Agenda

Ordinary Meeting of Council

Tuesday, 25 September 2018
6.30pm
Ordinary Meeting of Council
Tuesday, 25 September 2018 at 6.30pm
to be held at the Moonee Valley Civic Centre

TO :

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

**Officers:**  
Mr Bryan Lancaster  
Mr Steven Lambert  
Ms Kendrea Pope  
Ms Natalie Reiter  
Mr Gil Richardson  
Mr Petrus Barry  
Ms Allison Watt

Mayor  
Deputy Mayor  

Chief Executive Officer  
Director City Services  
Director Organisational Performance  
Director Planning and Development  
Acting Director Asset Planning and Strategic Projects  
Manager Statutory Planning  
Manager Governance and Communications
Business:

1. Opening

2. Reconciliation Statement

3. Apologies and Leave of Absence

4. Confirmation of Minutes
   Ordinary Meeting of Council held on Tuesday, 11 September 2018.

5. Declarations of Conflict of Interest

6. Presentations
   6.1 Presentation
      Vale Cliff Allison - former Mayor (1965-66) and Councillor of the City of Essendon.

7. Petitions and Joint Letters
   7.1 Joint letters ......................................................................................................................... 5

8. Public Question Time

9. Reports from Special Committees
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10. Reports
    10.1 6 Munro Street, Ascot Vale (Lot 1 of Title Plan 603460Q) - Construction of five dwellings .......................................................... 21
    10.2 4 Schofield Street Essendon (Lot 7 on LP 006040) - Construction of five dwellings ......................................................................................................................... 45
    10.3 144 Pascoe Vale Road, Moonee Ponds (Lots 1 and 2 on TP519024F) - Use and development of the land for a multi-level, mixed use building, a reduction in car parking and loading/unloading requirements along with alteration of access to a road in a Road Zone, Category 1 ................................................................. 67
    10.4 Maribyrnong River Cultural Precinct Update .......................................................... 99
    10.5 Kent Street Traffic Management Study ................................................................. 118
    10.6 Sports field irrigation and surfacing ................................................................. 131
    10.7 Winter Activation Update ................................................................................ 137
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11. Notices of Motion
    Nil.
12. Urgent Business

13. Delegates Reports

14. Confidential Reports
   14.1 Drainage improvement works .................................................................155

15. Close of Meeting

BRYAN LANCASTER
Chief Executive Officer
PETITIONS AND JOINT LETTERS

7.1 Joint letters

File No: Fol/18/32
Author: Tracey Classon - Governance Officer
Directorate: Organisational Performance

Summary
Council has received joint letter signed by residents and business owners of Essendon requesting Sherbourne Street to remain as is, an exit only onto the new Buckley Street over pass.

Recommendation
That Council:
1. Receives and notes the joint letter.
2. Refers this matter to the Acting Director Asset Planning and Strategic Projects for investigation and reporting back to Council.
3. Advises the joint letter organiser accordingly.

Appendices
Nil
REPORTS FROM SPECIAL COMMITTEES

9.1 Grants Assessment Committee updates

File No:          Fol/18/32
Author:          Sarah Edwards - Coordinator Social Planning & Wellbeing
Directorate:    Planning and Development

Purpose
To seek endorsement for updates to the operation of the Grants Assessment Special Committee (Committee) and confirm membership for the next 12 months.

Executive Summary

- As per the Council resolution of 27 March 2018 and pursuant to Section 86 of the Local Government Act 1989, Council resolved to establish a Grants Assessment Special Committee of Council to make funding decisions on Community Grants (Biannual and Social Support stream).

- In May 2018, the Committee held its inaugural meetings and assessed and awarded Round Two of the 2017/18 Biannual and Social Support Grants; funding 50 applications with a value of $190,993.

- Following the recent Council endorsement of Community Funding Review (the Review) recommendations at its Ordinary Meeting on 10 July 2018, and feedback from Committee members following the last grants round, two Committee changes are proposed to ensure Committee efficiency:
  - update to quorum requirements
  - inclusion of the new Partnership Grants stream for Committee assessment.

- A revised Committee Charter (Appendix A) and new Instrument of Delegation (Appendix B) are presented for endorsement to implement these changes in time for assessment of Round One 2018/19 Community Grants commencing in November 2018.

- This report also seeks endorsement of the Committee’s current membership for a further 12 months. Within this period, the Committee will assess Round One and Two of the 2018/19 Community Grants program and 2019/20 Partnership Grants program.
Recommendation

That Council:

1. Endorses the revised Charter to the Grants Assessment Special Committee provided as Appendix A.

2. Resolves to delegate to the Grants Assessment Special Committee those functions, powers and duties set out in the Instrument of Delegation (Appendix B) in accordance with Section 86 of the Local Government Act 1989.

3. Resolves to revoke the Instrument of Delegation to the Grants Assessment Special Committee dated 27 March 2018.

4. Authorises the Common Seal of Moonee Valley City Council to be affixed to the Instrument of Delegation to the Grants Assessment Special Committee (Appendix B).

5. Resolves to appoint the following Councillors, community members and Council officers as members of the Grants Assessment Special Committee for a 12 month term, effective from the date of this resolution:
   - Cr John Sipek
   - Cr Samantha Byrne
   - Cr Jim Cusack
   - Cr Rebecca Gauci Maurici
   - Cr Nicole Marshall
   - Cr Cam Nation
   - Cr Narelle Sharpe
   - Cr Andrea Surace
   - John Bonacci, community member
   - Tony Fisher, community member
   - Ibrahim Hajj, community member
   - Anita Sri-Ananda, community member
   - Heather Watson, community member
   - Steven Lambert, Director City Services or his nominated Council officer representative (ex-officio)
   - Natalie Reiter, Director Planning and Development or her nominated Council officer representative (ex-officio)
Background
On 27 March 2018, Council resolved to establish the Committee (pursuant to Section 86 of the Local Government Act 1989), to delegate decision making powers to make funding decisions on Community Grants (Biannual and Social Support streams).

The Committee provides a robust, transparent and representative process to assess applications and offers community members an opportunity to be directly involved in the decision making process. The governance of this Committee is outlined in the:

- Charter to the Grants Assessment Special Committee, establishing membership and quorum requirements.
- Instrument of Delegation which delegates authority for the Committee to allocate funding to applicants.

The Committee commenced assessment of the 2017/18 Round Two Biannual and Social Support Grants in April 2018, awarding funding to successful applicants in May 2018.

During this process, Committee members invested considerable time and effort to undertake assessments to award funding for the last round of grants. In addition to the Committee providing a robust and transparent assessment process, community representatives provided positive feedback about their involvement in the decision making process.

Discussion
Proposed changes to the Committee
On 10 July 2018, Council considered an extensive evaluation of Council’s funding programs and endorsed 21 recommendations of the Review.

Informed by relevant Review recommendations, and in response to Committee member feedback for operational improvements to the Committee, the following is proposed:

- update to Committee quorum requirements
- inclusion of assessment of Partnership Grants.

Committee quorum requirements
Changes to the quorum requirements will ensure the Committee’s membership is represented across the municipality, but has more flexibility in the event that Councillors from each ward are not available to be present at each Committee meeting.

The updated quorum requires a minimum of three Councillors, one Council Executive (or their nominee) and two community members to be in attendance at each meeting.

This has been updated in the revised Charter within ‘Item 5: Chairperson and Quorum’ (Appendix A). A summary of how proposed changes vary from the existing arrangements is outlined in Table 1 below.
Grants Assessment Special Committee Charter item | Existing | Proposed (Appendix A)
--- | --- | ---
Membership- quorum Councillor requirements (item 4) | four Councillors (with at least one Councillor from each ward) | minimum of three Councillors
Membership- quorum Council Executive requirements | one Council Executive (or their nominee) | minimum of one Council Executive (or their nominee)
Membership- quorum community members requirements | three community members | minimum of two community members

**TOTAL** | eight members | minimum of six members

**Table 1: Comparison of quorum changes**

**Confirmation of Committee membership**

The changes outlined above to the quorum do not impact the total number of Committee members which continues to comprise Councillors, community members and Council officers and consists of up to 16 members. The total number of voting members continues to be up to 14. Full details of Committee Membership are outlined in ‘item 4- membership’ of the Committee Charter (Appendix A).

Community members are selected through an Expression of Interest process. The Committee’s existing five community representatives (listed in recommendation five of this report) have confirmed their availability to participate in the Committee for the next twelve months.

**Assessment of Partnership Grants**

Through the Review, Council endorsed the establishment of a Partnership Grants program to replace the Community Service Subsidy Program (Review recommendation 13), to be assessed by the Committee.

The Committee’s Instrument of Delegation (Appendix B) has been updated to allow the allocation of funding for Partnership Grants applicants to enable:

- Partnership Grant applications to be assessed by the Committee for the first time
- multi-year funding agreements for Partnership Grants applicants for either two or four years (although the round commencing in 2019 will only propose two year partnerships to align with the current Council Plan term)
- the maximum annual direct financial amounts for Partnership Grants applicants will be capped at $20,000, plus GST per project
- the maximum annual direct financial amounts for Partnership Grants applicants will be capped at $80,000 over four years, plus GST per project.
A summary of how proposed changes vary from the existing arrangements is outlined in Table 2 below.

<table>
<thead>
<tr>
<th>Grants Assessment Special Committee Instrument of Delegation item</th>
<th>Existing</th>
<th>Proposed (Appendix B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Powers and functions (item 1)</td>
<td>“to approve and enter into funding agreements for recommended grant applications up to a maximum value of $20,000 per application, and to incur expenditure for such requirements that have been endorsed and identified by Council policy”</td>
<td>“to approve and enter into funding agreements for recommended grant applications up to a maximum value of $20,000 (plus GST where applicable) per application, and to incur expenditure for such requirements that have been endorsed and identified by Council policy”</td>
</tr>
<tr>
<td>Exceptions, conditions and limitations (item 2)</td>
<td>“enter into a funding agreement and/or award a grant application which exceeds a value of $20,000”</td>
<td>“enter into a Community Grant funding agreement and/or award a grant application which exceeds a value of $20,000 (plus GST if applicable) for a funding period of 12 months”</td>
</tr>
<tr>
<td>Exceptions, conditions and limitations (new item 3)</td>
<td>“enter into a Partnership Grant funding agreement and/or award a grant application which exceeds a value of $20,000 per year (plus GST if applicable) for a funding period of either 2 or 4 years (with a maximum of $40,000 or $80,000 per agreement plus GST if applicable respectively)”</td>
<td></td>
</tr>
</tbody>
</table>

Table 2: Comparison of changes to include Partnership grants for Committee assessment

These changes to the Committee Charter and Instrument of Delegation will ensure the endorsed Review recommendations are actioned and Committee member feedback informs a continuous improvement approach for efficient Committee operation.

Following endorsement of these changes, Committee members will be updated via an email update and briefing (if required) following endorsement of recommendations within this report.
Consultation

A key objective in the establishment of the Grants Assessment Special Committee of Council is to directly involve community in decision making around grants assessment and funding, including delegation of Council’s decision making powers under the Local Government Act 1989.

Report recommendations are informed by Committee member feedback provided during, and following, the last round of grants (Round Two, 2017/18). Committee members have provided positive feedback about the operation of the Committee and their involvement in decision making process.

Implications

1. Legislative

The program responds to the principle of equity as outlined under the Charter of Human Rights and Responsibilities Act (2006). Specifically the recognition of equity before the law and the recognition to participate in public life. The aim of which is to have a decision making system that results in the equitable distribution of resources, ensuring that the needs of the community especially those experiencing some form of disadvantage are addressed.

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

Section 136 outlines the principles of sound financial management to which any policy governing the distribution of financial resources must align.

The Committee is established in accordance with Section 86 of the Local Government Act 1989.

2. Council Plan / Policy

In presenting this report, Council is working to achieve its strategic objective to provide opportunities for civic participation and input to Council decision-making processes in accordance with Council Plan 2017-21 Theme 5: Resilient organisation - A resilient organisation that is sustainable, innovative, engaging and accountable - Our community is informed and has a say.

In delivering the Community Funding Program, Council is working to achieve its strategic objective to provide opportunities for civic participation and input to Council decision-making processes in accordance with Council Plan 2017-21 Theme 5: Resilient organisation - A resilient organisation that is sustainable, innovative, engaging and accountable - Our community is informed and has a say.

3. Financial

The 2018/19 Grants operational budget provides a total available Biannual and Social Support Grants Program budget of $428,335. Of this total budget, $388,335 is allocated to Biannual Grants and $40,000 is allocated to Responsive Grants.
It should also be noted that Recommendation 14 of the endorsed Community Funding Review (July 10 2018), included, “…Consider a budget of $60,000 for the Partnership Grants stream for 2019/20 as part of the annual budget process.”

4. Environmental

The program uses an online management system for both application and Committee assessment processes resulting in a significant reduction in paper use.

Conclusion

This report seeks endorsement for updates to the Committee as per the Charter provided at (Appendix A) and new Instrument of Delegation provided at (Appendix B). The proposed changes aim to improve Committee efficiency and are in line with the endorsed Review recommendations and Committee member feedback.

Appendices

Appendix A: Grants Assessment Special Committee Charter - Updated  
Appendix B: Grants Assessment Special Committee Instrument of Delegation - September 2018
Grants Assessment Special Committee

Charter

1. PURPOSE
The Grants Assessment Special Committee is a special committee of Council established in accordance with Section 86 of the Local Government Act 1989.

In accordance with good governance practice, Council has constituted a Grants Assessment Special Committee to assess applications and allocate funds to Community Grants and Partnership Grants programs.

2. AUTHORITY
In accordance with its Instrument of Delegation, the Grants Assessment Special Committee has the authority to assess applications received under Council’s Community Grants Program (including Biannual Grants, Social Support, Festivals and Events, Business and Partnership Grants), in line with Council’s Community Funding Guidelines, and adopted annual grants budget.

3. DEFINITIONS
- **Acting Chairperson** means an alternative Councillor/delegate, in the absence of the Chairperson.
- **Chairperson** means the Councillor appointed to chair the meetings.
- **Facilitator** means the independent person appointed by the responsible Council officer to support the Committee and in particular the Chairperson to facilitate discussion and decision making.
- **Committee** means any Council created Special Committee.
- **Council** means Moonee Valley City Council.
- **Councillor** means a Councillor of Moonee Valley City Council.
- **Community Member** is a member of the Special Committee who is not a Councillor or a Council officer.
- **Council officer** means an employee of Moonee Valley City Council.

4. MEMBERSHIP
4.1 The Grants Assessment Special Committee will consist of up to sixteen (16) members, and shall comprise:

<table>
<thead>
<tr>
<th>Directorate Planning &amp; Development</th>
<th>Responsible Manager Community Planning</th>
<th>Document No</th>
<th>Approval Date</th>
<th>Review Date</th>
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<tbody>
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<td>March 2019</td>
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</table>
Grants Assessment Committee

- Up to and including all Councillors. Any Councillor may decide not to be a member provided quorum requirements are met as per clause 5.1 below.
- Up to five (5) Community Members selected through either a public EOI process or from the membership of Council's Portfolio Advisory Committees
- Two (2) ex-officio/ non-voting Council officers being:
  - Director Planning and Development or their nominated Council officer representative and Director City Services or their nominated Council officer representative.

4.2 The total number of voting members will be up to fourteen (14).

5. CHAIRPERSON AND QUORUM

5.1 To achieve a quorum, a minimum of three (3) Councillors, one Council Executive (or their nominee) and two (2) community members are required to be in attendance at each meeting.

5.2 Meetings will be chaired by the Mayor. If the Mayor is an apology or is not a member of the Special Committee, then the Deputy Mayor will be Chairperson. If the Deputy Mayor is an apology or is not a member of the Special Committee, then the Committee Members must appoint a Chairperson for each meeting.

5.3 Chairperson Duties and Discretions
  a) must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, Committee Member, Council officer, or member of the community; and
  b) must call to order any person who is disruptive or unruly during any meeting.
  c) will work with the independent Facilitator and Council officers to facilitate discussion and decision making and ensure the high volume of information is assessed in a timely and orderly manner.

6. MEETINGS

6.1 The Grants Assessment Special Committee will meet at least two (2) times a year, with the ability to convene additional meetings, as circumstances require.

6.2 Grants Assessment Special Committee members will be required to undertake up to 2 days reading time, per grant round dependent on the number of applications they are required to assess.

6.3 Meetings of the Grants Assessment Special Committee will be closed to members of the public pursuant to Section 89(2)(h) of the Local Government Act 1999, due to the confidentiality of grant application material.

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PAGE 14
6.4 All Grants Assessment Special Committee members are expected to attend each meeting, in person or through teleconference or video conference (less preferably).

6.5 The Grants Assessment Special Committee may invite members of Council staff or external members to attend meetings and provide pertinent and specialist information and administrative support, as necessary.

6.6 Meeting agendas and related papers will be prepared and provided to members two (2) days in advance of meetings.

6.7 Applications will be assessed and scored against the criteria individually and privately by all Committee Members prior to Committee meetings.

6.8 A ranked list of applications based on individual assessment scores will be presented to the Committee to guide the assessment, funding allocations and associated decisions during Committee meetings.

6.9 Committee members will not publicly comment on behalf of the group. Neither will any members seek to advocate on the needs of any individuals or organisations.

7. CONFIDENTIALITY OF INFORMATION

7.1 The information considered by and presented to the Grants Assessment Special Committee is to remain confidential unless specified otherwise by Council and all Committee members are required to complete a Confidentiality Statement prior to assessing any grant applications.

7.2 Committee members must not directly or indirectly release or make available to any person any information relating to the work or discussions of the Grants Assessment Special Committee except in such terms stipulated by Council.

8. CONFLICT OF INTEREST

8.1 Members of the Grants Assessment Special Committee must be fully aware that Section 79 of the Local Government Act 1989 makes it mandatory for members of the Committee to disclose all conflicts of interest prior to the discussion of the matter for which the conflict of interest has arisen.

8.2 Members of the Grants Assessment Special Committee are required to complete a Conflict of Interest and Confidentiality Statement prior to assessing any grant applications.

9. RESPONSIBILITIES

9.1 Members are required to:

   a) Understand and adhere to the principles of related Policy and Grants guidelines and assessment criteria.

   b) Adhere to the Confidentiality and Disclosure Agreement.

   c) Treat information with sensitivity.

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<td></td>
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</table>
Grants Assessment Committee Charter

d) Keep informed of current developments, issues and concerns in the local community.

e) Provide written comments to justify assessment scores.

f) Prepare for and actively participate in meetings.

g) Declare in advance any potential conflict of interest and to exit the room during the deliberation of any application in which they have an interest. Conflicts will be recorded in the minutes of the Committee meeting.

h) Act in a courteous manner, respecting others views and opinions. All members should respect the decision of the consensus view as adjudicated by the Chair and with support of the independent Facilitator.

10. GOVERNANCE FRAMEWORK

10.1 The provisions of the Moonee Valley City Council Governance Local Law 2009 and Meetings Procedure Protocol shall apply to all meetings of the Grants Assessment Committee.

10.2 A decision making framework has been developed to assist the Grants Assessment Committee with decision making and to assist the Committee to process the volumes of data contained within grant applications in any one round. Refer Appendix One to this Charter.

11. REPORTING

11.1 Minutes of meetings will be kept and action items recorded and monitored.

11.2 In order to avoid canvassing, membership of the panel is to remain anonymous, with only the structure, (number of Councillors, Council Officers and Community members) to be made available to the general public.

12. PUBLICLY AVAILABLE INFORMATION

12.1 Information regarding the Grants Assessment Committee and its operation will be made publicly available.

12.2 The following information should be made publicly available on the Moonee Valley City Council website in a clearly marked corporate governance section:

- The Grants Assessment Special Committee Charter
- The Instrument of Delegation to the Grants Assessment Special Committee
- Description of the responsibilities of the Grants Assessment Special Committee

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Appendix One: Grants Assessment Committee Decision Making Framework

Purpose
The Decision Making Framework outlines the process for deciding on the final list of funding allocations at the Grants Assessment Committee meeting.

Grants Assessment Committee meetings
- After individual assessments are completed by all Committee members (prior to the meeting), total scores will be calculated by Council Officers and collated into a ranked list of applications, presented at the first meeting of the Grants Assessment Committee meeting.
- The first Grants Assessment Committee meeting will consider funding amounts for the highest ranked applications, with consideration for the general mix of funding across the Funding Priority areas, funding levels and locations across the municipality.
- The second meeting of the Grants Assessment Committee will be held for funding recommendations to be adopted.

Principles to inform decision making
- A ranked list of applications in order from highest score will be presented at the Grants Assessment Committee meeting, based on individual assessments undertaken by the Committee Members prior to the Committee meeting.
- The Grants Assessment Committee will begin by considering applications with the highest score.
- Applications should be considered accordingly as follows:

<table>
<thead>
<tr>
<th>Applications that have scored:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Above 80% High quality</td>
<td>Priority consideration for funding</td>
</tr>
<tr>
<td>80% - 50% Moderate quality</td>
<td>May consider for funding, to ensure balanced allocation</td>
</tr>
<tr>
<td>Below 50% Poor quality</td>
<td>Do not consider, unless to ensure balanced allocation</td>
</tr>
</tbody>
</table>

- To ensure balanced allocation, the spread of funding across the following areas must also be considered:
  - Funding Priorities – the funding themes outlined in the Community Grants Program Guidelines published annually
  - Levels of funding – <$5,000, $5-$10,000 and $10-$20,000 (note maximum of $1500 may be allocated to Social Support grant applications)
  - Locations across the municipality – all areas are proportionally represented

- The Committee will come to an agreement on the following items for each application:
  - whether funded, and if so, in full or partially;
  - if partially, the partial amount;
  - whether any special conditions should be applied to the grant; and
  - a reason for not recommending a high/moderate scored application.

- Applications will be confirmed as allocated, by majority vote of Committee members.
Grants Assessment Committee Charter

**Process**

<table>
<thead>
<tr>
<th>Completed before meeting:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligibility checks ✓</td>
</tr>
<tr>
<td>All applications screened against the eligibility criteria (by Council officers)</td>
</tr>
<tr>
<td>Individual assessments ✓</td>
</tr>
<tr>
<td>All assessors read and score applications individually (by Committee Members)</td>
</tr>
<tr>
<td>Ranked list ✓</td>
</tr>
<tr>
<td>Total scores are collated and applications are ranked (calculated by Council officer using Committee Members individual assessments)</td>
</tr>
</tbody>
</table>

**Grants Assessment Committee Meeting:**

<table>
<thead>
<tr>
<th>High quality applications</th>
<th>1</th>
<th>Review applications that sit &quot;above the line&quot; and consider for funding first</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funding Priorities</td>
<td>2</td>
<td>Ensure balanced allocations across the Key Funding Priority themes</td>
</tr>
<tr>
<td>Locations</td>
<td>3</td>
<td>Ensure balanced allocation across municipality</td>
</tr>
<tr>
<td>Funding levels</td>
<td>4</td>
<td>Ensure balanced allocation across the funding levels (&lt;$5,000, $5-10,000, $10-20,000)</td>
</tr>
<tr>
<td>Final list</td>
<td>5</td>
<td>Agree on a final list of allocations to present to Council</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Directorate &amp; Responsible Manager</th>
<th>Document No</th>
<th>Approval Date</th>
<th>Review Date</th>
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<tbody>
<tr>
<td>Planning &amp; Community Planning</td>
<td></td>
<td>March 2018</td>
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</table>
INSTRUMENT OF DELEGATION

Appointment of the Grants Assessment Special Committee

Pursuant to Section 86 of the Local Government Act 1989, Moonee Valley City Council delegates to the Special Committee established by resolution passed on 25 September 2018 and known as the “Grants Assessment Special Committee” ("the Special Committee"), the powers, duties and functions set out in the Schedule and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 25 September 2018;
2. the delegation:
   2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
   2.2 remains in force until Council resolves to vary or revoke it; and
   2.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts;

The COMMON SEAL of the MOONEE VALLEY CITY COUNCIL was hereto affixed in the presence of -

______________________________
Councillor

______________________________
Chief Executive Officer

Date: ______________________
SCHEDULE

Powers and functions

To exercise Council’s functions and powers to perform Council’s duties in relation to Section 3E(1) (b) of the Local Government Act 1989 to plan for and provide services for the local community, and for those purposes:

1. to approve and enter into funding agreements for recommended grant applications up to a maximum value of $20,000 (plus GST if applicable) per application, and to incur expenditure for such requirements that have been endorsed and identified by Council policy;

2. to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. allocate monies outside of the allocated annual budget for community grants funding.

2. enter into a Community Grant funding agreement and/or award a grant application which exceeds a value of $20,000 (plus GST if applicable) for a funding period of 12 months.

3. enter into a Partnership Grant funding agreement and/or award a grant application which exceeds a value of $20,000 per year (plus GST if applicable) for a funding period of either 2 or 4 years (with a maximum of $40,000 or $80,000 per agreement plus GST if applicable respectively).

4. exercise the powers which, by force Section 86 of the Act, cannot be delegated being the following:
   a. this power of delegation;
   b. to declare a rate or charge;
   c. to borrow money;
   d. to enter into contracts for an amount exceeding an amount previously determined by the Council;
   e. to incur any expenditure exceeding an amount previously determined by the Council;
   f. any prescribed power.
### REPORTS

10.1 6 Munro Street, Ascot Vale (Lot 1 of Title Plan 603460Q) – Construction of five dwellings

**File No:** Fol/18/32  
**Author:** Alexia Paterson  
**Directorate:** Planning and Development

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/539/2017</th>
</tr>
</thead>
</table>
| **Proposal**      | Construction of five attached dwellings  
|                   | • Four are to be triple storey  
|                   | • One to be double storey |
| **Applicant**     | TERRAIN CONSULTING GROUP P/L |
| **Owner**         | Mr M W Withers |
| **Planning Scheme Controls** | General Residential Zone |
| **Planning Permit Requirement** | Clause 32.08-6 – Construct two or more dwellings on a lot |
| **Car Parking Requirements (Clause 52.06)** | Required 5 car spaces  
|                   | Proposed 5 car spaces |
| **Bicycle Requirements** | N/A |
| **Restrictive Covenants** | Yes – proposal does not breach any of the restrictions |
| **Easements**     | None |
| **Site Area**     | 449m² |
| **Number Of Objections** | 30 |
| **Consultation Meeting** | 8 March 2018 |
Executive Summary

- This application seeks approval for the construction of five dwellings.
- The site is approximately 449 square metres in area and is located on the northern side of Munro Street Ascot Vale, approximately 60 metres west of the Union Road commercial spine.
- The application was advertised with 30 objections received. Concerns were raised in relation to neighbourhood character, built form, overdevelopment, on-site and off-site amenity, non-compliance with Clause 55, non-compliance with Garden Area provision and traffic and car parking impacts.
- A Consultation Meeting was held on 8 March 2018, which was attended by Councillor Nicole Marshall, Objectors, the Applicant and Council’s Planning Officer. While no resolution was achieved at the meeting, the applicant formally amended the application twice in accordance with Section 57A of the Planning and Environment Act 1987, in an effort to respond to the concerns raised by objectors (refer Appendix C – separately circulated). Changes included setbacks and internal layout to support for 2 bedroom occupancy per dwelling. The amended plans were not re-advertised.
- The application was internally referred to Council’s Development Engineering (Drainage) Unit, Traffic and Transport Unit and Environmental Sustainable Design (ESD) Officer. Conditional support to the application was provided.
- The proposal achieves a satisfactory level of compliance with the quantifiable standards of ResCode, with 11 technical non-compliance with respect to: neighbourhood character, street setback, building height, site coverage, setbacks, overlooking, internal overlooking, dwelling entry, wall on boundary, no landscaping plan provided and no minimum 6m³ external storage units for each dwelling. Some of these non-compliances will be addressed by way of conditions on any permit issued while other were considered acceptable.
- The proposed development depicts an appropriate built form that provides a satisfactory level of internal amenity, protects the amenity of the adjoining properties and responds to its site context subject to conditions.
- 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 a Notice of Decision to Grant a Permit be issued subject to conditions.
Recommendation

That Council issues a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/539/2017 for the Construction of five dwellings at 6 Munro Street, Ascot Vale (Lot 1 on Plan of Subdivision 603460Q), subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
   a) Dwelling 1 second floor front setback to be set back a further 1.62 metres, removing the built form separation between Dwelling 1 and 2 second floor level;
   b) Any internal modification as consequence of Condition 1a) without altering other setbacks;
   c) The provision of professional swept path diagrams demonstrating vehicles can enter/exit their respective car spaces in a forwards direction with no more than three vehicle movements;
   d) The provision for a 1m x 1m corner splay at the south-eastern corner of the site;
   e) All habitable room windows and balconies to be screened in accordance Standard B22 of the Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
   f) The internal screening between the balconies of Dwellings 2 and 3 to comply with Standard B23 of the Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme;
   g) A minimum 1.8 metre high fence along the western boundary, tapered to 1.2 metres at the front setback;
   h) A 6m3 external storage unit and dimensions, to comply with Standard...
B30 of Clause 55.05-6 (Storage) of the Moonee Valley Planning Scheme for Dwellings 1, 2, 3 and 4;

i) The provision for an over the bonnet storage area for Dwelling 5;

j) The provision for a canopy protrusion to Dwelling 5 porch to increase entry identification;

k) The inclusion of bollard lighting along the east alignment of the site;

l) An amended schedule of all external material and finishes. The schedule must show the material, colour (including colour samples) and finishes of all external walls, roof, fascias, windows frames, fences and paving, with render shadow cladding displayed horizontally and the colour scheme to include warm/lighter accent tones representative of the Neighbourhood Character Garden Suburban 1 profile;

m) Delineate horizontal render shadow cladding on Elevations as a result of Condition 1L);

n) All Water Sensitive Urban Design treatments and associated notations consistent with Condition 3;

o) A prominent note on all floor and elevation plans stating: “Refer to endorsed Sustainable Design Assessment and BESS Report for all ESD commitments and requirements with accordance with Condition 4; and

p) A Landscape plan in accordance with Condition 18.

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

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. An amended STORM assessment report/s must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Assessment must obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.

4. A Built Environment Sustainability Scorecard (BESS) Report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1 of this permit. The BESS Report must be a ‘published’ version, achieve all minimum requirements, meet best practice standards and be submitted to the Responsible Authority for approval.

Once approved, the BESS Report is to be implemented and appropriately managed during construction of the proposed dwellings

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

6. At least 30 days before any buildings or works commence, a Construction and Site Management Plan (CSMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.
The Construction and Site Management Plan must include details of the construction activity proposed and must be in accordance with Moonee Valley City Council’s CSMP’s guideline and templates.

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

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

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

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

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

9. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking objective) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

10. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
11. The development must be provided with external lighting capable of illuminating access to each garage 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.

12. 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.

13. Before the buildings approved by this permit are occupied, all boundary fencing must be erected as per the endorsed plans. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.

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

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

   The area set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must:
   a) be maintained and made available for such use; and
   b) not be used for any other purpose,

   to the satisfaction of the Responsible Authority.

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

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

16. 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.

17. 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.

18. Before the development starts, or any trees or vegetation removed, a landscape plan (an electronic copy) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The landscape plan must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:

a) Any changes as required by Condition 1 of this permit;

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

c) The planting of medium / large sized canopy trees (minimum of 4 metres in height) within the front setback area;

d) Screening planting along the western property boundary for each dwelling;

e) The use of drought tolerant species;

f) Features such as paths, paving and accessways shown on Ground Floor Plan; and

g) An appropriate irrigation system.

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

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

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

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

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

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Dwelling 2 ground floor living room is not be used as a third bedroom.
- Before the development starts, the permit holder must contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following: $C_w=0.4$, $t_c=10$mins, $t_{so}=5$mins, ARI 1 in 5. An ARI of 1 in 10 shall be used for storage and the greater of post development $C_w$ or $C_w=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.
- The development authorised by this permit will require the submission of a Construction and Site Management Plan (CSMP) prior to the commencement of any works. All CSMPs are required to be made via Council’s new online system at [http://www.mvcc.vic.gov.au/planning-and-building/planning/construction-site-management-plans.aspx](http://www.mvcc.vic.gov.au/planning-and-building/planning/construction-site-management-plans.aspx) or in person at 9 Kellaway Ave, Moonee Ponds.
- No on-street parking permits will be provided to the occupiers of the land.
1. **Introduction**

1.1 **Subject Site and Surrounds**

The subject site currently has a single storey weatherboard dwelling, on a flat rectangular lot. The site abuts Dutton Lane along the eastern and northern boundaries. This lane provides both vehicle and pedestrian rear access to the site.

![Figure 1 – Subject site (6 Munro Street, Ascot Vale)](image)

The subject site is in proximity to ‘Ascot Vale-Union Road Activity Centre’ to the east, catering for numerous community centres, schools facilities and public parks/reserves and is located approximately 60 metres from the No.57 tram.

The surrounding area is predominantly residential and commercial zoned land. Munro Street predominately comprises single storey weatherboard or brick dwellings. On the northern side of Munro Street in particular is a group of single storey terrace dwellings that make a valuable contribution to the low scale residential character and streetscape. Further, these dwellings are covered by Design and Development Overlay (DDO11) and/or within Council’s Heritage Gap Study.

Directly to the south of the subject site (1-3 Munro Street) is a three storey apartment building containing 11 dwellings.

Further along the south side of Munro Street are single dwellings constructed with either in weatherboard or brick and include with strong period detailing. Properties are fitted with off-street vehicle parking via Munro Street.

Also of note are the two blocks of walk up flats at 13-15 and 17-19 Munro Street, however these buildings are not considered to represent the predominant character of the street.
1.2 Proposal

The application is seeking approval for the construction of five dwellings, with each dwelling comprising two bedrooms and a single car garage. Dwellings adopt a reverse living layout, with one dwelling offering an additional living room area at ground level. Four of the dwellings are triple storey, with the remaining one, double storey.

**Table 1**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>No of dwellings</td>
<td>5</td>
</tr>
<tr>
<td>No of car spaces</td>
<td>5</td>
</tr>
<tr>
<td>Max Building Height</td>
<td>9.68 metres</td>
</tr>
<tr>
<td>Site Coverage</td>
<td>64.02% (308sqm)</td>
</tr>
<tr>
<td>Permeability</td>
<td>28.04% (125.02sqm)</td>
</tr>
<tr>
<td>Garden Area (mandatory minimum 25%)</td>
<td>26%</td>
</tr>
</tbody>
</table>

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

The application was amended pursuant to Section 57a of the *Planning and Environment Act 1987* with the following changes:

- Dwelling 1 - Increase street setback;
- Dwelling 1 - Decrease side setback to the west and east boundaries
- Dwellings 1 and 2 - Internal reconfiguration to reduce the capability of the living areas being converted to additional bedrooms;
- Dwellings 1 and 2 - Increase some built form separation at third level.
- Dwelling 5 - Ground Floor wall setback 200mm from the western boundary;

It is noted that re-advertising of the amended plan pursuant to Section 57B of the *Planning and Environment Act 1987* was not required, as it was considered that there would be no further material detriment caused by the amendments as they are cosmetic and negligible.

2. Background

2.1 Relevant Planning History

There are no historical planning applications for the site.

2.2 Planning Policies & Decision Guidelines

**Planning Policy Framework**

Clause 11.02 Managing Growth
Clause 15 Built Environment and Heritage
Clause 16 Housing
Clause 18 Transport
Local Planning Policy Framework
Clause 21.01 Municipal Profile
Clause 21.03 Vision
Clause 21.04 Sustainable Environment
Clause 21.05 Housing
Clause 21.06 Built Environment
Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning and Overlays
Clause 32.08 General Residential Zone
Particular and General Provisions
Clause 52.06 Car Parking
Clause 55 Two or More Dwellings on a Lot
Clause 65 Decision Guidelines

2.3 Referrals
No external referrals were required.
The following internal referrals were undertaken:

### Table 2

<table>
<thead>
<tr>
<th>Department/Officer</th>
<th>Comments/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic and Transport Unit</td>
<td>No objection subject to the following alterations:</td>
</tr>
<tr>
<td></td>
<td>1) Compliance with Swept Paths;</td>
</tr>
<tr>
<td></td>
<td>2) Pedestrian visibility splay afforded to Munro Street/ Dutton land intersection on the south eastern corner of the subject site.</td>
</tr>
<tr>
<td>Development Engineering (Drainage)</td>
<td>No objection subject to standard drainage conditions.</td>
</tr>
<tr>
<td>Environmental Sustainable Design Officer</td>
<td>No objection subject to the following alterations:</td>
</tr>
<tr>
<td></td>
<td>1) A revised BESS report #13004 with measures within the Water and Transport categories.</td>
</tr>
<tr>
<td></td>
<td>2) A revised STORM Rating Report #620932, altering the number of associated occupancies for rain water tanks. Dwelling 4 rainwater tank should be associated with two occupancies as there are two bedrooms to this property.</td>
</tr>
<tr>
<td>Waste Management</td>
<td>No objections, no conditions.</td>
</tr>
<tr>
<td>Heritage</td>
<td>No objections, no conditions.</td>
</tr>
</tbody>
</table>

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

As a result, 30 objections were received and identified within Appendix A of this report.

The objections are discussed at Section 3.5 of this report.

2.5 Consultation Meeting
A Consultation Meeting was held on 8 March 2018, which was attended by Councillor Nicole Marshall, Objectors, the Applicant and Council’s Planning Officer. While no resolution was achieved at the meeting, the applicant formally amended the application twice in accordance with Section 57A of the Planning and Environment Act 1987, in an effort to respond to the concerns raised by objectors (refer Appendix C – separately circulated).

3. Discussion

3.1 Does the proposal address the relevant State and Local Planning Policies?
The proposal is considered to comply with the relevant Planning Policy Framework and Local Planning Policy Framework objectives. 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, public reserves, education facilities and public transport options.

The proposal complies with Clause 21.04 (Sustainable Environment) and 22.02 (Stormwater Management (Water Sensitive Urban Design) through the use of ecological sustainable design principles as highlighted within the submitted BESS assessment and STORM reports, subject to appropriate conditions on any permit issued requiring additional details on the development plans and an amended STORM report showing all impermeable areas. Council’s ESD Officer has no objection to the BESS Report and STORM, subject some changes. Conditions to request revised compliant BESS and STORM reports are recommended on any permit issued.

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

The proposal complies with of Clause 21.05 (Housing) by increasing housing opportunities within the municipality to assist in meeting the growing population needs, providing a diversity of housing choice in a well-established area with access to public transport options and local/community services. It is noted the subject site is located within an area of ‘moderate to high housing intensification’ and within the Principal Public Transport Network Map forming part of Amendment VC148 to all planning schemes across Victoria which is referenced in Clause 52.06 (Car Parking).
The site offers an opportunity for redevelopment considering its size, corner position, and location in a residential area, which already features a range of dwelling densities. The proposed development responds to the objectives and strategies of Clause 21.06 (Built Environment). The key concepts of this clause are assessed against the relevant Neighbourhood Character Precinct Profile Guidelines in Section 3.2.

3.2 Does the proposal accord with the preferred character of the area

The subject land is identified as being within character area ‘Garden Suburban 1’ within the Moonee Valley Neighbourhood Precinct Profiles 2012. The development is considered a suitable response to the immediate context, the design guidelines and the preferred character statement of the precinct on the following grounds:

The three storey form is responsive to the existing and emerging building heights within the immediate vicinity, notably developments along the south of Munro Street. However, the proposed front setbacks and use of colour and materials emphasis an overwhelming three storey form in contrast to other three storey developments along Munro Street which adopt a significant third floor recession or cleverly conceal the third floor with use of the materials/colour to reduce visual bulk.

The proposed separation between dwelling 1 and dwelling 2 at the third level adds very little visual relief when viewed from the streetscape. Therefore, an improved design response is increasing the upper level setback from Munro Street and eliminating the setback at upper level between dwellings 1 and 2. A condition to this effect should be included on any permit issued.

Having regard for the material schedule, the mix of face brickwork and selected feature rendered panelling are characteristics of traditional and contemporary infill developments in the area, however the application of the rendered cladding in a vertical manner is uncharacteristic to the streetscape and further contributes to an unnecessary vertical appearance to the building. There is a strong use of horizontal cladding application to properties’ facades along both sides of Munro Street. To support this streetscape character and reduce the vertical expression, it is recommended cladding to be applied horizontally. A condition to amend the material schedule to the above effect should be included to any permit issued.

The colour scheme and application could benefit from a lighter/warmer palette and better colour contrast to highlight details. Lighter colours to upper floors by contrast to the ground floor facade can assist with reducing visual bulk. A condition to amend the colour schedule to the above effect should be included to any permit issued.

Despite the above detailing concerns, the facade incorporates a flat roof form, balconies and design features which aid in creating visual interest into the subject site and generally complementing the streetscape and other multi-storey developments nearby. Further, the design response enables a full residential appearance with habitable room openings on all levels with all garages orientated along the Dutton Lane.
The reverse living arrangement is appropriate for this site context, with main living areas and east facing balconies situated at the first level, fitted with dual aspect openings aided by generous spacing to the neighbouring properties, allowing for an uninterrupted elevated outlook. Balconies are fitted with external screening treatments opposed to obscured glazing, offering a better internal amenity, while still protecting eastern adjoining property’s amenity. The reverse living style is not uncommon within the immediately area.

The reverse living arrangement affords a building envelope that provides spacing around the building. For the eastern side, the spacing allows for some landscaping to insert clear divide between residential and public access, which works particularly well in the absence of a boundary fence. With the exception of dwelling 5, the western side setback allows each dwelling to have access to a generous sized service yard through either a bedroom or garage.

The design appropriately responds to its western sensitive interface by providing generous setbacks and a reduced building height towards the rear which, through the landscaping provisions, will provide visual relief to the adjoining property’s secluded private open space.

The low front fence provided across frontage will maintain views of the landscaped front setbacks within the streetscape.

3.3 Compliance with Clause 52.06 (Car Parking)

The development complies with the statutory parking requirements of Clause 52.06-5 (Car parking) of the Moonee Valley Planning Scheme.

Table 3

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Five, two bedroom dwellings</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>5</td>
</tr>
</tbody>
</table>

Amendment C148 gazetted on 31 July 2018 altered Clause 52.06 (Car parking) to no longer require a visitor car parking space for developments of five or more dwellings on site within the prescribed Principal Public Transport Network Area. The original proposal to Council pursued a waiver of a visitor car space pursuant to the previous requirements. Due to the change in the Moonee Valley Planning Scheme, visitor car parking is no longer a permit trigger in this instance.

Council’s Traffic and Transport Unit provided no objection to the overall proposal provided the following:

- Swept path diagrams to demonstrate vehicles can enter/exit without any issues in no more than three movements
- 1m x 1m corner splay at the intersection of Dutton Lane and Munro Street is to be provided and vested to Council at the subdivision stage.

The insertion of a corner splay increases safety for pedestrians and vehicles alike, offering an area clear of any structures and planting, which
would be otherwise be allowed. A corner splay is a necessary safety detail for the site context given anticipated pedestrian and vehicle movement entering/exiting Dutton lane from Munro Street.

Conditions to the above effect are recommended to be included in any permit issued.

3.4. **Does the proposal achieve compliance with ResCode?**

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

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

**Table 4**

<table>
<thead>
<tr>
<th>ResCode Standard</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 55.02-1 Neighbourhood Character (Standard B1)</td>
<td>Refer to Section 3.2 of this report for discussion.</td>
</tr>
<tr>
<td>Clause 55.03-1 Street Setback (Standard B6)</td>
<td>The proposal does not comply with the numerical requirements of this standard.</td>
</tr>
<tr>
<td></td>
<td>The development is proposed to be setback 4.06 metres from the Munro Street frontage. A setback of 5.10 metres is required.</td>
</tr>
<tr>
<td></td>
<td>To the west of the subject site, front setbacks are fairly consistent ranging from 4.28 – 5.1 metres.</td>
</tr>
<tr>
<td></td>
<td>To the east of the subject site, front setbacks are varied from 6.1 metres to zero at the intersection of Munro Street and Union Road.</td>
</tr>
<tr>
<td></td>
<td>A variation to the numerical standard is considered acceptable as it provides a clear transition between commercial built form (with zero setbacks) and single storey properties to the west of the site.</td>
</tr>
<tr>
<td>Clause 55.03-2 Building Height (Standard B7)</td>
<td>The maximum building height complies with the maximum height allowance of 11 metres, three storeys for sites within a General Residential Zone.</td>
</tr>
<tr>
<td>Clause 55.03-3 Site Coverage (Standard B8)</td>
<td>The proposed site coverage is 64.2% which exceeds the maximum requirement of 60%.</td>
</tr>
<tr>
<td></td>
<td>The variation to the numerical requirements of this standard is considered satisfactory in this instance.</td>
</tr>
<tr>
<td></td>
<td>The strategic location of the site directly abuts the commercial spine of ‘Ascot Vale-Union Road Activity Centre’ under Plan Melbourne 2017-2050.</td>
</tr>
<tr>
<td></td>
<td>The proposed site coverage makes efficient use of</td>
</tr>
<tr>
<td>ResCode Standard</td>
<td>Response</td>
</tr>
<tr>
<td>------------------</td>
<td>----------</td>
</tr>
<tr>
<td></td>
<td>the site and is not dissimilar to other sites within the immediately area. Further, the proposed street setback offers sufficient landscaping provision for a canopy tree to contribute to the streetscape.</td>
</tr>
<tr>
<td>Clause 55.03-8 Landscaping (Standard B13)</td>
<td>The site includes sufficient areas within the front and side setbacks elevation of the development for an appropriate landscaping response. A condition of any permit issued has been included requiring the submission of a Landscape Plan prepared by a suitably qualified person to clearly demonstrate appropriate landscaping throughout the site.</td>
</tr>
</tbody>
</table>
| Clause 55.03-1 Side and Rear Setbacks (Standard B17) | Dwelling 5 first floor northern boundary for the length of 4.51 metres is non-compliant with the numerical requirement providing zero setback (wall on boundary) instead of a minimum setback of 1.83 metres. The variation to the setback is considered substantiated for the following reasons:  
  - The first floor abuts the Dutton Lane junction which is not a sensitive interface and is utilitarian in nature thus amenity impacts will be minimal.  
  - There are several similar existing examples both residential and commercial properties that include double storey built forms to the rear that intersect at Dutton Lane and therefore this proposal is not unique in this regard.  
  - The inclusion of a recessed balcony creates a sense of space at the junction and assists in reducing the bulk of this rear built form.  

dwelling 1-5 eastern boundary side setbacks across all levels are non-compliant with the numerical standard, providing a mix of reduced setbacks and walls on boundaries. The variation to the setback is considered substantiated for the following reasons:  
  - The eastern elevation interface with a non-sensitive interface along Dutton Lane.  
  - The built form provides reasonable visual breaks at the third level along the length of the site.  
  - The design benefits from the Right of Way
<table>
<thead>
<tr>
<th>ResCode Standard</th>
<th>Response</th>
</tr>
</thead>
</table>
|                  | width to offer a proxy setback between building forms.  
|                  | • The design response is not dissimilar to existing property setbacks in the immediate area. |

**Clause 5.04-2 Walls on Boundaries (Standard B18)**  
It is only the eastern and northern first floors that are non-compliant. The non-compliance refers only to the average maximum height of 3.2 metres and maximum wall height at 3.6 metres.  
Eastern: A small portion of the first floor balconies are situated along the boundary with a wall height of 4.07 metres (excluding screening). The variation is considered substantiated for the following reasons:  
• Balconies provide a dual purpose of offering shelter for pedestrians accessing dwelling entries and garages.  
• Balconies face the laneway; a non-sensitive interface  
Northern: Dwelling 5 first floor wall on boundary is average height is 5.36 metres with maximum height of 6.55 metres. The variation is considered substantiated for the following reasons:  
• Walls on boundary faces a non-sensitive interface; Dutton Lane  
• It is not uncommon along Dutton Lane junction points for properties to be of a double storey scale.

**Clause 5.04-6 Overlooking (Standard B22)**  
The kitchen window and part of the balcony associated with Dwelling 1 are not treated with overlooking measures to prevent overlooking into the adjoining properties existing habitable room window.  
For purposes of ensuring the design proposal achieves full compliance with this standard it is recommended a standard compliance condition be included to any permit issued.

**Clause 5.04-7 Internal Views (Standard B23)**  
The balconies associated with Dwellings 2 and 3 are located side by side without internal screening to prevent overlooking. A condition to have these balconies screened should be included to any permit issued.

**Clause 5.05-2**  
Dwelling 5 entry is tucked behind its stairwell wall,
Dwelling Entry
(Standard B26)
and not visible from Munro Street and majority of the length of building along Dutton lane. The concealed entry does not support a clear sense of address. Dwelling 5 could benefit from a canopy to protrude over the porch for better identification mid-way through Dutton Lane. It is recommended a condition be included to any permit issued to this affect.

Clause 55.05-6 Storage Objective
(Standard 30)
Dwellings have not been provided with adequate external storage. It is recommended a condition be included to any permit issued that Dwelling 1,2,3 and 4 are fitted with 6m³ external storage unit and Dwelling 5 fitted with over bonnet storage area.

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

Table 5

<table>
<thead>
<tr>
<th>Issue</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighbourhood Character/ Visual Bulk</td>
<td>This is considered acceptable, subject to changes and the inclusion of conditions on any permit granted as discussed within Section 3.2 of this report. As highlighted within the above assessment, it is considered that the scale and form of the development is in keeping with the character of the area. There is evidence of expressive visual bulk which could be lessened by improving front and side setbacks and an improved colour and materials schedules.</td>
</tr>
<tr>
<td>Garden Area provision</td>
<td>The proposal provides a Garden Area of 26%, which accords with the minimum requirement of 25% for lots between 400sqm and 500sqm as per Clause 32.08 of the General Residential Zone of the Moonee Valley Planning Scheme.</td>
</tr>
<tr>
<td>Overdevelopment</td>
<td>The proposed density of the development is consistent with the site’s location within an established residential area and urban consolidation objectives of the Planning Policy Framework and Local Planning Policy Framework.</td>
</tr>
<tr>
<td>Issue</td>
<td>Officer Response</td>
</tr>
<tr>
<td>------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Non-compliance with street setback</td>
<td>Refer to Section 3.4 of this report for discussion.</td>
</tr>
<tr>
<td>Traffic and Parking</td>
<td>Refer to Section 3.3 of this report for discussion.</td>
</tr>
<tr>
<td>Car Parking/Traffic</td>
<td>The proposal complies the minimum car parking spaces requirements outlined in Clause 52.06 (Car parking) of the Moonee Valley Planning Scheme.</td>
</tr>
<tr>
<td>In sufficient on-site parking;</td>
<td>Although there will be an increase in traffic it is not considered that the proposal would contribute unreasonably to traffic congestion.</td>
</tr>
<tr>
<td>Increased pressure on car parking availability within the street;</td>
<td>It is noted the subject is located within Principle Public Transport network area and located 60 metres from a tram route and access to commercial amenities. Proximity to public transport and amenities reduce reliance on vehicles for daily activities.</td>
</tr>
<tr>
<td>Possible three bedroom dwellings;</td>
<td>The internal layout supports a two bedroom capacity for each dwelling, however the inclusion of a second living room has the capability of becoming a third bedroom. Therefore, a permit note stating that this living space is not allowed to become a bedroom will be included on any permit issued.</td>
</tr>
<tr>
<td>Pedestrian safety with increase in vehicle movement along Dutton Lane;</td>
<td>The design affords three refuge points, doubled as vehicle crossings, for the odd occasion pedestrian and vehicle along Dutton Lane come into conflict. The refuge points are spaced adequately to allow pedestrians to obtain refuge with ease if needed.</td>
</tr>
<tr>
<td></td>
<td>Dutton Lane has several entry/exit points via Munro Street, Roseberry Street and Ferguson Street. Multiple entry/exit points offer a greater opportunity for pedestrian and vehicle traffic to be disburse.</td>
</tr>
<tr>
<td></td>
<td>It is reasonable to suggest that the existing circumstances would lend that vehicles and pedestrians already negotiate space along Dutton Lane in the absence of any refuges.</td>
</tr>
<tr>
<td></td>
<td>Should a separate pedestrian walkway be considered this would increase the paved hard surfaces, and limit the opportunity for meaningful landscaping. Landscaping at pedestrian level along the façade is essential for improving the dwellings aesthetic and assist with identifying the building as residential and dwelling entries points.</td>
</tr>
<tr>
<td>Issue</td>
<td>Officer Response</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>The proposal provides a good balance safety and aesthetic appeal.</td>
<td>Council’s Traffic and Transport Unit, provided no objection subject to minor changes to achieve compliant swept paths and the inclusion of 1x1 splay at the Munro and Dutton intersection.</td>
</tr>
<tr>
<td>Neighbouring amenity – Concern with Dwelling 5 wall on boundary located adjacent to objector’s private open space would be used as a backboard by her son rendering unfavourable amenity for future occupants of Dwelling 5, and imposing a level of responsibility to protect Dwelling 5 amenity.</td>
<td>The wall on the western boundary of Dwelling 5 is off-set 200mm from the boundary to allow for the continuation of a standard boundary fence.</td>
</tr>
<tr>
<td>Infrastructure (flooding)</td>
<td>Council’s Development Engineering (Drainage) Unit reviewed the proposal and expressed no concerns with flooding.</td>
</tr>
<tr>
<td>Incorrect depiction of neighbouring property details.</td>
<td>The incorrect information has not influenced assessment.</td>
</tr>
</tbody>
</table>

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 Planning Policy Framework, Local Planning Policy Framework, zoning controls, the relevant Particular and General Provisions, and the decision guidelines at Clause 65 of the Moonee Valley Planning Scheme.

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

It is considered the proposal demonstrates general compliance with the requirements of these provisions and policies.

It is determined that the proposal would not have a significant social effect.

The application should be supported as detailed in the recommendation section.

Appendices
Appendix A: Objection List
Appendix B: Advertised Plans (separately circulated)
Appendix C: Section 57A Plans (separately circulated)
Appendix D: ResCode Assessment
Objectors List for MV/539/2017 at 6 Munro Street, ASCOT VALE

<table>
<thead>
<tr>
<th>Mailing Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 Munro Street, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>9 Munro Street, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>11 Munro Street, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>12 Munro Street, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>14 Munro St, ASCOT VALE VIC 3032</td>
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<tr>
<td>16 Munro Street, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>18 Munro Street, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>23 Munro St, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>23 Munro Street, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>24 James Street, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>25 Munro Street, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>25 Munro Street, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>26 Munro St, ASCOT VALE VIC 3032</td>
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<tr>
<td>27 Munro Street, ASCOT VALE VIC 3032</td>
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<td>28 Munro Street, ASCOT VALE VIC 3032</td>
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<tr>
<td>30 Munro Street, ASCOT VALE VIC 3032</td>
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<tr>
<td>34 Munro Street, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>35 Hurtle Street, ASCOT VALE VIC 3032</td>
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<tr>
<td>40 Munro Street, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>45 Munro Street, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>46 Munro Street, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>51 Munro St, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>60 Munro Street, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>62 Munro Street, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>62 Munro Street, ASCOT VALE VIC 3032</td>
</tr>
<tr>
<td>70 Munro Street, ASCOT VALE VIC 3032</td>
</tr>
</tbody>
</table>
APPENDIX B - Clause 55 of the Moonee Valley Planning Scheme

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

Where there is non-compliance, see main report.

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard</th>
<th>Complies with Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1 - Neighbourhood Character</td>
<td>✓ subject to condition</td>
<td>✓ subject to condition</td>
</tr>
<tr>
<td>B 2 - Residential Policy</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 3 - Dwelling Diversity</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>B 4 - Infrastructure Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 5 - Integration with the Street Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B6 - Street Setback Objective</td>
<td>X</td>
<td>✓</td>
</tr>
<tr>
<td>B7 - Building Height Objective</td>
<td>X</td>
<td>✓</td>
</tr>
<tr>
<td>B8 - Site Coverage Objective</td>
<td>X</td>
<td>✓</td>
</tr>
<tr>
<td>B9 - Permeability Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B10 - Energy Efficiency Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 11 - Open Space Objective</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>B 12 - Safety Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 13 - Landscaping Objectives</td>
<td>✓ subject to condition</td>
<td>✓ subject to condition</td>
</tr>
<tr>
<td>B 14 - Access Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 15 - Parking Location Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 17 - Side and Rear Setbacks Objective</td>
<td>X</td>
<td>✓</td>
</tr>
<tr>
<td>B 18 - Walls on Boundaries Objective</td>
<td>X</td>
<td>✓</td>
</tr>
<tr>
<td>B 19 - Daylight to Existing Windows Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 20 - North-facing Windows Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 21 - Overshadowing Open Space Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 22 - Overlooking Objective</td>
<td>✓ subject to condition</td>
<td>✓ subject to condition</td>
</tr>
<tr>
<td>Objective</td>
<td>Compliance 1</td>
<td>Compliance 2</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>--------------</td>
<td>--------------</td>
</tr>
<tr>
<td>B 23 - Internal Views Objective</td>
<td>✓ subject to condition</td>
<td>✓ subject to condition</td>
</tr>
<tr>
<td>B 24 - Noise Impacts Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 25 - Accessibility Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 26 - Dwelling Entry Objective</td>
<td>✓ subject to condition</td>
<td>✓ subject to condition</td>
</tr>
<tr>
<td>B 27 - Daylight to New Windows Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 28 - Private Open Space Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 29 - Solar Access to Open Space Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 30 - Storage Objective</td>
<td>✓ subject to condition</td>
<td>✓ subject to condition</td>
</tr>
<tr>
<td>B 31 - Design detail objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 32 - Front Fences Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 33 - Common Property Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 34 - Site Services Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

✓ - complies, x - non-compliance, N/A - Not Applicable
10.2 4 Schofield Street Essendon (Lot 7 on LP 006040) - Construction of five dwellings

File No: FoL/18/32  
Author: Justin Scriha - Senior Statutory Planner  
Directorate: Planning and Development

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/137/2018</th>
</tr>
</thead>
</table>
| Proposal          | Construction of five dwellings  
|                   | • 5 X double storey dwellings  
|                   | (5 X 4 bedrooms) |
| Applicant         | PLANNING & PROPERTY PARTNERS |
| Owner             | L Sloan & A Enriquez-Cazorla |
| Planning Scheme Controls | General Residential Zone; HO2 |
| Planning Permit Requirement | Clause 32.08-6 – Construct two or more dwellings on a lot |
| Car Parking Requirements (Clause 52.06) | Requires – 10 car spaces  
|                   | Provides – 12 car spaces |
| Restrictive Covenants | None |
| Easements         | 1.52 metre wide drainage easement (E-1) along the rear (east) boundary |
| Site Area         | 1,212 square metres |
| Number Of Objections | 26 objections from 15 properties |
| Consultation Meeting | 4 July 2018 |
Executive Summary

- This application seeks planning permission for the construction of five double storey dwellings in a tandem arrangement across the depth of the site, with vehicle and car parking access proposed via a single shared basement.

- At the time of lodgement the application triggered a planning permit under Clause 52.06-3 (Car Parking) of the Moonee Valley Planning Scheme for a reduction of the requirement to provide one visitor car space. This requirement is no longer applicable to the proposal due to Planning Scheme Amendment VC148 (Reforms to the Victoria Planning Provisions – Smart Planning Program) which was gazetted on 31 July 2018.

- The site has an area of 1,212 square metres and is located on the eastern side of Schofield Street, Essendon. The property is currently occupied by a single storey rendered dwelling.

- The application was advertised and 26 objections were received from 15 properties. Concerns were raised primarily in relation to neighbourhood character, Heritage Overlay, visual bulk, off-site amenity impacts, car parking/traffic, overdevelopment, drainage concerns and excavation issues.

- A Consultation Meeting was held on 4 July 2018 which was attended by Councillor Lawrence, objectors, the permit applicant and Council’s Planning Officer. There was no resolution achieved at the meeting.

- The application was internally referred to Council’s Development Engineering (Traffic and Drainage) Unit and no objections were raised, subject to permit conditions.

- The proposal provides a moderate increase in housing supply in an established residential location with good access to public transport, schools, open spaces, retail and community facilities. The design theme of the development is consistent with the emerging character of the area.

- The application achieves a high level of compliance with the standards of ResCode, with seven areas of non-compliance. These are Neighbourhood Character and Design Details, Energy Efficiency, Landscaping, Overshadowing Open Space, Solar Access to Open Space, Dwelling Entries and Walls on Boundaries (western garage wall of Dwelling 1). This assessment finds that the majority of ResCode non-compliances identified are minor and easily resolved through conditions of any permit issued, rather than warranting a refusal of the application. In one instance (Energy Efficiency) it is considered that the objective of ResCode has been achieved and a variation to the standard is appropriate.

- Overall, the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme. It is therefore recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.
Figure 1 – Aerial photograph of the subject site and surrounds

Recommendation

That Council issues a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/137/2018 for the construction of five dwellings at 4 Schofield Street, Essendon (Lot 7 on LP 006040), subject to the following conditions:

Endorsement Conditions

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

   a) The provision of eaves or similar canopy features to the dwellings;
   b) Compliance with Standard B21 of Clause 55.04-5 (Overshadowing Open Space) of the Moonee Valley Planning Scheme achieved in relation to the adjoining secluded private open space areas at 4/82 and 5/82 Glass Street;
   c) The provision of entry canopies (or similar features) to the pedestrian entrances of Dwellings 2, 3, 4 and 5 in accordance with Standard B26 of Clause 55.05-2 (Dwelling Entry) of the Moonee Valley Planning Scheme;
   d) The inclusion of a window to the blank wall above the basement entrance facing Schofield Street;
   e) The elevation drawings to include the basement level;
   f) The Garden Area plan to exclude all areas where the basement is not fully submerged and demonstrate compliance with Clause 32.08-4 is maintained;
g) Details of the proposed letter and metre boxes to ensure that they do not obstruct the pedestrian visibility splay;

h) Compliance with Standard B29 of Clause 55.05-5 (Solar Access to Open Space) achieved for the secluded private open space area of Dwelling 3;

i) The length of the 1:8 transition grade at the bottom of the accessway ramp increased to 2.5 metres, or, the entrance to the Dwelling 1 basement relocated by 500mm to the east;

j) The Ground Floor plan and elevations to be consistent with each other in regards to boundary fencing;

k) An amended Landscape Plan in accordance with Condition 6, ensuring consistency between all plans with respect to external surface treatments;

l) The submission of a WSUD treatment plan that clearly defines all catchment areas and demonstrates feasibility of all treatments in accordance with the approved STORM report; and

m) A notation referring all ESD measures and design features to the approved SDA and BESS report.

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 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.

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

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

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

a) Any changes as required by Condition 1 of this permit;

b) The extent of all impervious surfaces to accord with the Condition 1 plans and any approved STORM report;

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

d) The provision of two canopy trees within the front setback of Dwelling 1 which are able to achieve a minimum mature height of 4 metres;

e) The inclusion of garden beds and planting, including canopy trees, within the secluded private open space areas of Dwellings 2 – 5 which are capable of screening the development from the adjoining properties;

f) The use of non-invasive plant species within the easement area of Dwelling 5 which will ensure that existing infrastructure assets are not damaged by root systems; and

g) The inclusion of Boston Ivy (Parthenocissus tricuspidata) or plant/s with similar qualities including suitable support trellising to obscure the retaining walls associated with the accessway ramp.

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

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

End Endorsement Conditions
Development Conditions

7. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.

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

9. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking objective) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

10. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than storm water down pipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

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

   a) Constructed;

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

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

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

   in accordance with the endorsed plans.

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

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

   b) Not be used for any other purpose;

   to the satisfaction of the Responsible Authority.

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

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

13. All structures within the pedestrian visibility splays at the vehicle access point must be at least 50% visually permeable pursuant to Clause 52.06-9 (Design standards for car parking) of the Moonee Valley Planning Scheme.

14. 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.

15. 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.

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

17. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.

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

End Development Conditions

19. The permit will expire if:

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

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

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

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

Permit Notes

- This is not a building permit under the Building Act 1993. A separate building permit is required to be obtained for any demolition or building works.

- Before the development starts, the permit holder must contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.

- The required on-site detention system must be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following: Cw=0.4, tc=10mins, tso=5mins, ARI 1 in 5. An ARI of 1 in 10 shall be used for storage and the greater of post development Cw or Cw=0.80.

- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.

- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council’s Technical Services Department and be to the satisfaction of the Responsible Authority.

- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and or easement. Council will not accept any modifications to existing levels within any road reserve or easement.

- No on street parking permits will be provided to the occupiers of the land.

- The development authorised by this permit will require the submission of a Construction and Site Management Plan (CSMP) prior to the commencement of any works. All CSMP’s are required to be made via Council’s new online system at [http://www.mvcc.vic.gov.au/planning-and-building/planning/construction-site-management-plans.aspx](http://www.mvcc.vic.gov.au/planning-and-building/planning/construction-site-management-plans.aspx) or in person at 9 Kellaway Avenue, Moonee Ponds.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the eastern side of Schofield Street in Essendon. The site is rectangular in shape with a frontage width of 18.29 metres and a depth of 66.29 metres. The site area is 1,212 square metres.

A 1.52 metre wide drainage easement exists along the rear (eastern) boundary of the site. There are no restrictive covenants or encumbrances on the title.
The subject site currently accommodates a single storey rendered dwelling with a pitched roof.

Figure 2 – No. 4 Schofield Street, Essendon
The surrounding land is within a General Residential Zone, properties to the east and south-east of the site are also included in a Heritage Overlay (HO2). Residential development in proximity of the subject site is varied, with a mix of single dwellings on large allotments and multi-unit developments. Examples of multi-unit developments are located at 6, 7, 8, 10, 12, 13, 14, 16, 18, 20 and 24 Schofield Street and 82 Glass Street.

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

It is noted that this property is located within 400 metres of the Principal Public Transport Network (PPTN) (tram and smartbus routes along Mt Alexander Road to the west). It is also noted that the commercial core of Mt Alexander Road is part of the North Essendon Activity Centre.

1.2 Proposal
It is proposed to construct five double storey dwellings in tandem across the depth of the site. Dwelling 1 is proposed to front Schofield Street whilst Dwellings 2-5 are oriented to face an internal pedestrian walkway along the southern title boundary. Vehicle access and car parking to all dwellings is proposed via a communal basement with a single accessway to Schofield Street. The proposal can be summarised as follows:

Table 1
Development Summary

<table>
<thead>
<tr>
<th>Development Summary</th>
<th>5 X 2 storey dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>No of dwellings</td>
<td>(5 X 4 bedrooms)</td>
</tr>
<tr>
<td>No of car spaces</td>
<td>12 car spaces</td>
</tr>
<tr>
<td>Max Building Height</td>
<td>7.33 metres</td>
</tr>
<tr>
<td>Site Coverage</td>
<td>52%</td>
</tr>
<tr>
<td>Permeability</td>
<td>28%</td>
</tr>
<tr>
<td>Garden area</td>
<td>Requires – 35% Provides – 43% (calculated on the basis of the basement being fully below ground)</td>
</tr>
</tbody>
</table>

Refer Appendix C Plans (separately circulated).

2. **Background**

2.1 **Relevant Planning History**

There is no relevant planning permit history identified for the land.

2.2 **Planning Policies & Decision Guidelines**

**Planning Policy Framework**

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

**Local Planning Policy Framework**

Clause 21.01 Municipal Profile
Clause 21.02 Key Issues and Influences
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) Zones

Clause 32.08 General Residential Zone

**Particular and General Provisions**

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

2.3 **Referrals**

External Referrals
Not required in this instance

Internal Referrals

Table 2

<table>
<thead>
<tr>
<th>Department/Officer</th>
<th>Comments/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Engineering</td>
<td>No objection subject to a condition to increase the length of the 1:8 transition grade at the bottom of the access ramp to 2.5 metres.</td>
</tr>
<tr>
<td>(Traffic)</td>
<td></td>
</tr>
<tr>
<td>Development Engineering</td>
<td>No objection subject to standard conditions.</td>
</tr>
<tr>
<td>(Drainage)</td>
<td></td>
</tr>
</tbody>
</table>

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, and one notice displayed on site for 14 days.

A total of 26 objections were received from the 15 properties contained within Appendix A of this report. The objections are discussed at Section 3.5 of this report.

2.5 Consultation Meeting

A Consultation Meeting was held on 4 July 2018, which was attended by Councillor Lawrence, objectors, the permit applicant and Council’s Planning Officer. No formal resolution was achieved at the meeting.

3. Discussion

3.1 Does the proposal address the relevant Planning and Local Planning Policy Framework clauses?

The relevant Planning and Local Planning Policy Framework objectives are considered to have been satisfied by the proposal. The policy framework objectives broadly encourage consolidation of urban allotments in locations which can provide housing diversity and take advantage of existing public transport and community and commercial services. Relevant policy guidance is contained within ‘Plan Melbourne 2017-2050: Metropolitan Planning Strategy’ and Clauses 11, 15, 16 and 21.05, which all seek to increase the residential supply in these areas.

The proposal represents an appropriate degree of housing intensification in this location and contributes to the objective of moderately increasing housing density by providing five dwellings that are well placed to service the needs of future residents. The proposed development responds to the objectives and strategies of Clause 21.06 (Built Environment). The key concepts of this clause are discussed further in Section 3.2 below.

The proposal generally complies with Clause 21.04-3 (Ecologically Sustainable Development), through the submission of a successful Sustainable Design Assessment (SDA), subject to conditions on any permit issued.

The proposal accords with objectives of Clause 21.04-7 (Waste) and can be adequately catered by Council’s waste collection service.
The proposal also complies with Clause 22.03 (Stormwater Management – Water Sensitive Urban Design) by providing adequate on-site stormwater treatment, subject to conditions on any permit issued.

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

The subject land is identified as being within character area ‘Garden Suburban 3’ within the Moonee Valley Neighbourhood Character Precinct Profiles 2012. The development is considered a suitable response to the immediate context and the preferred character statement of the precinct as follows:

- The proposed contemporary built form (roof form, design detailing and materials) of the development is consistent with the emerging character of the area, particularly given the site’s context in relation to the North Essendon Activity Centre, subject to a conditional change as discussed below.

- The siting and massing of the development is appropriate given the pattern of development in the area. The first floor footprints are well recessed from all sensitive interfaces (by a minimum of 3.0 metres in all instances) and adequate spacing is provided between Dwelling 1 and Dwelling 2 (7.635 metres) and Dwelling 3 and Dwelling 4 (3.0 metres), allowing for appropriate visual breaks.

The development responds to the preferred character statement of the precinct as it provides front façade articulation at the Schofield Street interface through the use of recesses, particularly at the first floor level.

The preferred character statement also calls for consistent front and side setbacks to reinforce the existing rhythm of built form which is achieved by the development. The minimum front setback of 5.4 metres (to the Dwelling 1 entrance) is compliant with Standard B6 of Clause 55.03-1 (Street Setback) of the Moonee Valley Planning Scheme. Further, the Dwelling 1 street setback is staggering, increasing from south to north in response to the directly adjoining properties in order to maintain the established streetscape rhythm. Generous side setbacks of 1.4 metres to the north and 2.5 metres to the south are also provided to achieve this outcome.

- Further articulation (aside from setbacks and recesses) of the development is achieved through material variation applied across each dwelling façade. This includes a mix of brickwork and render across the ground floor levels and render, cladding (timber and painted finishes) and louvres across the first floor levels. The selected palette of colours and materials includes light finishes (brickwork, timber look cladding and light grey render) in accordance with the preferred character statement of the precinct. Articulation could be further improved through the addition of a window to the blank wall above the basement entrance (facing Schofield Street) which will be included as a condition of any permit issued.

In addition, the pedestrian entrance of Dwelling 1 is highlighted through protruding vertical and horizontal canopies to reference the prominence of porches in the area.
• The dwellings each have flat roofs which is acceptable in this instance. The lack of a pitch reduces the bulk of the development which is particularly beneficial given the extent of built form across the depth of the site. A condition of any permit issued will require that eave or canopy features are added to the dwellings to reference the prominence of pitched roofs in the area.

• As discussed, the materials and finishes are consistent with this form of development and add visual interest to the built form.

• Sufficient areas within the front, side and rear setbacks are provided for a landscaping response, including canopy tree planting to contribute to the garden character of the area.

• A 900mm high brick pillar fence with timber and metal post infill is provided across the Schofield Street frontage, in keeping with the design theme of the proposal and the established fencing pattern of the area. Importantly, the front fence will ensure that views to front landscaping for the development is maintained.

• All car parking is concealed within the shared basement, which is provided with a single accessway to Schofield Street. The accessway ramp is sufficiently offset by open space with the potential for landscaping, and the accessway itself can be treated with climbing plants which will be incorporated as a condition of any permit to be shown on a landscape plan.

3.3 Is the provision and design of car parking acceptable?

The proposal provides on-site car parking for each dwelling as set out in Table 3 below:

Table 3

<table>
<thead>
<tr>
<th>Dwellings</th>
<th>Requires</th>
<th>Provides</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 X 4 bedrooms</td>
<td>10</td>
<td>12</td>
</tr>
<tr>
<td>Visitor parking</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
<td>12</td>
</tr>
</tbody>
</table>

It is noted that at the time that this application was lodged it required a reduction of one visitor car parking space. This requirement has since been removed through Planning Scheme Amendment VC148 (Reforms to the Victoria Planning Provisions – Smart Planning Program) which was gazetted on 31 July 2018.

The amendment (amongst other changes) updated Table 1 to Clause 52.06-5 (Number of car parking spaces) to introduce a ‘Column B’ requirement for visitor parking to dwellings of 0, regardless of the number of dwellings proposed. The ‘Column B’ requirement is applicable in lieu of ‘Column A’ if ‘any part of the land is identified as being within the Principal Public Transport Network Areas shown on the Principal Public Transport Network Area Maps (State Government of Victoria, 2018). As discussed in Section 1.1 of this report, it is confirmed that the subject site is located within the PPTN area for the City of Moonee Valley and a copy of this map is provided at Appendix D of this report.
The design of car spaces and accessways generally complies with the requirements of Clause 52.06-9, including the provision of pedestrian visibility splays.

The following requirement raised by Council’s Development Engineering (Traffic) Unit will be included as a condition on any permit issued:

- Increase the length of the 1:8 transition grade at the bottom of the access ramp to 2.5 metres. Alternatively, this can be achieved by relocating the Dwelling 1 basement entrance by 500mm to the east.

The other requirements previously raised by the Development Engineering (Traffic) Unit are considered to be satisfied on the advertised plans.

### 3.4 Does the proposal comply with the relevant objectives and standards of ResCode?

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

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

<table>
<thead>
<tr>
<th>ResCode Standard</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 55.02-1 Standard B1 Neighbourhood Character</td>
<td>The proposed design response is acceptable in terms of neighbourhood character subject to conditional changes as discussed above in Section 3.2 of this report.</td>
</tr>
<tr>
<td>Clause 55.03-5 Standard B10 Energy Efficiency</td>
<td>The theatre room located in the basement of Dwelling 1 is not provided with any windows which results in a technical non-compliance with this standard given that this is considered a habitable room. The absence of a window to this habitable room is not considered to be inappropriate given that the nature of this room would require it to be in darkness when in use. Further, all habitable rooms in the rest of the development are provided with adequate solar access.</td>
</tr>
<tr>
<td>Clause 55.03-8 Standard B13 Landscaping</td>
<td>The submitted Landscape Plan must be modified to accord with the development plans with respect to the provision of paving to the development. Inconsistencies have been noted between the two plans along the northern setback of Dwelling 1.</td>
</tr>
<tr>
<td>Clause 55.04-5 Standard B21 Overshadowing Open Space</td>
<td>4/82 and 5/82 Glass Street do not receive at least 5 hours of sunlight to 75% of their total secluded private open space (SPOS) areas in accordance with this standard. The additional overshadowing occurs at the hours of 9am and 10am, whilst after 11am shadows cast by the development fall within the line of existing shadows cast by the boundary fence. A condition of</td>
</tr>
</tbody>
</table>
TUESDAY 25 SEPTEMBER 2018
AGENDA – ORDINARY COUNCIL MEETING

<table>
<thead>
<tr>
<th>ResCode Standard</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>any permit issued will require that setbacks or wall heights (or both) of the development are modified to ensure that 5 hours of sunlight is achieved to the adjoining SPOS areas of 4/82 and 5/82 Glass Street in accordance with this standard.</td>
</tr>
<tr>
<td></td>
<td>Clause 55.05-2 Standard B26 Dwelling Entry The pedestrian entrances to Dwellings 2 – 5 along the southern boundary of the site have not been provided with shelter as required by this standard. A condition of any permit issued will therefore require that entry canopies are provided to each dwelling entrance.</td>
</tr>
<tr>
<td></td>
<td>Clause 55.05-5 Standard B29 Solar Access to Open Space The secluded private open space area of Dwelling 3 does not comply with the setback requirement of this standard due to the location of garage boundary walls associated with 3/6 and 4/6 Schofield Street, Essendon. The walls have a height of 2.4 metres and therefore a setback of 4.16 metres is required. The setback provided ranges from 4 – 4.2 metres. It is considered that this is a minor non-compliance which can easily be rectified through a condition of any permit issued.</td>
</tr>
<tr>
<td></td>
<td>Clause 55.06-1 Standard B31 Design Detail As discussed above in Section 3.2 of this report, a condition of any permit issued will require that eave or canopy features are added to the dwellings to reference the prominence of pitched roofs in the area.</td>
</tr>
</tbody>
</table>

3.5 Objections (Discussion)

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

Table 5

<table>
<thead>
<tr>
<th>Summary of Issue/Concern</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overlooking of adjoining secluded private open space areas</td>
<td>All first floor habitable room windows with direct views of adjoining secluded private open space areas have been treated in accordance with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme through the provision of fixed, obscured glazing for all sections below 1.7 metres above finished floor level.</td>
</tr>
<tr>
<td>Visual bulk associated with two storey built form</td>
<td>This aspect of the proposal is considered to be acceptable. As discussed above in Section 3.2 of this report, the first floor footprints are well recessed from all sensitive interfaces (by a minimum of 3.0 metres in all instances) and adequate spacing is provided between Dwelling 1 and Dwelling 2 (7.635 metres) and Dwelling 3 and Dwelling 4 (3.0 metres), allowing for</td>
</tr>
<tr>
<td>Summary of Issue/Concern</td>
<td>Officer Response</td>
</tr>
<tr>
<td>--------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Oversighting</td>
<td>As discussed above in Section 3.4 of this report a condition of any permit issued will require that the development is modified to comply with this standard.</td>
</tr>
<tr>
<td>Removal of an existing tree from the backyard of the subject site</td>
<td>The tree in question is not subject to any planning controls and there is sufficient space provided throughout the site for the planting of replacement canopy trees which will be required as part of an amended Landscape Plan.</td>
</tr>
<tr>
<td>Reduction of visitor parking space not appropriate</td>
<td>As discussed above in Section 3.3 of this report the application is no longer required to provide a visitor car parking space. Notwithstanding this, the provision of on-site parking to the development exceeds the requirement of Clause 52.06 of the Moonee Valley Planning Scheme.</td>
</tr>
<tr>
<td>The design is not in accordance with the established neighbourhood character of the area</td>
<td>As discussed under Section 3.2 of this report, the development is considered to be an appropriate design response in this context, subject to the inclusion of conditions on any permit issued.</td>
</tr>
<tr>
<td>The development is inappropriate within the context of the adjoining Heritage Overlay at Crisp Street</td>
<td>The site is not subject to the Heritage Overlay and as such is not required to be assessed against the relevant heritage provisions of the planning scheme. Notwithstanding the above, it is noted that the proposed development would not interrupt the established heritage character of Crisp Street as any views of the proposed buildings and works from the public realm would be oblique and interrupted by existing dwellings and outbuildings. The Statement of Significance for the Glass Street precinct (HO2) list key attributes of dwellings in the precinct that contribute to its significance, including the consistency of scale, form, siting and original materials and details. It is not considered that this proposal will have any impact on the above listed significant features of the dwellings at Crisp Street.</td>
</tr>
<tr>
<td>Existing stormwater and drainage concerns</td>
<td>A conditional requirement for the development raised by Council’s Development Engineering (Drainage) Unit is for the provision of an on-site stormwater detention drainage system. This will ensure the development temporarily retains stormwater on the site which will enable rainwater falling on the site to be controlled and released at a slower rate than it would normally do, effectively limiting the flow rate of rainwater into the</td>
</tr>
<tr>
<td>Summary of Issue/Concern</td>
<td>Officer Response</td>
</tr>
<tr>
<td>--------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Council drainage system and avoiding potential issues of overflow. In addition, as discussed in Section 3.1 of this report, the development has achieved compliance with Council’s Local Planning Policy for Stormwater Management (Clause 22.03) through the submission of a compliant STORM report. The STORM report mandates that each dwelling is to be provided with a water tank capturing water from 100% of the total roof area of the five dwellings which is to be used for toilet flushing. Whilst any overflow from these water tanks will be discharged into the Council drainage system, this will further reduce the impact of the development on said system.</td>
<td></td>
</tr>
<tr>
<td>Overdevelopment</td>
<td>The proposal is considered to achieve a suitable balance between the expected housing growth and the preferred character of the area, and represents an appropriate level of intensification in this context. Further, the proposal achieves compliance with the quantitative standards of ResCode, such as site coverage, permeability, side and rear setbacks and can be conditioned to comply with overshadowing open space. Achieving compliance with these standards indicates that the intensity of development is appropriate for the size of the lot.</td>
</tr>
<tr>
<td>The use of paling and lattice fence (northern boundary) is an unattractive outcome</td>
<td>The ground floor and elevation plans are inconsistent with each other with respect to the provision of boundary fencing. This will be rectified as a condition of any permit issued.</td>
</tr>
<tr>
<td>Potential impact of excavation on the adjoining dwellings</td>
<td>This is not a planning consideration and should not prevent the granting of a planning permit for the proposal as it will be assessed under the Building Permit application. Further, the application was referred to Council’s Technical Services Department who raised no objections. It is therefore considered that the objector’s concerns can be addressed through the building permit process.</td>
</tr>
<tr>
<td>Site coverage and permeability miscalculated on the plans</td>
<td>An independent review of the submitted plans has confirmed the stated site coverage and permeability figures of 52% and 28% respectively.</td>
</tr>
<tr>
<td>Side setback non-compliances along the northern and</td>
<td>An independent review of the submitted plans has confirmed that all side and rear setbacks along the northern and eastern boundaries exceed the</td>
</tr>
</tbody>
</table>
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 Planning Policy Framework, Local Planning Policy Framework, zoning controls, the relevant Particular and General Provisions, and the decision guidelines at Clause 65 of the Moonee Valley Planning Scheme.

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

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

Appendices

Appendix A: Location of Objectors
Appendix B: Clause 55 (ResCode) Assessment
Appendix C: Advertised Plans (separately circulated)
Appendix D: Moonee Valley PPTN Area Map
**APPENDIX A**

**MV/137/2018 – 4 Schofield Street, Essendon**

**Location of Objectors**

<table>
<thead>
<tr>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Schofield Street, Essendon</td>
</tr>
<tr>
<td>2 Schofield Street, Essendon</td>
</tr>
<tr>
<td>3 Schofield Street, Essendon</td>
</tr>
<tr>
<td>1/6 Schofield Street, Essendon</td>
</tr>
<tr>
<td>2/6 Schofield Street, Essendon</td>
</tr>
<tr>
<td>3/6 Schofield Street, Essendon</td>
</tr>
<tr>
<td>4/6 Schofield Street, Essendon</td>
</tr>
<tr>
<td>5/6 Schofield Street, Essendon</td>
</tr>
<tr>
<td>3 Crisp Street, Essendon</td>
</tr>
<tr>
<td>5 Crisp Street, Essendon</td>
</tr>
<tr>
<td>7 Crisp Street, Essendon</td>
</tr>
<tr>
<td>4/82 Glass Street, Essendon</td>
</tr>
<tr>
<td>5/82 Glass Street, Essendon</td>
</tr>
<tr>
<td>84 Glass Street, Essendon</td>
</tr>
<tr>
<td>5 Del Mar Court, Keilor Lodge</td>
</tr>
</tbody>
</table>
**APPENDIX B**

**MV/137/2018 – 4 Schofield Street, Essendon**

Clause 55 (ResCode) of the Moonee Valley Planning Scheme

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

Where there is non-compliance, see main report.

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard</th>
<th>Complies with Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1 - Neighbourhood Character</td>
<td>✓ (condition)</td>
<td>✓</td>
</tr>
<tr>
<td>B 2 - Residential Policy</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 3 - Dwelling Diversity</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>B 4 - Infrastructure Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 5 - Integration with the Street Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 6 - Street Setback Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 7 - Building Height Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 8 - Site Coverage Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 9 - Permeability Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B10 - Energy Efficiency Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 11 - Open Space Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 12 - Safety Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 13 - Landscaping Objectives</td>
<td>✓ (condition)</td>
<td>✓</td>
</tr>
<tr>
<td>B 14 - Access Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 15 - Parking Location Objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B16 – Parking Provision</td>
<td>Deleted from Clause 55 on 5 June 2012 (VC90). Refer to Clause 52.06 for car parking requirements under Section 3.4 of the report.</td>
<td></td>
</tr>
<tr>
<td>B 17 - Side and Rear Setbacks Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 18 - Walls on Boundaries Objective</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>B 19 - Daylight to Existing Windows Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>B 20 - North-facing Windows Objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
<td>Complies</td>
</tr>
<tr>
<td>------</td>
<td>--------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>B 21</td>
<td>Overshadowing Open Space Objective</td>
<td>✓</td>
</tr>
<tr>
<td>B 22</td>
<td>Overlooking Objective</td>
<td>✓</td>
</tr>
<tr>
<td>B 23</td>
<td>Internal Views Objective</td>
<td>✓</td>
</tr>
<tr>
<td>B 24</td>
<td>Noise Impacts Objectives</td>
<td>✓</td>
</tr>
<tr>
<td>B 25</td>
<td>Accessibility Objective</td>
<td>✓</td>
</tr>
<tr>
<td>B 26</td>
<td>Dwelling Entry Objective</td>
<td>✓</td>
</tr>
<tr>
<td>B 27</td>
<td>Daylight to New Windows Objective</td>
<td>✓</td>
</tr>
<tr>
<td>B 28</td>
<td>Private Open Space Objective</td>
<td>✓</td>
</tr>
<tr>
<td>B 29</td>
<td>Solar Access to Open Space Objective</td>
<td>✓</td>
</tr>
<tr>
<td>B 30</td>
<td>Storage Objective</td>
<td>✓</td>
</tr>
<tr>
<td>B 31</td>
<td>Design detail objective</td>
<td>✓</td>
</tr>
<tr>
<td>B 32</td>
<td>Front Fences Objective</td>
<td>✓</td>
</tr>
<tr>
<td>B 33</td>
<td>Common Property Objectives</td>
<td>✓</td>
</tr>
<tr>
<td>B 34</td>
<td>Site Services Objectives</td>
<td>✓</td>
</tr>
</tbody>
</table>

✓ - complies, x - non-compliance, N/A- Not Applicable
Principal Public Transport Network Area Maps

Moonee Valley Planning Scheme

Legend:
- Existing Public Transport Network
- Proposed Public Transport Network Area

Map 24 of 33

August 2018
10.3 144 Pascoe Vale Road, Moonee Ponds (Lots 1 and 2 on TP519024F) - Use and development of the land for a multi-level, mixed use building, a reduction in car parking and loading/unloading requirements along with alteration of access to a road in a Road Zone, Category 1

File No: Fol/18/32  
Author: Jennifer Kemp - Senior Statutory Planner  
Directorate: Planning and Development

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/756/2013</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Proposal</strong></td>
<td>Amendment to permit MV/756/2013</td>
</tr>
<tr>
<td></td>
<td>• 22 dwellings</td>
</tr>
<tr>
<td></td>
<td>• Consolidated retail premises</td>
</tr>
<tr>
<td></td>
<td>• Additional storey</td>
</tr>
<tr>
<td></td>
<td>• Additional two basement levels</td>
</tr>
</tbody>
</table>

| **Applicant**       | Ratio Consultants Pty Ltd |
| **Owner**           | George and Anna Koutsantonis |

| **Planning Scheme Controls** | Commercial 1 Zone  
Environmental Significant Overlay  
Scheduled 2  
Land adjoining a Category 1, Road Zone |
|-------------------------------|-------------------------|

| **Car Parking Requirements** | Total required – 42 spaces  
Total provided – 42 spaces |
|-------------------------------|-----------------------------|

| **Bicycle Requirements** | Total required – 6 spaces  
Total provided – 10 spaces |
|--------------------------|-----------------------------|

| **Restrictive Covenants** | None |

| **Easements** | None |

| **Site Area** | 1003 square metres |

| **Statement of Grounds** | 5 |

| **Consultation Meeting** | N/A |
Executive Summary

- The applicant sought an amendment to Planning Permit MV/756/2013 through the Victorian Civil and Administrative Tribunal (VCAT) on 5 July 2018 under Section 87A of the Planning and Environment Act 1987 (Cancellation or amendment of permit issued at direction of Tribunal).
- This report is submitted to seek a position by Council to put forward at the upcoming Compulsory Conference at VCAT on 2 October 2018.
- The amendment application seeks to accommodate an additional storey, two levels of basement and reconfiguration of apartments at all levels, resulting in a mixed use development of five storeys containing a retail premises and 22 dwellings.
- The subject site is 1003 square metres in area and located on the eastern side of Pascoe Vale Road, Moonee Ponds. The site is currently occupied by a single storey commercial brick building. A laneway runs along the rear boundary known as a ‘road’ and identified as such on the Title, providing rear laneway access to properties along the eastern side of Pascoe Vale Road and western side of Primrose Street.
- The existing permit allows for use and development of the land for a multi-level, mixed use building, a reduction in car parking and loading/unloading requirements along with alteration of access to a road in a Road Zone Category 1. The permit was issued on 5 February 2015, following its determination through a VCAT Order dated 2 February 2015, whereby consent was made at the request of all parties. A Section 71 correction to the permit was issued on 11 September 2017.
- The amendment was advertised through VCAT on 16 July 2018, whereby the closing date for objectors and referral authorities to lodge Statement of Grounds with VCAT and serve on the applicant and Responsible Authority was 2 August 2018. As a result, five Statement of Grounds were registered to become parties to the appeal.
- Concerns raised within the Statement of Grounds include visual bulk, excessive height, amenity impacts, overlooking, overshadowing, limited car and bicycle parking, noise and light impacts, removal of significant tree, hours of operation, damage and impacts during construction.
- The application was referred to VicRoads who had no objections to the proposal, subject to conditions placed on any issued planning permit.
- The application was internally referred to Council’s Traffic and Transport Unit, Development Engineering (Drainage) Unit, Waste Management Unit, Environmental Sustainable Design (ESD) Officer and Strategic Planning Unit. Conditional support to the application was provided.
- Given the commercial zoning of the site directly abutting the Principal Public Transport Network (PPTN) under Plan Melbourne 2017-2050, the five storey height is appropriate. Other multi-storey, mixed-use developments has been approved at No.173-177 Pascoe Vale Road (overall height 15 metres), with numerous examples of three and four storey residential and mixed-use developments along this section of Pascoe Vale Road between Queens Park...
and Buckley Street. These other properties provide an appropriate context for increased densities and a higher level of built form.

- This assessment report finds the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme, and recommends that if Council were in a position to decide on the application, that the decision would be in support of the application, subject to conditions.

**Figure 1 – Aerial photo of the subject site and surrounds**

**Recommendation**

That Council, with respect to an application to Amend Planning Permit MV/756/2013 under Section 87a of the Planning and Environment Act 1987, resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application, that if Council were in a position to decide on the application, that the decision would be to support the use and development of the land for a multi-level, mixed used building, a reduction in car parking and loading/unloading requirements along with alteration of access to a road in a Road Zone, Category 1 at No.144 Pascoe Vale Road, Moonee Ponds (Lots 1 and 2 on TP519024F) subject to the following:

- The deletion of Conditions 1a), b), c), e), f), g), h), i), j), m) and n).
- The inclusion of new Condition 1 requirements including:
  - o) The removal of framing elements associated with the Level 4 terraces;
  - p) The provision of planter boxes associated with terraces of Apartments 3.02 and 3.04 to ensure compliance with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
  - q) A notation that all roof plant equipment, lift/stair overrun and hot water services will not be visible from the street;
r) The columns adjoining standard car spaces to be setback 250mm from their edge in accordance with Clause 52.06-9 (Design Standard 2 – Car Parking Spaces);
s) Convex mirror introduced into Basement 2 proximate to the northern garage for visibility around blind corners;
t) Revise the access to the waste area and lobby at Basement 1 to ensure pedestrian safety is prioritised in proximity to the ramp;
u) Centrally locate the intercom system between the entry and exit lanes;
v) The last vehicle car space of each aisle to ensure exit in a forward direction with one manoeuvre in accordance with Clause 52.06-9 (Design Standard 1 - Accessways);
w) The bicycle parking to be relocated to Basement 1 and accessible to the circulation space for the retail premises and the dwellings;
x) Two bicycle hoops to be provided within the Pascoe Vale Road reserve for residential visitor parking;
y) All WSUD annotations and measures in accordance with the compliant STORM report;
z) Any changes as a result of an amended ESD Report in accordance with Condition 23; and
aa) A Landscape Plan in accordance with Condition 24.

- Reword Condition 6 as follows:
  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.

- Reword Condition 9 to include point f) as follows:
  All visitor, retail and residential car spaces to be line marked.

- The deletion of Condition 10.

- Reword Condition 19 as follows:
  Before the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design Pty Ltd dated 27 June 2018 and in accordance with the City of Moonee Valley’s
‘Waste Management Plans – Guidelines for Applicants’ but modified to show:

a) Waste estimations for two bedroom apartments;
b) Waste estimations for retail;
c) Scaled plans within the report; and
d) Waste collection to be a maximum of once a week.

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

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

- Renumber Condition 23, 24 and 25 to become Condition 25, 26 and 30 respectively.
- Inclusion of a new Condition 23 to read:
  A revised ESD report generally in accordance with the report dated 7 October 2013, by Green Rate (includes SDAPP, STORM, STEPS & Firstrate reports) but updated:
  a) In accordance with Condition 1; and
  b) Maximise glazing along the southern alignments of all living and habitable room windows associated with Apartment G.05, 1.05 and 2.05.

- Inclusion of a new Condition 24 to read:
  Before the development starts, and before any trees or vegetation area removed, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale and an electronic copy must be provided. The landscape plan must show:
  a) Any changes required by Condition 1 of this permit;
  b) A planting schedule for all proposed vegetation which includes, botanical names, common names, pot sizes, mature size and total quantities of each plant;
  c) The use of drought tolerant species;
  d) An appropriate irrigation system; and
  e) The responsibilities for ongoing maintenance of all landscaping.

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

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

- Inclusion of a new Condition 27 to read:
  Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access crossover and associated works must be
provided and available for use.

- Inclusion of a new Condition 28 to read:
  Vehicles must enter and exit the land in a forward direction at all times.

- Inclusion of a new Condition 29 to read:
  The exit must operate left in / left out, as shown on the endorsed plans, at all times.

- The inclusion of the following permit notes:
  The development authorised by this permit will require the submission of a Construction and Site Management Plan (CSMP) prior to the commencement of any works. All CSMPs are required to be made via Council’s new online system at [http://www.mvcc.vic.gov.au/planning-and-building/planning/construction-site-management-plans.aspx](http://www.mvcc.vic.gov.au/planning-and-building/planning/construction-site-management-plans.aspx) or in person at 9 Kellaway Ave, Moonee Ponds.

No works must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any relevant acts or regulations created under those Acts.

Council do not support any future loading bay parking within Pascoe Vale Road as a result of future commercial tenancies associated with this site.

This permit has been amended to change what the permit allows and to modify the approved development pursuant to Section 87a of the Planning and Environment Act 1987.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the eastern side of Pascoe Vale Road, approximately 32 metres south of Salisbury Street in Moonee Ponds. The site is rectangular in shape with a frontage to Pascoe Vale Road of 24.39 metres and a depth of 41.15 metres and an overall site area of approximately 1003 square metres.

The land has a fall of approximately 0.58 metres from the east to the west across the site.

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

The subject land abuts a road (laneway) to the east, although vehicle access is not provided via this road.

The site currently contains a vacant single storey restaurant. The existing use and development of the land is provided with access from Pascoe Vale Road and also includes 12 car spaces.

A large tree is located towards the rear of the site within an Environmental Significant Overlay Schedule 2 and vegetation is also present within the front setback.
The surrounding area is predominantly commercial and residential zoned land used and developed for commercial and residential purposes. The subject site directly abuts the No.59 tram route and is located approximately 130 metres north of Queens Park and approximately 330 metres north of Moonee Ponds Activity Centre. The site is also located within proximity of numerous bus routes, local businesses, public parks/reserves and schools. The built form within the vicinity is varied with a mixture of single dwellings, single and double storey commercial buildings, multi-unit developments and multi-storey buildings. While external building materials within the immediate vicinity are predominantly brick, render and weatherboard finishes, there is an emergence of more contemporary lightweight and metal cladding materials along Pascoe Vale Road.

The land to the east is zoned residential and has been developed accordingly with residential properties, generally single storey in scale with rear yards or garages abutting the shared laneway.

1.2 Proposal

It is proposed to amend the development approved under Planning Permit MV/756/2013 to accommodate 22 apartments, consolidate the retail component, two basement levels for car and bicycle parking, services and an additional storey.

The amended development is summarised as follows:

Table 1 – Endorsed Plans compared to Amended Development

<table>
<thead>
<tr>
<th></th>
<th>Endorsed Plans</th>
<th>Amended Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail</td>
<td>235sqm (3 tenancies)</td>
<td>188sqm (one tenancy)</td>
</tr>
</tbody>
</table>
Dwellings

<table>
<thead>
<tr>
<th>Dwellings</th>
<th>30 dwellings comprising:</th>
<th>22 dwellings comprising:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• 10 x 1 bedroom</td>
<td>• 10 x 2 bedroom</td>
</tr>
<tr>
<td></td>
<td>• 20 x 2 bedroom</td>
<td>• 12 x 3 bedroom</td>
</tr>
</tbody>
</table>

No. of car spaces

<table>
<thead>
<tr>
<th>No. of car spaces</th>
<th>34 spaces comprising:</th>
<th>42 spaces comprising:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• 1 retail space (inclusive of a disable space)</td>
<td>• 2 retail spaces (inclusive of a disable space)</td>
</tr>
<tr>
<td></td>
<td>• 33 residential spaces</td>
<td>• 36 residential spaces</td>
</tr>
<tr>
<td></td>
<td>• 0 visitor spaces</td>
<td>• 4 visitor spaces</td>
</tr>
</tbody>
</table>

No. of bicycle spaces

<table>
<thead>
<tr>
<th>No. of bicycle spaces</th>
<th>26 spaces</th>
<th>6 spaces</th>
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</table>

Max. building height

<table>
<thead>
<tr>
<th>Max. building height</th>
<th>14.6 metres above Natural Ground Level</th>
<th>16.54 metres above Natural Ground level</th>
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</table>

Site Coverage

<table>
<thead>
<tr>
<th>Site Coverage</th>
<th>100%</th>
<th>100%</th>
</tr>
</thead>
</table>

Site Permeability

<table>
<thead>
<tr>
<th>Site Permeability</th>
<th>0%</th>
<th>0%</th>
</tr>
</thead>
</table>

Refer Appendix A Plans (separately circulated).

2. **Background**

2.1 **Relevant Planning History**

Planning Permit MV/756/2013, for use and development of the land for a multi-level, mixed used building, a reduction in car parking and loading/unloading requirements along with alteration of access to a road in a Road Zone, Category 1 was issued at the direction of VCAT on 5 February 2015. A correction to the permit was approved under Section 71 on 11 September 2017 and plans endorsed on the same day.

An extension of time was granted to Planning Permit MV/756/2013 on 8 September 2016 to allow the permit to commence by 5 February 2019.

Refer Appendix B – Endorsed Planning Permit.

Refer Appendix C – Endorsed Plans (separately circulated).

A Section 72 Amendment to the original planning permit is currently being sought concurrently with this Section 87A Amendment under Planning Permit MV/756/2013/A. The two applications are independent of one another and bear no influence in the decision making process.

Demolition Consent 304/2018/DEMO was granted on 29 June 2018.

2.2 **Other Relevant Considerations**

The proposal seeks to amend a Planning Permit under Section 87A of the Planning and Environment Act 1987 for a permit approved prior to the introduction of Amendment VC136 on 13 April 2017 - Clause 58 (Better Apartment Design Standards) of the Moonee Valley Planning Scheme. An
application to amend an existing permit cannot be assessed under the Clause 58 provisions as outlined within VCAT Order W Property Group Pty Ltd v Boroondara CC [2017] VCAT 740.

Amendment C187 was gazetted on 28 June 2018, introducing an Environmental Significance Overlay Schedule 2 to the Ficus Macrophylla tree located within the north-eastern corner of the property. This significant tree overlay was introduced to the Scheme after the issue of Planning Permit MV/756/2013 as such, an assessment against Clause 42.01 of the Moonee Valley Planning Scheme is not required to be carried out for this development.

Amendment VC142 was gazetted on 16 January 2018 to remove Clause 52.07 (Loading and unloading of vehicle) requirements from the Scheme. Furthermore this Amendment updated Clause 65 (Decision Guidelines) to ensure that loading and unloading facilities, amenity and traffic flow and safety issues are considered.

Amendment VC148 was gazetted on 31 July 2018 providing a complete reform to the Victorian Planning Provisions. These changes specifically relate to the State Planning Policy Framework and will be addressed in full within Section 2.3, 3.1 and 3.2 of this report.

2.3 Planning Policies & Decision Guidelines

Planning Policy Framework

<table>
<thead>
<tr>
<th>Clause</th>
<th>Policy Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 11</td>
<td>Settlement</td>
</tr>
<tr>
<td>Clause 13</td>
<td>Environmental Risks and Amenity</td>
</tr>
<tr>
<td>Clause 15</td>
<td>Built Environment and Heritage</td>
</tr>
<tr>
<td>Clause 16</td>
<td>Housing</td>
</tr>
<tr>
<td>Clause 17</td>
<td>Economic Development</td>
</tr>
<tr>
<td>Clause 18</td>
<td>Transport</td>
</tr>
</tbody>
</table>

Local Planning Policy Framework

<table>
<thead>
<tr>
<th>Clause</th>
<th>Policy Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 21.01</td>
<td>Municipal Profile</td>
</tr>
<tr>
<td>Clause 21.02</td>
<td>Key Issues and Influences</td>
</tr>
<tr>
<td>Clause 21.03</td>
<td>Vision</td>
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<tr>
<td>Clause 21.04</td>
<td>Sustainable Environment</td>
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<td>Clause 21.05</td>
<td>Housing</td>
</tr>
<tr>
<td>Clause 21.06</td>
<td>Built Environment</td>
</tr>
<tr>
<td>Clause 21.08</td>
<td>Economic Development</td>
</tr>
<tr>
<td>Clause 21.09</td>
<td>Transport</td>
</tr>
<tr>
<td>Clause 22.03</td>
<td>Stormwater Management (Water Sensitive Urban Design)</td>
</tr>
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</table>

Zoning and Overlays

<table>
<thead>
<tr>
<th>Clause</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 34.01</td>
<td>Commercial 1 Zone</td>
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</tbody>
</table>
2.4 Referrals

The following referrals were undertaken:

Table 2 – Referral Responses

<table>
<thead>
<tr>
<th>External Referrals</th>
<th>Comments/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>VicRoads</td>
<td>No objection, subject to conditions and notations included on any issued planning permit. These conditions are outlined within the recommendation.</td>
</tr>
<tr>
<td>Development Engineering (Drainage) Unit</td>
<td>No objection, subject to updates to Condition 6 and a new CSMP note to align with the current standard wording conventions.</td>
</tr>
<tr>
<td>Traffic and Transport Unit</td>
<td>No objection, subject to design conditions as outlined within the recommendation.</td>
</tr>
<tr>
<td>Waste Management</td>
<td>No objection, subject to an updated Waste Management Plan to align with Council’s ‘Waste Management Plans – A guidelines for planning applicants’. This will be included within an updated Condition 19 as outlined within the recommendation.</td>
</tr>
<tr>
<td>Strategic Planning</td>
<td>No objection.</td>
</tr>
<tr>
<td>A note is made that any new application will require full consideration against Clause 42.01 of the Moonee Valley Planning Scheme.</td>
<td></td>
</tr>
<tr>
<td>An extension of time to the existing planning permit is unlikely to be granted due to the new overlay.</td>
<td></td>
</tr>
<tr>
<td>Environmental Sustainable Design (ESD) Officer</td>
<td>No objections, subject to:</td>
</tr>
<tr>
<td>Revised/updated ESD report reflecting the amended proposal. This will be included as a new condition on any issued planning permit.</td>
<td></td>
</tr>
</tbody>
</table>
permit.

- Revised/updated STORM report in accordance with Clause 22.03 (WSUD) of the Moonee Valley Planning Scheme. This is already covered by Condition 1d) and 3 of the issued permit.
- Updated plans including STORM and ESD measures as outlined within the conditions of the recommendation.

### 2.5 Public Notification of the Application

Pursuant to Section 92 of the Planning and Environment Act 1987 the application was advertised by mail to the adjoining and surrounding properties, with four notices erected on the site for 14 days. This process was conducted directly through VCAT, not Council.

As a result, five (5) Statement of Grounds were received by the properties contained within Appendix D of this report.

A response to these Statement of Grounds is provided within Section 3.6 of this report.

### 3. Discussion

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

The proposed amendment is considered to align with the relevant State and Local Policy directives. The development’s proposed additional level can be accommodated having regard to its design, the size of the site and its context within this area. Moonee Valley Housing Strategy 2010 envisaged apartment buildings of 3-6 storeys in locations such as this.

Planning Policy objectives generally seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. The proposal contributes to the objectives 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.

In relation to Clause 16.01-2S (Location of Residential Development), the proposed development provides housing diversity close to 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 continues to offer an opportunity for more high density housing near employment and transport within Metropolitan Melbourne under Clause 16.01-2R (Housing Opportunity Areas – Metropolitan Melbourne). The proposal also contributes to the objective of Clause 16.01-3S (Housing Diversity) by contributing to a mix of dwelling sizes, which cater for the
increasingly diverse needs of future residents. It is noted that the amendment allows for two and three bedroom dwellings which contribute to a more saleable housing market from the previously endorsed one and two bedroom dwellings.

The proposed amendment continues to respond to Clause 17.02-1S (Business) by providing a generous commercial space at ground level presenting to Pascoe Vale Road. The commercial tenancy will help meet the community’s needs for retail space and commercial services within an existing commercial strip.

The proposal has the ability to comply with Clause 21.04 (Sustainable Environment) through the use of ecological sustainable design principles. The original permit considered the ESD Report dated 6 February 2014 prepared by Green Rate Sustainable Building Consultants. As referenced within Section 2.3 of this report, Council’s ESD Officer has no objection to the proposed development subject to the inclusion of conditions on any permit granted to update this ESD Report to reflect the amended plans. These changes include, but are not limited to full glazing to south facing apartments with balcony obstructions above, these include Apartments G.05, 1.05 and 2.05. While Council’s ESD Officer recommends removing unnecessary 1.7 metre high screens to balconies of apartments facing south, this was agreed through consent of the original VCAT Order to appease concerns of adjoining properties and therefore will not be imposed on any amendment permit.

With regard to Clause 21.04-7 (Waste) the proposed development has the ability to comply with the objectives and strategies of this clause. A waste management plan was submitted with the application by Leigh Design Pty Ltd dated 27 June 2018 which does not adequately address Council’s requirements. As outlined within Section 2.3 of this report, Council’s Waste Management Unit has no objection to the proposed development subject to alterations to Condition 19 on the permit to ensure waste collection to be once a week, caters to the retail component and accords with Council’s ‘Waste Management Plans – A Guideline for planning applications’. These amended changes to the waste management plan will adequately address the provisions of this clause and will be implemented and managed through Condition 19 on any granted permit accordingly.

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

Clause 21.06-4 (Urban Design) sets out urban design and built form objectives and policies for developments. The amended plans have been assessed against the ‘City of Moonee Valley Design Guidelines for Multistorey Residential Buildings’. The amended design is considered to meet these design principles as outlined within Section 3.2 of this report.
With regard to Clause 21.08 (Economic Development), the amended development would continue to satisfy the community’s retail and commercial service needs by providing a mix of uses and activities in the commercial precinct abutting Pascoe Vale Road. It is noted that the retail premise is an ‘as of right’ use within the Commercial 1 Zone, as discussed within Section 3.3 of this report. Accordingly, the amended development is considered acceptable.

The amended development generally complies with Clause 22.03 Stormwater Management (Waster Sensitive Urban Design) and meets the required on-site stormwater treatment as demonstrated by achieving 100% on the STORM Rating Report. Council's ESD Officer has required additional information as outlined within the recommendation to formalise all treatments. The relevant WSUD notations will therefore be placed on any permit granted in accordance with this policy.

3.2 Does the amendment represent an appropriate built form outcome?

As the amendment seeks an increase in height from four to five storeys, the built form assessment framework requires consideration of the relevant policy guidelines for apartment developments for five or more storeys. Clause 55 (ResCode), which was previously a consideration, is no longer applicable.

Clause 15.01-2S (Building Design) provides the main assessment tool for residential development of five or more storeys in height. It sets out a number of objectives and strategies which are reinforced by the recently introduced Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning 2017).

This clause also asks for consideration of the Apartment Design Guidelines of Victoria (Department of Environment, Land, Water and Planning 2017), which aligns with Clause 58 (Apartment Developments) of the Moonee Valley Planning Scheme. However, as the permit was issued prior to the introduction of Clause 58, it benefits from transitional provisions that exempt it from these requirements.

The majority of the design principles at Clause 15.01-2S are expanded under the design elements contained within Clause 21.06-4 (Urban Design) discussed further below. Elements not specifically covered with 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 in the Moonee Valley Planning Scheme as requiring specific protection. Given the increase of one storey or 1.94 metres, the proposed addition would not impose on views along this commercial stretch of Pascoe Vale Road. The development would provide an appropriate transition between the fourth storey and fifth by providing strong setbacks to limit the views of the proposed fifth storey from the public realm and immediate adjoining residential properties. The setbacks provided will minimise views from the residential hinterland further to the east.
Heritage
The site is not subject to a Heritage Overlay and does not directly abut any heritage buildings.

Local Policy
Clause 21.06-4 (Urban Design) sets out urban design and built form objectives and policies for all new developments. To assist with the assessment are the City of Moonee Valley Design Guidelines for Multistorey Residential Buildings 2003. The following assessment is provided:

Building Design Quality and Context
A description of the proposal has been provided within Section 1.2 of this report, along with the accompanying documentation, which accurately details the context of the site. The design response is considered to be appropriate given the size and location of the site with good access to a range of services including public transport, community facilities and local businesses.

Streetscape and Urban Design
To assist in reducing the visual impact of the additional level within the streetscape, generous setbacks have been proposed as well as design modification to the façade design at the ground, first and second levels to provide emphasis to the lower levels. The composition of the ground to second floor levels present strongly to Pascoe Vale Road with framing elements around balconies, void elements and the material palette (exposed brick, grey metal cladding and white render) provide a cohesive design response that doesn’t deter from the streetscape objectives. Above this, the third floor is recessed and fourth floor further recessed again. These upper levels are visually recessive from the street and adjoining properties. It is noted that the framework associated with the fifth floor terraces present unnecessary bulk and should be removed a condition on any issued planning permit as outlined within the recommendation.

Setbacks and Site Coverage
The objectives for this design element seek to ensure the siting of new development responds to the context of the site and does not adversely affect the existing neighbourhood character, including off-site amenity impacts. The proposed site coverage is unchanged, and the upper level is provided with generous setbacks from all boundaries so that it is visually concealed behind the approved building envelope.

Building Height and Silhouette
An appropriate building height is derived from the local context, street conditions and character objectives for an area. As highlighted earlier, the subject site is strategically well located and is serviced by transportation links, commercial and community amenities. As such, the location of the site seeks to encourage more intensive forms of development to take advantage of existing infrastructure and services.
The development proposes an additional fifth storey, increasing the maximum building height to 16.54 metres. The proposed height is an increase of 1.94 metres from the approved four storey built form under the original endorsed plans. The additional height is considered minimal due to the recessed nature of the new storey. As demonstrated with Figures 3 and 4, the new level is completely beyond any sight line views from Pascoe Vale Road or the immediate adjoining Primrose Street properties.

**Figure 3: Sight line views from Pascoe Vale Road**

![Figure 3: Sight line views from Pascoe Vale Road](image1)

**Figure 4: Sight line views from Primrose Street**

It is noted that the height of the development is similar in scale to the recently approved four storey development at 173-177 Pascoe Vale Road to the north which presents an overall height of 15.34 metres (four storeys). The rise in land from the south to the north along Pascoe Vale Road is also noteworthy; the terrain difference results in the proposed development presenting as lower in height than that of approved four storey developments within the immediate context. The terrain reduces the dominance of the height scale of the five storey form, setting an appropriate context for the proposed development. It is therefore considered that the height and silhouette of the proposed amendment is appropriate from long range views. Altogether, the characteristics of the site and its context are considered to lend support for a more intensive building form.

It is common for apartment complexes to provide services on the rooftop, creating unnecessary bulk to the approved building height and form. It is not considered appropriate in this context to allow services on the rooftop, therefore a condition will be required on any issued planning permit to ensure plant enclosure, lift/stair overrun and any other services are not visible from the street.
Internal Circulation, Space and Building Adaptability / On-Site Amenity

All levels of the approved development have been reconfigured to propose two and three bedroom apartments at ground to third floor level, in addition to the two duplex apartments at the uppermost levels.

The new apartment layouts are an improvement to the originally approved form, providing increased side and rear setbacks to maintain and enhance daylight access to open space and habitable areas including new ground floor apartments. It is noted that all habitable room windows (living areas and bedrooms) have direct access to daylight, with no reliance on bedrooms with borrowed light.

There was a concern raised by Council’s ESD Officer regarding the single aspect south facing apartments and their access to natural daylight. It was considered this concern can be resolved by way of a condition on any issued planning permit to maximise window sizes to the bedroom and living areas of Apartments G.05, 1.05 and 2.05 to enhance the ability for daylight to penetrate into the habitable spaces of these single aspect dwellings.

Whilst not technically applicable to this amendment, the design provides a high level of compliance with Clause 58.07 including functional layout, room depth, window and natural ventilation. These measures indicate an improved amenity for the future residents of the building.

Off-Site Amenity and Liveability

The shadow diagrams submitted with the application demonstrate the new level will not cast additional shadows on adjoining residential properties from what was approved under the original permit.

The amended plans demonstrate various screening measures along the northern, southern and eastern alignments including fixed horizontal and vertical battens and opaque glass and deep planter boxes associated with windows, balconies and terraces. The plans generally provide compliance with Condition 1k) and 1l) of the original permit.

Due to the proposed upper level and recommendation to remove batten screening from the terraces, a new condition should be imposed on any issued permit to ensure screening is achieved by deep planter boxes without any additional visual impacts (such as high screens).

Parking, Traffic and Access

The proposed development meets the objectives of this design element subject to modifications, as discussed under Section 3.4 of this report.

Landscaping and Fencing

The amendment does not introduce any landscaping considerations, with the exception of planter boxes within balcony forms at all levels. A new condition should be placed on any permit to provide a landscape plan by a suitably qualified person or firm for the landscaping and maintenance scheme.
Environmental Sustainability

The amendment presents a complete layout change to all apartments and the retail space. As outlined within Sections 2.3 and 3.1 of this report, an amended ESD report should be required as a condition on any issued planning permit.

Service Infrastructure

The amendment would not significantly affect the impact of the approved development on existing infrastructure and services available on site and within the surrounding area. An updated Waste Management Plan will be imposed on any issued planning permit as per the recommendation outlined within this report.

3.3 Does the amendment accord with the Commercial 1 Zone?

The amendment does not affect the level of compliance with the development under the original approved permit. The development continues to achieve the purpose and decision guidelines of this zone.

3.4 Is adequate car parking, vehicle access, bicycle facilities and loading/unloading provided?

The car parking requirements for the current approval (Endorsed Plans) and the proposed amendment are outlined in the table below:

Table 3 - Car Parking Endorsed Plans compared to Amended Development

<table>
<thead>
<tr>
<th></th>
<th>Endorsed Plans</th>
<th>Amended Development</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Provides</td>
<td>Requires</td>
</tr>
<tr>
<td>Retail Premises</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>One/two bedroom</td>
<td>27</td>
<td>12</td>
</tr>
<tr>
<td>dwellings</td>
<td>N/A</td>
<td>24</td>
</tr>
<tr>
<td>Residential Visitor</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>33</td>
<td>42</td>
</tr>
</tbody>
</table>

The design of the car parking and access arrangements are generally supported by Council’s Traffic and Transport Unit subject to the following conditions:

- The onsite parking provided for visitors to the site and the shop component must be appropriately line marked. This requirement has been stipulated as Condition 9f) within the recommendation.
- The installation of a convex mirror to be installed in basement level 2 to improve sight distances between circulating vehicles. This requirement has been stipulated within the recommendation.
- Improved pedestrian safety within the basement 1 level by providing separation between the access ramp and the entry to the waste
collection area and circulation spaces. This requirement has been stipulated within the recommendation.

- A 1 metre clearance to be provided at the end of the parking spaces within Basement 2 or swept path analysis undertaken using an industry recognised software package, showing this space is accessible by a B85 car is required. This requirement has been stipulated within the recommendation in broad terms to meet Design Standard 1 – Access ways of Clause 52.09-6 of the Moonee Valley Planning Scheme.

- The column locations must demonstrate a setback of 250mm from the front of the space in accordance with Diagram 1 of Clause 52.06-9 of the Moonee Valley Planning Scheme. This requirement has been stipulated within the recommendation.

It is noted that Council’s Traffic and Transport Unit raised a concern regarding the waste collection due to the impact on the operation of the car park during the collection times. It is noted that Council’s Waste Management Unit does not object to the proposal to include private waste collection on site within the basement level/s as this is a typical collection arrangement for apartment buildings providing private waste collections.

Loading/Unloading Facilities

Clause 52.07 was removed from the Moonee Valley Planning Scheme by Amendment VC142 on 16 January 2018.

The application has been reviewed under Clause 65.01 of the Moonee Valley Planning Scheme to determine whether there are adequate loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

It is noted that the previously approved development was approved without on-site loading or unloading facilities therefore the amendment application is considered appropriate in not providing loading facilities.

Council’s Traffic and Transport Unit raised concern with the future facilities and services provided for the site and do not entertain modifications to the road network to accommodate parking restrictions for the site. A note to this effect should be imposed on any issued planning permit as outlined within the recommendation.

Clause 52.34 (Bicycle Facilities)

The bicycle facilities requirements for the current approval and the proposed amendment are outlined in the table below:

**Table 4 - Car Parking Endorsed Plans compared to Amended Development**

<table>
<thead>
<tr>
<th></th>
<th>Amended Development</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Requires</td>
</tr>
<tr>
<td>Dwellings (1 per 5 dwellings)</td>
<td>4</td>
</tr>
<tr>
<td>Residential Visitor (1 per 10 dwellings)</td>
<td>2</td>
</tr>
</tbody>
</table>
The design of the bicycle parking and access arrangements are generally supported by Council’s Traffic and Transport Unit subject to the following conditions:

- The on-site bicycle parking to be provided within basement level 1 to be more accessible for residents and visitors or the lobby area to be reconfigured to provide more accessible access to use the lift. This requirement has been stipulated as a condition within the recommendation.

- The intercom system at the vehicle access should be relocated to allow access from the right hand side of a car entering the site. It is not considered satisfactory to locate the intercom system on the passenger side of the vehicle. This requirement has been stipulated as a condition within the recommendation.

It is noted that Council’s Traffic and Transport Unit do not support the location of 2 public bicycle hoops within the Pascoe Vale Road reserve. However, it is noted that this arrangement was approved under the original planning permit and endorsed plans therefore is accepted. A condition should be placed on any issued planning permit to demonstrate two bicycle hoops within the road reserve.

3.5 Clause 71.02-3 (Integrated Decision Making)

The proposal generally complies with the provisions of Clause 71.02-3 (Integrated Decision Making). As outlined within this report, the proposed amendment 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.

3.6 Are any changes to the planning permit required?

Various changes are sought to the Planning Permit as a result of policy change and the amended proposal as discussed within the recommendation, derived from discussion throughout this report. Of note, the amendment deems Conditions 1a), 1b), 1c), 1e), 1f), 1g), 1h), 1i), 1j), 1m), 1n) and 10 redundant and therefore are recommended to be deleted.

3.7 Statement of Grounds

The following table provides a discussion of the concerns raised within the Statement of Grounds to this application:
Table 5

<table>
<thead>
<tr>
<th>Issue</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visual bulk</td>
<td>This is considered acceptable, subject to the inclusion of conditions on any permit granted, as discussed within Sections 3.1 and 3.2 of this report.</td>
</tr>
<tr>
<td>Excessive height</td>
<td>This is considered acceptable as discussed within Sections 3.1 and 3.2 of this report.</td>
</tr>
<tr>
<td>Amenity impacts</td>
<td>Noting there will be impacts from this development by virtue of its size and scale, the design has made a responsive and concerted effort to mitigate overlooking and overshadowing impacts so that the proposed multi-storey apartment building accords with the stringent (and not strictly applicable) requirements of ResCode.</td>
</tr>
<tr>
<td>Noise impacts</td>
<td>With regard to noise impacts, there are specific Local Laws and EPA noise guidelines that control nuisance and excessive noise, which are applicable and enforceable for all properties.</td>
</tr>
<tr>
<td>Light impacts</td>
<td>Unfortunately any light spillage is beyond the control of the planning permit process.</td>
</tr>
<tr>
<td>Limited car parking</td>
<td>The provision of car parking on site is considered acceptable as discussed within Section 3.4 of this report.</td>
</tr>
<tr>
<td>provided</td>
<td></td>
</tr>
<tr>
<td>Limited bicycle parking</td>
<td>The provision of bicycle parking on site is considered acceptable as discussed within Section 3.4 of this report.</td>
</tr>
<tr>
<td>provided</td>
<td></td>
</tr>
<tr>
<td>Hours of operation</td>
<td>The site’s location within a commercial zone does not require a restriction to the hours of operation associated with the commercial use.</td>
</tr>
<tr>
<td>Removal of significant</td>
<td>Refer to Section 2.4 of this report.</td>
</tr>
<tr>
<td>tree</td>
<td></td>
</tr>
<tr>
<td>Damage and impacts</td>
<td>A Construction and Site Management Plan (CSMP) will be required as a condition on any permit granted to help mitigate any construction impacts on surrounding properties. Any potential construction impacts to existing and adjoining buildings will be appropriately managed through the building permit process.</td>
</tr>
<tr>
<td>during construction</td>
<td></td>
</tr>
</tbody>
</table>

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 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 60(1B) of the Planning and Environment Act 1987 with respect to the Statement of Grounds received, and it is determined that the proposal would not have a significant social effect.

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

Appendices

Appendix A: Plans (separately circulated) ⇩
Appendix B: Endorsed Planning Permit ⇩
Appendix C: Endorsed Plans (separately circulated) ⇩
Appendix D: List of properties party to the Appeal with lodged Statement of Grounds ⇩
8 September 2016

File Ref: MV756/2013

Lionel Whine
C/- Niche Planning Studio
Level 1, 252 Graham Street
PORT MELBOURNE VIC 3122

Dear Sir/Madam,

Application No.: MV756/2013
Location: 144 Pascoe Vale Road, MOONEE PONDS
Proposal: Use and development of the land for a multi level, mixed use building, a reduction in car parking and loading/unloading requirements along with alteration of access to a road in a Road Zone: Category 1.

I refer to your letter dated 29 August 2016 requesting an extension of time.

I wish to advise you that Council consents to an extension of the above permit for a further two (2) year period and advises it will now expire on 5 February 2021 by which time the development must be commenced.

The new completion time for the permit is now extended to 5 February 2021.

If you have any further enquiries regarding this matter please contact the Planning Department on 9243 9111 or email council@mvcc.vic.gov.au.

Yours faithfully,

Campbell Gullock
Assistant Planner

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PLANNING AND ENVIRONMENT ACT 1987
Form 4
CORRECTED PLANNING PERMIT

PLANNING PERMIT NO.: MV/756/2013
PLANNING SCHEME: Moonee Valley Planning Scheme
RESPONSIBLE AUTHORITY: Moonee Valley City Council
ADDRESS OF LAND: 144 Pascoe Vale Road, MOONEE PONDS
THE PERMIT ALLOWS FOR: Use and development of the land for a multi level, mixed use building, a reduction in car parking and loading/unloading requirements along with alteration of access to a road in a Road Zone Category 1.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the amended plans filed with the Tribunal on 9 December 2014 but modified to show:
   a) Deletion of car space 35 along with the consequential relocation of the bin storage access to the eastern end of the room.
   b) Deletion of the 4 bicycle racks on the southern boundary of the car park.
   c) Widening of the accessway between the security door and lobby area to provide improved on-site vehicle maneuverability.
   d) Any modifications as a consequence of STORM assessment in accordance with Condition 3.
   e) Increase the setback of Apartment 106 to a minimum of 2 metres from the southern boundary and of the setback of the balcony of Apartment 106 to a minimum of 3 metres from the southern boundary.

5 February 2015
Date Issued

Signature for the Responsible Authority

Page 1 of 8
f) Increase the eastern setback of the First Floor to a minimum of 1 metre adjacent to the rear boundary of the land at 25 Primrose Street (Plan described as Lot 1 on Title Plan 550279S).

g) Any consequential amendments to the Second Floor to ensure that the floor and balconies do not overhang the setbacks on the First Floor.

h) Increase the northern setback of Apartment 210 to a minimum of 1 metre for the length of the apartment from the eastern edge of the building up to the eastern edge of the wardrobe in the western bedroom.

i) Any internal re-arrangement of apartments on the First and Second Floors required as a consequence of conditions 1 (e), (f), (g) and (h) with no modifications to the existing void between Apartments 208 & 209.

j) Deletion of the roof top terrace.

k) All south and east facing balconies and the southern end of any east and west facing balconies must be screened to 1.7m opaque.

l) All north and south facing habitable room windows must be screened to 1.7m opaque.

m) All vents for the car park must be removed from the eastern wall of the building.

n) Corrections, as necessary, of the dimensions and specifications on the plans.

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

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

3 Prior to plans in accordance with Condition 1 being endorsed a STORM assessment must be submitted and approved by the Responsible Authority. The STORM assessment must achieve a minimum of 100%.

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

5 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.

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

   a) Hours of construction;

   b) Parking and traffic movement of all workers vehicles and construction
vehicles;
c) Scaffolding and hoarding for the site;
d) Allocated areas for loading and unloading;
e) Site evacuation plan and procedure;
f) Occupational health and safety policy;
g) Hazard identification and control;
h) Environmental management and waste minimisation;
i) Management of onsite stormwater and contamination; a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;
j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
k) Chemical storage;
l) Noise and vibration;
m) Risk assessment;
n) Works timetable;
o) Number of workers expected of work on the site at any one time; and
p) Must include the following requirements:
   i) No construction access is to be provided from the laneway to the east, with the exception of any access necessarily required for the erection of all structural works to the east facing wall (This includes structural works only. It does not include installation of windows or balconies or other non-structural building elements).
   ii) Once practicable, vehicles used to access the site for construction purposes must park in the car park on the Ground Floor.
   iii) Noise levels must comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) at all times.
   iv) All construction and demolition on site and all vehicular movements to and from the site must only occur between the hours of 7.00am to 6.00pm Monday to Friday and after 9.00am to 1.00pm Saturday and vehicles attending the site must not idle adjacent to or near the site or surrounding properties outside of these hours.
   v) Any damage to properties adjoining the site or the laneway must be reinstated or replaced to original condition within 7 days at the cost of the owner or developer of the land affected by this permit.

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

5 February 2015
Date Issued

Signature for the Responsible Authority

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Authority.

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

8 The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.

9 The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan(s) must be to the satisfaction of the Responsible Authority:
   a) Be provided and completed prior to the commencement of the use hereby permitted;
   b) Thereafter be maintained;
   c) Be made available for such use at all times and not used for any other purpose;
   d) Be properly formed to such levels that it can be used in accordance with the endorsed plan; and
   e) Be drained and sealed with an all weather seal coat.

10 Before the development starts, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a traffic consultant with suitable qualifications to the satisfaction of the Responsible Authority and must include:
   a) Details as to how the car stackers are to be regularly maintained and serviced;
   b) Details of time frames and measures to be undertaken, to reinstate the car stackers back to working order, if the car stackers becoming non-operational;
   c) Details of measures to be undertaken if the car stackers are not operational, so not to provide any additional on-street parking demand.

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

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.

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

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

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

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

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

- **RAINGARDENS:** Show the size and location of any raingarden on the site and landscape plans. Raingardens must be setback a minimum of 300mm from a site boundary and a minimum of 300mm from a building. Raingardens must be lined and have their overflow plumbed into the stormwater system.

- **BUFFER STRIPS:** Show the size and location of any buffer strips and the extent, size and grading of the pervious surface/s draining to it.

- **PERVIOUS & IMPERVIOUS PAVING:** provide details of the location and type of all paved and sealed areas (ie. denoting if porous or not).

- **Integration of other WSUD features such as swales, ponds, etc.**

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

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

- Inspection frequency;
- Cleanout procedures; and
- As installed design details/diagrams including a sketch of how the system operates.

14 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.

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

16 A council barrel drain (minimum 300mm dia RCP RRJ) must be constructed from the boundary of 144-148 Pascoe Vale Road (approx 55m) to reach the approved point of discharge. Engineering Design Plans prepared by a qualified Civil Engineer must be submitted to and approved by the Responsible Authority prior to the commencement of any building or works (including drainage).

A drainage layout plan prepared by a Civil Engineer together with computations, is to be submitted to and approved by the Responsible Authority prior to the commencement of any buildings and works (including drainage). All costs associated with the preparation of the plan and installation and construction of the required drainage works must be borne by the permit holder.

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

18 The development must be provided with external lighting capable of illuminating access to the car park and pedestrian entry. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.

19 Before the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be in accordance with the City of Moonee Valley’s ‘Waste Management Plans – Guidelines for Applicants’. The Waste Management Plan must provide that:

5 February 2015
Date Issued

Signature for the Responsible Authority
a) No rubbish bins servicing the site are to be stored or collected on site;
b) All rubbish is to be collected within the site; and
c) All waste removal vehicles must enter and exit the site in a forward direction.

20 The car park must be mechanically ventilated vertically and the mechanical ventilation system must incorporate carbon monoxide sensors which trigger vertical ventilation only when required.

21 All plant and equipment including air-conditioning and car park ventilation plant and equipment must be screened and baffled and/or insulated to minimise noise and vibration to other residences to achieve compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.

22 Use and development of the land must not unreasonably affect the amenity of the area and surrounding properties including, but not limited to, as a result of noise, light, the storage or location of items on the land and the appearance of the land and buildings on the land.

VicRoads Conditions

23 Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be located a minimum of 6 metres inside the property to allow vehicles to store clear of the Pascoe Vale pavement and footpath.

24 Before the buildings approved by this permit are occupied the following roadworks on Pascoe Vale Road must be completed at no cost to and to the satisfaction of the Roads Corporation:
   a) Splitter Island

End of VicRoads Conditions

25 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.

5 February 2015
Date Issued

Signature for the Responsible Authority
Permit Notes

- This permit has been issued at the direction of the Victorian Civil and Administrative Tribunal following an Order issued by the Tribunal on the 2 February 2015

---

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

<table>
<thead>
<tr>
<th>Date of Amendment</th>
<th>Brief description of amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 September 2017</td>
<td>Section 71 Amendment to alter the endorsed Condition 1 plans.</td>
</tr>
</tbody>
</table>

5 February 2015

Date Issued

Signature for the Responsible Authority

SEC71-2

Page 8 of 8
IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the Planning and Environment Act 1987.

WHEN DOES A PERMIT BEGIN?

A permit operates:
- from the date specified in the permit; or
- if no date is specified, from—
  (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
   - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.

2. A permit for the use of land expires if—
   - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
   - the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
   - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
   - the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 64(2) of the Planning and Environment Act 1987, or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision—
   - the use or development of any stage is to be taken to have started when the plan is certified; and
   - the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted by the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Planning and Environment Regulations 2016 Form 4 (Planning Permit)
List of properties party to the Appeal with lodged Statement of Grounds

<table>
<thead>
<tr>
<th>Property Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 Primrose Street, Moonee Ponds (x2)</td>
</tr>
<tr>
<td>23 Primrose Street, Moonee Ponds</td>
</tr>
<tr>
<td>27 Primrose Street, Moonee Ponds</td>
</tr>
<tr>
<td>142 Pascoe Vale Road, Moonee Ponds</td>
</tr>
</tbody>
</table>
10.4 Maribyrnong River Cultural Precinct Update

File No: Fol/18/32
Author: Ben McManus
Major Community Infrastructure Program Manager
Directorate: Planning and Development

Purpose
A visioning exercise is proposed to be undertaken for the area known as the Maribyrnong River Cultural Precinct. This report will be the precursor to further engagement and consultation with key stakeholders within the Cultural River Precinct.

Executive Summary
- The MV2040 Strategy identifies creating the Maribyrnong River Cultural Precinct as an implementation initiative for the Aberfeldie neighbourhood - creating a vibrant events destination focused around the Incinerator Gallery/Maribyrnong River Precinct.
- Master plans have been previously developed and adopted by Council within this precinct known as Maribyrnong River (2011) and Aberfeldie Park (2013).
- To realise the potential of the entire precinct, and truly celebrate what should be the jewel in the crown of Moonee Valley, it is now considered appropriate to explore possibilities and broader implications for creation of a cultural precinct in this area of significant open space. This project will have regard for both work completed to date on noted master plans, and areas of these masterplans yet to be delivered, which will be complementary to delivery of the broader cultural precinct aspiration.
- The precinct requires a vision to ensure the area is meeting the needs of a diverse and growing local community, and is an active and welcome destination for its community and visitors.
- Work has commenced on investigation of options for the Moonee Valley Operations Depot relocation.
- The first step is to seek feedback on the concept of the Maribyrnong River Cultural Precinct and develop a draft vision having regard for the needs of current and future stakeholders.
Recommendation

That Council:

1. Endorses the commencement of work on the development of the Draft Maribyrnong River Cultural Precinct Plan, including stakeholder consultation with the broader community as well as current users of the open space to determine a new vision for the Precinct.

2. Establishes a Community Reference Group to oversee the project.

3. Notes visioning for the Maribyrnong River Cultural Precinct will have regard for both work completed to date on the Maribyrnong River Master Plan (2011) and the Aberfeldie Park Master Plan (2013), as well as aspects of these masterplans yet to be delivered which will be complementary to delivery of the broader cultural precinct aspiration.

4. Notes the work completed to date on the depot relocation options.

5. Receives a future update on development of the Draft Maribyrnong River Cultural Precinct Plan, including:
   - Feedback received from key stakeholders
   - Draft vision, principles and concepts for the precinct
   - Depot relocation options.

Background

The Maribyrnong River Precinct is considered the most popular open space area in the municipality due to the river circuit path connecting with the Maribyrnong City Council side of the river. References to the Maribyrnong River are found in the Open Space Strategy (2009), where it is noted there is an opportunity to increase open space through the re-envisioning of the precinct through consolidation of buildings and parks and prioritising pedestrians and cyclists. An overarching, aspirational plan for the precinct will provide a framework for how this important open space will develop into the future, based on the vision of the MV2040 strategy.

The MV2040 Strategy identifies creating the Maribyrnong River Cultural Precinct as an implementation initiative for the Aberfeldie neighbourhood. In 2040, the vision is for Aberfeldie to be a home to a vibrant events destination focused around the Incinerator Gallery/Maribyrnong River Precinct. The framework to deliver this outcome is addressed by objective 8.1 – celebrate our local assets and identity. Specifically, the Maribyrnong River Cultural Precinct is addressed in the following actions:

- 8.1.1 – Celebrate the Maribyrnong River and Moonee Ponds Creek as key environmental, social and cultural assets and tourism attractors
- 8.1.2 – Develop a major cultural, events and tourism precinct at Aberfeldie connecting the Incinerator Gallery with the Maribyrnong River.

This project involves incorporation of the existing concepts in the Maribyrnong River Master Plan (2011) and the Aberfeldie Park Master Plan (2013). This includes
consideration of actions within the adopted work, such as the Boulevard Realignment and Associated Landscape project.

The precinct currently encompasses various elements and activities including:

- The Incinerator Art Gallery
- The Council Depot and Transfer Station
- the Boathouse Café and Playground
- personal and group fitness training
- the Moonee Valley Athletics Centre
- Trugo, cricket, angling, rowing, lawn bowls, AFL football, soccer, tennis, the SES, men’s shed and the dog obedience with many separate pavilions.

Extensive work and consultation occurred through the development of the Maribyrnong River Master Plan (2011) and the Aberfeldie Park Master Plan (2013). Appendix A tables the status of actions from the adopted masterplan work and also actions that are happening within the precinct not in either plan.

It is intended the Maribyrnong River Cultural Precinct be strongly influenced by the Maribyrnong River Masterplan (2011) which proposes improvements to the ‘ecological and social functioning of the river’ and public space along the river to deliver ‘experiential richness’ and ‘ecological richness’.

A meeting was held in April with the Maribyrnong Park Football Club and Maribyrnong Park St Mary’s Cricket Club to discuss the short term and long term options for the delivery of their pavilion needs. A recent letter informed the club of the adoption of the long term capital plan and the proposed work in the short term to accommodate their needs.

The area referred to as the Maribyrnong River Cultural Precinct is shown at Figure 1.
Figure 1: Area referred to as the Maribyrnong River Cultural Precinct
Another consideration in developing this precinct is the Maribyrnong River Valley Design Guidelines (2010) established by the Victorian Government which serves as a key reference document in the Planning Scheme and calls for:

“A healthy river flowing through a continuous network of open spaces and cultural landscapes that reflect its journey from a natural river to a working river. A river that provides a range of recreation experiences that value local landform and landscape character and preserve cultural heritage, including significant plantings. A river that supports indigenous vegetation and fauna.”

This document is an overarching framework to protect open space and guide development of the built form and landscape along the river, as well as expand and link existing parkland, walking paths and cycling trails.

Discussion

In drafting a new vision for the Maribyrnong Cultural River Precinct, Council will need to consider various functions including: playing fields for sport; a creative gallery including community gathering spaces; a maritime area; and botanic aspects. Further, the plan will need to have regard for the Battleship Plaques along the boardwalk. Throughout the precinct, a strong network of paths and way finding could enable people to move seamlessly between the areas, taking in cultural, active and food and beverage opportunities along the way. Broad based images are found in Appendix B.

Preliminary work has been focused on considering existing and possible future uses. It should be noted: many of the current buildings within the precinct are reaching the end of their life and are not fit for purpose to today’s standards. Further, many of the buildings sit proud of the environment with significant fencing, foregoing the opportunity for an integrated, permeable effect. A future vision would need to be underpinned by principles which may include ideas to:

1. Celebrate, express and privilege the precinct’s urban river corridor landscape character above all else
2. Create a culturally rich precinct of high quality spaces and places which promote an enhanced sense of community by encouraging people to spend more time, to interact and to exchange
3. Become an exemplary public precinct for urban ecology, design and sustainability
4. Enable and promote access to and within the precinct via sustainable transport modes.

An adopted Maribyrnong River Cultural Precinct Plan would supersede the two previously adopted master plans for Maribyrnong River and Aberfeldie Park, however many of the actions from the previously adopted master plans align with this new precinct plan and further discussion with the stakeholders and community will explore opportunities for this alignment.

A key piece of work relating to this project is the relocation of the Operations Depot and Transfer Station. Work is continuing in this space to examine the issues and opportunities with a possible relocation.
The precinct should be activated and programmed in line with any new vision. This is expected to include pop up spaces to continue the idea of the development of this precinct and provide high quality opportunities for the community to engage and enjoy the open space. Further work would need to consider connections up and down the Maribyrnong River.

**Proposed way forward**
The following is an indicative outline of the proposed way forward, with updates planned at the conclusion of each stage:

1. Initial key stakeholder engagement and vision development *(now)*
   a. Undertake stakeholder consultation with the broader community as well as current users of the open space
   b. Establish a draft vision for the Maribyrnong River Precinct Plan
   c. Identify the infrastructure required and broadly scope individual projects including the identification of issues and options with preliminary assessment of future approval requirements
   d. Outline the governance framework.

2. Development of an issues and options paper to inform a draft Plan.

3. Develop a business case with high-level cost plans, priorities and funding options, along with investigation of regulatory approvals required.

4. Prepare a draft Maribyrnong River Cultural Precinct and present to Council for endorsement for the purposes of broader consultation.

5. Consideration of feedback and final plan adoption.

**Consultation**
The consultation is planned to commence with key stakeholders over the next quarter. A Community Reference Group will be established to oversee the project. A stakeholder engagement plan has been drafted *(Appendix C)*. Consultation is planned to be with the following groups:

- Broad Moonee Valley community with focus on residents within the neighbourhood and those most proximate/adjacent landowners
- Aberfeldie Football Club
- Aberfeldie Park Cricket Club
- Ascot Vale Trugo Club
- Boat House Café
- Essendon Auskick
- Essendon Fish Protection Society and Anglers Club
- Essendon Maribyrnong Ladies Cricket Club
- Essendon Rowing Club
- Essendon United Soccer Club
As part of the engagement process, a short discussion paper will be prepared to guide those groups and individuals who want to be more intensely involved in development of the Maribyrnong River Cultural Precinct. The discussion paper will be designed to prompt thinking about how people would like the precinct to look in 2040, and how they would ideally be enjoying the open space. It is expected the feedback from the stakeholder engagement will allow Council to make an informed decision on moving this idea forward.

1. **Legislative**

   A Maribyrnong River Cultural Precinct Plan would guide the future land use of this important piece of open space. Genuine community engagement will be required throughout this process and due consideration of any Cultural Heritage Plan requirements will be identified.

   A precinct plan would look to enhance human rights specifically around respect, freedom and equality but most specifically with regard for cultural rights within the proposed precinct with an aim to make it an inclusive space for members of the community to enjoy and with which to identify.

2. **Council Plan / Policy**

   In presenting this report, Council is working to achieve its strategic objective to deliver cultural opportunities that are relevant and accessible to the community in accordance with Council Plan 2017-21 Theme 4: Vibrant and diverse - Celebrating diversity, promoting participation, and creating a strong economy -
People are connected to culture and community. Furthermore the idea for Maribyrnong River Cultural Precinct touches on all five building blocks for building a healthy city as set out in MV2040 – fair, thriving, connected, green and beautiful.

3. Financial

No investment is required for this stage. Significant funding is considered for a limited number of the projects within the Maribyrnong River Cultural Precinct in the long term capital plan.

4. Environmental

Development of the plan will allow us to incorporate overarching strategies to achieve the following outcomes for the City:

- Reduced energy usage and greenhouse gas generation (including transport infrastructure)
- Improved water impacts (conservation, consumption and pollution)
- Reduced waste generation, disposal, and littering and increased recycling
- Positive biodiversity impacts (direct and indirect impact to flora and fauna).

Conclusion

Individual master plans have been developed for part of the Maribyrnong River Precinct. A broader plan is proposed to consolidate these pieces of work and guide future development and protection of this important piece of open space, to achieve a regionally significant cultural precinct. There is a need to now test draft concepts that have been developed and to create a vision with both key stakeholders and the broader community for consideration by Council. This current proposed stage of key stakeholder consultation will inform future decision making.

Appendices

Appendix A: Maribyrnong River Precinct Master Plan Mapping
Appendix B: Images and Ideas for the Maribyrnong River Cultural Precinct
Appendix C: Maribyrnong River Cultural Precinct Stakeholder Engagement Plan.
<table>
<thead>
<tr>
<th>Master Plan</th>
<th>Action</th>
<th>Project Phase</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberfeldie Park (2013)</td>
<td>Upgrade Essendon Maribyrnong Park Ladies Cricket Club Pavilion</td>
<td>completed</td>
<td>completed</td>
</tr>
<tr>
<td>Aberfeldie Park (2013)</td>
<td>New swale to prevent flood damage to Athletics track</td>
<td>completed</td>
<td>completed</td>
</tr>
<tr>
<td>Aberfeldie Park (2013)</td>
<td>New medium - sized playground (west)</td>
<td>completed</td>
<td>completed</td>
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<tr>
<td>Aberfeldie Park (2013)</td>
<td>Reconfigure ovals to competition standards</td>
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<td>completed</td>
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<tr>
<td>Aberfeldie Park (2013)</td>
<td>New pedestrian crossing along Boulevard</td>
<td>completed</td>
<td>completed</td>
</tr>
<tr>
<td>Aberfeldie Park (2013)</td>
<td>Upgraded pathway network to increase accessibility</td>
<td>design</td>
<td>underway</td>
</tr>
<tr>
<td>Aberfeldie Park (2013)</td>
<td>Upgrade Sports Field Lighting on Aberfeldie West</td>
<td>construction</td>
<td>underway</td>
</tr>
<tr>
<td>Aberfeldie Park (2013)</td>
<td>Upgrade Tillba Street car park (resurfacing and signage)</td>
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<td>Construction of wetland and relocation of cricket nets</td>
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<td>Aberfeldie Park (2013)</td>
<td>Upgrade Athletics Pavilion</td>
<td>design construction</td>
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</tr>
<tr>
<td>Aberfeldie Park (2013)</td>
<td>Upgrade existing JA Fullarton Pavilion</td>
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<tr>
<td>Aberfeldie Park (2013)</td>
<td>Lighting along footpaths</td>
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<tr>
<td>Aberfeldie Park (2013)</td>
<td>Upgrade the Rutherford Street (Bruce) car park</td>
<td>master plan</td>
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<tr>
<td>Maribyrnong River (2011)</td>
<td>Zone 1: Riverside Park (river edge only): Riverside Park Playground and Carpark upgrade</td>
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<tr>
<td>Maribyrnong River (2011)</td>
<td>Zone 1: Riverside Park (river edge only): Design/Construct of timber boardwalk</td>
<td>master plan</td>
<td>not started</td>
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<tr>
<td>Maribyrnong River (2011)</td>
<td>Zone 2: Vida Street: Reconstruct The Boulevard and Vida St intersection</td>
<td>design</td>
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<tr>
<td>Maribyrnong River (2011)</td>
<td>Zone 2: Vida Street: Design/Construct of timber boardwalk</td>
<td>master plan</td>
<td>not started</td>
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<tr>
<td>Maribyrnong River (2011)</td>
<td>Zone 2: Vida Street: Design/Construct new bridge</td>
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<tr>
<td>Maribyrnong River (2011)</td>
<td>Zone 3: Aberfeldie Park: Detailed Design/Construct of realigned road and associated landscape</td>
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<td>Maribyrnong River (2011)</td>
<td>Zone 4: Holmes Road: Construction: realign The Boulevard</td>
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<td>underway</td>
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<tr>
<td>Maribyrnong River (2011)</td>
<td>Zone 4: Holmes Road: Design/Construct the restructured Holmes Road/The Boulevard area to provide an open space/public gathering</td>
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<tr>
<td>Master Plan</td>
<td>Action (These works sit outside any Master Plan)</td>
<td>Project Phase</td>
<td>Status</td>
</tr>
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<td>N/A</td>
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<td>N/A</td>
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<td>N/A</td>
<td>Essendon Rowing Club - Female Friendly Change</td>
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<td>Maribyrnong Park Sports Pavilion (Temporary Upgrade)</td>
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<td>Maribyrnong Park Ground Works (North and South Ovals)</td>
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<tr>
<td>N/A</td>
<td>Maribyrnong Park Sports Pavilion (Redevelopment)</td>
<td>future years</td>
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</tr>
</tbody>
</table>
Maribyrnong River Cultural Precinct
INCUBATOR  ECONOMY
LIFESTYLE  CULTURAL HUB
  Sport   Art
  Food    Community
EVENTS  OUTDOOR  INDOOR EVENTS
Playing Fields
Create Gallery
Maritime
Botanic
ITEM 10.4 - APPENDIX B
## Stakeholder Engagement Plan – Maribyrnong River Cultural Precinct

<table>
<thead>
<tr>
<th>Stakeholder name/group</th>
<th>How are they associated with the project?</th>
<th>Category (ICN?)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broad Moonee Valley community with focus on residents within the neighbourhood and those most proximate</td>
<td>Live in vicinity/hood/municipality</td>
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<tr>
<td>Wurundjeri community</td>
<td>Traditional owners</td>
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<tr>
<td>Aberfeldie Football Club</td>
<td>Community group who license Aberfeldie Park</td>
<td>C</td>
</tr>
<tr>
<td>Aberfeldie Park Cricket Club</td>
<td>Community group who license Aberfeldie Park</td>
<td>C</td>
</tr>
<tr>
<td>Ascot Vale Triggs Club</td>
<td>Community tenant who lease space, need input into project.</td>
<td>C</td>
</tr>
<tr>
<td>Boat House Café</td>
<td>Commercial tenant that operate café on the Maribyrnong River</td>
<td>I</td>
</tr>
<tr>
<td>Council facilities and service managers</td>
<td>Internal engagement</td>
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<td>Essendon Fish Protection Society and Anglers Club</td>
<td>Community tenant who lease space, need input into project.</td>
<td>C</td>
</tr>
<tr>
<td>Essendon Maribyrnong Ladies Cricket Club</td>
<td>Community group who license Aberfeldie Park, share with Aberfeldie Sports Club.</td>
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</tr>
<tr>
<td>Essendon Auskirk</td>
<td>Community group who license Aberfeldie Park</td>
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</tr>
<tr>
<td>Essendon Rowing Club</td>
<td>Community tenant who lease space, need input into project.</td>
<td>C</td>
</tr>
<tr>
<td>Essendon United Soccer Club</td>
<td>Community group who license Aberfeldie Park</td>
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<tr>
<td>Historical Society</td>
<td>Historical Markers, buildings</td>
<td>C</td>
</tr>
<tr>
<td>Incinerator Gallery users community/arts community</td>
<td>Incinerator</td>
<td>C</td>
</tr>
<tr>
<td>Local cycling and walking groups, and personal trainers</td>
<td>Community groups</td>
<td>I</td>
</tr>
<tr>
<td>Local traders</td>
<td>Local Interest Groups</td>
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<tr>
<td>Maribyrnong Park Bowls Club Incl Croquet</td>
<td>Community tenant who lease space, need input into project.</td>
<td>C</td>
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<tr>
<td>Maribyrnong Park Football Club</td>
<td>Community group with license of Maribyrnong Park, need input into the project. Share with cricket.</td>
<td>C</td>
</tr>
<tr>
<td>Maribyrnong Park St Mary’s Cricket Club</td>
<td>Community group with license of Maribyrnong Park, need input into the project. Share with football.</td>
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</tr>
<tr>
<td>Maribyrnong Park Tennis Club</td>
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<td>C</td>
</tr>
<tr>
<td>Men’s Shed</td>
<td>Users of Council Program</td>
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<tr>
<td>Moonee Valley Athletics Centre clubs and school users groups</td>
<td>Community tenant who lease space, need input into project.</td>
<td>C</td>
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<tr>
<td>Moonee Valley Football Club</td>
<td>Community group who license Aberfeldie Park</td>
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</tr>
<tr>
<td>Northern Dog Obedience Group</td>
<td>Community group who lease Aberfeldie Park</td>
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<td>Personal Trainers</td>
<td>User agreements</td>
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<td>Relevant PACs within Council</td>
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<td>State Emergency Services</td>
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<td>Transfer and Depot community users</td>
<td>Transfer Station</td>
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The stakeholder categories are: I=Inform only, C=Consult and N=Negotiate.
## Stakeholder Consultation Plan

<table>
<thead>
<tr>
<th>Maribyrnong River Precinct Plan (2018/19)</th>
<th>Stage 1 – 2018 September to March</th>
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<tbody>
<tr>
<td></td>
<td>Establish a Community Reference Group</td>
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<tr>
<td></td>
<td>Stakeholder group meetings – feedback from users on concepts to inform Council decisions.</td>
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<tr>
<td></td>
<td>Project web page and other social media – broader awareness of the project.</td>
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<tr>
<td></td>
<td>Frequently asked questions – visioning paper to be tied in to consolidate feedback to community and key users.</td>
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</table>

Stage 2 if permitted April to June 2019.

- Community Reference Group meetings
- Drop-in discussions
- Information display
- Resident newsletter
10.5 Kent Street Traffic Management Study

File No: Fol/18/32
Author: Deryck Chan - Senior Traffic and Transport Engineer
Directorate: Planning and Development

Purpose
This report provides an update for the Kent Street Traffic Management Study.

Executive Summary
- The Kent Street Traffic Management Study commenced in September 2015 and was aimed at addressing specific community concerns in relation to traffic, road safety and speeding in Kent Street. These concerns were raised after the completion of the Flemington Hill Traffic and Parking Study in 2013, with residents wanting a more targeted approach.

- While Kent Street is a Council road, until late 2016 it was part of the Victorian Over Dimensional (OD) Route Network for permitted loads (i.e. over-sized and over-weight vehicles) and as such, the installation of further traffic management devices has not previously considered as any changes to the network or installation of traffic management devices required approval from VicRoads.

- A Draft Traffic Management Plan was developed by consultants with input from the Working Group, comprising members of the local community including traders, residents, Mymong Ward Councillors, Council officers, and consultants from Traffix Group.

- A questionnaire was circulated within the study area in July 2016 to seek feedback on the Draft Traffic Management Plan. Overall, there was strong support for the Draft Traffic Management Plan, with 64% of respondents in full support, 32% partial support and 4% no support. Of the approximately 1,200 questionnaires distributed, 122 responses were received.

- At least 74% support was received for each of the three proposed slow points and at least 87% support was received for each of the two pedestrian refuges.


- VicRoads removed Kent Street from the OD Network in late 2016.

- In early March 2018, a more detailed design was distributed to the community.

- After numerous issues were raised by multiple residents, an amended plan has been developed (Appendix A), including upgrading slow points to incorporate road humps, upgrading pedestrian crossing points to full zebra crossings, and additional pedestrian crossing and the reduction of speed limit to 40km/h.

- $500,000 is allocated within the 2018-19 Capital Works Program to construct the treatments recommended in Kent Street Traffic Management Study. The plan is currently being submitted to VicRoads for funding consideration as part of their Safe Travel in Local Streets (STiLS) Program. VicRoads have advised
that once a project has been developed, they would fund a maximum of $1 million through the STiLS Program, with the overall delivery contribution of a 50:50 arrangement.

**Recommendation**

That Council:

1. Adopts the amended Kent Street Traffic Management Plan as presented in Appendix A, noting the introduction of road humps, zebra crossings and a speed limit reduction to 40km/h.
2. Progresses Safe Travel in Local Streets (STiLS) Program application with VicRoads for funding consideration.
3. Notifies residents and traders within the Kent Street Traffic Management Study area regarding the amended traffic management plan and advises of the outcome of this report.
4. Notes works will commence within the 2018-19 Capital Works Program to construct the treatments recommended in Kent Street Traffic Management Study.

**Background**

The Kent Street Traffic Management Study commenced in September 2015 and was aimed at addressing specific community concerns relation to traffic, road safety and speeding in Kent Street.

These concerns were raised after the completion of the Flemington Hill Traffic and Parking Study in 2013, with residents wanting a more targeted approach.

Kent Street is a Council road, and was part of the Victorian Over Dimensional (OD) Route Network for permitted loads (i.e. over-sized and over-weight vehicles) and as such, the installation of further traffic management devices was not considered prior to this study as any changes to the network or installation of traffic management devices need approval from VicRoads.

The Kent Street Traffic Management Study area is generally bound by Mt Alexander Road, South Street, Clissold Street, Ascot Vale Road, Canterbury Street, Farnham Street and Wellington Street (Appendix B). It comprises approximately 1,200 properties, with predominantly residential use.

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

- Flemington Primary School
- St Brendan’s Catholic Primary School
- Ascot Vale Primary School
- Mt Alexander College
- CityLink
• Major events at the Royal Melbourne Showgrounds and Flemington Racecourse
• Geography – Kent Street is a direct connection between Mt Alexander Road and Ascot Vale Road.
• Craigieburn Railway Corridor – Kent Street treatment currently being constructed.

The study process involves a number of steps typical of Local Area Traffic Management (LATM) studies, with the following tasks undertaken to date:

**October 2015:**
Council appointed an independent consultant (Traffix Group) to assist in the development of the Kent Street Traffic Management Study.

**October 2015:**
Every property occupier and landowner in the Kent Street study area was invited to provide feedback to Council on issues, concerns and opportunities related to traffic and safety along Kent Street. This consultation was undertaken in the form of a circular and included a questionnaire.

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

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

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

<table>
<thead>
<tr>
<th>Issue</th>
<th>Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety Concerns</td>
<td>52% of responses safety concerns as a ‘major’ problem.</td>
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<tr>
<td>Irresponsible Driving</td>
<td>42% of responses identified irresponsible driving as a ‘major’ problem.</td>
</tr>
<tr>
<td>Traffic Volume</td>
<td>41% of responses identified traffic volume as a ‘major’ problem.</td>
</tr>
</tbody>
</table>

Note: The above figures provide only a summary of the responses and do not sum to 100%.

**November 2015:**
A Working Group was appointed and the first Working Group Meeting was held to discuss community feedback and all identified issues and opportunities.

**February 2015:**
The second Working Group Meeting was held to discuss the development of the Draft Traffic Management Plan. All feedback was considered and the consultants then updated the Draft Traffic Management Plan.
June 2016
Council adopted the Draft Traffic Management Plan (Appendix C) for consultation after several amendments were made following further pedestrian counts.

July 2016
Consultation of Draft Traffic Management Plan is undertaken.

August 2016
Results collated. Overall, there was strong support for the Draft Traffic Management Plan, with 64% of respondents in full support, 32% partial support and 4% no support. Of the approximately 1,200 questionnaires distributed, 122 responses were received.

At least 74% support was received for each of the three proposed slow points and at least 87% support was received for each of the two pedestrian refuges.

May 2017
Final notification sent to residents in study area, advising of Council endorsement of Draft Traffic Management Plan and progression of detailed design of treatments.

March 2018
Detailed plans sent to residents.

Discussion
The objectives of the Traffic Management Plan included reducing the incidence and potential for vehicle and pedestrian crashes in the area, improving the safety of local streets by reducing traffic speeds and discouraging through traffic from using Kent Street. The plan sought to: address traffic concerns raised by the community, while maintaining adequate levels of accessibility for local residents, local businesses and emergency services; and maximise the safety benefits.

After receiving feedback from numerous residents in response to the detailed designs, Council amended the Traffic Management Plan to address issues including drainage and parking. In addition, Council officers met with VicRoads officers regarding the Safe Travel in Local Streets (STiLS) Program and possible funding for delivery of the Kent Street Traffic Management Plan. During this meeting, VicRoads indicated their support for road humps, zebra crossings and the speed limit reduction to 40km/h, as VicRoads removed Kent Street from the OD Network in late 2016.

It is noted that the Safe Travel in Local Streets Program is a $35 million investment funded through the Victorian Government’s Towards Zero Road Safety Strategy and Action Plan 2016-2020. The program aims to reduce serious casualties on local streets and assists to create a healthy and liveable environment by implementing traffic calming measures. Hence, these treatments were included in the amended plan and the main changes include the following:

- Upgrade of the four (4) slow points to include road humps and landscaping
- Upgrade of the two (2) pedestrian crossing points to zebra crossings and landscaping
- An additional pedestrian crossing near Wigton Street
- Amendments to treatment locations to accommodate traffic and drainage concerns
- A 40km/h speed limit reduction.

Consultation
Extensive consultation has been undertaken with the property occupants and owners throughout the course of the study. The establishment and meeting of the Working Group has provided further insight into the community’s concerns.

The final questionnaire was circulated to the study area to determine the level of support for the Draft Traffic Management Plan, as well as notification of the detailed plans.

No further consultation is considered necessary regarding the amended plan. Instead, the community will be notified of the amended plan as well as receive communication that works will commence.

Implications

1. Legislative
   There are no legislative implications as a result of this report.

2. Council Plan / Policy
   The undertaking of Local Area Traffic Management studies are in line with the 2017-21 Council Plan and will contribute to Theme 2 (Green, Clean 7 Beautiful) and Strategic Outcome ‘Our infrastructure meets the needs of today and tomorrow’ through conducting evidence-based infrastructure planning and investments that meet the needs of our community..

3. Financial
   A total of $500,000 is allocated within the 2018-19 Capital Works Program to construct the treatments recommended in Kent Street Traffic Management Study (PJ30424 - $450,000 and PJ30488 - $50,000), the estimates of value of the additional traffic management treatments.

   Council officers will also progress with the Safe Travel in Local Streets Program application. VicRoads have advised that once a project has been developed, they would fund a maximum of $1 million, with the overall delivery contribution of a 50:50 arrangement.

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

Conclusion
Given the extensive consultation undertaken for the Kent Street Traffic Management Study to manage the community’s concerns, and with the strong support received, it is recommended Council adopt the amended Kent Street Traffic Management Plan as presented in Appendix A and commence work to deliver.
Appendices
Appendix A: Amended Traffic Management Plan
Appendix B: Study Area
Appendix C: Draft Traffic Management Plan
APPENDIX B

Study Area: Kent Street Traffic Management Study
10.6 Sports field irrigation and surfacing

File No: Fol/18/32
Author: Steven Lambert - Director City Services
Directorate: City Services

Purpose
To update Council on the outcome of a recent tender for sports field irrigation and resurfacing works, as well as to seek Council approval to expand the scope of current works planned for Cross Keys Reserve and Fairbairn Park.

Executive Summary
- As per its adopted 2018/19 Budget, Council is planning to undertake irrigation upgrade works at Fairbairn Park and Ormond Park, as well as ground realignment, irrigation upgrade and resurfacing works at Cross Keys Reserve in the current financial year.
- A tender was recently put to the market for these works, which included the option of sodding rather than sprigging for Cross Keys Reserve, as well as the installation of new cricket nets.
- The tender did not include ground levelling and realignment works at Fairbairn Park. Should these works go ahead, they will be the subject of a new tender.
- Expanding the scope of works for the Cross Keys Reserve and Fairbairn Park projects will present efficiency, cost saving and usability benefits to Council and the Moonee Valley community:
  - Resurfacing Cross Keys Reserve by sodding, as opposed to sprigging, would allow near full usability of the grounds by the winter 2019 season, as well as reduce future maintenance requirements.
  - Undertaking ground levelling and realignment works at Fairbairn Park in conjunction with planned irrigation upgrade works would be more efficient and cost effective than undertaking these works separately.
- Council is eligible to apply for Federal Government funding of up to $500,000 (per project) though the Community Sport Infrastructure Grant Program. Officers have lodged applications in anticipation of Council approval.
- Recent tender submissions for irrigation upgrades at Fairbairn Park and Ormond Park have come in under budget, freeing up some funding which could be rolled over to assist with funding the above two proposed scope expansions.
Recommendation

That Council:

1. Approves the allocation of an additional $1,000,000 in the 18/19 Budget for the Cross Keys Reserve ground realignment project, to allow for resurfacing using turf sod as opposed to sprigging, and to include the installation of new cricket nets. Funding to be sourced from Council’s cash reserves.

2. Seeks $500,000 funding through the Federal Government’s Community Sport Infrastructure Grant Program for ground realignment and associated works at Cross Keys Reserve.

3. Reduces the demand on Council cash reserves by $500,000, should Council be successful in obtaining this sum in funding through the Federal Government’s Community Sport Infrastructure Grant Program.

4. Approves expanding the scope of works planned at Fairbairn Park in 2018/19 to include ground levelling and realignment works, estimated at an additional $315,000 and increases the budget accordingly. Funding to be sourced from Council's cash reserves.

5. Seeks $350,000 funding through the Federal Government’s Community Sport Infrastructure Grant Program for ground levelling, realignment and associated works at Fairbairn Reserve.

6. Reduces the demand on Council cash reserves by $350,000, should Council be successful in obtaining this sum in funding through the Federal Government’s Community Sport Infrastructure Grant Program.

Background

Irrigation systems at Fairbairn Park and Ormond Park are approaching the end of their useful life, and are in need of replacement. Council’s adopted 2018/19 Budget included the allocation of $406,000 for oval surface and irrigation upgrade works at Ormond Park and $540,430 for irrigation upgrade works at Fairbairn Park.

The Cross Keys Reserve Master Plan (adopted by Council 20 December 2016) identifies the opportunity to realign playing fields to maximise the number of games that can be played throughout the year. Works planned for 2018/19 include the realignment of three pitches, installation of a new subsurface drainage and irrigation system, a conversion to warm season grass and additional lighting to the third pitch. These works are budgeted at $950,000, with Council allocating $700,000 in its 2018/19 Budget and the State Government committing $250,000 funding towards this project.

The tender for all three projects opened in mid-August, with submissions closing on 6 September 2018. Officers are currently evaluating these tenders and are preparing to award the works.
Discussion

Cross Keys Reserve

Works at Cross Keys Reserve are scheduled to commence in late 2018, in readiness for the 2019 winter season.

The club tenant for the winter season is Essendon Royals Soccer Club, which comprises 47 junior and senior teams, including eight female teams. The planned works will allow the club to run an estimated additional 25 team training sessions and games per week, and will help them to increase participation rates for women and girls. The reserve is also utilised by Essendon and Strathmore cricket clubs and local school groups.

Budget estimates for Cross Keys Reserve works were based on sprigging, the process of line planting grass stems and allowing them to spread over the surface as they grow. Since the adoption of the Budget it has been determined that this approach less than ideal. Sprigging will take approximately 16 weeks to establish well enough for the surface to be played on, and would require restrictions on use over the next two seasons while the grass matures, due to the risk of damage to the grass if overused.

An alternative to sprigging is to lay turf sods across the pitch. While this option is significantly more expensive than sprigging, the turf would be established within six weeks, allowing for near full use in time for the 2019 winter season. The turf would also require less ongoing maintenance in future years.

Where sprigging would need to occur as soon as possible, in order to be ready for (restricted) use in the 2019 winter season, if Council elects to proceed with sodding, the turf could be laid as late as the end of January 2019 (allowing for any unforeseen circumstances during the reconstruction phase).

The cost differential between sodding and sprigging for Cross Keys is estimated at $200,000. The project is over-budget is due to the agronomy or sub-surface conditions which are present at the site, which will impact the ability to grow a good turf cover.

In addition, the tender included the construction of new cricket nets, which could be removed from the project and delivered at a later date. These works are estimated to cost $120,000.

While $950,000 has been allocated to this project in Council’s adopted 2018/19 Budget, tender prices (see Appendix A) have come in well over this amount. As such, this report seeks to allocate an additional $1,000,000 in the 2018/19 Budget for this project.

Fairbairn Park

Planned works are scheduled to commence at Fairbairn Park in late 2018. This will include the trenching / ploughing of new irrigation pipes and associated infrastructure and the reinstatement of the surface.
Council officers have determined that in addition to irrigation improvements, works to level and realign Ovals eight and nine at Fairbairn Park would allow for increased and more flexible use of the grounds by tenant clubs, as well open up additional opportunities for schools and community groups to use the facilities during non-club allocated times.

Melbourne Water approval is required for this project and, given its magnitude, it would also require a public tender. While officers are confident this work can be completed in the 18/19 financial year, immediate approval is required for this to occur. Given the nature of the works planned in 2018/19, it is proposed to undertake the levelling and realignment works, estimated at $315,000, in conjunction with the irrigation improvement works. Undertaking these works at the same time will be far more efficient and cost effective than if the projects were carried out separately. Combining the projects will also improve Council’s chances of securing Federal funding for these works.

**Funding opportunity**

The Federal Government’s Community Sport Infrastructure Grant Program provides funding for projects which will support greater community participation in sport and physical activity and/or offer safer and more inclusive community sporting hubs.

Through this grant program, Council officers have submitted two applications; $500,000 for ground realignment and associated works at Cross Keys Reserve and $350,000 for levelling and realignment works at Fairbairn Park. Should Council not support the recommendations made in this report, the applications will be withdrawn.

Successful applicants are expected to be announced in November 2018.

**Tender process outcomes**

As officers are still undertaking tender evaluations, it isn’t currently possible to lock down a confirmed price for the works. As such, the table attached (Appendix A) shows a “high”, “average” and “low” cost outcome.

If the “high” scenario is used then there is a funding shortfall of $1,294,000 to complete all of the works outlined in this report. However, if Council is successful in its grant applications, this number falls to $444,000.

If the “average” scenario is used, which is more realistic, then the funding shortfall to complete all the works outlined in this report is $1,160,000. After the possible grant funding is included, this falls to $310,000.

If the “low” scenario is used then there is a funding shortfall of $1,055,000 to complete all of the works outlined in this report. However, if Council is successful in its grant applications, this number falls to $205,000.

All the figures currently include a 5 per cent contingency, and have yet to undergo any form of value management, which occurs as part of the tender process. As such, it is reasonable to expect an improvement in these figures as the process concludes.

Appendix A also shows the pricing for the sprigging option, so Council can see the differing cost. That said, this price is only the upfront cost and does not include extra maintenance costs associated with this option over the first couple of years.
Consultation
This report has been prepared in consultation with Council’s Community Infrastructure, Operations, Strategic Planning and Infrastructure Services departments.

The master plans for each of the parks / reserves have been through the public consultation process during their development. As we are now in the implementation phase, no further public consultation is required.

Implications

1. Legislative
   There are no legislative requirements relating to this report.

2. Council Plan / Policy
   In presenting this report, Council is working to achieve its strategic objective to upgrade infrastructure to support multiple benefits and value outcomes in accordance with Council Plan 2017-21 Theme 2: Green, clean and beautiful - A healthy environment and enhanced amenity - Our infrastructure meets the needs of today and can respond to future demand.

3. Financial
   This report seeks to allocate an additional $1,315,000 in 2018/19 for ground realignment and associated works at Cross Keys Reserve and Fairbairn Park.
   Council has applied for a total of $850,000 in Federal Government funding to contribute to these projects. Should these applications be successful, the incremental budget will be reduced by the grant funding.
   See Appendix A for full cost details.

4. Environmental
   Plans for works to be undertaken at Fairbairn Park, Ormond Park and Cross Keys Reserve include Environmentally Sustainable Design (ESD) elements, including water saving measures and energy efficient LED lighting.

Conclusion
Council has the opportunity to expand the current scope of planned sports field improvement projects, to provide the community with higher quality facilities that will increase capacity for use and lower the cost of maintenance over the longer term.

Appendices
Appendix A: Sports field irrigation and surfacing costings ↓ 📖
### Appendix A

<table>
<thead>
<tr>
<th></th>
<th>Fairbairn Irrigation</th>
<th>Ormond Park Irrigation</th>
<th>Cross Keys ground Renewal</th>
<th>Fairbairn Oval B Renewal</th>
<th>Cross Keys lighting (not tendered)</th>
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</thead>
<tbody>
<tr>
<td><strong>Officer estimate</strong></td>
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<td><strong>Total Budget</strong></td>
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<td>$900,000</td>
<td>$1,646,430</td>
<td>$3,896,480</td>
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</table>

**High Scenario**

- High Contract + Contingency @ 5%
  - Total Budget: $544,520
    - Shortfall: -$4,090
    - Possible Federal Grants: $500,000
    - Revised Shortfall: -$4,090

**Low Scenario**

- Low Contract + Contingency @ 5%
  - Total Budget: $404,227
    - Shortfall: -$190,750
    - Possible Federal Grants: $390,000
    - Revised Shortfall: -$190,750

**Average Scenario**

- Average Contract + Contingency @ 5%
  - Total Budget: $457,743
    - Shortfall: -$202,081
    - Possible Federal Grants: $390,000
    - Revised Shortfall: -$202,081

Movement to sprinkling will save approximately $210,000 over sadding.
Cross Keys tender also included cricket nets at approximately $120,000, which can be deferred to future periods.
10.7 Winter Activation Update

File No: Fol/18/32
Author: Malcolm Ward
Coordinator Economic Development
Directorate: Planning and Development

Purpose
The purpose of the report is to update Council on the success of the inaugural Moonee Ponds Winter Activation and seek support for future activations, in partnership with trader associations, across the municipality.

Executive Summary
- The Winter Activation in Moonee Ponds, delivered in partnership with the Moonee Ponds Rate Levy Association (MPRLA), was a success.
- Winter Fest was held from 1 June to 30 July 2018. The timing aligned with the school holidays and the Melbourne International Jazz Festival.
- The objective was to attract visitors to the Moonee Ponds business precinct, during the traditionally quiet winter months. The Ice Rink activation headlined the festival. It created a point of interest and provided opportunity for people to engage with local businesses.
- 10,406 people attended the Ice Rink which was set up at the northern end of Pratt Street, and open throughout the school holidays from 10am to 8pm.
- A survey was distributed to assess visitor experience. Of the people surveyed, 70% indicated that they were more likely to revisit Moonee Ponds in the future. 82% indicated that they dined, shopped or connected with a local business during their visit to the rink. 84% would attend an ice-skating event for Moonee Valley’s Winter Fest, 2019.
- The success of this activation, which was almost cost neutral (excepting Officer time), suggests that continued investment in future innovative activations is warranted.

Recommendation
That Council:
1. Notes the update provided in this report.
2. Supports implementation of a Moonee Ponds Winter Activation in 2019 (in partnership with the MPRLA).
3. Partners with Traders to plan and deliver future activations in other business precincts, such as: Essendon North, Flemington, Niddrie, Rose Street Village, Union Road, Mount Alexander Road and Dinah Parade.
Background

At Ordinary Council Meeting 24th October 2017 Council unanimously resolved to:

1. Endorse the concept of a ‘Winter Activation’ in Moonee Ponds for June/July 2018, including the installation of an ice rink in the northern end of Pratt Street (between Puckle Street and St Aidans Lane);

2. Engage in consultation with businesses, residents, stakeholders and Traders Associations in the precinct to assess any impact of the winter activation;

3. As part of the planning and implementation process develop methods to ensure businesses in the precinct can benefit from the proposed increased patronage and visitation to the area, and that the services of local businesses in the precinct are prioritised if any additional services are provided during the activation (such as food stalls, coffee vans, merchandise sales, etc.)

4. Review the impacts on traffic flows that the winter activation would create, particularly on Pratt, Puckle, Shuter, Moore, Young and Gladstone Streets, and at the intersections of Puckle Street & Mt Alexander Road, and Young Street and Mt Alexander Road, and devise and implement a traffic management plan to ameliorate potential traffic impacts (including current movements of delivery vehicles for businesses in the precinct);

5. Review the impacts of increased parking demands in area due to the winter activation, and work with potential partners (such as the Moonee Valley Racing Club and Woolworths), to provide further parking options for visitors to the area;

6. Develop an evaluation methodology as a means of assessing visitation during the winter activation, trader feedback, and the economic impact of the event, for a post-event analysis; and

7. Noted the advice on the cost of the implementation of the winter activation, which can be met from the economic development department’s current activation operating budget with financial support for the Moonee Ponds Rate Levy Association.

Discussion

Moonee Ponds Winter Fest 2018

Winter Fest was held from 1 June to 30 July 2018. The timing aligned with the school holidays and the Melbourne International Jazz Festival. Activities were provided from four Council venues: Sam Merrifield Library, Incinerator Gallery, Clocktower Centre and the Moonee Ponds Ice Rink (set up in the heart of Moonee Ponds at the northern end of Pratt Street).

The objective of the winter themed festival and ice-rink activation was to attract visitors to the Moonee Ponds business precinct, during the traditionally quiet winter months. The Ice Rink activation headlined the festival. It created a point of interest and provided opportunity for people to enjoy the outdoors and engage with retailers in the area.

Visitation to the Moonee Ponds business precinct was improved. 10,406 people attended the Ice Rink during the two-week school holiday period (30 June to 15 July 2018). The Rink was open from 10:00am until 8:00pm each day. 45-minute session
times were held on the hour every hour. Online bookings were available and recommended. Valley Youth (Moonee Valley City Council’s Youth Development Team) dedicated one afternoon and evening to 12 to 25-year-olds, with a DJ, competitions, freebies and prizes.

Winter Activation Moonee Ponds - July 2018

There was a wide variety of activities on offer including: movies at the Clocktower, *Arty Tales* at the Incinerator Gallery. Sam Merrifield Library celebrated 50 years and hosted free events including: ‘*Bubbles and Books*’ and *Cosplay* for children, and a spoken word performance *Emily Bronte’s 200th Birthday*.

Winter Music in the Valley presented classical music. Live jazz performances were held in local bars and other small venues. The festival’s major partner, Moonee Ponds 3039, offered special dining and shopping deals to visitors.

The success of this activation suggests that Council should continue to partner with trader associations to plan and deliver future activations in Moonee Ponds and other business precincts such as: Essendon North, Flemington, Niddrie, Rose Street Village and Union Road.

**Consultation regarding impacts of the activation**

Council’s Economic Development team worked closely with the Moonee Ponds Rate Levy Association (MPRLA) in supporting the traders’ initial proposal for an ice-skating rink in their business area. A partnership between Council and the MPRLA enabled successful delivery of the ice-skating activation in Pratt Street, Moonee Ponds.

The Economic Development team consulted with residents and the local business community in Pratt Street, providing information on:
• Ice rink location
• Traffic management and
• Street closure details.

This information was also provided at a broader level across the Moonee Ponds business precinct.

A drop-in opportunity was held for residents and business. This provided a chance for face to face discussions about the ice rink activation with Council Officers. Traders were supportive of this opportunity.

**Ensuring businesses in the precinct benefit from the activation**

A survey of 532 Ice Rink visitors (discussed later in this report) found that over 80% engaged with a business while in Moonee Ponds during their visit.

Council’s Economic Development team supported traders to optimise the benefits of increased activity in the area by:

• Involving local businesses with the catering and licensing of the launch event;
• Enabling the Pratt Street butcher to set up a BBQ/sausage sizzle outside his business, which was next to the Ice Rink entry; and
• Providing advice to Pratt Street Traders regarding their Winter Fest Window Displays.

### Winter Activation Promotion

The MPRLA also ran several local business engagements. These included:

• A printed directory for all businesses in Moonee Ponds;
• Business special discounts as part of a tear out directory centrefold;
• Placing advertisements in local newspapers; and
• An ongoing social media campaign, introducing businesses and specials over the Winter Fest period.

**Managing the impact on traffic flows (including deliveries)**

The Economic Development team worked collaboratively with Council’s Transport Unit to ensure an effective Traffic Management Plan was developed. Timely
communication of the Plan with MPRLA, Pratt Street businesses, and the major business in the area (Woolworths), ensured that concerns could be addressed and there was no disruption to businesses (including deliveries).

To mitigate impact on deliveries, Officers engaged with Woolworths to extend delivery hours to the supermarket as controlled by Condition 25 of their permit. Council consented for extended delivery period of 2.00pm to 8.00am for AUSTROAD Class 4 (3 axles trucks) vehicles and/or vehicles with a gross weight over 12 tonnes was granted for the duration of the Winter Fest event.

Traffic Management Plan

Five variable message signs were installed 8 days prior to the commencement of the event to advise drivers of the closure of Pratt Street. This traffic management approach provided additional community awareness of the event.

Variable Message Signs

Managing increased parking demands

Moonee Ponds has some 1800 off-street parking spaces with time limits ranging from one to four hours. To minimise the impacts of increased parking demands due to the winter activation, the Economic Development team:
Ensured the Moonee Ponds courtesy bus ran throughout the Winter Fest period helping to provide parking for workers in the area;

Communications encouraged visitors to use public transport, walk or bike ride to the event. Bus, train and tram routes were communicated via the Winter Fest Program and online;

Parking areas were also communicated through the Winter Fest Program and online to alleviate last minute parking issues.

Anecdotal feedback received during the ice rink activation indicated that parking issues were not an impediment to attending. Only one visitor survey respondent suggested that one-hour parking was inadequate.

**Activation Evaluation Methodology**

The aim of the activation was to increase vitality of the precinct and in doing so, support the economic viability of local businesses by increasing visitation.

To evaluate the activation and inform planning for future activations, in Moonee Ponds and other activity centres, the number of people that attended the Ice-Skating Rink was recorded (10,406 people). The Economic Development team also distributed a visitor survey. The survey was sent to 2,300 ice rink attendees. 532 responses were received (23% response rate).

Eight (8) questions were asked:

1. How would you rate your experience at the Ice-Skating Rink?
2. How did you find out about the Ice-Skating event?
3. Did you dine, shop or connect with a local business in Moonee Ponds as part of your visit to the Ice-Skating Rink?
4. Did you know that the Ice-Skating rink was part of a broader program known as Winter Fest?
5. How many Winter Fest events did you attend?
6. Has your visit to Moonee Ponds made you more likely revisit in the future?
7. Would you attend an Ice-Skating event for Mooney Valley’s Winter Fest, 2019?
8. What suburb do you live in?
Ice-Rink Visitor Survey Results

The survey results (detailed below) indicate that the Moonee Ponds Winter Activation was a success. 70% of people that responded to the survey, said they were more likely to visit Moonee Ponds in the future and 84% would attend an ice-skating event in Moonee Valley in 2019. 82% dined, shopped or connected with a local business in Moonee Ponds as part of their visit to the Rink.

Most survey respondents only visited the Rink. They did not attend other Winter Fest events, suggesting that including the Ice Rink may have brought people to the festival that would not have otherwise attended.

How would you rate your experience at the Ice-Skating Rink?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>120</td>
<td>22.6%</td>
</tr>
<tr>
<td>Very Good</td>
<td>199</td>
<td>37.5%</td>
</tr>
<tr>
<td>Good</td>
<td>113</td>
<td>21.3%</td>
</tr>
<tr>
<td>Fair</td>
<td>55</td>
<td>10.4%</td>
</tr>
<tr>
<td>Poor</td>
<td>43</td>
<td>8.1%</td>
</tr>
</tbody>
</table>

How did you find out about the Ice-Skating event?

Other ways that people found out about the event included:

- Seeing the posters, signs and billboards
- Brochures, flyers, postcards
- Seeing it when driving or walking by
- Newspaper
- Mumma knows west
- Library
- School newsletter
Did you dine, shop or connect with a local business in Moonee Ponds as part of your visit to the Ice-Skating Rink?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>434</td>
<td>81.6%</td>
</tr>
<tr>
<td>No</td>
<td>98</td>
<td>18.4%</td>
</tr>
</tbody>
</table>

Did you know that the Ice-Skating rink was part of a broader program known as Winter Fest?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>400</td>
<td>75.3%</td>
</tr>
<tr>
<td>No</td>
<td>131</td>
<td>24.7%</td>
</tr>
</tbody>
</table>

How many Winter Fest events did you attend?

<table>
<thead>
<tr>
<th>Attendance</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (just the ice skating)</td>
<td>352</td>
<td>88.0%</td>
</tr>
<tr>
<td>2</td>
<td>35</td>
<td>8.8%</td>
</tr>
<tr>
<td>3</td>
<td>9</td>
<td>2.3%</td>
</tr>
<tr>
<td>4 or more</td>
<td>4</td>
<td>1.0%</td>
</tr>
</tbody>
</table>

Has your visit to Moonee Ponds made you more likely revisit in the future?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>367</td>
<td>69.8%</td>
</tr>
<tr>
<td>No</td>
<td>159</td>
<td>30.2%</td>
</tr>
</tbody>
</table>

Would you attend an Ice-Skating event for Moonee Valley’s Winter Fest, 2019?

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>445</td>
<td>83.8%</td>
</tr>
<tr>
<td>No</td>
<td>86</td>
<td>16.2%</td>
</tr>
</tbody>
</table>
What suburb do you live in?

<table>
<thead>
<tr>
<th>Suburb</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberfeldie</td>
<td>17</td>
<td>3.2%</td>
</tr>
<tr>
<td>Airport West</td>
<td>11</td>
<td>2.1%</td>
</tr>
<tr>
<td>Ascot Vale</td>
<td>62</td>
<td>11.7%</td>
</tr>
<tr>
<td>Avondale Heights</td>
<td>13</td>
<td>2.4%</td>
</tr>
<tr>
<td>Essendon</td>
<td>50</td>
<td>9.4%</td>
</tr>
<tr>
<td>Essendon Fields</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Essendon North</td>
<td>8</td>
<td>1.5%</td>
</tr>
<tr>
<td>Essendon West</td>
<td>3</td>
<td>0.6%</td>
</tr>
<tr>
<td>Flemington</td>
<td>10</td>
<td>1.9%</td>
</tr>
<tr>
<td>Keilor East</td>
<td>34</td>
<td>6.4%</td>
</tr>
<tr>
<td>Moonee Ponds</td>
<td>117</td>
<td>22.0%</td>
</tr>
<tr>
<td>Niddrie</td>
<td>11</td>
<td>2.1%</td>
</tr>
<tr>
<td>Strathmore</td>
<td>18</td>
<td>3.4%</td>
</tr>
<tr>
<td>Strathmore Heights</td>
<td>1</td>
<td>0.2%</td>
</tr>
<tr>
<td>Travancore</td>
<td>3</td>
<td>0.6%</td>
</tr>
<tr>
<td>Other (specify)</td>
<td>173</td>
<td>32.6%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>531</td>
<td></td>
</tr>
</tbody>
</table>

Many survey respondents live outside of the municipality. Ten (10) or more people visited from each of the following suburbs: Pascoe Vale, Pascoe Vale South, Brunswick, Brunswick West, Coburg, and Maribyrnong.

The following additional comments were contributed by survey respondents:

- Uncomfortable, poor condition ice-skates (2 respondents)
- Poor customer service at the ice rink. No assistance with boots, no safety brief to anyone. No staff supervising the event (2 respondents)
- Set up in Queens Park next time (2 respondents)
- Parking – 1 hour is not enough (1 respondent)

All survey responses should be considered when planning future activation events in Moonee Ponds and other activity centres.

**Consultation**

The nature of this report does not require any consultation.

**Implications**

1. **Legislative**

   The Human Rights Charter is not impacted by the contents of this report.
2. **Council Plan / Policy**

In presenting this report, Council is working to achieve its strategic objective to continue to build pride of place and community celebrations throughout the municipality by support for and provision of community festivals, events and programs in accordance with Council Plan 2017-21 Theme 4: Vibrant and diverse - Celebrating diversity, promoting participation, and creating a strong economy - People are connected to culture and community.

3. **Financial**

The Economic Development Unit’s operating budget met the requirements to deliver Winter Fest. Revenue was generated from ticket sales, principal partnership funding from the MPRLA and major partnership funding from the Telstra Shop Moonee Ponds and Caydon Property.

Revenue from ice skating ticket sales exceeded the initial budget. 10,406 people attended the rink. Ticket prices were as follows: $15 for adults and children aged 14+; $10 for children (5-13); $5 for toddlers (aged under 5); and $40 for a family (2 adults, 2 children). Skaters could also hire penguin skate aids for $5 each, and coin operated lockers were available.

The activation was almost cost neutral. Final cost, not including Council staff time, was approximately $16,000. This includes a partial refund to the principal partners MPRLA. MPRLA have been asked to support the 2019 Winter Fest Ice Rink ‘in principle’ and Council is waiting on a formal response regarding their support.

4. **Environmental**

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

Sustainable practices were incorporated throughout the event including extra recycling bins, food waste strategies.

**Conclusion**

The Moonee Ponds Winter Activation was a success. More than 10,000 attended the Ice Rink. A visitor survey found that 82% of respondents dined, shopped or connected with a local business in Moonee Ponds as part of their visit to the rink. 70% indicated that they were more likely to visit Moonee Ponds in the future, and 84% would attend an ice-skating event in Moonee Valley in 2019.

Most of the people that responded to the survey only visited the Ice Rink. They did not attend other Winter Fest events, suggesting that including the Ice Rink may have brought people to the festival that would not have otherwise attended.

The success of the activation suggests that Council should continue to partner with trader associations to plan and deliver future activations in Moonee Ponds and other business precincts.

**Appendices**

Nil
10.8 Assembly of Councillors

File No: Fol/18/32
Author: Tracey Classon - Governance Officer
Directorate: Organisational Performance

Purpose
The purpose of this report is to present to Council the written records of Assemblies of Councillors held in accordance with the provisions of Section 80A(2)(a) and (b) of the Local Government Act 1989 (“the Act”).

Executive Summary
It is a requirement of the Act that a written record of any Assembly of Councillors is prepared and presented to Council.

Recommendation
That Council, in accordance with section 80A(2) of the Local Government Act 1989, receives the records of the following Assemblies of Councillors:

<table>
<thead>
<tr>
<th>Assembly</th>
<th>Public Forum held on Tuesday 21 August 2018 at 6pm Council Chamber, Civic Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matters considered</td>
<td>1. Questions on notice from:</td>
</tr>
<tr>
<td></td>
<td>• John McCormack regarding a fallen tree branch which damaged his car</td>
</tr>
<tr>
<td></td>
<td>• Eddie Jones regarding a fallen tree branch on his property, the management of graffiti in East Keilor and plastic bags in parks to collect dog waste</td>
</tr>
<tr>
<td></td>
<td>• Brent Lavery regarding parking restrictions in Union Road, Ascot Vale</td>
</tr>
<tr>
<td></td>
<td>2. Questions without notice about:</td>
</tr>
<tr>
<td></td>
<td>• Parking in Union Road, Ascot Vale</td>
</tr>
<tr>
<td></td>
<td>• The cost of replacing lost parking permits</td>
</tr>
<tr>
<td></td>
<td>• Traffic measures in Miriam Street, Ascot Vale and how to stop people parking across residents’ driveways</td>
</tr>
<tr>
<td></td>
<td>• Confusing traffic signs in Union Road, Ascot Vale</td>
</tr>
<tr>
<td>Councillors present</td>
<td>Cr John Sipek (Mayor)</td>
</tr>
<tr>
<td></td>
<td>Cr Samantha Byrne (Deputy Mayor)</td>
</tr>
<tr>
<td></td>
<td>Cr Jim Cusack</td>
</tr>
<tr>
<td></td>
<td>Cr Rebecca Gauci Maurici</td>
</tr>
<tr>
<td></td>
<td>Cr Richard Lawrence</td>
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<td></td>
<td>Cr Nicole Marshall</td>
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<td></td>
<td>Cr Narelle Sharpe</td>
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</tbody>
</table>
Leave of absence: Cr Andrea Surace

<table>
<thead>
<tr>
<th>Staff present</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Bryan Lancaster (CEO)</td>
<td>Steven Lambert</td>
<td>Natalie Reiter</td>
</tr>
<tr>
<td>Steven Lambert</td>
<td>Gil Richardson</td>
<td></td>
</tr>
<tr>
<td>Cr Andrea Surace</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Conflict of interest</th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Nil.</td>
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</table>

Assembly

**Strategic Briefings of Councillors held on Tuesday 21 August 2018 at 6:55pm.**

*Council Chamber, Civic Centre*

**Matters considered**

1. Contract management of Riverside Golf and Tennis
2. Child Safe Standards
3. RESCode and Better Apartment Assessments
4. Windy Hill and Essendon Football Club
5. Reconciliation policy and action plan
6. Review of Draft Agenda for Ordinary Council Meeting on 28 August 2018
7. Items of a general nature raised by Councillors and Officers.

**Councillors present**

- Cr John Sipek (Mayor)
- Cr Samantha Byrne (Deputy Mayor)
- Cr Jim Cusack
- Cr Rebecca Gauci Maurici
- Cr Richard Lawrence
- Cr Nicole Marshall
- Cr Narelle Sharpe

Leave of absence: Cr Andrea Surace

**Staff present**

- Bryan Lancaster (CEO)
- Steven Lambert
- Natalie Reiter
- Gil Richardson
- Petrus Barry
- Allison Watt
- Vera Mitrovic-Misic
- Kay Fitzgerald
- Jason Crockett
- Mandy Bodman
- Lachlan Orr
- Grant Michell
- Kate Murphy
- Jennifer Kemp
- Terri Spiers
- Belinda Stewart

**External guest**

- Todd McHardy of Bluefit

**Conflict of interest**

Cr Byrne declared an direct conflict of interest due to residential amenity in the confidential item 14.1 on the draft OCM agenda for 28 August and left the meeting at 10.17pm, returning at 10.33pm after the discussion on the item.
**Assembly**  
Ordinary Council Meeting pre-meet held on Tuesday 28 August 2018 at 6pm  
Committee Room, Civic Centre

**Matters considered**  
Ordinary Council Meeting agenda for Tuesday 28 August

**Councillors present**  
Cr John Sipek (Mayor)  
Cr Samantha Byrne (Deputy Mayor)  
Cr Jim Cusack  
Cr Rebecca Gauci Maurici  
Cr Richard Lawrence  
Cr Nicole Marshall  
Cr Cam Nation  
Cr Narelle Sharpe  
Leave of absence: Cr Andrea Surace

**Staff present**  
Bryan Lancaster (CEO)  
Steven Lambert  
Natalie Reiter  
Gil Richardson  
Petrus Barry  
Allison Watt  
Vera Mitrovic-Misic

**Conflict of interest**  
Cr Samantha Byrne declared a direct conflict of interest in the confidential item 14.1, due to residential amenity and left the meeting at 6.16pm.

---

**Assembly**  
Strategic briefings held on Tuesday 4 September at 6.05pm  
Council Chamber, Civic Centre, Moonee Ponds

**Matters considered**  
1. Governance update from Maddocks Lawyers  
2. St Columbans Mission, Brian Haratsis  
3. Strathmore Children’s Centre  
4. Ageing in Moonee Valley  
5. Netball/tennis upgrades at Riverside Park  
7. Items of a general nature raised by Councillors and Officers.

**Councillors present**  
Cr John Sipek (Mayor)  
Cr Samantha Byrne (Deputy Mayor)  
Cr Jim Cusack  
Cr Rebecca Gauci Maurici  
Cr Richard Lawrence  
Cr Cam Nation  
Cr Narelle Sharpe  
Leave of absence: Cr Andrea Surace
**Staff present**

<table>
<thead>
<tr>
<th>Staff present</th>
<th>Bryan Lancaster (CEO)</th>
<th>Edward Elliott</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Steven Lambert</td>
<td>Maria Weiss</td>
</tr>
<tr>
<td></td>
<td>Natalie Reiter</td>
<td>Natalie Smyth</td>
</tr>
<tr>
<td></td>
<td>Gil Richardson</td>
<td>Belinda Stewart</td>
</tr>
<tr>
<td></td>
<td>Petrus Barry</td>
<td>Kate Heissenbuttel</td>
</tr>
<tr>
<td></td>
<td>Allison Watt</td>
<td>Mandy Bodman</td>
</tr>
<tr>
<td></td>
<td>Brenton Otte</td>
<td>Kassia Gibbs</td>
</tr>
</tbody>
</table>

**External guests**

- Catherine Dunlop (Maddocks)
- Brian Haratsis (Macroplan)
- Peter Lovell (Lovell Chen heritage consultants and architects)

**Conflict of interest**

Cr Nation declared an indirect conflict of interest due to conflicting duty in item 10.12 on the draft Ordinary Council Meeting agenda for 11 September and left the meeting at 9.33pm and returned to the meeting at 9.38pm after the discussion.

**Assembly**

**Chief Executive Performance Review Special Committee held on Tuesday 4 September 2018 at 10pm, Council Chamber, Civic Centre**

**Matters considered**

1. Adoption of process for assessing the CEO against the Key Responsibility Areas (KRAs) and areas for focus (as identified in meeting on 28 May 2018) for the end of 2018 CEO review cycle to be held on Monday 1 October, 2018.
2. Adoption of the Service Level Agreement (SLA) between CEO and Councillors.

**Councillors present**

- Cr John Sipek (Mayor)
- Cr Samantha Byrne (Deputy Mayor)
- Cr Jim Cusack
- Cr Rebecca Gauci Maurici
- Cr Cam Nation
- Cr Narelle Sharpe (via phone)

**Staff present**

- Edward Elliott

**Conflict of interest**

- Nil.

**Assembly**

**Ordinary Council Meeting Pre-meet held on Tuesday 11 September 2018 at 6pm, Committee Room, Civic Centre**

**Matters considered**

Ordinary Council Meeting agenda for Tuesday 11 September.

**Councillors present**

- Cr John Sipek (Mayor)
- Cr Samantha Byrne (Deputy Mayor)
- Cr Rebecca Gauci Maurici
- Cr Richard Lawrence arrived 6.03pm
- Cr Nicole Marshall
- Cr Cam Nation
<table>
<thead>
<tr>
<th>Staff present</th>
<th>Bryan Lancaster (CEO)</th>
<th>Steven Lambert</th>
<th>Natalie Reiter</th>
<th>Gil Richardson</th>
<th>Petrus Barry</th>
<th>Allison Watt</th>
<th>Meghan Hopper</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conflict of interest</td>
<td>Cr Cam Nation declared an indirect interest due to conflicting duty in item 10.11 Windy Hill and Essendon Football Club and left the meeting at 6.07pm, returning at 6.08pm after the discussion.</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Assembly</th>
<th>Public Forum held on Tuesday 18 September 2018 at 6pm, Council Chamber, Civic Centre</th>
</tr>
</thead>
</table>
| Matters considered | • Simon Martyn regarding Public Acquisition Overlay impact on planning application at 47 Fisher Pde Ascot Vale  
• David Bate regarding planning application at 47 Fisher Pde, Ascot Vale  
• Kerrie Dowsley regarding Ascot Lot food truck park  
• Michelle Dowdle regarding Strathmore Heights Kindergarten  
• Eddie Jones – regarding the trimming of a tree in front of his home in Milleara Road, East Keilor  
• Sharon Mumford – regarding the playground at Strathaird Street, Strathmore |

| Councillors present | Cr Samantha Byrne (Deputy Mayor)  
Cr Jim Cusack  
Cr Rebecca Gauci Maurici  
Cr Nicole Marshall  
Cr Narelle Sharpe |
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<td>Leave of absence:</td>
<td>Cr Andrea Surace</td>
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| Staff present | Bryan Lancaster (CEO)  
Steven Lambert  
Gil Richardson  
Allison Watt  
Jessie Keating | Colin Harris  
Sarah Schwager  
Leanne Wilson  
Malcolm Ward |
| Conflict of interest | Nil. |

| Assembly | Strategic Briefings held on Tuesday 18 September 2018 at 7.05pm.  
Council Chamber, Civic Centre |
|-----------------------------|-------------------------------------------------------------------------------------|
| Matters considered | • Ardmillan Place, Moonee Ponds (Simon Martyn, Fulcrum Consulting)  
• Maribyrnong Integrated Water Management Forum Update (Lydia Wilson, Chair and James Newton, DELWP)  
• Maribyrnong River Cultural Precinct Update |
Background
In accordance with Section 80A (1) & (2) of the Act, the Chief Executive Officer is to ensure that a written record of an Assembly of Councillors is, as soon as practicable, reported at an Ordinary Meeting of the Council; and incorporated in the minutes of that Council meeting.

Discussion
Section 3(1) of the Act defines an Assembly of Councillors as a meeting of an Advisory Committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:

a) the subject of a decision of the Council; or

b) subject to the exercise of a function, duty or power of the Council, that has been delegated to a person or committee but does not include a meeting of the Council, a Special Committee of the Council, an Audit Committee established
under section 139, a club, association, peak body, political party or other organisation.

Section 80A (1) and (2) of the Act provides that:

1. At an Assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of —
   a) the names of all Councillors and members of Council staff attending;
   b) the matters considered;
   c) any conflict of interest disclosures made by a Councillor attending under subsection (3); and
   d) whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.

2. The Chief Executive Officer must ensure that the written record of an Assembly of Councillors is, as soon as practicable —
   a) reported at an Ordinary Meeting of the Council; and
   b) incorporated in the minutes of that Council meeting.

Consultation

All Council staff have been informed of Council’s obligations under the Act.

Implications

1. Legislative

   This report is presented to Council in accordance with Section 80A of the Act. As this is a mandatory reporting requirement, there are no Charter of Human Rights implications for Council.

2. Council Plan/Policy

   In presenting this report to Council, Council is achieving its Council Plan Objective 5.2: ‘Good governance is everyone’s responsibility’ and ‘is fostering a culture of accountability and transparency.’

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.

5. Conclusion

   Council has an obligation under Section 80A(2)(a) & (b) of the Act, to present all records of Assemblies of Councillors to an Ordinary Meeting of Council. By receiving and noting this report, Council is ensuring compliance with these provisions.
Appendices

Nil
CONFIDENTIAL REPORTS

Closure of meeting to public

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

14.1 Drainage improvement works
Item 14.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (d) contractual matters.