



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 22 August 2017 at 6.30pm

Agenda

Ordinary Meeting of Council

Tuesday, 22 August 2017 at 6.30pm
to be held at the Moonee Valley Civic Centre

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, 8 August 2017.

4. Declarations of Conflict of Interest

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- 12.2 484-486 Mt Alexander Road, Ascot Vale (Lots 1, 2 & 3 LP4866) - Construct a multi-storey building in a Design and Development Overlay (DDO3), use of the land for dwellings, reduce car parking requirements, waive loading bay requirements and erect a verandah over part of a footpath in a Road Zone, Category 1107
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13. Close of Meeting

BRYAN LANCASTER
Chief Executive Officer

REPORTS BY MAYOR AND COUNCILLORS

Recommendation

That reports by the Mayor and Councillors be received.

8.1 Report by Mayor, Councillor Surace

28 June 2017	Attended Strathmore Secondary College mid-year concert held at the Clocktower Centre, Moonee Ponds
1 July 2017	Attended Airport West Football Club's Indigenous Day
2 July 2017	Attended East Keilor Football Club's Legends Match
	Attended Winter Music in the Valley (Czech Passion) at St John's Uniting Church, Essendon
3 July 2017	Attended Victoria Day Awards Reception at Melbourne Town Hall
4 July 2017	Participated in Filming of Message for Council Agreement to Support Maternal & Child Health Program in East Timor
	Participated in Staff Farewell morning tea
	Attended Meeting with resident and Manager Statutory Planning regarding planning applications within the Niddrie area
	Attended Meeting with resident and Manager Statutory Planning regarding Shields Street, Flemington
	Attended on site Meeting with resident and Manager Technical Services regarding traffic concerns in Hassett Crescent, East Keilor
	Attended on site Meeting in Canning Reserve with Representatives from the Avondale Heights Football Club, Acting Senior Sports and Development Officer and Sport and Recreation Officer
	Attended Meeting with Director Organisational Performance and Corporate Engagement Officer regarding Integrated Transport Portfolio Committee
	Chaired Strategic Briefing

5 July 2017	Attended 2017 NAIDOC Victoria State Government Reception Hosted by The Hon. James Merlino MP at Parliament House
6 July 2017	Opened Council's NAIDOC Flag Raising Ceremony held at the Clocktower Centre, Moonee Ponds
7 July 2017	Attended on site meeting with residents to discuss the Buckley Street Level Crossing
11 July 2017	Attended Meeting with young local resident and her Mother regarding Lolly shop that has closed in Moonee Ponds Attended Meeting with Chief Executive Officer, Acting Director City Services, Planning and Development Officer and Deputy Mayor, Cr Cam Nation regarding Community Feedback and update on Buckley Street Railway Level Crossing Attended Flemington Estate Residents Committee Meeting at Flemington Community Centre
12 July 2017	Attended Corporate/Community Planting Day Hosted by Friends of Maribyrnong Valley at Tea Gardens in Avondale Heights Attended LeadWest July Board Meeting held at Brimbank City Council Officiated at Citizenship Ceremony held at the Clocktower Centre, Moonee Ponds
13 July 2017	Hosted Community Conversations with the Mayor at Avondale Heights Library and Learning Centre Attended BreastWest "Night of Nights" Hosted by Western Health Foundation
14 July 2017	Attended Meeting with Chief Executive Officer and Ben Carroll, MP to discuss local issues Attended the Grand Opening of Embracia Aged Care Facility in Avondale Heights
18 July 2017	Attended Launch of Children's Quilts/Art Work by Essendon Quilters Group at the Incinerator Arts Gallery Attended Meeting with Representatives from the Moonee Ponds Traders Association and Myrnong Ward Councillors Attended Meeting with Edenvale Manor Representative Attended Meeting with Chief Executive Officer and Chief Executive Support Officer

Chaired Public Forum

Attended First Portfolio Advisory Committee Meeting

Chaired Strategic Briefing

8.2 Report by Councillor Nation

28 June – 18 July 2017 Verbal Report

8.3 Report by Councillor Byrne

30 June 2017 Attended Meeting with Chief Executive Officer and Chief Executive Support Officer

3 -18 July 2017 Partial Maternity Leave

18 July 2017 Attended Public Forum

Attended First Portfolio Advisory Committee Meeting

Attended Strategic Briefing

8.4 Report by Councillor Cusack

28 June 2017 Attended Consultation Briefing and Meeting in relation to 50 Pascoe Vale Road, Moonee Ponds application

Attended Consultation Briefing and Meeting in relation to 34 Robinson Street, Moonee Ponds application

1 July 2017 Attended on-site meeting at Fanny Street Reserve with young people to discuss Skate Park options further.

Attended Airport West Football Club's Indigenous Day

2 July 2017 Attended Winter Music in the Valley (Czech Passion) at St John's Uniting Church, Essendon

3 July 2017 Attended NAIDOC Aboriginal Community Agencies Elders Breakfast Moreland

6 July 2017 Attended Council's NAIDOC Flag Raising Ceremony held at the Clocktower Centre, Moonee Ponds

7 July 2017 Attended Annual NAIDOC March

11 July 2017 Attended Flemington Estate Residents Committee Meeting held at Flemington Community Centre

12 July 2017	Attended Citizenship Ceremony held at the Clocktower Centre, Moonee Ponds
14 July 2017	Attended meeting regarding Ormond Park development (cool room issue)
15 July 2017	Attended meeting with Union Road Trader regarding street furniture Attended fundraising event at Moonee Valley Football Club
16 July 2017	Attended on site meeting with residents at 62 The Parade, Ascot Vale
18 July 2017	Attended Meeting with Strategic Planning Officer in relation to Combined Amendment C148 – Rezoning and Redevelopment for property in Ascot Vale Attended Public Forum Attended First Portfolio Advisory Committee Meeting Attended Strategic Briefing

8.5 Report by Councillor Gauci Maurici

1 July 2017	Attended “We’re Going On a Bear Hunt” Theatre Performance at the Clocktower Centre, Moonee Ponds
4 July 2017	Attended Meeting with Chief Executive Officer and Chief Executive Support Officer Attended Strategic Briefing
9 July 2017	Attended Strathmore Rotary Club Changeover Meeting
12 July 2017	Attended Essendon North Traders Association Annual General Meeting
15 July 2017	Attended Friends of Napier Park Tree Planting Day
18 July 2017	Attended Public Forum Attended First Portfolio Advisory Committee Meeting Attended Strategic Briefing

8.6 Report by Councillor Lawrence

29 June 2017	Attended Moonee Ponds Traders Association Meeting
30 June 2017	Attended President’s Night for Essendon Rotary Club

4 July 2017	Attended Essendon Rotary Club Meeting Attended Strategic Briefing
7 July 2017	Attended Meeting with Mayor for catch up
11 July 2017	Attended Essendon Rotary Club Meeting
12 July 2017	Attended Citizenship Ceremony held at the Clocktower Centre, Moonee Ponds
13 July 2017	Attended BreastWest “Night of Nights” Hosted by Western Health Foundation
14 July 2017	Attended Meeting with Chief Executive Officer and Chief Executive Officer Support Officer
17 July 2017	Attended Essendon Probus Meeting
18 July 2017	Attended Moonee Ponds Traders Association Meeting Attended Meeting with Representatives from the Moonee Ponds Traders Association and Myrnong Ward Councillors Attended Public Forum Attended First Portfolio Advisory Committee Meeting Attended Strategic Briefing

8.7 Report by Councillor Marshall

29 June 2017	Attended Consultation Briefing and Meeting in relation to 50 Pascoe Vale Road, Moonee Ponds application Attended Consultation Briefing and Meeting in relation to 34 Robinson Street, Moonee Ponds application
3 – 14 July 2017	LEAVE FROM COUNCIL
11 July 2017	Attended Flemington Estate Residents Committee Meeting held at Flemington Community Centre
18 July 2017	Attended Portfolio Advisory Committee Meeting with Director Organisational Performance, Director Planning and Development and Corporate Planning Consultant Attended Meeting with Strategic Planning Officer in relation to Combined Amendment C148 – Rezoning and Redevelopment for property in Ascot Vale

Attended Public Forum

Attended First Portfolio Advisory Committee Meeting

Attended Strategic Briefing

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

8.8 Report by Councillor Sharpe

28 June – 16 July 2017 Leave of Absence

18 July 2017 Attended Public Forum

Attended First Portfolio Advisory Committee Meeting

Attended Strategic Briefing

8.9 Report by Councillor Sipek

28 June – 18 July 2017 Verbal Report

REPORTS

9.1 **14 Thomas Street Airport West (Lot 239 on PS 042270) - Construction of a dwelling and additions to the existing commercial building including a reduction to the car parking requirement**

File No: FOL/17/11

Author: Vi Tran
Senior Statutory Planner

Directorate: Planning & Development

Planning File No.	MV536/2016
Proposal	Construction of a dwelling on top of the existing commercial building including alterations and additions to the existing building. Reduction of one car parking space.
Applicant	Nick De Luca
Owner	Mr and Mrs Calcagno
Planning Scheme Controls	Mixed Use Zone (MUZ)
Planning Permit Requirement	Clause 32.04-5 – construct or extend one dwelling on a lot of less than 300 square metres. No planning permit is required: For the use of a shop as the leasable floor area does not exceed 150 (61) square metres in accordance with Clause 32.04-2, Table of Uses of the Mixed Use Zone.
Car Parking Requirements (Clause 52.06)	Required: Shop - 2 car spaces Dwelling – 2 car spaces Provided: Shop – one car space Dwelling – 2 car spaces
Bicycle Requirements	N/A

Restrictive Covenants	None
Easements	Transfer No.A.615981 – Party wall easements
Site Area	185.8 square metres
Number Of Objections	Fifteen (15)
Consultation Meeting	7 June 2017

Executive Summary

- This application seeks approval for the construction of a dwelling on a lot less than 300 square metres and alterations and additions to the existing building including reduction of a car parking space.
- The site is located on the eastern side of Thomas Street in-between North and Bedford Streets with an area of 185.8 square metres.
- The application was advertised with 15 objections received. Concerns were raised in relation to neighbourhood character, overlooking, insufficient on-site car parking and impact on existing infrastructure.
- A Consultation Meeting was held on the 7 June 2017, which was attended by Councillor's Byrne and Sipek, the representative for the permit applicant and Council's Planning Officer. No objectors attended this meeting.
- The proposal demonstrates compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme. As the proposal seeks to rejuvenate this strip shopping area and the degree of housing intensification proposed is considered acceptable. Additionally, the design theme of the development is consistent with the established character of the area.
- The proposal achieves an adequate level of compliance with the standards of ResCode. Variations associated with Site Coverage, Permeability, Side and Rear Setbacks and Walls on Boundaries are considered appropriate variations due to the site's location in the Mixed Use Zone.
- 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.

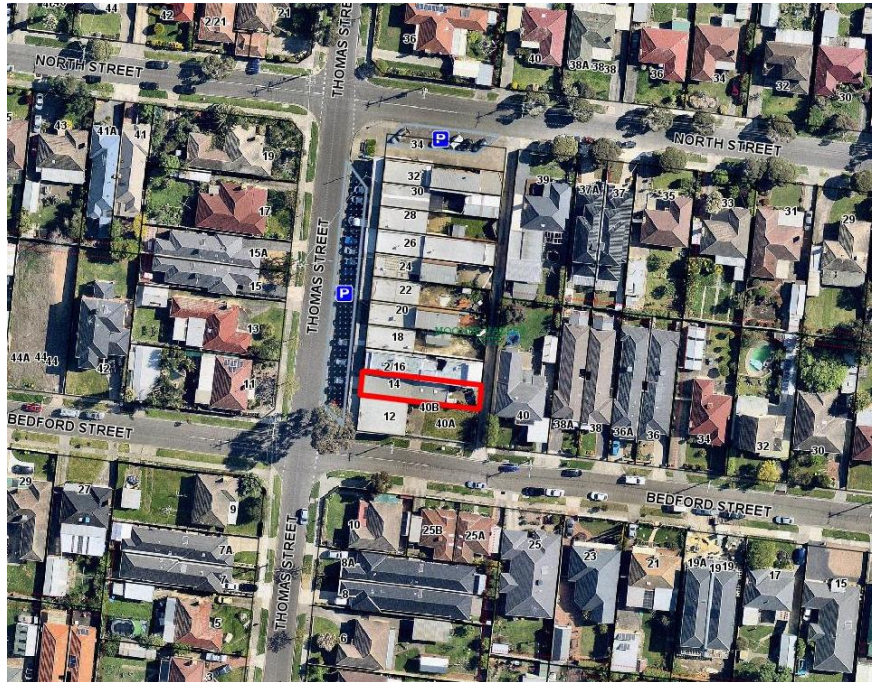


Figure 1: Aerial photograph of subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/536/2016 for the construction of a dwelling on a lot less than 300 square metres and alterations and additions to the existing building at 14 Thomas Street, Airport West (Lot 239 on PS 042270), 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 driveway located to the rear of the garages along the eastern boundary, adjoining the ROW annotated as 'R1' with a notation that this land is to be vested to Council.
 - b) The provision of an additional on-site car parking space for the proposed shop in accordance with Clause 52.06, Car parking of the Moonee Valley Planning Scheme with no modifications to the side and rear setbacks.
 - c) The Ground Floor Level boundary walls to be set back 2.5 metres from the eastern boundary;
 - d) All west facing habitable room windows at 40 Bedford Street illustrated on the Plans and the development accordingly setback in accordance with Standard A12 of Clause 54.04-3 (Daylight to existing windows) of the Moonee Valley Planning Scheme.
 - e) The clothesline to be deleted from the balcony area.

- f) All STORM initiatives and associated notations to be shown on the relevant plans in accordance with the approved STORM report.

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

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. 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.
7. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
8. Service units, including air conditioning units, must not be located on any of the balconies unless appropriately visually and acoustically screened to the satisfaction 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 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) 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.

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

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

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

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

- f) Be maintained and made available for such use; and
- g) Not be used for any other purpose,

to the satisfaction of the Responsible Authority.

12. 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.

13. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
14. To the satisfaction of the Responsible Authority goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.
15. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.

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

- a) Transportation of materials, goods or commodities to or from the land;
- b) Appearance of any building, works or materials;
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste produces, grit or oil; and
- d) Presence of vermin,

or in any other way, to the satisfaction of the Responsible Authority.

AusNet Services Gas Pipeline Conditions

16. Any underground services connections across Thomas Street will require Downer's permit and pipeline inspector on site.
17. The associated development and construction activities in the vicinity of the gas transmission pipeline shall adhere to the requirements of the Victorian Pipeline Act 2005 and AusNet Gas Services 'Conditions of Works' TS 2607.2.

End of AusNet Services Gas Pipeline Conditions.

18. This permit will expire if:

- a) The development does not start within two (2) years of the date of issue of this permit, or
- b) The development is not completed within four (4) years of the date of issue of this permit.

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

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

Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.
- No on-street parking permits will be provided to occupiers of the subject site.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- The remaining area behind the garage (2.5 metres) to be vested to Council at Subdivision Stage.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is situated on the eastern side of Thomas Street, Airport West (Lot 239 on PS 042270) located in between North and Bedford Streets with abuttal to a laneway at the rear. The site is regular in shape with a frontage of 6.09 metres and a depth of 30.48 metres.

The site has an overall area of 185.8 square metres and has a fall of approximately 0.45 metres from west to east (front to rear). There is a party wall easement along both side property boundaries, towards the front of the site and there are no restrictions on the title.

The subject site is currently occupied by a single storey commercial building with the previous land use being personal training studio. The building has a zero lot line to Thomas Street and constructed to both side boundaries. Vehicular access is from the rear laneway with associated on-site car parking.



Figure 2: Street frontage (22 Thomas Street, Airport West) – existing commercial premises

The subject site is located within a local shopping strip comprising of single storey attached shops and offices with generally flat metal roofs. There is an emergence of shop tops residential developments above that of the existing commercial buildings (reference is made to 16 Thomas Street, adjoining north).

Surrounding housing styles are predominantly brick or weatherboard dwellings with tiled hipped roofs. It is also noted there are multi-unit developments within the immediate vicinity.

The subject site is located within close proximity of numerous public reserves, schools and other commercial precincts. The No.501 bus route is located approximately 110 metres to the south of the site.

1.2 Proposal

It is proposed to construct a dwelling above the existing building, alterations and additions and waiver of a car parking space, on the land and summarised as follows:

Table 1

No of dwellings	One (1)
No of car spaces	Two (2) residents One (1) commercial
Max building height	7.55 metres
Site coverage	98%
Permeability	0%

- Section 57A Amendment was lodged on 20 March 2017, the proposed changes (but not limited to) include the following:
 - Provision of a commercial car parking space.
 - Relocate the main living areas and balcony to the western side of the site (to front Thomas Street).
 - Provide an internal courtyard / light court for the bedroom or habitable area to improve solar access.
 - Provision of screening to prevent unreasonable overlooking.

Refer to Appendix C – Section 57A Amended Plans (separately circulated).

Refer to Appendix D – Advertised Plans (separately circulated).

2. Background

2.1 Relevant Planning History

MV/865/2015 use of land for a restricted recreational facility issued on 16 September 2016.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 18	Transport
Clause 19	Pipeline infrastructure

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 32.04-5	Mixed Use Zone
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Overlay

N/A

Particular and General Provisions

- Clause 52.06 Car Parking
Clause 54 One Dwelling on a Lot
Clause 65 Decision Guidelines

2.3 Referrals

External

Table 2

External Referrals	Comments/Conditions
AusNet Services Gas Pipeline 16 June 2017	No objection to the proposal, subject to the following conditions: Any underground services connections across Thomas Street will require Downer's permit and pipeline inspector on site. The associated development and construction activities in the vicinity of the gas transmission pipeline shall adhere to the requirements of the Victorian Pipeline Act 2005 an AusNet Gas Services 'Conditions of Works' TS 2607.2.

Internal

Table 3

Internal Referrals	Comments/Conditions
Development Engineering (Traffic) 23 May 2017	The S57A Plans address most of the traffic concerns previously raised subject to Standard Conditions. The non-standard conditions include the following: Notation on the plans stating the ground floor of the development setback 5.5 metres from the eastern boundary of the ROW and vested to Council at the subdivision stage.
Development Engineering (Drainage) 23 May 2017	Standard conditions.
ESD (Environmental Sustainable Design) 21 Nov 2017	Council's ESD Officer advised the STORM Report 354820 is compliant, subject to notations on the plans.
Waste 17 May 2017	No objection to the proposal.

2.4 Public Notification of the Application

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

As a result fifteen (15) objections were received from the properties contained within **Appendix A** of this report. The objections are discussed at Section 3.6.

Further, following the notification process, the permit applicant lodged a Section 57A Amendment which sought to address the concerns raised by Council and objectors. The extent of the changes are minor and does not unreasonably cause material detriment to any persons and as such was not re-advertised in accordance with Section 57B (Notice of Amended Application) of the *Planning and Environment Act, 1987*.

2.5 Consultation Meeting

A Consultation Meeting was held on 7 June 2017 which was attended by Councillor's Byrne and Sipek, a representative of the permit applicant and Council's Planning Officer. No objectors attended the consultation meeting.

3. Discussion

3.1 State Planning Policy Framework

State Planning objectives seek to encourage urban consolidation in locations which take advantage of existing community facilities. The site is located in an area which is in close proximity to a number of local facilities including schools, shops and parkland. The No.501 bus route is located approximately 110 metres to the south of the site.

The State Planning Policy Framework objectives which are relevant to this application are predominantly contained within Clauses 16 and 17 of the Planning Scheme.

Relevant strategies and objectives include Clause 16.01, Residential Development which seeks to 'increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land' and Clause 17, Economic Development which states to contribute 'to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development'.

The proposal is considered to contribute to the objective of housing diversity by providing a mix of dwelling sizes and configurations, which will cater for the increasingly diverse needs of future residents.

In terms of design response the development is consistent with the emerging character of development along the Thomas Street commercial frontage in terms of scale, siting, setbacks and design.

The proposal is also suitably designed to respect the adjoining low scale residential areas to the rear through the provision of appropriate setbacks and building height.

Further, the proposed development would also contribute to and enhance this local business precinct in terms of employment and business, while also being respectful to the commercial precinct as a whole.

It is considered that the proposal is consistent with the State Planning Policy Framework.

3.2 Local Planning Policy Framework

The proposal complies with the objectives and strategies of Clause 21.05 (Housing) by offering choice and diversity and is considered to enhance the liveability, amenity and safety of the public realm and provide high quality urban design.

The proposed development responds to the strategies of Clause 21.06 (Built Environment). A number of the objectives and strategies within the Clause overlaps with those contained within the neighbourhood character precinct profiles and ResCode and therefore the key concepts of Clause 21.06 are discussed in Section 3.3, 3.4 and 3.6 of this report.

The proposal generally complies with the requirements of Clause 21.04-3 (Ecologically Sustainable Development) through the use of ecological sustainable design principles such as the incorporation of solar panels and rain water tanks (for collection and reuse).

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

The proposal complies with Clause 22.03 Stormwater Management (Water Sensitive Urban Design) and meets the required onsite stormwater treatment as demonstrated by achieving more than 100 % using the STORM tool. However, not all water treatment measures and relevant annotations have been shown on the plans. The relevant design requirement conditions will also be placed on any approval issued in accordance with this policy.

3.3 Neighbourhood Character Guidelines

- The height, scale and massing of the development suitably represents forms that are commonly featured in this strip shopping area which comprise zero lot line, sheer boundary walls with flat roof forms.
- The development retains the existing commercial frontage at pedestrian level which appropriately maintains the identity of this commercial precinct and all car parking and accessways are accordingly located at the rear laneway.

- The residential component of the proposed shop top style development appropriately replicates and is well integrated to the existing building. Accordingly, the first floor of the dwelling is suitably recessed with balcony fronting the street.
- The proposed floor to ceiling heights have been suitably designed to read in-line with the adjoining shop top development at 16 Thomas Street appropriately creating cohesion of forms along the Thomas Street frontage.
- The proposed sheer two storey rear wall is suitably articulated and provides an improved visual address and passive surveillance to the rear laneway.
- The proposed opening proportions and varied material and finishes palette will ensure the development is well articulated and in-keeping with the character of the area.

3.4 Compliance with Clause 52.06 (Car Parking)

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

Table 2

	Required	Provided
One 3-bedroom dwelling	2	2
Shop (61 square metres)	2	1
Total	4	3

To ensure sufficient car parking be provided on the site for the existing shop, a condition of permit will require the provision of an additional car space for the shop (with no change to the existing side and rear setbacks) in accordance with the requirements of this Standard.

The design of car parking and access facilities generally accords with the requirements of Clause 52.06, Car parking of the Moonee Valley Planning Scheme, subject to the conditions required by Council's Development Engineering (Traffic) Unit at Section 2.3.

3.5 Clause 54 / Compliance with the other provisions of the Planning Scheme

The proposal is considered to generally comply with the provisions of Clause 54 as set out in the assessment table (refer to **Appendix B**). Areas of exception are assessed in the following table:

Table 3

ResCode Standard	Response
Clause 54.03-3 (Standard A5) Site Coverage	The site's location within the Thomas Street strip shopping area (Mixed Use Zone) affords a greater site coverage than otherwise in a typical residential area. The proposal site coverage of 98% is considered acceptable and consistent with other commercial developments on along Thomas Street.
Clause 54.03-4 (Standard A6) Permeability	The entire site is proposed to be impervious, however, the development incorporates sufficient provision for the collection and reuse of storm water and achieves a STORM rating report of more than 100 (110)% in accordance with the intent of this Standard and Clause 22.03 Stormwater Management (Water Sensitive Urban Design).
Clause 54.04-1 (Standard A10) Side and rear setbacks	The first floor, north facing wall of the bathroom should be setback 2.09 (1.8) metres from the north boundary. However, the extent of setback is inconsequential as it will not pose any impact to the adjoining double storey building with sheer boundary walls at 16 Thomas Street and therefore accords with the intent of this Standard.
Clause 54.04-2 (Standard A11) Walls on boundaries	All the commercial properties along Thomas Street shopping strip comprise boundary walls. This means sheer boundary walls are a typical feature in this area and pose limited impact on the amenity of the adjoining commercial properties. It is noted the proposed northern sheer two storey wall simultaneously adjoins 16 Thomas Street's sheer two storey boundary wall. Furthermore, the development does not directly adjoin any habitable areas to the rear (east) boundary. The directly abutting laneway provides a suitable buffer to the more sensitive residential interface and therefore accords with the intent of this Standard.
Clause 54.04-3 (Standard A12) Daylight to existing windows	It is unclear whether there are any west facing habitable room windows at 40 Bedford Street. Nevertheless, to minimise any impact on existing habitable room windows a condition of any permit will require the development setback from any habitable room windows in accordance with this Standard.

3.6 Objections

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

Table 4

Issue	Summary Description
Neighbourhood character (bulk and height)	Refer to discussion in the neighbourhood character section of this report.
Overdevelopment	<p>The site's location in the Mixed Use Zone accords greater development density to that of a typical residential area.</p> <p>Further, in context to the adjoining height, scale and form of existing buildings in the commercial area the proposal is not considered to appear dominant or imposing on the streetscape and as discussed in the neighbourhood character section of this report.</p>
Setting a precedence for apartment style development	<p>The proposed shop top development is considered suitable for this strip shopping area and as discussed in the neighbourhood character section of this report.</p> <p>Further, setting a precedence is not a planning consideration.</p>
Overlooking	All habitable room windows have been suitably screened to minimise any unreasonable overlooking in accordance with A15, Overlooking Objective of Clause 54 ResCode.
Insufficient on-site parking	The proposal results in a shortfall on one commercial car parking space. To ensure sufficient car parking be provided on the site for the proposed uses a condition of permit will require the provision of an additional car parking space for the shop (with no change to the existing side and rear setbacks) in accordance with the requirements of Clause 52.06, Car parking of the Moonee Valley Planning Scheme.

4. Human Rights

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

5. Conclusion

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

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

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

Appendices

Appendix A: List of Objectors

Appendix B: Clause 54 Assessment

Appendix C: Section 57A Amended Plans (separately circulated)

Appendix D: Advertised Plans (separately circulated)

Objector's Mailing Address

84 Clydesdale Road, AIRPORT WEST VIC 3042
2 Kendale Street, AIRPORT WEST VIC 3042
12 Bedford Street, AIRPORT WEST VIC 3042
38a Bedford Street, AIRPORT WEST VIC 3042
38 Bedford Street, AIRPORT WEST VIC 3042
30 Bedford Street, AIRPORT WEST VIC 3042
36 Bedford Street, AIRPORT WEST VIC 3042
34 Bedford Street, AIRPORT WEST VIC 3042
21 Bedford Street, AIRPORT WEST VIC 3042
26 Bedford Street, AIRPORT WEST VIC 3042
28 Bedford Street, AIRPORT WEST VIC 3042
11 Thomas Street, AIRPORT WEST VIC 3042
23 Bedford Street, AIRPORT WEST VIC 3042
40 Bedford Street, AIRPORT WEST VIC 3042
32 Bedford Street, AIRPORT WEST VIC 3042

Clause 54 of the Moonee Valley Planning Scheme

One dwelling on a lot less than 300 square metres and residential buildings (Clause 54 and Schedule to the General Residential Zone).

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

Title and Objective	Complies with Standard	Complies with Objective	
<i>A1 – Neighbourhood Character</i>	✓	✓	Refer to response in this report.
<i>A2 – Integration with the street</i>	✓	✓	The main living areas and balcony of the dwelling has been suitably located towards Thomas Street promoting observation and visual surveillance of the street and public areas.
<i>A3 – Street Setback</i>	N/A	N/A	No change is proposed to the building front boundary.
<i>A4 – Building Height</i>	✓	✓	Overall building height is 7.55 metres.
<i>A5- Site Coverage</i>	X	✓	Refer to response in this report.
<i>A6 – Permeability</i>	X	✓	Refer to response in this report.
<i>A7 – Energy Efficiency</i>	✓	✓	All habitable rooms within the development have been suitably designed to provide sufficient daylight access during the day. Further, given the orientation of the site the development will not unreasonably overshadow the adjoining residential area to the east.
<i>A8 – Significant Trees</i>	N/A	N/A	
<i>A9 – Car Parking</i>	Deleted from Clause 54 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements.		
<i>A10 – Side and Rear Setbacks</i>	X	✓	Refer to response in this report.
<i>A11 – Walls on Boundaries Objective</i>	X	✓	Refer to response in this report.

Title and Objective	Complies with Standard	Complies with Objective	
<i>A12 – Daylight to Existing Windows Objective.</i>	X	✓	Refer to response in this report.
<i>A13 – North-facing Windows Objective</i>	N/A	N/A	
<i>A14 – Overshadowing Open Space Objective</i>	✓	✓	Given the orientation of the site the development will not unreasonably overshadow the adjoining sites main SPOS and as depicted on the Shadow Diagram Plans.
<i>A15 – Overlooking Objective</i>	✓	✓	All habitable room windows have been suitably screened in accordance with this Standard.
<i>A16 – Daylight to New Windows Objective</i>	✓	✓	All habitable rooms within the development has been suitably designed to provide sufficient daylight access during the day. The proposed light well is considered to be of suitable dimension 1.8 by 1.8 to allow sufficient daylight access to the habitable areas for the majority of the day.
<i>A17 – Private Open Space Objective</i>	✓	✓	The dwelling has been provided with the sufficient area of SPOS that is suitably accessible from the main living areas of the dwelling.
<i>A18 – Solar Access to Open Space Objective</i>	✓	✓	The SPOS area is suitably located on the west side and will receive sufficient solar access and daylight for the majority of the day.
<i>A19 – Design Detail</i>	✓	✓	Refer to discussion in this report.
<i>A20 – Front Fences</i>	N/A	N/A	

✓ - complies

x – non-compliance

N/A- not applicable

**9.2 83 Matthews Avenue, Airport West (Lot 1 PS724413M) -
Construction of a multi-storey building, use of the land for
accommodation (dwellings and serviced apartments) and a
variation of loading bay requirements**

File No: FOL/17/11
Author: William Wheeler
Principal Statutory Planner
Directorate: Planning & Development

Planning File No.	MV/953/2016
Proposal	Construction of a 12 storey mixed-use development comprising three retail premises, two offices, 91 serviced apartments and 32 dwellings Use of the land for accommodation (dwellings and serviced apartments) Variation of loading bay height requirement
Applicant	One Pacific Australia Group Pty Ltd C/- Ratio Consultants Pty Ltd
Owner	One Pacific Australia Group Pty Ltd
Planning Scheme Controls	Commercial 1 Zone Environmental Audit Overlay (EAO)
Planning Permit Requirement	Clause 34.01-2 – Use of the land for accommodation (dwellings and serviced apartments) Clause 34.01-4 – Construct a building or construct or carry out works Clause 52.07 – Variation of loading bay requirements
Car Parking Requirements (Clause 52.06)	Required: 93 car spaces Provided: 150 car spaces
Bicycle Requirements	Required: 33 bicycle spaces Provided: 38 bicycle spaces
Restrictive Covenants	Yes – Covenants 1419594, 1621262, 1533560 and 1763682 are not breached by this proposal
Easements	Yes – a 1.83m wide drainage and sewerage easement to the south-east and north-west of the site

Site Area	1,541 square metres
Number Of Objections	0
Consultation Meeting	Not applicable

Executive Summary

- The application seeks planning approval to construct a 12 storey mixed-use development comprising three retail premises, two offices, 91 serviced apartments and 32 dwellings with a variation of the loading bay height requirement.
- The site has an area of 1,541 square metres and is located on a corner on the western side of Matthews Avenue and northern side of Webb Road, Airport West. The site is currently vacant.
- The application was advertised and no objections were received.
- One submission of support to the proposal was received from the owner of 5 Webb Road, directly to the south of the subject site. The matters of support related to building height, the proposed mix of uses, the potential to stimulate growth in Airport West, outstanding building design, the need to activate Airport West and support for more developments of this nature to be approved.
- A Consultation Meeting was not held as no objections were received by Council.
- The application was externally referred to Public Transport Victoria, VicRoads and Essendon Airport. Conditional support to the application was provided.
- The application was internally referred to Council's Development Engineering (Drainage) Unit, Development Engineering (Traffic) Unit, Waste Management Unit, Urban Designer, Strategic Planning Unit, Environmental Sustainable Design (ESD) Officer, Sustainability Officer and Arborist. Conditional support to the application was provided.
- This assessment report finds that the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme, and recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.



Figure 1 – Aerial photo of the subject site and surrounds

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/953/2016 for the construction of a multi-storey building, use of the land for accommodation (dwellings and serviced apartments) and a variation of loading bay requirements at No.83 Matthews Avenue, Airport West (Lot 1 PS724413M), subject to the following conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) Relocation of the 36 tandem podium car parking spaces along Webb Road into an extended third basement level, providing a minimum total of 157 car spaces on site;
 - b) Provision of 556m² of additional first and second floor office space fronting Webb Road as a result of Condition 1.a);
 - c) Deletion of the on-street parking bay along Matthews Avenue, with provision for additional nature strip and planting areas;
 - d) A minimum ground floor setback of 1.44 metres from the southern property boundary along Webb Road, with provision for additional landscaping adjoining the retail frontages;
 - e) Public footpaths at the front of the site along Matthews Avenue and Webb Road to have a minimum width of 1.80 metres and clear of obstructions, without reducing the width of existing nature strips. Any

- additional width required is to be from within the subject site's own property boundaries;
- f) Undergrounding of the overhead power lines along the northern side of Webb Road, from Matthews Avenue to Walton Street;
 - g) Details regarding access and maintenance of the north-western drainage and sewerage easement area;
 - h) All 1700mm high privacy screens and obscure glazing annotated as being 'fixed' with a 'maximum 25% transparency', and such screening designed to maximise the dwellings' outlook;
 - i) The allocation of all retail, office, resident, serviced apartment and visitor car parking spaces on the podium and basement floor plans;
 - j) All visitor car parking spaces located closest to the entry of the basement car park from Webb Road;
 - k) All column locations within car parking areas modified to accord with the relevant Australian Standards;
 - l) The provision of pedestrian visibility splays in accordance with the requirements of Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
 - m) All bicycle parking designed in accordance with the relevant Australian Standards;
 - n) Proposed vehicle crossovers, including splays, designed and shown on the plans in accordance with Council's 'Vehicle Crossings Policy';
 - o) Residential storage doors and storage areas designed to prevent intrusion into car parking spaces and vehicle accessways;
 - p) The provision of 300mm (minimum) wide trench grates at the bottom of basement ramps;
 - q) Any changes as a result of the amended Environmental Wind Assessment report required under Condition 7 of this permit;
 - r) Any changes as a result of the amended Waste Management Plan required under Condition 41 of this permit;
 - s) A notation stating all noise attenuation measures are to be implemented as required by the endorsed acoustic report under Condition 37 of this permit;
 - t) A prominent note on all floor and elevation plans stating: "Refer to endorsed ESD, BESS and STORM Reports for detailed ESD and WSUD requirements and commitments including minimum insulation and glazing, lighting specifications and selection of building materials, fittings and fixtures";
 - u) A prominent note on all floor and elevation plans stating: "In accordance with the endorsed ESD and BESS Reports both Class 2 and 3 dwellings shall achieve a minimum average six star energy rating across all dwellings";

- v) Surface treatment details for all existing and proposed footpath areas; and
- w) A detailed schedule of all external materials and finishes. The schedule must show the material, colour (including colour samples) and finishes of all external walls, roofing, fascias, window frames, fences and paving.

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. 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.
4. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The CSMP must be in accordance with Moonee Valley City Council's CSMP's Guidelines and Template.

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

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

5. A 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 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 Guide or a Building Maintenance Guide.

6. Before the construction of the development authorised by this permit commences, an Environmental Auditor must be appointed under Section 53S of the *Environment Protection Act 1970* (EP Act) and must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:

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

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

If a Statement is issued:

- The development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed; and
- The development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions).

Before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under Section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the Responsible Authority.

If any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* (Agreement). The Agreement must:

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

The owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Should the Responsible Authority conclude it necessary it may at the cost of the owner or permit holder obtain a peer review of the Certificate or Statement of Environmental Audit.

7. Concurrent with the submission of Condition 1 plans, an amended Environmental Wind Assessment report must be submitted to and approved by the Responsible Authority. The amended Environmental Wind Assessment report must include the following:
- a) A regional wind climate analysis relevant to the criteria (i.e. 80th percentile mean wind speeds and 0.1% probability 3 second gust wind speeds) using Tullamarine Airport data as it is only 6km north-west of the site;
 - b) An estimate of the Bare-Site pedestrian level wind speeds, i.e. the estimated wind speeds at the site of the proposed development without the influence of the proposed development. This can be done by converting the regional wind climate wind speeds from V_{10m} Cat 2 to V_{2m} Cat 3 (for example);
 - c) Provide estimates of the speed-up effects of the proposed built form on the Bare-Site wind speeds. This may be done using experience and/or empirical aerodynamics data; and
 - d) Combine the above to estimate the pedestrian level wind speeds;
- or**
- e) Provide a wind tunnel based assessment to the satisfaction of the Responsible Authority.

The amended Environmental Wind Assessment report must clearly reference all relevant development plans and be prepared by a suitably qualified expert to the satisfaction of the Responsible Authority.

8. Before the building approved by this permit is 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.
9. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.
10. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
11. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
12. Before the building approved by this permit is occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking) 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.

13. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than stormwater downpipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
14. Before the building approved by this permit is occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:

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

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

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

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

16. The loading and unloading of vehicles (including waste collection) and the delivery of goods to and from the land must:
- a) Only be carried out within the designated loading bay on the land; and
 - b) Must not disrupt the circulation and parking of vehicles, pedestrian circulation or access,
- to the satisfaction of the Responsible Authority.

17. Any security boom, barrier or similar device controlling vehicular access to the land must be located a minimum of six metres inside the land to allow vehicles to store clear of the Webb Road pavement and footpath.
18. Before the development starts, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a traffic consultant with suitable qualifications to the satisfaction of the Responsible Authority and must include:
 - a) Details as to how the car lifts are to be regularly maintained and serviced;
 - b) Details of timeframes and measures to be undertaken, to reinstate the car lifts back to working order, if the car lifts become non-operational; and
 - c) Details of measures to be undertaken if the car lifts are not operational, so not to provide any additional on-street parking demand.

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

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

19. Bicycle parking spaces, access, lockers and compounds must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.
20. All structures within the pedestrian visibility splays at each vehicle access point must be at least 50% visually permeable pursuant to Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.
21. All public streetscape works, including verge planting, footpath construction and bicycle hoops, within the nature strip/road reserve areas directly adjoining the subject site to be undertaken and completed to the satisfaction of the Responsible Authority.
22. Before the existing street trees along Webb Road are removed to facilitate the new crossover, the applicant must advise the Responsible Authority of the method of removal and safety measures to be implemented. The removal of the trees must be undertaken to the requirements and satisfaction of the Responsible Authority.
23. The proposed street trees along Matthews Avenue and Webb Road must be advanced trees which are at least 2.0 metres high at the time of planting and of a species and condition to the satisfaction of the Responsible Authority. Before the development starts, the applicant must provide details to the satisfaction of the Responsible Authority of the proposed street trees including:
 - a) Method of mulching and mounding;
 - b) The proposed species for planting;

- c) The size of planting and its maturity; and
- d) The location of the proposed planting.

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

- 24. 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.
- 25. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

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

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

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

- 26. Before the building approved by this permit is occupied, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
- 27. Goods must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
- 28. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plan) must not be erected above the roof level of the building.
- 29. The development must be provided with external lighting capable of illuminating access to each vehicle accessway, 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.

Public Transport Victoria Conditions

- 30. The permit holder must take all reasonable steps to ensure that disruption to tram operation is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public

Transport Victoria fourteen days (14) prior.

31. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Matthews Avenue is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.
32. The permit holder must ensure that public transport infrastructure is not damaged during the construction phase of the development. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.

End Public Transport Victoria Conditions

Essendon Airport Conditions

33. Prior to construction commencing, the Applicant must obtain confirmation from Airservices Australia that there are no aviation impacts associated with the proposed building or its construction (contact Airservices Airport Developments airport.developments@airservicesaustralia.com).
34. Prior to construction commencing, the Applicant must obtain consent under the *Airports (Protection of Airspace) Regulations 1996* for any activity in the prescribed airspace for Essendon Airport (i.e. buildings, antennas or cranes during construction)

End Essendon Airport Conditions

35. The proposed building must be constructed so as to comply with any noise attenuation measures required by Section 3 of *Australian Standard AS 2021-2015, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction*, issued by Standards Australia Limited.
36. Noise levels emanating from service equipment on the land must not exceed the permissible noise levels determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 (SEPP N-1).
37. Before the development starts, the acoustic report must be modified in accordance with Condition 1 of this permit, submitted to and approved by the Responsible Authority. The acoustic report must be prepared by an acoustics consultant with suitable qualifications to the satisfaction of the Responsible Authority and must detail noise attenuation measures required to all habitable rooms within each dwelling and serviced apartment to ensure minimal impacts from external noise sources. With regard to aircraft noise intrusion, the Aircraft Noise Reduction (ANR) levels must be revised to reflect the correct 'maximum aircraft noise level' given there is no evidence that any of the aircraft types and movements measured are atypical.

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

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

38. All security alarms or similar devices installed on the land must not emit any noise which is audible beyond the boundary of the land and must be designed in accordance with the relevant Australian Standard and must be connected to a security monitoring service.
39. The amenity of the area must not be detrimentally affected by the use of land, through:
- a) Transportation of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil; and
 - d) Presence of vermin,
- or in any other way, to the satisfaction of the Responsible Authority.
40. Prior to the commencement of building and works, the Environmentally Sustainable Design (ESD) Report prepared by 'Low Impact Development Consulting' dated 31 January 2017 is to be modified in accordance with Condition 1 and submitted to the Responsible Authority for approval. The associated BESS Report must be a 'published' version to the satisfaction of the Responsible Authority.
41. Before the development starts, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended Waste Management Plan must be in accordance with the City of Moonee Valley's 'Waste Management Plans – Guidelines for Applicants' and must be:
- a) Generally in accordance with the Waste Management Plan prepared by 'R B Waste Consulting Service' dated 29 January 2017; and
 - b) Modified in accordance with Condition 1 of this permit.
- When approved, the amended Waste Management Plan will be endorsed and will form part of this permit.
- The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
42. All wastes must be disposed of to the satisfaction of the Responsible Authority. Liquid waste or polluted waters must not be discharged into a sewer or stormwater drainage system.
43. 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) Any changes as required by Condition 1 of this permit;
- b) The provision of additional verge planting and street trees within the deleted parking bay area along Matthews Avenue;
- c) Details of additional landscaping within the 1.44 metre setback area along Webb Road;
- d) Any planting abutting the accessway and land frontage along Webb Road 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;
- e) Proposed street trees along Webb Road to be *Lagerstroemia indica* x *L. Fauriei* 'Biloxi';
- f) All street tree species clearly nominated, in accordance with Council's requirements, and to have a minimum supply size of 2.0 metres in height; and
- g) All paving and surface treatment details clearly nominated.

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

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

- 44. 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.
- 45. The on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or development.
- 46. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within two (2) years from the date of issue of this permit, or
 - b) The development is not completed and the use is not commenced within four (4) years from the date of issue of this permit.

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

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

Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact Moonee Valley City Council regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land (other than those which, under the Moonee Valley Planning Scheme, are exempt from the need for a planning permit).
- No on street parking permits will be provided to the occupiers of the land.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculation: $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- Before the development starts, separate approval must be obtained from Moonee Valley City Council in relation to the proposed removal and/or replacement of the nominated street trees. Please contact Council on 9243 8888 to speak with Council's Arborist.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council 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.
- Should any activity occur above 123.5m Australian Height Datum (e.g. cranes during construction) approval will be required under the *Airports (Airspace Protection) Regulations 1996*.
- In the event that car parking spaces or storage cages are separately titled, a condition will be imposed on any future subdivision permit requiring the permit holder to enter into a Section 173 Agreement to ensure the on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or the development.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is a corner site located on the western side of Matthews Avenue and the northern side of Webb Road, Airport West. The site is an irregular shape with a frontage to Matthews Avenue of 44.51 metres and a frontage to Webb Road of 48.19 metres, resulting in a total area of 1,541m².

The land has a fall of approximately 0.70 metres from north-west to south-west across the site.

There are four restrictive covenants noted on the Certificate of Title provided. The proposed development will not contravene these restrictive covenants. A 1.83 metre wide drainage and sewerage easement exists to the south-east and north-west of the site.

The subject site is currently vacant. Vehicle access is obtained from two existing crossovers to the north-east along Matthews Avenue. There is no significant landscaping or vegetation on the subject site. There are two street trees located to the south-west (side) of the site along Webb Road.



Figure 2 – Subject site (No.83 Matthews Avenue, Airport West)

The surrounding area is predominantly commercial zoned land used and developed for commercial and light industrial purposes. The subject site is located within the Airport West Activity Centre and directly abuts the Principal Public Transport Network (PPTN). The No.59 tram stop, the No.902 SmartBus stop and the No.478, 479, 482 and 952 bus stops are located approximately 180 metres to the north of the site while the No.477 and 501 bus stops are located approximately 280 metres to the south-west of the site. Westfield Shopping Centre is located approximately 360 metres to the north-west of the site. The built form within the vicinity is predominantly single and double storey brick, concrete or rendered commercial/industrial buildings with a five storey

contemporary mixed-use development under construction directly to the west of the site at 8 Webb Road.

1.2 Proposal

It is proposed to construct a 12 storey mixed-use development comprising retail premises, offices, serviced apartments and dwellings with a variation of the loading bay height requirement. The proposal, as advertised, can be summarised as follows:

Table 1

Retail premises	355m ² (three tenancies)
Office	1,001m ² (two tenancies)
No. of dwellings	32 (6 x 3 bedrooms, 15 x 2 bedrooms and 11 x 1 bedroom)
No. of serviced apartments	91 (6 x 2 bedrooms and 85 x 1 bedroom)
No. of car spaces	150 (48 resident spaces, 6 visitor spaces, 14 retail spaces, 36 office spaces and 46 serviced apartment spaces)
No. of bicycle spaces	38 (38 resident, staff, visitor and customer spaces)
Loading bay dimensions	12.2m (length), 4.0m (width), 2.75m (height) and 48.8m ² (area)
Max. building height	39.50 metres (12 storeys)

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

2. Background

2.1 Relevant Planning History

No relevant planning history has been identified for the land.

2.2 Planning Policies & Decision Guidelines

State Planning Policy Framework

Clause 9	Plan Melbourne
Clause 10	Operation of the State Planning Policy Framework
Clause 11	Settlement
Clause 13	Environmental Risks
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 17	Economic Development

Clause 18 Transport

Local Planning Policy Framework

Clause 21.01 Municipal Profile

Clause 21.02 Key Issues and Influences

Clause 21.03 Vision

Clause 21.04 Sustainable Environment

Clause 21.05 Housing

Clause 21.06 Built Environment

Clause 21.07 Activity Centres

Clause 21.08 Economic Development

Clause 21.09 Transport

Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning

Clause 34.01 Commercial 1 Zone

Overlays

Clause 45.03 Environmental Audit Overlay

Particular and General Provisions

Clause 52.06 Car Parking

Clause 52.07 Loading and Unloading of Vehicles

Clause 52.34 Bicycle Facilities

Clause 52.36 Integrated Public Transport Planning

Clause 58 Apartment Developments

Clause 65 Decision Guidelines

2.3 Referrals

External

Referral Authority	Yes	No	N/A	Conditions
Public Transport Victoria	✓			Disruption to tram and bus services must be kept to a minimum during construction. Ensure public transport infrastructure is not damaged during construction.
VicRoads	✓			None.

Essendon Airport	✓			<p>Prior to construction commencing, applicant to obtain confirmation from Airservices Australia that there are no aviation impacts.</p> <p>Prior to construction commencing, applicant to obtain consent for any activity in the prescribed airspace for Essendon Airport.</p>
Melbourne Airport			✓	No objection received to date.

Internal

Department/Officer	Yes	No	N/A	Conditions/Grounds
Development Engineering (Drainage)	✓			Standard engineering and drainage conditions.
Development Engineering (Traffic)	✓			<p>Standard car parking, bicycle and traffic conditions.</p> <p>Relocate the loading bay into the basement car park.</p>
Waste Management	✓			Private waste and recycling collection appropriate.
Urban Design	✓			<p>Vehicle access modified to provide a single point of access to Webb Road. A double crossover on Webb Road could achieve vehicle access up into the podium and down into the basement.</p> <p>Increased setback of 1.44 metres at ground level along Webb Road.</p>
Strategic Planning	✓			<p>Vehicular access and crossovers to be consolidated and located on Webb Road, with a maximum 5.5 metre wide crossover with visibility splays.</p> <p>Bicycle parking to be located at ground floor level, with separate dedicated access to the street.</p> <p>Podium car parking to be 'sleeved' with active uses to the street frontage.</p>

Department/Officer	Yes	No	N/A	Conditions/Grounds
				<p>Frontage along Webb Road to be set back 1.44 metres from the boundary, with landscaping strip, to form a consistent building line with abutting development under construction.</p> <p>Frontage along Matthews Avenue to be set back 0.30 metres, including vertical support columns, to allow the footpath to be re-established at 1.8 metres in width as has been achieved along the length of Matthews Avenue.</p> <p>Avoid privacy screening to 1.7 metres in height where possible, to maximise outlook, through alternative design treatments.</p> <p>Overhead power lines and services to be undergrounded along Webb Road frontage from the east side of Matthews Avenue to the west side of Walton Street.</p> <p>Indented car parking bay along Matthews Avenue not supported.</p>
ESD Officer	✓			Amended Environmentally Sustainable Design (ESD) Report, including 'published' BESS Report, required along with details and notations to be shown on the plans.
Sustainability Officer	✓			Amended Environmental Wind Assessment with additional analysis requirements <u>or</u> provide a wind tunnel based assessment.
Landscape/Open Space	✓			Standard nature strip planting and streetscape conditions.
Arborist	✓			Replacement street trees to be provided along Webb Road (<i>Lagerstroemia indica</i> x <i>L. Fauriei</i> 'Biloxi').

2.4 Public Notification of the Application

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

As a result, no objections were received.

One submission of support to the proposal was received from the owner of 5 Webb Road, directly to the south of the subject site. The matters of support related to building height, the proposed mix of uses, the potential to stimulate growth in Airport West, outstanding building design, the need to activate Airport West and support for more developments of this nature to be approved.

3. Discussion

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

The proposal is considered to comply with the relevant State and Local Planning Policies. Generally, these objectives seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. The proposal contributes to the objective of housing diversity by providing a mix of dwelling sizes and configurations, which will cater for the increasingly diverse needs of future residents. The subject site is located in reasonable proximity to commercial amenities and public transport options.

The proposal complies with the provisions of Clause 10.04 (Integrated Decision Making). As discussed throughout this report, the proposal suitably addresses aspects of economic, environmental and social well-being by balancing conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

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

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

Landmarks, Views and Vistas

There are no significant monuments, landmarks or vistas in the vicinity of the site that have been identified within the Moonee Valley Planning Scheme as requiring specific protection. The proposed building would not significantly obscure or impact on views along Matthews Avenue, or within Airport West Activity Centre, given its location on a sweeping bend forming the north-eastern edge of the activity centre. However, where visible, the proposed building would enhance views and vistas within the precinct through high quality and contemporary urban design.

Heritage

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

With regard to Clause 16.01-2 (Location of Residential Development), the proposed development provides new housing in an activity centre on a site that offers good access to jobs, services and public transport. Specifically, higher density housing developments are encouraged in such locations to help consolidate established urban areas and reduce the pressure for fringe development. Accordingly, the subject site offers an opportunity for more high density housing near employment and transport within Metropolitan Melbourne under Clause 16.01-3 (Housing Opportunity Areas). The proposal also contributes to the objective of Clause 16.01-4 (Housing Diversity) by providing a mix of dwelling sizes in various configurations, which will cater for the increasingly diverse needs of future residents.

With regard to Clause 17.01-1 (Business) the proposal will help meet the communities' needs for retail, entertainment and office space within Airport West Activity Centre. Importantly, the proposal provides a net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

With regard to Clause 18.01-1 (Land Use and Transport Planning), the proposed development will help create a safe and sustainable transport system by integrating land-use and transport. In particular, the proposed development will help make jobs and services more accessible through the inclusion of commercial and accommodation uses within the core retail precinct of Airport West Activity Centre, along the Principal Public Transport Network (PPTN). The proposed development will also enhance the pedestrian experience and walking in this precinct through increased ground level setbacks and streetscape improvements along Matthews Avenue and Webb Road. These streetscape improvements align with the future direction of Airport West Activity Centre and provide an important benefit to the community that helps justify the additional height of the building. Such improvements also help achieve the strategies of Clause 18.02-1 (Sustainable Personal Transport) by creating environments that are safe and attractive for walking, while also providing a high quality pedestrian environment accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.

With regard to Clause 18.04-2 (Planning for Airports) and the National Airports Safeguarding (NAS) Framework, the proposal complies with Guidelines A, B and F. In particular, intrusion by aircraft noise is to be suitably managed through the provision of an amended acoustic report and the inclusion of suitable noise mitigating conditions on any permit granted. Building generated windshear is to be suitably managed through the submission of an amended wind assessment report as a condition on any permit granted. Importantly, the proposed building is not located near either of the runways at Essendon Airport and is therefore expected to have minimal impact on generating windshear and turbulence at this airport. Intrusions into the protected operational airspace of airports is to be suitably managed through the inclusion of construction management conditions on any permit granted, as requested by Essendon Airport. Importantly, the proposed maximum building height at 121.15m AHD is below 123.5m AHD and will not intrude within the protected operational airspace of Essendon Airport accordingly.

The proposal complies with Clause 21.04 (Sustainable Environment) through the use of ecologically sustainable design principles, subject to the provision of an amended Environmentally Sustainable Design (ESD) Report and amended BESS Report as a condition on any permit granted. As referenced in Section 2.3 of this report, Council's ESD Officer has no objection to the proposed development subject to an amended ESD Report, including 'published' BESS Report, and associated notations being included as conditions on any permit granted.

The proposal accords with the objectives of Clause 21.04-7 (Waste) as it integrates waste management and recycling facilities in order to achieve best practice in waste minimisation and recycling. A waste management plan was submitted with the application, which adequately addresses the provisions of this clause and is to be endorsed, implemented and managed through a condition on any permit granted accordingly.

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

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

Building Design Quality and Context / Urban Context

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

The proposed design is contemporary and responds well to the site's location and context through the provision of architectural elements and an acceptable combination of materials. An exceptional degree of visual interest and design articulation has been provided at the ground and upper floor levels, which demonstrates an exemplary urban design outcome for the site and surrounding area.

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

The front façade would make a positive contribution to Matthews Avenue and Webb Road, help integrate the development with each streetscape and assist to enhance the experience for pedestrians. The inclusion of ground floor retail premises, and recreational lobby areas, provide suitable active frontages at street level which is consistent with the design objectives of the policy. However, increased/consistent street setbacks are to be included as conditions on any permit granted to provide a consistent street edge and improved urban design response as referenced within Section 2.3 of this report. It is noted that there would be a significant increase in fenestration, passive surveillance and public safety to adjoining streets and public areas as a result of the proposed development. The incorporation of balconies at the upper floor levels provides appropriate articulation of the building façade and maximises opportunities for visibility and passive surveillance. In addition to this, all vehicle and pedestrian entries are well defined and clearly identifiable from the public realm.

Car parking for the development is to be contained within three podium levels, with vehicle access from Matthews Avenue, and three basement levels with vehicle access from Webb Road. While Council's Urban Designer and Strategic Planning Unit require vehicular access and crossovers to be consolidated and located on Webb Road, with a maximum width of 5.5 metres, this is an idealistic and impractical scenario. A 5.5 metre wide vehicle crossover would not be wide enough to practically serve for two separate (podium and basement) car parking areas and a loading dock. Furthermore, there are geological site constraints with regard to deeper excavations (i.e. combining all car spaces into one car parking area), and the relocation of the ground level 'loading dock' and waste storage areas to the basement would result in a loss of car spaces on-site. The provision of vehicle access along Matthews Avenue accounts for 20% of this frontage while the provision of vehicle access and a loading dock along Webb Road accounts for 22.31% of this frontage. This allows 80% of Matthews Avenue and 77.69% of Webb Road to be attributed to more active and interesting uses, which is an acceptable outcome for the site and surrounding area.

The design of vehicle entrances and car parking areas generally allow the articulated built form to be the main focal point of the proposed development. However, more than 50% of the first and second floor levels fronting Webb Road contain podium car parking and should provide for more active uses as referenced within Section 2.3 of this report. The requirement for podium car parking to be 'sleeved' with active uses fronting the street forms part of Council's future direction and built form guidelines for Airport West Activity Centre. Therefore, all podium car parking fronting Webb Road (i.e. 36 tandem car spaces) is to be relocated into an extended third basement level with an additional 556m² of first and second floor office space fronting Webb Road. This is to form a condition on any permit granted. Therefore, subject to modification, car parking would be adequately concealed from both Matthews Avenue and Webb Road, allowing the proposed development to address each streetscape with a more active frontage.

Setbacks and Site Coverage / Building Envelope

The objectives for this design element seek to ensure that the siting of new development responds to the context of the site and does not adversely affect existing neighbourhood character, including off-site amenity impacts. The proposed site coverage and setbacks adequately address the opportunities and constraints of the site noting the impetus for higher densities within the 'Core Retail Precinct'; the lack of sensitive residential interfaces to the north, east and west of the site; and the lack of heritage implications. In particular, the three storey (10.5m) podium height generally accords with the three storey (10m) street wall height nominated within the *Draft Urban Design & Built Form Guidelines* prepared by Planisphere and provides for an active street edge.

While the *Draft Urban Design & Built Form Guidelines* prepared by Planisphere do not have any prescriptive side or rear setback requirements, the proposed development has been specifically located and designed to mitigate detrimental amenity impacts on the adjoining mixed-use development to the west. In particular, the tower component has been located to the east of the site with significant setbacks ranging from 9.76 metres to 25 metres from the western interface. The proposed development also allows for significant setbacks and equitable development opportunities along the northern interface, particularly to the north-west of the site, should this adjoining site to the north be redeveloped in the future. Overall, the siting and setbacks of the proposal provides articulation and visual relief to the built form while helping to mitigate detrimental off-site amenity impacts. Therefore, the setbacks for the proposed development provide an acceptable response to the opportunities, constraints and features of the site.

The proposed development has maximum site coverage, which is consistent with the commercial zoning of the site and its location within a Major Activity Centre area.

Building Height and Silhouette

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

As highlighted earlier, the subject site is located within an activity centre adjoining the Principal Public Transport Network (PPTN) and is considered to be a 'housing opportunity area' under Clause 16.01-3 (Housing Opportunity Areas). Such locations encourage more medium and high density housing near employment and transport in Metropolitan Melbourne.

The Airport West Activity Centre Structure Plan review, and *Draft Urban Design & Built Form Guidelines* recently prepared by Planisphere, provide guidance on heights for the subject site as discussed in detail within Section 3.4 of this report. While the proposed building height exceeds the preferred building heights, this does not result in an unacceptable level of visual intrusion, massing or streetscape presentation to Matthews Avenue or Webb Road.

The proposed building height, setbacks and massing of the development is supported by Council's Urban Designer, subject to conditions, as discussed within Sections 2.3 and 3.4 of this report. In particular, Council's Urban Designer had the following comments:

The prospect of a catalyst project in this precinct of the Activity Centre is exciting and heralds a future for the core precinct that includes mixed use forms and a residential population. These agents together with high quality architecture and public realm improvements signal urban renewal and investor confidence in the capacity of the place.

In summary, given the balance of issues I am pleased to provide support for the developed (sic) as presented subject to modification of the access and setback on Webb Road.

Therefore, as discussed earlier and within Section 3.4 of this report, the proposed height and silhouette of the building is acceptable to the site and surrounding area and will provide a significant net community benefit and exemplary urban design outcome in this instance.

Internal Circulation, Space and Building Adaptability / Circulation and Services

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

The entry points and lobby areas for the development are easily identifiable from Matthews Avenue and Webb Road. The provision of dual lift and stair access, along with a dedicated lobby area, for the serviced apartments/office component and the provision of dual lift and stair access, with a dedicated lobby area, for the residential component will allow for ease of movement, including the movement of furniture, emergency access and escape.

The development generally provides an adequate and efficiently designed car parking layout that will ensure safe vehicle movements. However, as discussed within Sections 2.3, 3.4 and 3.5 of this report, the proposed development must provide for the relocation of 36 podium car spaces into an extended third basement level for improved street activation along Webb Road. The relocation of 36 car spaces from the podium car park into an extended third basement level will result in reduced traffic/queuing along Matthews Avenue with an increase in vehicle movements along the secondary side street (Webb Road).

Council's traffic engineers have no objection to these changes, which are to be included as conditions on any permit granted accordingly.

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

Provision for waste storage is included at Ground Floor Level by way of separate residential and commercial bin storage areas, with a private contractor to be engaged to collect waste from the loading bay fronting Webb Road. Council's Waste Management Unit has no objection to the submitted waste management plan, as outlined within Section 2.3 of this report. However, given the first and second floor office areas are to increase by 556m², additional bins may be required to cater for this increase in waste and recycling. Therefore, an amended waste management plan with updated office waste generation rates is to be implemented and managed as a condition on any permit granted.

On-Site Amenity and Liveability / Building Layout and Design

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

In a general sense, the layout of the development provides an appropriate level of amenity for future occupants. Residents and serviced apartment guests will be afforded with generous sized open plan living opportunities with good fenestration and access to daylight. It is noted that all habitable rooms (living areas and bedrooms) within dwellings have direct access to daylight, which is considered to be a good design outcome allowing for a high level of internal amenity for residents. While a number of serviced apartments have inboard bed areas relying on borrowed light through an open connected living area, this is a common occurrence for serviced apartments and still allows adequate access to daylight and an acceptable level of amenity for short stay guests.

Each dwelling is provided with a private balcony area ranging from 7m² to 20m², which are generally well proportioned and well oriented. While six balconies are 7m² in size, three of these balconies are associated with smaller one bedroom apartments and the other three balconies are offset with additional 5m² balconies. Overall, this provides an acceptable level of liveability and internal amenity for future residents with regard to recreation, leisure and outdoor living activities. The majority of private balconies have been located to the north-east or north-west of the site which allows for good solar access. The proposed development also provides a 126m² communal terrace and 88m² resident lounge on 'Level 11', which would be accessible to all future residents for additional leisure and recreation options as required. With regard to serviced apartments, private balconies are provided to five of the serviced apartments along with a fifth floor communal terrace (70m²) and serviced apartment lounge (59m²), which is considered to provide an acceptable level of liveability and internal amenity for short stay guests. Therefore, the provision of private and common open space areas within the proposed development is considered acceptable.

The proposed development has been designed to limit internal overlooking to lower-level dwellings directly below and within the same development, which is a good design response and acceptable accordingly.

The proposed development is to minimise the transmission of noise within the development, including from external noise sources such as Essendon Airport, the No.59 tram, Tullamarine Freeway and surrounding businesses, through the provision of an amended acoustic report and inclusion of suitable noise conditions on any permit granted. With regard to the acoustic report, it is noted that the maximum aircraft noise level specified is questionable given the lack of evidence provided for 'typical operations'. The provision of an amended acoustic report should suitably address this requirement as a condition on any permit granted accordingly.

Off-Site Amenity

There would not be any overlooking potential to existing or approved dwellings directly to the west of the site from the proposed development. While ResCode is not applicable in this instance, it is noted that the requirements of Clause 55.04-6 (Overlooking) have largely been met. However, further details of the '1700H privacy screen' and 'obscure glazing' along the western elevation of Levels 1, 3 and 4 are required, to ensure a maximum 25% transparency, and this is to be a condition on any permit granted accordingly.

The proposed development does not cause a significant level of additional overshadowing to any existing or approved secluded private open space areas nearby due to the location/orientation of the site and proposed design response. While there would be some additional overshadowing of the approved development directly to the west during the early morning hours, the approved development is located in a commercial zone within an activity centre area where higher densities and additional overshadowing are to be expected. Therefore, the proposed development provides a suitable design response and is acceptable with regard to overshadowing.

The proposed development would minimise the transmission of noise to adjoining properties through the inclusion of suitable conditions on any permit granted.

Therefore, subject to additional screening details and appropriate noise conditions on any permit granted, the proposal complies with this design element.

Parking, Traffic and Access

See comments provided by Council's traffic engineers within Section 2.3 of this report in addition to discussions against Clauses 52.06 (Car Parking), 52.07 (Loading and Unloading of Vehicles) and 52.34 (Bicycle Facilities) within Sections 3.5, 3.6 and 3.7 of this report.

However, the indented parking bay along Matthews Avenue is not supported by Council's Strategic Planning Unit and is to be deleted and replaced with additional verge planting and mature canopy street trees to contribute to the proposed 'boulevard planting' along Matthews Avenue. This is to be a condition on any permit granted.

Landscaping and Fencing / Open Space and Landscape Design

The subject site does not contain any significant landscaping or vegetation. The proposed development would have maximum site coverage, which is acceptable to a commercial zoned site within a Major Activity Centre. However, landscaping and green wall treatments are proposed along the western interface at Levels 1, 2 and 3, with planter boxes also proposed for the communal terrace areas at Levels 5 and 11. Additional verge planting and mature canopy street trees are also proposed along Matthews Avenue and Webb Road given these streets are respectively nominated for 'boulevard planting' and a 'street greening priority' under the *Draft Urban Design & Built Form Guidelines* prepared by Planisphere. These plantings would help soften the built form, and enhance the character and design of this building, as viewed from both the public and private realm. However, further details of all proposed plantings, including provision for additional verge planting and mature canopy street trees within the nature strip areas along each streetscape, are to be submitted to Council as a condition on any permit granted.

Environmental Sustainability

Given the type of development and the intensive use of the site for a multi-level, mixed-use development, there are quite a number of inherent energy efficient design principles used in this project. These include the sharing of floors, walls and ceilings, which assist in the prevention of excessive heat gain and loss. This sharing of floors, walls and ceilings also makes efficient use of resources and building materials.

The waste management plan is considered to be acceptable, subject to updated office waste generation rates as discussed earlier, and is to form a condition for endorsement, implementation and management on any permit granted accordingly.

The proposed development has incorporated many Environmentally Sustainable Design initiatives, including the provision of a 10,000 litre rainwater tank for the re-use of stormwater within the development and a 9kW solar panel system for renewable energy generation. Furthermore, all habitable living areas and bedrooms within the dwellings have windows with direct access to daylight, and all pedestrian corridors within the residential and serviced apartment floor levels have access to daylight and ventilation.

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

Service Infrastructure

The proposed infill development would utilise existing infrastructure and services available on site and within the surrounding area. This is an efficient and appropriate use of available resources. Furthermore, Council's Development Engineering (Drainage) Unit has no objection to the proposal

subject to the inclusion of standard drainage and engineering conditions on any permit granted.

Clause 21.07 (Activity Centres) is applicable in this instance and builds on the objectives and strategies of the State Planning Policies, in particular Clause 11 (Settlement). The subject site is located within the Airport West 'Major Activity Centre' as identified in *Plan Melbourne 2017-2050: Metropolitan Planning Strategy*. The proposed mixed-use development continues to promote commercial and residential growth within this area. The Airport West Activity Centre Structure Plan, and structure plan review, has been considered in the design and assessment of the proposed development as discussed within Section 3.4 of this report.

With regard to Clause 21.08 (Economic Development), the proposed development would contribute to and enhance Airport West Activity Centre in terms of employment and business. It is noted that the proposed retail premises and offices are 'as-of-right' uses within the Commercial 1 Zone, as discussed within Section 3.2 of this report. The proposed development and mix of uses are considered acceptable accordingly.

Clause 21.09 (Transport) seeks to improve walking and cycling infrastructure, and encourage residents and visitors to use these viable transport modes. This clause also seeks to locate new development where there is access to public transport to improve its viability. The proposed development is located along the Principal Public Transport Network (PPTN) and will be served by high-quality public transport with access to the No.59 tram, the No.902 SmartBus service and a number of local bus routes. While the proposed development provides for an improved pedestrian realm along each streetscape, the provision of additional street trees, increased ground floor setbacks, increased landscaping and the undergrounding of power lines along Webb Road are also required. This will improve existing walking infrastructure along each streetscape, enhance the walking experience for pedestrians and encourage more residents and visitors in the area to walk which provides a meaningful net community benefit. These requirements are to be included as conditions on any permit granted.

With regard to Clause 21.09-6 (Essendon Airport), the proposed development was referred to Essendon Airport who had no objection subject to the inclusion of conditions on any permit granted. Importantly, and as discussed earlier within this report, the proposed built form does not intrude into flight paths in the vicinity of Essendon Airport. Therefore, the proposed development maintains the safe and effective operation of Essendon Airport for the community.

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

3.2 Does the proposal accord with the Commercial 1 Zone?

The proposed use of the land for accommodation (dwellings and serviced apartments) requires a planning permit under Clause 34.01-1 (Table of Uses). While the residential frontages at ground floor level exceed 2.0 metres in width, thereby requiring a planning permit, these lobby areas are acceptable as they allow for adequate street integration and activation of the retail premises along Matthews Avenue and Webb Road. Furthermore, the residential lobby areas have been purposefully located in-between retail premises to provide recreational and activity areas for residents, guests and visitors to the site, to complement adjoining retail activities. It is noted that the proposed retail premises and offices are 'as-of-right' uses within the Commercial 1 Zone. Therefore the proposed mix of uses accord with the objectives of State and Local Planning Policies and will help create a vibrant mixed use precinct, while also providing for residential uses at a density that complements the role and scale of Airport West Activity Centre.

The proposed development also requires a permit under Clause 34.01-4 (Buildings and Works). As discussed within Sections 3.1 and 3.4 of this report, and subject to modification, the proposal is considered to be an exemplary design outcome for the site and surrounding area.

3.3 Does the proposal accord with the Environmental Audit Overlay?

A sensitive (residential) use is proposed on site, which is subject to an Environmental Audit Overlay. As discussed within Section 3.1 of this report, an Environmental Audit will be required as a condition on any permit granted in accordance with Part IXD of the *Environment Protection Act 1970* to ensure the site is suitable for residential purposes.

3.4 Does the proposal accord with the Airport West Activity Centre Structure Plan?

The subject site is located within the 'mixed use precinct' of the Airport West Activity Centre Structure Plan adopted by Council on 3 June 2008. While the proposed 12 storey building height exceeds the three storey built form encouraged within this precinct, this Structure Plan can no longer be relied upon with any great weight. There have been significant direction and policy changes from the State Government with regard to *Plan Melbourne 2017-2050* and the future development of Metropolitan Melbourne, its activity centres and Principal Public Transport Network (PPTN). In particular, 'increased diversity and density of developments is encouraged on the PPTN, particularly at interchanges, activity centres and where principal public transport routes intersect'. Accordingly, the Airport West Activity Centre Structure Plan is currently undergoing a review to provide guidance on future built form and land use for this Major Activity Centre.

As part of the Structure Plan review, *Draft Urban Design & Built Form Guidelines* have been prepared by Planisphere which nominates the subject site as being within the 'Core Retail Precinct' with a preferred building height up to six storeys. However, the subject site is also nominated as a 'key corner site' within this precinct which allows for building heights up to eight storeys. While the proposed development at 12 storeys exceeds the preferred building height,

Clause 21.06-4 (Urban Design) provides guidance with regard to developments that exceed preferred building heights. In particular, such developments must demonstrate a net community benefit and an exemplary urban design outcome. The following analysis demonstrates how a net community benefit and exemplary urban design outcome has been, or will be, achieved for this particular development:

- Increased ground floor setbacks providing an improved pedestrian experience and enhanced public realm along the Matthews Avenue and Webb Road frontages. In particular, the ground floor frontage along Webb Road is to be set back 1.44 metres to provide a consistent street edge with the adjoining development along this streetscape. Additional landscaping is to be provided within this 1.44 metre setback to complement that of the adjoining development. Furthermore, each public footpath along Matthews Avenue and Webb Road is to have a minimum width of 1.80 metres, without reducing the width of existing nature strips, with any additional width required to be from within the subject site's property boundaries.
- Additional mature street tree planting, and verge planting, along the Matthews Avenue and Webb Road frontages. In particular, the provision of large street trees with suitable canopies are to be planted along each streetscape with a minimum supply size of 2.0 metres to improve their establishment.
- Deletion of the indented parking bay ('5min. serviced apartment drop off zone'), including the removal and reinstatement of the existing southern crossover, along Matthews Avenue. As Matthews Avenue is nominated for 'boulevard planting', additional boulevard trees and verge planting should be provided here. It is also noted that sufficient on-street parking exists along the eastern side of Matthews Avenue, and both sides of Webb Road, which can be utilised for timely pick-ups/drop-offs as required.
- Undergrounding of overhead power lines along the Webb Road frontage, between Matthews Avenue and Walton Street, to provide an improved pedestrian experience and enhanced public realm. As Webb Road is nominated as a 'street greening priority', the undergrounding of power lines will also allow for the establishment of larger street tree canopies to help soften the built form and provide additional shade/protection for pedestrians.
- The relocation of 36 podium car parking spaces along the Webb Road frontage into an extended third basement level will allow for an additional 556m² of podium office space providing improved integration and activity along this streetscape.
- The proposed mix of uses (355m² of retail space, 1557m² of office space and 91 serviced apartments) will provide significant business and employment opportunities within the 'core retail precinct' of Airport West Activity Centre.

- The surplus parking in the development provides a commendable outcome by not burdening the surrounding streets with overflow parking.
- The increased diversity and density of development within a ‘Major Activity Centre’ along the Principal Public Transport Network (PPTN), within proximity of a PPTN Interchange and Westfield Shopping Centre, accords with the objectives and strategies of *Plan Melbourne 2017-2050*. In particular, the proposed development contributes to the provision of housing and jobs for an increased population of nearly 8 million in Metropolitan Melbourne by 2051, while reducing urban sprawl on outer fringe areas.
- Council’s Urban Designer supports the proposal as a catalyst project in this precinct of the Activity Centre, noting the development is exciting and heralds a future for the core retail precinct that includes mixed-use forms and a residential population. These agents together with high quality architecture and public realm improvements signal urban renewal and investor confidence in the capacity of the place.
- No objections were received from the community.
- One submission of support was received outlining how the proposed development has the potential to stimulate growth in Airport West, noting the design of the building is ‘outstanding’ and much needed to activate Airport West.

Having regard to the above, the proposal is considered to provide a net community benefit and an exemplary urban design outcome for the site and surrounding area. While the Airport West Activity Centre Structure Plan is still undergoing review, the proposal is considered to positively respond to the issues and opportunities raised in this review to date. Overall the proposed development, subject to changes as outlined above, demonstrates a high level of compliance with the *Draft Urban Design & Built Form Guidelines* prepared by Planisphere and provides a positive urban design response to the site and surrounding area.

3.5 Is adequate car parking and vehicle access provided?

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

Table 2

Unit	Requires	Provides
Retail premises (355m ²)	14	14
Office (1,001m ²)	35	36 (+1)
32 Dwellings (6 x 3 bedrooms, 15 x 2 bedrooms and 11 x 1 bedroom)	38	48 (+10)
Residential visitors	6	6
91 serviced apartments	N/A	46
Total	93	150

As referenced within Section 2.3 of this report, Council's traffic engineers have no objection to the number of car parking spaces provided on site. It is noted that a car parking rate in the order of 0.5 car spaces per serviced apartment has been applied, based on a number of case studies and locational attributes, and is deemed to be acceptable accordingly.

While Council's traffic engineers have no objection to the provision of podium car parking, accessed via two car lifts along Matthews Avenue, a better outcome for the site and community can be achieved by relocating 36 podium car spaces abutting Webb Road into an extended third basement level. This would result in the 36 tandem car spaces of the 64 total podium car spaces being replaced with an additional 556m² of office space on the first and second floor podium levels fronting Webb Road. The additional requirement for 19 car spaces associated with the additional 556m² of office space is accommodated within the proposed surplus (57 spaces) of on-site car parking. Council's traffic engineers have no objection to these changes, which are to form conditions on any permit granted accordingly.

With regard to traffic generation, the proposed development is expected to generate approximately 74 vehicle movements during the commuter peak periods, split relatively evenly between inbound and outbound movements and also split across the Matthews Avenue and Webb Road access points. Ratio Consultants Pty Ltd are comfortable that this level of traffic can be accommodated in the context of the surrounding road network. Council's traffic engineers have no objection to this vehicle access arrangement and anticipated traffic levels for Matthews Avenue and Webb Road. However, as discussed above, the relocation of 36 podium car parking spaces into an extended third basement level will result in reduced traffic and potential queuing along Matthews Avenue with an increase in vehicle movements along Webb Road. Council's traffic engineers have no objection to these changes. Therefore it is not anticipated that the proposed development will generate a cumulative impact or have an adverse effect on the local or arterial road network.

3.6 Are adequate loading facilities provided?

Clause 52.07 triggers loading and unloading requirements for the retail premises within the proposed development. The proposal includes a loading bay, as set out in the table below:

Table 3

Unit	Requires	Provides
Area	27.4m ²	48.8m ²
Length	7.6m	12.2m
Width	3.6m	4.0m
Height clearance	4.0m	2.75m

While the proposed loading bay exceeds the minimum length, width and area requirements the proposed 2.75 metre height does not meet the required 4.0 metre height dimension. However, the proposed retail premises are relatively small and it is generally accepted that deliveries to retail premises of this scale are delivered by a van or car, not large trucks that would require a 4.0 metre height clearance. Importantly, the 2.75 metre loading bay height provides adequate clearance for a number of small trucks, including moving trucks and mini rear-loader waste collection vehicles. Council's traffic engineers have no objection to the proposed loading bay dimensions.

While Council's traffic engineers do not support the location of the loading bay along Webb Road, the relocation of the loading bay and associated waste storage areas to the basement level would result in the loss of car spaces on site and further reduced clearance heights of 2.18 metres. It is important to note that the reversing of trucks into loading bays from secondary side streets is a typical occurrence within urban areas and would not pose any significant traffic issues to the safety and function of Webb Road. It is also considered that potential truck and vehicle conflicts would be kept to a minimum given Moore Road and Dromana Avenue would be preferred over Webb Road to access Westfield Shopping Centre. Therefore, the location of the loading bay along Webb Road is considered acceptable in this instance.

In light of the above, it is considered appropriate to vary the loading bay height requirement to 2.75 metres in this instance.

3.7 Are adequate bicycle spaces provided?

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

Table 4

Unit	Requires	Provides
Retail employees	1	1
Retail shoppers	1	1
Office employees	3	3
Office visitors	1	1
Dwelling residents	6	11
Dwelling visitors	3	3
Serviced apartment employees	9	9
Serviced apartment visitors	9	9
Total	33	38

As demonstrated in the table above, the proposed development complies with the requirements of Clause 52.34 (Bicycle Facilities). Additionally, it is proposed to install three bicycle hoops (six spaces) along the Webb Road verge for visitors to utilise. The provision of six bicycle spaces along the Webb Road frontage will cater for the shopper and visitor spaces required by the retail,

office and dwelling uses while the 38 basement bicycle spaces will provide safe and secure bicycle parking for all employees, residents and serviced apartments. This is an appropriate distribution of bicycle parking associated with the proposed development.

The requirement for an additional 556m² of office space on the first and second floor podium levels will require two additional bicycle spaces which is accommodated within the proposed surplus (five spaces) of bicycle parking.

4. General

The application was lodged prior to 13 April 2017 and is therefore exempt from the provisions of Clause 58 (Apartment Developments) within 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 and overlay controls, the relevant Particular and General Provisions, and the decision guidelines at Clause 65 of the Moonee Valley Planning Scheme. Additionally, consideration has been given to the requirements of Section 60(1B) of the *Planning and Environment Act 1987* with respect to the number of objections received, and it is determined that the proposal would not have a significant social effect.

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

Appendices

Appendix A: Advertised Plans (separately circulated).

9.3 Flemington and Ascot Vale Estates Renewal Projects Update

File No: FOL/17/11

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Purpose

The purpose of this report is to:

- Provide an update on matters relating to the Department of Health and Human Services' (DHHS) Public Housing Renewal Program (Renewal Program); and
- Seek endorsement on Council's submission to the Minister for Planning's Social Housing Renewal Standing Advisory Committee on the DHHS proposal for the redevelopment of the Flemington Estate (Debneys Park Precinct, Flemington).

Executive Summary

- In late 2016 the Minister for Housing announced \$30 million to redevelop the Flemington public housing estate. The announcement was part of the Victorian Government's Public Housing Renewal Program which proposes to renew existing homes on public housing estates across multiple sites within metropolitan Melbourne, and has committed \$185 million to the program. There are two renewal sites within Moonee Valley including the Flemington and Ascot Vale public housing estates.
- The Government has committed to increase the social housing stock on each site by at least ten per cent. In order to facilitate the financing of the redevelopment, each site will include the introduction of a number of private dwellings, which will involve partnerships with the private sector.
- Redevelopment of the Flemington Estate is more advanced than Ascot Vale, with exhibition of documents to facilitate a Planning Scheme Amendment for the development undertaken by the Department of Environment, Land, Water and Planning (DELWP) between 21 June and 28 July 2017. An Advisory Committee Hearing regarding this proposed amendment is scheduled for September 2017.
- DHHS has undertaken a series of community engagement and information exercises, to inform their proposed design and development outcomes for Flemington Estate renewal project and associated Planning Scheme Amendment.
- Given the long term implication of the proposed development, Council has advocated for best practice community engagement for these projects. To this end, Council has provided support to these events and undertook additional information exercises and consultation exercises during the Planning Scheme Amendment exhibition period. Constructive engagement by Council with a broad range of stakeholders during this process has informed Council's

submission (Submission) to the Social Housing Renewal Standing Advisory Committee (**Appendix A** – separately circulated). An earlier component of this engagement included working with DHHS to prepare a Debneys Park Precinct Structure Plan (**Appendix B** – separately circulated) to guide future development.

- The Submission provides general support for the Flemington Estate housing renewal project, where it can be demonstrated that the issues raised by Council can be adequately addressed and that there is a sufficient provision of physical and social infrastructure provided, necessary to support such a large increase in the residential population of Flemington.
- The Submission presented to Council for endorsement addresses Stage 1 matters on DHHS land, making recommendations to ensure that an appropriate planning framework and controls are prepared where appropriate.
- For Stage 2 Debneys Park, and where matters are unresolved in Stage 1, Council will raise issues and seek guidance and direction from the Committee. This will allow relevant parties to undertake further work and prepare responses with a view to reaching resolution on key issues, to ultimately reach agreement and inclusion in the Moonee Valley Planning Scheme.
- DHHS advise that they are anticipating commencing exhibition of Planning Scheme Amendment documents for Ascot Vale toward the end of August 2017.
- Some key learnings from the consultation processes to date present opportunities for on-going community engagement and coordination. Council will work closely with stakeholders to improve community engagement for both the Flemington and Ascot Vale renewal projects moving forward.
- The deliberations of the Standing Advisory Committee on Flemington Estate will also be used to inform outcomes on Ascot Vale public housing estate. This includes additional support to Wingate Avenue Community Centre through a variation to bi-annual grant funding project.
- The Wingate Avenue Community Centre received a Bi-annual Grant in Round 1, 2016-17 of \$20,000 to develop a masterplan for the Ascot Vale Estate Park and surrounding area. The original grant was issued prior to the Victorian Government's announcement and is now obsolete. They have proposed an alternative use of these funds to support community engagement and design outcomes relating to the Ascot Vale renewal project.

Recommendation

That Council:

1. Receive and note this report;
2. Endorse Council's Submission to the Minister for Planning's Social Housing Renewal Standing Advisory Committee on the Department of Health and Human Services' proposal for the redevelopment of the Flemington Estate and Debneys Park Precinct, Flemington (**Appendix A**– separately circulated);
3. Note that a report will be presented to Council at the conclusion of the Standing Advisory Committee hearing to advise of the process and outcomes; and
4. Endorse the proposed changes to the Wingate Avenue Community Centre's Biannual Grant - Round 1 2016/17 project (ID BG116068) as summarised in **Appendix C** to support community engagement processes and capture key community issues on the Ascot Vale estate (particularly around community safety, design and sense of place).

Background

Public Housing Renewal Program

In late 2016 the Minister for Housing announced \$30 million to redevelop the Flemington public housing estate. The announcement was part of the Victorian Government's Public Housing Renewal Program which proposes to renew existing homes on public housing estates across multiple sites within metropolitan Melbourne, and has committed \$185 million to the program. There are two renewal sites within Moonee Valley including the Flemington and Ascot Vale public housing estates.

The Flemington housing estate is eight hectares and is home to over 2000 people residing in a total of 916 dwellings. The residents of the estate come from a diverse range of cultural backgrounds, and the most commonly spoken languages (other than English) are Arabic, Vietnamese, Somali, Cantonese, Hakka, Mandarin, Amharic, Oromo and Tigrinya. The 22 walk-ups with 199 flats were built in the 1960s, are in very poor condition and require replacement. The Ascot Vale housing estate is approximately 31 hectares and has over 1000 dwellings with approximately 846 flats and 190 houses. It is home to approximately 1700 residents from diverse backgrounds with the largest ethnic group from Ethiopia followed by Vietnam and Sudan.

The Government has committed to increase the social housing stock on each site by at least ten per cent. In order to facilitate the financing of the redevelopment, each site will include the introduction of a number of private dwellings, which will involve partnerships with the private sector. The number of additional private dwellings for the Flemington site is understood to be in the order of 825.

Council resolutions

Council has considered aspects of the Flemington project at its Ordinary Meetings of 20 December 2016, and 28 March 2017, at which Council resolved to:

- Work with DHHS to prepare a Master Plan for the Flemington Estate precinct.
- Request DHHS for Council to be the lead stakeholder responsible for community engagement.
- Provide in-principle support for the relocation of the Flemington Community Centre more proximate to Racecourse Road in any future development outcomes.
- Support the Minister for Planning to be the Responsible Authority for the Debneys Precinct through the forthcoming planning process.

Discussion

Flemington Estate Planning Scheme Amendment

Whilst both the Flemington and Ascot Vale renewal projects are progressing at a precipitous pace, the Flemington Estate redevelopment is more advanced than Ascot Vale. Public exhibition of documents to facilitate a Debneys Precinct - Flemington Estate Renewal Planning Scheme Amendment was undertaken by DELWP between 21 June and 28 July 2017. The Amendment was informed by an earlier community consultation process run by DHHS in late 2016 and early 2017; as well as the Debneys Park Precinct Structure Plan (**Appendix B** – separately circulated). The Structure Plan was prepared by Message P/L on behalf of DHHS and Council to inform development of:

- Stage 1 – including redevelopment of the Flemington Estate by DHHS; and
- Stage 2 – including enhancements to the land owned by Council.

Following the exhibition of proposed planning controls for Debneys Precinct - Flemington Estate Renewal under the provisions of the *Planning and Environment Act, 1987*, the Planning Scheme Amendment C177 will be considered by the Standing Advisory Committee (Committee) Hearing (for Stage 1). The Standing Advisory Committee Hearing (Hearing) is scheduled to commence on 11 September 2017. The objective of the Stage 1 Hearing will be to define the potential outcomes for the DHHS land, and identify issues and opportunities for the wider area, i.e. Debneys Park and environs. Key matters that will be considered by the Advisory Committee are likely to include transport, traffic, social and physical infrastructure, and urban design amongst others. The same Advisory Committee would be retained to hear matters relating to Stage 2 at a later date.

This approach is aimed to make the most of the opportunity to consider a whole of site master planned response to the precinct. This will allow optimisation of the use of land by providing significant passive surveillance, re-introducing a grid pattern for residential streets within the precinct, and insuring strong integration of the estate with the neighbouring area.

The Committee will prepare a (Stage 1) report for the consideration of the Minister for Planning who will then make a determination as whether he will undertake an amendment to the Moonee Valley Planning Scheme. This would allow DHHS to prepare a development Plan and lodge an application for each site.

The intent of the Flemington infill development is to create integration with the broader suburb of Flemington with buildings scaled at appropriate heights. The planning controls will require a commitment to best practice environmental and sustainability outcomes. At this stage the proposed Amendment to the Planning Scheme is outlined in Table 1 below.

**Table 1: Debneys Precinct - Flemington Estate Renewal
Planning Scheme Amendment**

Use	Description
Mixed Use Zone	The purpose of the Mixed Use Zone is to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use functions of the locality.
Development Plan Overlay	A Development Plan Overlay (DPO) requires that a Development Plan or 'master plan' be approved for the site which controls the form of development. The DPO requires issues such as density, design and traffic impacts to be considered in an integrated way. A planning permit is still required under a DPO, however there are no third party appeal rights for a proposal that accords with an approved Development Plan. The Development Plan is approved by the Responsible Authority.
Parking Overlay	The Parking Overlay proposes a reduced provision of car parking spaces for residential uses within the Flemington Public Housing Estate, in recognition of the site's location in the Racecourse Road Activity Centre and very good access to public transport and bicycle routes.
Rezoning anomalies	Two anomalies are proposed to be fixed - rezoning the land that the Debney Meadows Primary School is located on to a Public Use Zone – Schedule 2 (Education) to reflect its use as an education facility and a small portion of council owned land rezoned to Public Park and Recreation Zone.
Debneys Precinct Structure Plan	The Debneys Precinct Structure Plan, prepared by DHHS and Council, provides a framework to guide future development to the precinct which includes the public housing estate, Debneys Park, Flemington Community Centre, Hopetoun Early Years Centre and Debney Meadows Primary School.
Change of responsible authority	It is proposed that the Minister for Planning will become the 'responsible authority' to approve the required Development Plan and subsequent planning permit applications for the Debneys Precinct. This means that the Minister for Planning rather than the council would be responsible for administering and enforcing the planning scheme in relation to Debneys Precinct.

It should be noted that following the recent resolution of Council, that DHHS has agreed to include a relocated Community Centre Facility within the DHHS land. The exact location and form of such a centre will be progressed through the next stage, as will the process for implementing, which will also be agreed at the Advisory Committee. An option may be to reach agreement via Section 173 of the *Planning and Environment Act, 1987*.

Council Response

The exhibited Amendment documents are designed to introduce a new planning framework to manage the complex challenges presented by the Renewal Program.

The application of the new multi-use zone (MUZ), supported by the car parking overlay (CPO) and development plan overlay (DPO) with a Structure Plan, will allow key matters affecting the whole of Debneys Park to be addressed, whilst facilitating the Housing Renewal Program to progress to implementation phase.

DHHS have advised that this will allow for public housing residents in immediate need to be housed in improved accommodation at the earliest opportunity.

Council is supportive of the proposed changes subject to provision of:

- Agreement on built form outcomes, heights and setbacks, that is mindful of the existing built form and surrounding existing conditions, and emerging scenarios such as Arden MacCauley in the City of Melbourne,
- Provision of open space, in suitable locations.
- Upgrades to Debneys Park open space and associated infrastructure
- Provision of adequate transport infrastructure upgrades, including better links to Flemington Bridge Station
- Agreement on the provision of adequate social infrastructure, including provision of a new Community Centre in an appropriate location, and
- Agreement on outstanding land tenure issues, including the existing Community Garden.

Council's Submission to the Advisory Committee, will propose recommendations for changes to the relevant documents where relevant.

PUZ - Debney Meadows School

The current land use zoning is erroneous. Debney Meadows School is included with the Public Park and Recreation Zone (PPRZ) and a portion of Debneys Park Open space is zoned for Public Use purposes. The Amendment proposes to apply a PUZ to the school site in place of the PPRZ.

The school is located on Council owned land and at a critical location at the interface between the Victoria Street Walk Ups, Debneys Park and the established Flemington community to the west. Council is unaware of the views of the Department of Employment Education and Training (DEET) at this point in time in terms of their response to the Amendment and future demand for education facilities in this location. This component of the Amendment is not supported until the long term future of the school has been determined.

Responsible Authority

Council has previously written to the Minister for Planning, and to the Minister for Housing as being supportive of having a single Responsible Authority of the whole of the Debneys Park Precinct. Having the Minister for Planning in this role would assist in creating planning certainty. Accordingly the Advisory Committee will report to the Minister for Planning in accordance with their Terms of Reference on this matter.

Next Steps

Given the logistical constraints of the timing of the Amendment exhibition period, the Council meeting cycle and the Advisory Committee timetable, officers prepared a high level synopsis of the main components and key matters that will be addressed in the Submission. This was submitted to DELWP, together with a letter advising that the matter was to be considered at the Ordinary Meeting to be held on 8 August, 2017. This was in order that the matters raised by the Moonee Valley community and officers would be able to be considered by elected members.

It is proposed that Council submit an endorsed Submission to the Advisory Committee, and attend the Directions Hearing scheduled for 15 August, 2017. Council will have legal representation as necessary throughout the process.

Council will review any responses provided and expert witness received in advance of the Committee Hearing scheduled for 15 August, 2017

As is usual in the Amendment process, Council's appearance at and submission to the Advisory Committee, will be adapted to respond to information provided by relevant stakeholders, prior to and during the hearing.

Further work on Stage 2 (Debneys Park) will occur with the community, DHHS and stakeholders at a point in time after the Hearing, building on direction and advice provided by the Committee.

Consultation

Ascot Vale consultation

DHHS has held community, stakeholder and agency consultation in May and June 2017. During this time, Council officers have worked with local stakeholders such as the Wingate Avenue Community Centre to share information regarding the proposed development.

This has also identified the need to update agreement between Council and the Wingate Avenue Community Centre regarding a 2016-17 Bi-annual Grant of \$20,000 to develop a masterplan for the Ascot Vale Estate Park and surrounding area. The original grant was issued prior to the Victorian Government's announcement and is now obsolete, as the grant was designed to improve the safety and amenity of the estate's park which will now be redeveloped as part of the Renewal Program. The Program has placed considerable additional pressure on the Wingate Community Centre who are playing a key role in the consultation process. In light of this, they approached Council about the possibility of using the Bi-annual Grant funding to work with the community to augment community engagement process and capture key community issues (particularly around community safety, design and sense of place) and includes:

- Workshops for estate residents implemented by leading collaborative designers to increase awareness of planning and design.
- Introducing ‘tactical urbanism’ to residents which creates a sense of place
- Utilise local interpreters and community leaders to engage residents across the estate in a range of interactive community consultations
- Workshops for Wingate Avenue Community Centre, Committee and staff to engage in the re-design of the Wingate Avenue Community Centre.
- Resource officer at Wingate Avenue Community Centre 2 days a week over a short term period.

Council offers are supportive of this proposal as it aligns with the intent of the original grant application as well as addresses the needs of the community in terms of best practice consultation and engagement delivered at the grass-roots level by a highly respected local agency.

Flemington stakeholder and agency involvement

Over the past several months, Council has been engaging with DHHS, and the wider community through the exhibition of relevant material, i.e. planning controls for Stage 1 DHHS land and Structure Plan for the Wider Debneys precinct. Meetings have also been held with keys stakeholders including:

- Victoria Police
- Department of Education and Training
- Transport Victoria
- Melbourne Water
- VicRoads
- Department of Economic Development, Jobs, Transport and Resources (DEDJTR)

Council’s final position on the proposal will be dependent (to an extent) on responses from agencies and stakeholders’ once obtained. Input from these stakeholders is critical given the issues and opportunities associated with a redevelopment of the scale proposed. Council has encouraged DHHS to involve Transport for Victoria early in this process to gain an understanding of their commitment to Public Transport infrastructure investment to meet the needs of the increase in population projected for the precinct. At time of writing this report, no formal responses from the key agencies have been received by Council. Whilst Council has not viewed responses from other agencies, it is anticipated that all parties will make a formal submission to the Advisory Committee on all key matters, through the use of detailed reports and expert witnesses.

Flemington Community Engagement and Support

The consultation to date with the residents of the DHHS land, as well as the surrounding community was undertaken to hear from all stakeholders as to what they would like the redevelopment of this precinct to deliver for the community.

Council has aimed to ensure that appropriate community engagement has been embedded into the planning process, and has worked closely with DHHS where required to achieve this.

Initial consultation on stage one commenced in late 2016 and then February and March 2017 and was designed to promote awareness of the project, as well as identify issues and opportunities. Further engagement occurred during the exhibition process in June and July 2017.

Flemington and Ascot Vale consultation and engagement challenges

It has become increasingly apparent through the community feedback that the Flemington Renewal and Ascot Vale project presents a series of complex challenges that must be addressed. This complexity is generated by a range of factors, but has at its central core the fact that the project has different impacts on a variety of groups, all which may have diverging expectations. Other renewal projects will involve the removal and replacement of housing on the whole of existing estates. However Flemington will retain a significant number of tall buildings, housing many existing residents.

The challenge for those involved in planning for the best outcomes is to understand the issues and balance the needs of affected parties in various categories. These groups generally include:

- The existing residents of the walk ups that are to be replaced – their issues may include relocation and displacement, size and quality of new dwellings, car parking, access to services and loss of open space.
- Future residents of the proposed “private dwellings” – managing their expectations for quality buildings, provision of car parking in and around an established housing Estate.
- (For Flemington) the existing residents of the high rise rowers – they will experience significant changes that will be delivered over a period of many years, impacts to car parking arrangements, loss of the current open expanse, who will experience additional people on their door step, and with no major upgrades to their own premises.
- Existing wider Flemington and Ascot Vale communities – many of whom question why Flemington and Ascot Vale have been chosen to “host” a substantial population increase that includes more social housing; and are concerned that the proposed developments will not adequately consider how they might successfully integrate and interface with surrounding neighbourhoods.

Some key learnings from the consultation processes to date present opportunities for on-going community engagement and coordination. It is proposed that Council continue to work closely with stakeholders to improve community engagement for both the Flemington and Ascot Vale renewal projects moving forward. One opportunity might be for Council to establish better on-going governance and information sharing structures, such as the establishment of on-going Flemington and Ascot Vale neighbourhood reference groups to disseminate information and build a collective action plan for addressing the key issues presented by such significant development proposals.

Implications

1. Legislative

The report considers and references the *Planning and Environment Act 1987*.

The Submission has had due regard for the Human Rights Charter, in particular, the need to maintain Respect, Equality and Dignity throughout the process. Particular aspects in relation to the proposed differential ratio of car parking provisions may require detailed consideration of relevant anti-discrimination statutes.

2. Council Plan / Policy

In presenting this report, Council is working to achieve the following strategic objectives and strategies outlined in the Council Plan 2017-21:

- Objective 3.2 Growth and development is well managed
 - Strategy 3.2.1.3: Encourage high quality development that meets the needs of our growing population
- Objective 3.4 People have secure and suitable housing
 - Strategy 3.4.1.4: Encourage the improvement and renewal of public housing in Moonee Valley

3. Financial

Relevant legal support and expert witness where required are within Council's Planning and Development budget.

The scale and complexity of having two public housing estate renewal projects rolled-out concurrently within the municipality is impacting considerably on officer time across a number of departments.

4. Environmental

The Master Plan will have regard for maximising environmental opportunities from the site including appropriate orientation of housing, water sensitive urban design, waste management, green infrastructure provision, retention of the significant existing on-site vegetation and improved accessibility to significant public transport infrastructure such as the Flemington Bridge Railway Station.

Conclusion

Council will need to continue to be proactive and work with the community, DHHS and a range of agencies and stakeholders to ensure that these major renewal projects yield optimal community benefit for the neighbourhoods and residents of Flemington and Ascot Vale.

Appendices

Appendix A: MVCC Submission to the Social Housing Renewal Standing Advisory Committee (Debneys Precinct: Flemington Estate Renewal) (separately circulated)

Appendix B: Debneys Precinct - Structure Plan (separately circulated)

Appendix C: Wingate Avenue Community Centre - Revised Funding Application Summary for Bi-annual Grants Round 1 2016-17 (ID BG116068).

Revised Funding Application

Wingate Avenue Community Centre



Original Application

Moonee Valley City Council Bi-annual Grants Round 1, 2016-17 Funding: \$20,000
MVCC Application ID: BG116068

The original application included the development of a masterplan for the Ascot Vale Estate Park and surrounding area. Through a recent Ascot Vale Needs Assessment it was observed that some of these playground areas, particularly the skate park, was perceived as an unsafe place for children to play. Taking these factors into consideration, a redesign of the estate park would address a significant safety concern on the estate as well as create the opportunity to have facilities that may have a positive impact on the health and wellbeing outcomes of residents.

Original Project Brief

The original proposed project brief incorporated the following elements.

- Engage with stakeholders to establish a vision for the project.
- Review the existing facilities and undertake a demographic analysis.
- Consult with the community and other relevant organisations to identify needs and facilities required.
- Develop concept plans proposed site, including management options and cost estimates.
- Consult with the community and relevant organisations on the draft master plan.
- Department of Health and Human Services and Council endorsement of the master plan.

Background

The original application was focussing on park and outdoor spaces aligned with community safety through environmental design. The recent announcement by State Government to redevelop the Ascot Vale Housing Estate, as one of the sites for improved public housing, has had a significant impact on the original proposal.

The masterplan for a park is no longer necessary as the entire Ascot Vale Housing estate will be redeveloped. The redevelopment has already had a significant impact on Wingate Avenue Community Centre, being centrally located with strong community engagement across the estate. There has been a steady flow of enquiries to the centre from residents and agencies. In response to the new redevelopment Wingate Avenue Community Centre requests to revise the funding for the following, incorporating a community safety lens and leading design processes:

Proposed Revised Project Application Proposal:

- Workshops for estate residents implemented by leading collaborative designers to increase awareness of planning and design.
- Introducing 'tactical urbanism' to residents which creates a sense of place
- Utilise local interpreters and community leaders to engage residents across the estate in a range of interactive community consultations
- Workshops for Wingate Avenue Community Centre, Committee and staff to engage in the re-design of the Wingate Avenue Community Centre.
- Resource officer at Wingate Avenue Community Centre 2 days a week over a 3 month period.

Budget

Resident and agency workshops - redevelopment	\$10,000
Agency workshops – Wingate Avenue Community Centre	\$5,000
Wingate Avenue Community Centre Resource office	\$5,000
	\$20,000

9.4 Community Facility Management

File No: FOL/17/11

Author: Craig Dodson
Community Planning Officer

Directorate: Planning & Development

Purpose

To present the Community Facility Management Policy and outline engagement and support required with its implementation.

Executive Summary

- Community facilities are vital for service delivery, social interaction, connectedness and place making. Moving forward, it is critical they remain relevant and able to fulfil a central role in Moonee Valley's community life. To ensure this occurs, Moonee Valley City Council (Council) is working to improve how we plan for, manage and develop community facilities using a more coordinated and evidence based approach.
- At a strategic level this planning framework will guide provision of Council community facilities to 2040 and will be encapsulated in the MV2040 Strategy currently being developed.
- At an operational level, this framework will develop policies to improve facility management, utilisation and the community's experience of using them.
- To this end, the Community Facility Management Policy (Policy) has been developed as an operational document to guide the management of, and access to community facilities owned by Council. Refer **Appendix A**. The objectives of the Policy are: priority of use; optimal use of facilities; fit for purpose use; and fair and equitable distribution.
- Council is committed to an improved experience for our customers and community members. This means implementing a fair, transparent and consistent approach when managing and providing access to its' diverse range of community facilities across all council services.
- Development of this Policy included a review of current management practices and processes across Council owned and managed facilities, including community halls, neighbourhood centres, community centres and various other facility types.
- The review highlighted that there are a number of inconsistencies across existing facility booking practices resulting in a confusing and inconsistent customer experience for our facility hirers.
- As Council transitions to the new operational arrangements, an engagement and transition plan will be delivered to communicate and manage changes with existing hirers of Council facilities (as well as council departments). A specific transition plan will be developed for each regular hirer outlining anticipated

financial impact of the new Policy, the responsible staff member to lead communication with the hirer and a strategy for initiating contact and addressing anticipated issues.

- The focus of this engagement is to communicate Council's aim to improve access to, and use of, facilities. It will be important to ensure that all hirers have the same opportunity to use and benefit from Council's facilities and services, particularly vulnerable communities and community groups servicing local residents.

Recommendation

That Council:

1. Adopts the Community Facility Management Aims, Objectives and Booking prioritisation as outlined in **Table 1**;
2. Note the adoption of the Community Facility Management Policy as an operational policy presented at **Appendix A**; and
3. Note the next phase of the project will be to undertake community engagement and transition planning to communicate and manage changes, particularly with existing hirers of Council facilities affected by this Policy.

Background

Community facilities are vital for service delivery, social interaction, connectedness and place making. Moving forward, it is critical they remain relevant and able to fulfil a central role in Moonee Valley's community life. To ensure this occurs, Council is working to improve how we plan for, manage and develop community facilities using a more coordinated and evidence based approach.

At a strategic level this framework will guide provision of Council community facilities to 2040 and will be encapsulated in the MV2040 Strategy currently being developed.

At an operational level, this framework will develop policies to improve facility management, utilisation and the community's experience of using them.

To this end, the Community Facility Management Policy (Policy) has been developed as an operational document to guide the management of, and access to community facilities owned by Council. Refer **Appendix A**. Council is committed to an improved experience for our customers and a more consistent management approach by all council departments. This means implementing a fair, transparent and consistent approach when managing and providing access to its' diverse range of community facilities.

Council currently utilises a decentralised model with a variety of systems, procedures and processes to manage its current stock of community facilities. A 'decentralised model' mean that facility management is not undertaken by a single centralised service within council but is undertaken independently by five departments within Council.

A review of current community facility management processes across Council occurred with a view to develop a consistent model for council owned and managed facilities. These include community halls, neighbourhood centres, community centres and various other Council owned and managed facilities.

The review identified:

- Five departments manage bookings for over 70 community facilities and use seven booking systems (each with its own application and hire agreement).
- There were more than 140 fee lines in the 2016/17 budget relating to the hire of Council's rooms in facilities.
- Whilst each department employs good customer service, across Council the experience is poor considering the lack of centralised systems and sharing of information.

The community facility management framework review project therefore focused on the practices, process and procedures associated with the ongoing day to day running and operation of a facility for the purpose of providing a service to support local communities.

The 2017/18 Council Budget adopted a new schedule for room hire fees and charges for the 2018 calendar year in line with recommendations from the community facility management framework review process.

Discussion

Community Facility Management Policy

Aims, objectives and Booking Prioritisation

The Community Facility Management Policy is an operational policy which uses the aims, objectives and hirer prioritisation described in **Table 1** below.

**Table 1: Community Facility Management Aims,
Objectives and Booking Prioritisation**

Aims	<p>To ensure consistency with decision making across the organisation and the wider community.</p> <p>To improve the facility hire experience for customers.</p> <p>To provide a clear approach to guide the management and access to community facilities owned by Council.</p>
Objectives	<p>The objectives of the Policy are:</p> <ul style="list-style-type: none">• Priority of use – ensuring community facilities are used for activities where significant community benefit and demand is evident.• Optimal use of facilities – ensuring the unique purpose of the facility is matched to the hire activities.• Fit for purpose use – ensuring hires are using a facility that matches their participant numbers and profile.• Fair and equitable – ensuring facilities are affordable and accessible to the community.

Booking priority	<p>The Policy outlines that access to Council facilities are prioritised to the following hirers in the following order:</p> <ul style="list-style-type: none">• Services supporting vulnerable and priority populations• Local community groups (note: this is bulk of hirers in Council facilities)• Organisations that provide services that support the local community• Residents and other private bookings• Commercial and other organisations.
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The Policy has adopted a human rights framework by embedding the values of inclusion, access and participation by all. For the purpose of this Policy priority of access is split into two categories:

- Booking priority (refer **Table 1** above)
- Financial priority.

Financial priority

The Policy acknowledges that one fees will be applied for all facilities hired by Council. However, discounts are applied per the below:

- Room size – small rooms (<60m²) – 40% discount
- Community groups – further 60% discount
- Regular hirers – further 45% discount
- Full day hirers – (8 hours+) – further 10% discount

Discounts are applied in a cumulative way, not summative. The fees and charges are adopted annually through Council budget process.

Hirers may be eligible for a further 80% subsidy if they are an organisation or group whose charter directly services low or no income earners (as identified by proof of health care card, pension card, student card, Centrelink assistance), or alternatively, on consideration of the following:

- Type of service/activity/programs the booking enables and how it demonstrates significant community benefit
- Consideration of the demographic profile of members/participants benefiting from the service
- The capacity the organisation and members/participants has to pay (and other subsidies the organisation has received)

This Policy has been adopted as an operational policy and will be reviewed annually. The Manager Community Planning will report to council on the outcome of the review and make recommendations for amendment if considered necessary.

Engagement and transition planning

As Council transitions to the new Policy, an engagement and transition plan to communicate and manage change will be required which includes:

- Consistent and clearly understood key information to hirers and community groups affected by the Policy
- Robust and user friendly new administrative systems and processes
- Support at all levels of Council including by Councillors, Executive and officers.

In particular, community groups may be sensitive to price changes, and Council will need to clearly articulate consistent key messaging across the following anticipated key questions:

Why Council is making the change?

- The Policy aims to improve access to, and use of, facilities. It seeks to ensure that all hirers have the same opportunity to use and benefit from these facilities and services, particularly vulnerable communities and community groups servicing local residents.
- Council now has one Policy that covers the hire of all of Council's facilities. This includes community halls, neighbourhood centres, community centres and various other Council owned and managed facilities. In the past, Council has had different facility booking practices across each facility, which has been confusing for customers. The new Policy will deliver a uniformed process that is simpler and quicker to use.
- The new system ensures that there is consistency across Council facilities in terms of access to hire facilities and the fees charged, meaning that it is fair and easy for everyone.
- Council has also improved the booking forms and hire process to save customers time and provide a better service experience.
- The new Policy recognises Council's commitment to support local groups, organisations, businesses and individuals to deliver projects and participate in activities that benefit the Moonee Valley.

Will my group or organisation be paying more?

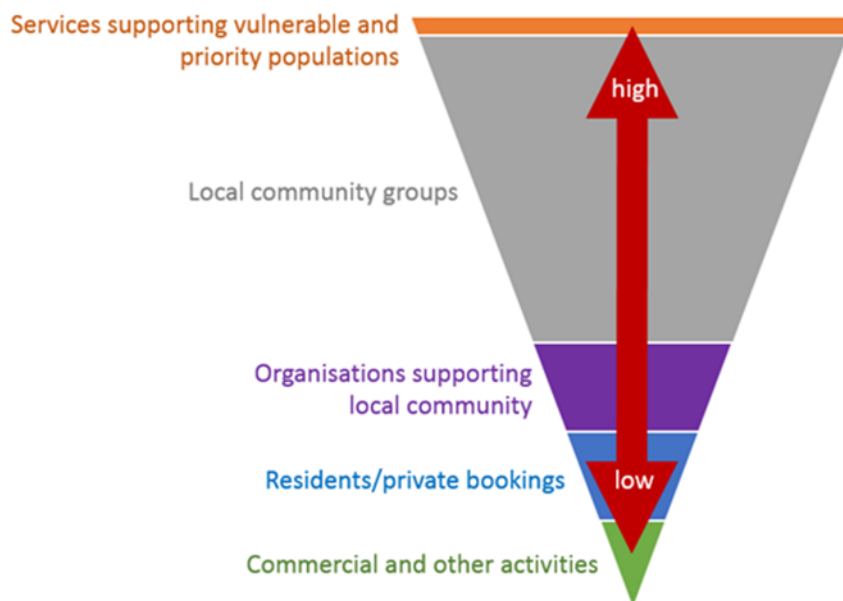
- From 1 January 2018, the new schedule of booking rates will apply. Council understand that community groups may be sensitive to price increases, and the new rates take into account different users in order to limit the impact of the fee changes.
- The new fees and charges schedule ensures that there is consistency in the hiring rates across Council managed facilities. Each customer will be treated the same across each facility.
- Council will provide a subsidy on the standard room hire rate to all community groups.
- Hirers may be eligible to receive a further subsidised rate if they are an organisation or group whose charter directly services low or no income earners or on consideration of:

- The community benefit their service/activity provides;
- The demographic profile of members/participants benefiting from the service; and
- The capacity the organisation and members/participants have to pay (and other subsidies the organisation has received).

Who gets priority of access for bookings?

Access to Council facilities are prioritised to the following hirers as outlined in **Diagram 1** below.

Diagram 1: Council facilities and booking priority



Communication with regular hirers

A specific transition plan will be developed for each regular hirer outlining:

- Anticipated financial impact of the new Policy
- Responsible officer to lead communication with client
- Strategy for initiating contact and mitigating anticipated issues.

Regular hirers will be initially contacted in August 2017 to notify of the adoption of the Policy and change of procedures. The targeted engagement will include:

- Introductory letter
- FAQs
- Fees and charges listing
- Venue listing.

A regular hirer meeting will be facilitated by Council officers in October 2017 to outline the booking process, provide updating booking forms and answer outstanding questions.

Bookings will be accepted following the workshop and close in early December 2017. Requests will be processed in December and customers advised of outcomes in early January 2018.

Risk Management

There is the potential that some groups who are adversely effected by the change in policy and fees and charges may raise the issue directly with the media.

Council officers are currently working with the various facility managers to identify potential problematic customers and develop appropriate transition plans to address risks. The development of transition plans with consistent and clear messaging will also assist with potential media responses.

In addition, it is anticipated that groups who are adversely effected by the change may contact Councillors to raise complaints.

Consultation

Through ongoing officer engagement, there has been a continuous opportunities to receive feedback and input into identification of issues and the development of solutions in the development of the Community Facility Management Policy.

A dedicated facility managers working group, which consists of officers with responsibility for the direct management of community facilities, have been meeting regularly since April 2017 to provide support on the project.

The communications team have been consulted and helped to develop the key messaging and communications plan for the project.

Councillors received a briefing on the Community Facility Management project in March 2017. This topic was also discussed at a May 2017 Councillor briefing relating to MV 2040 and community facilities. Councillor feedback from these sessions has informed the preparation of the operational Policy. The next phase of the project will be to undertake community engagement and transition planning to communicate and manage changes, particularly with existing hirers of Council facilities affected by this Policy.

Implications

1. Legislative

The Victorian Charter of Human Rights and Responsibilities 2006 requires councils to consider human rights in developing laws, policies and delivering services. This Policy has adopted a human rights framework by embedding the values of inclusion, access and participation by all.

2. Council Plan / Policy

The Community Facility Management Policy addresses the following Council Plan 2017-21 commitments:

Objective 3.1	Priorities	3.1.1.1.2	Develop and simplify the booking system for community spaces.
Objective 1.2	Priorities	1.2.1.1.9	Improve access to and use of community facilities, particularly to vulnerable communities and community groups that service Moonee Valley population.
Objective 2.3	Priorities	2.3.1.1.7	Review community facility management practices to maximise use and council's return on investment."

3. Financial

The 2017/18 Council Budget adopted a new room hire fees and charges schedule for the 2018 Calendar year in line with briefings regarding the Community Facility Management project in March 2017.

4. Environmental

There are no environmental implications as a result of this project.

Conclusion

Based on the review findings undertaken in this project Council will now move from a decentralised model to a centralised management model to ensure greater cohesion and consistency in practice across the whole organisation.

The new Community Facility Management Policy has been developed to provide a clear approach to guide the management and access to community facilities owned by Council. The objectives of the Policy are priority of use, optimal use of facilities, fit for purpose use and fair and equitable use.

As Council transitions to the new operational arrangements, it will need to implement a successful engagement and change management strategy.

Appendices

Appendix A: Community Facility Management Policy.

POLICY TITLE	Community Facility Management Policy
POLICY TYPE	Operational
DIRECTORATE	Planning and Development

PURPOSE

Community facilities are vital for service delivery, social interaction, connectedness and place making. Moving forward, it is critical they remain relevant and able to fulfil a central role in Moonee Valley's community life. To ensure this occurs, Council is working to improve how we plan for, manage and develop community facilities using a more coordinated and evidence based approach.

At a strategic level this framework will guide provision of Council community facilities to 2040 and will be encapsulated in the MV2040 Strategy currently being developed.

At an operational level, this framework will develop policies to improve facility management, utilisation and the community's experience of using them.

To this end, the Community Facility Management Policy (Policy) has been developed as an operational document to guide the management of, and access to community facilities owned by Council. Council is committed to an improved experience for our customers and a more consistent management approach by all council departments. This means implementing a fair, transparent and consistent approach when managing and providing access to its' diverse range of community facilities.

The aim of this policy is to ensure the greatest community benefit can be achieved by the utilisation of facilities managed by council. The objectives of this policy are:

- Priority of use – ensure community facilities are used for activities where significant community benefit and demand is evident.
- Optimal use of facilities – ensure the unique purpose of the facility is matched to the hire activities.
- Fit for purpose use – ensure hires are using a facility that matches their participant numbers and profile.
- Fair and equitable – ensure facilities are affordable and accessible to the community.

SCOPE

This policy applies to all of Council's hire agreements.

All uses of Council managed spaces must have an agreement in place.

Generally these occur through either leases, licences or hire agreements. The applicable types of agreements for community facility use include:

- Hire agreement – casual or regular hire of a room/s within a Council facility for a specified time/s in consideration for a payment (this Policy).

- Lease – exclusive possession of a facility for an agreed term in consideration for a payment (related policy: Council Property Leasing Policy)
- License agreement – non-exclusive possession of a facility for an agreed term in consideration for a payment (related policy: Sporting Grounds & Pavilion Seasonal Allocation Policy).

This policy applies to all groups, entities and individuals (hirers) wishing to access Council owned and operated community facilities through hire agreements. Generally, hire agreements are used to hire multi-purpose rooms available in the following facility types:

- Community halls
- Community centres
- Neighbourhood centres
- Sports pavilions
- Libraries
- Early years' centres

Hire agreements provide hirers with access to a Council managed space for a specific day and time. The hirer must comply with the terms and conditions that form part of the hire agreement.

Council reserves the right to refuse hire where the user either:

- Has not adhered to hire terms and conditions in the past or has failed to adhere to relevant Council policy, procedures or processes in making bookings
- Is in debt to Council
- Has core objectives, principles or policies that conflict with Council's own adopted plans, strategies and positions.

RESPONSIBILITY

Responsibility for development, implementation, reporting and evaluation of this Policy and its associated guidelines, is accommodated within the Planning and Development Directorate, and currently sits within the Community Planning department.

In ensuring a whole of Council approach, Council and its officers are responsible for adherence to this Policy.

POLICY

Priority of access

The Victorian Charter of Human Rights and Responsibilities 2006 requires councils to consider human rights in developing laws, policies and delivering services. This Policy has adopted a human rights framework by embedding the values of inclusion, access and participation by all.

For the purpose of this Policy, priority of access is split into 2 categories:

1. Booking priority – access to facility
2. Financial priority – access to further financial subsidy

1.Booking priority

Access to Council facilities are prioritised to the following hirers in the following order:

- Services supporting vulnerable and priority populations
- Local community groups
- Organisations providing services which support the local community
- Residents and other private bookings
- Commercial and other organisations.

Based on previous venue hire statistics it is expected that the largest volume of bookings will be by local community groups.

All bookings must be made on a Council community facility application form relevant to the requested facility and must meet restrictions on hire conditions as outlined in the terms and conditions of hire.

2. Financial priority

The Policy acknowledges that one fees will be applied for all facilities hired by Council. Discounts are applied per the below:

- Room size – small rooms (<60m²) – 40% discount
- Community groups – further 60% discount
- Regular hirers – further 45% discount
- Full day hirers – (8 hours+) – further 10% discount

Discounts are applied in a cumulative way, not summative. The fees and charges are adopted annually through Council budget process.

Hirers may be eligible for a further 80% subsidy if they are an organisation or group whose charter directly services low or no income earners (as identified by proof of health care card, pension card, student card, Centrelink assistance), or alternatively, Council will also consider subsidy on consideration of the following:

- Type of service/activity/programs the booking enables and how it demonstrates significant community benefit
- Consideration of the demographic profile of members/participants benefiting from the service
- The capacity the organisation and members/participants has to pay (and other subsidies the organisation has received)

FEES AND CHARGES

All fees and charges for use of Council facilities are approved within Council's annual budget process.

Bookings of facilities for Council programs and activities are at no charge. Council may make bookings for an event or activity for which they are partnering with external groups or agencies. It is expected that Council would play a significant role in the planning, coordination, delivery or funding of any activity for which such a booking is made.

CONSULTATION

Internal staff consultations were held to seek feedback on the development of this Policy including members of a dedicated facility managers working group, which included representatives from all facilities within the scope of this project.

An engagement and transition plan will communicate and manage changes with existing hirers of Council facilities affected by this policy.

REVIEW & EVALUATION

This policy will be reviewed annually. The Manager Community Planning will report to council on the outcome of the review and make recommendations for amendment, alteration or a substitution of a new policy if considered necessary.

RELATED DOCUMENTS

- Moonee Valley Community Funding Guidelines 2017/18
- Moonee Valley Community Financial Support Policy
- Moonee Valley Next Generation 2035 Community Vision
- Moonee Valley Council Plan
- Moonee Valley Diversity, Access and Equity Policy
- Moonee Valley Council Property Leasing Policy
- Moonee Valley Sporting Grounds & Pavilion Seasonal Allocation Policy

9.5 Cross Keys Reserve Screening Options

File No: FOL/17/11

Author: Venta Slizys

Coordinator Open Space & Urban Design

Directorate: Planning & Development

Purpose

To present to Council, options for the type of screening (screens and planting) to be installed at Cross Keys Reserve, following a Council Resolution on 20 December 2016.

Executive Summary

- The Cross Keys Reserve Master Plan was endorsed on 20 December 2016 with the Council resolution to present further options for screening within the Reserve along Woodland Street, Essendon.
- Three options are presented for Council's consideration in **Table 1** of this report.
- Option 2 is recommended as the preferred screening option. Option 2 is comparatively: less visually intrusive; fewer poles; a finer gauge of netting; a softer screening option to prevent stray balls accessing Woodlands Street. A disadvantage of Option 2 is that the lifecycle maintenance cost is anticipated to be higher than for Option 1.
- It is recommended to install a third of the screening in Stage 1 to give residents confidence in the low amenity impact of the screen with the balance to be installed closer to the ovals being reoriented.
- Consultation on this matter was undertaken as part of the Cross Keys Reserve Master Plan. The residents of Woodland Street will be informed of the outcome of this report. Following resident notification, Council's Cross Keys Reserve webpage will also be updated with the preferred screening (screens and planting) type.

Recommendation

That Council:

1. Adopt Option 2 as the preferred screening option for Cross Keys Reserve as described in **Table 1**;
2. Note that residents of Woodland Street, Essendon will be informed of the outcome of this report and that following resident notification, Council's Cross Keys Reserve webpage will also be updated with the preferred screening (screens and planting) type; and
3. Install Stage 1 of the screening Option 2 to demonstrate the minimal amenity impact on the precinct.

Background

Within the coming years Cross Keys Reserve in Essendon will become the home ground for the Essendon Royals Soccer Club, increasing the number of soccer games played at the reserve. There will be two senior fields and one junior field provided at the Reserve. The optimal alignment of soccer fields is a north south orientation with soccer goals at the northern and southern ends. These sporting requirements were included in the Cross Keys Reserve Master Plan which was endorsed on 20 December 2016.

The north south alignment of the fields means they are in close proximity to Woodland Street, which forms the northern boundary of the Reserve. An independent risk assessment determined that given the proximity of the soccer fields to the street, safety screening would be required to prevent stray balls from causing a hazard to motorists. The total screen length required is 140m and would include an entrance in the centre to allow for pedestrian access.

Following this advice, the Cross Keys Reserve Master Plan included 12m high screening along the northern ends of the soccer fields. At the Council Meeting on 20 December 2016 there was a Council Resolution to reduce the height of the screen to 10m and for further options for the type of screening to be investigated.

Discussion

Three options for the screening (screen and planting) were investigated and are presented in **Table 1** below:

	Option	Approx. cost	Pros	Cons
1	Black PVC coated cyclone mesh (10m high)	\$330,000 (Aste Fencing quote. Please note does not include geotech/footing costs)	<ul style="list-style-type: none"> - The least prone to vandalism - The least expensive to maintain - Lifecycle estimated at min 25 years - Will prevent stray balls accessing Woodlands Street. 	<ul style="list-style-type: none"> - Visually intrusive due to heavy gauge of wire and additional buttress supports required - Expensive to install
2	Black PVC coated cyclone mesh (2m high) and permanent netting (8m high)	\$138,750+GST (Oxley Netting quote. Please note does not include geotech/footing costs)	<ul style="list-style-type: none"> - The least expensive to install - The least visually intrusive due to fewer poles (every 16m) and smaller gauge of netting material. - Will create a softer screening option 	<ul style="list-style-type: none"> - More prone to vandalism, however height of netting makes it difficult. - Lifecycle estimated at approx. 12 years (full net replacement)

	Option	Approx. cost	Pros	Cons
			- Will prevent stray balls accessing Woodlands Street.	
3	Black PVC coated cyclone mesh (2m high) and retractable netting (8m high)	\$240,000 (Oxley Netting quote. Please note does not include geotech/footing costs)	- Will prevent stray balls accessing Woodlands Street.	<ul style="list-style-type: none"> - More expensive to install than permanent netting - Prone to vandalism as netting has to go to the ground in order for them to be operated - Nets retracted and gathered at poles make the poles visually intrusive, although nets only installed during use by sporting clubs - More poles required, every 6-8m as retractable nets require shorter runs - Requires heavier gauge netting so more visually intrusive - Reliance on sporting clubs to manage to open and closing of the nets (and therefor ensure screening at the site is functioning) - Higher risk factor of reactive maintenance episodes (more expensive to maintain due to regular maintenance of retractable component due to moving parts. - Lifecycle estimated at approx. 12 years (full net replacement)

For all options an estimated amount of \$100,000 will be required to implement and maintain the planting screenings.

NB:

All costings are approximate only and require detailed geotechnical investigation to determine the size and type of footing that will be required in the construction of the screening component.

Table 1. Options description

For the netting options 2 and 3, it would be necessary to have a 2m high section of cyclone mesh fence at the base to prevent damage to the net. The planting screenings will include 2m high shrubs which would act as a buffer to this section of the screen.

Example images of the different options are shown below:

Option 1 - Black PVC coated cyclone mesh (installed example at Maribyrnong Park, Moonee Ponds – this fence is 6m tall):



Option 2 - Black PVC coated cyclone mesh combined with permanent netting (installed example at Camberwell Grammar with 2m high cyclone mesh, 10m high netting and poles at 16m spacing):



Option 3 - Black PVC coated cyclone mesh combined with retractable netting (installed example at Kind David School, Dandenong Road with 8m high netting and poles every 6-8m)



Option assessment

Options were assessed against a number of criteria (non-weighted) to determine the preferred option, and are outlined in **Table 2** below. Scoring criteria used to assess each option included: 0 = Performs poorly against criteria; 1 = Adequate performance against criteria; 3= Performs well against criteria.

Option	Criteria 1: <i>Upfront capital cost</i>	Criteria 2: <i>Indicative life cycle cost</i>	Criteria 3: <i>Risk factor/ likelihood of reactive maintenance episodes</i>	Criteria 4: <i>Ability to screen balls</i>	Criteria 5: <i>Visual amenity</i>	Overall Score
Option 1	0	3	3	3	0	9
Option 2	3	1	1 (12 year full net replacement)	3	3	11
Option 3	1	0	0 (regular maintenance of retractable component due to moving parts + full replacement of netting after 12 years)	1	1	3

Table 2. Options assessments

Staging of installation

In light of the community concern regarding the impact of the screening on the local amenity, it is proposed to It is recommended to install a third of the screening in the near future as 'Stage 1'. It is expected the installation of this screening will give residents confidence in the low amenity impact of the screen. The balance of the screening will then be installed closer to the ovals being reorientation.

Consultation

Consultation was undertaken as part of the Cross Keys Reserve Master Plan. The residents of Woodland Street will be informed of the outcome of this report, and the Cross Keys Reserve webpage will also be updated with the preferred screening (screen and planting) type, following resident notification.

Implications

1. Legislative

Any built works undertaken as a result of this report will comply with relevant Australian Standards and any other Planning Scheme requirements and/or Building Regulations that may be applicable.

2. Council Plan / Policy

In presenting this report to Council, Council is achieving its Strategic Objective to Build a community where people feel safe in both public and private spaces in accordance with Council Plan 2013-2017 Theme 1: Friendly and safe - A community where people feel connected and safe.

3. Financial

The Cross Keys Reserve Master Plan includes a cost estimate of \$440,000 for the installation of the screening (screen and planting). This cost estimate was based on Option 1 (black PVC coated cyclone mesh screening) and included \$100,000 for planting screening. Funding for the project will be subject to Council's preferred screening option and annual budgetary process.

Option 2 screening is estimated to be \$138,750+GST plus geotech and footings, with an additional \$100,000 for plantings. Stage 1 of Option 2 which will demonstrate to the community the minimal amenity impact of the screen will be in the order of \$49,650+GST (this represents a sub-set of the \$138,750 cost for the entire screening).

4. Environmental

The planting screening proposed along the length of the screening will increase local biodiversity.

Conclusion

Following the planned relocation of the Essendon Royals Soccer Club to Cross Keys Reserve, safety screening will be required along the northern end of the soccer fields to stop stray balls entering Woodland Street and causing a hazard to motorists.

Three screening options have been presented within this report for Council's consideration. Option 2 is recommended as the preferred option, as it is visually less intrusive, with the least number of poles and finer gauge of netting, creating a soft screening option to prevent stray balls accessing Woodlands Street.

Appendices

Nil.

9.6 Procurement Policy and Instrument of Delegation Update

File No: FOL/17/11

Author: Peter Hiransi
Manager Business Improvement

Directorate: Organisational Performance

Purpose

To provide Council with a revised Procurement Policy and Instrument of Delegation from Council to the Chief Executive Officer, which provides guidance and control in facilitating best practice procurement.

Executive Summary

The revised Procurement Policy and Instrument of Delegation will allow Council to remain agile in its procurement and business activities, whilst increasing transparency of procurement activities across Council and the community, and remaining compliant with all relevant legislation.

The level of involvement from the Contracts and Procurement team and procurement processes will vary, commensurate to the overall risk rating of the procurement activity. This will ensure a reduction in business risk through meticulous procurement and contract planning, whilst ensuring a best practice approach is undertaken.

The Procurement Policy 2017 provides an overall framework that enhances compliance, provides a probity framework and aligns to the Council Plan for the procurement of goods, services and works to Council.

The purpose of the policy is to:

- Provide guidance and consistency of procurement activities;
- Demonstrate accountability to the community;
- Implement best practice elements in procurement; and
- Realise the benefits of social, environmental and economic procurement activities.

Recommendation

That Council, having undertaken a review of its Instrument of Delegation to the Chief Executive Officer and Procurement Policy in accordance with Section 98 and 186(7) of the *Local Government Act 1989*, resolves that:

1. The Procurement Policy 2017 provided as **Appendix A** - separately circulated, be adopted;
2. The powers, duties and functions set out in the Instrument of Delegation, provided as **Appendix B**, be delegated to the Chief Executive Officer subject to the conditions and limitations specified in that Instrument; and
3. The Instrument of Delegation, provided as **Appendix B**, be signed and sealed.

Background

In 2017, it was determined that the current de-centralised procurement model be replaced with a center-led procurement team. The rationale behind the restructure was to provide procurement services across all areas of spend and standardise procurement and contracting practices.

Discussion

The Procurement Policy will be located on Council's corporate website. The new policy is streamlined, whilst taking into consideration a number of key principles and remaining compliant with the *Local Government Act 1989*. The policy is a strategic document that links the procurement of goods, services and works to the Council Plan and Council's adopted budget. A review of the Instrument of Delegation was undertaken by the Procurement Business Partner and proposed changes are noted below.

Additions to the Procurement Policy:

- **Section 5 Review of Policy**

The Procurement team are accountable for the Procurement Policy and its performance across Council.

- **Section 6 Procurement principles**

This section was added to ensure a clear understanding of the procurement principles that will be considered in each procurement activity.

- **Section 9 Expression of interest**

To ensure Council is constantly achieving innovative solutions and driving efficiency, our procurement processes need to allow us to be more agile. This section was added to ensure Council Officers have a different method available for procuring goods, services and works.

- **Section 10 Delegations, authority and levels of procurement**

Delegations of Authority were inserted to ensure visibility of the delegations required for contracting and procurement activities and will be updated accordingly.

- **Section 13 Certificate of Exemption**

The Certificate of Exemption outlines the governance structure and allows flexibility for staff who have a genuine need to be exempt from procurement processes in reference to the prescribed thresholds in the *Local Government Act 1989*.

Additions to the Instrument of Delegation:

An Instrument of Delegation is a formal document that allows for certain duties, functions and decision-making powers, to be delegated to a Council Officer or a Special Committee, as a means of reducing the operational decision-making workload upon the Council. This allows the Council to increase its strategic focus and deal with the issues and matters associated with the long term management of the municipality.

The Instrument of Delegation to the Chief Executive Officer is provided as **Appendix B**. The document remains the same as the previous instrument endorsed by Council on 22 March 2016, except for a recommended change to Clause 4.1 awarding of contracts.

Clause 4.1 has been amended to allow the Chief Executive Officer to award all contracts endorsed by Council in its annual budget process with a 5% variant clause.

To ensure Council is informed on activities exercised under this delegation, the Procurement Business Partner will present quarterly on the following at a Council Strategic Briefing:

- All procurement activities exercised under CEO's delegation;
- Forecasted procurements for the upcoming quarter; and
- Financial, social, economic and environmental benefits achieved for the quarter.

This will allow Council to decide whether to call-in high risk procurement matters for resolution.

Consultation

Consultation was conducted by the Procurement Business Partner and the Executive Team.

Council's Audit Committee considered the revised Procurement Policy and Instrument of Delegation at its meeting on 14 August 2017, noting minor amendments to the policy.

To ensure compliance with the *Local Government Act 1989*, the revised Procurement Policy and Instrument of Delegation to the Chief Executive Officer was reviewed by Macquarie Local Government Lawyers.

Implications

1. Legislative

Section 186(7) of the *Local Government Act 1989* requires Council to undertake an annual review of its Procurement Policy.

2. Council Plan / Policy

Council is achieving its Strategic Objective to Create a resilient organisation in accordance with Council Plan 2017-2021 Theme 5: A resilient organisation that is sustainable, innovative, engaging and accountable.

3. Financial

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

4. Environmental

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

Conclusion

In conclusion, the revised Procurement Policy and Instrument of Delegation will allow Council to remain agile in its procurement and business activities, whilst increasing transparency of procurement activities across Council and the community, and remaining compliant with all relevant legislation.

Appendices

Appendix A: Procurement Policy 2017 (separately circulated)

Appendix B: Instrument of Delegation.



Moonee Valley City Council

**Instrument of Delegation
to
The Chief Executive Officer**

Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* (**the Act**) and all other powers enabling it, the Moonee Valley City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that:

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 22 March 2016;
2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts;
 - 2.4 remains in force until Council resolves to vary or revoke it;
3. the member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her; and
4. the Instrument of Delegation dated **[**date**]** from Council to the Chief Executive Officer is hereby revoked.

The **COMMON SEAL** of the **MOONEE VALLEY CITY COUNCIL** was hereto affixed on the
with the authority of Council

Councillor

Chief Executive Officer

SCHEDULE

The power to:

1. determine any issue;
2. take any action; or
3. do any act or thing,

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing:

4. if the issue, action, act or thing is an issue, action, act or thing which involves:
 - 4.1 awarding a contract exceeding 5% of the value of the amount provided for in the Council adopted budget;
 - 4.2 making a local law under Part 5 of the Act;
 - 4.3 approval of the Council Plan under s.125 of the Act;
 - 4.4 adoption of the Strategic resource Plan under s.126 of the Act;
 - 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council be filled;
 - 4.8 exempting a member of a special committee who is not a Councillor from being required to submit a primary return or an ordinary return under s.81 of the Act;
 - 4.9 appointment of councillor or community delegates or representatives to external organisations;
 - 4.10 the return of the general valuation and any supplementary valuations; or
 - 4.11 enter into a commercial lease;
5. if the issue, action, act or thing is an issue, action or thing which is required by law to be done by Council resolution;
6. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
 - 7.1 policy; or
 - 7.2 strategy;

adopted by Council; or

8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
9. if the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of a specific delegation to another member of Council staff.

9.7 Quarterly Report on Councillor Expenses

File No: FOL/17/11

Author: David Benallack
Chief Financial Officer

Directorate: Financial Services

Purpose

To report on Councillor Expenses for the periods April, May and June 2017.

Executive Summary

- On 26 April 2016, Council adopted Notice of Motion No. 2016/09 to receive reports on Councillor Expenses on a quarterly basis and to make this information available on its website.
- A summary of Councillor Expenses for the periods April, May and June 2017 is provided as **Appendix A**.

Recommendation

That Council note and receive the report on Councillor Expenses for the periods April, May and June 2017, provided as **Appendix A**.

Background

The reimbursement process for Councillor Expenses is prescribed by the *Local Government Act 1989*.

The Local Government Act and prescribed Regulations are largely silent on the reporting requirements for Councillor Expenses. A Council may determine their own reporting requirements and frequency. Expenses paid to Councillors are published annually in the Annual Report.

Discussion

On 26 April 2016, Council adopted Notice of Motion No. 2016/09 to receive reports on Councillor Expenses on a quarterly basis and to make this information available on its website.

This report captures the direct costs incurred by a Councillor in the performance of their duties including the reimbursement of any necessary out-of-pocket expenses.

Council has adopted the Resources, Facilities and Reimbursement of Expenses to Councillors Policy on 16 December 2014, which outlines the resources/support to be provided to Councillors and expense that may be claimed in the performance of their duties as elected representatives of the community.

Consultation

The nature of this report does not require any consultation.

Implications

1. Legislative

This report is presented to Council in accordance with Section 75B of the Local Government Act. As Councillors are entitled to be reimbursed for any necessary out-of-pocket expenses they incur while performing their duties as a councillor.

2. Council Plan / Policy

In presenting this report to council, council is achieving its Strategic Objective to Create a resilient organisation in accordance with Council Plan 2017-2021 Theme 5: A resilient organisation that is sustainable, innovative, engaging and accountable.

3. Financial

There are no financial implications resulting from the presentation of this report.

4. Environmental

There are no environmental implications resulting from the presentation of this report.

Conclusion

In accordance with Notice of Motion adopted by Council on 26 April 2016, this report includes a quarterly summary of Councillor Expenses for the periods April, May and June 2017.

Appendices

Appendix A: Councillor Expense Report - 1 April-30 June 2017.



Quarterly Declaration of Councillor Expenses
1 April – 30 June 2017

	Carer Expenses	Communication	Conference & Training	Entertainment	Other Costs	Transportation	Total
Cr Andrea Surace (Mayor)	-	506	1,295	-	-	4,515	6,316
Cr Cam Nation (Deputy Mayor)	-	-	1,295	-	-	369	1,664
Cr Samantha Byrne	-	205	-	-	-	52	257
Cr Jim Cusack	-	300	2,293	-	-	68	2,661
Cr Rebecca Gauci Maurici	-	205	-	-	-	108	313
Cr Richard Lawrence	-	-	2,466	-	-	29	2,495
Cr Nicole Marshall	-	68	-	-	-	-	68
Cr Narelle Sharpe	-	354	-	-	-	-	354
Cr John Sipek	-	509	5,606	-	-	483	6,598
Total	-	2,147	12,955	-	-	5,624	20,726

- Indicates no expenses claimed this quarter

Carer expenses includes child care and care of frail aged and/or disabled individuals who reside in the Councillor's household for whom the Councillor is the primary carer.

Entertainment expenses such as snacks, meals, beverages while performing duties as a Councillor (excluding where Council or Committee meetings are held at times which extend through normal meal times and where Council provide suitable meals and refreshments served on the premises).

Transportation includes taxi fares, public transport costs, car parking fees, toll fees and reimbursement for authorised use of private vehicles for kilometres travelled while conducting Council business within and outside the municipality. This category also includes the actual monthly vehicle repayments and reimbursements associated with vehicle registration, insurance, servicing, fuel and etag of the Mayoral vehicle.

Communication Costs includes the monthly fees and usage costs associated with Councillor mobile phone and computer equipment. They do not include any costs associated for personal use which are to be reimbursed by Councillors.

Conferences and Training – Local, Interstate or Overseas includes any registration fees, travel and accommodation costs associated with attendance at conferences or seminars.

Other Costs includes professional memberships to recognised sector related bodies and other incidental expenditure incurred by Councillors in performing their Councillor role.

CONFIDENTIAL REPORTS

Closure of meeting to public

Recommendation

That Council resolve to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to discuss the following matters:

- 12.1 343-349 Ascot Vale Road, Moonee Ponds (Lot 2 PS449864J and Land in CP157101) - Buildings and works to construct a multi-storey building, a reduction in car parking requirements, a variation of loading bay requirements and alteration of access to a road in a Road Zone, Category 1**

Item 12.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (e) proposed developments.

- 12.2 484-486 Mt Alexander Road, Ascot Vale (Lots 1, 2 & 3 LP4866) - Construct a multi-storey building in a Design and Development Overlay (DDO3), use of the land for dwellings, reduce car parking requirements, waive loading bay requirements and erect a verandah over part of a footpath in a Road Zone, Category 1**

Item 12.2 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (e) proposed developments.

- 12.3 Insource Council's Internal Audit Function – Strategic Direction**

Item 12.3 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (d) contractual matters.