Agenda

Ordinary Meeting of Council

Tuesday, 26 February 2019
6:30pm
Ordinary Meeting of Council

Tuesday, 26 February 2019 at 6:30pm
to be held at the Moonee Valley Civic Centre

Members:
Cr Narelle Sharpe
Cr John Sipek
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
Mr Steven Lambert
Ms Kendrea Pope
Ms Natalie Reiter
Mr Gil Richardson
Mr Petrus Barry
Ms Allison Watt
Mayor
Deputy Mayor
Chief Executive Officer
Director City Services
Director Organisational Performance
Director Planning and Development
Director Asset Planning and Strategic Projects
Manager Statutory Planning
Manager Governance and Communications
Business:

1. Opening

2. Reconciliation Statement

3. Apologies and Leave of Absence

4. Confirmation of Minutes
   Ordinary Meeting of Council held on Tuesday, 12 February 2019.

5. Declarations of Conflict of Interest

6. Presentations
   Nil.

7. Petitions and Joint Letters
   7.1 Pedestrian crossing Buckley Street, Essendon ......................................... 5

8. Public Question Time

9. Reports from Special Committees
   Nil.

10. Reports
   10.1 579-591 Mt Alexander Road, Moonee Ponds (Land in Plan of Consolidation 355526S) - Construction of a multi-storey building, a reduction in the car parking requirement and alteration of access to a road in a Road Zone, Category 1 .................................................6
   10.2 15 Clarence Street, Flemington (Lot 1 on TP568421S) - Construction of a dwelling on a lot less than 300 square metres and a reduction in carparking requirements ............................................ 38
   10.3 Citizenship Ceremony ............................................................................. 53
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   10.7 Assemblies of Councillors ..................................................................... 66

11. Notices of Motion
   Nil.

12. Urgent Business

13. Confidential Reports
   Nil.
14. Delegates Reports

15. Close of Meeting

BRYAN LANCASTER
Chief Executive Officer
PETITIONS AND JOINT LETTERS

7.1 Pedestrian crossing Buckley Street, Essendon

Author: Tracey Classon - Governance Officer
Directorate: Organisational Performance

Summary
Council has received a petition with 140 signatures, requesting the provision of a pedestrian crossing on Buckley Street, Essendon, located in front of the Essendon Baptist Community Church (134-138 Buckley Street) in direct connection with St Columba’s College (with proposed plans for additional classrooms).

The petition has been received in two parts, each with a slightly different preamble or ‘prayer’ even though the request is the same.

One petition has been submitted by the undersigned on behalf of Essendon Baptist Church and contains 116 signatures and the other petition contains 24 signatures.

A further 81 signatures were on pages which did not include the text of the whole petition and therefore, under Council’s Meeting Procedure Protocol, cannot be considered by Council.

The petition in full has been circulated to Councillors separately.

Recommendation
That Council resolves to:
1. Receive and note the petitions.
2. Refer this matter to the Director Asset Planning and Strategic Projects for investigation and reporting back to Council.
3. Advise the petition organiser accordingly.

Attachments
Nil
## 10.1 **579-591 Mt Alexander Road, Moonee Ponds (Land in Plan of Consolidation 355526S) - Construction of a multi-storey building, a reduction in the car parking requirement and alteration of access to a road in a Road Zone, Category 1**

**File No:** Fol/18/32  
**Author:** Lachlan Orr - Senior Statutory Planner  
**Directorate:** Planning and Development

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/555/2018</th>
</tr>
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</table>
| **Proposal**      | Construction of a six storey building containing four retail premises and 57 dwellings  
|                   | Frontages to both Mt Alexander Road and Ascot Vale Road  
|                   | Car parking spaces and bicycle facilities provided at ground and basement levels accessed from Right of Way |
| **Applicant**     | Hexa Pacific Pty Ltd C/- Urbis Pty Ltd |
| **Owner**         | Metropolitan Fire and Emergency Services Board |
| **Planning Scheme Controls** | Activity Centre Zone (Schedule 1)  
|                   | Abuts a Road Zone, Category 1 |
| **Planning Permit Requirement** | Clause 37.08-5 – Construct a building or construct or carry out works  
|                   | Clause 52.06-3 – Reduction in the car parking requirement  
|                   | Clause 52.29 – Create or alter access to a road in a Road Zone, Category 1 |
| **Car Parking Requirements** | Required – 84 car spaces  
|                   | Proposed – 67 car spaces |
| **Bicycle Requirements** | Required – 20 bicycle spaces  
|                   | Proposed – 23 bicycle spaces |
| **Restrictive Covenants** | None |
| **Easements**     | Party wall and light and air easements around the south-eastern corner of the site (abutting 577 Mt Alexander Road) |
| **Site Area**     | 1,608 square metres |
| **Number Of Objections** | N/A |
| **Consultation Meeting** | N/A |
Executive Summary

- The application seeks planning approval for the construction of a six storey building containing four retail premises and 57 dwellings with car parking provided at ground and two basement levels.

- The site has an area of approximately 1,608 square metres and is located approximately 70 metres south of the Moonee Ponds Junction, with frontages to both Mt Alexander Road to the east and Ascot Vale Road to the west. The site is located within the Moonee Ponds Activity Centre, specifically within Sub-precinct 7C (Junction South – Mixed Use Precinct) where a mandatory maximum building height of 20 metres applies.

- The application was not required to be advertised as each planning permit trigger is exempt from the notice and review requirements of the Planning and Environment Act 1987 (the Act).

- The application was referred externally to VicRoads and internally referred to Council’s Development Engineering Unit (Drainage), Environmental Sustainable Design (ESD) Officer, Heritage Advisor, Landscape Architect, Traffic and Transport Unit and Waste Strategy and Planning Officer. No objections were raised, with requirements addressed as necessary through conditions on any permit issued.

- The proposal demonstrates compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme. It proposes a suitable intensification of retail activity and housing as well as a built form response consistent with the precinct objectives of the Activity Centre Zone. The building has a high level of architectural merit and will contribute to the land use and development objectives of the precinct and the wider activity centre. The building is respectful of the heritage buildings to the north and strengthens the shopfront character along Mt Alexander Road.

- A high level of compliance with the standards of Clause 58 (Apartment Developments) is achieved, with five standards not technically met through the proposal. Conditions of permit are recommended to ensure compliance with relation to building setback (overlooking), noise impacts and storage. Variations to the standards relating to landscaping and private open space are found to be appropriate having regard to their associated objectives.

- This assessment report finds the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme and recommends that the proposal be supported subject to conditions.
Recommendation

That Council issues a Planning Permit in relation to Planning Permit Application No. MV/555/2018 for the construction of a multi-storey building, a reduction in the car parking requirement and alteration of access to a road in a Road Zone, Category 1 at 579-591 Mt Alexander Road, Moonee Ponds (Land in Plan of Consolidation 355526S), subject to the following conditions:

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

   a) The amendments to the development layout as shown on the amended plans TP01.01 to TP01.07 (inclusive), TP02.02, TP02.03, TP03.01 and TP03.02, Revision B prepared by Rothe Lowman Architects dated 26 November 2018;

   b) A separate plan with detailed and accurate contours, illustrating the maximum overall height of the main building to the parapet as being within the 20 metre mandatory limit, with corresponding notations on the elevations and sections where relevant;

   c) The roof plan provided with the following modifications and annotations:

      i. ‘The communal terrace must not include any roofing or any other structures which protrude above its enclosure’;

      ii. ‘The communal terrace, together with any rooftop service equipment, must not take up more than 50% of the roof area’;
iii. ‘The setback of any enclosure to the communal terrace from the roof/parapet edge must be at least twice the height of the enclosure’; and

iv. ‘There are to be no other permanent enclosures, structures or roofed items.’

d) Treatment to improve the visual interest of the northern boundary wall which protrudes above the neighbouring building toward Ascot Vale Road;

e) Habitable room windows and balconies at the south-western corner of the building screened or otherwise treated to limit direct views into the habitable rooms and balconies of apartments within the building under construction at 350 Ascot Vale Road;

f) The allocation of external storage areas with their capacity annotated to comply with the requirements of Standard D20 of Clause 58.05-4 (Storage) of the Moonee Valley Planning Scheme;

g) Notations on the plans to accord with the Sustainable Management Plan (SMP) required by Condition 5;

h) A landscape plan as required by Condition 6;

i) Any modifications as a result of the acoustic report required by Condition 9; and

j) A notation that the Right of Way is to be constructed in accordance with Condition 20.

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

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

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

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

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

4. A maximum 30 days following completion of the development, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:

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

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

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

5. Before the development commences, the Sustainable Management Plan (SMP) prepared by JBA Consulting Engineers dated 3 October 2018 is to be updated as required by Condition 1 and submitted to the Responsible Authority for endorsement. The SMP must achieve all minimum requirements, meet best practice standards and be to the satisfaction of the Responsible Authority for approval. Upon approval the SMP will be endorsed as part of this planning permit. The development must incorporate the sustainable design initiatives outlined in the endorsed SMP to the satisfaction of the Responsible Authority.

6. Before the development commences, and before any trees or vegetation are removed, amended landscape plans prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The amended landscape plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended landscape plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:

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

   b) A complete and fully detailed planting schedule;

   c) Provision of shade tolerant species within the ground level garden area;

   d) The olive tree species replaced with a native variety, and the Ficus climber replaced with a non-invasive climber species;

   e) Provision of street tree planting along Mt Alexander Road in front of the site to the satisfaction of Council’s Landscape Architect and Arborist;

   f) A notation regarding the retention and protection of the existing street trees along Ascot Vale Road;

   g) Design details of planter structures at the upper levels with dimensions to accommodate meaningful planting; and

   h) An appropriate irrigation system for all ground and upper level planting, including details of maintenance.

When approved the amended landscape plans will be endorsed and will form part of this permit. Landscaping in accordance with the endorsed landscape plans must be completed before the development is occupied.
7. 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.

8. Before the development starts, a Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Tree Management Plan must be prepared by an arborist with suitable qualifications to the satisfaction of the Responsible Authority and must provide recommendations and set out actions required to minimise damage to the health of the existing street trees on Ascot Vale Road as a consequence of the proposed development. When approved, the Tree Management Plan will be endorsed under the planning permit.

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

All works in the endorsed Tree Management Plan to, or affecting, street trees must be supervised by an arborist with qualifications to the satisfaction of the Responsible Authority.

9. Before the development starts, an acoustic report 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 external noise sources. This includes building and works so as to achieve SEPPN-2 base noise limits inside habitable rooms with windows and doors closed, having regard to a range of external noise sources including the adjacent live music venue at 593-597 Mt Alexander Road.

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 compliance achieved to the satisfaction of the Responsible Authority.

Within three months of the completion of the development, an acoustic compliance report must be prepared by a suitably qualified acoustic engineer. This report must measure the compliance of the development with the requirements of this condition including SEPPN-2 base noise limits inside habitable rooms with windows and doors closed. This acoustic compliance report must be submitted to and endorsed by the Responsible Authority. Any non-compliance must be rectified to the satisfaction of the Responsible Authority.

10. Before the development commences, the Waste Management Plan prepared by Leigh Design Pty Ltd dated 5 October 2018 is to be updated as required by Condition 1 and submitted to the Responsible Authority for endorsement. When approved, the Waste Management Plan will be endorsed and will form part of
this permit. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

11. Before the development commences, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a traffic consultant with suitable qualifications to the satisfaction of the Responsible Authority and must include:
   a) Arrangements for the provision and allocation of car spaces to accord with the endorsed development plans;
   b) The management of the residential and retail parking spaces and security arrangements for occupants of the development, including the provision of an intercom system at the security entrances and directional signage;
   c) The management of the waste and loading zone to minimise impacts on the operation of the car park and Right of Way, and to ensure appropriate vehicles utilise the zone;
   d) Ventilation and lighting of parking areas, entries and exits;
   e) No charge being made for car parking without the consent of the Responsible Authority;
   f) The access points to be provided with appropriate signage and line marking; and
   g) Traffic calming measures for inclusion within the accessways and car parking areas as appropriate.

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

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

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

13. 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 entities or authorities with an interest in the easement 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. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
16. 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.

17. 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.

18. The plant area and equipment on the roof of the building must be screened in a manner to complement the appearance of the building and be to the satisfaction of the Responsible Authority.

19. Before the building approved by this permit is occupied, the areas set aside for the parking of vehicles together with the associated driveways, access lanes and the waste and loading zone 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, access lanes and the waste and loading zone 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.

20. Before the building approved by this permit is occupied, the Right of Way is to be constructed from the entrance on Ascot Vale Road up to the access point to the basement level car park in accordance with the Moonee Valley City Council Drawing No. 34 (Standard Reinforced Concrete Paving/Asphalt for Right of Ways). All costs associated with the survey, design and construction of the Right of Way must be borne by the permit holder.

Before the development starts, detailed engineering drawings to show the construction of the Right of Way are to be submitted to and approved by the Responsible Authority. The Right of Way is to be surveyed by a licensed surveyor and designed by a civil engineer with suitable qualifications to the satisfaction of the Responsible Authority. The plans are to indicate existing surface levels, proposed surface levels and construction of the Right of Way in accordance with Moonee Valley City Council Drawing No. 34.
Before the building approved by this permit is occupied, construction of the Right of Way as specified in this permit must be completed to the satisfaction of the Responsible Authority.

Following the completion of the Right of Way, and before the building approved by this permit is occupied, as constructed plans must be submitted to and approved by the Responsible Authority.

The Right of Way must be constructed and properly drained to the satisfaction of the Responsible Authority

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

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

Before the development starts a Drainage Layout Plan, including computations and 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.

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

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

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

- This permit does not authorise any advertising signs. No advertising signs may be erected on the land, other than those which are exempt from the need for a planning permit under the Moonee Valley Planning Scheme.

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

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

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

- A requirement for 300mm wide trench grates at the entrance and/or bottom of each ramp may be made.

- The pump system is to be in accordance with AS3500.3:2003 Section 9 and is to be installed by a person with suitable qualifications to the satisfaction of the Responsible Authority.

- Council will not be responsible for any damage to the land or neighbouring properties in the event that the pump system fails due to mechanical failure, exceedance of maximum design rainfall or otherwise. Property owner/s may face liability for any damage to neighbouring properties as a result of such failure.

- The use of an underground pump system is only considered an interim measure. Should an easement drain be constructed in future via a Special Charge Scheme, the owner may be required to contribute to the cost of the construction of an easement drain.

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

- 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.

- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and/or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
The development authorised by this permit will require the submission of a Construction and Site Management Plan (CSMP) prior to the commencement of any works. All CSMPs are required to be made via Council’s 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.

1. Introduction

1.1 Subject Site and Surrounds

The site is irregular in shape with an area of approximately 1,608 square metres. The site has a primary eastern frontage of 43.05 metres to Mt Alexander Road and secondary western frontage of 22.64 metres to Ascot Vale Road. The land is bounded by a Right of Way accessed from Ascot Vale Road travelling east and then south to Junction Lane. The land falls approximately 1.5 metres from the north-western corner to the south-eastern corner. The site is occupied by a vacant three storey building which covers the entire site, which was most recently used as an office.

The site is located within Precinct 7 (Junction South – Mixed Use Precinct) of the Activity Centre Zone (Schedule 1) that applies to all land within the Moonee Ponds Activity Centre. The site is located within Sub-precinct 7C, which has a mandatory maximum building height of 20 metres, excluding basements.

Figure 2 – Subject site (view along Mt Alexander Road)

The context of the site features a mix of residential, commercial and mixed-use buildings of varying heights reflecting the ongoing development of the activity centre. Development along the immediate section of Mt Alexander Road along the western side is characterised by two storey terrace shopfronts, with those immediately to the north protected under Heritage Overlays HO358 (Chung On Restaurant – Former) and HO359
(Mt Alexander Road – Shops and Residences). This intact shopfront character is also recognised by the precinct built form guidelines under the zone, which is disrupted by the existing three storey concrete building on the subject site. The eastern side of Mt Alexander Road features greater variation with many of the older shopfronts replaced with single and double storey commercial buildings.

Older buildings to the west around Ascot Vale Road are commonly between three to four storeys in height, with larger developments taking place, such as a 12 storey mixed use building (331-333 Ascot Vale Road) immediately to the west, and the 17 storey Mondo apartment building to the north-west. The seven storey ATO office building sits further west, while a seven storey building is under construction to the south-west at 350 Ascot Vale Road. Recently approved developments nearby include a 10 storey mixed-use building to the north-west at 6-14 Young Street & 17-23 Puckle Street, and an 8 storey mixed use building further north at 343-349 Ascot Vale Road.

![Figure 3 – Subject site (view along Ascot Vale Road)](image)

1.2 Proposal

It is proposed to construct a multi-storey building summarised as follows:

<table>
<thead>
<tr>
<th>Building height</th>
<th>20 metres to main building roof parapet (6 storeys)</th>
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<tbody>
<tr>
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<td>23.6 metres to top of roof services enclosure</td>
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<table>
<thead>
<tr>
<th>Residential</th>
<th>57 dwellings comprising:</th>
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<tbody>
<tr>
<td></td>
<td>• 15 x 1 bedroom</td>
</tr>
<tr>
<td></td>
<td>• 39 x 2 bedroom</td>
</tr>
<tr>
<td></td>
<td>• 3 x 3 bedroom</td>
</tr>
</tbody>
</table>
Commercial

Four retail premises over 703m² at ground level, with three facing Mt Alexander Road and one facing Ascot Vale Road

Car parking and access

67 car spaces at ground and two basement levels, including:
- 60 spaces for residents
- 7 spaces for staff of the retail premises

Vehicle access provided via the Right of Way, with an extended opening of approximately 1 metre to Ascot Vale Road along with a pedestrian pathway.

Access point to primary car park at basement levels located along the Right of Way, approximately 23 metres from Ascot Vale Road.

Central ground level retail parking area and access point on the Right of Way located approximately 11 metres from Ascot Vale Road.

Bicycle spaces

23 spaces provided at ground level, with 7 for visitors/customers and 16 for residents/staff

Refer Attachment A – Plans (separately circulated).

Amended plans (dated 26 November 2018) were informally submitted on 29 November 2018, predominantly in response to comments from Council’s Traffic and Transport Unit. The changes are summarised as follows:

- A waste and loading zone provided within the ground level retail parking area alongside bin areas and the stair/lift core.
- Pedestrian pathway, accessed from Ascot Vale Road travelling along the laneway up to the retail parking area, increased from 1.5 to 2.05 metres in width.
- Levels 1 to 5 provided with an increased setback of approximately 200 to 550mm from the southern boundary to improve clearance heights along the laneway.
- As a result of the above, reduction in the size of three Type H apartments and an amended layout to two Type J apartments, with no change in the number of bedrooms or compliance with Clause 58 standards.
- A notation on the ground floor plan stating a minimum clearance height of 3.2 metres is maintained throughout the retail parking area and accessway.
- Convex mirror provided at the entrance to the basement car park.
- Entry door to basement car park increased in width from 6 to 6.8 metres, and an increased length of the 1:8 gradient area at the top of the access ramp.
• Visitor bicycle spaces alongside the retail parking area provided in an angled arrangement to improve accessibility.
• One bicycle space converted to a horizontal space within the internal bicycle area.
• Service corridor with rear access doors provided behind each Mt Alexander Road retail premises, subsequent reduction of 27.9 square metres of retail floor area.
• The Ascot Vale Road retail premises reduced from 141.4 to 139.2 square metres, and provided with a rear access door.
• Deletion of two Type A2 apartments (one-bedroom), replaced with two Type A1 apartments (one-bedroom).
• Minor adjustments to ramp gradients, location or length of parking spaces at each basement level.

Refer Attachment B – Amended Plans (separately circulated).

2. Background

2.1 Relevant Planning History

There are various historical planning applications associated with the previous commercial use of the land, none of which have any bearing on the current application.

2.2 Planning Policies, Controls and Provisions

Planning Policy Framework

Clause 11 Settlement
Clause 15 Built Environment and Heritage
Clause 16 Housing
Clause 17 Economic Development
Clause 18 Transport
Clause 19 Infrastructure

Local Planning Policy Framework

Clause 21.01 Municipal Profile
Clause 21.03 Vision
Clause 21.04 Sustainable Environment
Clause 21.05 Housing
Clause 21.06 Built Environment
Clause 21.07 Activity Centres
Clause 21.08 Economic Development
Clause 21.09 Transport
Clause 22.03  Stormwater Management (Water Sensitive Urban Design)  
Zoning and Overlays  
Clause 37.08  Activity Centre Zone (Schedule 1)  
Particular, General and Operational Provisions  
Clause 52.06  Car Parking  
Clause 52.29  Land Adjacent to a Road Zone, Category 1  
Clause 52.34  Bicycle Facilities  
Clause 53.06  Live Music and Entertainment Noise  
Clause 53.18  Stormwater Management in Urban Development  
Clause 58  Apartment Developments  
Clause 65  Decision Guidelines  
Clause 66  Referral and Notice Provisions  
Clause 71.02-3  Integrated Decision Making  

2.3 Referrals  
The following referrals were undertaken:  

Table 2  

<table>
<thead>
<tr>
<th>External Referrals</th>
<th>Comments/Conditions</th>
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<tr>
<td>VicRoads (s55)</td>
<td>No objection, with a comment suggesting notice be given to Transport for Victoria*.</td>
</tr>
<tr>
<td>Internal Referrals</td>
<td>Comments/Conditions</td>
</tr>
<tr>
<td>Development Engineering</td>
<td>No objection subject to standard conditions and notes.</td>
</tr>
<tr>
<td>(Drainage)</td>
<td></td>
</tr>
<tr>
<td>Environmental Sustainable</td>
<td>No objection subject to amendments to development plans and the Sustainable</td>
</tr>
<tr>
<td>Design (ESD) Officer</td>
<td>Management Plan.</td>
</tr>
<tr>
<td>Heritage Advisor</td>
<td>No objection, support for building presentation in context of surrounding</td>
</tr>
<tr>
<td></td>
<td>heritage buildings.</td>
</tr>
<tr>
<td>Landscape Architect</td>
<td>No objection subject to conditions.</td>
</tr>
<tr>
<td>Traffic and Transport Unit</td>
<td>No objection to the revised plans subject to a condition requiring a Car Parking</td>
</tr>
<tr>
<td></td>
<td>Management Plan.</td>
</tr>
<tr>
<td>Waste Strategy and Planning</td>
<td>No objection to the submitted Waste Management Plan.</td>
</tr>
<tr>
<td>Officer</td>
<td></td>
</tr>
</tbody>
</table>

* Notice was not given because:  
The application is fully exempt from the notice requirements of the act, so notice cannot be given to any entity.
There are trigger points for referrals to TfV, including one relating to affecting public transport infrastructure. The proposal does not activate any of the referral triggers.

2.4 Public Notification of the Application

The application for buildings and works under the Activity Centre Zone is exempt from the notice requirements and review rights of the Act in accordance with Clause 37.08-8, and Clause 7.0 of the Schedule to the zone, as it accords with the relevant precinct height requirements.

Pursuant to Clause 52.29-5, any application to create or alter access to a road in a Road Zone is also exempt from the notice requirements and review rights of the Act.

With the other permissions sought under this application being exempt from the notice requirements and review rights of the Act, the application to reduce the car parking requirement is also exempt as set out under Clause 52.06-4.

As such, public notification of the application was not required.

3. Discussion

3.1 Does the proposal comply with the relevant planning policy framework?

The proposal is considered to accord with the relevant objectives and strategies contained within the Planning Policy Framework and Local Planning Policy Framework.

Clauses 11 (Settlement), 16 and 21.05 (Housing) seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. The site is within the Moonee Ponds Activity Centre, which is an appropriate context for the proposed development, with Clause 21.07 (Activity Centres) also providing encouragement and guidance for higher intensification in this area. The accessibility of the site lends further support for the proposal, being situated within the Principal Public Transport Network (PPTN) catchment area and within walking distance of the Moonee Ponds Junction. The proposal provides an increase in housing opportunities to meet growing population needs, providing a diversity of housing choice in a well serviced area with access to a variety of transport options along with commercial and community services.

The proposal addresses Clauses 15 (Built Environment and Heritage) and 21.06 (Built Environment) as discussed under Sections 3.2 and 3.3 of this report.

With regard to Clauses 17 and 21.08 (Economic Development), the proposed development would contribute to and enhance the Moonee Ponds Activity Centre in terms of investment and employment opportunities. In particular, the proposed retail premises contribute to satisfying the community’s retail and commercial service needs through increased accessibility to local businesses and a more sustainable local economy.
Clauses 18 and 21.09 (Transport) seek to reduce environmental impacts and improve access to sustainable modes of transport. The policies also seek to provide choices for movement of people and goods whilst ensuring these choices provide sustainable outcomes. It is considered the proposal provides an appropriate balance with respect to the provision of on-site parking, reducing reliance on private vehicle ownership and encouraging sustainable modes of transportation.

The proposal complies with the objectives and strategies of Clause 21.04 (Sustainable Environment) through the use of ecologically sustainable design principles. The submitted Sustainable Management Plan (SMP) was found to be generally acceptable subject to modifications as well as corresponding notations on the plans, which will be addressed through conditions of any permit issued.

The proposal accords with the objectives of Clause 21.04-7 (Waste) as it relates to encouraging the use of recycling and achieving best practice in waste minimisation. Council’s Waste Strategy and Planning Officer had no objection to the submitted waste management plan, which will be incorporated through a condition of permit.

The proposal complies with Clause 22.03 (Stormwater Management – Water Sensitive Urban Design) by providing adequate on-site stormwater treatment, demonstrated through the submission of a compliant STORM assessment, which was reviewed by Council’s ESD Officer, with no objection received.

### 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. It is considered the proposed development appropriately considers its site context and proposes a built form that will not be visually dominant to the streetscapes and adjoining properties and will provide appropriate internal amenity to future users of the site.

The 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 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**

The proposed development is considered to be appropriate in its context within the Moonee Ponds Activity Centre, assisting in achieving the objectives of the centre as well as the relevant precinct. The design response is considered to be appropriate given the location of the site within the centre, with good access to a range of services including public transport, schools and numerous amenities.

The design response has adequately considered its immediate surrounds as well as its role within the activity centre. The scale, siting, massing and detailed design appropriately responds to the existing context and strategic directive for this location. It will not unreasonably impact upon the amenity of the public realm as appropriate upper level setbacks are provided. The development has a height of six storeys which will sit comfortably alongside the higher built forms to the north-west and lower scale form to the east and south.

![Figure 4 – Perspective view from Mt Alexander Road](image)

The building is contemporary in design and responds well to its location and context within the contrasting character of Mt Alexander Road to the east and Ascot Vale Road to the west. As described in Section 1.1 of this report, Mt Alexander Road is defined by its shopfront character with buildings to the north protected under a Heritage Overlay. This character has greatly influenced the design response. Five individual shopfront
elements with awnings punctuating the façade along Mt Alexander Road have been scaled and detailed to reinforce the rhythm established by the existing buildings to the north and south. This is considered to be a positive response to the context of Mt Alexander Road. It is also noted that Council’s Heritage Advisor expressed support for the design, having consideration to the impact and relationship of the proposal with the adjoining heritage buildings.

The context of Ascot Vale Road exhibits a more diverse character due to the greater level of development that has occurred. The building will contribute to this character through its three storey podium and street wall in line with the requirements of the Activity Centre Zone. This will establish building legibility along Ascot Vale Road beside the existing buildings to the north and south, as well as with the recently constructed building to the west (331-333 Ascot Vale Road). There is a partial section of the blank northern boundary wall which protrudes above the neighbouring building and will be visible from the street. It is considered this wall should be treated to improve its visual interest and appearance in the event the neighbouring property remains undeveloped. This will be included as a condition on any permit issued.

The development provides a high level of architectural quality and urban design benefit, which will positively contribute to the built environment. The development responds to its location and context through a cohesive and engaging architectural design. The building incorporates horizontal and vertical expression using contrasting light and dark concrete finishes together with clear and dark glazing which creates an attractive, legible architectural theme. Upper levels are both physically and visually recessive from surrounding vantage points, compatible with the immediate context and in accordance with the objectives of the zone.

Figure 5 – Perspective view from Ascot Vale Road
The development successfully balances consideration of the existing context and strategic directive for this location, and will not unreasonably impact upon the amenity of the public realm or adjoining properties.

Streetscape and Urban Design

The building makes a positive contribution through its façade to both Mt Alexander Road and Ascot Vale Road, integrating with the street and enhancing the experience of the public realm. Ground floor retail premises and a substantial residential lobby area provides for an active ground level around the building, establishing surveillance and security to each street. Building services and vehicle access points are concealed appropriately within the Right of Way to achieve this outcome. Awnings are provided over the entry lobby and each retail premises, suitably incorporated into the building façade and providing shelter and refuge for pedestrians. The awnings along the eastern frontage reference those seen throughout Mt Alexander Road, and consolidate the local shopfront character.

Glazing to active uses at ground level across the frontage, as well to each dwelling at the upper levels, provides further passive surveillance of the area. This improves the urban environment, increasing public safety and security. All entries are well defined and clearly identifiable from the public realm, especially the individual shopfront elements to Mt Alexander Road which are integrated into the layout of the individual retail premises and residential entry lobby to deliver a functional and active street edge.

Setbacks and Site Coverage/Building Height and Silhouette

The height, envelope and massing of the building are guided by the built form objectives and the relevant height and setback requirements of the Activity Centre Zone, Schedule 1, as discussed under Section 3.3 of this report.

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 internal layouts and floor plans of each dwelling achieve a high level of amenity as well as adaptability for the changing needs of residents, highlighted by compliance with the relevant standards of Clause 58 (i.e. accessibility, functional layout and room depth). Appropriate internal and external storage facilities are provided to each dwelling in accordance with Clause 58.05-4 (Storage), with a condition ensuring the allocation and capacity of external storage areas as discussed under Section 3.5 of this report.

The entry point of the development is easily identifiable from Mt Alexander Road within the northern-most framed shopfront feature. The entrance features light wells above landscaping which sit alongside a generous lobby area with seating and a central mail room, creating a positive residential entry experience. The lifts and stairwell are appropriately located for convenient access to the upper levels, while the bicycle store and access to the retail parking area are provided at the end of the lobby. The integrated layout of this arrangement will allow for ease of movement,
including the movement of furniture, emergency access and escape. Internal corridors and circulation areas have been designed in compliance with Clause 58.05-2 (Building entry and circulation).

The development provides an adequate and efficiently designed car parking layout that will ensure safe vehicle movements. As discussed within Sections 2.3 and 3.4 of this report, the requirements of Council’s Traffic and Transport Unit have been addressed through the amended plans, which will be incorporated through a condition of permit.

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.

The layout of the development provides an appropriate level of amenity for future occupants demonstrated through a high level of compliance with Clause 58. Residents will be afforded with generous sized open plan living opportunities with good access to daylight. It is noted that all habitable rooms have direct access to daylight, with no reliance on bedrooms with borrowed light and only two apartments having a bedroom utilising a secondary area (i.e. ‘snorkel’ arrangement). This demonstrates a high level of internal amenity will be achieved for residents.

Each dwelling is provided with a balcony or podium terrace which is generally well proportioned, oriented and compliant with the requirements of Clause 58.05-3 (Private open space), with some minor variations as discussed in Section 3.5 of this report. Communal open space is provided by way of a roof terrace compliant with Clauses 58.03-2 (Communal open space) and 58.03-3 (Solar access to communal outdoor open space), offering residents with additional recreational opportunities.

The proposed development has been designed to limit internal overlooking to lower-level dwellings where required, complying with Clause 58.04-2 (Internal views).

The proposed development is to minimise the impact of external noise sources by way of a condition on any permit issued, requiring the provision of an acoustic report and the incorporation of any recommended attenuation measures.

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, with the exception of dwellings at the south-western corner of the building opposite the development under construction at 350 Ascot Vale Road as discussed in Section 3.5 of this report.

The proposed development would not cause significant overshadowing to any adjoining or nearby existing secluded private open space areas, with the additional shadows cast over 350 Ascot Vale Road during the morning hours being an acceptable increase compared to those cast by the
existing building on the site. Shadows cast by the development over the public realm are appropriately mitigated by the recession achieved by setbacks provided to the upper levels.

The proposed development would not cause any unreasonable transmission of noise to adjoining properties.

Therefore, subject to conditions relating to direct overlooking to dwellings in the building at 350 Ascot Vale Road, the proposal would not cause any unreasonable off-site amenity impacts.

Parking, Traffic and Access

Refer to the assessment against the requirements of Clause 52.06 (Car Parking) at Section 3.4 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 context and an activity centre area. The proposed development does, however, provide an adequate level of landscaping through vegetated planter boxes at the third level facing the street and the roof terrace.

The recommendations from Council’s Landscape Architect, as referenced within Section 2.3 of this report, will ensure an appropriate landscaping response. Notably, there will be a requirement as part of any permit issued to provide street tree planting on Mt Alexander Road, enhancing the amenity of the public realm. A condition of any permit issued will require the submission of a Tree Management Plan to protect the established trees within Ascot Vale Road.

Some concerns were raised in relation to the overall level of planting achieved to Mt Alexander Road as well as the general building design to Mt Alexander Road and the laneway. It is not considered necessary to impose conditions to this effect in light of the appropriate design response as discussed throughout this report, as well as the context and the constraints of the site. In particular, the Right of Way is not identified under the zone as a key connection requiring an active edge, and rather is expected to accommodate building services and vehicle access so that the primary frontages can be enhanced. Recommendations relating to the location and design of seating within the lobby and roof terrace are noted, however, it is considered that these are appropriately indicated on the assessment plans.

Environmental Sustainability

The development of a multi-level development offers a number of environmentally sustainable outcomes. These include the sharing of floors, walls and ceilings, which assist in the prevention of excessive heat gain and loss. This sharing of floors, walls and ceilings also makes efficient use of resources and building materials. A condition of permit will ensure an amended Sustainable Management Plan is provided in
accordance with the recommendations of Council’s ESD Officer, ensuring the nominated sustainable design initiatives are implemented appropriately.

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 and notes on any permit granted.

Common bin storage areas are included at ground floor level, which have been suitably separated into residential and commercial. Their operation will be further assisted by the incorporation of a loading and waste zone at ground level. Council’s Waste Strategy and Planning Officer had no objection to the submitted waste management plan.

3.3 Does the proposal comply with the requirements, precinct objectives and decision guidelines of the Activity Centre Zone?

Centre-wide and Precinct Objectives
The development accords with the relevant land use and development objectives at Clause 2.0 of Schedule 1 to the Activity Centre Zone (ACZ1) in consolidating the role of the Moonee Ponds Activity Centre as the principal activity centre for the municipality. The provision of active commercial frontages contributes to the development of the centre as a thriving retail, business and employment hub. The delivery of new dwellings in various sizes and configurations will supply diversity of housing choices in the centre. The proposal also complies with the objectives specific to Precinct 7, which encourage retail uses along Mt Alexander Road with residential uses above, as well as a progression in height between taller forms around the junction to the lower scale buildings further south.
The development meets the built form objectives of the Activity Centre and those specific to Precinct 7. A key consideration under the precinct built form objectives is the retention of the built form character on Mt Alexander Road in terms of small tenancies, first floor awnings and two to three storey shopfronts with parapets. The objective further states this may be done by limiting the width of new shopfronts to preserve the form and rhythm to the street. The proposal has achieved an outcome which strongly responds to this objective through five individual shopfront elements constructed in a light masonry finish, framed and capped to align with the established rhythm of neighbouring shopfronts as illustrated in Figure 6. The result is a contemporary architectural form strongly grounded in the immediate local context and a legible streetscape presentation. The functional layout of the building reflects this through the integration of the main entry lobby and individual retail tenancies with the shopfront elements, which ensures a meaningful contribution to the character and vibrancy of Mt Alexander Road.

The heights, setbacks and massing of the building achieve a comfortable fit within the context of surrounding built form, and will maintain a suitable transition to the lower scale built form that exists and is expected to the south. Horizontal and vertical elements are applied across the exterior of the building to achieve a coherent presentation as viewed in the round, i.e. from vantage points around the site. The proposal achieves a high standard of building design in its context, diversity of housing and environmentally sustainable design. The main entrance is oriented to the primary road frontage, with services and the vehicle access points fully concealed from each frontage within the Right of Way. The development incorporates an active use to the roof area through the communal terrace.
and also provides for upper level planting, improving the visual appearance and internal amenity of the building.

Precinct Height and Setback Requirements

Clause 4.4 of the ACZ1 sets out guidance for building setbacks and podium heights, as well as mandatory maximum building height requirements for all development within the centre.

The activity area is specifically located within sub-precinct 7C, which has a mandatory maximum building height of 20 metres. As described in Section 1.2 of this report, the proposal has been designed within the mandatory height limit with a proposed maximum height of 20 metres to the top of the parapet to the main building. There is some sloping of natural ground level toward the south-eastern corner of the site, and the parapet of the building appears to encroach (approximately 7cm) into the mandatory maximum height area on the sectional elevations. A condition of permit will require the submission of a separate plan, with detailed and accurate contours, illustrating the maximum overall height of the main building and its parapet to ensure the mandatory requirement is not exceeded.

Clause 4.4 of the ACZ1 provides an exemption for service equipment and associated structures, including plant rooms and lift overruns, installed on a roof of a building subject to the following criteria:

- No more than 50 per cent of the roof area is occupied by the equipment.
- The equipment is located in a position on the roof so as to minimise overshadowing of neighbouring properties and public spaces.
- The equipment does not extend higher than 3.6 metres above the mandatory maximum building height as specified in the precinct provisions at Clause 5 of this Schedule.
- The equipment is designed and screened to the satisfaction of the responsible authority.

The height and design of the roof service enclosure complies with the above criteria with setbacks ranging between 9.3 to 12.2 metres from each street frontage, 10.1 metres from the northern boundary and 3.77 metres from the southern boundary with the Right of Way. The structure has a maximum height of 3.6 metres above the main building and occupies an area of approximately 202 square metres. There is a secondary open service area to the south which is unenclosed by walls or roofing, which takes an area of 43.4 square metres. Together, both service enclosures occupy a total of 245.4 square metres or 20.49% of the 1,197.6 square metre roof area.

The roof is also occupied by an un-roofed communal terrace, which sits alongside the service areas. The metal fencing enclosing the terrace sits below the roof service structure, but above the mandatory height limit. Whilst the exemption for roof service equipment at Clause 4.4 of the ACZ1 does not apply to this enclosure, it also does not fall under the definition of ‘building height’ as it is interpreted under the Act. In the decision of Aitken
Properties Pty Ltd v Hobsons Bay City Council 2016, the Victorian Civil and Administrative Tribunal (VCAT) made the following finding:

‘The height of a building, particularly for planning assessment purposes, is essentially concerned with the primary built structure. It would be impracticable and incongruous for building height to be determined, for example, by reference to a television antenna sited on the rooftop. I agree with the permit applicant that building heights are simply not measured on such a basis. The definition of ‘building height’ is clearly intended to avoid such an anomalous outcome, and references the upper measurement point as being the roof or parapet, rather than the antenna that sits above the roofline.’

For the terrace enclosure to be considered part of the parapet of the building, it would need to be considered part of ‘any protective wall or barrier at the edge of a balcony, roof, bridge or the like’ in accordance with its ordinary definition within the Macquarie Dictionary. With the substantial setbacks from each edge of the roof (particularly from the street) it is not considered appropriate to consider the communal terrace enclosure as part of the ‘parapet’ of the building, and therefore would not affect the calculation of the maximum height under the zone. The determination that the roof terrace enclosure does not affect the calculation of maximum building height is therefore contingent on its recessive, ancillary nature as a structure.

As such, it is considered that the roof terrace space should meet the following parameters:

- The communal terrace should not include any roofing or any other structures which protrude above its enclosure;
- The communal terrace, together with any rooftop service equipment, should not take up more than 50% of the roof area;
- The setback of any enclosure to the communal terrace from the edge of the roof/parapet should be at least twice the height of the enclosure; and
- There are no other permanent enclosures, structures or roofed items within the communal terrace.

As mentioned above, the communal terrace is unroofed. The total area of the terrace is 220.2 square metres, which together with the rooftop service equipment will encompass an area of 465.6 square metres, or 38.87% of the overall roof area. The height of the enclosure surrounding the terrace is 1.5 metres and is set back at least 6.5, 5.02, 3.2 and 8 metres respectively from the northern, eastern, western and southern edges of the roof. There will be no other permanent structures within the communal terrace, which will only be occupied by planting and relocatable seating.

As such, it is considered the communal terrace is a permissible structure above the mandatory height requirement subject to a condition requiring annotations on the plans to correspond with the four points above.

With respect to setbacks, Clause 4.4 of the ACZ1 states that buildings should provide a podium form to the street through a zero metre front
setback for the first 11 metres in height from ground level. Built form above 11 metres in height should then be set back to avoid detrimental impacts on the amenity of the street.

A departure and reduction from this general podium height requirement is considered to be appropriate across the eastern frontage of the building as this is due to the treatment of the street wall which was in response to the double storey shopfront character of Mt Alexander Road. To Ascot Vale Road, the development presents a three storey podium with a maximum height of approximately 9.6 metres. Whilst slightly below the preferred 11 metre height, the podium will sit comfortably alongside the two storey buildings either side, achieving an appropriate scale and level of activation to the streetscape.

The setbacks provided to the levels above from both street frontages, as well as side boundaries, ensure there would be no unreasonable detriment to the public realm.

In light of the above, the proposal is considered to address the relevant decision guidelines at Clause 37.08-9 as well as those under Clause 8.0 of the ACZ1.

3.4 Is the provision and design of car parking and bicycle facilities acceptable?

Clause 52.06 (Car Parking)

The applicable car parking rates for the application are at Column B of Clause 52.06-5, as the subject site is located within the Principal Public Transport Network (PPTN) catchment area.

A summary of the car parking requirements for the proposal is set out in the table below:

**Table 3**

<table>
<thead>
<tr>
<th>Component</th>
<th>Requires</th>
<th>Provides</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 x one-bedroom dwellings</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>39 x two-bedroom dwellings</td>
<td>39</td>
<td>39</td>
</tr>
<tr>
<td>3 x three-bedroom dwellings</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Retail premises (703m²)</td>
<td>24</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>84</strong></td>
<td><strong>67</strong></td>
</tr>
</tbody>
</table>

The proposal seeks a reduction of 17 spaces for the retail component.

The reduction in parking provision to the retail component is considered acceptable. The reduction to the car parking requirement is appropriate given the strategic location of the development within Moonee Ponds Activity Centre, with excellent access to various modes of public transport (one train, two trams and 13 buses).

The submitted Traffic Engineering Assessment anticipates a parking demand of one space per 100 square metres of retail area for staff, given
the location of the site and the potential for multi-purpose trips within the centre. Five of the seven spaces provided are along the Right of Way at ground level where they are conveniently accessible and visible from Ascot Vale Road, with the remaining two located at the first basement level opposite the lifts and stairs. The submitted parking surveys indicate that, whilst limited, there is availability of parking suitable for overflow customer use within walking distance of the site. It is also noted that the subject site achieves a ‘walk score’ of 99 out of 100 further illustrating the accessibility of the site and the likelihood of multi-purpose trips, which lends support to the reduction sought.

The application was referred to Council’s Traffic and Transport Unit, which had no objection to the reduction in car parking but made recommendations relating to the design of the car park and access arrangements. These have been addressed through the amended plans submitted on 29 November 2018 (Attachment B – separately circulated), mainly through the provision of a loading area at ground level as well as through several minor improvements to the design. These plans will be incorporated through a condition of permit whilst a separate condition will require a Car Parking Management Plan ensuring the operation of the car park and accessways will be satisfactory.

Clause 52.29 (Land Adjacent to a Road Zone, Category 1)

Compliance with this provision is achieved, with the Road Corporation (VicRoads) having no objections or requirements for any conditions of permit.

An informal suggestion was made to give notice of the application to Transport for Victoria due to potential impacts on public transport infrastructure however, notice of this application cannot be given due to the exemptions outlined in Section 2.4 of this report.

It is also noted that the proposal falls short of the threshold referral requirements for Transport for Victoria at Clause 66.02-11 of the Moonee Valley Planning Scheme as it involves less than 60 dwellings, less than 4,000 square metres of leasable retail area and does not involve any alteration of public transport infrastructure.

Clause 52.34 (Bicycle Facilities)

A summary of the bicycle facilities requirement is set out in the table below:

**Table 4**

<table>
<thead>
<tr>
<th>Use</th>
<th>Requires</th>
<th>Provides</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>Residential visitors</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Retail employees</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Retail visitors</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>20</strong></td>
<td><strong>23</strong></td>
</tr>
</tbody>
</table>
The development exceeds the required provision for bicycle facilities, located in a conveniently accessible manner. Angled visitor bicycle spaces with improved accessibility along the Right of Way are provided in the amended plans (Attachment B – separately circulated) as well as one horizontal space in the main bicycle storage area off the lobby, in response to recommendations made by Council’s Traffic and Transport Unit.

3.5 Does the proposal comply with the requirements of Clause 58?

The proposal is considered to generally comply with the provisions of Clause 58 as set out in the assessment table (refer to Attachment C). The following points of exception, where the standard has not been met, are discussed in the following table:

Table 5

<table>
<thead>
<tr>
<th>Design Standard</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 58.03-5</td>
<td>The proposal does not provide the required deep soil area of 10% of the site (160.8 square metres) specified in Table D2. There are vegetated planter boxes provided in front of the third level apartment balconies facing the street as well as the roof terrace. There is also a ground level landscaped area (approx. 60 square metres) around the lobby, with two light wells above and capacity for small trees, shrubs and climbers. Whilst the proposed planting does not achieve an equivalent canopy cover to the required coverage of 10% in Table D2, it will achieve a response which is appropriate to the proposal and compatible with the immediate surrounds. The context is characterised by commercial built form with limited on-site landscaping. The proposal will achieve a good level of internal amenity for the building through a response which is compatible with the landscape character of the area. It is considered the proposal meets the objectives and decision guidelines of this clause.</td>
</tr>
<tr>
<td>Standard D10 Landscaping</td>
<td></td>
</tr>
<tr>
<td>Clause 58.04-1</td>
<td>The proposal is considered to provide appropriate setbacks as discussed throughout this report, particularly having regard to the preferred podium heights and building setbacks at Clause 4.4 of Schedule 1 to the Activity Centre Zone. Setbacks from side boundaries at each level ensure adequate outlook, access to daylight and facilitate positive connections to the public realm. There are generally no opportunities for direct views to habitable room windows or private open</td>
</tr>
<tr>
<td>Design Standard</td>
<td>Response</td>
</tr>
<tr>
<td>-----------------</td>
<td>----------</td>
</tr>
<tr>
<td>space areas of existing dwellings, with the exception of apartments at the south-western corner of the building which face the Right of Way. Adjacent to this interface is a seven storey building currently under construction (350 Ascot Vale Road), with unscreened balconies and habitable room windows which are within 6-7 metres of those of the proposed building. Using Standard B22 of Clause 55.04-6 (Overlooking) as guidance, screening would be required to prevent direct overlooking within a distance of 9 metres. It is therefore, considered reasonable to require new balconies and habitable room windows at the south-western corner to be designed to limit direct views, protecting the amenity of future residents within both buildings. A condition of permit will address this issue.</td>
<td></td>
</tr>
<tr>
<td>Clause 58.04-3 Standard D16 Noise impacts</td>
<td>The layout and design of the proposal generally meets the requirements of this clause, with limited opportunities for internal transmission of noise and building services located remotely in a roof plant enclosure. A condition of permit will require the submission of an acoustic assessment of external noise sources to the building, such as the live music venue located to the north of the site (593-597 Mt Alexander Road), along with the incorporation of any recommended attenuation measures.</td>
</tr>
<tr>
<td>Balconies to 50 of the 54 one or two-bedroom dwellings are provided with balcony areas exceeding the minimum 8 square metres and with minimum internal dimensions of at least 1.8 or 2 metres as required by Table D5. Two of the three-bedroom dwellings each have a 12 square metre balcony with a minimum dimension of 2.4 metres. Terraces on the level one podium to Mt Alexander Road are generally over the minimum of 15 square metres required by the standard, with the exception of the north-eastern two-bedroom dwelling which is recessed further into the building to achieve the open light-well above the primary residential entry point. With an area of 8.9 square metres, it is considered that a suitable level of amenity will be provided and a variation is acceptable. Terraces to three two-bedroom dwellings on the</td>
<td></td>
</tr>
<tr>
<td>Design Standard</td>
<td>Response</td>
</tr>
<tr>
<td>-----------------</td>
<td>----------</td>
</tr>
<tr>
<td></td>
<td>level three podium facing Ascot Vale Road are provided with areas of between 8.7 to 10.4 square metres which fall short of the 15 square metres required by the standard. This is considered an appropriate outcome as the recession of these balconies assists in achieving the three storey street wall desired under Schedule 1 to the Activity Centre Zone, and will provide adequate amenity and outlook for residents. One of the three-bedroom dwellings is not provided with a balcony of at least 12 square metres. It is provided with two balconies on either side of the living area, one being 10.4 square metres and the other 8.9 square metres. Whilst this technically does not meet the standard, the objective is considered to be met as each balcony is of an acceptable size and their positioning around the internal living space will provide excellent internal amenity and outlook. It is also noted that the site is within walking distance of Queens Park, approximately 400 metres to the north, which provides recreation and leisure opportunities for all residents of the building.</td>
</tr>
<tr>
<td>Clause 58.05-4</td>
<td>Each dwelling is provided with the minimum required amount of storage outlined in Table D6, with many apartments meeting this requirement through internal space only. For other dwellings that have external storage areas, a condition of permit will ensure that their allocation is clearly noted on the plans and that their capacity accords with this standard.</td>
</tr>
<tr>
<td>Standard D20 Storage</td>
<td></td>
</tr>
</tbody>
</table>

4. **Human Rights**

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

5. **Council Plan/Policy**

In presenting this report to Council, it is achieving its strategic objective to ensure there is clear direction for growth and proactive management of development in the city in accordance with MV2040 Strategic Direction 18: A City of High-quality Design.
6. **Conclusion**

The application has been assessed against the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zoning controls and the relevant provisions of the Moonee Valley Planning Scheme. It is considered the proposal demonstrates compliance with the requirements of these provisions and policies.

It is recommended Council issue a Planning Permit in accordance with the conditions contained within the recommendation section above.

**Attachments**

A: Plans (separately circulated)
B: Amended Plans (separately circulated)
C: Apartment Developments Assessment (separately circulated)
**10.2** 15 Clarence Street, Flemington (Lot 1 on TP568421S) - Construction of a dwelling on a lot less than 300 square metres and a reduction in carparking requirements

**Author:** Susan Wlodarczyk - Coordinator Statutory Planning  
**Directorate:** Planning and Development

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/12/2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal</td>
<td>Construction of a double storey dwelling on a lot less than 300 square metres and a reduction in the carparking requirements</td>
</tr>
<tr>
<td>Applicant</td>
<td>Nick Andonovski</td>
</tr>
<tr>
<td>Owner</td>
<td>C T K Tran and Mr K B Tran</td>
</tr>
<tr>
<td>Planning Scheme Controls</td>
<td>General Residential Zone</td>
</tr>
</tbody>
</table>
| Planning Permit Requirement | Clause 32.08-5 – Construction of a dwelling on a lot less than 300 square metres.  
Clause 52.06 – Reduce the number of carparking spaces. |
| Car Parking Requirements (Clause 52.06) | Required: 2 car spaces  
Provided: 0 car spaces |
| Bicycle Requirements | N/A |
| Restrictive Covenants | None |
| Easements | None |
| Site Area | 161 square metres |
| Number Of Objections | 17 |
| Consultation Meeting | 30 September 2018 |
Executive Summary

- The application seeks planning approval for the construction of a double storey dwelling on a lot less than 300 square metres and a reduction in the carparking requirements.

- The site has an area of 161 square metres and is located on the western side of Clarence Street, Flemington. The site is occupied by a single storey weatherboard dwelling, with the absence of carparking on site.

- The application was advertised twice (see Section 2.4 for further details), with a total of 17 objections received. Objector concerns related to neighbourhood character, noise, amenity impacts, carparking and traffic.

- A Consultation Meeting was held on 20 September 2018, attended by Councillor Marshall, objectors, the permit applicant and Council’s Planning Officer.

- As a result of discussions at the Consultation Meeting, the applicant amended the plans via Section 57A of the Planning and Environment Act 1987. The submitted changes included alterations to materials, setbacks, internal reconfigurations, boundary wall locations and rectification of Natural Ground Levels. These amended plans were not re-advertised.

- The application was referred to Council’s Traffic and Transport Unit, Environmental Sustainable Development Officer and Heritage Advisor, given the site is covered by a Heritage Gap Study. There was no concerns raised by these departments.

- The proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme. It proposes an appropriate infill residential development in a well-established area, which is close to the Racecourse Road commercial precinct and a public transport network.

- The proposal achieves a high level of compliance against the standards of ResCode with a number of non-compliances relating to on and off site amenity impacts, energy efficiency and site coverage. These matters will be addressed through conditions on any permit issued or justification provided for a variation.

- Subject to the modifications, this assessment report finds the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme and recommends that the proposal be supported subject to conditions.
Recommendation

That Council issues a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/12/2018 for the Construction of a dwelling on a lot less than 300 square metres and a reduction in carparking requirements at 15 Clarence Street, Flemington (Lot 1 on TP 568421S), subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
   a) The first floor to be setback 5.45 metres from the front (eastern) boundary;
   b) Any internal reconfiguration as a result of Condition 1 a);
   c) A 1.8 metre high (minimum) fence along the northern and southern boundaries;
   d) The sill height of the first floor window on the northern elevation to comply with the requirements of Clause 54.06-4 (Overlooking) of the Moonee Valley Planning Scheme;
   e) The skylights provided to bedroom 2 to be notated as being openable;
   f) An elevation plan of the rear roller door, including overall heights and construction material;
   g) The relevant setbacks of the ground and first floor from all relevant title boundaries;
   h) The first floor window proportions along the eastern elevation to be increased in size to reflect the locality.
   i) A schedule of all external material and finishes. The schedule must show the material, colour (including colour samples) and finishes of all external

Figure 1: Aerial photo of the subject site and surrounds
walls, roof, fascias, window frames, fences and paving. The selected external materials and colours to be in accordance with the Inner Urban 1 neighbourhood character precinct profile. The following modifications are also to be included:

i. The roof to be either Colorbond “Dune” or “Woodland Grey”.

j) All permeable and non-permeable areas as per the nominated STORM report; and

k) All stormwater treatment measures and their associated annotations in accordance with the amended STORM Report as required by Condition 3.

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

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

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

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

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

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

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

6. A maximum 30 days following completion of the development, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:

a) Inspection frequency;

b) Cleanout procedures;

c) As installed design details/diagrams including a sketch of how the system operates; and

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

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

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

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

9. 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.

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

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

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

**Permit Notes**

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

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

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

1.1 Subject Site and Surrounds

The site is located on the western side of Clarence Street, Flemington. The site is rectangular in shape, has a frontage to Clarence Street of 7.3 metres and a length of 22.1 metres, with an overall area of 161 square metres. The site contains a single storey weatherboard dwelling, with a corrugated iron roof form. The dwelling is not provided with any carparking and a front fence extends along the dwelling frontage.

![Figure 2 – View of the subject site, 15 Clarence Street, Flemington](image)

The site and surrounds are located within a General Residential Zone. The locality is derived by fine grain subdivision, with dwellings being predominantly single storey in scale. There are examples of double storey terrace housing and first floor additions in the wider locality, being in Marshall and Glance Streets.

Dwellings are predominantly constructed of weatherboard or cladding, with pitched roof forms. The absence of carparking structures to the street and front fencing are also strong features of the locality.

The site is located approximately 63.6 metres north of Racecourse Road, which is a nominated Category 1 Road and is serviced by tram and bus routes. Properties along the northern side of Racecourse Road are located within a Commercial 1 Zone and are developed with various commercial premises.

1.2 Proposal

The proposal seeks planning approval for the construction of a double storey dwelling. The proposal can be summarised as follows:
Table 1

<table>
<thead>
<tr>
<th>Table 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>No of car spaces</td>
</tr>
<tr>
<td>Max Building Height</td>
</tr>
<tr>
<td>(Mandatory 11m)</td>
</tr>
<tr>
<td>Site Coverage</td>
</tr>
<tr>
<td>Permeability</td>
</tr>
<tr>
<td>Garden Area</td>
</tr>
</tbody>
</table>

Refer Appendix A Plans.

The application was amended after the initial advertising period via the provisions of Section 57A of the Planning and Environment Act 1987 to include the reduction in carparking associated with the construction of a dwelling on the site.

The application was amended again under Section 57A of the Planning and Environment Act 1987 after the Consultation Meeting, which resulted in changes to the plans, which can be summarised as:

- Alterations to materials (including replacing the brick façade with timber) and setbacks;
- Centralised first floor;
- Removal of the courtyard abutting the southern boundary and replaced with a boundary wall;
- The provision of skylights to bedroom 2;
- Internal reconfiguration;
- Alterations to the ground floor roof and window type on the eastern elevation;

Refer Appendix D Plans (separately circulated).

2. Background

2.1 Relevant Planning History

There is no relevant planning applications relevant to this site.

2.2 Planning Policies and Decision Guidelines

Planning Policy Framework

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

Local Planning Policy Framework

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

Zoning  
Clause 32.08  General Residential Zone  

Overlays  
Nil  

Particular and General Provisions  
Clause 52.06  Car parking  
Clause 53.18  Stormwater Management in Urban Development  
Clause 54  One dwelling on a Lot  
Clause 65  Decision Guidelines  

2.3 Referrals  

External Referrals  
N/A  

Internal Referrals  
The following internal referrals were undertaken:  

<table>
<thead>
<tr>
<th>Department/Officer</th>
<th>Conditions/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic and Transport</td>
<td>No objection.</td>
</tr>
<tr>
<td>Environmental Sustainable Design (ESD) Officer</td>
<td>No objection, subject to standard conditions.</td>
</tr>
<tr>
<td>Heritage</td>
<td>No objection subject to conditions relating to construction materials.</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 property owners and occupiers and two signs were displayed on site for 14 days.  

As a result of this procedure, two objections were received from the following property:  
• 13 Clarence Street, Flemington (x2)  
The application, which was amended via the provisions of Section 57a of the Planning and Environment Act 1987 was re-advertised by way of mail to adjoining property owners and occupiers, those who already objected and two signs were displayed on site for 14 days.
As a result of this procedure, an additional 15 objections were received. A list of those properties can be found in Appendix B.

The application, which was amended via the provisions of Section 57a of the *Planning and Environment Act 1987* resulted in changes to the built form. It is considered that the re-advertising of these plans was not warranted in this instance, particularly given the changes, including the new boundary wall was as a result of discussions at the consultation meeting.

A response to the objections is provided in Section 3.5 of this report.

### 2.5 Consultation Meeting

A Consultation Meeting was held on 20 September 2018, attended by Cr Marshall, objectors, the permit applicant and Council’s Planning Officer.

As a result of discussions at this meeting, the applicant amended the built form of the dwelling, including a new southern boundary wall in lieu of the courtyard. The changes have previously been discussed in Section 1.2 of this report.

### 3. Discussion

#### 3.1 Does the proposal address the relevant Planning Policy Framework, including Local Planning Policies?

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

Whilst the subject site is not covered by a Heritage Overlay, the site is currently under consideration by way of Heritage Gap Study. Council’s Heritage Advisor has no objections to the proposed demolition and development, subject to the brickwork being replaced with timber block work and a suitable roof colour provided.

The proposal generally complies with the environmental sustainable design principals regarding STORM, subject to any conditions on permit, including the submission of a new STORM report, given the alterations to the roof form.

The proposal accords with the objectives of Clause 21.04-7 (Waste) of the Moonee Valley Planning Scheme and can be adequately catered for by Council’s waste collection service.
3.2 Does the proposal accord with the relevant character of the area?

The subject land is identified as being within character area ‘Inner Urban 1’ within the Moonee Valley Neighbourhood Character Precinct Profiles 2012.

The development is considered a suitable response to the immediate context and the preferred character statement of the precinct as follows:

- The proposed development proposes a building envelope and setbacks which are consistent with the pattern of development which has occurred in the immediate locality. Whilst a boundary to boundary development is proposed, it respects the existing streetscape whereby there are examples of such built form.

- Clarence Street is single storey in scale, with double storey forms located in the wider locality. The development proposed is two storey in scale, with the first floor setback 4.88 metres from the Clarence Street frontage, behind the hipped roof form of the ground floor.

It is considered that given the streetscape is predominantly single storey, any first floor should have a minimal impact on the streetscape. The setback proposed through the amended plans (Section 57a) moves the first floor setback closer to the street from that originally advertised (a 5.4 metre setback). It is therefore considered that a setback of 5.4 metre is more appropriate to better integrate the development into the streetscape and ensure that the first floor is not a dominant feature in the locality. As such, a condition of any permit issued will require the first floor setback to Clarence Street to be reinstated to 5.4 metres.

To the rear, the development proposes an articulated form when viewed from adjoining properties and therefore maintains the low scale development within the rear corridor.

- The development is provided with porch treatments and a variety of materials and finishes and will present a visually interesting built form to this streetscape. The use of weatherboard will reflect the predominant construction material of the locality.

The window design adds a contemporary element to the dwelling to distinguish the new built form, whilst also gesturing the design detail of the locality. However, it is considered that the windows on the first floor, eastern elevation needs to be enhanced to better reflect its position, having exposure to the streetscape. A condition of any permit issued will require this alteration.

- The pitched Colorbond roof respects the existing roofing style and material in Clarence Street.

- Sufficient areas within the front and rear setbacks have been provided for a landscaping response to contribute to the character of the area.

- Appropriate low front fencing is provided, which will maintain views of the landscaped frontage.
The absence of any carparking on site is considered acceptable and reflects the absence of carparking structures on allotments in the locality. The proposal does provide a roller door fronting the rear Right of Way, which is considered to reflect the built form which occurs along Right of Ways. A condition of any permit issued will require an elevation of such roller door.

3.3 Does the proposal comply with Clause 52.06 (Car Parking)?

A summary of the carparking requirements for the proposal is set out in the table below:

Table 3

<table>
<thead>
<tr>
<th>Use (dwelling)</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 x 4 bedroom dwelling</td>
<td>2</td>
<td>0</td>
</tr>
</tbody>
</table>

The reduction in carparking has been reviewed and supported by Council's Traffic and Transport Unit for the following reasons:

- The existing three bedroom dwelling is not provided with any car parking spaces and therefore there is no change to the existing conditions on site.
- There is the availability of public transport in the locality and well within walking distance.
- The site has convenience of pedestrian and cyclist access to the site.

3.4 Does the proposal comply with the requirements of ResCode?

The proposal is considered to generally comply with the provisions of Clause 54 as set out in the assessment table (Refer to Appendix C).

The following points of exception are assessed below:

Table 4

<table>
<thead>
<tr>
<th>ResCode</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 54.02-1 (Standard A1 – Neighbourhood Character)</td>
<td>See Section 3.2 for discussion.</td>
</tr>
<tr>
<td>Clause 54.03-1 (Standard A3 – Street Setback)</td>
<td>The proposal requires a setback of 2.2 metres in lieu of the 2.45 metres as required by this standard. A variation of 0.25 metres is acceptable, as the minor encroachment will not have a visual impact when viewed from the Clarence Street frontage and is consistent with the prevailing setback pattern of Clarence Street. As such a variation is considered acceptable in this instance.</td>
</tr>
<tr>
<td>ResCode</td>
<td>Response</td>
</tr>
<tr>
<td>---------</td>
<td>----------</td>
</tr>
</tbody>
</table>
| Clause 54.03-3  
(Standard A5 – Site Coverage) | The development proposes to exceed the nominated 60% site coverage as required by this standard, through proposing a site coverage of 75%. Clarence Street exhibits dwellings with high site coverage given the inner city area to which it is located, where it is not uncommon for developments to have a higher site coverage. As such a variation is considered acceptable in this instance, especially given the small nature of the allotment. |
| Clause 54.03-5  
(Standard A7 – Energy Efficiency) | The development is not afforded any north facing windows due to the boundary to boundary nature of the development. However, the dwelling is provided with a large west facing window which will allow for sufficient daylight into the main habitable room of the dwelling. |
| Clause 54.04-1  
(Standard A10 – Side and Rear Setbacks) | The proposed first floor setback to the northern and southern boundaries does not comply with the requirements of this standard. A setback of 1.61 metres is provided in lieu of the required 1.63 metres. The variation is considered acceptable in this instance, given the minor nature of the variation and as it will not negatively impact upon the amenity of adjoining properties or the character of the streetscape. |
| Clause 54.04-2  
(Standard A11 – Walls on Boundary) | The wall heights along both the southern and northern boundaries comply with the requirements of this standard. The walls’ construction on the northern and southern properties boundary do not comply with the Standard in terms of length. The walls are proposed to be 16.4 metres in length, in lieu of the required maximum of 13 metres. The locality is derived by similarly constructed wall lengths on boundary. As such a variation is considered acceptable in this instance. Whilst the wall on the southern boundary does not allow compliance with the north facing window provisions, it is considered an acceptable encroachment in this instance. |
| Clause 54.04-4  
(Standard A13 – North Facing Windows) | The proposal does not meet the requirements of this standard as, the development has been constructed on the southern boundary at ground level. The first floor setback is also a |
noncompliance. However, it is considered acceptable to vary the standard, given that the development does not vary the existing conditions on site which already see a wall associated with the existing dwelling constructed on the boundary and as such minimises daylight into this habitable room window. Further discussion on this matter can be found at Section 3.5.

Clause 54.04-6 (Standard A15 – Overlooking)

The development is largely compliant with the requirements of this standard, as ground floor levels do not exceed 800mm. At first floor, all windows face adjoining residential properties are provided with raised sill heights. A condition of any permit issued will ensure that these sill heights comply with the requirements of this standard.

There has however, been no details provided regarding the side boundary fencing. A condition of any permit issued will require the northern and southern boundary fencing to be a minimum of 1.8 metres in order to meet the requirements of this standard.

3.5 Objections

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

Table 5

<table>
<thead>
<tr>
<th>Issue</th>
<th>Officer Response</th>
</tr>
</thead>
</table>
| The proposal presents with high site coverage and is an overdevelopment | **Concern: site coverage**  
The proposal has a site coverage of 75%, which is a slight variation from the requirement of 60% as required by the Moonee Valley Planning Scheme. This variation is considered acceptable as high site coverage is characteristic of this part of Flemington.  
**Concern: overdevelopment**  
The proposal is considered to achieve a suitable balance between the expected housing growth and the preferred character of the area, and represents an appropriate level of intensification in this context. |
| Neighbourhood character, including construction |  
- As discussed under Section 3.2 of this report, the development is considered to be an appropriate design response subject to some conditional changes. |
<table>
<thead>
<tr>
<th>Issue</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>materials and building height</td>
<td>Further, the development meets the maximum height provisions of the General Residential Zone and a double storey form is a common characteristic of a residential area.</td>
</tr>
<tr>
<td>Noise Impacts</td>
<td>The subject site is located within a residential area and normal levels of noise are anticipated to be generated by one residential dwelling.</td>
</tr>
<tr>
<td>Inadequate side setbacks</td>
<td>Refer to Section 3.4 of this report.</td>
</tr>
<tr>
<td>Overshadowing</td>
<td>The development complies with the requirements of Clause 54.04-5 (Overshadowing) of the Moonee Valley Planning Scheme by ensuring that there is a minimum of 5 hours of sunlight available to the rear private open space of the adjoining property.</td>
</tr>
<tr>
<td>Overlooking</td>
<td>Refer to Section 3.4 of this report.</td>
</tr>
<tr>
<td>Impact on daylight to windows, including north facing windows</td>
<td>Discussions at the consultation meeting largely centred around the impact on the amenity of the adjoining property to the south, in particularly the provision of the courtyard. This had the potential to create undue noise impacts. A resolution at the consultation meeting was for this courtyard to be deleted and the wall constructed on the boundary. Whilst there is noncompliance with the Clause 54 standard relating to north facing windows, the outcome for the residents from this amenity impact outweighed the compliance with the north facing window provision.</td>
</tr>
<tr>
<td>Walls constructed on boundary</td>
<td>Refer to Section 3.4 of this report.</td>
</tr>
<tr>
<td>Carparking/Traffic</td>
<td>The proposed development, providing for no carparking on site was considered satisfactory by Council’s Traffic and Transport Unit, given the existing conditions on site exhibit the same conditions.</td>
</tr>
<tr>
<td>Loss of Heritage dwelling</td>
<td>There has been no objection received from Council’s Heritage Advisor regarding the loss of the dwelling and the proposed new dwelling on site is considered to reflect the locality in its form and material, subject to conditions on any permit issued.</td>
</tr>
</tbody>
</table>

4. **Human Rights**

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

In presenting this report to Council, it is achieving its strategic objective to ensure there is clear direction for growth and proactive management of development in the city in accordance with MV2040 Strategic Direction 18: A City of High-quality Design.

6. **Conclusion**

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

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

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

**Attachments**

A: Advertised Plans (separately circulated)
B: Objectors List (separately circulated)
C: ResCode Assessment Table (separately circulated)
D: Amended Plans - Section 57a (separately circulated)
10.3 Citizenship Ceremony

Author: Natalie Reiter - Director Planning and Development

Directorate: Planning and Development

1. Purpose

1.1 To provide an update on the January 26 Citizenship Ceremony; guidance on future ceremonies; and to note the revised Australian Citizenship Ceremonies Code was reviewed by the organisation and no feedback is required.

2. Background

2.1 At its Ordinary Meeting of 28 August 2018, Council reviewed its approach to activities held on and around 26 January as part of the Reconciliation Policy and Action Plan update report, agreeing to reconciliation activities to respectfully acknowledge 26 January in partnership with Wurundjeri Council and the community. Further, at its Ordinary Meeting on 10 July 2018, Council received a report on Events & Festival Review and agreed to take a neighbourhood, placed based approach to events.

2.2 On Monday, 14 January, an email was received from the Citizenship Ceremonies Team offering the opportunity for providing feedback to the revised ‘Australian Citizenship Ceremonies Code’ by 28 February 2019. This code introduced the requirement to hold a Citizenship Ceremony on Australian Citizenship Day (September 17).

3. Issues

3.1 On 26 January 2019, Council held what many considered to be one of the best ever held at Moonee Valley. The day was made special by all speakers acknowledging January 26 means different things to different people and what is extremely important, is having respect for those different meanings.

3.2 The revised Australian Citizenship Ceremonies Code which was released for comment on 14 January 2019 has been reviewed by Officers and no feedback is considered required. Most of the media attention relating to the revised code centred on the dress code. Having regard for the dress code, the document states: “dress code is to be set by individual Councils. The attire of attendees at Citizenship Ceremonies should reflect the significance of the occasion”. As an operational matter, consideration will need to be had for guidance on dress code; consequences for non-adherence; and who will be responsible for communicating the guidelines around dress code.

3.3 The code introduces a requirement to hold a Citizenship Ceremony on Australian Citizenship Day (September 17) and to avoid scheduling ceremonies on Parliamentary sitting days. This may mean some rescheduling of Council’s calendar as for example, this year, September 17 is a Tuesday and would mean the Public Forum and Briefing may need to be shifted. Into the future, we are looking forward to hosting Citizenship Ceremony...
Ceremonies in neighbourhoods other than Moonee Ponds in order to bring this opportunity of becoming ‘an Australian’ in one’s own local neighbourhood.

Recommendation

That Council resolves to

a. Agree the revised Australian Citizenship Ceremonies Code does not require feedback to be provided.

b. Request the CEO to consider the calendar changes required to facilitate a Citizenship Ceremony on September 17 each year.

Attachments

A: Impact assessment
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 Fulfil MV2040 Theme 1: for a ‘Fair’ Moonee Valley (Qeente Boordup).
   1.2 At its Ordinary Meeting of 28 August 2018, Council reviewed its approach to activities held on and around 26 January as part of the Reconciliation Policy and Action Plan update report, agreeing to reconciliation activities to respectfully acknowledge 26 January in partnership with Wurundjeri Council and the community. Further, at its Ordinary Meeting on 10 July 2018, Council received a report on Events & Festival Review and agreed to take a neighbourhood, placed based approach to events.
   1.3 On Monday, 14 January, an email was received from the Citizenship Ceremonies Team offering the opportunity for providing feedback to the revised ‘Australian Citizenship Ceremonies Code’ by 28 February 2019. This code introduced the requirement to hold a Citizenship Ceremony on Australian Citizenship Day (September 17).

2. Legislative obligations
   2.1 Revised Australian Citizenship Ceremonies Code which must be followed.

3. Legal implications
   3.1 Nil.

4. Risks
   4.1 Reputational risk associated with current media regarding Citizenship Ceremonies.

5. Social impact assessment
   5.1 Through the respectful way Moonee Valley’s Citizenship Ceremonies are held, we provide leadership to address discrimination, violence and racism directed towards our diverse community and foster awareness and understanding of diversity in our community.

6. Economic impact assessment
   6.1 Nil.

7. Environmental impact assessment
   7.1 Nil.

8. Reputational impact assessment
   8.1 Reputational risk associated with current media regarding Citizenship Ceremonies.
9. Financial implications
   9.1 Hosting of ceremonies is funded within the Operational Events Budget with staff from the events team working with staff from Community Planning to orchestrate and deliver the events.

10. Sensitivity / scenario analysis
    10.1 Nil.

11. Conflict of interest declaration
    11.1 No officer involved in the preparation of this report has any direct or indirect interest in this matter or the decision.

12. Consultation undertaken or planned
    12.1 Consultation not required.
10.4 Community Facility Management Policy Update

Author: Craig Dodson - Community Planning Officer
Directorate: Planning and Development

1. Purpose

1.1 To provide a 12 month progress report on the implementation of the Community Facility Management Policy as requested per Council resolution, 27 February 2018.

2. Background

2.1 At its Ordinary Meeting on 22 August 2017, Council adopted the Community Facility Management Framework as the operational policy, which included management aims, objectives and booking prioritisation. Appendix B.

2.2 The Community Facilities Management Framework was introduced to deliver equitable outcomes for community groups in hiring Council’s facilities. From 1 January 2018, a consistent process was introduced aligning the timing of decision for access to community facilities, consistent fees and charges across different facilities and consistent communication across the variety of community groups in Council’s facilities. Consideration was given for local community groups and community groups who supported vulnerable populations.

2.3 As Council transitioned to the new operational arrangements an engagement and transition plan was delivered to communicate and manage changes with existing regular hirers of facilities under the policy.

3. Issues

3.1 The introduction of the new policy and schedule of booking rates has not resulted in a loss of regular hirers. A small number of regular hirers have cancelled their bookings from 2017 to 2018, however, this has been due to declining membership.

3.2 All groups have been able to set up adequate financial processes and subsequently pay invoices as required. The pensioner groups that had not been previously required to pay fees, and who objected to the new policy, have transitioned to the new fees and charges successfully.

3.3 The introduction of the new policy has resulted in the modification of bookings for several groups, which has resulted in better usage of facilities and allowing new groups to access facilities. Revenue raised from the hire of Council facilities has reduced as preference and financial subsidy is given to groups supporting vulnerable populations.

3.4 In 2018, work begun to open up sports pavilions for broader community use. While further planning and promotion in this area will take place in 2019 there has been positive progress with YMCA now hiring Fairbairn
Park pavilion for program activities and Strathmore Secondary College hiring Cross Keys Reserve pavilion for terms 1 and 2.

Recommendation

That Council resolves to:

a. Request the Chief Executive Officer to continue to implement the Community Facility Management Policy as per Council resolution, 27 February 2018.

Attachments

A: Impact Assessment
B: Community Facility Management Policy (separately circulated)
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan

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

Objective 3.1 Priorities 3.1.1.2 Develop and simplify the booking system for community spaces.

Objective 1.2 Priorities 1.2.1.9 Improve access to and use of community facilities, particularly to vulnerable communities and community groups that service Moonee Valley population.

Objective 2.3 Priorities 2.3.1.7 Review community facility management practices to maximise use and council's return on investment.

The Community Facility Management Policy addresses the following MV2040 commitments:

Fair Theme STRATEGIC DIRECTION 2: A city with a dynamic network of accessible community facilities and services

OBJECTIVE 2.2 Provide an accessible network of community facilities

2. Legislative obligations

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

3. Legal implications

Nil.

4. Risks

The main risk was in relation to reputational impact. See point 8, reputational impact assessment for further information.

5. Social impact assessment
The policy aims to improve access to, and use of, facilities. It seeks to ensure that all hirers have the same opportunity to use and benefit from these facilities and services, particularly vulnerable communities and community groups servicing local residents.

The new fees and charges schedule in the policy ensures that there is consistency in the hiring rates across Council managed facilities. Each customer will be treated the same across each facility. Council provide a subsidy on the standard room hire rate to all community groups.

Hirers are eligible to receive a further subsidised rate if they are an organisation or group whose charter directly services low or no income earners.

6. Economic impact assessment
   Nil.

7. Environmental impact assessment
   Nil.

8. Reputational impact assessment
   The development of the policy and transition to a new fees and charges schedule resulted in a moderate reputational risk to Council with negative local media coverage and a community form (facilitated by the Office of Bill Shorten) in 2017 following the announcement of the new policy. Issues were managed with individual groups via an engagement and transition plan implemented by officers and there has been no further media coverage on the issue since 2017.

9. Financial implications
   The fees and charges for regular hirers are approved in the Council Budget process. Fees are based on the hire of facility by one group, not charged per person used.

10. Sensitivity / scenario analysis
    Nil

11. Conflict of interest declaration
    No officer involved in the preparation of this report have any direct or indirect interest in this matter or the decision.

12. Consultation undertaken or planned
    Prior to the new Community Facility Management Policy being implemented in 2018, an engagement and transition plan was delivered in 2017 to communicate and manage changes with existing hirers of Council facilities (as well as council departments). A specific transition plan was developed for each regular hirer (145 in total).
Council held five community information sessions between Monday 2 October and Thursday 19 October 2017 to provide further information about the new framework. The information sessions were well attended with 45 groups out of the 145 regular hirers of Council facilities and over 200 people attending.

Throughout 2018 Council officers have continued working with groups to minimise any negative impacts from the implementation of the new framework.
10.5 Shuter St update

Author: Belinda Stewart - Manager Family and Children's Services
Directorate: City Services

1. Purpose

1.1 The purpose of this report is to correct an administrative error in the recommendation to Council on 11 December 2018 (Response to Notice of Motion No. 2018/18 – Occasional care in Moonee Valley).

2. Background

2.1 On 11 December 2018, Council endorsed the following recommendation:

1. Approves new business model three (with an amendment to operating hours as detailed below), for the future operation of Shuter Street Occasional Care, with implementation to occur in term two of 2019 to enable appropriate transition time. This model includes:
   - operating hours of 8.30am to 2.30pm Monday and Friday and 8.30am to 4.30pm Tuesday to Thursday;
   - revised staff-to-children ratios, in line with Education and Care Services National Regulations, 2011;
   - revised staffing model, with affected staff given the opportunity to be redeployed at one of Council’s five long day centres

2. Notes that as part of the implementation of the new business model above, advance bookings will be accepted to the end of the current term.

3. Notes that officers are currently undertaking work to source a provider for an online booking system for the service.

4. Notes that officers will continue to investigate further opportunities to increase Occasional Care usage and availability within Moonee Valley, including potential additional locations for Occasional Care.

5. Notes that officers will continue to promote the Shuter Street Occasional Care service in an effort to increase utilisation.

6. Refers the fees charged to the annual budget review process.

7. Receives a further update in twelve months on the utilisation of the new business model.

3. Issues

3.1 It has been identified that the incorrect legislation was referenced in Item 1, dot point 2 as the Education and Care Services National Regulations, 2011 refers to the national legislation. The correct legislation is the Children’s Services Regulations 2009 which is the Victorian legislation. All other information in the recommendation is correct.
3.2 The correction of this administrative error has no material impact on the intent of Council’s resolution of 11 December 2018.

Recommendation

That Council resolves to:

1. Approve new business model three (with an amendment to operating hours as detailed below), for the future operation of Shuter Street Occasional Care, with implementation to occur in term two of 2019 to enable appropriate transition time. This model includes:
   - operating hours of 8.30am to 2.30pm Monday and Friday and 8.30am to 4.30pm Tuesday to Thursday;
   - revised staff-to-children ratios, in line with Children’s Services Regulations 2009;
   - revised staffing model, with affected staff given the opportunity to be redeployed at one of Council’s five long day centres

2. Note that as part of the implementation of the new business model above, advance bookings will be accepted to the end of the current term.

3. Note that officers are currently undertaking work to source a provider for an online booking system for the service.

4. Note that officers will continue to investigate further opportunities to increase Occasional Care usage and availability within Moonee Valley, including potential additional locations for Occasional Care.

5. Note that officers will continue to promote the Shuter Street Occasional Care service in an effort to increase utilisation.

6. Refer the fees charged to the annual budget review process.

7. Receive a further update in 12 months on the utilisation of the new business model.

Attachments

Nil
10.6 Notices of Motion Quarterly Report

Author: Rosie Ferreira - Governance Officer
Directorate: Organisational Performance

1. Purpose

1.1 This report provides an update on the status of Notices of Motion that have been endorsed by Council since 26 September 2018.

1.2 This report also presents correspondence sent to Members of Parliament and Federal and State Government agencies that has resulted from a Notice of Motion for the same period.

2. Background

2.1 Notices of Motion can be used by Councillors to request action in relation to a specific matter or issue. Notices of Motion must be moved, seconded and adopted in the same manner as other motions that are presented to Council for resolution.

2.2 Pursuant to Council’s Meeting Procedure Protocol, it is a requirement for Notices of Motion to be lodged with the Chief Executive Officer at least five days prior to the meeting at which they are intended to be moved. In the event that a Councillor who has raised a particular Notice of Motion is absent from the meeting, it can be moved by any other Councillor.

2.3 From 26 September 2018 to 31 January 2019, there have been two Notices of Motion requesting Council write to a Member of Parliament or government agency.

3. Issues

3.1 Between 10 November 2016 to 31 January 2019, Council endorsed 50 Notices of Motion presented by Councillors. Of these 50 Notices of Motion, 45 have now been successfully completed (90 per cent), while five are in progress.

3.1.1 Attachment A provides details of all Notices of Motion that were endorsed by Council between 10 November 2016 and 31 January 2019 and includes the status of each.

3.2 For the period 26 September 2018 to 31 January 2019 there has been two Notices of Motion requesting that Council write to a Member of Parliament or Government agency.

3.2.1 Correspondence relating to Notice of Motion no.2018/19- Buckley Street Level Crossing- outstanding matters, from 23 October 2018 Ordinary Meeting of Council, is included with this report as Attachment B.

3.2.2 Correspondence relating to Notice of Motion no.2019/01 – Review of municipal boundaries, from 29 January 2019 Ordinary Meeting of Council, is currently being prepared. This will be provided in the next report.
Recommendation

That Council resolves to:

a. Receive and note the report on the progress of all endorsed Notices of Motion for the period 10 November 2016 to 31 January 2019 as Attachment A.

b. Note that there has been two Notices of Motion for the period 26 September 2018 to 31 January 2019 requesting that Council write to a Member of Parliament or Government agency as Attachment B.

Attachments

A: Notices of Motion action report (separately circulated)
B: Ministerial correspondence relating to Notice of Motion no.2018/19 (separately circulated) 🔗
10.7 Assemblies of Councillors

Author: Tracey Classon - Governance Officer
Directorate: Organisational Performance

1. Purpose

1.1 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”).

2. Background

2.1 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.

3. Issues

3.1 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.

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

3.2.1 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.

3.3 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.
Recommendation

That Council resolves to:

a. In accordance with section 80A(2) of the *Local Government Act 1989*, receive the records of the following Assemblies of Councillors

<table>
<thead>
<tr>
<th>Assembly</th>
<th>Strategic Briefing held on Tuesday 22 January 2019 at 6.00pm. Council Chamber, Civic Centre</th>
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</thead>
</table>
| Matters considered | 1. Essendon Rowing change room upgrade project  
2. Operating models for leisure centres  
3. Financial implications of where we’re going – preparation for Councillor Planning Day Response to Notice of Motion on Shuter Street  
4. 2019/20 budget – current and future state of capital  
6. Draft OCM agenda for 29 January 2019 |
| Councillors present | Cr Narelle Sharpe (Mayor)  
Cr John Sipek (Deputy Mayor)  
Cr Jim Cusack  
Cr Rebecca Gauci Maurici  
Cr Richard Lawrence  
Cr Andrea Surace (6.30pm) |
| Apology: Crs Samantha Byrne, Nicole Marshall and Cam Nation |
| Staff present | Bryan Lancaster  
Natalie Reiter  
Kendrea Pope  
Steven Lambert  
Gil Richardson  
Allison Watt  
Kate Heissenbuttel  
Damian Hogan  
Jim Karabinis  
Ed Elliott |
| External | Jim Corbett (consultant) |
| Conflict of interest | Nil. |

Assembly

Ordinary Council Meeting pre-meet held on Tuesday 29 January 2019 at 6.00pm. Committee Room, Civic Centre

Matters considered

Ordinary Council Meeting agenda to be held 29 January 2019.

Councillors present

Cr Narelle Sharpe (Mayor)  
Cr John Sipek (Deputy Mayor)  
Cr Samantha Byrne  
Cr Rebecca Gauci Maurici  
Cr Richard Lawrence  
Cr Nicole Marshall  
Apologies: Crs Jim Cusack and Andrea Surace

Staff present

Bryan Lancaster (CEO)  
Natalie Reiter  
Gil Richardson  
Petrus Barry
Kendrea Pope
Steven Lambert
Allison Watt

Conflict of interest
Nil.

Assembly
Strategic Briefing held on Tuesday 5 February 2019 at 6.08pm. Council Chamber, Civic Centre

Matters considered
1. Protecting trees and open space against drought
2. Water sensitive urban design (WSUD) voluntary contribution scheme
3. Councillor appointments to committees
4. Draft OCM agenda for 12 February 2019

Councillors present
Cr Narelle Sharpe (Mayor)
Cr John Sipek (Deputy Mayor)
Cr Samantha Byrne
Cr Jim Cusack
Cr Rebecca Gauc Maurici
Cr Richard Lawrence
Cr Nicole Marshall

Apology: Crs Andrea Surace and Cam Nation

Staff present
Bryan Lancaster
Kendrea Pope
Steven Lambert
Gil Richardson
Petrus Barry

Allison Watt
Peter Gaffney
Penny Ball
Sarah Wigley
Anthony Mousely

Conflict of interest
Nil.

Assembly
Councillors’ Planning Day held on Sunday 10 February 2019 at 9.00am-5.45pm.
Council Chamber, Civic Centre

Matters considered
1. Presentation on Futures Thinking
2. Values session
3. Long term capital works program
4. 2019-20 operating budget including income statement, fees and charges
5. 2019-20 capital works

Councillors present
Cr Narelle Sharpe (Mayor)
Cr John Sipek (Deputy Mayor)
Cr Samantha Byrne
Cr Jim Cusack
Cr Rebecca Gauc Maurici
Cr Richard Lawrence
Cr Nicole Marshall
Cr Cam Nation

Apology: Cr Andrea Surace

Staff present
Bryan Lancaster
Natalie Reiter
Kendrea Pope
Steven Lambert
Gil Richardson

Damian Hogan
Ed Elliott
Viv Cunningham
Lauren McDaniel
### Conflict of interest
Nil.

<table>
<thead>
<tr>
<th>Assembly</th>
<th>Ordinary Council Meeting pre-meet held on Tuesday 12 February 2019 at 6.00pm. Committee Room, Civic Centre</th>
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<tbody>
<tr>
<td>Matters considered</td>
<td>Ordinary Council Meeting agenda to be held 12 February 2019.</td>
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<tr>
<td>Councillors present</td>
<td>Cr Narelle Sharpe (Mayor)</td>
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<td>Cr John Sipek (Deputy Mayor) (6.08pm)</td>
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<td>Allison Watt</td>
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### Conflict of interest
Nil.

**Attachments**

Nil