VIC 3040

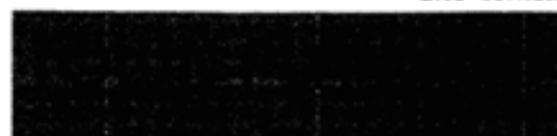


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Site Context Plan 1.300



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A	06-06-15	FOUO PLANNING Submission
B	08-09-15	FOUO PLANNING Submission - AM
C	30-09-15	PER-FOUO LETTER dated 09-07-15 FOUO PLANNING Submission Referred to the appropriate 06-06-15
D	06-06-15	COMMA PERIOD LETTER Assignment

It is acknowledged that the privacy of individuals may be compromised by the release of this information. However, the information is being released for the purpose of the public interest and the release of this information is in the public interest.

PROJECT:  
PROPOSED UNIT DEVELOPMENT  
AT: 14 BANCHORY STREET, ESSENDON

FOR OUR VALUED CLIENTS:  
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SHEET:  
SITE CONTEXT PLAN

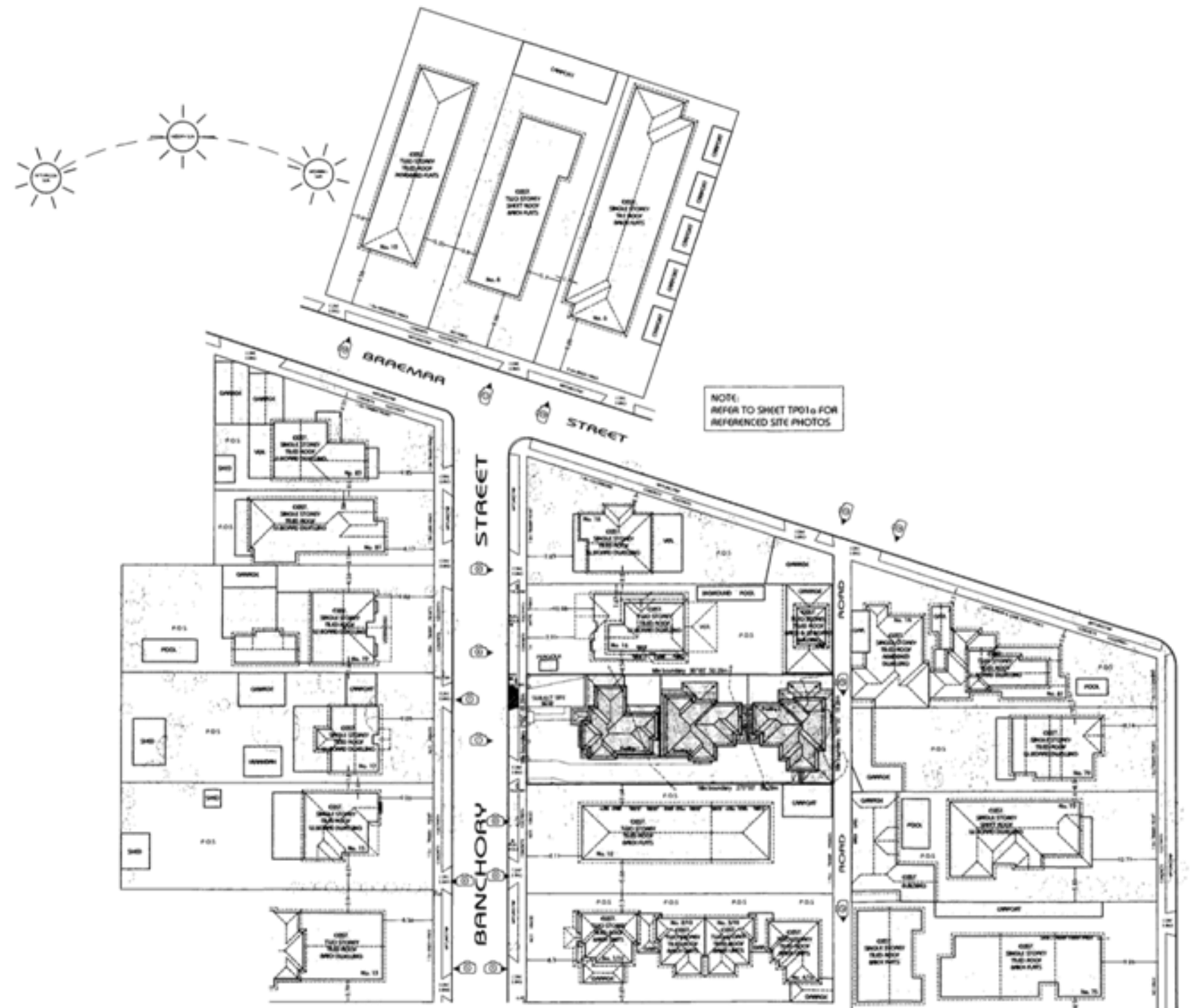
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**NEIGHBOURHOOD AND SITE DESCRIPTION NOTES**

The existing character is made of a variety of dwelling types. It is formed by a mixture of single and two storey brick and weatherboard dwellings, two storey multi unit development sites and two storey brick flats with hip tiled or sheet roofs. Gardens generally consist of a tree and shrubs with a small lawn area behind front fences.

- Site is occupied by a single storey weatherboard dwelling with sheet roof.
- Site contains no significant trees.
- Natural ground level falls approximately 3.0 metres from the west boundary to the south boundary of the site at an average gradient of 1:16.7
- St. Theresa's Primary School (0.89km South East)
- St. Columba's College (1.06km South West)
- St. Bernards College (2.13km West)
- Lincoln Park (0.81km North East)
- Thompson Reserve (0.66km North)
- Moonee Ponds Police Station (2.12km South East)
- Post Office (0.49km North)
- Essendon West Hospital (1.99km West)
- Middle Central Shops (1.77km North West)
- DFO (1.86km North)
- Bus Route 475 (0.15km South)
- Tram Route 59 (0.66km North)

**P.O.S.** Private open space

Photograph number & direction

Existing trees

Existing trees to be removed

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Site Context Plan 1:250



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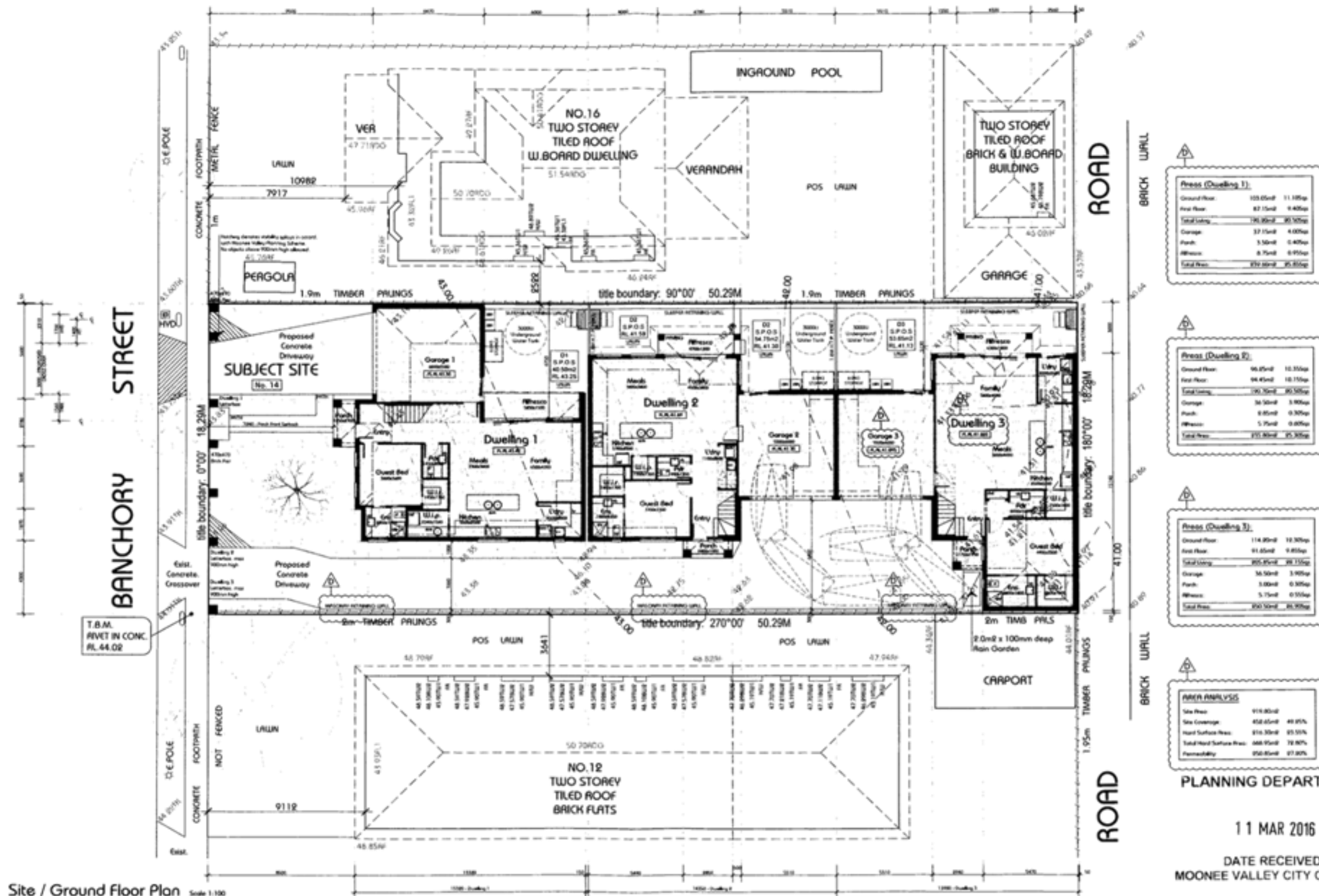
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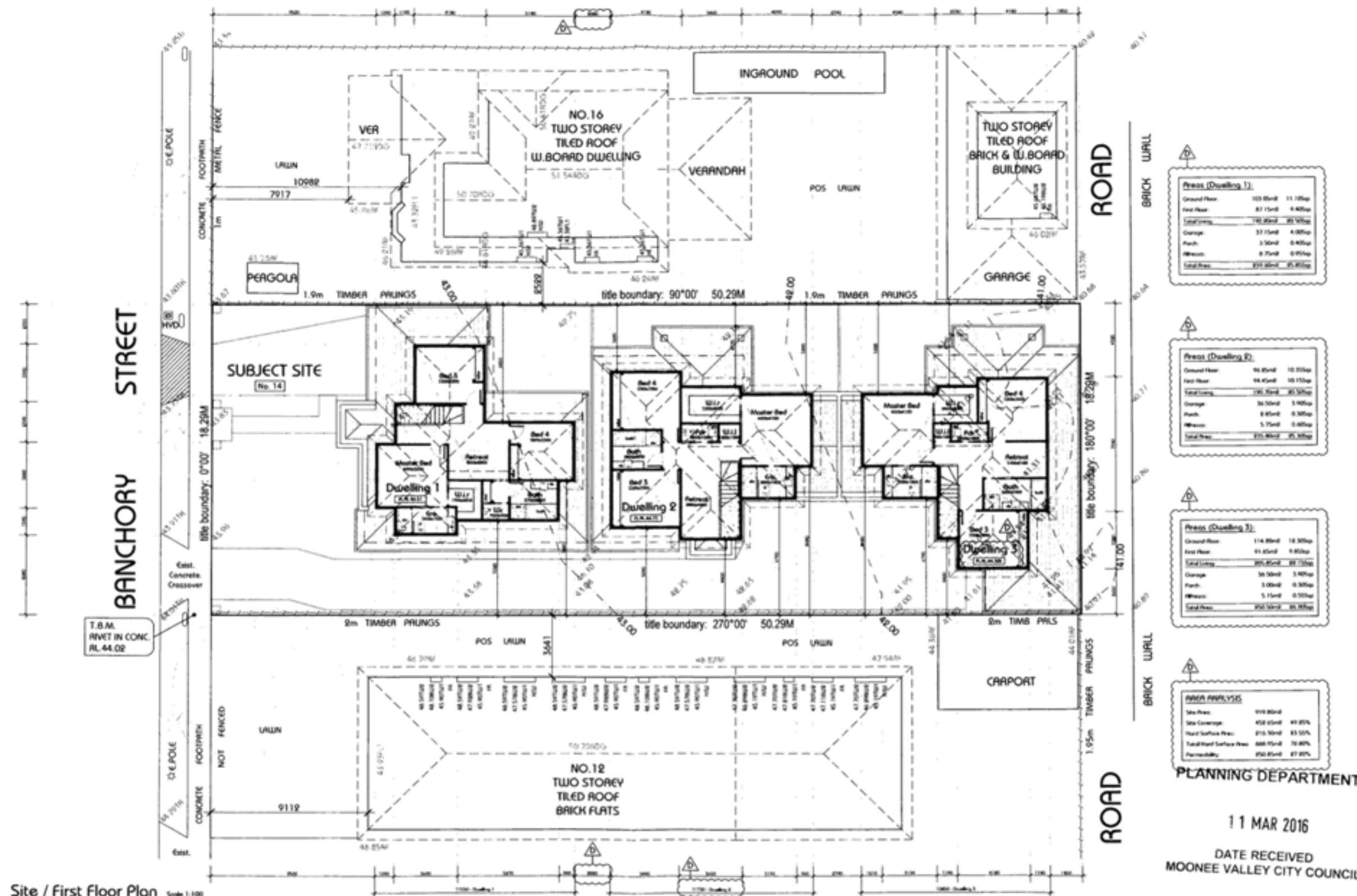


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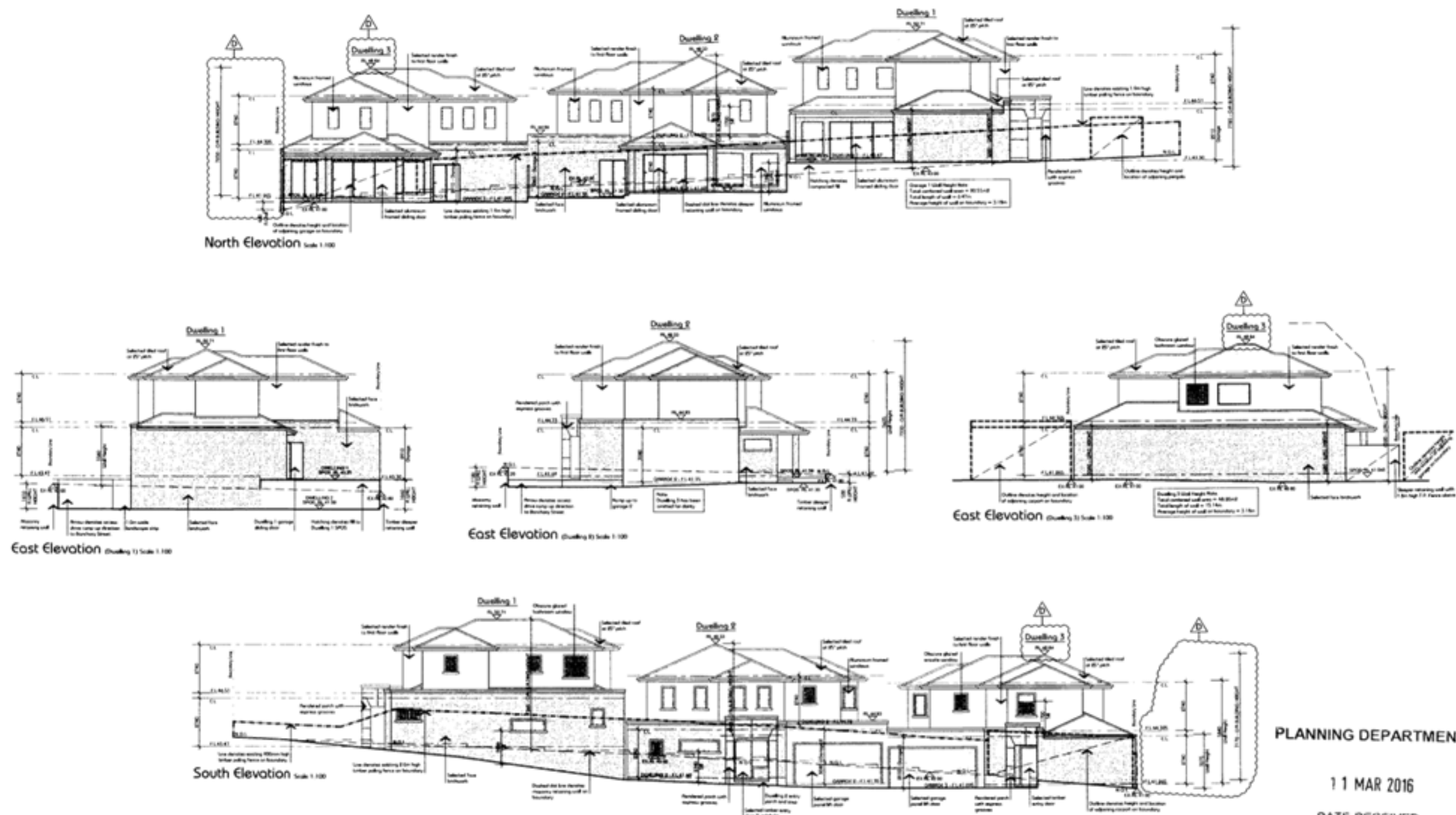
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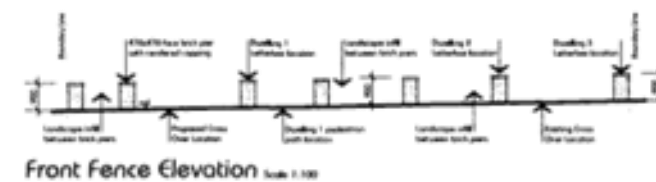
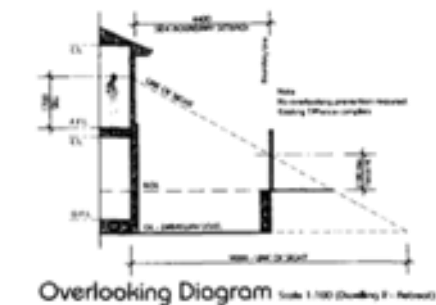
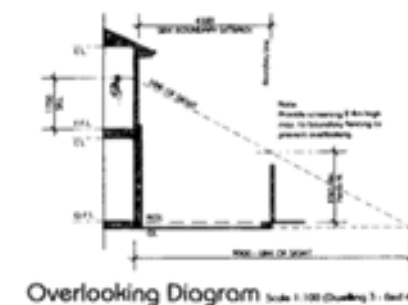
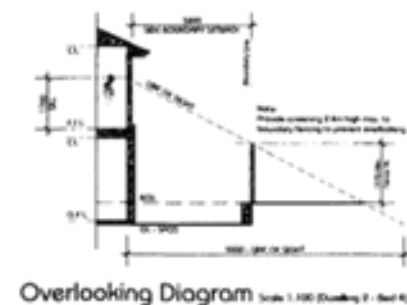
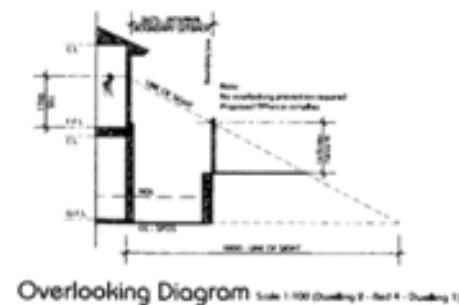
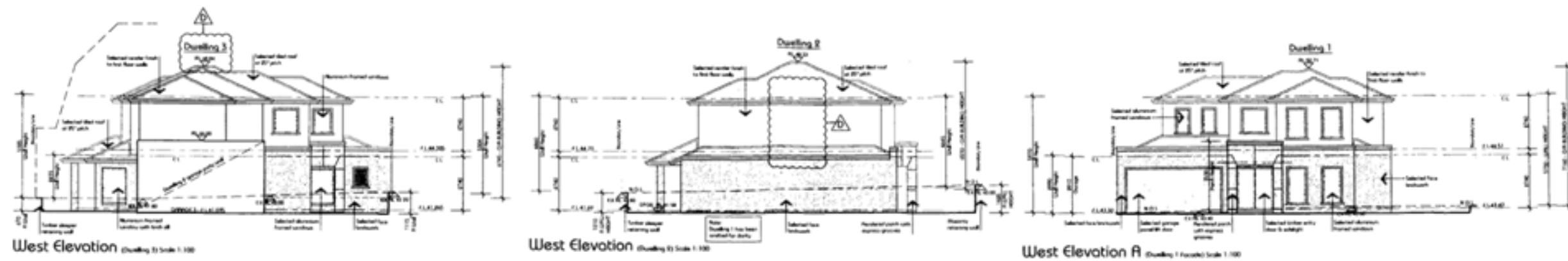
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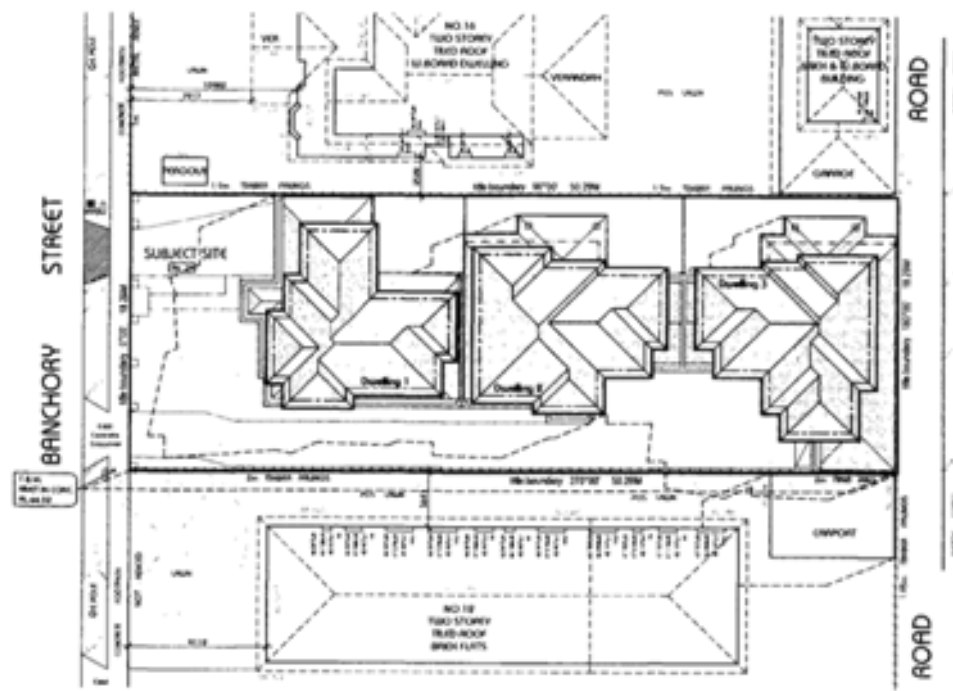
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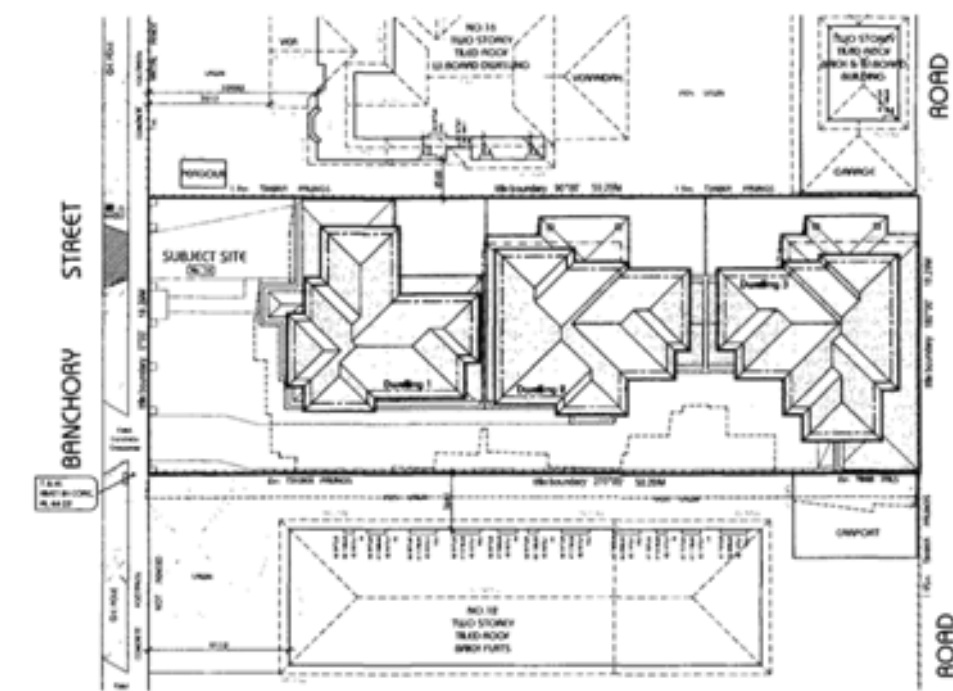
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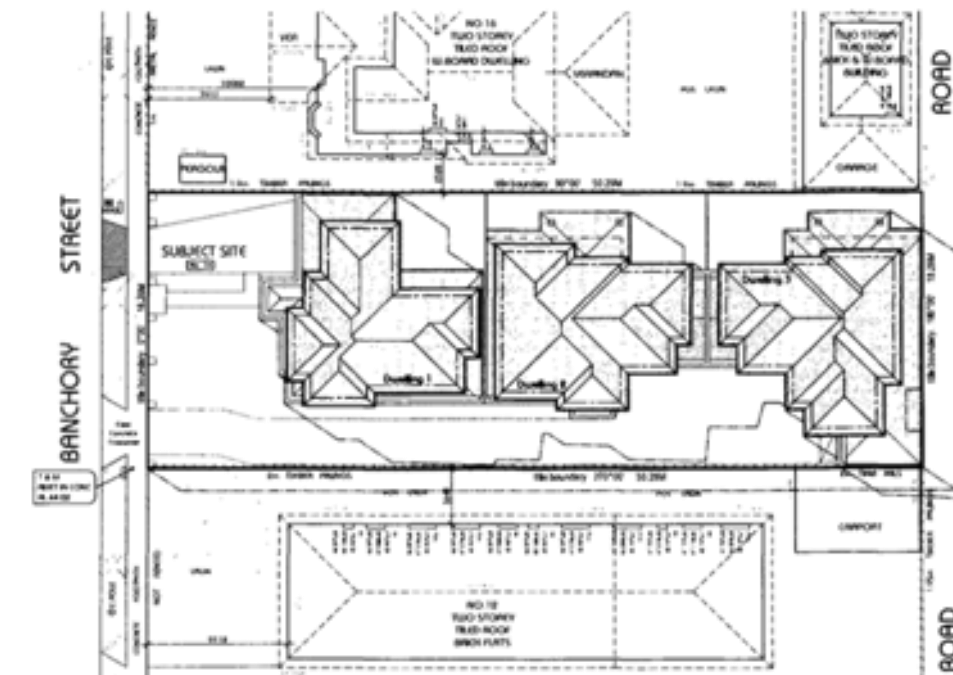


Proposed Shadow Diagram 9am  
(September 22 Equinox)  
Scale: 1:800



Proposed Shadow Diagram 12noon  
(September 22 Equinox)  
Scale: 1:800

Shadow Legend September 22 (equinox)		
9:00 A.M.	ALT 38° 42' 47"	ALT: SOLAR ALTITUDE IN DEGREES
12:00 P.M.	ALT 58° 42' 8"	ALT: SOLAR ALTITUDE IN DEGREES
3:00 P.M.	ALT 38° 42' 304"	ALT: SOLAR ALTITUDE IN DEGREES
NOTES: OVERSHADOWING HAS NO MAJOR SIGNIFICANT IMPACT ON ADJOINING PROPERTIES.		



Proposed Shadow Diagram 3pm  
(September 22 Equinox)  
Scale: 1:800

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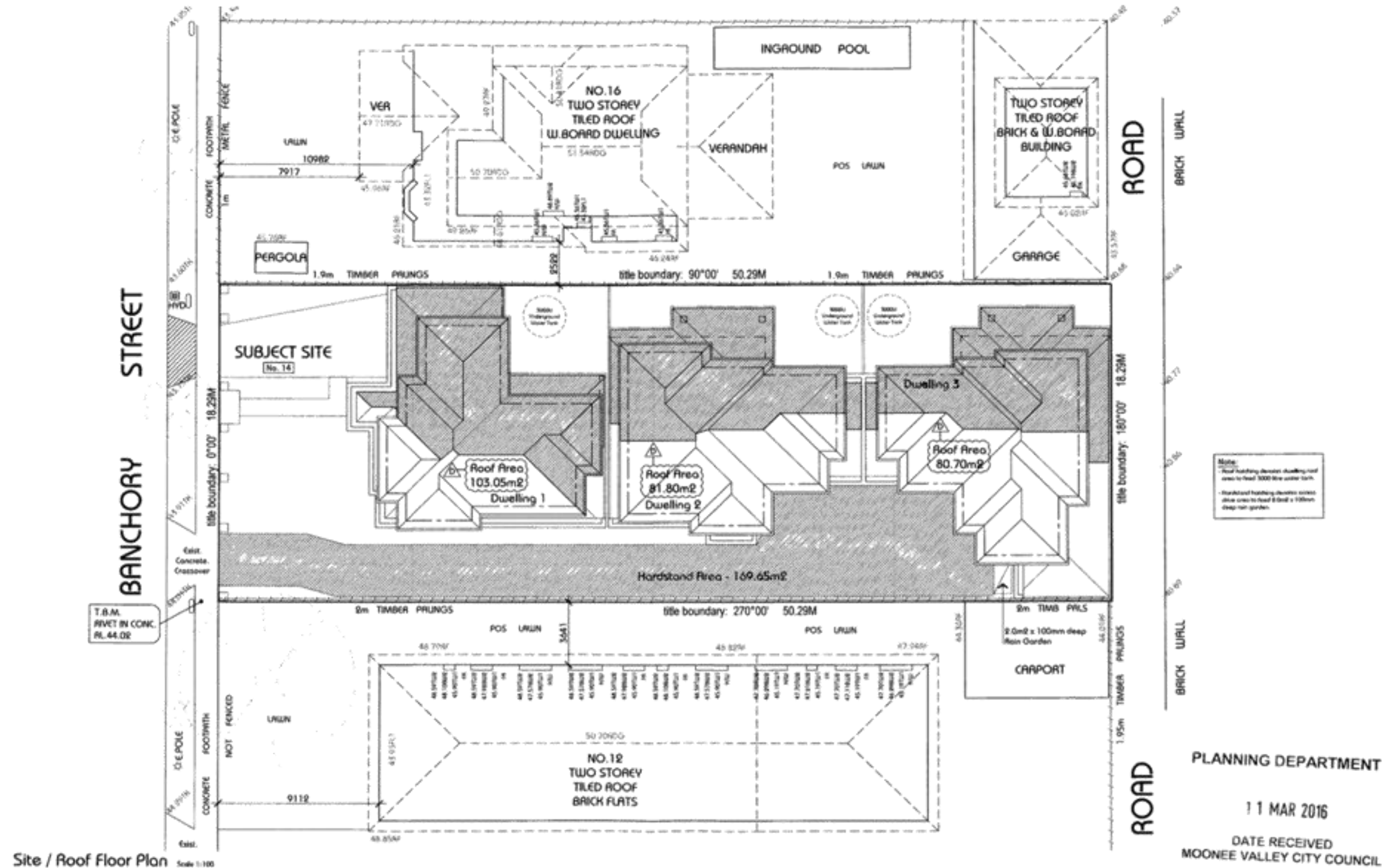
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PROPOSED UNIT DEVELOPMENT  
AT: 14 BRANCHORY STREET, ESSENDON  
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### Clause 55 of the Moonee Valley Planning Scheme

Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule to the Residential 1 Zone).

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

Title and Objective	Complies with Standard	Complies with Objective
<i>B1 - Neighbourhood Character</i>	✓	✓
<i>B 2 - Residential Policy</i>	✓	✓
<i>B 3 - Dwelling Diversity</i>	N/A	N/A
<i>B 4 - Infrastructure Objectives</i>	✓	✓
<i>B 5- Integration with the Street Objective</i>	✓	✓
<i>B6 - Street Setback Objective</i>	X – subject to condition	✓
<i>B7 - Building Height Objective</i>	✓	✓
<i>B8- Site Coverage Objective.</i>	✓	✓
<i>B9- Permeability Objectives</i>	✓	✓
<i>B10 - Energy Efficiency Objectives</i>	✓	✓
<i>B 11 - Open Space Objective</i>	N/A	N/A
<i>B 12- Safety Objective</i>	✓	✓
<i>B 13 - Landscaping Objectives</i>	✓ - subject to conditions	✓
<i>B 14 - Access Objectives</i>	✓	✓
<i>B 15 - Parking Location Objectives</i>	X – subject to condition	✓
<i>B16 – Parking Provision</i>	Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 3.3 of the report.	
<i>B 17 - Side and Rear Setbacks Objective</i>	✓	✓
<i>B 18 - Walls on Boundaries Objective</i>	X	✓
<i>B 19 - Daylight to Existing Windows Objective.</i>	✓	✓
<i>B 20 - North-facing Windows Objective</i>	N/A	N/A
<i>B 21 - Overshadowing Open Space Objective</i>	✓	✓
<i>B 22 - Overlooking Objective</i>	✓ - subject to conditions	✓

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

✓ - complies

x – non-compliance

N/A- not applicable

**9.4                      81 Rose Street, Essendon (Lot 1 TP779252M) - Construction of a multi-storey building with a reduction in car parking requirements and a waiver of loading bay requirements**

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

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<b>Planning File No.</b>	MV/461/2015
<b>Proposal</b>	Construction of a part five, part six storey building comprising two retail premises, three office premises and 14 dwellings.  Reduction in car parking requirements.  Waiver of loading bay requirements.
<b>Applicant</b>	Point Architects C/- ARG Planning
<b>Owner</b>	SPARN Pty Ltd, U. Simpson and E. Jafer
<b>Planning Scheme Controls</b>	Commercial 1 Zone  No overlays
<b>Planning Permit Requirement</b>	Clause 34.01-4 – 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.
<b>Car Parking Requirements (Clause 52.06)</b>	Required: 45 car spaces  Provided: 24 car spaces
<b>Bicycle Requirements</b>	Required: 5 bicycle spaces  Provided: 5 bicycle spaces
<b>Restrictive Covenants</b>	None
<b>Easements</b>	None. However, there is a triangular (4.57m long and 3.96m wide) easement of way to the south-west of the site over land marked as A-1 on TP779252M.

<b>Site Area</b>	594 square metres
<b>Number Of Objections</b>	11
<b>Consultation Meeting</b>	2 March 2016

### Executive Summary

- The application seeks planning approval for the construction of a part five, part six storey building comprising two retail premises, three office premises and 14 dwellings with a reduction in car parking requirements and a waiver of loading bay requirements.
- The site has an area of approximately 594 square metres and is located on the western side of Rose Street, Essendon. The site comprises an existing part single, part double storey rendered commercial building.
- The application was advertised and 11 objections were received. The concerns raised related to character, external design, height, visual bulk/scale, upper floor setbacks, waste collection, overlooking, overshadowing, noise, car headlights on No.25 Flower Street, car parking, traffic, Right of Way unsuitable, lack of loading facilities and errors within the plans.
- A Consultation Meeting was held on 2 March 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 23 February 2016 (refer **Appendix C**) showing changes to the front façade and rear balcony screening were submitted to Council to address some of the concerns raised by Council's Urban Designer.
- The application was externally referred to VicTrack 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.
- This assessment report finds that the proposal, at a reduced height, 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/461/2015 for the construction of a multi-storey building with a reduction in car parking requirements and a waiver of loading bay requirements at No.81 Rose Street, Essendon (Lot 1 TP779252M), subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and 3 copies must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) Changes to the front façade and rear balcony screening in accordance with Revision D plans dated 23 February 2016 and the preferred façade design option received 2 March 2016.
  - b) Deletion of the uppermost floor level (i.e. 'Level 4'), with car spaces for Dwellings 12, 13 and 14 reallocated to Dwellings 3 and 8 and an office space.
  - c) The provision of an additional seven office car spaces on site through the use of alternative car stacker systems that allow for additional capacity.
  - d) The allocation of all car spaces clearly shown on the 'Basement Plan'.
  - e) All elevation plans clearly and correctly correlating with the floor plans.
  - f) The location and details of all proposed balcony planter boxes clearly shown on the floor plans.

- g) Correct and accurate details associated with the internal layout and design of the existing development to the south at No.69-75 Rose Street, Essendon, including all balconies, retaining/boundary walls and traffic bollards.
- h) Installation of a light detection system at the vehicle entrance to the site in order to reduce potential conflicts associated with the one way vehicle access ramp to the lower car park area or, alternatively, the vehicle access ramp widened to allow the safe and efficient passing of vehicles on site.
- i) The third floor front setback increased to a minimum of 3.0 metres, with balcony balustrading encroaching a maximum of 1.6 metres into this setback.
- j) The balconies associated with Dwellings 3 and 8 reduced/set back in line with the edge of the existing southern boundary wall.
- k) All proposed privacy screening along the southern elevation of the balconies located towards the rear of the site to meet the requirements of Clause 55.04-6 (Overlooking), and increased to a height of 1.7 metres, where required.
- l) A schedule of all external materials and finishes. The schedule must show the material, colour (including colour samples) and finishes of all external walls, roofing, fascias, window frames, fences and paving.
- m) The 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.
- n) A roof plan which graphically shows:
  - i) All roof areas, both treated by Water Sensitive Urban Design (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; and
  - iii) Water tank volumes and numbers of toilets the water tanks are connected to.

The details must be consistent with the information provided in the approved complying STORM Rating Report.

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 building approved by this permit is occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 7. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.
- 8. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
- 9. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 10. Before the building approved by this permit is occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.

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

- 11. Before the building approved by this permit is occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
  - a) Constructed;
  - b) Available for use in accordance with the endorsed plans;
  - c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and
  - e) Line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the ground;

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

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

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

to the satisfaction of the Responsible Authority.

12. Before the development starts, a Car Parking Management Plan must be submitted to 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 timeframes 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.

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

13. Bicycle parking spaces, access, lockers and compounds must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.
14. The existing street tree at the front of the site along Rose Street must not be damaged or removed as a result of the permitted development, except with the prior written consent of the Responsible Authority.
15. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain that is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
16. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

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

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

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

17. To the satisfaction of the Responsible Authority goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.
18. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plan) must not be erected above the roof level of the building.
19. The development must be provided with external lighting capable of illuminating access to the car parking 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.
20. 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).
21. Before the development starts, an acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The acoustic report must be prepared by an acoustics consultant with suitable qualifications to the satisfaction of the Responsible Authority and must detail the noise attenuation measures required to all habitable rooms within each dwelling to ensure minimal impacts from noise sources external to that dwelling.

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

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

22. All security alarms or similar devices installed on the land must not emit any noise which is audible beyond the boundary of the land and must be designed in accordance with the relevant Australian Standard and must be connected to a security monitoring service.
23. The amenity of the area must not be detrimentally affected by the use of land, through:
  - a) Transportation of materials, goods or commodities to or from the land;
  - b) Appearance of any building, works or materials;
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil; and

- d) Presence of vermin;  
or in any other way to the satisfaction of the Responsible Authority.
24. Prior to the commencement of building and works, the Sustainability Management Plan (SMP) prepared by 'Sustainable Built Environments Pty Ltd' dated 20 November 2015 is to be modified in accordance with Condition 1 and submitted to the Responsible Authority for approval. Once approved, the SMP is to be implemented and appropriately managed during construction of the proposed building.
25. 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 'Wastech Services Pty Ltd' dated 5 November 2015;
  - b) Be modified in accordance with Condition 1 of this permit;
  - c) Be modified to show the private waste collection vehicle parking within the title boundaries of the subject site during waste collection; and
  - d) Be modified to show the private waste collection vehicle swept path diagrams not encroaching over any private land that does not form part of the subject site or associated easement of way. It is noted that any existing structures associated with No.69-75 Rose Street (i.e. the retaining wall and traffic bollard adjacent to the common boundary at the rear) should not be affected by the swept path diagrams.
- 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.
26. 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.
27. Before the development starts, and before any trees or vegetation are removed, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and 3 copies must be provided. The landscape plan must be generally in accordance with the plans submitted with the application but modified to show:
- a) Plans to accord with Condition 1 of this permit;
  - b) A planting schedule of all proposed vegetation (planter box species), which includes botanical names, common names, pot size, mature size and total quantities of each plant; and

- c) An appropriate irrigation system.

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

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

28. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
29. 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.

## **1. Introduction**

### **1.1 Subject Site and Surrounds**

The subject site is located on the western side of Rose Street, Essendon. The site is regular in shape with a frontage to Rose Street of 15.62 metres and a maximum depth of 38.02 metres, resulting in a total area of approximately 594m<sup>2</sup>.

The land has an approximate 2.15 metre fall from the east of the site to the west being the rear.

There are no easements noted on the Certificate of Title for the subject site. However, there is a triangular (4.57m long and 3.96m wide) easement of way to the south-west of the site over land marked as A-1 on TP779252M.

The site comprises a part single, part double storey rendered commercial building with rear car parking area. The existing building has no front setback to Rose Street. There are no vehicle crossovers at the front of the site along Rose Street. Vehicle access is obtained from the Right of Way (ROW) in the south-western corner of the site. There is no significant landscaping or vegetation on the subject site. There is one street tree located at the front of the site along Rose Street.



• **Figure 2 – Subject site (No.81 Rose Street, 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 Essendon Junction Activity Centre, is directly opposite Essendon Railway Station and adjoins the No.465, 468 and 475 bus routes. The site is also located within close proximity of numerous other bus routes, the No.59 tram route, local businesses and schools. The built form within the vicinity is predominantly single and double storey, with multi-dwelling and multi-storey developments evident nearby. While the built form found within the immediate vicinity predominantly comprises of brick and render external finishes, the broader area is more eclectic with a slow emergence of new and contemporary developments within the activity centre.

## 1.2 Proposal

It is proposed to construct a part five, part six storey building with a reduction in car parking requirements and a waiver of loading bay requirements. The proposal, as advertised, can be summarised as follows:

**Table 1**

Retail area (total)	165 square metres
Office area (total)	670 square metres
No. of dwellings	14 (8 x 2 bedrooms and 6 x 1 bedroom)
No. of car spaces	24 (11 resident spaces, 11 office spaces and 2 retail spaces)
No. of bicycle spaces	5 (3 resident spaces, 1 visitor space and 1 retail space)
Max. building height	18.23 metres (6 storeys)
Site coverage	83.69%
Permeability	0%

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

It is noted that revised floor and elevation plans dated 23 February 2016 (refer **Appendix C**) were received by Council prior to the Consultation Meeting held on 2 March 2016 to address some of the concerns raised by Council's Urban Designer. The revised plans demonstrate:

- A modified front façade facing Rose Street, which provides a stronger three storey podium to the streetscape.
- Introduction of planter boxes and modified balcony screening to the residential balconies along the western (rear) interface.

The revised plans address some of 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**).

## 2. Background

### 2.1 Relevant Planning History

Planning Permit MV/1588/1975 was approved for medical practices circa 1975.

### 2.2 Planning Policies & Decision Guidelines

#### State Planning Policy Framework

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

#### Local Planning Policy Framework

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

#### Zoning

Clause 34.01	Commercial 1 Zone
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#### Particular and General Provisions

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

### 2.3 Referrals

#### External

- VicTrack  
No objection.



### Internal

- Engineering Services Unit  
No objection subject to standard drainage and engineering conditions.  
No objection to the Waste Management Plan.
- Traffic and Transportation Unit  
No objection subject to the provision of an additional 11 car spaces on site (three resident spaces and eight office spaces) through the use of alternative car stacker systems. A light detection system is also to be installed at the vehicle entrance to the site in order to reduce potential conflicts associated with the one way vehicle access ramp to the lower car park area or, alternatively, the vehicle access ramp is to be widened.
- Urban Designer  
No objection to the revised plans (refer **Appendix C**), which are to be included as a condition on any permit granted.
- Environmental Sustainable Development (ESD) Officer  
No objection to the Sustainability 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, eleven (11) objections were received from the properties contained within **Appendix A** of this report.

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

### **2.5 Consultation Meeting**

A Consultation Meeting was held on 2 March 2016, attended by Councillor Chantry and Councillor 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 23 February 2016 (refer **Appendix C**) showing changes to the front façade and rear balcony screening were submitted to Council to address some of 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 Essendon Junction Activity Centre, an 'Urban Renewal Area' under *Plan Melbourne: Metropolitan Planning Strategy*. The subject site is located directly

opposite Essendon Railway Station on the Principal Public Transport Network and adjoins the No.465, 468 and 475 bus routes. The site is also located within proximity of numerous other bus routes, the No.59 tram route, local businesses and schools. The location of the subject site is considered to lend support for a more intensive form of residential and commercial development.

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

#### Landmarks, Views and Vistas

There are no significant monuments, landmarks or vistas in the vicinity of the site that have been identified within the Moonee Valley Planning Scheme as requiring specific protection. The proposed building, subject to revised plans (refer **Appendix C**) and increased upper floor front setbacks as discussed within Section 3.7 of this report, would not significantly obscure or impact on views along Rose Street or within the Essendon Junction Activity Centre. It is considered that the proposed building, with these modifications, would enhance views and vistas along Rose Street through high quality contemporary urban design.

#### Heritage

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

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

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

### **3.2 Local Planning Policy Framework (LPPF)**

The proposal complies with the objectives and strategies of Clause 21.04 (Sustainable Environment) through the use of ecologically sustainable design principles, as highlighted within the submitted Sustainability 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. While the waste management plan is considered acceptable, the swept path diagrams associated with the proposed 'waste mini loader' appear to encroach over private land and the existing retaining wall/traffic bollard to the rear of No.69-75 Rose Street. It is considered that these relatively minor encroachments can be accommodated through minor corrective vehicle manoeuvres, which are to be adequately demonstrated on an amended waste management plan. Therefore, the submitted waste management plan is to be modified and endorsed to the satisfaction of Council through conditions on any permit granted accordingly (refer Condition 25).

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

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

#### Context and Building Design / Urban Context

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

The revised design (refer **Appendix C**) is contemporary and responds well to the site's location and context through the provision of architectural elements and an acceptable combination of materials. It is generally considered that an appropriate degree of visual interest and design articulation has been provided, with an adequate transition of built form to adjoining properties noting that the Essendon Junction Activity Centre Structure Plan allows for heights of four storeys in this location.

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

The revised front façade (refer **Appendix C**) would make a positive contribution to Rose Street and help integrate the development with the street and assist to enhance the experience for pedestrians. The inclusion of ground floor retail

premises and a residential/office lobby area provides for an active frontage at the street level, which is consistent with the design objectives of the policy. It is also noted that there would be a significant increase in fenestration, passive surveillance and the perception of public safety to Rose 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 at the rear of the site with a single access point from the Right of Way. It is considered that the provision of a single vehicle accessway can be comfortably absorbed along the Right of Way, noting that the existing commercial building already contains car parking and vehicle access to the rear from this Right of Way. The provision of car parking at the rear allows the articulated built form to be the main focal point of the proposed development. Therefore, car parking would be adequately concealed from Rose Street, allowing the proposed development to address the streetscape with a more active frontage.

#### Setbacks and Site Coverage / Building Envelope

The objectives for this design element seek to ensure that the siting of new development responds to the context of the site and does not adversely affect the preferred neighbourhood character, including off-site amenity impacts. The proposed site coverage and setbacks are generally considered acceptable to the commercial setting of the site and Essendon Junction Activity Centre Structure Plan, subject to increased upper floor setbacks and the deletion of 'Level 4' as discussed within Section 3.7 of this report.

The revised three storey street wall (refer **Appendix C**) is built up to the front and side property boundaries, which provides an acceptable response to the commercial zoning of the site. In particular, a three storey street wall to Rose Street is acceptable under the Essendon Junction Activity Centre Structure Plan. However, 'Level 3' has a zero metre front setback to the residential balconies and 'Level 4' has a 2.13 metre front setback to the residential balconies, which are to be increased or deleted in their entirety as discussed within Section 3.7 of this report. Such changes would allow for a more pedestrian-orientated streetscape and are considered acceptable as discussed within Section 3.7 of this report. The proposed rear setbacks meet and exceed the nominated setback requirements within the Essendon Junction Activity Centre Structure Plan, as discussed within Section 3.7 of this report, and are considered acceptable accordingly.

The provision of light courts along the northern and southern (side) property boundaries at the first floor level, with an additional light court and increased setbacks provided at the levels above help minimise amenity impacts and allow for equitable development opportunities. While this is generally considered acceptable, 'Level 4' is to be deleted and additional setbacks are required to 'Level 3' along the southern interface to further reduce visual and amenity impacts on existing dwellings associated with No.69-75 Rose Street (refer Conditions 1.b and 1.j). This is discussed in further detail below under 'off-site amenity'.

The proposed development has a site coverage of 83.69%, 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 commercial precincts of the Essendon Junction 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 Essendon Junction Structure Plan provides guidance on heights for the subject site, as discussed in detail within Section 3.7 of this report. It is also noted that the revised plans (refer **Appendix C**) are supported by Council's Urban Designer as referenced within Section 2.3 of this report. Therefore subject to revised plans, the deletion of 'Level 4' and increased upper floor front setbacks, as discussed within Section 3.7 of this report, the proposed height and silhouette of the building meets the objectives of this design element and is considered appropriate in this instance.

#### Internal Circulation, Space and Building Adaptability / Circulation and Services

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

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

The development generally provides an adequate and efficiently designed parking layout that will ensure safe vehicle movements. As discussed within Section 2.3 of this report, Council's Traffic and Transportation Unit has no objection to the proposal subject to the provision of additional car parking spaces on site and installation of a light detection system to reduce potential vehicle conflicts. This is generally considered acceptable as discussed within Section 3.4 of this report.

In terms of storage space, all dwellings have been provided with 6m<sup>3</sup> of storage space within the semi-basement level. This proposed storage arrangement is considered adequate to cater for the storage needs of dwellings within a residential building that do not rely on private garden areas for open space.

Provision for waste storage is included within the semi-basement level by way of a common bin storage area for all residents and occupiers of the retail

premises and offices. Council's Engineering Services Unit has no objection to the waste management plan as referenced within Section 2.3 of this report. However, as discussed earlier within Section 3.2 of this report, the swept path diagrams associated with the proposed 'waste mini loader' require modification to ensure the safe and efficient collection of waste. Therefore, the waste management plan and associated changes are to form conditions on any permit granted (refer Condition 25).

#### 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.

Each dwelling is provided with a private balcony area ranging from 8.0m<sup>2</sup> to 11.8m<sup>2</sup>, which is considered acceptable.

The proposed development has been designed to limit internal overlooking to lower-level dwellings directly below and within the same development, where possible. While there is some minor internal overlooking potential, this is considered acceptable in this instance.

The proposed development is to minimise the transmission of noise within the development, including from external sources such as the adjoining railway line, through the inclusion of suitable conditions and provision of an acoustic engineering report on any permit granted (refer Conditions 20 and 21).

#### Off-Site Amenity

There would not be any overlooking potential to existing dwellings from the proposed development. While ResCode is not applicable in this instance, it is noted that the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme have been met. While the revised plans introduce planter boxes and reduced balcony screening to the rear balconies to improve internal amenity, the southern elevation of these balconies still need to provide screening to a height of 1.7 metres to prevent overlooking of existing dwellings to the south. This is to be included as a condition on any permit granted accordingly (refer Condition 1.k).

It is considered that the proposed development does not significantly overshadow secluded private open space areas associated with existing dwellings along Flower Street due to the orientation of the site, proposed design response and provision of appropriate rear setbacks. Two existing secluded private open space areas located to the west at No.24 and No.2/26 Flower Street would be subject to some additional overshadowing at 9am; however, there is no additional overshadowing from 10am onwards. Importantly, these secluded private open space areas would each receive a minimum of five hours

of sunlight between 9am and 3pm on 22 September, which is in accordance with the requirements and objectives of Clause 55.04-5 (Overshadowing).

However, the proposed development is considered to cause significant additional overshadowing to two existing north facing first floor balconies associated with No.69-75 Rose Street due to the orientation of the site and lack of upper floor setbacks. The details submitted relating to the development at No.69-75 Rose Street are not completely accurate and the overshadowing diagrams do not appear to be entirely correct with regard to existing shadows. It is considered that the proposed rear balconies associated with Dwellings 3 and 8 should be reduced/set back in line with the edge of the existing southern boundary wall to minimise overshadowing and visual impacts on the existing first floor Unit 2 balcony directly to the south. This requirement is largely dependent on the accuracy of the plans and the extent of the existing southern boundary wall, which needs to be clearly and correctly shown on the plans. In addition to this, proposed 'Level 4' should be deleted to minimise overshadowing and visual impacts on the existing balconies and living areas associated with first floor Units 1 and 2 directly to the south. While the above changes will not remove all overshadowing and visual impacts on the existing units directly to the south, the commercial zoning of this site does not afford these units with the same level of amenity as a residential zone. Therefore, the above changes are considered to provide a suitable balance between the amenity of existing dwellings and the development potential of a site within an Activity Centre directly opposite a railway station. As a result, these modifications are to be included as conditions on any permit granted.

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 the deletion of 'Level 4', the provision of additional upper floor setbacks and appropriate noise conditions on any permit granted, the proposal is considered to comply with this design element.

#### Parking, Traffic and Access

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

#### Landscaping and Fencing / Open Space and Landscape Design

The subject site currently has zero permeability and does not contain any landscaping or vegetation. The proposed development would have 83.69% site coverage, which is considered acceptable to a site within a Commercial 1 Zone and Activity Centre area.

#### 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.



A modified waste management plan is to be submitted to Council, as discussed earlier, to ensure safe and efficient waste collection on site and this is to be a condition on any permit granted.

The proposed development has incorporated many Environmentally Sustainable Design initiatives, including the provision of an 11,000 litre underground rainwater tank for the re-use of stormwater within the development. Furthermore, all habitable living areas and bedrooms would have windows with direct access to daylight.

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 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 Essendon Junction Activity Centre, which is an 'Urban Renewal Area' as identified in *Plan Melbourne*. The proposed mixed-use development continues to promote commercial and residential growth within this area. The Essendon Junction Activity Centre Structure Plan has been considered in the design and assessment of the proposed development, to which there is a high degree of compliance subject to the modifications discussed within Section 3.7 of this report.

With regard to Clause 21.08 (Economic Development), it is considered that the proposed development would contribute to and enhance this section of Rose Street in terms of employment and business. It is noted that the proposed retail premises and offices are 'as-of-right' uses within the Commercial 1 Zone. While a formal referral to Council's Economic Development Unit was not required, preliminary comments from the coordinator of this department provided a high level of support for the amount of office space being provided given the lack of office space within the Essendon Junction Activity Centre as a whole. The proposed development is considered acceptable accordingly.

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

The proposed development requires a planning permit under Clause 34.01-4 (Buildings and Works). As discussed within Sections 3.2 and 3.7 of this report, the revised proposal (refer **Appendix C**) is considered to be a good design outcome for the site and surrounding area.

### 3.4 Compliance with Clause 52.06 (Car Parking)

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

**Table 2**

Unit	Requires	Provides
14 Dwellings (8 x 2 bedrooms and 6 x 1 bedroom)	14	11
Offices (670m <sup>2</sup> )	23	11
Retail premises / shop (165m <sup>2</sup> )	6	2
Residential visitors	2	0
Total	45	24

As discussed under Section 2.3 of this report, Council's Traffic and Transportation Unit has no objection to the proposed development subject to the provision of 11 additional car parking spaces (three resident spaces and eight office spaces) on site and installation of a light detection system to reduce potential vehicle conflicts. However, the deletion of the uppermost floor level (four dwellings) would result in four less car spaces being required (i.e. a total of seven additional car spaces), which is to be reflected in a condition on any permit granted. This would result in an overall reduction of 10 car parking spaces (four office spaces, four retail spaces and two residential visitor spaces) in lieu of 21 car parking spaces, which Council can support.

With regard to the reduction of 10 car parking spaces, the subject site is located directly opposite the Essendon Railway Station and directly abuts the No.465, 468 and 475 bus routes. The site is also within easy walking distance of the No.59 tram route and another 14 bus routes, including the No.903 (SmartBus) bus route, which provide alternate modes of transport to and from the subject site. The proposed development also provides for five bicycle spaces which can be utilised by retail employees and residential visitors to the proposed development. It is also noted that there is ample on-street car parking available nearby that can be utilised by retail shoppers and residential visitors, with a substantial increase in capacity for residential visitors outside of business trading hours. Such measures would all help offset the 10 car parking spaces not being provided for on-site.

With regard to residential, office and retail traffic generation, the proposed development is expected to generate approximately 13 vehicle trips per peak hour (based on the advertised plans). One Mile Grid Pty Ltd deem that the level of traffic generated by the proposal is not expected to materially impact on the

operation of the Right of Way or cause any significant increase to queues and delays for existing users.

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.

### **3.5 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.

### **3.6 Compliance with Clause 52.34 (Bicycle Facilities)**

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

**Table 3**

<b>Unit</b>	<b>Requires</b>	<b>Provides</b>
14 Dwellings	3	3
Residential visitors	1	1
Office employees	0	0
Office visitors	0	0
Retail employees	1	1
Retail shoppers	0	0
Total	5	5

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

### **3.7 Compliance with the Essendon Junction Activity Centre Structure Plan**

The subject site is located within Precinct 1 (West) of the Essendon Junction Structure Plan. The proposed part five, part six storey building height exceeds the preferred building height of four storeys, with five storeys presenting to Rose Street and six storeys presenting to the rear of the site due to the slope of the land. The revised plans (refer **Appendix C**) demonstrate a modified front façade that presents a stronger three storey podium to Rose Street in accordance with the Structure Plan. However, additional setbacks are required to 'Level 3' (TP05B) from Rose Street and the southern (side) property boundary, with deletion of 'Level 4' (TP06B), to minimise visual and amenity

impacts on the streetscape and adjoining properties as discussed in detail below.

Although revisions have been made to the design of upper levels in order to address concerns raised by Council's Urban Designer (refer **Appendix C**), it is still considered that the proposal does not meet the below strategies of the built form guidelines within Section 6 (Centre Wide Provisions) of the Structure Plan for assessing departures from the preferred building heights and setbacks:

- iv. Minimal impact on the amenity of adjoining residential precincts.
- vi. Transitions in scale to lower building forms.
- vii. New development which is complementary to the existing built form.

It is considered that the proposed uppermost 'Level 4' (fifth storey presenting to Rose Street, sixth storey presenting to the rear laneway) is unacceptable considering the slope of the land and resulting built form scale, and is to be deleted as a result (refer Condition 1b).

The revised three storey street wall (refer **Appendix C**) is in accordance with the mandatory three storeys under the Structure Plan. However, the 'Level 3' and 'Level 4' front setbacks of zero metres and 2.13 metres, respectively, do not meet the mandatory 3.0 metre front setback under the Structure Plan. Therefore, the 'Level 3' front setback is to be a minimum of 3.0 metres, with balcony balustrading encroaching a maximum of 1.6 metres into this setback, and 'Level 4' is to be deleted in its entirety as discussed above. These modifications would minimise visual impacts along the streetscape and meet the mandatory setback requirements under the Structure Plan without compromising the expected rhythm of built form along Rose Street. These modifications are to be included as conditions on any permit granted accordingly.

The proposed development meets and exceeds the applicable 'laneway interface' rear setback requirements under the Structure Plan, which significantly reduces potential visual and amenity impacts that may have resulted from the additional height towards the rear of the site.

Overall, the revised plans (refer **Appendix C**) and modifications required above demonstrate a high level of compliance with the Structure Plan, providing a positive design response to the site and surrounding area.

### 3.8 Objections

**Table 4**

Issue	Officer Response
Character / external design	This is considered acceptable, subject to revised plans and a revised front façade (refer <b>Appendix C</b> ), as discussed within Sections 2.3, 3.1, 3.2 and 3.7 of this report.
Height / visual bulk / scale / upper floor setbacks	This is considered acceptable subject to revised plans (refer <b>Appendix C</b> ), increased upper floor setbacks and the deletion of 'Level 4' as discussed within Sections 3.1, 3.2 and 3.7 of this report.

Issue	Officer Response
Waste collection	This is considered acceptable, subject to a modified waste management plan as discussed within Section 3.2 of this report.
Overlooking / overshadowing / noise	This is considered acceptable, subject to modified balcony screening, increased upper floor setbacks, the deletion of 'Level 4' and the inclusion of suitable noise conditions on any permit granted as discussed within Section 3.2 of this report.
Car headlights on No.25 Flower Street	Light from vehicle headlights using the Right of Way cannot be controlled by the proposed development or the Moonee Valley Planning Scheme and is an occurrence for many residential streets within Melbourne (i.e. dwellings directly opposite a 'T' intersection).
Car parking / traffic issues / Right of Way unsuitable	This is considered acceptable, subject to the provision of increased car parking on site and installation of a light detection system to reduce potential vehicle conflicts, as discussed within Sections 2.3 and 3.4 of this report.
Lack of loading facilities	This is considered acceptable as discussed within Section 3.5 of this report.
Errors within the plans	These are noted and were considered in the final assessment of the application.

#### 4. Human Rights

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

#### 5. Conclusion

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

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

## **Appendices**

Appendix A: Objectors

Appendix B: Advertised Plans

Appendix C: Revised Plans

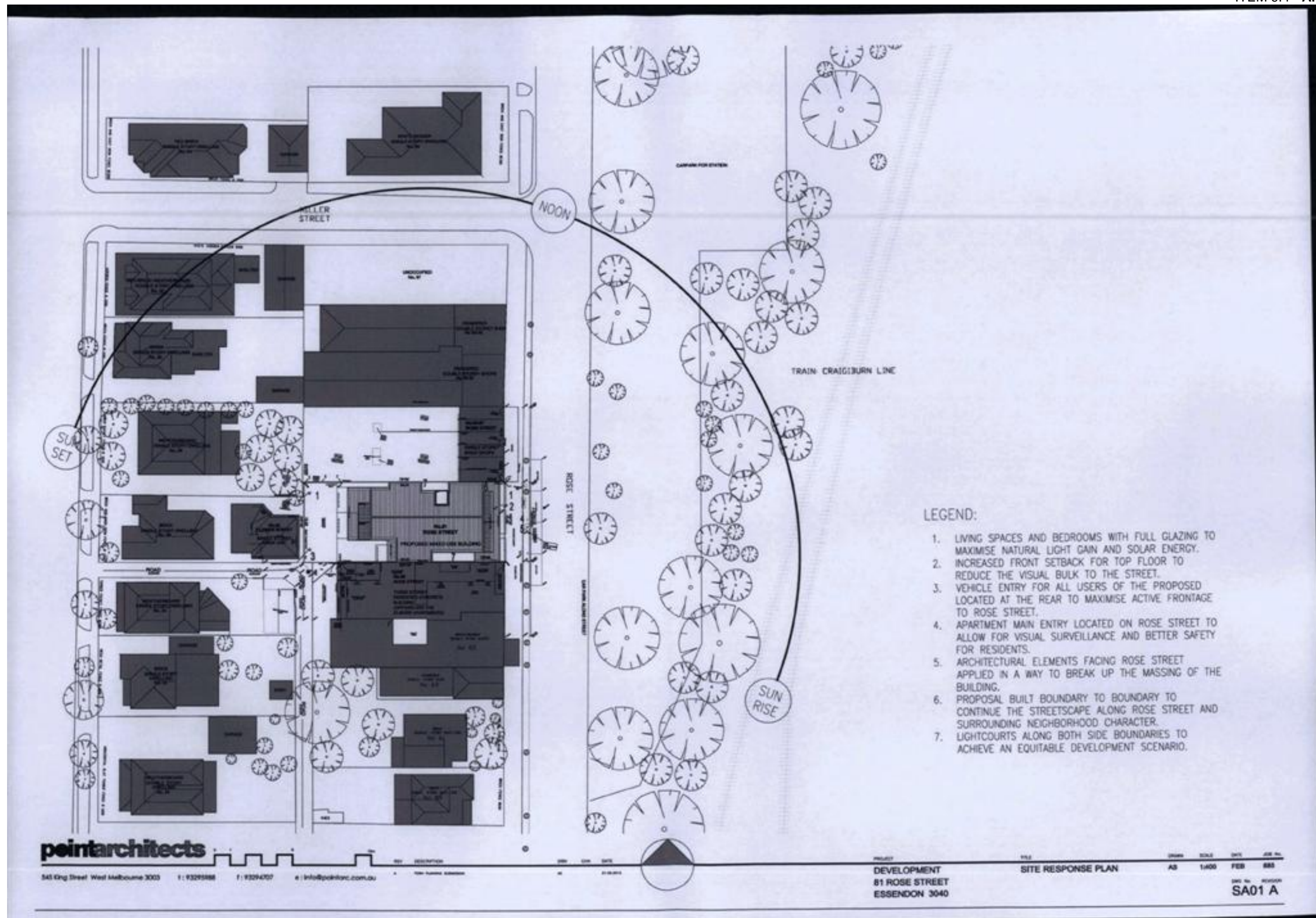
**Location of Objector's Properties**

2/26 Flower Street, ESSENDON VIC 3040
2/71 Rose Street, ESSENDON VIC 3040
C/- Wings Away & Cruisland, 55 Rose Street, ESSENDON VIC 3040
87 Rose Street, ESSENDON VIC 3040
25 Flower Street, ESSENDON VIC 3040
75 Rose Street, ESSENDON VIC 3040 (X2)
4/71 Rose Street, ESSENDON VIC 3040
1/71 Rose Street, ESSENDON VIC 3040
65-67 Rose Street, ESSENDON VIC 3040
24 Flower Street, ESSENDON VIC 3040

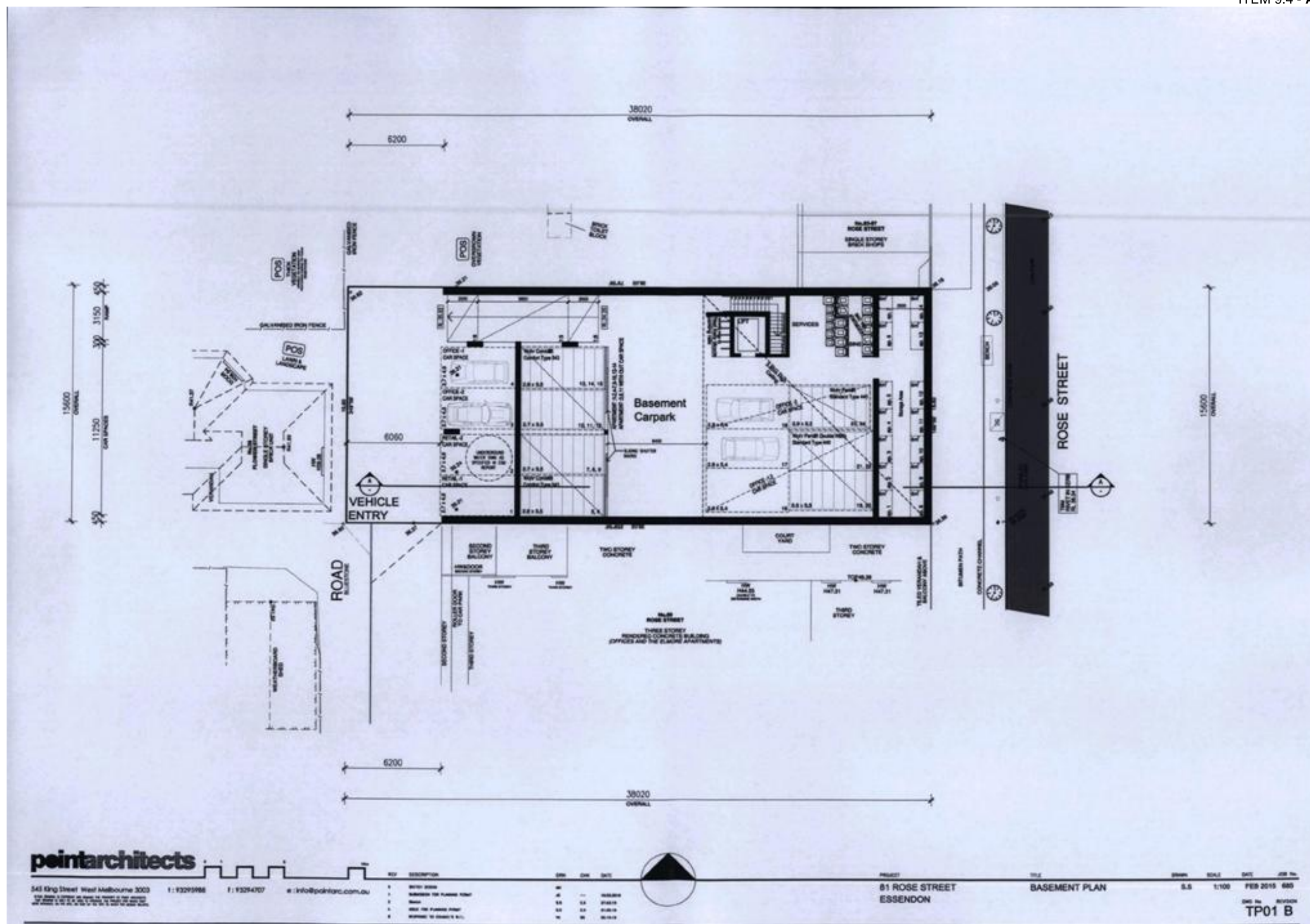


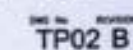




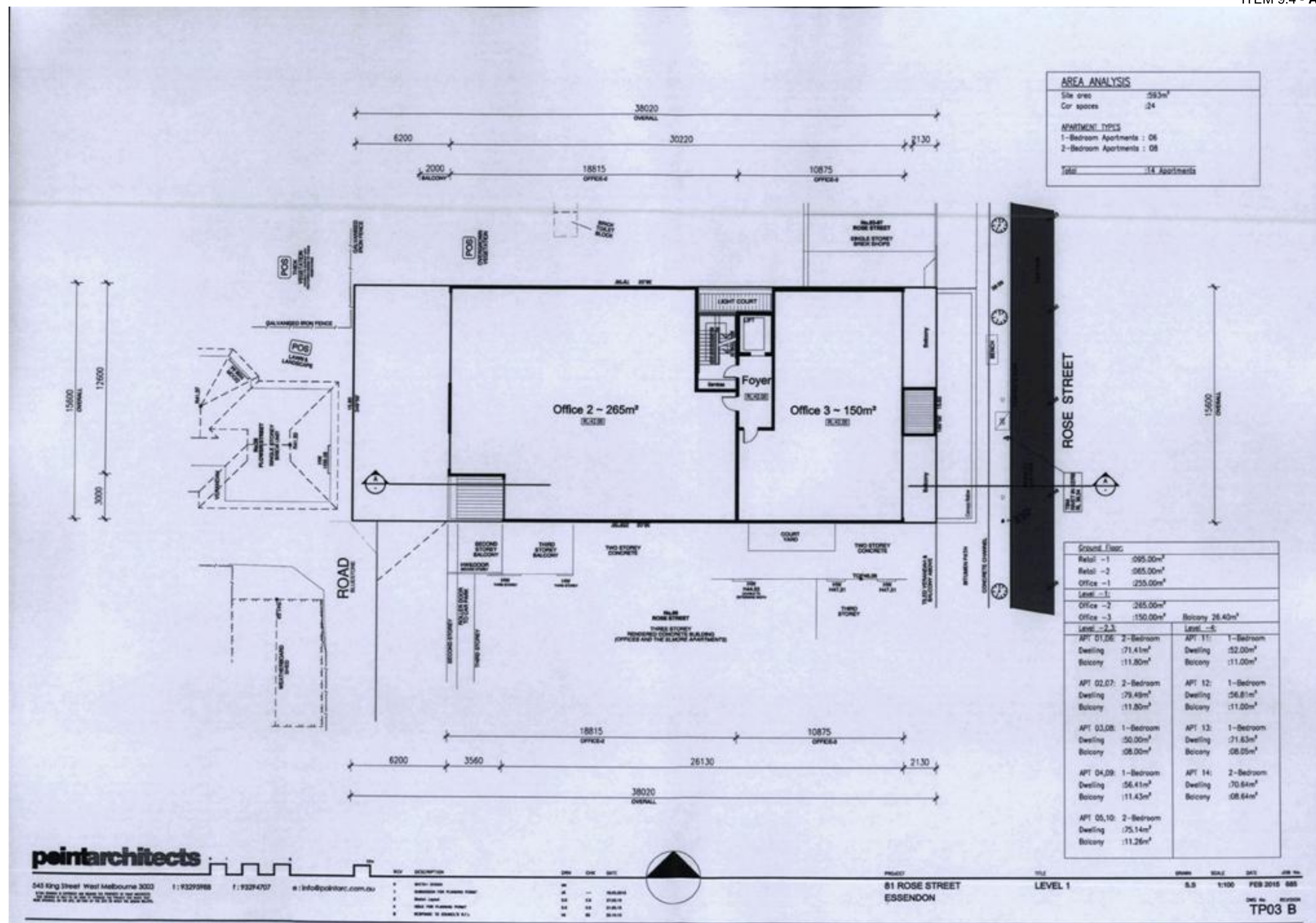




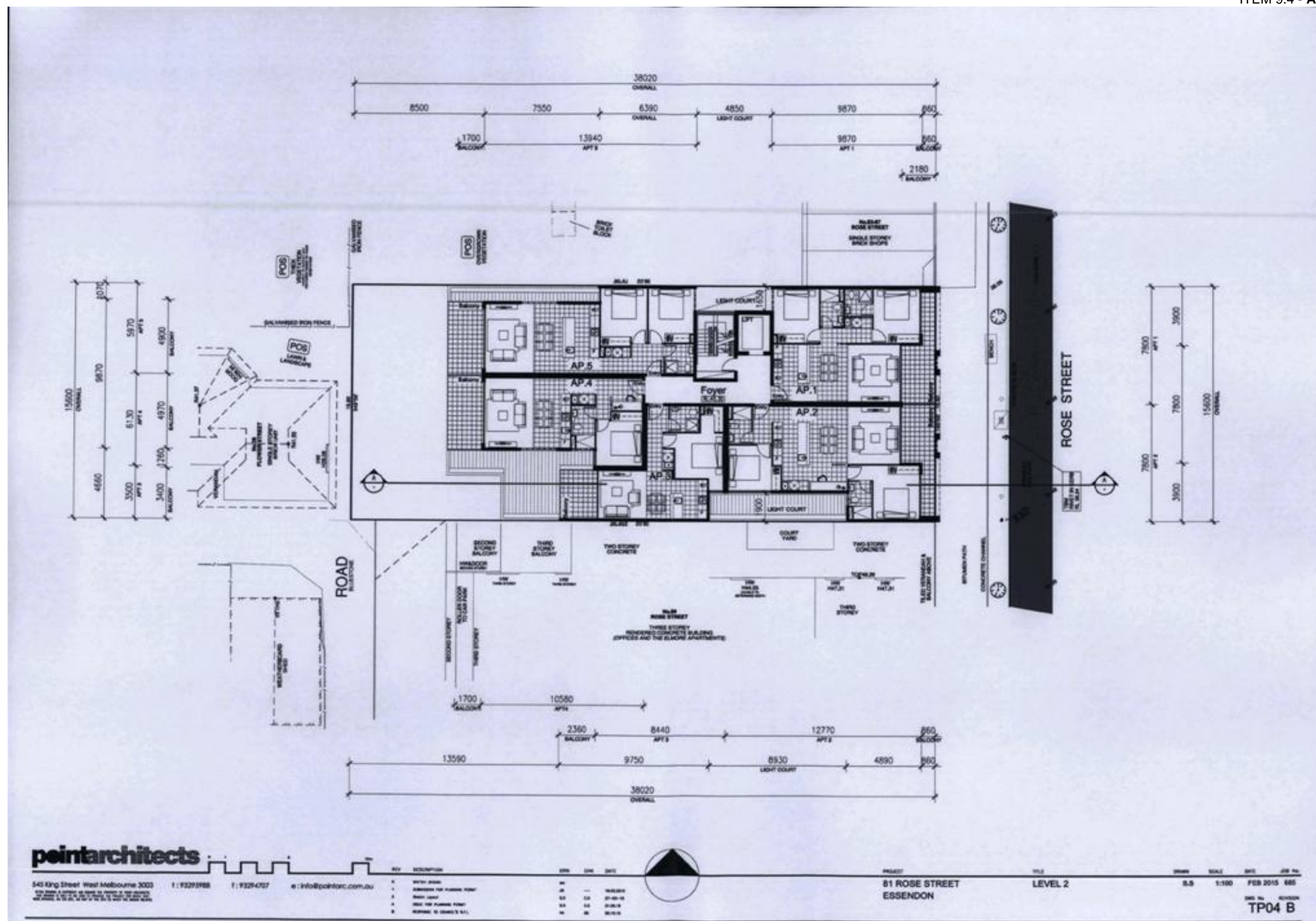




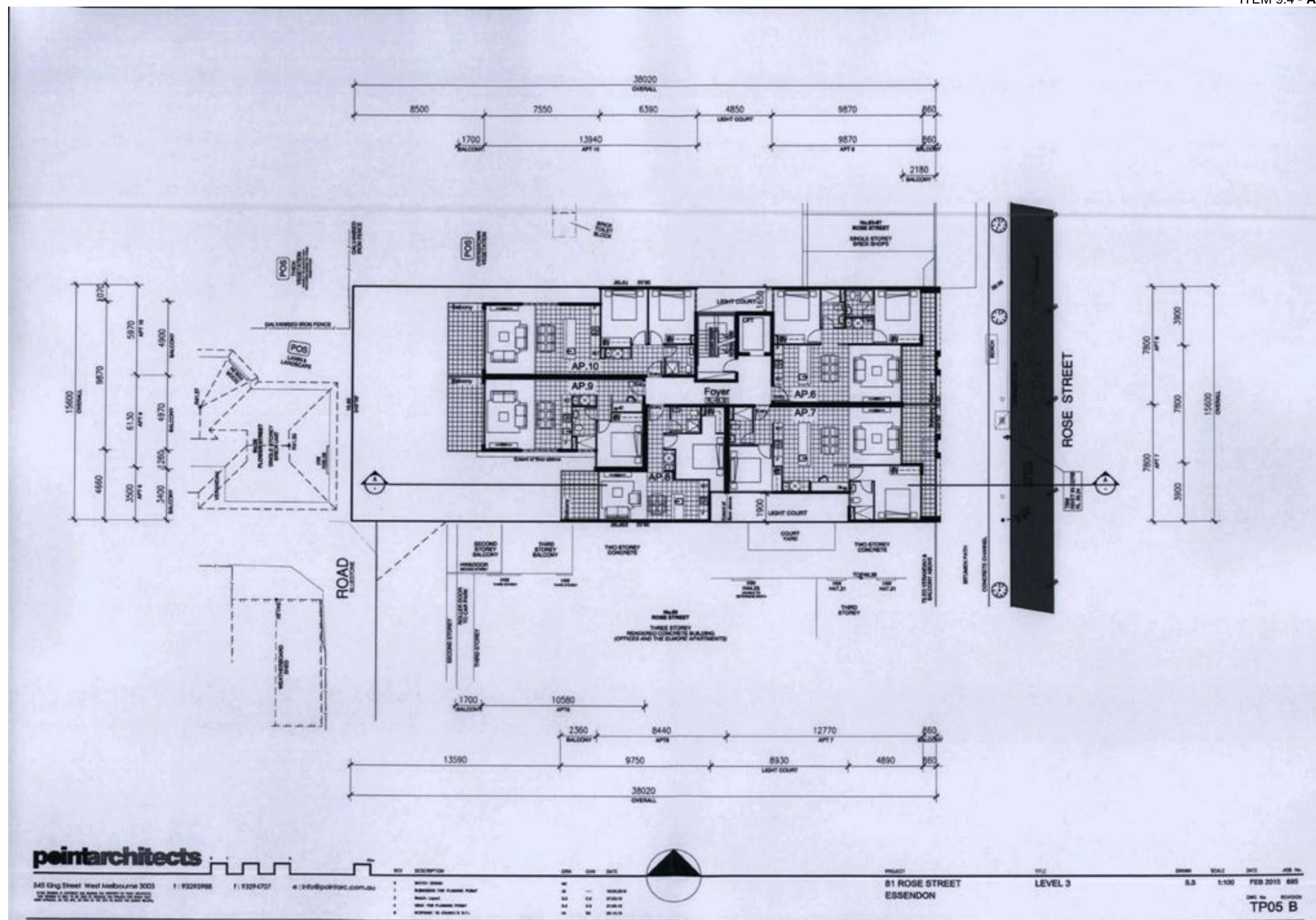




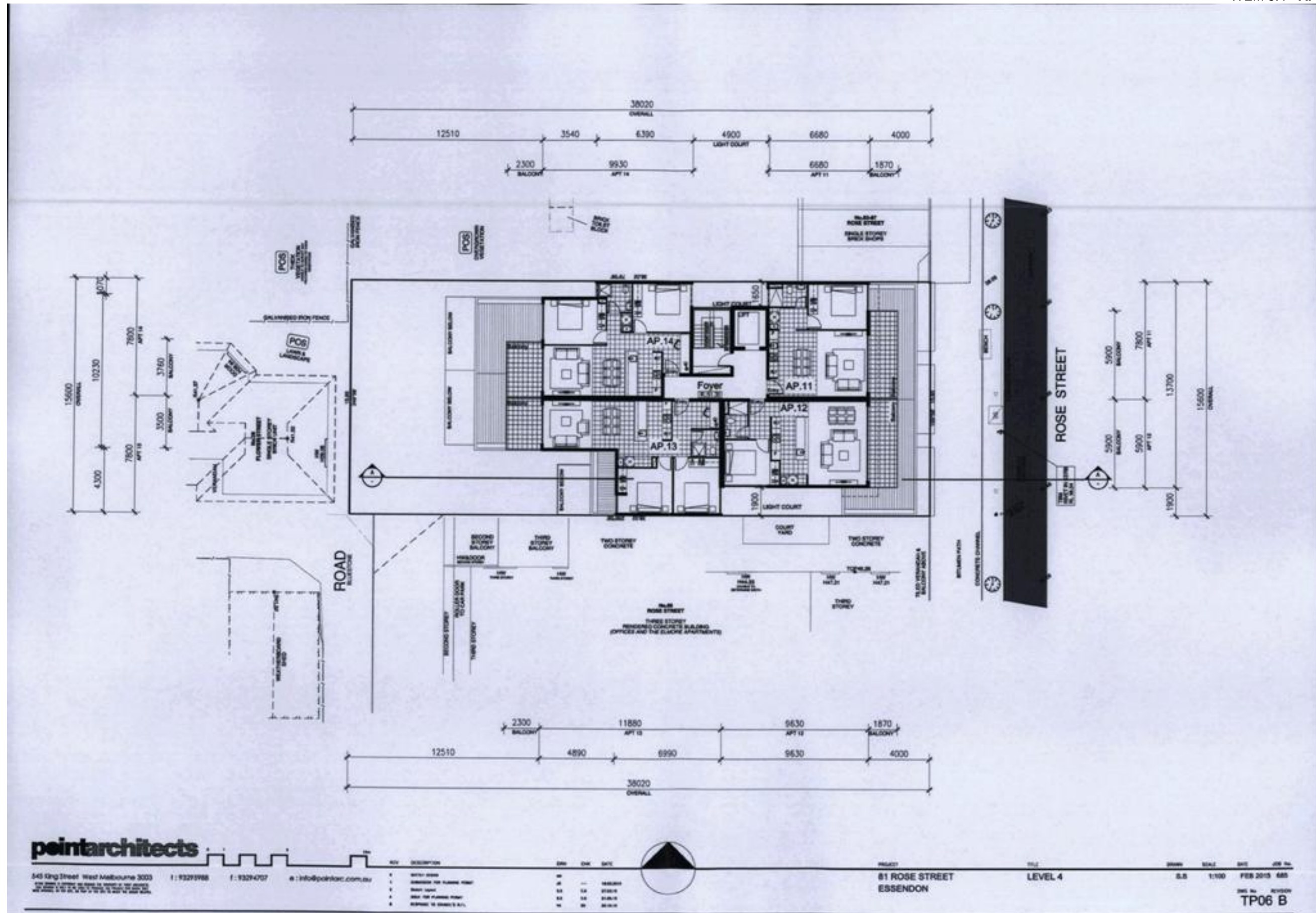




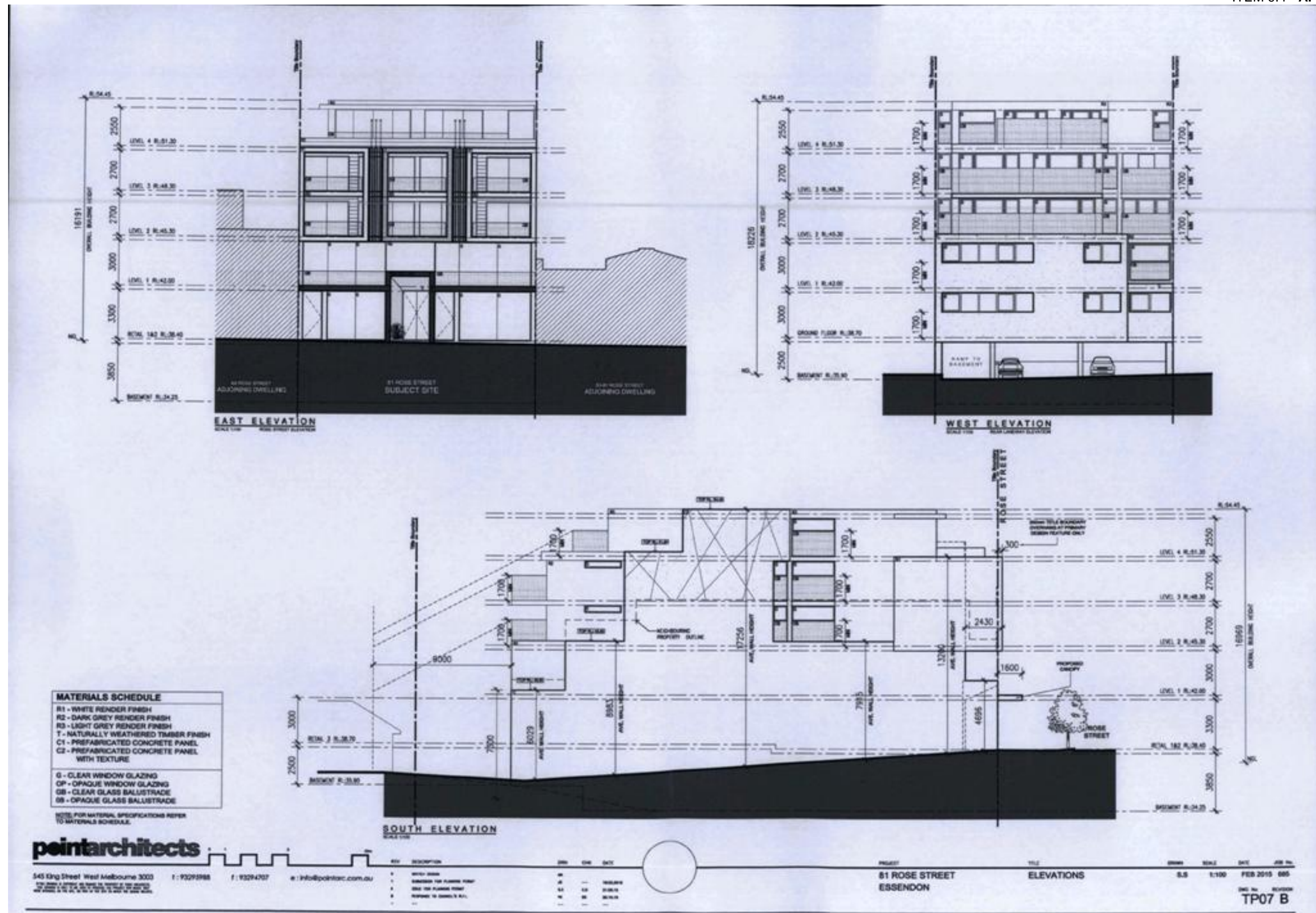




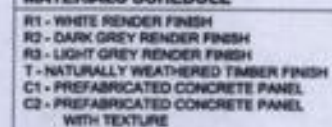






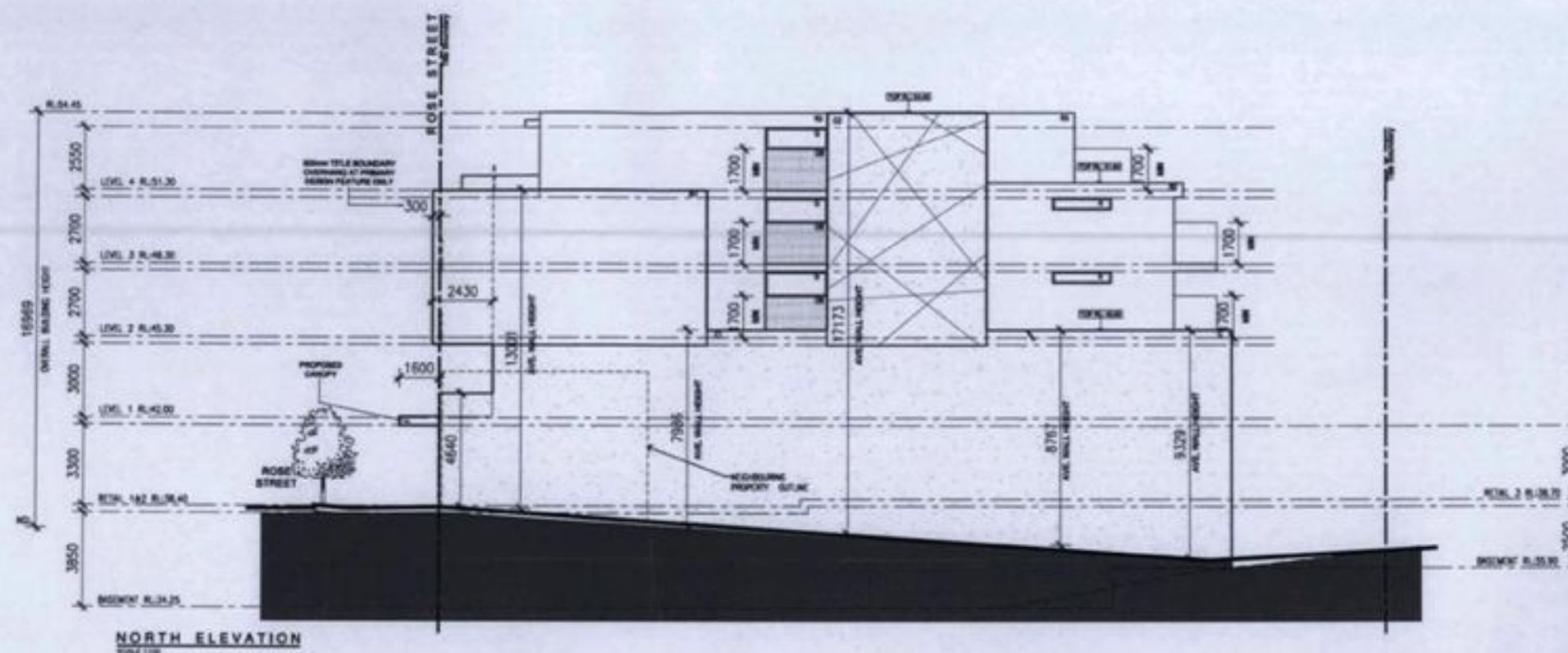






G - CLEAR WINDOW GLAZING  
OP - OPAQUE WINDOW GLAZING  
GB - CLEAR GLASS BALUSTRADE  
OB - OPAQUE GLASS BALUSTRADE

NOTE: FOR MATERIAL SPECIFICATIONS REFER TO MATERIALS SCHEDULE.



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Year	Estimated Value
2000	\$1.2 billion
2001	\$1.5 billion
2002	\$1.8 billion
2003	\$2.1 billion
2004	\$2.4 billion

Year	Q1	Q2	Q3
2000	100	100	100
2001	100	100	100
2002	100	100	100
2003	100	100	100

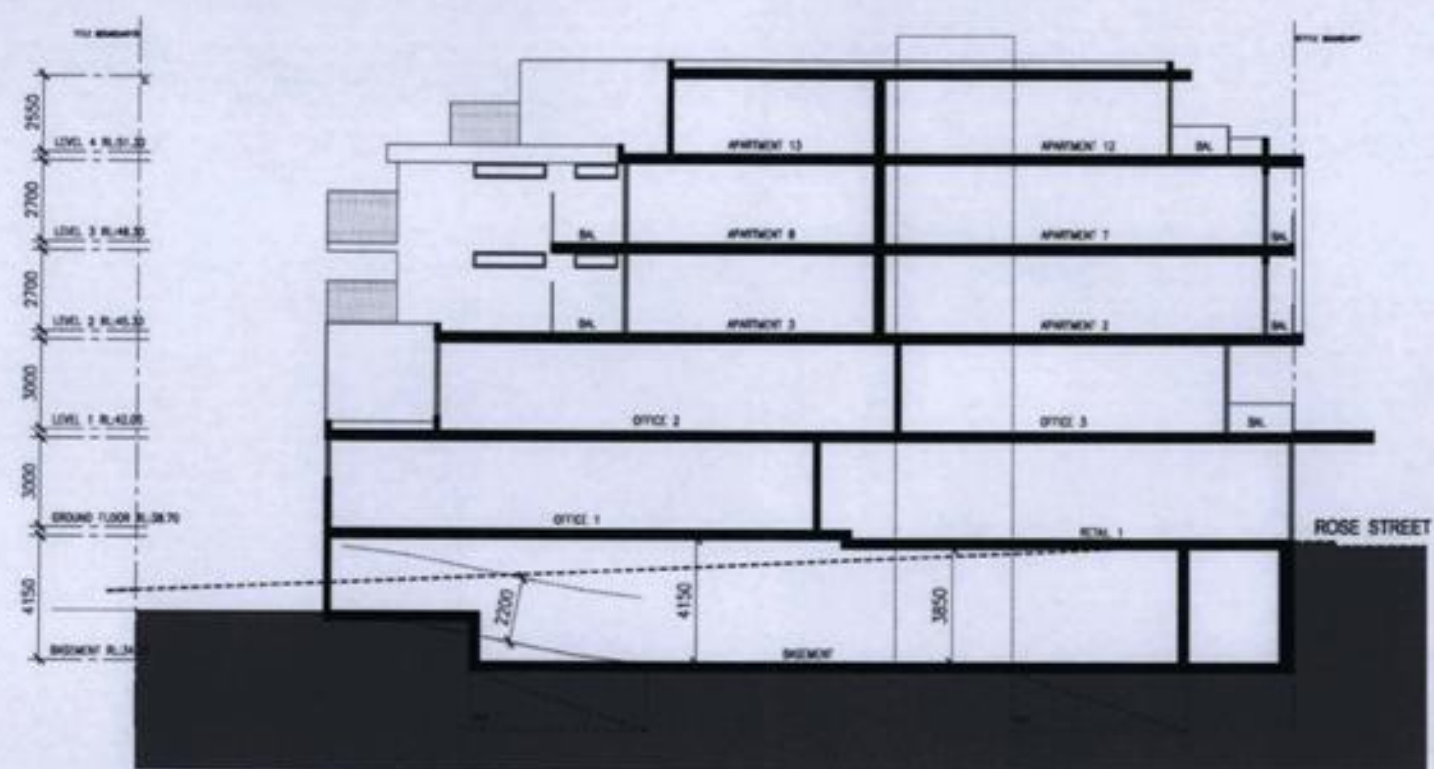


PROJECT  
81 ROSE STREET  
ESSENDON

ELEVATIONS &amp; STREETSCAPE

	price	size	date	id
E	5.5	1:500	FEB 2015	005

TP08 B



SECTION A-A  
 SCALE 1:100

**pointarchitects**

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REV	DESCRIPTION	DATE	BY	CHK	DATE
1	ISSUED FOR PERMIT	15/02/15	...	...	...
2	ISSUED FOR PERMIT	15/02/15	...	...	...
3	ISSUED FOR PERMIT	15/02/15	...	...	...

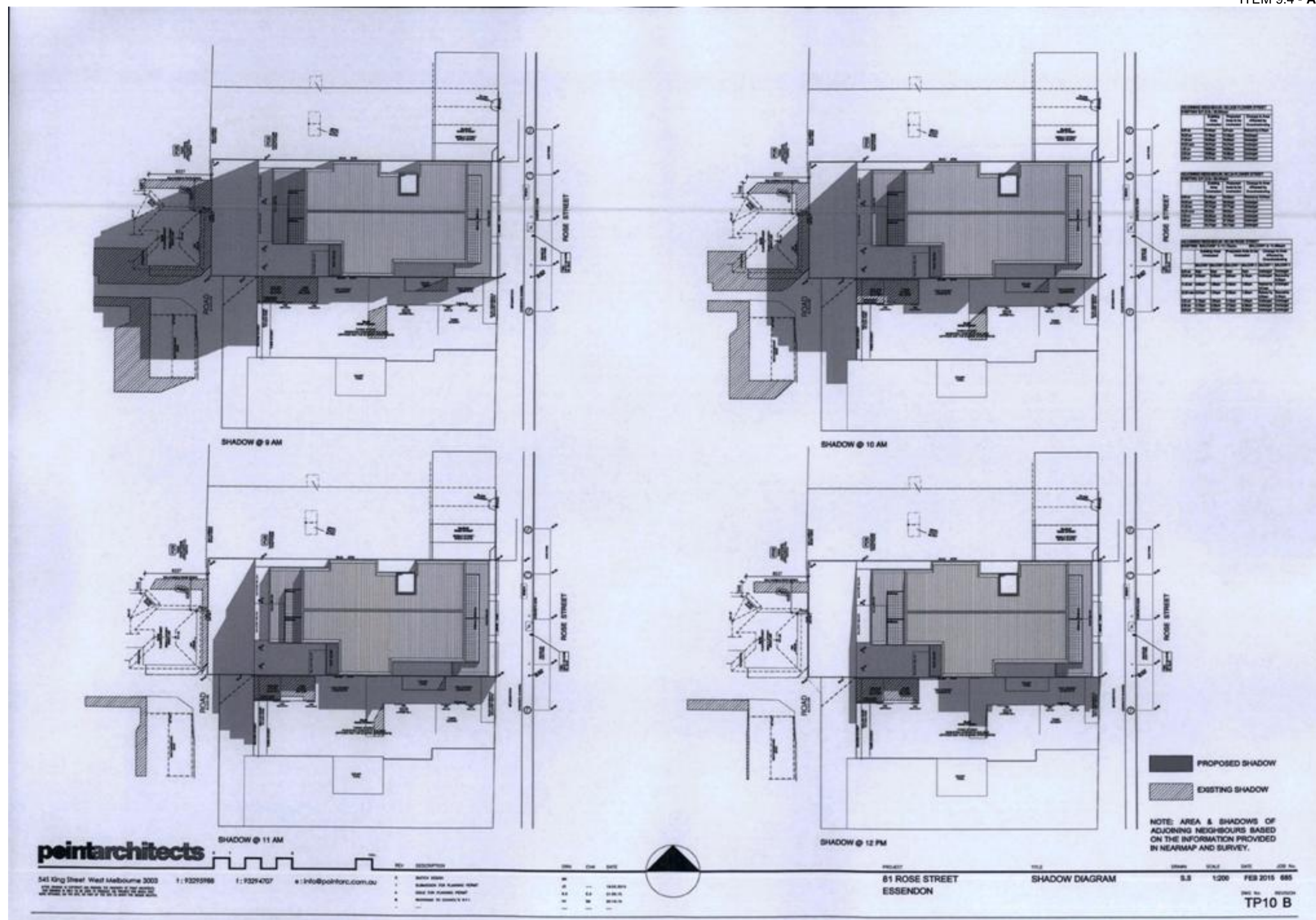
PROJECT  
 81 ROSE STREET  
 ESSENDON

TITLE  
 SECTION A-A

DATE  
 15/02/15

TP09 B







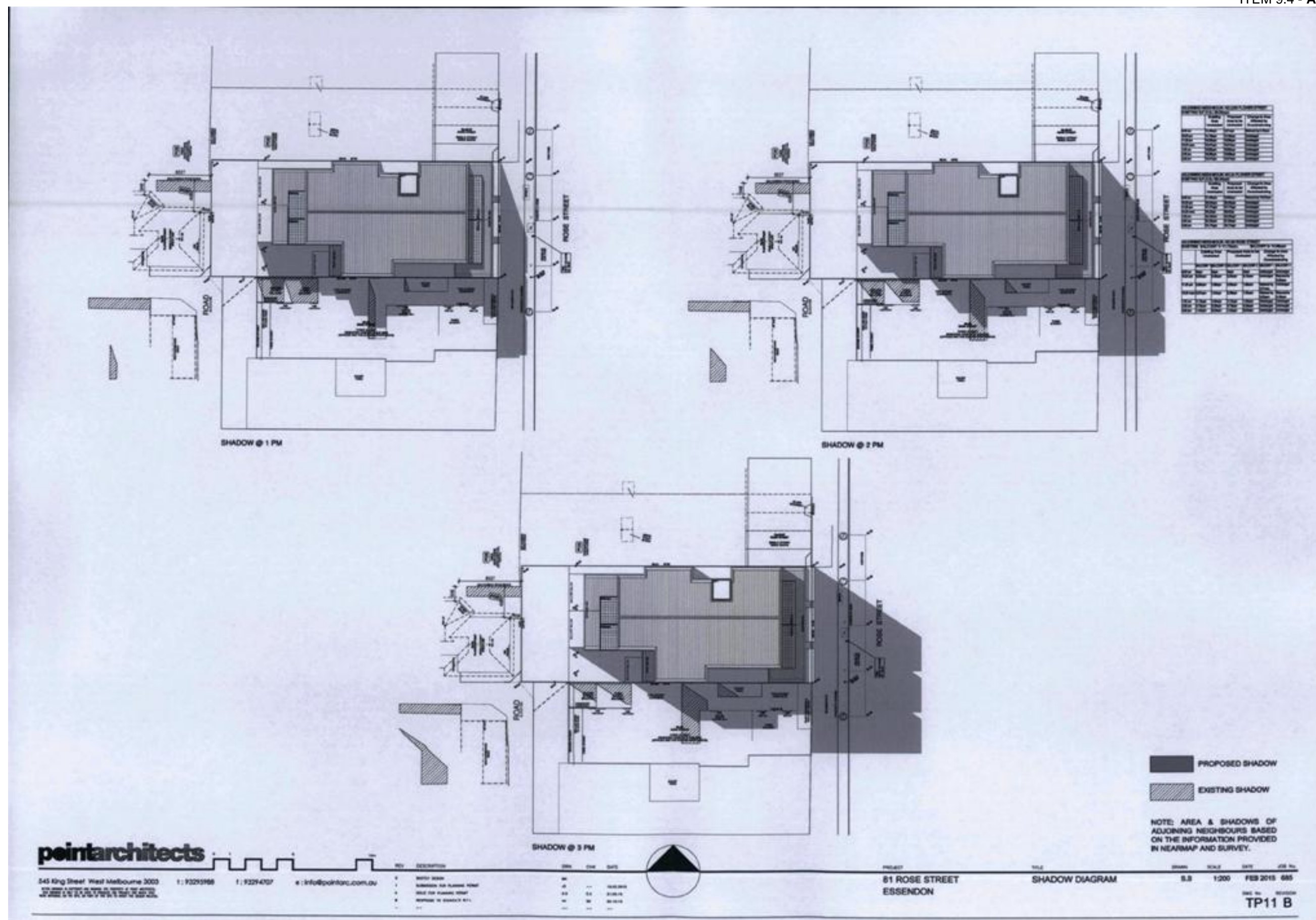


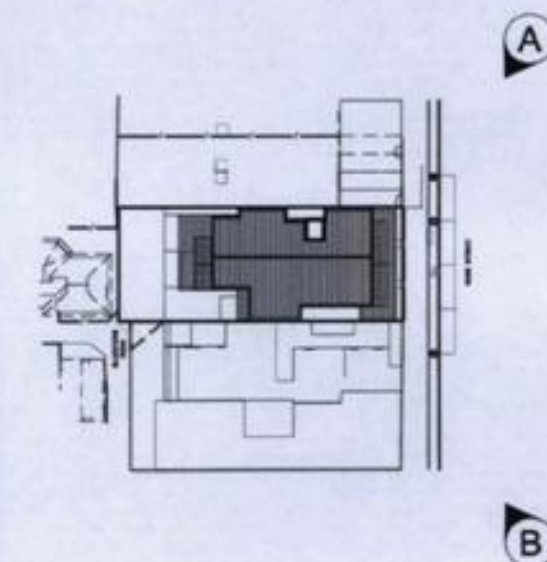




IMAGE A



IMAGE B



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NO	DESCRIPTION	REV	DATE	DATE
1	ISSUED FOR TENDERS	1	15/02/2015	
2	FOR APPROVAL	1	15/02/2015	
3	FOR APPROVAL	1	15/02/2015	
4	FOR APPROVAL	1	15/02/2015	

PROJECT  
 81 ROSE STREET  
 ESSENDON

TITLE  
 3D IMAGES- A & B

DRAWN  
 S.S. N.T.S. FEB 2015 885

REVISION  
 TP12 A

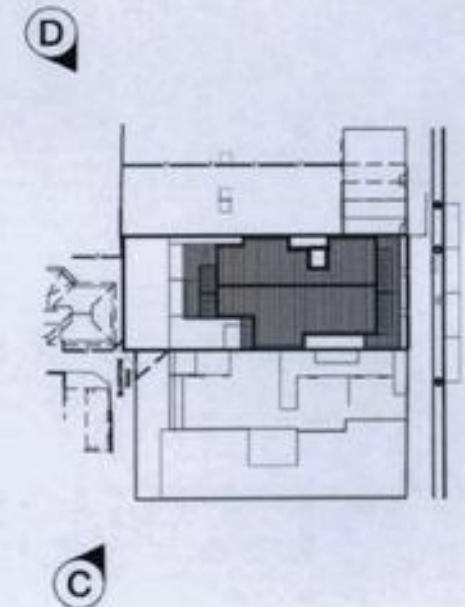




IMAGE C



IMAGE D



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REV	DESCRIPTION	DATE	BY	CHK	DATE
1	ISSUED FOR TENDERS	2015	MM	MM	2015
2					
3					
4					








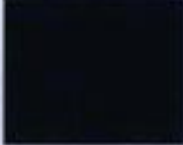



PROJECT  
 81 ROSE STREET  
 ESSENDON

TITLE  
 3D IMAGES- C & D

DATE  
 6.5 N.T.S. FEB 2015 505

TP13 A

FINISHES SCHEDULE			
	R1	SELECTED RENDER FINISH DULUX – WHISPER WHITE OR SIMILAR	 GB CLEAR GLASS BALUSTRADE
	R2	SELECTED RENDER FINISH DULUX – BLACK CAVIAR OR SIMILAR	 OB OPAQUE GLASS BALUSTRADE
	R3	SELECTED RENDER FINISH DULUX – WINDSPRAY OR SIMILAR	 WINDOW FRAME BLACK OR SIMILAR
	T	TIMBER FINISH OR ALUMINIUM LOOK A LIKE TEXTURED FINISH	G CLEAR GLAZING
	C1	PREFABRICATED CONCRETE PANEL	 ACCESSWAY/ DRIVEWAY/ CROSS-OVER/ FOOTPATH SELECTED COLOURED CONCRETE DRIVEWAYS/CROSS-OVER /FOOTPATHS AS PER ENGINEERS DETAIL/SPECIFICATIONS DULUX – BLACK CAVIAR OR SIMILAR
	C2	PREFABRICATED CONCRETE PANEL WITH TEXTURE OR SIMILAR	

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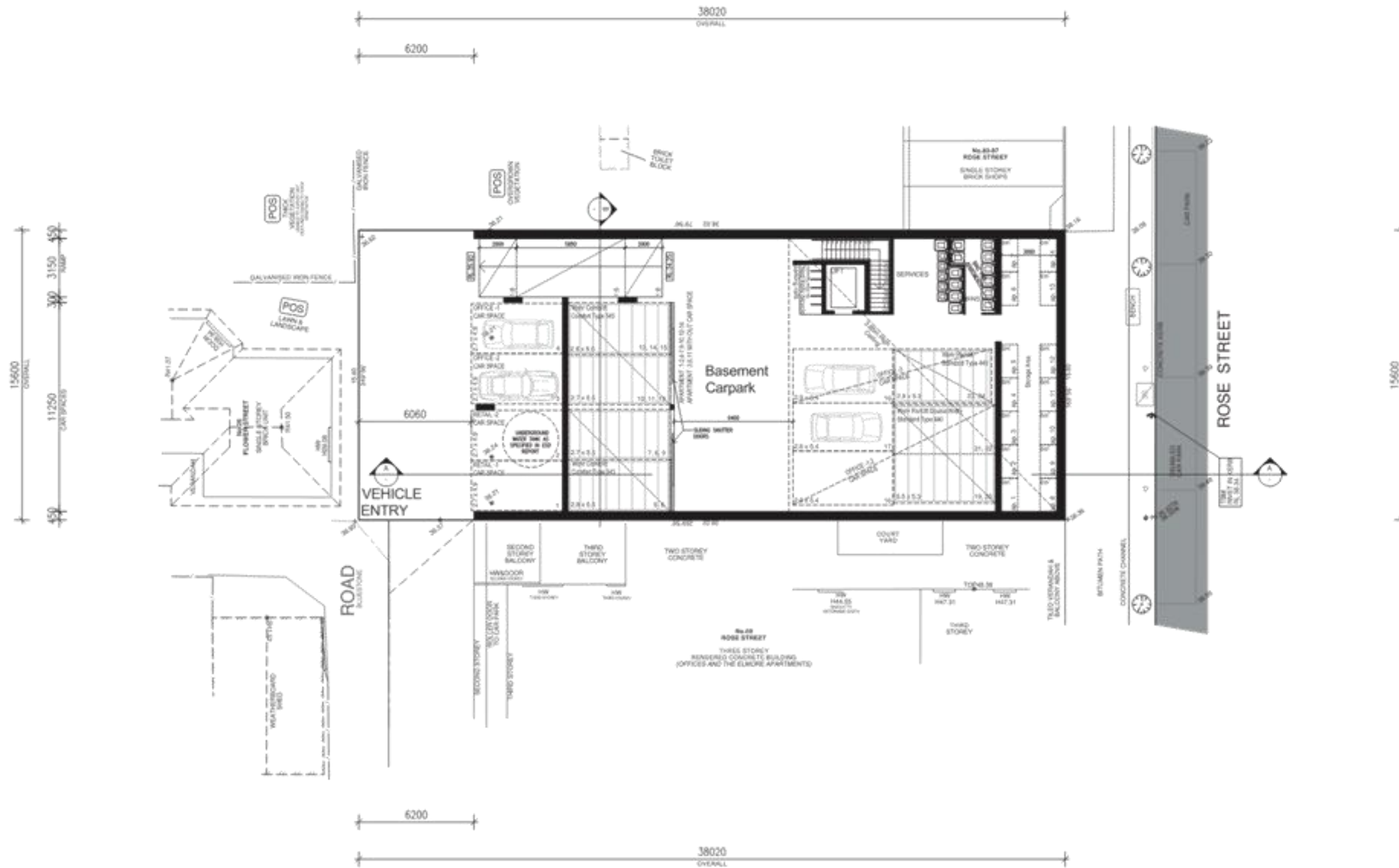
545 King Street West Melbourne 3003  
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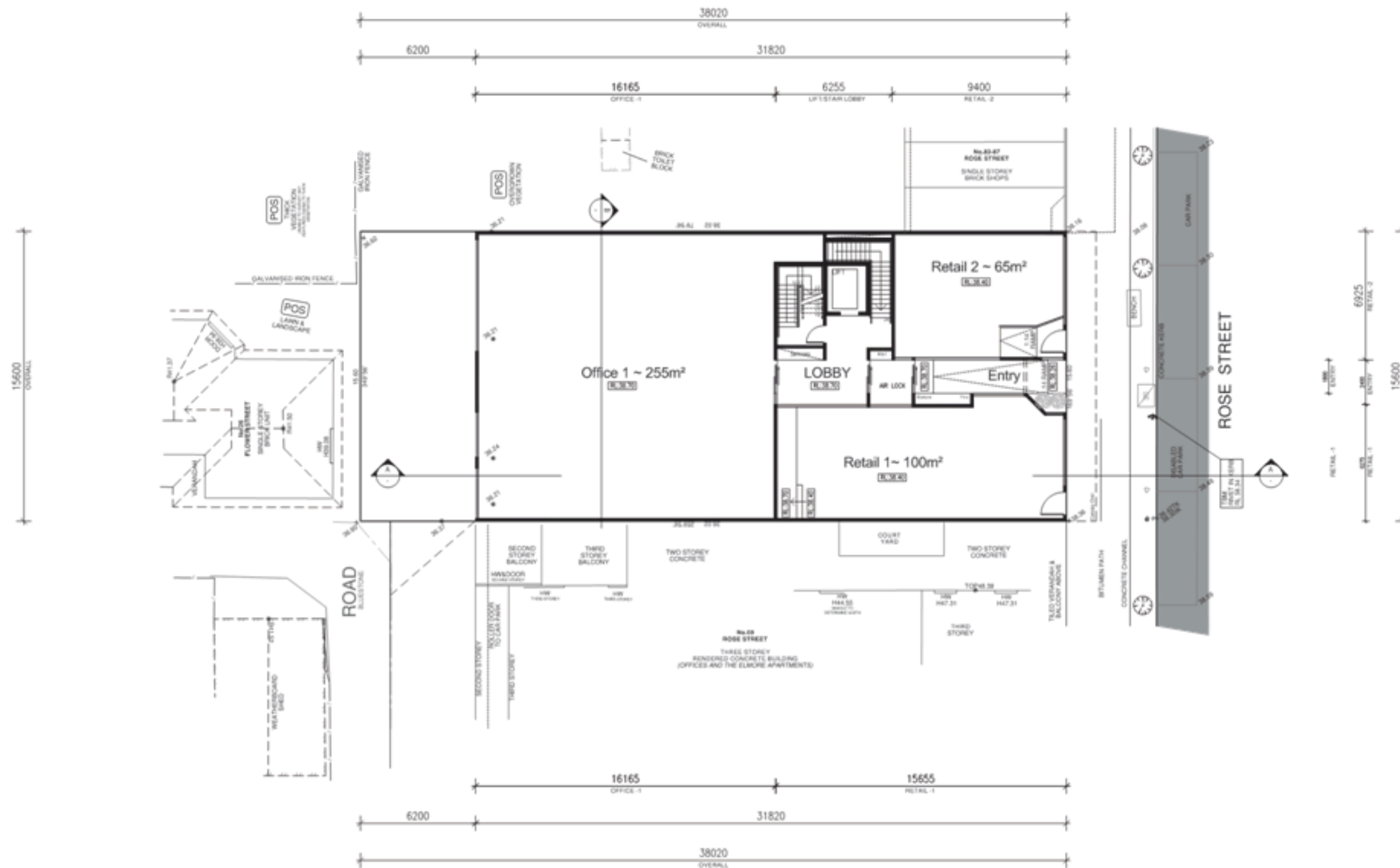
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1	ISSUED TO CLIENT FOR PERMIT	16	06/16
2	...	...	...
3	...	...	...
4	...	...	...

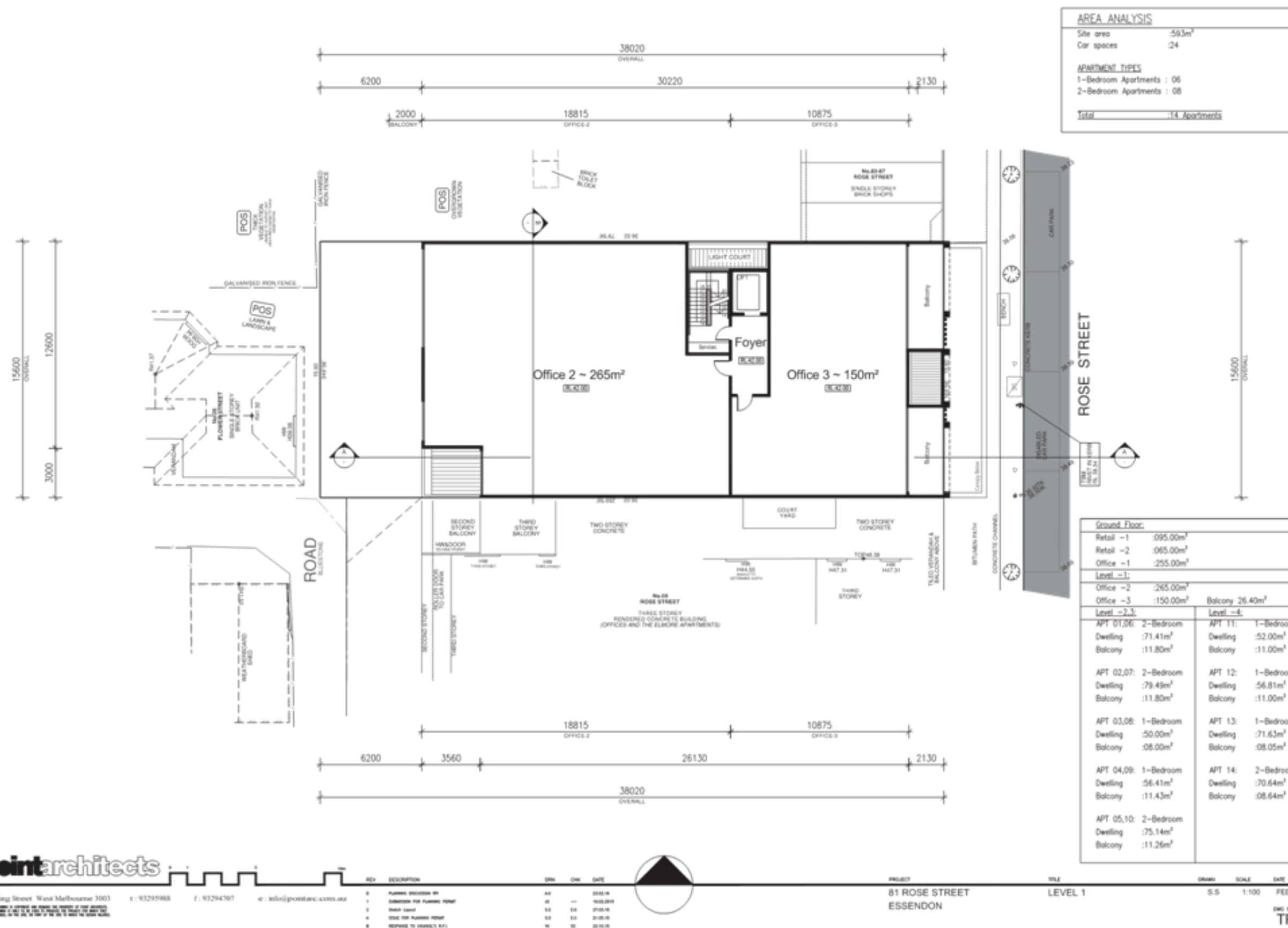


PROJECT	TITLE	OWNER	SCALE	DATE	JOB NO.
81 ROSE STREET ESSENDON	FINISHES SCHEDULE	S.S.	N.T.S.	FEB 2015	600
					FS01 B

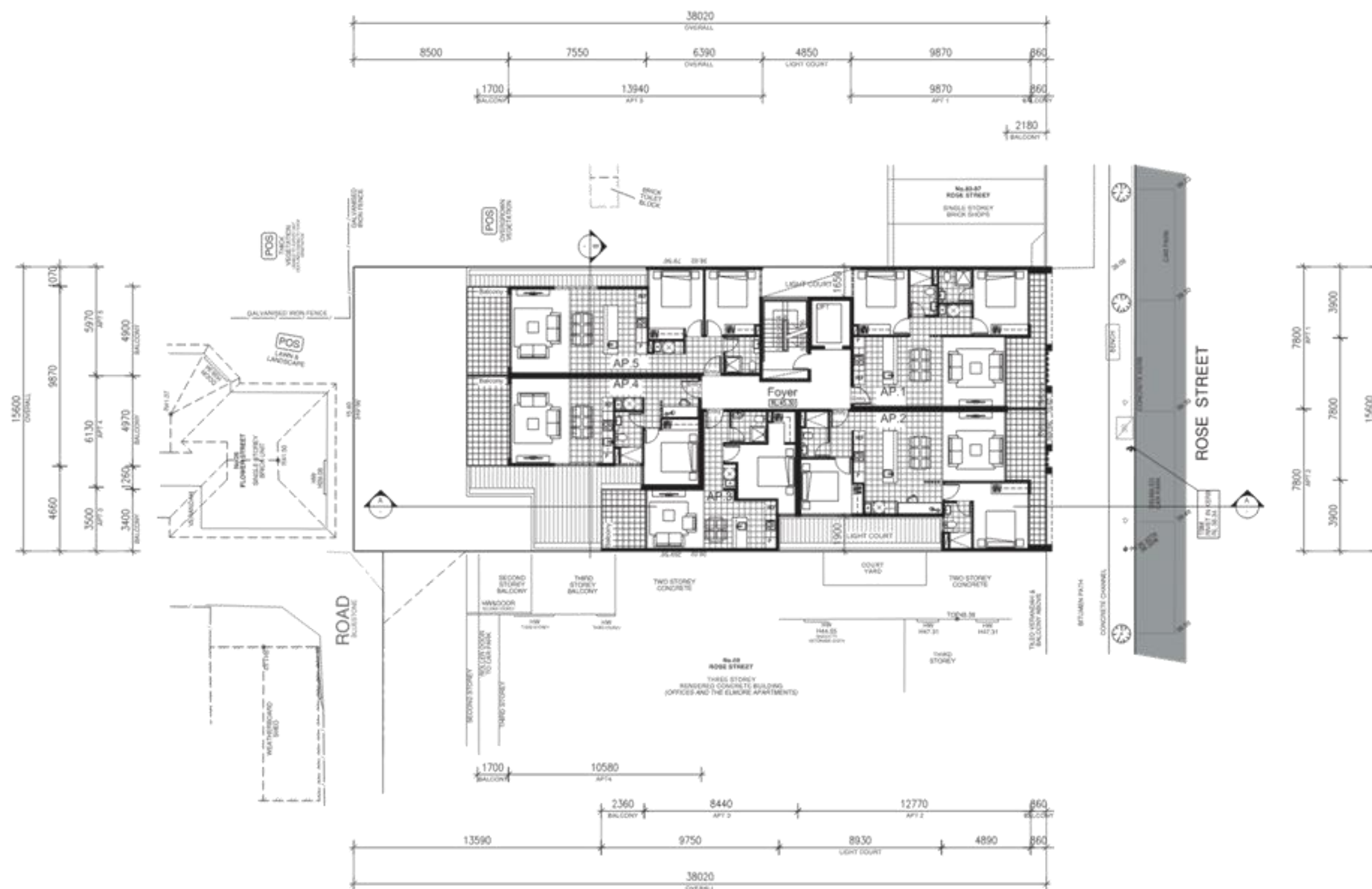












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REV	DESCRIPTION	APP	CHK	DATE
1	PLANNING PROVISIONS IN	AS	---	23-03-16
2	SUBMISSION FOR PLANNING PERMIT	AS	---	16-03-2016
3	REVISION	AS	EA	20-03-16
4	REVISION FOR PLANNING PERMIT	AS	EA	21-03-16
5	REVISION TO DRAWING'S R/L	AS	EA	22-03-16

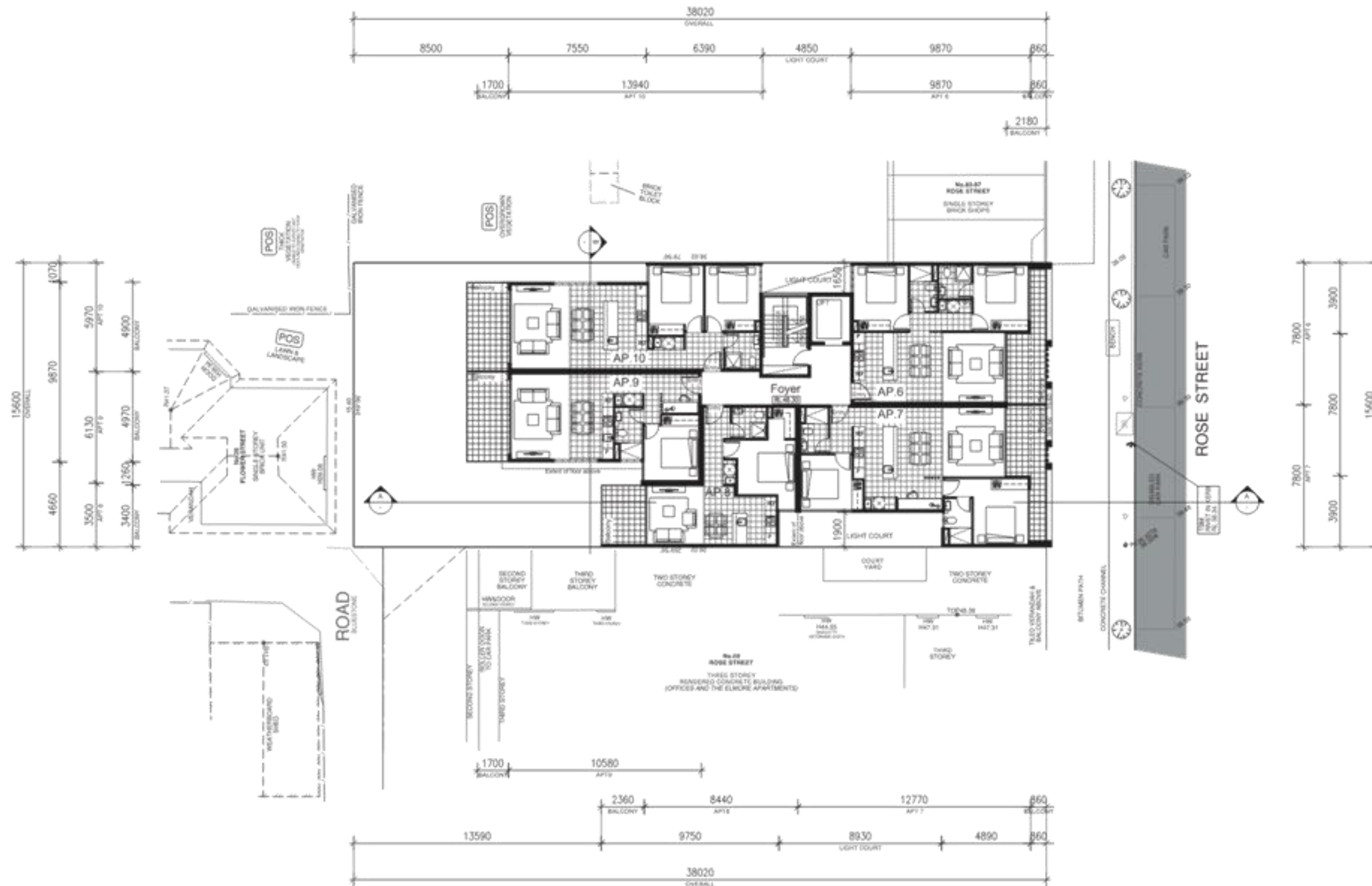


PROJECT: 81 ROSE STREET  
ESSENDON

TITLE: LEVEL 2

DRAWN: S.S. SCALE: 1:100 DATE: FEB 2015 JOB No: 685

REV. No. REVISION  
TP04 D



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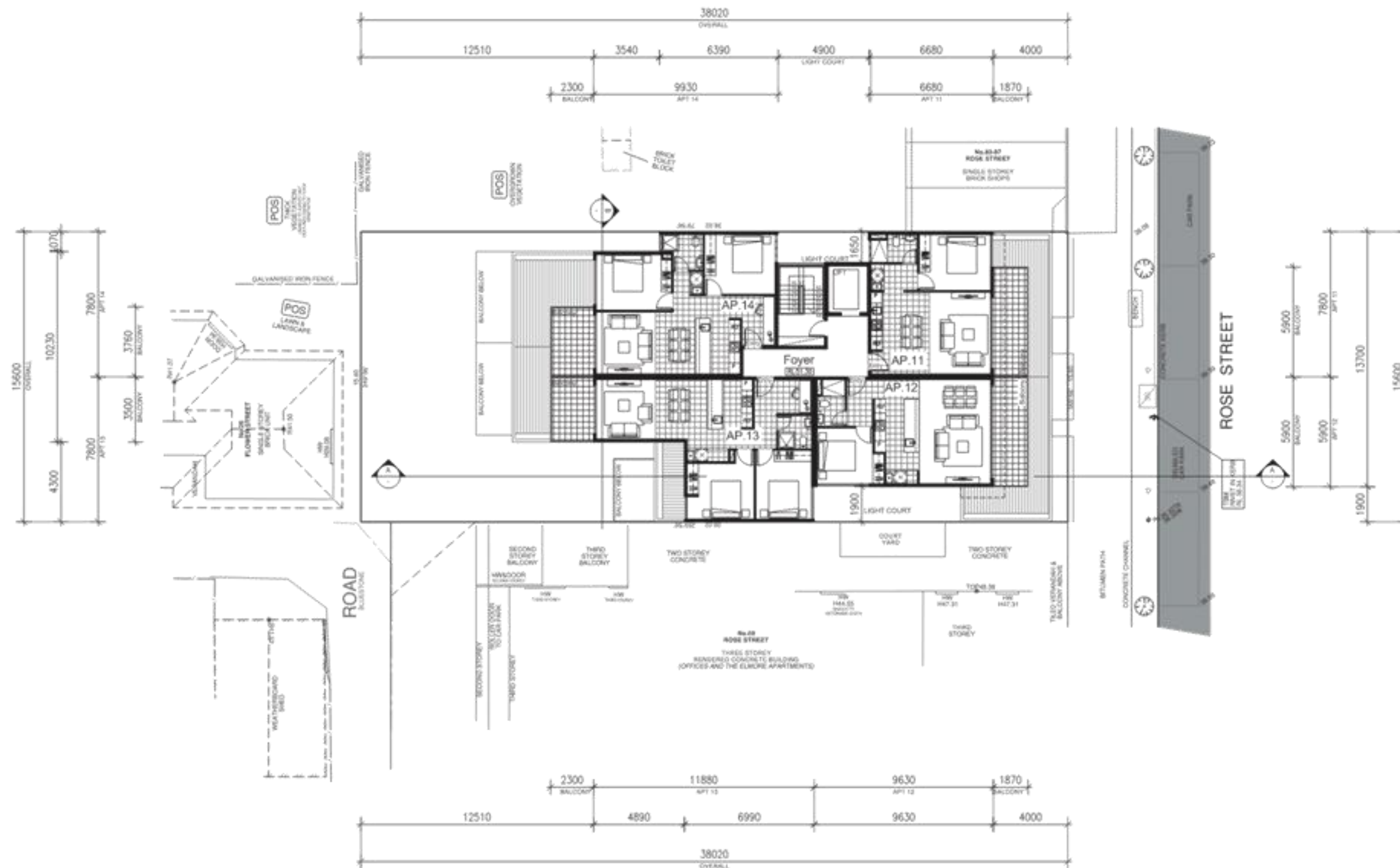
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REV	DESCRIPTION	DATE	BY	CHK	DATE
1	PLANNING PROVISIONS IN	23/01/16	AK		
2	SUBMISSION FOR PLANNING PERMIT	16/02/2016	AK		
3	REPLY TO PERMIT	27/03/16	AK		
4	REPLY TO PLANNING PERMIT	21/05/16	AK		
5	REPLY TO PERMIT	22/05/16	AK		



PROJECT: 81 ROSE STREET  
 ESSENDON  
 TITLE: LEVEL 3  
 DRAWN: S.S.  
 SCALE: 1:100  
 DATE: FEB 2015  
 JOB No: 685

REV. No. REVISION  
 TP05 D



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REV	DESCRIPTION	DATE	CHK	DATE
1	PLANNING PROVISIONS IN	23-01-16	AK	23-01-16
2	SUBMISSION FOR PLANNING PERMIT	16-02-2016	AK	16-02-2016
3	REVISION	20-02-16	AK	20-02-16
4	REVISION FOR PLANNING PERMIT	21-05-16	AK	21-05-16
5	REVISION TO DRAWING TO R.A.L.	23-01-16	AK	23-01-16



PROJECT: 81 ROSE STREET  
ESSENDON

TITLE: LEVEL 4

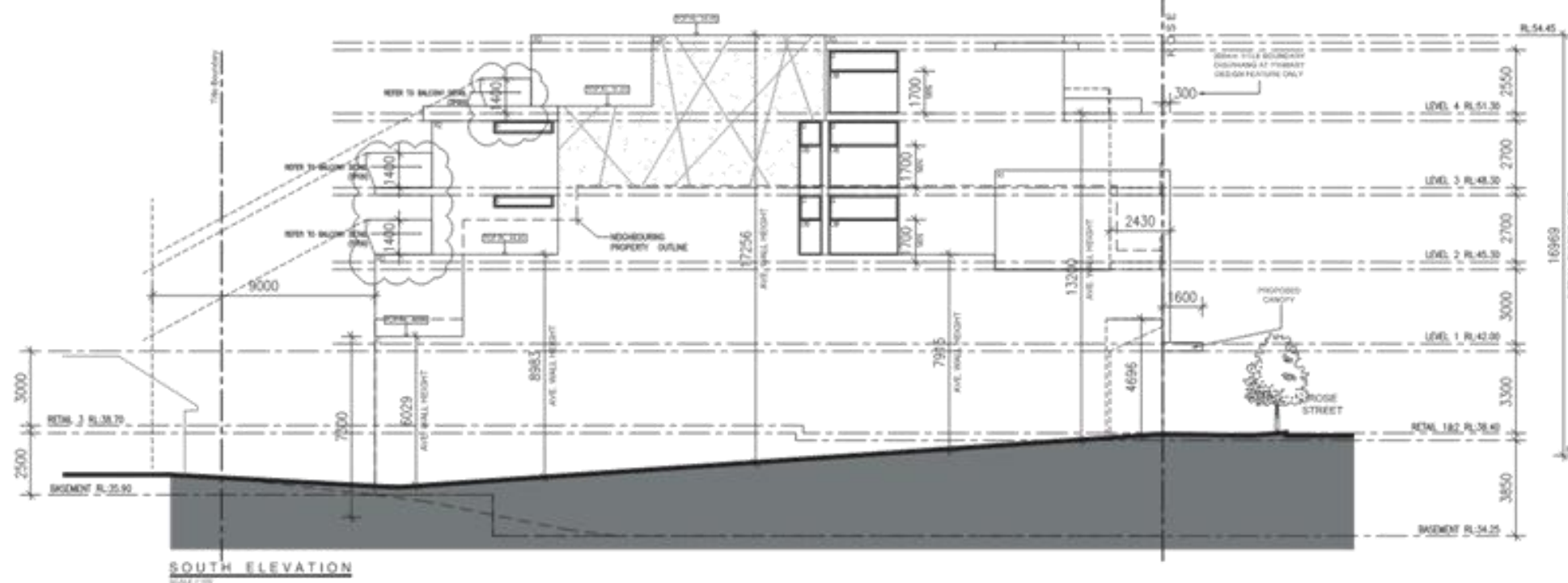
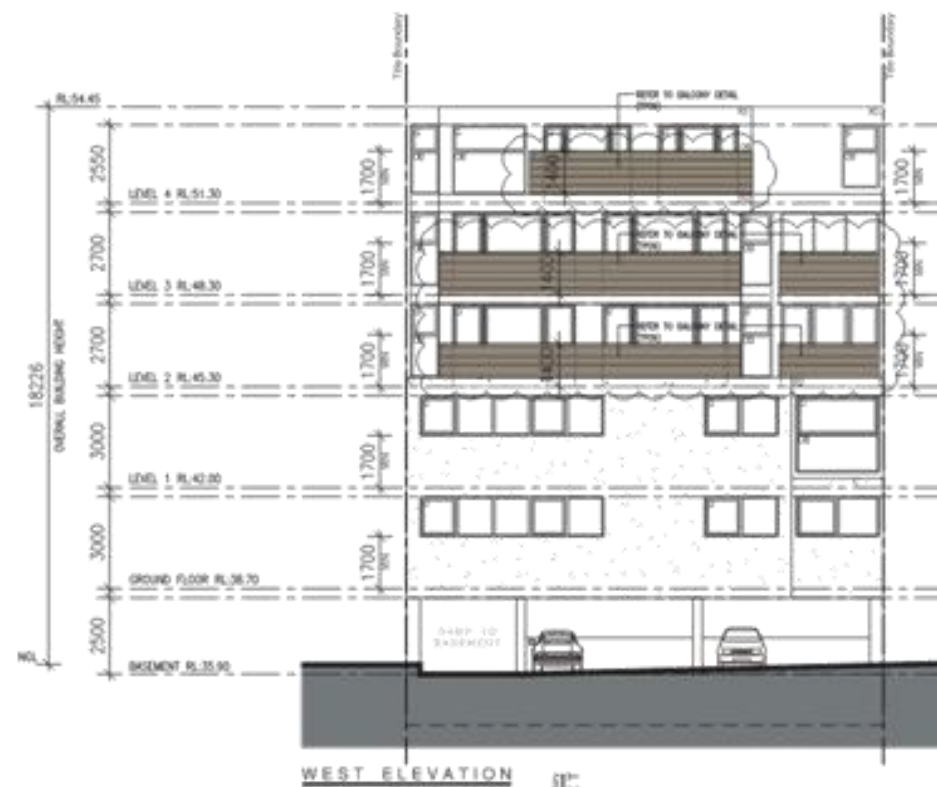
DATE: FEB 2015

SCALE: 1:100

JOB No: 685

REV. No: TP06 D





MATERIALS SCHEDULE	
R1 - WHITE RENDER FINISH	
R2 - DARK GREY RENDER FINISH	
R3 - LIGHT GREY RENDER FINISH	
T - NATURALLY WEATHERED TIMBER FINISH	
C1 - PREFABRICATED CONCRETE PANEL	
C2 - PREFABRICATED CONCRETE PANEL WITH TEXTURE	
G - CLEAR WINDOW GLAZING	
OP - OPAQUE WINDOW GLAZING	
GB - CLEAR GLASS BALUSTRADE	
SB - OPAQUE GLASS BALUSTRADE	

NOTE: FOR MATERIAL SPECIFICATIONS REFER TO MATERIALS SCHEDULE.

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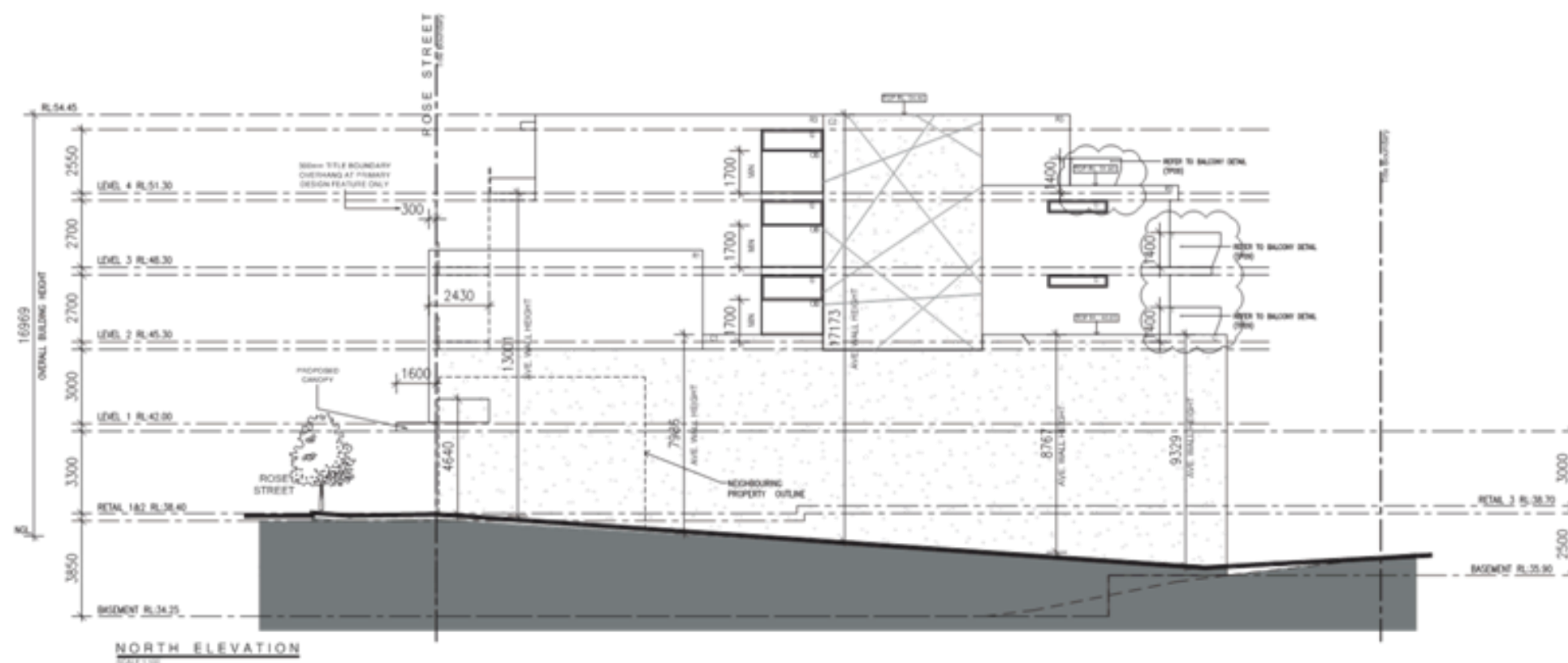
REV	DESCRIPTION	DATE	CHK	DATE
1	PLANNING PROVISIONS	25.05.16	AS	25.05.16
2	REVISION FOR PLANNING REPORT	16.06.2016	AS	16.06.2016
3	REVISION FOR PLANNING REPORT	21.06.16	AS	21.06.16
4	REVISION TO CHANGING RAIL	20.07.16	AS	20.07.16

PROJECT	TITLE	DRAWN	SCALE	DATE	JOB No.
81 ROSE STREET ESSENDON	ELEVATIONS	S.S	1:100	FEB 2015	685

REV. No. REVISION  
TP07 D

MATERIALS SCHEDULE	
R1 - WHITE RENDER FINISH	
R2 - DARK GREY RENDER FINISH	
R3 - LIGHT GREY RENDER FINISH	
T - NATURALLY WEATHERED TIMBER FINISH	
C1 - PREFABRICATED CONCRETE PANEL	
C2 - PREFABRICATED CONCRETE PANEL WITH TEXTURE	
G - CLEAR WINDOW GLAZING	
OP - OPAQUE WINDOW GLAZING	
GB - CLEAR GLASS BALUSTRADE	
OB - OPAQUE GLASS BALUSTRADE	

NOTE: FOR MATERIAL SPECIFICATIONS REFER TO MATERIALS SCHEDULE.



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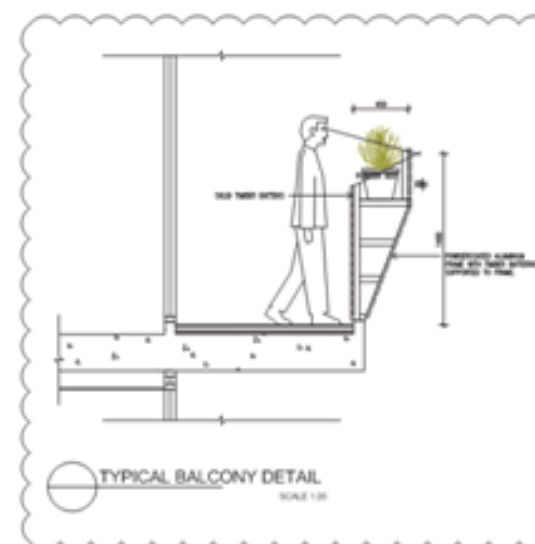
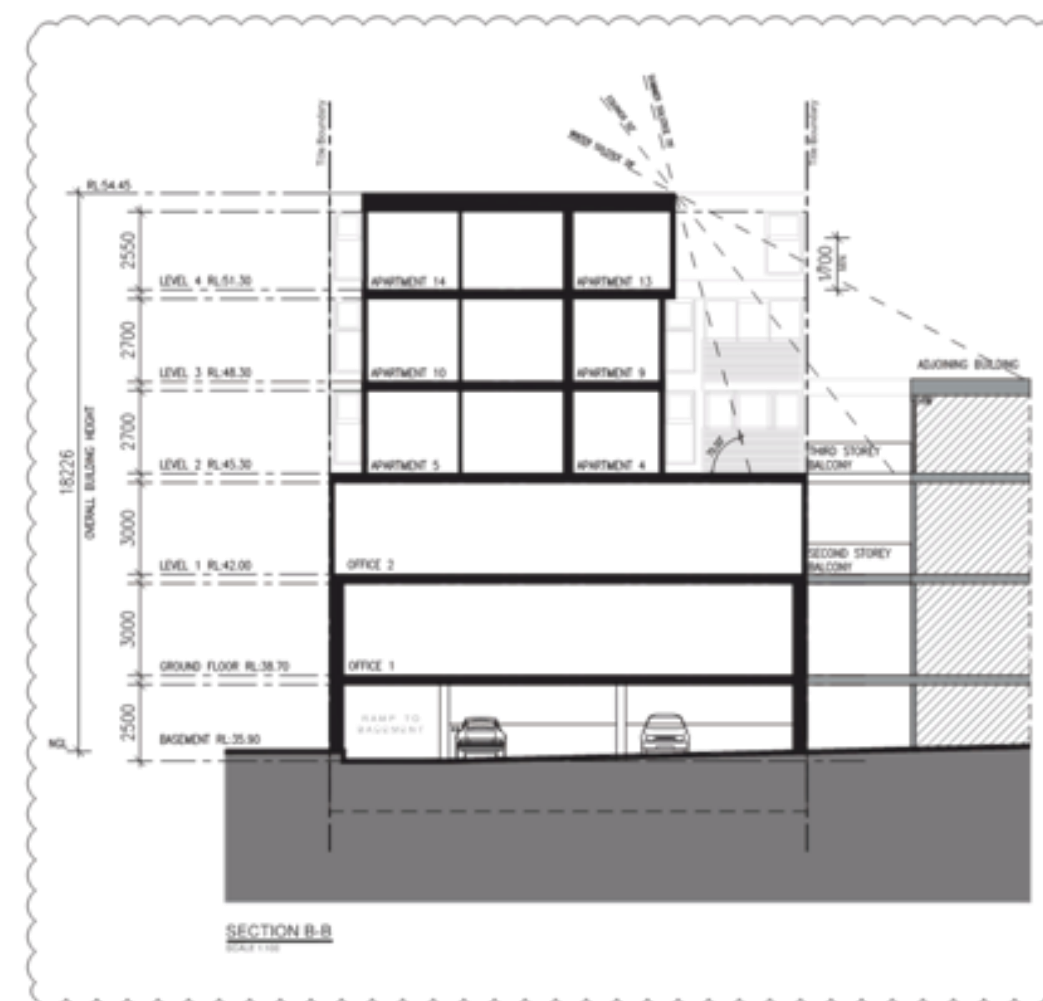
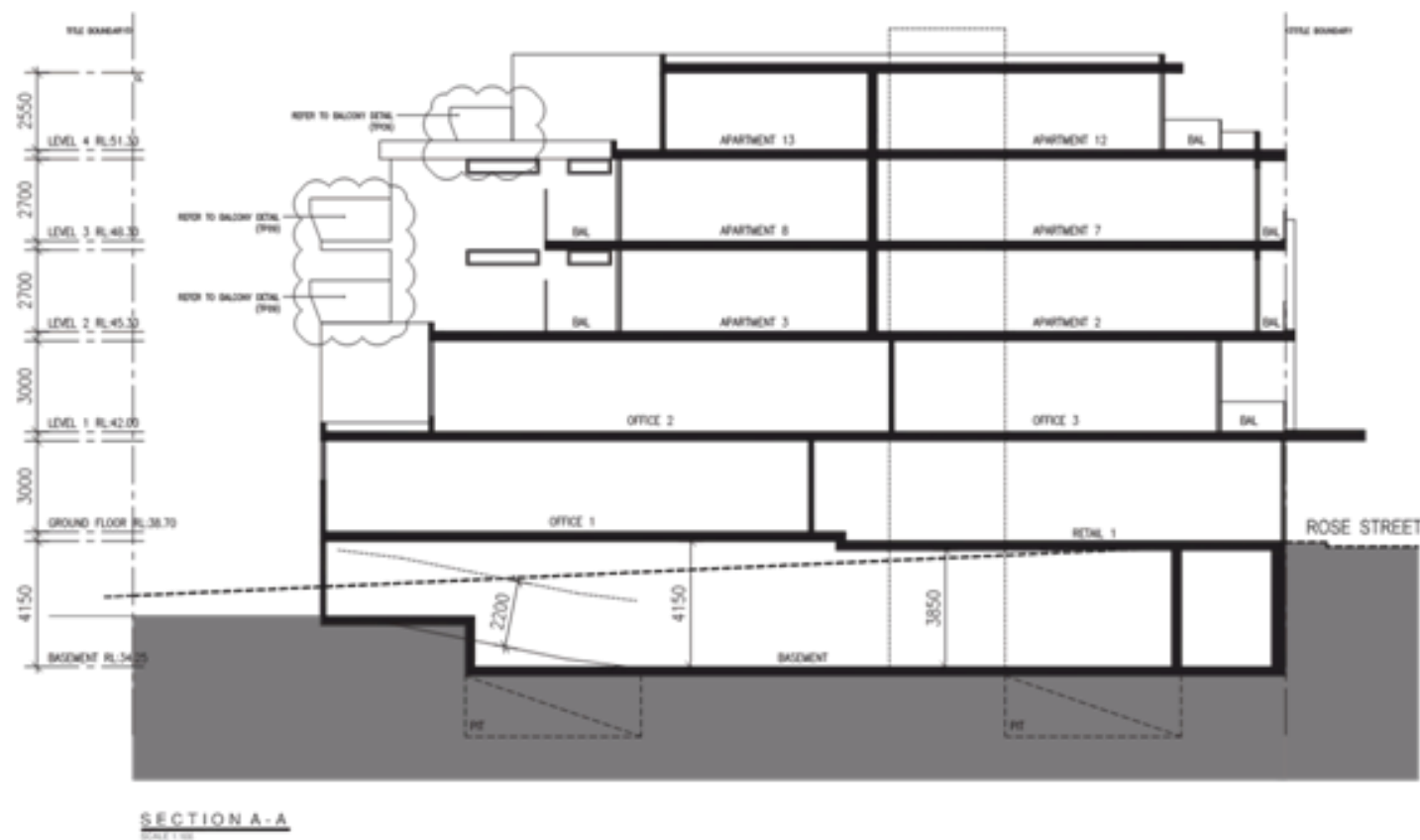
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REV	DESCRIPTION	APP	CHK	DATE
0	PLANNING DECISION BY	AS	---	23/01/17
1	SUBMISSION FOR PLANNING PERMIT	AS	---	16/02/2016
2	ROSE FOR PLANNING PERMIT	AS	EA	21/08/16
3	RESPONSE TO COUNCIL'S REF.	AS	EA	20/01/17
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PROJECT	TITLE	DRAWN	SCALE	DATE	JOB No.
81 ROSE STREET ESSENDON	ELEVATIONS & STREETScape	S.S	1:100	FEB 2015	685

END No. REVISION  
TP08 D





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REV	DESCRIPTION	DRN	CHK	DATE
0	PLANNING PROVISION SET	AS	---	23.03.16
1	SUBMISSION FOR PLANNING PERMIT	AS	---	16.02.2016
2	REVISION FOR PLANNING PERMIT	AS	---	21.08.16
3	REVISION TO COUNCIL'S REF.	AS	---	20.01.17

PROJECT: 81 ROSE STREET  
ESSENDON

TITLE: SECTION A-A

DRAWN: S.S. SCALE: 1:100 DATE: FEB 2015 JOB No: 685

ENCL No: REVISION:  
TP09 D

- 9.5**                      **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

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

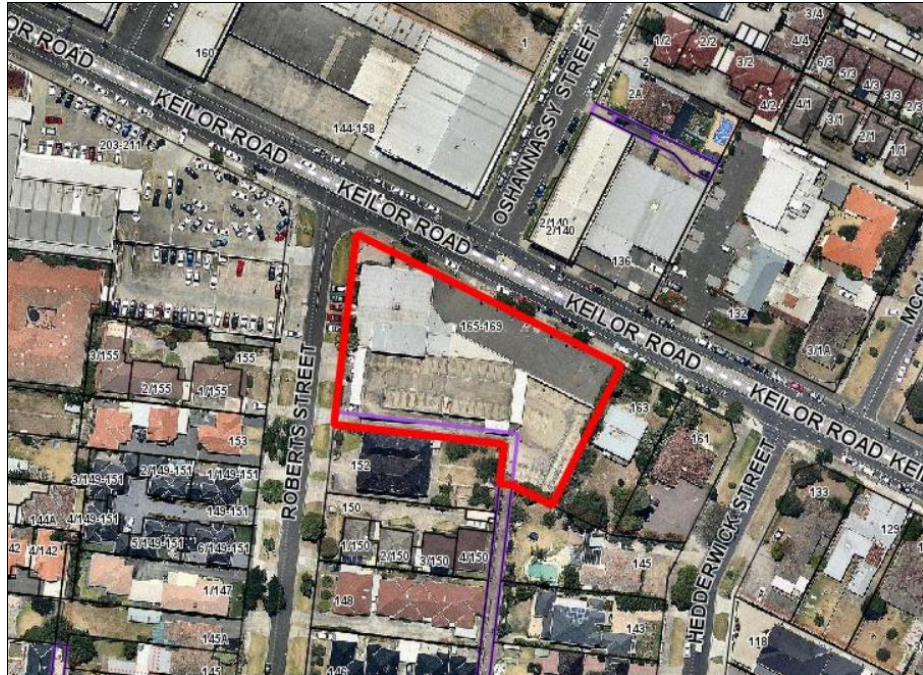
	Clause 52.07 – Waiver of loading bay requirements Clause 52.29 – Alter access to a road in a Road Zone, Category 1
<b>Car Parking Requirements (Clause 52.06)</b>	Required: 225 car spaces Provided: 203 car spaces
<b>Bicycle Requirements</b>	Required: 47 bicycle spaces Provided: 53 bicycle spaces
<b>Restrictive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

### Executive Summary

- 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.
- 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.



1. 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:

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

to the satisfaction of the Responsible Authority.

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

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

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 3,556m<sup>2</sup>.

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.

2.



**3. 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 <sup>2</sup> retail and 61 dwellings
Building B	285m <sup>2</sup> retail and 49 dwellings
Building C	395m <sup>2</sup> 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 3.6m<sup>3</sup> to 6m<sup>3</sup> 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 8m<sup>2</sup> to 127m<sup>2</sup>, 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**

	<b>DDO7-Precinct 3</b>	<b>Proposed</b>
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 (3,556m<sup>2</sup> 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**

<b>Unit</b>	<b>Requires</b>	<b>Provides</b>
142 Dwellings (15 x 3 bedrooms, 68 x 2 bedrooms and 59 x 1 bedroom)	157	157
Retail premises (1,000m <sup>2</sup> )	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
<b>Total</b>	<b>47</b>	<b>53</b>

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 <b>Appendix C</b> ), 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

**9.6                      4-6 Canning Street, Avondale Heights (Lots 1 and 2 on Title Plan 169447X) - Construction of eleven dwellings in a Design and Development Overlay (DDO1), reduction in car parking requirements and alteration of access to a Road Zone, Category 1**

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

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<b>Planning File No.</b>	MV/750/2015
<b>Proposal</b>	Construction of eleven dwellings in a Design and Development Overlay (DDO1), reduction in car parking requirements and alteration of access to a Road Zone, Category 1.
<b>Applicant</b>	Archsign Pty Ltd
<b>Owner</b>	Provis Properties Pty Ltd
<b>Planning Scheme Controls</b>	General Residential Zone. Design and Development Overlay (DDO1).
<b>Planning Permit Requirement</b>	Clause 32.04-8 – to construct two or more dwellings on a lot. Clause 43.02 (Design and Development Overlay, Schedule 1) – to construct a fence, and to construct a building or to construct or carry out works in a residential zone if they are more than 6 metres above ground level. Clause 52.06-3 – to reduce the number of car parking spaces required. Clause 52.29 – to alter access to a Road Zone, Category 1.
<b>Car Parking Requirements (Clause 52.06)</b>	Required: 17 car spaces Proposed: 16 car spaces
<b>Bicycle Requirements</b>	Not applicable
<b>Restrictive Covenants</b>	None
<b>Easements</b>	A 1.83 metre wide easement is located on the north western (rear) boundary.
<b>Site Area</b>	1688m <sup>2</sup>

Number Of Objections	9
Consultation Meeting	20 April 2016

### Executive Summary

- The application seeks approval for the construction of six triple storey dwellings and five double storey dwellings.
- The site has an approximate area of 1688 square metres and is located on the north eastern corner of the Canning Street and Glenside Street intersection at Avondale Heights. The site is located on a designated main road and within a context featuring a range of dwelling densities and built form, with recent redevelopment comprising of multiple dwellings on allotments with heights ranging between single storey to four storeys.
- A total of nine objections were received as a result of advertising. The grounds of objections raised issues on neighbourhood character, overdevelopment, car parking and traffic impacts, Aboriginal cultural heritage, and precedent in the area.
- A Consultation Meeting was held on 20 April 2016 and was attended by Cr Surace, Cr Cornish, the objectors, the applicant and Council's planning officer. No resolution was reached.
- The application was internally referred to Council's Environmental Sustainable Development (ESD) Officer, Engineering Services Unit, and Traffic and Transportation Unit. Conditional support to the application was provided.
- This assessment report finds that the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.



Figure 1 – Aerial photo of subject site and surrounds

## Recommendation

That Council Issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/750/2015 for the construction of eleven dwellings in a Design and Development Overlay (DDO1), reduction in car parking requirements and alteration of access to a Road Zone, Category 1 at 4-6 Canning Street (Lots 1 and 2 on Title Plan 169447X), subject to the following conditions:

1. Before the development starts, amended plan 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) Incorporation of a 1.7 metre high screen on the eastern edge of the balcony to Dwelling 1 in accordance with Clause 55.04-6 (Standard B22 – Overlooking) of the Moonee Valley Planning Scheme.
  - b) Incorporation of a dimensioned 1.7 metre sill height above floor level to the living room window on the east elevation of Dwelling 1.
  - c) A section detail of the proposed 1.7 metre high external privacy screens to be applied to the selected habitable room windows, illustrating method of installation, materials, levels of transparency, etc. in accordance with Clause 55.04-6 (Standard B22 – Overlooking) of the Moonee Valley Planning Scheme.
  - d) All water sensitive design treatment measures and associated notations shown on the relevant plans as a result of Condition 3 in accordance with Clause 22.03 of the Moonee Valley Planning Scheme. This must be consistent with the information provided in the correct STORM report.
  - e) All STEPS treatment measures and associated notations shown on the relevant plans as a result of Condition 4 in accordance with Clause 21.04 of the Moonee Valley Planning Scheme. This must be consistent with the information provided in the correct STEPS report.
  - f) Any modifications as a result of the recommendations on noise attenuation measures as required by Condition 18.
  - g) Reduction to the garden bed area adjacent to the visitor car space (and adjacent to Dwelling 1's garage) and illustration of a swept path diagram demonstrating that a visitor vehicle can manoeuvre and egress in a forward direction.
  - h) Modifications to the landscape plan (prepared by Habitat, dated November 2015) as a result of Condition 1g.
  - i) Any modifications as a result of the recommendations on the Waste Management Plan as required by Condition 25.
  - j) Notation to state the proposed crossover to be constructed according to the relevant Council standard.
  - k) Notation to state the reinstatement of the redundant crossover on Canning Street.



- l) Notation to state the provision of 300mm trench gates at the bottom of each garage.
- m) Notation to state that existing levels within the road reserve will not be modified and any change in levels along the property boundary line must be made within the property boundary.
- n) Notation to state either a 1 metre clearance distance between the proposed crossover and the existing power pole; or a relocation of the existing power pole by at least 1 metre from the proposed crossover.
- o) Notated dimensions, including heights, for the proposed storage sheds of Dwellings 9 to 11.
- p) Provision of a storage area for Dwelling 8 to comply with Clause 55.05-6 (Standard B30 – Storage).

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

- 2. Except with the prior written consent of the Responsible Authority, the layout of the land and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified.
- 3. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Assessment must obtain a minimum of 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
- 4. An amended STEPS assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STEPS assessment must comply with Clause 21.04 (Sustainable Environment) of the Moonee Valley Planning Scheme.
- 5. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) (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.
- 6. 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 of 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 completed with to the satisfaction of the Responsible Authority.

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

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

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

9. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities with an interest in the easement) to the satisfaction of the Responsible Authority.
10. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
11. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.

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

12. Before the buildings approved by this permit are occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
  - a) constructed;
  - b) available for use in accordance with the endorsed plans;
  - c) properly formed to such levels and drained so that they can be used in accordance with the endorsed plans; and
  - d) finished with a permanent trafficable surface (such as concrete, asphalt or paving);

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

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

- a) be maintained and made available for such use; and
  - b) not be used for any other purpose;to the satisfaction of the Responsible Authority.
13. Before the buildings approved by this permit are occupied, concrete vehicular crossing(s) must be constructed to suit the proposed driveway in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossing must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

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

14. Before the buildings approved by the permit are occupied, boundary fencing is to be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
15. Provision must be made for the drainage of the land including landscaped and pavement areas. This 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 that is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
16. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

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

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

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

17. A Council drain (minimum 300mm dia uPVC or FRC or RCP RRJ) must be constructed to reach the approved point of discharge. Before the development commences, Engineering Design Plans and a Drainage Layout Plan (with computations) to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The Engineering Design Plans and Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must accord with Council's Drainage Design Guidelines.

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

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

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

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

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

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

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

19. 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 three copies must be provided. The landscape plan and schedule must be generally in accordance with the landscape plan submitted with the application but modified to show:

- a) In accordance with the modification required in Condition 1g.

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.

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

20. Before the buildings approved by this permit are occupied, all landscaping (including trees, shrubs and lawn) must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
21. All existing street trees to be retained must be protected and retained including by means of suitable management and protection of retained vegetation during any construction stage to the satisfaction of the Responsible Authority.
22. Immediately upon the discovery of any Aboriginal cultural material, works must cease and Aboriginal Affairs Victoria must be notified of the discovery.
23. If anything suspected of being human remains is found, work in the area must cease. Victoria Police and the State Coroner's office (telephone 03 9684 4444) must be informed of the discovery without delay. If there are reasonable grounds to suspect that the remains are Aboriginal, the discovery must also be reported to the Department of Environment, Land, Water and Planning.

24. Officers of Aboriginal Affairs Victoria must be permitted access to the land at any reasonable time, for the purpose of monitoring adherence to conditions above.
25. 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) demonstrate that bin storage areas are sufficient to cater for the amount of waste that will be produced;
  - b) specify the type of bins to be used;
  - c) show where bins will be stored;
  - d) provide details of screening and ventilation of bin storage areas;
  - e) identify responsibility for taking bins and out for collection and returning them to the bin storage area;
  - f) identify collection points;
  - g) specify how recycling materials will be managed and collected;
  - h) specify bin collections times; and
  - i) if private waste collection is utilised, show access routes for private waste collection vehicles that do not rely on reversing movements.

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

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

26. 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 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.

### **Notes**

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact the Moonee Valley City Council's Technical Services Department regarding legal point of



discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.

- No on-street parking permits will be provided to the occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- The 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  $C=0.80$ .
- Prior to, during and at completion of the engineering works, staged inspections must be arranged with Moonee Valley City Council's Engineering Services Unit.

## **1. Introduction**

### **1.1 Subject Site and Surrounds**

The subject site is located on the north eastern corner of the Canning Street and Glenside Street intersection and comprises of two separate title allotments. The site is irregular in shape and has frontages of 42.40 metres on Canning Street (southern boundary) and 44.81 metres on Glenside Street (western boundary). The site area is approximately 1688 square metres.

A 1.83 metre wide easement is situated along the northern (rear) boundary.

The site features an approximate 4 metre fall from the southwest corner of the site to the northeast (rear) corner.

The site is currently accommodated by a single level brick veneer dwelling, with a basement style double garage which is accessible via an existing crossover along the Canning Street frontage. A dilapidated high paling fence and a centrally located single crossover exist on the Glenside Street boundary. Several mature pine and shrub species are planted on the site.



**Figure 2 – Subject site 4-6 Canning Street, Avondale Heights**

The surrounding land is within a General Residential Zone which mostly features a combination of single storey and double storey detached dwellings.

A single storey brick veneer dwelling occupies the adjoining site to the east (No. 2 Canning Street). This dwelling adjoins the Council-owned Canning Street Reserve to the east which extends to the Maribyrnong River situated approximately 350 metres away.

A split-level or double storey brick veneer dwelling, with a basement style garage occupies the adjoining site to the north (No. 2 Glenside Street).

To the west of the site, across Glenside Street, lies another single storey brick veneer dwelling on a corner lot (No. 8 Canning Street) oriented towards Canning Street, with vehicle access off Glenside Street. A double storey weatherboard dwelling is situated diagonally to the north west (No. 1 Gaetana Street, with formal frontage towards Gaetana Street and vehicle access off Glenside Street).

To the south, across Canning Street, lies single storey brick veneer dwellings on individual allotments (No.'s 43 and 45 Canning Street) and a large vacant property at approximately 6,000 square metres in area which is currently used as truck access for a nearby residential (aged/retirement housing) development undergoing construction at No. 1 Canning Street. Here, the built form ranges between two storeys to four storeys.

Notably, the wider residential area is divided by Canning Street, which is a Road Zone, Category 1, carrying four lanes and running in an east-west direction. Where the site adjoins Canning Street, a right hand turn slip lane (heading west) is located diagonally to the south west and a u-turn slip lane (heading east) is located diagonally to the south east. A bus stop servicing route No. 406 (Keilor East – Footscray) also exists at the front (southern) boundary of the site.

The surrounding land and roads undulate downward in a northeasterly directions towards the Maribyrnong River.

## 1.2 Proposal

It is proposed to construct eleven dwellings in a Design and Development Overlay, Schedule 1 (DDO1 – Skyline Area), to reduce car parking requirements and to alter access to a Road Zone, Category 1.

The proposal as advertised, can be summarised as follows:

**Table 1**

No of dwellings	11
No of car spaces	16
Max Building Height	8.9 metres (2 to 3 storeys)
Site Coverage	47%
Permeability	30%

Refer **Appendix A** Plans.

## 2. Background

### 2.1 Relevant Planning History

The following planning history has been identified for the land:

- Planning Application No. MV/684/2015, which sought approval for eleven dwellings was withdrawn by the applicant on 10 September 2015.

### 2.2 Planning Policies & Decision Guidelines

#### State Planning Policy Framework

Clause 11	Settlement
Clause 12	Environmental and Landscape Values
Clause 15	Built Environment and Heritage
Clause 16	Housing

#### Local Planning Policy Framework

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

#### Zoning

Clause 32.08	General Residential Zone
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#### Overlays

Clause 43.02	Design and Development Overlay, Schedule 1 (DDO1)
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### Particular and General Provisions

Clause 52.06	Car Parking
Clause 52.29	Land Adjacent to a Road Zone, Category 1
Clause 55	Two or More Dwellings on a Lot and Residential Buildings
Clause 65	Decision Guidelines

## **2.3 Referrals**

### External

- VicRoads

No objection provided.

### Internal

- Engineering Services Unit

No objection subject to standard conditions.

- Traffic and Transportation Unit

No objection, including to the proposed reduction in the visitor car space, subject to standard conditions and the following modifications /requirements:

- Modify the garden bed adjacent to the visitor car space (and Dwelling 1's garage) and illustrate a swept path diagram demonstrating that the visitor vehicle can manoeuvre and egress in a forward direction. (Refer to Conditions 1g)
- Remove the existing crossover on Canning Street and reinstate to kerb and channel. (Refer to Conditions 1j and 1k)
- Provide a waste management plan. (Refer to Condition 25)

- ESD Officer

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

- Revisions to the submitted plans, STORM report, WSUD report, and STEPS v5.0 report to ensure all treatment measures and details are all consistent with one another. (Refer to Conditions 1d, 1e, 3 and 4)

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

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

## **2.5 Consultation Meeting**

A Consultation Meeting was held on 20 April 2016 and was attended by Councillors Surace and Cornish, the applicant, the owners, the objectors and Council's Planning Officer. No resolution was achieved at this meeting.

## **3. Discussion**

### **3.1 State Planning Policy Framework**

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

The site offers an opportunity for redevelopment considering its size, main road abuttal and corner location within a residential area surrounded by a range of dwelling densities. The approval of this proposal will increase the supply of housing within Avondale Heights and will provide housing diversity with immediate access to public transport, including a bus stop situated adjacent to the southern (Canning Street) boundary (servicing bus route 406 – Keilor East to Footscray), the Council-owned Canning Street Reserve which is situated approximately 20 metres to the east and the Maribyrnong River and associated walking trails to the east and the south. The site is also within walking distance to the Military Road Neighbourhood Centre which is approximately 250 metres to the west, comprising shops, food and drink premises and offices. In addition, a child care centre is located diagonally opposite the site, and the Avondale Heights Primary School and a Council-owned kindergarten and library are situated approximately 600 metres to the northwest. Indeed, the site is suitably located to take advantage of existing facilities, which can be accessed by future residents.

The proposal also complies with the intent of Clause 12.04 (Significant Environments and Landscapes) which wholly protects identified environmentally sensitive areas, including the Maribyrnong River, from development which would diminish their value. This policy provides the basis for the Design and Development Overlay, Schedule 1, which is further considered in detail in Section 3.7 of this report.

### **3.2 Local Planning Policy Framework**

The proposal complies with Clause 21.04 (Sustainable Environment) through the use ecological sustainable design principles as highlighted within the submitted STEPS assessment. It is acknowledged that Council's ESD Officer has requested amendments to the STEPS assessment ensuring consistency with the WSUD treatment and measures shown in the STORM report and the submitted plans. These matters will be addressed as a permit condition on any approval issued together with any relevant design measures of the STEPS assessment.

The proposal accords with objectives of Clause 21.04-7 (Waste) as it relates to encouraging the use of recycling and achieving best practice in waste minimisation. A waste management plan will be required as a condition of approval.

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

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

The proposal generally complies with Clause 22.02 (Stormwater Management) and meets the required on site stormwater treatment as demonstrated by achieving 100% or greater, using the STORM tool. However, not all water treatment measures and relevant annotations have been shown on the plans. These matters, together with the relevant design requirements, will be addressed as conditions (refer to Conditions 1d, 1e, 3 and 4) on any permit issued in accordance with this policy.

### **3.3 Neighbourhood Character Guidelines**

The site is located in the 'Garden Suburban 7' precinct, which has 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 allow space for landscaping and planting. Low or permeable front fences will provide views of the vegetation in gardens from the street."

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

**Table 2**

<b>Element</b>	<b>Response</b>
Siting and Building Envelope	The qualities of the site as a sizeable corner allotment with a main road abuttal (ie. Canning Street) provide support for an increased form of residential redevelopment to occur. The three storey building envelope is largely concentrated towards the main road frontage,



	<p>buffered from the surrounding residential area with single heights and double storey heights and appropriate levels of landscaped buffers on the site boundaries.</p> <p>The corner location of the site enables the development to be oriented to both street frontages, enhancing streetscape presentation and establishing dwelling address.</p> <p>Having regard to the Canning Street frontage, the proposed development will sit forward of the adjoining dwelling at No. 2 Canning Street which has a street setback of 10.7 metres minimum. The development proposes street setbacks ranging between 8 to 9 metres. The variations are considered supportable given the irregular alignment of Canning Street and the existing street setbacks in the wider area which vary in depth between 6 to in excess of 10 metres.</p> <p>Having regard to the Glenside Street, the side street, the development provides street setbacks between 2 to 4.5 metres, which are considered to correspond with the established pattern of side street setbacks of nearby corner allotments. Overall, the street setbacks offered on both street frontages will positively contribute to the neighbourhood character, and equally important, will create meaningful landscaping opportunities, which would be consistent with the garden character.</p> <p>With the exception of a garage (at Dwelling 8) being built on the eastern boundary, the development has been designed to be offset from the site boundaries. These setbacks will also be landscaped, however, it is noted that there will be a 1.22 metre wide unlandscaped, common pedestrian area provided between the eastern boundary and Dwelling 1. Here, the path will only extend less than 7 metres, and its impact is considered negligible given the purpose of providing direct access to Canning Street and an existing bus stop. On balance, given the minimal extent of the path and the level of landscaping proposed elsewhere on the site, the development presents an appropriate site layout that does not encroach too closely to the boundaries, respecting the existing spacing pattern of the area.</p>
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	<p>The development has been designed into two building pods; the southernmost pod will be built to align with Canning Street while the northernmost pod will be built to align with the northern boundary. By way of separating the overall bulk and mass into two pods, a positive outcome on the site is achieved, which assists in centralising the shared vehicle accessway off Glenside Street and facilitates the provision of landscaped areas on the site boundaries. Locating the proposed vehicle accessway off Glenside Street is a positive response, which would significantly minimise any further traffic impacts on Canning Street, which is in a Road Zone, Category 1.</p> <p>The side by side layout of the proposed dwellings in each building pod is an effective approach in optimising the developable area and corner layout of the site. This arrangement is also similar to the design of medium density housing as well as recent redevelopments in the area, namely the aged/retirement housing development further east along Canning Street.</p>
Built Form	<p>The surrounding dwellings to the site mainly range between single and double storey heights, and their prominence to the public realm is largely determined by the topographic slope of the area, which in the case of nearby properties to the site, features higher natural ground levels above the street.</p> <p>It is also acknowledged that the nearby aged/retirement housing development sits prominently on the edges of the Maribyrnong River and the municipality boundary with Maribyrnong City Council. Here, the built form ranges between double storey and four storey and the overall development is considered to sit comfortably along the immediate edges of the Maribyrnong River.</p> <p>Within this context, the development will positively contribute to the existing built form of the area, while providing an adequate level of transition to the immediate dwellings. As stated, the three storey form is found closest to Canning Street with single storey and double storey forms provided around its edges, which create an acceptable level of transition in height with the surrounding area. In addition,</p>

	<p>the three storey footprint is visibly articulated to minimise its impact by being contained within alternating roof forms consisting of an attic style roof and a flat roof form.</p> <p>It is noted that some excavation is required on the site, which would actually result in reducing the overall prominence of the built form of the development, especially when viewed from Canning Street.</p> <p>Landscaped buffers in the form of ground level private open spaces are provided along the northern boundary to further aide in the transition of height between the site and the adjoining dwelling. The widths of the private open spaces varying between 3 to 5 metres together with the incorporation of staggered setbacks on both levels and lightweight materials, all ensure that the visual impacts associated with the mass and bulk of the development are greatly reduced.</p> <p>The proposed dwellings incorporate a combination of traditional and contemporary elements, which is considered to complement the surrounding area, which is visually eclectic in dwelling styles.</p>
Design Detail	<p>The development presents a contemporary response by picking up on the salient features in the area such as hip and gabled roof forms, face and rendered brick finishes, and vertical cladding. The design also contains parapet walls, feature and banded wall elements, contrasting brickwork, flat and attic roof forms, which all add visual interest and articulation. Overall, the architectural style provided by the development is consistent with recent infill and future developments nearby, including the aged/retirement housing development, and recent medium density developments at No.'s 39 Canning Street, 6a Glenside Street, and 4 Gaetana Street.</p> <p>The proposed development incorporates large windows and pronounced entry porches to complement the varying styles of residential development in the area.</p> <p>Windows and first floor balconies are provided on the front and internal facades of the proposed dwellings to provide for surveillance.</p>

Landscaping	<p>Landscaping is an integral element with opportunities provided in the street setback areas, along the northern boundary and the internal shared accessway to soften and add greenery to the appearance of the development.</p> <p>A 900mm high horizontal slat fence is proposed on both street frontages, which is considered respectful of the predominant style and height of fences nearby. Views into the development will still be allowed as a result of the front fence, continuing the sense of spaciousness found along the streetscape.</p> <p>It is noted that a 1.8 metre high solid fence is proposed on the Glenside Street boundary, which will serve as a side fence to Dwelling 7. The side fence will only span a length of approximately 11.6 metres, aligning directly with the corresponding eastern ground floor wall. Considering the overall extent of the Glenside Street boundary, this side fence is satisfactory and would not detract from the appearance of the development.</p>
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### 3.4 Compliance with Clause 52.06 (Car Parking)

Despite the proposed reduction to the visitor car space requirement, the proposal is considered to provide sufficient car parking as set out in the table below:

**Table 2**

Dwelling	Requires	Provides
11 dwellings (7 x 2 bedrooms and 4 x 3 bedrooms)	15	15
Visitor car parking	2	1
Total	17	16

As discussed under Section 2.3 of this report, Council's Traffic and Transportation Unit have no objections to the proposed development, including the reduction in the required visitor car parking from 2 car spaces to 1 car space.

Having regard to the proposed visitor car parking reduction, the contextual location of the site is considered adequate to support a single visitor car space on the site. Firstly, it is acknowledged that the site is serviced with public transport, namely bus route No. 406 which features a bus stop located in the immediate vicinity of the Canning Street boundary. Both visitors and residents

can easily access this bus service as an alternate to a private car, which would lessen the parking demand.

Secondly, there is an adequate supply of on-street parking in the nearby area, particularly in Glenside Street, which features no parking restriction. Having regard to Canning Street, it would be unsafe and impractical to park on this road considering its main road status and high level of traffic. Indeed, the required second visitor car space can be suitably offered within the local street network without impacting on the existing demand or supply for on-street parking.

As recommended by the Traffic and Transportation Unit, additional modifications to the design of the shared accessway will be required to ensure safe on-site manoeuvring of the visitor car space and will be conditional on any approval to be issued. (Refer to Condition 1g).

Pedestrian visibility splays have been illustrated on the submitted plans which are in accordance with Clause 52.06.

### 3.5 Clause 55 Assessment

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

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

**Table 3**

Res Code Standard	Response
Clause 55.03-1 (Standard B6 – Street Setback)	<p>As stated, variations are proposed to the required street setbacks on both site frontages. On the Canning Street frontage, the proposal has a minimum street setback of 8 metres, which is below the required street setback of 9 metres. On the Glenside Street frontage, the proposal has a minimum side wall (Dwelling 7) setback of 1.8 metres, which is below the required street setback of 2 metres.</p> <p>These variations are minor and limited to small sections of each streetscape elevation. Longer street setbacks are also provided to the streetscape elevations, which assists in the presentation of well-articulated facades. The variations will in no way impact on the surrounding streetscape and the overall appearance of the development.</p>
Clause 55.04-6 (Standard B22 – Overlooking)	The proposal generally complies with Standard B22 subject to permit conditions.

	<p>The following modifications are required to the plans to ensure privacy is appropriately considered for surrounding residents of No. 2 Canning Street, situated to the east of the site:</p> <ul style="list-style-type: none"> <li>• A permit condition will require the balcony of Dwelling 1 to be treated with a 1.7 metre high screen on its eastern edge to prevent views to the existing windows of the neighbouring said dwelling. (Refer to Condition 1a).</li> <li>• A permit condition will require the inclusion of a dimensioned 1.7 metre sill height to the living room window situated on the east elevation of Dwelling 1, which would comply with the Standard. (Refer to Condition 1b).</li> </ul> <p>Another permit condition will require the submission of a section detail of the proposed external screen to be applied to selected habitable room windows, illustrating method of installation, materials, levels of transparency, etc. to ensure full compliance with the Standard. (Refer to Condition 1c).</p>
Clause 55.04-8 (Standard B24 – Noise Impacts)	<p>Considering the nature of Canning Street which is in a Road Zone, Category 1, it is considered reasonable to require a noise attenuation report for the development. This report will recommend methods of acoustic protection to the construction detail of the development in response to likely traffic noise impacts arising from the main road. A permit condition will address this matter on any approval to be issued. (Refer Conditions 1f and 18).</p>
Clause 55.05-5 (Standard B29 – Solar Access to Open Space)	<p>The development generally complies with Standard B29 with the exception of the proposed balconies of Dwellings 3 and 5. Given their southern orientation, the balconies will not meet the required setbacks of approximately 5 metres from its southern edge to the nearest wall to the north; instead, setbacks of 2.2 metres are proposed.</p> <p>This variation posed to the Standard is unavoidable and not critical in light of the entire development, which contains a</p>



	<p>combination of dwelling typologies, including reverse living arrangements as depicted by Dwellings 3 and 5. Although the balconies in question are the only private open space areas out of the entire development that will not achieve direct north solar access, the remaining private open spaces, either provided as a balcony or a ground level open space, will achieve compliance with the Standard, which is considered on balance an acceptable outcome.</p> <p>The balconies of Dwellings 3 and 5 are still considered to provide a level of functionality in regards to recreation and outlook. Notably, the site is within immediate proximity to the Canning Street Reserve which can serve as an alternative open space for future residents to fulfil extra recreational and/or sun-required outdoor activities.</p>
Clause 55.05-6 (Standard B30 – Storage)	<p>A permit condition will require notated dimensions, including heights, of the external storage spaces to Dwellings 9 to 11 to ensure compliance with the required 6 cubic metres of Standard B30. (Refer to Condition 1o).</p> <p>The submitted plans also do not show a storage space for Dwelling 8, which can be addressed by way of a permit condition on any approval. (Refer to Condition 1p).</p>

### 3.6 Objections

**Table 4**

Issue	Officer Response
Neighbourhood character and three storey height impacts	<p>As stated in Sections 3.2, 3.3 and 3.5 of this report, the proposal and its three storey height are considered to meet the overall intent of the relevant neighbourhood character objectives contained within Clauses 21.06 (Garden Suburban 7 Design Guidelines) and 55.02 (ResCode).</p> <p>The proposed three storey height is considered appropriate within the context considering the varied heights found along Canning Street. The development provides for adequate height graduation with the surrounding dwellings through</p>

	the incorporation of single storey and double storey forms on the site's edges and interesting façade detailing, which is reflective of a modern architectural response.
Overdevelopment	<p>As stated, the proposal fulfils the spirit of the residential objectives contained within the State and Local Planning Policy Frameworks which broadly support opportunities for redevelopment which can efficiently take advantage of public transport, community services and open space. The site is well located within an existing area with direct access to such services and has undergone a transition towards supporting increased housing densities ranging between two to four storeys in height.</p> <p>Indeed, the proposal is not deemed as an overdevelopment of the site.</p>
Car parking / traffic	As stated in Section 3.4 of this report, the proposed number of car parking spaces on the site is considered acceptable with the provision of compliant car parking for each dwelling and the allocation of one visitor car space. Council's Traffic and Transportation Unit have raised no concerns regarding the reduction in the visitor parking provision and any traffic impact on the surrounding street network.
Aboriginal Cultural Heritage	As noted in Section 3.8, the application addresses this aspect by submitting a Cultural Heritage Management Plan. In addition, on any approval to be issued, conditions will be imposed to ensure contingency plans are in place in the discovery of any cultural heritage material on the site. (Refer to Conditions 22 to 24).
Negative precedent and existing unit development in the area	These issues are not considered valid planning arguments to refuse the application upon.

### 3.7 Design and Development Overlay, Schedule 1

The site is located within a Design and Development Overlay, Schedule 1 which pertains to the "Skyline Area" along the Maribyrnong River.

Having regard to the objectives and decision guidelines of this Overlay together with the *Maribyrnong River Valley Design Guidelines 2010*, there is an emphasis towards protecting the Maribyrnong River and its skyline area from visual intrusion caused by inappropriate siting or appearance of development.

It is acknowledged that the Maribyrnong River meanders around and through the suburb of Avondale Heights. In particular, the River is located to the south and east of the site, being distanced a minimum of 165 metres approximately to the south and a maximum of 520 metres approximately to the east. These river interfaces generally feature different land uses from one another; existing dwellings are mostly found within the southern interface, while No. 2 Canning Street and Council's open space reserve are situated within the eastern interface. The topography of both interfaces generally slope upwards from the River, which continues to incline upwards west of the site along Canning Street.

Within this context, the introduction of the development into the Skyline Area will be in keeping with the mostly residential character and appearance of the area. Its location in relation to the River will also ensure that the skyline views of the area will not be unduly disrupted when viewed from the River. Existing features such as the ascending slope of the area, the existing dwellings and the Council-owned open space abutting the River will further assist in minimising any intrusion of the proposal to the River.

The overall bulk and outline of the development is reflective of established housing built nearby, including that of the recently developed aged care housing development situated on the River edge. Some excavation is proposed on the site as a means of responding to the slope of the site however, it will result in lowering the overall height of the development, including the three storey element, to the benefit of the immediate streetscape and wider Skyline Area.

### **3.8 Aboriginal Cultural Heritage Sensitivity**

The site is within an area of cultural heritage sensitivity as described in the *Aboriginal Heritage Regulations 2007* (the Regulations). The proposed construction of the multiple dwellings is defined under the Regulations as a high impact activity.

Indeed, the applicant has submitted a Cultural Heritage Management Plan (prepared by Heritage Insight P/L, dated 28 August 2015), which provides a number of recommendations pertaining to cultural heritage induction for all site workers/contractors, site inspections and contingency plans for the discovery of Aboriginal cultural heritage material.

Conditions on any approval to be issued will ensure that Aboriginal Affairs Victoria will be notified in the event of any discovery of cultural heritage material on the site, which would supplement the submitted Cultural Heritage Management Plan. (Refer to Conditions 22 to 24).

## **4. Human Rights**

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

## **5. Conclusion**

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

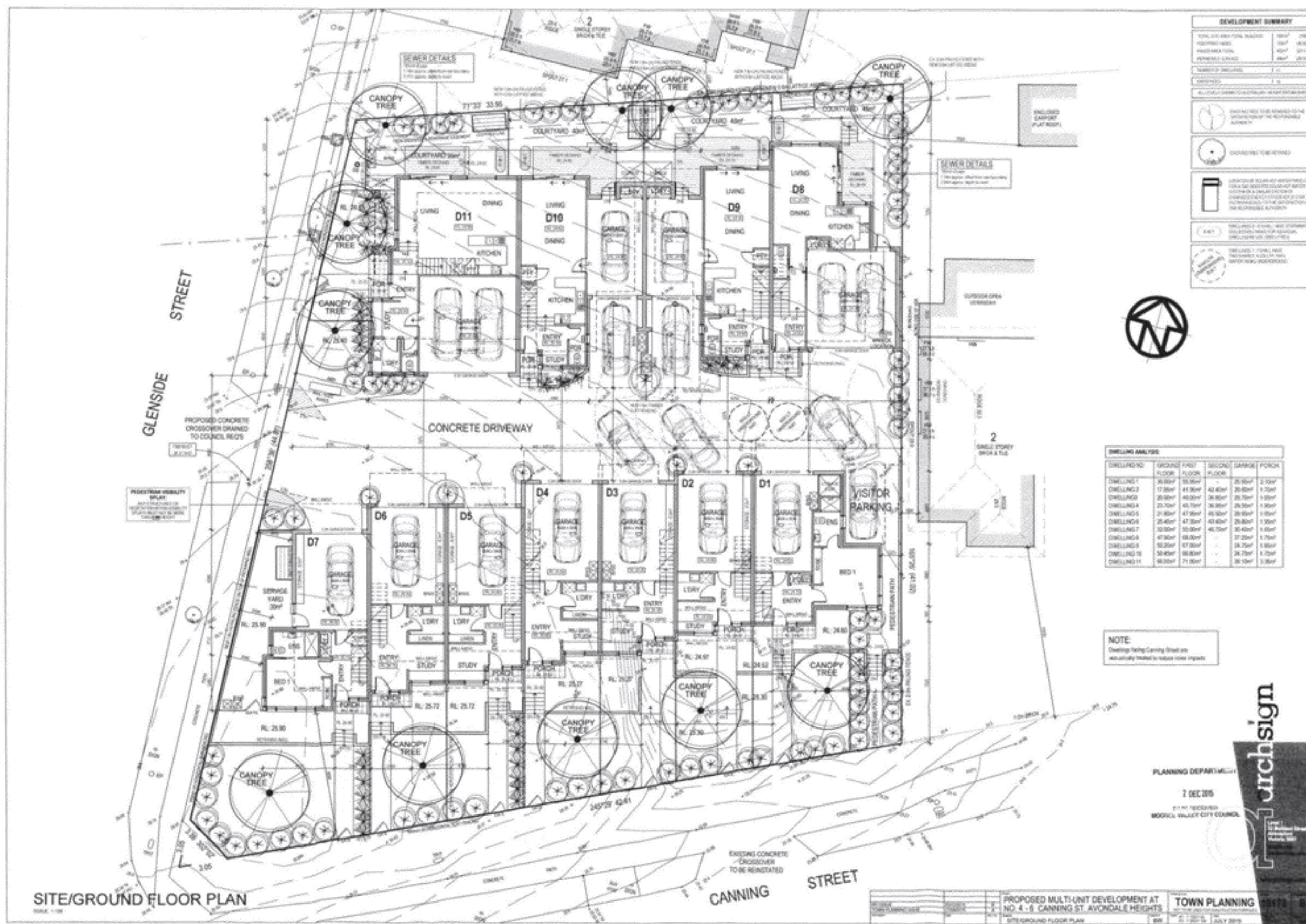
In light of the above, the proposed development is considered appropriate, subject to conditions as outlined within the above recommendation.

## **Appendices**

Appendix A: Advertised Plans

Appendix B: Clause 55 Assessment

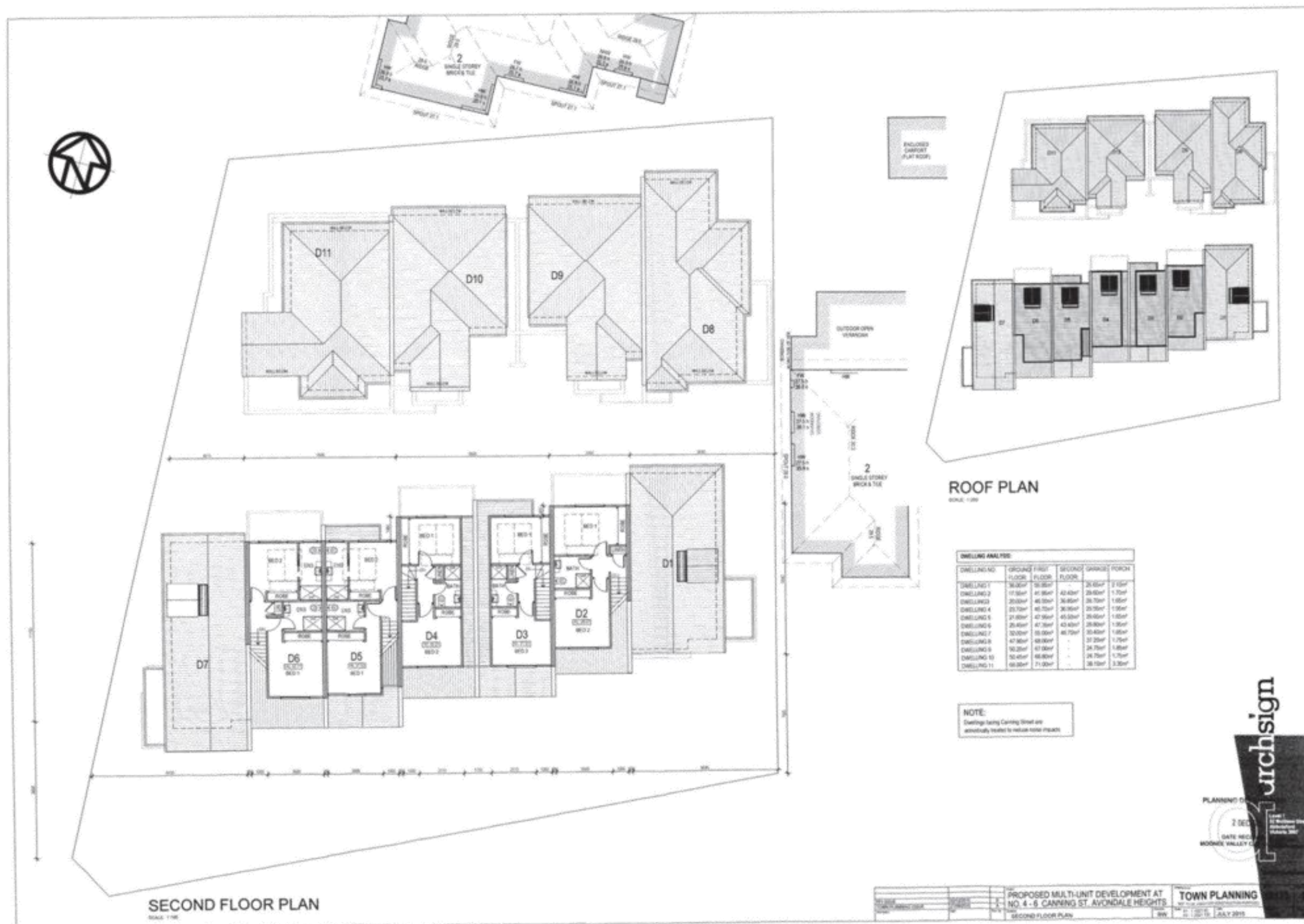
Appendix C: List of objectors





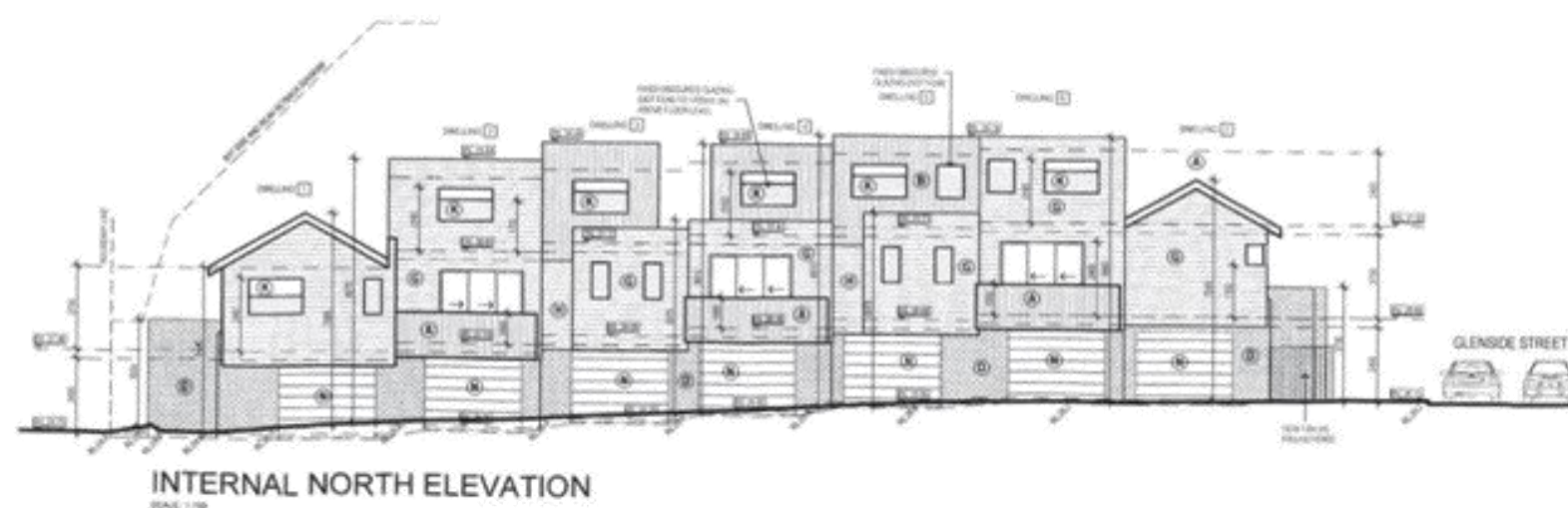
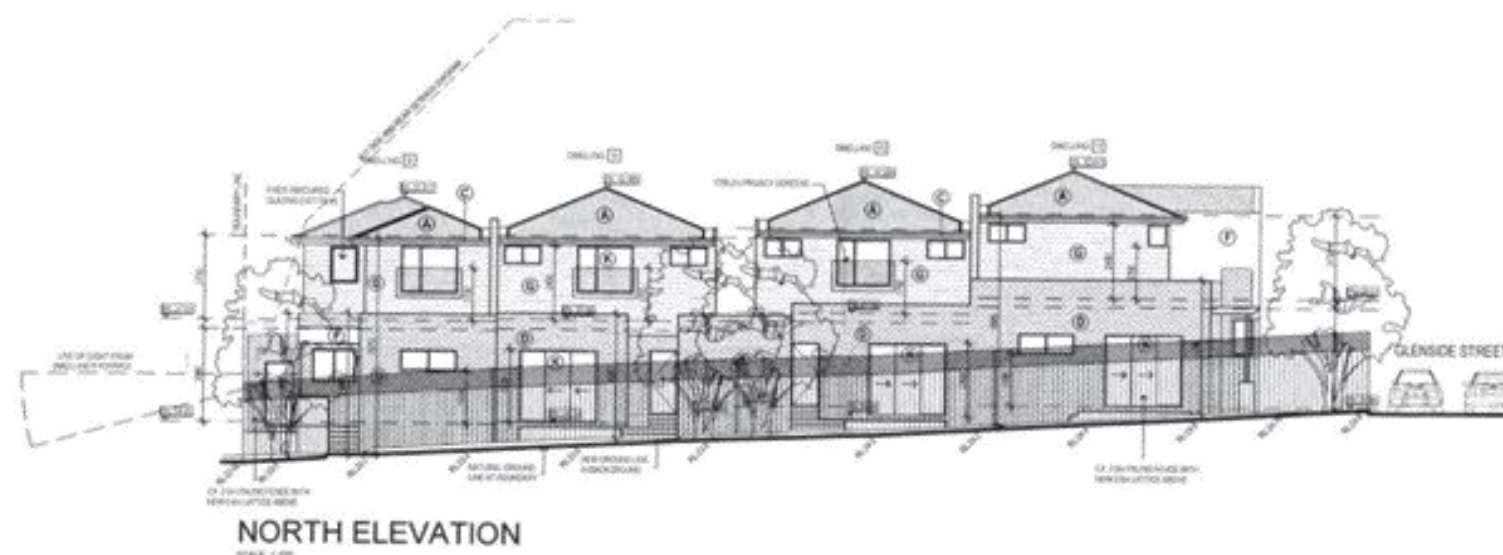
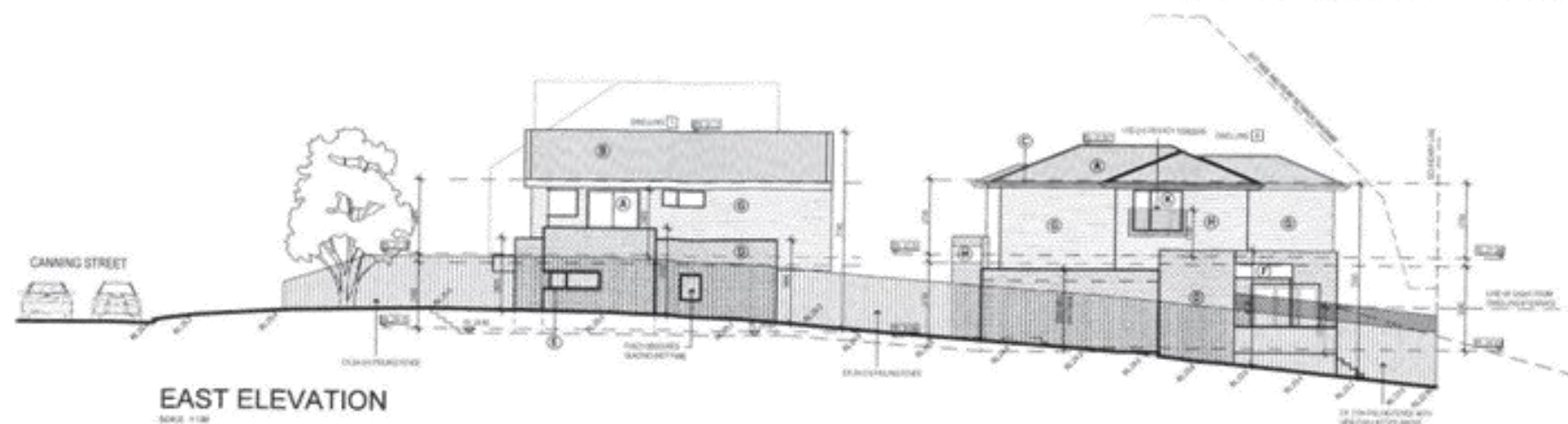








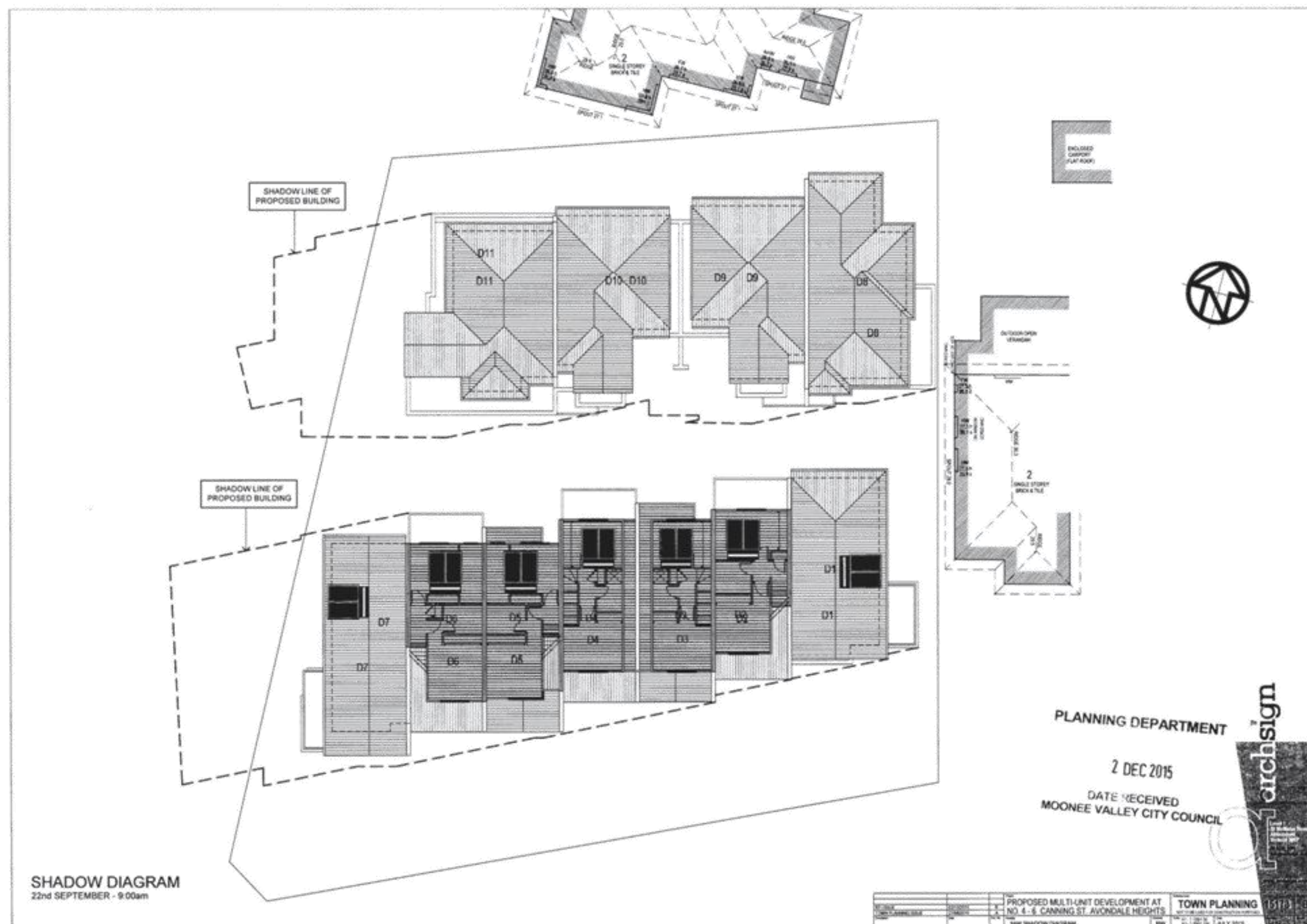




PROPOSED MULTI-UNIT DEVELOPMENT AT NO. 4-6 CANNING ST. AVONDALE HEIGHTS	TOWN PLANNING
ELEVATIONS	DATE RECEIVED JULY 2015

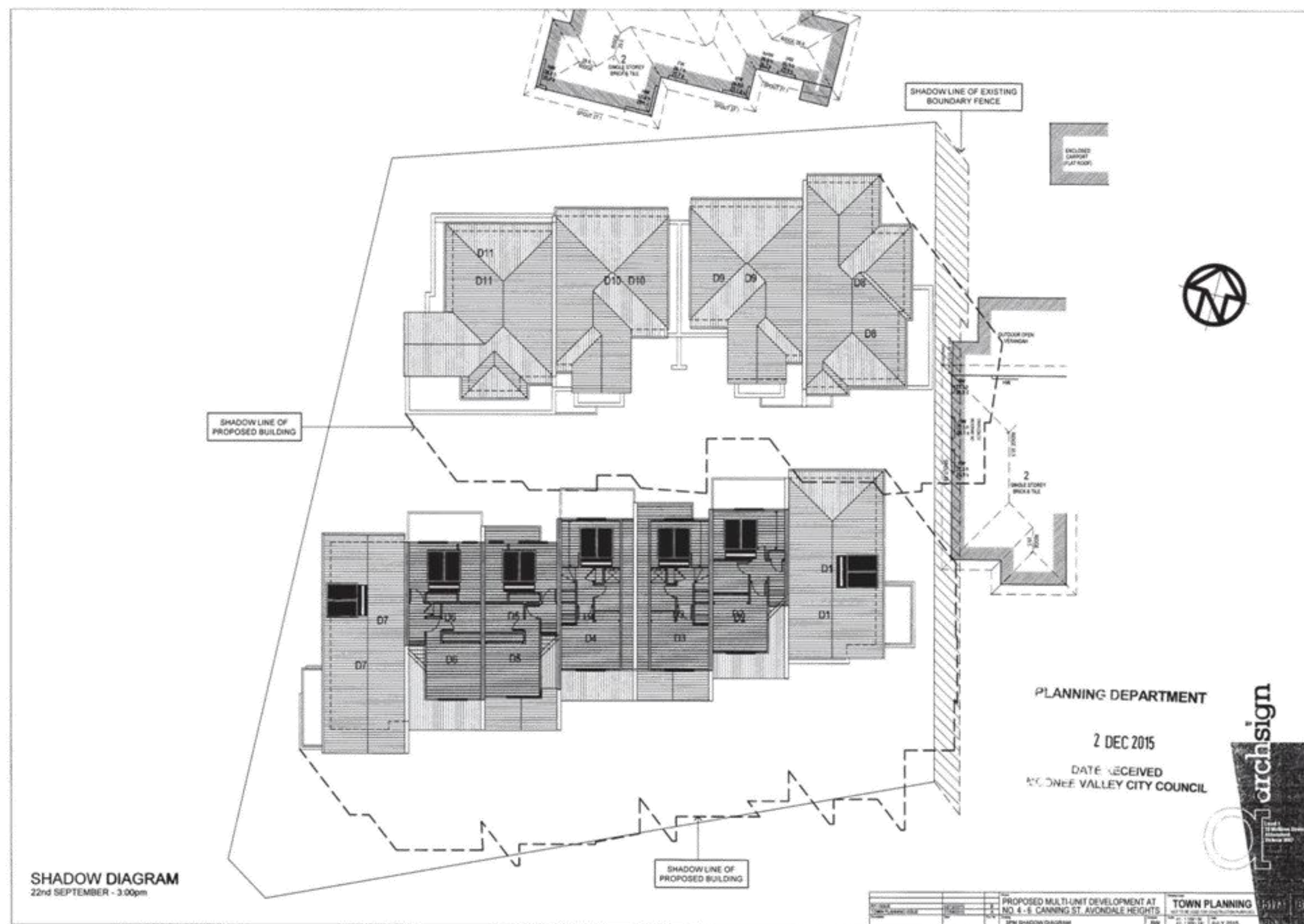
archsign

PLANNING DEPARTMENT  
 1 DEC 2015  
 DATE RECEIVED  
 WOOLLSVILLE CITY COUNCIL











## 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
<i>B1 - Neighbourhood Character</i>	✓	✓
<i>B 2 - Residential Policy</i>	✓	✓
<i>B 3 - Dwelling Diversity</i>	✓	✓
<i>B 4 - Infrastructure Objectives</i>	✓	✓
<i>B 5- Integration with the Street Objective</i>	✓	✓
<i>B6 - Street Setback Objective</i>	Partial ✓	✓
<i>B7 - Building Height Objective</i>	✓	✓
<i>B8- Site Coverage Objective.</i>	✓	✓
<i>B9- Permeability Objectives</i>	✓	✓
<i>B10 - Energy Efficiency Objectives</i>		✓
<i>B 11 - Open Space Objective</i>	N/A	N/A
<i>B 12- Safety Objective</i>	✓	✓
<i>B 13 - Landscaping Objectives</i>	✓	✓
<i>B 14 - Access Objectives</i>	✓	✓
<i>B 15 - Parking Location Objectives</i>	✓	✓
<i>B16 – Parking Provision</i>	Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 3.3 of the report.	
<i>B 17 - Side and Rear Setbacks Objective</i>	✓	✓
<i>B 18 - Walls on Boundaries Objective</i>	Partial ✓	✓
<i>B 19 - Daylight to Existing Windows Objective.</i>	✓	✓
<i>B 20 - North-facing Windows Objective</i>	✓	✓
<i>B 21 - Overshadowing Open Space Objective</i>	✓	✓
<i>B 22 - Overlooking Objective</i>	✓ subject to permit condition	✓
<i>B 23 - Internal Views Objective</i>	✓	✓
<i>B 24 - Noise Impacts Objectives</i>	✓ subject to permit condition	✓
<i>B 25 - Accessibility Objective</i>	✓	✓
<i>B 26 - Dwelling Entry Objective</i>	✓	✓
<i>B 27 - Daylight to New Windows Objective</i>	✓	✓
<i>B 28 - Private Open Space Objective</i>	✓	✓
<i>B 29 - Solar Access to Open Space Objective</i>	✓ subject to permit condition	✓
<i>B 30 - Storage Objective</i>	✓ subject to permit	✓

ITEM 9.6 - APPENDIX B

Title and Objective	Complies with Standard	Complies with Objective
	condition	
<i>B 31 - Design detail objective</i>	✓	✓
<i>B 32 - Front Fences Objective</i>	✓	N/A
<i>B 33 - Common Property Objectives</i>	✓	✓
<i>B 34 - Site Services Objectives</i>	✓	✓

✓ - complies

x – non-compliance

N/A- Not Applicable

**List of Objectors for MV/750/2015 at  
4-6 Canning Street, AVONDALE HEIGHTS**

**Objector's Mailing Address**

3 Glenside Street, AVONDALE HEIGHTS VIC 3034
6a Glenside Street, AVONDALE HEIGHTS VIC 3034
6a Glenside Street, AVONDALE HEIGHTS VIC 3034
6 Glenside Street, AVONDALE HEIGHTS VIC 3034
6 Glenside Street, AVONDALE HEIGHTS VIC 3034
1 Gaetana Street, AVONDALE HEIGHTS VIC 3034
3 Gaetana Street, AVONDALE HEIGHTS VIC 3034
16 Dumas Avenue, AVONDALE HEIGHTS VIC 3034
16 Dumas Avenue, AVONDALE HEIGHTS VIC 3034
9 McKenna Street, AVONDALE HEIGHTS VIC 3034

## 9.7 Kent Street Traffic Management Study

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

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### Purpose

The purpose of this report is to outline progress of the Kent Street Traffic Management Study, and to seek endorsement for the purpose of community consultation on the Draft Traffic Management Plan.

### Executive Summary

- Since the completion of the Flemington Hill Traffic & Parking Study in 2013, community concerns have been raised in relation to traffic, road safety and speeding in Kent Street.
- Kent Street is a Council road, but currently forms part of the Victorian Over Dimensional (OD) Route Network for permitted loads (i.e. over-sized and over-weight vehicles) and as such, the installation of further traffic management devices has not been considered prior to this study; any changes to the network or installation of traffic management devices need approval from VicRoads.
- VicRoads has advised they are currently in the process of reviewing the OD Network and have informally advised Council the future removal of Kent Street from the OD Network is supported.
- The Kent Street Traffic Management Study commenced in September 2015.
- The study area is generally bound by Mt Alexander Road, South Street, Clissold Street, Ascot Vale Road, Canterbury Street, Farnham Street and Wellington Street (presented in **Appendix A**).
- The study area covers approximately 1,200 properties and although the study area includes streets in the immediate vicinity, it is primarily focussed on Kent Street. Issues identified in the streets proximate will be referred to the Newmarket Local Area Traffic Management (LATM) to be undertaken in 2018/19 as per the resolution of Council at the Ordinary Meeting on 28 July 2015.
- The study area is predominantly residential with only a small pocket of commercial properties around Mt Alexander Road. Additionally, there are 4 schools in the nearby vicinity.
- In September 2015, a circular was distributed to all property occupiers and landowners in the study area and advised the community of the study and the formation of a Working Group. The circular included a questionnaire survey on

traffic issues along Kent Street and sought nominations from residents, traders and stakeholders to act as community volunteers on the Working Group.

- Council officers have undertaken a review of traffic volumes, speeds and the crash history for Kent Street and are of the view that measures to address the traffic and speeding issues are warranted.
- Following community consultation of the Kent Street local area regarding existing traffic issues, and in conjunction with the Working Group, a Draft Traffic Management Plan has been prepared.
- The next stage in the process is to seek the local community's feedback on the Draft Traffic Management Plan.

### **Recommendation**

That Council:

1. Endorse the Draft Traffic Management Plan for the Kent Street Traffic Management Study (as shown in **Appendix B**) for community consultation.
2. Write to VicRoads to ascertain the status of the OD Route review and request feedback on the Draft Traffic Management Plan (draft letter is shown in **Appendix C**).
3. Receive a further report at the conclusion of the consultation.

### **Background**

In December 2011, Council adopted the Municipal Parking Strategy (MPS). The MPS includes 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.

Kent Street (and surrounds) falls within the Newmarket LATM, which has been deferred from 2015-16 to 2018/19 due to: the remaining effects of the now-defunct East West Link; the ongoing issues within Flemington Hill (notably the trial road closures); implementation of treatments from the Flemington Hill Traffic & Parking Study; and the proposed removal of Kent Street from the OD Network (over-sized and over-weight vehicles).

There are a number of factors in the vicinity potentially impacting on the traffic along Kent Street. These include:

- Flemington Primary School
- St Brendan's Catholic Primary School
- Ascot Vale Primary School
- Mt Alexander College
- CityLink
- Major events at the Royal Melbourne Showgrounds and Flemington Racecourse

- Geography – Kent Street is a direct connection between Mt Alexander Road and Ascot Vale Road (besides Maribyrnong Road and Racecourse Road)
- Craigieburn Railway Corridor – The already adopted treatments for the Craigieburn Railway Corridor Bicycle Shimmy Scheme is proceeding at the intersection of Queens Avenue and Kent Street (**Appendix D**).

The study area is generally bound by Mt Alexander Road, South Street, Clissold Street, Ascot Vale Road, Canterbury Street, Farnham Street and Wellington Street. It comprises approximately 1,200 properties, with predominantly residential use.

The study process involves a number of steps typical of LATM studies including: identifying existing traffic issues along Kent Street; opportunities for considering community input; data collection; formation of a Working Group of local residents and traders to assist Council officers and the consultants; preparation of a Draft Traffic Management Plan in consultation with the Working Group; circulation of this draft to the broader community for feedback; considered of feedback: finalisation of the plan; and report to Council for consideration and endorsement by Council for community consultation.

The tasks undertaken to date include:

**October 2015:**

Council appointed an independent consultant (Trafix Group) to assist in the development of the Kent Street Traffic Management Study.

**October 2015:**

Every property occupier and landowner in the Kent Street study area was invited to provide feedback to Council on issues, concerns and opportunities related to traffic and safety along Kent Street. This was undertaken in the form of a circular and included a questionnaire.

Nominations were sought from residents, traders and stakeholders to act as community volunteers on the Working Group.

The most significant issues raised by residents regarding traffic and safety conditions along Kent Street are presented in the table below.

**Table 1: Summary of Traffic identified by Community**

Issue	Detail
Safety Concerns	52% of responses safety concerns as a 'major' problem.
Irresponsible Driving	42% of responses identified irresponsible driving as a 'major' problem.
Traffic Volume	41% of responses identified traffic volume as a 'major' problem.
Note: The above figures provide only a summary of the responses and do not sum to 100%.	

**November 2015:**

A Working Group was appointed and the first Working Group Meeting was held to discuss community feedback and all identified issues and opportunities.



### February 2015:

The second Working Group Meeting was held to discuss the development of the Draft Traffic Management Plan. All feedback was considered and the consultants then updated the Draft Traffic Management Plan.

However, further pedestrian movement surveys were undertaken to validate the proposed pedestrian refuge locations (as agreed by the Working Group). The results indicated a slight revision was needed and the plan was amended accordingly. The Working Group were notified of the changes and no objections to the amendment were raised.

### **Discussion**

The Kent Street Traffic Management Study aims to address the above issues.

The Draft Traffic Management Plan is shown in **Appendix B**.

The next stage in the process is to seek the local community's feedback on the Draft Traffic Management Plan. Following the endorsement of the Draft Traffic Management Plan, Council's Transport Unit will circulate the plan for comment to every property occupier and landowner within the Kent Street study area.

The Draft Traffic Management Plan will also be available to view on Council's website.

When all feedback on the Draft Traffic Management Plan has been analysed and considered by the Working Group, it will be reviewed, finalised and presented to Council for adoption.

Features of the Draft Traffic Management Plan are outlined in the following sections.

### Draft Traffic Management Plan

The following table summarises the components of the Draft Traffic Management Plan (**Appendix B**) that have been identified as part of the study.

**Table 2: Components of Draft Traffic Management Plan**

Location	Identified Issue	Treatment
<b>Issue: Traffic Speed &amp; Volume</b>		
Kent Street	Traffic speeding and through traffic management	Two-lane slow points at: <ul style="list-style-type: none"><li>• #30 / #55</li><li>• #40 / #75</li><li>• #52 / #87</li><li>• #80-82 / #171</li></ul>
	Traffic speeding and through traffic management	Install curb outstand on the south side at Mt Alexander Road
	Traffic speeding	Paint 50km/h symbol on road surface outside: <ul style="list-style-type: none"><li>• #30 / #55</li><li>• #40 / #75</li></ul>

Issue: Pedestrian Facilities		
Kent Street	Pedestrian safety and through traffic management	Install pedestrian refuges (with bicycle separation devices) outside: <ul style="list-style-type: none"> <li>#6 / #4 and #7-13</li> <li>#1 Queens Avenue and # 135</li> </ul>
Brixton Street	Pedestrian safety and through traffic management threshold treatment at Buckley Street	Install raised pedestrian crosswalk at Kent Street
Marwick Street	Pedestrian safety and through traffic management	Install raised pedestrian crosswalk at Kent Street
Pin Oak Crescent	Pedestrian safety and through traffic management	Install raised pedestrian crosswalk at Kent Street
	Pedestrian safety	Install kerb extension on west side at Kent Street
Queens Avenue	Pedestrian safety	Install raised pedestrian crosswalk at Kent Street
Railway Place West	Pedestrian safety	Install kerb extension on east side at Kent Street
	Pedestrian safety and through traffic management	Reconfigure street to be 'left out' only at Kent Street
Railway Place East	Pedestrian safety	Upgrade or install new pram ramps
Burton Crescent	Pedestrian safety	Upgrade or install new pram ramps
Issue: Safety and Operational Issues		
Kent Street	Pedestrian safety and traffic management	Extend central islands located: <ul style="list-style-type: none"> <li>East of East Street</li> <li>West of East Street</li> <li>Between Marwick Street and Oriana Court</li> </ul>
Burton Crescent	Pedestrian safety and traffic management	Extend central island
East Street	Pedestrian safety and traffic management	Extend central island
	Traffic management	Relocate 'Stop' line at Kent Street to the edge of the bicycle lane

Issue: Sight Distance		
Kent Street	Intersection safety	Remove parking spaces located at: <ul style="list-style-type: none"><li>• North side to the west of East Street (1 space)</li><li>• North side to the west of Queens Avenue (1 space)</li><li>• South side to the east of Pin Oak Crescent (1 space)</li></ul>
Issue: Bicycle Facilities		
Kent Street	Pedestrian and vehicle conflict	Install green pavement in the bicycle lane access the intersections

## Consultation

In November 2015, a circular (including a questionnaire) was sent to every property occupier and landowner in the Kent Street study area. The circular requested feedback on community concerns around traffic and parking issues.

Approximately, 1,200 circulars were distributed and a total of 90 responses were received, representing a response rate of 7.5 per cent. The typical response rate for a self-completed questionnaire around metropolitan Melbourne are usually in the order of 5 to 10 per cent.

Consultation was also carried out with: the Working Group regarding the community feedback, existing issues and proposed solutions; key stakeholders, such as Yarra Trams; and local schools.

## Implications

### 1. Legislative

There are no legislative implications associated with endorsing the draft plans for consultation.

### 2. Council Plan / Policy

Endorsing the Draft Traffic Management Plan for community consultation is in line with the Municipal Parking Strategy and supports the relevant provisions of the *Charter of Human Rights and Responsibilities Act 2006*, including *Section 18 – Taking part in public life*.

The Draft Traffic Management Plan is also in line with the 2013-2017 Council Plan and will contribute to Theme 3 (Sustainable living) and Strategic Outcome 3.2 (Facilitate the provision of a broad range of safe, accessible and sustainable transport modes across the municipality).

### **3. Financial**

A total of \$26,840 has been allocated in the 2015-16 Operating Budget for the completion of the Kent Street Traffic Management Study. Printing, distribution and analysis of consultation material comprises part of this.

The proposed traffic management measures and parking changes would need to be referred to future Capital Works Budgets for funding consideration. Cost estimates will be prepared once the Traffic Management Plan is finalised.

### **4. Environmental**

There are no direct environmental implications associated with this report.

### **Conclusion**

It is recommended that Council endorse the Draft Traffic Management Plan for the Kent Street Traffic Management Study for public consultation purposes (**Appendix B**). That it be noted Council is proceeding with the implementation of the Kent Street / Queens Avenue intersection improvements (**Appendix D**).

Following completion of the public consultation process and the consideration of all feedback, a revised Buckley Park Local Area Traffic Management Plan will be presented to Council for formal adoption.

### **Appendices**

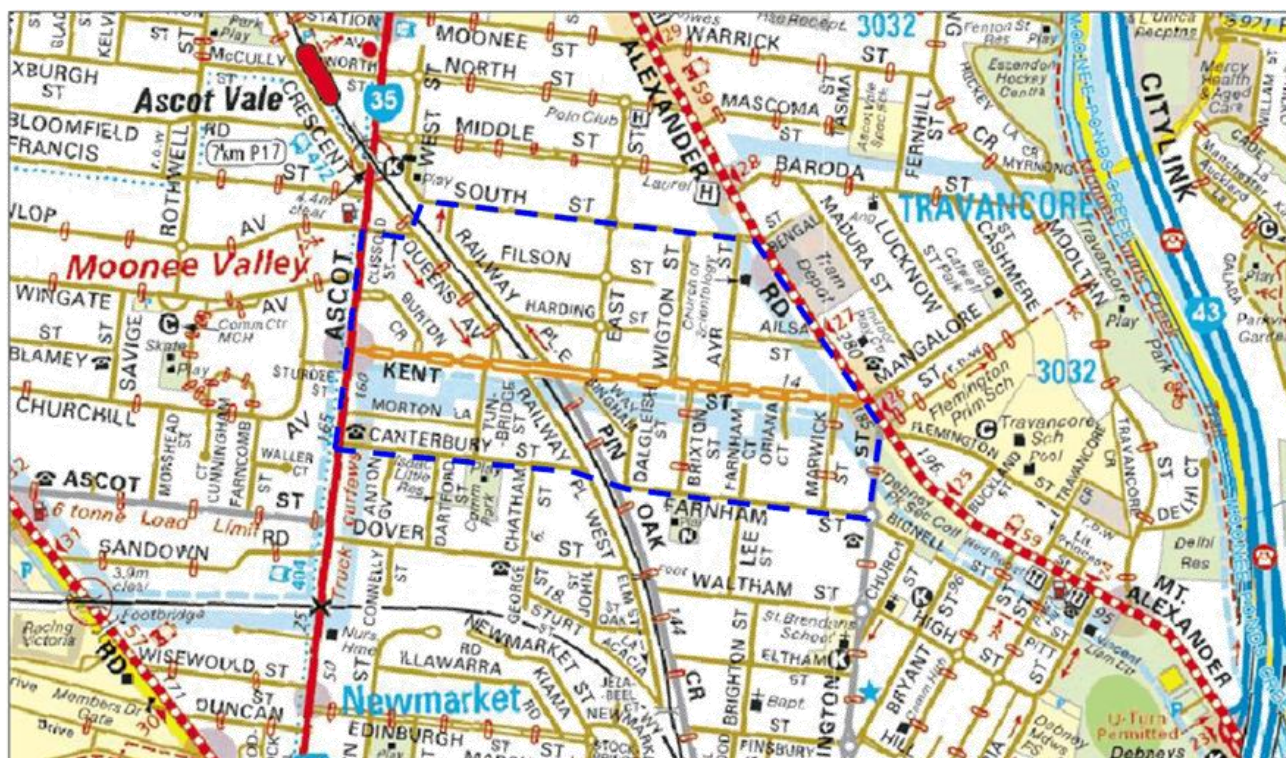
Appendix A: Study Area

Appendix B: Draft Traffic Management Plan

Appendix C: Kent Street Traffic Management - Draft Letter to VicRoads - OD Route  
Update and Proposed Treatments

Appendix D: Kent Street (Queens Ave to Pin Oak Cres) Alignment Plan .

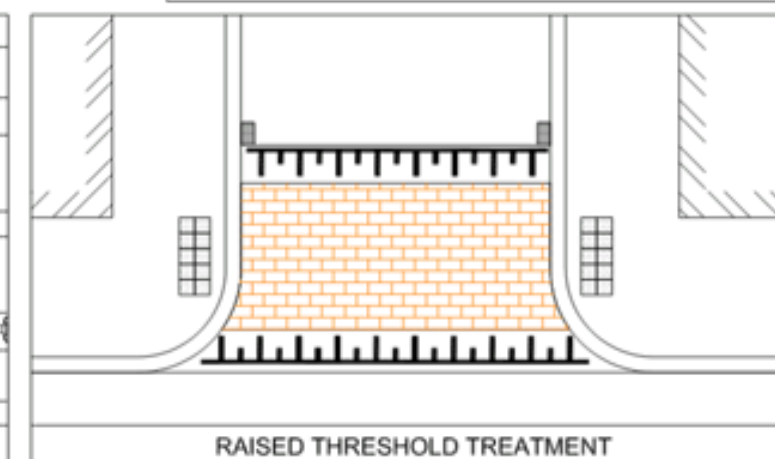
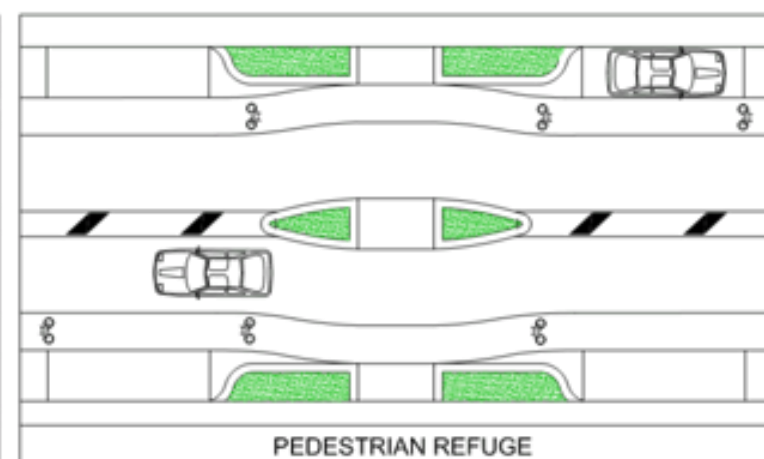
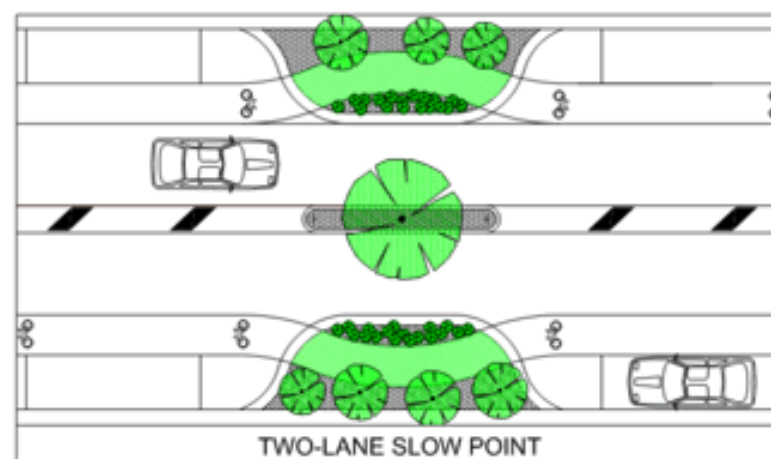
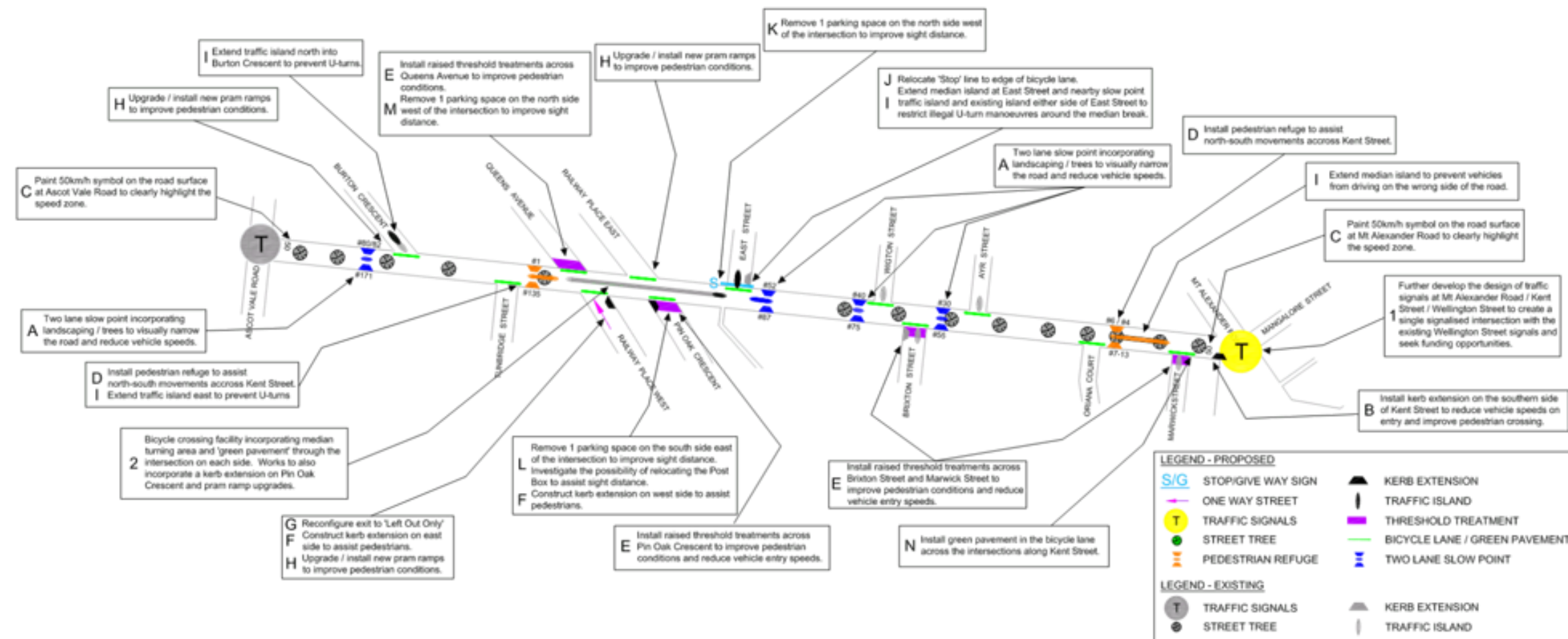
## APPENDIX A



Study Area: Kent Street Traffic Management Study



# KENT STREET LOCAL TRAFFIC MANAGEMENT STUDY DRAFT TRAFFIC MANAGEMENT PLAN





File: FOL/15/737  
Enquiries: Deryck Chan

29 June 2016

Mr Robert Kemp  
Team Leader Traffic and Planning Inner  
VicRoads Metropolitan North West Region  
499 Ballarat Road  
SUNSHINE VIC 3020

Dear Mr Kemp

### **KENT STREET TRAFFIC MANAGEMENT STUDY – PROPOSED TREATMENTS**

Last year, Council commenced the Kent Street Traffic Management Study to address community concerns regarding safety and traffic along Kent Street, Flemington. The study commenced after Council received advice from VicRoads that Kent Street is being recommended for removal from the Over Dimensional (OD) Route.

After undertaking consultation with residents, traders and schools in the immediate area, Council identified specific issues that were of concern to the community. In conjunction with a community Working Group, treatments were developed to address these concerns.

Council has now endorsed the Draft Kent Street Traffic Management Plan for consultation with the wider community (see enclosed). Key features include slow points and pedestrian refuges to calm traffic and encourage safe pedestrian movements.

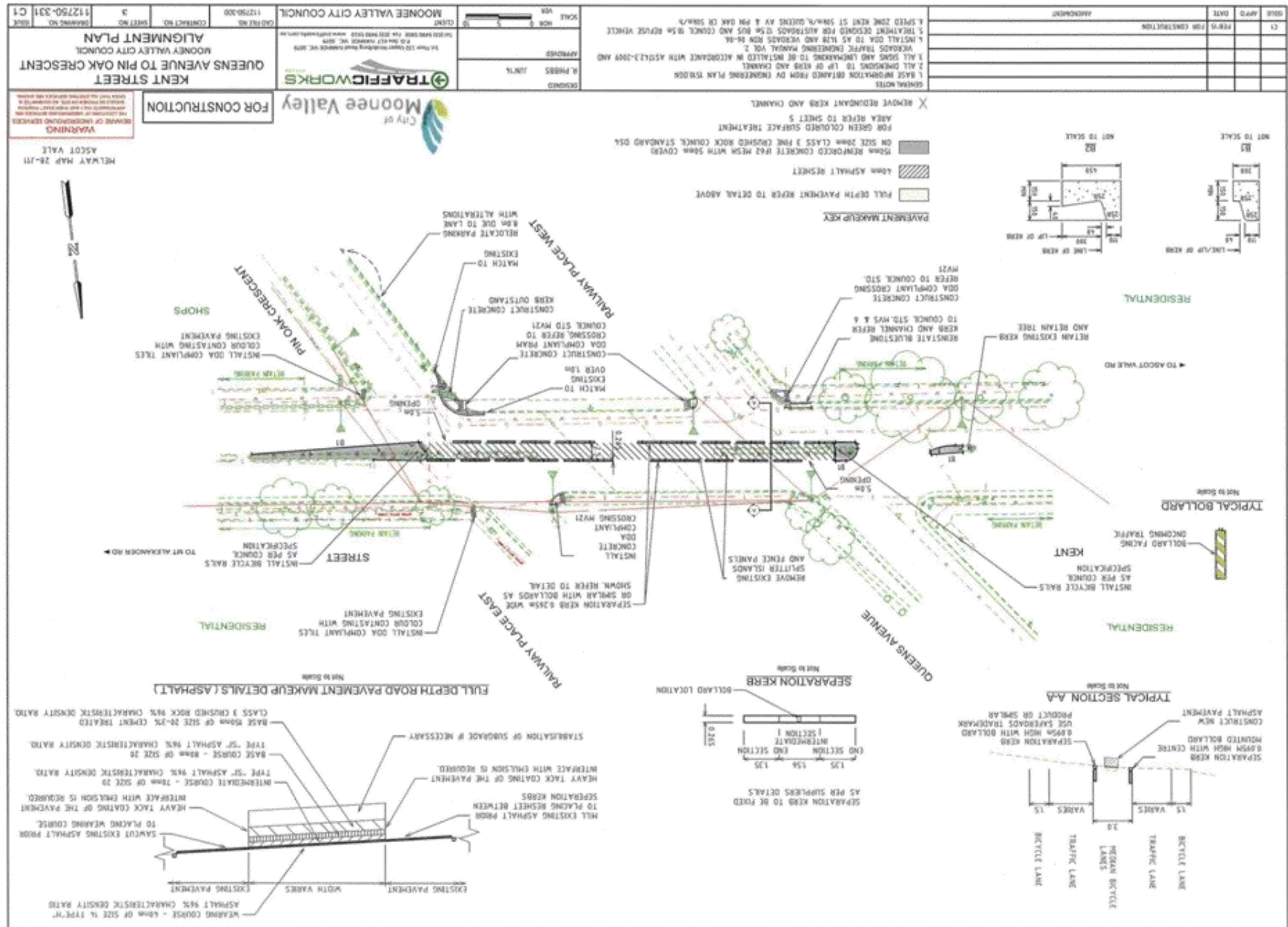
Accordingly, Council is seeking feedback from VicRoads on the Draft Kent Street Traffic Management Plan and an update on the status of the review of the OD Route. If support for the traffic management treatments is received, Council expects implementation to occur in 2017/18.

If you have any queries, or wish to discuss the matter, please do not hesitate to contact Senior Traffic & Transport Engineer Mr Deryck Chan on 9243 8892.

Yours sincerely

**KOSTA SMIRNIS**  
Acting Manager Technical Services

cc: Cr Jim Cusack  
Cr Nicole Marshall  
Cr Cam Nation



## 9.8 Infrastructure Victoria's 'All Things Considered' Options Paper

**File No:** FOL/16/130  
**Author:** Coord Development and Major Projects, Strategic & Statutory Planning  
**Directorate:** Planning & Development  
**Ward:** Municipal

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### Purpose

Infrastructure Victoria is undertaking the first ever 30-year infrastructure strategy for Victoria. It has prepared an options paper *All Things Considered* (options paper), and is seeking feedback on potential options for inclusion in the final strategy. Moonee Valley City Council (Council) officers have prepared a draft submission for endorsement by Council.

### Executive Summary

- Infrastructure Victoria's options paper is an ambitious document which takes a broad sectoral lens and canvasses over 200 ideas to address Victoria's infrastructure needs over the next 30 years.
- Moonee Valley's submission (**Appendix A** - separately circulated) addresses 75 options identified in the *All Things Considered* report. Of these 75 options: five were strongly supported; 42 'supported'; two were not supported; and we proposed three options not identified in the options paper. There were also 23 options on which we commented but have no formal position.
- Options strongly supported were:
  - Option MAH -Rail link between Melbourne Airport and the central city;
  - Option MLC- Metropolitan level crossing removal completion;
  - Option MTN- Employment centre mass transit network;
  - Option TNL- Tram network link extensions; and
  - Option AEA- Improving the planning and delivery of walking and cycling paths in established areas.
- Options not supported were:
  - Option EWE- Eastern Freeway to Citylink connection (as it includes the eastern section of the now scrapped East West Link project); and
  - Option RCP- Residential and commercial property densification.
- Our submission identifies three gaps and thus presented additional options to address these perceived deficits; these being inclusions relating to: open space (enhancing and protecting in urban areas); bridges (enhancing functionality, safety, condition and capacity); and major stormwater infrastructure (improving the ability to adapt to the effects of climate change).

- The options paper is an output of the second phase of the 30-year infrastructure strategy. Further consultation on a draft strategy is anticipated later in 2016. Consultation with local government has been limited during this phase of the process, and Council is requesting Infrastructure Victoria provide additional time and engagement opportunities for local government to respond when future iterations are released.

## Recommendation

That Council:

1. Receive and endorse Moonee Valley City Council's submission outlined in **Appendix A** regarding Infrastructure Victoria's *All Things Considered* options paper.
2. Forward **Appendix A** to Infrastructure Victoria; and
3. Continue to liaise with Infrastructure Victoria regarding provision of additional time and engagement opportunities for local government to respond when future iterations are released.

## Background

In late May 2016 Infrastructure Victoria released an options paper *All Things Considered*, which canvassed over 200 ideas to address Victoria's infrastructure needs over the next 30 years.

The options focus on improving social, environmental and economic outcomes and include non-build solutions such as changing behaviour and managing demand, as well as new and expanded assets.

The options paper is an output of the second phase of the 30-year infrastructure strategy. The consultation timeframes for this phase were relatively short (given the extent and strategic importance of the document) and the deadline for submissions to Infrastructure Victoria was Friday 17 June 2016. This was to allow information from submissions to be included for discussion by Infrastructure Victoria's citizen juries (being held in regional Victoria and metropolitan Melbourne).

Infrastructure Victoria's consultation timeframes precluded a report being presented to Council before the 17 June deadline, however Council was able to send a draft submission, pending a report to Council.

## Discussion

Overall, Council commends Infrastructure Victoria for the long term and broad sector lens included in the *All Things Considered* options paper. The development of a highly visible, long term plan provides invaluable opportunities for both the wider community and all levels of government to plan and deliver infrastructure in a more effective and coordinated manner.

## Response Summary

Council's submission is structured into two main parts. Part One addresses key issues for Moonee Valley whilst Part Two provides Council's 75 responses to individual options which may impact on our municipality. In summary, Council supports options with the ability to:

- Make our city more sustainable, reduce reliance on private vehicle use and create real choice around public transport options.
- Create employment hubs outside of the CBD and create opportunities for residents to find work closer to home (and reduce the number of through trips traversing our municipality).
- Improve the walkability and amenity of our suburbs, high streets and neighbourhoods.
- Reduce our carbon footprint and resource use.
- Create opportunities for our communities to access services and participate in both formal and informal cultural, health, sporting, recreational and learning activities.
- Improve the health of our waterways and eco-systems.
- Improve mechanisms to formally work with other levels of government around future infrastructure planning.
- Improve our ability to capture key data to improve service delivery and effectiveness.

A breakdown of our submission responses is outlined in Table 1 below.

<b>Options supported by Council (including gaps)</b>	5 options were <b>strongly supported</b> by Council: <ul style="list-style-type: none"> <li>➤ Rail link between Melbourne Airport and the central city (MAH).</li> <li>➤ Metropolitan level crossing removal completion (MLC).</li> <li>➤ Employment centre mass transit network (MTN).</li> <li>➤ Tram network link extensions (TNL).</li> <li>➤ Improve the planning and delivery of walking and cycling paths in established areas (AEA).</li> </ul>
	41 other options were <b>supported</b> by Council.
	1 option <b>supported by Council</b> which have been filtered out by Infrastructure Victoria (i.e. those we believe should be included): <ul style="list-style-type: none"> <li>➤ Urban forest (UFF).</li> </ul>
	3 gaps (or <b>additional options</b> ) were identified. <ul style="list-style-type: none"> <li>➤ Open Space- Enhancing and protecting in urban areas.</li> <li>➤ Bridges- enhancing functionality, safety, condition and capacity.</li> <li>➤ Major Stormwater Infrastructure- improving the ability of major infrastructure to adapt to the effects of climate change.</li> </ul>
<b>Options not supported by Council</b>	2 options <b>were not supported</b> by Council: <ul style="list-style-type: none"> <li>➤ Eastern Freeway to Citylink connection (EWE).</li> <li>➤ Residential and commercial property densification (RCP).</li> </ul>

<b>Options commented on but no formal position</b>	11 options upon which Council comments, has <b>no formal position but would support further investigation.</b>
	12 options upon which Council comments but has <b>no formal position</b>

**Table 1. Summary of MVCC submission responses**

Options which were ‘strongly supported’ in Council’s submission were those identified to have the potential to be transformative for our municipality and focused on putting people and places ahead of cars and traffic. They include:

- Option MAH -Rail link between Melbourne Airport and the central city;
- Option MLC- Metropolitan level crossing removal completion;
- Option MTN- Employment centre mass transit network;
- Option TNL- Tram network link extensions; and
- Option AEA- Improving walking and cycling paths in established areas.

Options the submission does not support include:

- Option EWE- Eastern Freeway to Citylink connection (as it includes the eastern section of the now scrapped East West Link project). Council is strongly opposed to the now scrapped East-West Link freeway project due to its’ potential impact on Moonee Valley, most notably in terms of transport, social impacts, urban design, economic impact and noise. These impacts are outlined in the Council report and minute of 17 December 2013. This report also considers that funding priority should be given to vital public transport projects to ensure Melbourne is positioned to manage public transport challenges. Council believes other initiatives identified in Infrastructure Victoria’s options paper will address a key driver of the original East West Link proposal, as they will reduce the need for freight to move through the central city. These options are: Option EWW- CityLink to Western Ring Road connection; and Option NEL- North-East Link (connecting the Eastern Freeway and the M80).
- Option RCP- Residential and commercial property densification. Council does not believe there is a need for reformed zones to achieve residential and commercial property densification. Council has spent considerable time and financial resources planning for its designated activity centres so that they develop into vibrant, mixed-use centres which provide co-location of jobs, people and facilities. This work has been based on sound planning principles in order to better integrate land use and transport planning and should continue to be supported by the State Government.

Our submission identifies three gaps (or additional options) for inclusion relating to:

- Open space - enhancing and protecting open space in urban areas;
- Bridges - enhancing their functionality, safety, condition and capacity; and
- Major stormwater infrastructure - improving the ability of this infrastructure to adapt to the effects of climate change.

In addition, **Appendix A** includes responses to:

- 42 other options were supported by Council, and reflect existing endorsed positions of Council (i.e. through adopted policy or resolutions of Council).



- 23 options upon which Council commented but has no formal position (i.e. issues which may relate to our community or services but upon which we have no formal adopted policy or resolutions of Council).

The options paper is an output of the second phase of the 30-year infrastructure strategy. Further consultation on a draft strategy is anticipated later in 2016. Consultation with local government has been limited during this phase of the process, and Council is requesting Infrastructure Victoria provide additional time and engagement opportunities for local government to respond when future iterations are released.

The Infrastructure Victoria options paper notes that “...local government plays a fundamental role in the planning, funding, procurement and management of community infrastructure” (page 28). To this end our submission recommends the following long term and short term engagement commitments.

- Long term: that the 30 year strategy outlines a planning framework which articulates the mechanism and processes through which levels of government will work together to more effectively plan for and deliver major infrastructure projects. (thus relates to Option SIP- Subregional infrastructure planning); and
- Short term: that Infrastructure Victoria host a series of workshops (or ‘citizen jury equivalent’) with the local government sector when the draft 30 year strategy is released. This could be attended by Mayors, CEOs and relevant officers of each Council and allow all parties to better understand and plan for proposed recommendations. It would also assist with successful implementation through greater “buy-in” from the local government sector.

### **Consultation**

As outlined above, the options paper is an output of the second phase of Infrastructure Victoria’s 30-year infrastructure strategy. Further consultation on a draft strategy is anticipated later in 2016.

Consultation with local government has been limited during this phase of the process, and Council is requesting Infrastructure Victoria provide additional time and engagement opportunities for local government to respond when future iterations are released.

Council has also made comment on LeadWest’s submission in line with **Appendix A**. Our comments to LeadWest have focused issues relating to transport, and particularly Option EWE- Eastern Freeway to Citylink connection.

The preparation of this report has involved contributions from eight Council departments including: Aged and Disability Services; Arts, Culture and Libraries; City Planning, Community Planning, Family and Children’s Services, Information Services, Infrastructure Services and Technical Services.

Due to the limited timeframes, wider community consultation was not possible. Our submission responses therefore reflect existing endorsed positions of Council (i.e. through adopted policy or resolutions of Council).

## Implications

### 1. Legislative

Whilst there are no specific statutory considerations as a result of this report, it relates to the 'Objectives of a Council' under the Local Government Act 1989 which state:

- (1) *The primary objective of a Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.* (Pages 20-21).

Council's submission accords with our obligations under the Human Rights Charter.

### 2. Council Plan / Policy

In presenting this report to Council, Council is achieving Council Plan 2013-2017 objectives. An analysis of our 75 responses identifies that:

- 10 options address objectives relating to the Council Plan's Theme 1: Friendly and safe: A community where people feel connected and safe;
- 18 options address objectives relating to the Council Plan's Theme 2: Green, clean and beautiful: A sustainable environment for future generations;
- 36 options address objectives relating to the Council Plan's Theme 3: Sustainable living: Clear direction for growth and development of the city;
- Seven options address objectives relating to the Council Plan's Theme 4: Vibrant and diverse: Opportunities for all; and
- Four options address objectives relating to the Council Plan's Theme 5: Excellence in governance: A dynamic, effective and accountable organisation.

### 3. Financial

There are no budgetary or funding considerations as a result of this report.

### 4. Environmental

There are a number of options which address environmental sustainability and Part One of the submission summaries this under the heading 'A more sustainable city' ([Appendix A](#), page 7).

## Conclusion

Moonee Valley City Council (Council) commends Infrastructure Victoria for the long term and broad sector lens included in the *All Things Considered* options paper. The development of a highly visible, long term plan provides invaluable opportunities for both the wider community and all levels of government to plan and deliver infrastructure in a more effective and coordinated manner.

Further engagement with Infrastructure Victoria as outlined in the discussion of this report is considered essential.

## **Appendices**

Appendix A: MVCC's Submission - Infrastructure Victoria's options paper "All Things Considered" - June 2016 (Separately Circulated) .

**9.9                      Mayoral Charity Community Race Day - Recommendation of Community Beneficiaries**

**File No:** FOL/16/130  
**Author:** Coordinator, Community Partnerships & Sponsorship  
**Directorate:** Planning & Development  
**Ward:** Municipal

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**Purpose**

To provide an update on the annual Mayoral Charity Community Race Day to be held on Saturday 20 August 2016 and provide recommendation on community beneficiaries extending from the Event.

**Executive Summary**

- The Mayoral Charity Community Race Day has been developed as a partnership between the Moonee Valley Racing Club (MVRC) and Council.
- The Race Day has become Council's major annual community fundraising event and has raised over \$285,000 for charitable purposes since its inception in 2005.
- Council enters into an annual agreement with the MVRC, to purchase the naming rights of the race meeting in addition to naming rights of five races on the program, one of which is the Mayoral Charity Community Plate.
- In partnership with MVRC, the thoroughbred race meeting is promoted as a community event, with a range of family activities provided on the day.
- Council invites many of its key stakeholders to support the event by sponsoring a race and or a committee room table.
- A fundraising function is held in the Moonee Valley Committee Room where auction items are sold for fundraising purposes.
- In alignment with Council's Community Financial Support Policy, it is a requirement to implement a process around the selection of local community group beneficiaries for Council donations extending from the race day.
- With the race day being a broad community event, with no clear or direct community group synergies, consultation has taken place with the Mayor who indicated support for cancer research and associated support and awareness groups.
- The identification of community group beneficiaries being selected in advance of the proposed fundraising event, will support ability to gain maximum leverage in event sponsor / supporter targets and promoting the event to the community.

## Recommendation

That Council support the allocation of funds raised from the 2016 Mayoral Charity Community Race Day, to The Moonee Valley Prostate Cancer Awareness Group, \Rotary Ovarian Cancer Research and Cancer Support (RoCan) and Moonee Valley's "Friendship City" relationship with Liquiçá in Timor Leste as presented at **Appendix A**.

## Background

The Mayoral Charity Community Race Day was founded in 2005. The event's sponsorship program, inclusive of memorabilia auctions at the event, committee room table supporter packages, race name sponsorship and supporter contributions, provide ability for Council to donate funds to local community organisations and charitable campaigns.

The below provides a summary of groups that have been beneficiaries of the race event:

<b>Local</b>	<ul style="list-style-type: none"><li>• Caroline Chisholm Society</li><li>• The Essendon Branch of the SES</li><li>• Variety Children's Charity (Flemington Youth support Program)</li><li>• Victoria Police Kokoda Youth Project</li><li>• The MVCC 150<sup>th</sup> Anniversary Celebrations</li><li>• The Moonee Valley Foundation</li><li>• The Essendon Historical Society</li><li>• The Maribyrnong Park Ladies Cricket Club</li><li>• TLC for Kids</li></ul>
<b>State</b>	<ul style="list-style-type: none"><li>• The Victorian Prostate Cancer Foundation</li><li>• The Victorian Police Blue Ribbon Foundation</li><li>• The Murrindindi Shire Bushfire Recovery Fund</li><li>• Pets Haven Foundation</li></ul>
<b>International</b>	<ul style="list-style-type: none"><li>• Friendship City relationship with Liquiçá in Timor Leste</li></ul>

Following adoption in April 2016 of Council's Community Financial Support Policy, this report provides recommendation of the allocation donations as an outcome of the charity race event.

## Discussion

The Mayoral Charity Community Race Day is respected for its partnership approach with MVRC and associated events sponsors and supporters, in raising much needed funds to invest as donations back to local causes.

The Community Financial Support Policy provides a Council position in the provision of financial support to our community, including donations. Council provide donations through formal programs and events, such as the Mayoral Charity Community Race

Day, to organisations that contribute towards local action in response to a public cause.

The Policy guides the provision of donations, recipient causes or organisations that can be selected, to ensure compliance with funding guidelines. It approaches this through the lens of four key factors:

- **Council's responsibility:** Is this the responsibility of local government and not the responsibility of another funded agency or group, or other level of government.
- **Strategic:** Has a strong evidence base and is aligned to Council endorsed strategic direction/s, long term plans and adopted policies.
- **Local Support:** Provides a direct measureable outcome for the Moonee Valley community and contributes towards increasing community participation and development.
- **Efficiency and Effectiveness:** Demonstrates best use of resources, value for money, and sustainability beyond support from Moonee Valley City Council.

With the race day being a broad community event, with no clear or direct community group synergies, consultation has taken place with the Mayor who indicated support for local initiatives supporting the health and wellbeing of our community, specifically projects that support our resident's experiencing cancer or initiatives supporting Cancer Research.

Council has established its commitment in the Public Health & Wellbeing Plan 2013-2016 to identify and address "health inequalities and understanding and addressing emerging issues" in supporting the mental and physical wellbeing of our community.

Burden of Disease data provides an estimate of a society's health loss and disease weight. Cancer is the largest broad cause, accounting for 16 percent of the burden of disease in Australia. The five most commonly diagnosed forms of cancer in Victoria are bowel, melanoma, prostate, breast, and lung cancers. The rate of malignant cancers for all Moonee Valley residents (2010) was both higher than the metropolitan rate and slightly higher than for Victoria. In line with State data, the rate for males in Moonee Valley is higher than that for females.

After consulting with local stakeholders and community health planning and support staff within Council, the following local groups were recommended for support:

Group	Strategic Rationale
Moonee Valley Prostate Cancer Awareness Group	This is an active group who maintain a presence at the Moonee Valley Festival, Men's Shed Programs, and also supported Mens Health Week Events.  Prostate Cancer statistics show that there are 1.9% of men diagnosed per year in Victoria which makes it one of the leading cancers in Moonee Valley.
Ovarian Cancer Research and Support Group	City of Moonee Valley have an Ovarian Cancer Research and Support Group titled RoCan, which was founded by an East Keilor resident, Yvonne Moon. The group has the support of 62 Rotary Clubs in this District 9800.  RoCan run a number of fundraising events within our Municipality and have involved local Rotary Clubs and local



	traders. Ovarian cancer is the sixth most common cause of death in women. Unlike other cancers there are early warning screening programs that can detect on the onset of the disease. Unfortunately there is no early warning screening for ovarian cancer.
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Detail on the above groups recommended, can be found at **Appendix B**.

It is noted that the race day has previously been consistent in providing support to Council's friendship relationship with the City of Liquiçá in Timor Leste. Proceeds from the Race Day have provided funding for the upgrading of a school, a river diversion project, and also the building of a Liquiçá Technology Centre. Whilst not a local community project, Council has resolved at its ordinary meeting of 23 September 2014 to continue to contribute a portion of funds raised from the race day for the implementation of agreed projects for the District of Liquiçá.

### **Consultation**

Consultation has taken place with the community groups who have been recommended and how they might use the funds if they were selected.

Consultation has been undertaken internally with subject experts and also by making use of Councils internal news board by asking staff for recommendations of cancer research & awareness Groups.

### **Implications**

#### **1. Legislative**

In accordance with the Local Government Act 1989, it is the role of Council to provide governance and leadership for the local community through advocacy, decision making and action.

The Victorian Charter of Human Rights and Responsibility clearly recognises the role of Government in taking active steps to ensure that the right to life is upheld. The reduction of cancer mortality rates falls under this right and is an important outcome for the local community.

#### **2. Council Plan / Policy**

In presenting this report council is achieving its Strategic Objective to Support other organisations in contributing to community wellbeing in accordance with Council Plan 2013-2017 Theme 1: Friendly and safe - A community where people feel connected and safe.

It is also in alignment with The Community Financial Support Policy.

#### **3. Financial**

The Mayoral Charity Community Race Day is fully budgeted and historically raises on average \$17,000 in donations each year.

Please see attached table on proposed allocation of funds (**Appendix A**).

#### **4. Environmental**

There are no environmental implications.

#### **Conclusion**

It is important that Council has a clear and transparent process in determining the recipients of donations raised through council activities. In order to identify suitable local community group recipients consultation with the Mayor, subject experts, and consideration of alignment to Council's strategic objectives has been undertaken in order to ensure the health and wellbeing of the local community is enhanced in a positive and sustainable manner.

#### **Appendices**

Appendix A: 2016 Community Group Allocations

Appendix B: Donation Recipient Recommendation Form .

## Mayoral Charity Race Day – Saturday 20 August, 2016

Recommended Community Group Allocation from Fundraising Monies:

Community Group	% of total donation fund raised
Moonee Valley Prostate Cancer Awareness Group	50%
RoCan (Ovarian Cancer Research Awareness Group)	25%
Friendship city relationship with Liquica District in Timor Leste	25%
<b>TOTAL</b>	<b>100%</b>

## Donation Recipient Recommendation Form 2016 Mayoral Charity Community Race Day

### Event / Initiative information

Event / Initiative Name:	The Mayoral Charity Community Race Day
Event Time:	Noon to 6 pm
Event Location:	Moonee Valley Racing Club
Event Date:	Saturday 20 August, 2016
Purpose of Event:	To raise funds for Charitable Purposes
Responsible Dept.:	Planning and Development
Responsible Officer:	Craig Skelton

### Recommended Donation Recipients (in order of preference)

1	The Moonee Valley Prostate Cancer Awareness Group
2	RoCan Ovarian Cancer and Awareness Group
3	Friendship city relationship with Liquica in Timor Leste
4	

(Please see overleaf for Officer Comments on recommendation/s)

### Approval

Mayor: \_\_\_\_\_ Date: \_\_\_\_\_

CEO: \_\_\_\_\_ Date: \_\_\_\_\_

<b>1. Name:</b>	<b>Moonee Valley Prostate Cancer Awareness Group</b>
Organisation Purpose:	To raise awareness of the threat of Prostate Cancer
Contact Details: <i>(including contact person phone number and email address)</i>	
Use of Donation: <i>(general support or specific program)</i>	Awareness Programs within the City Of Moonee Valley
Strategic Rationale for Support:	<p>The Moonee Valley Prostate Cancer and Awareness Program already has a strong partnership with The City of Moonee Valley through working with Council at the Moonee Valley Festival, Men's Shed Programs, and also supporting Mens Health Week.</p> <p>Prostate cancer awareness aligns with Council's commitment to the Public Health and Wellbeing Plan 2013 – 2016 to identify inequalities and understanding and addressing emerging issues in supporting the mental and physical wellbeing of our community.</p> <p>Prostate cancer statistics show that there are 1.9% of men diagnosed per year in Victoria which makes it one of the leading cancers in Moonee Valley.</p>
Risk in supporting / not supporting:	No apparent risk
Other comments:	A highly recommended local prostate cancer awareness group where there is already a strong strategic partnership with Council.

<b>2. Name:</b>	<b>RoCan Ovarian Cancer Research Awareness and Support</b>
Organisation Purpose:	To raise money for ovarian cancer research and also provide awareness and support programs.
Contact Details: <i>(including contact person)</i>	
Use of Donation: <i>(general support or specific program)</i>	Cancer research, Awareness and & support programs
Strategic Rationale for Support:	<p>Ovarian cancer research and awareness also aligns with Council's commitment to the Public Health and Wellbeing Plan 2013 – 2016 to identify inequalities and understanding and addressing emerging issues in supporting the mental and physical wellbeing of our community.</p> <p>RoCan through the efforts of its founder, local resident Yvonne Moon has a strong connection with our local community through their fundraising programs involving all Rotary Clubs in the District (9800), They also have a strong connection with local Trader Associations.</p> <p>Ovarian cancer is the sixth most common cause of death in women and to date there is no early detection test developed as yet.</p>
Risk in supporting / not supporting:	No apparent risk
Other comments:	Organisation founded by a local resident who is passionate about raising funds for Ovarian cancer research, awareness and support programs.



<b>3. Name:</b>	<b>Friendship city relationship with Liquica in Timor Leste</b>
Organisation Purpose:	<p>Moonee Valley City Council has a friendship city relationship called Liquica in Timor Leste and there has been a commitment from Council since the inaugural race day that part of the proceeds go to the Liquica community.</p> <p>To date money has been spent on:</p> <ul style="list-style-type: none"> <li>• Upgrade of a local school</li> <li>• River diversion Project</li> <li>• Building of a Liquica Technology Centre</li> <li>• Cultural Exchange Programs</li> </ul>
Contact Details: <i>(including contact person)</i>	
Use of Donation: <i>(general support or specific program)</i>	Agreed projects in the Liquica Community
Strategic Rationale for Support:	Council resolved at its Ordinary Meeting on 23 <sup>rd</sup> September 2014 to continue to contribute a portion of the funds raised from the race day for the implementation of agreed projects for the district of Liquica.
Risk in supporting / not supporting:	<p>If not supported council risks public expectation and negative backlash if funds are not directed to projects in Liquica. In addition council will be contravening a resolution of Council.</p> <p>There are no active / committed projects that have been identified to allocate funding towards in the district of Liquica, as such risk is maintained on absence of accountable promotion of where any donation will directly contribute to.</p>
Other comments:	The founding beneficiary from the race day and have been a consistent partner for 11 years. Council Resolution from September 2014 states that they continue to receive a portion of the funds from the race day.

## 9.10 Tobacco Act Legislation - Waterpipes Exemption

**File No:** FOL/16/130  
**Author:** Manager Building, Health & Property Services  
**Directorate:** City Services  
**Ward:** Municipal

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### Purpose

To propose that Council request the Minister for Health to consider making legislative changes to the *Tobacco Act 1987 (the Act)* which will amend the definition of 'tobacco product' in the current legislation.

### Executive Summary

- The City of Greater Dandenong has recently written to Council requesting our support in advocating to the Minister for Health for tobacco reforms which will capture waterpipes within current legislative controls (**Appendix A**).
- Due to the composition of the mixture used in the waterpipe smoking process, it is currently exempt from the restrictions that apply to other 'tobacco products' under existing legislation.
- There is currently one (1) known waterpipe (Shisha) smoking venue located within Moonee Valley.
- Anecdotal evidence suggests that other premises may offer waterpipe smoking in addition to their primary business.
- Council staff have noted an increase in enquiries regarding establishing waterpipe smoking venues within the municipality.
- Council's Environmental Health Officers currently undertake various education and enforcement activities relating to the *Tobacco Act 1987* under service agreements with Department of Health and Human Services through the Municipal Association of Victoria.

### Recommendation

That Council:

1. Write to The Hon Jill Hennessy, Minister for Health, to request the term 'main ingredient' be deleted from the 'tobacco product' definition in the *Tobacco Act 1987*.
2. Refer the recommended change to the *Tobacco Act 1987* to the Municipal Association of Victoria State Council.

## Background

The Mayor from the City of Greater Dandenong has recently written to our Mayor requesting that Council consider the issues associated with the use of Waterpipes as devices for smoking Tobacco and the current exemption to the *Tobacco Act 1987* that applies to such devices (**Appendix A**). The letter further recommends that the Council write to the Minister for Health to request changes to the current legislation.

A number of health agencies have developed a position paper that suggests that the *Tobacco Act 1987* be amended to bring waterpipe smoking into the same category and risk as other forms of smoking.

## Discussion

Since the Victorian Parliament passed the *Tobacco Act 1987 (the Act)* there have been several reforms to *the Act* and its supporting regulations to provide tougher controls on tobacco display, advertising and sales, as well as the places where smoking can occur.

Since 2006, *the Act* has banned smoking in enclosed workplaces which includes businesses such as restaurants, cafes, take-away shops and licenced premises.

The Victorian Government has also announced further reforms which will see the introduction of a ban on smoking in outdoor dining areas to start in 2017. The proposed ban will cover all outdoor dining areas at restaurants, cafes, take-away shops and licenced premises in order to protect the community from second-hand smoke.

Despite these proposed changes, waterpipe smoking is continuing indoors at establishments due to a loophole in the definition of 'tobacco product' within *the Act* which states:

*'Tobacco product means tobacco, cigarette or cigar or any other product the main ingredient of which is tobacco and which is designed for human consumption'*

The tobacco used in waterpipes consists of a mixture of tobacco, molasses and flavourings however, as tobacco is not the main ingredient it currently does not fit the above definition and waterpipe tobacco smoking is currently exempt from the legislative requirements.

There is currently one (1) known waterpipe (Shisha) smoking venue located within Moonee Valley, though anecdotal evidence suggests that other premises may offer waterpipe smoking in addition to their primary business. Council staff have noted an increase in enquiries regarding establishing waterpipe smoking venues within the municipality.

Health agencies including Quit Victoria, Cancer Council, The Heart Foundation and Australian Lebanese Medical Association have developed a position statement paper titled *Bringing waterpipe tobacco use, sale and advertising in line with other tobacco laws in Victoria*.

To obtain this goal, it is recommended that the State Government:

*'Amend the Tobacco Act 1987 (Vic) 'tobacco product' definition to remove the term 'main ingredient' to ensure the use of all tobacco products in enclosed workplaces is banned and all laws that apply to tobacco product also apply to waterpipe tobacco.'*

This would bring Victoria in line with other states in Australia that have already introduced appropriate controls in their own legislation.

A draft letter to The Hon Jill Hennessy, Minister for Health, is attached as **Appendix B**.

## **Implications**

### **1. Legislative**

Due to the current wording of the *Tobacco Act 1987* it is not possible to ban smoking of tobacco products from waterpipe smoking devices.

To enable this smoking to be prevented the legislation needs to be slightly amended to remove the term ‘main ingredient’ from the definition of ‘tobacco product’ within the existing legislation.

This issue does not impact on the Human Rights Charter or fall within the four broad categories of Freedom, Respect, Equality and Dignity (FRED).

### **2. Council Plan / Policy**

In presenting this report to council, 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 1: Friendly and safe - A community where people feel connected and safe.

### **3. Financial**

There are no financial implications associated with the report or the recommendations.

The Environmental Health team currently undertakes investigations of the nominated activity as part of its normal enforcement program associated with the *Tobacco Act 1987* requirements.

### **4. Environmental**

There are no environmental impacts associated with this report and its recommendations.

## **Conclusion**

The recent popularity of waterpipe smoking within commercial and retail premises across metropolitan Melbourne has highlighted an inconsistency in the current legislation.

This inconsistency has the potential to impact on legislative programs that have been introduced to reduce the negative health effects of tobacco use within our community.

This issue can be readily addressed through a minor amendment to the current legislation which has also been supported by a number of health agencies.

## **Appendices**

Appendix A: Letter - Cr Heang Tak - City of Greater Dandenong - Regulation of Shisha Smoking

Appendix B: Draft Letter to Minister for Health - Suggested amendment to Tobacco Act 1987

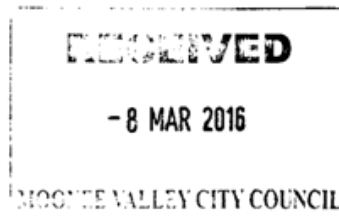


## Office of the Mayor



2 March 2016

Cr Andrea Surace  
Mayor  
Moonee Valley City Council  
PO Box 126  
MOONEE PONDS 3039



Dear Mayor Surace

### Re: Regulation of Shisha Smoking

I write seeking your support in respect of the current review of Tobacco legislation in Victoria. The City of Greater Dandenong has recently written to the Health Minister requesting that as an outcome of this review, regulatory controls on the use of shisha products and devices be introduced. Currently, the serving of shisha in enclosed workplaces and dining areas does not contravene the *Tobacco Act 1987 (Vic)*. Victoria is the only State in Australia that has not introduced appropriate controls on this product, which is growing in use.

I am aware that your municipality, along with many others is experiencing a growing number of cafes, restaurants and other businesses offering shisha smoking as part of their service. In a number of cases, businesses are being established with shisha smoking being the primary service offered to customers. These venues are openly marketing shisha smoking to young people (under 18) and there is no information provided regarding potential health risks.

Shisha smoking uses a single or multi-stemmed instrument where the vapour, or smoke, is passed through a water basin before inhalation. The dangers associated with shisha smoking have been researched by leading health agencies, including the World Health Organisation and more locally the Cancer Council and Quit Victoria. All of these agencies endorse regulation on the use of shisha products.

Greater Dandenong Council therefore fully supports the recommendations advocated by many public health agencies; that the State Government amends current legislation that results in the practical exclusion of shisha products from regulation under the Victorian *Tobacco Act 1987*. In particular, Council endorses the recommendation put forward by local agencies and reproduced below:

*'Amend the Tobacco Act 1987 (Vic) 'tobacco product' definition to remove the term 'main ingredient' to ensure the use of all tobacco products in enclosed workplaces is banned and all laws that apply to tobacco products also apply to waterpipe tobacco'.*

Quit Victoria, Cancer Council Australia, Heart Foundation Victoria  
Australian Lebanese Medical Association, 2014

Cr Heang Tak  
Mayor

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-2-

The City of Greater Dandenong has over 20 known shisha smoking lounges and other venues that use waterpipes. The number of venues is constantly growing and this Council holds the firm view that regulatory controls are required as a matter of urgency. I therefore seek your support and request that you also write the Minister for Health, endorsing the request made in the attached letter.

If you have any questions, please contact Mr Peter Shelton, Council's Manager of Regulatory Services, either by phone on 8571 1445 or email [peter.shelton@cgd.vic.gov.au](mailto:peter.shelton@cgd.vic.gov.au).

Yours faithfully



Cr Heang Tak  
Mayor

 Phone 8571 1000  Fax 8571 5196  <a href="mailto:council@cgd.vic.gov.au">council@cgd.vic.gov.au</a>	 TTY: 133 677 Speak and listen: 1300 555 727 Internet: <a href="http://www.iprelay.com.au">www.iprelay.com.au</a>  TIS: 13 14 50	Find us online  <a href="http://www.greaterdandenong.com">www.greaterdandenong.com</a>  <a href="https://www.facebook.com/greaterdandenong">www.facebook.com/greaterdandenong</a>  <a href="https://www.twitter.com/greaterdandy">www.twitter.com/greaterdandy</a>  <a href="https://www.youtube.com/citygreaterdandenong">www.youtube.com/citygreaterdandenong</a>
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*File:* FOL/09/584  
*Enquiries:* Carey Patterson 9243 8773

28 June 2016

The Hon Jill Hennessy MP  
Minister for Health  
Level 22, 50 Lonsdale Street  
Melbourne VIC 3000

Dear Minister

### **SUGGESTED AMENDMENT TO TOBACCO ACT 1987**

Moonee Valley City Council is supportive of the upcoming reforms to the *Tobacco Act 1987 (the Act)* which proposes to ban smoking from all outdoor eating areas at restaurants, cafes, takeaway shops and licensed premises.

However, despite these proposed changes, the smoking of waterpipes will be able to continue indoors at the above establishments due to a loophole in the definition of 'tobacco product' within *the Act*, which states;

*'Tobacco product means tobacco, cigarette or cigar or any other product the main ingredient of which is tobacco and which is designed for human consumption'*

The tobacco used in waterpipes consists of a mixture of tobacco, molasses and flavourings however, as tobacco is not the main ingredient, it currently does not fit the above definition and as such, waterpipe tobacco smoking is currently exempt from current and proposed legislative requirements.

Health agencies including Quit Victoria, Cancer Council, The Heart Foundation and Australian Lebanese Medical Association have developed a position statement paper titled *Bringing waterpipe tobacco use, sale and advertising in line with other tobacco laws in Victoria*. To obtain this goal, the paper recommends that the State Government amend the 'tobacco product' definition within the *Tobacco Act 1987* by removing the term 'main ingredient'. This would ensure the use of all tobacco products in enclosed workplaces is banned and all laws that apply to tobacco products also apply to waterpipe tobacco.

This would bring Victoria in line with other states in Australia that have already introduced appropriate controls in their own legislation.

Council supports this recommendation and at its Ordinary Meeting on 28 June 2016 resolved to write to you requesting the term 'main ingredient' be deleted from the 'tobacco product' definition in the *Tobacco Act 1987*.

I hope you consider this request as part of your department's continuing legislative review process. If you have any queries regarding this matter, please contact Council's Manager Building Health & Property Services, Mr Carey Patterson, on 9243 8773 or [cpatterson@mvcc.vic.gov.au](mailto:cpatterson@mvcc.vic.gov.au)

I look forward to your response.

Yours sincerely

**Cr Andrea Surace**  
Mayor

Cc: Cr Heang Tak, Mayor, City of Greater Dandenong

## **9.11 Return of the 2016 General Revaluation**

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

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### **Purpose**

Council's Contract Valuers, Rating Valuation Services, have returned the 2016 General Valuation of all properties in the City of Moonee Valley, as at 1 January 2016, in accordance with the statutory requirements and under the auspice of the Valuer-General Victoria.

In accordance with the *Local Government Act 1989*, Council must adopt the 2016 General Revaluation of all properties within the municipality biennially.

### **Executive Summary**

- The 2016 valuations are based on market levels as at 1 January 2016 and will be used for the purpose of levying rates and charges.
- Council will be required to return the next general revaluation in 2018

### **Recommendation**

That Council receive and adopt the return of the 2016 General Revaluation of all properties within the municipality.

### **Background**

In accordance with Section 13DC(3) of the *Valuation of Land Act 1960*, a General Revaluation of all properties within the City of Moonee Valley has been completed.

The Valuation is based on levels of value in force as at 1 January 2016 and will be effective from 1 July 2016. The revaluation was undertaken by Council's Contract Valuers, Rating Valuation Services.

### **Discussion**

The table provided as **Appendix A**, indicates the movement of rateable property valuations since the last General Revaluation, which was adopted by Council in July 2014. The General Revaluation provides Capital Improved Value, Site Value and the Net Annual Value valuation data as at 1 January 2016. Council uses the Capital Improved Value as the basis of valuation for the levying of rates and charges.

The movement between 2014 and 2016 General Revaluations demonstrates an increase in the Capital Improved Value of rateable property within the municipality of 14.84% compared with a 10% increase in the previous revaluation period of 2014.

The 2016 Rateable Capital Improved Valuation has risen by \$6,058,703,000 compared to the increase of \$3,161,320,000 in the previous revaluation (2014) across the municipality.

Non-rateable valuation data is used for the levying of the Fire Services Property Levy where the property is not rateable under the *Local Government Act 1989*.

## **Consultation**

The nature of this report does not require any consultation.

## **Implications**

### **1. Legislative**

In accordance with Section 13DC(3) of the *Valuation of Land Act 1960*, the General Revaluation of all properties within the City of Moonee Valley is required to be performed.

Legislation provides for the return of the valuation to Council. All data and valuations must be provided to Council in a format pursuant to Section 7 of the Valuation of Land (General and Supplementary Valuations) Regulations 2003, and contain required information listed within Form 3 Schedule 1 of this *Valuation of Land Act 1960*. Council's Contract Valuers have provided Form 3, refer **Appendix B**.

### **2. Council Plan / Policy**

This report facilitated the achievement of Theme 5: Excellence in Governance specifically:

- a) Strategic objective 2: Build a culture of governance that instils a high level of community respect and confidence in Council decision-making.

### **3. Financial**

Valuations are the basis upon which Council levies rates. A revaluation does not mean an opportunity to increase rate revenue; it re-distributes the rate burden across and within categories of properties.

## **Conclusion**

Council is required to adopt the General Revaluation of all properties.

Council is required to return the full 2016 General Revaluation. For budget purposes the 2016/17 rate declaration will be based on the Capital Improved Values of all properties within the municipality of Moonee Valley as at 1 July 2016. The totals of Site Value, Capital Improved Value and Net Annual Value are shown in the table provided in **Appendix A**

## **Appendices**

Appendix A: General Revaluation 2016

Appendix B: Form 3 Revaluation Declaration 2016

## General Revaluation 2016

Rateable Properties	Revaluation 2014	Revaluation 2016	% Movement between Revaluations	No. of properties 2016
Site Value (SV)	\$23,262,198,000	\$29,021,518,800	19.85%	53970
Capital Improved Value (CIV)	\$34,740,655,000	\$40,799,358,000	14.84%	53970
Net Annual Value (NAV)	\$1,771,476,250	\$2,073,423,700	14.56%	53970



**FORM 3 - VALUATION RETURN**  
**MUNICIPAL DISTRICT OF MOONEE VALLEY**  
**YEAR 2016-GENERAL VALUATION**

Valuations of and particulars of information relating to the undermentioned rateable and non-rateable properties within the City of Mooney Valley have been made in accordance with the provisions of Section 13 DH(1) of the Valuation of Land Act 1960 as at the relevant date of Valuation - 1 January 2016.

Number of Assessment		Site Value	Capital Improved Value	Net Annual Value
Rateable	53970	\$29,021,518,800	\$40,799,358,000	\$2,073,423,700
Non-rateable	757 *	\$2,073,935,130	\$3,082,718,000	\$154,912,700

\* Includes Leviable and Non-leviable properties

I certify that the valuations shown above are those returned by me on the 30th day of May 2016.

  
 .....  
 PHILIP THOMAS (CONTRACT VALUER)  
 RATING VALUATION SERVICES

30/05/2016

## 9.12 Procurement Policy 2016

**File No:** FOL/16/130  
**Author:** Coordinator Procurement & Contracts  
**Directorate:** Corporate & Community Services  
**Ward:** Municipal

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### Purpose

In accordance with Section 186(7) of the *Local Government Act 1989* (the Act), Council is required to undertake an annual review of its Procurement Policy.

### Executive Summary

The Procurement Policy 2016 (refer **Appendix A** - separately circulated) provides a compliance and probity framework for the procurement of goods, services and works, that focuses on value for money whilst conducting business in a fair and equitable manner.

The purpose of the policy is to:

- Provide guidance, consistency and control over procurement activities;
- Demonstrate accountability to the community;
- Provide guidance on ethical behaviour in public sector procurement;
- Demonstrate best practice elements in procurement; and
- Increase probity of obtaining the right outcome when procuring goods, services and works.

The Procurement Policy 2016 mark-up (refer **Appendix B** - separately circulated) has been provided to track changes from the 2015 version.

### Recommendation

That Council adopt the Procurement Policy 2016.

### Background

The State Government, in September 2008, released the Local Government Procurement Strategy. This report, prepared by Ernst & Young, identified the potential to realise savings across the sector of up to \$350 million through the adoption of improved and strategic procurement practices.

Amendments to the Act in November 2008 saw the introduction of Section 186 (7), which required councils to develop a procurement policy that is made available to the public and reviewed annually.

## Discussion

The Procurement Policy will be located on Council's corporate website to be accessible by the public. The focus of the Policy is on procurement ethics and good conduct. The new document is simplified and condensed to lesser pages aiming it to be accessible to the public and user friendly. Deletions were mainly made by taking out doubled-up wording. For example the principles around probity was explained in many ways and sections in the Council statement, the purpose and in the respective probity section. The new policy attempts to be a strategic framework document. Operational content such as how to deal with late tenders or percentage weightings are covered in the internal Council procurement and contracts guidelines.

### Amended sections:

- Risk Management

Given the amount of projects the Council undertakes it was deemed necessary to expand on the subject of Risk Management during the procurement process and include a paragraph about Occupational Health & Safety. A poor procurement decision can adversely affect Council's operations and service delivery. The provision of goods, services and works by contract potentially exposes the Council to risk. To protect the best interests of Council this section was expanded.

- Probity

Given the amount of procurement activities and the quantity in Council approaching the market to procure goods, services or the carrying out of works, it was deemed very important to emphasise probity and consolidate wording into one main section. Probity is about having a defensible process in place to withstand internal and external scrutiny. When staff approach the market to procure goods, services or works, they have a responsibility to obtain value for money. This must be achieved by acting in an unbiased and ethical manner. The newly headed section expands on this.

- Local procurement and Corporate Social Responsibility

Council's commitment in supporting local business is emphasised in a more detailed worded section. Council's corporate social responsibility is acknowledged in more detail.

- Quotation thresholds

Council produces around 6,400 Purchase orders per annum. 3,400 are in value below \$1000 (~53%) and about 1,600 PO's are of value between \$1,000 and \$5,000 (~25%). The high quantity of PO's below \$1000 requires a change in thresholds for more transparency and best value.

### Newly added:

- Fraud and Corruption

There was no separate fraud and corruption section in the previous policy. This has now been established.

- **Outside Employment / contracting for Services**

There is a potential for staff working for sub-contractors or consulting firms outside of their employment with Council. Whilst outside employment is also mentioned in Council's excellence in governance document due to the potential relation to procurement (and conflict of interest) it was deemed important to highlight Council's position.

The Sustainable Procurement Guidelines, an appendix to the Procurement Policy 2016, acknowledges Council's commitment to green purchasing. Council has been a member of ECO-Buy since 2004, and the Environmental Sustainability Plan, the Waste Management Strategy and the Greenhouse Strategy have subsequently supported its commitment. The Sustainable Procurement Guidelines establish Council's commitment to green products and services and is supported by information and systems to assist in effective green purchasing

### **Consultation**

Consultation has taken place with other Councils to benchmark against this policy and also internally with the Senior Management Team.

### **Implications**

#### **1. Legislative**

Section 186(7) of the Local Government Act 1989 (the Act) requires Council to undertake an annual review of its Procurement Policy. The requirement for Council to adopt a Procurement Policy resulted from the implementation of the Local Government Amendment (Councillor Conduct and Other Matters) Act 2008.

#### **2. Council Plan / Policy**

In presenting this report to Council, Council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and confidence in Council decision-making in accordance with the Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

#### **3. Financial**

There are no financial implications associated with the report or the recommendations.

#### **4. Environmental**

There are no environmental impacts associated with this report and its recommendations.

### **Conclusion**

This policy is based on best practice procurement guidelines issued by both Local Government Victoria and the MAV to ensure consistency across the sector.

## **Appendices**

Appendix A: \_Procurement Policy JUNE 2016 (separately circulated)

Appendix B: Procurement Policy JUNE 2016 mark up version (separately circulated)

## 9.13                      **LeadWest Constitutional Amendments**

**File No:** FOL/16/130  
**Author:** Manager Legislative Services & Support  
**Directorate:** Corporate & Community Services  
**Ward:** Municipal

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### **Purpose**

The purpose of this report is to advise Council of the decision of LeadWest to amend its Constitution.

### **Executive Summary**

- At its meeting held 11 May 2016, LeadWest Board resolved to amend its Constitution (provided as **Appendix A** – separately circulated).
- The key amendments include the introduction of a 16 member board with an independent Chair and making it permissible for Council's appointed member (Director) to also act as a representative at the AGM and other Special Meetings.

### **Recommendation**

That Council:

1. Receive and note the report on Leadwest Constitution Amendments.
2. Note the amendment permitting appointed members to now act as a representative at the AGM and other Special meetings, therefore revoking the previous appointments of Councillor Jan Chantry and Mr Anthony Smith, Director Corporate & Community Services for voting purposes at any Special General Meeting or Annual General Meeting of Leadwest Ltd.
3. Note that the Chief Executive Officer now assumes the role of Director in accordance with the Leadwest Constitution.

### **Background**

Moonee Valley City Council has been a member of LeadWest since its inception in 2007. LeadWest was formed to provide leadership on the growth of the West, to be a representative voice to State and Federal Government and to ultimately help the West realise its potential.

At its meeting held on 13 April 2016, LeadWest's Board agreed to introduce a 16 member board plus an independent Chair. The Board also discussed a number of amendments to better deal with the potential for several Participating Councils to cease membership if another Council made the first move to cease membership, and



to enable a director to be the representative of a member at the AGM and Special General Meetings.

As such, at its meeting held 11 May 2016, the LeadWest Board unanimously resolved to adopt the new constitution.

### **Discussion**

The following amendments were made to the Constitution:

1. Amendment of Clause 12.3.1 to: “the Participating Council must provide notice of an intention to resign, and then continue being a Member until the end of two financial years following the financial year in which notice is provided”;
2. Amendment of Clause 12.3.2 to: “the Participating Council must continue to pay financial contributions for the two financial years subsequent to the year in which notice is provided”
3. Amendment to include a new Clause 12.3.3: “Clause 12.3.1 does not apply to any Participating Council that provides notice of resignation within the six months following a first Participating Council providing notice in accordance with Clause 12.3.1” A new Clause 12.3.3: “Clause 12.3.1 does not apply to any Participating Councils that provide notice of resignation within the six months following a first Participating Council providing notice in accordance with Clause 12.3.1”
4. Amendment to include a new Clause 12.3.4: “A Participating Council to which Clause 12.3.3 applies will have its notice period and financial contributions aligned with the first Participating Council to provide notice in accordance with Clause 12.3.1”
5. Amendment of Clause 12.4 to: “At the end of the second financial year following the provision of notice referred to in Clause 12.3:”
6. Amendment to rescind Clause 20.2, which states: “Directors and Alternate Directors cannot act as the Representative of the Member (Participating Council or Organisation) they represent.”
7. Renumbering of Clause 20.3 and subsequent clauses because of the rescission of Clause 20.2.
8. Amendment of Clause 24.2.1 to: “Two (2) Directors nominated by each of the Participating Councils, with one to be a member of the Council and the other to be the chief executive officer or a senior officer.”
9. Amendment of Clause 25.1 to: “Each of the Participating Councils shall nominate two persons meeting the requirement of clause 24.2.1, each of whom shall be eligible to remain a Director for up to a maximum of three (3) terms in office of two (2) years duration for each term.
10. Amendment of Clause 34.2 to: “The quorum for a meeting of the Board is nine (9) Directors.”
11. Renumbering of current Clause 42 and subsequent clauses renumbered to 43, 44, etc.

12. Amendment to include a new Clause 42.1: “A Memorandum of Understanding shall be agreed between the Company and Participating Councils. The term of the Memorandum of Understanding will be for a rolling four-year period and be reviewed annually by 28 February. The Memorandum of Understanding shall describe the funding commitments to be made by the Participating Councils to the Company, and other general and specific arrangements.”

The amendments made by the LeadWest Board, will provide Council with greater flexibility in meeting its obligations as a member.

### **Consultation**

The nature of this report does not require any consultation.

### **Implications**

#### **1. Legislative**

There are no legislative implications that arise from this report.

#### **2. Council Plan / Policy**

In presenting this report to Council, Council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

#### **3. Financial**

There are no direct financial or policy implications resulting from the adoption of this report.

#### **4. Environmental**

There are no environmental implications resulting from the adoption of this report.

### **Conclusion**

The amendments identified ensure that the Constitution is accurate, up to date and reflects current objects, activities and operations. It is important that processes continue to be workable and sufficiently flexible to meet practical needs.

### **Appendices**

Appendix A: Constitution of LeadWest Ltd amended 11 May 2016 (separately circulated) .

## **9.14 Report on Assemblies of Council**

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

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### **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 May 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 May 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

## RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 17 May 2016 at 7.05pm at the Moonee Valley Civic Centre

### PRESENT

#### Councillors:

Andrea Surace, Paul Giuliano, Jan Chantry, Shirley Cornish, Nicole Marshall, Cam Nation, Narelle Sharpe and John Sipek.

#### Officers:

Bryan Lancaster	Chief Executive Officer
Anthony Smith	Director Corporate & Community Services
Henry Bezuidenhout	Acting Director Planning & Development
Gil Richardson	Acting Director City Services
Damian Hogan	Acting Manager Finance
Tim Mileham	Acting Manager City Planning
Kosta Smirnis	Acting Manager Technical Services
Venta Slizys	Coordinator Urban Design & Landscape
Christy Arnott	Social Research Officer
Colin Harris	External Projects Officer
Jon Liston	Strategic Transport Planner

### CONFLICT OF INTEREST DISCLOSURES

Nil.

### MATTERS CONSIDERED

1. 2016/17 Review of the 2013 - 17 Council Plan
2. Budget 2016/17
3. Flemington Life Update
4. Integrated Transport Plan
5. Draft Housing Strategy
6. Alf Pearce Reserve Dog Park Trial
7. 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 24 May 2016 at 5.37pm at the Moonee Valley Civic Centre

### PRESENT

#### Councillors:

Andrea Surace, Paul Giuliano, Shirley Cornish, Jim Cusack, Nicole Marshall, Narelle Sharpe and John Sipek.

#### Officers:

Bryan Lancaster	Chief Executive Officer
Anthony Smith	Director Corporate & Community Services
Peter Gaffney	Manager Infrastructure Services
Damian Hogan	Acting Manager Finance

### CONFLICT OF INTEREST DISCLOSURES

Nil.

### MATTERS CONSIDERED

1. Budget 2016/17

### RECORD COMPLETED BY

Anthony Smith	Director Corporate & Community Services
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## RECORD OF ASSEMBLY OF COUNCILLORS

Tuesday 24 May 2016 at 6.25pm 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
Anthony Smith	Director Corporate & Community Services
Henry Bezuidenhout	Acting Director Planning & Development
Gil Richardson	Acting Director City Services
Petrus Barry	Manager Statutory Planning
Yvonne Hansen	Manager Legislative Services & Support
James Martin	Manager Communications & Customer Services
Damian Hogan	Acting Manager Finance

### CONFLICT OF INTEREST DISCLOSURES

Councillor Nation declared an indirect conflict of interest in Item 1, 275 Buckley Street, Aberfeldie due to a conflicting duty and was not present for any discussion on this item.

### MATTERS CONSIDERED

1. 275 Buckley Street, Aberfeldie
2. 436-442 Mt Alexander Rd, Ascot Vale
3. 229 Mascoma Street, Strathmore
4. 40 Forrester Street, Essendon
5. 6 Ridley Avenue, Avondale Heights
6. 12 Howes Street, Airport West
7. Combined Planning Permit Application MV/900/2015 and Amendment C148 to the Moonee Valley Planning Scheme (9 Newsom Street, Ascot Vale)
8. Alf Pearce Reserve Fenced Dog Park
9. Grade Separation Principles for Essendon Junction
10. 2016/17 Review of the 2013-17 Council Plan
11. Budget 2016/17
12. Biannual Grants Program 2015/16 - Round 2
13. Moonee Valley Grants 2016/17 - Caretaker arrangements

14. Submission to the Victorian Government on the draft - Protecting Victoria's Environment - Biodiversity 2036
15. Financial Performance Report March 2016
16. Community Chef Restructure
17. 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 7 June 2016 at 6.33pm at the Moonee Valley Civic Centre

### PRESENT

#### Councillors:

Paul Giuliano, Jan Chantry, Jim Cusack, Nicole Marshall, Narelle Sharpe and John Sipek.

#### Officers:

Anthony Smith	Director Corporate & Community Services
Natalie Reiter	Director Planning & Development
Gil Richardson	Acting Director City Services
Henry Bezuidenhout	Manager City Planning
Tim Mileham	Acting Coordinator Strategic Planner
Anabel Adler	Senior Urban Designer
Brian Labadie	Senior Strategic Planner

### CONFLICT OF INTEREST DISCLOSURES

Councillor Nation having previously declared a conflict of interest in Item 1, Amendment C159 - Implementation of Essendon Junction Structure Plan did not attend the meeting.

Bryan Lancaster having previously declared a conflict of interest in Item 1, Amendment C159 - Implementation of Essendon Junction Structure Plan did not attend the meeting.

### MATTERS CONSIDERED

1. Amendment C159 - Implementation of Essendon Junction Structure Plan
2. 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 14 June 2016 at 6.27pm at the Moonee Valley Civic Centre

### PRESENT

#### Councillors:

Andrea Surace, Jan Chantry, Shirley Cornish, Jim Cusack, Nicole Marshall, Cam Nation, Narelle Sharpe and John Sipek.

#### Officers:

Bryan Lancaster	Chief Executive Officer
Anthony Smith	Director Corporate & Community Services
Natalie Reiter	Director Planning & Development
Gil Richardson	Acting Director City Services
Henry Bezuidenhout	Manager City Planning
Damian Hogan	Acting Manager Finance
David Kilroe	Senior Urban Designer
William Wheeler	Senior Strategic Planner

### CONFLICT OF INTEREST DISCLOSURES

Councillor Nation declared an indirect conflict of interest in Item 5, Kent Street Traffic Management Study in relation to residential amenity.

Bryan Lancaster declared an indirect conflict of interest in Item 8, 47 - 51 Rose Street, Essendon in relation to residential amenity.

### MATTERS CONSIDERED

1. Tobacco Act Legislation - Waterpipes Exemption
2. Return of the 2016 General Revaluation
3. Procurement Policy 2016
4. Mayoral Charity Community Race Day - Recommendation of Community Beneficiaries
5. Kent Street Traffic Management Study
6. Combined Planning Permit Application MV/900/2015 and Amendment C148 to the Moonee Valley Planning Scheme (9 Newsom Street, Ascot Vale)
7. 81 Rose Street, Essendon
8. 47 - 51 Rose Street, Essendon
9. 165 - 169 Keilor Road, Essendon
10. 4 - 6 Canning Street, Avondale Heights
11. 14 Banchory Street, Essendon
12. 20 Argyle Street, Moonee Ponds

13. Items of a general nature raised by Councillors and Officers

**RECORD COMPLETED BY**

Anthony Smith

Director Corporate & Community Services