



City of  
**Moonee Valley**

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# **Ordinary Meeting of Council**

Tuesday, 12 September 2017 at 6.30pm

**Agenda**

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# Ordinary Meeting of Council

Tuesday, 12 September 2017 at 6.30pm  
to be held at the Moonee Valley Civic Centre

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**TO :**

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

**Officers:** Mr Bryan Lancaster Chief Executive Officer  
Mr David Benallack Chief Financial Officer  
Mr Steven Lambert Director City Services  
Ms Kendrea Pope Director Organisational Performance  
Ms Natalie Reiter Director Planning & Development  
Mr Petrus Barry Manager Statutory Planning  
Ms Nicole Battle Acting Manager Communications & Governance

**Business:**

**1. Opening**

Welcome, including the acknowledgement of the Traditional Custodians of this land and the recital of the Councillor Creed.

**2. Apologies**

**3. Confirmation of Minutes**

Ordinary Meeting of Council held on Tuesday, 22 August 2017.

**4. Declarations of Conflict of Interest**

**5. Presentations**

**6. Petitions and Joint Letters**

**7. Public Question Time**

**8. Reports by Mayor and Councillors**

Nil

**9. Reports**

- 9.1 144 Holmes Road, Moonee Ponds (Lot 183 on PS002252) - Construction of three dwellings in a Special Building Overlay.....5
- 9.2 34 Robinson Street, Moonee Ponds (Lot 1 on TP538175A) - Construction of two double storey dwellings to the rear of an existing dwelling and a reduction to the car parking requirement.....27
- 9.3 10 Beryl Street, West Essendon (Lot 22 Section 5 on PS002314 and Lot 1 on TP644504Q) - Construction of four dwellings.....54
- 9.4 34 Wilson Street, Moonee Ponds - Proposed Sale of Land .....76
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- 9.8 Moonee Valley Early Years Plan: Progress Report 2016-17 and Action Plan 2017-18.....94
- 9.9 Adoption of the Domestic Animal Management Plan 2017 - 2021 .....99
- 9.10 Marriage Equality Statement.....104

**10. Notices of Motion**

Nil

- 11. Urgent Business
- 12. Confidential Reports  
Nil
- 13. Close of Meeting

**BRYAN LANCASTER**  
Chief Executive Officer



## REPORTS

**9.1                    144 Holmes Road, Moonee Ponds (Lot 183 on PS002252) -  
Construction of three dwellings in a Special Building Overlay**

**File No:** FOL/17/11  
**Author:** Grant Michell  
Senior Statutory Planner  
**Directorate:** Planning & Development

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<b>Planning File No.</b>	MV/900/2016
<b>Proposal</b>	<ul style="list-style-type: none"><li>• Three three-bedroom dwellings.</li><li>• Double storey height.</li></ul>
<b>Applicant</b>	ARG Planning P/L
<b>Owner</b>	Mr Stefan De Plama and Joshua Morrison
<b>Planning Scheme Controls</b>	General Residential Zone Special Building Overlay
<b>Planning Permit Requirement</b>	Clause 32.08-6 – to construct two or more dwellings on a lot. Clause 44.05-1 – to construct a building or to construct or carry out works.
<b>Car Parking Requirements (Clause 52.06)</b>	Required – 6 car spaces Proposed – 6 car spaces
<b>Bicycle Requirements</b>	N/A
<b>Restrictive Covenants</b>	None
<b>Easements</b>	None
<b>Site Area</b>	646m <sup>2</sup>
<b>Number Of Objections</b>	45
<b>Consultation Meeting</b>	5 April 2017

## Executive Summary

- This application seeks approval for the construction of three double storey dwellings.
- The site is approximately 646 square metres located on the northeast corner of Holmes Road and Huntly Street, Moonee Ponds.
- The application was advertised with 45 objections received. Concerns were generally raised in relation to the neighbourhood character, built form, overdevelopment, on-site and off-site amenity, traffic and parking, and consistency with the Moonee Valley Planning Scheme.
- A Consultation Meeting was held on 5 April 2017, which was attended by Councillor's Nation and Marshall, the Permit Applicant, Objectors and Council's Planning Officer.
- The proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme. It proposes an appropriate intensification of residential development in a well-established area close to schools, public open space and public transport. The architectural response is considered to be appropriate to the context.
- The application was externally referred to Melbourne Water and internally referred to Council's Development Engineering (Drainage) Unit, Development Engineering (Traffic) Unit, and Environmental Sustainable Design (ESD) Officer. While some traffic concerns were raised, conditional support was provided from all other authorities and departments/officers.
- The proposal achieves an acceptable level of compliance with the standards of ResCode, with four technical areas of non-compliance. Variations associated with the wall height on the eastern boundary, first floor north and east side setbacks, street setbacks and setback from the adjoining property's habitable room window are considered appropriate. The proposed development depicts an appropriate built form that provides a high level of internal amenity, protects the amenity of the adjoining properties and responds to its site context.
- This assessment report finds that the proposal demonstrates an adequate level of compliance with the relevant policies and provision of the Moonee Valley Planning Scheme, and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.

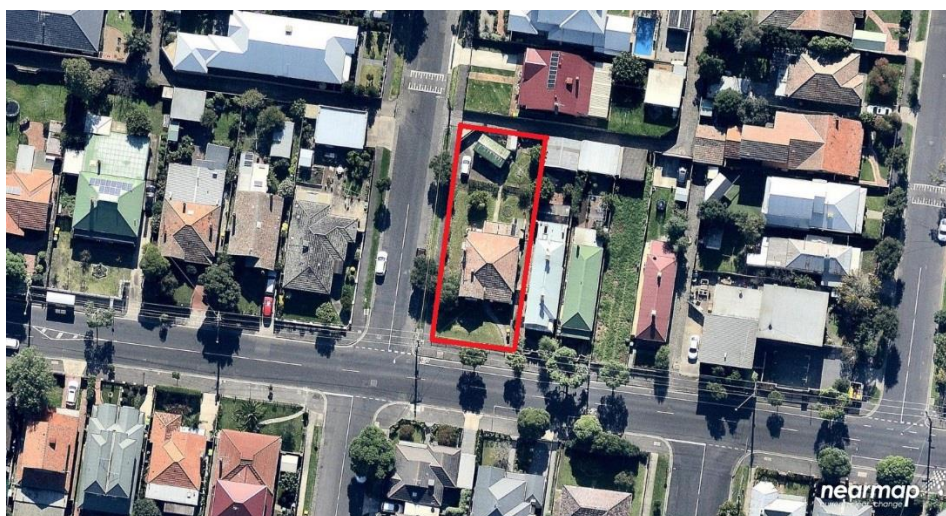


Figure 1: Aerial photograph of subject site and surrounds

## Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/900/2016 for the construction of three dwellings in a Special Building Overlay at 144 Holmes Road, Moonee Ponds (Lot 183 on 002252), subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the advertised plans but modified to show:
  - a) All alterations to the development as required by Melbourne Water in accordance with Conditions 18-31 of this permit.
  - b) The first floor level of Dwelling 1 to fully comply with the setback requirements of Clause 55.04-1 (Standard B17 - Side and Rear Setbacks) of the Moonee Valley Planning Scheme.
  - c) The storage area wall of Dwelling 1 and Kitchen room window of Dwelling 2 on the eastern boundary to be setback 1 metre from the boundary, with no alteration to any other setbacks as a result of this requirement.
  - d) Internal alterations as a result of Conditions 1(a) – 1(c).
  - e) Alterations to the materials and finishes to provide a lighter colour palette in accordance with the Neighbourhood Character Guidelines 2012.
  - f) All stormwater treatment measures and BESS measures, their locations and associated annotations in accordance with the submitted STORM and BESS Assessment reports.
  - g) All vehicle crossings to be constructed in accordance with Council's Vehicle Crossing Policy with the accessways to align with the crossovers.
  - h) The double crossover to Huntly Street to be 5.5 metres in width.
  - i) All references to Unit replaced with Dwelling.
  - j) A 1m by 1m splay at both the north-western and south-western corners of the site.
  - k) A notation stating that all windows within the southern elevation to be screened in accordance with Clause 55.04-6 (Standard B22 - Overlooking) of the Moonee Valley Planning Scheme and to be restricted to opening no more than 150mm.
  - l) Pedestrian visibility splays to both sides of the accessway in accordance with Clause 52.06-8 of the Moonee Valley Planning Scheme.
  - m) No storage doors to open into garage parking areas.

- n) The eastern boundary fence to be a minimum of 1.8 metres in height, tapered to a maximum height of 1.2 metres within the street setback of the site.

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

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. An amended BESS assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1, achieving a minimum 6 star energy rating for each dwelling.
- 4. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.
- 5. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) Details (relating to the WSUD treatment measures nominated in the approved and complying STORM 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 CSMP must be in accordance with Moonee Valley City Council's CSMP's guideline and templates.

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.

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

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

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

- 8. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 9. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking objective) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

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

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

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

- e) be maintained and made available for such use; and
- f) not be used for any other purpose,

to the satisfaction of the Responsible Authority.

11. Before the buildings approved by this permit are occupied, concrete vehicular crossings must be constructed to suit the proposed driveways 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.

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

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

14. 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.
15. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.
16. Before the development starts, and before any trees or vegetation are removed a landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan and schedule must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale and an electronic copy 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) Any changes as a result of Condition 1;
- b) A survey of all existing vegetation, abutting street trees, natural features and vegetation;
- c) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design;
- d) Planting on the land comprising trees and shrubs capable of:
  - i. Providing a complete garden scheme;
  - ii. Softening the building bulk;
  - iii. Providing some canopy trees capable of reaching a mature minimum height of 4 metres; and
  - iv. Minimising the potential of any overlooking between habitable rooms of adjacent dwellings;
- e) The proposed design features such as paths, paving, lawn and mulch;
- f) 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;
- g) The use of drought tolerant species;
- h) The provision of canopy trees within the frontage of the site;
- i) All trees on the land that are proposed to be removed or destroyed; and
- j) All planting within the pedestrian visibility splay to be no higher than 900mm.

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

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

17. The garden areas shown on the endorsed 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.

**Melbourne Water Conditions Start**

- 18. Finished floor levels of Unit 1 must be constructed no lower than 9.45 metres to Australian Height Datum (AHD).
- 19. Finished floor levels of Unit 2 must be constructed no lower than 9.5 metres to Australian Height Datum (AHD).
- 20. Finished floor levels of Unit 3 must be constructed no lower than 9.66 metres to Australian Height Datum (AHD).
- 21. Finished floor levels of the garage to Unit 1 must be constructed no lower than 9.3 metres to Australian Height Datum (AHD).

22. Finished floor levels of the garage to Unit 2 must be constructed no lower than 9.4 metres to Australian Height Datum (AHD).
23. Finished floor levels of the garage to Unit 3 must be constructed no lower than 9.45 metres to Australian Height Datum (AHD).
24. A minimum three (3) metre setback measured from the western boundary and maintained at natural surface levels is required for the conveyance of overland flow.
25. Imported fill to achieve ramping to the garages must be located outside the minimum three metre western boundary setback.
26. The entry area including stairs to Unit 1, 2 and 3 located within the minimum three metre western setback must be constructed unenclosed underneath to allow for the conveyance of overland flow.
27. The water tanks to Unit 1 and 3 located within the minimum three metre western boundary setback must be constructed 'in-ground' at natural surface levels to allow for the conveyance of overland flow.
28. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the dwellings, garages and driveway ramps.
29. The front fence and any new internal fencing must be open style, a minimum of 50% of construction or timber paling to allow for the conveyance of overland flow.
30. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.
31. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

**Melbourne Water Conditions End**

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

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

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



## Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.
- 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.
- 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;  $C=0.4$ ,  $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or  $C=0.80$ .
- The splay areas within the north-eastern and north-western corners to vest to Council at subdivision stage.

## 1. Introduction

### 1.1 Subject Site and Surrounds

The subject property is located on the northeast corner of Holmes Road and Huntly Street, Moonee Ponds.

The site is rectangular in shape with a frontage of 16.15 metres to Holmes Road and a frontage to Huntly Street of 40.23 metres. The site area is 646 square metres. A Right of Way is located along the site's northern boundary.

There are no easements or covenants noted on the Certificate of Title.

The subject site currently accommodates a single storey weatherboard dwelling with a pitched roof.



**Figure 2: Subject Site (144 Holmes Road, Moonee Ponds) view to the north**



**Figure 3: Subject Site (144 Holmes Road, Moonee Ponds) view to the east**

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

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

A two dwelling double storey development is currently proposed for the land immediately to the north of the subject site on the opposite side of the Right of Way.

## **1.2 Proposal**

It is proposed to construct three double storey dwellings on the lot. Dwelling 1 is oriented to Holmes Road while Dwellings 2 and 3 are oriented to Huntly Street to activate both street frontages. Vehicular access is proposed to Holmes Road for Dwelling 1 and a double crossover to Huntly Street provides access to Dwellings 2 and 3.

**Table 1**

No of dwellings	Three double storey dwellings
No of car spaces	6 car spaces
Max Building Height	7.51 metres
Site Coverage	55%
Permeability	34%

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

## **2. Background**

### **2.1 Relevant Planning History**

No previous planning applications have been determined for the subject site.

### **2.2 Planning Policies and Decision Guidelines**

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

Clause 10	Operation of the State Planning Policy Framework
Clause 11	Settlement
Clause 11.06	Metropolitan Melbourne
Clause 13	Environmental Risks
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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#### **Overlays**

Clause 44.05	Special Building Overlay
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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 Referrals

**Table 2**

Department/Officer	Yes	No	N/A	Conditions
Melbourne Water	✓			Conditions relating to the finished floor heights of the dwellings and fencing to allow overland flow.

### Internal Referrals

**Table 2**

Department/Officer	Yes	No	N/A	Conditions
ESD Officer			✓	Amended BESS report, and plan annotations
Development Engineering (Traffic)	✓			Conditions relating to the deletion of the crossover to Holmes Road and construction of the crossovers within Huntly Street.
Development Engineering (Drainage)	✓			Standard drainage conditions.

## 2.4 Public Notification of the Application

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

As a result, 45 objections were received and identified within **Appendix A** of this report. The objections are discussed at Section 3.5 of this report.

## 2.5 Consultation Meeting

A Consultation Meeting was held on 5 April 2017, which was attended by Councillor's Nation and Marshall, the Permit Applicant, Objectors and Council's Planning Officer. No resolution was achieved at this meeting.

### **3. Discussion**

#### **3.1 Does the Proposal Address the Relevant State and Local Planning Policies?**

The relevant State Planning Policy Framework objectives are considered to have been satisfied by the proposal. Notably, the policy framework objectives broadly encourage consolidation of urban allotments in locations which can provide housing diversity and take advantage of existing public transport and community and commercial services, including Clauses 11, 11.06, 15, 16, 18, 21.05 and 21.06, which all seek to increase the residential supply in these areas.

The site offers an opportunity for redevelopment considering its size, corner location, Right of Way abuttal and location in a residential area, which already features a range of dwelling densities. The proposed development responds to the objectives and strategies of 21.06 (Built Environment). The key concepts of this clause are assessed against the relevant Neighbourhood Character Precinct Profile Guidelines in Section 3.2.

The proposal complies with Clause 21.04 (Sustainable Environment) and Clause 22.02 (Storm Water Management) through the use of ecological sustainable design principles as highlighted within the submitted BESS assessment and STORM reports, subject to appropriate conditions on any permit issued requiring additional details on the development plans and an amended BESS report achieving a 6 star energy rating for each dwelling.

The proposal accords with objectives of Clause 21.04-4 (Waste) as it relates to encouraging the use of recycling and achieving best practice in waste minimisation. Waste collection will be undertaken by Council's waste collection services.

#### **3.2 Does the Development Accord with the Preferred Character of the Area?**

The subject land is identified as being within character area 'Garden Suburban 5' within the Moonee Valley Neighbourhood Precinct Profiles 2012. The development is considered a suitable response to the immediate context, the design guidelines and the preferred character statement of the precinct as follows:

- The proposed contemporary built form of the development is consistent with the emerging character of the area.
- The siting and massing of the development is consistent with the pattern of development which has occurred in the immediate and wider area and is responsive to its corner location.
- The presentation and setback of the development to the street is consistent with the streetscape pattern and will not present as a dominant built form.
- The development is highly articulated through the use of varied setbacks, porch treatments and a variety of materials and finishes and will present a contemporary and visually interesting built form to this corner location.

- The materials and finishes, however, are inconsistent with the surrounding character of the area. It is considered appropriate to include a condition requiring a lighter colour palette that is consistent with the Neighbourhood Character Guidelines.
- The flat roof form of the development is consistent with the surrounding built form within the Holmes Road streetscape and is reflective of the contemporary building form. Additionally, the flat roof form results in a lower overall building height, which is responsive to the Special Building Overlay affecting the site.
- The height of the development at two storeys is consistent with the prevailing built form in the streetscape.
- Sufficient areas within the front and rear setbacks are provided for a landscaping response, including canopy tree planting to contribute to the garden character of the area.
- Appropriate front fencing is provided in front of the dwellings, which will maintain views of the landscaped front setbacks within the streetscapes.
- Car parking is incorporated within the built form and does not present as a dominant form to the streetscapes.

### **3.3 Is the Provision and Design of Car Parking Acceptable?**

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

**Table 2**

	<b>Requires</b>	<b>Proposed</b>
3 x 3 bedroom dwellings	6	6
Totals	6	6

The design of car spaces and accessways generally complies with the requirements of Clause 52.06-8, subject to conditions requiring the provision of pedestrian visibility splays.

The application has been referred to Council's Development Engineering (Traffic) Unit who do not object to the development subject to standard crossover and accessway conditions to the double crossover to Huntly Street and conditions requiring splays at the northeast and northwest corners of the side to improve visibility and public safety.

However, the Development Engineering (Traffic) Unit do not support the crossover of Dwelling 1 to Holmes Road. It is considered that while the Development Engineering (Traffic) Unit do not support the crossover the Holmes Road, the crossover location as proposed is an appropriate design response for the corner site for the following reasons:

- Numerous properties have crossovers to Holmes Road and reverse into the road.
- The presentation of Dwelling 1 to Holmes Road, including the garage and crossover, is consistent with the pattern of development within the streetscape.
- On-street parking is limited within Holmes Road due to the narrow width of the road and single lane of traffic in each direction.
- The loss of on-street parking within Huntly Street will be limited.

### 3.4 Does the Proposal Comply with the Requirements of Clause 55?

The proposal is considered to generally comply with the provisions of Clause 55 as set out in the assessment table (refer to **Appendix C**). The following points of exception are assessed below:

**Table 3**

Res Code Standard	Response
Clause 55.03-1 (Standard B6 – Street Setback)	The proposed Holmes Road street setback of Dwelling 2 at 5 metres does not comply with the 5.2 metre setback requirement of this Standard. It is considered that the proposed setback is appropriate for the subject site as the amount of non-compliance (200mm) is minimal and the street setback provides sufficient area for a robust landscaping response.
Clause 55.03-8 (Standard B13 – Landscaping)	A landscape plan has not been submitted with the application documentation. It is considered appropriate to include a condition on any permit issued requiring the submission of a landscape plan, prepared by a suitably qualified person.
Clause 55.04-1 (Standard B17 – Side and Rear Setbacks)	<p>The proposed first floor eastern side setbacks of Dwelling 1 do not comply with the requirements of this Standard. It is considered appropriate to include a condition to increase the setbacks to 2.4 metres to fully comply with this Standard and to address the Objector to the easts concerns.</p> <p>The proposed first floor northern side setbacks of Dwelling 3 at 2 metres does not comply with the 2.09 metre setback requirement of this Standard. It is considered that the proposed setback is appropriate in this instance as the dwelling has an interface with a laneway and it limited to the north-western corner of the upper level due to the slope of the land.</p> <p>The proposed ground floor setbacks fully comply with this Standard.</p>

Res Code Standard	Response
Clause 55.04-2 (Standard B18 – Walls on Boundary)	<p>The proposed wall of Dwellings 1 and 2 on the eastern boundary at 3.9 metres does not comply with the height requirements of this Standard, which require an average height of 3.2 metres with no part greater than 3.6 metres.</p> <p>The subject site is located within a Special Building Overlay area, which results in the development having to have a floor level above the natural ground level. This results in higher wall heights when measured from natural ground level. It is considered that in this instance, the proposed 3.9 metre high wall is unreasonable and will have a detrimental impact upon the amenity of the adjoining property to the east.</p> <p>It is noted that ‘without prejudice’ plans have been prepared and submitted to Melbourne Water responding to concerns over the finished floor levels of the development (amongst other matters). In considering the amended plans, Melbourne Water has noted that the required finished floor levels required are lower than proposed. The ‘without prejudice’ plans have been amended to reflect the amended finished floor levels and result in a wall height on the eastern boundary of 3.7 metres.</p> <p>It is considered that the proposed wall height at 3.7 metres is appropriate for the site and will not have an unreasonable impact upon the adjoining property, particularly in light of further conditions relating to the setback of this wall as discussed below.</p> <p>A condition will be included on any permit issued requiring alterations to the development plans, as shown within the ‘without prejudice’ plans considered by Melbourne Water.</p>
Clause 55.04-3 (Standard B19 – Daylight to Existing Windows)	<p>The proposed wall on the eastern boundary at 3.9 metres in height requires a setback of 1.95 metres from the habitable room windows of the adjoining property to the east. As proposed the development (Dwellings 1 and 2) is setback 1 metre from these windows.</p> <p>It is considered appropriate to include a condition to setback the storage area wall of Dwelling 1 and the kitchen wall of Dwelling 2 at least 1 metre from the eastern boundary. The inclusion of this condition will result in compliance with this Standard to the two northernmost habitable room windows and partial compliance with the southernmost window.</p>



Res Code Standard	Response
Clause 55.04-6 (Standard B22 – Overlooking)	It is considered appropriate to include a condition requiring that all habitable room windows within the eastern and northern elevations be screened in accordance with this Standard.

### 3.5 Objections

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

**Table 4**

Issue	Officer Response
Neighbourhood Character	Refer to Section 3.2 of this report for discussion.
Visual Bulk	The development is highly articulated through the use of various materials and finishes, varied setbacks, landscaping, wall heights, roof forms, separation at the upper levels and window placements. As such, it is considered the development does not present a visually dominant built form to the streetscapes or adjoining properties.
Overdevelopment	The proposed development does not present as an overdevelopment of the subject site as it appropriately responds to its site context of being a corner site with three road abutments and general compliance with the Standards and Objectives of Clause 55 of the Moonee Valley Planning Scheme.
On-site Amenity	Refer to Section 3.4 of this report for discussion.
Off-site Amenity	Refer to Section 3.4 of this report for discussion.
Traffic and Parking	Refer to Section 3.3 of this report for discussion.
Devaluation of Properties	This is not a planning consideration.

### 3.6 Compliance with Clause 44.05 (Special Building Overlay)

The subject site is located within a Special Building Overlay area. The application has been referred to Melbourne Water, who indicate that they have no objection to the proposal subject to conditions, which will be included on any permit issued.

## 4. General

The application was lodged prior to the 27 March 2017, and as such is not subject to the amendments to the residential zones outlined in Clauses 32.08-4 and 32.08-9 (General Residential Zone) of the Moonee Valley Planning Scheme.

**5. 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).

**6. 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 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: Development Plans (separately circulated)

Appendix C: Clause 55 Assessment.

## **Objectors' List for MV/900/2016 at 144 Holmes Road, MOONEE PONDS**

### **Objectors' Mailing Address**

122 The Boulevard, ABERFELDIE VIC 3040
17 Sussex Street, MOONEE PONDS VIC 3039
10 Hudson Street, MOONEE PONDS VIC 3039
26 Thomas Street, MOONEE PONDS VIC 3039
8 Hudson Street, MOONEE PONDS VIC 3039
148 The Boulevard, ABERFELDIE VIC 3040
10 Hudson Street, MOONEE PONDS VIC 3039
148 The Boulevard, ABERFELDIE VIC 3040
122 The Boulevard, ABERFELDIE VIC 3040
122 The Boulevard, ABERFELDIE VIC 3040
19a Huntly Street, MOONEE PONDS VIC 3039
23 Huntly Street, MOONEE PONDS VIC 3039
20 Huntly Street, MOONEE PONDS VIC 3039
20a Huntly Street, MOONEE PONDS VIC 3039
24 Huntly Street, MOONEE PONDS VIC 3039
15 Huntly Street, MOONEE PONDS VIC 3039
25 Huntly Street, MOONEE PONDS VIC 3039
33 Huntly Street, MOONEE PONDS VIC 3039
29 Huntly Street, MOONEE PONDS VIC 3039
29 Huntly Street, MOONEE PONDS VIC 3039
16 Huntly Street, MOONEE PONDS VIC 3039
140 Holmes Road, MOONEE PONDS VIC 3039
142 Holmes Road, MOONEE PONDS VIC 3039
152 Holmes Road, MOONEE PONDS VIC 3039
146 Holmes Road, MOONEE PONDS VIC 3039
152 Holmes Road, MOONEE PONDS VIC 3039
140 Holmes Road, MOONEE PONDS VIC 3039
26 Thomas Street, MOONEE PONDS VIC 3039
26 Thomas Street, MOONEE PONDS VIC 3039
26 Thomas Street, MOONEE PONDS VIC 3039

154 Holmes Road, MOONEE PONDS VIC 3039
8 Hudson Street, MOONEE PONDS VIC 3039
8 Hudson Street, MOONEE PONDS VIC 3039
9 Hudson Street, MOONEE PONDS VIC 3039
9 Hudson Street, MOONEE PONDS VIC 3039
142 Holmes Road, MOONEE PONDS VIC 3039
159 Holmes Road, MOONEE PONDS VIC 3039
16 Huntly Street, MOONEE PONDS VIC 3039
7 Intervale Drive, AVONDALE HEIGHTS VIC 3034
23 Huntly Street, MOONEE PONDS VIC 3039
60 Dinah Parade, EAST KEILOR VIC 3033
16 Beaver Street, ABERFELDIE VIC 3040
77 Bowen Street, MOONEE PONDS VIC 3039
77 Bowen Street, MOONEE PONDS VIC 3039
68 Derby 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).

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	✓
<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>	✓	✓
<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	
<i>B 17 - Side and Rear Setbacks Objective</i>	X	✓
<i>B 18 - Walls on Boundaries Objective</i>	X	✓
<i>B 19 - Daylight to Existing Windows Objective.</i>	X	✓
<i>B 20 - North-facing Windows Objective</i>	✓	✓
<i>B 21 - Overshadowing Open Space Objective</i>	✓	✓
<i>B 22 - Overlooking Objective</i>	✓ subject to	✓

Title and Objective	Complies with Standard	Complies with Objective
	conditions	
<i>B 23 - Internal Views Objective</i>	✓	✓
<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>	✓	✓
<i>B 31 - Design detail objective</i>	✓	✓
<i>B 32 - Front Fences Objective</i>	✓	✓
<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

**9.2                    34 Robinson Street, Moonee Ponds (Lot 1 on TP538175A) - Construction of two double storey dwellings to the rear of an existing dwelling and a reduction to the car parking requirement**

**File No:** FOL/17/11

**Author:** Lachlan Orr  
Senior Statutory Planner

**Directorate:** Planning & Development

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<b>Planning File No.</b>	MV/89/2017
<b>Proposal</b>	<ul style="list-style-type: none"><li>• Retention of existing dwelling facing Robinson street</li><li>• Two double storey dwellings facing rear laneway</li><li>• Reduction in car parking for the existing dwelling</li></ul>
<b>Applicant</b>	Darren Blair C/- Ratio Consultants Pty Ltd
<b>Owner</b>	Denham and Toula Hopman
<b>Planning Scheme Controls</b>	General Residential Zone
<b>Planning Permit Requirement</b>	Clause 32.06-6 – Two or more dwellings Clause 52.06-3 – Car parking reduction
<b>Car Parking Requirements</b>	Required – 5 spaces Provided – 4 spaces* *Reduced to 3 by condition of permit
<b>Restrictive Covenants</b>	None
<b>Easements</b>	None
<b>Site Area</b>	775 square metres
<b>Number Of Objections</b>	12
<b>Consultation Meeting</b>	28 June 2017

## Executive Summary

- The application seeks planning permission for the construction of two double storey dwellings to the rear of an existing dwelling, and a reduction in the car parking requirement associated with the existing dwelling.
- The site is located on the eastern side of Robinson Street, south of the intersection with Buckley Street. A laneway abuts the site to the rear (east), primarily accessed from Heritage Street. The land is located in proximity to the Moonee Ponds (600m) and Essendon Junction (500m) Activity Centres.
- The application was advertised with 12 objections received. Concerns were raised primarily in relation to the car parking and traffic impacts, the use of and impact on the rear laneway and Heritage Street, neighbourhood character and visual bulk, off-site amenity impacts, waste storage/collection and infrastructure impacts.
- A Consultation Meeting was held on 28 June 2017, which was attended by Councillors Cusack, Marshall and Nation, objectors, the permit applicant and Council's Planning Officer. Whilst no resolution was achieved there was some discussion regarding the retention of on-street parking in front of the existing dwelling, which is an acceptable modification expanded on within this report.
- The proposal is an appropriate increase of housing in a location which has seen consistent infill development at a similar scale, such as a near identical development on the neighbouring property to the south. The development represents an acceptable intensification of built form at the rear of the site, and will achieve a more active presentation to the rear laneway. A condition of permit will require the deletion of the new car space and accessway for the existing dwelling to Robinson Street, which will preserve on-street parking for the public as well as the streetscape presentation. Other traffic and parking impacts are able to be addressed through conditions of permit, where necessary.
- The proposal achieves a high level of compliance with the quantifiable standards of ResCode. Of eight minor areas of non-compliance, seven are addressed through conditions of permit. The one acceptable variation relates to the extent of vehicle accessways facing the laneway, which does not pose any concern in respect to the character of the area or to the supply of on-street car parking.
- Overall, this assessment report finds that the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme. It is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.





Figure 1: Aerial photograph of subject site and surrounds

### Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/89/2017 for the construction of two double storey dwellings to the rear of an existing dwelling and a reduction to the car parking requirement at 34 Robinson Street, Moonee Ponds (Lot 1 on TP538175A), subject to the following conditions:

1. Before the development starts, amended plans must be submitted to and approved to the satisfaction of the Responsible Authority. The amended plans must be drawn to scale and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) The deletion of the car space and accessway associated with the existing dwelling, and retention of the existing picket fence, nature strip and on-street car parking in front of the site;
  - b) The true northern orientation shown on the floor plans;
  - c) Dwelling 2 modified to comply with Standard B21 of Clause 55.04-5 (Overshadowing) of the Moonee Valley Planning Scheme;
  - d) Each window provided with annotations that screening and glazing treatments comply with Standard B22 of Clause 55.04-6 (Overlooking) and Standard B23 of Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme;
  - e) The rear open space area of each proposed dwelling increased to at least 40 square metres through the relocation of the dividing fence with the existing dwelling, to comply with Standard B28 of Clause 55.05-4 (Private Open Space) of the Moonee Valley Planning Scheme;

- f) The provision of storage to the existing dwelling to comply with Standard B30 of Clause 55.05-6 (Storage) of the Moonee Valley Planning Scheme;
- g) Alternate paving treatments to physically delineate the section of common property required for vehicles to enter and exit Dwellings 2 and 3 to comply with Clause 55.06-3 (Common Property) of the Moonee Valley Planning Scheme;
- h) A landscape plan in accordance with Condition 15; and
- i) Any changes as a result of Condition 3.

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

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM assessment must obtain a minimum 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 CSMP must be in accordance with Moonee Valley City Council's CSMP's guideline and templates.

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

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

- 6. A maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
  - a) Inspection frequency;
  - b) Cleanout procedures;
  - c) As installed design details/diagrams including a sketch of how the system operates; 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. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.
8. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
9. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
10. Before the buildings approved by this permit are occupied, the concrete vehicular crossing must be constructed to suit the proposed driveway in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossings must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

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

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

Before the development starts a Drainage Layout Plan, including computations and manufacturer's specifications, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and

must depict an on-site stormwater detention drainage system to be installed on the land.

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

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

13. 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.
14. 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.
15. Before the development starts, or any trees or vegetation removed, a landscape plan (an electronic copy) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
  - a) Any changes required by Condition 1 of this permit;
  - 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; and
  - d) The provision of at least two canopy trees within the secluded open space area of each dwelling, all able to achieve a minimum mature height of 4 metres.

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.

16. 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.
17. This permit will expire if:
  - a) The development does not start within two (2) years of the date of issue of this permit, or
  - b) The development is not completed within four (4) years of the date of issue of this permit.

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

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

### **Permit Notes**

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, new crossings, building over easements, etc.
- No on-street parking permits will be provided to occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by Moonee Valley City Council.
- 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 works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.

## **1. Introduction**

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

The subject property is located on the eastern side of Robinson Street, Moonee Ponds, approximately 125 metres south of the intersection with Buckley Street. The land is irregular in shape with an angled frontage of 12.04 metres to Robinson Street, average depth of 75.58 metres and a rear boundary of approximately 10 metres. The overall site area is approximately 775 square metres. There are no easements, covenants or other restrictions identified on title.





**Figure 2: Subject site (View from east along rear laneway)**

A 3.5 metre wide laneway abuts the rear of the site, which is confirmed as a road on title. The laneway provides vehicle access from Heritage Street immediately to the south-east to the rear of properties to the north along Robinson Street. Approximately 20 metres to the north of the site, the laneway diverges in an east-west direction travelling between Robinson and Hutcheson Streets and providing vehicle access to the rear of properties facing Buckley and Heritage Streets.

The subject site currently accommodates a single storey weatherboard dwelling with a hipped and gabled roof, set back approximately 3.9 metres from Robinson Street. Vehicle access is provided by the Right of Way at the rear to an open parking area located behind the dwelling and its private open space.

The surrounding land is within a General Residential Zone. Residential development in proximity of the subject site is varied, with a mixture of single dwellings on irregularly configured allotments and numerous examples of multi-unit/apartment developments, as seen immediately to the east and south of the land. Development in the area is somewhat varied architecturally, reflecting the different periods in which development has taken place, but generally retains a traditional character of built form with hipped roofing, brick and weatherboard construction and front fencing enclosing landscaped gardens to the street.

The land is well located in relation to public and commercial amenities, including schools and reserves. St Monica's Primary School, Queens Park and the Moonee Ponds Activity Centre are respectively located 100 metres, 250 metres and 600 metres to the south of the site. The site is highly accessible by public transport. The Route 59 tram runs along Pascoe Vale Road approximately 330 metres to the east travelling between the CBD and Airport West Activity Centre, intersecting through

the Essendon Junction Activity Centre. The Essendon Junction Activity Centre, which surrounds the Essendon Railway Station, is located approximately 500 metres to the north-west.

## 1.2 Proposal

It is proposed to construct two double storey dwellings to the rear of the existing dwelling, summarised as follows:

**Table 1**

No of dwellings	1 existing +2 additional
No of car spaces	4 A reduction of one space is sought for the existing three-bedroom dwelling.
Max building height	6.85 metres
Site coverage	48.13%
Permeability	31.92%

Refer **Appendix C** – Plans.

## 2. Background

### 2.1 Relevant Planning History

Planning permit application MV/556/2015, for the construction of a new dwelling to the rear of an existing dwelling and a reduction in car parking requirements, lapsed on 11 December 2015.

### 2.2 Planning Policies and Decision Guidelines

#### State Planning Policy Framework

- Clause 11 Settlement
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 18 Transport

#### Local Planning Policy Framework

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

### Zoning and Overlays

Clause 32.08 General Residential Zone

### 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**

No external referrals were required for this application.

The following internal referrals were undertaken:

**Table 2**

Internal Referrals	Comments/Conditions
Development Engineering (Traffic)	No objection to a reduction of one car space for the existing dwelling, standard conditions.
Development Engineering (Drainage)	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 notices displayed on site for 14 consecutive days.

A total 12 objections were received from the properties contained within **Appendix A** of this report. The objections are discussed at Section 3.5 of this report.

## **2.5 Consultation Meeting**

A Consultation Meeting was held on 28 June 2017, which was attended by Councillors Cusack, Marshall and Nation, objectors, the permit applicant and Council's Planning Officer. Whilst no resolution was achieved, there was discussion regarding the retention of on-street parking in front of the existing dwelling. This is considered to be a preferable outcome and will be incorporated as a permit condition as discussed at Section 3.3 of this report.

# **3. Discussion**

## **3.1 Does the proposal address the relevant State and Local Planning Policies?**

The relevant State and Local Planning Policy Framework objectives are considered to have been satisfied by the proposal. The policy framework objectives broadly encourage consolidation of urban allotments in locations which can provide housing diversity and take advantage of



existing public transport and community and commercial services. Relevant policy guidance is contained within 'Plan Melbourne 2017-2050: Metropolitan Planning Strategy' and Clauses 11, 15, 16, 18 and 21.05, which all seek to increase the residential supply in these areas.

The subject site is located within walking distance of both the Moonee Ponds and Essendon Junction Activity Centres and is subsequently well serviced by commercial amenities, public reserves, education centres and public transport options. The proposal represents an appropriate degree of housing intensification in this location and contributes to the objective of housing diversity, providing a mix of dwelling sizes and configurations that will cater for the increasingly diverse needs of future residents.

The proposal accords with the objectives 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 generally responds to the objectives and strategies of 21.06 (Built Environment). The key concepts of this clause are assessed against the relevant Neighbourhood Character Precinct Profile Guidelines in the following section.

The proposal is capable of compliance with Clause 22.03 (Stormwater Management – Water Sensitive Urban Design). The STORM assessments submitted with the application achieve a 100% rating and are generally accurately reflected on the plans, however they each state an incorrect number of bedrooms/occupants. As such, a condition of permit will require these assessments are amended and that any resultant changes are reflected on the plans for endorsement.

### **3.2 Does the development accord with the preferred character of the area?**

The subject site is located within the Garden Suburban 3 Precinct. The development is considered a suitable response to the immediate context and the preferred character statement of the precinct as follows:

- The architectural style and form of the development is consistent with both the emerging and preferred character of the area, and respects the nature of built form nearby.
- The siting and massing of the development is consistent with the pattern of development which has occurred in the immediate and wider area, evidenced by the development layout of the site to the south.
- The height of the development at two storeys is consistent with the emerging character of the area. The first floors of each dwelling are situated to minimise their impact as viewed from the street and from visually sensitive interfaces.

- The development is well articulated through a variety of setbacks, window forms, roofing styles, materials and finishes that together present a visually interesting built form. The materials and finishes complement the existing and emerging character of built form in the area, and are appropriate to this form of development.
- The interface to the laneway is dominated by car parking, accessways and high fencing. As such, the minimal planting in front of the proposed dwellings is an acceptable outcome. Otherwise, sufficient areas are provided to accommodate planting which will contribute to the garden character of the area such as around the existing dwelling and in the secluded open space areas of the proposed dwellings.
- The presentation of garaging and accessways to the rear laneway is appropriate and consistent with the nature of development to this interface. Subject to a condition discussed in the following section, the car space to the existing dwelling will be deleted which will maintain the garden setting of Robinson Street.

### 3.3 Is the provision and design of car parking acceptable?

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

**Table 3**

	Requires	Provides
Existing three-bedroom dwelling	2	1
Proposed three-bedroom dwelling	2	2
Proposed two-bedroom dwelling	1	1
Total	5	4

The proposal provides the required number of parking spaces for each proposed dwelling as set out under Clause 52.06, but seeks a reduction of one space for the existing three-bedroom dwelling which is provided with one open car space in the front setback.

It is noted that the car space to this dwelling was proposed in response to an issue from Council's Traffic and Transportation Unit, which raised concern with the lack of on-site car parking. As mentioned under Section 2.5 of this report, there was some discussion between parties to the application as to whether it would be preferable to provide no parking to the existing dwelling and retain the existing on-street car parking in front of the site.

In this case, on balance, it is considered to be a more appropriate outcome to delete the proposed car space to the existing dwelling and maintain the on-street car parking. The subject site is well located in terms of public transport due to its proximity to two activity centres which offer train (Craigieburn line), tram (Route 59) and numerous bus routes within walking distance of the site. As demonstrated by the impact assessment and surveys conducted by Ratio Consultants Pty Ltd (Saturday 26 and

Tuesday 29 November 2016) the supply of on-street parking in the surrounding area is capable of absorbing a shortfall of two spaces. The deletion of this proposed space will also achieve broader public benefit through the retention of an on-street parking space and the landscaped front garden within Robinson Street, which is considered a positive trade-off.

The design of the accessway and parking spaces complies with Clause 52.06-8.

### **3.4 Does the proposal comply with the objectives and standards of 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**

<b>ResCode Standard</b>	<b>Response</b>
Clause 55.03-8 (Standard B13) Landscaping	The floor plans demonstrate that a suitable level of planting will be achieved throughout the site. A condition of permit will require the submission of a fully detailed landscape plan for endorsement,
Clause 55.03-9 (Standard B14) Access	The extent of accessways to the rear laneway exceeds the maximum of 40% allowed under the standard.  This outcome is considered acceptable and in accordance with the decision guidelines of this clause, as it is consistent with the character of the area and there would be no impact on street parking (given none is available in the laneway).
Clause 55.04-5 (Standard B21) Overshadowing	The submitted shadow diagrams show that the development will cast additional shadow over the neighbouring secluded open space area to the south at each hour until 12pm.  This area does not currently receive the minimum daylight set out under the standard, the development must not cast any further shadows. A condition of permit will require compliance with this clause to maintain the amenity of the neighbouring dwelling.  It is noted that the northern orientation of the property is skewed slightly to the west on the submitted plans, which exaggerates the actual shadow cast over the neighbouring property. This is addressed by a separate condition of permit.

ResCode Standard	Response
<p>Clause 55.04-6 (Standard B22) Overlooking</p>	<p>Windows with potential to overlook neighbouring secluded open space areas and habitable rooms are illustrated with obscure glazing or external screening, however adequate annotations to each window have not been provided on the plans. A condition of permit will address this issue.</p> <p>Overlooking will otherwise be prevented by boundary fencing.</p>
<p>Clause 55.04-7 (Standard B23) Internal Views</p>	<p>The condition discussed above will ensure the west-facing window of Dwelling 3 achieves compliance with this clause.</p> <p>Internal fencing adequately prevents cross-views at ground floor level.</p>
<p>Clause 55.05-5 (Standard B28) Private Open Space</p>	<p>The existing dwelling is provided with a rear secluded open space area of 167 square metres, in addition to the private open space within the front yard. This is well beyond the minimum required by the standard of 40 square metres of private open space, inclusive of 25 square metres of secluded open space.</p> <p>The proposed dwellings are each provided with 24.96 square metres of secluded open space at the rear, with no other private open space due to the use of the laneway frontage for pedestrian and vehicle access.</p> <p>Given the surplus open space provided to the existing dwelling, it is considered a more appropriate outcome to impose a condition requiring the rear open space area of each proposed dwelling be increased to at least 40 square metres through the relocation of the dividing fence with the existing dwelling.</p> <p>This will provide adequate private open space for the two proposed dwellings, and still leaves the existing dwelling with a substantial rear open space area of approximately 137.1 square metres.</p>
<p>Clause 55.05-6 (Standard B30) Storage</p>	<p>Storage is provided to the proposed dwellings as required by this clause.</p> <p>A condition of permit will require storage is provided to the existing dwelling.</p>

ResCode Standard	Response
Clause 55.06-3 (Standard B33) Common Property	A condition of permit will require the provision of alternate paving treatments to physically delineate the section of common property required for vehicles to enter and exit Dwellings 2 and 3.

### 3.5 Objections (Discussion)

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

Issue	Officer Response
Traffic and parking impacts Safety impacts due to increase in traffic volume Use of and impact on the rear laneway and Heritage Street	As discussed under Section 3.3 of this report, The proposal will provide adequate on-site car parking for each dwelling and the design standards of Clause 52.06-8 will be met.  It is not considered that the development would create an unreasonable increase in the volume of traffic in the area. The traffic impact assessment indicates that the two new dwellings will generated an additional 14 daily vehicle movements to the rear laneway and Heritage Street, with 1 vehicle movement during the AM and PM peak hours. This has been considered by Council's Traffic and Transportation Unit, which had no objection to this aspect of the proposal.
Integration of proposed dwellings with the street	The proposed dwellings have a suitable outlook to the rear laneway, and represent an improved level of activity and surveillance to this interface. Whilst there is no direct interface to Heritage Street, each new dwelling will be clearly visible from this approach with the ground level entry points occupying a prominent position in front of the garages.
Neighbourhood character Visual bulk and scale	As discussed under Section 3.2 of this report, the development is considered to be an appropriate design response and responds to the opportunities and constraints of the site.
Off-site amenity impacts	The proposal achieves an acceptable level of compliance with the relevant objectives of ResCode including noise, overshadowing, daylight to habitable rooms and overlooking subject to conditions, where necessary.
Waste storage/collection	Bin storage areas are provided in an acceptable manner, and convenient collection from each dwelling is capable from either Robinson Street or the rear laneway (via Heritage Street).

Issue	Officer Response
Infrastructure impacts	The development would not cause an unreasonable burden on infrastructure within the area, noting that any necessary connections/upgrades are dealt with at the subdivision stage through the relevant authorities.

**4. General**

The application was lodged prior to the 27 March 2017, and is therefore exempt from the mandatory garden area and height requirements at Clauses 32.08-4 and 32.08-9 (General Residential Zone) of the Moonee Valley Planning Scheme.

**5. 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).

**6. 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.

Consideration has also 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 determined that the proposal would not have a significant social effect.

It is recommended that Council issue a Notice of Decision to Grant a Planning Permit in accordance with the conditions contained within the recommendation section.

**Appendices**

Appendix A: Location of Objectors

Appendix B: ResCode Assessment

Appendix C: Plans.

## APPENDIX A

### Location of Objectors

42 Robinson Street, MOONEE PONDS VIC 3039
28 Robinson Street, MOONEE PONDS VIC 3039
16 Heritage Street, MOONEE PONDS VIC 3039
36 Robinson Street, MOONEE PONDS VIC 3039
45 Robinson Street, MOONEE PONDS VIC 3039
6 Heritage Street, MOONEE PONDS VIC 3039
35 Robinson Street, MOONEE PONDS VIC 3039
40 Robinson Street, MOONEE PONDS VIC 3039
19 Heritage Street, MOONEE PONDS VIC 3039
15 Heritage Street, MOONEE PONDS VIC 3039
26 Heritage Street, MOONEE PONDS VIC 3039
8 Forbes Street, ESSENDON VIC 3040

## APPENDIX B

### 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 3.4 in report.

<b>Title and Objective</b>	<b>Compliance with Standard</b>	<b>Compliance with Objective</b>
<i>B1 - Neighbourhood Character Objectives</i>	✓	✓
<i>B2 - Residential Policy Objectives</i>	✓	✓
<i>B3 - Dwelling Diversity Objective</i>	N/A	N/A
<i>B4 - Infrastructure Objectives</i>	✓	✓
<i>B5 - Integration with the Street Objective</i>	✓	✓
<i>B6 - Street Setback Objective</i>	✓	✓
<i>B7 - Building Height Objective</i>	✓	✓
<i>B8 - Site Coverage Objective</i>	✓	✓
<i>B9 - Permeability Objectives</i>	✓	✓
<i>B10 - Energy Efficiency Objectives</i>	✓	✓
<i>B11 - Open Space Objective</i>	N/A	N/A
<i>B12 - Safety Objective</i>	✓	✓
<i>B13 - Landscaping Objectives</i>	✓ Condition	✓
<i>B14 - Access Objectives</i>	X	✓
<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 3.3 of the report.	
<i>B17 - Side and Rear Setbacks Objective</i>	✓	✓
<i>B18 - Walls on Boundaries Objective</i>	✓	✓
<i>B19 - Daylight to Existing Windows Objective</i>	✓	✓
<i>B20 - North-facing Windows Objective</i>	✓	✓
<i>B21 - Overshadowing Open Space Objective</i>	✓ Condition	✓
<i>B22 - Overlooking Objective</i>	✓ Condition	✓



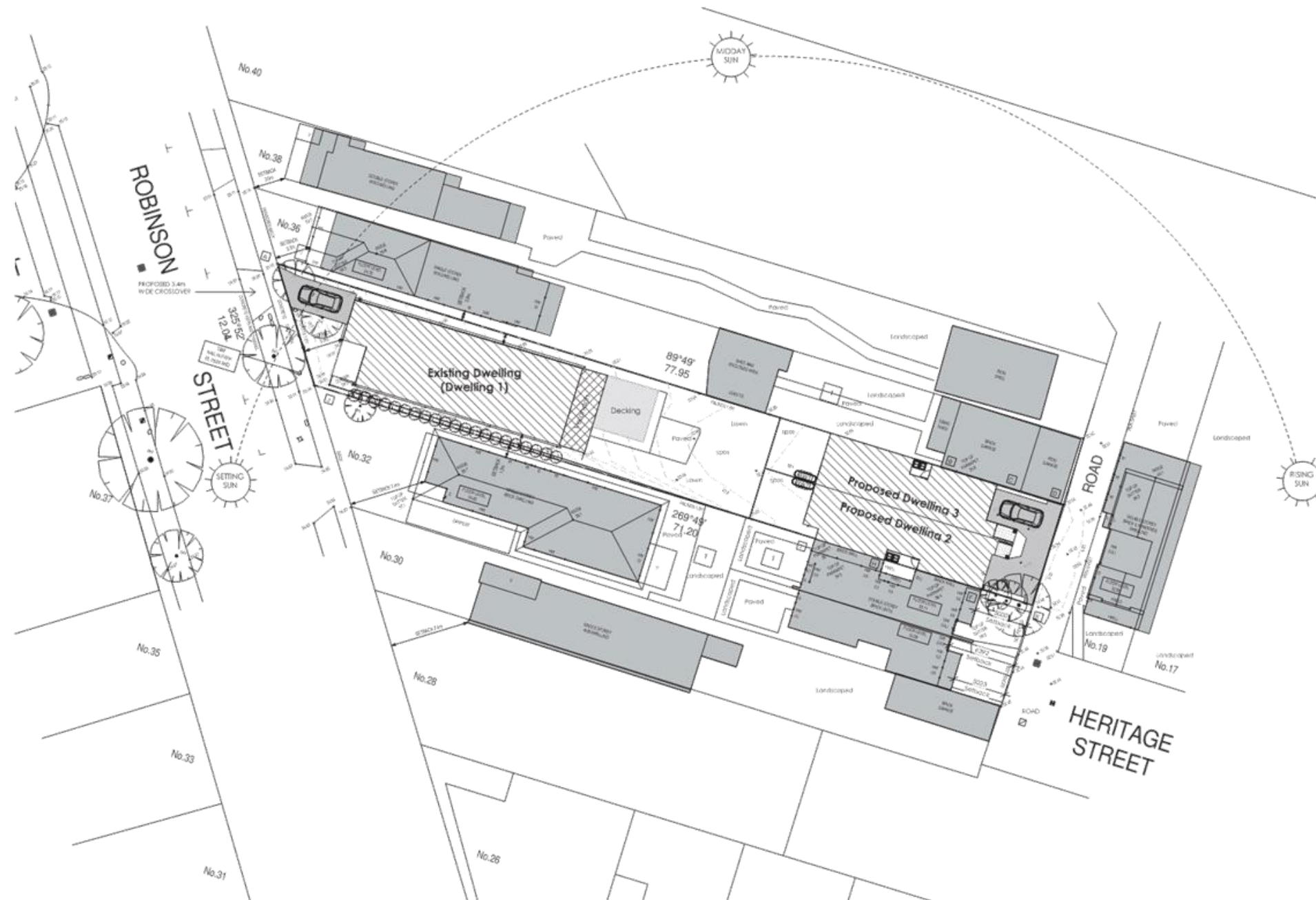
<i>B23 - Internal Views Objective</i>	✓ Condition	✓
<i>B24 - Noise Impacts Objectives</i>	✓	✓
<i>B25 - Accessibility Objective</i>	✓	✓
<i>B26 - Dwelling Entry Objective</i>	✓	✓
<i>B27 - Daylight to New Windows Objective</i>	✓	✓
<i>B28 - Private Open Space Objective</i>	✓ Condition	✓
<i>B29 - Solar Access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

✓ – Complies

x – Non-compliance

N/A – Not applicable





Design Response / Proposed Site Plan  
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1	19/10/2016	Submitted for Approval	
2	06/10/2016	Submitted for Approval	
3	19/10/2016	Submitted for Approval	
4	04/11	Submitted for Approval	
5	20/11/2016	Submitted for Approval	
6	14/12/2017	Submitted for Council Consideration	
7	16/02/2017	Submitted for Council Consideration	
8	23/02/2017	Submitted as Requested Council RFR Stage	
9	27/02/2017	Submitted as Requested Council RFR Stage	
10	24/02/2017	Submitted as Requested	
11	04/03/2017	Submitted as Requested	

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project  
**Proposed Multi-Unit Development**  
 34 Robinson St, Moonee Ponds

client  
 Darren Blair  
 Design Response

sheet  
 16260 project no.  
 A02 sheet no.  
 F13 revision

date: Date 13  
 scale: 1:200  
 drawn: Author  
 checked: Checker  
 verified: Approver

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2	06/10/2016	Revised for Approval	
3	10/10/2016	Revised for Approval	
4	10/10/2016	Revised for Approval	
5	10/10/2016	Revised for Approval	
6	06/10/2016	Submitted for Traffic and Planning Feedback	
7	20/08/2016	Revised for Approval	
8	16/09/2017	Revised for Council Submission	
9	10/02/2017	Revised for Council Submission	
10	23/09/2017	Revised as Requested Council RR Stage	
11	23/09/2017	Revised as Requested Council RR Stage	
12	18/03/2017	Revised as Requested	
13	06/10/2017	Revised as Requested	

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project  
**Proposed  
Multi-Unit  
Development**

34 Robinson St, Moonee Ponds

client  
Darren Blair  
First Floor Level

PRELIMINARY

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checked: Checker	verified: Approver
16260 project no.	A04 sheet no.
	F13 revision

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# Colour Schedule

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Paint Color 2: Dulux M1 Asoking



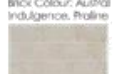
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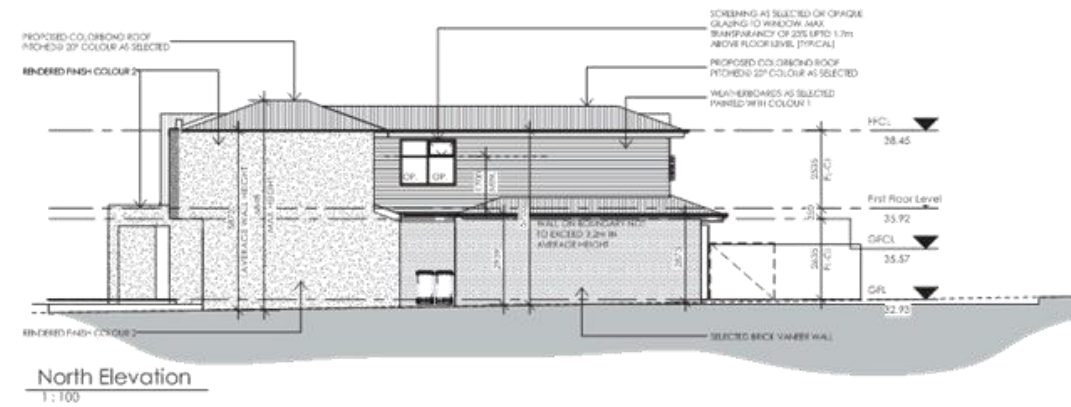
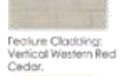
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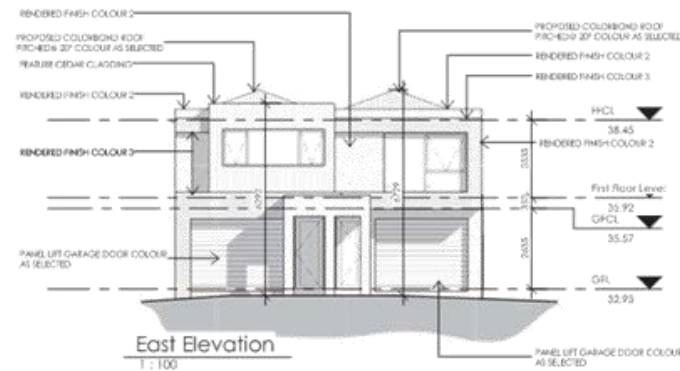
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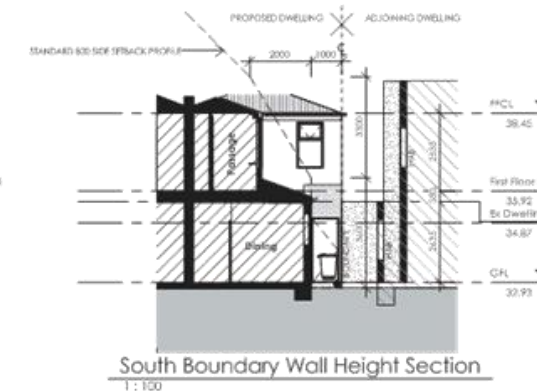
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West Elevation  
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South Elevation  
1:100



South Boundary Wall Height Section  
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2	15/10/2016	Submitted for Approval	
3	20/10/2016	Submitted for Traffic and Planning Feedback	
4	20/10/2016	Submitted for Approval	
5	14/10/2017	Submitted for Council Submission	
6	16/10/2017	Submitted for Council Submission	
7	20/10/2017	Revised as Requested Council 1st Stage	
8	27/10/2017	Revised as Requested Council 1st Stage	
9	28/10/2017	Revised as Requested	
10	28/10/2017	Revised as Requested	
11	28/10/2017	Revised as Requested	

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Project  
**Proposed  
Multi-Unit  
Development**

34 Robinson St, Moonee Ponds

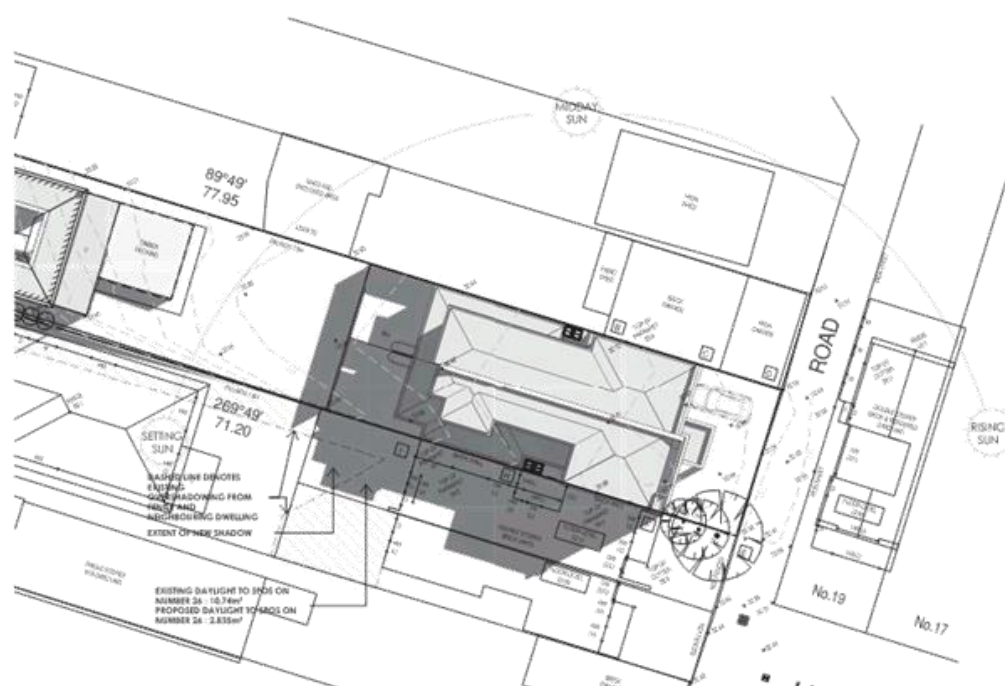
Darren Blair  
client  
Elevations

PRELIMINARY

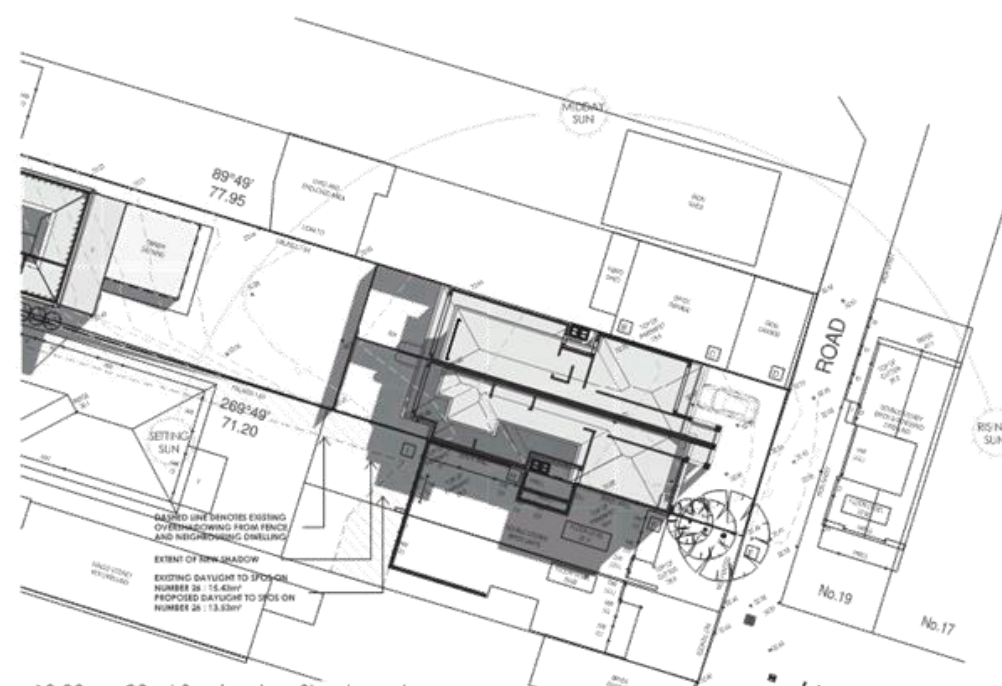
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1 : 200



10.00am 22nd September Shadow plan  
1 : 200



11.00am 22nd September Shadow plan  
1 : 200

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2	15/02/2016	Submitted for Approval	
3	08/03/2016	Submitted for Approval	
4	20/03/2016	Submitted for Approval	
5	14/02/2017	Submitted for Council Submission	
6	16/02/2017	Submitted for Council Submission	
7	22/02/2017	Revised as Requested Council 1st Stage	
8	27/02/2017	Revised as Requested Council 1st Stage	
9	28/02/2017	Revised as Requested	
10	01/03/2017	Revised as Requested	
11	01/03/2017	Revised as Requested	

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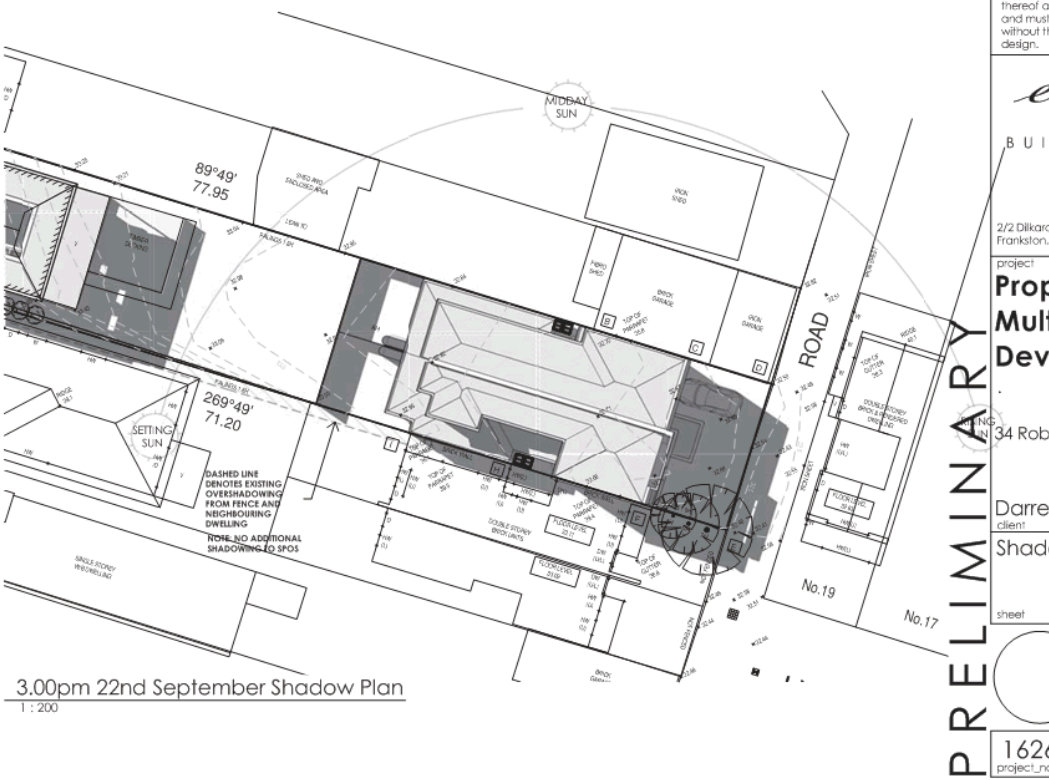
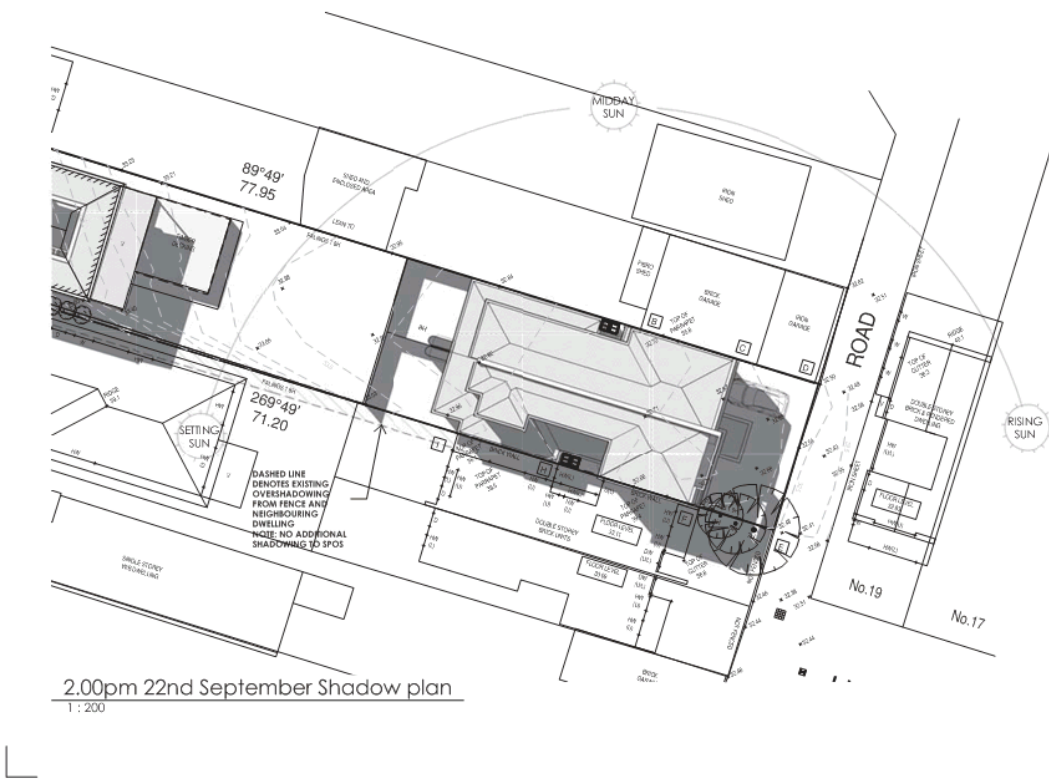
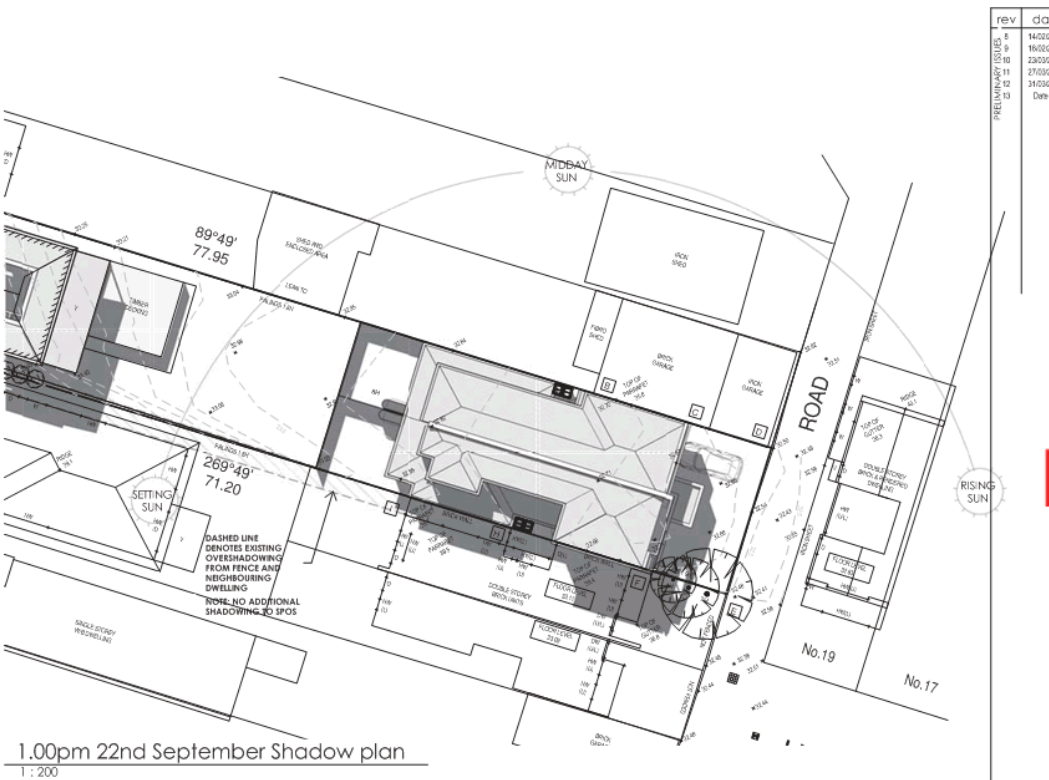
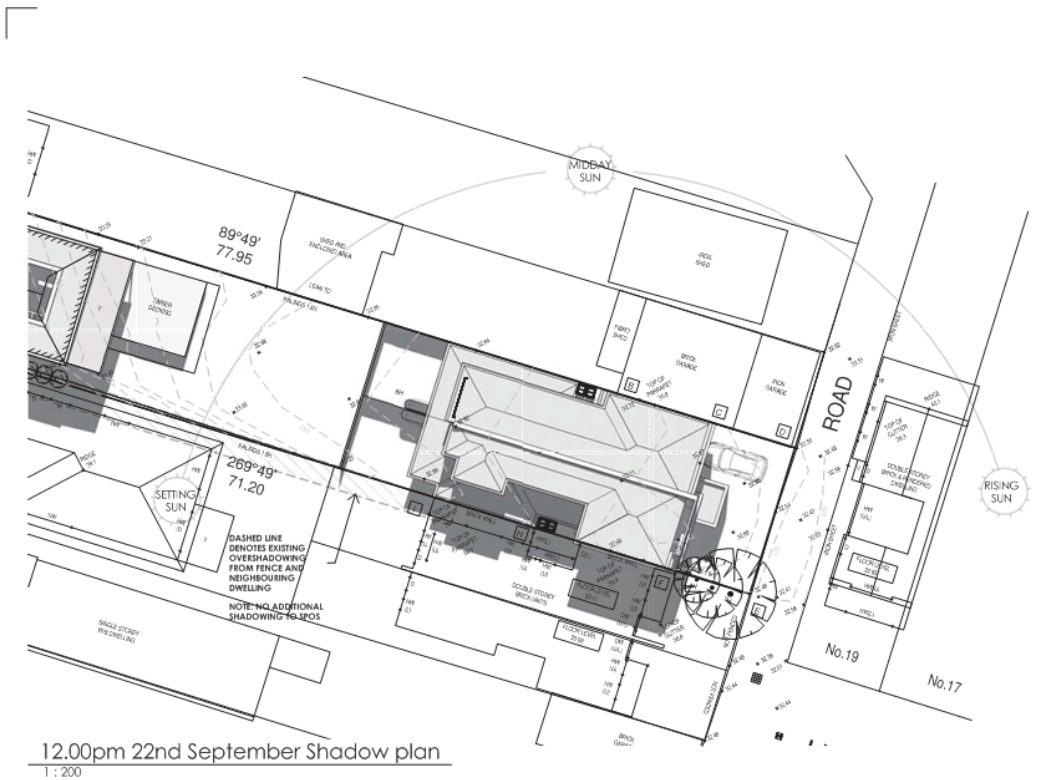
34 Robinson St, Moonee Ponds

Darren Blair  
client  
Shadow Plans Sheet 1

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F13 revision	

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8	14/03/2017	Revised for Council Submission	
9	16/03/2017	Revised for Council Submission	
10	23/03/2017	Revised as Requested Council RFI Stage	
11	27/03/2017	Revised as Requested Council RFI Stage	
12	31/03/2017	Revised as Requested	
13	04/04/2017	Revised as Requested	

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**Proposed  
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34 Robinson St, Moonee Ponds  
Darren Blair  
client  
Shadow Plans Sheet 2

sheet	date: Date 13
scale: 1:200	drawn: Author
checked: Checker	verified: Approver
16260 project no.	A07 sheet no.
F13 revision	

PRELIMINARY





**9.3                      10 Beryl Street, West Essendon (Lot 22 Section 5 on PS002314 and Lot 1 on TP644504Q) - Construction of four dwellings**

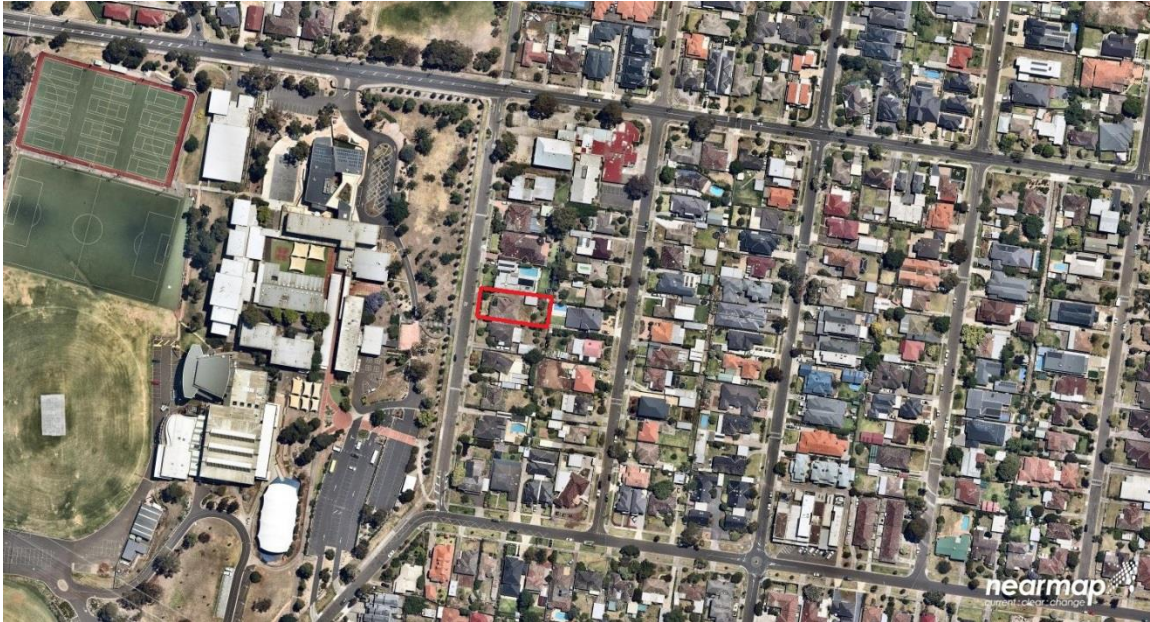
**File No:** FOL/17/11  
**Author:** Grant Michell  
Senior Statutory Planner  
**Directorate:** Planning & Development

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<b>Planning File No.</b>	MV/546/2016
<b>Proposal</b>	VCAT Amended plans dated 8 August 2017, which seek to amend the determined application for the construction of four double storey dwellings to be: Construction of three double storey dwellings with proposal features including: <ul style="list-style-type: none"><li>• Demolition of the existing dwelling</li><li>• An overall height of two storeys</li><li>• Six on-site car spaces with an additional space within the driveway of Dwelling 1.</li></ul>
<b>Applicant</b>	Wai Leung Wong
<b>Owner</b>	Wai Leung Wong
<b>Planning Scheme Controls</b>	General Residential Zone
<b>Planning Permit Requirement</b>	Clause 32.08-6 – to construct two or more dwellings on a lot
<b>Car Parking Requirements (Clause 52.06)</b>	Required – 6 car spaces Proposed – 6 car spaces
<b>Bicycle Requirements</b>	N/A
<b>Restrictive Covenants</b>	None
<b>Easements</b>	None
<b>Site Area</b>	793m <sup>2</sup>
<b>Number Of Objections</b>	10
<b>VCAT Hearing Date</b>	15 September 2017

## Executive Summary

- This report should be read in conjunction with the report presented to Council at the Ordinary Meeting of Council held 28 February 2017 and the subsequent minutes from that meeting. Refer to **Appendix A** – Original Council Report (separately circulated) and **Appendix B** – Council Meeting Minutes (separately circulated).
- At the Ordinary Meeting of Council held 28 February 2017, Council resolved to refuse the granting of a permit for the construction of four dwellings. Refer to **Appendix C** – Determined Plans (separately circulated).
- The development was refused on the grounds of unreasonable impacts on on-street parking and overdevelopment of the site.
- In response, the permit applicant lodged a Victorian Civil Administrative Tribunal (VCAT) application for review against Council's refusal of the application on 29 March 2017.
- Upon receipt of the application, VCAT scheduled the matter for a Merits Hearing on 15 September 2017.
- In response to the concerns raised by both Council and the objectors, the permit applicant submitted amended plans (**Appendix D**) to VCAT in accordance with Practice Note 9, which propose to amend the development by reducing the number of dwellings from four to three and a redesign of the dwellings to provide increased landscaping opportunities, increased setbacks, greater level of articulation and to ensure that the development fully complies with the Objectives and Standards of Clause 55 (ResCode) (**Appendix E**) of the Moonee Valley Planning Scheme. The proposed development depicts an appropriate built form that provides a high level of internal amenity, protects the amenity of the adjoining properties and responds to its site context.
- The proposal achieves full compliance with Clause 52-06 (Car Parking) of the Moonee Valley planning Scheme.
- Overall, this assessment report finds that the amended proposal has appropriately addressed Council's grounds of refusal and recommends that Council advise the Victorian Civil and Administrative Tribunal and other parties to the application that Council supports the development as amended subject to conditions.



**Figure 1: Aerial photograph of subject site and surrounds**

### **Recommendation**

That Council, with respect to an Application for Review against a refusal to grant a permit, resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application that the application be supported and the following draft conditions be provided to VCAT:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) Details of all retaining walls;
  - b) The proposed crossovers must be no more than 3 metres wide and constructed to Council's standards;
  - c) All doors to the garages to open outwards;
  - d) All BESS treatment measures and associated notations to be shown on the relevant plans in accordance with the endorsed BESS report;
  - e) Internal fencing within the front setback to be no higher than 1.2 metres;
  - f) A notation that all signage within the road reserve required to be relocated is to be to the satisfaction of the relevant authority;
  - g) Services within the common property to be no higher than 1.2 metres; and
  - h) Side boundary fencing to taper to 1.2 metres in height.

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 STEP report must be submitted simultaneously with the submission of amended plans and achieve a minimum score of 250/500.
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 WSUD Site Management Plan must be submitted to and approved by the Responsible Authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:
  - a) A statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems.

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

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

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

7. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority, if the owner of the adjoining land allows access for the purpose.
8. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
9. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking objective) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

10. Before the buildings approved by this permit are occupied, concrete vehicular crossings must be constructed to suit the proposed driveways in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossings must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
11. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the prior written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.
12. The existing street tree or vegetation must not be removed or damaged as a result of the permitted development.
13. Before the buildings approved by this permit are occupied, concrete vehicular crossings must be constructed to suit the proposed driveways in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossings must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
14. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the prior written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.



15. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
16. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.
17. Before the development starts, a Drainage Layout Plan, including computations and manufacturer's specifications, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must depict an on-site stormwater detention drainage system to be installed on the land.

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

18. The on-site stormwater detention drainage system must be installed and the provisions, recommendations and requirements of the endorsed Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.
19. Before the buildings approved by this permit are occupied, a timber paling fence of a minimum 1.8 metres in height must be erected along the west boundary to the satisfaction of the Responsible Authority.
20. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.
21. Before the development starts, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and an electronic copy must be provided. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:
  - a) Plans to accord with Condition 1 of this permit;
  - a) 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;
  - b) The use of drought tolerant species;
  - c) The provision of one canopy tree within the front and rear setback of each dwelling which are able to achieve a minimum mature height of 4 metres;

- d) Features such as paths, paving and accessways;
- e) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems;
- f) All planting abutting the accessway(s) and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-8 (Design Standards for car parking) of the Moonee Valley Planning Scheme; and
- g) An appropriate irrigation system.

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

- 22. Landscaping in accordance with the endorsed landscaping plan and schedule must be completed before the building is occupied.
- 23. 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.
- 24. This permit will expire if:
  - a) The development does not start within two (2) years of the date of issue of this permit, or
  - b) The development is not completed 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 the Responsible Authority to extend the expiry date.

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

#### **Permit Notes**

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact Moonee Valley City Council regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.

No on street parking permits will be provided to the occupiers of the subject site.



## 1. Introduction

### 1.1 Subject Site and Surrounds

The site is located within an established residential area on the eastern side of Beryl Street, West Essendon. It is approximately 115 metres south of Rosehill Road and 120 metres north of the Hampton Street and is located opposite St Bernard's College. There is a 1.99 metre fall from the north-east corner to the south-west corner.



**Figure 2: Subject Site (10 Beryl Street, West Essendon) view to the east**

The site and surrounding land are within the General Residential Zone. Residential development proximate to the subject site is varied. Older dwellings in the area are detached or semi-attached dwellings generally on larger lots.

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

The site is located opposite St Bernard's College, approximately 250 metres south of Rosehill Secondary College, 700 metres north of the Maribyrnong River corridor, 85 metres south of Essendon Private Hospital, and approximately 230 metres south-east of a small neighbourhood centre on Hampton Road. The Route 475 bus travels along Rosehill Road, running between Essendon Train Station in the east (2.8km) and the Keilor Road Activity Area in the north (1.5km).

### 1.2 Proposal (Amended Plans)

The Applicant for Review, on 7 August 2017, formally amended plans in accordance with VCAT Practice Note 9 for the proposed development, which was refused by Council on 15 March 2017.

The modifications can be summarised as follows:

**Table 1**

	<b>Determined</b>	<b>Proposed</b>
Number of Dwellings	4 double storey dwellings	3 double storey dwellings
Number of Car Spaces	6 spaces (compliant)	6 spaces (compliant) Dwelling 1 provides additional space for 1 car space
Street Setback	7.63 metres (compliant)	7.69 metres (compliant)
Height	7.08 metres	7.5 metres
Site Coverage	48.59%	43.68%
Permeability	23.41%	48.19% (Permeable Accessway)
Side and Rear Setbacks	Compliant	Compliant
Walls on Boundary	Compliant	Compliant
Private Open Space	Dwelling 3 non-compliant (34.25sqm), remaining compliant	Compliant

In addition to the above, internal layout and setback changes have been made as outlined within the letter prepared by the Applicant for Review dated 7 August 2017.

Refer **Appendix D** Plans.

## **2. Background**

### **2.1 Relevant Planning History**

Planning Permit MV/546/2016 was refused on 15 March 2017 for the construction of four dwellings at 10 Beryl Street, West Essendon. This decision was made at an Ordinary Meeting of Council held on 28 February 2017.

On 18 May 2017 Council was notified of an application for review under Section 77 of the *Planning and Environment Act 1987* against Council's notice of decision to refuse to grant a permit.

Prior to the hearing amended plans were circulated and received by Council on 7 August 2017. The applicant will be seeking to formally substitute these amended plans at the hearing commencing on 15 September 2017.

### **2.2 Referrals**

No referrals were considered necessary in this instance due to the nature of the changes demonstrated on the amended plans.

### **2.3 Public Notification of the Application**

In accordance with VCAT protocols, the permit applicant has formally circulated the amended plans to all relevant parties. The closing date for a Statement of Grounds to be submitted is 11 September 2017. At the time of writing this report, no statements have been received by Council.

## **3. Discussion**

### **3.1 Amended Development Layout**

The changes to the plans are generally considered to represent an improved outcome when compared to the previous plans. In particular it is noted that:

- The removal of one dwelling fronting Beryl Street results in a development that presents as a single dwelling to the streetscape, which maintains the built form rhythm within the streetscape. This is an improved response to the character of the area.
- The reduction in the number of dwellings from four to three provides for more generous internal layouts for the dwellings while maintaining compliance with the requirements of Clause 55 of the Moonee Valley Planning Scheme as demonstrated in **Attachment E**. Further, the previous areas of non-compliance with Standards B15 Parking Location and B28 Private Open Space have been addressed and the development now fully complies with these Standards.
- The increase in the overall height of the development by 420mm to 7.5 metres maintains compliance with the requirements of the Moonee Valley Planning Scheme and is consistent with similar dwellings within the surrounding area.
- The proposed dwelling complies with the parking requirements of Clause 52.06 (Car Parking) by providing 6 spaces on-site for the dwellings. Additionally, Dwelling 1 is provided with space for an additional vehicle within the driveway, resulting in seven car spaces being able to be provided on-site.
- The landscaping response has been improved and provides greater areas for landscaping throughout the site, particularly within the front setback.

### **3.2 Do the Amendments Address Council's Grounds of Refusal?**

The following discussion is provided in response to Council's original refusal grounds:

1. *The proposal has not adequately addressed the existing street context in relation to traffic and on-street parking and is expected to lead to an increase pressure for on-street parking in the surrounding area to an unacceptable degree and unreasonably impact upon the surrounding road network.*

The amended development proposes to construct three double storey dwellings each with three bedrooms, which requires six on-site car spaces. This fully complies with the requirements of Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme. Further, Dwelling 1 provides space within the driveway area to allow an additional car to be parked on-site, which results in a total of seven car spaces provided on-site.

It is considered that this is an improved outcome for the subject site as it reduces overall demand for on-street parking by reducing the number of dwellings by one to three and providing an additional car space on-site for Dwelling 1.

Additionally, it is noted that while on-street parking is at a premium within Beryl Street due to the school to the west, it is noted that the peak demand for on-street parking associated with the residential dwellings will be higher during the evenings and weekends when traffic within the street will be minimised due to the school's operating hours. As such, it is considered that the impact of the development on on-street parking within the streetscape will be minimised and be acceptable.

2. *The proposed development in an overdevelopment of the site.*

It is considered that the proposed development does not present as an overdevelopment of the subject site as it fully complies with the Objectives and Standards of Clause 55 of the Moonee Valley Planning Scheme.

Additionally, the proposed development complies with and exceeds the car parking requirements of Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme and

#### **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 amended application has been assessed against the relevant provisions of the Moonee Valley Planning Scheme. For the reasons highlighted above, it is recommended that Council support this application at the upcoming VCAT subject to the conditions noted above.

### **Appendices**

Appendix A: Council Report 28 February 2016 (separately circulated)

Appendix B: Minutes 28 February 2017 (separately circulated)

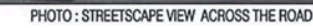
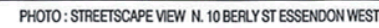
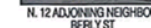
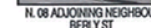
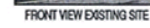
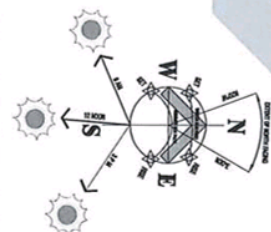
Appendix C: Determined Plans (separately circulated)

Appendix D: VCAT Amended Plans

Appendix E: Clause 55 Assessment.



## SCALE 1:400

**S.T BERNARD'S COLLEGE**

## ORIENTATION

## A SITE HAS A WEED

- TOPOGRAPHY**  
B LAND HAS A INCLINE OF 2.07m FROM WEST TO EAST  
(REFER TO LEVELS ON PLAN PROVIDED)

C1 DOSTING SITE  
C2 DOSTING SITE

- ### ACCESS POINTS

D1 EXITING PEDESTS  
TO SUBJECT SITE.

- DRAINAGE

## E DRAINAGE POINT OF DISCHARGE

- ## SERVICE

F1	SITE HAS GREYER
----	--------------------

- ## FENCES & BOUNDARIES

G1	0.4m BRICK
G2	2m PALINGS

- LOCATION/USE OF SURROUNDING BUILDINGS

H1	SINGLE STOREY BRICK VERNER DWELLING TO BE DEMOLISHED
H2	SINGLE STOREY BRICK VERNER DWELLING

- SECLUDED OPEN SPACE

SECURED PRIVATE OPEN S

- HABITABLE ROOM WINDOWS/DOORS

J1 HABITABLE ROOM WINDOWS WITHIN 9m OF SITE  
(SEE SITE PLAN FOR WINDOW LOCATION)

- SOLAR ACCESS**

K POTENTIAL DAYLIGHT

- ## LOCALITY GUIDE

W1	ROSBILL PARK
----	--------------

32	BUCKLEY PARK	1000	00	BUCKLEY 495 SUNNYSIDE STREET
33	STILLBROOK CREEK	1000	00	BUCKLEY 495, 533 BUCKLEY STREET
34	HENTZ RESERVE	1000	04	BUCKLEY 495, 533 BUCKLEY STREET
35	MILWAUKEE SPOILING CENTRE	1250	71	ST REMIGIUS COLLEGE
36	HEAVENLY SPOILING CENTRE	1250	72	KOHLER BOCCO COTTAGE
37	NEWCASTLE CITY SPOILING CENTRE	1250	73	ADVENTURE PRINCESS SCHOOL
38	ST ALGERIA 630 SPOILING CENTRE	1250	74	BUCKLEY PARK SCHOOL



SS	STREET SIGN	TP	
EP	ELECTRICAL POLE	FX	
EO	ELECTRICAL PVT	JE	
EP	ELECTRICAL POLE WITH LIGHT POLE	SW	
		CO	

**@: #10 BERYL STREET**

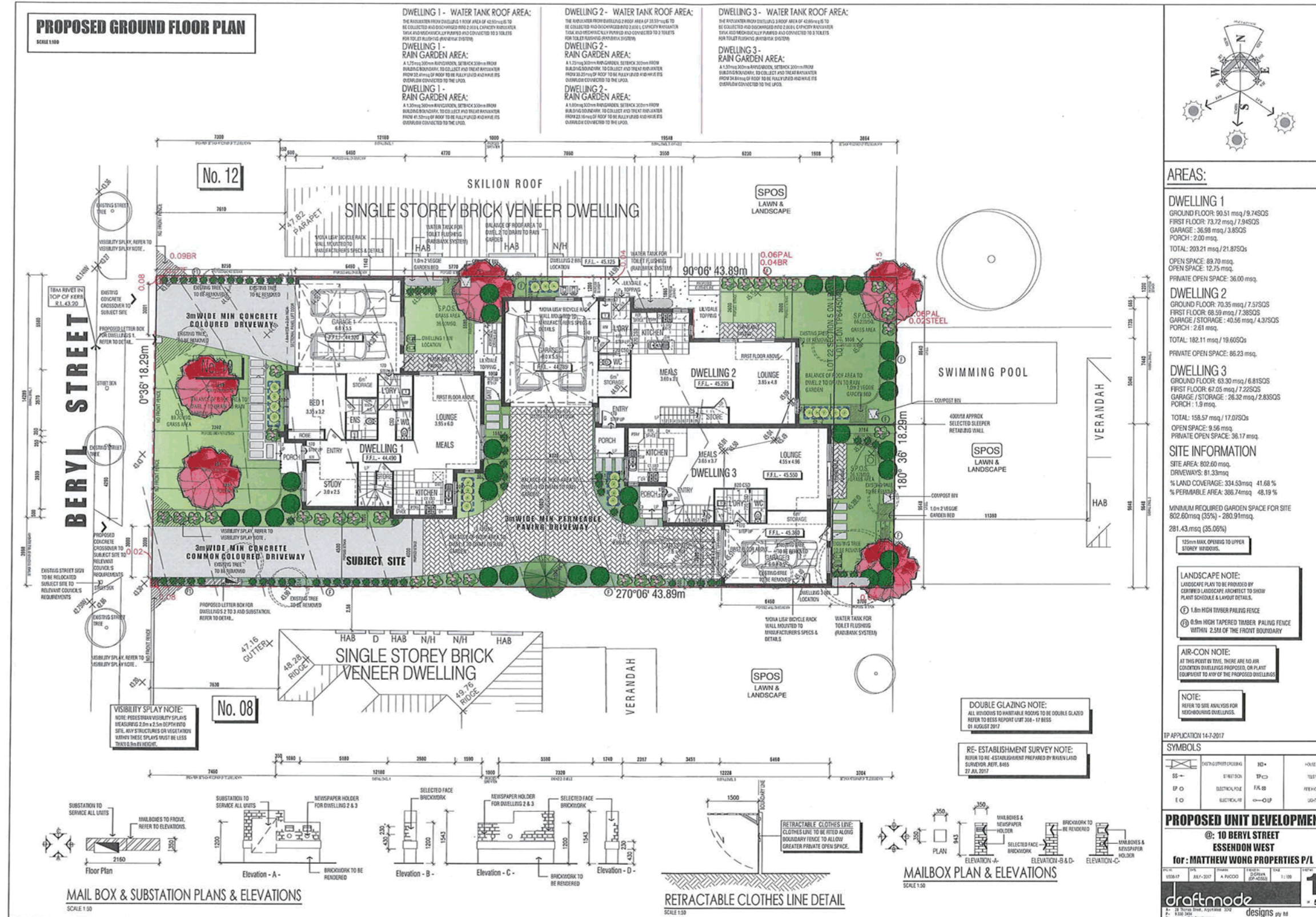
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**draftmode** designs Pty Ltd  
A - 28 Dorcas Street, Alford West 3042  
P - 0390 5434  
E - [info@draftmode.com.au](mailto:info@draftmode.com.au)

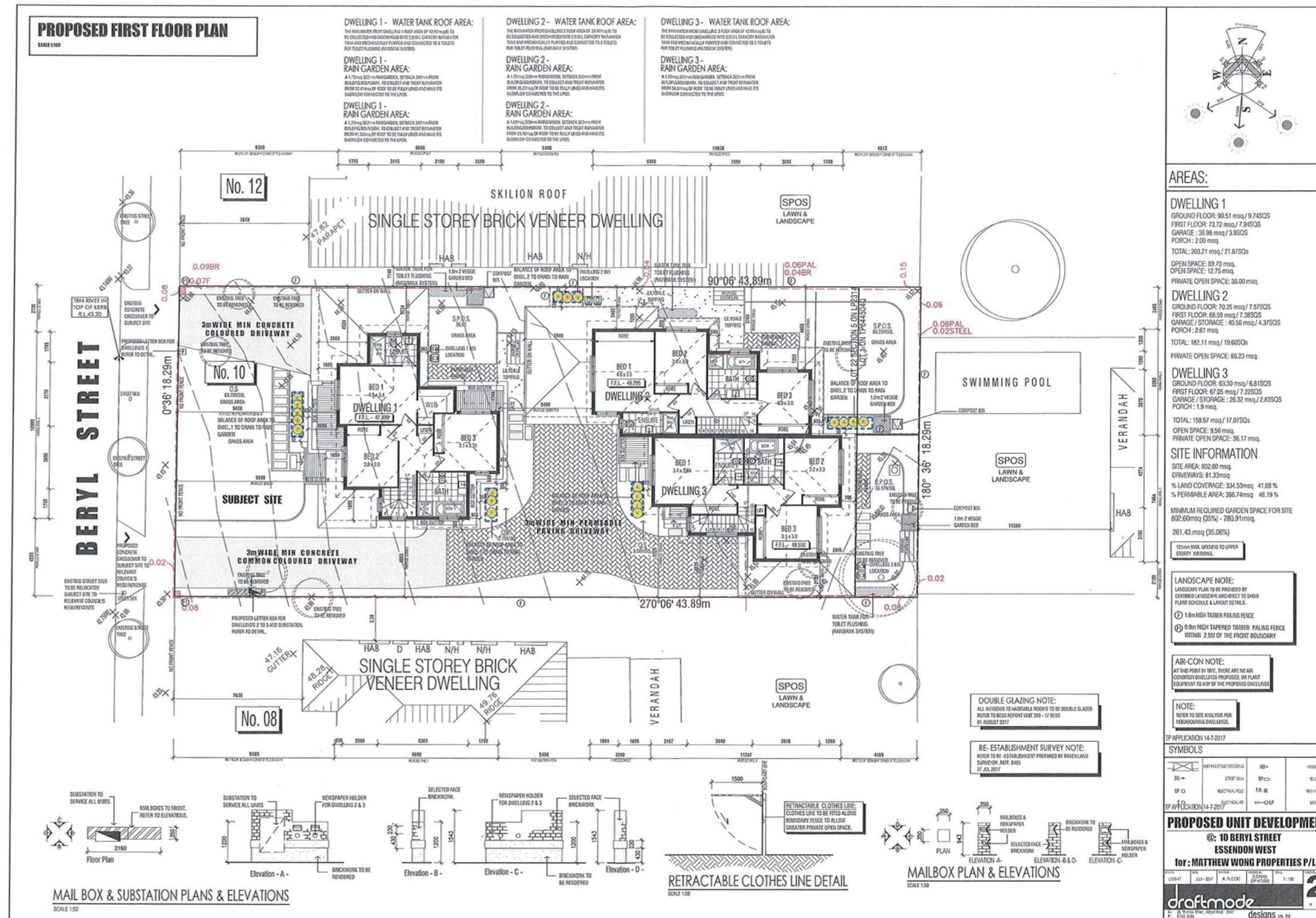






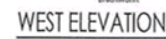
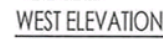








## SCALE 1:100



**NOTE:**  
ALL OBSCURE GLAZED WINDOWS TO BE  
FIXED OR PROVIDED WITH A MAXIMUM  
OPENING OF 150MM AND ALSO SHADED  
ACCORDINGLY



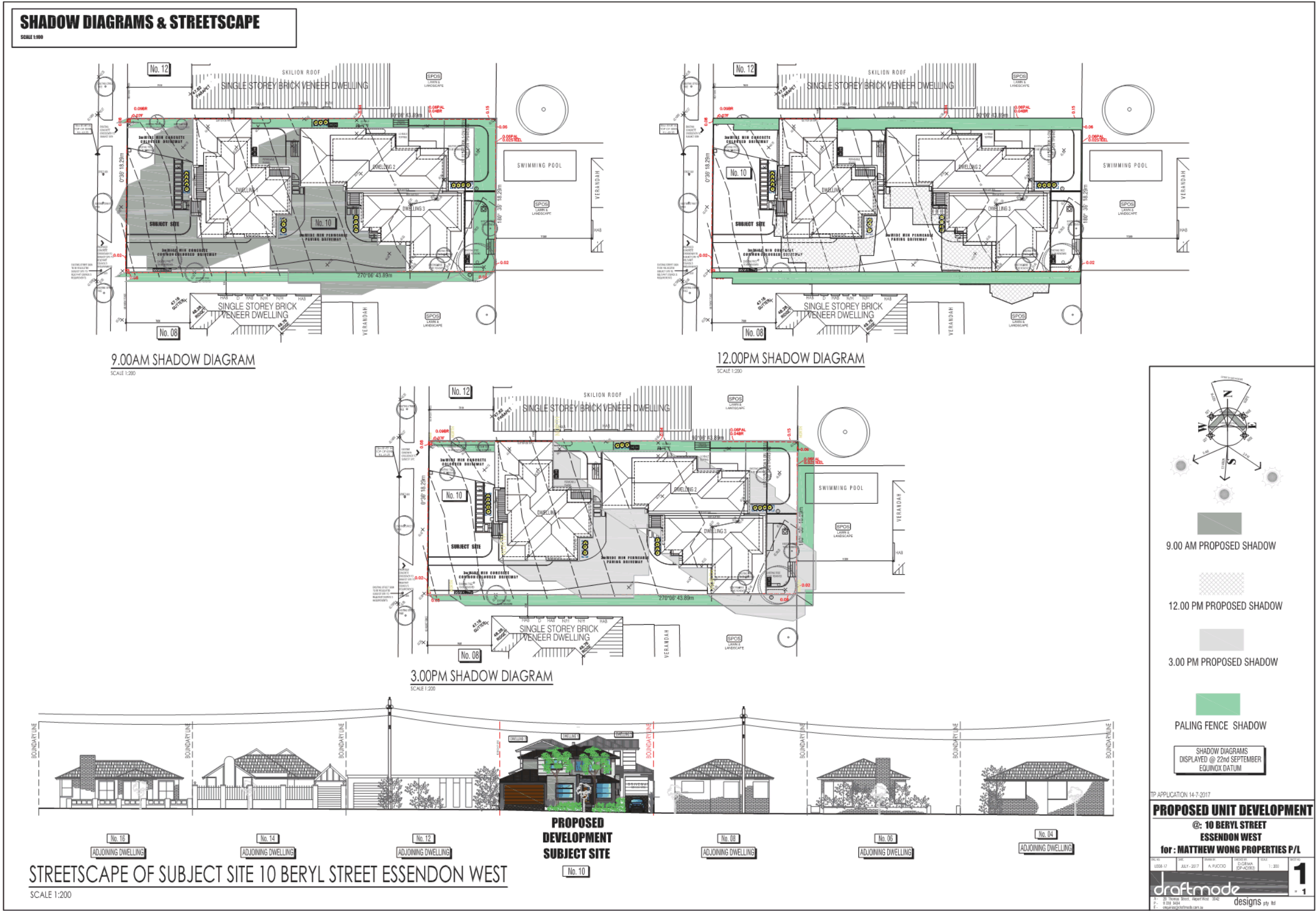
TP APPLICATION 14-7-2017

**@: 10 BERYL STREET  
ESSENDEN WEST**  
**for: MATTHEW WONG PROPERTIES P/L**

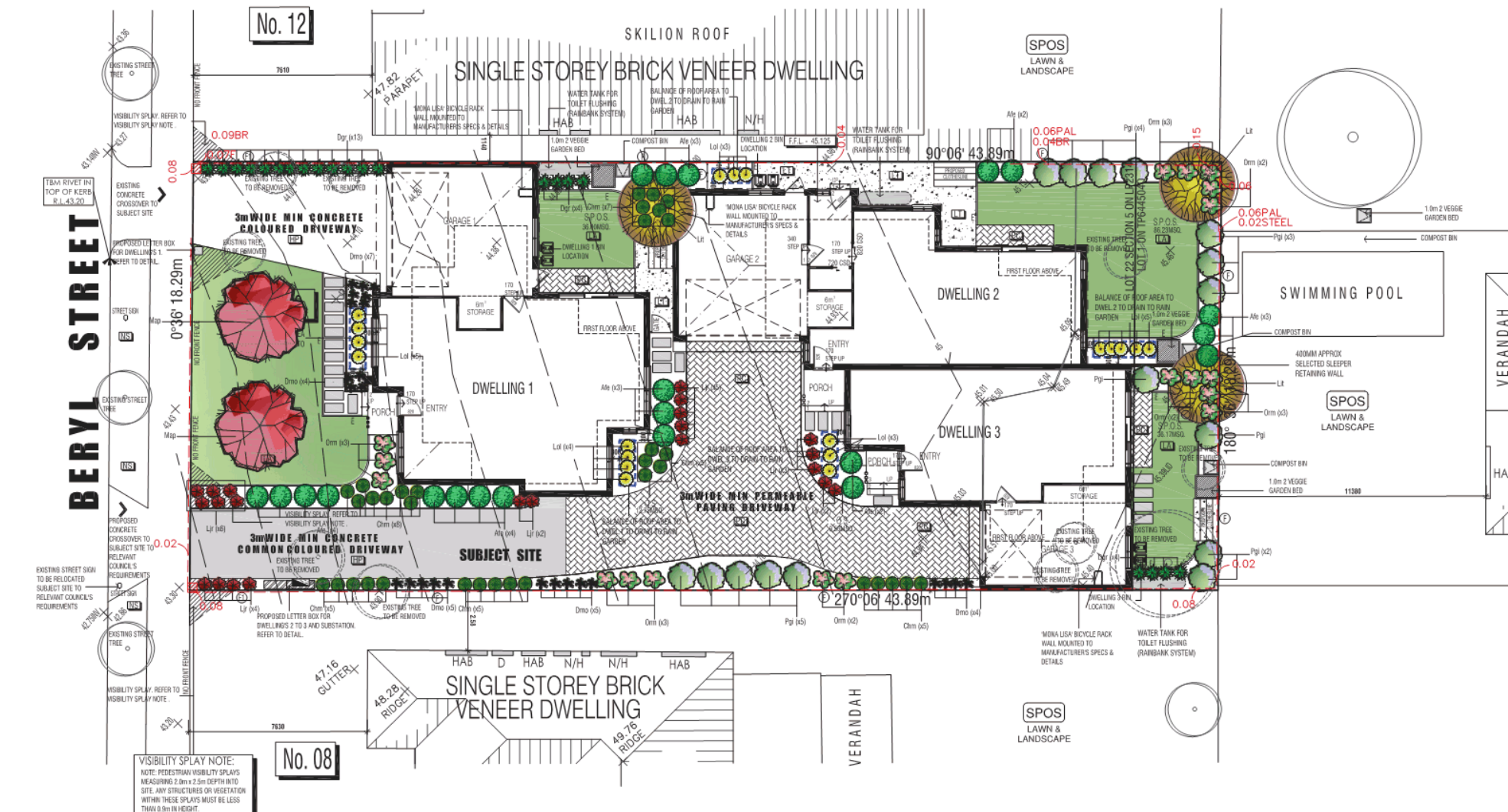
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designs syd



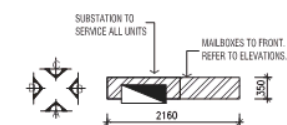


## SCALE 1:100



MAIL BOX &amp; SUBSTATION PLANS &amp; ELEVATIONS

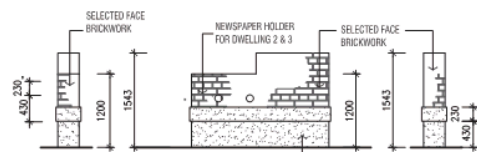
SCALE 1:50



SECTION TO ALL UNITS

NEWSPAPER HOLDER FOR DWELLING 2 & 3

Elevation - A -

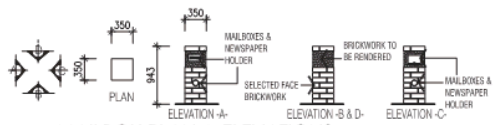


Elevation - B - \_\_\_\_\_ Elevation - C - \_\_\_\_\_ REFERENCE TO \_\_\_\_\_ Elevation - D - \_\_\_\_\_



RETRACTABLE CLOTHES LINE DETAIL

SCALE 1:50



MAILBOX PLAN &amp; ELEVATIONS

SCALE 1:50

RE- ESTABLISHMENT SURVEY NOTE:  
REFER TO RE-ESTABLISHMENT PREPARED BY RAVEN LAND  
SURVEYOR, REFF. 8465  
27 JUL 2017

125mm MAX. OPENING TO UPPER  
STOREY WINDOWS.

**LANDSCAPE NOTE:**  
LANDSCAPE PLAN TO BE PROVIDED BY  
CERTIFIED LANDSCAPE ARCHITECT TO SHOW  
PLANT SCHEDULE & LAYOUT DETAILS.

(F) 1.8m HIGH TIMBER PALING FENCE  
(F1) 0.9m HIGH TAPERED TIMBER PALING FENCE  
WITHIN 2.5M OF THE FRONT BOUNDARY

**AIR-CON NOTE:**  
AT THIS POINT IN TIME, THERE ARE NO AIR  
CONDITION DWELLINGS PROPOSED, OR PLANT  
EQUIPMENT TO ANY OF THE PROPOSED DWELLINGS

**NOTE:**  
REFER TO SITE ANALYSIS FOR  
NEIGHBOURING DWELLINGS.

LANDSCAPE PLAN 03-8-2017

## SYMBOLS

[illegible]

	STREET SIGN	
	ELECTRICAL POLE	
	ELECTRICAL PIT	

### PROPOSED UNIT DEVELOPMENT

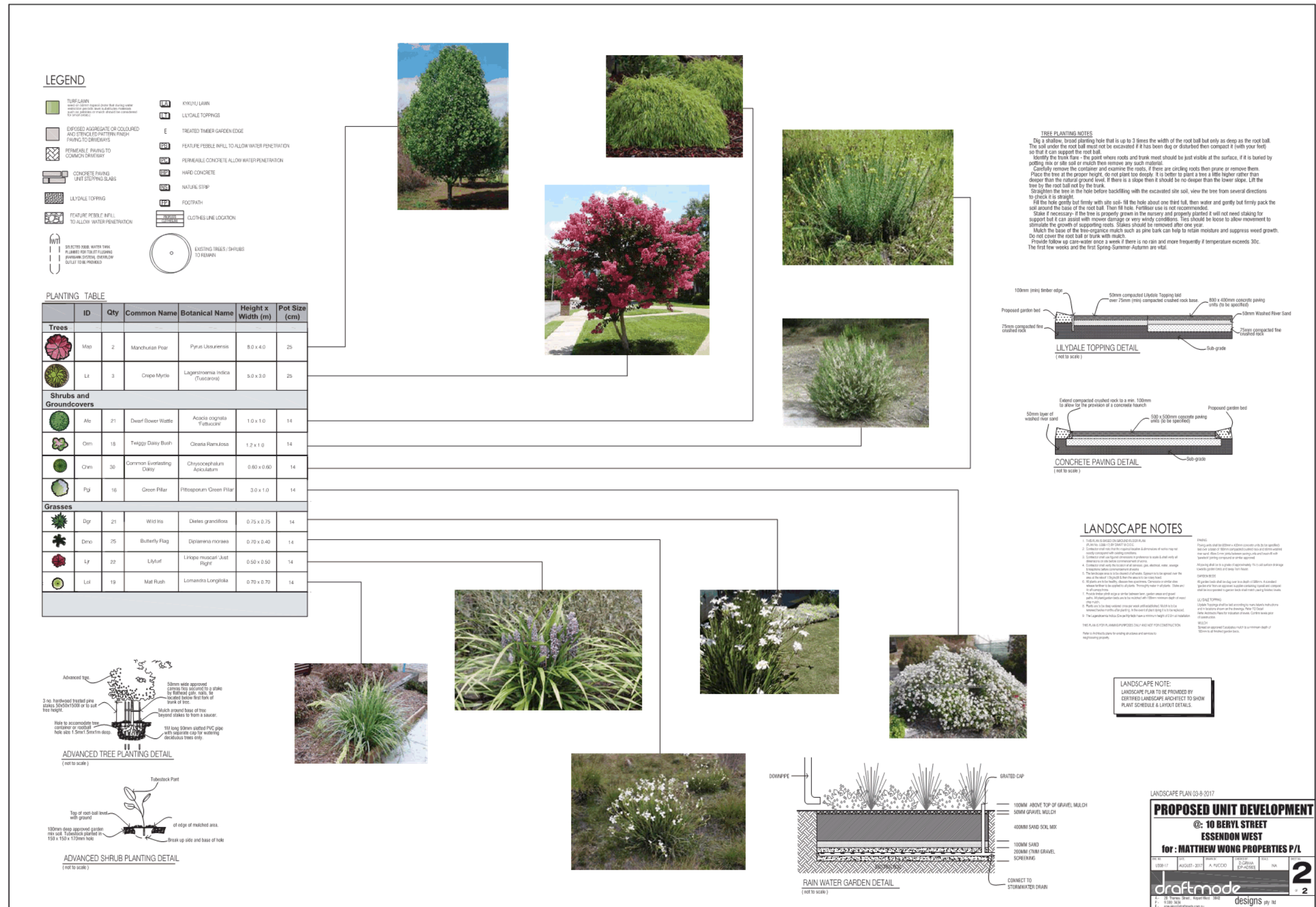
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ESSENDON WEST  
for : MATTHEW WONG PROPERTIES P/L**

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U308-17	AUGUST - 2017	A. RUCCIO	D. GRINA (DRA2503)	1 : 100

draftmode

A- 28 Thomas Street, Airport West 3042 designs 03 94 34 1144





## 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 main 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>	✓	✓
<i>B7 - Building Height Objective</i>	✓	✓
<i>B8- Site Coverage Objective.</i>	✓	✓
<i>B9- Permeability Objectives</i>	✓	✓
<i>B10 - Energy Efficiency Objectives</i>	✓ subject to condition	✓
<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 3.4 of the report.	
<i>B 17 - Side and Rear Setbacks Objective</i>	✓	✓
<i>B 18 - Walls on Boundaries Objective</i>	✓	✓
<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>	✓	✓

<b>Title and Objective</b>	<b>Complies with Standard</b>	<b>Complies with Objective</b>
<i>B 22 - Overlooking Objective</i>	✓ subject to condition	✓
<i>B 23 - Internal Views Objective</i>	✓	✓
<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>	✓	✓
<i>B 31 - Design detail objective</i>	✓	✓
<i>B 32 - Front Fences Objective</i>	✓	✓
<i>B 33 - Common Property Objectives</i>	✓	✓
<i>B 34 - Site Services Objectives</i>	✓	✓
<b>Clause 55.07 – Apartment Developments</b>		
<i>B 35 – Energy Efficiency Objectives</i>	N/A	N/A
<i>B 36 – Communal Open Space Objective</i>	N/A	N/A
<i>B 37 – Solar Access to Communal Outdoor Space Objective</i>	N/A	N/A
<i>B 38 – Deep Soil Areas and Canopy Trees Objective</i>	N/A	N/A
<i>B 39 – Integrated Water and Stormwater Management Objectives</i>	N/A	N/A
<i>B 40 – Noise Impacts Objectives</i>	N/A	N/A
<i>B 41 – Accessibility Objective</i>	N/A	N/A
<i>B 42 – Building Entry and Circulation Objectives</i>	N/A	N/A
<i>B 43 – Private Open Space above Ground Floor Objective</i>	N/A	N/A
<i>B 44 – Storage Objective</i>	N/A	N/A
<i>B 45 – Waste and Recycling Objectives</i>	N/A	N/A
<i>B 46 – Functional Layout Objective</i>	N/A	N/A

<b>Title and Objective</b>	<b>Complies with Standard</b>	<b>Complies with Objective</b>
<i>B 47 – Room Depth Objective</i>	N/A	N/A
<i>B 48 – Windows Objective</i>	N/A	N/A
<i>B 49 – Natural Ventilation Objectives</i>	N/A	N/A

✓ - complies

x – non-compliance

N/A- Not Applicable

**9.4 34 Wilson Street, Moonee Ponds - Proposed Sale of Land**

**File No:** FOL/17/11

**Author:** Gary Mills

Coordinator Property Management

**Directorate:** Financial Services

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**Purpose**

To seek Council approval to sell the property at 34 Wilson Street, Moonee Ponds in accordance with section 189 of the *Local Government Act* 1989 ('the Act').

**Executive Summary**

- At its meeting on 23 May 2017, Council approved the commencement of statutory procedures to sell the property known as 34 Wilson Street, Moonee Ponds ('the subject property'). Refer location photo provided at **Appendix A**.
- The subject property comprises land and building described as Lot 71 on Plan of Subdivision 2241 and contained on Certificate of Title Volume 6222 Folio 299. The land comprises an area of 403m<sup>2</sup> and is zoned General Residential and is included in a Heritage Overlay as a place of local significance.
- Amendment C164 to the Moonee Valley Planning Scheme was adopted by Council on 28 February 2017. The Amendment seeks to implement the recommendations of the Moonee Valley Heritage Study 2015. The Amendment was approved by the Minister and gazetted on 10 August 2017.
- Council gave public notice of its intention to sell the subject property in the local newspapers. At the close of the submission period, no written submissions were received.
- The subject property is deemed surplus to Council requirements. It is now necessary for Council to decide whether or not to sell the subject property.

**Recommendation**

That Council:

1. Having completed all necessary statutory procedures under sections 189 and 223 of the Local Government Act 1989 and not having received any written submissions to the proposal, resolve to sell the property known as 34 Wilson Street, Moonee Ponds described as Lot 71 on Plan of Subdivision 2241 and contained on Certificate of Title Volume 6222 Folio 299 as shown in **Appendix A** by either private sale or public auction.
2. Authorise the Chief Executive Officer to prepare the subject property for sale and execute all relevant contract and transfer documents on behalf of the Council.
3. Ensure that the proceeds of the sale from the property are used to meet the future needs of the Moonee Valley community (including young people) within the southern parts of the municipality, which may be proposed as part of the annual budget process and in line with Council Plan priorities.



## Background

Council resolved at its meeting on 23 May 2017 as follows:

1. “Commence statutory procedures under section 189 of the *Local Government Act 1989* (‘the Act’) to sell the parcel of land known as 34 Wilson Street, Moonee Ponds and described as Lot 71 on Plan of Subdivision 2241 and contained on Certificate of Title Volume 6222 Folio 299 as shown in **Appendix A** by either private sale or public auction subject to the application of a Heritage Overlay over the site.
2. Establish a Committee of Council comprising Crs Nation, Sharpe and Surace pursuant to section 223(1) (c) of the Act to hear and consider any submissions received and requests to be heard.
3. Authorise the Chief Executive to fix the date and time for the Committee meeting, if required.
4. Ensure that the proceeds of the sale from the property are used to meet the future needs of the Moonee Valley community (including young people) within the southern parts of the municipality, which may be proposed as part of the annual budget process and in line with Council Plan priorities.

The property is described as Lot 71 on Plan of Subdivision 2241 and contained on Certificate of Title Volume 6222 Folio 299 and known as 34 Wilson Street, Moonee Ponds (‘the subject property’). The land is 403m<sup>2</sup> and is zoned General Residential.

On 28 February 2017 Council adopted the revised Moonee Valley Heritage Study and submitted the Amendment to the Minister for Planning for approval pursuant to section 31(1) of the *Planning and Environment Act 1987*. Amendment C164 to the Moonee Valley Planning Scheme seeks to implement the recommendations of the Moonee Valley Heritage Study 2015 which includes a Heritage Citation for the subject property.

The Amendment was recently approved by the Minister and gazetted on 10 August 2017. As a consequence, there will be development controls applicable to the subject land.

## Discussion

Council’s Youth Development Unit previously occupied the subject property for the past four years but were relocated to new office space at Level 1, 641 Mt Alexander Road, Moonee Ponds in early February 2017. The subject property is currently vacant.

The subject property is considered unsuitable for co-location of any other Council services and therefore, is deemed surplus to Council requirements. Consequently, it is recommended that Council prepare the property for private sale or public auction.

## Consultation

Council gave public notice of its intention to sell the subject property in the Moonee Valley Leader and The Weekly Review on 21 June 2017. In addition, a public notice was placed on site. The public submission period closed on 18 July and no written submissions were received.

## Implications

### 1. Legislative

Council has acted in accordance with sections 189 and 223 of the Act regarding the proposed sale of land and all relevant statutory procedures have now been complied with.

Under section 189(2) (b) before Council sells or exchanges any land, it must obtain a valuation of the land which is not more than six months prior to the sale or exchange of land.

### 2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to Demonstrate to ratepayers that Moonee Valley is financially sustainable in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

The *Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land* and Council's *Road Discontinuance and Sale of Land Policy* have been fully referenced in connection with this proposal.

### 3. Financial

Council is obligated to dispose of any surplus assets and ensure they are sold at their highest and best use.

The sale proceeds shall be used to meet the future needs of the Moonee Valley community (including young people) within the southern parts of the municipality, which may be proposed as part of the annual budget process and in line with Council Plan priorities.

Council has obtained a property valuation dated 24 April 2017 and is attached at **Appendix B** – Confidential.

### 4. Environmental

A Division 6 Inspection of Asbestos Containing Materials was conducted in January 2010. The report indicates the likely presence of asbestos in some building materials, but has been rated low level risk.

## Conclusion

Given that the subject property is deemed surplus to Council requirements, it is appropriate to sell the property and realise the market value of the asset.

## Appendices

Appendix A: Property Location Photo

Appendix B: Property Valuation 24 April 2017 (confidential).



**9.5                      2016/17 Annual Financial Report**

**File No:** FOL/17/11

**Author:** Mr Damian Hogan  
Manager Finance Operations

**Directorate:** Financial Services

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**Purpose**

To adopt in principle the 2016/17 Annual Financial report.

**Executive Summary**

This report presents Council's 2016/17 Annual Financial Report, consisting of the Financial Statements and Notes to the Audit Committee, for review and recommendation to Council to adopt this report "in principle".

**Recommendation**

That Council:

1. Notes the recommendation of the Audit Committee.
2. Adopts in principle the 2016/17 Annual Financial report.
3. Nominate and authorise Councillor ..... and Councillor ..... to certify, on behalf of Council, the Annual Financial Report, in the final form.

**Background**

The Victorian Auditor-General's Office has completed the external audit of the 2016/17 Annual Financial Report.

The Annual Financial Report consisting of the Financial Statements and Notes (refer **Appendix A** – separately circulated), has been prepared in accordance with relevant legislation, applicable Australian Accounting Standards and other related accounting guidelines.

The Audit Committee at its meeting held Monday 14 August 2017, in accordance with Section 137 of the *Local Government Act 1989*, having reviewed the Annual Financial Report consisting of the Financial Statements and Notes, recommended that Council adopt the 2016/17 Annual Financial Report on an "in principle" basis and submit them to the Victorian Auditor-General for final audit.

In accordance to Section 131(8) of the *Local Government Act 1989*, the completed Annual Financial Report is to be signed by the Principal Accounting Officer and authorised by two Councillors having regard to the recommendations, if any, from the Victorian Auditor-General.

The Victorian Auditor-General's certification is anticipated in September 2017.

## Discussion

The Annual Financial Report is prepared strictly in accordance with the applicable Australian Accounting Standards which includes the Australian equivalent to International Financial Reporting Standards (AIFRS). These Standards require the preparation of five mandatory statements. These statements include:

- “Comprehensive Income Statement” (Operating – Accrual Statement). This comprises non-cash items such as Depreciation and cost of goods (assets) sold, and excludes Capital Expenditure and Transfers to and from Other Reserves.
- “Balance Sheet” which lists Council’s assets and liabilities. It indicates the overall financial position of Council.
- “Statement of Changes in Equity”. This indicates movements in Council’s Reserve Funds.
- “Statement of Cash Flows”. This indicates all cash expended and received for all activities during the financial year.
- “Statement of Capital Works” which details Councils capital works expenditure for the financial year. It sets out the expenditure on creating or buying property, infrastructure, plant and equipment by each category of asset.

For the 2016/17 financial year, Council is also required to prepare two “Budget Comparison Notes” with variance explanations to the 2016/17 Annual Budget. These being:

1. Income and expenditure
2. Capital Works

The following analysis of the 2016/17 Annual Financial Report is at a macro level, which reflects the nature of the Report’s disclosures. It is not designed nor intended to be used as a Management report that provides details of programs, or resultant variances. No analysis has been provided for the Statement of Changes in Equity.

### 1. Income Statement

The operating result represents the accrual accounting treatments, which includes the non-cash items of depreciation and cost of goods (assets) sold, but excludes expenditure on Capital items and transfers to and from other reserves.

As at 30 June 2017, Council reported a net surplus position of \$18.31 million, compared to a Budgeted Operating result of \$9.05 million. The surplus is due to an increase in monetary contributions of \$4.49 million, predominately from Open Space Developer contributions of \$3.25 million, grants - operating of \$2.28 million that was primarily due to 50% of funding allocation amount related to 2018 paid in advance. Statutory fees and fines were \$1.37 million above budget and there was \$1.27 million of unbudgeted non-monetary contributions received in the form of infrastructure assets. In addition, employee costs were \$0.72 million below budget.

Offsetting the favourable variance in income, materials and services expenditure were \$3.19 million unfavourable primarily due to expenditure budgeted for as part of the capital program treated as operational in nature.

## **2. Balance Sheet**

The Balance Sheet indicates that Council's overall financial position and its cash and liquidity position are sound and within acceptable financial parameters.

Council's cash position as at 30 June 2017 was represented by cash on hand and investments of \$63.88 million. This represents an increase in cash holdings of \$19.08 million during the 2016/17 financial year, due to the favourable operating result and delays in the capital works program. These capital programs will be carried over into the 2017/18 financial year.

The value of Council's property, infrastructure, plant and equipment as at 30 June 2017 is \$2.038 billion, an increase of \$616.45 million from 30 June 2016. This was due to the revaluation of Council's land under roads and land assets, acquisition of assets as part of Council's capital works program and the contribution of non-monetary assets at balance date.

Trade payables brought to account were \$14.68 million, an increase of \$3.69 million on the June 2016 level. The increase is primarily due to the volume of outstanding invoices processed for payment as at the 30 June 2017.

Council's end-of-year working capital ratio is 2.48:1 which exceeds the target ratio of 1.73:1 due primarily to an increase in cash holdings. This ratio is used to assess Council's ability to meet current commitments and is derived by dividing current assets by current liabilities.

## **3. Cash Flow Statement**

Cash flow is unfavourable due to the net movement in other financial assets – term deposits of \$26.74 million. This decrease in cash flow is offset by a reduction in capital works expenditure as a result of a number of projects carried forward to 2017-2018, open space developer contributions \$3.25 million, grants \$2.03 million, interest received \$0.96 million and statutory fees and fines of \$0.49 million above budget. In addition employee costs were \$1.52 million below budget. These favourable variances are partly offset by a decrease in user fees of \$2.78 million below budget.

## **4. Statement of Capital Works**

Capital expenditure for the year ended 30 June 2017 was \$16.73 million below budget. Projects totalling \$6.48 million will be carried forward into 2017/18 financial year including Overland Reserve Pavilion (\$1.90 million), Ormond Park Pavilion (\$1.90 million), Airport West Green Spine implementation (\$1.20 million), Albert Street Drainage improvements (\$0.55 million) and Travencore Park shared path (0.53 million).

In addition, expenditure of \$3.10 million identified as operational in nature within a number of capital programs was reclassified as operating expenses.

## **Consultation**

The Annual Financial Report is prepared by Council's Finance Department. Consultation regarding the process, or the resolution of any queries, during its preparation, occurs with the Victorian Auditor-General's Office.

## **Implications**

### **1. Legislative**

This report addresses the requirements of sections 131 and 132 of the Local Government Act 1989 (Act) and Regulation 19 of the Local Government Planning and Reporting Regulations 2014 (Regulations).

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

The Annual Report 2016/17 contributes to Theme 5: Resilient Organisation – sustainable, innovative, engaging and accountable.

### **3. Financial**

This report has no direct financial implications.

### **4. Environmental**

There are no environmental issues associated with this report.

## **Conclusion**

The Annual Financial Report indicates that Council's overall financial position is sound for the financial year ended 30 June 2017.

## **Appendices**

Appendix A: 2016/17 Annual Financial Report (separately circulated).

**9.6                      2016/17 Performance Statement and Governance and Management Checklist**

**File No:** FOL/17/11

**Author:** Marianne McArthur  
Corporate Planning Officer

**Directorate:** Organisational Performance

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**Purpose**

To present the 2016/17 Performance Statement and Governance and Management Checklist to Council for approval.

**Executive Summary**

This report presents the 2016/17 Performance Statement and Governance and Management Checklist to Council for approval. These documents form part of the 2016/17 annual report and must be certified prior to inclusion in the annual report.

**Recommendation**

That Council:

1. Approves in principle the 2016/17 Performance Statement for certification and forwarding to the Victorian Auditor-General's Office (VAGO) for final audit approval;
2. Approves the Governance and Management checklist to be certified by the Mayor and Chief Executive Officer and included in the annual report of operations.

**Background**

In 2014-15 the Victorian Government introduced a mandatory performance reporting framework known as the Local Government Performance Reporting Framework (LGPRF). This framework prescribes that certain information be disclosed in annual reports, including an audited performance statement and a governance and management checklist. Council's 2016/17 Performance Statement and Governance and Management Checklist are attached as **Appendix A and Appendix B** – separately circulated.

These documents must be certified for inclusion in the annual report, as per sections 131 and 132 of the *Local Government Act 1989* (Act) and Regulation 12 of the *Local Government Planning and Reporting Regulations 2014* (Regulations).

The performance statement must be audited by VAGO, approved in principle by Council, then forwarded to VAGO for final audit clearance.



## **Discussion**

### **Performance Statement**

The performance statement is an accountability document setting out results achieved by Council against a prescribed set of sustainable capacity, service performance and financial sustainability indicators. The performance statement has undergone a detailed process of preparation, review and approval, including an independent review by VAGO.

Any material variations in results between current and previous years must be explained with commentary. As a rule, explanations were provided for variations of ten per cent or more (although comments were sometimes added in the absence of a material variation in order to provide a reader with greater context regarding the results). Material variations in performance since 2015/16 included a decline in the percentage of Council planning decisions upheld by the Victorian Civil and Administrative Tribunal, along with a decline in satisfaction with Council decisions and sealed local roads. These results highlight our community's concern regarding planning and development related issues.

Once Council has approved the performance statement in principle, the Victorian Auditor-General will prepare a final report on the performance statement for inclusion in the annual report.

### **Governance and Management Checklist**

The annual report of operations must contain Council's assessment of its results against the governance and management checklist, as per section 131 of the Act. The format of the checklist is prescribed by Schedule 1 of the Regulations. This checklist contains questions about policies, documents and plans for community engagement, planning, monitoring, reporting and decision making. Some items in the checklist concern compliance with legislation, while others relate to items regarded by Local Government Victoria (LGV) as "better practice". LGV recommends that the checklist be reviewed by the Audit Committee and Council prior to certification by the Mayor and Chief Executive Officer (Source: Local Government Victoria *Local Government Better Practice Guide 2016-17: Report of Operations 2017*, page 12).

Council has complied with all legislative requirements in the checklist. The "better practice" items Council did not have in place in 2016/17 were 10-year asset management plans, and six-monthly reporting on the Council Plan and LGPRF. Council is in the process of addressing these items to align with LGV guidance.

## **Consultation**

The nature of this report does not require any consultation.

## **Implications**

### **1. Legislative**

This report addresses the requirements of sections 131 and 132 of the *Local Government Act 1989* (Act) and Regulation 12 of the *Local Government Planning and Reporting Regulations 2014* (Regulations).

**2. Council Plan / Policy**

In presenting this report to Council, Council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

**3. Financial**

This report has no direct financial implications.

**4. Environmental**

This report has no direct environmental implications.

**Conclusion**

The performance statement and governance and management checklist demonstrate accountability to the community. These documents have undergone a robust review process prior to presentation to Council.

**Appendices**

Appendix A: 2016/17 Performance Statement (separately circulated)

Appendix B: 2016/17 Governance and Management Checklist (separately circulated)

**9.7 Planning Scheme Amendment C179 - Significant Tree Review 2017**

**File No:** FOL/17/11

**Author:** David Kilroe  
Senior Strategic Planner

**Directorate:** Planning & Development

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**Purpose**

This report seeks endorsement of the draft Significant Tree Register 2017 for the purpose of consultation.

It also recommends Council seek authorisation from the Minister for Planning, to prepare and exhibit Amendment C179, which proposes to implement the Significant Tree Register 2017.

**Executive Summary**

- Moonee Valley first resolved to formalise tree preservation controls through the Significant Tree Register 2012 which came into effect through Amendment C130 in December 2013. The Significant Tree Register 2012 aimed to identify and protect significant trees within the City of Moonee Valley by incorporating them into the Environmental Significance Overlay (ESO) of the Moonee Valley Planning Scheme. The ESO is a tree control that requires a planning permit for works that might impact on significant trees.
- The Significant Tree Register 2012 included a recommendation that the document be reviewed annually to ensure the identification of significant trees was up to date. Each annual review of the register is undertaken by external experts who review both existing trees contained within the register and new nominations from community members. The first of these annual reviews resulted in the Significant Tree Register 2014.
- In March 2016, the Minister for Planning approved Amendment C149 which applied the ESO to 18 trees or groups of trees identified as being of significance within the Significant Tree Register 2014.
- Having reflected on the considerable resources required to undertake an annual review and amendment process, it was considered appropriate to undertake a comprehensive municipal-wide significant tree review to identify all trees of significance throughout the City of Moonee Valley and complete the Significant Tree Register. A completed register is also considered necessary so as to protect trees immediately under threat by increasing development pressure.
- The draft Significant Tree Register 2017 (**Appendix A** - separately circulated) aims to update the current Significant Tree Register, assess public nominations made by residents and stakeholders received since the last review and conduct the most comprehensive desk top and drive-by survey to-date in order to identify all significant trees within the whole municipality.

- The 2017 review has identified 248 new trees or groups of trees as being suitable and worthy of inclusion into the updated Significant Tree Register. A total of 459 records, 211 from 2014 and 248 from 2017 are now recommended for inclusion in a completed Significant Tree Register.
- The completed register will comprise 79 groups of trees and 380 individual specimens amounting to a total of 1,515 trees. 188 records are on Council land, 248 are on private land and 23 relate to trees on school grounds.
- The Significant Tree Register 2017 proposes to revisit the register every 10 years to update existing records and assess new nominations.
- Amendment C179 to implement the findings of the Significant Tree Register 2017 will incorporate identified trees into the Environmental Significant Overlay Schedule 2 (ESO2) to the Moonee Valley Planning Scheme. Amendment documentation can be viewed at **Appendix B** (separately circulated) to this report.
- The ESO2 is the most appropriate tool for protecting the municipality's significant trees and triggers a planning permit for removal of any tree identified in the register or for buildings or works proposed within a tree's respective Tree Protection Zone.
- This report recommends that Council seek authorisation from the Minister for Planning to prepare and exhibit Amendment C179 and concurrently exhibit the draft Significant Tree Register 2017 for community comment.
- The report also recommends that Council formally request interim controls pursuant to Section 20(4) of the *Planning and Environment Act 1987* for identified trees within the draft Significant Tree Register 2017 to ensure they are protected during the amendment process. This will be known as Amendment C187.

## Recommendation

That Council:

1. Endorse the draft Significant Tree Register 2017 (**Appendix A** - separately circulated) for the purposes of consultation.
2. In accordance with Section 8A(3) of the *Planning and Environmental Act 1987*, seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C179 (**Appendix B** - separately circulated), which includes the following:
  - a) Update to the current Moonee Valley Significant Tree Register to reflect additional inclusions recommended in the draft Significant Tree Register 2017.
  - b) Apply the Environmental Significance Overlay to the additional trees identified in the draft Significant Tree Register 2017.
  - c) Delete the Environmental Significance Overlay from areas where significant trees have been removed.
3. Subject to obtaining authorisation from the Minister for Planning, exhibit

Moonee Valley Planning Scheme Amendment C179 in accordance with Section 19 of the *Planning and Environment Act 1987*.

4. In accordance with Section 20(4) of the *Planning and Environment Act 1987* formally request that the Minister apply interim controls to identified trees within the draft Significant Tree Register 2017.

## **Background**

Significant tree registers have been in place for 20 years in the municipality. The first study was the 'City of Essendon Significant and Historic Tree Study 1993' followed by the 'City of Moonee Valley Significant Tree Register 2001' which accounted for the municipal boundary realignment.

Moonee Valley resolved to formalise preservation controls in November 2010, producing the Significant Tree Register 2012 and subsequent Moonee Valley Planning Scheme Amendment C130 which was gazetted in December 2013. Amendment C130 first introduced the ESO tree control into the Moonee Valley Planning Scheme.

The Moonee Valley Significant Tree Register Review 2012 recommended updating the register on an annual basis. Each annual review of the register is undertaken by external experts who review both existing trees contained within the register and new nominations from community members. Amendment C149 implemented the first annual review and was approved by the Minister for Planning in March 2016.

Noting the considerable resources required to undertake an annual review and nominations process and the need to protect trees under immediate threat, the Significant Tree Review 2017 aims to complete the register and protect all Significant Trees through Amendment C179.

## **Discussion**

### Moonee Valley Significant Tree Register 2017

Council commissioned external arborists Homewood Consulting Pty Ltd who identified and studied a total of 671 trees as part of the 2017 review. Some of the trees were nominated by members of the public who requested they be investigated since the previous assessment was undertaken in 2014. Trees were also nominated by key stakeholders at a Significant Tree workshop held by Council in February 2017. The workshop was attended by Essendon Historical Society, Friends of 5 Mile Creek, Friends of Moonee Ponds Creek, Council's own Parks and Gardens staff and a Wurundjeri Tribe Representative.

The majority of trees were identified and investigated by Homewood Consulting Arborists through desk-top research and site inspections.

All trees reviewed are located on both private and public land, in the following manner:

- 188 on Council land
- 248 on private land
- 23 on school grounds

### Assessment Criteria

The review primarily included the assessment of each of the additional 32 trees or groups of trees against the National Trust Significant Trees criteria, which includes 12 significance categories relating to:

- horticultural or genetic value;
- unique location or context;
- rare or localised distribution;
- particularly old specimen;
- outstanding size;
- aesthetic value;
- curious growth habit;
- historical significance;
- connection to Aboriginal Culture;
- outstanding example of species;
- remnant vegetation; and
- outstanding habitat.

### Outcomes

The 2017 review found that, of the 671 trees assessed:

- 248 are recommended to be included because they are considered to be significant when assessed against the National Trust Significant Trees criteria.
- 423 are considered not to meet any of the National Trust Significant Trees criteria and therefore are not recommended to be included.

In the case of 5 records in the existing Moonee Valley Significant Tree Register 2014, the trees have since been removed, and thus are proposed to be deleted from the register. These records are as follows:

- Record number T4 at 37 Carrington Road, Niddrie (Lemon-scented Gum)
- Record number T57 at 128 Tennyson Street, Essendon (Mexican Fan Palm)
- Record number T104 at 23 Brown Avenue, Ascot Vale (English Oak)
- Record number T201 at Queens Park north side (Monterey Cypress)
- Record number T205 at 144 Pascoe Vale, Moonee Ponds (Moreton Bay Fig)

The trees have either been removed following due consideration and an approved planning permit process or without a planning permit (with enforcement action having been undertaken). The trees were identified as being removed through site inspections conducted by Homewood.

The 2017 review continues to provide management guidelines for significant trees, including the identification of a Tree Protection Zone (TPZ). This is an area surrounding a tree in which development should be managed in order to prevent



damage to the tree and its root structure. The TPZ is calculated as 12 x diameter at breast height (trunk diameter at 1.4 metres above ground level). The content of the 2017 Review has informed the preparation of Moonee Valley Planning Scheme Amendment C179.

### Planning Scheme Amendment

It is considered that the Environmental Significance Overlay (ESO) should be applied to the additional trees identified in the 2017 Significant Tree Review, and deleted from areas where significant trees were previously identified but have since been removed.

The planning controls proposed through this amendment are consistent with those of previously approved Amendments C130 and C149, which related to Significant Tree Registers 2012 and 2014 respectively. The ESO triggers a planning permit requirement for the removal of trees identified within the Register as well as a planning permit requirement for buildings and works proposed within each tree's respective TPZ.

Amendment C179 will supersede *Moonee Valley Significant Tree Register Review 2014* with a completed Register by:

1. Updating the Register to include additional trees and delete trees which have been removed.
2. Applying the Environmental Significance Overlay to all trees included in the *Moonee Valley Significant Tree Register 2017*, including each tree's respective tree protection zone.
3. Deleting the Environmental Significance Overlay from areas where significant trees were previously located but have since been removed.

The explanatory report for Amendment C179 can be found at **Appendix B** (separately circulated).

It is considered that interim controls should be applied to identified trees within the draft Significant Tree Register 2017 to ensure their protection during the amendment process. It is recommended therefore that a formal request for interim controls be submitted to the Minister for Planning pursuant to Section 20(4) of the *Planning and Environment Act 1987*.

### **Consultation**

It is recommended to undertake public exhibition, in particular to inform those proposed to be affected by a new overlay. Key aspects of the exhibition program include:

- Exhibition period of approximately 5 weeks.
- Letters to all land owners and occupiers proposed to be affected by the application or deletion of the Environmental Significance Overlay.
- Letters to those who nominated trees to be reviewed, advising of the outcome of the review.
- 4 x community drop in sessions with an offer of one-on-one meetings with either Council Staff or Homewood Arborist.

- Notices and promotional material in the local newspapers.
- Information displayed at the Civic Centre and local libraries.
- Comprehensive information on Council's website.
- The explanatory report for Amendment C179.

Moving forward, following completion of this review, it is proposed to revisit the register every 10 years to update existing records and assess new nominations.

## **Implications**

### **1. Legislative**

The Amendment is consistent with Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*. The preparation of the Amendment is also in accordance with Section 4 of the *Planning and Environment Act 1987*.

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

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

In presenting this report to council, council is achieving its Strategic Objective to ensure Our natural environment is protected and enhanced in accordance with Council Plan 2017-2021 Theme 2: Green, clean and beautiful - A sustainable environment for future generations.

### **3. Financial**

Council will use existing resources within the Strategic Planning operational budget to cover the costs involved with this amendment.

### **4. Environmental**

The amendment will provide environmental benefits as it will aim to protect Council's natural resources. The prevalence of significant trees within the City of Moonee Valley is considered a valuable asset and is enjoyed by residents and visitors alike.

This amendment will assist Council in maintaining the biodiversity of this region, including the valuable habitats for native fauna which are provided by established trees.

## **Conclusion**

The *draft Moonee Valley Significant Tree Register 2017* and associated Planning Scheme Amendment C179 will assist Council in preserving the municipality's significant trees, which provide numerous benefits to the community.

This report recommends that Council seek authorisation from the Minister for Planning to prepare and exhibit Amendment C179 and concurrently exhibit the draft Significant Tree Register 2017 for community comment.

## **Appendices**

Appendix A: Draft Significant Tree Register 2017 (separately circulated)

Appendix B: C179 Amendment documentation (separately circulated).

**9.8**                      **Moonee Valley Early Years Plan:  
Progress Report 2016-17 and Action Plan 2017-18**

**File No:**                FOL/17/11

**Author:**                Karina Viksne  
Family and Children's Services, Strategic Planning Adviser

**Directorate:**        City Services

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### **Purpose**

To inform Council on the progress of the Moonee Valley Early Years Plan 2014-22 through the Action Plan Progress Report 2016-17 and Action Plan 2017-18.

### **Executive Summary**

- Council adopted the Moonee Valley Early Years Plan 2014-22 (MVEYP) at its Ordinary Meeting held 16 December 2014.
- The MVEYP is supported through the delivery of annual Action Plans, Progress Reports and the facilitation of the Early Years Reference Group (EYRG).
- The MVEYP Action Plan Progress Report 2016-17, at **Appendix A** (separately circulated) documents the annual progress of actions.
- The majority of actions for 2016-17 were completed with a small number to be continued into 2017-18.
- The MVEYP Action Plan 2017-18, at **Appendix B** (separately circulated) supports the ongoing implementation of the MVEYP 2014-22.
- The Annual Actions are tangible outcomes that prioritise the MVEYP themes of People, Places and Partnerships for Children.

### **Recommendation**

That Council receive and note the MVEYP Progress Report on the implementation of the Action Plan 2016-17 and the Action Plan for 2017-18.

### **Background**

The Municipal Association of Victoria (MAV), in partnership with the Department of Education and Training (DET), recognise Local Government as best placed to develop Municipal Early Years Plans. These plans effectively develop and coordinate quality education, care, health services and activities for children and their families across Victoria, and support the growing body of evidence that investing in children, delivers long-term social and economic benefits for children, families and communities.

Council endorsed the MVEYP at its Ordinary meeting on 16 December 2014. The plan focuses on families from pregnancy through to children 12 years of age and sets out what the community, services and council want to achieve for Moonee Valley's youngest citizens. The MVEYP is supported by annual Action Plans and the Early Years Reference Group. The MVEYP commits to developing action plans to facilitate alignment with Council's key plans and strategies. Guided by community engagement and evidence based practice, the action plans evidence reporting on progress achieved.

A guiding principle of the MVEYP is the Rights of the Child and a Child Friendly City. In September 2016, Council endorsed becoming a signatory to the Victorian Child Friendly Cities and Communities Charter (the Charter). The Charter was developed with and for Victorian Local Governments and organisations, and includes a set of principles to raise the profile and rights of children in local communities. The Charter is aligned with State, National and International protocols that embrace the UN Convention on the Rights of the Child (UNCRC) 2004 and the Victorian Charter of Human Rights and Responsibilities 2006.

## **Discussion**

### **The Early Years Reference Group**

The Moonee Valley Early Years Reference Group (EYRG) strategically oversees and supports the implementation of the MVEYP through regular meetings and undertaking action planning review. Established in 2009, the EYRG operated as an Advisory Committee of Council, and continues as a Sub Committee of the recently established Community Wellbeing Portfolio Advisory Committee of Council.

### **The MVEYP Action Plan progress Report 2016-17**

The purpose of this report is to ensure accountability to Council and the community in progressing the objectives for the MVEYP to achieve outcomes for children and families. The Action Plan Progress Report reviews the status of all actions, indicating those completed for 2016-17 and those progressing into 2017-18.

**Appendix A** (separately circulated) comprises the MVEYP Action Plan Progress Report 2016-17 to illustrate achievements of the MVEYP for thematic areas: People, Places and Partnerships.

Some of the highlights from the 2016-17 implementation of the MVEYP include:

- Council became one of 14 Victorian Local Government signatories to the Victorian Child Friendly Cities and Communities Charter. The Charter was distributed to 25 Council early years services comprising over 230 staff and 2,000 children and families, demonstrating Council's commitment to the Charter.
- Fourteen Council early childhood centres achieved 'Exceeding National Quality Standards' ratings. Feedback on quality areas included: curriculum decisions responded to children's individual interest and abilities; and improved children's learning and development outcomes.
- The Toy Library loaned 7,388 educational and fun toys and equipment, with 1,380 members joining since opening and 412 active members.

- The Maternal and Child Health Services provided 1,500 children and families with literacy resources at the four month visit promoting the value of language and learning early in life.
- Child Safe Standards workshops were delivered for 33 staff across Council, and an organisational policy was developed and incorporated into a new Code of Conduct for all staff.
- The Municipal Association of Victoria identified Council's 'Better Moves Around Schools' program to improve safety and traffic management around schools as an example of best practise in local government.
- Partnership with the Leisure Centres supported 6,217 children to participate in a range of programs developing water safety skills.
- Over 4,410 children participated in programs at the Essendon Traffic School, promoting new skills and safe travel for young cyclists.
- For the first time, families registered online for 2018 kindergarten. The portal supports children's access to kindergartens participating in the Central Registration Services. Each year around 1,250 families register for kindergarten.
- Children from local child care centres attended and participated in the NAIDOC Week Flag Raising event and activities, and local kindergartens attended cultural story telling at Crown Street Stable.
- The '1000 Books Before School' program registered 400 families since launching in November 2016, paving the way for children's success in school.
- Flemington Street Children's Centre completed the final year of the research study, Abecedarian Approach Australia (3a), a partnership with the University of Melbourne. Educators implemented the 3a approach, gaining new skills, extending children's vocabulary and strengthening relationships with families.
- The new Caroline Chisholm Essendon Early Parenting Hub was completed and officially opened in March 2017. The new centre comprises multi-functional spaces for integrated service provision: counselling, specialist homelessness, playgroups, psychological, legal and financial support and responds to the emerging needs of vulnerable families.

### **The MVEYP Action Plan 2017-18**

The MVEYP Action Plan 2017-18, **Appendix B** (separately circulated) highlights key actions that maximise children's learning, health, safety and well-being. The identified priorities continue to support children and families and recognise the partnerships across Moonee Valley to achieve implementation of the MVEYP 2014-22.

### **Consultation**

The MVEYP Action Plans was developed in consultation with Council departments and the EYRG. Council sought to engage children on civic issues and valued their opportunity to voice their opinions and make meaningful contributions.



Ongoing consultation with children, including the outcomes of the recent MV2040 consultations, all levels of Government, schools, private and community service providers and the community will continue as a key success indicator for action planning moving forward into 2017-18.

## **Implications**

### **1. Legislative**

The Local Government Act (1989), outlines Council's primary objective to achieve the best outcomes for the local community. To achieve this Council considers diversity, encourages broad and active participation in civic life and the impact of decisions.

The UN Convention on the Rights of the Child, Article 31, outlines that children have a right to participate fully in cultural and artistic life, play and be safe in an environment where wellbeing is being promoted.

The Victorian Charter of Human Rights and Responsibilities Act 2006 refers to taking part in public life, freedom of movement and protection of families and children and rights of liberty and security Article 17 (1) and (2) and Article 18.

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

In presenting this report, Council is achieving its strategic objectives of the recently endorsed Council Plan, Integrating the Municipal Public Health and Wellbeing Plan 2017-21, with particular relevance to Theme 1. Friendly and safe: an equitable, inclusive and health community.

### **3. Financial**

There are no direct financial implications from this report. Future actions from the MVEYP Action Plan will be referred to the Council Annual Budget process.

### **4. Environmental**

There are no direct environmental implications from this report. Future actions implemented through the MVEYP will be consistent with Council's City Sustainability Policy.

## **Conclusion**

This progress report of the Moonee Valley Early Years Plan 2014-22 (MVEYP), profiles key actions implemented to meet strategies and outcomes. The progress report shows that the majority of actions are complete with some to be continued in 2017-18.

The Action Plan 2017-18 will advance actions that consolidate achieving the strategies of the MVEYP. Progressing actions is achieved through partnerships with the Early Years Reference Group and collaboration with key stakeholders across Council and the early years sector across Moonee Valley.

Signing the Victorian Child Friendly Cities and Communities Charter has strengthened Council's commitment to progressing a child friendly Moonee Valley, increase participation by children and contribute to decision making processes. Endorsing the Charter and becoming a signatory supports Council's efforts to provide equitable access, safety, health and child friendly environments that build community strength.

### **Appendices**

Appendix A: The Moonee Valley Early Years Plan Action Plan 2016-17 (separately circulated)

Appendix B: The Moonee Valley Early Years Plan Action Plan 2017-18 (separately circulated).

**9.9 Adoption of the Domestic Animal Management Plan  
2017 - 2021**

**File No:** FOL/17/11

**Author:** Carey Patterson  
Manager Building, Health & Property Services

**Directorate:** City Services

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**Purpose**

The purpose of this report is to advise Council of the outcomes of the public consultation process and to seek the adoption of the Domestic Animal Management (DAM) Plan 2017-2021.

**Executive Summary**

- Section 68A of the Domestic Animals Act 1994, stipulates that every Council is required to prepare a DAM Plan at four (4) yearly intervals.
- The main objective of the DAM Plan is to proactively educate the community on responsible pet ownership and ensure our city is a safe and enjoyable place for animals to live and play.
- Council has placed its draft DAM Plan out for public consultation. The community has responded with valuable input which has been considered and, where applicable, incorporated into the final version for Council consideration.

**Recommendation**

That Council:

1. Adopt its Domestic Animal Management Plan 2017-2021, provided as **Appendix A** (separately circulated);
2. Receive an annual progress report in August of each year on progress of the initiatives identified in the DAM Plan 2017-2021;
3. Notes that any initiatives identified in the adopted DAM Plan which require Council funding, shall be submitted as part of Council's annual budget deliberations; and
4. Forward a copy of the Moonee Valley Council Domestic Animal Management Plan 2017-21 to the Department of Economic Development, Jobs, Transport and Resources by 3 November 2017.

**Background**

Council's 2017-2021 DAM Plan is required to be submitted to the Department of Economic Development, Jobs, Transport and Resources by 3 November 2017.

At its 27 June 2017 Ordinary Council Meeting, Council resolved to endorse the draft of the 2017-2021 DAM Plan for community consultation. Having undertaken the

community consultation process and considered the submissions received, this further report and Draft DAM Plan is now presented for Council's further consideration.

### **Discussion**

The proposed DAM Plan is structured around the following key actions, with clearly stated objectives and Key Performance Indicators (KPI):

1. Current and Planned Training Activities for Authorised Officers;
2. Registration and Identification;
3. Nuisance;
4. Dog Attacks;
5. Dangerous, Menacing and Restricted Breed Dogs;
6. Overpopulation and Euthanasia rates;
7. Domestic Animal Businesses; and
8. Annual review of Plan and Annual Reporting.

### **Consultation**

Council placed its draft DAM Plan out for public consultation for the period 10-28 July 2017. The survey was available on Council's website. Promotion of the public consultation on the draft DAM Plan was undertaken as follows:

- a) Article placed on the Council website, together with online survey form;
- b) Promotion on Council's social media platforms;
- c) Consulted with Dogs Victoria;
- d) Met with the Lost Dogs Home and invited them to comment on the draft DAM plan; and
- e) Council Animal Control officers met local animal owners and invited comments on the DAM Plan as part of their regular patrols through dogs off leash areas and parks

In response to the public consultation, Council received feedback from 119 individuals in relation to the following key actions in Parts 2 and 3 of the Draft Plan. A summary of the 119 responses (including Officer's comments) are as follows:

#### **Part 2. Registration and Identification**

Council Promotion:

- Introduction of BPay;
- First time registration should be able to pay the de-sexed rate and provide the evidence once the dog has reached the safe age to be de-sexed;
- Request to be able to alter registration details online;
- Include Registration Renewal with the Rates Notice;

- Mobile De-sexing Van sessions to be held in Moonee Valley City Council; and
- Organise Pet Registration events.

Policy and Enforcement:

- Patrols by Authorised Officers to be undertaken out of business hours; and
- Introduction of metal registration tags for an additional fee.

Officer Comments

Council Promotion – The proposed DAM Plan already promotes additional payment options including BPay, thus no change recommended.

The requirement for a reduced fee registration for dogs that have only been microchipped was removed by the State Government in 2011, therefore Council has no discretion to alter this.

Regarding the request to alter registration details online, Council will investigate the possibility.

Unfortunately, Registration Renewal Notices cannot be included with Council's Rates Notice as they are issued quarterly and the Registration Renewal Notices are issued annually (March).

Council supports the recommendation to hold a Mobile De-sexing Session in conjunction with registration events.

Policy and Enforcement – The proposed DAM Plan provides for increased patrols out of business hours and the option of lifetime metal registration tags, thus no change required.

Part 3. Nuisance

Council Promotion:

- Majority of survey respondents advocate the introduction of mandatory de-sexing for cats and dogs;
- Majority of survey respondents are supportive of the current cat curfew times;
- Request for a 24 hour cat curfew;
- More off-leash parks;
- Suggestion of additional bins to encourage dog walkers to pick up after their pet;
- Request for Media Releases promoting Responsible Pet Ownership and Effective Control;
- Limit to number of dogs owned by any one resident.

Officer Comments

Council Promotion – Following the public consultation, Council will investigate the possibility in the future of introducing compulsory de-sexing for cats and dogs.

The proposed DAM Plan already addresses the need for a review of the current locations of the Dog Poo Bag Dispensers. We will also audit the bin locations in the Off-Leash parks.

Further evaluation of the existing off leash areas within the Council parks will be required and all users and the public will need to be consulted before additional off leash areas are declared. One of the future actions of the proposed plan will be a review of the adequacy of the existing off leash areas within the Council park network.

While there were requests for a 24 hour cat curfew, 83% of the respondents support the current cat curfew times.

Council will assess whether Media Releases regarding responsible pet ownership are required.

Council already has a limit to the number of dogs allowed per property, thus no change required.

### **Implications**

#### **1. Legislative**

Section 68A of the Domestic Animals Act 1994 requires all Councils to prepare a four (4) yearly Domestic Animal Management Plan. (Appendix A) The legislation stipulates the requirements that a DAM Plan must meet, as well as outlining the programs services and strategies that Council intends to pursue in relation to domestic animal management issues.

There are no Human Rights implications as a result of this report.

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

Council Plan Strategic Theme 1 focuses on a city providing the community with high quality natural and built environment while ensuring and maximising community participation in, and awareness of, environmental initiatives and activities. Outcomes associated with attractive and user friendly parks, streetscapes and open spaces that are accessible by all; and community health and safety; have strong links with a DAM Plan.

#### **3. Financial**

There are no direct financial implications flowing from the preparation and the reception of this report. Future initiatives requiring new or additional funding will be considered as part of the annual budget process.

#### **4. Environmental**

There are no direct environmental implications flowing from the preparation and the reception of this report.

### **Conclusion**

The Domestic Animals Act 1994 requires every Council to prepare a four (4) yearly Domestic Animal Management Plan.

Having consulted with the community, considered the submissions and updated the draft DAM Plan 2017-2021 (refer to Appendix A), it is recommended that Council consider and adopt the Domestic Animal Management Plan 2017-2021.



## **Appendices**

Appendix A: Domestic Animal Management Plan 2017-2021 (separately circulated).

**9.10 Marriage Equality Statement**

**File No:** FOL/17/11

**Author:** Sally Abbott  
Community Planning Officer

**Directorate:** Planning & Development

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**Purpose**

To seek endorsement for a Marriage Equality Statement as outlined in Council's adopted *Lesbian, Gay, Bisexual, Transgender, Intersex and Queer Action Plan 2015-17*; and outline proposed promotional activities during the Australian Marriage Law Postal Survey period.

**Executive Summary**

- Council adopted its *Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) Action Plan 2015-17* (the Action Plan), at its Ordinary Meeting on 23 June 2015.
- The Action Plan outlines strategies to improve access and equity for Moonee Valley's LGBTIQA+ community members, and is aligned with the themes and objectives of the *Diversity, Access and Equity Policy* (2014).
- Since its adoption in 2015, Council has completed 94 per cent of the 33 actions within this document. This also included the establishment of a Moonee Valley LGBTIQ Working Group which has worked in partnership with Council to implement the Action Plan. A remaining action within the Action Plan is for Council to 'develop a position statement on marriage equality and promote this to our community' (page 12).
- Research highlights that LGBTIQA+ people face discrimination, abuse, stigma and prejudice resulting in significant impacts on their health and wellbeing.
- Marriage equality is about advancing fairness and treating everyone equally, regardless of sexual orientation, gender identity or intersex status.
- Council's adoption of a Marriage Equality Statement will demonstrate a strong commitment to ensuring the human rights of our community are upheld and LGBTIQA+ people have improved opportunity for health and wellbeing.
- During the proposed Australian Marriage Law Postal Survey between 12 September and 7 November 2017, Council will undertake activities to promote the Marriage Equality Statement to our community and show support to LGBTIQA+ people.
- Note: the term "LGBTIQA+" acknowledges lesbian, gay, bisexual, transgender, intersex, queer and/or asexual and all minority sexual and gender identities. Council adopted to use the acronym LGBTIQ (lesbian, gay, bisexual, transgender, intersex and queer) during the development of our Action Plan in 2015. It is preferable to now use LGBTIQA+ as this is a more inclusive acronym.

## Recommendation

That Council:

1. Adopt the Marriage Equality Statement (**Appendix A**).
2. Write to local State and Federal Members of Parliament and the Commonwealth Human Rights and Equal Opportunity Commission advising them of Council's support for marriage equality.
3. Note the proposed activities to promote Council's Marriage Equality Statement during the Australian Marriage Law Postal Survey between 12 September and 7 November, 2017 as outlined in **Table 2**.
4. Note the LGBTIQ Action Plan 2015-17 Year 2 Progress Report (**Appendix B**).

## Background

Since the adoption of the Action Plan in 2015, Council has demonstrated a proactive approach to support and include LGBTIQ+ people in our community and celebrate their diversity and contribution. Council has completed 94 per cent of the 33 actions within this document. Highlights from this work over the last two years include:

- Flying the Rainbow Flag and banners during key weeks including IDAHOBIT (International Day Against Homophobia, Biphobia, and Transphobia).
- Holding events and activities in support of our LGBTIQ+ community including IDAHOBIT events, Midsumma arts program, the Rainbow Tent at Moonee Valley festival and Wear It Purple celebrations.
- Developing and touring the Rainbow Stories in the Valley storyboards across the municipality.
- Commencing the Rainbow Tick accreditation process for Council's Community Strengthening team.
- Establishing and coordinating quarterly meetings of the Moonee Valley LGBTIQ Working Group, which has worked in partnership with Council to implement the Action Plan.

These achievements demonstrate considerable momentum on these issues to date as well as significant work and strong partnerships across Council departments and the community. Further information about progress tracking and achievements are outlined in **Appendix B**: LGBTIQ Action Plan 2015-17 Year 2 Progress Report and **Appendix C**: LGBTIQ Action Plan Year 1 Highlights. A remaining action in Council's Action Plan is to 'develop a position statement on marriage equality and promote this to our community' (page 12). An *LGBTIQ Action Plan Year 1 Report* was presented to Council as an update at its Ordinary Meeting of 26 July 2016.

## Discussion

### Relevant legislation and human rights

Currently, the *Marriage Amendment Act (2004)*, which made amendments to the original *Marriage Act (1961)*, defines marriage in Subsection 5(1) as '...the union of a

man and a woman to the exclusion of all others, voluntarily entered into for life.’ This means that same-sex people cannot legally marry.

In August 2013, the *Sex Discrimination Act 1984* was amended to make discrimination on the basis of a person’s sexual orientation, gender identity and intersex status against the law. Despite this important step forward, lesbian, gay, bisexual, trans and intersex (LGBTI) people in Australia still experience discrimination, harassment and hostility in many parts of everyday life; in public, at work and study, accessing health and other services and securing proper recognition of their sex in official documents.

In light of this, campaigns for marriage equality over recent years have focussed on advancing fairness and treating everyone equally, regardless of sexual orientation, gender identity or intersex status. Denying same-sex couples the right to marry who they love can be interpreted as discriminatory and reinforces the view that LGBTIQ+ people and relationships are different and less valued.

#### Health, wellbeing and population data

Research highlights that LGBTIQ+ people face discrimination, abuse, stigma and prejudice and that this has significant impacts on their health and wellbeing, especially in terms of mental health. The approach adopted in Council’s Action Plan identifies a strong link between human rights, and health and wellbeing outcomes. Similarly, **Table 1** below underpins the need to address human rights in relation to LGBTIQ+ people

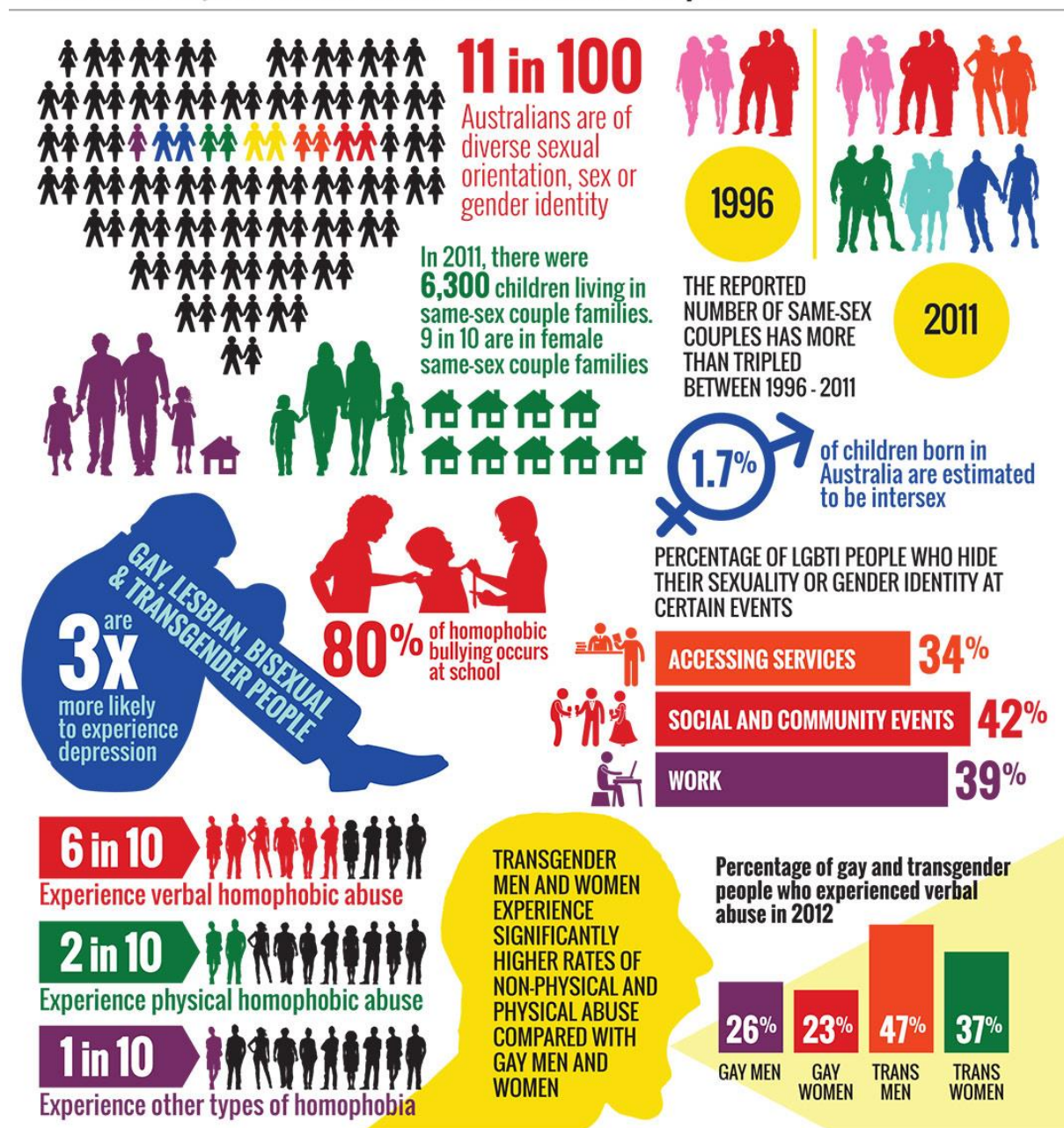
**Table 1: Key issues and population data for LGBTIQ+ people**

Description		Source
% of Population	Australians of diverse sexual orientation, sex or gender identity may account for up to 11 per cent of the Australian population	Department of Health, Australian Government, National LGBTI Ageing and Aged Care Strategy 2012)
Same sex couples	<p>The reported number of same-sex couples has more than tripled in Australia between 1996 and 2011.</p> <p>In Moonee Valley, 101 male same sex couples and 79 female same sex couples were recorded. No data is available on sexuality or transgender status.</p> <p>Note, whilst the 2011 Census also included a question about same-sex relationships; this data is not fully reflective of the LGBTIQ community as information was volunteered and only asked information about same-sex couples when the person was classified as a partner in a de facto marriage.</p> <p>People in same-sex couples tend to be more highly educated, more likely to work in highly skilled occupations (53 per cent compared with 43 per cent) and more likely to have higher incomes.</p>	Australian Bureau of Statistics, 2011 Census
Same-sex couple families	<p>In 2011, there were around 6,300 children living in same-sex couple families in Australia, up from 3,400 in 2001. Most of these children (89 per cent) are in female same-sex couple families.</p> <p>On measures of general health and family cohesion, children aged 5 to 17 years with same-sex attracted</p>	Australian Bureau of Statistics, 2011 Census

Description		Source
	parents had significantly better scores when compared to Australian children from all other backgrounds and family contexts. For all other health measures, there were no statistically significant differences.	
Mental health outcomes	LGBTIQA+ people disproportionately experience poorer mental health outcomes and have higher risk of suicidal behaviours than their peers. Compared to the general population, across age cohorts, LGBTIQ people are at least two to three times more likely to experience depression and anxiety. However LGBTI young people aged 16 to 27 are five times more likely to attempt suicide than the broader community.	Beyond Blue (2012 & 2013)  Rosenstreich, G. (2013) LGBTI People Mental Health and Suicide. Revised 2nd Edition. National LGBTI Health Alliance, Sydney
Accessing services	A large number of LGBTIQ people hide their sexuality or gender identity when accessing services (34 per cent), at social and community events (42 per cent) and at work (39 per cent). Young people aged 16 to 24 years are most likely to hide their sexuality or gender identity.	Australian Research Centre in Sex, Health and Society, La Trobe University
Experience of abuse	<p>This is not surprising given that LGBTIQ young people report experiencing verbal homophobic abuse (61 per cent), physical homophobic abuse (18 per cent) and other types of homophobia (9 per cent), including cyberbullying, graffiti, social exclusion and humiliation. Similarly 80 per cent of homophobic bullying involving LGBTIQ young people occurs at school and has a profound impact on their well-being and education.</p> <p>Around 61 per cent of same-sex attracted and gender-questioning young people said they experienced verbal abuse because of their sexuality, while 18 per cent reported experiencing physical abuse. Young men (70 per cent) and gender-questioning young people (66 per cent) were more likely than young women (53 per cent) to experience verbal abuse.</p> <p>However, LGBTI young people at schools where protective policies are in place are more likely to feel safe compared with those in schools without similar policies (75 per cent compared with 45 per cent). They are almost 50 per cent less likely to be physically abused at school, less likely to suffer other forms of homophobic abuse, less likely to self-harm and less likely to attempt suicide.</p>	Australian Research Centre in Sex, Health and Society, La Trobe University  T Jones and Western Australian Equal Opportunity Commission
Top three challenges for LGBTIQ people in Moonee Valley	The top three challenges for LGBTIQ people in Moonee Valley were identified by the community as Discrimination, lack of acceptance and abuse and bullying.	Action Plan 2015

**Figure 1** below from the Australian Human Rights Commission, 2014 also provides a useful summary (refer also [www.humanrights.gov.au/education/face-facts](http://www.humanrights.gov.au/education/face-facts)).

Figure 1: Australian Human Rights Commission snapshot  
Lesbian, Gay, Bisexual, Trans and Intersex People



2014 Face the Facts [www.humanrights.gov.au/face-facts](http://www.humanrights.gov.au/face-facts)



Since the adoption of the Action Plan, Council has shown commitment to redress the discrimination and issues outlined above and provide inclusive services and activities for all community members. The Marriage Equality Statement will demonstrate a strong commitment to ensuring the human rights of our community are upheld and that all LGBTIQA+ people have improved opportunity for health and wellbeing.

#### Australian Marriage Law Postal Survey

In early August 2017, the Australian Government decided to deliver the Australian Marriage Law Postal Survey to seek public views on marriage equality. This followed

attempts by the government to pass legislation to undertake a compulsory plebiscite which was twice defeated in the Senate.

The postal survey:

- will be delivered by the Australian Bureau of Statistics
- is voluntary and non-binding
- will be held between 12 September to 7 November, 2017 (results available on 15 November 2017)
- will ask: 'Should the law be changed to allow same-sex couples to marry?'

Recent polls highlight the majority of Australians support marriage equality. Newspoll conducted a poll for The Australian newspaper on 21 August and found that 63 per cent of Australians are planning to vote 'Yes' in the upcoming postal survey.

The Australian Marriage Equality, together with Australians for Equality, are leading the campaign on marriage equality. Australian Marriage Equality is a registered charity, driven by volunteers and was founded in 2004. These organisations specifically identify that the most efficient and effective way of achieving marriage equality is a vote in Parliament; and are encouraging organisations and individuals to write to Federal Members of Parliament to express their support for this issue.

In addition, the Victorian Equal Opportunity and Human Rights Commission does not support the postal survey and believes that Marriage Equality should be decided by the Parliament ([www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)). The Australian Human Rights Commission also considers marriage equality as a fundamental human rights issue and "should be available, without discrimination, to all couples, regardless of sex, sexual orientation or gender identity" ([www.humanrights.gov.au](http://www.humanrights.gov.au)).

It is proposed that Council seek to show support to the LGBTIQA+ community throughout the postal survey period and highlight our support for marriage equality through the activities identified in **Table 2** below.

**Table 2: proposed activities following Council's adoption of a Marriage Equality Statement (now in table format, previously dot points)**

	Proposed activities
1.	Fly the Rainbow Flags at Council Civic Centre and the Depot and the Rainbow banners and our 3 intersections
2.	Light up the Town Hall façade at the Clocktower Centre in four colours to symbolise a rainbow
3.	Create opportunities for Council staff to wear visual messages of support (e.g. Rainbow lanyards, pins or badges)
4.	Use social media to highlight our support for marriage equality
5.	Place relevant LGBTIQA+ books and resources on display at our libraries
6.	Put the Rainbow Stories in the Valley storyboards on display in Council buildings



7.	Colour the City of Moonee Valley logo rainbow for use in staff and Councillor email signatures
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These activities are proposed to commence subject to Council's adoption of the Marriage Equality Statement and will end in early November when the postal survey closes.

### Consultation

The Action Plan was developed in partnership with the Moonee Valley LGBTIQ Working Group and Council Departments including Community Planning, Community Strengthening, Human Resources, and Leisure, Arts Culture and Libraries.

### Implications

#### 1. Legislative

Section 3 of the *Local Government Act (1989)* outlines the primary objective of Councils is 'endeavouring to achieve the best outcomes for the local community through leadership and good governance'.

The statement responds to the principle of equality as outlined under the *Charter of Human Rights and Responsibilities Act (2006)*. Specifically, this statement is promoting the right of protection from discrimination.

In August 2013, the *Sex Discrimination Act 1984* was amended to make discrimination on the basis of a person's sexual orientation, gender identity and intersex status against the law.

#### 2. Council Plan / Policy

In presenting this statement to Council, Council is achieving its Strategic Objective in accordance with Council Plan 2017-2021 Objective 1.1: Our community is socially inclusive and healthy. This also supports our Key Priority: Foster respect, celebrate diversity, promote and support access and inclusion of LGBTIQ community members across Moonee Valley.

The Marriage Equality Statement promotes the goals of Council's *Diversity, Access and Equity Policy* to 'support an inclusive city that respects the human rights of all its citizens, celebrates their diversity and promotes *their* participation in all aspects of community life'.

#### 3. Financial

There are no financial implications as a result of this report. Any activities will be funded from existing 2017/18 budget allocations.

#### 4. Environmental

Any material produced to promote the statement and show support to our LGBTIQA+ community will use minimal waste or recycled products.

### Conclusion

Council continues to demonstrate strong leadership in celebrating and promoting the diversity of our LGBTIQA+ community members. Council's adoption of a Marriage

Equality Statement will ensure the human rights of our community are upheld and that all LGBTIQ+ people have opportunities to be included in community life and live full and healthy lives.

### **Appendices**

Appendix A: Marriage Equality Statement

Appendix B: LGBTIQ Action Plan 2015-17 Year 2 Progress Report (separately circulated)

Appendix C: LGBTIQ Action Plan Year 1 Highlights.

**Appendix A – Marriage Equality Statement**

Moonee Valley City Council supports Marriage Equality. We believe that no one should face violence or discrimination because of who they are or who they love.

Moonee Valley City Council is committed to creating a safe, secure and inclusive community in which all LGBTIQ<sup>1</sup> people can live their lives free from any form of discrimination, stigma, prejudice or violence.

We believe that the Marriage Act 1961 is discriminatory and should be changed to allow all adults to marry who they love, regardless of sexual orientation, gender identity or intersex status.

We affirm our commitment to ensuring that the human rights of all people residing, working or visiting the City of Moonee Valley are universally protected.

We ask community members to stand up against prejudice, discrimination and work towards eliminating it where it exists.

We call upon the general community to join us in defending the rights and freedoms of our LGBTIQ<sup>1</sup> + community members in ensuring they are given the dignity, respect and freedom to live their lives free from discrimination.

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<sup>1</sup> This is an inclusive acronym acknowledging lesbian, gay, bisexual, transgender, intersex, queer and/or asexual and all minority sexual and gender identities

# LGBTIQ Action Plan Highlights

