Agenda

Ordinary Meeting of Council

Tuesday, 29 January 2019
6:30pm
Ordinary Meeting of Council
Tuesday, 29 January 2019 at 6:30pm
to be held at the Moonee Valley Civic Centre

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

Officers:
Mr Bryan Lancaster  Chief Executive Officer
Mr Steven Lambert  Director City Services
Ms Kendrea Pope  Director Organisational Performance
Ms Natalie Reiter  Director Planning and Development
Mr Gil Richardson  Director Asset Planning and Strategic Projects
Mr Petrus Barry  Manager Statutory Planning
Ms Allison Watt  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 December 2018.

5. Declarations of Conflict of Interest

6. Presentations
   Nil.

7. Petitions and Joint Letters
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   7.2 Proposed changes to median strip access from Buckley Street to surrounding streets following the Buckley Street level crossing removal. ................................................................. 6

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10. Reports
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12. Urgent Business

13. Delegates Reports

14. Confidential Reports
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       property ........................................................................................................118

15. Close of Meeting

BRYAN LANCASTER
Chief Executive Officer
7.1 Flemington Primary School - School Crossing times

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

Summary

Council has received a petition with 42 signatures, requesting the following:

Allow the Crossing Supervisor at the Mount Alexander Rd/Wellington St Intersection (outside Flemington P.S.) to work prior to 2:30pm on the last day of every term as school finishes at 1:30pm on those days.

To ensure the safety of children from Flemington Primary School crossing this very busy intersection on the last day of each term.

Recommendation
That Council:
1. Receives and notes the petition.
2. Refers this matter to the Director Planning and Environment for investigation and reporting to Council.
3. Advises the petition organiser accordingly.

Appendices
Nil
7.2 Proposed changes to median strip access from Buckley Street to surrounding streets following the Buckley Street level crossing removal.

File No:  Fol/18/32
Author:  Emily Chiles - Governance Officer
Directorate:  Organisational Performance

Summary
Council has received a petition with 64 signatures, requesting the following:
Moonee Valley City Council abandon the proposed plans to; close the Buckley Street median strip at Cliff, Robb, McPhail and Daisy Streets, open the median strip at Court Street and install parallel car parking to Court Street, and withdraw the plans submitted to the LXRA.

For the following reasons:
Implementing additional constraints to access local streets off Buckley Street will make the situation worse for the remaining streets without access constraints, that is, these plans will simply move the problem to other streets.

These plans have been prepared and submitted to LXRA without consultation and input from the impacted residents.

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

Appendices
Nil
**REPORTS**

10.1 203-211 Keilor Road, Essendon (Lots 1, 2 & 3 TP335400C, Lot 352 LP2735, Land in CP151620 and Land in CP152396) - Construction of a seven storey building in a Commercial 1 Zone and Design and Development Overlay (DDO7 and DDO9), use of the land for dwellings and alteration of access to a road in a Road Zone, Category 1

**File No:** Fol/18/32  
**Author:** William Wheeler - Principal Statutory Planner  
**Directorate:** Planning and Development

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/914/2017</th>
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| **Proposal**      | Construction of a seven storey building comprising two retail premises and 121 dwellings  
Use of the land for dwellings  
Alteration of access to a road in a Road Zone, Category 1 |

| **Applicant**     | proUrban Planning C/- Panorama Investment (Essendon) Pty Ltd |
| **Owner**         | Preston Motors Pty Ltd |

| **Planning Scheme Controls** | Commercial 1 Zone  
Design and Development Overlay (DDO7 & DDO9)  
Abuts a Road Zone, Category 1 |

| **Planning Permit Requirement** | Clause 34.01-1 – Use of the land for dwellings  
Clause 34.01-4 – Construct a building or construct or carry out works  
Clause 43.02-2 – Construct a building or construct or carry out works  
Clause 52.29 – Create or alter access to a road in a Road Zone, Category 1 |

| **Car Parking Requirements** (Clause 52.06) | Required: 214 car spaces  
Provided: 247 car spaces |
### Executive Summary

- The application seeks planning approval for the construction of a seven storey building in a Commercial 1 Zone and Design and Development Overlay (DDO7 and DDO9), comprising two retail premises and 121 dwellings, use of the land for dwellings and alteration of access to a road in a Road Zone, Category 1.

- The site has an area of 5,316 square metres and is located on a corner on the southern side of Keilor Road, the eastern side of Cooper Street and the western side of Roberts Street, Essendon. The site comprises a car sales yard (Essendon Holden).

- The application was advertised and nine objections were received. The concerns raised related to neighbourhood character, site layout and building massing, building height, overdevelopment, off-site amenity impacts, car parking and traffic impacts, flight path impacts, insufficient open space, noise impacts, lack of plantings at ground level along Keilor Road, safety of derelict buildings/sites, construction impacts, shadow/wind impacts to Keilor Road and insufficient details provided for a detailed assessment to be carried out.

- A Consultation Meeting was not held as less than 10 objections were received by Council.

- The application was externally referred to Transport for Victoria, VicRoads, Essendon Fields Airport and City West Water. Conditional support to the application was provided by all except Essendon Fields Airport. The Airport requires the proposed built form is to be modified to ensure there are no intrusions into flight paths in the vicinity of the airport, along with the inclusion of conditions within the recommendation to address all outstanding matters.

- The application was internally referred to Council’s Development Engineering (Drainage) Unit, Development Engineering (Traffic) Unit, Waste Management Unit, Environmental Sustainable Design (ESD) Officer, Urban Designer and Landscape Architect (Streetscapes). Conditional support to the application was provided by all.

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| Bicycle Requirements (Clause 52.34) | Required: 47 bicycle spaces  
Provided: 131 bicycle spaces |
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<tbody>
<tr>
<td>Restrictive Covenants</td>
<td>None</td>
</tr>
<tr>
<td>Easements</td>
<td>Yes – 3.66 metre wide drainage, sewerage and telecommunication easements along part of the southern property boundary to the south-east and south-west</td>
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<tr>
<td>Site Area</td>
<td>5,316 square metres</td>
</tr>
<tr>
<td>Number Of Objections</td>
<td>9</td>
</tr>
<tr>
<td>Consultation Meeting</td>
<td>N/A</td>
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The proposed development provides a suitable level of intensification for a ‘key site’ located within Keilor Road Major Activity Centre and directly abutting the Principal Public Transport Network (PPTN). Ultimately the proposal, subject to conditions, successfully balances conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. In particular, the proposal provides significant streetscape improvement works and canopy tree plantings along Keilor Road, Cooper Street and Roberts Street, two large retail premises for meaningful employment opportunities and activation to this section of Keilor Road, a substantial increase in housing opportunities and considerable diversity of dwelling stock to meet growing population needs.

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 a Notice of Decision to Grant a Permit be issued subject to conditions.

Recommendation
That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/914/2017 for the construction of a seven storey building in a Commercial 1 Zone and Design and Development Overlay (DDO7 and DDO9), use of the land for dwellings and alteration of access to a road in a Road Zone, Category 1 at No.203-211 Keilor Road, Essendon (Lots 1, 2 & 3 TP335400C, Lot 352 LP2735, Land in CP151620 and Land in CP152396), subject to the following conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
a) Reduced Level 6 landscaping (i.e. low level shrubs) and indicative materiality/planting along the southern (rear) façade in accordance with revised floor, section and 3D view plans prepared by Peddle Thorp Architects, Revision 5, dated October 2018;

b) All ground and upper level rear setbacks in accordance with the minimum rear setback requirements of Precinct 3 within Schedule 7 to the Design and Development Overlay (DDO7), with any subsequent built form layout changes/alterations to the south of the building as a result of this;

c) Levels 1-5 (inclusive) each reduced by 100mm in height to provide a total reduction of 0.5m to the overall building height;

d) Finished Ceiling Levels (FCL) on all elevation and section plans;

e) Deletion or modification of the eastern (centrally located) stairwell on Level 6 to ensure no intrusion within the Obstacle Limitation Surface (OLS) Runway 17 take-off climb surface associated with Essendon Fields Airport;

f) The dwellings and balconies located to the south-west of the subject site treated/screened to prevent overlooking of residential properties to the south in accordance with the requirements of Clause 55.04-6 (Overlooking), with all obscure glazing/privacy screening annotated as being 'fixed' with a 'maximum 25% transparency';

g) Treatment/screening details to prevent views between Apartments 119-120, 126-127, 219-220, 226-227, 232-233, 301-316 (all in-between apartments inclusive), 319-320, 323-301, 401-402, 415-416, 417-418, 419-401, 501-502, 512-417 (roof balcony) and 501-418 (roof balcony);

h) Apartments 219, 220, 226, 227, 307, 314, 315, 316, 319, 320, 323, 401, 402, 414, 415, 416, 417, 418, 419, 501, 512 and 601 designed, treated and/or screened to prevent overlooking of more than 50% of lower-level private open space areas;

i) The bedroom directly adjacent to the communal gym on Level 6 relocated and/or modified to avoid potential noise impacts from this gym area;

j) At least 50% of proposed dwellings demonstrated as being clearly and correctly in compliance with the requirements of Clause 58.05-1 (Accessibility) of the Moonee Valley Planning Scheme;

k) All living areas demonstrated as being clearly and correctly in compliance with the minimum area requirements specified in Table D8 of Clause 58.07-1 (Functional layout) of the Moonee Valley Planning Scheme;

l) The combined kitchen/dining rooms for Apartments 111, 210, 211, 308 and 408 demonstrated as being clearly and correctly in compliance with the requirements of Clause 58.07-2 (Room depth) of the Moonee Valley Planning Scheme;

m) The ‘inboard’ study room walls for Apartment 601 deleted and/or a window provided in the southern external wall, to ensure adequate daylight is provided into this habitable room;

n) The ‘inboard’ bedrooms for Apartments 111 and 211 provided with a window in the western external wall, to ensure adequate daylight is provided into this habitable room;
o) The kitchen/dining rooms for Apartments 111, 211, 308 and 408 provided with windows in the southern and/or western external walls, to ensure adequate daylight is provided into these habitable rooms;

p) The location/details of the north-western 1,700 high operable bedroom window for Apartment 416;

q) All external gate locations annotated with provision of fencing/gate details for height transparency and materials used at all public entrances to the development. The location of additional gates/secure entrances should be designed to avoid entrapment spaces;

r) Further details regarding signage, wayfinding and/or material schedule changes to give each building within the development a unique identity and enhanced sense of address. This could be achieved through naming, colour, signage or wayfinding maps adjacent to lift areas;

s) Internal/inward facing highlight bedroom windows to include a lower portion of glass blocks, or similar, to enable increased natural light into these bedrooms;

t) Provision of floor-to-ceiling glazing of all internal/inward facing study nook windows, with provision for planter boxes to front door/courtyard areas to allow vegetation to partially screen views into dwellings while providing a maintenance reason for residents to linger and contribute towards passive surveillance of public/common spaces;

u) Provision of an above-door window to ensure natural ventilation and daylight to the rear of apartments facing the internal courtyard/atrium;

v) The communal function room designed with a range of amenities, including a kitchen and toilets, to ensure it is a function space;

w) Provision of shading to roof top terraces, where possible and without encroaching on Essendon Fields Airport height controls/flight paths, to ensure this multi-purpose area is usable during the summer months;

x) A notation that the footpath and nature strip adjoining the perimeter of the subject site shall be removed and reconstructed to the satisfaction of the Responsible Authority;

y) Provision of asphalt footpaths along Keilor Road, Cooper Street and Roberts Street to City of Moonee Valley standard details, or as agreed by the Responsible Authority;

z) Existing and proposed vehicle crossovers upgraded, including splays, and constructed in line with Council’s ‘Vehicle Crossings Policy’;

aa) Redundant vehicle crossovers reinstated with kerb and channel in line with Council’s ‘Vehicle Crossings Policy’;

bb) An appropriate height clearance above the basement ramp located in the south-east corner of the site (underneath the ‘end of trip facility’), in accordance with Clause 52.06-9 (Design Standards for Car Parking) and Figure 5.3 in AS2890.1:2004;
cc) All columns provided in accordance with ‘Diagram 1’ of Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;

dd) Swept path analysis using an industry recognised software package (i.e. AutoTurn) demonstrating:
   i. A B99 vehicle entering/exiting the ramp to the Upper Basement Level from the west (5.5m wide access aisle);
   ii. A B99 vehicle turning into/out of the access aisle with the central columns in the Upper Basement Level and Lower Basement Level;
   iii. A B99 vehicle entering/exiting the ramp to the Lower Basement Level;
   iv. A B85 vehicle entering/exiting the spaces on the west side of these access aisles in no more than three manoeuvres;
   v. A B85 car entering/exiting all parallel car parking spaces in a forward direction in no more than three movements;
   vi. Access to/from the loading bay for the largest truck anticipated to service the site (i.e. an 8.8m MRV);

ee) Details regarding signage, line marking and the allocation of each car parking space to a specific use on site, including the correct number of car and bicycle spaces notated on the basement and ground floor plans;

ff) The eastern access aisle in the Upper Basement Level correctly shown as providing two-way vehicle access;

gg) The storage cages that are only accessible from adjoining car spaces clearly allocated to these individual car spaces or a 1.0 metre access aisle provided;

hh) The disabled car spaces and shared areas designed in accordance with AS2890.6:2009 and provided with a 2.5m height clearance;

ii) Any disabled car parking spaces shown within the Lower Basement Level provided with a shared area and designed in accordance with AS2890.6:2009;

jj) Clear, safe and efficient access for all retail staff and customers from their car parking areas into the retail premises on site;

kk) All bicycle spaces and associated aisles designed and shown in accordance with Australian Standard AS2890.3:2015;

ll) The wall along the western side of the loading bay modified and/or pulled back 2.5 metres from the shared vehicle accessway to ensure entering vehicles have a clear view of any vehicles exiting the loading bay;

mm) Clear, safe and efficient access from the eastern waste storage area through to the western waste storage areas and loading bay;

nn) Provision of wider vehicle access aisles to ensure two-way passing is maintained when two B99 vehicles are parked opposite each other;
oo) A headroom clearance of 4.5m within the loading bay and ground level access, if access is to be provided for an 8.8m MRV;

pp) Provision of an updated SIDRA analysis for the Cooper Street and Roberts Street intersections based on updated peak hour traffic generation rates of 0.4 trips per dwelling (in lieu of 0.29 trips) and 0.2 trips per retail customer car space (in lieu of zero trips);

qq) Details and notations for all Water Sensitive Urban Design (WSUD) treatment measures in accordance with the amended STORM Rating Report required under Condition 3 of this permit;

rr) All Sustainable Management Plan (SMP) and BESS annotations and measures, including insulation, glazing, lighting, heating/cooling specifications, selections of water efficient fixtures/fittings and building materials, in accordance with Condition 4 of this permit;

ss) A prominent note on all floor and elevation plans stating all noise attenuation measures are to be implemented as required by the endorsed acoustic report under Condition 37 of this permit;

tt) The clear and correct allocation of waste storage areas for the residential and commercial components, along with the location of all nominated bins and hard waste storage areas, in accordance with the amended Waste Management Plan required under Condition 40 of this permit;

uu) A Landscape Plan in accordance with Condition 42 of this permit; and

vv) A detailed schedule of all external materials and finishes. The schedule must show the specific material, colour (including colour samples) and finishes of all external walls, roofing, fascias, window frames, screening measures, soffits, vehicle access doors, fences and paving.

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

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

3. An amended STORM Rating Report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Rating Report must obtain a minimum rating of 100% to comply with Clause 22.03-4 Stormwater Management (Water Sensitive Urban Design) of the Moonee Valley Planning Scheme.

4. An amended Sustainable Management Plan, inclusive of 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 to the satisfaction of the Responsible Authority for approval. Once approved the Sustainable Management Plan, inclusive of BESS Report, is to be implemented and appropriately managed during construction of the proposed building.

5. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
6. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The CSMP must be in accordance with Moonee Valley City Council’s CSMP Guidelines and Template.

When approved, the CSMP will be endorsed and will form part of this permit. The development must be carried out in accordance with the endorsed CSMP and the provisions, requirements and recommendations of the endorsed CSMP must be implemented and complied with to the satisfaction of the Responsible Authority.

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. Before the construction of the development authorised by this permit commences (excluding all site excavation, demolition, basement retention, works required by the environmental assessment process and the construction of footings and structure up to and including the ground floor slab), an environmental assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The environmental assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
   • A description of previous land uses and activities on the land;
   • An assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
   • Details of any provisions, recommendations and requirements (including but not limited to clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
Recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under Section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

If the assessment does not result in a recommendation that an Environmental Auditor be appointed under Section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

If the assessment results in a recommendation that an Environmental Auditor be appointed under Section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences (excluding all site excavation, demolition, basement retention, works required by the environmental assessment process and the construction of footings and structure up to and including the ground floor slab), the Environmental Auditor appointed under Section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:

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

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

If a Statement is issued:

- The development authorised by this permit must not be undertaken, or if it has commenced it must not proceed, unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed; and
- The development authorised by this permit must not be undertaken, or if it has commenced it must not proceed, until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences or proceeds, as relevant. A letter prepared by the Environmental Auditor appointed under Section 53S of the EP Act must be submitted to the Responsible Authority to confirm that this requirement has been met.

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

- Provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
- Be executed before the sensitive use for which the land is being developed commences.
The owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

9. Before the building approved by this permit is occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the occupier of the adjoining land allows access for the purpose.

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

City West Water Conditions

11. It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.

12. It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.

End City West Water Conditions

13. 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.

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

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

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

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

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

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

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

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

b) Not be used for any other purpose,

to the satisfaction of the Responsible Authority.

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

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

19. Bicycle parking spaces, access, lockers and compounds, associated showers and change rooms, must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.

20. Public seating, bicycle hoops, pedestrian footpaths and streetscape works must be provided and installed in accordance with the City of Moonee Valley ‘Urban Design Technical Notes and Details’ to the satisfaction of the Responsible Authority.

21. Before the use starts, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Green Travel Plan must be prepared by a person with suitable qualifications to the satisfaction of the Responsible Authority and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Green Travel Plan must include:

a) A description of the location in the context of alternate modes of transport and objectives for the Green Travel Plan;

b) An outline of Green Travel Plan measures for the development including, but not limited to:

i. Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser’s occupation of an apartment;

ii. Include a myki pass and registration information;

iii. Bicycle parking and facilities available on the land;

iv. Information and promotion of on-site and off-site car sharing schemes;
v. Monitoring and review; and

c) A plan showing the bicycle parking areas to be provided for use by residents.

When approved, the Green Travel Plan will be endorsed and will form part of this permit.

The provisions, recommendations and requirements (including any ongoing management actions) of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

22. All structures within the pedestrian visibility splays at each 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.

VicRoads Conditions

23. Prior to the commencement of the use of the development hereby approved, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.

24. 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.

25. Vehicles must enter and exit the land in a forward direction from Cooper and Roberts Streets only at all times. No vehicular access to and from Keilor Road is permitted.

End VicRoads Conditions

Transport for Victoria Conditions

26. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Keilor Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria thirty-five days (35) prior.

27. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.

End Transport for Victoria Conditions

28. 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.

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

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

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

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

30. Before the building approved by this permit is occupied, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.

31. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plan) must not be erected above the roof level of the building.

32. The development must be provided with external lighting capable of illuminating access to the vehicle accessways, loading bay, car parking spaces and pedestrian entrances/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.

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

34. Construction must not commence until temporary structures which constitute a controlled activity are approved by the Secretary of the Department of Infrastructure, Regional Development and Cities.

35. Any new building must be constructed so as to comply with any noise attenuation measures required by Section 3 of the Australian Standard AS 2021-2015 (Acoustics – Aircraft Noise Intrusion – Building Siting and Construction) issued by Standards Australia International Ltd.

36. Noise levels emanating from service equipment on the land must not exceed the permissible noise levels determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 (SEPP N-1).

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

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

The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.
38. All security alarms or similar devices installed on the land must not emit any noise which is audible beyond the boundary of the land and must be designed in accordance with the relevant Australian Standard and must be connected to a security monitoring service.

39. The amenity of the area must not be detrimentally affected by the use of land, through:
   a) Transportation of materials, goods or commodities to or from the land;
   b) Appearance of any building, works or materials;
   c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;
   d) Presence of vermin; or
   e) In any other way,
   to the satisfaction of the Responsible Authority.

40. Before the development starts, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended Waste Management Plan must be in accordance with the City of Moonee Valley’s ‘Waste Management Plans – Guidelines for Applicants’ and must:
   a) Be modified in accordance with Condition 1 of this permit;
   b) Include scaled waste management drawings showing the method of disposal of waste from each of the premises to the final collection point by a waste contractor;
   c) Include scaled waste management drawings showing waste collection vehicle access, including any associated turning circles; and
   d) Provide on-site hard waste storage at the applicable rate(s) and specify how hard waste is to be collected and managed, noting residents who have waste collected by a private waste company are not required to pay an additional ‘garbage/waste charge’ and are therefore not entitled to a Council hard waste collection.

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

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

41. All wastes, including liquid waste and waste water, must be disposed of to the satisfaction of the Responsible Authority.

42. Before the development starts amended landscape plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plans must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and an electronic copy must be provided. The amended landscape plans must be generally in accordance with the landscape plans submitted with the application but modified to show:
a) Any changes as required by Condition 1 of this permit;
b) All proposed street tree species clearly and correctly shown, to the satisfaction of the Responsible Authority;
c) New street trees along each street interface provided with a minimum tree root zone area of 2.5 x 1.7 metres, with tree pit details/specifications to the satisfaction of the Responsible Authority;
d) The location and details of all ‘climbing plants’ clearly shown, including the provision of an additional southern (rear) elevation landscape plan, with a preference for more evergreen, shade tolerant and non-invasive species (i.e. Star Jasmine);
e) All vegetation in planter boxes within the north-eastern half of the rooftop terrace not exceeding a maximum mature height of 0.5m, with appropriate signage ensuring these plant species are provided and maintained at a maximum height of 0.5m;
f) All planting and larger shrubs/trees within the north-western half of the rooftop terrace not exceeding a maximum mature height of 4m;
g) Modular stone paving, as indicated on Landscape Plan LC02, replaced with sawn bluestone pavers (i.e. 500x100x60mm) and concentrated at the building/pedestrian entrances only;
h) Details and specifications of public seating, bicycle hoops and streetscape works in accordance with the City of Moonee Valley ‘Urban Design Technical Notes and Details’, to the satisfaction of the Responsible Authority;
i) Features such as paths, paving and accessways;
j) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems;
k) All planting abutting the accessways and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme; and
l) An appropriate irrigation system, including irrigation and maintenance details for all planter boxes.

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

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

43. 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.
44. The existing street trees adjoining the front of the site along Keilor Road must not be removed or damaged as a result of the permitted development, except with the prior written consent of the Responsible Authority.

45. The proposed street trees must be advanced trees which are at least three (3) metres high at the time of planting and of a species and condition to the satisfaction of the Responsible Authority. Before the development starts, the applicant must provide details to the satisfaction of the Responsible Authority of the proposed street trees including:
   a) Method of mulching and mounding;
   b) The species of the proposed street trees;
   c) The size of planting and its maturity; and
   d) The location of the proposed street trees.

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

46. This permit will expire if one of the following circumstances applies:
   a) The development is not commenced within two (2) years from the date of issue of this permit, or
   b) The development is not completed and the use is not commenced within four (4) years from the date of issue of this permit.

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

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

**Permit Notes**

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land other than those which have been approved under a separate planning permit or are exempt from the need for a planning permit under the Moonee Valley Planning Scheme.
- No on street parking permits will be provided to the occupiers of the land.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following: \( C_w=0.4, \, t_c=10\text{mins}, \, t_s=5\text{mins}, \, ARI \, 1 \, \text{in} \, 5 \). 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.

Before the development starts, separate approval must be obtained from Moonee Valley City Council in relation to the proposed planting of street trees. Please contact Council on 9243 8888 to speak with Council’s Arborist.

All works undertaken within any existing road reserves must accord with the requirements of 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.

In the event that car parking spaces or storage cages are separately titled, a condition will be imposed on any further subdivision permit requiring the permit holder to enter into a Section 173 Agreement to ensure the on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or development.

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 or in person at 9 Kellaway Avenue, Moonee Ponds.

Should any activity occur above 86.10m Australian Height Datum (e.g. cranes during construction) approval will be required from Essendon Fields Airport.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is a corner site located on the southern side of Keilor Road, the eastern side of Cooper Street and the western side of Roberts Street, Essendon. The site is irregular in shape with a frontage to Keilor Road of 110.65 metres, a frontage to Cooper Street of 61.04 metres and a frontage to Roberts Street of 43.72 metres, resulting in a total area of 5,316m².

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

There are no restrictions noted on the Certificate of Title provided, however 3.66 metre wide drainage, sewerage and telecommunication easements exist along part of the southern property boundary to the south-east and south-west of the site, adjoining the rear property boundary.

The site comprises a car sales yard and associated buildings. The existing buildings have varied front setbacks to Keilor Road. Vehicle access is obtained from existing crossovers located along each streetscape. There is no significant landscaping or vegetation on the subject site. There are two street trees located at the front of the site along Keilor Road.
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, forming part of the Principal Public Transport Network (PPTN), and is located within the Keilor Road Major Activity Centre under Plan Melbourne 2017-2050: Metropolitan Planning Strategy. The site is also located within proximity of numerous bus routes, local businesses, schools and public parks/reserves. The built form within the vicinity is predominantly 1-2 storeys in height, comprising commercial buildings and multi-unit developments, with six storey mixed-use developments approved to the north and east of the site at 144-160 Keilor Road and 165-169 Keilor Road respectively. While external building materials predominantly consist of brick or render finishes, the broader area is very much eclectic with an emergence of new and contemporary developments nearby.

1.2 Proposal

It is proposed to construct a seven storey building in a Commercial 1 Zone and Design and Development Overlay (DDO7 and DDO9), use the land for dwellings and alter access to a road in a Road Zone, Category 1. The proposal, as advertised, can be summarised as follows:

Table 1

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail premises (total)</td>
<td>2,130m² (1,310m² and 820m²)</td>
</tr>
<tr>
<td>No. of dwellings (total)</td>
<td>121 (19 x 3 bedrooms, 84 x 2 bedrooms and 18 x 1 bedroom)</td>
</tr>
<tr>
<td>No. of car spaces (total)</td>
<td>247 (143 resident spaces, 83 customer/visitor spaces and 21 retail staff spaces)</td>
</tr>
<tr>
<td>No. of bicycle spaces (total)</td>
<td>131 (74 resident spaces and 57 staff/customer/visitor spaces)</td>
</tr>
</tbody>
</table>
Loading bay dimensions | 11.2m (length), 7.2m (width), 4.0m (height) and 80m² (area)
Max. building height | 24.20 metres (seven storeys)

Refer Appendix C – Advertised Plans (separately circulated).

It is noted that a revised Level 6 floor plan (TP-106), revised apartment layouts (TP-403 and TP-408), an additional section diagram (TP-307) and revised/additional 3D renders (TP-504, TP-505 and TP-507) Revision 5 dated October 2018 (refer Appendix D – separately circulated) were received by Council on 7 November 2018 to address some of the concerns raised by Essendon Fields Airport and Council’s Urban Designer. The revised/additional plans demonstrate:

a) Reduced landscaping to low level shrubs within the roof top terrace area of the north-eastern building component.
b) Apartment window highlights.
c) Indicative potential materiality/planting of the rear façade.

The revised/additional plans address some of the concerns raised by Essendon Fields Airport and Council’s Urban Designer and are to be included as a condition on any permit granted accordingly (refer Appendix D – separately circulated).

2. Background

2.1 Relevant Planning History

No relevant planning permit history has been identified for the land.

2.2 Planning Policies and Decision Guidelines

Planning Policy Framework

Clause 11 Settlement
Clause 11.01-1R Settlement – Metropolitan Melbourne
Clause 11.01 Victoria
Clause 11.02 Managing Growth
Clause 11.03-1R Activity centres – Metropolitan Melbourne
Clause 11.03-2S Growth areas
Clause 11.03 Planning for Places
Clause 13 Environmental Risks and Amenity
Clause 13.04 Soil Degradation
Clause 13.05 Noise
Clause 13.06 Air Quality
Clause 13.07 Amenity and Safety
Clause 14 Natural Resource Management
Clause 14.02 Water
Clause 15 Built Environment and Heritage
Clause 15.01-2S Building design
Clause 15.01 Built Environment
Clause 15.01-4R Healthy neighbourhoods – Metropolitan Melbourne
Clause 15.01-5S Neighbourhood character
Clause 15.01-1R Urban design – Metropolitan Melbourne
Clause 15.02 Sustainable Development
Clause 16 Housing
Clause 16.01-4S Housing affordability
Clause 16.01-3S Housing diversity
Clause 16.01-3R Housing diversity – Metropolitan Melbourne
Clause 16.01-2R Housing opportunity areas – Metropolitan Melbourne
Clause 16.01-1R Integrated housing – Metropolitan Melbourne
Clause 16.01-2S Location of residential development
Clause 16.01 Residential Development
Clause 17 Economic Development
Clause 17.01-1R Diversified economy – Metropolitan Melbourne
Clause 17.01 Employment
Clause 17.02 Commercial
Clause 18 Transport
Clause 18.01 Integrated Transport
Clause 18.02 Movement networks
Clause 18.02-2R Principal Public Transport Network
Clause 18.02-2S Public Transport
Clause 18.02-3S Road system
Clause 18.02-1R Sustainable personal transport – Metropolitan Melbourne
Clause 18.04 Airports
Clause 19 Infrastructure
Clause 19.03-5S Waste and resource recovery
Clause 19.03 Development Infrastructure

Local Planning Policy Framework
Clause 21.01 Municipal Profile
Clause 21.02 Key Issues and Influences
Clause 21.03 Vision
Clause 21.04  Sustainable Environment
Clause 21.05  Housing
Clause 21.06  Built Environment
Clause 21.07  Activity Centres
Clause 21.08  Economic Development
Clause 21.09  Transport
Clause 22.03  Stormwater Management (Water Sensitive Urban Design) Zoning
Clause 34.01  Commercial 1 Zone
Overlays
Clause 43.02  Design and Development Overlay Schedules 7 and 9 (DDO7 and DDO9)

Particular and General Provisions
Clause 52.06  Car Parking
Clause 52.29  Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
Clause 52.34  Bicycle Facilities
Clause 58  Apartment Developments
Clause 65  Decision Guidelines
Clause 66  Referral and Notice Provisions
Clause 71.02  Operation of the Planning Policy Framework

2.3 Referrals

External

<table>
<thead>
<tr>
<th>Referral Authority</th>
<th>Conditions/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head, Transport for Victoria (Section 55 referral)</td>
<td>No objection subject to conditions.</td>
</tr>
<tr>
<td>VicRoads (Section 55 referral)</td>
<td>No objection subject to conditions.</td>
</tr>
<tr>
<td>Essendon Fields Airport (Section 52)</td>
<td>Cannot support the proposed development as currently designed. A re-design should be undertaken to reduce the height of the building to ensure it does not constitute a controlled activity under the Airports (Protection of Airspace) Regulations 1996. Should a planning permit be considered and approved, EAPL would require that a condition be placed on the permit to ensure that construction not commence until the temporary</td>
</tr>
</tbody>
</table>
Referral Authority | Conditions/Comments
---|---
structures, which will constitute a controlled activity, are approved by the Secretary of the Department of Infrastructure, Regional Development and Cities. This is common practice within Melbourne’s CBD. The subject site is also within the Australian Noise Exposure Forecast (ANEF) 25-30 noise contour for Essendon Fields Airport, which relates to the level of noise anticipated from airport operations. ANEF levels are associated with Australian Standard 2021 which identifies houses as being unacceptable above the ANEF 25 noise contour. As such, Council should consider how the requirements of this standard are applied to the proposed multi-storey residential development.

City West Water (Section 52) | No objection subject to conditions.

Internal

<table>
<thead>
<tr>
<th>Department/Officer</th>
<th>Conditions/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Engineering (Drainage)</td>
<td>No objection subject to standard engineering and drainage conditions.</td>
</tr>
<tr>
<td>Development Engineering (Traffic)</td>
<td>No objection subject to updated traffic generation rates for the proposed development and the inclusion of conditions on any permit granted. In particular, a peak hour rate of 0.29 movements per dwelling has been adopted where previous surveys suggest peak hour rates of 0.4-0.5 trips per dwelling. In addition, it is not agreed that there will be no customer trips associated with the retail premises in the peak hours, particularly given the size of the premises and the provision of customer parking on site. Based on the above, the intersection capacity analysis results require modification and should be updated as a condition on any permit granted. No objection to the provision of car parking on site, the layout and design of vehicle access and car parking, provision of bicycle parking and provision of loading facilities subject to conditions.</td>
</tr>
<tr>
<td>Waste Management</td>
<td>No objection to the Waste Management Plan or private waste collection, subject to conditions.</td>
</tr>
<tr>
<td>Environmental Sustainable Design (ESD) Officer</td>
<td>No objection subject to the provision of an amended STORM Rating Report and Sustainable Management Plan (SMP), including BESS Report, and associated plan notations as conditions on any permit granted.</td>
</tr>
<tr>
<td>Department/Officer</td>
<td>Conditions/Comments</td>
</tr>
<tr>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Urban Design</td>
<td>No objection subject to the following:</td>
</tr>
<tr>
<td></td>
<td>1. Resolving access to the common internal courtyard, design of the central staircase and gate access through additional design details.</td>
</tr>
<tr>
<td></td>
<td>2. Further details regarding the irrigation and maintenance of planter boxes/plantings along the Keilor Road façade and rear interface.</td>
</tr>
<tr>
<td></td>
<td>3. Further details regarding signage, wayfinding and/or material schedule changes to give each building within the development a unique identity and enhanced sense of address. This could be achieved through naming, colour, signage or wayfinding maps adjacent to lift areas.</td>
</tr>
<tr>
<td></td>
<td>4. The internal amenity of inward facing bedrooms that rely on glazed block walls and 1,700mm high operable windows for daylight is significantly diminished. Highlight windows associated with such bedrooms should include a lower portion that also comprises glass blocks to enable a dual light source for these bedrooms.</td>
</tr>
<tr>
<td></td>
<td>5. Floor-to-ceiling glazing of the window adjacent to the study spaces of dwellings in the front part of the development and the provision of planter boxes to bedroom windows/front door areas, to allow vegetation to partially screen views into the dwellings while providing a maintenance reason for residents to linger and contribute towards passive surveillance of public/common spaces.</td>
</tr>
<tr>
<td></td>
<td>6. Provision of an above-door window to ensure natural ventilation and daylight to the rear of apartments facing the internal courtyard.</td>
</tr>
<tr>
<td></td>
<td>7. Provision and establishment of new street trees along each street interface, at regular 10 metre (approximately) intervals, with the tree root zone area to be a minimum of 2.5 x 1.7 metres with tree pit details to Council’s specifications.</td>
</tr>
<tr>
<td></td>
<td>8. The communal function room designed with a range of amenities including a kitchen and toilets to ensure it is a function space.</td>
</tr>
<tr>
<td></td>
<td>9. Provision of shading to roof top terraces to ensure this multi-purpose area is usable during the summer months.</td>
</tr>
<tr>
<td>Department/Officer</td>
<td>Conditions/Comments</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Landscape Architect</td>
<td>No objection subject to the following:</td>
</tr>
<tr>
<td>(Streetscapes)</td>
<td>1. Showing asphalt footpaths along Keilor Road, Cooper Street and Roberts Street to MVCC standard detail. Stone paving as indicated on the landscape plan LC02 should be sawn bluestone pavers 500x100x60mm and concentrated at the entrances only.</td>
</tr>
<tr>
<td></td>
<td>2. Use the StraBe ‘Rondo’ seat in the streetscape.</td>
</tr>
<tr>
<td></td>
<td>3. The reliance on two types of climbers to screen the south facing façade of the building seems unlikely to be a guaranteed success.</td>
</tr>
<tr>
<td></td>
<td>4. Wisteria may not work on a south facing wall, may be invasive to the building and is deciduous so the effect shown on drawing TP-507 will be seasonal only and not all year round when the climbers have no leaves (i.e. in winter). This adds to the importance of the building façade and materials being well designed and not reliant on being covered by foliage. Combined with the star jasmine it may be achievable.</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 three notices erected on site for 14 days.

As a result, nine (9) objections were received from the properties contained within **Appendix A** of this report.

A response to the objections is provided in Section 3.12 of this report.

### 3. Discussion

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

The proposal, subject to conditions, is considered to comply with the relevant State, Regional and Local Planning Policies. Generally, these policies seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. The subject site is located within the Keilor Road Major Activity Centre under *Plan Melbourne 2017-2050: Metropolitan Planning Strategy* and is located on the Principal Public Transport Network (PPTN). The subject site directly abuts the No.59 tram route and is within proximity of numerous local businesses, schools, public parks/reserves and bus routes. The location of the subject site is considered to lend support for a more intensive form of residential and commercial development.
With regard to Clauses 13.04-1S (Contaminated and potentially contaminated land) and 21.04-6 (Potentially Contaminated Land), the site contains an existing workshop/car service area, with potential for a fuel bowser and oil storage area. Given the land is potentially contaminated from previous uses, and the proposed development is to be used for residential purposes (a ‘sensitive use’), further investigation is required before construction commences. In particular an assessment of the level, nature and distribution of any contamination within the land will be required as a condition on any permit granted. This may require a Certificate or Statement of Environmental Audit in accordance with Part IXD of the Environment Protection Act 1970, depending on the outcome of the site assessment and any contamination found, to ensure the site is suitable for residential purposes.

Policy guidelines relevant to the built environment and urban design, Clauses 15.01 (Built Environment) and 21.06-4 (Urban Design), are discussed in detail within Section 3.2 of this report.

The proposal contributes to the objective and strategies of Clause 16.01-3S (Housing diversity) by providing a mix of dwelling sizes in various configurations, which will cater for the increasingly diverse needs of future residents.

With regard to Clause 17.02-1S (Business) the proposal will help meet the communities’ needs for retail and other commercial services within Keilor Road Activity Centre along the Principal Public Transport Network (PPTN). Importantly, the proposed commercial facilities are aggregated and provide net community benefit in relation to their accessibility and efficient use of infrastructure. The proposal also provides relatively small scale shopping opportunities to help meet the needs of local residents and workers in a convenient activity centre location.

With regard to Clause 18.01-1S (Land use and transport planning), the proposed development helps create a safe and sustainable transport system by integrating land use and transport. As discussed earlier, the proposed development complies with the strategies of Clause 18.02-2R (Principal Public Transport Network) by maximising the use of existing infrastructure and increasing the diversity and density of development along the PPTN in an activity centre. The proposal also accords with the objective and strategies of Clause 18.04 (Airports) by protecting the ongoing operation of Essendon Fields Airport. As discussed within Section 3.5 of this report, the proposed visual amenity, use and development of the subject site accords with the provisions of the DDO9 and will not prejudice the safety or efficiency of aircraft operations, including noise impacts, subject to the inclusion of conditions on any permit granted.

The proposal complies with Clause 21.04-3 (Ecologically Sustainable Development) through the use of ecologically sustainable design principles, subject to the provision of an amended Sustainable Management Plan (SMP) and BESS Report as a condition on any permit granted. As referenced in Section 2.3 of this report, Council’s ESD Officer has no objection to the SMP or BESS Report, subject to the inclusion of conditions on any permit granted.
The proposal accords with the objectives and strategies of Clause 21.04-7 (Waste) as it integrates waste management and recycling facilities in order to achieve best practice in waste minimisation and recycling. A waste management plan was submitted with the application indicating private waste collection. This waste management plan adequately addresses the provisions of this clause, subject to the provision of additional information/details, and is to be endorsed, implemented and managed through a condition on any permit granted accordingly.

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

Clause 21.07 (Activity Centres) is applicable in this instance and builds on the objectives and strategies of the Planning Policy Framework, in particular Clause 11 (Settlement). The subject site is located within the Keilor Road Activity Centre as identified in Plan Melbourne 2017-2050: Metropolitan Planning Strategy. Importantly the proposal provides a mixture of land uses to maximise opportunities for local employment, day and night time activity and active ground floor frontages. The proposal also increases the density of development in the activity area that is respectful of the transition to residential streets adjoining the activity area, subject to meeting the rear setback requirements of the DDO7. Residential uses are provided in the upper levels of the proposed development with retail uses on the ground floor fronting Keilor Road. A consistent public domain treatment and landscaping theme for Keilor Road has been provided, with the inclusion of additional street trees, along with a diversity of housing sizes. Bicycle parking and storage areas are provided within the proposed development along with well-located, accessible and safe car parking areas which do not visually dominate the public realm. The Keilor Road Activity Centre Structure Plan 2011 and Keilor Road Built Form Guidelines 2012 have been considered in the design and assessment of the proposal under the DDO7, to which there is a high degree of compliance as discussed within Section 3.4 of this report.

With regard to Clause 21.08 (Economic Development), the proposed development would contribute to and enhance the Keilor Road Activity Centre in terms of investment and employment opportunities. In particular, the proposed retail premises satisfy the community’s retail and commercial service needs through increased accessibility to local businesses and a more sustainable local economy. Therefore, the proposed development and provision of retail premises is acceptable.

As discussed earlier and within Section 3.5 of this report, the proposal complies with the objective and strategy of Clause 21.09-6 (Essendon Airport) by ensuring the safe and effective operation of Essendon Fields Airport for the community. Through correspondence with Essendon Fields Airport, and subject to the inclusion of conditions on any permit granted, the proposed built form is to be modified to ensure there are no intrusions into flight paths in the vicinity of the airport.
The proposal generally complies with Clause 22.03 Stormwater Management (Water Sensitive Urban Design) and meets the required on-site stormwater treatment as demonstrated by achieving at least 100% on the STORM Rating Report. However, as referenced within Section 2.3 of this report, all permeable and impervious areas must be correctly shown on the plans and an updated/correct STORM Rating Report must be included as a condition on any permit granted. The relevant WSUD requirements, including stormwater treatment measures and associated plan notations, are also to be included as conditions on any permit granted in accordance with this policy.

3.2 Does the proposal represent an appropriate built form outcome?

It is a strategy of Clause 15.01-1S (Urban design) to ensure new development responds to its context in terms of character, cultural identity, natural features, surrounding landscape and climate. The proposed development, subject to modification, appropriately considers its site context and proposes a built form that will not be visually dominant to the streetscape or adjoining properties and provides appropriate internal amenity to future users of the site.

Further to this, the overarching objective of Clause 15.01-2S (Building design) is:

- “To achieve building design outcomes that contribute positively to the local context and enhance the public realm.”

The Urban Design Guidelines for Victoria (2017) are a policy guideline in support of this clause, which provide guidance on the development of functional and enjoyable places throughout Victoria for people to live, work and spend leisure time. The guidelines contained at Element 2 (Movement Network), Element 3 (Public Spaces) and Element 5 (Buildings) are of relevance to this application and have been satisfied for reasons discussed in greater detail below.

Clause 21.06-4 (Urban Design) provides further objectives and strategies, including reference document City of Moonee Valley Design Guidelines for Multistorey Residential Buildings (2003), which echo the key urban design principles contained within Clause 15.01-2S and the Urban Design Guidelines for Victoria (2017).

It is considered the proposed development, subject to modification, is consistent with the relevant design principles of the Urban Design Guidelines for Victoria (2017), the City of Moonee Valley Design Guidelines for Multistorey Residential Buildings (2003) and Clauses 15.01-2S and 21.06-4 as discussed below:

Building Design Quality and Context

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

The proposed design is contemporary and responds well to the site’s location and context through the provision of architectural elements and an acceptable combination of materials. An appropriate degree of visual interest and design
articulation has been provided with an adequate transition of built form to adjoining properties, subject to conditions in accordance with the rear setback requirements of the DDO7, as discussed within Section 3.4 of this report.

**Streetscape and Urban Design**

The front façade makes a positive contribution to Keilor Road and helps integrate the development with the street while assisting to enhance the experience for pedestrians. The inclusion of ground floor retail premises and a central residential lobby area along Keilor Road provides for an active frontage at the street level. The provision of vehicle access, an ‘end of trip facility’ and building services towards the rear of the site along Cooper and Roberts Streets allows for a suitable transition of uses from the commercial strip of Keilor Road to adjoining residential side streets. It is also noted there would be a significant increase in fenestration, passive surveillance and the perception of public safety to Keilor Road, Cooper Street and Roberts Street as a result of the proposed development. The incorporation of balconies at the upper floor residential levels provides appropriate articulation of the building façade and maximises opportunities for visibility and passive surveillance. All vehicle and pedestrian entries are well defined and clearly identifiable from the public realm.

Car parking for the development is proposed to be contained towards the rear of the site at ground level and within two basement levels with vehicle access from both Cooper Street and Roberts Street. It is considered that the provision of a vehicle accessway can be comfortably absorbed along each streetscape, particularly given a number of existing crossovers are to be removed and reinstated along each streetscape as part of the proposed development. This will maintain an active and visually interesting primary street frontage along Keilor Road. The provision of vehicle access/security doors will also obscure views of the car parking area, allowing the articulated built form to be the main focal point of the proposed development. Therefore, car parking would be adequately concealed from Keilor Road, allowing the proposed development to address this streetscape with a more active frontage.

**Setbacks and Site Coverage**

The building envelope and scale of the building is dictated by the DDO7, the size of the site and its direct abutments. The proposed site coverage and setbacks are acceptable to the commercial zoning of the site and the requirements of the DDO7, subject to the inclusion of conditions on any permit granted, as discussed within Section 3.4 of this report.

The proposed development is built up to the front and side property boundaries, which provides an acceptable response to the opportunities and constraints of the site including zoning and overlay requirements. In particular, a three storey street wall to Keilor Road and wrapping around to the north-east and north-west of the site along Cooper Street and Roberts Street is acceptable under the DDO7. The upper level setbacks along each streetscape are also acceptable under the DDO7 and provide an appropriate transition of built form with each streetscape and adjoining properties directly to the south. While the proposed rear setbacks largely meet and exceed the rear setback requirements of the DDO7, there are a number of walls, apartments and balcony encroachments that do not meet the minimum rear setback requirements. As discussed within
Section 3.4 of this report, these rear setback encroachments would be highly visible within the adjoining residential setting to the south-east, south and south-west of the site. As a result, the proposed development is to comply with the rear setback requirements of the DDO7 as a condition on any permit granted.

The design response, subject to full compliance with the minimum rear setback requirements of the DDO7, helps reduce potential visual bulk/mass issues while minimising amenity impacts on adjoining properties and allowing for equitable development opportunities. Compliance with the rear setback requirements, in conjunction with a 6.11-12.60 metre wide visual recess in the built form along the rear elevation, recessed/tapered upper floor levels and the provision of landscaping, screen planting and canopy trees to the rear of the site, provide an appropriate rear interface.

The proposed development has a high level of site coverage, which is appropriate for a site within a Commercial 1 Zone. This is also acceptable given the extent of properties with a high level of site coverage within the peripheral retail/commercial precinct of Keilor Road Activity Centre.

Building Height and Silhouette

Appropriate building height is derived from the local context, street conditions and character objectives for an area. As highlighted earlier, the subject site is located within a Commercial 1 Zone in a Major Activity Centre and directly abuts the Principal Public Transport Network (PPTN). Such locations encourage more intensive forms of development to take advantage of existing infrastructure and services.

The DDO7 provides guidance on preferred building heights, as discussed in detail within Section 3.4 of this report. It is noted that the proposed maximum building height of 17.40-24.20 metres is generally in accordance with the preferred maximum building height of 21 metres stipulated within the DDO7, with the majority of the development to the north-east, south-east and south-west of the site below 21 metres in height. This is supported by Council’s Urban Designer as discussed within Section 2.3 of this report. Therefore, the proposed height and silhouette of the building, subject to compliance with the minimum rear setback requirements of the DDO7, is appropriate in this instance.

Internal Circulation, Space and Building Adaptability

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

The entry points to the development will be easily identifiable from all car parking levels, with two double lifts and two stairwells providing access to the upper residential levels. Separate pedestrian access points, in the form of residential lobby areas and additional open staircases, are provided along Keilor Road, Cooper Street and Roberts Street. Two additional internal stairwells are also provided central to the site, adjoining the central staircase providing access directly to Level 1 from Keilor Road. The provision of lift and stair access, in conjunction with lobby/foyer areas, along each streetscape will allow for ease of movement, including the movement of furniture, emergency access and escape.
The development provides an adequate and efficiently designed car parking layout that will ensure safe vehicle movements. As discussed within Sections 2.3 and 3.6 of this report, Council’s Development Engineering (Traffic) Unit has no objection to the provision and layout of car parking, subject to the inclusion of conditions on any permit granted.

In terms of storage space, all dwellings have been provided with 10m³ of external storage space within the basement levels. This proposed storage arrangement is considered adequate to cater for the storage needs of dwellings within a residential building that do not rely on large private garden areas for open space.

Provision for waste storage is included at ground floor level by way of common bin storage areas, which have been suitably separated into residential and commercial waste storage areas (noting a correction required to the north-western retail waste room to be annotated as an additional residential waste room). Council’s Waste Management Unit has no objection to the waste management plan, subject to the provision of additional information/details. Therefore, subject to the inclusion of additional information/details, the submitted waste management plan is to form a condition for endorsement on any permit granted.

On-Site Amenity and Liveability

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

In a general sense, the layout of each dwelling provides an appropriate level of amenity for future occupants, subject to conditions on any permit granted as discussed within Section 3.10 of this report. As a result of this, residents will be afforded with generous sized open plan living opportunities with good fenestration and access to daylight. Further to this, all habitable rooms (living areas and bedrooms) will have direct access to daylight, which is considered to be a good design outcome allowing for a high level of internal amenity for each dwelling.

Each dwelling is provided with a balcony or podium terrace which is generally well proportioned and well oriented. While a number of apartments have balcony areas that do not meet the requirements of Clause 58.05-3 (Private open space), on balance this is considered acceptable as discussed within Section 3.10 of this report.

The proposed development has been designed to limit internal overlooking to lower-level dwellings directly below and within the same development, where possible. However, there appears to be internal overlooking potential from a number of apartments that could detrimentally impact on the amenity of future occupants. Therefore, as discussed within Section 3.10 of this report, the relevant apartments are to be designed, treated and/or screened to prevent overlooking in accordance with the requirements of Clause 58.04-2 (Internal views) as a condition on any permit granted.

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

Off-Site Amenity

There would not be any significant overlooking potential into habitable room windows and private open space of new and existing dwellings from the proposed development, subject to conditions on any permit granted as discussed within Section 3.10 of this report. While ResCode is not applicable in this instance, it is noted that the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme provide a useful guide to assess overlooking potential, as referenced within Clause 58.04-1 (Building setback). Therefore, the balconies and habitable room windows of proposed dwellings, particularly to the south-west of the site, are to be treated/screened in accordance with the requirements of Clause 55.04-6 (Overlooking), and this is to form a condition on any permit granted accordingly.

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

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

Therefore, subject to appropriate overlooking and noise conditions on any permit granted, the proposal is an acceptable design response in this instance.

Parking, Traffic and Access

See comments provided by Council’s Development Engineering (Traffic) Unit within Section 2.3 of this report, in addition to the requirements of Clause 52.06 (Car Parking) as discussed within Section 3.6 of this report.

Landscaping and Fencing

The subject site currently has limited permeability and does not contain any significant landscaping or vegetation. The proposed development would have a high level of site coverage, which is considered acceptable to a site within a Commercial 1 Zone and Major Activity Centre area. The proposed development does, however, provide a substantial green landscaping buffer with plantings and canopy trees along the southern (rear) property boundary. Planter boxes throughout the development, and climbers along the southern façade, are also proposed to help improve internal amenity and mitigate off-site amenity impacts. There is also provision for landscaping opportunities along each streetscape, including the provision of new street trees, which is considered suitable to each streetscape and would help soften the overall built form from the public realm.
The recommendations from Council’s Urban Designer and Landscape Architect, as referenced within Section 2.3 of this report, will help provide an improved landscaping theme for the site and surrounding area, and are to be included as conditions on any permit granted accordingly.

Environmental Sustainability

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

The waste management plan is acceptable, subject to the provision of additional information/details as discussed earlier, and is to form a condition for endorsement on any permit granted accordingly.

The proposed development has incorporated many Environmentally Sustainable Design initiatives, including the provision of an 80,000 litre rainwater tank within the lower basement level for the re-use of stormwater within the development and a 10.4 kWp solar photovoltaic system. Furthermore, all habitable living areas and bedrooms have windows with direct access to daylight.

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

Service Infrastructure

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

3.3 Does the proposal accord with the Commercial 1 Zone?

The proposed use of the land for dwellings requires a planning permit under Clause 34.01-1 (Table of Uses). While the residential frontage at ground floor level along Keilor Road, Cooper Street and Roberts Street exceeds 2.0 metres in width, thereby requiring a planning permit, these residential entrances are acceptable as they maintain an active frontage along the commercial spine of Keilor Road. Importantly, the location and design of the residential entrances allow for more than 100 metres of integration and street activation for the proposed retail premises along the primary Keilor Road frontage, to which the building predominantly faces. The proposed retail premises are ‘as-of-right’ uses within the Commercial 1 Zone. Therefore, the proposed retail premises and dwelling uses accord with the objectives of associated planning policies.
within the Moonee Valley Planning Scheme, as discussed within Section 3.1 of this report.

The proposed development also requires a permit under Clause 34.01-4 (Buildings and Works). As discussed throughout this report, the proposal is considered to be a good design outcome for the site and surrounding area, subject to the inclusion of conditions on any permit granted.

3.4 Does the proposal accord with Schedule 7 to the Design and Development Overlay (DDO7)?

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

Table 2

<table>
<thead>
<tr>
<th></th>
<th>DDO7-Precinct 3</th>
<th>Proposed</th>
<th>Recommendation (Condition 1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred maximum building height</td>
<td>21 metres on ‘key sites’</td>
<td>17.40 – 24.20 metres</td>
<td>23.70 metres</td>
</tr>
<tr>
<td>Front setback (up to three storeys in height)</td>
<td>0 metres</td>
<td>0 metres</td>
<td>0 metres</td>
</tr>
<tr>
<td>Front setback (above three storeys in height)</td>
<td>3 metres</td>
<td>3 – 7 metres</td>
<td>3 – 7 metres</td>
</tr>
<tr>
<td>Rear setback (up to three storeys in height)</td>
<td>3 metres</td>
<td>2.80 – 19.90 metres</td>
<td>3.0 – 19.90 metres</td>
</tr>
<tr>
<td>Rear setback (above three storeys in height)</td>
<td>8 metres</td>
<td>6.60 – 24.34 metres (excluding third floor balconies)</td>
<td>8.0 – 24.34 metres</td>
</tr>
</tbody>
</table>

The subject site is considered to be a ‘key site’ as the site has a total land parcel area of greater than 1,000 square metres (5,316m² in total) with a frontage width of greater than 20 metres (110.65 metres in total); the site is within 400 metres of a tram stop or train station (directly abuts a tram stop at the corner of Keilor Road and Cooper Street); new vehicle access to the site can be achieved by a side street or via a rear lane (vehicle access proposed from Cooper Street and Roberts Street); and the additional height applicable to a ‘key site’ has no significant amenity or heritage impacts as discussed within Sections 3.2, 3.10 and Appendix B of this report.

The proposed development has a high level of compliance with the height and setback requirements under Precinct 3 of the DDO7, as demonstrated in Table 2 above. While the maximum overall height of the proposed development is 3.20 metres above the preferred maximum building height, this relates to the
modest seventh storey component comprising a three bedroom dwelling (Apartment 601), communal gym and communal function room area to the north-west of the site. Importantly, the north-eastern, south-eastern and south-western building components have a maximum building height of 17.40-20.50 metres which is below the preferred maximum building height of 21 metres under the DDO7. The additional 3.20 metres of height for the modest seventh storey component to the north-west of the site provides a well-recessed upper level ‘cap’ to the development that is more than 10 metres below the airport height controls and at least 24 metres from residential zoned land to the south and west of the site. Given this ‘cap’ level is well-recessed, contained and centrally located on top of the north-western building component, with generous setbacks from all property boundaries, the additional 3.20 metres of height will largely be imperceptible from the public and private realm with negligible amenity impacts on adjoining properties. Therefore, the overall height of the proposed development meets the design objectives of the DDO7 and is acceptable accordingly.

The proposed development meets the front setback requirements of the DDO7, with increased setbacks of up to 7.0 metres from Keilor Road at the upper floor levels, which helps provide additional articulation and visual interest to break up the built form on this large ‘key site’.

The proposed development meets and generally exceeds the rear setback requirements of the DDO7, with the exception of minor encroachments up to 0.20 metres at the lower three storeys and encroachments up to 1.40 metres at the upper three storeys (excluding third floor balconies, which may encroach up to 0.5 metres into the nominated setback). While the advertised plans and Figure 3 below demonstrate compliance with the rear setback requirements under the DDO7, this requirement has been applied and assessed incorrectly by the applicant. Therefore, given these walls, apartments and balcony encroachments would be highly visible from residential interfaces directly to the south, and noting the broad width of the built form on this large site, the proposed development is to comply with the rear setback requirements of the DDO7. This would not result in any significant structural or built form issues that cannot be resolved through internal layout changes and massaging of the built form, and is to be included as a condition on any permit granted accordingly. Therefore, subject to modification, the rear setbacks meet the design objectives of the DDO7 and are acceptable accordingly.
Figure 3 – Compliance with the DDO7 rear setback requirements

Overall, the proposed development achieves each of the design objectives of the DDO7, including the provision of a consistent street rhythm, creating an engaging interface, achieving excellence and diversity in architecture, providing a pedestrian friendly environment and integrating street trees and landscaping to each streetscape. As referenced within Section 2.3 of this report, Council’s Urban Designer has no objection to the proposed development subject to the inclusion of conditions on any permit granted. Therefore, subject to modification, the proposed built form and design response meets the objectives of the DDO7 and allow for an interesting building design on a relatively large and unique ‘key site’ within the Keilor Road Major Activity Centre.

3.5 Does the proposal accord with Schedule 9 to the Design and Development Overlay (DDO9)?

A planning permit is required to construct a building or carry out works which exceed 80m Australian Height Datum (AHD) in height. As the proposed building exceeds 80m AHD (82.90-89.70m AHD proposed), the application was referred to Essendon Fields Airport under Section 52 of the Planning and Environment Act 1987. As referenced within Section 2.3 of this report, Essendon Fields Airport cannot support the proposed development in its current form as shown on the advertised plans (refer Appendix C – separately circulated) and would require a number of modifications and conditions for the proposal to be considered acceptable. Such modifications and conditions, to achieve an acceptable outcome, are discussed in further detail below.

With regard to potential intrusions into the Obstacle Limitation Surface (OLS), a number of intrusions have been identified and deemed to be controlled activities under the Airports (Protection of Airspace) Regulations 1996. In particular, the eastern (centrally located) roof-top stairwell structure at 88.3m AHD will infringe the Runway 17 take-off climb surface which has an elevation of 86.1m AHD at this location (refer Figures 4 and 5). Given this stairwell is one of numerous
points of access to the rooftop terrace area, this stairwell is to be deleted or modified as a condition on any permit granted to ensure no intrusion into the OLS. While persons and activities within the north-eastern half of the rooftop terrace are not considered to be controlled activities, as defined under Section 182 of the Airports Act 1996, Levels 1-5 (inclusive) should each be reduced by 100mm in height. This would provide an overall reduction of 0.5m to the building height and ensure a more appropriate safeguard dimension of approximately 0.6-1.4m between the 1.0m high rooftop terrace balustrading and OLS shown within Figures 4 and 5.

Figure 4 – North elevation plan indicating airport height controls (red dotted line)

Figure 5 – Obstacle Limitation Surfaces (OLS) overlaying the proposed development
With regard to planter boxes and vegetation, the overall reduction in building height by 0.5m would comfortably allow for some low level shrubs as indicated within the revised Level 6 floor plan (TP-106) and additional section diagram (TP-307) dated October 2018 (refer Appendix D – separately circulated). It is considered that all vegetation in planter boxes within the north-eastern half of the rooftop terrace should comprise species with a maximum mature height of 0.5m with appropriate signage ensuring all plant species are provided and maintained at a maximum height of 0.5m. This is to be included as a condition on any permit granted accordingly.

With regard to plume rise, this is expected to be minimal given the proposed use of the land for retail premises and residential purposes. However, it is noted that the Civil Aviation Safety Authority (CASA) may need to conduct an assessment of all possible exhaust plumes in accordance with CASA Advisory Circular AC-139-5(1) Plume Rise Assessments. The proponent may need to complete CASA Form 1247 Application for Operational Assessment of a Proposed Plume Rise with the relevant details once these are available, and submit the form to CASA at the Office of Airspace Regulation (OAR) in order to commence the assessment process. Given this assessment would be separate to the planning permit process, it cannot be considered further here.

With regard to construction activity and potential infringement of the Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) airspace protecting the Standard Instrument Departure (SID) for departures from Runway 17, this can be addressed through a condition on any permit granted as recommended by Essendon Fields Airport. It is noted that penetration of PANS-OPS airspace for longer than three months cannot be approved under the Regulations and will need to be considered by the applicant separate to the planning permit process prior to construction.

With regard to the Obstacle Assessment Surface (OAS) associated with the Precision Approach Path Indicator (PAPI) for Runway 17, which overlies the western half of the site, it is noted that this varies from approximately 94.8m AHD to 96.3m AHD over the site. Therefore rooftop protuberances, including planting greater than 8m in height, may obstruct the PAPI OAS. As a result, it will be a condition on any permit granted to ensure all planting and larger shrubs/trees within the north-western half of the rooftop terrace do not exceed a maximum mature height of 4m. This will ensure an appropriate safeguard dimension is maintained with no obstructions to the PAPI OAS.

The subject site is also located within the Australian Noise Exposure Forecast (ANEF) 25-30 noise contour for Essendon Fields Airport, which relates to the level of noise anticipated from airport operations. As a result, the proposed development is to minimise the transmission of noise within the development from external sources associated with Essendon Fields Airport through the provision of an acoustic engineering report and conditions on any permit granted. As the subject site is located between the 25-30 ANEF contour lines, acoustic attenuation is to be provided in accordance with the indoor design sound levels of Australian Standard AS2021:2015 (Acoustics – Aircraft Noise Intrusion – Building Siting and Construction) to achieve the required aircraft noise reduction.
Therefore, subject to the inclusion of conditions on any permit granted, the proposal is acceptable.

3.6 Is adequate car parking and vehicle access provided?

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

Table 3

<table>
<thead>
<tr>
<th>Unit</th>
<th>Requires</th>
<th>Provides</th>
</tr>
</thead>
<tbody>
<tr>
<td>121 dwellings (19 x 3 bedrooms, 84 x 2 bedrooms and 18 x 1 bedroom)</td>
<td>140</td>
<td>143 (+3)</td>
</tr>
<tr>
<td>Retail premises / shop (2,130m²)</td>
<td>74</td>
<td>104 (+30)</td>
</tr>
<tr>
<td>Residential visitors</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>214</strong></td>
<td><strong>247 (+33)</strong></td>
</tr>
</tbody>
</table>

As referenced within Section 2.3 of this report, Council’s Development Engineering (Traffic) Unit has no objection, subject to updated traffic generation rates for the proposed development and the inclusion of conditions on any permit granted.

With regard to traffic generation, based on a peak hour generation rate of 0.29 movements per dwelling, the proposed development is expected to generate up to 35 residential vehicle movements during the AM and PM peak hours. Upon review, and using a more conservative peak hour traffic generation rate of 0.4 movements per dwelling, the proposal would result in up to 48 residential vehicle movements during peak periods.

In relation to the retail component, it is anticipated that 0.5 vehicle trips per staff car space will occur during the peak hours (11 retail staff vehicle movements during the AM and PM peak hours). Applying a traffic generation rate of 0.2 vehicle trips per customer car space, in lieu of the assumed zero customer trips during the peak hours, equates to 17 retail customer trips during the AM and PM peak hours. Adopting the above retail staff and customer peak hour traffic generation rates, the proposed development is expected to generate up to 28 retail vehicle movements during the AM and PM peak hours.

Overall, the combined total traffic generation for the proposed development during the peak hours would be 76 trips, in lieu of the assumed 46 trips suggested within the TIA submitted to Council. However, this additional volume of traffic is not expected to significantly or detrimentally impact on the ‘excellent’ post-development operating conditions during the AM and PM peak periods with minimal queues and delays on all approaches. Importantly, the proposed development, unlike many other developments nearby, provides vehicle access from two side streets, which results in a more even and equitable distribution of traffic on the existing road network. Furthermore, based on the results of the intersection capacity analysis (SIDRA analysis) for 46 vehicle movements during the peak hour, the degree of saturation (DOS) at the Keilor Road/Cooper Street intersection is 0.307, which is quite satisfactory in traffic engineering.
terms. It is considered the intersection DOS would not increase significantly if the overall traffic generated by the development increases to 76 vehicle movements during the peak hour. As such, Council’s Development Engineering (Traffic) Unit does not anticipate the SIDRA analysis to produce unacceptable results in traffic engineering terms. However, it is recommended a condition be included on any permit granted to update the SIDRA analysis based on the above traffic generation rates (i.e. overall traffic generation of 76 vehicle movements during the peak hour). Therefore, the proposed development is not expected to have a detrimental impact on the capacity of the surrounding road network or intersections with Keilor Road, subject to the inclusion of conditions on any permit granted.

With regard to the provision of car parking, Amendment VC148 (Reforms to the Victoria Planning Provisions) was gazetted on 31 July 2018 and, amongst other things, reduces car parking requirements for land within walking distance of high-quality public transport. Specifically, the reduced ‘Column B’ rates of Clause 52.06-5 (Number of car parking spaces required under Table 1) apply if any part of the land is identified as being within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, August 2018). As a result of Amendment VC148 coming into operation on 31 July 2018, the proposed development is no longer seeking a reduction in car parking requirements but provides a surplus of 33 car parking spaces on site.

In addition to this, the subject site directly abuts the No.59 tram route and the No.476, 477 and 483 bus routes, which provide alternate modes of transport to and from the subject site. The proposed development also provides for 131 bicycle spaces (a surplus of 84 bicycle spaces) which can be utilised by residents, visitors, retail employees and shoppers to the proposed development. It is also noted that there are numerous on-street car spaces available at the front of the site along Keilor Road, Cooper Street and Roberts Street that can be utilised by visitors, retail employees and shoppers, with additional on-street car spaces created through the removal and reinstatement of existing crossovers along each streetscape. Such measures would all help offset the use of motor vehicles and any perceived lack of car parking spaces not being provided for on site.

Council’s Development Engineering (Traffic) Unit also had some concerns regarding car park access and layout, which are to be addressed through the inclusion of conditions on any permit granted.

Therefore, subject to conditions, it is not anticipated that the proposed development will generate a cumulative impact or have an adverse effect on car parking, vehicle movements or the capacity of the existing local and arterial road network.

3.7 Is the alteration of access to a road in a Road Zone, Category 1, considered appropriate?

A planning permit is required under Clause 52.29 (Land Adjacent to a Road Zone, Category 1) to create or alter access to a road in a Road Zone, Category 1. As this planning application proposes to alter access to Keilor Road, a Category 1 Road Zone, the application was referred to the Roads Corporation
(VicRoads) under Section 55 of the *Planning and Environment Act 1987*. As referenced within Section 2.3 of this report, VicRoads has no objection to the proposed development subject to the inclusion of conditions on any permit granted.

### 3.8 Are adequate bicycle facilities provided?

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

**Table 4**

<table>
<thead>
<tr>
<th>Unit</th>
<th>Requires</th>
<th>Provides</th>
</tr>
</thead>
<tbody>
<tr>
<td>121 dwellings</td>
<td>24</td>
<td>74 (+50)</td>
</tr>
<tr>
<td>Residential visitors</td>
<td>12</td>
<td>46 (+34)</td>
</tr>
<tr>
<td>Retail employees</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Retail shoppers</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>47</strong></td>
<td><strong>131 (+84)</strong></td>
</tr>
</tbody>
</table>

As demonstrated in the table above, the proposed development provides adequate bicycle spaces in accordance with the requirements of Clause 52.34 (Bicycle Facilities). However, many of the bicycle spaces are not accessible as currently designed as they are too close to car spaces, are not at the required spacing or do not provide an access aisle. Therefore, all bicycle spaces and associated aisles should be designed in accordance with Australian Standard AS2890.3:2015 as a condition on any permit granted.

Further to the above bicycle space requirements, a minimum of one shower and change room is also required under Clause 52.34-5 (Required Bicycle Facilities). An ‘end of trip facility’ comprising separate male and female amenities with showers, toilets and change rooms is nominated at ground floor level to the south-east of the site with safe, secure and convenient access from retail premises and employee bicycle spaces. This is generally acceptable and meets the requirements of this clause. Council’s Development Engineering (Traffic) Unit has no objection to the provision of bicycle facilities as part of the proposed development, subject to the inclusion of conditions on any permit granted.

### 3.9 Are adequate loading facilities provided?

Clause 65 (Decision Guidelines) requires the consideration of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts. Given the proposed retail premises are moderate in size, it is generally accepted that deliveries to retail premises of this scale are delivered by small trucks, vans and the like. The proposed 11.20m (l) x 7.20m (w) x 4.0m (h) loading bay at ground floor level, with direct access from Cooper Street and Roberts Street, provides adequate space for private waste collection vehicles and delivery vehicles, including 6.4m long Small Rigid Vehicles (SRV) and 8.8m long Medium Rigid Vehicles (MRV) with a clearance height up to 4.0 metres.

Council’s Development Engineering (Traffic) Unit has no objection to the design
and provision of loading facilities on site, subject to the inclusion of conditions on any permit granted.

3.10 Does the proposal comply with the requirements of Clause 58 (Apartment Developments)?

The proposal is considered to generally comply with the provisions of Clause 58 as set out in the assessment table (refer to Appendix B).

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

Table 5

<table>
<thead>
<tr>
<th>Design Standard</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 58.03-4 (Standard D9)</td>
<td>The residential entrances to the building front Keilor Road, Cooper Street and Roberts Street and are not obscured or isolated from the street or internal accessways. Given the commercial zoning of the site, only minor landscaping in the form of raised planter boxes are proposed along the street and internal pedestrian accessways. All car parking areas and internal accessways are secure and provided with adequate lighting, visibility and surveillance, subject to the inclusion of suitable conditions on any permit granted. Private spaces within the development are protected from being used as public thoroughfares, subject to the location and details of all internal security access/gates to the first floor communal open space area as a condition on any permit granted.</td>
</tr>
<tr>
<td>Clause 58.03-5 (Standard D10)</td>
<td>The commercial zoning of the site does not encourage the provision of landscaping, which respects the landscape character (or lack thereof) of other commercial properties abutting the Principal Public Transport Network (PPTN) forming part of Keilor Road Activity Centre. However, while the development is not providing the required deep soil areas (15% of site area with a minimum dimension of 6m) or minimum number of canopy trees as specified in Table D2, the provision of a ground floor landscaping buffer to the rear of the site with 52 canopy trees (5-8m in height), extensive use of raised planter boxes throughout the development, climbers along the southern (rear) interface and provision of additional canopy trees along each streetscape is considered acceptable and meets the objectives of this standard, subject to the recommendations of Council’s Urban Designer and Landscape Architect being incorporated and included as conditions on any permit granted.</td>
</tr>
<tr>
<td>Design Standard</td>
<td>Response</td>
</tr>
<tr>
<td>-----------------</td>
<td>----------</td>
</tr>
<tr>
<td>Clause 58.03-8 (Standard D13) Integrated water and stormwater management</td>
<td>A STORM Rating Report formed part of the application and is to be updated and amended to demonstrate adequate stormwater management, collection, utilisation and infiltration within the development, as discussed within Sections 2.3 and 3.1 of this report.</td>
</tr>
<tr>
<td>Clause 58.04-1 (Standard D14) Building setback</td>
<td>The built form of the development generally responds to the features of the site and respects the preferred urban context, encouraging higher densities on commercial sites abutting the Principal Public Transport Network (PPTN) forming part of Keilor Road Activity Centre. However, not all rear setbacks under Schedule 7 to the Design and Development Overlay (DDO7) have been met. Given these rear walls, apartments and balcony encroachments would be highly visible from residential interfaces directly to the south, and noting the broad width of the built form on this large site, the proposed development is to comply with the rear setback requirements of the DDO7 as discussed within Section 3.4 of this report. This is to be included as a condition on any permit granted. The building has been set back from side and rear boundaries to ensure adequate daylight is provided to all new habitable room windows. Direct views into habitable room windows and private open space areas of new and existing dwellings have generally been avoided. However, there appears to be overlooking potential into habitable room windows and private open space associated with the existing residential aged care facility and proposed residential apartment building directly to the south at 150-152 Cooper Street. In particular, there are a number of proposed apartments to the south-west of the subject site with overlooking potential within a 9m radius which require further treatment/screening to ensure no direct views into habitable room windows and private open space areas. Furthermore, all obscure glazing and privacy screening should be annotated as having a ‘maximum 25% transparency’, as per the requirements of Standard B22 within ResCode (which is a useful guide in the absence of any other overlooking provisions). These requirements are to be included as conditions on any permit granted accordingly.</td>
</tr>
<tr>
<td>Design Standard</td>
<td>Response</td>
</tr>
<tr>
<td>-----------------</td>
<td>----------</td>
</tr>
<tr>
<td></td>
<td>With regard to direct views into private balconies between new dwellings, further details and/or treatment/screening is required between Apartments 119-120, 126-127, 219-220, 226-227, 232-233, 301-316 (all in-between apartments inclusive), 319-320, 323-301, 401-402, 415-416, 417-418, 419-401, 501-502, 512-417 (roof balcony) and 501-418 (roof balcony). This is to be included as a condition on any permit granted accordingly. All dwellings are provided with a reasonable outlook that creates a visual connection to the external environment, particularly along Keilor Road, Cooper Street and Roberts Street (with additional outlook provided to all windows and courtyard/porch areas facing the internal atrium).</td>
</tr>
</tbody>
</table>

| Clause 58.04-2  | Windows and balconies have generally been designed to prevent overlooking of more than 50% of the private open space of lower-level dwellings directly below and within the same development. However, there appears to be more than 50% overlooking of lower-level private open space areas from Apartments 219, 220, 226, 227, 307, 314, 315, 316, 319, 320, 323, 401, 402, 414, 415, 416, 417, 418, 419, 501, 512 and 601. Therefore, these apartments are to be designed, treated and/or screened to prevent overlooking of more than 50% of lower-level private open space areas as a condition on any permit granted accordingly. |

<p>| Clause 58.04-3  | Noise sources such as mechanical plants have not been located adjacent to or near bedrooms of immediately adjacent existing dwellings. The layout and design of the proposed development and new dwellings adequately minimises noise transmission within the site. In particular, noise sensitive rooms such as living areas and bedrooms have generally been located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking and other dwellings. However, the location of a bedroom directly adjacent to the communal gym on Level 6 should be modified to avoid potential noise impacts from this gym area, and this is to be included as a condition on any permit granted. At this stage, it is unknown whether new dwellings have been designed and constructed to include... |</p>
<table>
<thead>
<tr>
<th>Design Standard</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>None of the proposed dwellings within the residential apartment building comply with the requirements of this standard. Given the importance of this standard to ensure the design of dwellings meet the needs of people with limited mobility and lack of justification provided by the applicant for the non-compliance, at least 50% of proposed dwellings are to comply with the requirements of this standard. This is to be included as a condition on any permit granted accordingly.</td>
<td></td>
</tr>
<tr>
<td>All dwellings on the Level 3 podium have private open space (POS) consisting of an area of at least 14.7m², and up to 146m², with convenient access from a living room. While the POS for Dwelling 321 doesn’t meet the 15m² area requirement, and the POS for Dwellings 317-322 (inclusive) don’t have a minimum dimension of 3.0 metres, these are considered to be minor non-compliances with each podium dwelling providing adequate private open space for the reasonable recreation and service needs of residents. All dwellings on Levels 1, 2, 4, 5 and 6 contain a balcony with convenient access from a living room and an area of 7.0-112.9m² in size, which does not accord with the provisions specified in Table D5. While the balconies for Dwellings 103 and 203 are 7m² in lieu of 8m², and a number of balconies don’t meet the minimum dimension requirements due to the curved/angular design response, these are considered to be minor non-compliances. On balance the proposed balconies are adequate in size for the reasonable recreation and service needs of residents,</td>
<td></td>
</tr>
<tr>
<td>Design Standard</td>
<td>Response</td>
</tr>
<tr>
<td>-------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>while also providing additional diversity and affordability for residents with different private open space needs. The site is also approximately 260 metres from ‘Buckley Park’ to the south-west and approximately 520 metres from ‘L T Thompson Reserve’ to the south-east, which can be utilised for additional recreation and leisure purposes by future occupants where required. Therefore, on balance, the proposal meets the objective of this standard.</td>
</tr>
<tr>
<td>Clause 58.05-4</td>
<td>All dwellings have convenient access to usable and secure storage space, with all storage space meeting the ‘minimum storage volume within the dwelling’ and ‘total minimum storage volume’ requirements specified in Table D6. While it is acknowledged the internal storage space for Dwellings 102, 117, 206-209 (inclusive), 212-215 (inclusive), 217 and 415 range from 8.2m$^3$ to 8.9m$^3$, in lieu of 9m$^3$, this is inconsequential given these dwellings exceed the ‘total minimum storage volume’ of 14m$^3$ by an additional 4.2-4.9m$^3$ (18.2-18.9m$^3$ total storage provided).</td>
</tr>
<tr>
<td>(Standard D20)</td>
<td></td>
</tr>
<tr>
<td>Clause 58.07-1</td>
<td>All bedrooms generally meet the minimum internal room dimensions specified in Table D7 and include an additional wardrobe area. While a number of bedrooms technically don’t meet the minimum internal room dimension requirements, this is largely due to the curved/angular design response of the building and is considered negligible in this instance. Conversely, a number of bedrooms exceed the minimum internal room dimensions specified in Table D7 providing a higher level of internal amenity and diversity amongst dwellings. A number of living areas (excluding dining and kitchen areas) do not meet the minimum internal room dimensions and minimum area specified in Table D8. While the proposed internal dimensions of living areas generally appear acceptable, all living areas should meet the minimum area requirements specified in Table D8 (i.e. 10m$^2$ for one bedroom dwellings and 12m$^2$ for two or more bedroom dwellings) to ensure dwellings provide an adequate level of internal amenity and a functional living area that meets the</td>
</tr>
<tr>
<td>Design Standard</td>
<td>Response</td>
</tr>
<tr>
<td>----------------</td>
<td>----------</td>
</tr>
<tr>
<td>needs of residents. It is acknowledged that some dwellings may need to be amalgamated and/or redesigned with fewer bedrooms in order to meet this requirement, which is to form a condition on any permit granted accordingly. Therefore, on balance and subject to modification, the proposed development ensures dwellings provide functional areas that meet the needs of residents.</td>
<td></td>
</tr>
<tr>
<td>Clause 58.07-2 (Standard D25) Room depth</td>
<td>All single aspect habitable rooms generally meet the room depth requirements of this standard, with the exception of the combined kitchen/dining rooms for Dwellings 111, 210, 211, 308 and 408. In order to allow adequate daylight into these single aspect habitable rooms, these dwellings are to comply with the requirements of this standard as a condition on any permit granted. It is noted that best practice requirements regarding indoor environment quality (IEQ) and daylight access have also generally been met within the Sustainable Management Plan (SMP) and BESS Report submitted as part of this application, which is supported by Council’s ESD Officer subject to the inclusion of conditions on any permit granted, as referenced within Section 2.3 of this report.</td>
</tr>
<tr>
<td>Clause 58.07-3 (Standard D26) Windows</td>
<td>All habitable rooms are typically provided with a window in an external wall of the building. While there appears to be an ‘inboard’ study room for Dwelling 601 that does not have windows in an external wall of the building, these internal study walls are to be removed and/or a window provided in the southern external wall as a condition on any permit granted to ensure adequate daylight into this new habitable room. The ‘inboard’ bedrooms for Dwellings 111 and 211 should also have a window in the western external walls (similar to the ‘inboard’ bedrooms for Dwellings 110 and 210 adjoining the same internal pedestrian accessway/central void area), and this is to be a condition on any permit granted accordingly. While technically compliant given the open plan living design, the kitchen/dining rooms for Dwellings 111, 211, 308 and 408 should also be provided with windows in the southern and/or western external walls to ensure adequate daylight into these new habitable rooms as a condition on any permit granted. Furthermore, the north-western bedroom for Dwelling</td>
</tr>
</tbody>
</table>
Design Standard | Response
--- | ---
416 is annotated as having a ‘1700 high operable window’ but the location/details need to be correctly shown on the plans as a condition on any permit granted. All windows providing daylight to bedrooms from smaller secondary areas within the bedroom are clear to the sky and meet the width/depth requirements of this standard.

3.11 Does the proposal demonstrate integrated decision making?
The proposal complies with the provisions of Clause 71.02-3 (Integrated decision making), subject to the inclusion of conditions on any permit granted. As discussed throughout this report, the proposal suitably addresses aspects of economic, environmental and social well-being by balancing conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. In particular, the proposal provides significant streetscape improvement works and canopy tree plantings along Keilor Road, Cooper Street and Roberts Street, two large retail premises for meaningful employment opportunities and activation to this section of Keilor Road, a substantial increase in housing opportunities and considerable diversity of dwelling stock to meet growing population needs.

3.12 Objections
A response to the objections is provided as follows:

Table 6

<table>
<thead>
<tr>
<th>Issue</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighbourhood character / design</td>
<td>This is acceptable, subject to refinement of the building design and the inclusion of conditions on any permit granted, as referenced and discussed within Sections 2.3 and 3.2 of this report.</td>
</tr>
<tr>
<td>Site layout and building massing / building height / overdevelopment</td>
<td>This is acceptable, subject to increased rear setbacks in accordance with the DDO7, as discussed within Sections 3.1, 3.2, 3.4 and 3.10 of this report.</td>
</tr>
<tr>
<td>Off-site amenity impacts</td>
<td>Additional rear setbacks and overlooking treatment/screening measures are required and to be included as conditions on any permit granted, as discussed within Section 3.10 of this report.</td>
</tr>
<tr>
<td>Car parking / traffic impacts</td>
<td>This is acceptable, subject to the inclusion of conditions on any permit granted, as discussed within Sections 2.3 and 3.6 of this report.</td>
</tr>
<tr>
<td>Issue</td>
<td>Officer Response</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Flight path impacts</td>
<td>While concerns were raised by Essendon Fields Airport, these can be adequately dealt with through the inclusion of conditions on any permit granted, as discussed within Section 3.5 of this report.</td>
</tr>
<tr>
<td>Insufficient open space</td>
<td>The proposed development provides adequate communal open space in accordance with the requirements of Clause 58.03-2 (Communal open space). The provision of a private balcony for each apartment is also deemed to be acceptable and largely meets the requirements of Clause 58.05-3 (Private open space), as discussed within Section 3.10 of this report.</td>
</tr>
<tr>
<td>Noise impacts</td>
<td>Noise impacts are to be mitigated through the inclusion of suitable noise conditions on any permit granted. It is also noted that 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>Lack of plantings at ground level along Keilor Road</td>
<td>The provision of two large retail premises at ground floor level, planter boxes to upper floor balconies and six new street trees (in addition to the two existing street trees) along Keilor Road is an acceptable design response to a site within a commercial zone and Major Activity Centre. Therefore, subject to the recommendations of Council’s Urban Designer and Landscape Architect being included as conditions on any permit granted, the proposed landscaping theme and provision of plantings/street trees along Keilor Road is an acceptable outcome in this instance.</td>
</tr>
<tr>
<td>Safety of derelict buildings/sites</td>
<td>The subject site, like all private properties, must be maintained and kept in a safe and reasonable state by the owners/tenants of the property, as required by Council’s Local Laws. Poorly kept properties that are unsightly or a health/fire hazard should be followed up with Council’s City Compliance (Local Laws) Unit accordingly.</td>
</tr>
<tr>
<td>Construction impacts</td>
<td>A Construction and Site Management Plan will be required as a condition on any permit granted to help mitigate any construction impacts on</td>
</tr>
</tbody>
</table>
**Issue** | **Officer Response**
--- | ---
Shadow/wind impacts to Keilor Road | The orientation of the site means there would be negligible (if any) overshadowing from the proposed development to Keilor Road. The location, height and design of the proposed development is not expected to detrimentally impact on existing wind conditions along Keilor Road and does not warrant a wind tunnel assessment, which are typically required for much larger developments.
Insufficient details provided for a detailed assessment to be carried out | This is noted, however, enough information has been provided within the development plans, reports and documentation submitted to Council in order to carry out a detailed assessment of the application, as discussed throughout this report.

4. **Human Rights**

The application process and decision making is in line with the Victorian *Chart of Human Rights and Responsibilities Act 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 Section 60(1B) of the *Planning and Environment Act 1987* with respect to the number of objections received, and it is determined that the proposal would not have a significant social effect.

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

**Appendices**

Appendix A: Objectors
Appendix B: Clause 58 (Apartment Developments) Assessment Table
Appendix C: Advertised plans (separately circulated)
Appendix D: Revised plans (separately circulated)
### Location of Objector's Properties

<table>
<thead>
<tr>
<th>Address</th>
<th>Suburb</th>
<th>State</th>
<th>Postcode</th>
</tr>
</thead>
<tbody>
<tr>
<td>139 Deakin Street, ESSENDON VIC 3040</td>
<td></td>
<td>VIC</td>
<td>3040</td>
</tr>
<tr>
<td>14 Greville Street, ESSENDON NORTH VIC 3041</td>
<td></td>
<td>VIC</td>
<td>3041</td>
</tr>
<tr>
<td>1-4/145 Cooper Street, ESSENDON VIC 3040</td>
<td></td>
<td>VIC</td>
<td>3040</td>
</tr>
<tr>
<td>152 Roberts Street, ESSENDON VIC 3040</td>
<td></td>
<td>VIC</td>
<td>3040</td>
</tr>
<tr>
<td>2/147 Roberts Street, ESSENDON VIC 3040</td>
<td></td>
<td>VIC</td>
<td>3040</td>
</tr>
<tr>
<td>24 Prince Street, ESSENDON NORTH VIC 3041</td>
<td></td>
<td>VIC</td>
<td>3041</td>
</tr>
<tr>
<td>51 Nimmo Street, ESSENDON VIC 3040</td>
<td></td>
<td>VIC</td>
<td>3040</td>
</tr>
<tr>
<td>89 Roberts Street, ESSENDON VIC 3040</td>
<td></td>
<td>VIC</td>
<td>3040</td>
</tr>
<tr>
<td>No address supplied</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX B

MV/914/2017 – 203-211 Keilor Road, Essendon
Clause 58 (Apartment Developments) of the Moonee Valley Planning Scheme

Apartment Developments (Clause 58 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>D1 - Urban context objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D2 - Residential policy objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D3 - Dwelling diversity objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D4 - Infrastructure objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D5 - Integration with the street objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D6 - Energy efficiency objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D7 - Communal open space objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D8 - Solar access to communal outdoor open space objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D9 - Safety objective</td>
<td>✓ subject to condition</td>
<td>✓ subject to condition</td>
</tr>
<tr>
<td>D10 - Landscaping objectives</td>
<td>X</td>
<td>✓ subject to condition</td>
</tr>
<tr>
<td>D11 - Access objective</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D12 - Parking location objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D13 - Integrated water and stormwater management objectives</td>
<td>✓ subject to condition</td>
<td>✓ subject to condition</td>
</tr>
<tr>
<td>D14 - Building setback objectives</td>
<td>X</td>
<td>✓ subject to condition</td>
</tr>
<tr>
<td>D15 - Internal views objective</td>
<td>✓ subject to condition</td>
<td>✓ subject to condition</td>
</tr>
<tr>
<td>D16 - Noise impacts objectives</td>
<td>✓ subject to condition</td>
<td>✓ subject to condition</td>
</tr>
<tr>
<td>D17 - Accessibility objective</td>
<td>✓ subject to condition</td>
<td>✓ subject to condition</td>
</tr>
<tr>
<td>D18 - Building entry and circulation objectives</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>D19 - Private open space objective</td>
<td>X</td>
<td>✓</td>
</tr>
<tr>
<td>Objective</td>
<td>✔️</td>
<td>✗</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td><strong>D20 - Storage objective</strong></td>
<td>✗</td>
<td>✔️</td>
</tr>
<tr>
<td><strong>D21 - Common property objectives</strong></td>
<td>✔️</td>
<td>✔️</td>
</tr>
<tr>
<td><strong>D22 - Site services objectives</strong></td>
<td>✔️</td>
<td>✔️</td>
</tr>
<tr>
<td><strong>D23 - Waste and recycling objectives</strong></td>
<td>✔️</td>
<td>✔️</td>
</tr>
<tr>
<td><strong>D24 - Functional layout objective</strong></td>
<td>✗</td>
<td>✔️  subject to condition</td>
</tr>
<tr>
<td><strong>D25 - Room depth objective</strong></td>
<td>✔️ subject to condition</td>
<td>✔️ subject to condition</td>
</tr>
<tr>
<td><strong>D26 - Windows objective</strong></td>
<td>✔️ subject to condition</td>
<td>✔️ subject to condition</td>
</tr>
<tr>
<td><strong>D27 - Natural ventilation objectives</strong></td>
<td>✔️</td>
<td>✔️</td>
</tr>
</tbody>
</table>

- Complies, ✗ - Non-compliance, N/A - Not Applicable
10.2  Amendment C195 Heritage Controls - 89 Glass Street, Essendon

File No:  Fol/18/32
Author:  Corina de Araujo - Senior Strategic Planner
Directorate:  Planning and Development

Purpose
The purpose of this report is to note the recommendations of the Planning Panel report for Amendment C195 and to recommend Council resolves to abandon Amendment C195 which proposes to apply a permanent Heritage Overlay to 89 Glass Street, Essendon.

Executive Summary

- On 22 March 2018, Council received an application for demolition consent under Section 29A of the Building Act 1993 which proposed to demolish the existing dwelling at 89 Glass Street, Essendon.
- Council officers refused this demolition request on 16 April 2018 on the basis the property was identified as having potential heritage significance in the adopted Heritage Gap Study 2014. On the same day, Council officers wrote to the Minister for Planning (Minister) requesting interim heritage controls be applied to the property.
- Amendment C195 was prepared to apply a permanent Heritage Overlay (HO450) to 89 Glass Street, Essendon as a detailed heritage assessment confirmed the property held local historic and aesthetic significance to the City of Moonee Valley.
- Amendment C195 was exhibited from 6 August 2018 to 9 September 2018 and one unresolved submission was received, requiring Amendment C195 proceed to an independent Planning Panel (Panel).
- The Panel hearing took place on 19 November 2018. At the time of the Panel hearing, Council’s request for interim controls had not yet been approved by the Minister and during this process, Council officers were made aware of significant alterations having been made to the property.
- Interim controls for the property were applied on 6 December 2018 and are due to expire on 30 April 2019.
- The Panel report was received on 17 December 2018. The Panel report concluded the property does not meet the threshold to warrant individual heritage protection given its current condition, and the Panel’s recommendation is to abandon Amendment C195.
- Abandoning Amendment C195 is appropriate because the property’s heritage value is no longer intact, most of the changes to the property will be difficult to restore, and further work will place undue pressure on officer time and financial resources.
Recommendation

That Council:

1. Notes the recommendations of the Planning Panel’s report for Amendment C195 to the Moonee Valley Planning Scheme pursuant to Section 27 of the Planning and Environment Act 1987.

2. Resolves to abandon Amendment C195 in accordance with Section 23(1) of the Planning and Environment Act 1987.

3. Advises the Minister for Planning in writing of Council’s decision to abandon Amendment C195 in accordance with Section 28 of the Planning and Environment Act 1987.

4. Requests a Ministerial Amendment under Section 20(4) of the Planning and Environment Act 1987 to delete the interim Heritage Overlay (HO449) which applies to 89 Glass Street, Essendon and is due to expire on 30 April 2019.

5. Notifies all submitters of Council’s decision to abandon Amendment C195 and to request the deletion of the interim Heritage Overlay (HO449).

Background

On 22 March 2018, Council received an application for demolition consent under Section 29A of the Building Act 1993, which proposed complete demolition of the existing dwelling at 89 Glass Street, Essendon. The application was refused on 16 April 2018 on the basis the property had been identified (as part of a larger precinct) in the Heritage Gap Study 2014 as holding potential interwar heritage significance. On the same day, Council officers wrote to the Minister requesting an interim heritage control for the property under Section 20(4) of the Planning and Environment Act 1987.

On 18 April 2018, Council engaged Frontier Heritage to undertake a detailed heritage assessment of the property. Frontier Heritage confirmed the property held local historic and aesthetic significance to the City of Moonee Valley and prepared a citation indicating the property demonstrated a high degree of integrity and intactness as an interwar, Old English dwelling.

At its Ordinary Meeting on 26 June 2018, Council resolved to prepare and exhibit Amendment C195 which proposed a permanent Heritage Overlay (HO450) be applied to the property. At the same meeting, Council resolved to refer any unresolved submissions which requested changes to Amendment C195 to an independent Planning Panel. Amendment C195 was exhibited from 6 August 2018 to 9 September 2018 and one unresolved submission was received from the owner.

Discussion

The Panel hearing took place on 19 November 2018 at Planning Panels Victoria. During this process, Council officers were made aware of significant alterations having been made to the property. The alterations made to features of the property identified as significant in the exhibited heritage citation include:

- Painting of the dwelling, including its façade, exposed brickwork, chimneys and terracotta roof tiles.
• Painting of the front fence and demolition of part of the fence adjoining the driveway.
• Removal of timber window shutters and diamond patterned leadlight windows.
• Removal of the garden beds and front garden landscaping.

It should be noted that although unfortunate, the alterations made to the property were lawful in the absence of any interim or permanent heritage controls.

On 6 December 2018, interim Heritage Overlay (HO449) was applied to the property. Unfortunately this did not occur until after extensive alterations to the property took place. In a letter to Council dated 17 July 2018 the Department of Environment, Land, Water and Planning (DELWP) highlighted that each individual request for interim and permanent heritage controls diverts resources from the core priorities of both local and State Government planning.

The Panel report (Appendix A – separately circulated) was received on 17 December 2018 and its recommendation is to abandon Amendment C195 to the Moonee Valley Planning Scheme. In the Panel’s view, the alterations have had a significant impact on the intactness and integrity of the property’s heritage value and concluded it does not meet the threshold to warrant individual heritage protection given its current state.

Adopting the Panel’s recommendation to abandon Amendment C195 is appropriate for several reasons. Firstly, it is clear from Figure 2 the property no longer is an intact representative example of a detached suburban interwar house. Secondly, while some of the alterations, such as the painting, are reversible, many will be difficult to restore. This includes the removal of the side brick walls, the arched side gate, the original leadlight windows, timber shutters, the wrought iron pedestrian gate and the brick pier adjacent to the driveway.

Consultation
Amendment C195 was formally placed on public exhibition for a period of four weeks from 9 August 2018 to 6 September 2018. The exhibition included direct notification to the property owners, Heritage Victoria and prescribed Ministers, notice in local newspapers, displaying hardcopy information at the Planning Counter at Council’s offices, and information on Council’s and DELWP’s websites.
Implications

1. Legislative

Amendment C195 is consistent with Ministerial Direction relating to the form and content of planning schemes under Section 7(5) of the Planning and Environment Act 1987.

There are no human rights implications as a result of this report.

2. Council Plan / Policy

In presenting this report, Council is working to achieve its strategic objective ‘Moonee Valley has high quality places and spaces’ in accordance with Council Plan 2017-21 Theme 5: Beautiful (Nga-Ango Gunga, which means beautiful in Woi wurrung language).

3. Financial

Amendment C195, including all expenses related to the Panel process, is funded by the Strategic Planning operational budget.

4. Environmental

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

Conclusion

Council officers followed appropriate processes to apply interim and permanent heritage controls to 89 Glass Street, Essendon on the basis the property held individual significance as a place of local historic and aesthetic significance to the City of Moonee Valley. During the Panel process, Council officers were made aware of significant unfortunate (albeit lawful) alterations made to the property which impacted both the integrity and intactness of the property’s heritage value.

It is recommended Council note the Panel’s recommendations and resolve to abandon Amendment C195. Concurrently, the appropriate steps to delete the interim heritage controls applying to the property should also be taken.

Appendices

Appendix A: Moonee Valley C195 Panel Report (separately circulated) 📝
10.3 Planning Scheme Amendment C179 - Adopting the Significant Tree Register and applying tree protection controls

File No:  Fol/18/32  
Author:  David Kilroe - Senior Strategic Planner  
Directorate:  Planning and Development

Purpose
The purpose of this report is to seek adoption of the completed Significant Tree Register and advise Council on the recommendations of the Independent Panel (the Panel) appointed by the Minister for Planning to hear submissions and review Amendment C179 (Permanent controls for Significant Trees).

The report also seeks a Council resolution to submit Moonee Valley Planning Scheme Amendment C179 to the Minister for Planning for approval.

Executive Summary
- The Significant Tree Register aims to identify and protect significant trees within the City of Moonee Valley by incorporating them into the Environmental Significance Overlay (ESO) of the Moonee Valley Planning Scheme. The ESO can require a planning permit for works that might impact on significant trees.
- Amendment C179 proposes to update and complete the Significant Tree Register following a comprehensive municipal-wide review of all trees of potential significance within Moonee Valley.
- Council resolved to exhibit Amendment C179 at its Ordinary Meeting on 12 September 2017. Interim controls were also requested under Amendment C187 (later extended through Amendment C198), to protect identified trees until such time as permanent controls under Amendment C179 could be considered.
- The draft Significant Tree Register and Amendment C179 documentation underwent formal exhibition over a five week period between 28 June and 2 August 2018 receiving 45 submissions from owners and occupiers of properties within or proximate to an identified significant tree.
- Following consideration of submissions to Amendment C179, changes were recommended to the draft Significant Tree Register 2017 as follows:
  - Remove 12 records from the register as the trees no longer exist
  - Remove 16 trees from the register in response to submissions received
  - Minor edits to various Individual Tree Assessments in response to feedback received
  - Acceptance of a nomination of trees within Ascot Vale Public Housing Estate for potential inclusion in a future review of the Register.
- At its meeting of 11 September 2018, Council resolved to proceed to an independent Planning Panel to consider the Amendment and any unresolved submissions received during exhibition.
The Panel hearing for Amendment C179 was held on 27 November 2018, with the Panel Report received on 3 December 2018.

After consideration of all submissions, the Panel recommended Amendment C179 should be adopted, subject to the changes proposed by Council following exhibition and the removal of one tree from the register contested at Panel (T258).

A copy of the Amendment documentation incorporating all proposed changes recommended by the Panel is attached in Appendix A (separately circulated). A copy of the Panel Report is attached in Appendix B (separately circulated). A copy of the Moonee Valley Significant Tree Register 2018 is attached in Appendix C (separately circulated).

Recommendation

That Council:

1. Formally adopts the Moonee Valley Significant Tree Register 2018 provided in Appendix C (separately circulated) to this report.

2. Having complied with Part 3, Division 1 and 2 of the Planning and Environment Act 1987, and in accordance with Section 29(1), adopts Moonee Valley Planning Scheme Amendment C179 which will incorporate all changes recommended by the Panel as per the Panel Report included in Appendix B (separately circulated) and in accordance with the amendment documents included in Appendix A (separately circulated).

3. Pursuant to Section 31(1) of the Planning and Environment Act 1987, submits Moonee Valley Planning Scheme Amendment C179 to the Minister for Planning for approval.

4. Authorises the CEO to remove interim tree controls introduced through Amendment C187 (and extended through Amendment C198) to the Moonee Valley Planning Scheme, once permanent controls are in place, and make minor editing and typographical changes as required.

Background

Council has now completed a second and more comprehensive review of its Significant Tree Register since its incorporation into the Moonee Valley Planning Scheme in December 2013 through Amendment C130.

The Significant Tree Register included a recommendation it be reviewed annually to ensure it remained up to date and include any nominations received. The first of these reviews commenced in 2014 under Amendment C149 and was approved in March 2016 resulting in the addition of only 19 trees to the register.

Noting a resource heavy and time consuming process for listing trees on the Significant Tree Register, and the need to protect trees under immediate threat, Council commissioned external arborists Homewood Pty Ltd to review the existing register. They undertook a full municipal-wide survey, together with assessing nominations, to identify all trees of potential significance within Moonee Valley and complete the register.

At its Ordinary Meeting on 12 September 2017, Council resolved to undertake community consultation on the draft Significant Tree Register 2017 (completed
register) and Amendment C179 which implements its findings by proposing an ESO tree control on all 1,509 identified trees.

A decision by the Minister for Planning to approve exhibition of Amendment C179 and grant interim controls on identified trees was delayed for a period due to a number of identified trees being located within the ongoing Flemington Housing Estate renewal program. Interim controls and authorisation to proceed to exhibition was then granted on 6 May 2018.

Exhibition of the draft Significant Tree Register 2017 and Amendment C179 took place between 28 June and 2 August 2018 with 45 submissions received, including eight submissions supporting the Amendment and the inclusion of specific trees in the Register and commended Council for undertaking the review and preparing the Amendment. The exhibition process involved a letter mail-out to all affected parties and three drop-in sessions at Council Offices and Flemington Library.

At its Ordinary Meeting on 11 September 2018, Council resolved to proceed to an independent Planning Panel (the Panel) to consider the Amendment and submissions received. A Panel Hearing was held on 27 November 2018 with a report of recommendations issued on 3 December 2018.

Discussion

Draft Significant Tree Register 2017 and Amendment C179

Following a detailed assessment of some 635 trees or groups of trees, 459 tree records (211 from 2014 and 248 from 2017) were included in a draft Significant Tree Register 2017 for public consultation.

The completed register comprised 79 groups and 380 individual specimens amounting to a total of 1,509 trees. A total of 188 records are on Council land; 248 are on private land; and 23 relate to trees on school grounds.

The content of the 2017 review informed the preparation of Moonee Valley Planning Scheme Amendment C179, which aims to apply the Environmental Significance Overlay (ESO) tree controls to identified trees.

The ESO is the most appropriate tool for protecting the municipality’s significant trees, as it can require a planning permit for the proposed removal of any tree identified within the register, or any buildings and works proposed within each tree’s Tree Protection Zone (TPZ).

A TPZ is an area surrounding a tree (see Figure 1) in which development should be managed to prevent damage to the tree and its root structure.
The importance of the ESO planning control has recently been demonstrated in the protection of Significant Tree **T309** (see Figure 2 above) located at the southern end.
of Newmarket Station. This remnant River Red Gum is over 100 years old and has a
dominant presence in the landscape. Council is opposed to its proposed removal by
VicTrack and can rely on the ESO planning control and Significant Tree Register as
justifying its retention in the landscape.

The Panel Process
On 20 September 2018 Planning Panels Victoria (PPV), under Section 153 of the
Planning and Environment Act 1987, appointed a Panel to hear and consider
submissions in respect to Amendment C179.

A Directions Hearing was held at PPV Offices on 22 October 2018.

The Panel Hearing for Amendment C179 was held at the Clocktower Centre on
Tuesday 27 November 2018. Three submitters requested to be heard at the Panel
(including the National Trust who were in favour of the Amendment).

Key issues raised within submissions can be summarised as follows:

- Maintenance issues and safety
- Property damage and nuisance caused by an identified tree
- Questions around accuracy and justification in the draft Register
- Impact on future development opportunities
- Financial impost due to ongoing maintenance and potential planning fees
- Nominated tree is a non-native, weed or allergenic
- Impact on property values
- Issues with the consultation process
- Appropriateness of the ESO as a tree control.

The Panel Report
The Panel Report for Amendment C179 was received on 3 December 2018 and is
provided in Appendix B (separately circulated).

The Panel supports the methodology underpinning the Amendment and the changes
proposed by Council following its consideration of submissions. The only exception is
in relation to tree T258, contested at the Panel Hearing, with the Panel
recommending it should be removed from the Amendment and Register, due to
uncertainty about the nature and extent of possible tree root damage to the property.
Otherwise, the Panel is satisfied the Amendment should proceed as proposed by
Council.

Changes proposed to the Significant Tree Register can be summarised as follows:

- Remove 12 records from the Register as the trees no longer exist. These
  individual trees or tree groups have either been removed following due
  consideration and an approved planning permit process, or without a planning
  permit (with enforcement action being undertaken).
- Remove 16 trees from the Register in response to submissions received during
  exhibition and the Panel process.
• Minor edits to various Individual Tree Assessments in response to feedback received during exhibition.
• Acceptance of a nomination of trees within Ascot Vale Public Housing Estate for potential inclusion in a future review of the Register.

Changes proposed to Amendment C179 documentation can be summarised as follows:
• Amend Clause 21.04 (Sustainable Environment) of the Moonee Valley Planning Scheme to refer to the *Moonee Valley Significant Tree Register 2018*
• Amend Schedule 2 to the Environmental Significance Overlay of the Moonee Valley Planning Scheme to be consistent with the above changes to the Register
• Amend planning scheme maps to be consistent with the above changes to the Register and reflect changes in the Schedule to Clause 72.03 (‘What does the Planning Scheme consist of?’).

**Implications**

1. **Legislative**

   The proposed amendment is in accordance with Section 4.1 of the *Planning and Environment Act 1987* and State Planning Policy, including Plan Melbourne.

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

2. **Council Plan / Policy**

   In presenting this report, Council is working to achieve its strategic objective ‘Our natural environment is protected and enhanced’ in accordance with Council Plan 2017-21 Theme 4: Green (Wunwarren, which means green in Woi wurrung language).

   The Amendment is also closely aligned with the Fair, Beautiful, Connected and Thriving themes of MV2040 and the overarching vision to achieve a healthy City. Strategic directions achieved through this amendment include:
   • Strategic Direction 13: A city that is low carbon
   • Strategic Direction 14: A city that is green and water-sensitive
   • Strategic Direction 16: A city that is cool and climate-adapted
   • Strategic Direction 20: A city in a beautiful landscape setting

3. **Financial**

   Council will use existing resources within the Strategic Planning operational budget to cover the costs involved with this Amendment.
4. **Environmental**

The amendment will provide environmental benefits as it aims to protect Council’s natural resources. The prevalence of significant trees within the City of Moonee Valley are considered valuable assets enjoyed by residents and visitors alike.

This Amendment will assist Council in maintaining the biodiversity of this region.

**Conclusion**

The *Moonee Valley Significant Tree Register 2018* and associated Planning Scheme Amendment C179 will assist Council in preserving the municipality’s significant trees, which provide numerous benefits to the community.

The Planning Panel appointed to consider Amendment C179 was supportive of the Amendment, recommending only minor changes. Therefore, it is recommended Council adopt Amendment C179.

**Appendices**

Appendix A: Amendment C179 documentation for adoption (separately circulated)
Appendix B: Panel Report (separately circulated)
Appendix C: Significant Tree Register 2018 (separately circulated)
10.4 Montgomery Park Master Plan

File No: Fol/18/32
Author: Heather Graham - Senior Open Space Planner
Directorate: Planning and Development

Purpose
To seek Council approval to adopt the Montgomery Park Master Plan.

Executive Summary

- Master Plans for regional, municipal and neighbourhood open space are prepared to create a shared community vision for improvements and upgrades to infrastructure and spaces.

- Notice of Motion 2016/16: Master Plan Update for Montgomery Park, Bradshaw Street Reserve and Boeing Reserve which was carried unanimously at the 23 August 2016, required officers undertake the following:


- The final Montgomery Park Master Plan has been developed in consultation with the community, internal and external stakeholders.
  - Montgomery Park Master Plan (Appendix A – separately circulated) and Appendix B.


- The short term initiatives (2022-25) identified in the Master Pan are estimated at $2.9 million while initiatives to be delivered within the medium term (2026-30) are estimated at $3.6 million. Currently the budget would need to be drawn from the overall budget of $2.5 million p/a open space Master Plan implementation across all neighbourhoods.
Recommendation

That Council:

1. Adopts the Montgomery Park Master Plan 2018, noting the budget would need to be drawn from the overall budget of $2.5 million p/a open space Master Plan implementation across all neighbourhoods.

2. Requests a further report exploring opportunities to consolidate the proposed Early Years Hub footprint at Montgomery Park, with the intention of optimising public open space while delivering the Early Year’s program for the Essendon neighbourhood.

Background

The Moonee Valley Open Space Strategy (2009) is Council’s guiding document on the public open space program to 2020. The Strategy takes into account the location, distribution, function and condition of existing open space and provides clear forward planning for a growing population.

Master Plans are developed for regional, municipal and neighbourhood open spaces to provide an agreed vision to plan, implement and advocate for improvements for the community, providing guidance for:

- location and look of facilities, including infrastructure such as pavilions and car parking
- location and type of play spaces, pathways, furniture and associated elements such as planting
- sustainable water treatment, harvesting and reuse
- both the Capital Works Program and Council’s Annual Budget.

Master Plans draw upon recommendations from a number of Council Plans and key Strategies, within the context of the site conditions, including:

- Council Plan 2017-2021
- MV2040 Strategy 2018
- Open Space Strategy 2009
- Playspace Plan 2013
- Leisure Strategy 2013
- City Sustainability Policy 2013
- MV2040 Action Plan: Community Facilities

Once a Master Plan is adopted, works can be implemented according to priorities and staging of key projects.

The previous Montgomery Park Master Plan was prepared in 2007 and requires update and alignment with the MV2040 Strategy, the MV2040 Action Plan: Community Facilities and the Draft MV2040 Action Plan: Water Sensitive City.
The Master Plan for Montgomery Park has been undertaken following Notice of Motion 2016/16: Master Plan Update for Montgomery Park, Bradshaw Street Reserve and Boeing Reserve. The recommendation carried unanimously at the 23 August 2016 was for Council to:

- Undertake a review of the Montgomery Park Master Plan in 2017/18

The development of the Master Plans will contribute to achieving the strategic directions and implementation initiatives of the MV2040 Strategy as outlined below.

- Theme 2: A thriving city with access to jobs, lifelong learning, vibrant and dynamic activity centres: Objective 8.4; Support a network of leisure, recreation and sporting opportunities for all.

- Theme 4: A Green City that is ecologically healthy and environmentally responsible: Objectives 14.1; Enhance our urban forest, 14.2; Create diverse and connected landscapes, 14.3; Enhance our ecological values, 14.4; Capture and reuse water to create cool spaces, reduce run-off to waterways and mitigate flood risk and enhance environmental values; and 14.5: Support our community to connect with nature.

- Theme 5: A Beautiful City that celebrates its identity, heritage and open spaces: Objective 18.1; Support high-quality design and 20.1; Provide open spaces to meet the needs of the community.

The MV2040 Strategy includes the following relevant implementation initiatives:

- Explore opportunities to expand Montgomery Park early years functions to meet long-term kindergarten and maternal child health needs
- Provide pedestrian and cycling connections to Moonee Ponds Creek
- Revitalise Moonee Ponds Creek through naturalisation, flood mitigation, storm water harvesting and reuse
- Implement the future master plans for Montgomery Park and Moonee Ponds Creek.

Council’s Open Space Strategy (2009) determines that:

- Montgomery Park is classified as a ‘municipal’ open space with a primary character of ‘informal’ and secondary classification as ‘play’

Discussion

**Montgomery Park Master Plan**

Montgomery Park is used for informal, unstructured recreation. The Park has playspaces, picnic areas with barbecues, public toilet, public tennis courts, central mown grass areas with scattered tree planting, vegetated embankments, gravel paths and seating. Montgomery Park is the home of the Essendon Traffic School (the Traffic School), the Montgomery Park Children’s Centre, Montgomery Park Kindergarten and a Maternal and Child Health Service.

Planning to guide the development of the Master Plan for Montgomery Park has included:
• Potential plans for an upgraded Integrated Early Years Centre at Montgomery Park
• Potential for harvesting and treating stormwater for park irrigation and the potential for the park to provide a retention function within the Moonee Ponds Creek catchment
• Draft Growth in Tennis Plan 2018 recommendations
• Improvements to the Essendon Traffic School.

Key proposals of the Montgomery Park Master Plan Appendix A (separately circulated) include:

• Potential for stormwater treatment and reuse, through harvesting, passive irrigation and flood detention, subject to feasibility, to provide a cool green space and improve quality of water entering the Moonee Ponds Creek.
• Implement greening treatments to the Moonee Ponds Creek ends of Hilda and Gordon Streets, subject to consultation, and wayfinding signage to reinforce creek links.
• The Integrated Early Years Hub development to be sympathetic to its park setting, incorporating opportunities for a consolidated or reduced footprint and shared spaces in order to optimise public open space, subject to future design and consultation.
• Inclusion of a multi-use outdoor classroom / pavilion which can also function as a gathering and event space for the community, subject to future design.
• Public toilets to be incorporated within future Integrated Early Years Centre building footprint accessible from the park.
• Essendon Traffic School upgrades including improved connections into the park, relocation of elements to improve function, new semi-enclosed classroom/party room, storage, refurbished tram interior, upgrade of play elements, planting, fencing and furniture.
• Tennis courts upgraded with one court to be multi-lined for tennis and netball, with lighting (subject to consultation). Consider implementation of a no-charge Book a court system subject to further investigation.
• Montgomery Park to be retained as a dog on-lead park.
• Senior play area with more challenging, adventure style equipment around an upgraded giant slide. Basketball key/netball circle and separate hit up wall relocated near the tennis/netball courts.
• Outdoor exercise station, mini pump track for skateboard and BMX and retained and repaired cricket net.
• Upgrades and relocations of the two picnic areas to better integrate with playspaces.
• Path improvements and lighting retained and enhanced to the central north-south pathway.
• Additional planting, park furniture and signage.
• Investigate intersection treatment to improve pedestrian access and reduce vehicular speeds.

Cost estimates have been prepared by a quantity surveyor for master plan implementation, based on the concept-level design in the Master Plan, and incorporated into the Master Plan Implementation Plan. Recommendations are subject to feasibility studies, detailed design and available funding.

Consultation

In preparing for the Master Plan, consultation was undertaken through letterbox drops, information sessions with local residents, and targeted sessions with stakeholders. Council departments have been consulted to ensure current and future works are aligned, ensuring a consolidated plan for community and sports facility requirements.

A first round of consultation in November 2017 gathered information and ideas, and this feedback was used to prepare the Draft Master Plan.

A second round of community consultation was then undertaken in June 2018 where the draft Master Plan was presented for comment, with further feedback received, which informed the final Master Plans.

Montgomery Park Master Plan

During the first round of community consultation, 92 submissions were received for Montgomery Park including feedback forms, emails, social media posts, letters and comments made at the consultation event. In addition, specific feedback was gathered from children and staff from the childcare and kindergarten and specific feedback collected about the Traffic School.

During the second round of community consultation on the draft Master Plan, 157 submissions/comments were received from the community including feedback forms, emails and comments made at the consultation event. In additional, 11 feedback forms were received about the Traffic School proposals and comments and drawings from children at the Children’s Centre and Kindergarten received.

Montgomery Park Master Plan Summary of Consultation Feedback on Draft Master Plan (Appendix C – separately circulated)

Key feedback included:

• Both opposition to and support for dog off leash at the park
• Concern with traffic issues on Albion Street
• Feedback on the sports court proposals
• Requests to retain cricket nets
• Request for improved lighting
• Comments about playspace proposals
• Request for improved mown grass area surface
• Support for proposed storm water capture, treatment and re-use proposals
• Request for path access from the south-west corner
• Comments about basketball facilities.

Key changes made to the Master Plan in response feedback included:
• An additional path added from the south-west corner
• The basketball key separated from the hit up wall
• Some additional lighting proposed to light the central north-south path
• Amendments to the Essendon Traffic School design
• Cricket nets retained
• The park to be retained as dog on lead park.

The recommendation to retain the park as a dog on-lead park was determined in response to community feedback and internal consultation with Regulatory and City Compliance. The Draft Master Plan proposed a dog off leash trial be undertaken, and be restricted to the oval area at designated morning and evening times. A high level of community feedback was received representing strong support both for and against dog off-lead use at the park, but no consensus supporting changing the current on-lead status. Regulatory and City Compliance raised concerns about the proposed dog off-lead trial including:

• The proximity of childcare, kindergarten services and the Traffic School.
• There are already eight (8) designated off lead parks as well as the Alf Pearce fenced dog park and the closest off lead park is not considered an unreasonable distance from Montgomery Park.
• Having ‘part areas’ and a time-share arrangement within a park creates confusion, reduces compliance and is more difficult to enforce.
• Local laws have limited officers available to provide enforcement at an additional off-leash park and do not currently operate an after-hours service.

Note that a fenced dog park is not supported at Montgomery Park due to its open space classifications of ‘informal’ and ‘play’.

Internal consultation with the Family and Children Services Department has been undertaken regarding the potential future Early Year Services building and open space footprint at Montgomery Park and opportunities to optimise publically accessible open space. Officers will undertake further investigations into the feasibility of options to reduce the footprint which may include:

• Multi-level building facility with administrative functions on the upper level.
• Shared open space accommodated through retractable fencing.
• Bush kinder style approaches where dedicated open space areas are reduced and the general park environs are utilised.

Implications
1. Legislative

Through the Open Space Strategy and Amendment C98, Council currently receives Open Space Contributions through the Subdivision Act 1988. These funds are used to acquire land and fund landscape improvements to open
space to cater for future populations. Master Plans for open space provide direction and agreed outcome with the community and stakeholders to undertake these improvements.

2. **Council Plan / Policy**

   **Council Plan**

   In presenting this report to Council, planning for improvements to open space through the development of Master Plans will contribute to achieving Strategic Objectives:

   - Theme 1: Friendly and safe – Our community is socially inclusive and healthy.
   - Theme 2: Green, Clean and Beautiful – Moonee Valley has high quality places and spaces.
   - Theme 4: Vibrant and Diverse – High levels of participation in accessible leisure and learning opportunities.

3. **Financial**

   Master Plans provide a long term framework for prioritising improvement works within open space. All of the Master Plan proposals will be subject to Council’s annual budgetary process through the adoption of the Capital Works program.

   The short term initiatives (2022-25) identified in the Master Plan are estimated at $2.9 million while initiatives to be delivered within the medium term (2026-30) are estimated at $3.6 million. Currently the budget would need to be drawn from the overall budget of $2.5 million p/a open space Master Plan implementation across all neighbourhoods.

   There are opportunities to seek funding from Melbourne Water and other water authorities for contributions to Water Sensitive Urban Design initiatives proposed in the Master Plan.

4. **Environmental**

   Planning for improvements within open space assists Council to meet the targets identified within the City Sustainability Policy, particularly with regard to biodiversity, waterway management, remnant vegetation management and sustainable transport. As outlined in the report, initiatives for additional planting, improved conditions for pedestrians and water sensitive urban design will contribute to achieving sustainability outcomes.

**Conclusion**

Master Plans provide an agreed plan with the community, Council departments and stakeholders for future improvements within open space, including alignment and guidance for built form within open space.

The Montgomery Park Master Plan has been created through site analysis, existing Council policy and consultation process.

The Montgomery Park Master Plan provides a long term vision for the open space to guide future improvements and initiatives.
Appendices

Appendix A: Montgomery Park Master Plan Report (separately circulated)
Appendix B: Montgomery Park Master Plan - Plan only
Appendix C: Montgomery Park Master Plan - Summary of Consultation Feedback on Draft Master Plan (separately circulated)
Montgomery Park
Master Plan

2. Passive irrigation. Capturing stormwater from Tennis Court & Albion streets to irrigate the planted embankment.
3. Flood retention area. Create an occasional flood retention area around the oval by raising paths. Subject to feasibility.
4. Underground storage. Potential natural sub-surface or tank storage for irrigation and/or flood retention. Subject to feasibility.
5. Concrete paths. Improve access to key locations and as a north-south link through the park. New path entry from south-west corner. Widen Tennis Court footpath.
7. Park lighting. Add new lights along the central north-south path.
9. Native planting to embankments extended.
10. Tree planting. Native trees. Some exotic shade trees within the Traffic School and Integrated Early Years Centre.
11. Park furniture. Additional seating and other park furniture.
12. Picnic area. Upgraded with shelter, barbecue, tables and drinking fountain.
13. Senior playspace. Consolidated & upgraded with more challenging equipment. Giant slide to be rectified and space not relocated.
14. Basketball key/netball circle & hit up wall relocated.
16. Consider implementation of book a court system with charging per use. Upgrade court entrance gate to traffic school for court use for bike education.
17. Junior playspace relocated.
18. Picnic area. Relocate next to playspace. To include shelter, barbecue, tables. Existing picnic facilities and bluestone seating area to be removed.
19. Integrated Early Years Centre. Indicative maximum footprint for improved integration into park setting, subject to future planning and design. Opportunities to optimise public open space to be explored.
21. Multi-use pavilion. For outdoor classroom, gathering and events.
22. Exercise station.
23. Mini pump track. For skateboard and BMX use.
24. Interaction treatment. To improve pedestrian access and reduce vehicle speeds.

All elements proposed are indicative and subject to detailed design and budget processes.
10.5 2018-19 Capital Works Program Update

File No: Fol/18/32
Author: Nikhil Aggarwal - Capital Works Program Planner
Directorate: Asset Planning and Strategic Projects

Purpose
To seek endorsement for known 2018/19 Capital Works Program (CWP) variations considered necessary to deliver the program and/or improved outcomes for the wider community.

Executive Summary
- Council adopted the 2018/19 CWP of $54.82 million (including part 2017/18 CWP carryovers), which was revised to $67.90 million to include all 2017/18 CWP carryovers and 2018/19 CWP variations approved through various reports and/or delegations to 30 November 2018.
- Subsequently, Council officers have identified necessary variations to the current authorised 2018/19 CWP to deliver the program and/or improved outcomes for the wider community.
- As of end of December 2018, $50.50 million (74.4%) of the program is completed/under implementation/awarded or in procurement phase. The remainder of the program is in planning/design/consultation phase. Additional unbudgeted grant income of $5.5 million has been approved for various projects, including $3 million of the East Keilor Leisure Centre project.
- Council will be apprised of 2018/19 CWP variations requiring its approval as required and of program progress quarterly as part of Financial Performance Reports.

Recommendation
That Council authorises requested 2018/19 Capital Works Project variations as per Section A.1 of Appendix A.

Background
Council adopted the 2018/19 CWP of $54.82 million (including part 2017/18 CWP carryovers), which was revised to $67.90 million to include all 2017/18 CWP carryovers and 2018/19 CWP variations approved through various reports and/or delegations to 30 November 2018. This report apprises Council of and seeks its endorsement for necessary variations to current authorised 2018/19 CWP to deliver the program and/or improved outcomes for the wider community.

Discussion
Whilst 74.4 per cent of the program is completed/under implementation/awarded or in procurement phase, the full delivery is reliant on a number of factors (some outside Council control) including design capacity, extensive consultation, external approvals.
(e.g. VicRoads, Melbourne Water, utility companies, cultural heritage) and contractor availability.

Council officers have identified necessary variations to the program that require Council authorisation to deliver the program and/or improved outcomes for the wider community. Details of these variations are as per Section A of Appendix A. Section B of Appendix A lists variations previously authorised through Tender reports, Capital Works Program Updates, Other Reports and CEO delegation (approvals above and up to +5 per cent of authorised project budget).

Program status as of end December 2018:

As of end of December 2018, $50.50 million (74.4%) of the program is completed / under construction/ awarded or in procurement phase. The remainder of the program is in planning/design/ consultation phase. Additional unbudgeted grant income of $5.5 million has been approved for various projects, including $3 million of the East Keilor Leisure Centre project.

Consultation

This report has been prepared in consultation with capital works project officers as part of detailed monthly program reviews and has been endorsed by Council’s Capital Works Review Committee and Executive Team.

Implications

1. **Legislative**

   There are no Legislative implications of this report except to the extent it relates to Council’s overall budget set in accordance with *Section 127 of the Local Government Act 1989*.

2. **Council Plan / Policy**

   In presenting this report, Council is working to achieve its strategic objective ‘Good governance is everyone’s responsibility’ in accordance with Council Plan 2017-21 Theme 6: Resilient organisation (Balit Djerring-dha, which means resilient organisation in Woi wurrung language).

3. **Financial**

   This report details changes to Council’s funding commitments arising from 2018/19 CWP.

4. **Environmental**

   There are no environmental issues associated with this report.

Conclusion

Appendix A details new 2018/19 CWP variations that require Council authorisation to proceed as well as lists variations previously approved through various reports and delegations.

Appendices

Appendix A: 2018-19 Capital Works Program Variation Register
## Capital Works Program - Variations Register

### Appendix A

#### 2019/20 Budget

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## TUESDAY, 29 JANUARY 2019

### AGENDA

#### ORDINARY COUNCIL MEETING

#### ITEM 10.5 - APPENDIX A

**Capital Works Program - Variations Register**

**Appendix A**

<table>
<thead>
<tr>
<th>Project Costs (FY 2019-20)</th>
<th>Increased costs funded through variations (FY 2019-20)</th>
<th>Project Life Costs (Long term Capital Works Plan)</th>
<th>Increased life costs through variations (Long term Capital Works Plan)</th>
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#### Variations Prevalently Approved

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<th>2018/19 External Grant/ Other Income</th>
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**T.D.1.**

#### Transfer Reports

- $405,000
- $1,151,002
- $301,002
- $90,062
- $200,000
- $50,000
- $80,000
- $250,000

**T.D.2.**

#### CEO delegation for projects (under $10 and up to 10% of authorised project budget)

- $506,600
- $102,500
- $12,500
- $12,500
- $230,400
- $292,000
- $21,000
- $12,500

**T.D.3.**

#### CPM Updates

- $9,388,507
- $14,595,352
- $3,219,845
- $2,270,513
- $1,543,335
- $10,080,185
- $13,514,010
- $1,518,845
- $2,270,513
- $1,518,845

**T.D.4.**

#### Variations

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## Capital Works Program - Variations Register

### Appendix A

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Appendix A

Capital Works Program – Variations Register

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<td>$12,020,000</td>
<td>$9,190,000</td>
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10.6 Advocacy on Kindergarten Services - I Love Kinder Campaign

File No: Fol/18/32
Author: Sharron Kelly-Campbell - Coordinator Planning Policy and Advocacy
Directorate: City Services

Purpose
To seek Council endorsement to support Wyndham City Council and Municipal Association of Victoria (MAV)’s ‘I Love Kinder’ advocacy campaign, which seeks ongoing and permanent government funding for four-year-old kindergarten, and a long-term commitment for the National Quality Agenda.

Executive Summary
- As part of the 2018/19 Federal Budget, the current Federal Government announced that it would be immediately withdrawing Commonwealth funding to the National Quality Agenda and that Commonwealth funding for the National Partnership Agreement on Universal Access to Early Childhood Education is planned to cease on 30 June, 2020.
- The National Partnership Agreement “tops up” funding provided by State and Territory governments to ensure nationally consistent access to 15 hours a week, or 600 hours per year, of kindergarten for every child in the year prior to full-time-school.
- It is estimated that, were National Partnership Agreement funding withdrawn and not replaced, some families would pay $2,000 extra per child to attend kinder.
- Council has been a consistent advocate for ongoing Commonwealth funding for kinder.
- Wyndham City Council, in conjunction with the MAV, is running the ‘I Love Kinder’ advocacy campaign, aimed at influencing the Federal Budget 2019/20 and the upcoming Federal Election.
- The campaign is consistent with Council’s advocacy record in this space. This report proposes that Council support the ‘I Love Kinder’ campaign and undertake to promote it through its own early learning services.

Recommendation
That Council:
1. Supports the Wyndham City Council and Municipal Association of Victoria’s ‘I Love Kinder’ campaign.
2. Commits to promoting the ‘I Love Kinder’ campaign in the lead-up to the 2019 Federal Election, including at Council’s early learning services.
3. Writes to the following politicians, as well as other State and Federal Members of Parliament and Senators as may be deemed relevant, to express its support for the objectives of the ‘I Love Kinder’ campaign:
Background

Current funding arrangements

Commonwealth funding for kindergartens is administered through the Universal Access National Partnership. While States and Territories are responsible for the provision of preschool, under the National Partnership, Commonwealth funding contributes to a “top up” arrangement which ensures nationally consistent access to 15 hour per week, or 600 hours per year, of kindergarten in the year prior to full-time school (four-year-old kindergarten). As a result of this program, enrolments in kindergarten/preschool have increased nationally from 206,000 in 2008 to nearly 340,000 in 2017. In Victoria, Commonwealth funding received under the National Partnership Agreement, along with funding from the State Government, contributes to funding 15 hours a week, with the balance provided by families and Local Government.

Alongside the Universal Access National Partnership commitment sits the National Quality Framework for Early Childhood Education and Care. The National Quality Framework was introduced in 2012 to “improve education and care across long day care, family day care, preschool/kindergarten, and outside school hours care services”. The Australian Children’s Education & Care Quality Authority’s website states that the major benefits for parents and children of the National Quality Framework are:

- Improved educator to child ratios, ensuring children have greater individual care and attention
- Educators with increased skills and qualifications
- Better support for children’s learning and development through approved learning frameworks
- Consistent, transparent information on educators, providers and services in the national registers.

As part of the 2018/19 Federal Budget, it was announced that the Commonwealth was withdrawing funding support for the National Quality Agenda, with the Department of Education and Training website stating that “since 2010-11, the Australian Government has contributed $141.5 million to support State and Territory Governments to transition to and implement the NQF” and “State and Territory regulatory authorities are responsible for administering the NQF”. The Australian Children’s Education & Care Quality Authority, which is responsible for administering the NQF, will continue to receive funding from the Commonwealth until 30 June 2020.
Also in the Budget, the Federal Government announced that it would extend funding for the National Partnership Agreement on Universal Access to Early Childhood Education until the end of the 2019 calendar year, allocating $440m for this purpose. However in August 2018 the Australian Financial Review reported that Commonwealth Government spending on the National Partnership Agreement and Quality Agreement would cease on 30 June, 2020.

**Position of the Federal Opposition and of the Victorian State Government**

The Federal Opposition has announced that, were it to form government following the upcoming election, it would introduce a ‘National Preschool and Kindy Program’ to permanently embed two years of early childhood education into the education system, extending 15 hours of subsided early childhood education to three-year-olds for the first time. Access to two years of early learning would commence in 2021.

This proposal has been echoed by the Victorian State Government, who announced during the November 2018 State Election campaign that they would invest $5 billion to deliver a full 15 hours of three-year-old kinder, with the roll-out to begin in 2020. Under the plan, every Victorian child will have access to at least five hours of three-year-old kinder by 2022, progressively scaled up to 15 hours per week over the next decade.

**Importance of funding Early Childhood Education**

In 2017, Australian State and Territory officials commissioned the *Review to Achieve Educational Excellence in Australian Schools Through Early Childhood Interventions*, which was Chaired by Susan Pascoe AM and Professor Deborah Brennan. The review was intended as complementary to the Gonski Review, the terms of reference for which were limited to interventions by schools and school systems. The resulting report, ‘Lifting our Game’, made a series of recommendations in line with six key themes:

- **“Embedding foundations for future reform and improved education and life outcomes** through a commitment to ongoing, adequate funding of Universal Access in the year before school and the National Quality Framework. Flexible arrangements for implementation and delivery of early childhood education to reflect local contexts should be preserved. Further, governments should make commitments to future reform and investment, embedding the early years as the foundation for education in Australia.

- **Progressively expanding access to quality early childhood education, for example preschool, for all three year olds.** In terms of improving school outcomes through early childhood interventions, the evidence points to this as the single most impactful reform Australia could undertake, with international comparisons highlighting it as the biggest gap in the current system. The case for this investment is compelling.

- **Targeting additional support for some children and families to promote access, equity and inclusion,** recognising that some children and their families require it in order to thrive. Nowhere is the evidence clearer than in the benefits of early intervention. A child who starts behind stays behind, which comes at enormous cost to him or her, the community and governments. Targeted, evidence-based early childhood interventions can prevent this from happening, and break intergenerational cycles of disadvantage.
• **Focusing on quality improvement and workforce issues**, given the importance of quality to child outcomes, and the importance of a skilled and stable workforce in delivering this. Dedicated, strategic approaches to both issues are required. Investing in quality and a stable, well-supported and professional workforce is vital.

• **Improving parent and community engagement** to build community consensus about the importance of the early years, and the fundamental role of parents as first and ongoing educators of their children. More support for parents will help them in this role. Building community and parent understanding of the importance of the early years will have significant benefits, including a deeper understanding of the role of the workforce.

• **Supporting associated transparency and accountability measures** to better understand early childhood education in Australia, assist with policy making and implementation, and enable better targeting of services and support.”

The report notes the following statistics:

• Universal Access has seen enrolments for 600 hours of preschool increase from 12 per cent to 91 per cent

• Only 15 per cent of three-year-olds in Australia participate in pre-primary education, compared with the OECD average of 68.6 per cent

• 22 per cent of Australian children start school developmentally vulnerable.

The report notes that OECD analysis of Programme for International Student Assessment results has established that two years of early childhood education is the minimum duration needed to improve student performance at age 15. A number of international research studies show that high quality early childhood education leads to improved school readiness, higher achievement and commitment at school, decreased special education placements, decreased grade repetitions and increased rates of high school completion.

The report also notes that Australia ranks below the OECD average for investment in early childhood education as a proportion of GDP, enrolment rates for three and four-year-olds, and number of hours of early childhood education provided per week. The *Starting Strong 2017: Key OECD Indicators on Early Childhood Education and Care* report found that Australia ranks 28 out of 33 countries for investment in early childhood education as a proportion of GDP.

**Council’s provision of Early Childhood Education**

Council currently manages 14 kindergartens, and through our Central Registration Service, supports the administration of five community-managed kindergartens. This service ensured the registration of 1,068 children in four-year-old kindergarten across the municipality for 2018.

In the event that Universal Access was not funded in the future, kindergarten sessions across the municipality would be reduced to 10 hours per week from the current 15 hours. This has a likelihood of reducing kindergarten participation rates as well as affecting long term outcomes for children within the municipality.

Council will also be required to significantly review the working arrangements of staff within its Kindergarten unit.
The MAV notes that Local Government in Victoria voluntarily invests significant funds and resources towards kindergarten provision, with councils owning the majority of facilities, operating as a major service planner and provider, and offering subsidies and other assistance for kinder programs.

- To achieve the 15 hours national four-year-old kindergarten reforms, Victorian councils originally invested $300 million of ratepayer funding towards capital investment in facilities
- In the past four years, councils have invested a further $478m to meet the growth and to extend/modernise facilities
- Of Victoria’s 1,320 community-based kindergartens, at least 1,094 (83 per cent) operate from council-owned buildings
- The vast majority of Victorian kindergartens are operated on a not-for-profit basis by community organisations, councils, early years’ managers or parent cooperatives.

Victoria’s unique partnership model also relies on council, community and parent support (including fees and fundraising) contributing a further 35 per cent to keep programs running.

**Discussion**

The announcement by the Federal Government that it was ceasing funding to the National Quality Agenda in 2018, and that it intends to cease funding to the National Partnership Agreement in 2020, has led to increased concern from advocates and the sector who state that Commonwealth funding for kinder should not only continue, but should become permanent rather than continuing to operate under the current year-by-year model.

It is estimated that without the funding currently provided by the Commonwealth under the National Partnership, some families will pay $2,000 extra per child in kinder costs. This may, in turn, lead to a reduction in the number of children attending pre-school education.

Council has been a consistent advocate for ongoing Commonwealth funding for universal access to kinder. At the May 2017 MAV State Council Meeting, Council successfully submitted the following motion: “That MAV State Council take urgent action to advocate to the Federal and State Governments to secure ongoing funding of the Universal Access to Early Childhood Education Program (15 Hours of Kindergarten) beyond 2017.” At Council’s Ordinary Meeting of 26 May 2015, Council endorsed Notice of Motion 2015/12 ‘Universal Access to Early Childhood Education’ National Partnership Agreement, which sought:

That Council:

- a) Writes to the Federal Government recognising their $840 million funding commitment as part of the ‘Universal Access to Early Childhood Education’ National Partnership Agreement. Under the Agreement the State Government funds 10 hours of kindergarten and the Commonwealth funds the additional five hours. This vital funding ensures that all four-year-olds can access 15 hours of kindergarten to prepare them for the following school year.
- b) Continues to work with all levels of Government to advocate for continued Commonwealth investment in pre-school programs, to ensure that all families
with young children in Moonee Valley can access affordable pre-school education, and to improve learning outcomes for children in Moonee Valley and future generations.

Council subsequently wrote to then-Minister for Education, the Hon. Christopher Pyne MP, as well as other relevant Ministers and Members of Parliament, expressing its support for ongoing Commonwealth funding for pre-school programs. As such, support for the ‘I Love Kinder’ campaign is entirely consistent with Council’s previous advocacy record in this policy space.

Concern from the Local Government sector in Victoria in response to the proposed discontinuation of Commonwealth funding has led to the establishment of the ‘I Love Kinder’ campaign. The ‘I Love Kinder’ campaign is being coordinated by Wyndham City Council with support from the MAV. The objective of the campaign is to secure, by May 2019, an ongoing commitment from the Federal Government to maintain current levels of federal funding for kindergarten services beyond December 2019. The campaign will be centred around the two key dates of the Federal Budget 2019/20, which is scheduled to be handed down on 2 April 2019, and the Federal Election, which must take place prior to 18 May 2019.

It is stated in the ‘I Love Kinder’ materials that “funding uncertainty stops kinder providers from doing the long-term planning needed to provide the best possible services to children and parents. Ad-hoc annual funding is not good enough. Parents and kinders need long-term funding so that they know their futures are secure”. A range of campaign materials have been produced to support councils to advocate at a local level, including a campaign kit, social media guide, posters and pledge cards. Campaign activities include:

- An online petition on the ‘I Love Kinder’ website
- A social media campaign on Facebook, Instagram and Twitter
- The seeking of pledges of support from local candidates and community leaders
- The opportunity to host a ‘Have a Heart Party’ at a local kinder to collect ‘I Love Kinder’ messages from children and their parents
- A planned petition and heart message presentation media event, anticipated to take place in March 2019.

Consultation

The nature of this report does not require consultation.

Implications

1. Legislative

   Children’s services are governed by the Education and Care Services National Regulations 2011 and must comply with service and building requirements.

   The provision of children’s services is strongly aligned with the Victorian Charter of Human Rights and Responsibilities Act 2006 supporting to freedom, respect, equality and dignity.
2. **Council Plan / Policy**

In presenting this report, Council is working to Strategic Direction 6 of the Moonee Valley MV2040 Strategy which states that Moonee Valley will be a city with opportunities to learn and work.

This issue is referenced within the Moonee Valley MV2040 Strategy as follows:

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<th>Theme</th>
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<tr>
<td>Objective</td>
<td>6.2 Support residents to learn throughout their life course</td>
</tr>
<tr>
<td>Action</td>
<td>6.2.1 Advocate for new education facilities where growth projections demand AND 6.2.5 Support and advocate for best practice education and innovative learning opportunities, including online learning.</td>
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A priority within our Council Plan is to “deliver quality early learning programs and services to enhance childhood learning and education outcomes” (under Objective 4.2: High levels of participation in accessible leisure and learning opportunities).

This report also aligns with Council’s **Advocacy Strategy**, which states:

“One of the primary roles of Local Government is to provide leadership to the local community through advocacy... Many of the projects in the agenda relate to the way Moonee Valley is changing and growing in response to Melbourne’s population growth. In line with Victorian Government policy, Moonee Valley is and will continue to take on a percentage of this growth, which brings with it both challenges and opportunities. All councils face similar challenges and it is important to recognise that Council cannot, and does not, act alone – but works in partnership with all areas of society and other levels of government to deliver on the vision for the future.

Council continuously works with other levels of government, agencies and organisations to achieve its goals for the city and the community.”

3. **Financial**

Based on the 2018/19 funding agency channel data, the budgetary implication of Commonwealth funding being withdrawn for kinder services in Moonee Valley is estimated at $834,309.

Any costs associated with promoting the ‘I Love Kinder’ campaign would be minor and would be sourced within Council’s existing Advocacy budget.

4. **Environmental**

There are no related environmental implications.

**Conclusion**

Council is recognised for taking a strong position in regard to Local Government delivery of early years education. The cessation of Commonwealth funding toward the Universal Access National Partnership would negatively impact on the consistent provision of 15 hours’ kindergarten for all four-year-olds and the extension of 15
hours' kindergarten to three-year-olds. Council has an important role to play in advocating to secure this funding on an ongoing basis.

Taking the opportunity to partner with our fellow Victorian councils to advance the cause of Commonwealth funding for early learning will strengthen this advocacy agenda.

**Appendices**

Appendix A: I Love Kinder Campaign - Background Briefing
Appendix B: I Love Kindergarten - Campaign Kit
Background brief

Political context

- In the May 2018 budget papers, the federal coalition government stated an intent to end its funding contribution in 2020.
- On 3 October 2018, the Federal Labor Party pledged to continue federal funding for four-year-old kindergarten if elected, as well as adding federal funding for three-year-old programs.
- Victorian Labor matched Federal Labor’s pledge by committing ongoing state funding of early childhood programs for both three and four-year-olds.
- On 2 October 2018, Federal Education Minister Dan Tehan responded by issuing a statement guaranteeing federal pre-school funding for 2019 and a commitment to “working with the states and territories on future arrangements”.

If the Liberal National coalition does not change their position as stated in the 2018 federal budget papers and is re-elected, it’s likely that funding uncertainty will be continued in the next federal budget. There is also a real possibility that funding levels will be significantly diminished commencing in 2020.

The National Partnership Agreement

In November 2008 the Council of Australian Governments (COAG) endorsed the National Partnership Agreement on Universal Access to Early Childhood Education ("the agreement"). This decision formed part of COAGs early childhood reforms – and implementation commenced in 2013. Under the agreement:

- the vast majority of kindergarten/preschool aged children are enrolled in 15 or more hours of kindergarten per week.
- the amount of government kindergarten funding provided under the agreement is split between the State and Territory Governments. States and Territories cover about two-thirds of these costs and the Federal government covers about one-third.

Success of the national partnership agreement

In 2017, the national preschool participation rate for four-year-old children was approximately 87%. This included 17,455 Aboriginal children, which was an annual increase of 7.2%. Nationally, this represented over 339,243 children reaping the lifelong benefits of a quality early childhood education every year.

Funding uncertainty

Despite increasing the number of children enrolled in kindergarten programs, the agreement has been plagued by ongoing funding uncertainty. Since its inception, the agreement has been renewed repeatedly – but only for 12-months at time. This has happened on five separate occasions, with current funding due to expire in December 2019. Such short-term funding commitments make it difficult for providers to conduct the long-term planning necessary to deliver optimal services and support for young families.
Impacts on families

Young families have little certainty over the amount of government-funded kindergarten their kids will receive in the years ahead. As a result, they face the difficulty of planning for the future without knowing how much time their children will spend in kindergarten, nor the amount of out of pocket expenses they will incur.

Families will be required to pay an additional $2,000 per child each year to cover the shortfall if the Federal Government fails to maintain current funding levels. Some parents may choose to work fewer hours (or not to return to work at all) rather than paying the additional costs, and this is more likely to impact mothers.

Benefits of early learning

State and territory governments commissioned an independent review of how early childhood interventions can better contribute to educational excellence in Australian schools. The most recent Lifting Our Game report found “participation in quality child education improves school readiness and lifts NAPLAN results and PISA scores”. Continued investment in early years education was recommended in order to ensure Australian kids do better at school and later in life.

There is growing evidence that participation in quality early childhood education improves school readiness and lifts NAPLAN results and PISA scores.

Children who participate in high quality early childhood education are more likely to complete year 12 and are less likely to repeat grades or require additional support.

High quality early childhood education also has broader impacts; it is linked with higher levels of employment, income and financial security, improved health outcomes and reduced crime. It helps build the skills children will need for the jobs of the future.

Quality early childhood education and care is best considered as an investment, not a cost. Investment in early childhood education provides a strong return, with a variety of studies indicating benefits of 2-4 times the costs. Significant fiscal benefits flow to both the Commonwealth and state and territory governments.


This latest report built on extensive previous research, all of which recommended continued and stable Commonwealth Investment in preschool programs. These included:

- Investing In the Early Years - National Early Childhood Development Strategy (COAG 2009)
- Productivity Commission Inquiry report Into Childcare and Early Childhood Learning (2016)

3 year-old kindergarten funding – out of scope

The Labor Party, both Federal and Victorian, have promised funding for universal access for 3-year-old kindergarten. However, this commitment raises complex issues for local government, such as how the additional kindergarten capacity that would be required will be planned for and funded. As these matters will require some time to resolve, the I Love Kinder campaign will continue its original focus on ensuring ongoing government funding for 15 hours of kindergarten for 4-year-olds.
I ♥ kinder

Campaign Kit
We need a campaign

Our kids deserve the best start in life.
Research unequivocally shows that children who experience a quality early childhood education enjoy sustained benefits that continue throughout school and beyond.

But this is under threat.
The Federal Coalition is refusing to commit ongoing funding for early childhood education. In response, the I Love Kinder campaign is seeking to secure our children’s futures by persuading the government to fund four-year-old kinder at current rates on an ongoing basis.

The success of the I Love Kinder campaign depends on broad-based support from organisations representing a range of communities.
We know that our communities love their kindergartens, which is why we are using a heart as our campaign symbol – as well as asking the Prime Minister to “have a heart”.

Participation in the campaign requires relatively few resources.
Campaign collateral – including key messages, videos and hardcopy material – has been prepared and is easily downloadable. This campaign kit provides the necessary background and campaign guidance for councils, kindergartens and other organisations to participate in the campaign at minimal cost.
Join the campaign

Why now?
The upcoming federal budget and 2019 election create an opportunity for us to change the government’s mind.

Federal funding will expire in December 2019. And funding needs to be allocated in the 2019-2020 budget which is currently under consideration by the coalition government.

So far, the government has refused to commit to current levels of funding, despite the federal opposition doing so. The election will be held before 18 May 2019 and this creates an immediate opportunity to build political pressure through a public campaign.

How to join
Organisations wishing to join the campaign (or seeking further information) should email hello@ilovekinder.org.au to receive campaign update emails.

Downloadable campaign materials can be found at www.ilovekinder.org.au

The I Love Kinder Facebook page can be viewed here:
www.facebook.com/ILoveKinderCampaign/

Or follow the campaign on Twitter or Instagram at @ILoveKinder

How will it work?
We need as many organisations as possible to help generate broad-based public support by utilising their communication channels as well as facilitating campaign activities within the local community. This includes social media, an online petition, as well as community events and media opportunities. (See page 5 for more info).
Objective

To secure by May 2019 an ongoing commitment from the Federal Government to maintain current levels of federal funding for kindergarten services beyond December 2019.

Context

The issue of kindergarten funding is now firmly on the political agenda, following the commitments made by the Victorian and federal branches of the ALP. Prior to the start of the federal election campaign, our priority will be to ensure that an ongoing funding commitment is included in 2019-2020 Federal Budget on 2 April 2019.

In 2019 the national focus will quickly be on the upcoming election. While the ALP will of course still need to be held to their promises if elected, the developments in 2018 have put the onus on the federal Liberal/National Coalition to match the ALP commitments to kinder funding for four-year-olds.

The challenge for the I Love Kinder campaign is to ensure that this message is delivered to candidates by constituents and stakeholder groups. This will generate pressure for a change of position on kindergarten funding by the coalition ahead of the federal election.
Campaign Activities

The campaign will aim to generate visible public support for ongoing kinder funding through a mix of options that appeal to a range of individuals and community groups. Activities will include easy options for busy parents to show support, as well as collective activities facilitating deeper engagement within local communities. These will include:

- an online petition on the I Love Kinder website
- a social media campaign on Facebook, Instagram and Twitter
- pledges of support from local leaders
- ‘Have a Heart Party’ activities to collect ‘I Love Kinder’ messages by children and their parents
- a petition and heart message presentation media event

Online petition

Participating organisations are asked to widely promote the online petition that’s housed at the I Love Kinder website (www.ilovekinder.org.au) as the main form of mass public support for the campaign. The petition will call on the Federal Coalition to maintain its current share of funding for 15 hours of kindergarten for all four-year-olds in Australia – on an ongoing and permanent basis.

Social Media campaign

The I Love Kinder campaign will be producing a regular stream of social media posts on Facebook and Twitter, and councils are encouraged to follow the campaign and share our posts.

Facebook: facebook.com/ILoveKinderCampaign/
Instagram: @ILoveKinder
Twitter: @ILoveKinder

Please use the hashtag #ilovekinder when sharing social media, so that your content will be easily visible to other campaign supporters.

To show widespread support for the campaign it’s also important for as many people as possible to post campaign messages from their own social media accounts.

A social media guide including a series of suggested posts based on the key campaign message is available for download from the Campaign Resources section of the I Love Kinder website. These are freely available for you to use on your social media channels.

Local leaders pledge support

Councillors and local community leaders can quickly and easily pledge support for the campaign by having a photo taken with an I Love Kinder ‘pledge card’. Leaders are asked write a message of support on the pledge card and share via their social media channels. They’re also encouraged to send the photo to hello@ilovekinder.org.au so that it can be uploaded to the heart gallery on the I Love Kinder website.

Get Hearty

On page 6 we suggest ‘Have a Heart Parties’ as a fun way for children and parents to show support. You can also think up other options to have fun with the heart symbol. Create a human heart shape on a sports oval, ask kinder classes to draw or build their own heart shapes; or have a hearty dinner party! Take a photo and post your creations on social media with the ilovekinder hashtag and tell us why you love kinder.

Petition Presentation Event

A media event will be held in 2019 to present the I Love Kinder petition to the federal coalition during the election campaign. As well as presenting the signatures we will also display the heart messages from children and parents.

We will be aiming for the last week of March before the budget on 2 April, but the timing and location of the event will depend on the federal election campaign and availability of participants. Details will be decided in early 2019 and updates / invitations will be circulated by email to supporting organisations.
Have a Heart Party

Have Heart Parties will be community-based collective activities whereby parents and children can gather in a show of support of I Love Kinder. The parties are based around children and parents/caregivers creating a colourful visual representations of why they love kinder. Colourful, heart-shaped “I Love Kinder because…” templates are downloadable from the I Love Kinder website in pdf format. Examples of completed drawings are visible on the ‘heart gallery’ on the website.

Our ‘heart gallery’ on the ILK campaign website shows the many reasons why kinder children and their parents/caregivers love kinder. Participating organisations can organise a Have a Heart Party activity to collect messages of support using the template posters or cards.

How to organise a ‘Have a Heart Party’

You will need:
- a group of kids (eg. kinder class or playgroup)
- “I Love Kinder” heart template posters/cards (one per child) from the design in this kit
- markers or crayons for drawing
- a children’s table and chairs
- Heart shaped treats (optional) – eg. cookie cut sandwiches, fruit, cakes, or cheese and/or ILK badges

What to do during the party:
1. Give one heart poster or card to each child.
2. Discuss with the children what it is they love about kinder.
   For example:
   - playing with friends
   - learning new things
   - a particular activity (eg. drawing, storytime)

- if older children are involved, ask them what they remember was their favourite thing about kinder.

3. Ask each child to draw their favourite thing they love about kinder, on the heart-shaped template. You can also add a few words of explanation next to the drawing.
4. If parents are present, they can also create messages saying what they love about kinder.
5. Collect the messages.
6. Optional: give each child a heart shaped treat or an ILK badge when they finish their drawing

After the party:
1. Scan the drawings using a copier or your mobile phone.
2. Email the scans to hello@ilovekinder.org.au
3. We will upload them to the online Heart Gallery at the I Love Kinder website, and also use the images for the petition presentation event.
4. You may choose to display the drawings in your reception area or other public space along with some campaign postcards to promote the campaign
5. Share drawings via your social media channels.
Campaign Timeline

2018

6 Dec
Refresh of the I Love Kinder campaign

2019

12 Feb
Federal parliament resumes

Late March
Petition presentation event (date TBC)

2 Apr
2019-2020 Federal Budget

18 May
Federal election (last probable date)
Key Messages

Tagline
- Come on Scomo, have a heart. Don’t take from our kinders.
- Alternative: Have a heart, Mr Morrison. Don’t take from our kinders.

Benefits of kinder
- Kids who have a quality early childhood education do better in life on average.
- In general, kids who attend kinder have a smoother transition to primary school.
- They have better social and cognitive skills compared to children who do not attend kinder.
- On average, kinder kids have superior literacy and numeracy once they’re at school.
- In school and beyond, young people who attend kinder remain ahead of those who don’t attend.
- They’re more likely to finish year 12.
- On average, they experience higher levels of employment, financial security, health and wellbeing.

Parental support
- Parents need the right support to help them raise thriving children. This is why kindergarten must be affordable for all Australians.
- Working families will pay $2,000 extra per child unless the federal Government commits.
- Funding uncertainty means families don’t know how much government-funded kindergarten they will get. This impacts their work commitments and financial planning.

Impacts on service providers
- Funding uncertainty stops kinder providers from doing the long-term planning needed to provide the best-possible services to children and parents.

Need for ongoing funding
- Ad-hoc annual funding is not good enough. Parents and kinders need long-term funding so that they know their futures are secure.

Economic issues
- Studies show economic benefits significantly outweigh initial costs.
There is a Campaign Resources section on the I Love Kinder website with a range resources available to be downloaded. These include:

- a Social Media guide including suggested posts
- designs of materials ready to print:
  - I Love Kinder heart message poster
  - button badge designs
  - flyer (A5 double sided)
  - pull up banner.
10.7 Various Community Organisation Lease Renewals

File No: Fol/18/32
Author: Morgan Brown - Acting Coordinator Commercial Property
Directorate: Asset Planning and Strategic Projects

Purpose

To seek Council endorsement for various lease renewals to community organisations in accordance with Appendix A.

Executive Summary

- In 2014, Council granted leases to 17 community organisations. The leases commenced on 1 February 2014, for an initial term of 5 years with one further term of 4 years.
- The initial lease terms will expire on 31 January 2019 and the further terms will commence on 1 February 2019.

Recommendation

That Council:

1. Endorses a Deed of Renewal of Lease with the following community organisations for a four year term commencing on 1 February 2019 for the purposes specified below:
   a) Aberfeldie Community Club Inc. over part of 7B Batman Street, Aberfeldie for the purposes of a bowling club and associated recreational purposes as approved by Council;
   b) Airport West Tennis Club Inc. over part of 15 Olive Grove, Airport West for the purposes of a tennis club and associated recreational purposes as approved by Council;
   c) Avondale Heights Sporting Club Inc. over part of 2b Canning Street, Avondale Heights for the purposes of a sporting club and associated recreational purposes as approved by Council;
   d) Avondale Heights Tennis Club Inc. over part of 1a Cornwall Street, Avondale Heights for the purposes of a tennis club and associated recreational purposes as approved by Council;
   e) Buckley Park Bowls Club Inc. over part of 111 Cooper Street, Essendon for the purposes of a bowls club and associated recreational purposes as approved by Council;
   f) Buckley Park Tennis Club Inc. over part of 111 Cooper Street, Essendon for the purposes of a tennis club and associated recreational purposes as approved by Council;
   g) Doutta Galla Bowling Club Inc. over part of 52-56 Kerferd Street, Essendon North for the purposes of a bowls club and associated
recreational purposes as approved by Council;

h) Doutta Galla Tennis Club Inc. over part of 19-27 Royal Avenue, Essendon for the purposes of a tennis club and associated recreational purposes as approved by Council;

i) East Keilor Sustainability Street Inc. over part of 10a Tuppal Place, East Keilor for the purposes a community garden and associated community, recreational and educational activities as agreed by Council;

j) East Keilor Tennis Club Inc. over part of 89b Rachelle Road, East Keilor for the purposes of a tennis club and associated recreational purposes as approved by Council;

k) Essendon Community Gardens Inc. over part of 56 Brisbane Street, Ascot Vale for the purposes a community garden and associated community, recreational and educational activities as agreed by Council;

l) Essendon Tennis Club Inc. over part of 7a Batman Street, Aberfeldie for the purposes of a tennis club and associated recreational purposes as approved by Council;

m) Maribyrnong Park Bowls Club Inc. over part of 189 Holmes Road, Moonee Ponds for the purposes of a bowling club and associated recreational purposes as approved by Council;

n) Maribyrnong Park Tennis Club Inc. over part of 189 Holmes Road, Moonee Ponds for the purposes of a tennis club and associated recreational purposes as approved by Council;

o) Moonee Valley Sporting Club Inc. (Bowling and Bridge) over part of 2a Pattison Street, Moonee Ponds for the purposes of a bowling and bridge club;

p) Northern Dog Obedience Club Inc. over part of 11b Bruce Street, Aberfeldie for the purposes of a dog obedience club and associated recreational purposes as approved by Council;

q) Strathmore Bowls Club Inc. over part of 40 Loeman Street, Strathmore for the purposes of a bowling club and associated recreational purposes as approved by Council;

2. Notes the Chief Executive Officer’s existing delegation to negotiate and finalise the Deed of Lease Renewals with the community organisations and execute the deeds on behalf of Council.

Background
In 2014, Council granted leases to various community organisations, as listed in Appendix A, over various facilities located on Council owned land. The leases were granted for an initial term of five years with one four year option. The current terms will expire on 31 January 2019.

Discussion
The community organisations deliver important recreational, educational and sporting programs to the community.
The community organisations have undertaken the obligations under the respective leases and complied with the essential terms of the leases. The renewal will be based on Council’s standard Deed of Renewal of Lease and key terms are outlined in Appendix A.

Consultation
The nature of this report does not require any consultation.

Implications
1. Legislative
Council has an obligation to grant the renewal to the community organisations, on the same terms and conditions as the current lease, unless there is a significant breach of the lease. The community organisations have not been issued with any breach notices.

2. Council Plan / Policy
In presenting this report, Council is working to achieve its strategic objective to promote responsible and equitable decision-making across Council in accordance with Council Plan 2017-21 Theme 6: Resilient organisation (Balit Djerring-dha, which means resilient organisation in Woi wurrung language). Good governance is everyone’s responsibility.

3. Financial
There are no additional budgetary or funding implications. The leases provide that the rent will be reviewed by CPI on an annual basis including at the commencement of the further term.

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

Conclusion
The community organisations have complied with the terms and conditions of the leases, therefore Council has a legal obligation to provide the further term, commencing on 1 February 2019 until 31 January 2023.

Council will monitor the existing use arrangements over the terms to assist in determining future lease opportunities for the sites.

Appendices
Appendix A: Community Tenant Lease Renewals

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The community organisations have undertaken the obligations under the respective leases and complied with the essential terms of the leases. The renewal will be based on Council’s standard Deed of Renewal of Lease and key terms are outlined in Appendix A.

Consultation
The nature of this report does not require any consultation.

Implications
1. Legislative
Council has an obligation to grant the renewal to the community organisations, on the same terms and conditions as the current lease, unless there is a significant breach of the lease. The community organisations have not been issued with any breach notices.

2. Council Plan / Policy
In presenting this report, Council is working to achieve its strategic objective to promote responsible and equitable decision-making across Council in accordance with Council Plan 2017-21 Theme 6: Resilient organisation (Balit Djerring-dha, which means resilient organisation in Woi wurrung language). Good governance is everyone’s responsibility.

3. Financial
There are no additional budgetary or funding implications. The leases provide that the rent will be reviewed by CPI on an annual basis including at the commencement of the further term.

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

Conclusion
The community organisations have complied with the terms and conditions of the leases, therefore Council has a legal obligation to provide the further term, commencing on 1 February 2019 until 31 January 2023.

Council will monitor the existing use arrangements over the terms to assist in determining future lease opportunities for the sites.

Appendices
Appendix A: Community Tenant Lease Renewals
## Community Tenant Lease Renewals

<table>
<thead>
<tr>
<th>Tenant</th>
<th>Address</th>
<th>Current lease term</th>
<th>Option for further term</th>
<th>Current Rent (including GST)</th>
<th>Rent at commencement of further term CHI (increase of 1.8% applied (including GST))</th>
<th>Permitted use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alkimos Community Club Inc</td>
<td>Alkimos Park, 79 Brown Street, Alkimos, 6030</td>
<td>3 Feb 2019 - 31 Jan 2019</td>
<td>One further term of four years</td>
<td>$406.89</td>
<td>$454.90</td>
<td>Bowling, dash and associated recreational purposes as approved by Council</td>
</tr>
<tr>
<td>Airport West Tennis Club Inc</td>
<td>1/2 Off Street, Airport West, 6042</td>
<td>3 Feb 2019 - 31 Jan 2019</td>
<td>One further term of four years</td>
<td>$407.60</td>
<td>$330.40</td>
<td>Tennis club and associated recreational purposes as approved by Council</td>
</tr>
<tr>
<td>Avonvale Heights Bowling Club Inc</td>
<td>Avonvale Heights, 5064</td>
<td>3 Feb 2019 - 31 Jan 2019</td>
<td>One further term of four years</td>
<td>$793.00</td>
<td>$793.00</td>
<td>Tennis club and associated recreational purposes as approved by Council</td>
</tr>
<tr>
<td>Avonvale Heights Tennis Club Inc</td>
<td>Cambridge Street Reserve, 29 Cambridge Avenue, Avonvale Heights, 6064</td>
<td>3 Feb 2019 - 31 Jan 2019</td>
<td>One further term of four years</td>
<td>$406.89</td>
<td>$414.90</td>
<td>Tennis club and associated recreational purposes as approved by Council</td>
</tr>
<tr>
<td>Beckley Park Bowls Club Inc</td>
<td>Part of the Reserve, 131 Cooper Street, Ascot, 6163</td>
<td>3 Feb 2019 - 31 Jan 2019</td>
<td>One further term of four years</td>
<td>$493.90</td>
<td>$452.70</td>
<td>Bowling, dash and associated recreational purposes as approved by Council</td>
</tr>
<tr>
<td>Beckley Park Tennis Club Inc</td>
<td>Beckley Park, 131 Cooper Street, Ascot, 6163</td>
<td>3 Feb 2019 - 31 Jan 2019</td>
<td>One further term of four years</td>
<td>$493.90</td>
<td>$452.70</td>
<td>Tennis club and associated recreational purposes as approved by Council</td>
</tr>
<tr>
<td>Doubela Golf Bowls Club Inc</td>
<td>Doubela Golf Bowls Club Inc</td>
<td>3 Feb 2019 - 31 Jan 2019</td>
<td>One further term of four years</td>
<td>$493.90</td>
<td>$452.70</td>
<td>Tennis club and associated recreational purposes as approved by Council</td>
</tr>
<tr>
<td>Doubela Tennis Club Inc</td>
<td>19-27 Royal Avenue, Ascot Vale, 3042</td>
<td>3 Feb 2019 - 31 Jan 2019</td>
<td>One further term of four years</td>
<td>$493.90</td>
<td>$452.70</td>
<td>Tennis club and associated recreational purposes as approved by Council</td>
</tr>
<tr>
<td>East Rocker Sustainability Street Inc</td>
<td>Toppol Reserve, 31a Toppol Place, Bank Waverley, 3000</td>
<td>3 Feb 2019 - 31 Jan 2019</td>
<td>One further term of four years</td>
<td>$51.80</td>
<td>$51.80</td>
<td>Community garden and associated community, recreational and social educational activities as approved by Council</td>
</tr>
<tr>
<td>East Rocker Tennis Club Inc</td>
<td>East Rocker Reserve, 31a Toppol Place, Bank Waverley, 3000</td>
<td>3 Feb 2019 - 31 Jan 2019</td>
<td>One further term of four years</td>
<td>$51.80</td>
<td>$51.80</td>
<td>Tennis club and associated recreational purposes as approved by Council</td>
</tr>
<tr>
<td>Essendon Community Gardens Inc</td>
<td>Fortuna Street Reserve, 94 Braddon Street, Essendon, 3040</td>
<td>3 Feb 2019 - 31 Jan 2019</td>
<td>One further term of four years</td>
<td>$483.90</td>
<td>$483.90</td>
<td>Community garden and associated community, recreational and social educational activities as approved by Council</td>
</tr>
<tr>
<td>Essendon Tennis Club Inc</td>
<td>76-88 Batman Street, Aillerydale, 3040</td>
<td>3 Feb 2019 - 31 Jan 2019</td>
<td>One further term of four years</td>
<td>$387.40</td>
<td>$387.40</td>
<td>Tennis club and associated recreational purposes as approved by Council</td>
</tr>
<tr>
<td>Mitcham Park Bowls Club Inc</td>
<td>195 Hobbs Road, Mitcham, 3132</td>
<td>3 Feb 2019 - 31 Jan 2019</td>
<td>One further term of four years</td>
<td>$483.90</td>
<td>$483.90</td>
<td>Tennis club and associated recreational purposes as approved by Council</td>
</tr>
<tr>
<td>Mitcham Park Tennis Club Inc</td>
<td>195 Hobbs Road, Mitcham, 3132</td>
<td>3 Feb 2019 - 31 Jan 2019</td>
<td>One further term of four years</td>
<td>$483.90</td>
<td>$483.90</td>
<td>Tennis club and associated recreational purposes as approved by Council</td>
</tr>
<tr>
<td>Richmond Valley Sport Club Inc (Bowling and Bridge)</td>
<td>22-25 Freeman Street, Kew East, 3102</td>
<td>3 Feb 2019 - 31 Jan 2019</td>
<td>One further term of four years</td>
<td>$309.85</td>
<td>$309.85</td>
<td>Bowling and Bridge club</td>
</tr>
<tr>
<td>Northern Districts Dog Club Inc</td>
<td>Alkimos Par, 84 Bruce Street, Alkimos, 6030</td>
<td>3 Feb 2019 - 31 Jan 2019</td>
<td>One further term of four years</td>
<td>$309.85</td>
<td>$309.85</td>
<td>Dog obedience club and associated recreational purposes as approved by Council</td>
</tr>
<tr>
<td>Strettoners Bowls Club Inc</td>
<td>Park Area Carpark Reserves, 44 Carpark Road, Essendon, 3040</td>
<td>3 Feb 2019 - 31 Jan 2019</td>
<td>One further term of four years</td>
<td>$483.90</td>
<td>$483.90</td>
<td>Tennis club and associated recreational purposes as approved by Council</td>
</tr>
</tbody>
</table>

Report executed
10.8 Proposed Discontinuance and Sale of Road Reserve - 7 Etzel Street, Airport West

File No: Fol/18/32
Author: Trish Curcuruto - Property and Right of Way Officer
Directorate: Asset Planning and Strategic Projects

Purpose
To consider the discontinuance and sale of part of the road reserve currently occupied by 7 Etzel Street, Airport West.

Executive Summary
- Council received a report on 13 November 2018 in relation to a proposal from the property owner of 7 Etzel Street, Airport West to discontinue and purchase part of a road reserve and endorsed the recommendation to commence the statutory process in accordance with Section 206, Clause 3 of Schedule 10 and 223 of the Local Government Act 1989 (Act).
- A public notice was published in the Moonee Valley Leader on 28 November 2018 and on Council’s website.
- Following the public notice period of 28 days, no submissions were received.
- Abutting property owners were also advised of the proposal in writing and informed of their right to make a submission. No submissions were received.
- As the land has been deemed not required for road purposes or reasonably required for public access and no submissions were received, Council has fulfilled its requirements under the Act and can proceed with the proposal.

Recommendation
That Council:
1. In accordance with section 206, Clause 3 of Schedule 10 and 223 of the Local Government Act 1989 (the Act) resolves to discontinue and sell part of the road reserve occupied by 7 Etzel Street, Airport West;
2. Notifies all parties of Council’s decision to discontinue and sell;
3. Authorises the Chief Executive Officer to prepare and publish a notice in the Victorian Government Gazette vesting the land in Council; and
4. Authorises the Chief Executive Officer to facilitate the sale of land and execute all relevant documentation required to effect the discontinuance and sale of part of the road reserve occupied by 7 Etzel Street, Airport West.

Background
The property owner of 7 Etzel Street submitted a planning permit for the construction of two double storey dwellings. As part of the planning assessment, it was noted the title boundary tapered into the property resulting in a section of road reserve being occupied and forming part of the front garden. This area was erroneously considered within the property boundary by the property owner.
A planning permit has been approved for the two double storey dwellings subject to a condition requiring the property owner to initiate proceedings to purchase the road reserve. The land is required to be purchased to enable access and comply with setback requirements.

Council received a proposal from the property owner of 7 Etzel Street, Airport West to discontinue and purchase the section of road reserve currently occupied.

**Discussion**

In accordance with the minutes of the Ordinary Council Meeting of 13 November 2018, Council endorsed the recommendation to commence the statutory process in accordance with section 206, Clause 3 of Schedule 10 and 223 of the Act.

A public notice was published advising of the proposed discontinuance and sale enabling consultation to the wider community, providing any affected party a formal opportunity to make a submission to Council, and assist Council in obtaining overall consensus regarding the proposal to discontinue and sale.

No submissions to the proposal were received. Council has fulfilled its requirements under the Act and can proceed with the proposal.

**Consultation**

All necessary Council departments and service authorities have been consulted in respect to the proposal and no objections have been received.

Neither the Council nor any of the service authorities have any assets within the land or requirements over the land.

The statutory procedures under the Act require Council to give public notice of its intention to discontinue and sell the road and invite submissions from affected parties under section 223 of the Act. A public notice of the proposed discontinuance was published in the Moonee Valley Leader weekly newspaper and published on Council’s website on Wednesday 28 November 2018.

In addition, all abutting property owners have been advised of the proposal in writing and informed of their right to make a submission.

**Implications**

1. **Legislative**

   The statutory process to discontinue the road is being undertaken in accordance with the requirements of the Act. The implications of this report have been assessed in accordance with the requirements of the Charter for Human Rights and Responsibilities.

2. **Council Plan / Policy**

   In presenting this report, Council is working to achieve its strategic objective ‘Good governance is everyone’s responsibility’ in accordance with Council Plan 2017-21 Theme 6: Resilient organisation (Balit Djerring-dha, which means resilient organisation in Woi wurrung language).

3. **Financial**

   A formal Letter of Agreement in relation to the purchase price and reimbursement to Council of reasonable costs in undertaking the road discontinuance process has been signed by the occupier.
The land has been valued at $32,000.00 in accordance with statutory requirements and the reimbursement of Council’s costs included the payment of Council’s legal and land surveyor fees and costs associated with the publication of a Public Notice.

4. Environmental

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

Conclusion

In considering the proposal and fulfilling the statutory procedures required under the Act, it is recommended on the basis that it is not required for road purposes or reasonably required for public use, Council resolve to discontinue and sell part of the road reserve to 7 Etzel Street, Airport West.

Appendices

Nil
10.9 Report on the Land Acquisition Committee

File No: Fol/18/32
Author: Morgan Brown - Acting Coordinator Commercial Property
Directorate: Asset Planning and Strategic Projects

Purpose
To present the confirmed minutes of Council’s Land Acquisition Committee (LAC) Meeting held on 16 October 2018, provided as Appendix A.

Executive Summary
- LAC meetings are held at least four times per year as required; and
- The minutes of these meetings are provided to Council to provide an update of the LAC’s activities.

Recommendation
That Council notes the confirmed Minutes of the Land Acquisition Committee Meeting held on 16 October 2018.

Background
The LAC is a Committee of Council established pursuant to Section 86 of the Local Government Act 1989 (‘the Act’).

The LAC was formed to exercise Council’s functions and powers and to perform Council’s duties in relation to section 187 of the Act to purchase any land which is or may be required by the Council for public open space and/or land that increases the value of already owned Council property and/or is of strategic relevance, and for those purposes:
- To enter into contracts, and to incur expenditure for such requirements that have been endorsed and identified by Council policy; and
- To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers.

Discussion
In accordance with its Charter, the LAC is required to report to Council about its activities through the circulation of minutes and reporting as required. This report provides a summary of matters considered at the LAC meeting held 16 October 2018.

Four reports were presented to the LAC, the reports considered possible property acquisitions.

Consultation
The nature of this report does not require any consultation.
Implications

1. **Legislative**

   The LAC was established under section 86 of the Act to exercise Council’s functions and powers under section 187 of the Act, in accordance with the Instrument of Delegation dated 13 March 2018.

   The provisions of the Moonee Valley City Council Governance Local Law 2009 and Meeting Procedures Protocol shall apply to all meetings of the LAC.

2. **Council Plan / Policy**

   In presenting this report, Council is working to achieve its strategic objective ‘Good governance is everyone’s responsibility’ in accordance with Council Plan 2017-21 Theme 6: Resilient organisation (Balit Djerring-dha, which means resilient organisation in Woi wurrung language).

3. **Financial**

   The nature of this report does not have any direct financial implications.

4. **Environmental**

   There are no environmental implications resulting from this report.

**Conclusion**

The LAC plays an integral role in assisting Council to be quicker and more efficient in acquiring property, it is therefore recommended that Council note the confirmed minutes of the LAC meeting held 16 October 2018.

**Appendices**

Appendix A: Land Acquisition Committee meeting minutes 16 October 2018 (confidential)
### 10.10 Assemblies 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>Strategic Briefing held on Tuesday 4 December 2018 at 6.00pm. Council Chamber, Civic Centre</th>
</tr>
</thead>
</table>
| **Matters considered** | 1. Facilities booking system  
2. Branding our facilities  
3. Response to Notice of Motion on Shuter Street  
4. ICT Strategy  
5. Kindergarten priority of access guidelines  
7. VicRoads Children’s Crossing supervisor program  
8. Meeting procedures  
9. Parking at Ascot Vale Leisure Centre on Union picnic day  
10. Dial up hard waste service  
11. Draft OCM agenda for 11 December |
| **Councillors present** | Cr Narelle Sharpe (Mayor)  
Cr Samantha Byrne  
Cr Jim Cusack (6.57pm)  
Cr Rebecca Gauci Maurici  
Cr Richard Lawrence  
Leave of absence: Cr John Sipek, Cr Nicole Marshall, and Cr Cam Nation  
Apology: Cr Andrea Surace |
| **Staff present** | Natalie Reiter (Acting CEO)  
Kendrea Pope  
Gil Richardson  
Maria Weiss  
Allison Watt  
Belinda Stewart |
| **Conflict of interest** | Cr Samantha Byrne declared a direct conflict of interest in item 10.4 due to residential amenity. This item was not discussed, Cr Byrne was not required to leave the meeting |
Assembly
Ordinary Council Meeting pre-meet held on Tuesday 11 December 2018 at 6.00pm.
Committee Room, Civic Centre

Matters considered
Ordinary Council Meeting agenda to be held 11 December 2018.

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

Staff present
Natalie Reiter (Acting CEO)
Maria Weiss
Kendrea Pope
Gil Richardson
Allison Watt
Belinda Stewart

Conflict of interest
Cr Samantha Byrne declared a direct conflict of interest in item 10.4 due to residential amenity. This item was not discussed, Cr Byrne was not required to leave the meeting

Background
In accordance with Section 80A (1) and (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.’

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

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

Conclusion
Council has an obligation under Section 80A(2)(a) and (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
NOTICES OF MOTION

11.1 Notice Of Motion No. 2019/01: Review of municipal boundaries

File No: Fol/18/32
From: Councillor John Sipek

Take notice that at the Ordinary Meeting of Council to be held on 29 January 2019 it is my intention to move:

That Council writes to the Minister for Local Government requesting a review of the municipal boundary between Moonee Valley City Council and Melbourne City Council giving consideration to transferring the responsibility for Flemington Racecourse and the Showgrounds and the boundary between Moonee Valley City Council and Moreland City Council in respect of transferring the responsibility for the suburb of Gowanbrae.

Officer comments:

The Notice of Motion to write to the Minister is supported. This is consistent with previous Council positions and would address municipal boundary anomalies which resulted from the new local government areas which were formed as part of council amalgamations in 1993/94.
CONFIDENTIAL REPORTS

Closure of meeting to public

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

14.1 Update on property acquisition and proposed disposal of Council property
   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.